CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, November 4, 2025 @ 6:00 PM
COUNCIL CHAMBERS
Amended on 11/3/25*

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

E. City Manager Report

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

F. City Clerk Report

G. Regular City Council Meeting Agenda

CONSENT AGENDA:

1.	Internal	Consideration and action to approve the October 21st, 2025 City Council Work Session, Regular City Council Meeting, and Executive Session Minutes.	Kristi Passarelli City Clerk
2.	District 1	Consideration and Action on approving a Temporary Sewer Line Easement from Courtland Homes Inc., 172nd Avenue and north of Pinnacle Peak Road.	Lloyd Abrams Community Development
3.	District 1	Consideration and action abandoning a varying width right-of-way for approximately 22,770 square feet of right of way comprised of Pinnacle Peak Road, between 173rd Avenue and 172nd Avenue; Resolution 2025-129.	Lloyd Abrams Community Development
4.	District 1	Consideration and Action to dispose of a portion of public roadway (Dove Valley Road) within Section 15, Township 5 North Range 3 West generally located at 228th Drive and Dove Valley Road; Resolution #2025-38.	Lloyd Abrams Community Development
5.	District 1	Consideration and action vacating the City interest in a highway easement of approximately 50,057 square feet of right of way comprised of 163rd Avenue and Happy Valley Road; Resolution 2025-90.	Lloyd Abrams Community Development
6.	District 1	Consideration and Action vacating the City interest in 1.73 acres of right-of-way comprised of 175th Avenue north of Greenway Road; Resolution 2025-130.	Lloyd Abrams Community Development

7.	District 1	Consideration and Action on accepting a Special Warranty Deed from Parcel B2 at Desert Oasis LLC, for parcel 503-73-171 along 163rd Avenue at Jomax Road.	Lloyd Abrams Community Development
8.	Citywide	Consideration and action pertaining to authorizing acceptance of a grant award from the Arizona Department of Public Safety to provide services to crime victims and approval of a Fiscal Year 2026 budget amendment moving budget in the amount of $130,700; Resolution #2025-128.	Evan Becher Police
9.	District 1	Consideration and action pertaining to the approval of the North Copper Canyon Village Parcel 2B.1 Alternative Assurance Agreement. City case number FS25-0193; Resolution #2025-126.	Kristin Tytler Public Works
10.	District 1	Consideration and action pertaining to the approval of the Visara Phase 2 Alternative Assurance Agreement. City case number FS24-0495; Resolution #2025-104.	Kristin Tytler Public Works
	REGULAR AGENDA ITEM - PUBLIC HEARING:		
11.	District 5	Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 361764, requested by Camila Alarcon, for Head Right Brewing Company located at 14312 W Waddell Rd, Surprise, AZ 85379 for a new Series 12 Liquor License.	Kristi Passarelli City Clerk
12.	District 1	Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 358350, requested by Guillermo Vega Gomez, for El Rey De Los Ostiones 2 located at 19194 W Gordon Way, Wittman, AZ 85361 for a new Series 12 Liquor License.	Kristi Passarelli City Clerk
13.	Citywide	Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code relating to noise and construction start times. Ordinance # 2025-17. Case FS25-0482.	Trever Fleetham Mindy Davis Community Development
14.	Citywide	Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code relating to middle housing. Ordinance # 2025-18. Case FS25-0481.	Trever Fleetham Mindy Davis Community Development
15.	Citywide	Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code relating to administrative approvals. Ordinance # 2025-21. Case FS25-0479.	Trever Fleetham Mindy Davis Community Development
16.	Citywide	Consideration and action regarding a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to modify residential development standards. Case FS24-1275. Ordinance #2025-19.	Trever Fleetham Community Development
	REGULAR AGENDA ITEM - NON-PUBLIC HEARING:		
17.	Citywide	Presentation and discussion from Maricopa Association of Government (MAG) pertaining to the status of the Grand Avenue Corridor Study.	Jodi Tas City Manager Office
18.	District 1	Consideration and action pertaining to acceptance of Drainage Easement from Parcel B2 at Desert Oasis LLC. for roadway improvements along 163rd Avenue.	Lloyd Abrams Community Development

19.	District 1	Consideration and Action on accepting a Special Warranty Deed from Dakota Creek at Desert Oasis LLC. for parcel 503-73-170 along 163rd Avenue and Jomax Road.	Lloyd Abrams Community Development
20.	District 1	Consideration and action pertaining to acceptance of Drainage Easement from Dakota Creek at Desert Oasis LLC. for roadway improvements along 163rd Avenue and Jomax Road.	Lloyd Abrams Community Development
21.	Internal	Consideration and action pertaining to approval of an Employment Agreement with Andrea Davis, appointing her as City Manager effective on November 29, 2025, pursuant to Surprise Municipal Code Sec. 2-120.	Human Resources

H. Call To The Public

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins. You may also fill out the Call to the Public form online If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

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

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

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

I. Other Business and Future Agenda Items

J. City Council Reports

K. Executive Session

22.	Internal	Consideration and action to recess into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss or consider Andrea Davis' employment/appointment options for the position of the City Manager.	Mayor and Council
23.	Internal	*Consideration and action to recess into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss succession planning options for the position of the City Manager and staffing for the office of the City Manager.	Mayor and Council

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

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));

- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));

- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));

- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S.§38-431.03 (a)(4));

- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or

- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).

- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

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

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

L. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, October 30th, 2025 @ 4:00 PM
***Amended Agenda Posted on Monday, November 3rd, 2025 @ 3:15 PM**

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

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:
Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department:
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:
City Manager sub-text

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: Internal

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

Agenda Wording:
Consideration and action to approve the October 21st, 2025 City Council Work Session, Regular City Council Meeting, and Executive Session Minutes.

Motion:
I move to approve the September 2nd, 2025 City Council Work Session, and Regular City Council Meeting Minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:
1. 102125 Work Session Minutes DRAFT
2. 102125 Regular City Council Meeting Minutes DRAFT

CITY OF SURPRISE
Regular City Council Work Session
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, October 21, 2025 @ 4:30 PM
COUNCIL CHAMBERS

A. Call To Order
Mayor Sartor called the Regular City Council Work Session of October 21st, 2025 to order at 4:30 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

B. Roll Call
In attendance with Mayor Sartor were Vice Mayor Jack Hastings (late), Council members Chris Judd, Earle Greenberg, Patrick Duffy, Johnny Melton and Nick Haney.

C. Pledge of Allegiance
Mayor Sartor, led in the Pledge of Allegiance.

D. Regular City Council Work Session Agenda

1. CONSENT AGENDA:

2. REGULAR AGENDA ITEM - PUBLIC HEARING:

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Presentation and discussion pertaining to the FY2025 Financial Status Report through June 2025.

Finance Director, Sandy Simmons, came to talk about the Sources Category Examples, and FY25 General Fund Sources.

Councilmember Judd, asked about the expenses of the ambulance services? Sandy said that the ambulance services are now in the general fund. Councilmember Judd, asked if $4 million was unpaid? Sandy said it was. He asked about specifics of revenues and charges. He talked about how they don't really look at it so close because its now in the general fund. Sandy said this would likely be on a one off due to circumstances this year.

Councilmember Haney, asked about the specifics of the $4 million in ambulance costs. Sandy said it was something that had to be written off in FY 25. He asked how other municipalities are collecting this cost? Sandy said that they were looking at other practices. She said they were playing catch up now that they were using another vendor.

Mayor Sartor, asked if any of the $4 million goes to collections? Sandy said that there is a collection process.

Sandy continued to talk about the General Fund Sources, and FY 25 General Fund Uses.

Councilmember Greenberg asked how far back the $4 million goes? He asked how far back the previous billing company went? Sandy said she thinks it was from inception but she would have to double check. Councilmember Greenberg asked about the franchise fees, and if there was a breakdown of what entities? Sandy said it was mostly APS.

2. Presentation and discussion regarding the Transportation Department's Strategic Plan.

Transportation Director, Eric Boyles, came to talk about the Mission Statement of the Transportation Department, Department Overview, Strategic Priorities Alignment, Department

Strategic Goals, Key Projects & Initiatives, and Challenges & Opportunities.

Councilmember Greenberg, asked about the City Wide Traffic Signal Fee and if it would replace the SLID on the tax forms? Eric said it really goes for traffic street lights and not signals. Councilmember Greenberg asked if the City was using AI for traffic Signals? Eric said they were just getting into it. Councilmember Greenberg asked about the estimate cost to do a mile? Eric said that a quarter mile two lane road was close to $2 million, but cautioned that its always changing depending on factors.

Councilmember Melton, talked about his district wanting greater connectivity east and west, and how transportation is doing the best it can with budget and geography constraints.

Councilmember Haney, talked about innovative ways to fund proactive developments. He talked about the pedestrian safety around high schools, and balancing various demands. He asked how much debris did transpiration clear from the previous storms? Eric said they cleaned up roughly 50-70 trees and that they worked to clear a lot of flooding. Councilmember Haney, thanked staff and council for all their work on traffic needs in District 1.

Councilmember Judd, talked about the work that Transportation is doing. He asked about transportation's emergency response assets? Eric said they have 10-12 heavy machinery that they had staged throughout the City strategically.

Councilmember Duffy, thanked staff for their work and funding for different problems.

Vice-Mayor Hastings, thanked staff for all their work for the difficult problems that the City has faced.

Mayor Sartor, thanked transportation for all the hard work they do.

3. Presentation and discussion regarding the Surprise Fire-Medical Department Strategic Plan

Interim Fire Chief, Kevin Spirlong, came to talk about the Fire Department's Mission Statement, Department Overview, Strategic Priorities Alignment, Department Strategic Goals, Key Projects & Initiatives, and Challenges & Opportunities.

Councilmember Melton, talked about the fire department providing regional support as well. Kevin talked about the actions they take to work with regional organizations.

Vice-Mayor Hastings, thanked staff for all the awesome work they've been doing. He asked about what kind of protection is being offered to firefighters now. Kevin said they have been very proactive in how they approach decontamination, to help combat cancer rates among first responders. Vice-Mayor Hastings, asked how long a firefighter typically works? Kevin talked about the percentage of people and the seniority they fall under. He talked about recruiting for the Fire Department. Vice-Mayor Hastings asked what would happen if a retired worker contracts something that is likely work related? Kevin said there are laws that help protect former employees.

Councilmember Haney, talked about the Fire Department being proactive. He talked about how difficult it is to get quality recruits to work for the Fire Department. He talked about taking care and protecting the City's employees.

Kevin thanked Council for their support.

E. Executive Session

1. Executive Session Items

2. Executive Disclaimer - Part 1

3. Executive Disclaimer - Part 2

4. Executive Disclaimer - Part 3

F. Adjournment

Motion: To Adjourn
Initiated By: Nick Haney
Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

Meeting Adjourned at 5:39 PM

_____
Kevin D. Sartor, Mayor

ATTEST:

_____
Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, October 21, 2025.**

_____
Kristi Passarelli, City Clerk

CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, October 21, 2025 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order
Mayor Sartor called the Regular Council Meeting of October 21st, 2025 to order at 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation
Kevin Melton came to do the Invocation

B. Roll Call
In attendance with Mayor Sartor were Vice Mayor Jack Hastings, Council members Chris Judd, Earle Greenberg, Patrick Duffy, Johnny Melton and Nick Haney.

C. Pledge of Allegiance
Dysart High School Student Council led in the Pledge of Allegiance

D. Proclamation and Community Acknowledgements
Mayor Sartor proclaimed that it was White Cane Day.

E. City Manager Report
City Manager, Bob Wingenroth, presented Shelby Fenwick. Shelby introduced the Surprise Youth Council Members.

Desmond Robert, Willow Canyon High School
Ryker Yeager, Shadow Ridge High School

2. City Manager sub-text

3. Reports

F. City Clerk Report

4. Reports

1. Consideration and action to approve the recommendation for reappointment of Kady McCarthy to the Library Advisory Commission for the four-year term expiration on June 30, 2029.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

2. Consideration and action to approve the recommendation for reappointment of Desiree VanLoon to the Library Advisory Commission for the four-year term expiration on June 30, 2029.

Motion: To Approve

Initiated By: Nick Haney
Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

3. Consideration and action to approve the recommendation for appointment of MaryAnne Riodique to the Library Advisory Commission for the four-year term expiration on June 30, 2029.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

4. Consideration and action to approve the recommendation for reappointment of Michael Wallace to the Parks & Recreation Advisory Commission for the four-year term expiration on June 30, 2029.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Johnny Melton

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

5. Consideration and action to approve the recommendation for reappointment of Charles Manuel to the Veterans Disability and Human Services Commission for the four-year term expiration on June 30, 2029.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Johnny Melton

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

6. Consideration and action to approve the recommendation for reappointment of Madelyn Pritchard to the Judicial Selection Advisory Commission for the four-year term expiration on June 30, 2029.

Motion: To Approve
Initiated By: Nick Haney

Seconded By: Johnny Melton

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

G. Regular City Council Meeting Agenda

5. CONSENT AGENDA:

Councilmember Haney requested item 13 be pulled for discussion.

Motion: To Approve (Minus Item 13)
Initiated By: Chris Judd
Seconded By: Nick Haney

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

7. Consideration and action to approve the October 7th, 2025 City Council Work Session, and Regular City Council Meeting Minutes.

8. Consideration and action authorizing the City Manager to amend the FY2026 Budget to reinstate P65370 - Waddell Rd. Fiber Optic Connection project and move budget in the amount of $500,000 and revise the Contract Awarding Authority List to complete the grant funded project. Resolution 2025-111.

9. Consideration and action declaring to enlarge an existing lighting improvement district known as City of Surprise, Arizona, SU-PRASADASWTWATER210 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2025-124.

10. Consideration and action declaring to enlarge an existing lighting improvement district known as City of Surprise, Arizona, SU-RANCHO MERCADO NORTH 181 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2025-125.

11. Consideration and Action on accepting a Drainage Easement from Asante Development Partners LLC along 163rd Avenue and Happy Valley Road.

12. Consideration and action on granting a utility easement to APS for service at the Rancho Mercado Well Site #2 near Happy Valley Road and McMicken Way.

13. Consideration and action on accepting Right of Way from Arizona State Land Department for Deer Valley Road from 195th Avenue to 211th Avenue.

Transportation Director, Eric Boyles, came to talk about this item. He talked about the Vicinty Map, and Development Status/Timeline.

Councilmember Haney, talked about the desire for a north/south connection in the area. He talked about the history of working with the developer to create a roadway in the area. He asked for the timeline, and when can residents expect to see development? Eric said it would be the end of this year or middle of next.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Patrick Duffy

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

14. Consideration and action pertaining to approval of an amendment to an Intergovernmental Agreement (IGA) with the City of Mesa for Fire Service Training; Resolution #2025-109.

15. Consideration and action authorizing submission of the Request for Waiver from the requirement of posting the statutory deposit to the Industrial Commission of Arizona.

6. REGULAR AGENDA ITEM - PUBLIC HEARING:

16. Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 359432, requested by John Anthony Beerling, for Someburros located at 16487 W Cactus Rd, Surprise, AZ 85388 for a new Series 12 Liquor License.

Motion: To Approve
Initiated By: Patrick Duffy
Seconded By: Nick Haney

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

7. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

17. Consideration and action pertaining to approval of Amendment No. 1 to the Intergovernmental Agreement with Maricopa County for homeless services; amending the Fiscal Year 2026 budget by moving budget in the amount of $300,000 from General Contingency to the Grants Fund; and revising the Contract Awarding Authority List; Resolution 2025-108.

Housing & Community Service Manager, Adam Lane, came to talk about this item. He talked about the IGA Amendment, West Valley Housing Assistance Center, Regional Partnership, and Community Impact.

Mayor Sartor, said it was great that the region was working on this issue.

Motion: To Approve
Initiated By: Chris Judd
Seconded By: Patrick Duffy

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

18. Consideration and action authorizing the Mayor and Council to accept SPA 2 North Water Tank Turnover and Development Agreement with Lennar Communities Development, LLC. Resolution # 2025-112.

Water Director, Michael Boule, came to present this item. He talked about the Water Facility Expansion Participants, Desert Oasis Water Supply Facility, and Budget Impact.

Councilmember Melton, talked about how smart this project was.

Councilmember Judd, asked for clarification and if the developer was just handing it over to the City? Michael said they were, and the proposed growth of the property. Councilmember Judd asked for the exact size of the tank? Michael said it was 1.7 Million.

Councilmember Haney, thanked staff for their work on this project.

Mayor Sartor, thanked staff for working this in with the strategic plan.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Chris Judd

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

H. Call To The Public

Alex Christ, a Surprise Resident, came to talk about Public Safety.

I. Other Business and Future Agenda Items

Vice-Mayor Hastings, asked to assemble an Honoring Leader Task Force, to honor Bob Wingenroth's Service. Councilmember Haney seconded.

J. City Council Reports

Councilmember Haney, thanked City Manager Bob Wingenroth for his service.

Councilmember Greenberg, talked about his previous meetings, and the City Auditor coming to speak at them.

Councilmember Duffy, thanked Bob for his service.

Councilmember Melton, thanked Bob, and talked about the Air Force Ball. He also talked about his upcoming community meeting.

Vice-Mayor Hastings, thanked Bob for his work. He talked about the City Manger's position.

Councilmember Judd, talked about Bob and his work for the City. He also talked about going to the Air Force Ball. He also talked about the upcoming fundraiser for the White Tanks Conservatory.

Mayor Sartor, talked about Bob and thanked him for his service. He talked about going to a recent Jewish Festival, and the Air Force Ball.

K. Executive Session

Motion: To Enter Executive Session
Initiated By: Nick Haney
Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

Meeting went into executive session at 6:52 PM.

8. Consideration and action to recess into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss or consider employment, assignment, appointment, promotion, resignation, and matters related thereto, including succession planning options for the position of the City Manager and current and future staffing considerations for the Office of the City Manager.

9. Executive Session Items

10. Executive Disclaimer - Part 1

11. Executive Disclaimer - Part 2

12. Executive Disclaimer - Part 3

L. Adjournment
Meeting reconvened at 7:47 PM.

Motion: To Adjourn
Initiated By: Nick Haney
Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

Meeting Adjourned at 7:47 PM

Kevin D. Sartor, Mayor

ATTEST:

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, October 21, 2025.**

Kristi Passarelli, City Clerk

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Lloyd Abrams, Director - Community Development

Submitting Department: Community Development

District: District 1

Staff Recommendations:

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

Agenda Wording:

Consideration and Action on approving a Temporary Sewer Line Easement from Courtland Homes Inc., 172nd Avenue and north of Pinnacle Peak Road.

Motion:

I move to approve the Temporary Sewer Line Easement from Courtland Homes, Inc.

Background:

Courtland Homes has requested the City accept a temporary sewer line easement that will connect portions of the sewer line in North Copper Canyon Parcel 2B.1. Their proposed plat shows the line connecting to the east of the development. They are in the process of designing the parcel to the east of Parcel 2B.1 and need the connection prior to completion of that portion. The line will be incorporated in the next phase of development.

Objective Analysis:

Approval of this item will allow connection of the sewer lines as approved in the preliminary plat to provide services throughout the development.

Policy Compliant:

Approval of this item is policy compliant. The proposed easement will advance the goals and policies of the Surprise General Plan and the City Council's Strategic Plan.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide City services.

Budget Impact:

There is currently no budgetary impact related to approval of this item. The City will plan for future O&M when the sewer line is in place and is accepted by the City.

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

ATTACHMENTS:
1. 9.18.25 Temp Sewer Esmt to City [CHI signed]
2. Courtland Parcel 2B.1 Temp Sewer Easement - CC 11.04.25

WHEN RECORDED, RETURN TO:
City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

TEMPORARY SEWER LINE EASEMENT

This Temporary Sewer Line Easement (the "Easement") Agreement is executed this ____ day of _____, 20__, by and between Courtland Homes, Inc., a(n) Arizona corporation, hereinafter referred to as "Grantor," and the City of Surprise, Arizona, an Arizona municipal corporation, hereinafter referred to as "Grantee". Grantor and Grantee may be individually referred to as Party or collectively referred to as Parties.

RECITALS

A. Grantor is the fee title owner of parcels of land legally described in the Deed; see Maricopa County Recorder's ("M.C.R.") documents #20201240769 and 20220785818 ("Property").

B. In or about ____, Grantor received City approval to construct single-family residences located on the real property described in Exhibit A. The City's approval for construction and development of the Property were contingent upon Grantor granting to the City all necessary public rights-of-way and/or easements in order to establish, receive and continue to receive City municipal services, including wastewater services.

C. Grantor now desires to grant to Grantee, and Grantee agrees to accept from Grantor, a Temporary, exclusive sewer line easement on, over, under, through, and across portions of Grantor's Property (the "Easement Area"). The Easement Area is legally described in Exhibit "B" and depicted on Exhibit "C".

EASEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for the purpose set forth in the foregoing Recitals which are incorporated herein by reference, the parties agree as follows:

1. Easement. Grantor hereby grants and conveys to Grantee, its successors and assigns, a temporary, exclusive easement over the Easement Area, including all necessary points of ingress and egress to and from the Easement Area whether specified and described herein, or not. Grantor, its successors, assigns, agents, invitees, employees, occupants, permittees, and licensees (all collectively "Grantor") shall not unreasonably interfere with Grantee's easement rights including Grantee's right to construct, install, maintain, access, and replace a sewer line located within the Easement Area. Grantor shall not erect, construct, or permit to be erected or constructed, any structure or other permanent improvement within the

Easement Area that would unreasonably interfere with the purpose of the Easement. Grantor may make use of the Easement Area for such uses that do not unreasonably interfere with the purposes of this Easement.

2. Restoration of Property. Grantee, its successors and assigns, agents, or any other person or entity authorized by Grantee to enter upon and perform work within the Easement Area (collectively "Grantee"), pursuant to the rights granted pursuant to this Easement, shall, upon completion of such work, repair and restore the Easement Area to the same or reasonably similar condition as existed prior to such work being performed. Grantee shall not be responsible for repairing or replacing any impediments or improvements, including landscaping, mature trees, etc., that otherwise unreasonably interfere with the Grantee's use, preservation, and access to the Easement Area for sewer line purposes.

3. Runs with the Land. The Easement shall be appurtenant to and shall run with the land and shall be binding upon and inure to the benefit of the Grantor, Grantee and their administrator, personal representatives, successors and assigns. This Easement is effective as of the date and time that the North Copper Canyon Village Parcel 2B.1 Final Plat is recorded in the official records of the Maricopa County Recorder's Office. This Easement shall terminate upon the recordation of a final plat that both completely encompasses the Easement Area, and grants to the City of Surprise a perpetual, non-exclusive sewer line easement over, under, upon, and across all areas designated on the future final plat as sewer lines for the purpose of installing, constructing, maintaining, repairing, replacing, and utilizing the sewer lines.

4. Not a Public Dedication. Other than the grant of the Easement for the purposes set forth herein, nothing contained in this Easement shall be deemed to be a conveyance or dedication of any portion of the Easement Area to the general public.

5. Exception. There is excepted and reserved to Grantor from this Easement granted hereby: (i) all rights to utilize the Easement Area for any and all purposes that do not unreasonably interfere with Grantee's rights hereunder; and (ii) all rights of Grantor to grant at its sole discretion and at any time, any and all additional easements to any other person across the Easement Area provided that such additional easements do not unreasonably interfere with Grantee's rights hereunder. Specifically included, without limitation, in such reservations are the rights to grant underground utilities and other rights to place facilities by the Grantor so long as those underground utilities and other facilities do not unreasonably interfere with Grantee's rights hereunder.

6. Indemnification. Grantor shall indemnify Grantee from and against any loss, damage or injury of any kind or nature whatsoever to any person or property arising from the use of the Easement Area by Grantor, or its residents, occupants, permittees, agents, employees, licensees, invitees, or contractors, unless such loss, damage, or injury was solely the result of the gross negligence or intentional misconduct of Grantee.

7. Miscellaneous. A.R.S. § 38-511 is applicable. Headings herein are for convenience only and shall not define or limit the provision hereof. This Sewer Line Easement shall be construed according to its ordinary meaning and shall not be strictly construed for and against the Grantor or the Grantee. This Easement shall be governed by the laws of the state of Arizona. Should any term, provision, covenant or condition of this Easement be void, invalid or inoperative, the same shall not affect any other term, provision, covenant or condition of this Easement, and the remainder hereof shall be effective as though such void, invalid, or inoperative term, provision, covenant or condition had been omitted herein. Jurisdiction and venue for any action brought pursuant to this Easement shall be Maricopa County, Arizona.

IN WITNESS WHEREOF, the parties hereto have executed this Sewer Line Easement as of the date above.

GRANTOR:

COURTLAND HOMES, INC.,
An Arizona Corporation

By: _____
Alan Hamberlin

Its: _____
President

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 16th day of September, 2025, by Alan Hamberlin, known by me as President of Courtland Homes, Inc.

_____
Notary Public

My Commission Expires:

May 27, 2029

CHRISTY MENARD
Notary Public - Arizona
Maricopa County
Commission #684850
My Comm. Expires May 27, 2029

GRANTEE:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____
Kevin Sartor
Its: Mayor

Attest:

_____
Kristi Passarelli, City Clerk

STATE OF _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20___, known by me as the Mayor of the City of Surprise, an Arizona municipal corporation.

_____
Notary Public

My Commission Expires:

_____

Entellus
3033 North 44th Street, suite 250
Phoenix, Arizona 85018
Tel 602.244.2566
Fax 602.244.8947
Web www.entellus.com

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
BOUNDARY
AUSTIN RANCH PHASE 2B.1

A parcel of land lying in portions of the Northeast Quarter of Section 14 and the Southeast Quarter of Section 11, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and more particularly described as follows:

PARCEL NO. 1

A parcel of land lying in portions of the Northeast Quarter of Section 14 and the Southeast Quarter of Section 11, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and more particularly described as follows:

PARCEL NO. 1

COMMENCING at the Maricopa County aluminum cap found flush found stamped "RLS 35832" at the Northeast Corner of said Section 14 from which the aluminum cap found flush found stamped "RLS 33307" at the East Quarter Corner of said Section 14 bears South 00 degrees 28 minutes 33 seconds West a distance of 2,632.86 feet, said line being the East line of the Northeast Quarter of said Section 14, and said line being the basis of bearings for this description;

Thence along said East line of said Northeast Quarter, South 00 degrees 28 minutes 33 seconds West a distance of 120.97 feet to the POINT OF BEGINNING;

Thence continuing along said East line of the Northeast Quarter, South 00 degrees 28 minutes 33 seconds West a distance of 1158.11 feet;

Thence continuing along said East line of the Northeast Quarter, South 00 degrees 28 minutes 33 seconds West a distance of 44.07';

Thence South 43 degrees 22 minutes 19 seconds West a distance of 689.00 feet;

Thence South 88 degrees 22 minutes 19 seconds West a distance of 28.28 feet;

Thence North 46 degrees 37 minutes 41 seconds West a distance of 157.02 feet to a point of curvature for a tangent curve to the right being concave northerly and having a radius of 353.50 feet bearing North 43 degrees 22 minutes 19 seconds East;

Thence along said curve, through a central angle of 23 degrees 33 minutes 21 seconds an arc distance of 145.33 feet to a point;

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Thence continuing along said north plat line, North 25 degrees 09 minutes 53 seconds West a distance of 94.78 feet to a point of curvature for a tangent curve to the right being concave northerly and having a radius of 90.00 feet bearing North 64 degrees 50 minutes 25 seconds East;

Thence along said curve, through a central angle of 07 degrees 59 minutes 16 seconds an arc distance of 12.55 feet to a point of compound curvature for a curve to the right being concave northerly and having a radius of 10.00 feet bearing North 72 degrees 49 minutes 41 seconds East;

Thence along said curve, through a central angle of 11 degrees 08 minutes 10 seconds an arc distance of 1.94 feet to a point of compound curvature for a curve to the right being concave northerly and having a radius of 372.50 feet bearing North 83 degrees 58 minutes 00 seconds East;

Thence along said curve, through a central angle of 01 degrees 39 minutes 18 seconds an arc distance of 10.76 feet to a point of curvature for a tangent curve to the right being concave northerly and having a radius of 372.50 feet bearing North 85 degrees 37 minutes 18 seconds East;

Thence along said curve, through a central angle of 04 degrees 36 minutes 02 seconds an arc distance of 29.91 feet to a point;

Thence continuing along said north plat line, North 00 degrees 13 minutes 20 seconds East a distance of 21.25 feet;

Thence continuing along said north plat line, North 45 degrees 13 minutes 20 seconds East a distance of 28.28 feet;

Thence continuing along said north plat line, North 00 degrees 13 minutes 20 seconds East a distance of 55.00 feet;

Thence continuing along said north plat line, North 44 degrees 46 minutes 40 seconds West a distance of 28.28 feet;

Thence continuing along said north plat line, North 89 degrees 46 minutes 40 seconds West a distance of 55.00 feet;

Thence continuing along said north plat line, South 45 degrees 13 minutes 20 seconds West a distance of 20.88 feet;

Thence continuing along said north plat line, North 00 degrees 13 minutes 20 seconds East a distance of 99.76 feet;

Thence continuing along said north plat line, North 89 degrees 46 minutes 40 seconds West a distance of 528.00 feet;

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Thence continuing along said north plat line, North 00 degrees 13 minutes 20 seconds East a distance of 65.00 feet;

Thence continuing along said north plat line, North 45 degrees 13 minutes 20 seconds East a distance of 28.28 feet;

Thence continuing along said north plat line, North 00 degrees 13 minutes 20 seconds East a distance of 55.00 feet;

Thence continuing along said north plat line, North 44 degrees 46 minutes 40 seconds West a distance of 28.28 feet;

Thence continuing along said north plat line, North 00 degrees 13 minutes 20 seconds East a distance of 105.00 feet;

Thence South 89 degrees 46 minutes 40 seconds East a distance of 542.76 feet;

Thence North 00 degrees 13 minutes 20 seconds East a distance of 231.89 feet;

Thence North 44 degrees 46 minutes 40 seconds West a distance of 28.28 feet;

Thence North 89 degrees 46 minutes 40 seconds West a distance of 38.74 feet;

Thence South 00 degrees 13 minutes 20 seconds West a distance of 105.00 feet;

Thence North 89 degrees 46 minutes 40 seconds West a distance of 240.00 feet;

Thence South 00 degrees 13 minutes 20 seconds West a distance of 31.44 feet;

Thence North 89 degrees 46 minutes 40 seconds West a distance of 35.00 feet;

Thence North 58 degrees 44 minutes 24 seconds West a distance of 103.52 feet;

Thence North 15 degrees 13 minutes 08 seconds East a distance of 24.27 feet to a point on a non-tangent curve to the right being concave northeasterly and having a radius of 58.30 feet bearing North 15 degrees 13 minutes 08 seconds East;

Thence along said non-tangent curve through a central angle of 94 degrees 58 minutes 23 seconds an arc distance of 96.64 feet;

Thence North 69 degrees 48 minutes 29 seconds West a distance of 21.66 feet;

Thence North 00 degrees 13 minutes 20 seconds East a distance of 250.34 feet to a point on a non-tangent curve to the right being concave northeasterly and having a radius of 50.00 feet bearing North 35 degrees 49 minutes 25 seconds East;

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Thence along said non-tangent curve through a central angle of 45 degrees 35 minutes 57 seconds an arc distance of 39.79 feet to a point on a compound curve having a radius of 1527.50;

Thence along said compound curve through a central angle of 07 degrees 38 minutes 09 seconds an arc distance of 203.57 feet;

Thence North 45 degrees 10 minutes 19 seconds West a distance of 28.48 feet;

Thence North 00 degrees 14 minutes 39 seconds East a distance of 55.00 feet;

Thence North 45 degrees 15 minutes 46 seconds East a distance of 28.30 feet;

Thence North 00 degrees 18 minutes 12 seconds East a distance of 171.73 feet;

Thence North 44 degrees 41 minutes 48 seconds West a distance of 28.28 feet;

Thence North 00 degrees 18 minutes 12 seconds East a distance of 55.00 feet;

Thence North 45 degrees 18 minutes 12 seconds East a distance of 28.28 feet;

Thence North 00 degrees 18 minutes 12 seconds East a distance of 170.00 feet;

Thence North 44 degrees 41 minutes 48 seconds West a distance of 28.28 feet;

Thence North 00 degrees 18 minutes 12 seconds East a distance of 55.00 feet;

Thence North 45 degrees 18 minutes 12 seconds East a distance of 28.28 feet;

Thence North 00 degrees 18 minutes 12 seconds East a distance of 85.00 feet;

Thence South 89 degrees 41 minutes 48 seconds East a distance of 543.00 feet;

Thence South 00 degrees 18 minutes 12 seconds West a distance of 104.54 feet;

Thence North 82 degrees 51 minutes 31 seconds East a distance of 44.29 feet;

Thence South 89 degrees 46 minutes 40 seconds East a distance of 8.49 feet;

Thence South 00 degrees 18 minutes 12 seconds West a distance of 55.00 feet;

Thence North 89 degrees 46 minutes 40 seconds West a distance of 6.65 feet;

Thence South 45 degrees 13 minutes 20 seconds West a distance of 28.28 feet;

Thence South 00 degrees 13 minutes 20 seconds West a distance of 170.00 feet;

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Thence South 44 degrees 46 minutes 40 seconds East a distance of 28.28 feet;

Thence South 00 degrees 13 minutes 20 seconds West a distance of 55.00 feet;

Thence South 45 degrees 13 minutes 20 seconds West a distance of 28.28 feet;

Thence South 00 degrees 13 minutes 20 seconds West a distance of 85.00 feet;

Thence South 89 degrees 46 minutes 40 seconds East a distance of 88.07 feet;

Thence North 86 degrees 45 minutes 45 seconds East a distance of 40.07 feet;

Thence North 86 degrees 54 minutes 22 seconds East a distance of 40.07 feet;

Thence North 89 degrees 58 minutes 55 seconds East a distance of 40.00 feet;

Thence South 89 degrees 46 minutes 40 seconds East a distance of 482.55 feet;

Thence South 00 degrees 28 minutes 42 seconds West a distance of 115.91 feet;

Thence South 89 degrees 31 minutes 27 seconds East a distance of 60.00 feet to the POINT OF BEGINNING.

Containing an area of 1,973,221 SQUARE FEET or 48.243 ACRES, more or less.

PARCEL NO. 2

COMMENCING at the Maricopa County aluminum cap found flush found stamped "RLS 35832" at the Northeast Corner of said Section 14 from which the aluminum cap found flush found stamped "RLS 33307" at the East Quarter Corner of said Section 14 bears South 00 degrees 28 minutes 33 seconds West a distance of 2,632.86 feet, said line being the East line of the Northeast Quarter of said Section 14, and said line being the basis of bearings for this description;

Thence along the North line of said Northeast Quarter, North 89 degrees 38 minutes 31 seconds West a distance of 1635.59 feet;

Thence South 00 degrees 21 minutes 29 seconds West a distance of 320.57 feet to the POINT OF BEGINNING;

Thence South 89 degrees 46 minutes 40 seconds East a distance of 5.16 feet

Thence South 79 degrees 42 minutes 22 seconds East a distance of 41.99 feet;

Thence South 67 degrees 23 minutes 03 seconds East a distance of 54.13 feet;

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Thence South 55 degrees 35 minutes 42 seconds East a distance of 53.57 feet;

Thence South 43 degrees 48 minutes 21 seconds East a distance of 54.74 feet;

Thence South 32 degrees 01 minutes 00 seconds East a distance of 49.96 feet;

Thence South 20 degrees 13 minutes 39 seconds East a distance of 59.80 feet;

Thence South 08 degrees 26 minutes 17 seconds East a distance of 32.68 feet;

Thence South 00 degrees 13 minutes 20 seconds West a distance of 228.94 feet to a point on the north line of "North Copper Canyon Village – Parcel 2A" as found recorded in Maricopa County Recorder (MCR) Book 1764 of Maps, Page 25;

Thence along said north plat line, North 89 degrees 46 minutes 40 seconds West a distance of 182.73 feet;

Thence continuing along said north plat line, North 00 degrees 13 minutes 20 seconds East a distance of 66.00 feet;

Thence continuing along said north plat line, North 45 degrees 13 minutes 19 seconds East a distance of 28.28 feet;

Thence continuing along said north plat line, North 00 degrees 13 minutes 20 seconds East a distance of 55.00 feet;

Thence continuing along said north plat line, North 89 degrees 46 minutes 40 seconds West a distance of 133.97 feet;

Thence continuing along said north plat line, North 00 degrees 13 minutes 20 seconds East a distance of 86.00 feet;

Thence continuing along said north plat line, North 89 degrees 46 minutes 40 seconds West a distance of 330.40 feet;

Thence continuing along said north plat line, North 03 degrees 13 minutes 20 seconds East a distance of 67.89 feet;

Thence continuing along said north plat line, North 48 degrees 49 minutes 49 seconds East a distance of 27.98 feet;

Thence continuing along said north plat line, North 02 degrees 41 minutes 19 seconds East a distance of 55.00 feet to a point on a non-tangent curve to the right being concave northeasterly and having a radius of 272.50 feet bearing North 02 degrees 41 minutes 19 seconds East;

Thence along said non-tangent curve and continuing along said north plat line through a central

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angle of 15 degrees 21 minutes 53 seconds an arc distance of 73.07 feet;

Thence continuing along said north plat line, North 18 degrees 03 minutes 12 seconds East a distance of 86.04 feet;

Thence South 77 degrees 03 minutes 22 seconds East a distance of 33.21 feet;

Thence South 86 degrees 54 minutes 45 seconds East a distance of 33.67 feet;

Thence South 89 degrees 46 minutes 40 seconds East a distance of 315.00 feet;

Thence North 89 degrees 37 minutes 07 seconds East a distance of 46.29 feet to the POINT OF BEGINNING.

Containing an area of 182,352.68 SQUARE FEET or 4.186 ACRES, more or less.

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EXHIBIT "B"

LEGAL DESCRIPTION
FOR
SANITARY SEWER EASEMENT

A parcel of land being 20.00 feet in width and lying in portions of the Southeast Quarter of Section 11 and the Northeast Quarter of Section 14, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Maricopa County aluminum cap found flush and stamped "RLS 35832" at the Southeast Corner of said Section 11, also being the Northeast Corner of Section 14, from which the City of Surprise brass cap found flush and stamped "RLS 19344" at the South Quarter Corner of said Section 11, also being the North Quarter Corner of said Section 14, bears North 89 degrees 38 minutes 31 seconds West a distance of 2,633.46 feet, said line being the South line of the Southeast Quarter of said Section 11 and the North line of the Northeast Quarter of said Section 14, and said line being the basis of bearings for this description;

Thence along said South line of said Southeast Quarter, North 89 degrees 38 minutes 31 seconds West a distance of 95.50 feet to the **POINT OF BEGINNING;**

Thence South 00 degrees 28 minutes 33 seconds West a distance of 5.02 feet;

Thence North 89 degrees 46 minutes 40 seconds West a distance of 20.00 feet;

Thence North 00 degrees 28 minutes 33 seconds East a distance of 112.50 feet;

Thence North 89 degrees 46 minutes 40 seconds West a distance of 292.72 feet;

Thence South 89 degrees 13 minutes 11 seconds West a distance of 322.93 feet;

Thence North 00 degrees 13 minutes 12 seconds East a distance of 20.00 feet;

Thence North 89 degrees 13 minutes 11 seconds East a distance of 312.86 feet;

Thence North 00 degrees 18 minutes 12 seconds East a distance of 245.05 feet;

Thence South 89 degrees 31 minutes 29 seconds West a distance of 306.52 feet;

Thence North 00 degrees 18 minutes 12 seconds East a distance of 20.00 feet;

Thence North 89 degrees 31 minutes 29 seconds East a distance of 326.53 feet;

Thence South 00 degrees 18 minutes 12 seconds West a distance of 265.12 feet;

Thence South 89 degrees 46 minutes 40 seconds East a distance of 302.88 feet;

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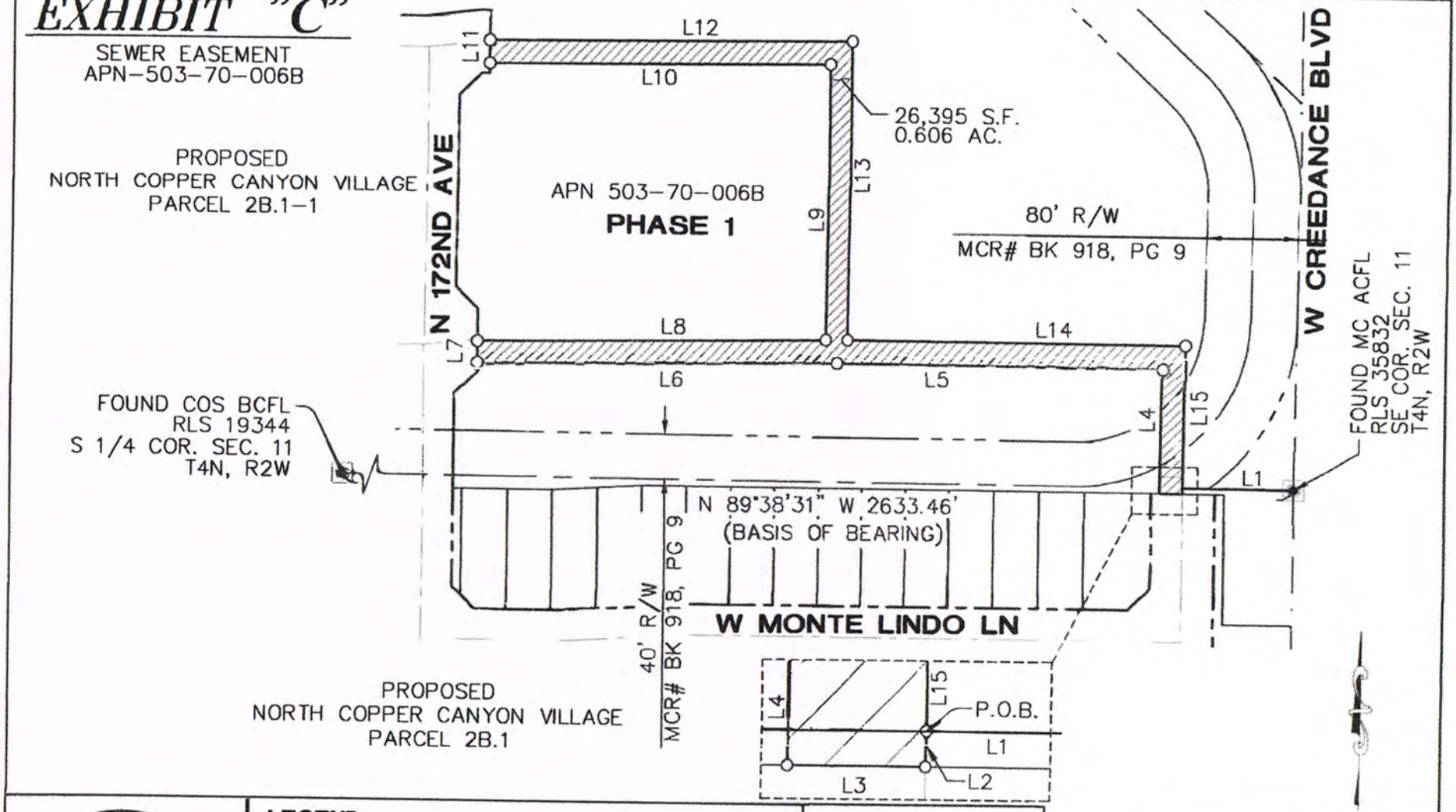
Thence South 00 degrees 28 minutes 33 seconds West a distance of 127.48 feet to the **POINT OF BEGINNING.**

Containing an area of 26,395 square feet or 0.606 acres, more or less.

See attached Exhibit "C"

EXHIBIT "C"

SEWER EASEMENT
APN–503–70–006B



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
33874
DANIEL G.
FRANCETIC
Date Signed 07/31/25
ARIZONA, U.S.A.

LEGEND

SEWER EASEMENT

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 11 BEARING N 89°38'31" W

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Website: www.Entellus.com

CITY OF SURPRISE
AUSTIN RANCH 2B
SECTIONS 11 & 14, T4N, R2W
SEWER EASEMENT

DATE: 7/31/25	REV'D:	
DRAWN BY: VS	CHK'D: DGF	PG:3 OF 4
FILE: APN 503–70–006B_SWR ESMT.DWG		

APN 503-70-006B

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89° 38' 31"W	95.50'
L2	S0° 28' 33"W	5.02'
L3	N89° 46' 40"W	20.00'
L4	N0° 28' 33"E	112.50'
L5	N89° 46' 40"W	292.72'
L6	S89° 13' 11"W	322.93'
L7	N0° 13' 12"E	20.00'
L8	N89° 13' 11"E	312.86'
L9	N0° 18' 12"E	245.05'
L10	S89° 31' 29"W	306.52'
L11	N0° 18' 12"E	20.00'
L12	N89° 31' 29"E	326.53'
L13	S0° 18' 12"W	265.12'
L14	S89° 46' 40"E	302.88'
L15	S0° 28' 33"W	127.48'

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LINE AND DATA TABLE

CITY OF SURPRISE
AUSTIN RANCH 2B
SECTIONS 11 & 14, T4N, R2W
SEWER EASEMENT

DATE: 7/31/25	REV'D:	
DRAWN BY: VS	CHK'D: DGF	PG:4 OF 4
FILE: APN 503-70-006B_SWR ESMT.DWG		

Courtland Homes

(North Copper Canyon – Parcel 2B.1)

Temporary Sewer Line Easement

City Council

November 4, 2025

SURPRISE
ARIZONA

VICINITY MAP

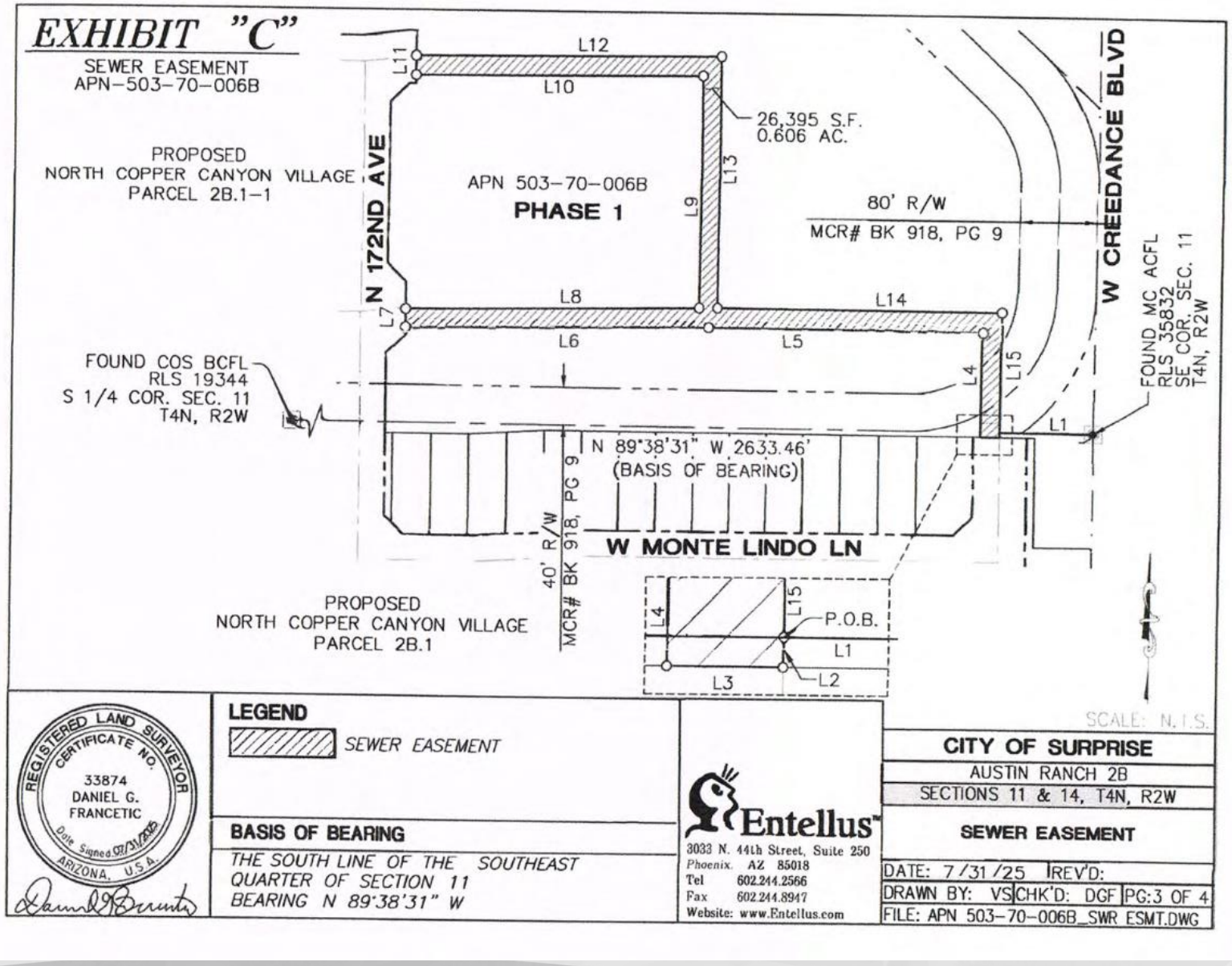
EXHIBIT "C"
SEWER EASEMENT
APN-503-70-006B
PROPOSED
NORTH COPPER CANYON VILLAGE
PARCEL 2B.1-1
APN 503-70-006B
PHASE 1
26,395 S.F.
0.606 AC.
N 172ND AVE
W CREEDANCE BLVD
80' R/W
MCR# BK 918, PG 9
FOUND COS BCFL
RLS 19344
S 1/4 COR. SEC. 11
T4N, R2W
FOUND MC ACFL
RLS 35832
SE COR. SEC. 11
T4N, R2W
N 89°38'31" W 2633.46'
(BASIS OF BEARING)
40' R/W
MCR# BK 918, PG 9
W MONTE LINDO LN
PROPOSED
NORTH COPPER CANYON VILLAGE
PARCEL 2B.1
P.O.B.
L1
L2
L3
L4
L5
L6
L7
L8
L9
L10
L11
L12
L13
L14
L15
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
33874
DANIEL G.
FRANCETIC
Date Signed 07/31/2025
ARIZONA, U.S.A.
LEGEND
SEWER EASEMENT
BASIS OF BEARING
THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 11 BEARING N 89°38'31" W
Entellus
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Phoenix, AZ 85018
Tel 602.244.2566
Fax 602.244.8947
Website: www.Entellus.com
SCALE: N.T.S.
CITY OF SURPRISE
AUSTIN RANCH 2B
SECTIONS 11 & 14, T4N, R2W
SEWER EASEMENT
DATE: 7/31/25 REV'D:
DRAWN BY: VS CHK'D: DGF PG:3 OF 4
FILE: APN 503-70-006B_SWR ESMT.DWG

EXHIBIT

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Contact Person: Lloyd Abrams, Director - Community Development
Submitting Department: Community Development
District: District 1
Staff Recommendations:

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

Agenda Wording:
Consideration and action abandoning a varying width right-of-way for approximately 22,770 square feet of right of way comprised of Pinnacle Peak Road, between 173rd Avenue and 172nd Avenue; Resolution 2025-129.

Motion:
I move to approve Resolution 2025-129.

Background:
The City of Surprise annexed the Area known as North Copper Canyon on May 23, 1978 under Ordinance Number 87-03. On December 14, 2006 the City Council passed Resolution No. 06-158, approving the "Burke Property Map of Dedication," which dedicated Pinnacle Peak Road between 173rd Avenue and 172nd Avenue.

On April 25, 2007 the City of Surprise recorded the plat dedicating a varying width of right of way, 40 feet to 80 feet of right-of-way from HF Land Investment, INC, per Maricopa County Recorded Document Number 2007-0479278. This dedication encompassed 40 feet known as Pinnacle Peak Road.

On April 18, 2023 the City Council approved a major amendment to the PAD for North Copper Canyon, effectively terminating the Burke Property PAD. As part of this amendment, the City updated the roadway circulation network. The Developer has submitted a plat for this area relocating the alignment of Pinnacle Peak Road south approximately 99 feet for the layout of the new development, making the previously dedicated right of way of Pinnacle Peak Road not needed.

Objective Analysis:
Approval of this Resolution will allow the applicant the ability to abandon a portion of right-of-way that is no longer needed.

Policy Compliant:
The proposed Resolution is consistent with the Surprise General plan 2040 and the City of Surprise

Land Development Ordinance.

Financial Impact:

This item has no financial impact as this item is requesting to abandon a portion of right-of-way rather than obtain one.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. Resolution 2025-129 final w legal
2. Burke Property ROW Abandonment East - CC 11.04.25

RESOLUTION #2025-129

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, VACATING THE CITY OF SURPRISE'S INTEREST IN A PORTION OF A ROADWAY WITHIN SECTION 11, TOWNSHIP 4 NORTH, RANGE 2 WEST, GENERALLY LOCATED WEST OF GRAND AVENUE.

WHEREAS, on April 23, 1987, the City annexed the area containing the roadway proposed to be vacated via Ordinance 87-03;

WHEREAS, a portion of the roadway proposed to be vacated was dedicated via Book 918 of Maps, page 9 of the Maricopa County Recorder;

WHEREAS, the area proposed to be vacated is approximately 0.523 acres;

WHEREAS, a portion of the roadway proposed to be vacated is located within North Copper Canyon Village Development;

WHEREAS, the developer of North Copper Canyon Village Development requested the City vacate a portion of roadway;

WHEREAS, City staff has opined that the portion of roadway proposed to be vacated is no longer necessary for City roadway purposes;

WHEREAS, pursuant to A.R.S. § 28-7205, the City Council may vacate a roadway;

WHEREAS, pursuant to A.R.S. § 28-7215(A), City staff has determined that any land adjoining the roadway will not be left without a public or private legal access connecting the land with an established public roadway, but nevertheless hereby expressly reserves herein the roadway rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and persons lawfully conducting business on the land; and

WHEREAS, pursuant to A.R.S. § 28-7215(B), City staff has determined that the portion of the roadway proposed to be vacated has no public use or no market value, and the adjacent owner(s) and developer of North Copper Canyon Development agrees to and shall assume both the costs of maintaining the public roadway, and all liability associated in any way with and for the public roadway.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, that:

Section 1. The City of Surprise hereby declares that the portion of roadway legally described in Exhibit A and depicted in Exhibit B (the "Property"), is no longer needed for a public roadway, and that it has no market value to the City.

Section 2. The City of Surprise acknowledges that pursuant to A.R.S. § 28-7205, upon vacating title to the Property, title will vest in Courtland Homes, Inc.

Section 3. Courtland Homes, Inc., shall assume both the costs of maintaining the public roadway, and all liability associated in any way with and for the public roadway.

Section 4. The City of Surprise hereby vacates its right, title, and interest in the Property, subject to expressly reserving the rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees, and persons lawfully conducting business on the land, if any.

APPROVED AND ADOPTED this_____day of _____2025.

_____
Kevin D. Sartor, Mayor

Attest:

_____
Kristi Passarelli, City Clerk

Approved as to form:

_____
Jeffrey Murray, City Attorney

EXHIBIT A

Legal Description

Entellus
3033 North 44th Street, Suite 250
Phoenix, Arizona 85018
Tel 602.244.2566
Fax 602.244.8947
Web www.entellus.com

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
RIGHT OF WAY ABANDONMENT

A portion of the existing 40.00-foot right-of-way as described on "Map of Dedication Burke Property" found in Maricopa County Recorder (MCR) Book 918 of Maps, Page 9 lying in the Southeast Quarter of Section 11, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Maricopa County aluminum cap found flush and stamped "RLS 35832" at the Southeast Corner of said Section 11, from which the City of Surprise brass cap found flush and stamped "RLS 19344" at the South Quarter Corner of said Section 11 bears North 89 degrees 38 minutes 31 seconds West a distance of 2,633.46 feet, said line being the South line of the Southeast Quarter of said Section 11, and said line being the basis of bearings for this description;

Thence along said South line of said Southeast Quarter, North 89 degrees 38 minutes 31 seconds West a distance of 750.63 feet to the **POINT OF BEGINNING;**

Thence continuing along said South line, North 89 degrees 38 minutes 31 seconds West a distance of 569.27 feet;

Thence North 00 degrees 18 minutes 12 seconds East a distance of 40.00 feet to a point on a line parallel with and 40.00 feet distant from said South line;

Thence along said parallel line, South 89 degrees 38 minutes 31 seconds East a distance of 569.21 feet;

Thence South 00 degrees 13 minutes 20 seconds West a distance of 40.00 feet to the **POINT OF BEGINNING.**

Containing an area of 22,770 square feet or 0.523 acres, more or less.

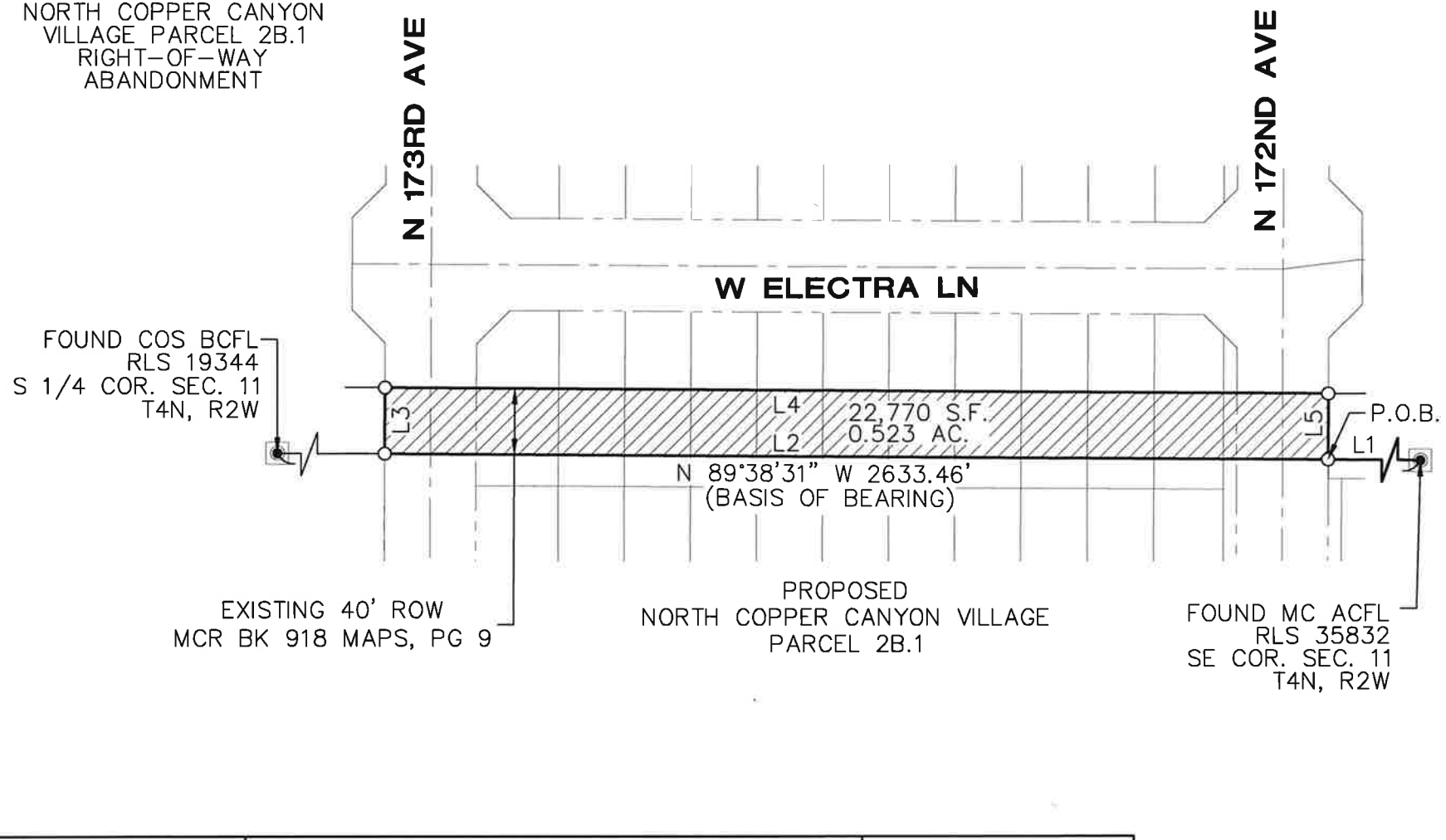
See attached Exhibit "B"

EXHIBIT B

Depiction

EXHIBIT "B"

NORTH COPPER CANYON
VILLAGE PARCEL 2B.1
RIGHT-OF-WAY
ABANDONMENT



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
33874
DANIEL G.
FRANCETIC
Date Signed 08/25/2025
ARIZONA, U.S.A.

LEGEND

RIGHT-OF-WAY ABANDONMENT

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 11 BEARING N 89°38'31" W

Entellus™
3033 N. 44th Street, Suite 250
Phoenix. AZ 85018
Tel 602.244.2566
Fax 602.244.8947
Website: www.Entellus.com

SCALE: N.T.S.

CITY OF SURPRISE

NORTH COPPER CANYON VILLAGE PARCEL 2B.1
SECTION 11, T4N, R2W

RIGHT-OF-WAY ABANDONMENT

DATE: 8/25/25	REV'D:	
DRAWN BY: VS	CHK'D: DGF	PG:2 OF 3
FILE: 2B.1_ROW ABANDONMENT.DWG		

NORTH COPPER CANYON VILLAGE PARCEL 2B.1

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89° 38' 31"W	750.63'
L2	N89° 38' 31"W	569.27'
L3	N0° 18' 12"E	40.00'
L4	S89° 38' 31"E	569.21'
L5	S0° 13' 20"W	40.00'

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
33874
DANIEL G.
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Website www.entellus.com

LINE AND DATA TABLE

CITY OF SURPRISE

NORTH COPPER CANYON VILLAGE PARCEL 2B.1

SECTION 11, T4N, R2W

RIGHT-OF-WAY ABANDONMENT

DATE: 8/25/25 | REV'D:

DRAWN BY: JTP | CHK'D: DGF | PG:3 OF 3

FILE: 2B.1_ROW ABANDONMENT.DWG

ROW ABANDONMENT CLOSURE Polyline Report Mon, Aug 25 2025 9:39:50 AM

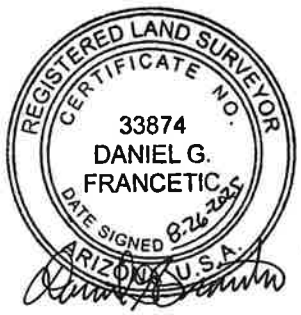
Northing	Easting	Bearing	Distance
981566.034	544216.330		
		N 89°38'31" W	569.272
981569.592	543647.069		
		N 00°18'12" E	40.000
981609.591	543647.281		
		S 89°38'31" E	569.215
981606.034	544216.485		
		S 00°13'20" W	40.000
981566.034	544216.330		

Closure Error Distance> 0.00000
Total Distance> 1218.487
Polyline Area: 22769.732 sq ft, 0.523 acres

ROW ABANDONMENT TIE Polyline Report Mon, Aug 25 2025 9:38:13 AM

Northing	Easting	Bearing	Distance
981561.342	544966.949		
		N 89°38'31" W	750.634
981566.034	544216.330		

Closure Error Distance> 750.63373 Error Bearing> S 89°38'31" E
Closure Precision> 1 in 1.0 Total Distance> 750.634
Area not calculated because polyline not closed



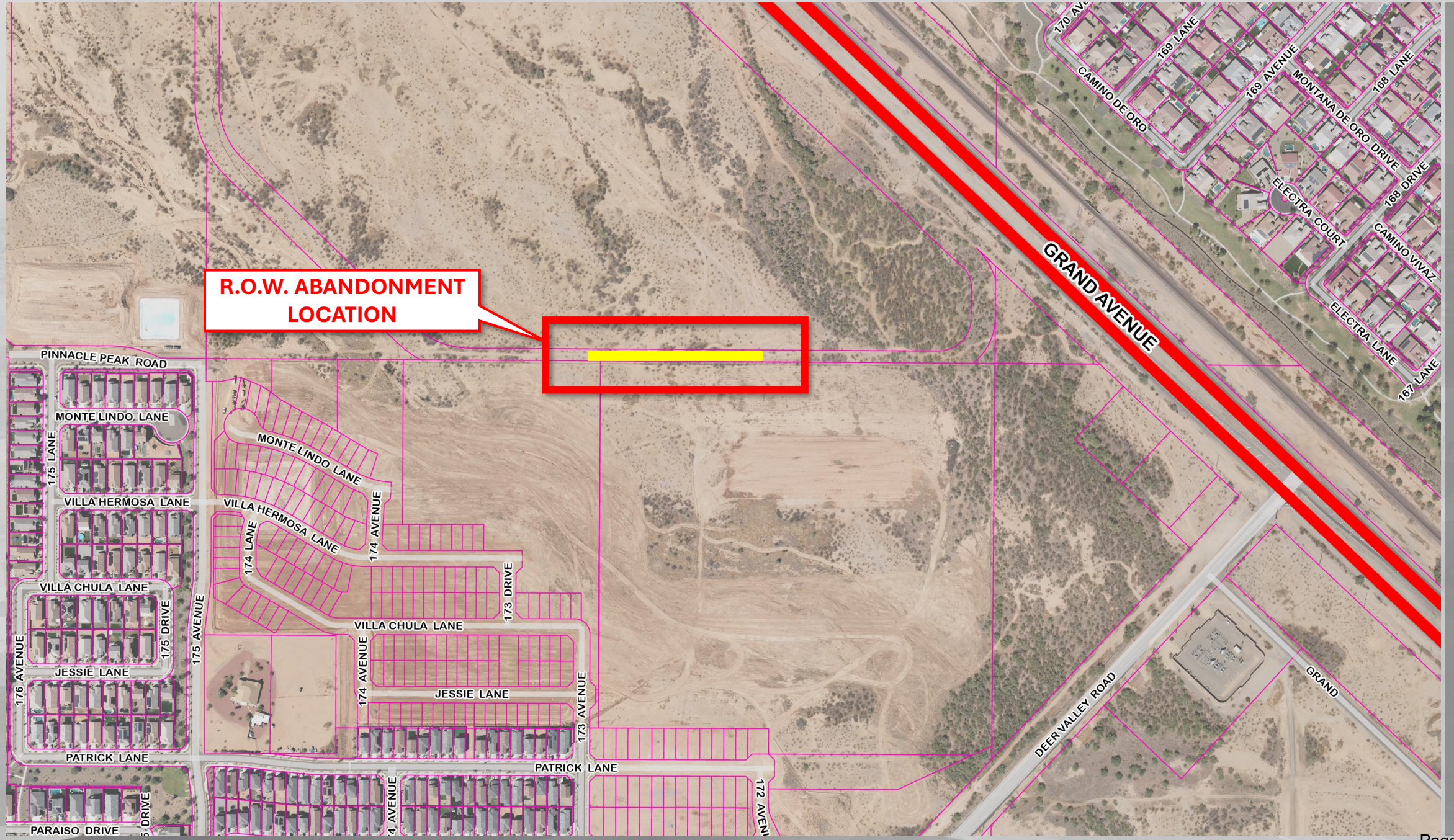
Burke Property

Right-of-Way Abandonment - East

City Council

November 4, 2025

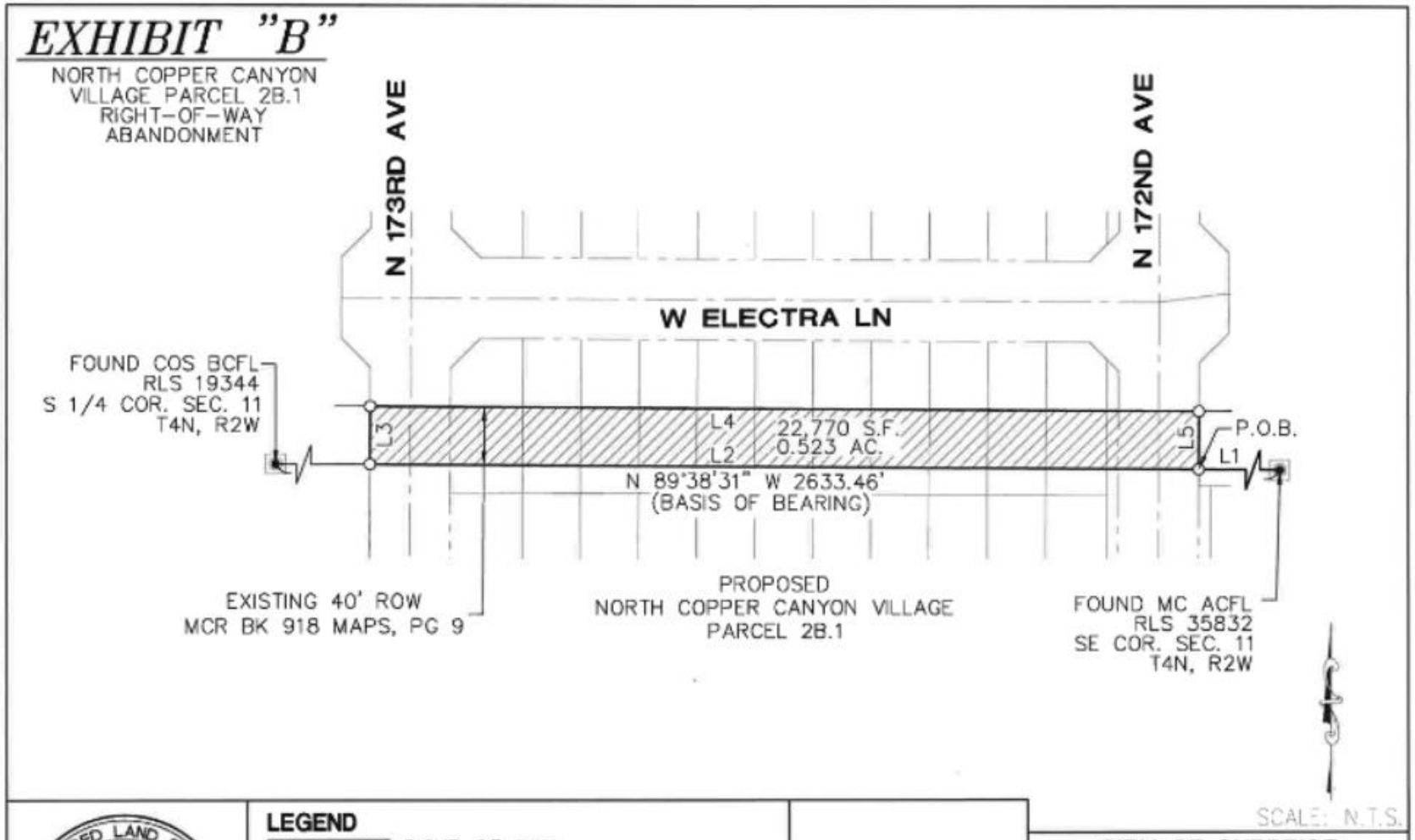
SURPRISE
ARIZONA



VICINITY MAP

EXHIBIT "B"

NORTH COPPER CANYON
VILLAGE PARCEL 2B.1
RIGHT-OF-WAY
ABANDONMENT



SCALE: N.T.S.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
33874
DANIEL G.
FRANCETIC
Date Signed 08/25/2025
ARIZONA, U.S.A.

LEGEND

RIGHT-OF-WAY ABANDONMENT

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 11 BEARING N 89°38'31" W

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CITY OF SURPRISE

NORTH COPPER CANYON VILLAGE PARCEL 2B.1
SECTION 11, T4N, R2W

RIGHT-OF-WAY ABANDONMENT

DATE: 8/25/25	REV'D:	
DRAWN BY: VS	CHK'D: DGF	PG:2 OF 3
FILE: 2B.1_ROW ABANDONMENT.DWG		

EXHIBIT

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Lloyd Abrams, Director - Community Development

Submitting Department: Community Development

District: District 1

Staff Recommendations:

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

Agenda Wording:

Consideration and Action to dispose of a portion of public roadway (Dove Valley Road) within Section 15, Township 5 North Range 3 West generally located at 228th Drive and Dove Valley Road; Resolution #2025-38.

Motion:

I move to approve Resolution #2025-38.

Background:

The Maricopa County Treasurer's office contacted the City in 2016 about parcels of land that failed to sell at the Tax Lien Auction (becoming property of the State) and were being offered in the "State Deeded Property Auction." After review, the City identified 15 parcels we were interested in and purchased those parcels for back taxes owed. Maricopa County is improving Dove Valley and needs one of the parcels for their roadway improvement project. The City has agreed to sell the 7,599 square foot parcel for $265.00, the total amount the City paid for this parcel.

Objective Analysis:

Approval of this item will allow the right of way to be improved and maintained by Maricopa County.

Policy Compliant:

Approval of this item is policy compliant. The proposed dedication will advance the goals and policies of the Surprise General Plan and the City Council's Strategic Plan.

Financial Impact:

The City will be paid for the right of way and with this disposition of property will no longer be responsible for maintenance costs associated with the parcel.

Budget Impact:

There is currently no budgetary impact related to approval of this item.

FTE Impact:

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

ATTACHMENTS:

1. 2. Purchase Agreement TT0657_D24371_PA
2. Quit Claim Deed
3. 25.10.02 Resolution for Conveyence of a portion of to MC_BAC
4. 227th Ave - Montgomery_Dove Valley RW Dedication - CC 09.16.25

Maricopa County
Purchase Agreement and Escrow Instructions

Title Company	Commonwealth Title Agency		Date	February 3rd, 2025
Address	2390 E. Camelback Road, Ste 230		Phone	602-287-3533
City	Phoenix, AZ 85016			
Escrow Officer	Andrew Platt		Email	Andrew.platt@cltic.com
Escrow No.	21000611-040-DO			
Grantor:	City Of Surprise			
Contact	Lari Beth Kirkendall			
Mailing Address:	16000 North Civic Center Plaza		Email	LariBeth.Kirkendall@surpriseaz.gov
City, State Zip	Surprise, AZ 85374		Phone:	623-222-3025

Grantee:	Maricopa County, a political subdivision of the State of Arizona
Mailing Address:	Real Estate Department, 2801 W. Durango Street, Phoenix, Arizona 85009

MARICOPA COUNTY shall pay directly to the Grantor, or deposit with the Title Company if escrowed, the purchase price plus all lawful costs incidental to closing as follows:			**Sub-Object Code**	Charges and Disbursements to be paid from Grantor's funds as follows (check all that apply):
Escrow Fees:	$ 696.00			☒ Total Acquisition of Grantor's Property: Full release of all monetary liens and encumbrances, and leases of any kind. Pay in full all due and delinquent real property taxes and general and special improvement assessments. Prorate the current year's real property taxes on closings that occur on or after the 3rd Monday of August each year. Escrow Agent shall withhold the prorated amounts from each party and pay the lien of the current year's taxes in full.
Title Policy Fees	$ 557.00			
Title Report	TBD			
Title Report Credit	TBD			
Total Escrow & Title Fees		**TBD**	**14**	
Recording Fees:				
Release & Reconveyance	TBD			
Release of Lease	TBD			☐ Partial Acquisition of Grantor's Property: Partial release of all monetary liens and encumbrances, and leases of any kind. At the discretion of Maricopa County, pay due and delinquent property taxes and general and special improvement assessments, including full payment of taxes and assessments on individual assessor parcels within Maricopa County's partial acquisition, and any Certificate(s) of Purchase. The current year's taxes shall not be prorated regardless of the closing date.
	TBD			
	TBD			
Total Recording Fees		**TBD**	**14**	
Other Charges:				
Release Fees	TBD			
Consent Fees	TBD			
S.R.V.W.U.A.	TBD			
Taxes -Prorated	TBD			
				☐ Easement(s): Consent to easement(s) by secured party(ies).
Total Other Charges		**TBD**	**14**	
				☐ Other Disbursements:
Sub Total		**TBD**		
Land	$ 265.00		**11**	
Total Purchase Price $		$ 265.00		
Total Escrow & Title Costs		TBD	**14**	
Total Compensation		$ 265.00	**11**	
TOTAL WARRANT**		**TBD**		

***Escrow and title policy fees based on this amount only.**

****Sum of "Total Closing Costs" and "Total Compensation" only**

Project Name:	227th Avenue (Montgomery to Dove Valley)	Project Number:	TT0657
Assessor Parcel No.:	503-17-007Q	Item No.	D24371
Right of Way Agent:	Jaelynn Carrier	Telephone #	(602) 506-8163

The GRANTOR and GRANTEE, having executed a conveyance of certain real property rights as described and depicted in the ***Exhibits "A-1", and "A-2",*** attached hereto and made a part hereof, and having delivered same to the above Title Company as Escrow Agent, said agent is directed to deliver said conveyance to MARICOPA COUNTY, title to said property to be transferred upon execution of the conveyance by the MARICOPA COUNTY BOARD OF SUPERVISORS.

The Escrow Agent shall first apply the purchase price on deposit to satisfy such taxes, Deed of Trusts, leasehold interests, special assessments, and other encumbrances as may be authorized for payment, and the balance thereof shall be paid in accordance with the terms herein.

Instructions to Escrow Agent: Deposit all escrowed funds in escrow account and disburse same by check; pay encumbrances in accordance with this agreement; prorate all agreed items; record such escrowed instruments as are necessary or proper in the issuance of title insurance; and pay the balance of the escrowed funds to the party or parties entitled thereto. It is further understood and agreed that the Title Company shall not be responsible for any liens or encumbrances not of record at the closing of escrow.

The Right of Way Agent or MARICOPA COUNTY Real Estate Department will be furnished a copy of the GRANTOR'S closing statement with the following certification signed by an authorized officer: "This is to certify this is a true and correct statement of disbursement of funds collected from MARICOPA COUNTY."

The Escrow Agent is to request the GRANTOR acknowledge receipt of the amount shown on the closing statement as due GRANTOR. Either a copy of this request or a copy of a signed receipt is to be retained in the escrow file.

MARICOPA COUNTY will pay the costs of the owner's title insurance policy; fees associated with lender releases or loan pay-offs, including endorsements, document preparation, and other expenses related thereto; escrow fees and other charges by escrow companies incidental to the closing of escrow. In the alternative, MARICOPA COUNTY may, at its option, waive escrow and/or title insurance. Upon such waiver, the references to Title Company, Escrow Agent and title insurance herein are not applicable.

If any element of this transaction is not handled through a title company, the conveyance will be delivered directly to MARICOPA COUNTY and payment will be made direct from the GRANTEE to the GRANTOR after approval and acceptance by the MARICOPA COUNTY BOARD OF SUPERVISORS and the final filing and recording of the documents.

It is understood and agreed the consideration expressed herein is accepted by the GRANTOR as full and complete compensation for the interest being acquired. If the acquisition is a partial acquisition from a larger parcel, the consideration also includes full and complete compensation for all injury or damage to the GRANTOR'S remaining lands by reason of their severance from the part being acquired and the construction of the improvements in the manner proposed by MARICOPA COUNTY.

MARICOPA COUNTY agrees to pay and the GRANTOR accepts the payment in full for the property described herein:

- Real property the amount of **Two Hundred Sixty-Five and No/100 Dollars ($265.00)** described and depicted in Exhibit "A-1" and "A-2"

If in the opinion of the Transportation Director it becomes necessary, MARICOPA COUNTY, or its agents, is hereby granted to enter upon the remaining property for the purpose of private structure relocation in kind to the GRANTOR's property, clear of the property described herein, and at no expense to the GRANTOR except as may be herein otherwise agreed.

With respect to the development/redevelopment of the property prior to construction of project TT0657, GRANTOR will be responsible only for the costs of improvements required by the County or a municipality as part of a regulatory approval related to development/redevelopment of the property.

MARICOPA COUNTY shall be responsible to the extent that damage occurs out of MARICOPA COUNTY's occupation of the GRANTOR's property caused by MARICOPA COUNTY's negligence, or by the negligent acts or conduct of its agents, employees, or contractors during the term of MARICOPA COUNTY's temporary occupancy of the property. All claims shall be submitted in accordance with the requirements of ARS 12-821.

This Agreement is subject to cancelation pursuant to A.R.S. § 38-511.

It is further agreed settlement is being made in lieu of condemnation, and therefore not admissible as evidence of value, nor for any other evidentiary purpose, in conjunction with any judicial or administrative proceeding.

GRANTOR: City of Surprise, an Arizona municipal corporation

By: Kevin

Its: Mayor

Date

By: Kristi Passarelli

Its: City Clerk

Date

RECOMMENDED FOR APPROVAL: MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

Right of Way Supervisor

Date

Approved as to form within the powers and authority of the Board of Supervisors

Deputy County Attorney Date

ACCEPTED AND APPROVED: MARICOPA COUNTY BOARD OF SUPERVISORS

Chairman of the Board

Date

ATTEST:

Clerk of the Board of Supervisors

Date

Exhibit "A-1"
Parcel No. 503-17-007Q
Project No. TT0657
227th Avenue Montgomery to Dove Valley Road
Item No. D24371
LEGAL DESCRIPTION FOR SIMPLE RIGHT OF WAY

A parcel of land in the Northeast Quarter of Section Fifteen, Township Five North, Range Three West of the Gila and Salt River Meridian, and being more particularly described as follows:

Commencing at the Northeast corner of said Section 15, from which the North Quarter corner of said Section 15, bears North 89°38'08" West, for a distance of 2647.13 feet;

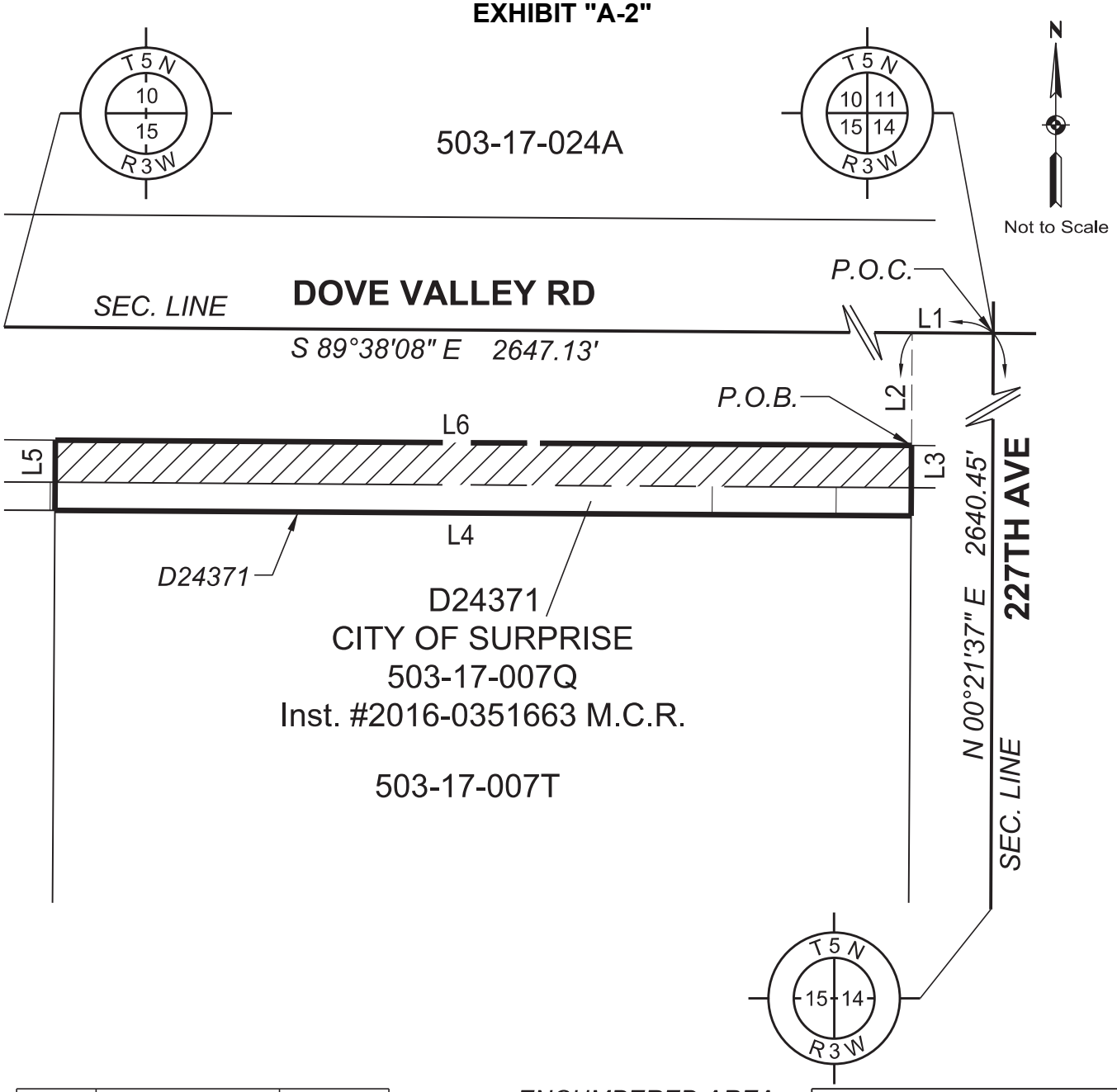
THENCE North 89°38'08" West, for a distance of 700.63 feet;
THENCE South 00°21'52" West, for a distance of 40.00 feet to the **Point of Beginning;**
THENCE South 00°21'37" West, for a distance of 15.00 feet;
THENCE North 89°38'08" West, for a distance of 303.95 feet;
THENCE North 00°21'37" East, for a distance of 15.00 feet;
THENCE South 89°38'08" East, for a distance of 303.95 feet to the **Point of Beginning.**

The above described parcel contains 7,599 square feet or 0.1744 acres, more or less, and is depicted on attached Exhibit "B".

The above described parcel is encumbered by Easement depicted in Inst. #1957-0011917 recorded in the Maricopa County Recorder's Office and contains 4,559 square feet or 0.1047 acres, more or less, and is depicted on attached Exhibit "B".

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION		
Prelim: 06/12/2024 HP	Chk:	Appr:
Rev:		
Maricopa County Real Estate Department		

EXHIBIT "A-2"



NO.	BEARING	LENGTH
L1	N 89°38'08" W	700.63'
L2	S 00°21'52" W	40.00'
L3	S 00°21'37" W	25.00'
L4	N 89°38'08" W	303.95'
L5	N 00°21'37" E	25.00'
L6	S 89°38'08" E	303.95'

ENCUMBERED AREA
INST. 1957-0011917

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
54704
JOHN H. ASHLEY
01/15/2025
Date Signed.....
ARIZONA U.S.A.

D24371 (FEE) Area: 3,040' square foot or 0.0697 acres
D24371 (ENCUMBERED) Area: 4,559' square foot or 0.1047 acres
D24371 (TOTAL) Area: 7,599 square foot or 0.1744 acres

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

227TH AVENUE - MONTGOMERY RD TO DOVE VALLEY RD

PROJECT No. TT0657	ITEM No. D24371	DATE 01/9/2025	R.E.D. HP	R/W AGENT A.H.

WHEN RECORDED RETURN TO:
Maricopa County Real Estate Department
2801 W. Durango Street
Phoenix, AZ 85009

EXEMPT A.R.S. § 11-1134, A3

JC / LA

QUIT CLAIM DEED

Parcel No.: 503-17-007Q
Project No.: TT0657
Project Name: 227th Avenue (Montgomery to Dove Valley)
Item No.: D24371 (JC)

For the consideration of **Ten and No/100 Dollars ($10.00)** We, **City of Surprise**, an Arizona Municipal Corporation, hereinafter called the **GRANTOR**, do hereby convey to **Maricopa County, a political subdivision of the State of Arizona**, hereinafter called the **GRANTEE**, the following real property situated in Maricopa County, Arizona:

SEE ATTACHED EXHIBIT "A-1" AND "A-2" FOR LEGAL DESCRIPTION

.

GRANTOR: City of Surprise, an Arizona municipal corporation

_____
By: Kevin Sartor
Its: Mayor

ATTEST:

_____
Kristi Passarelli,
Its: City Clerk

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this ____ day of _____, 20___, by **Kevin Sartor, known as the Mayor of the City of Surprise an Arizona municipal corporation.**

My Commission Expires _____ _____
Notary Public

Notary Stamp Seal

RECOMMENDED FOR APPROVAL:

_____
Right-of-Way Agent

_____
Right of Way Supervisor

ACCEPTED:
MARICOPA COUNTY
BOARD OF SUPERVISORS

BY:

_____
Chairman, Board of Supervisor

Date:_____

ATTEST:

_____
Clerk of the Board

Date:_____

APPROVED AS TO FORM and within the powers and authority granted under the laws of the State of Arizona.

_____
Max Carpinelli Date
Deputy County Attorney

Exhibit "A"
Parcel No. 503-17-007Q
Project No. TT0657
227th Avenue Montgomery to Dove Valley Road
Item No. D24371
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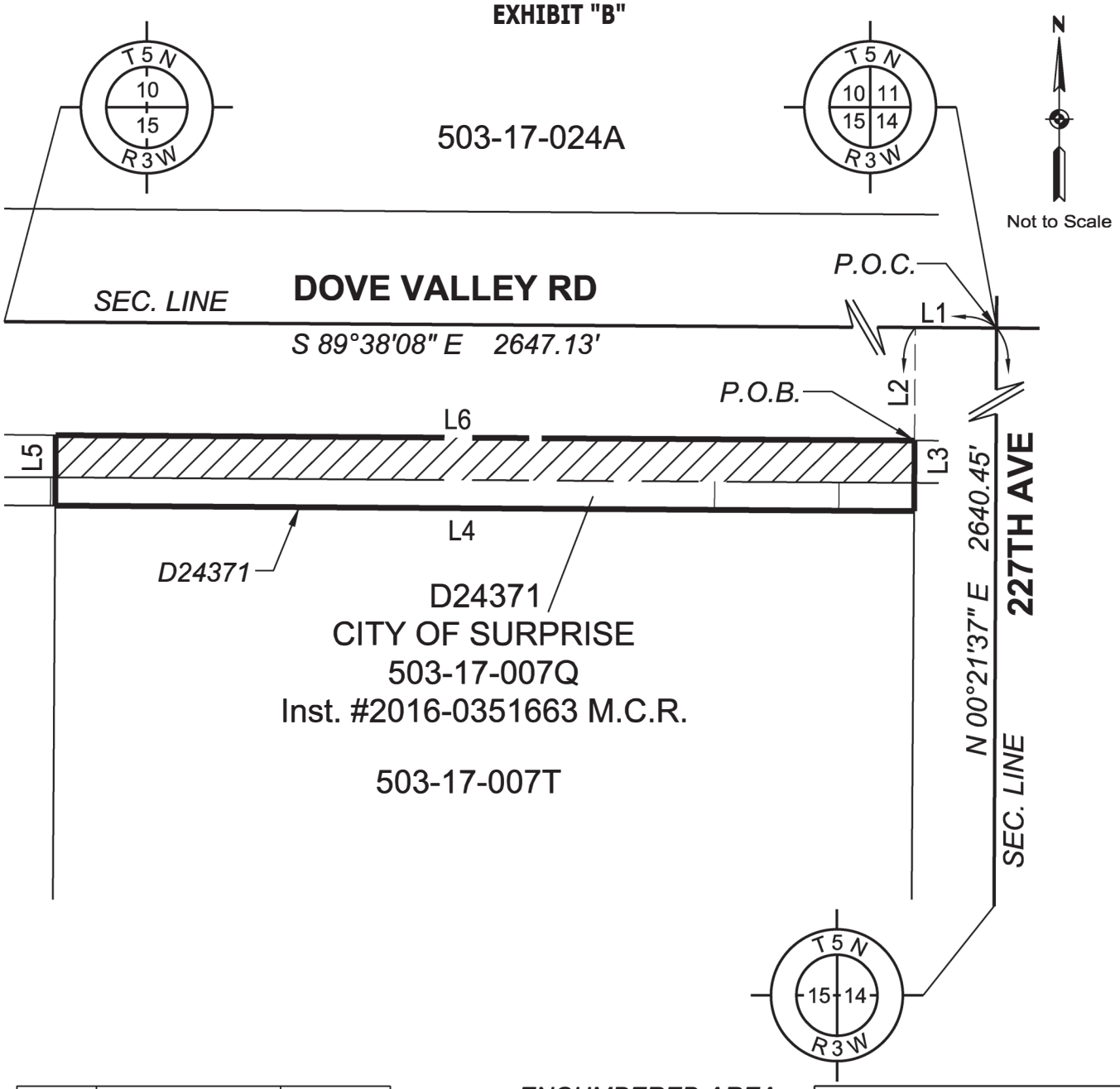
THENCE North 89°38'08" West, for a distance of 700.63 feet;
THENCE South 00°21'52" West, for a distance of 40.00 feet to the **Point of Beginning;**
THENCE South 00°21'37" West, for a distance of 25.00 feet;
THENCE North 89°38'08" West, for a distance of 303.95 feet;
THENCE North 00°21'37" East, for a distance of 25.00 feet;
THENCE South 89°38'08" East, for a distance of 303.95 feet to the **Point of Beginning.**

The above described parcel contains 7,599 square feet or 0.1744 acres, more or less, and is depicted on attached Exhibit "B".

The above described parcel is encumbered by Easement depicted in Inst. #1957-0011917 recorded in the Maricopa County Recorder's Office and contains 4,559 square feet or 0.1047 acres, more or less, and is depicted on attached Exhibit "B".

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION		
Prelim: 06/19/2025 HP	Chk:	Appr:
Rev:		
Maricopa County Real Estate Department		

EXHIBIT "B"



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ENCUMBERED AREA
INST. 1957-0011917

REGISTERED LAND SURVEYOR
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Date Signed.....
ARIZONA U.S.A.

D24371 (FEE) Area: 3,040 square foot or 0.0697 acres
D24371 (ENCUMBERED) Area: 4,559 square foot or 0.1047 acres
D24371 (TOTAL) Area: 7,599 square foot or 0.1744 acres

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

227TH AVENUE - MONTGOMERY RD TO DOVE VALLEY RD

PROJECT No. TT0657	ITEM No. D24371	DATE 01/9/2025	R.E.D. HP	R/W AGENT A.H.

RESOLUTION #2025-38

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, SELLING TO MARICOPA COUNTY APPROXIMATELY 0.1744 ACRES OF REAL PROPERTY GENERALLY LOCATED WITHIN SECTION 15, TOWNSHIP 5 NORTH, RANGE 3 WEST, AT 228TH AVENUE AND DOVE VALLEY ROAD FOR MARICOPA COUNTY'S COMPLETION OF CERTAIN RIGHT-OF-WAY IMPROVEMENTS.

WHEREAS, A.R.S. § 9-407 permits the City to sell a parcel of real property to another political subdivision without following the procedures prescribed in A.R.S. §§ 9-402 and 9-403;

WHEREAS, on May 23, 2016, the City of Surprise purchased approximately 0.1744 acres of real property generally located at 228th Avenue and Dove Valley Road (the "Property"), attached hereto as **Exhibit A** and incorporated herein by this reference, with the future intent of completing certain right-of-way improvements (the "Improvements");

WHEREAS, Maricopa County now intends to construct the Improvements that the City intended to construct along the Property; and

WHEREAS, the City now desires to sell to Maricopa County, and Maricopa County desires to buy, the Property to enable the County's completion of the Improvements along the Property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, that:

Section 1. Pursuant to A.R.S. § 9-407, the property sale described herein is hereby authorized to proceed.

Section 2. This Resolution will become effective at the time and in the manner prescribed by law.

Section 3. This Resolution is not of general application throughout the City and therefore is not required to be codified.

Section 4. The provisions of this Resolution are not severable, and the entirety of this Resolution shall become null and void and of no effect in the event any provision is finally determined to be illegal or invalid by a court of competent jurisdiction.

Section 5. The City Manager, or their designee, is hereby authorized to execute such other documents and take such other action on behalf of the City as is reasonably necessary to implement and make effective the exchange of real property set forth herein.

APPROVED AND ADOPTED this_____day of _____2025.

_____
Kevin D. Sartor, Mayor

Attest:

_____
Kristi Passarelli, City Clerk

Approved as to form:

_____
Jeffrey Murray, City Attorney

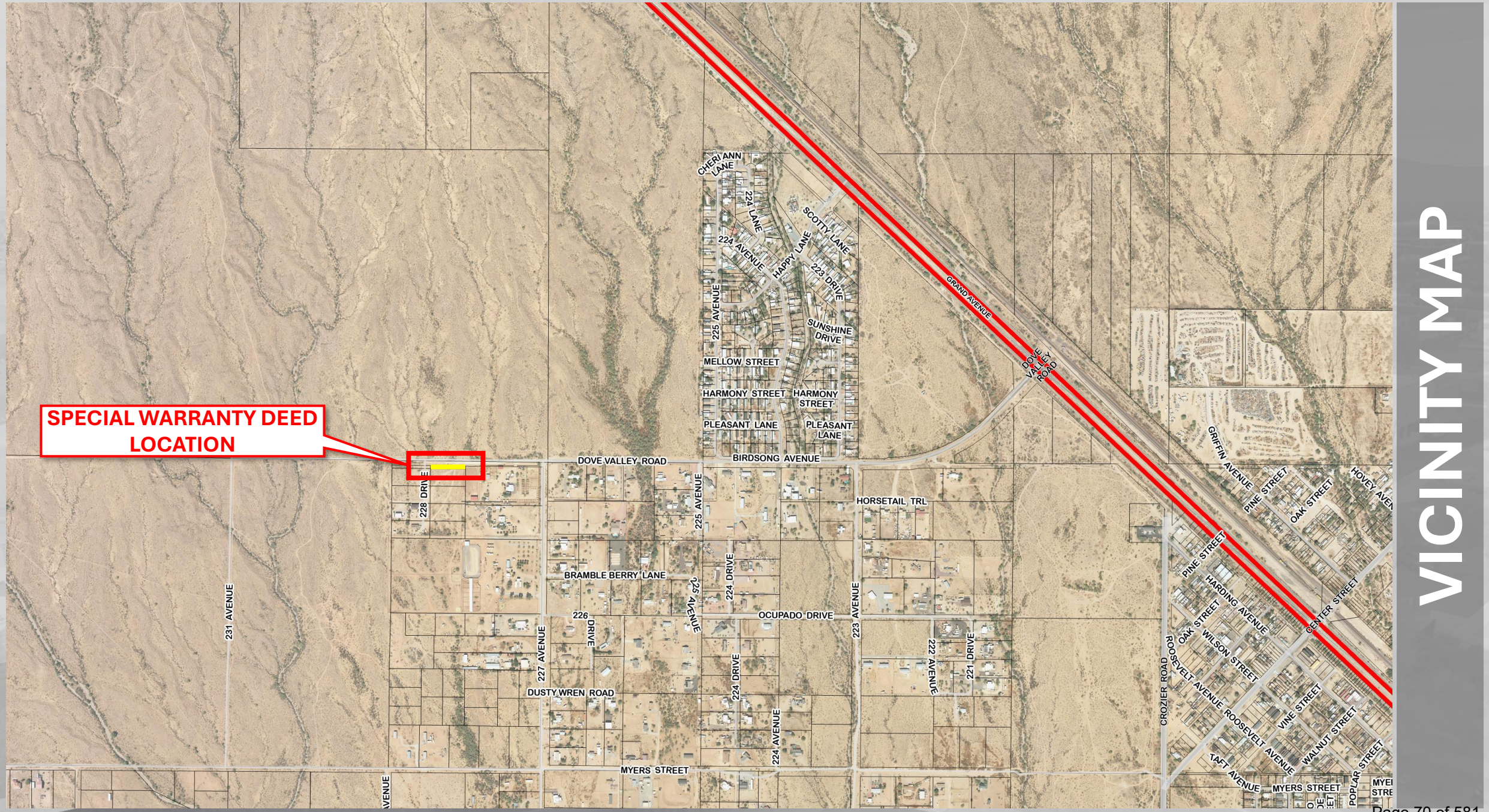
EXHIBIT A

227th Avenue
(Montgomery to Dove Valley)
Special Warranty Deed

City Council

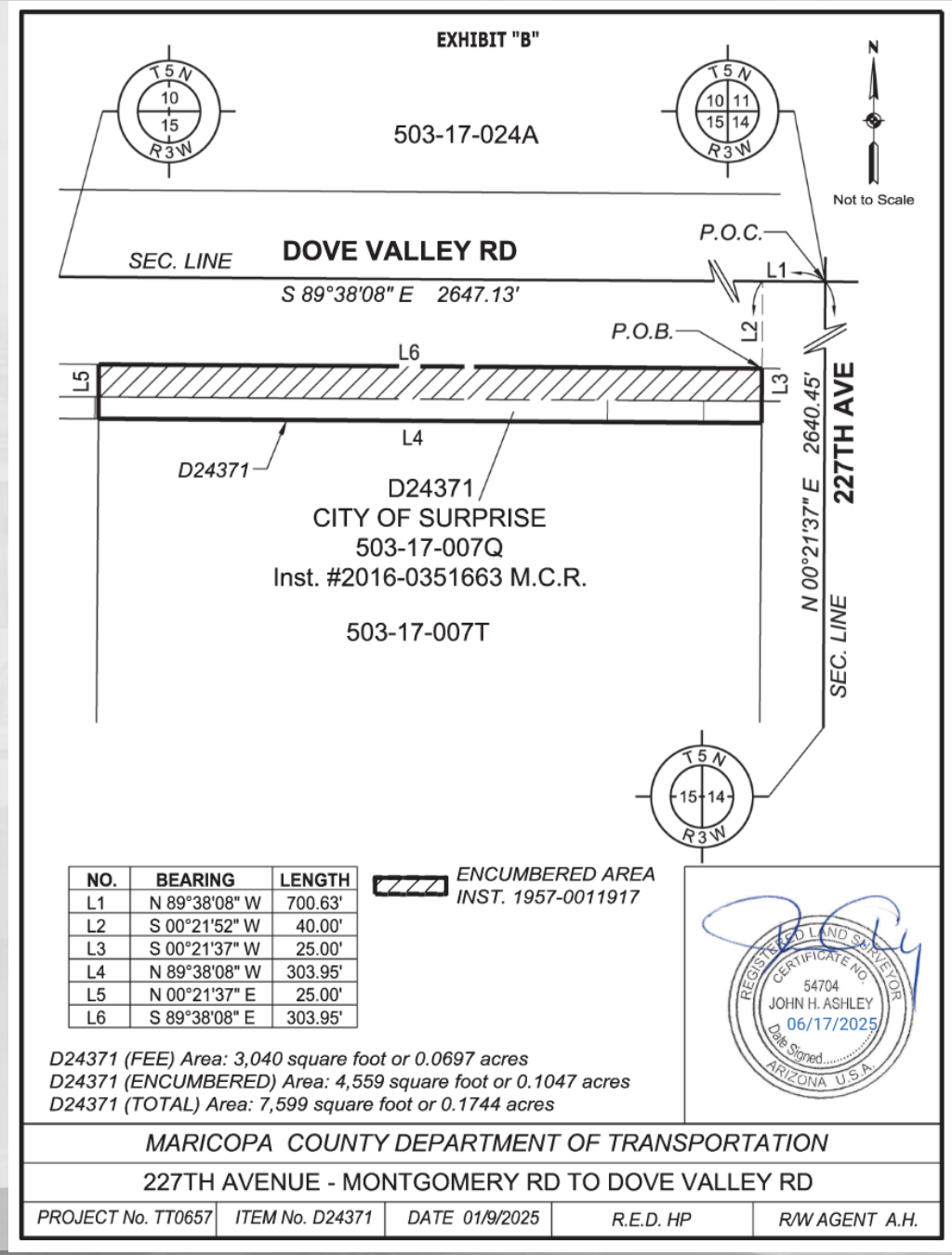
September 16, 2025

SURPRISE
ARIZONA



VICINITY MAP

EXHIBIT



NO.	BEARING	LENGTH
L1	N 89°38'08" W	700.63'
L2	S 00°21'52" W	40.00'
L3	S 00°21'37" W	25.00'
L4	N 89°38'08" W	303.95'
L5	N 00°21'37" E	25.00'
L6	S 89°38'08" E	303.95'

ENCUMBERED AREA
INST. 1957-0011917

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
54704
JOHN H. ASHLEY
06/17/2025
Date Signed
ARIZONA U.S.A.

D24371 (FEE) Area: 3,040 square foot or 0.0697 acres
D24371 (ENCUMBERED) Area: 4,559 square foot or 0.1047 acres
D24371 (TOTAL) Area: 7,599 square foot or 0.1744 acres

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

227TH AVENUE - MONTGOMERY RD TO DOVE VALLEY RD

PROJECT No. TT0657	ITEM No. D24371	DATE 01/9/2025	R.E.D. HP	R/W AGENT A.H.

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Contact Person: Lloyd Abrams, Director - Community Development
Submitting Department: Community Development
District: District 1
Staff Recommendations:

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

Agenda Wording:
Consideration and action vacating the City interest in a highway easement of approximately 50,057 square feet of right of way comprised of 163rd Avenue and Happy Valley Road; Resolution 2025-90.

Motion:
I move to approve Resolution 2025-90.

Background:
In 1986, Sperry Corporation dedicated a Highway Easement to Maricopa County. The City of Surprise annexed the Area of 163rd Avenue and Happy Valley Road on November 31, 1988 under Ordinance Number 88-24.

The City has determined that it does not need the extra area adjacent to the City's right-of-way. The adjacent landowner, Asante Development Partners, LLC has agreed to accept the abandoned area and will incorporate it into their development.

Objective Analysis:
Approval of this Resolution will allow the City to vacate a portion of right of way that is no longer needed and the land and maintenance will become the responsibility of the adjacent land owner.

Policy Compliant:
The proposed Resolution is consistent with the Surprise General plan 2040 and the City of Surprise Land Development Ordinance.

Financial Impact:
This item has no financial impact as this item is requesting to abandon a portion of right-of-way rather than obtain one.

Budget Impact:
There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. Resolution 2025-90 Extinguishing Interest in Highway Easement 163rd Ave
2. 163rd_Happy Valley ROW Abandonment - CC 11.04.25

RESOLUTION # 2025-90

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, EXTINGUISHING ITS INTEREST IN A PORTION OF A HIGHWAY EASEMENT (163RD AVENUE) WITHIN THE SOUTHEAST QUARTER OF SECTION 1, AND THE NORTHEAST QUARTER OF SECTION 12 TOWNSHIP 4 NORTH, RANGE 2 WEST, GENERALLY LOCATED NORTHWEST OF 163RD AVENUE AND HAPPY VALLEY ROAD.

WHEREAS, in 1986, Sperry Corporation and Maricopa County, Arizona, entered into an Easement and Agreement for Highway Purposes through which Sperry Corporation granted to Maricopa County, Arizona, a highway easement within the Southwest Quarter of Section 1 and Northwest Quarter of Section 12, Township 4 North, Range 2 West, generally located northwest of 163rd Ave. and Happy Valley Road (the "Easement"), as more particularly described in the attached Exhibit A;

WHEREAS, in 1988, the City annexed from Maricopa County, Arizona, property subject to the Easement generally located at 163rd Avenue and Happy Valley Road, as legally described in and depicted on the attached Exhibit B (the "Easement Area");

WHEREAS, the City never held title to the property underlying the Easement Area but only used and maintained the Easement Area;

WHEREAS, the City no longer needs the Easement; and

WHEREAS, pursuant to A.R.S. § 28-7201, *et seq.*, the City now desires to extinguish the Easement through this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, that:

Section 1. The City of Surprise hereby extinguishes the Easement.

Section 2. This Resolution shall become effective at the time and in the manner prescribed by law.

[SIGNATURES ON FOLLOWING PAGE]

APPROVED AND ADOPTED this _____ day of _____ 2025.

_____
Kevin D. Sartor, Mayor

Attest:

_____
Kristi Passarelli, City Clerk

Approved as to form:

_____
Jeffrey Murray, City Attorney

EXHIBIT A

Easement

ASANTE
163RD AVENUE HIGHWAY EASEMENT ABANDONMENT
LEGAL DESCRIPTION

A portion of that property described within the Easement for Highway Purposes recorded at Document No. 1986-0271042, Maricopa County Records, being situated within the Southeast Quarter of Section 1 and Northeast Quarter of Section 12, Township 4 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found 2 inch aluminum cap accepted as the Northeast corner of said Section 12 from which a found brass cap flush accepted as the East Quarter corner thereof bears South 00°44'56" West, 2634.27 feet;

Thence North 88°55'18" West, 55.00 feet along the north line of the Northeast Quarter of said Section 12;

Thence leaving said north line, South 00°44'56" West, 100.00 feet along a line that is parallel with and 55.00 feet west of the east line of said Northeast Quarter;

Thence leaving said parallel line, North 88°55'18" West, 250.00 feet along a line that is parallel with and 100.00 feet south of the north line of the Northeast Quarter of said Section 12;

Thence leaving said parallel line, North 00°44'56" East, 100.00 feet to the south line of the Southeast Quarter of said Section 1;

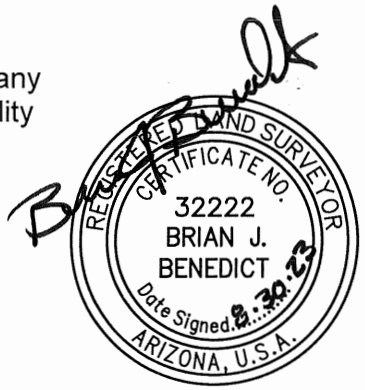
Thence leaving said south line, North 00°47'22" East, 100.00 feet;

Thence South 88°55'18" East, 196.14 feet along a line that is parallel with and 100.00 feet north of the south line of the Southeast Quarter of said Section 1 to the southwest line for the Final Plat of "Desert Oasis – Baer Parcel B9" recorded in Book 1489 of Maps, Page 33, Maricopa County Records;

Thence South 46°28'59" East, 148.19 feet along said southwest line to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 50,057 sq. ft. (1.1492 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

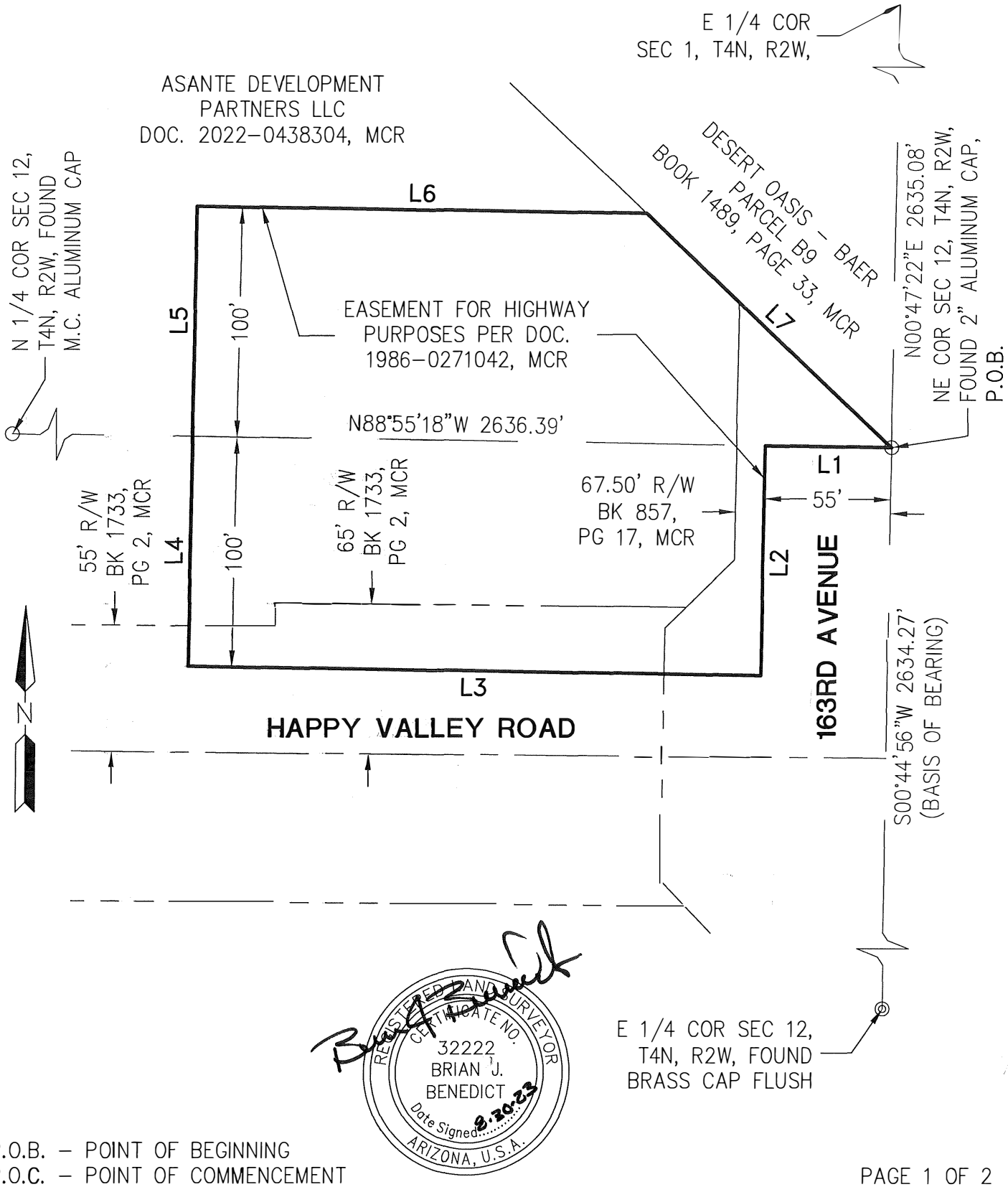
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.



Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1909
Date August 2023

EXHIBIT B

Legal Description and Depiction



P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCEMENT

PROJ.NO.:	1909
DATE:	AUG 2023
SCALE:	N.T.S.
DRAWN BY:	GS/MRM
CHECKED BY:	BJB

ASANTE

163RD HIGHWAY EASEMENT ABANDONMENT
SURPRISE, ARIZONA

EXHIBIT

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

©2023, HILGARTWILSON, LLC

U:\1900\1909\SURVEY\DOCS\LEGAL\1909-163RD HWY ABANDON EXHIBIT.dwg 8/30/2023 10:35 AM

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	N88°55'18"W	55.00'
L2	S00°44'56"W	100.00'
L3	N88°55'18"W	250.00'
L4	N00°44'56"E	100.00'
L5	N00°47'22"E	100.00'
L6	S88°55'18"E	196.14'
L7	S46°28'59"E	148.19'

PROJ.NO.: 1909	ASANTE 163RD HIGHWAY EASEMENT ABANDONMENT SURPRISE, ARIZONA	HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: AUG 2023		
SCALE: NONE		
DRAWN BY: GS/MRM	EXHIBIT	
CHECKED BY: BJB		

©2023, HILGARTWILSON, LLC

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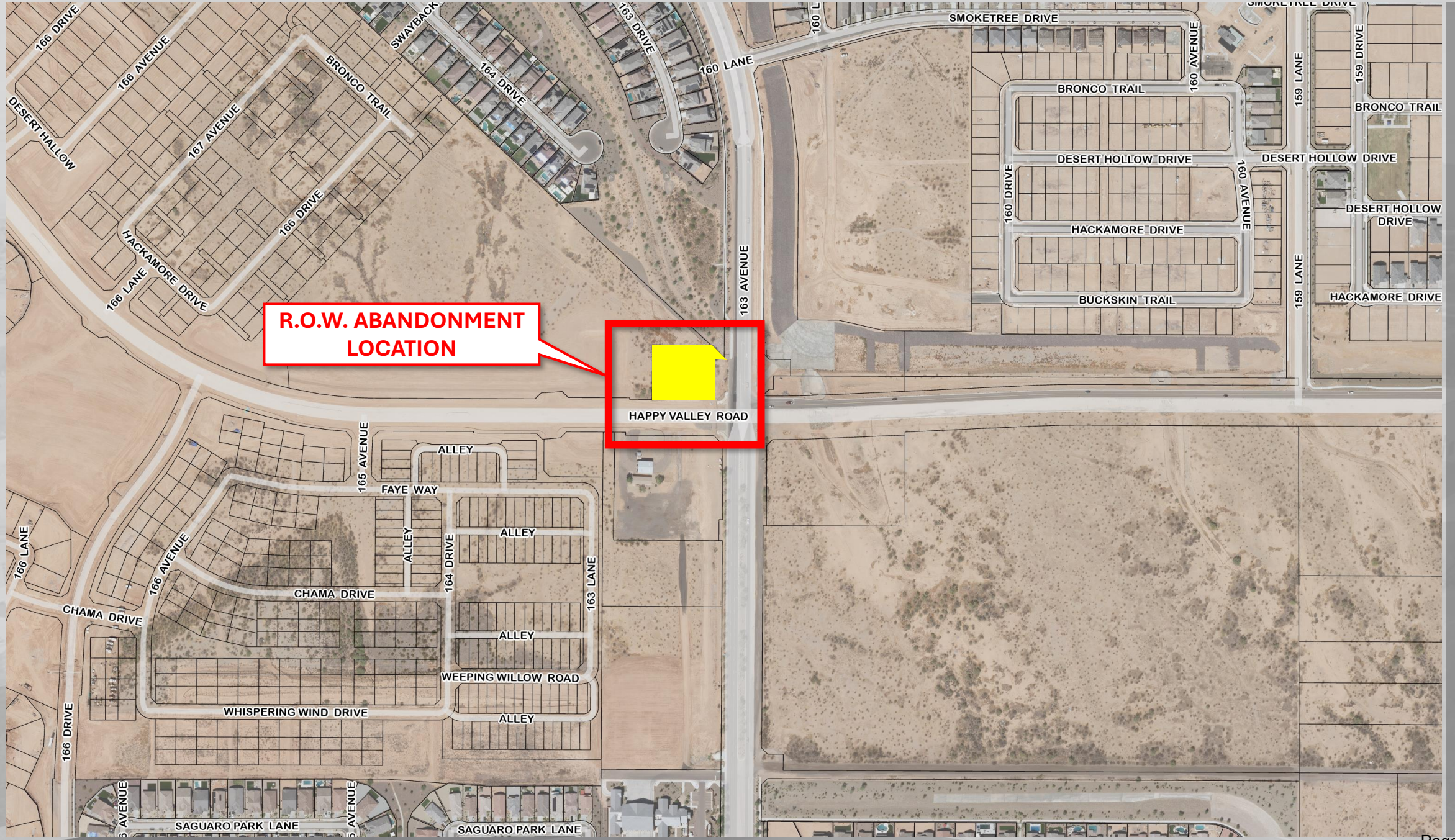
Happy Valley Rd & 163rd Ave

Right-of-Way Abandonment

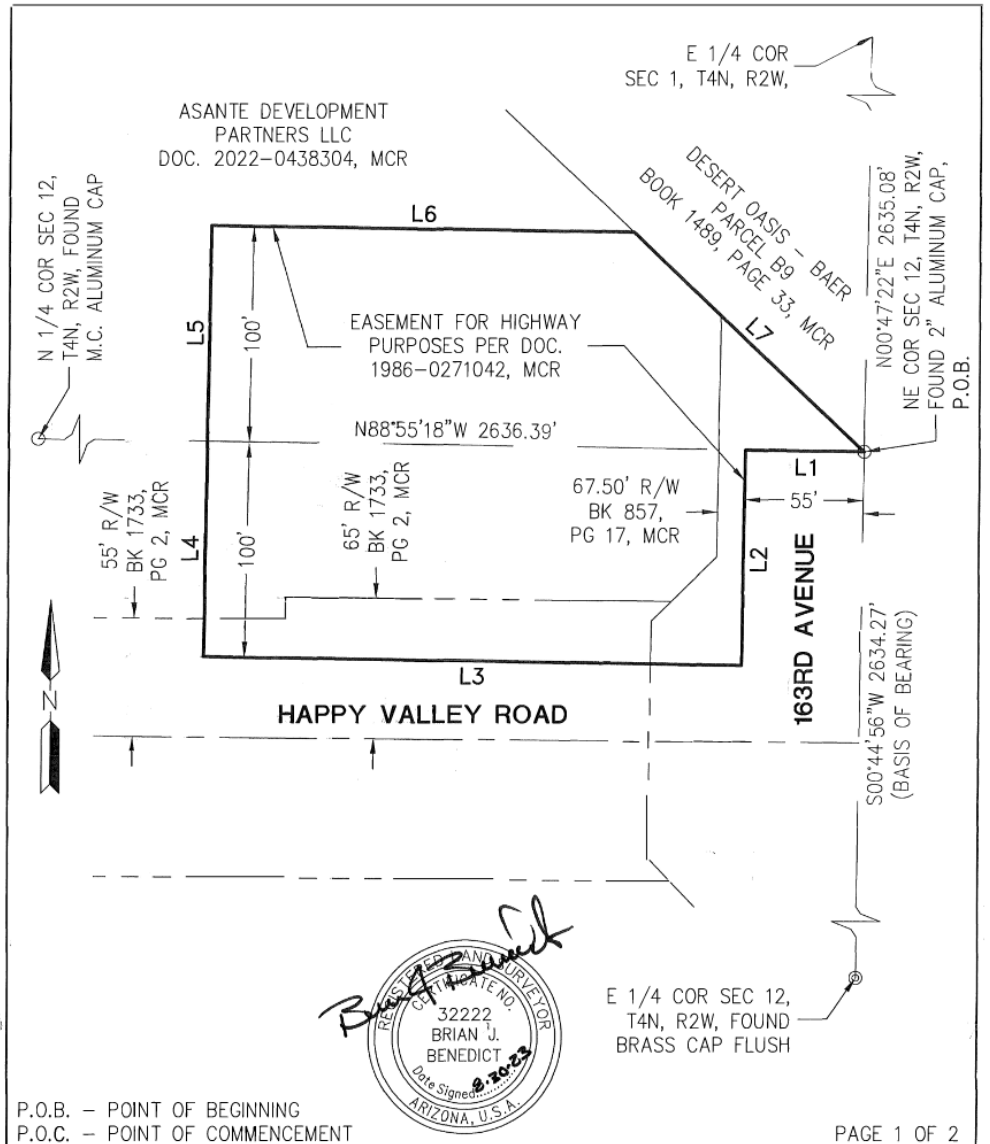
City Council

November 4, 2025

SURPRISE
ARIZONA



VICINITY MAP



P.O.B. – POINT OF BEGINNING
P.O.C. – POINT OF COMMENCEMENT

PAGE 1 OF 2

PROJ.NO.:	1909
DATE:	AUG 2023
SCALE:	N.T.S.
DRAWN BY:	GS/MRM
CHECKED BY:	BJB

ASANTE
163RD HIGHWAY EASEMENT ABANDONMENT
SURPRISE, ARIZONA
EXHIBIT

HILGARTWILSON
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, AZ 85016
P: 602.490.0535 / F: 602.368.2436

©2023, HILGARTWILSON, LLC

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EXHIBIT

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Lloyd Abrams, Director - Community Development

Submitting Department: Community Development

District: District 1

Staff Recommendations:

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

Agenda Wording:

Consideration and Action vacating the City interest in 1.73 acres of right-of-way comprised of 175th Avenue north of Greenway Road; Resolution 2025-130.

Motion:

I move to approve Resolution 2025-130.

Background:

The City of Surprise annexed the Area known as Surprise Farms on June 26, 1984, under Ordinance Number 84-03. On January 7th, 2004, the City Council approved plat Book 665 of Maps, page 24, approving the "Surprise Farms Phase 2 Map of Dedication", which dedicated 175th Avenue between Greenway and Surprise Farms Drive.

The width of the 175th Avenue right of way varies in this area but is on average 130 feet wide. The road that was developed was about 75 feet in width. The remaining area has some landscaping but remains mainly vacant land. The Surprise Farms II Community Association approached the City about assuming the area. The City is agreeable to the abandonment as it will reduce maintenance costs.

Objective Analysis:

Approval of this Resolution will allow the City to abandon a portion of right-of-way that is no longer needed and allow the community association to assume the maintenance and care of the area.

Policy Compliant:

The proposed Resolution is consistent with the Surprise General plan 2040 and the City of Surprise Land Development Ordinance.

Financial Impact:

This item has no financial impact as this item is requesting to abandon a portion of right-of-way rather than obtain one.

Budget Impact:
There is no anticipated budget impact related to this item.
FTE Impact:
This item does not have an impact on current staff levels.

ATTACHMENTS:
1. Resolution 2025-130 175th Abandonment
2. Greenway_175th ROW Abandonment - CC 11.04.25

RESOLUTION #2025-130

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, VACATING THE CITY OF SURPRISE'S INTEREST IN A PORTION OF A ROADWAY WITHIN SECTION 11, TOWNSHIP 4 NORTH, RANGE 2 WEST, GENERALLY LOCATED AT 175TH AVENUE AND GREENWAY ROAD.

WHEREAS, on June 26, 1984, the City annexed the area containing the roadway proposed to be vacated via Ordinance 84-03;

WHEREAS, a portion of the roadway proposed to be vacated was dedicated via Book 600 of Maps, page 17 of the Maricopa County Recorder;

WHEREAS, the area proposed to be vacated is approximately 1.731 acres;

WHEREAS, a portion of the roadway proposed to be vacated is located within the Surprise Farms Development;

WHEREAS, the Surprise Farms II Community Association has requested the City vacate a portion of roadway;

WHEREAS, City staff has opined that the portion of roadway proposed to be vacated is no longer necessary for City roadway purposes;

WHEREAS, pursuant to A.R.S. § 28-7205, the City Council may vacate a roadway;

WHEREAS, pursuant to A.R.S. § 28-7215(A), City staff has determined that any land adjoining the roadway will not be left without a public or private legal access connecting the land with an established public roadway, but nevertheless hereby expressly reserves herein the roadway rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and persons lawfully conducting business on the land; and

WHEREAS, pursuant to A.R.S. § 28-7215(B), City staff has determined that the portion of the roadway proposed to be vacated has no public use or no market value, and the adjacent owner(s) and Home Owners Association of Surprise Farms Phase 1B Development agrees to and shall assume both the costs of maintaining the public roadway, and all liability associated in any way with and for the public roadway.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, that:

Section 1. The City of Surprise hereby declares that the portion of roadway legally described in Exhibit A and depicted in Exhibit B (the "Property"), is no longer needed for a public roadway, and that it has no market value to the City.

Section 2. The City of Surprise acknowledges that pursuant to A.R.S. § 28-7205, upon vacating title to the Property, title will vest in The Surprise Farms II Community Association.

Section 3. The Surprise Farms II Community Association, shall assume both the costs of maintaining the public roadway, and all liability associated in any way with and for the public roadway.

Section 4. The City of Surprise hereby vacates its right, title, and interest in the Property, subject to expressly reserving the rights of ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees, and persons lawfully conducting business on the land, if any.

APPROVED AND ADOPTED this_____day of _____2025.

_____
Kevin D. Sartor Mayor

Attest:

_____
Kristi Passarelli, City Clerk

Approved as to form:

_____
Jeffrey Murray, City Attorney

EXHIBIT A

Legal Description

EXHIBIT "A"

DESCRIPTION

ROAD RIGHT-OF-WAY ABANDONMENT

A portion of the dedicated road right-of-way of 175th Avenue as defined in the "MAP OF DEDICATION FOR SURPRISE FARMS-PHASE 1B" as recorded in Book 627, Page 33, records of Maricopa County, Arizona and in the "SURPRISE FARMS PHASE 2 MAP OF DEDICATION" as recorded in Book 665, Page 24 records of Maricopa County, Arizona being located in the Southeast Quarter of Section 2, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona described as follows:

COMMENCING at the South Quarter Corner of said Section 2 from which the Southeast Corner of said Section 2 lies South 89°53'25" East 2641.88 feet;

Thence along the south line of said Southeast Quarter South 89°53'25" East 136.45 feet;

Thence departing said line North 00°10'37" West 65.00 feet to the POINT OF BEGINNING;

Thence North 00°10'37" West 279.00 feet to the beginning of a tangent curve, concave westerly, having a radius of 625.00 feet;

Thence northerly along the arc of said curve through a central angle of 06°49'25" a distance of 74.43 feet to the beginning of a reverse curve, concave easterly, having a radius of 575.00 feet;

Thence northerly along the arc of said curve through a central angle of 06°49'25" a distance of 68.48 feet;

Thence North 00°10'37" West 16.73 feet to the beginning of a tangent curve, concave easterly, having a radius of 84.77 feet;

Thence northerly along the arc of said curve through a central angle of 25°55'11" a distance of 38.35 feet to the beginning of a reverse curve having a radius of 63.45 feet;

Thence northerly along the arc of said curve through a central angle of 50°11'25" a distance of 55.58 feet to the beginning of a reverse curve, concave easterly, having a radius of 105.25 feet;

Thence northerly along the arc of said curve through a central angle of 24°16'13" a distance of 44.58 feet;

Continued on Page 2 of 2

Continued from Page 1 of 2

Thence North 00°10'37" West 7.20 feet to the beginning of a tangent curve, concave easterly, having a radius of 575.00 feet;

Thence northerly along the arc of said curve through a central angle of 06°49'25" a distance of 68.43 feet to the beginning of a reverse curve, concave westerly, having a radius of 625.00 feet;

Thence northerly, along the arc of said curve through a central angle of 06°49'25" a distance of 74.43 feet;

Thence North 00°10'37" West 173.28 feet to the beginning of a tangent curve, concave southeasterly, having a radius of 20.00 feet;

Thence northeasterly along the arc of said curve through a central angle of 89°35'47" a distance of 31.28 feet;

Thence North 89°25'10" East 60.14 feet to a point on the west line of the final plat of 'SURPRISE FARMS PHASE 1-B SOUTH PARCEL 11" as recorded in Book 600, page 17 records of said County;

Thence along said west line South 00°10'37" East 881.28 feet;

Thence along the southwest line of said final plat South 44°54'00" East 49.55 feet;

Thence North 89°53'25" West 114.87 feet to the POINT OF BEGINNING.

Containing 1.731 acres, more or less.

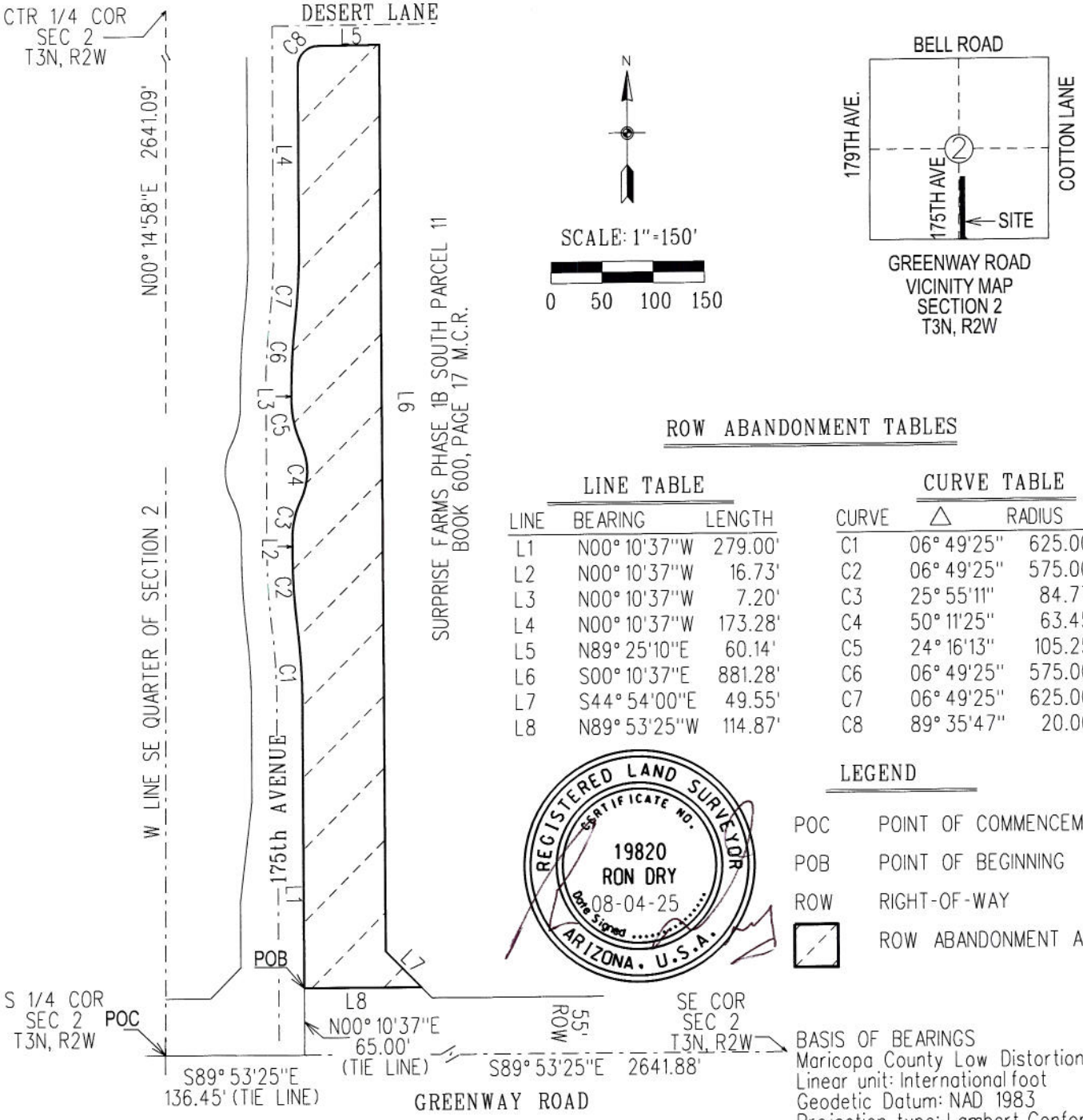
Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description

EXHIBIT B

Depiction

EXHIBIT "B"



ROW ABANDONMENT TABLES

LINE TABLE

LINE	BEARING	LENGTH
L1	N00° 10'37"W	279.00'
L2	N00° 10'37"W	16.73'
L3	N00° 10'37"W	7.20'
L4	N00° 10'37"W	173.28'
L5	N89° 25'10"E	60.14'
L6	S00° 10'37"E	881.28'
L7	S44° 54'00"E	49.55'
L8	N89° 53'25"W	114.87'

CURVE TABLE

CURVE	△	RADIUS	LENGTH
C1	06° 49'25"	625.00'	74.43'
C2	06° 49'25"	575.00'	68.48'
C3	25° 55'11"	84.77'	38.35'
C4	50° 11'25"	63.45'	55.58'
C5	24° 16'13"	105.25'	44.58'
C6	06° 49'25"	575.00'	68.48'
C7	06° 49'25"	625.00'	74.43'
C8	89° 35'47"	20.00'	31.28'

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
Date Signed 08-04-25
ARIZONA. U.S.A.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
ROW	RIGHT-OF-WAY
	ROW ABANDONMENT AREA

BASIS OF BEARINGS
Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
Latitude of origin: 33° 15'00"N
Central meridian: 112° 15'00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045 (exact)

ROAD RIGHT-OF-WAY ABANDONMENT	SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT # 25015	DRAWN BY RCD	DATE 08-04-25	SHEET 1 OF 1

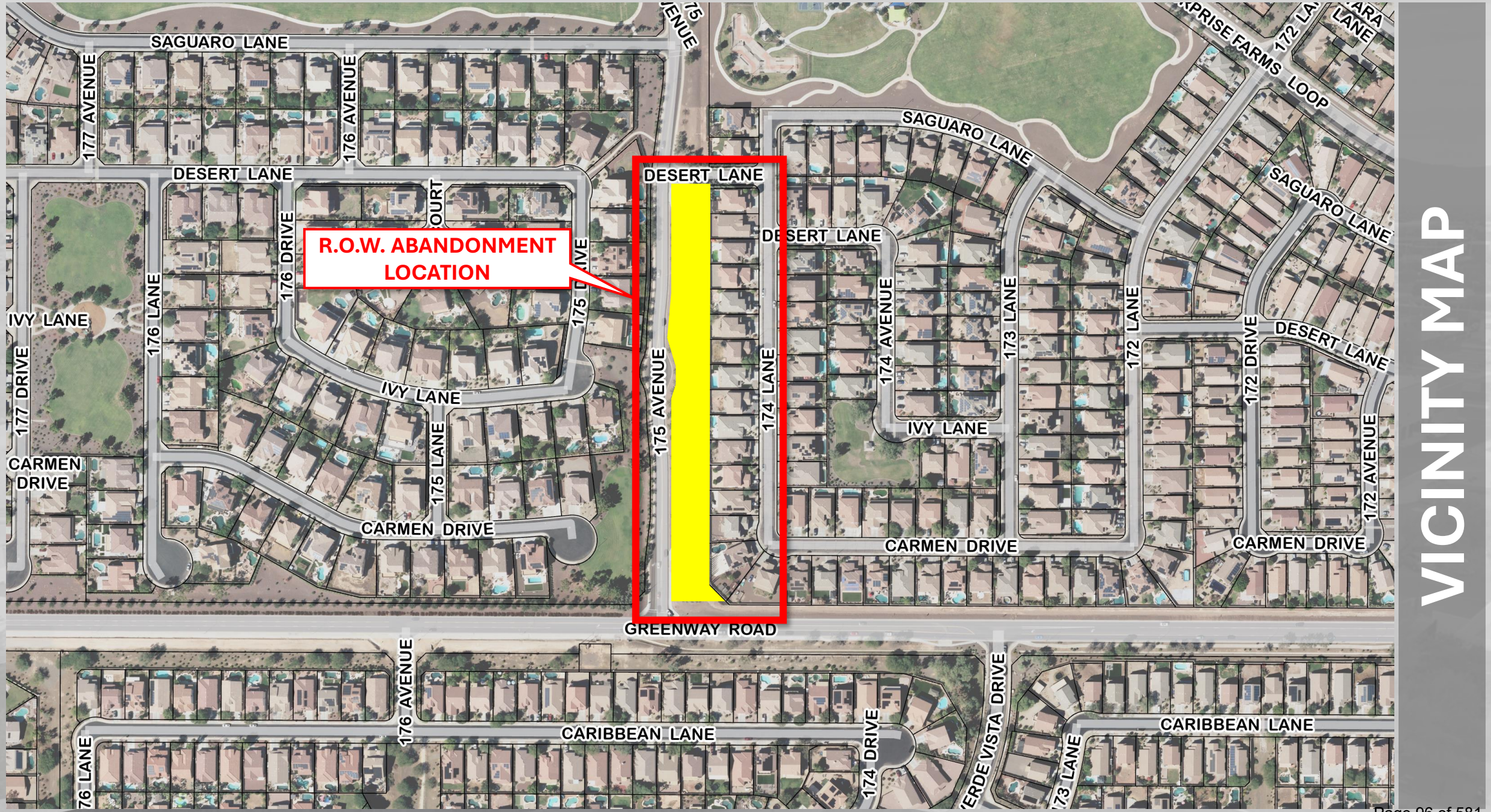
Greenway Rd & 175th Ave

Right-of-Way Abandonment

City Council

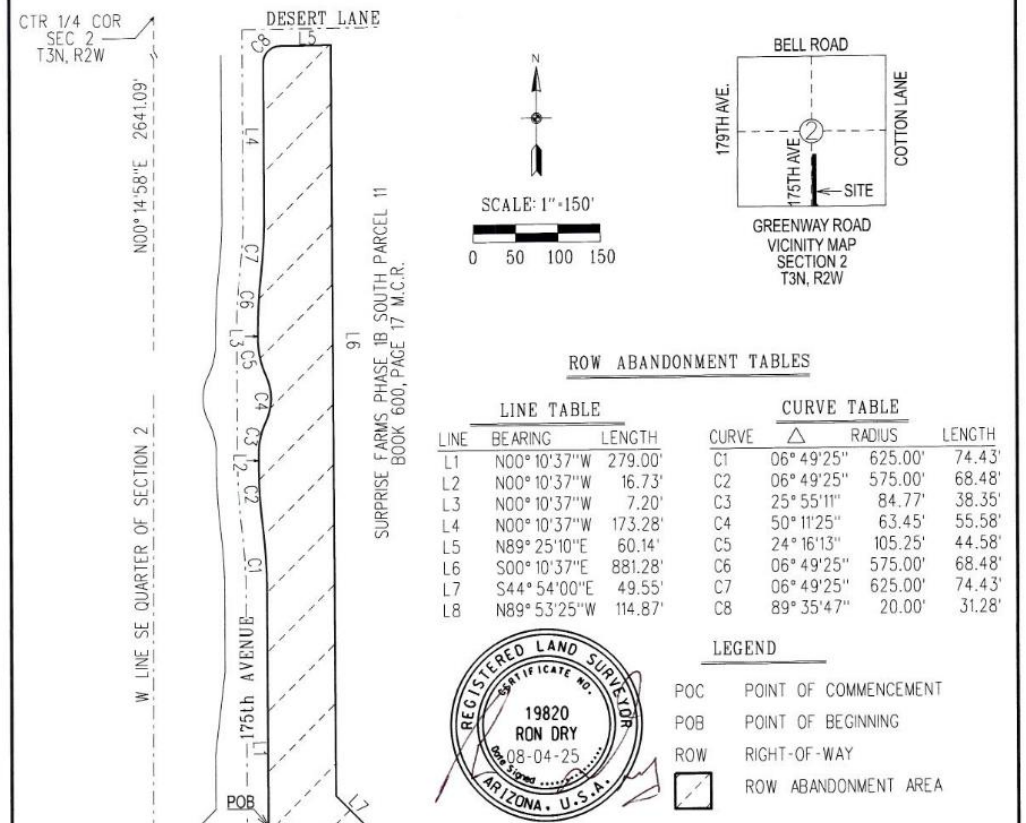
November 4, 2025

SURPRISE
ARIZONA



VICINITY MAP

EXHIBIT "B"



ROW ABANDONMENT TABLES

LINE TABLE

LINE	BEARING	LENGTH
L1	N00° 10'37"W	279.00'
L2	N00° 10'37"W	16.73'
L3	N00° 10'37"W	7.20'
L4	N00° 10'37"W	173.28'
L5	N89° 25'10"E	60.14'
L6	S00° 10'37"E	881.28'
L7	S44° 54'00"E	49.55'
L8	N89° 53'25"W	114.87'

CURVE TABLE

CURVE	△	RADIUS	LENGTH
C1	06° 49'25"	625.00'	74.43'
C2	06° 49'25"	575.00'	68.48'
C3	25° 55'11"	84.77'	38.35'
C4	50° 11'25"	63.45'	55.58'
C5	24° 16'13"	105.25'	44.58'
C6	06° 49'25"	575.00'	68.48'
C7	06° 49'25"	625.00'	74.43'
C8	89° 35'47"	20.00'	31.28'

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
08-04-25
Date Signed
ARIZONA, U.S.A.

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
ROW	RIGHT-OF-WAY
	ROW ABANDONMENT AREA

BASIS OF BEARINGS
Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
Latitude of origin: 33° 15'00"N
Central meridian: 112° 15'00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045 (exact)

ROAD RIGHT-OF-WAY ABANDONMENT	SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT # 25015	DRAWN BY RCD	DATE 08-04-25	SHEET 1 OF 1

EXHIBIT

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Lloyd Abrams, Director - Community Development

Submitting Department: Community Development

District: District 1

Staff Recommendations:

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

Agenda Wording:

Consideration and Action on accepting a Special Warranty Deed from Parcel B2 at Desert Oasis LLC, for parcel 503-73-171 along 163rd Avenue at Jomax Road.

Motion:

I move to approve accepting a Special Warranty Deed from Desert Oasis LLC.

Background:

In 2023, the City of Surprise residents approved the G.O. Bond for several projects. One of those projects was the improvement of 163rd Avenue north of Grand Avenue. With ongoing development, the City identified the need to improve access into this area. The right of way being dedicated is needed in association with the road improvements being done along 163rd Avenue that will allow the City to expand the east side of 163rd Avenue to accommodate additional northbound lanes of traffic.

Objective Analysis:

As this area continues to develop, additional lanes are needed to handle the increase in traffic and safer traffic movements.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

This project is part of the 2023 G.O. Bonds. The right of way dedication is needed to support the expansion of 163rd Avenue. The City will plan for future operation and maintenance when the additional roadway is in place.

FTE Impact:

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

ATTACHMENTS:

1. SWDeed Item 958 503-73-171
2. 163rd & Jomax Special Warranty Deed

When recorded return to:
City Clerk
City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, AZ 85374

Exempt from filing an
Affidavit of legal value
A.R.S. §11-1134(A)(3)

SPECIAL WARRANTY DEED

For the consideration of Ten Dollar ($10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Parcel B2 at Desert Oasis LLC, an Arizona limited liability company ("Grantor"), hereby conveys to the **CITY OF SURPRISE**, an Arizona municipal corporation, the following real property situated in Maricopa County, Arizona, together with all rights and privileges appurtenant thereto:

> See Exhibit A and B attached hereto and incorporated herein by this reference (the "Property").

Subject to all reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

And Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of Grantor herein and none other, subject to the matters above set forth.

Dated this ____day of _____, 2025

GRANTOR
Parcel B2 at Desert Oasis LLC., an Arizona Limited Liability Company

By: Taproot Consulting
Its: Manager

_____
By: John Wittrock
Its: Manager/Member

STATE OF ARIZONA)
)ss.
County of MARICOPA)

This instrument was acknowledged and executed before me this 16th day of September 2025, by JOHN WITTROCK

My Commission Expires:
8/1/2026

_____
NOTARY PUBLIC

OFFICIAL SEAL
RENAE LINDLEY
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
COMM# 635415
My Comm. Expires August 1, 2026

GRANTEE:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____
Kevin Sartor
Its: Mayor

Attest:

_____
Kristi Passarelli, City Clerk

STATE OF ARIZONA)
)SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Kevin Sartor, known by me as the Mayor of the City of Surprise an Arizona municipal corporation.

_____
Notary Public

My Commission Expires:

Exhibit A

DESCRIPTION

ROAD RIGHT-OF-WAY DEDICATION

A portion of Parcel B2 of "DESERT OASIS of SURPRISE BAER PARCEL MAP OF DEDICATION" as recorded in Book 666, Page 08, records of Maricopa County, Arizona, being located in the Northeast Quarter of Section 1, Township 4 North, Range 2 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest Corner of Section 31, Township 5 North, Range 1 West, of the Gila and Salt River Meridian from which the Northeast Corner of said Section 1 lies North 89°47'37" East 907.46 feet, being also a point on the centerline of 163rd Avenue;

Thence along said centerline South 00°01'38" West 89.73 feet;

Thence departing said centerline South 89°58'22" East 65.00 feet to the north corner of said Parcel and the POINT OF BEGINNING;

Thence along the northeast line of said Parcel South 31°56'03" East 30.19 feet;

Thence departing said line South 44°46'18" West 4.24 feet;

Thence South 00°01'38" West 184.10 feet to the beginning of a tangent curve, concave westerly, having a radius of 2978.00 feet;

Thence southerly along the arc of said curve through a central angle of 01°40'41" a distance of 87.22 feet;

Thence North 88°17'44" West 13.00 feet to the west line of said Parcel, being a point on a non-tangent curve, concave westerly, the center of which lies North 88°17'41" West 2965.00 feet;

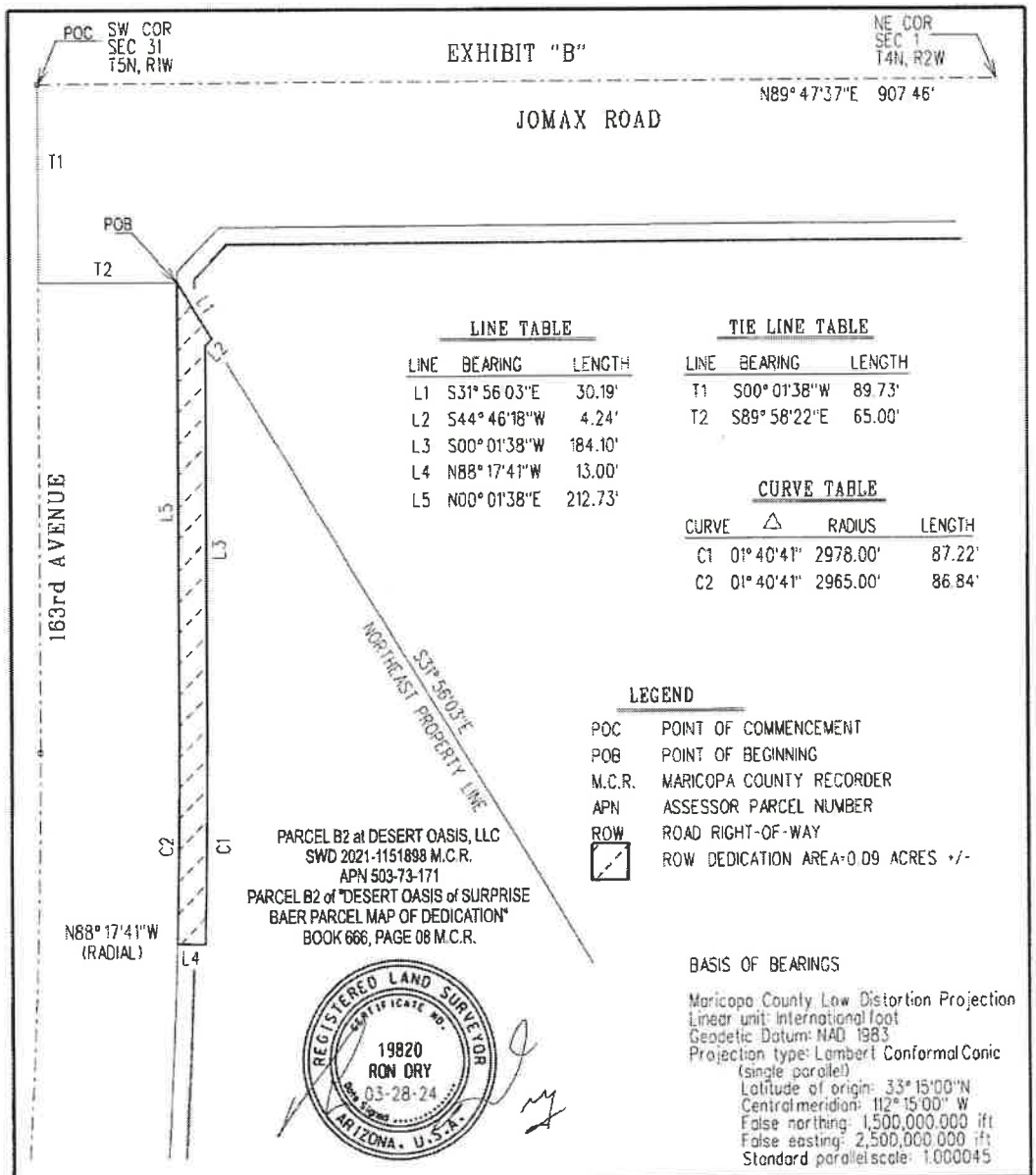
Thence northerly along said west line and the arc of said curve through a central angle of 01°40'41" a distance of 86.84 feet;

Thence continuing along said west line North 00°01'38" East 212.73 feet to the POINT OF BEGINNING.

Containing 0.09 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



LINE TABLE

LINE	BEARING	LENGTH
L1	S31°56'03"E	30.19'
L2	S44°46'18"W	4.24'
L3	S00°01'38"W	184.10'
L4	N88°17'41"W	13.00'
L5	N00°01'38"E	212.73'

TIE LINE TABLE

LINE	BEARING	LENGTH
T1	S00°01'38"W	89.73'
T2	S89°58'22"E	65.00'

CURVE TABLE

CURVE	Δ	RADIUS	LENGTH
C1	01°40'41"	2978.00'	87.22'
C2	01°40'41"	2965.00'	86.84'

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
M.C.R.	MARICOPA COUNTY RECORDER
APN	ASSESSOR PARCEL NUMBER
ROW	ROAD RIGHT-OF-WAY
	ROW DEDICATION AREA=0.09 ACRES +/-

BASIS OF BEARINGS

Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
Latitude of origin: 33°15'00"N
Central meridian: 112°15'00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045

ROAD RIGHT-OF-WAY DEDICATION	SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT * 23021	DRAWN BY RCD	DATE 03-28-24	SHEET 1 OF 1

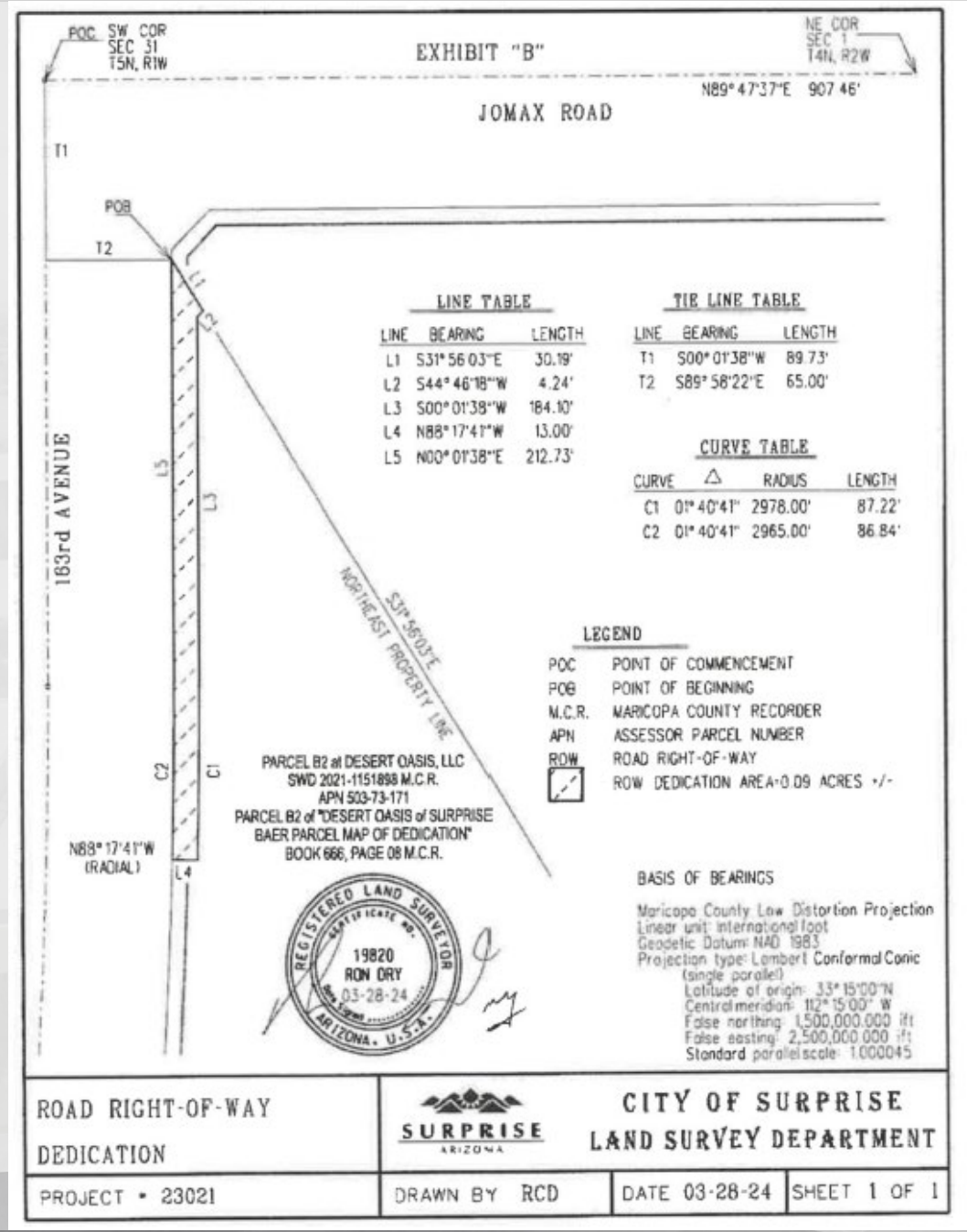
163rd Avenue & Jomax Road

Special Warranty Deed

City Council
November 4, 2025

SURPRISE
ARIZONA

VICINITY MAP


POC SW COR SEC 31 T5N, R1W
EXHIBIT "B"
NE COR SEC 1 T4N, R2W
N89°47'37"E 907.46'
JOMAX ROAD
T1
POB
T2
163rd AVENUE
L5
L3
C2
C1
L4
N88°17'41"W (RADIAL)
S31°56'03"E
NORTHEAST PROPERTY LINE
PARCEL B2 of DESERT OASIS, LLC
SWD 2021-1151898 M.C.R.
APN 503-73-171
PARCEL B2 of "DESERT OASIS of SURPRISE BAER PARCEL MAP OF DEDICATION"
BOOK 666, PAGE 08 M.C.R.
REGISTERED LAND SURVEYOR
19820
RON DRY
03-28-24
ARIZONA, U.S.A.
LINE TABLE
LINE BEARING LENGTH
L1 S31°56'03"E 30.19'
L2 S44°46'18"W 4.24'
L3 S00°01'38"W 184.10'
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C1 01°40'41" 2978.00' 87.22'
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LEGEND
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
APN ASSESSOR PARCEL NUMBER
ROW ROAD RIGHT-OF-WAY
ROW DEDICATION AREA=0.09 ACRES +/-
BASIS OF BEARINGS
Maricopa County Low Distortion Projection
Linear unit: International foot
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False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045
ROAD RIGHT-OF-WAY DEDICATION
SURPRISE ARIZONA
CITY OF SURPRISE
LAND SURVEY DEPARTMENT
PROJECT • 23021
DRAWN BY RCD
DATE 03-28-24
SHEET 1 OF 1

EXHIBIT

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: Police
Staff Recommendations:

Contact Person: Evan Becher, POLICE CHIEF
District: Citywide

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

Agenda Wording:
Consideration and action pertaining to authorizing acceptance of a grant award from the Arizona Department of Public Safety to provide services to crime victims and approval of a Fiscal Year 2026 budget amendment moving budget in the amount of $130,700; Resolution #2025-128.

Motion:
I move to approve Resolution #2025-128.

Background:
The Surprise Police Department has been awarded a federal grant through the Arizona Department of Public Safety in the amount of $130,648 for salary and fringe benefit expenses of the Department's full-time victim advocate and a part-time (.7 FTE) victim advocate. Services covered by the grant and provided by the Victim Assistance Unit include (1) response to emotional and physical needs of crime victims; (2) assist primary and secondary victims of crime to stabilize their lives after a victimization; (3) assist victims to understand and participate in the criminal justice system and; (4) provide victims of crime with a measure of safety and security.

Objective Analysis:
The grant pays a portion of the salaries and fringe benefits of the current full-time victim advocate and one part-time victim advocate within the Victim Assistance Unit.

Policy Compliant:
This action is consistent with City and Council Policy. The City regularly partners with other governmental entities when it is beneficial to do so.

Financial Impact:
Acceptance of this one-time funding will provide $130,648 for victim advocate personnel and fringe benefit expenses in FY2026. There is no city match as this has been waived by the grantor.

Budget Impact:
The FY2026 adopted budget did not include appropriations for revenue and expenses related to the FY2026 Arizona Department of Public Safety grant award. Acceptance of this grant will require a

movement of budget authority in the amount of $130,700 from General Continency to Project G31254 in the Grants Fund. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

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

ATTACHMENTS:

1. 25.10.21 Res 2025-128 VOCA FY26_FINAL
2. SubgrantAwardAgreementFY26 (1)
3. 1GeneralConditionsFY26
4. 2025-128 Certification Forms

RESOLUTION # 2025-128

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO A GRANT AGREEMENT WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR A VOCA GRANT AND AMENDING THE FISCAL YEAR 2026 BUDGET BY MOVING BUDGET AUTHORITY IN THE AMOUNT OF $130,700 FROM THE GENERAL CONTINGENCY TO PROJECT G31254 IN THE GRANTS FUND.

WHEREAS, the City has for years applied for and received grants through the Arizona Department of Public Safety (DPS) for the Police Department to provide victim services to crime victims pursuant to the Victims of Crime Act of 1984;

WHEREAS, DPS has tentatively awarded the City a grant in the amount of $130,648;

WHEREAS, the City and the Police Department desire to accept this grant agreement;

WHEREAS, the FY2026 budget was adopted by Council Resolution #2025-71 on June 3, 2025;

WHEREAS, this action will necessitate a budget amendment; and

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

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2025, through June 30, 2026.

Section 2. The Grant Agreement between the City of Surprise and the Arizona Department of Public Safety, attached as Exhibit B, is approved.

Section 3. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

[SIGNATURES ON FOLLOWING PAGE]

APPROVED AND ADOPTED this _____day of _____, 2025.

Kevin D. Sartor, Mayor

Attest:

Kristi Passarelli, City Clerk

Approved as to form:

Jeffrey Murray, City Attorney

RESOLUTION # 2025-128
Exhibit A

1. Appropriation - The allocation below represents a movement of budget authority in the amount of $130,700 from General Contingency to G31254 FY26 VOCA in the Grants Fund to cover a portion of salary and fringe benefit expenses for the full-time and part-time victim advocates. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Police	#G31254 FY26 VOCA	E	-	130,700	130,700
Grants	Police	#G31254 FY26 VOCA	R	-	130,700	130,700
Contingency	General Operations	Contingency	E	83,659,800	(130,700)	83,529,100
Contingency	General Operations	Other	R	81,965,700	(130,700)	81,835,000
			Expense Total	**83,659,800**	**-**	**83,659,800**
			Revenue Total	**81,965,700**	**-**	**81,965,700**

RESOLUTION # 2025-128
Exhibit B

AGREEMENT BETWEEN

THE CITY OF SURPRISE AND ARIZONA DEPARTMENT OF PUBLIC SAFETY
VICTIMS OF CRIME ACT (VOCA)

VICTIM ASSISTANCE GRANT PROGRAM

(BEGINS ON THE NEXT PAGE)

ARIZONA DEPARTMENT OF PUBLIC SAFETY

VICTIMS OF CRIME ACT (VOCA) VICTIM ASSISTANCE GRANT PROGRAM
FEDERAL GRANT# 15POVC-23-003880-ASSI
CFDA #16.575
SUBGRANT AWARD AGREEMENT

SUBRECIPIENT

AGENCY: City of Surprise Police Department
ADDRESS: 14250 W. Statler Plaza #103
CITY: Surprise STATE: Arizona ZIP: 85374-7481
UNIQUE ENTITY IDENTIFIER: CNDLLN6WTTE3

PROJECT TITLE: Victim Assistance Unit - Surprise Police Department Renewal
AWARD AMOUNT: $130,648
REQUIRED MATCH (NON-FEDERAL SOURCE): $32,662
PROJECT PERIOD: 10/01/2025 to 09/30/2026
PROJECT PURPOSE: To provide assistance to victims of crime.

This agreement is made under the authority of the Victims of Crime Act of 1984, U.S. Code, Title 34, Subtitle II, Chapter 201, Subchapter I, § 20101, et seq. as amended, and specifically 34 U.S.C. §20103.

The purpose of this agreement shall be to award Victims of Crime Act (VOCA) Assistance funds to the subrecipient to provide services to victims of crime as authorized by the Victims of Crime Act. Awards may be supplemented by other federal, state, local, and private funds. Subrecipient's agreement or amended agreement(s) is incorporated by reference into this Subgrant Award Agreement.

This award is subject to agreement by the subrecipient, including any DPS VOCA funded positions and their immediate supervisors, to conform to the provisions of the Victims of Crime Act of 1984; the DPS VOCA victim assistance grant program guidelines; the subrecipient's application; the most recent version of the general conditions, which are incorporated here by reference, and certifications; the most recent version of the Department of Justice Grants Financial Guide; the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR Part 200 and supplemented by the Department of Justice in 2 CFR Part 2800 (together, the "Part 200 Uniform Requirements"); Executive Order 12372; and 28 CFR pts. 66 and 70, all of which are incorporated by reference as if fully stated herein.

Subrecipients, and all their contractors, will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 CFR pts. 18, 22, 23, 30, 35, 38 (as amended on May 4, 2016), 42, 46, 54, 61 Appendix D, and 63, and the award term in 2 CFR § 175.15 (b); section 106 of the National Historic Preservation Act of 1966 (16 USC § 470); Executive Order 11593; the Archaeological and Historical Preservation Act of 1974 (16 USC § 469 a-1 et seq.); the National Environmental Policy Act of 1969 (42 USC § 4321); and any applicable statutorily-imposed nondiscrimination requirements, which may include Title VI of the Civil Rights Act of 1964, as amended, (42 USC § 2000d and 28 CFR § 42.101 et seq.); the Indian Civil Rights Act (25 USC §§ 1301-1303); Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 and 28 CFR § 42.501 et seq.); the Age Discrimination Act of 1975 (42 USC § 6101-07 and 28 CFR § 42.700 et seq.); Title IX of the Education Amendments

of 1972 (20 USC § 1681, 1683, 1685-86 and 28 CFR pt. 54); the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968 (34 USC § 10228(c) and 28 CFR § 42.201 et seq.); the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, as amended, (34 USC § 11182(b)); Section 1407 of the Victims of Crime Act (VOCA) of 1984 (34 USC § 20110(e)); Title II of the Americans with Disabilities Act of 1990 (42 USC § 12131-34 and 28 CFR pt. 35); and Partnerships with Faith-Based and Other Neighborhood Organizations (28 CFR pt. 38 and Executive Order 13279 as amended by Executive Order 13559); and State Executive Order No. 2009-09. The above referenced federal and state laws prohibit discrimination on the basis of race, color, religion, sex, disability, and national origin (including limited English proficiency) in the delivery of services and employment practices and prohibit discrimination on the basis of age in the delivery of services.

Governmental entities will comply with the requirements of Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 USC § 4601 et seq.), and 5 USC §§ 1501-08 and §§ 7324-28 which limit certain political activities of State and local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

The Arizona Department of Public Safety agrees to pay the subrecipient the AWARD AMOUNT in the below shown sums per periods listed:

Approved Budget

Federal VOCA Amount

Budget line items	10/1/2025 - 9/30/2026	10/1/2026 - 9/30/2027	10/1/2027 - 9/30/2028	Total
Personnel - Salary	$102,114	$0	$0	$102,114
Personnel - Fringe Benefits	$28,534	$0	$0	$28,534
Contractual Services	$0	$0	$0	$0
Mileage	$0	$0	$0	$0
Training	$0	$0	$0	$0
Capital Equipment	$0	$0	$0	$0
Other Expenses	$0	$0	$0	$0
Total	$130,648	$0	$0	$130,648

Match Amount

Budget line items	10/1/2025 - 9/30/2026	10/1/2026 - 9/30/2027	10/1/2027 - 9/30/2028	Total
Personnel - Salary	$0	$0	$0	$0
Personnel - Fringe Benefits	$0	$0	$0	$0
Volunteers	$12,317	$0	$0	$12,317
Contractual Services	$0	$0	$0	$0
Mileage	$0	$0	$0	$0
Training	$0	$0	$0	$0
Capital Equipment	$0	$0	$0	$0
Other Expenses	$0	$0	$0	$0
Match Waiver	$20,345	$0	$0	$20,345
Total	$32,662	$0	$0	$32,662

For the Arizona Department of Public Safety:

Jeffrey Glover, Colonel
Director
Arizona Department of Public Safety

Date

For the Subrecipient:

Authorizing Official:

Evan Becher

Date

Approved as to form:

Attorney for Subrecipient (optional)

ARIZONA DEPARTMENT OF PUBLIC SAFETY
VICTIMS OF CRIME ACT (VOCA) VICTIM ASSISTANCE GRANT PROGRAM
SUBGRANT AWARD AGREEMENT

General Conditions

1.0 Definition of Terms. As used in this subgrant award agreement, the terms listed below are defined as follows:

1.1 "Agreement" means a written online Request for Grant Application (RFGA) approved by the Arizona Department of Public Safety.

1.2 "Agreement Amendment" means a written online document requested by the subrecipient agency for the purpose of making changes in the agreement and approved by the Arizona Department of Public Safety.

1.3 "Application" means a written online Request for Grant Application (RFGA).

1.4 "Days" means calendar days unless otherwise specified.

1.5 "Direct Service" means supportive services provided through direct contact with a victim in-person, by phone or hotline, or by email.

1.6 "Director" means the Director of the Arizona Department of Public Safety, or his/her designee, who is duly authorized by the State to enter into grant agreements and make written determinations with respect to those agreements.

1.7 "DPS" means the Arizona Department of Public Safety.

1.8 "Grant" means the furnishing of financial or other assistance, including state or federal grant funds, by the Department of Public Safety to any person for the purpose of supporting or stimulating educational, cultural, social or economic quality of life.

1.9 "Gratuity" means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

1.10 "Match" means additional resources (cash or in-kind) provided by the subrecipient to support the DPS VOCA funded project. Cash match shall be from a non-Federal source.

1.11 "Project" means activities and services supported by Victims of Crime Act (VOCA) funds plus required match, relating to this subgrant award agreement only.

1.12 "Services" means the furnishing of labor, time or effort by a subrecipient which does not involve the delivery of a specific end product other than required reports and performance. Allowable services include those efforts that (1) respond to the emotional and physical needs [healing] of crime victims; (2) assist primary and secondary victims of crime to stabilize [restitution/economic restabilization] their lives after a victimization; (3) assist

victims to understand and participate in the criminal [justice] system; and (4) provide victims of crime with a measure of [safety] and security.

1.13 "State" means the State of Arizona and Department or Agency of the State that executes the subgrant award agreement.

1.14 "Subgrant award agreement" means a written signed agreement between the Arizona Department of Public Safety and the grant recipient for the award of DPS VOCA funds.

1.15 "Subrecipient" means the legal entity to which a subaward is made and which is accountable to DPS for the use of the funds provided.

1.16 "VOCA" means Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20101, et seq.

2.0 Subgrant award agreement interpretation.

2.1 Arizona Law. Arizona law applies to this grant award agreement, including the Solicitation and Award of Grants, Arizona Revised Statutes (A.R.S.) Title 41, Chapter 24, and its implementing rules.

2.2 Subgrant Award Agreement Order of Precedence. In the event of a conflict in the provisions of the subgrant award agreement, the following shall prevail in the order set forth below:

2.2.1 Special Conditions;
2.2.2 General Conditions;
2.2.3 DPS / VOCA Guidelines;
2.2.4 Federal VOCA Guidelines; DOJ Grants Financial Guide (including any updated version that may be posted during the period of performance); and Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR Part 200.

2.3 Relationship of parties. The subrecipient under this subgrant award agreement is an independent subrecipient. Neither party to this subgrant award agreement shall be deemed to be the employee or agent of the other party to the subgrant award agreement.

2.4 Severability. The provisions of this subgrant award agreement are severable. Any condition deemed illegal or invalid shall not affect any other condition of the subgrant award agreement.

2.5 No parole evidence. This subgrant award agreement is intended by the parties as a final and complete expression of their agreement. No prior dealings between the parties shall supplement or explain any terms used in this document and no other understanding either oral or in writing shall be binding.

2.6 No waiver. Either party's failure to insist on strict performance of any condition of the subgrant award agreement shall not be deemed a waiver of that condition even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object to it.

3.0 Subgrant award agreement administration and operation.

3.1 Non-Discrimination. The subrecipient shall comply with State Executive Order No. 2023-01 and all other applicable Federal and State laws, rules and regulations related to the prohibition against discrimination, including A.R.S. § 41-1461, et seq., Title VI of the Civil Rights Act of 1964, as amended, the Indian Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, the Omnibus Crime Control and Safe Streets Act of 1968, the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the Victims of Crime Act of 1984, the Americans with Disabilities Act of 1990, Department of Justice implementing regulations and Partnerships with Faith-Based and Other Neighborhood Organizations.

If in the three years prior to the date of the grant award, a federal or state court or administrative agency makes an adverse finding of discrimination after a due process hearing against the subrecipient agency on the grounds of race, color, national origin, religion, sex, or disability, the subrecipient shall forward a copy of the finding to the Department of Justice, Office of Justice Programs, and DPS.

3.1.1 Providing Services to Limited English Proficiency (LEP) Individuals. Recipients (and subrecipients) must ensure that Limited English Proficiency (LEP) persons have meaningful access to the services under this program. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI and the Safe Streets Act, recipients and subrecipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees (and subgrantees) to help them comply with Title VI requirements. The guidance document can be accessed on the internet at www.lep.gov.

3.1.2 Faith-Based Organizations. Department of Justice regulations prohibit faith-based organizations from using financial assistance from the Department of Justice to fund explicitly religious activities. While faith-based organizations can engage in non-funded explicitly religious activities, they shall be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

3.1.3 Equal Employment Opportunity Plan. The subrecipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if required to submit one pursuant to 28 CFR Section 42.302) that is approved by the Office for Civil Rights is a violation of its Standard Assurances and may result in suspension or termination of funding, until such time as the subrecipient is in compliance.

3.1.4 Civil Rights Compliance Review. The subrecipient shall provide relevant information regarding civil rights policies and procedures during the DPS-VOCA Civil Rights Compliance Review process.

3.2 Certification Regarding Lobbying. Subrecipients entering into a VOCA grant or cooperative agreement over $100,000 shall certify that no Federal funds have been paid or will be paid, by or on behalf of the subrecipient, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement. Federal funds include but are not limited to such grants as Victims of Crime Act (VOCA), Violence Against Women Act (VAWA), Family Violence Prevention and Services Act (Rural Safe Home Network Program), and the Children's Justice Act, which may be administered through a State or other local governmental agency. Additionally, subrecipients shall disclose to DPS any lobbying activities that have been paid or will be paid with any funds other than Federal funds.

3.2.1 Lobbying Activities. The subrecipient understands and agrees that it cannot use any federal funds, either directly or indirectly, to support or oppose the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government. Furthermore, the subrecipient understands and agrees that it cannot use any federal funds to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award.

Should any question arise as to whether a particular use of Federal funds by the subrecipient would or might fall within the scope of this prohibition, the subrecipient shall contact DPS for guidance, and may not proceed without the express prior written approval of DPS.

3.3 Required reports. The subrecipient will submit reports on such data in such form and at such times as required by DPS, to include:

3.3.1 Subgrant Award Report is due no later than October 30th of Year 2 and Year 3 of the grant cycle;
3.3.2 Monthly financial reports are due no later than the 15th of each month;
3.3.3 Quarterly statistical and programmatic reports are due no later than 30 days following the close of each quarter (the subrecipient agrees to collect and maintain data that measure the performance and effectiveness of work under this award);
3.3.4 Final Request to Reprogram Funds (if necessary) is due no later than June 30th of each fiscal year within the grant cycle;
3.3.5 Year-end amendment is due in conjunction with the final Monthly Financial Report which is due no later than October 15th; and
3.3.6 All obligations properly incurred by September 30th of each fiscal year within the grant cycle must be liquidated no later than November 30th. Any funds not liquidated by November 30th will revert to DPS;
3.3.7 the Annual Report is due no later than October 30th of each fiscal year within the grant cycle.

Failure to submit complete, accurate and timely reports may result in a reduction of the current award. Any three combined occurrences of monthly or quarterly reports submitted over 15 days late and/or three combined occurrences relating to the submission of

incomplete or inaccurate monthly or quarterly reports may result in up to a 10% award reduction as determined by DPS.

3.4 Disclosure of High Risk Status. If the subrecipient is designated "high risk" by a federal or state grant-making agency outside of DPS, currently or at any time during the course of the period of performance under this award, the recipient must disclose the fact and certain related information to DPS. For the purposes of this disclosure, high risk includes any status under which a federal or state awarding agency provides additional oversight due to the subrecipient's past performance, or other programmatic or financial concerns with the subrecipient. If the subrecipient is designated high risk by another federal or state awarding agency, the subrecipient must provide the following information: (1) the federal or state awarding agency that designates the subrecipient high risk; (2) the date the subrecipient was designated high risk; (3) the high risk point of contact at that federal or state awarding agency (name, phone number, and email address); (4) the reasons for the high risk status, as set out by the federal or state awarding agency.

In the event DPS determines that the subrecipient has failed to meet the acceptable standard for maintaining financial and/or programmatic documentation or is identified as a high risk subrecipient, the subrecipient agrees to comply with any additional requirements that may be imposed by DPS.

3.5 Records. The subrecipient shall retain all financial records, supporting documentation, statistical records and all other records pertinent to this award until April 30, 2032. In addition, with a 24-hour notice, the subrecipient will allow DPS and the Department of Justice's Office for Victims of Crime and/or the Office of the Chief Financial Officer (or its representatives) to review all of the subrecipient's records concerning this grant project.

3.6 Capital equipment. Any purchase of capital equipment shall be approved by DPS prior to purchase to include submission of the subrecipient's procurement or purchasing policies and procedures and related quote(s) for item purchase. The subrecipient shall maintain all capital equipment and furniture (costs in excess of $10,000 per unit) purchased through this subgrant award agreement in accordance with the DOJ Grants Financial Guide. The subrecipient shall submit documentation relevant to the purchase as required by DPS. All capital equipment and furniture shall be used for victim services as identified in the subrecipient's application and this subgrant award agreement. Any deviation from this provision shall be approved in writing by DPS.

3.7 Client Assistance, Emergency Financial Assistance, Transitional Housing, and Relocation. Subrecipients receiving VOCA funds for client assistance, emergency financial assistance, transitional housing, and relocation services must submit the policies, procedures and rules governing the provision of the assistance for review and approval. The subrecipient agrees to revise any policy, procedure or rule DPS determines to be unallowable or does not conform to appropriate internal controls for suitable use of the funds and protection from fraud, waste or abuse.

3.8 Contracts for Professional Services. Subrecipients receiving VOCA funds for contracting for specialized professional services that are not available within the subrecipient organization must maintain signed agreements for consultant/contractual services and provide copies of the agreements to DPS prior to the use of VOCA funds for such services.

3.9 Noncompetitive approach in procurement contracts. The subrecipient must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, $250,000).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP website at https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm.

3.10 Authorization of use. DPS reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and authorize others to use for government purposes, the copyright of any work developed under this award and any rights of copyright to which a subrecipient purchases ownership with support through this subgrant award agreement.

3.11 Research or statistical information. The subrecipient shall not use or reveal any research or statistical information under this project that is identifiable to any specific person except for the purpose for which the information was obtained, in accordance with VOCA.

3.12 Non-Disclosure of Confidential or Private Information. The subrecipient shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall abide by the Non-Disclosure of Confidential or Private Information rules as outlined in the DPS-VOCA Guidelines.

3.13 Site inspections. The continuance of the subrecipient's subgrant award agreement is contingent upon successful completion of random or for-cause inspections. Failure to satisfactorily comply with Required Action items identified during the site inspection can result in termination of the subgrant award agreement.

3.14 Audit requirements. The subrecipient shall comply with the audit requirements of Title 2 C.F.R. Subpart F (§ 200.500 et seq.) of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and the DPS VOCA guidelines.

The subrecipient understands and agrees that DPS may withhold award funds, or may impose other related requirements, if (as determined by DPS) the subrecipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

3.15 Financial statement availability. The nonprofit subrecipient shall make its financial statements available online (either on the subrecipient's or another publicly available website). Subrecipient organizations that have Federal 501(c)(3) tax status are considered in compliance with this requirement to the extent that such organizations file IRS Form 990 or similar tax documents (e.g., 990-EZ), as several sources already provide searchable online databases of such financial statements.

3.16 Certification of nonprofit status. The nonprofit subrecipient shall certify its nonprofit status by submitting a statement to DPS affirmatively asserting that the subrecipient is a nonprofit

organization, and by providing either 1) a copy of its 501(c)(3) designation letter; 2) a letter from the Arizona Department of Revenue or Arizona Attorney General's Office stating that the subrecipient is a nonprofit organization operating within Arizona; or 3) a copy of the agency's Arizona certificate of incorporation that substantiates its nonprofit status. Subrecipients that are local nonprofit affiliates of Arizona or national nonprofits should have available proof of (1), (2) or (3), and a statement by the Arizona or national parent organization that the subrecipient is a local nonprofit affiliate.

3.17 Reporting potential fraud, waste, abuse or misconduct. The subrecipient shall promptly notify the DOJ Office of the Inspector General (OIG) and DPS in writing of any credible evidence that a principal, employee, agent, contractor, subcontractor, or other person has in connection with funds under this award either (1) submitted a false claim for grant funds under the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award shall be reported to the OIG by (1) online submission accessible via the OIG webpage at https://oig.justice.gov/hotline/contact-grants.htm (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Fraud Detection Office, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at https://oig.justice.gov/hotline.

3.18 Restrictions and certifications regarding non-disclosure agreements and related matters. No subrecipient under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the subrecipient—

   a. represents that it neither requires nor has required internal confidentiality agreements or statements from employee or contractors that currently prohibit or otherwise currently restricts (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

   b. certifies that, it if learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud,

or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that making agency.

2. If the subrecipient does or is authorized under this award to make subgrants, procurement contracts, or both—

   a. It represents that –

      i. It has determined that no other entity that the subrecipient's application proposes may or will receive award funds (whether through a subgrant, procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contracts from reporting waste, fraud, or abuse as described above; and

      ii. It has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

   b. It certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

3.19 Compliance with 41 U.S.C. § 4712 (including prohibitions on reprisal; notice to employees). The subrecipient must comply with, and is subject to, all applicable provisions of 41 U.S.C. § 4712, including all applicable provisions that prohibit under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rules, or regulation related to a federal grant.

The subrecipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. § 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. § 4712 to this award, the subrecipient is to contact the OJP and DPS for guidance.

3.20 Prohibited activities. The following activities are prohibited under this subgrant award agreement: 1. New construction. 2. Any renovation or remodeling of a property either (a)

listed on or eligible for listing on the National Register of Historical Places or (b) located within a 100-year floodplain, a wetland, or habitat for an endangered species. 3. A renovation which will change the basic prior use of a facility or significantly change its size. 4. Research and technology whose anticipated and future application could be expected to have an effect on the environment. 5. Implementation of a program involving the use of chemicals (including the identification, seizure, or closure of clandestine methamphetamine laboratories).

3.21 Subgrant award agreement renewal. DPS has the option to renew this project for a specified additional time period. The renewal of this project is contingent upon satisfactory performance, availability of funds, and demonstrated need.

3.22 System for Award Management. The subrecipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM). After the initial registration, subrecipients are required to review and update the information at least annually and more frequently if required by changes in the subrecipient's information or another award item. Additional information about registration procedures may be found at the SAM website (www.sam.gov).

3.23 Employment eligibility verification for hiring under the award.

1. The subrecipient must:

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the subrecipient properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2), A.R.S. § 41-4401 and A.R.S. § 23-214.

B. Notify all persons associated with the subrecipient who are or will be involved in activities under this subaward of both (1) this award requirement for verification of employment eligibility, and (2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the subaward requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the subaward (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring – DPS is responsible for monitoring subrecipient compliance with this condition.

3. Allowable costs - To the extent that such costs are not reimbursed under any other federal program, DPS may allow subrecipients to use VOCA funds, if awarded for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

   A. Staff involved in the hiring process - For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all subrecipient officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

   B. Employment eligibility confirmation with E-Verify - For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the subrecipient may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the subrecipient uses E-Verify and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation" to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

   C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

   D. Nothing in this condition shall be understood to authorize or require any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

   E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1). Questions about E-Verify should be directed to the Department of Homeland Security (DHS). For more information about E-Verify visit the E-Verify website (https://www.e-verify.gov/) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to DPS, before award acceptance.

3.24 Requirement of report actual or imminent breach of personally identifiable information (PII). The subrecipient must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The

subrecipient's breach procedures must include a requirement to report actual or imminent breach of PII to DPS no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

3.25 Unreasonable restrictions on competition under the award; association with federal government.

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this subaward, whether by the recipient (DPS) or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") – no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring - The DPS's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs - To the extent that such costs are not reimbursed under any other federal program, DPS may allow subrecipients to use VOCA funds, if awarded for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

3.26 Determination of suitability to interact with participating minors. This condition applies to this award if it is indicated in the application that a purpose of some or all of the activities to be carried out under the award is to benefit a set of individuals under 18 years of age. The subrecipient must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status. The details of this requirement are posted on the OJP web site at https://ojp.gov/funding/Explore/Interact-Minors.htm (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here and in the Determination of Suitability to Interact with Participating Minors certification.

3.27 Requirements related to System for Award Management and Universal Identifier Requirements. The subrecipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at https://www.sam.gov/. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

3.28 Compliance with all applicable Federal civil rights and nondiscrimination laws. The subrecipient agrees that its compliance with all applicable Federal civil rights and nondiscrimination laws is material to the government's decision to make this award and any payment thereunder, including for purposes of the False Claims Act (31 U.S.C. 3729-3730 and 3801-3812), and, by accepting this subaward, certifies that it does not operate any programs (including any such programs having components relating to diversity, equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.

4.0 Cost and Payments.

4.1 Available funds. Any award is dependent upon receipt of the VOCA Assistance funds from the U.S. Department of Justice, and there is no obligation on the part of DPS to award funds other than the federal VOCA Assistance funds.

4.2 Match waiver. Any award made with a match waiver pending approval from DPS, in accordance with the U.S. Department of Justice's match waiver approval process, is subject to reduction if the match waiver is not approved.

4.3 Compliance. Failure of the subrecipient to utilize DPS VOCA funds for direct services to crime victims or for training purposes as stated in the approved budget may be subject to immediate cancellation. The subrecipient shall not utilize VOCA funds for projects which serve perpetrators of crime or crime prevention, and/or for any other non-allowable cost or activity in accordance with DPS / VOCA guidelines. The subrecipient agrees to reimburse DPS for any VOCA funds the subrecipient expends that are not in full compliance with this subgrant award agreement.

4.4 No charge to victims. Subrecipients shall provide services to crime victims, at no charge, through the VOCA-funded project. The purpose of the VOCA victim assistance grant program is to provide services to all crime victims regardless of their ability to pay for services rendered or availability of insurance or other third-party payment resources.

4.5 Non-supplantation. VOCA crime victim assistance funds will be used to enhance or expand services and shall not be used to supplant state and local funds that would otherwise be available for crime victim services, 34 U.S.C. 20103(a)(2).

4.6 Funds management. The subrecipient shall provide appropriate accounting and monitoring procedures to ensure fiscal control and efficient management of funds, in accordance with the U.S. Department of Justice, Office of Justice Programs, Grants Financial Guide, effective edition.

4.7 Unexpended funds. The subrecipient shall immediately contact DPS to make arrangements to amend its budget to expend remaining funds or to reduce the contracted amount when it becomes apparent that not all VOCA grant funds will be expended by the end of the grant period. Any VOCA funds not expended or encumbered prior to the end of the award period shall be reverted to DPS within 30 days of the close of the grant period. Any funds not matched as required shall be reverted to DPS within 30 days of receipt of written notification from DPS.

4.8 Matching funds. The subrecipient shall commit, track and report matching funds at approximately the same percentage rate as VOCA expenditures. The subrecipient may commit, track and report match funds at a higher percentage rate each month, not to exceed the total required match amount. If the rate of VOCA expenditures reported surpasses the rate of match expenditures reported by more than 10%, the subgrant award agreement is subject to cancellation.

4.9 Training and conference expense. The subrecipient agrees to comply with all applicable laws, regulations, policies, and Official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), meetings, training, and other events, including the provision of food and/or beverage and costs of attendance at such events.

4.10 Training or training materials. The subrecipient understands and agrees that any training or training materials developed or delivered with funding provided under this award shall adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm.

4.11 Duplicate funding. The subrecipient agrees that if it currently has an open award of federal or state funds or if it receives an award of federal or state funds other than this award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this award, the subrecipient shall promptly notify DPS and, if so requested by DPS, seek an agreement amendment request to eliminate any duplication of funding.

5.0 Subgrant Award Agreement Changes.

5.1 Agreement Amendment. This subgrant award agreement is issued under the authority of the Director of the Arizona DPS and may be modified only through an Agreement Amendment, approved by DPS.

5.2 Assignment of duties. The subrecipient shall not assign or transfer any of its duties under this agreement without express written permission of DPS.

5.3 Scope of work. Awards are based on information presented in the subrecipient's on-line application. Any deviation from the scope of the project as stated in subrecipient's application shall be approved in writing by DPS prior to the use of such funds.

5.4 Subcontracts. The subrecipient shall not enter into any subcontract under this subgrant award agreement without the advance written approval of DPS. The subrecipient shall clearly list any proposed subcontractors and the subcontractor's proposed responsibilities in the application for funding or agreement amendment. The subcontract shall incorporate by reference the terms and conditions of this subgrant award agreement.

6.0 Indemnification.

Subrecipient Indemnification. To the fullest extent permitted by law, Contractor (as "Indemnitor") shall defend, indemnify, and hold harmless the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of, or recovered under, the Workers' Compensation Law or arising out of the failure of such Contractor to conform to any federal, state, or local law, statute, ordinance, rule, regulation, or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Contractor from and against any and all claims. It is agreed that Contractor will be responsible for primary loss investigation, defense, and judgment costs where this indemnification is applicable. In consideration of the award of this contract, the Contractor agrees to waive all rights of subrogation against the State of Arizona, its officers, officials, agents, and employees for losses arising from the work performed by the Contractor for the State of Arizona.

This indemnity shall not apply if the contractor or sub-contractor(s) is/are an agency, board, commission or university of the State of Arizona.

7.0 Grant Remedies.

7.1 Requirements of the award; remedies for non-compliance or for materially false statements. The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the subrecipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice may determine that a legal notice regarding award requirements is necessary or that will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such notice or exception regarding enforcement, including any such notice or exception made during the period of performance, is (or will be during the period of performance) set out through the Office of Justice Programs webpage entitled "Legal Notices: Special circumstances as to particular award conditions (ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm), and incorporated by reference into the award. DPS will also issue notice as necessary.

By signing and accepting this subaward on behalf of the subrecipient, the authorized subrecipient official accepts all material requirements of the subaward, and specifically adopts all such assurances or certifications as if personally executed by the authorized subrecipient official.

Failure to comply with any one or more of these award requirements—whether a condition set out in full, a condition incorporated by reference, or a certification or assurance related to conduct during the award period—may result in DPS taking appropriate action with respect to the subrecipient and the award. Among other things, DPS may withhold award funds, disallow costs, or suspend or terminate the award. DPS, the Department of Justice (DOJ), including the Office of Justice Programs, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to DPS or DOJ (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. § 10271-10273), and also may lead to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.

7.2 Right to Assurance. If DPS in good faith has reason to believe that the subrecipient does not intend to, or is unable to perform or continue performing under this subgrant award agreement, DPS may demand in writing that the subrecipient give a written assurance of intent to perform. Failure by the subrecipient to provide written assurance within the number of days specified in the demand may, at DPS's option, be the basis for terminating the subgrant award agreement under the General Conditions or other rights and remedies available by law or provided by the subgrant award agreement.

7.3 Project implementation. If a project is not operational within 60 days of the original start date of the project period, the subrecipient shall submit written documentation to DPS explaining steps taken to initiate the project, the reasons for the delay, and the expected start date. If a project is not operational within 90 days of the original start date of the project period, the subrecipient shall submit a second written statement explaining the implementation delay. DPS reserves the right to cancel the agreement if the proposed project is not operational within 90 days of the original start date.

8.0 Grant Termination.

8.1 Cancellation for conflict of interest. Pursuant to A.R.S. § 38-511, the State may cancel this agreement without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting or creating the agreement on behalf of the State is or becomes at any time while the agreement or an extension of the agreement is in effect an employee of or a consultant to any other party to this agreement with respect to the subject matter of the agreement. The cancellation shall be effective when the subrecipient receives written notice of the cancellation unless the notice specifies a later time. If the subrecipient is a political subdivision of the State, it may also cancel this agreement as provided in A.R.S. § 38-511. In the event of cancellation under this paragraph, any unexpended funds received by the subrecipient shall be reverted within 30 days of the cancellation notification.

8.2 Gratuities. DPS may, by written notice, terminate this subgrant award agreement, in whole or in part, if DPS determines that employment or a gratuity was offered or made by the subrecipient or a representative of the subrecipient to any officer or employee of the state for the purpose of influencing the outcome of the grant award or in securing the subgrant award agreement, an amendment to the subgrant award agreement, or favorable treatment concerning the subgrant award agreement, including the making of any determination or decision about subgrant award agreement performance. DPS, in addition to any other rights or remedies, shall be entitled to recover exemplary damages in the amount of three times the value of the gratuity offered by the subrecipient.

8.3 Suspension or Debarment. DPS may, by written notice to the subrecipient, immediately terminate this subgrant award agreement if DPS determines that the subrecipient has been debarred, suspended or otherwise lawfully prohibited from or ineligible for participation in federal assistance programs or activities, including but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body. Submittal of an application for funding or execution of a subgrant award agreement shall attest that the subrecipient is not currently suspended or debarred. If the subrecipient becomes suspended or debarred, the subrecipient shall immediately notify DPS.

8.4 Termination for convenience. DPS reserves the right to terminate the subgrant award agreement, in whole or in part any time, when in the best interest of DPS without penalty or recourse. Upon receipt of the written notice, the subrecipient shall stop all work as directed in the notice and minimize all further costs to DPS. In the event of termination under this paragraph, any unexpended funds received by the subrecipient shall be reverted within 30 days of the termination notification.

8.5 Termination for default. In addition to the rights reserved in the contract, DPS may terminate the subgrant award agreement in whole or in part due to the failure of the subrecipient to comply with any term or condition of the subgrant award agreement or to make satisfactory progress in performing the subgrant award agreement. DPS shall provide a 30-day written notice of termination and the reasons for termination to the subrecipient. In the event of termination under this paragraph, any unexpended funds received by the subrecipient shall be reverted within 30 days of the termination notification. The subrecipient has the option to appeal within 20 calendar days of the date of the written notice of termination. The final decision will be at the discretion of the Director or his designee.

8.6 Continuation of performance through termination. The subrecipient shall continue to perform, in accordance with the requirements of the subgrant award agreement, up to the date of termination, as directed in the termination notice.

8.7 Termination by subrecipient. Upon written notice to DPS, the subrecipient may cancel this subgrant award agreement. Any unexpended funds shall immediately be reverted to DPS.

9.0 Arbitration.

The parties to this subgrant award agreement agree to resolve all disputes arising out of or relating to this subgrant award agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes (Title 41, Chapter 23).

10.0 Other Service Requirements and Prohibited Activities.

10.1 Collaboration. The subrecipient agrees to continually and proactively participate in developing partner relationships among other service providers in the effort to aid crime victims within the community served.

10.2 Demographics. The subrecipient agrees to collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance through this project, where such information is voluntarily furnished by the victim.

10.3 Key staff changes. The subrecipient agrees to promptly notify DPS of changes in key staff members identified in the grant application, to include Project Contact, Civil Rights Contact, Crime Victim Compensation Coordinator, Project Director, Financial Contact, Authorizing Official, and VOCA funded staff and/or staff used as match.

10.4 Vacancies. The subrecipient agrees to promptly notify DPS in writing when any VOCA funded or match employee position is vacated and when any VOCA funded or match employee position is filled.

10.5 Surveys. The subrecipient agrees to utilize customer feedback surveys to assist the agency with contracted project outcome and quality measures. Feedback and satisfaction surveys

will utilize the Likert Scale of Measurement (Strongly Agree, Agree, Neither Agree or Disagree, Disagree, Strongly Disagree).

10.6 Victim Compensation. The subrecipient agrees to assist eligible victims in seeking available crime victim compensation benefits provided by the state victim compensation program. The subrecipient shall designate a Victim Compensation Coordinator within its agency. The Victim Compensation Coordinator shall receive victim compensation training from his/her county attorney's office or complete the Arizona Criminal Justice Commission (ACJC) on-line Introduction to Crime Victim Compensation training module. If training has not been received, the subrecipient shall arrange for and attend training within 90 days from the first day of this subgrant award agreement or 90 days after reassignment of new staff in this role.

10.7 Victims' Rights. The subrecipient agrees to notify victims of Victims' Rights (A.R.S. Title 13, Chapter 40 Crime Victims' Rights; and A.R.S. Title 8, Chapter 3, Article 7 Victims' Rights for Juvenile Offenses) and to offer to connect the victim with a representative from the prosecutor's or county attorney's office if the victim so chooses. Subrecipients shall ensure that all DPS-VOCA funded and match staff and their first line supervisor have attended a victims' rights presentation from the Arizona Attorney General's Office.

10.8 Civil Rights. The subrecipient shall designate a Civil Rights Contact Person within its agency. This person shall complete the on-line civil rights training program offered by the Office for Civil Rights (OCR), Office of Justice Programs (OJP), Department of Justice (DOJ) via the Arizona Criminal Justice Commission (ACJC) website. The subrecipient shall ensure the Civil Rights Contact Person completes the training within 90 days from the first day of this subgrant award agreement or 90 days after reassignment of new staff in this role.

10.9 Volunteers. The subrecipient agrees to incorporate the use of volunteers to assist in carrying out the agency's mission. The use of volunteers is a current and ongoing requirement for all projects.

10.10 Text messaging policy. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department of Justice (DOJ) encourages subrecipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

10.11 Human Trafficking. The subrecipient must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons whether on the part of subrecipients or individuals defined as "employees" of the subrecipient. The details of the subrecipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP website at https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm.

10.12 Compliance with general appropriations-law restrictions on the use of federal funds. The subrecipient shall comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes.

Should a question arise as to whether a particular use of federal funds by a subrecipient would or might fall within the scope of a restriction set out in this award condition, the recipient is to contact DPS for guidance, and may not proceed without the express prior written approval of DPS.

Publicity or Propaganda. Federal funds are not legally available, and may not be used (whether directly or indirectly, including by private contractors), for publicity or propaganda purposes not authorized by Congress.

Employee Trainings. Federal funds are not legally available, and may not be used, for any employee training that:

1. does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;
2. contains elements likely to induce high levels of emotional response or psychological stress in some participants;
3. does not require prior employee notification of the content and methods to be used in the training and written end-of-course evaluation;
4. contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or
5. is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

Nothing in this provision prohibits, restricts, or otherwise precludes an agency from conducting training bearing directly upon the performance of official duties.

Nondisclosure policies, forms, and agreements. Federal funds are not legally available, and may not be used, to implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following provisions:

> "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing federal statute or Executive Order relating to 1) classified information; 2) communications to Congress; 3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or 4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive Orders and federal statutory provisions are incorporated into this agreement and are controlling."

Nondiscrimination in programs involving students. Funds appropriated under the Department of Justice Appropriations Act, 2025, and awarded by OJP are not legally

available, and may not be used, to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or those of their parents or legal guardians.

Blocking of pornography on computer networks. Funds appropriated under the Full-Year Continuing Appropriations Act, 2025, and awarded by OJP are not legally available and, may not be used, to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this provision limits the use of funds necessary for any federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement or victim assistance-related activity.

Award or incentive fees to contractors. Funds appropriated under the Full-Year Continuing Appropriations Act, 2025, and awarded by OJP are not legally available, and may not be used, to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

Use of funds in connection with abortion. Fund appropriated under the Full-Year Continuing Appropriations Act, 2025, and awarded by OJP are not legally available, and may not be used – (1) to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest; or (2) to require any person to perform, or facilitate in any way the performance of, any abortion.

"Pay-to-stay" at local jails. Funds appropriated to the Department of Justice through an annual appropriations statute and awarded by OJP are not legally available to, and may not be provided to, any local jail that runs a "pay-to-stay" program. (Monies in the Crime Victims Fund are not appropriated through an annual appropriations statute.)

10.13 Israel Boycott Divestments. Subrecipient warrants it is not engaged in a boycott of Israel as defined by A.R.S. § 35-393.01.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above general conditions.

Subrecipient (organization) Name: _____

Signature: _____ _____
Authorizing Official Date

_____
Printed Name and Title of Authorizing Official

Reset Form

Arizona Department of Public Safety, Victims of Crime Act (VOCA) Administration Unit
Equal Employment Opportunity Certification Form

Subrecipient Agency Name:

Address:

EEO Contact Person Name and Title:

EEO Contact Person Phone number and Email Address:

Select the relevant Organizational Category and the relevant Organizational Type

☐ Non-Government (select type below)	☐ Government Law Enforcement (select type below)	☐ Government Non-Law Enforcement (select type below)
◯ Nonprofit Organization	◯ County/Municipal Corrections	◯ County/Municipal Court
◯ Health Care or Hospital Facility	◯ State Corrections	◯ State Court
◯ Faith-based/Religious Organization	◯ County/Municipal Law Enforcement	◯ County/Municipal Prosecutor
◯ Educational Institution	◯ State Law Enforcement	◯ Attorney General
◯ Other	◯ Tribal Law Enforcement	◯ County/Municipal Government
	◯ Special Jurisdiction Law Enforcement	◯ State Government
		◯ Tribe or Tribal Government
		◯ Health Care or Hospital Facility
		◯ Education Institution

Complete ONLY Section A OR Section B (based on the subrecipient's exemption status). Do not complete both.

Section A: Declaration Claiming Complete Exemption from the EEOP Requirement

Check all that apply to the subrecipient agency:

☐ Less than 50 employees
☐ Nonprofit Organization
☐ Indian Tribe
☐ Educational Institution
☐ Medical Institution
☐ Receiving a single award(s) less than $25,000

I certify that _____[subrecipient agency name] is not required to prepare an EEOP for the reason(s) checked above and will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

_____ _____ _____
Print Name and Title of Responsible Official Signature Date

Section B: Non-Exempt Organizations

If subrecipient is not exempt based on Section A above, then the most recent EEOP and Utilization Report must be submitted to the Arizona Department of Public Safety with the Subgrant Award Agreement package. VOCA subrecipients are no longer required to submit the EEOP and Utilization Report to the federal Office for Civil Rights (unless they are a Direct Recipient of funds from DOJ).

I certify that the most recent EEOP and Utilization Report has been uploaded in SAGE/provided to DPS.

_____ _____ _____
Print Name and Title of Responsible Official Signature Date

ARIZONA DEPARTMENT OF PUBLIC SAFETY

2102 WEST ENCANTO BLVD. P.O. BOX 6638 PHOENIX, ARIZONA 85005-6638 (602) 223-2000

"Courteous Vigilance"

KATIE HOBBS
Governor

JEFFREY GLOVER
Director

U.S. Department of Justice
Office of Justice Programs
Office of the Chief Financial Officer

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance on Nonprocurement Debarment and Suspension," 28 CFR Part 83, "Government-wide Debarment and Suspension."

The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

Certification Regarding Lobbying
As required by 31 U.S.C. §1352, for persons entering into a grant or cooperative agreement over $100,000, as defined at 28 C.F.R. Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

Certification Regarding Debarment, Suspension and Other Responsibility Matters
Pursuant to Executive Order 12549, Debarment and Suspension, implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a), and other requirements:

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects its (or its principals') present responsibility;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application. Where the Applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Applicant also must disclose such felony criminal conviction in writing to the Department at Ojpcompliancereporting@usdoj.gov;) unless such disclosure has already been made.

Federal Taxes
A. If the applicant is a corporation, the applicant certifies that either (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to OJP at Ojpcompliancereporting@usdoj.gov.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certification.

Subrecipient organization name: _____

Address: _____

_____ _____

Signature of Authorizing Official Date

_____

Printed Name & Title of Authorizing Official

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:
☐ **Prime** ☐ **Subawardee** Tier _____, *if known*: **Congressional District**, *if known*:	 **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount,** *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ ☐ Not Applicable Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

PRINT

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employeeof a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizationallevel below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Complying with Federal Civil Rights Program Requirements

Ensuring Access to Federally Assisted Programs

Federal laws prohibit recipients (and subrecipients) of federal financial assistance from discrimination on the basis of race, color, national origin, religion, sex, or disability in funded program or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients (and subrecipients) of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please refer to http://www.lep.gov.

Ensuring Equal Treatment of Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion

The United States Department of Justice (DOJ) regulation below has been modified and now applies not just to faith-based organizations but includes **all** VOCA subrecipients.

The DOJ regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38, prohibits **all recipient organizations**, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities. Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith-based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service provider. For more information on the regulation, please see the DOJ, Office of Justice Programs, Office for Civil Rights' (OCR) website at https://ojp.gov/about/ocr/partnerships.htm.

Faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. §10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182(b); and VAWA, as amended, 34 U.S.C. § 12291(b)(13), contain

prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statue that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Nondiscrimination Notification
DPS VOCA subrecipient agencies must have a method of notifying employees, clients, customers, or program participants that the subrecipient agency does not discriminate in employment practices or delivery of services and must have a written policy that includes the procedures for filing a complaint, and the names and contact information for the agencies that receive complaints.

Discrimination Complaints
Employees, clients, customers, or program participants of a DPS VOCA subrecipient who wish to file a complaint of discrimination, may file a complaint directly with the subrecipient; or with the Arizona Department of Public Safety VOCA Administration Unit (VOCACivilRights@azdps.gov); the Arizona Office of the Attorney General, Office for Civil Rights (https://www.azag.gov/civil-rights); or the Office for Civil Rights (OCR), Office of Justice Programs, Department of Justice (https://www.ojp.gov/program/civil-rights-office/filing-civil-rights-complaint).

Submitting Findings of Discrimination
If in the three years prior to the date of the grant award, a federal or state court or administrative agency makes an adverse finding of discrimination after a due process hearing against the subrecipient agency on the grounds of race, color, national origin, religion, sex, or disability, the subrecipient shall forward a copy of the finding to the Department of Justice, Office of Justice Programs, Office for Civil Rights and DPS VOCA.

I, _____ (printed name of authorizing official), certify that _____ (name of subrecipient organization) will comply with the Federal Civil Rights Program requirements as outlined above.

_____ _____
Signature of Authorizing Official Date

_____
Printed Name and Title of Authorizing Official

ARIZONA DEPARTMENT OF PUBLIC SAFETY

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KATIE HOBBS
Governor

JEFFREY GLOVER
Director

Certification regarding eligibility for de minimis rate of 15% of Modified Total Direct Costs (MTDC)

Pursuant to § 200.414 Indirect (F&A) Costs of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, any non-Federal entity that does not have a current negotiated (including provisional) indirect cost rate, except for those non-Federal entities described in Appendix VII to Part 200 – States and Local Government and Indian Tribe Indirect Cost Proposals, paragraph (D)(1)(b), may elect to charge a de minimis rate of 15% of modified total direct costs (MTDC) which may be used indefinitely. As described in § 200.403 Factors affecting allowability of costs, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

Additionally, pursuant to § 200.414(g), any non-Federal entity that has a federally negotiated indirect cost rate may apply for a one-time extension of a current negotiated indirect cost rate for a period of up to four years. This extension will be subject to the review and approval of the cognizant agency for indirect costs. If an extension is granted the non-Federal entity may not request a rate review until the extension period ends. At the end of the 4-year extension, the non-Federal entity must re-apply to negotiate a rate.

I certify _____ (name of subrecipient organization):

☐ does not have a current negotiated (including provisional) indirect cost rate agreement and elects to charge a de minimis rate of 15% of modified total direct costs.

☐ has a current negotiated (including provisional) indirect cost rate agreement, of which will be provided to the Arizona Department of Public Safety.

_____ _____

Signature of Authorizing Official Date

_____

Printed Name and Title of Authorizing Official

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Certification regarding Non-Supplanting

As outlined in the U.S. Department of Justice, Office of Justice Programs, Grants Financial Guide, Federal funds must be used to **supplement** existing State and local funds for program activities and must **not supplant** those funds that have been appropriated for the same purpose.

Furthermore, supplanting is defined as "to deliberately reduce State or local funds because of the existence of Federal funds. For example, when State funds are appropriated for a stated purpose and Federal funds are awarded for that same purpose, the State replaces its State funds with Federal funds, thereby reducing the total amount available for the stated purpose."

The following example is provided in the Grants Financial Guide to help clarify the difference between supplementing and supplanting:

> **Supplementing**: State funds are appropriated to hire 50 new police officers, and Federal funds are awarded to hire 60 new police officers. At the end of the year, the State has hired 50 new officers with State funds and 60 new police officers with Federal funds. Under this scenario, there is no supplanting violation because the State used the Federal funds to supplement (rather than to supplant) the hiring of the new police officers.
>
> **Supplanting**: State funds are appropriated to hire 50 new police officers, and Federal funds are awarded to hire 60 new police officers. At the end of the year, the State has hired 60 new police officers with Federal funds and none with State funds. Under this scenario, it may be considered a supplanting violation because the State used the Federal funds to supplant (rather than to supplement) the hiring of new police officers.

As a subrecipient of Victims of Crime Act (VOCA) Assistance funds, each agency shall certify its understanding of and adherence to the prohibition against supplanting of State or local funds with Federal funds.

I certify that _____ (name of subrecipient organization) will comply with the prohibition against supplanting as outlined above.

_____ _____

Signature of Authorizing Official Date

_____

Printed Name and Title of Authorizing Official

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Director

Financial Management and System of Internal Controls

Background

Recipients' financial management systems and internal controls must meet certain requirements, including those set out in the "Part 200 Uniform Requirements" (2.C.F.R. Part 2800).

Including at a minimum, the financial management system of each OJP award recipient must provide for the following:

(1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, and the name of the Federal agency.

(2) Accurate, current, and complete disclosure of the financial results of each Federal award or program.

(3) Records that identify adequately the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest, and be supported by source documentation.

(4) Effective control over, and accountability for, all funds, property, and other assets. The recipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.

(5) Comparison of expenditures with budget amounts for each Federal award.

(6) Written procedures to document the receipt and disbursement of Federal funds including procedures to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement by the OJP recipient.

(7) Written procedures for determining the allowability of costs in accordance with both the terms and conditions of the Federal award and the cost principles to apply to the Federal award.

(8) Other important requirements related to retention requirements for records, use of open and machine readable formats in records, and certain Federal rights of access to award-related records and recipient personnel.

Agency Information

1. Name of Organization and Address:

Organization Name:

Street 1:

Street 2:

City: State: Zip Code:

2. Authorized Representative's Name and Title:

Prefix: First Name: Middle Name:

Last Name: Suffix:

Title:

3. Phone: 4. Fax:

5. Email: 6. Year Established:

7. Employer Identification Number (EIN):

8. Unique Entity Identifier (UEI) Number:

9. a) Is the applicant entity a nonprofit organization (including a nonprofit institution of higher education) as described in 26 U.S.C. 501(c)(3) and exempt from taxation under 26 U.S.C. 501(a)?

☐ Yes ☐ No

If "No" skip to Question 10.
If "Yes", complete Questions 9. b) and 9. c).

9. b) Does the applicant nonprofit organization maintain offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a)?

☐ Yes ☐ No

9. c) With respect to the most recent year in which the applicant nonprofit organization was required to file a tax return, does the applicant nonprofit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to the reasonableness of compensation of certain individuals)?

☐ Yes ☐ No

If "Yes", refer to "Additional Attachments" under "What An Application Should Include" in the OJP solicitation (or application guidance) under which the applicant is submitting its application. If the solicitation/guidance describes the "Disclosure of Process related to Executive Compensation," the applicant nonprofit organization must provide -- as an attachment to its application -- a disclosure that satisfies the minimum requirements as described by OJP.

Audit Information

For purposes of this questionnaire, an "audit" is conducted by an independent, external auditor using generally accepted auditing standards (GAAS) or Generally Governmental Auditing Standards (GAGAS), and results in an audit report with an opinion.

10. Has the applicant entity undergone any of the following types of audit(s)? (Please check all that apply):

- ☐ "Single Audit" under OMB A-133 or Subpart F of 2 C.F.R. Part 200
- ☐ Financial Statement Audit
- ☐ Defense Contract Agency Audit (DCAA)
- ☐ Other Audit & Agency (list type of audit):
- ☐ None (if none, skip to Question 13)

11. Most Recent Audit Report Issued:

- ☐ Within the last 12 months
- ☐ Within the last 2 years
- ☐ Over 2 years ago
- ☐ N/A

Name of Audit Agency/Firm: ☐

12. On the most recent audit, what was the auditor's opinion?

- ☐ Unqualified Opinion
- ☐ Qualified Opinion
- ☐ Disclaimer, Going Concern or Adverse Opinions
- ☐ N/A: No audits as described above

Enter the number of findings (if none, enter "0"): ☐
Enter the dollar amount of questioned costs (if none, enter "$0"): ☐
Were material weaknesses noted in the report? ☐ Yes ☐ No

Accounting System Standards

13. Which of the following best describes the applicant entity's accounting system:

- ☐ Manual
- ☐ Automated
- ☐ Combination of manual and automated

14. Does the applicant entity's accounting system have the capability to identify the receipt and expenditure of award funds separately for each Federal award?

☐ Yes ☐ No ☐ Not sure

15. Does the applicant entity's accounting system have the capability to record expenditures for each Federal award by the budget cost categories shown in the approved budget?

☐ Yes ☐ No ☐ Not sure

16. Does the applicant entity's accounting system have the capability to record cost sharing ("match") separately for each Federal award, and maintain documentation to support recorded match or cost share?

☐ Yes ☐ No ☐ Not sure

17. Does the applicant entity's accounting system have the capability to accurately track employees actual time spent performing work for each federal award, and to accurately allocate

charges for employee salaries and wages for each federal award, and maintain records to support the actual time spent and specific allocation of charges associated with each applicant employee?

☐ Yes ☐ No ☐ Not sure

18. Does the applicant entity's accounting system include budgetary controls to preclude the applicant entity from incurring obligations or costs that exceed the amount of funds available under a federal award (the total amount of the award, as well as the amount available in each budget cost category)?

☐ Yes ☐ No ☐ Not sure

19. Is applicant entity familiar with the "cost principles" that apply to recent and future federal awards, including the general and specific principles set out in 2 C.F.R Part 200?

☐ Yes ☐ No ☐ Not sure

Property Standards and Procurement Standards

20. Does the applicant entity's property management system(s) maintain the following information on property purchased with federal award fund (1) a description of the property; (2) an identification number; (3) the source of funding for the property, including the award number; (4) who holds title; (5) acquisition date; (6) acquisition cost; (7) federal share of the acquisition cost; (8) location and condition of the property; (9) ultimate disposition information?

☐ Yes ☐ No ☐ Not sure

21. Does the applicant entity maintain written policies and procedures for procurement transactions that -- (1) are designed to avoid unnecessary or duplicative purchases; (2) provide for analysis of lease versus purchase alternatives; (3) set out a process for soliciting goods and services, and (4) include standards of conduct that address conflicts of interest?

☐ Yes ☐ No ☐ Not sure

22. a) Are the applicant entity's procurement policies and procedures designed to ensure that procurements are conducted in a manner that provides full and open competition to the extent practicable, and to avoid practices that restrict competition?

☐ Yes ☐ No ☐ Not sure

22. b) Do the applicant entity's procurement policies and procedures require documentation of the history of a procurement, including the rationale for the method procurement, selection of contract type, selection or rejection of contractors, and basis for the contract price?

☐ Yes ☐ No ☐ Not sure

23. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from entering into a procurement contract under a federal award with any entity/individual that is suspended/debarred from such contracts, including provisions for checking the "Excluded Parties List" system (www.sam.gov) for suspended/debarred sub-grantees and contractors, prior to award?

☐ Yes ☐ No ☐ Not sure

Travel Policy

24. a) Does the applicant entity:

a) maintain a standard travel policy? ☐ Yes ☐ No

b) adhere to the Federal Travel Regulation (FTR)? ☐ Yes ☐ No

Designation as High Risk by Other Federal Agencies

25. Is the applicant entity designated as "high risk" by a federal grant-making agency outside of DOJ? (High risk includes any status under which a federal warding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant.)

☐ Yes ☐ No ☐ Not sure

If "Yes", provide the following:

a) Name(s) of the federal awarding agency:
b) Date(s) the agency notified the applicant entity of the "high risk" designation:
c) Contact information for the "high risk" point of contact at the federal agency:
   Name:
   Phone:
   Email:
d) Reason for "high risk" status, as set out by the federal agency:

CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY

(Must be made by the chief executive, executive director, chief financial officer, designated authorized representative ("AOR"), or other official with the requisite knowledge and authority)

On behalf of the applicant entity, I certify to the U.S. Department of Justice that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

Signature: Date:

Name: Phone:

Title: ☐ Executive Director ☐ Chief Financial Officer

☐ Chairman ☐ Other:

KATIE HOBBS
Governor

JEFFREY GLOVER
Director

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Applicant Disclosure of High-Risk Status

The subrecipient must disclose whether it, currently or at any time during the course of the period of performance under this award, is designated "high risk" by a federal or state grant-making agency outside of the Arizona Department of Public Safety (DPS). For purposes of this disclosure, high risk includes any status under which a federal or state awarding agency provides additional oversight due to the subrecipient's past performance, or other programmatic or financial concerns with the subrecipient. If the subrecipient is, currently or at any time during the course of the period of performance under this award, designated high risk by another federal or state awarding agency, the subrecipient must provide the following information:

(1) The federal or state awarding agency that currently designates the subrecipient high risk.
(2) The date the subrecipient was designated high risk.
(3) The high-risk point of contact at that federal or state awarding agency (name, phone number, and email address)
(4) The reasons for the high-risk status, as set out by the federal or state awarding agency.

DPS seeks this information to help ensure appropriate oversight of DPS awards. A subrecipient that is considered "high risk" by another federal awarding agency is not automatically disqualified from receiving an award. DPS may, however, may impose additional oversight of the award.

Complete the section below by responding as appropriate:

I certify _____ (name of subrecipient organization)

☐ has not been notified as having been designated high-risk by any federal or state grant making agency, nor has it been placed under any status requiring additional oversight by a federal or state agency due to past programmatic or financial concerns.

☐ has been notified as having been designated high-risk by a federal or state grant making agency, and the information to be provided as described in 1-4 above is attached to this disclosure.

_____ _____
Signature of Authorizing Official Date

_____
Printed Name and Title of Authorizing Official

KATIE HOBBS
Governor

JEFFREY GLOVER
Director

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Determination of Suitability Required, In Advance, For Certain Individuals Who May Interact with Participating Minors

The Determination of Suitability General Condition of the Subgrant Award Agreement applies to this award if it is indicated in the application that a purpose of some or all of the activities to be carried out under the award is to benefit a set of individuals under 18 years of age.

The subrecipient, subrecipient contractors, subcontractors and consultants providing services to minors must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

This certified assurance requires that subrecipients prepare *determinations of suitability* to interact with minors in advance of any individual being permitted to interact with minors as part of the VOCA-funded program. The details of this requirement are summarized below and are posted on the Office of Justice Programs website at: https://www.ojp.gov/funding/explore/interact-minors.

1. *Advance determination regarding suitability*. The subrecipient may not permit any covered individual to interact with any participating minor in the course of activities under the award, unless the recipient or subrecipient first has made a written determination of the suitability of that individual to interact with participating minors, based on current and appropriate information as described in paragraphs 3.E., and taking into account the factors and considerations described in paragraph 4.

2. *Updates and reexaminations*.

A. The subrecipient must, at least every five years, update the searches described in paragraph 3.E.1. and 2., reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination.

B. The subrecipient also must reexamine a covered individual's suitability determination upon learning of information that reasonably may suggest unsuitability and, if appropriate, modify or withdraw that determination.

3. *Definitions.*

A. "Covered individual" means any individual (other than a participating minor, as defined in this condition, or a client of the subrecipient) who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children). A covered individual need not have any particular employment status or legal relationship with the subrecipient but also might be (for example) a consultant, contractor, employee of a contractor, trainee, volunteer, or teacher.

B. "Participating minor" means all individuals under 18 years of age within the set of individuals described in the scope section of this condition as it appears on the subaward document(s).

C. "Interaction" includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. Interaction does not include (1) brief contact that is both unexpected by the subrecipient and unintentional on the part of the covered individual – such as might occur when a postal carrier delivers mail to an administrative office, and (2) personally-accompanied contact - that is, infrequent or occasional contact (for example, by someone who comes to make a presentation) in the presence of an accompanying adult, pursuant to written policies and procedures of the subrecipient that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this condition will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.

D. "Activities under the award" Whether paid for with federal funds from the award, "matching" funds included in the budget for the subaward, or "program income" for the subaward (as defined by the (DOJ) Part 200 Uniform Requirements), activities under the award include both--(1) activities carried out under the award by the subrecipient; and (2) actions taken by an entity or individual pursuant to a procurement contract under the subaward or to a procurement contract under a subaward at any tier.

E. "Current and appropriate information" means, in addition to information resulting from checks or screening required by applicable federal, state, tribal, or local law, and/or by the subrecipient's own written policies and procedures, current and appropriate information includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability.

(1) Public sex offender and child abuse websites/registries. A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably-accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, including—

a) the Dru Sjodin National Sex Offender Public Website (www.nsopw.gov);
b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and
c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

(2) Criminal history registries and similar repositories of criminal history records. For each individual at least 18 years of age who is a covered individual under the VOCA subaward, a fingerprint search (or, if the subrecipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) -- encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories, including—

(a) the criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and

(b) the criminal history registry for each state in which he or she is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the subaward.

4. *Factors and considerations in determinations regarding suitability.* In addition to the factors and considerations that must or may be considered under applicable federal, state, tribal, or local law, and under the subrecipient's written policies and procedures, in making a determination regarding suitability, the subrecipient must consider the current and appropriate information described in paragraph 3.E.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the subrecipient may not determine that a covered individual is suitable to interact with participating minors in the course of activities under the award if the covered individual—

A. Withholds consent to a criminal history search required by this condition;
B. Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
C. Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
D. To the knowledge of the recipient (or subrecipient), has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):
    (1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
    (2) rape/sexual assault, including conspiracy to commit rape/sexual assault;
    (3) sexual exploitation, such as through child pornography or sex trafficking;
    (4) kidnapping;
    (5) voyeurism; or
E. Is determined by a federal, state, tribal, or local government agency not to be suitable.

5. *Administration; rule of construction.*

A. The requirements of this condition will be monitored by DPS. These requirements apply as of the date of acceptance of the subaward, and throughout the remainder of the period of performance.
B. The subrecipient is to contact DPS with any questions regarding the requirements of this condition and must not allow a covered individual to interact with a participating minor until such questions are answered.
C. DPS may allow awarded funds to be used, in part, for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition, provided that such funds would not supplant non-federal funds that would otherwise be available for such costs.
D. Nothing in this condition shall be understood to authorize or require any subrecipient at any tier, or any person or other entity, to violate any federal, state, tribal, or local law, including any applicable civil rights or nondiscrimination law.

6. *Written policies and procedures*. Subrecipients are required to prepare written policies and procedures pertaining to this certified assurance and provide those written policies and procedures to DPS. The procedures should identify the sources of information the subrecipient organization intends to use to support the determination of suitability to interact with minors (e.g. the National Sex Offender Registry).

7. *Advising Covered Individuals*. All employees, volunteers, contractors and consultants who are deemed to be a covered individual, should be properly advised of this certified assurance and the need for a determination of suitability by the subrecipient organization. This may require subrecipient organizations to develop a form to be completed by covered individuals that would ask certain questions necessary to aid the subrecipient in making the determination of suitability. At a minimum, the notice should request names and aliases used by the covered person in the immediate 5 years prior to the request, and all cities and states the covered individual has lived, worked or gone to school in the 5 years prior to the request.

8. *Determination of suitability to interact with participating minors form.* This form will be provided by DPS and must be submitted to DPS annually. The form must list all covered individuals deemed suitable to interact with participating minors and the date the covered individual(s) received the designation of suitability by the subrecipient organization. This determination must be made very five years for each covered individual. Those individuals deemed not suitable to provide services to minors should not be listed on the form and may not be permitted to interact with participating minors under the VOCA subaward.

I certify the application associated with the DPS Grant Agreement referenced below:

☐ does not include any activities that will benefit a set of individuals under 18 years of age and, therefore, is not subject to the Determination of Suitability General Condition.

☐ does include activities that will benefit a set of individuals under 18 years of age and the organization will comply with the Determination of Suitability to Interact with Participating Minors requirement as outlined above.

Subrecipient Agency Name: _____

DPS Grant Agreement No. _____

_____ _____

Signature of Authorizing Official Date

_____

Title of Authorizing Official

SUBGRANT AWARD REPORT - FEDERAL FISCAL YEAR 2026

Please read all instructions carefully and thoroughly, then complete this spreadsheet for each VOCA project.

The following information is collected as part of the Subgrant Award Report (SAR). The SAR is a requirement for State Administering Agencies (SAAs) that receive Victims of Crime Act of (VOCA) funding from the Office for Victims Crime (OVC) to deliver victim assistance services. OVC uses the SAR to collect subgrantee organization type, subgrantee service capacity, subaward amounts, and subgrantee service areas to respond to different types of data requests. SAAs use the SAR to share with OVC basic information on subgrantee recipients and the program activities that will be implemented with VOCA plus match funds.

AGENCY NAME:

VOCA APPLICATION ID:
(i.e. 2026-VOCA-ABC-00123)

STAFFING

1 **Total number of paid staff for all subgrantee victimization program and/or services (including VOCA and match staff).** (whole number only)

Instructions: Report the total number of paid staff for your program, regardless of funding source.
You should include both VOCA-funded and non-VOCA funded positions:

- Count each staff person once. Both full-time and part-time staff should be counted as one staff member.
- Do not prorate based on a full-time equivalent (FTE).
- Only enter whole numbers.

Any staff member that supports a subgrantee victimization program and/or service counts as one position, regardless of the percentage of time they devote. If two staff members each spend 50 percent of their time on victimization programs, then the SAR would reflect two positions in Question 1.

2 **Number of volunteer staff supporting the work of this VOCA award (plus match) for subgrantee's victimization program and/or services.** (whole number only)

Instructions: Report the number of volunteers supporting the work of this award with VOCA plus match funds.

- Count each volunteer once.
- Do not prorate.
- Only enter whole numbers.

3 **Number of volunteer hours supporting the work of this VOCA award (plus match) for subgrantee's victimization program and/or services.** (whole number only)

Instructions: Report the total number of volunteer hours to be worked by all volunteers supporting the work of this VOCA award plus match. This should be a count of all volunteer hours that support the activities of your VOCA Assistance program, even if they are not used as match.

Example: You may have 100 volunteers who contribute time valued at $10,000 to your VOCA Assistance program. However, you may only need to provide a match of $8,000 for your project. Even though you don't need to count all of the volunteer hours as part of your match, it remains important to reflect all of the volunteer hours in this question. OVC wants to know the total count of hours worked by ALL volunteers who support your agency's Victim Assistance program.

KATIE HOBBS
Governor

JEFFREY GLOVER
Director

ARIZONA DEPARTMENT OF PUBLIC SAFETY

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"Courteous Vigilance"

Victims of Crime Act (VOCA) Victim Assistance Grant Program

Boycott of Israel Disclosure

Pursuant to A.R.S. §35-393.01, public entities are prohibited from entering into contracts "unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract to not engage in, a boycott of goods or services from Israel."

Under A.R.S. §35-393:

1. "Boycott" means engaging in a refusal to deal, terminating business activities or performing other actions that are intended to limit commercial relations with entities doing business in Israel or in territories controlled by Israel, if those actions are taken either:

   (a) Based in part on the fact that the entity does business in Israel or in territories controlled by Israel.
   (b) In a manner that discriminates on the basis of nationality, national origin or religion and that is not based on a valid business reason.

2. "Company" means an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company or other entity or business association, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate, that engages in for-profit activity and that has ten or more full-time employees.

…

5. "Public entity" means this State, a political subdivision of this State or an agency, board, commission or department of this State or a political subdivision of this State.

The certification below does <u>not</u> include boycotts prohibited by 50 United States Code Section 4842 or a regulation issued pursuant to that section. *See* A.R.S. §35-393.03.

In compliance with A.R.S. §§35-393 *et seq.*, all subrecipients must select <u>one</u> of the following (<u>SELECT ONLY ONE</u>):

◉ A. The Subrecipient (Company) **<u>does not</u>** participate in, and agrees not to participate in during the term of the contract, a boycott of Israel in accordance with A.R.S. §§35-393 *et seq*. I understand that my entire response will become public record in accordance with A.A.C. R2-7-C317.

○ B. The Subrecipient (Company) **<u>does</u>** participate in a boycott of Israel as described in A.R.S. §§35-393 *et seq*.

◯ C. Exempt Contract or Subrecipient.

If selecting C (Except Contract or Subrecipient), indicate which of the following statements applies to this Contract:

☐ Contract has an estimated value of less than $100,000;

☐ Subrecipient is a sole proprietorship;

☐ Subrecipient has fewer than ten (10) employees; and/or

☐ Subrecipient is a non-profit organization.

Subrecipient Organization (Company):

Name: _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Authorizing Official:

Printed Name: _____

Title: _____

Signature: _____ **Date:** _____

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: Public Works
Staff Recommendations:

Contact Person: Kristin Tytler, Department Director
District: District 1

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

Agenda Wording:
Consideration and action pertaining to the approval of the North Copper Canyon Village Parcel 2B.1 Alternative Assurance Agreement. City case number FS25-0193; Resolution #2025-126.

Motion:
I move to approve the North Copper Canyon Village Parcel 2B.1 Alternative Assurance Agreement. Resolution No. 2025-126.

Background:
On October 16, 2025, Courtland Homes, Inc. was notified that the Final Plat entitled "North Copper Canyon Village Parcel 2B.1 Final Plat" would be approved by the Community Development Director after the Alternative Assurance Agreement was approved by City Council. In the North Copper Canyon Village Parcel 2B.1 Alternative Assurance Agreement, the Subdivider is requesting that the City of Surprise allow, as an alternative to posting financial assurances, to construct and install all the required infrastructure improvements of the Property within twelve (12) months of the effective date of this Agreement, after final plat approval by the Community Development Director but before final plat recordation. This is an option made available to developers in the Land Development Ordinance Sec 108-3.2.A.2 of the City of Surprise Municipal code. In lieu of acceptable financial assurances, the City will not record the final plat until which time the entire infrastructure is constructed, installed, and accepted by the City of Surprise or replaced by traditional acceptable financial assurances.

Objective Analysis:
The purpose of allowing the Subdivider, as an alternative to posting financial assurances, to extend the completion date an additional twelve (12) months from date in Agreement is to construct and install all of the required infrastructure improvements.

Policy Compliant:
This item is policy compliant per Part II – Land Development Ordinance Sec 108-3.2.A.2.

Financial Impact:
There is no anticipated financial impact related to this item.

Budget Impact:
There is no anticipated budget impact related to this item.
FTE Impact:
This item does not have an impact on current staff levels.

ATTACHMENTS:
1. Resolution #2025-126 2B.1 AAA_NCC Village Parcel 2B.1_FINAL

RESOLUTION # 2025-126

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING THE ALTERNATIVE ASSURANCE AGREEMENT BETWEEN THE CITY OF SURPRISE AND COURTLAND HOMES, INC., PERTAINING TO NORTH COPPER CANYON VILLAGE PARCEL 2B.1.

WHEREAS, the City of Surprise Municipal Code § 108-3.2.A.2 allows the Community Development Director, in lieu of requiring financial assurances, to approve a final plat but withhold recordation until completion and acceptance of all required infrastructure improvements;

WHEREAS, Courtland Homes, Inc., owns approximately 52 acres of land generally located east of 175th Avenue and Pinnacle Peak Road, as more particularly described in the Alternative Assurance Agreement (the "Agreement") that is the subject of this Resolution and is attached as Exhibit "A" hereto;

WHEREAS, Courtland Homes, Inc., desires, as an alternative to posting financial assurances, to construct and install all required infrastructure improvements of the Property within twelve (12) months of the effective date of the Agreement, after final plat approval by the Community Development Director but before final plat recordation;

WHEREAS, the Community Development Director, City Engineer, and Courtland Homes, Inc., have agreed upon the subject Agreement which sets forth, among other things: (1) the conditions, terms, restrictions, and requirements for the completion of all required infrastructure of the Property; (2) the basis for an extension of the required completion of all infrastructure improvements for an additional twelve (12) month period, as legally permitted; and (3) other matters related to infrastructure improvements of the Property; and

WHEREAS, the City of Surprise and Courtland Homes, Inc., now desire to obtain City Council approval to enter into the Agreement, attached as Exhibit "A."

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

Section 1. The Alternative Assurance Agreement between the City of Surprise and Courtland Homes, Inc., attached hereto as Exhibit "A," is hereby approved.

Section 2. The Mayor is hereby directed on behalf of the City of Surprise to execute the Agreement and any other documents necessary to effectuate the intent of this Resolution.

APPROVED AND ADOPTED this _____day of _____, 2025.

Kevin D. Sartor, Mayor

Attest:

Kristi Passarelli, City Clerk

Approved as to form only:

Jeffrey Murray, City Attorney

EXHIBIT A

Alternative Assurance Agreement

NORTH COPPER CANYON VILLAGE PARCEL 2B.1
ALTERNATIVE ASSURANCE AGREEMENT

This North Copper Canyon Village Parcel 2B.1 Alternative Assurance Agreement (this **"Agreement"**) is dated as of this ___ day of _____, 2025 (the **"Effective Date"**), by and between the **City of Surprise, Arizona**, an Arizona municipal corporation (the **"City"**), and **Courtland Homes, Inc.**, an Arizona corporation (the **"Subdivider"**). City and Subdivider may be individually referred to herein as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the City of Surprise Municipal Code (**"S.M.C."**) § 108-3.2.A.2 allows the Community Development Director to approve a final plat but withhold recordation of the final plat until all required public improvements are completed by the developer and approved for acceptance by the City.

WHEREAS, Subdivider desires to enter into this Agreement for purposes of allowing Subdivider, as an alternative to posting financial assurances, to construct all of the required infrastructure improvements for North Copper Canyon Village Parcel 2B.1, as defined below, within twelve (12) months of the date of this Agreement, after approval of a final plat was approved by the Community Development Director but before recordation of the final plat. This Agreement shall also be used as a basis for an extension of the required completion of improvements for an additional twelve (12) month period, as permitted by S.M.C. § 108-3.2.A.2.e.

NOW, THEREFORE, in consideration of the foregoing recitals which are incorporated herein by reference, and the mutual promises set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties state, confirm, and agree as follows:

SPECIAL TERMS AND CONDITIONS

1. Subdivider shall complete the improvements depicted on the following approved improvement plans under FS25-0193 (the **"Improvements"**), which are incorporated herein by reference and on file with the City's Community Development and Public Works Departments, respectively:

   North Copper Canyon Village Parcel 2B.1, Grading and Drainage Plans
   North Copper Canyon Village Parcel 2B.1, Sewer Plans
   North Copper Canyon Village Parcel 2B.1, Water Plans
   North Copper Canyon Village Parcel 2B.1, Paving Plans
   North Copper Canyon Village Parcel 2B.1, Landscape Plans
   North Copper Canyon Village 172nd Avenue Culvert at the Wash 3 East Crossing

2. In lieu of providing a "construction of improvements financial assurance" to the City, as permitted by S.M.C. § 108-3.2.A.2, the City shall withhold the recording of the approved final plat until after all Improvements have been completed by the Subdivider and approved for acceptance by the City. Until receipt of such final plat, Subdivider may not sell any lots. Subdivider shall complete satisfactory construction, installation, and dedication of the Improvements no later than twelve (12) months from the date the final plat is approved by the Community Development Director. The terms of this Agreement shall run with the land and shall be binding upon all subsequent subdividers and shall survive the expiration or other termination of this Agreement.

3. Subdivider shall pay all construction permit fees and shall construct all Improvements in conformance with the approved subdivision Improvement plans, as listed in Section 1 above. When the completed Improvements are inspected and approved by the City Engineer and Subdivider provides to the City a two (2) year warranty covering the Improvements, the Community Development Director will transmit the final plat to Maricopa County for recordation, and the sale of lots may commence.

4. In the event the Subdivider fails to initiate construction within twelve (12) months of the Community Development Director's approval, the City Council shall take formal action to rescind approval of the final plat which shall then become null and void and of no force or effect, unless the Subdivider submits, prior to expiration of the initial twelve (12) month time-period, a written request to the Community Development Director for a one-time twelve (12) month extension for the required completion of the Improvements. A revised alternative improvements contract, as approved by the City Attorney, regarding the construction of the unfinished portions of the improvements shall be submitted along with the request for the time extension.

5. Should the construction of Improvements be found to be contrary to the Improvement plans or contrary to good construction practices, the recordation of the final plat shall be withheld until appropriate construction remedies are made to the satisfaction of the City Engineer.

6. This Agreement is entered into pursuant to Surprise Municipal Code ("S.M.C.") Sec. 108-3.2(A)(2), titled "Alternative Assurance Agreement." Prior to completion of the required improvements by the Subdivider, and/or prior to approval of the required improvements by the City, Subdivider and/or its successor or assigns, may elect to provide a "construction of improvements financial assurance" to the City in accordance with S.M.C. Sec. 108-3.2(A)(1). In such event, the Subdivider shall provide the required form of financial guarantee, acceptable to the City Attorney, which shall be in an amount sufficient to assure construction of all required subdivision Improvements, and the construction and installation of the required Improvements shall proceed in accordance with S.M.C. Sec. 108-3.2(A)(1).

GENERAL TERMS AND CONDITIONS

7. Prop 207 Waiver. Subdivider hereby waives and releases the City from any and all claims under A.R.S. § 12-1134, et seq., including any right to compensation for reduction in the fair market value of the real property that is the subject of this Agreement (North Copper Canyon Village Parcel 2B.1), as a result of the City's approval of this Agreement. The terms of this waiver shall run with the land and shall be binding upon all subsequent Subdividers and shall survive the expiration or other termination of this Agreement.

8. Cancellation. This Agreement is subject to cancellation for conflict of interest. Pursuant to A.R.S. § 38-503 and § 38-511, no member, official, or employee of the City shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is, directly or indirectly, interested.

9. Runs with the Land. The provisions of this Agreement are binding upon and shall inure to the benefit and burden of the Parties and their successors in interest and assigns. Subdivider shall provide the City with at least ten (10) business days' written notice in the event that title to all or any part of North Copper Canyon Village Parcel 2B.1 is conveyed or otherwise transferred to a third party that is not related to or an affiliate of Subdivider.

10. Entire Agreement. This Agreement, including all recitals and exhibits contained herein and attached hereto, constitutes the entire agreement between the Parties hereto pertaining to the subject matter hereof and all prior and contemporaneous agreements, representations, negotiations, and understandings of the Parties hereto, oral or written, are hereby superseded and merged herein.

11. Conflict. In the event of a conflict between the terms of this Alternative Assurance Agreement and the City Code, the City Code shall prevail.

12. Release. Upon the conveyance of all or a portion of North Copper Canyon Village Parcel 2B.1 by Subdivider or its successors-in-title or assigns and the assumption by such transferee of Subdivider's rights and obligations under this Agreement, Subdivider or its successors-in-title or assigns, as applicable, shall be released from its rights, liabilities, and obligations under this Agreement.

13. Venue. The laws of the State of Arizona shall govern any dispute, controversy, claim, or cause of action arising out of or related to this Agreement. The venue for any such dispute

shall be Maricopa County, Arizona, and each Party waives the right to object to venue in Maricopa County for any reason. Neither Party shall be entitled to recover any of its attorneys' fees or other costs from the other Party incurred in any such dispute, controversy, claim, or cause of action, but each Party shall bear its own attorneys' fees and costs, whether the same is resolved through arbitration, litigation in a court, or otherwise. The only remedies that either Party may seek in the event of a breach or default of this Agreement by the other Party are specific performance, injunction, and declaratory relief. No money damages may be sought or awarded.

14. Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture, or other agreement between the Parties. No term or provision of this Agreement is intended to or shall be for the benefit of any person or entity not a party hereto, and no such other person or entity shall have any right or cause of action hereunder.

15. Fair Interpretation. The Parties have been represented by counsel in the negotiation and drafting of this Agreement, and this Agreement shall be construed according to the fair meaning of its language. The rule of construction that ambiguities shall be resolved against the Party who drafted a provision shall not be employed in interpreting this Agreement.

16. Good Standing and Authority. The Parties represent and warrant that each is duly formed and validly existing under applicable laws and that the individuals executing this Agreement on behalf of their respective Party are authorized and empowered to bind the Party on whose behalf each such individual is signing.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

CITY:

CITY OF SURPRISE, an Arizona municipal corporation

By: _____

Kevin D. Sartor, Mayor

APPROVED AS TO FORM:

_____

Jeffrey Murray, City Attorney

ATTESTED:

_____

Kristi Passarelli, City Clerk

STATE OF ARIZONA)

) ss.

County of Maricopa)

On this _____ day of _____, 2025, before me personally appeared Kevin D. Sartor, the Mayor of the CITY OF SURPRISE, an Arizona municipal corporation, for and on behalf thereof, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

_____

Notary Public

My Commission Expires:

_____

SUBDIVIDER:

Courtland Homes, Inc.,
an Arizona corporation

By: Alan Hamberlin

Its: President

Date: 9-25-25

STATE OF ARIZONA
COUNTY OF MARICOPA

On this 25th day of September, 2025, before me personally appeared Alan Hamberlin the President of Courtland Homes, Inc., an Arizona corporation, authorized to conduct business in Arizona, whose identity was proven to me on the basis of satisfactory evidence to be the person who he/she claims to be, and acknowledged that he/she signed this Alternative Assurances Agreement on behalf of Courtland Homes, Inc..

I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

(Seal and Expiration Date)

CHRISTY MENARD
Notary Public - Arizona
Maricopa County
Commission #684850
My Comm. Expires May 27, 2029

Christy Menard

Notary Public in and for the State of Arizona

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: Public Works
Staff Recommendations:

Contact Person: Kristin Tytler, Department Director
District: District 1

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

Agenda Wording:
Consideration and action pertaining to the approval of the Visara Phase 2 Alternative Assurance Agreement. City case number FS24-0495; Resolution #2025-104.

Motion:
I move to approve the Visara Phase 2 Alternative Assurance Agreement. Resolution No. 2025-104.

Background:
On October 10, 2025, Pulte Home Company LLC was notified that the Final Plat entitled "Final Plat for Visara Phase 2" would be approved by the Community Development Director after the Alternative Assurance Agreement was approved by City Council. In the Visara Phase 2 Alternative Assurance Agreement, the Subdivider is requesting that the City of Surprise allow, as an alternative to posting financial assurances, to construct and install all the required infrastructure improvements of the Property within twelve (12) months of the effective date of this Agreement, after final plat approval by the Community Development Director but before final plat recordation. This is an option made available to developers in the Land Development Ordinance Sec 108-3.2.A.2 of the City of Surprise Municipal code. In lieu of acceptable financial assurances, the City will not record the final plat until which time the entire infrastructure is constructed, installed, and accepted by the City of Surprise or replaced by traditional acceptable financial assurances.

Objective Analysis:
The purpose of allowing the Subdivider, as an alternative to posting financial assurances, to extend the completion date an additional twelve (12) months from the date in the Agreement is to construct and install all the required infrastructure improvements.

Policy Compliant:
This item is policy compliant per Part II – Land Development Ordinance Sec 108-3.2.A.2.

Financial Impact:
There is no anticipated financial impact related to this item.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. Resolution #2025-104 Visara Phase 2 AAA_FINAL

RESOLUTION # 2025-104

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING THE ALTERNATIVE ASSURANCE AGREEMENT BETWEEN THE CITY OF SURPRISE AND PULTE HOME COMPANY, LLC, PERTAINING TO VISARA PHASE 2.

WHEREAS, the City of Surprise Municipal Code § 108-3.2.A.2 allows the Community Development Director, in lieu of requiring financial assurances, to approve a final plat but withhold recordation until completion and acceptance of all required infrastructure improvements;

WHEREAS, Pulte Home Company, LLC, owns approximately 32 acres of land generally located northeast of Jomax Road and 163rd Avenue, as more particularly described in the Alternative Assurance Agreement (the "Agreement") that is the subject of this Resolution and is attached as Exhibit "A" hereto;

WHEREAS, Pulte Home Company, LLC, desires, as an alternative to posting financial assurances, to construct and install all required infrastructure improvements of the Property within twelve (12) months of the effective date of the Agreement, after final plat approval by the Community Development Director but before final plat recordation;

WHEREAS, the Community Development Director, City Engineer, and Pulte Home Company, LLC, have agreed upon the subject Agreement which sets forth, among other things: (1) the conditions, terms, restrictions, and requirements for the completion of all required infrastructure of the Property; (2) the basis for an extension of the required completion of all infrastructure improvements for an additional twelve (12) month period, as legally permitted; and (3) other matters related to infrastructure improvements of the Property; and

WHEREAS, the City of Surprise and Pulte Home Company, LLC, now desire to obtain City Council approval to enter into the Agreement, attached as Exhibit "A."

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

Section 1. The Alternative Assurance Agreement between the City of Surprise and Pulte Home Company, LLC, attached hereto as Exhibit "A," is hereby approved.

Section 2. The Mayor is hereby directed on behalf of the City of Surprise to execute the Agreement and any other documents necessary to effectuate the intent of this Resolution.

APPROVED AND ADOPTED this _____day of _____, 2025.

Kevin D. Sartor, Mayor

Attest:

Kristi Passarelli, City Clerk

Approved as to form only:

Jeffrey Murray, City Attorney

EXHIBIT A

Alternative Assurance Agreement

VISARA – PHASE 2 ALTERNATIVE ASSURANCE AGREEMENT

This Visara – Phase 2 Alternative Assurance Agreement (this **"Agreement"**) is dated as of this _____ day of _____, 2025 (the **"Effective Date"**), by and between the **City of Surprise, Arizona**, an Arizona municipal corporation (the **"City"**), and **Pulte Home Company, LLC**, a Michigan limited liability company (the **"Subdivider"**). City and Subdivider may be individually referred to herein as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, the City of Surprise Municipal Code (**"S.M.C."**) § 108-3.2.A.2 allows the Community Development Director to approve a final plat but withhold recordation of the final plat until all required public improvements are completed by the developer and approved for acceptance by the City.

WHEREAS, on October 10, 2025, the Community Development Director approved/denied the final plat for Visara Phase 2 (FS24-0495) (**"Visara Phase 2"**).

WHEREAS, Subdivider desires to enter into this Agreement for purposes of allowing Subdivider, as an alternative to posting financial assurances, to construct all infrastructure improvements for Visara Phase 2, as defined below, within twelve (12) months of the date the final plat was approved by the Community Development Director but before recordation of the final plat, as permitted by S.M.C. § 108-3.2.A.2.

NOW, THEREFORE, in consideration of the foregoing recitals which are incorporated herein by reference, and the mutual promises set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties state, confirm, and agree as follows:

SPECIAL TERMS AND CONDITIONS

1. Subdivider shall complete the improvements depicted on the following approved improvements plans under FS24-0495 (the **"Improvements"**), which are incorporated herein by reference and on file with the City:
    A. Grading and Drainage Plan for Visara Phase 2
    B. Onsite Water Plan for Visara Phase 2
    C. Onsite Paving and Storm Drain Plan for Visara Phase 2
    D. Onsite Sewer Plan for Visara Phase 2

2. In lieu of providing a construction of improvements financial assurance to the City, as permitted by S.M.C. § 108-3.2.A.2, the City shall withhold the recording of the approved final plat until after all Improvements have been completed by the Subdivider and approved for acceptance by the City. Until receipt of such final plat, Subdivider may not sell any lots.

Subdivider shall complete satisfactory construction, installation, and dedication of the Improvements no later than twelve (12) months from the date the final plat is approved by the Community Development Director. The terms of this Agreement shall run with the land and shall be binding upon all subsequent subdividers and shall survive the expiration or other termination of this Agreement, except after a final plat has been recorded, the City engineer may, in his/her discretion, allow a subdivider/applicant to substitute one (1) type of financial assurance for another pursuant to S.M.C. § 108-3.2.A.1.b.

3. Subdivider shall pay all construction permit fees and shall construct all Improvements in conformance with the approved subdivision Improvement plans, as listed in Section 1 above and incorporated herein. When the completed Improvements are inspected and approved by the City Engineer and Subdivider provides to the City a two (2) year warranty covering the Improvements, the Community Development Director will transmit the final plat to Maricopa County for recordation, and the sale of lots may commence.

4. In the event the Subdivider fails to initiate construction within twelve (12) months of the Community Development Director's approval, the City Council may take formal action to rescind approval of the final plat which shall then become null and void and of no force or effect.

5. Subdivider may submit, and the City may approve, a written request for a one-time twelve (12) month extension to complete construction. A revised alternative improvements contract, in a form as approved by the City Attorney, regarding the construction of the unfinished portions of the Improvements shall be submitted along with the request for the time extension.

6. Should the construction of Improvements be found to be contrary to the Improvement plans as listed in Section 1, or contrary to good construction practices, the recordation of the final plat shall be withheld until appropriate construction remedies are made to the satisfaction of the City Engineer.

GENERAL TERMS AND CONDITIONS

7. Prop 207 Waiver. Subdivider hereby waives and releases the City from any and all claims under A.R.S. § 12-1134, et seq., including any right to compensation for reduction in the fair market value of the real property that is the subject of this Agreement (Visara Phase 2), as a result of the City's approval of this Agreement. The terms of this waiver shall run with the land and shall be binding upon all subsequent Subdividers and shall survive the expiration or other termination of this Agreement.

8. Cancellation. This Agreement is subject to cancellation for conflict of interest. Pursuant to A.R.S. § 38-503 and § 38-511, no member, official, or employee of the City shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official

or employee participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is, directly or indirectly, interested.

9. Runs with the Land. The provisions of this Agreement are binding upon and shall inure to the benefit and burden of the Parties and their successors in interest and assigns. Subdivider shall provide the City with at least ten (10) business days' written notice in the event that title to all or any part of Visara Phase 2 is conveyed or otherwise transferred to a third party that is not related to or an affiliate of Subdivider.

10. Entire Agreement. This Agreement, including all recitals and exhibits contained herein and attached hereto, constitutes the entire agreement between the Parties hereto pertaining to the subject matter hereof and all prior and contemporaneous agreements, representations, negotiations, and understandings of the Parties hereto, oral or written, are hereby superseded and merged herein.

11. Release. Upon the conveyance of all or a portion of Visara Phase 2 by Subdivider or its successors-in-title or assigns and the assumption by such transferee of Subdivider's rights and obligations under this Agreement, Subdivider or its successors-in-title or assigns, as applicable, shall be released from its rights, liabilities, and obligations under this Agreement.

12. Venue. The laws of the State of Arizona shall govern any dispute, controversy, claim, or cause of action arising out of or related to this Agreement. The venue for any such dispute shall be Maricopa County, Arizona, and each Party waives the right to object to venue in Maricopa County for any reason. Neither Party shall be entitled to recover any of its attorneys' fees or other costs from the other Party incurred in any such dispute, controversy, claim, or cause of action, but each Party shall bear its own attorneys' fees and costs, whether the same is resolved through arbitration, litigation in a court, or otherwise. The only remedies that either Party may seek in the event of a breach or default of this Agreement by the other Party are specific performance, injunction, and declaratory relief. No money damages may be sought or awarded.

13. Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture, or other agreement between the Parties. No term or provision of this Agreement is intended to or shall be for the benefit of any person or entity not a party hereto, and no such other person or entity shall have any right or cause of action hereunder.

14. Fair Interpretation. The Parties have been represented by counsel in the negotiation and drafting of this Agreement, and this Agreement shall be construed according to the fair meaning of its language. The rule of construction that ambiguities shall be resolved against the Party who drafted a provision shall not be employed in interpreting this Agreement.

15. Good Standing and Authority. The Parties represent and warrant that each is duly formed and validly existing under applicable laws and that the individuals executing this Agreement on behalf of their respective Party are authorized and empowered to bind the Party on whose behalf each such individual is signing.

[Signatures on following pages]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

CITY:

CITY OF SURPRISE, an Arizona municipal corporation

By: _____
Kevin D. Sartor, Mayor

APPROVED AS TO FORM:

_____
Jeffrey Murray, City Attorney

ATTESTED:

_____
Kristi Passarelli, City Clerk

STATE OF ARIZONA)

) ss.

County of Maricopa)

On this _____ day of _____, 2025, before me personally appeared Kevin D. Sartor, the Mayor of the CITY OF SURPRISE, an Arizona municipal corporation, for and on behalf thereof, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

_____
Notary Public

My Commission Expires: _____

SUBDIVIDER:

PULTE HOME COMPANY LLC,
a Michigan limited liability company

By: Todd Knape

Its: VP Land Development

Date: October 10, 2025

STATE OF ARIZONA
COUNTY OF MARICOPA

On this 10th day of October, 2025, before me personally appeared Todd Knape, the VP Land Development of Pulte Home Company, LLC, a Michigan limited liability company authorized to conduct business in Arizona, whose identity was proven to me on the basis of satisfactory evidence to be the person who he/she claims to be, and acknowledged that he/she signed this Alternative Assurances Agreement on behalf of Pulte Home Company, LLC.

I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

(Seal and Expiration Date)

KIM SCHWARTZ
Notary Public, State of Arizona
Maricopa County
Commission # 661891
My Commission Expires
March 10, 2028

Notary Public in and for the State of Arizona

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: District 5

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

Agenda Wording:
Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 361764, requested by Camila Alarcon, for Head Right Brewing Company located at 14312 W Waddell Rd, Surprise, AZ 85379 for a new Series 12 Liquor License.

Motion:
I move to recommend approval of application No. 361764 to the Arizona Department of Liquor Licenses and Control.

Background:
Upon receipt from the State Liquor Board, the City Clerk's Office has posted the appropriate notice of hearing as required by law to allow for written arguments in favor or opposition to the proposed application.

The application has also been disseminated to the Community Development Department, Finance Department, Surprise Police Department, and Surprise Fire and Medical Department for review. Those departments have submitted memoranda which are attached to this item.

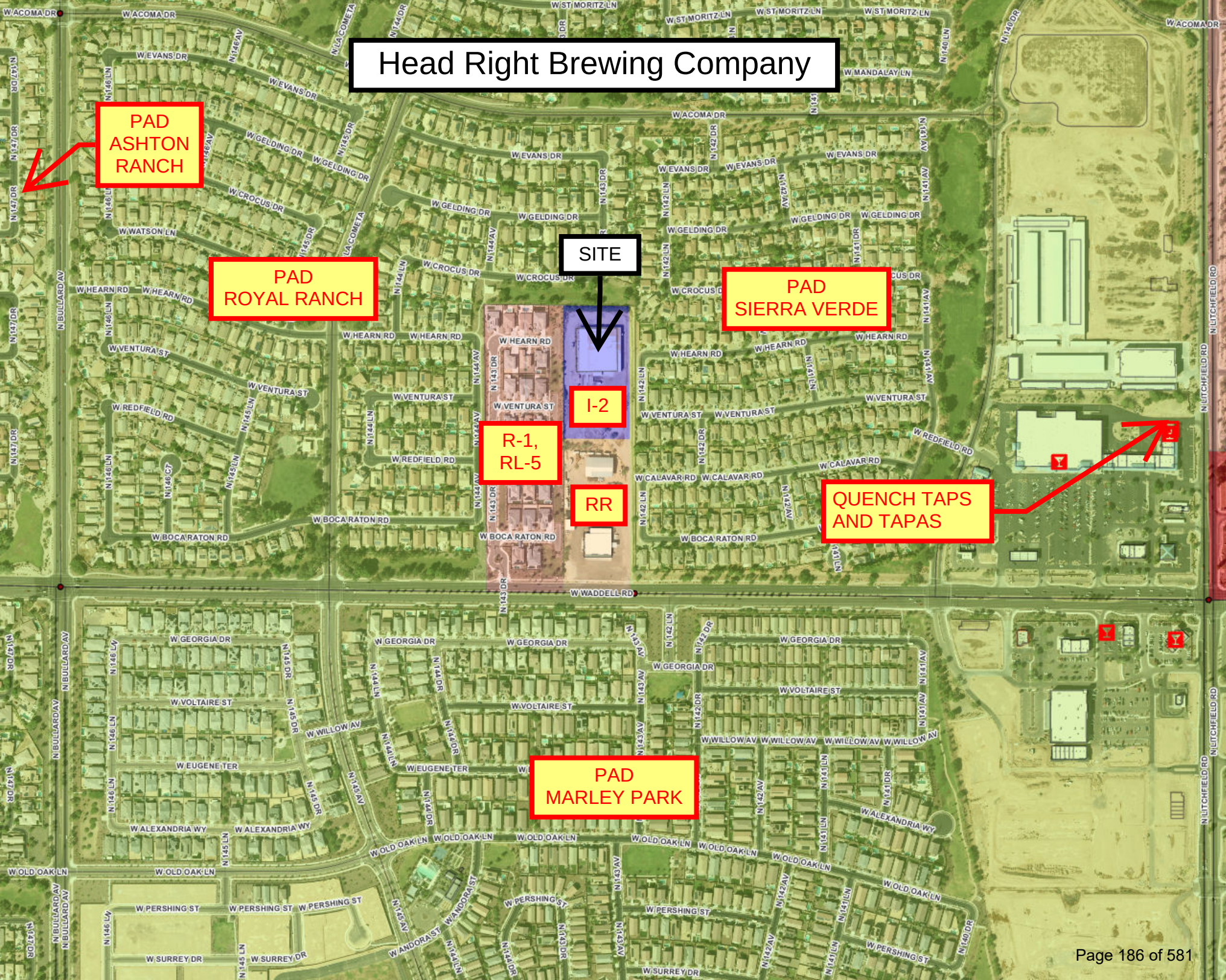
Objective Analysis:
Pursuant to state law, the City Council shall enter an order recommending approval or disapproval within sixty days after the filing of the application and shall file a certified copy of the order with the director. If the City Council recommends approval of the license a hearing before the state Liquor License Board is not required unless the director, the board or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If the recommendation is for disapproval, a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order and the state Liquor License Board will hold a hearing.

Policy Compliant:
The Liquor License process is controlled by state law. The steps taken by the City Clerk's Office and this public hearing comply with, and fulfill the City's legal obligation under, applicable state law.

Financial Impact:
None

Budget Impact:
None
FTE Impact:
None

ATTACHMENTS:
1. Head Right Brewing Company Restaurant Map
2. CD - Head Right Brewing Company Restaurant Report
3. Fire - 14312 W Waddell Head Right Brewing Company liquor license
4. PD - Head Right Brewing Company
5. Finance - Head Right Brewing Company- 14312 W Waddell Rd


Head Right Brewing Company
PAD ASHTON RANCH
PAD ROYAL RANCH
SITE
PAD SIERRA VERDE
I-2
R-1, RL-5
RR
QUENCH TAPS AND TAPAS
PAD MARLEY PARK
W ACOMA DR
W EVANS DR
W GELDING DR
W CROCUS DR
W WATSON LN
W HEARN RD
W VENTURA ST
W REDFIELD RD
W BOCA RATON RD
W WADDELL RD
W GEORGIA DR
W VOLTAIRE ST
W WILLOW AV
W EUGENE TER
W ALEXANDRIA WY
W OLD OAK LN
W PERSHING ST
W SURREY DR
W ST MORITZ LN
W MANDALAY LN
W CALAVAR RD
W ANDORA ST
N BULLARD AV
N LITCHFIELD RD

COMMUNITY DEVELOPMENT DEPARTMENT

SURPRISE
ARIZONA

Date: October 20, 2025

To: Kristi Passarelli, City Clerk

From: Lloyd Abrams, Community Development Director
Dan Johnson, Zoning Specialist

Re: Liquor License Application for:

AGENT, Camila Alarcon
Head Right Brewing Company
14312 W Waddell Rd
Surprise, Arizona 85379

NEW SERIES 12 (New Application – Restaurant) – Application # 361764

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

1. Quench Taps and Tapas (Series 12) – 14010 N. Litchfield Rd.#212
2. Fry's Marketplace #674 (Series 9) – 13982 W. Waddell Rd.
3. Quiktrip #466 (Series 10) – 14057 W. Waddell Rd. (Expired)
4. Native Grill & Wings (Series 12) – 13929 W. Waddell Rd.

The immediate area is comprised of residential and industrial zoning. The property is zoned I-2 (General Industrial) which is consistent with the proposed use.

Industrial and residential growth is expected to remain static.

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

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

October 16, 2025

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Head Right Brewing Company
14312 W Waddell Rd

The Surprise Fire-Medical Department has been involved with the pre-construction / plan review process at the above referenced location within the last few months to ensure compliance with the applicable fire codes within the tenant space and building. Since construction work is still ongoing, there are no known fire code violations. Therefore, fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner

Keith Tanner, Fire Marshal
Fire Prevention Division
Surprise Fire-Medical Department

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

REFERENCE: DATE: October 14, 2025

Application Number- 361764
New Application – Restaurant
Series 12
License Number- Pending

APPLICANT:
HEAD RIGHT BREWING COMPANY
14312 West Waddell Road.
Surprise, Arizona 85379

FINDINGS:

1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Head Right Brewing Company is looking to open on the parcel to the rear of Dale's Town and Country feed store, as a micro-brewery. The potential market should be adult patrons from Surprise and the northwest valley. There will be food sold inside the tap room, and only beer brewed from the microbrewery will be allowed to be sold, along with wine and cocktail drinks. There is also a plan for at least four televisions to be inside the tap room and occasionally there may be light music like an acoustic guitar player.

2) ***Effect of vehicular traffic in proximity.***
The addition of the liquor license may have an increased effect on traffic for the area, but there is one ingress/egress location onto this property on the east side that is immediately adjacent to Dale's animal feed store on Waddell Road, and patrons can also access the property from the west side of Dale's parking lot.

3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
N/A. New construction. This location is being converted from an old floral warehouse that has been closed for years.

4) ***Comparison of hours of operation of the proposed premises to the existing businesses in proximity.***
The hours of operation are going to be from 11 AM to 9 PM Sundays through Thursdays and stay open until 10 PM on Fridays and Saturdays. Dale's Feed Store is open from 8 AM until 5 PM, except on Saturdays, when it closes at 3 PM, and is closed on Sundays.

5) Appropriateness of series license requested.
This series of license request is appropriate for this proposed restaurant.

Submitted by Lieutenant J. Galaz #2084

SURPRISE
ARIZONA

MEMO

Date:10/13/2025

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From:Lillian Nieto- Business Compliance Specialist

RE: Liquor License Application - Head Right Brewing Company-14312 W Waddell Rd

Business License Status:

☐ Application link emailed on .

☑ License # 1027885 , currently pending review with Dev Services, Code Enforcement, and Zoning.

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: District 1

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

Agenda Wording:
Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 358350, requested by Guillermo Vega Gomez, for El Rey De Los Ostiones 2 located at 19194 W Gordon Way, Wittman, AZ 85361 for a new Series 12 Liquor License.

Motion:
I move to recommend approval of application No. 358350 to the Arizona Department of Liquor Licenses and Control.

Background:
Upon receipt from the State Liquor Board, the City Clerk's Office has posted the appropriate notice of hearing as required by law to allow for written arguments in favor or opposition to the proposed application.

The application has also been disseminated to the Community Development Department, Finance Department, Surprise Police Department, and Surprise Fire and Medical Department for review. Those departments have submitted memoranda which are attached to this item.

Objective Analysis:
Pursuant to state law, the City Council shall enter an order recommending approval or disapproval within sixty days after the filing of the application and shall file a certified copy of the order with the director. If the City Council recommends approval of the license a hearing before the state Liquor License Board is not required unless the director, the board or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If the recommendation is for disapproval, a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order and the state Liquor License Board will hold a hearing.

Policy Compliant:
The Liquor License process is controlled by state law. The steps taken by the City Clerk's Office and this public hearing comply with, and fulfill the City's legal obligation under, applicable state law.

Financial Impact:
None

Budget Impact:
None

FTE Impact:
None

ATTACHMENTS:
1. CD - EL REY DE LOS OSTIONES 2 - 358350 REPORT
2. EL REY DE LOS OSTIONES 2 - 358350 Map
3. Finance - El Rey De Los Ostiones 2
4. Fire - 19194 W Gordon Way El Rey De Los Ostiones 2 Liquor License
5. PD - El Rey De Los Ostiones 2

COMMUNITY DEVELOPMENT DEPARTMENT

SURPRISE
ARIZONA

Date: October 20, 2025

To: Kristi Passarelli, City Clerk

From: Lloyd Abrams, Community Development Director
Daniel Johnson, Zoning Specialist

Re: Liquor License Application for:

Agent, Guillermo Vega Gomez
El Rey De Los Ostiones 2
19194 W Gordon Way
SURPRISE, AZ. 85361

New Series 12 (New Application – Restaurant)- Application # 358350

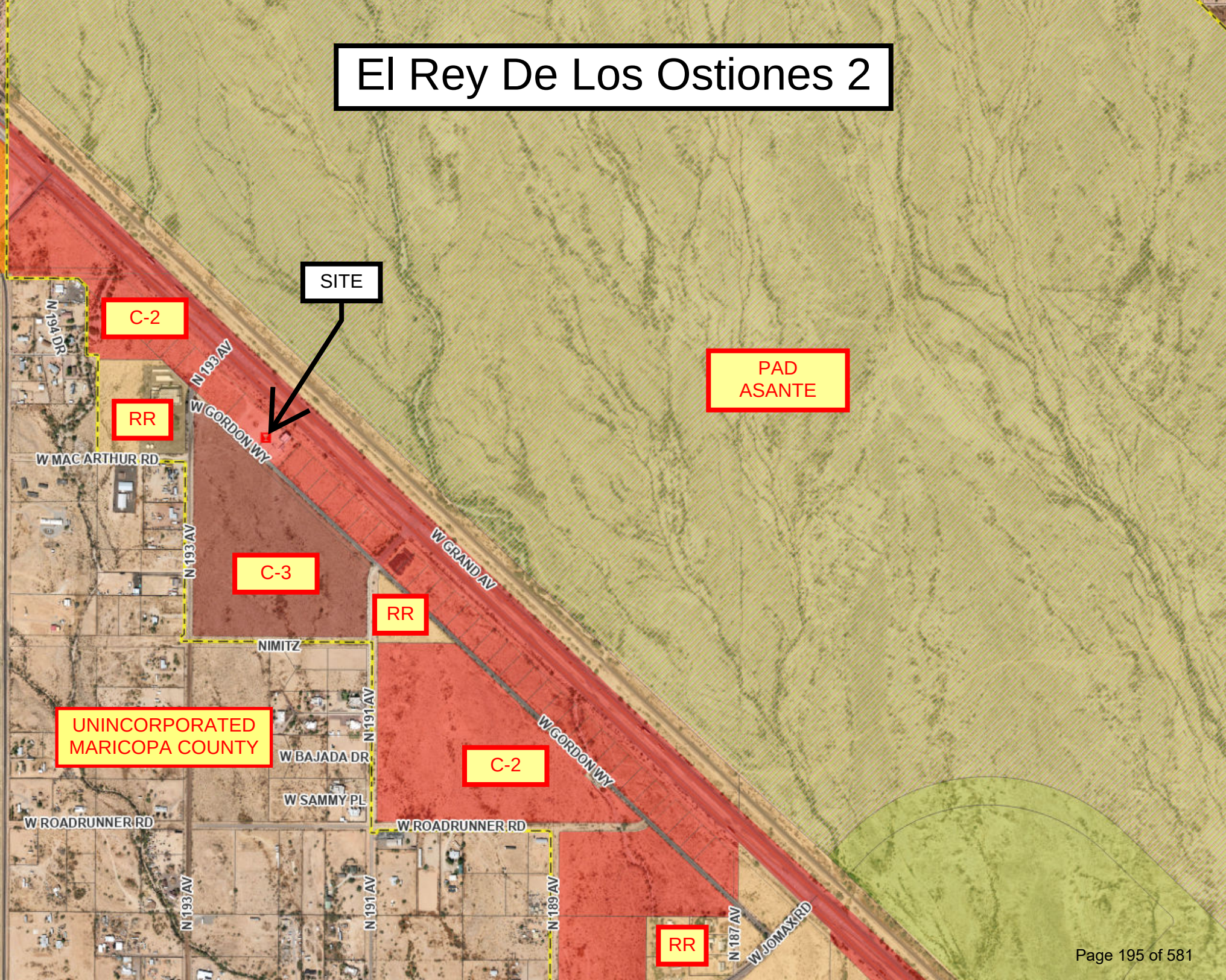
The number and series of licenses in close proximity to the subject site are:

1. None

The immediate area is comprised of residential and commercial zoning. The property is zoned C-2 (Community Commercial) which is consistent with the proposed use.

Commercial and residential growth will increase in this area.

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


El Rey De Los Ostiones 2
SITE
C-2
RR
C-3
RR
C-2
RR
PAD
ASANTE
UNINCORPORATED
MARICOPA COUNTY
N 194 DR
N 193 AV
W GORDON WY
W MAC ARTHUR RD
N 193 AV
W GRAND AV
NIMITZ
N 191 AV
W GORDON WY
W BAJADA DR
W SAMMY PL
W ROADRUNNER RD
W ROADRUNNER RD
N 193 AV
N 191 AV
N 189 AV
N 187 AV
W JOMAX RD

SURPRISE
ARIZONA

MEMO

Date: 10/13/2025

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From: Courtnee Chavez, Bus Compliance Specialist

RE: Liquor License Application – El Rey De Los Ostiones 2 - 19194 W Gordon Way

Business License Status:

☑ Application link emailed on 10/13/25 .

☐ License # , current and valid for .

☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.

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

October 20, 2025

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: 19194 W Gordon Way
Surprise, AZ 85361

The Surprise Fire-Medical Department has attempted to conduct a fire inspection at the above referenced business but on all attempts, the structure has been boarded up with no personnel around. Therefore, fire has no comment on the application at this time, however we will conduct and inspection in the future in conjunction with the COS Business Licensing process.

If you have any questions feel free to contact me.

Keith Tanner

Keith Tanner, Fire Marshal
Fire Prevention Division
Surprise Fire-Medical Department

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

REFERENCE: DATE: October 16, 2025

Application Number- 358350
New Application – Restaurant
Series 12
License Number- Pending

APPLICANT:
El Rey De Los Ostiones 2
19194 W Gordon Way
Surprise, Arizona 85361

FINDINGS:

1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
The proposed business will be a restaurant in a location that was formerly a bar. They will be serving the community members of all ages in the far northwest corridor to the City of Surprise.

2) ***Effect of vehicular traffic in proximity.***
The restaurant is very isolated and has two different access points to Grand Avenue. Any changes to current traffic in the area should be negligible.

3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
This business will be new to this area. The building they are using has remained vacant for several years. The PREVIOUS business that occupied this area was a bar, which focused on strictly alcohol-related sales and clientele.

In the past five years (the prior business) there was a total of 38 calls for service at the listed location. Of those calls for service, there were 2 reported assaults, 1 disorderly conduct, 3 stolen vehicle reports, 1 alcohol offense (no violation observed by officers), 1 burglary, 1 unwanted guest (called in by property owner), 1 intoxicated subject, 1 verbal domestic violence incident, 3 business alarm calls for service, and miscellaneous other calls for service not related to criminal activity (7 welfare checks, 1 information call for service).

4) ***Comparison of hours of operation of the proposed premises to the existing businesses in proximity.***
The hours of operation are going to be from 10 AM to 10 PM Monday through Sunday. There are no other businesses in the proximity.

5) Appropriateness of series license requested.
This series of license is appropriate for this proposed restaurant.

Submitted by Officer M. Ortega 2036

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Trever Fleetham, PLANNER SENIOR, Mindy Davis, ASSISTANT DIRECTOR

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 relating to noise and construction start times. Ordinance # 2025-17. Case FS25-0482.

Motion:

I move to approve/deny Ordinance #2025-17.

Background:

In 2025 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to act to modify conflicting codes to conform with many of these bills.

SB1182: “Construction Start Times” prohibits a municipality from adopting any noise ordinance that limits construction between May 1 and October 15 of each year between the hours of 5am and 7pm and allows for the pouring of concrete one hour before the construction start time.

Objective Analysis:

The proposed Zoning Text Amendment will bring the City's code into conformance with the recently passed legislative bill for construction start times.

Policy Compliant:

The proposed Zoning Text Amendment is consistent with state statute and the Surprise General Plan 2040.

Financial Impact:

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

Budget Impact:
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 - FS25-0482 ZTA for Noise and Construction Start Times - Staff Report
2. 01 - FS25-0482 Draft Legislative Edit
3. 02 - FS25-0482 Citizen Participation Report
4. 03 - FS25-0482 Ordinance 2025-17_FINAL
5. 04 - FS25-0482 Zoning Text Amendment - P&Z Recommendation
6. Leg Update ZTA Presentation Council

SURPRISE
ARIZONA

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case:	**FS25-0482**
Project Name:	Zoning Text Amendment for Noise and Construction Start Times
Council District:	Citywide
Meeting Date:	**November 04, 2025**
Planner:	Tiffany Copp, Assistant Director

Applicant:	City of Surprise
Request:	Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code relating to noise and construction start times. Ordinance # 2025-17. Case FS25-0482.
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2040.
Support/Opposition:	None received.
Commission Recommendation:	The Planning & Zoning Commission recommended approval of Zoning Text Amendment relating to noise and construction start times, Case FS25-0482, to City Council at the regularly scheduled Planning & Zoning Commission meeting on Thursday, October 02, 2025.

PROJECT DESCRIPTION:

Staff initiated Zoning Text Amendment (ZTA) Case FS25-0482 to the noise and construction start times sections of the City Code to bring them into conformance with recent legislative updates.

BACKGROUND:

In 2025 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to act to modify conflicting codes to conform with many of these bills.

SB1182: “Construction Start Times” prohibits a municipality from adopting any noise ordinance that limits construction between May 1 and October 15 of each year between the hours of 5am and 7pm and allows for the pouring of concrete one hour before the construction start time.

ANALYSIS AND DISCUSSION:

The proposed Zoning Text Amendment includes several additions, deletions and modifications throughout Chapters 34 and 104 of the Surprise Municipal Code, in an effort to bring the City’s codes into conformance with the recently adopted legislative changes. Detailed changes are outlined in the attached Zoning Text Amendment draft.

CONFORMANCE WITH ADOPTED PLANS:

The proposed Zoning Text Amendment is consistent with and will help implement the Surprise General Plan 2040.

CITIZEN PARTICIPATION:

An outreach meeting was held at Surprise Regional Library on Wednesday September 17, 2025 at 6:00PM. There was one member of the public in attendance and one email inquiry received regarding this case. There were no questions or concerns raised regarding the noise and construction start times text amendment.

SUMMARY:

This Zoning Text Amendment will bring the City’s codes into conformance with the recently passed legislative bill while removing conflicts with other sections of the municipal code and making minor edits to improve clarity and readability.

RECOMMENDATION:

The Planning & Zoning Commission recommended approval of the subject Zoning Text, Case FS25-0482 to City Council at the regularly scheduled Planning & Zoning Commission meeting on Thursday, October 02, 2025.

Should the Council wish to **deny** the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

00 Staff Report
01 ZTA Legislative Edit
02 Citizen Participation Report
03 Ordinance 2025-17
04 P & Z Recommendation
PowerPoint Presentation

FS25-0482 –Summertime Construction Hours

Legislative Edits

(~~*Red strikethrough*~~ *indicates deletions; edits or additions are highlighted*)

Chapter 34 – Offenses and Miscellaneous Provisions

ARTICLE V. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

SEC. 34-105. - Noise

(d) It shall be unlawful for any person to perform any construction or repair work, or operate any construction-type equipment or device within or adjacent to any residential zone ~~or within any residential designation within a planned area development (PAD) zone~~ between the hours of 9:00 p.m. and 5:00 a.m. which causes to be made or continued any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area.

i. Exception. Throughout the year, concrete is allowed to be poured at least one hour before the time that general construction activities are regularly scheduled to begin.

ii. City projects and emergency repairs. This prohibition shall not apply to persons performing construction or repair work, or operating any construction-type equipment or device in connection with public works projects or to a person performing emergency repairs.

Chapter 104 – Fundamental Development Requirements

ARTICLE I. IN GENERAL

SEC. 104-1.7. - Noise and vibration standards

A. Noise restrictions. Land uses and/or activities shall not result in or generate any noise perceptible beyond the boundaries of the immediate site in violation of the noise regulations in this Code.

B. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated by the permitted use is not discernable, at any point beyond the site property line, without instruments.

C. Construction of buildings and equipment operations. Any construction or repair work, or operation of any construction-type equipment or device(s) ~~within any residential zone or within any residential designation within a planned area development (PAD) zone shall be unlawful within the hours of 9:00 p.m. to 5:00 a.m.~~ shall comply with the requirements of SEC. 34-105(d).

D. Property maintenance. Any outdoor maintenance or cleaning of private property that includes but is not limited to sweepers, tree or weed trimmers, leaf blowers, and lawn mowers shall be unlawful within the hours of 9:00 p.m. to 5:00 a.m., except when the work is associated with an emergency operation or public improvement, and subject to the provisions of this section and any noise control ordinances within this Code.

SURPRISE
ARIZONA

COMMUNITY DEVELOPMENT
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623·222·3000

Citizen Participation Report

Zoning Text Amendment Legislative Updates

FS25-0479, FS25-0481 & FS25-0482

September 18, 2025

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO), amending several sections of code to be in conformance with recent legislative updates. As part of these changes, these amendments propose the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Amendments to language regarding administrative approvals, in conformance with HB2447 (2025).
- Amendments to language regarding middle housing, in conformance with HB2721 (2024).
- Amendments to language regarding noise and construction start times, in conformance with SB1182 (2025).

ADVERTISING

The meeting was advertised in the Phoenix Independent (formerly the Daily Independent) on Friday, August 22, 2025 and the Surprise Independent on Wednesday, August 27, 2025, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at Surprise Regional Library in the Programming Room on September 17, 2025 at 6 p.m. Staff received one (1) email inquiry regarding the text amendments, and there was one (1) member of the public in attendance at the meeting.

FEEDBACK

No feedback or concerns were expressed. General questions were asked by the attendee and email recipient and answered by City staff.

From: Tiffany Copp
To: [redacted] Trever Fleetham; Christina Sexton
Cc: [redacted] Mindy Davis; [redacted]
Subject: RE: CivicPlus Notification
Date: Thursday, September 18, 2025 9:17:00 AM

Kimberly,

There are no plans for staff-initiated zoning ordinance amendments to follow these proposed changes.

Staff does, however, have an applicant-initiated text amendment that was submitted to us in 2024 where the applicant is seeking to modify some of the definitions and requirements for townhome/ duplex development so this product can go on infill lots (undeveloped lots remaining between developed lots. Example: south side of Greenway Road just west of Litchfield Road). @Christina Sexton or @Trever Fleetham, if we have a draft of *that* proposed text amendment that is in shareable form, can you please provide a copy to Kimberly and Michele for their review; or at minimum, keep them on the list to share with when the draft is ready for prime time?

Thank you,

Tiffany Copp
623-222-3020

NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Kimberly Virostek [redacted]
Sent: Wednesday, September 17, 2025 5:31 PM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]; Trever Fleetham <Trever.Fleetham@surpriseaz.gov>; Mindy Davis <Mindy.Davis@surpriseaz.gov>; Rural Residents Surprise [redacted]
Subject: Re: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Thank you for bringing attention to that. I still feel that without restrictions on what can be charged to the people attempting to secure middle housing as their residence, this will be unlikely to truly solve the problems people are facing, but will unfortunately be likely to further line the pockets of developers and landlords.

Will there be any zoning ordinance amendments to follow?

Appreciate the sharing of information. Thank you as always.

-Kimberly

On Sep 17, 2025, at 3:51 PM, Tiffany Copp <tiffany.copp@surpriseaz.gov> wrote:

Kimberly-

I failed to point this out in my earlier email, but hoping you saw it in the bill, there is a penalty clause that if cities don't adopt an ordinance in conformance with this bill by January 1, 2026, middle housing will be allowed throughout the city and not just limited to 22%. Again, let us know if you (or your community) have further questions.

Thank you,

Tiffany Copp
623-222-3020

NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Tiffany Copp
Sent: Wednesday, September 17, 2025 1:59 PM
To: 'Kimberly Virostek' [redacted]
Cc: Michele Staples [redacted]; Trever Fleetham <Trever.Fleetham@Surpriseaz.gov>; Mindy Davis <Mindy.Davis@surpriseaz.gov>
Subject: RE: CivicPlus Notification

Kimberly,

Attached is a map that will be in the presentation showing the 22% of the City this will apply to… you are looking for the brown areas within the yellow and black dashed lines and outside of the blue boxes. So yes, this bill potentially affects the areas around your community. The State has effectively tied the city's hands in the matter forcing us to allow these changes as a permitted uses. It remains to be seen how many developers *will* actually utilize this new bill language, though.

Tiffany Copp
623-222-3020

NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Kimberly Virostek [redacted]
Sent: Wednesday, September 17, 2025 1:04 PM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]; Trever Fleetham <Trever.Fleetham@surpriseaz.gov>; Mindy Davis <Mindy.Davis@surpriseaz.gov>
Subject: Re: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Thank you for the info.

Would HB2721 apply to the developments surrounding our community, or does the auxiliary Luke airfield negate this? If it does apply, can you confirm if it is just for new developments that haven't yet gone through approval processes?

-Kimberly

On Sep 15, 2025, at 5:33 PM, Tiffany Copp <tiffany.copp@surpriseaz.gov> wrote:

Kimberly,

Attached are drafts of the proposed text amendments going forward as part of the legislative updates to P&Z and council. We are bringing these items forward to amend city code to conform with recent statutory changes implemented by the state legislature, as follows:

1. FS25-0482 concerns construction start times and summertime hours. Our code already exceeds what state statute now requires so the changes are minimal. (SB1182)
2. FS25-0479 concerns administrative approvals. The law now **requires** certain entitlements to be processed administratively instead of leaving cities the option to do administratively or not. (HB2447)
    1. The bill also requires the city to allow applicants with a history of following the building codes to have expedited permit review. The city does not currently offer expedited review because our review times are already exceptional, comparatively, so we will be putting a program together for this. You will not see this last section reflected in the text amendment as there is no text to change to accommodate the expedited review, but we will make mention of this during staff presentation and we will be proposing new fees to accommodate the expedited review process, in line with what other cities already charge.
3. FS25-0481 concerns allowing middle housing and developing standards to encourage that development type in cities. (HB2721)
    1. Note that this bill does not apply to areas in the vicinity of a military airport, so only 22% of our city would be affected by this bill. Those areas are largely undeveloped today.

Please let me know if you have any questions. Thanks!

Tiffany Copp
623-222-3020

NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Kimberly Virostek [redacted]

Sent: Tuesday, September 9, 2025 9:08 AM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]
Subject: Re: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Thank you, much appreciated.

-Kimberly

On Sep 9, 2025, at 7:42 AM, Tiffany Copp <tiffany.copp@surpriseaz.gov> wrote:

Good Morning,

I'm still going back and forth with our internal team on some revisions, but I will absolutely send you the text changes when they're ready... should be within the next day or so.

Good luck with your pup!

Tiffany Copp
623-222-3020

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From: Kimberly Virostek [redacted]
Sent: Monday, September 8, 2025 8:28 AM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]
Subject: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Greetings Tiffany,

I hope this email finds you well.

I'm reaching out about the upcoming zoning text amendments related to administrative approvals, middle housing and construction start times; cases FS25-0479, FS25-0481 and FS25-0482.

My pup has neuter surgery on Sept 17 so I likely won't be able to make it to the meeting to review the changes and I'm hoping you can send me the text via email for review.

Thank you for your assistance.

Respectfully,

-Kimberly

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

<01-FS25-0482 Draft Legislative Edit.pdf>

<01-FS25-0479_Draft Leg Edit CLEAN.pdf>

<HB2721_Middle Housing_Leg Edit_TF EDITS_082125.pdf>

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

ORDINANCE # 2025-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY AMENDING CHAPTER 34, ARTICLE V, SECTION 34-105(D) AND CHAPTER 104, ARTICLE I, SECTION 104-1.7(C) RELATING TO CONSTRUCTION START TIMES; INCLUDING THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, this Ordinance was properly noticed for public hearing, and the necessary hearings and opportunity for public input were completed;

WHEREAS, the Arizona Legislature adopted S.B. 1182, codified as A.R.S. § 9-500.52, which mandates that cities and towns may not enact or enforce any noise ordinance, rule, or regulation which prohibits any general construction activities between May 1 and October 15 of each year between the hours of 5:00AM and 7:00PM each business day and between the hours of 7:00AM and 7:00PM on Saturday;

WHEREAS, S.B. 1182 also mandates cities and town must allow the pouring of concrete at least one hour before general construction activities are regularly scheduled to begin; and

WHEREAS, this Ordinance is being adopted by the City Council to comply with the new mandates under S.B. 1182.

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

Section 1. Chapter 34, Article V, Sections 34-105(d) and Chapter 104, Article I, Section 104-1.7(C) of the Surprise Municipal Code are hereby amended as described on the attached Exhibit A and incorporated herein by this reference.

Section 2. The recitals above are fully incorporated in this Ordinance by reference.

Section 3. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted herein by reference are repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any of these amendments to the Code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 5. This Ordinance will become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____, 2025.

_____
Kevin D. Sartor, Mayor

Attest:

_____
Kristi Passarelli, City Clerk

Approved as to form:

_____
Jeffrey Murray, City Attorney

EXHIBIT A

FS25-0482 –Summertime Construction Hours

Legislative Edits

(~~*Red strikethrough*~~ *indicates deletions; edits or additions are highlighted*)

Chapter 34 – Offenses and Miscellaneous Provisions

ARTICLE V. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

SEC. 34-105. - Noise

(d) It shall be unlawful for any person to perform any construction or repair work, or operate any construction-type equipment or device within or adjacent to any residential zone ~~or within any residential designation within a planned area development (PAD) zone~~ between the hours of 9:00 p.m. and 5:00 a.m. which causes to be made or continued any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area.

i. Exception. Throughout the year, concrete is allowed to be poured at least one hour before the time that general construction activities are regularly scheduled to begin.

ii. City projects and emergency repairs. This prohibition shall not apply to persons performing construction or repair work, or operating any construction-type equipment or device in connection with public works projects or to a person performing emergency repairs.

Chapter 104 – Fundamental Development Requirements

ARTICLE I. IN GENERAL

SEC. 104-1.7. - Noise and vibration standards

A. Noise restrictions. Land uses and/or activities shall not result in or generate any noise perceptible beyond the boundaries of the immediate site in violation of the noise regulations in this Code.

B. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated by the permitted use is not discernable, at any point beyond the site property line, without instruments.

C. Construction of buildings and equipment operations. Any construction or repair work, or operation of any construction-type equipment or device(s) ~~within any residential zone or within any residential designation within a planned area development (PAD) zone shall be unlawful within the hours of 9:00 p.m. to 5:00 a.m.~~ shall comply with the requirements of SEC. 34-105(d).

D. Property maintenance. Any outdoor maintenance or cleaning of private property that includes but is not limited to sweepers, tree or weed trimmers, leaf blowers, and lawn mowers shall be unlawful within the hours of 9:00 p.m. to 5:00 a.m., except when the work is associated with an emergency operation or public improvement, and subject to the provisions of this section and any noise control ordinances within this Code.

COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS25-0482 ZONING TEXT AMENDMENT CONSTRUCTION START TIMES

On October 2, 2025, the Planning and Zoning Commission recommended that City Council approve the Zoning Text Amendment case known as “Zoning Text Amendment Construction Start Times,” Case# FS25-0482. The Commission had no questions or concerns. The motions were as follows:

Commissioner Perry moved to recommend approval of the Zoning Text Amendment for noise and construction start times, Case # FS25-0482. Commissioner Leonard seconded the motion. Motion passed with 5 votes in favor.

ZONING TEXT AMENDMENT – LEGISLATIVE UPDATES

FS25-0479, FS25-0481 & FS25-0482

City Council

November 04, 2025

SURPRISE
ARIZONA

Background

56th & 57th Arizona State Legislature passed a series of bills with the intent to increase administrative approvals, require middle housing, and modify construction start times.

- Staff initiated a series of three text amendments to conform with these changes.
- Other bills of note are included for discussion only.

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Background

Bills Requiring Text Amendments - FOR ACTION	Awareness/ Honorable Mention Only – FOR INFORMATION
HB2447: Administrative Approvals	**SB1529:** Housing Design Plans
HB2721: Middle Housing (56th Leg)	**SB1308:** Sober Living Homes
SB1182: Construction Start Times	

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Summary of Changes: HB2447

HB2447- Administrative Approvals:

Proposes further modifications to the administrative approvals process. Changes to the bill further restrict what cities “shall” do, requiring:

- At-risk submittals for certain on-site preliminary grading and drainage work
- Applicants with a “…history of compliance with building codes…” to be eligible for expedited permit review

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Summary of Changes: HB2447

HB2447 affects the following sections of the City Code:

- 101-2.2 - Glossary of Terms
- 102-2.1 - Procedure Types
- 108-1.2 - General Subdivision Processes
- 108-1.4 - Minor Land Division
- 108-1.5 - Amended/ Corrected Final Plat
- 108-2.1 - General Requirements
- 108-3.2 - Financial Assurances
- 108-3.2.1 - Deferral of Required Improvements

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Summary of Changes: HB2447

HB2447 affects the following sections of the City Code:

- 108-3.3 – Construction Inspection and Completion

The amendment also proposes striking sections 102-5.5 and 102-5.6, as they should have been stricken with the previous text amendment for Administrative Approvals, brought forth in December of 2024.

SURPRISE
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Fees: HB2447

Due to already exceptional review times, expedited plan review has not been offered in the city.

With the required change, Staff proposes an expedited review fee of:

- Double the standard plan review fee
- Minimum $1,000
- Additional 20% required for third review and beyond
- Fee will be brought forward for action at a subsequent meeting

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ARIZONA

Summary of Changes: HB2721

HB2721- Middle Housing:

Requires that, on or before January 1, 2026, the city adopt an ordinance and regulations for the development of middle housing (duplexes, triplexes, fourplexes & townhomes) as permitted use on all lots:

- Zoned for single family residential within one mile of a central business district
- At least 20% of more than 10 contiguous acres

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ARIZONA

Summary of Changes: HB2721

HB2721 does not apply to land within the vicinity of a military airport.

However, the bill also states that if a city doesn't adopt a conforming ordinance and design guidelines by the required date, middle housing shall be allowed on all lots zoned for single family residential use without limitations.

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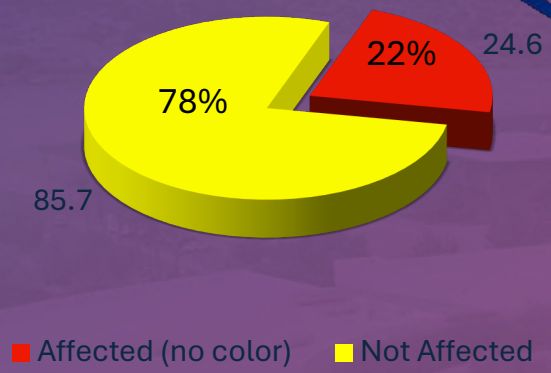
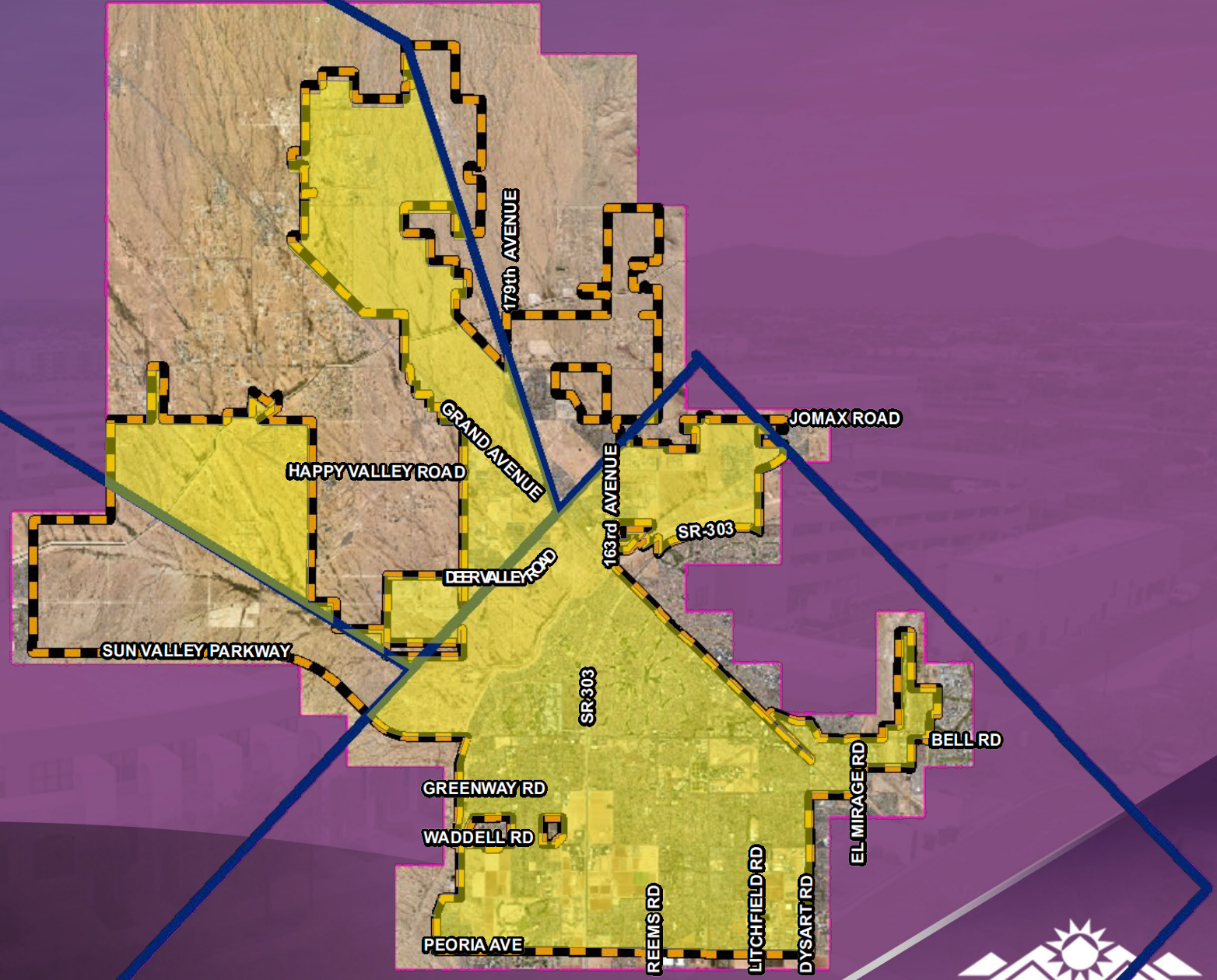
Square Miles





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Summary of Changes: HB2721

HB2721 further states a municipality may not:

- Discourage the development of middle housing
- Restrict middle housing types to less than two floors
- Restrict the floor area ratio to less than 50%
- Restrict permitting or plan review requirements
- Require owner/occupancy of any structure
- Require structures to be sprinklered/ comply with commercial requirements
- Require more than 1 off-street parking space per unit

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Summary of Changes: HB2721

HB2721 affects the following sections of the City Code:

- Section 112-1.1
- Section 112-2.1
- Section 112-3.1

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Summary of Changes: SB1182

SB1182- Noise and Construction Start Times:

Prohibits a municipality from adopting any noise ordinance that limits construction between May 1 and October 15 of each year between the hours of 5am and 7pm:

- Allows for the pouring of concrete to occur one hour before the construction start time

SB1182 affects the following sections of the City Code:

- 34-105 - Noise
- 104-1.7 - Noise and Vibration Standards

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Summary of Changes: SB1182

Current code already exceeds the parameters of the legislative changes by allowing construction to occur between 5am and 9pm.

Within section 34-105 the exception for concrete to be poured an hour earlier was added.

Section 104-1.7 was updated to reference back to the updated section 34-105 for consistency.

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Housing Design Plans: SB1529

Updates A.R.S. § 9-461.20 to require a municipality to:

- Establish standard approved housing design plans or a preapproved housing design plan program with the following classes :
  - Class 1: Single Family – Have three approved housing designs ranging in size from 800 to 2,000 sq. ft. by July 1, 2026
  - Class 2: Duplexes - Have three approved housing designs ranging in size from 400 to 1,000 sq. ft. by January 1, 2027
  - Class 3: Triplexes - Have three approved housing designs ranging in size from 400 to 1,000 sq. ft. by January 1, 2027
  - Class 4: Accessory Dwelling Units - Have three approved housing design plans ranging in size from 200 to 1,000 sq. ft. by January 1, 2027

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Sober Living Homes: SB1308

PASSED this legislative session!

Updates A.R.S. § 9-462.14 to require a municipality to:

- ✓ Establish a procedure to request deviation/ reasonable accommodation from distance requirements between SLH's
- ✓ City cannot reclassify a single-family home to commercial because of an SLH
- ✓ Ensure city's definition of SLH matches the expanded state definition

SURPRISE
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Sober Living Homes: SB1308

The bill further:

- Makes patient brokering unlawful
- Clarifies the State licensing requirements and standards through the Department of Health Services (DHS)
    - Expands sobriety requirements and testing
    - Requires policies and procedures
    - Requires a “good neighbor” policy
    - Requires accounting practices of the operators
    - Requires operators to post notice of patient/ resident rights openly
    - Requires operator fingerprinting

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Sober Living Homes: SB1308

The bill further:

- Requires SLH's to "obtain and maintain" current documentation from the local jurisdiction confirming compliance with all zoning, building code and fire code requirements
- Includes a statement of "Legislative Findings" supporting the protection of residents living in these homes and the community at large from unscrupulous operators
- Sets a series of penalties for non-conformance that DHS can enact
- Requires information sharing between DHS and local jurisdictions

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Neighborhood Outreach

September 17, 2025 at 6:00 PM
Surprise Regional Library
Public Attendance: 1
Public Inquiry via email: 1

Questions raised were related to the Middle Housing bill and included:

- General questions about what defines middle housing
- Questions about the impact to specific areas of the city if the bill passes.

Feedback was neither in direct support or opposition to the bill.

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Planning and Zoning Commission

Planning and Zoning Commission recommended **approval** of the proposed Zoning Text Amendments to conform with recent legislative updates to City Council.

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Text Amendment Timeline

9/17/2025	• Neighborhood Meeting
10/02/2025	• P&Z Commission
11/04/2025	• City Council Meeting

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Action

If City Council wishes to approve, three separate actions are required; one for each planning case, as follows:

- Ordinance 2025-21, FS25-0479: Administrative Approvals
- Ordinance 2025-18, FS25-0481: Middle Housing
- Ordinance 2025-17, FS25-0482: Construction Start Times

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Questions or Comments?

THANK YOU

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ARIZONA

Building Plan Review Time Comparison

City	Standard Review Time	Comment
Avondale	16 days first / 8 days resubmittal	All building permit types
Goodyear	5-25 days first / 5 days resubmittal	Review times vary by permit type with 5 days for simple residential (patio) and new commercial 25 days.
Peoria	5-18 days first/ resubmittals vary	Review and resubmittal times vary by project type with simple residential (patios) at 5 days and new commercial at 18. Resubmittals decline by 1-2 days thereafter per subsequent review.
Glendale	10-25 days/ resubmittals vary	Review times and resubmittals vary by project type.
Phoenix	5-45 days/ resubmittals vary	Review and resubmittal times vary by project type with simple plot plan at 5 days and new commercial at 45. Resubmittals vary thereafter per subsequent review.
Scottsdale	8-28 days/ resubmittals unknown	Resubmittal days not noted online
Surprise	4-16 days first/ 1-8 days resubmittal	

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Building Plan Review Fee Comparison

City	Expedited Review Fee	Comment
Avondale	Double the standard plan review fee	
Goodyear	Double the standard plan review fee	
Peoria	200% of normal plan review fee	Minimum $1,000
Glendale	300% of normal plan review fee	
Phoenix	3x basic plan review fee	
Scottsdale	2x basic plan review fee	An additional 20% is added if third review required
Surprise	None	None

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Trever Fleetham, PLANNER SENIOR, Mindy Davis, ASSISTANT DIRECTOR

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 relating to middle housing. Ordinance # 2025-18. Case FS25-0481.

Motion:

I move to approve/deny Ordinance #2025-18.

Background:

In 2025 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to act to modify conflicting codes to conform with many of these bills.

HB2721, “Middle Housing”, requires jurisdictions to allow for the development of duplexes, triplexes, fourplexes and townhomes on any areas zoned for single family residential within a mile of a city’s central business district and/or at least 20% of any new development of more than ten contiguous acres; along with placing restrictions on what the city can require with these developments. The City does not have a central business district, as statutorily defined. This bill does not apply to territory in the vicinity of a military airport, so long as conforming provisions are adopted by January 1, 2026. Failure to adopt a conforming ordinance will make this bill applicable to the entirety of the City of Surprise.

Objective Analysis:

The proposed Zoning Text Amendment will bring the City's code into conformance with the recently passed legislative bill for Middle Housing.

Policy Compliant:

The proposed Zoning Text Amendment is consistent with state statute and the Surprise General Plan 2040.

Financial Impact:

The financial impact associated with the adoption of this ordinance will be the cost to convert the

ordinance to MuniCode online for inclusion with the other Surprise Municipal Codes. The actual cost for conversion will be determined once the final document length is known.

Budget Impact:

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 - FS25-0481 ZTA Middle Housing - Staff Report
2. 01 - FS25-0481 Middle Housing ZTA Leg Edit
3. 02 - FS25-0481 Citizen Participation Report
4. 03 - FS25-0481 Middle Housing ZTA Ordinance
5. 04 - FS25-0481 Zoning Text Amendment - P&Z Recommendation
6. Leg Update ZTA Presentation Council

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ARIZONA

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case:	**FS25-0481**
Project Name:	Zoning Text Amendment for Middle Housing
Council District:	Citywide
Meeting Date:	**November 04, 2025**
Planner:	Tiffany Copp, Assistant Director

Applicant:	City of Surprise
Request:	Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code relating to middle housing. Ordinance # 2025-18. Case # FS25-0481.
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2040.
Support/Opposition:	None received.
Commission Recommendation:	The Planning & Zoning Commission recommended approval of Zoning Text Amendment relating to middle housing, Case FS25-0481, to City Council at the regularly scheduled Planning & Zoning Commission meeting on Thursday, October 02, 2025.

PROJECT DESCRIPTION:

Staff initiated Zoning Text Amendment (ZTA) Case # FS25-0481 to conform with recent legislative changes and updates.

BACKGROUND:

In 2024 and 2025 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to act to modify conflicting codes to conform with many of these bills.

HB2721 (2024), “Middle Housing”, requires jurisdictions to allow for the development of duplexes, triplexes, fourplexes and townhomes on any areas zoned for single family residential within a mile of a city’s central business district and/or at least 20% of any new

development of more than ten contiguous acres; along with placing restrictions on what the city can require with these developments. The City does not have a central business district, as statutorily defined. This bill does not apply to territory in the vicinity of a military airport, so long as conforming provisions are adopted by January 1, 2026. Failure to adopt a conforming ordinance will make this bill applicable to the entirety of the City of Surprise.

ANALYSIS AND DISCUSSION:

The proposed Zoning Text Amendment includes several additions, deletions and modifications throughout Chapter 112, sections 112-1.1, 112-2.1 and 112-3.1 of the Surprise Municipal Code, in an effort to bring the City's codes into conformance with the recently adopted legislative changes. Detailed changes are outlined in the attached Zoning Text Amendment legislative edits draft.

CONFORMANCE WITH ADOPTED PLANS:

The subject request is consistent with, and will help implement, the Surprise General Plan 2040.

CITIZEN PARTICIPATION:

An outreach meeting was held at Surprise Regional Library on Wednesday September 17, 2025 at 6:00PM. There was one member of the public in attendance and one email inquiry received regarding this case. Questions raised included clarifying what defines "middle housing", and questions regarding the impact of this bill to the desert rural communities out west on Sun Valley Parkway past 219th Avenue. Staff received no direct support or opposition for or against the proposed text amendment.

SUMMARY:

This Zoning Text Amendment will bring the City's codes into conformance with the recently passed legislative bill while removing conflicts with other sections of the municipal code and making minor edits to improve clarity and readability.

RECOMMENDATION:

The Planning & Zoning Commission recommended approval of the subject Zoning Text Amendment, Case #FS25-0481, to City Council at the regularly scheduled Planning & Zoning Commission meeting on Thursday, October 02, 2025.

Should the Council wish to **deny** the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

00 Staff Report
01 ZTA Legislative Edit
02 Citizen Participation Report
03 Ordinance 2025-18
04 P & Z Recommendation
PowerPoint Presentation

FS25-0481 – Middle Housing ZTA

Legislative Edits

(~~Red strikethrough~~ *indicates deletions; edits or additions are highlighted*)

Chapter 112 Middle Housing

ARTICLE I. IN GENERAL

Sec. 112-1.1. Purpose.

The purpose of this Article is to conform with A.R.S. § 9-462.13, which requires municipalities with populations of 75,000 or more persons to authorize duplexes, triplexes, fourplexes, and townhomes as a permitted use no later than January 1, 2026, on both of the following: (1) lots zoned for single-family residential use within one mile of the municipality's central business district; and (2) at least twenty percent of any new development of more than ten contiguous acres. The regulations in this Article are in addition to other codes and requirements of the City of Surprise.

ARTICLE II. DEFINITIONS

Sec. 112-2.1. Definitions.

A. For purposes of administering Chapter 112, the following definitions apply:

Building Code:

a. Means the construction code adopted by the City of Surprise.
b. Includes a model building code, commercial code, plumbing and mechanical code, electric code, energy conservation code, fire code, property maintenance code, neighborhood preservation code, anti-blight code or other similar code.

Central business district means an area or series of areas designated by the City that are primarily nonindustrial and that attract community activity, including the entire geographic area that the City has officially designated as its downtown or equivalent on the effective date of the section.

Duplex means two dwelling units on the same parcel or lot in attached, detached or semidetached arrangements that are designed for residential occupancy by not more than two households living independently from each other.

Floor area ratio means the ratio of allowed square footage in a middle housing project to the square footage of the parcel on which it is built.

Fourplex means four dwelling units on the same parcel or lot in attached, detached or semidetached arrangements that are designed for residential occupancy by not more than four households living independently from each other.

Household means either: (a) A single person living or residing in a dwelling or place of residence; (b) Two or more persons living together or residing in the same dwelling or place of residence.

Middle housing (a) Means buildings that are compatible in scale, form and character with single-family houses and that contain two or more attached, detached, stacked or clustered homes; (b) Includes duplexes, triplexes, fourplexes and townhouses.

Permitted use means the ability for a development to be approved without requiring a public hearing, variance, conditional use permit, special permit or special exception, other than a discretionary zoning action to determine that a site plan conforms with applicable zoning regulations.

Townhouses means dwelling units that are constructed in a row of two or more attached units in which each dwelling unit shares at least one common wall with an adjacent unit and that are accessed by separate outdoor entrances.

Triplex means three dwelling units on the same parcel or lot in attached, detached or semidetached arrangements that are designed for residential occupancy by not more than three households living independently from each other.

ARTICLE III. Eligibility, Process, and Standards

Sec. 112-3.1. Eligibility for Middle Housing as a Permitted Use.

A. **Eligibility**. Subject to the requirements of this section, a duplex, triplex, fourplex, or townhome is allowed as a permitted use on:

1. A lot zoned for single-family residential use within one mile of the City's *central business district*.
2. At least twenty percent of a new development of more than ten contiguous acres.

B. **Non-Eligibility**. The following areas are not eligible to construct a duplex, triplex, fourplex, or townhome as a permitted use as provided in this Chapter:
1. Areas that are not incorporated;
2. Areas that lack sufficient urban services;
3. Areas that are not served by water and sewer services;
4. Areas that are not zoned for residential use;
5. Areas that are not incorporated and are zoned under an interim zoning designation that maintains the area's potential for planned urban development;
6. Areas covered under A.R.S., title 48, chapter 6, article 4;
7. Any land within the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486 or to the extent this section would interfere with the public airport's ability to comply with the laws, regulations and requirements of the United States related to applying for, receiving or spending federal monies; and

8. Any land within the territory in the vicinity of a military airport as defined in A.R.S. § 28-8461.

C. **Application Process.** A property owner seeking to develop an eligible project shall submit an application that includes the following:
   1. Evidence satisfactory to the Community Development Director that the proposed duplex, triplex, fourplex, or townhome is eligible as a permitted use in accordance with this section;
   2. A site plan in conformance with the requirements of the City of Surprise plan review and approval processes;
   3. Evidence of site plan review and approval by any utility provider impacted by the proposed development;
   4. Evidence of sufficient urban services for the entire proposed development;
   5. Evidence of adequate existing public sewer and water service for the entire proposed development; and
   6. Compliance with all applicable building codes, zoning codes, and other applicable City codes and standards.

D. **Utilities.** Notwithstanding the provisions of this Chapter, a utility provider impacted by an application under this section shall have the opportunity to review and approve the site plan for the development.

E. **Development Standards and Requirements**. An eligible project shall comply with all development standards and requirements applicable to the respective zoning district and product type, with the following exceptions:
   1. *Parking.* Middle housing products require one off-street parking space per unit.
   2. *Height*. No maximum height requirement shall restrict a middle housing type to less than two (2) floors.

SURPRISE
ARIZONA

COMMUNITY DEVELOPMENT
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623·222·3000

Citizen Participation Report

Zoning Text Amendment Legislative Updates

FS25-0479, FS25-0481 & FS25-0482

September 18, 2025

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO), amending several sections of code to be in conformance with recent legislative updates. As part of these changes, these amendments propose the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Amendments to language regarding administrative approvals, in conformance with HB2447 (2025).
- Amendments to language regarding middle housing, in conformance with HB2721 (2024).
- Amendments to language regarding noise and construction start times, in conformance with SB1182 (2025).

ADVERTISING

The meeting was advertised in the Phoenix Independent (formerly the Daily Independent) on Friday, August 22, 2025 and the Surprise Independent on Wednesday, August 27, 2025, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at Surprise Regional Library in the Programming Room on September 17, 2025 at 6 p.m. Staff received one (1) email inquiry regarding the text amendments, and there was one (1) member of the public in attendance at the meeting.

FEEDBACK

No feedback or concerns were expressed. General questions were asked by the attendee and email recipient and answered by City staff.

From: Tiffany Copp
To: [redacted] Trever Fleetham; Christina Sexton
Cc: [redacted] Mindy Davis; [redacted]
Subject: RE: CivicPlus Notification
Date: Thursday, September 18, 2025 9:17:00 AM

Kimberly,

There are no plans for staff-initiated zoning ordinance amendments to follow these proposed changes.

Staff does, however, have an applicant-initiated text amendment that was submitted to us in 2024 where the applicant is seeking to modify some of the definitions and requirements for townhome/ duplex development so this product can go on infill lots (undeveloped lots remaining between developed lots. Example: south side of Greenway Road just west of Litchfield Road). @Christina Sexton or @Trever Fleetham, if we have a draft of *that* proposed text amendment that is in shareable form, can you please provide a copy to Kimberly and Michele for their review; or at minimum, keep them on the list to share with when the draft is ready for prime time?

Thank you,

Tiffany Copp
623-222-3020

NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Kimberly Virostek [redacted]
Sent: Wednesday, September 17, 2025 5:31 PM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]; Trever Fleetham <Trever.Fleetham@surpriseaz.gov>; Mindy Davis <Mindy.Davis@surpriseaz.gov>; Rural Residents Surprise [redacted]
Subject: Re: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Thank you for bringing attention to that. I still feel that without restrictions on what can be charged to the people attempting to secure middle housing as their residence, this will be unlikely to truly solve the problems people are facing, but will unfortunately be likely to further line the pockets of developers and landlords.

Will there be any zoning ordinance amendments to follow?

Appreciate the sharing of information. Thank you as always.

-Kimberly

On Sep 17, 2025, at 3:51 PM, Tiffany Copp <tiffany.copp@surpriseaz.gov> wrote:

Kimberly-

I failed to point this out in my earlier email, but hoping you saw it in the bill, there is a penalty clause that if cities don't adopt an ordinance in conformance with this bill by January 1, 2026, middle housing will be allowed throughout the city and not just limited to 22%. Again, let us know if you (or your community) have further questions.

Thank you,

Tiffany Copp
623-222-3020

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From: Tiffany Copp
Sent: Wednesday, September 17, 2025 1:59 PM
To: 'Kimberly Virostek' [redacted]
Cc: Michele Staples [redacted]; Trever Fleetham <Trever.Fleetham@Surpriseaz.gov>; Mindy Davis <Mindy.Davis@surpriseaz.gov>
Subject: RE: CivicPlus Notification

Kimberly,

Attached is a map that will be in the presentation showing the 22% of the City this will apply to… you are looking for the brown areas within the yellow and black dashed lines and outside of the blue boxes. So yes, this bill potentially affects the areas around your community. The State has effectively tied the city's hands in the matter forcing us to allow these changes as a permitted uses. It remains to be seen how many developers *will* actually utilize this new bill language, though.

Tiffany Copp
623-222-3020

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From: Kimberly Virostek [redacted]
Sent: Wednesday, September 17, 2025 1:04 PM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]; Trever Fleetham <Trever.Fleetham@surpriseaz.gov>; Mindy Davis <Mindy.Davis@surpriseaz.gov>
Subject: Re: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Thank you for the info.

Would HB2721 apply to the developments surrounding our community, or does the auxiliary Luke airfield negate this? If it does apply, can you confirm if it is just for new developments that haven't yet gone through approval processes?

-Kimberly

On Sep 15, 2025, at 5:33 PM, Tiffany Copp <tiffany.copp@surpriseaz.gov> wrote:

Kimberly,

Attached are drafts of the proposed text amendments going forward as part of the legislative updates to P&Z and council. We are bringing these items forward to amend city code to conform with recent statutory changes implemented by the state legislature, as follows:

1. FS25-0482 concerns construction start times and summertime hours. Our code already exceeds what state statute now requires so the changes are minimal. (SB1182)
2. FS25-0479 concerns administrative approvals. The law now **requires** certain entitlements to be processed administratively instead of leaving cities the option to do administratively or not. (HB2447)
    1. The bill also requires the city to allow applicants with a history of following the building codes to have expedited permit review. The city does not currently offer expedited review because our review times are already exceptional, comparatively, so we will be putting a program together for this. You will not see this last section reflected in the text amendment as there is no text to change to accommodate the expedited review, but we will make mention of this during staff presentation and we will be proposing new fees to accommodate the expedited review process, in line with what other cities already charge.
3. FS25-0481 concerns allowing middle housing and developing standards to encourage that development type in cities. (HB2721)
    1. Note that this bill does not apply to areas in the vicinity of a military airport, so only 22% of our city would be affected by this bill. Those areas are largely undeveloped today.

Please let me know if you have any questions. Thanks!

Tiffany Copp
623-222-3020

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From: Kimberly Virostek [redacted]

Sent: Tuesday, September 9, 2025 9:08 AM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]
Subject: Re: CivicPlus Notification

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Thank you, much appreciated.

-Kimberly

On Sep 9, 2025, at 7:42 AM, Tiffany Copp <tiffany.copp@surpriseaz.gov> wrote:

Good Morning,

I'm still going back and forth with our internal team on some revisions, but I will absolutely send you the text changes when they're ready... should be within the next day or so.

Good luck with your pup!

Tiffany Copp
623-222-3020

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From: Kimberly Virostek [redacted]
Sent: Monday, September 8, 2025 8:28 AM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]
Subject: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Greetings Tiffany,

I hope this email finds you well.

I'm reaching out about the upcoming zoning text amendments related to administrative approvals, middle housing and construction start times; cases FS25-0479, FS25-0481 and FS25-0482.

My pup has neuter surgery on Sept 17 so I likely won't be able to make it to the meeting to review the changes and I'm hoping you can send me the text via email for review.

Thank you for your assistance.

Respectfully,

-Kimberly

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<01-FS25-0482 Draft Legislative Edit.pdf>

<01-FS25-0479_Draft Leg Edit CLEAN.pdf>

<HB2721_Middle Housing_Leg Edit_TF EDITS_082125.pdf>

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ORDINANCE # 2025-18

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY ADDING CHAPTER 112, ARTICLES I THROUGH III, SECTIONS 112-1.1 THROUGH 112-3.1, RELATING TO MIDDLE HOUSING; INCORPORATING THE RECITALS BY REFERENCE; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; ESTABLISHING ELIGIBILITY CRITERIA FOR CERTAIN MIDDLE HOUSING AS A PERMITTED USE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, § 9-462.13(A) of the Arizona Revised Statutes (A.R.S.) requires the governing body of a city or town with a population of 75,000 or more to adopt regulations no later than January 1, 2026, which would allow duplexes, triplexes, fourplexes, and townhomes as a "permitted use" on: (i) lots zoned for single-family residential use within one mile of the municipality's central business district; and (ii) at least twenty percent of any new residential development of more than ten contiguous acres;

WHEREAS, A.R.S. § 9-462.13(H)(8) defines "permitted use" as "the ability for a development to be approved without requiring a public hearing, variance, conditional use permit, special permit or special exception, other than a discretionary zoning action to determination that a site plan conforms with applicable zoning regulations";

WHEREAS, A.R.S. § 9-462.13(E) provides that a failure to adopt regulations by January 1, 2026, would result in middle housing being allowed on all lots zoned for single-family residential use without any limitations;

WHEREAS, A.R.S. § 9-462.13(H)(7) defines "middle housing" as buildings that are compatible in scale, form and character with single-family houses and that contain two or more attached, detached, stacked or clustered homes, including duplexes, triplexes, fourplexes and townhouses;

WHEREAS, A.R.S. § 9-462.13(B)(1) prohibits the City of Surprise from discouraging the development of middle housing through requirements or actions that individually or cumulatively make impracticable the permitting, siting, or construction of middle housing;

WHEREAS, A.R.S. § 9-462.13(B)(2) prohibits the City of Surprise from restricting middle housing to less than two floors;

WHEREAS, A.R.S. § 9-462.13(B)(3) prohibits the City of Surprise from restricting middle housing to a floor area ratio of less than fifty percent;

WHEREAS, A.R.S. § 9-462.13(B)(4) prohibits the City of Surprise from setting restrictions, permitting or review processes for middle housing that are more restrictive than those for single-family dwellings within the same zone;

WHEREAS, A.R.S. § 9-462.13(B)(5) prohibits the City of Surprise from requiring owner occupancy of a middle housing structure on the lot;

WHEREAS, A.R.S. § 9-462.13(B)(6) prohibits the City of Surprise from requiring a middle housing structure to comply with a commercial building code or to contain a fire sprinkler;

WHEREAS, A.R.S. § 9-462.13(B)(7) prohibits the City of Surprise from requiring more than one off-street parking space per unit of the middle housing;

WHEREAS, A.R.S. § 9-462.13 includes and authorizes various exceptions and limitations that the City of Surprise is implementing with this Ordinance;

WHEREAS, A.R.S. § 9-462.13 does not change or otherwise impair the terms of any development agreement that exists on September 14, 2024;

WHEREAS, the Surprise City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent;

WHEREAS, a public hearing was held on October 2, 2025, by the Planning and Zoning Commission as required by the Surprise Municipal Code; and

WHEREAS, this Ordinance was properly noticed for public hearing, and the necessary hearings and opportunity for public input were completed.

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

Section 1. Chapter 112, Articles I through III, Sections 112-1.1 through 112-3.1 are hereby added as described on the attached Exhibit A, and incorporated herein by this reference.

Section 2. The above recitals are fully incorporated in this Ordinance by reference.

Section 3. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

Section 4. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted herein by reference are repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any of these amendments to the Code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

PASSED AND ADOPTED this ___ day of _____, 2025.

_____
Kevin D. Sartor, Mayor

Attest:

_____
Kristi Passarelli, City Clerk

Approved as to form:

_____
Jeffrey Murray, City Attorney

EXHIBIT A

Chapter 112 Middle Housing

ARTICLE I. IN GENERAL

Sec. 112-1.1. Purpose.

The purpose of this Article is to conform with A.R.S. § 9-462.13, which requires municipalities with populations of 75,000 or more persons to authorize duplexes, triplexes, fourplexes, and townhomes as a permitted use no later than January 1, 2026, on both of the following: (1) lots zoned for single-family residential use within one mile of the municipality's central business district; and (2) at least twenty percent of any new development of more than ten contiguous acres. The regulations in this Article are in addition to other codes and requirements of the City of Surprise.

ARTICLE II. DEFINITIONS

Sec. 112-2.1. Definitions.

A. For purposes of administering Chapter 112, the following definitions apply:

Building Code:

a. Means the construction code adopted by the City of Surprise.
b. Includes a model building code, commercial code, plumbing and mechanical code, electric code, energy conservation code, fire code, property maintenance code, neighborhood preservation code, anti-blight code or other similar code.

Central business district means an area or series of areas designated by the City that are primarily nonindustrial and that attract community activity, including the entire geographic area that the City has officially designated as its downtown or equivalent on the effective date of the section.

Duplex means two dwelling units on the same parcel or lot in attached, detached or semidetached arrangements that are designed for residential occupancy by not more than two households living independently from each other.

Floor area ratio means the ratio of allowed square footage in a middle housing project to the square footage of the parcel on which it is built.

Fourplex means four dwelling units on the same parcel or lot in attached, detached or semidetached arrangements that are designed for residential occupancy by not more than four households living independently from each other.

Household means either: (a) A single person living or residing in a dwelling or place of residence; (b) Two or more persons living together or residing in the same dwelling or place of residence.

Middle housing (a) Means buildings that are compatible in scale, form and character with single-family houses and that contain two or more attached, detached, stacked or clustered homes; (b) Includes duplexes, triplexes, fourplexes and townhouses.

Permitted use means the ability for a development to be approved without requiring a public hearing, variance, conditional use permit, special permit or special exception, other than a discretionary zoning action to determine that a site plan conforms with applicable zoning regulations.

Townhouses means dwelling units that are constructed in a row of two or more attached units in which each dwelling unit shares at least one common wall with an adjacent unit and that are accessed by separate outdoor entrances.

Triplex means three dwelling units on the same parcel or lot in attached, detached or semidetached arrangements that are designed for residential occupancy by not more than three households living independently from each other.

ARTICLE III. Eligibility, Process, and Standards

Sec. 112-3.1. Eligibility for Middle Housing as a Permitted Use.

A. **Eligibility**. Subject to the requirements of this section, a duplex, triplex, fourplex, or townhome is allowed as a permitted use on:

1. A lot zoned for single-family residential use within one mile of the City's *central business district*.
2. At least twenty percent of a new development of more than ten contiguous acres.

B. **Non-Eligibility**. The following areas are not eligible to construct a duplex, triplex, fourplex, or townhome as a permitted use as provided in this Chapter:
1. Areas that are not incorporated;
2. Areas that lack sufficient urban services;
3. Areas that are not served by water and sewer services;
4. Areas that are not zoned for residential use;
5. Areas that are not incorporated and are zoned under an interim zoning designation that maintains the area's potential for planned urban development;
6. Areas covered under A.R.S., title 48, chapter 6, article 4;
7. Any land within the territory in the vicinity of a public airport as defined in A.R.S. § 28-8486 or to the extent this section would interfere with the public airport's ability to comply with the laws, regulations and requirements of the United States related to applying for, receiving or spending federal monies; and
8. Any land within the territory in the vicinity of a military airport as defined in A.R.S. § 28-8461.

C. **Application Process.** A property owner seeking to develop an eligible project shall submit an application that includes the following:
    1. Evidence satisfactory to the Community Development Director that the proposed duplex, triplex, fourplex, or townhome is eligible as a permitted use in accordance with this section;
    2. A site plan in conformance with the requirements of the City of Surprise plan review and approval processes;
    3. Evidence of site plan review and approval by any utility provider impacted by the proposed development;
    4. Evidence of sufficient urban services for the entire proposed development;
    5. Evidence of adequate existing public sewer and water service for the entire proposed development; and
    6. Compliance with all applicable building codes, zoning codes, and other applicable City codes and standards.

D. **Utilities.** Notwithstanding the provisions of this Chapter, a utility provider impacted by an application under this section shall have the opportunity to review and approve the site plan for the development.

E. **Development Standards and Requirements**. An eligible project shall comply with all development standards and requirements applicable to the respective zoning district and product type, with the following exceptions:
    1. *Parking.* Middle housing products require one off-street parking space per unit.
    2. *Height*. No maximum height requirement shall restrict a middle housing type to less than two (2) floors.

COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS25-0481 ZONING TEXT AMENDMENT MIDDLE HOUSING AND CENTRAL BUSINESS DISTRICT

On October 2, 2025, the Planning and Zoning Commission recommended that City Council approve the Zoning Text Amendment case known as “Zoning Text Amendment Middle Housing and Central Business District,” Case# FS25-0481. The Commission had no questions or concerns. The motions were as follows:

Commissioner Leonard moved to recommend approval of the Zoning Text Amendment for middle housing, Case #FS25-0481. Commissioner Holland seconded the motion. Motion passed with 5 votes in favor.

ZONING TEXT AMENDMENT – LEGISLATIVE UPDATES

FS25-0479, FS25-0481 & FS25-0482

City Council

November 04, 2025

SURPRISE
ARIZONA

Background

56th & 57th Arizona State Legislature passed a series of bills with the intent to increase administrative approvals, require middle housing, and modify construction start times.

- Staff initiated a series of three text amendments to conform with these changes.
- Other bills of note are included for discussion only.

SURPRISE
ARIZONA

Background

Bills Requiring Text Amendments - FOR ACTION	Awareness/ Honorable Mention Only – FOR INFORMATION
HB2447: Administrative Approvals	**SB1529:** Housing Design Plans
HB2721: Middle Housing (56th Leg)	**SB1308:** Sober Living Homes
SB1182: Construction Start Times	

SURPRISE
ARIZONA

Summary of Changes: HB2447

HB2447- Administrative Approvals:

Proposes further modifications to the administrative approvals process. Changes to the bill further restrict what cities “shall” do, requiring:

- At-risk submittals for certain on-site preliminary grading and drainage work
- Applicants with a “…history of compliance with building codes…” to be eligible for expedited permit review

SURPRISE
ARIZONA

Summary of Changes: HB2447

HB2447 affects the following sections of the City Code:

- 101-2.2 - Glossary of Terms
- 102-2.1 - Procedure Types
- 108-1.2 - General Subdivision Processes
- 108-1.4 - Minor Land Division
- 108-1.5 - Amended/ Corrected Final Plat
- 108-2.1 - General Requirements
- 108-3.2 - Financial Assurances
- 108-3.2.1 - Deferral of Required Improvements

SURPRISE
ARIZONA

Summary of Changes: HB2447

HB2447 affects the following sections of the City Code:

- 108-3.3 – Construction Inspection and Completion

The amendment also proposes striking sections 102-5.5 and 102-5.6, as they should have been stricken with the previous text amendment for Administrative Approvals, brought forth in December of 2024.

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Fees: HB2447

Due to already exceptional review times, expedited plan review has not been offered in the city.

With the required change, Staff proposes an expedited review fee of:

- Double the standard plan review fee
- Minimum $1,000
- Additional 20% required for third review and beyond
- Fee will be brought forward for action at a subsequent meeting

SURPRISE
ARIZONA

Summary of Changes: HB2721

HB2721- Middle Housing:

Requires that, on or before January 1, 2026, the city adopt an ordinance and regulations for the development of middle housing (duplexes, triplexes, fourplexes & townhomes) as permitted use on all lots:

- Zoned for single family residential within one mile of a central business district
- At least 20% of more than 10 contiguous acres

SURPRISE
ARIZONA

Summary of Changes: HB2721

HB2721 does not apply to land within the vicinity of a military airport.

However, the bill also states that if a city doesn't adopt a conforming ordinance and design guidelines by the required date, middle housing shall be allowed on all lots zoned for single family residential use without limitations.

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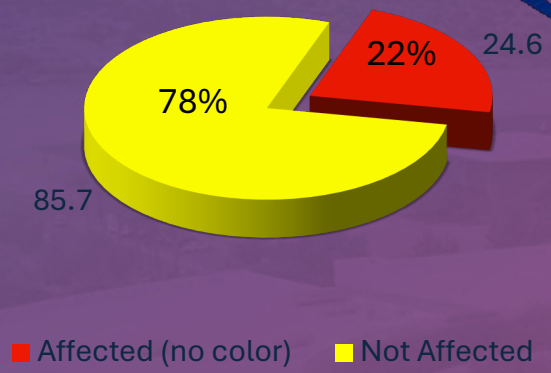
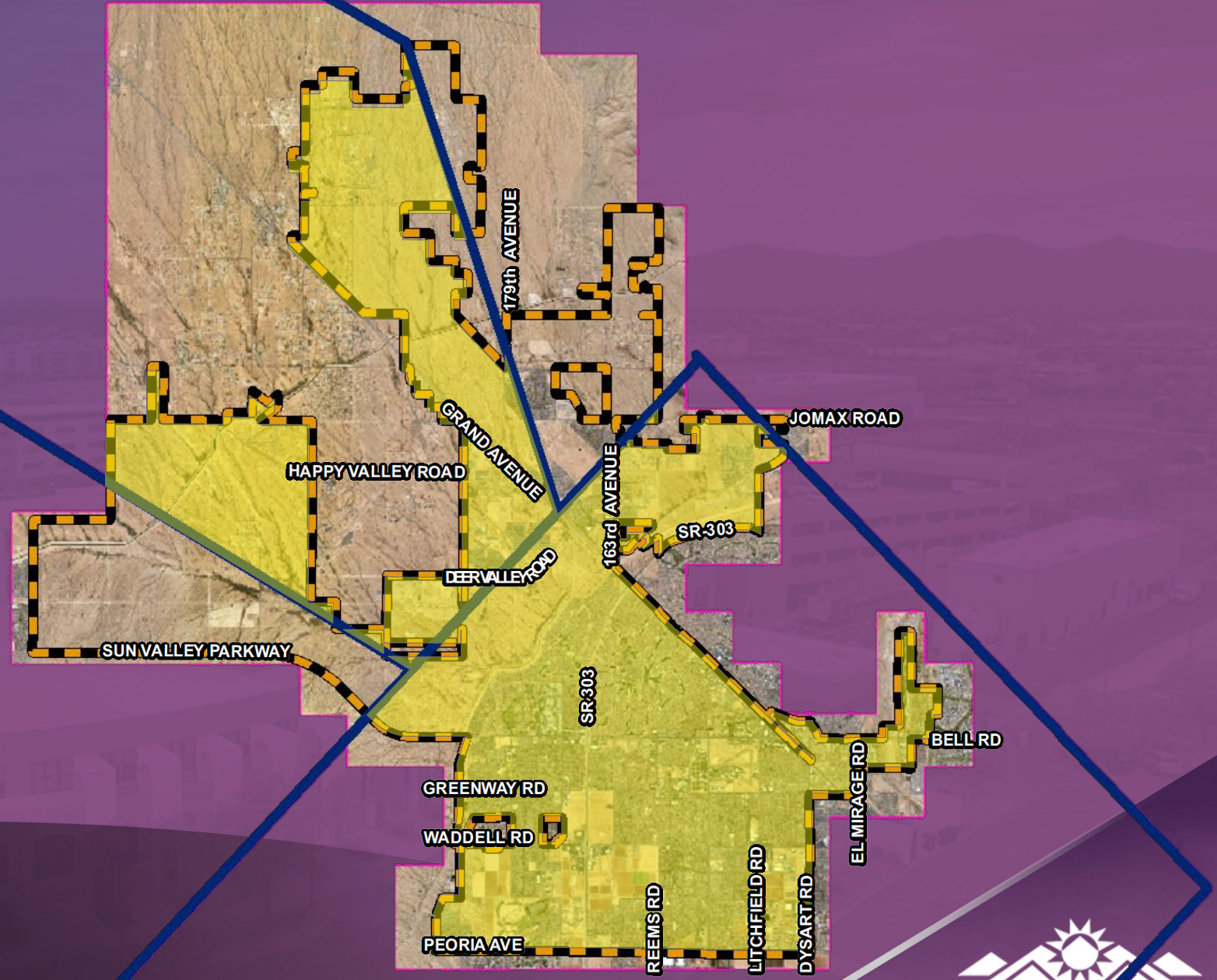
ARIZONA

Square Miles





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Summary of Changes: HB2721

HB2721 further states a municipality may not:

- Discourage the development of middle housing
- Restrict middle housing types to less than two floors
- Restrict the floor area ratio to less than 50%
- Restrict permitting or plan review requirements
- Require owner/occupancy of any structure
- Require structures to be sprinklered/ comply with commercial requirements
- Require more than 1 off-street parking space per unit

SURPRISE
ARIZONA

Summary of Changes: HB2721

HB2721 affects the following sections of the City Code:

- Section 112-1.1
- Section 112-2.1
- Section 112-3.1

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ARIZONA

Summary of Changes: SB1182

SB1182- Noise and Construction Start Times:

Prohibits a municipality from adopting any noise ordinance that limits construction between May 1 and October 15 of each year between the hours of 5am and 7pm:

- Allows for the pouring of concrete to occur one hour before the construction start time

SB1182 affects the following sections of the City Code:

- 34-105 - Noise
- 104-1.7 - Noise and Vibration Standards

SURPRISE
ARIZONA

Summary of Changes: SB1182

Current code already exceeds the parameters of the legislative changes by allowing construction to occur between 5am and 9pm.

Within section 34-105 the exception for concrete to be poured an hour earlier was added.

Section 104-1.7 was updated to reference back to the updated section 34-105 for consistency.

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Housing Design Plans: SB1529

Updates A.R.S. § 9-461.20 to require a municipality to:

- Establish standard approved housing design plans or a preapproved housing design plan program with the following classes :
  - Class 1: Single Family – Have three approved housing designs ranging in size from 800 to 2,000 sq. ft. by July 1, 2026
  - Class 2: Duplexes - Have three approved housing designs ranging in size from 400 to 1,000 sq. ft. by January 1, 2027
  - Class 3: Triplexes - Have three approved housing designs ranging in size from 400 to 1,000 sq. ft. by January 1, 2027
  - Class 4: Accessory Dwelling Units - Have three approved housing design plans ranging in size from 200 to 1,000 sq. ft. by January 1, 2027

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Sober Living Homes: SB1308

PASSED this legislative session!

Updates A.R.S. § 9-462.14 to require a municipality to:

- ✓ Establish a procedure to request deviation/ reasonable accommodation from distance requirements between SLH's
- ✓ City cannot reclassify a single-family home to commercial because of an SLH
- ✓ Ensure city's definition of SLH matches the expanded state definition

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Sober Living Homes: SB1308

The bill further:

- Makes patient brokering unlawful
- Clarifies the State licensing requirements and standards through the Department of Health Services (DHS)
    - Expands sobriety requirements and testing
    - Requires policies and procedures
    - Requires a “good neighbor” policy
    - Requires accounting practices of the operators
    - Requires operators to post notice of patient/ resident rights openly
    - Requires operator fingerprinting

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Sober Living Homes: SB1308

The bill further:

- Requires SLH's to "obtain and maintain" current documentation from the local jurisdiction confirming compliance with all zoning, building code and fire code requirements
- Includes a statement of "Legislative Findings" supporting the protection of residents living in these homes and the community at large from unscrupulous operators
- Sets a series of penalties for non-conformance that DHS can enact
- Requires information sharing between DHS and local jurisdictions

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Neighborhood Outreach

September 17, 2025 at 6:00 PM
Surprise Regional Library
Public Attendance: 1
Public Inquiry via email: 1

Questions raised were related to the Middle Housing bill and included:

- General questions about what defines middle housing
- Questions about the impact to specific areas of the city if the bill passes.

Feedback was neither in direct support or opposition to the bill.

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Planning and Zoning Commission

Planning and Zoning Commission recommended **approval** of the proposed Zoning Text Amendments to conform with recent legislative updates to City Council.

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Text Amendment Timeline

9/17/2025	• Neighborhood Meeting
10/02/2025	• P&Z Commission
11/04/2025	• City Council Meeting

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Action

If City Council wishes to approve, three separate actions are required; one for each planning case, as follows:

- Ordinance 2025-21, FS25-0479: Administrative Approvals
- Ordinance 2025-18, FS25-0481: Middle Housing
- Ordinance 2025-17, FS25-0482: Construction Start Times

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Questions or Comments?

THANK YOU

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Building Plan Review Time Comparison

City	Standard Review Time	Comment
Avondale	16 days first / 8 days resubmittal	All building permit types
Goodyear	5-25 days first / 5 days resubmittal	Review times vary by permit type with 5 days for simple residential (patio) and new commercial 25 days.
Peoria	5-18 days first/ resubmittals vary	Review and resubmittal times vary by project type with simple residential (patios) at 5 days and new commercial at 18. Resubmittals decline by 1-2 days thereafter per subsequent review.
Glendale	10-25 days/ resubmittals vary	Review times and resubmittals vary by project type.
Phoenix	5-45 days/ resubmittals vary	Review and resubmittal times vary by project type with simple plot plan at 5 days and new commercial at 45. Resubmittals vary thereafter per subsequent review.
Scottsdale	8-28 days/ resubmittals unknown	Resubmittal days not noted online
Surprise	4-16 days first/ 1-8 days resubmittal	

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Building Plan Review Fee Comparison

City	Expedited Review Fee	Comment
Avondale	Double the standard plan review fee	
Goodyear	Double the standard plan review fee	
Peoria	200% of normal plan review fee	Minimum $1,000
Glendale	300% of normal plan review fee	
Phoenix	3x basic plan review fee	
Scottsdale	2x basic plan review fee	An additional 20% is added if third review required
Surprise	None	None

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CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Trever Fleetham, PLANNER SENIOR, Mindy Davis, ASSISTANT DIRECTOR

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 relating to administrative approvals. Ordinance # 2025-21. Case FS25-0479.

Motion:

I move to approve/deny Ordinance #2025-21.

Background:

In 2025 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to act to modify conflicting codes to conform with many of these bills.

HB2447, “Administrative Approvals”, requires jurisdictions make the approval process for several entitlements administrative and requires jurisdictions allow at-risk submittals for certain on-site preliminary engineering grading and drainage work.

The bill further requires that applicants with a history of compliance with building codes be eligible for expedited permit review. The City does not currently offer expedited permit review because the current building permit review times are already very streamlined. As an example, first review of a new complex commercial building would have a sixteen (16) business day review and an eight (8) business day review for all subsequent reviews required. Simpler permits have shorter review times. As a result of this mandate, staff is working on an expedited review fee to offset staff time for completing expedited review, which will follow this text amendment, if approved by Planning and Zoning Commission and City Council.

Objective Analysis:

The proposed Zoning Text Amendment will bring the City's code into conformance with the recently passed legislative bills for Administrative Approvals.

Policy Compliant:

The proposed Zoning Text Amendment is consistent with state statute and the Surprise General Plan 2040.

Financial Impact:

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

Budget Impact:

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 - FS25-0479 ZTA Administrative Approvals - Staff Report
2. 01 - FS25-0479 Leg Edit
3. 02 - FS25-0479 Citizen Participation Report
4. 03 - FS25-0479 Ordinance 2025-21
5. 04 - FS25-0479 Zoning Text Amendment - P&Z Recommendation
6. Leg Update ZTA Presentation Council

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ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case:	**FS25-0479**
Project Name:	Zoning Text Amendment for Administrative approvals
Council District:	Citywide
Meeting Date:	**November 04, 2025**
Planner:	Tiffany Copp, Assistant Director

Applicant:	City of Surprise
Request:	Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code relating to administrative approvals. Ordinance # 2025-21. Case # FS25-0479.
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2040.
Support/Opposition:	None received.
Commission Recommendation:	The Planning & Zoning Commission recommended approval of Zoning Text Amendment relating to administrative approvals, Case FS25-0479, to City Council at the regularly scheduled Planning & Zoning Commission meeting on Thursday, October 02, 2025.

PROJECT DESCRIPTION:

Staff initiated Zoning Text Amendment (ZTA) Case # FS25-0479 to conform with recent legislative changes and updates.

BACKGROUND:

In 2025 the Arizona State Legislature passed a series of bills aimed at reducing municipal review timeframes for development and reducing housing costs by modifying various zoning and development requirements for municipalities. As a result, impacted municipalities are required to act to modify conflicting codes to conform with many of these bills.

HB2447, “Administrative Approvals”, requires jurisdictions make the approval process for several entitlements administrative and requires jurisdictions allow at-risk submittals for certain on-site preliminary engineering grading and drainage work.

The bill further requires that applicants with a history of compliance with building codes be eligible for expedited permit review. The City does not currently offer expedited permit review because the current building permit review times are already very streamlined. As an example, first review of a new complex commercial building would have a sixteen (16) business day review and an eight (8) business day review for all subsequent reviews required. Simpler permits have shorter review times. As a result of this mandate, staff is working on an expedited review fee to offset staff time for completing expedited review, which will follow this text amendment, if approved by Planning and Zoning Commission and City Council.

ANALYSIS AND DISCUSSION:

The proposed Zoning Text Amendment includes several additions, deletions and modifications throughout Chapters 101, 102 and 108, of the Surprise Municipal Code, in an effort to bring the City’s codes into conformance with the recently adopted legislative changes. Detailed changes are outlined in the attached Zoning Text Amendment draft.

CONFORMANCE WITH ADOPTED PLANS:

The subject request is consistent with, and will help implement, the Surprise General Plan 2040.

CITIZEN PARTICIPATION:

An outreach meeting was held at Surprise Regional Library on Wednesday September 17, 2025 at 6:00PM. There was one member of the public in attendance and one email inquiry received regarding this case. There were no questions or concerns raised regarding the administrative approvals text amendment.

SUMMARY:

This Zoning Text Amendment will bring the City’s codes into conformance with the recently passed legislative bill while removing conflicts with other sections of the municipal code and making minor edits to improve clarity and readability.

RECOMMENDATION:

The Planning & Zoning Commission recommended approval of the subject Zoning Text, Case # FS25-0479 to City Council at the regularly scheduled Planning & Zoning Commission meeting on Thursday, October 02, 2025.

Should the Council wish to **deny** the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

00 Staff Report
01 ZTA Legislative Edit
02 Citizen Participation Report
03 Ordinance 2025-21
04 P & Z Recommendation
PowerPoint Presentation

FS25-0479 – Administrative Approvals ZTA

Legislative Edits

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

PART II – LAND DEVELOPMENT ORDINANCE

CHAPTER 101- ADMINISTRATIVE PROVISIONS
ARTICLE II. RULES OF INTERPRETATION AND GLOSSARY OF TERMS

Sec. 101-2.2. Glossary of terms.

License has the same meaning prescribed in A.R.S. § 9-831.

Objective means not influenced by personal interpretation, taste or feelings of a municipal employee and verifiable by reference to an adopted benchmark, standard or criterion available and knowable by the applicant or proponent.

CHAPTER 102- REVIEW PROCESS AND APPLICATIONS
ARTICLE II. PROCEDURE TYPES AND SUBMITTALS

Sec. 102-2.1. Procedure types.

A. All development applications shall be decided by using one (1) of the procedure types listed in this chapter. The procedure type assigned to each application governs the requirements of a public meeting, public hearing, public outreach, public notifications, and the authoritative body, except to the extent otherwise required by applicable state or federal law.

1. Type 1. This procedure is for interpretative and administrative applications without a public outreach process, public meeting, or public hearing required. Type 1 applications are processed as administrative review decisions by the community development director. Decisions by the community development director may be appealed to either the board of adjustment or the planning and zoning commission as outlined in **Table 102-2a**.

2. Type 2. This procedure is for applications that only require a public meeting and therefore only require the limited public outreach of posting the meeting agenda, unless otherwise indicated in the following table. Type 2 applications are administrative actions. Applications where the approval authority lies with the planning and zoning commission may be appealed to the city council as outlined in **Table 102.2a**. Applications where the approval authority lies with the city council may be appealed in a manner prescribed by law.

3. Type 3. This procedure is for applications that generally are legislative in nature requiring a public hearing per A.R.S. § 9-462.04 and require public notice in the form of "agenda posting," "newspaper publication," "letter by 1st class mail," and "site posting" according to this chapter. Decisions of the city council or board of adjustment regarding type 3 applications may be appealed in a manner prescribed by law.

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							
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting	Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
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		
Amended ~~Corrective~~ plat					D			A
PEDS deviation/waiver					D	A		
Preliminary plat					D			A
Final plats					D			A
Slope Category Analysis waiver					D	A		
Administrative waiver/extension					D	A		
Site plan review					D	A		
Other plans as defined in A.R.S. § 9-500.49					D	A		A
Type 2 applications								
Protected development rights plans	X				R	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) = 1st class letter not required
R = Reviews and recommends action to decision-making body
D = Decision-making body
A = Appeal authority

FS25-0479 – Administrative Approvals ZTA

Legislative Edits

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

CHAPTER 102- REVIEW PROCESS AND APPLICATIONS
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 and presented to the planning and zoning commission 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. 102-5.6 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 council, and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.~~

CHAPTER 108 LAND DIVISION AND SUBDIVISION REGULATIONS
ARTICLE I. GENERAL PROCESS AND OVERVIEW

Sec. 108-1.1. - Purpose and intent.

A. The community development director or his designee is hereby authorized to approve land divisions.

B. The purpose of the land division and subdivision regulations is to ensure that all development conforms to the goals, objectives, and requirements adopted and contained in the city *General Plan.* Specific land division considerations include the location and shape of the site, proposed *lot* and/or tract size, *lot* orientation, circulation and *street* layout, area drainage, and legal as well as physical *access.* Further that all subdivision projects provide legally established *lot*(s) that comply with the specific *zoning district* requirements; all *lots* provide legal as well as physical *access*; that each development provides the required public infrastructure; to ensure that adequate provisions for utility services, utility easements, *roadways* that meet PM10 nonattainment area requirements, and other health and safety concerns are addressed.

C. Additionally, all land division and subdivision projects are reviewed to ensure that they address any environmental concerns that may arise including but not limited to, water quality and *floodplain* concerns, native vegetation and *habitat* conservation and maintenance, the proposed site grading, and the protection of *environmentally sensitive features.*

FS25-0479 – Administrative Approvals ZTA

Legislative Edits

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

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 *sewer*age or driveway *grade*s, steepness of terrain, or natural physical conditions.

C. ~~Where, in the opinion of the council, and after review by the community development director and the city engineer, 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 t~~These provisions may only be modified in accordance with A.R.S. § 9-462.06 and S.M.C. § 102-6.5. ~~such a manner and to such an extent as it may deem appropriate to the public interest. In modifying the standards or requirements the City 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. 108-1.3. Map of dedication.

A. A *map of dedication* may be *used* to dedicate land to the city or other public agency or to grant an easement to the city for *roadway*, drainage, flood control, utilities, emergency or service vehicle *access*, or other public *uses.*

B. A *map of dedication* shall be *used* for the purpose of dedicating property to the city or public agency such as but not limited to *street rights-of-way*.

C. A *map of dedication* will be prepared and processed in accordance with procedures and requirements for a subdivision *final plat.*

Sec. 108-1.4. Minor land division, lot line adjustment, or parcel assemblage.

A. The provisions of a *minor land division* will only apply to *original lots.*

B. The community development director or designee will determine the specific *plat* submittal requirements necessary for appropriate review of the *minor land division*, *lot line adjustment* or *parcel assemblage* at the time of the concept review meeting.

C. If the community development director or designee, in concurrence with the city engineer, finds that the proposed *minor land division*, *lot line adjustment*, or *parcel assemblage* meets all of the requirements of the LDO and the PEDS, the *plat* will be approved and the community development director and city engineer will date and sign the approval block on the *plat.*

D. After approval, city will record the *plat* and the *applicant* will pay to the city the fee charged by the county recorder.

E. An *applicant* aggrieved by the decision of the community development director may file for an appeal of the decision to the board of adjustment.

Sec. 108-1.5. Subdivisions.

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 *final plat* ~~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 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*~~.

Chapter 108 LAND DIVISION AND SUBDIVISION REGULATIONS
ARTICLE II. REPORTS, PLANS, AND DESIGN STANDARDS

Sec. 108-2.1. General requirements.

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* 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. Pursuant to A.R.S. § 9-463.01, the City Council shall either determine that certain lands may not be subdivided, by reason of adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water or other natural or manmade hazard to life or property, or control the lot

size, establish special grading and drainage requirements and impose other regulations deemed reasonable and necessary for the public health, safety or general welfare on any lands to be subdivided affected by such characteristics. ~~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.~~

Chapter 108 LAND DIVISION AND SUBDIVISION REGULATIONS
ARTICLE III. SUBMDIVISION CONSTRUCTION, INSPECTION AND ACCEPTANCE

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 assurance*s accepted by the city).
   b. The city engineer and community development director approve and subsequently transmit the *final plat* for recordation. After a *final plat* has been recorded, the city engineer may, in his/her discretion, allow 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, 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.

2. *Alter*native assurance agreement. In lieu of providing a "construction of improvements *financial assurance*" to the city, the recording of the approved *final plat* is withheld until after all required *public improvement*s have been completed by the *developer* and approved for acceptance by the city.

a. The *subdivider/applicant* submits an executed standard contract (*alter*native assurance agreement), as approved by the city attorney, regarding the installation of improvements. The contract shall require that all improvements be completed no later than twelve (12) months from the date the *final plat* was approved ~~by the city council~~ by the C~~c~~ity ~~council~~ and that no *lot* may be sold. The terms of this contract shall run with the land and shall be binding upon all subsequent *subdivider*s and shall survive the expiration or other termination of this agreement.

b. The *subdivider/applicant* pays the construction permit fees and the city issues a construction permit for the subdivision improvements.

c. All improvements and construction shall be in conformance with the approved subdivision improvement plans. When the completed improvements are inspected and approved by the city engineer and a warranty of improvements *financial assurance* is submitted to cover the completed improvements the community development director will transmit the *final plat* to the county for recordation and the sale of *lots* may commence.

d. If the *subdivider/applicant* fails to initiate construction within twelve (12) months from the date of ~~council~~ approval, the council shall take formal action to rescind approval of the *final plat* which shall then become null and void and of no force or effect.

e. A request for a one-time extension to the required completion of the improvements may be approved by the city for an additional twelve (12) month period. A revised alternative improvements contract, as approved by the city attorney, regarding the construction of the unfinished portions of the improvements shall be submitted along with the request for the time extension.

f. Should the construction of improvements be found to be contrary to the improvement plans or contrary to good construction practices, the recordation of the *final plat* shall be withheld until appropriate construction remedies are made to the satisfaction of the city engineer.

Sec. 108-3.2.1. Deferral of required improvements.

A. The city council may defer or delay installation of development-required improvements to coincide with *adjacent* work, future planning, or because of incompatible *grade*s, inadequacy or lack of connecting facilities, or for some other suitable reasons.

B. Whenever the city council defers the requirement to construct and install any improvement, the *subdivider/applicant* shall pay to the city at the time of *final plat* approval their proportionate share of the costs of constructing and installing such improvement in the future, as determined by the city engineer. Alternatively, at the city council's option, the *applicant* may post a financial or other guarantee, as provided in this section, ensuring completion of said improvements upon demand of the city council. ~~The mayor shall not sign the *final plat* and t~~The *final plat* shall not be recorded until the requirements of this subsection have been satisfied.

Sec. 108-3.3. Construction, inspection, and completion of improvements.

A. The *subdivider/applicant* shall pay for all costs of constructing and removing temporary facilities and improvements required by the C~~c~~ity ~~council~~ and shall maintain the same for the period of construction.

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COMMUNITY DEVELOPMENT
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623·222·3000

Citizen Participation Report

Zoning Text Amendment Legislative Updates

FS25-0479, FS25-0481 & FS25-0482

September 18, 2025

PROJECT DESCRIPTION

The city has initiated this Zoning Text Amendment (ZTA) to the Surprise Municipal Codes and Land Development Ordinances (LDO), amending several sections of code to be in conformance with recent legislative updates. As part of these changes, these amendments propose the following:

- Corrections to scrivener's errors, incorrect references, and other minor cleanup items that will improve overall clarity and consistency.
- Amendments to language regarding administrative approvals, in conformance with HB2447 (2025).
- Amendments to language regarding middle housing, in conformance with HB2721 (2024).
- Amendments to language regarding noise and construction start times, in conformance with SB1182 (2025).

ADVERTISING

The meeting was advertised in the Phoenix Independent (formerly the Daily Independent) on Friday, August 22, 2025 and the Surprise Independent on Wednesday, August 27, 2025, and published on the City website.

MEETING DESCRIPTION & ATTENDANCE

The meeting was held at Surprise Regional Library in the Programming Room on September 17, 2025 at 6 p.m. Staff received one (1) email inquiry regarding the text amendments, and there was one (1) member of the public in attendance at the meeting.

FEEDBACK

No feedback or concerns were expressed. General questions were asked by the attendee and email recipient and answered by City staff.

From: Tiffany Copp
To: [redacted] Trever Fleetham; Christina Sexton
Cc: [redacted] Mindy Davis; [redacted]
Subject: RE: CivicPlus Notification
Date: Thursday, September 18, 2025 9:17:00 AM

Kimberly,

There are no plans for staff-initiated zoning ordinance amendments to follow these proposed changes.

Staff does, however, have an applicant-initiated text amendment that was submitted to us in 2024 where the applicant is seeking to modify some of the definitions and requirements for townhome/ duplex development so this product can go on infill lots (undeveloped lots remaining between developed lots. Example: south side of Greenway Road just west of Litchfield Road). @Christina Sexton or @Trever Fleetham, if we have a draft of *that* proposed text amendment that is in shareable form, can you please provide a copy to Kimberly and Michele for their review; or at minimum, keep them on the list to share with when the draft is ready for prime time?

Thank you,

Tiffany Copp
623-222-3020

NOTICE: By participating in any correspondence, telephone conversation, discussion, meeting, or any other communication with a City employee, you agree and acknowledge that: (1) any information provided in a format other than a formal written determination by the designated Zoning Administrator is preliminary in nature and shall not be relied upon for any purpose by the recipient or any other person or entity; (2) any information provided by a City employee is not the equivalent of a title report or a real estate survey; (3) you are responsible for independently researching and verifying the information; (4) a City employee is not authorized to bind the City in any manner, except by formal Zoning Administrator determination; and (5) any error, omission, incorrect information, or false information provided by a City employee shall not give rise to any liability on behalf of the City.

From: Kimberly Virostek [redacted]
Sent: Wednesday, September 17, 2025 5:31 PM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]; Trever Fleetham <Trever.Fleetham@surpriseaz.gov>; Mindy Davis <Mindy.Davis@surpriseaz.gov>; Rural Residents Surprise [redacted]
Subject: Re: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Thank you for bringing attention to that. I still feel that without restrictions on what can be charged to the people attempting to secure middle housing as their residence, this will be unlikely to truly solve the problems people are facing, but will unfortunately be likely to further line the pockets of developers and landlords.

Will there be any zoning ordinance amendments to follow?

Appreciate the sharing of information. Thank you as always.

-Kimberly

On Sep 17, 2025, at 3:51 PM, Tiffany Copp <tiffany.copp@surpriseaz.gov> wrote:

Kimberly-

I failed to point this out in my earlier email, but hoping you saw it in the bill, there is a penalty clause that if cities don't adopt an ordinance in conformance with this bill by January 1, 2026, middle housing will be allowed throughout the city and not just limited to 22%. Again, let us know if you (or your community) have further questions.

Thank you,

Tiffany Copp
623-222-3020

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From: Tiffany Copp
Sent: Wednesday, September 17, 2025 1:59 PM
To: 'Kimberly Virostek' [redacted]
Cc: Michele Staples [redacted]; Trever Fleetham <Trever.Fleetham@Surpriseaz.gov>; Mindy Davis <Mindy.Davis@surpriseaz.gov>
Subject: RE: CivicPlus Notification

Kimberly,

Attached is a map that will be in the presentation showing the 22% of the City this will apply to… you are looking for the brown areas within the yellow and black dashed lines and outside of the blue boxes. So yes, this bill potentially affects the areas around your community. The State has effectively tied the city's hands in the matter forcing us to allow these changes as a permitted uses. It remains to be seen how many developers *will* actually utilize this new bill language, though.

Tiffany Copp
623-222-3020

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From: Kimberly Virostek [redacted]
Sent: Wednesday, September 17, 2025 1:04 PM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]; Trever Fleetham <Trever.Fleetham@surpriseaz.gov>; Mindy Davis <Mindy.Davis@surpriseaz.gov>
Subject: Re: CivicPlus Notification

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Thank you for the info.

Would HB2721 apply to the developments surrounding our community, or does the auxiliary Luke airfield negate this? If it does apply, can you confirm if it is just for new developments that haven't yet gone through approval processes?

-Kimberly

On Sep 15, 2025, at 5:33 PM, Tiffany Copp <tiffany.copp@surpriseaz.gov> wrote:

Kimberly,

Attached are drafts of the proposed text amendments going forward as part of the legislative updates to P&Z and council. We are bringing these items forward to amend city code to conform with recent statutory changes implemented by the state legislature, as follows:

1. FS25-0482 concerns construction start times and summertime hours. Our code already exceeds what state statute now requires so the changes are minimal. (SB1182)
2. FS25-0479 concerns administrative approvals. The law now **requires** certain entitlements to be processed administratively instead of leaving cities the option to do administratively or not. (HB2447)
    1. The bill also requires the city to allow applicants with a history of following the building codes to have expedited permit review. The city does not currently offer expedited review because our review times are already exceptional, comparatively, so we will be putting a program together for this. You will not see this last section reflected in the text amendment as there is no text to change to accommodate the expedited review, but we will make mention of this during staff presentation and we will be proposing new fees to accommodate the expedited review process, in line with what other cities already charge.
3. FS25-0481 concerns allowing middle housing and developing standards to encourage that development type in cities. (HB2721)
    1. Note that this bill does not apply to areas in the vicinity of a military airport, so only 22% of our city would be affected by this bill. Those areas are largely undeveloped today.

Please let me know if you have any questions. Thanks!

Tiffany Copp
623-222-3020

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From: Kimberly Virostek [redacted]

Sent: Tuesday, September 9, 2025 9:08 AM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]
Subject: Re: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Thank you, much appreciated.

-Kimberly

On Sep 9, 2025, at 7:42 AM, Tiffany Copp <tiffany.copp@surpriseaz.gov> wrote:

Good Morning,

I'm still going back and forth with our internal team on some revisions, but I will absolutely send you the text changes when they're ready... should be within the next day or so.

Good luck with your pup!

Tiffany Copp
623-222-3020

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From: Kimberly Virostek [redacted]
Sent: Monday, September 8, 2025 8:28 AM
To: Tiffany Copp <Tiffany.Copp@surpriseaz.gov>
Cc: Michele Staples [redacted]
Subject: CivicPlus Notification

*****The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.*****

Greetings Tiffany,

I hope this email finds you well.

I'm reaching out about the upcoming zoning text amendments related to administrative approvals, middle housing and construction start times; cases FS25-0479, FS25-0481 and FS25-0482.

My pup has neuter surgery on Sept 17 so I likely won't be able to make it to the meeting to review the changes and I'm hoping you can send me the text via email for review.

Thank you for your assistance.

Respectfully,

-Kimberly

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

<01-FS25-0482 Draft Legislative Edit.pdf>

<01-FS25-0479_Draft Leg Edit CLEAN.pdf>

<HB2721_Middle Housing_Leg Edit_TF EDITS_082125.pdf>

This e-mail and any accompanying files transmitted are intended solely for the use of the individual or entity to whom they are addressed; if you have received this e-mail in error please delete it and notify the sender. In addition, under Arizona law, e-mail communications and e-mail addresses may be public records.
0.1

ORDINANCE # 2025-21

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY AMENDING CHAPTER 101, ARTICLE II, SECTION 101-2.2; CHAPTER 102, ARTICLE II, SECTION 102-2.1; CHAPTER 102, ARTICLE V, SECTIONS 102-5.5 AND 102-5.6; CHAPTER 108, ARTICLE I, SECTIONS 108-1.1, 108-1.2, 108-1.4, AND 108-1.5; CHAPTER 108, ARTICLE II, SECTION 108-2.1; CHAPTER 108, ARTICLE III, SECTIONS 108-3.2, 108-3.2.1, AND 108-3.3 REQUIRING THE ADMINISTRATIVE APPROVAL OF VARIOUS ENTITLEMENTS; INCORPORATING THE RECITALS BY REFERENCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, this Ordinance was properly noticed for public hearing, and the necessary hearings and opportunity for public input were completed;

WHEREAS, the Arizona Legislature adopted HB 2447, codified as A.R.S. § 9-500.49, which mandates cities shall authorize administrative approval of various entitlements, including site plans, preliminary plats, final plats, and plat amendments;

WHEREAS, City staff has identified several provisions in the Surprise Municipal Code that require revision to conform with HB 2447; and

WHEREAS, this Ordinance is being adopted by the City Council to comply with the new mandates under HB 2447 and to correct scrivener's errors and conflicting references.

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

Section 1. Chapter 101, Article II, Section 101-2.2; Chapter 102, Article II, Section 102-2.1; Chapter 102, Article V, Sections 102-5.5 and 102-5.6; Chapter 108, Article I, Sections 108-1.1, 108-1.2, 108-1.4, and 108-1.5; Chapter 108, Article II, Section 108-2.1; and Chapter 108, Article III, Sections 108-3.2, 108-3.2.1, and 108-3.3 of the Surprise Municipal Code are hereby amended as described on the attached Exhibit A and incorporated herein by this reference.

Section 2. The recitals above are fully incorporated in this Ordinance by reference.

Section 3. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted herein by reference are repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any of these amendments to the Code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 5. This Ordinance will become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____, 2025.

_____
Kevin D. Sartor, Mayor

Attest:

_____
Kristi Passarelli, City Clerk

Approved as to form:

_____
Jeffrey Murray, City Attorney

EXHIBIT A

FS25-0479 – Administrative Approvals ZTA

Legislative Edits

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

PART II – LAND DEVELOPMENT ORDINANCE

CHAPTER 101- ADMINISTRATIVE PROVISIONS
ARTICLE II. RULES OF INTERPRETATION AND GLOSSARY OF TERMS

Sec. 101-2.2. Glossary of terms.

License has the same meaning prescribed in A.R.S. § 9-831.

Objective means not influenced by personal interpretation, taste or feelings of a municipal employee and verifiable by reference to an adopted benchmark, standard or criterion available and knowable by the applicant or proponent.

CHAPTER 102- REVIEW PROCESS AND APPLICATIONS
ARTICLE II. PROCEDURE TYPES AND SUBMITTALS

Sec. 102-2.1. Procedure types.

A. All development applications shall be decided by using one (1) of the procedure types listed in this chapter. The procedure type assigned to each application governs the requirements of a public meeting, public hearing, public outreach, public notifications, and the authoritative body, except to the extent otherwise required by applicable state or federal law.

1. Type 1. This procedure is for interpretative and administrative applications without a public outreach process, public meeting, or public hearing required. Type 1 applications are processed as administrative review decisions by the community development director. Decisions by the community development director may be appealed to either the board of adjustment or the planning and zoning commission as outlined in **Table 102-2a**.

2. Type 2. This procedure is for applications that only require a public meeting and therefore only require the limited public outreach of posting the meeting agenda, unless otherwise indicated in the following table. Type 2 applications are administrative actions. Applications where the approval authority lies with the planning and zoning commission may be appealed to the city council as outlined in **Table 102.2a**. Applications where the approval authority lies with the city council may be appealed in a manner prescribed by law.

3. Type 3. This procedure is for applications that generally are legislative in nature requiring a public hearing per A.R.S. § 9-462.04 and require public notice in the form of "agenda posting," "newspaper publication," "letter by 1st class mail," and "site posting" according to this chapter. Decisions of the city council or board of adjustment regarding type 3 applications may be appealed in a manner prescribed by law.

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							
	Agenda Posting	Notice Letter & Newspaper	Neighborhood Meeting	Site Posting	Community Development Director	Planning and Zoning Commission	City Council	Board of Adjustment
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		
Amended ~~Corrective~~ plat					D			A
PEDS deviation/waiver					D	A		
Preliminary plat					D			A
Final plats					D			A
Slope Category Analysis waiver					D	A		
Administrative waiver/extension					D	A		
Site plan review					D	A		
Other plans as defined in A.R.S. § 9-500.49					D	A		A
Type 2 applications								
Protected development rights plans	X				R	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) = 1st class letter not required
R = Reviews and recommends action to decision-making body
D = Decision-making body
A = Appeal authority

FS25-0479 – Administrative Approvals ZTA

Legislative Edits

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

CHAPTER 102- REVIEW PROCESS AND APPLICATIONS
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 and presented to the planning and zoning commission 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. 102-5.6 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 council, and recording of the *plat* with the county recorder. A *preliminary plat* approval may be used as an attachment to the concept review waiver.~~

CHAPTER 108 LAND DIVISION AND SUBDIVISION REGULATIONS
ARTICLE I. GENERAL PROCESS AND OVERVIEW

Sec. 108-1.1. - Purpose and intent.

A. The community development director or his designee is hereby authorized to approve land divisions.

B. The purpose of the land division and subdivision regulations is to ensure that all development conforms to the goals, objectives, and requirements adopted and contained in the city *General Plan.* Specific land division considerations include the location and shape of the site, proposed *lot* and/or tract size, *lot* orientation, circulation and *street* layout, area drainage, and legal as well as physical *access.* Further that all subdivision projects provide legally established *lot*(s) that comply with the specific *zoning district* requirements; all *lots* provide legal as well as physical *access*; that each development provides the required public infrastructure; to ensure that adequate provisions for utility services, utility easements, *roadways* that meet PM10 nonattainment area requirements, and other health and safety concerns are addressed.

C. Additionally, all land division and subdivision projects are reviewed to ensure that they address any environmental concerns that may arise including but not limited to, water quality and *floodplain* concerns, native vegetation and *habitat* conservation and maintenance, the proposed site grading, and the protection of *environmentally sensitive features.*

FS25-0479 – Administrative Approvals ZTA

Legislative Edits

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

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 *sewer*age or driveway *grade*s, steepness of terrain, or natural physical conditions.

C. ~~Where, in the opinion of the council, and after review by the community development director and the city engineer, 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 t~~These provisions may only be modified in accordance with A.R.S. § 9-462.06 and S.M.C. § 102-6.5. ~~such a manner and to such an extent as it may deem appropriate to the public interest. In modifying the standards or requirements the City 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. 108-1.3. Map of dedication.

A. A *map of dedication* may be *used* to dedicate land to the city or other public agency or to grant an easement to the city for *roadway*, drainage, flood control, utilities, emergency or service vehicle *access*, or other public *uses.*

B. A *map of dedication* shall be *used* for the purpose of dedicating property to the city or public agency such as but not limited to *street rights-of-way*.

C. A *map of dedication* will be prepared and processed in accordance with procedures and requirements for a subdivision *final plat.*

Sec. 108-1.4. Minor land division, lot line adjustment, or parcel assemblage.

A. The provisions of a *minor land division* will only apply to *original lots.*

B. The community development director or designee will determine the specific *plat* submittal requirements necessary for appropriate review of the *minor land division*, *lot line adjustment* or *parcel assemblage* at the time of the concept review meeting.

C. If the community development director or designee, in concurrence with the city engineer, finds that the proposed *minor land division*, *lot line adjustment*, or *parcel assemblage* meets all of the requirements of the LDO and the PEDS, the *plat* will be approved and the community development director and city engineer will date and sign the approval block on the *plat.*

D. After approval, city will record the *plat* and the *applicant* will pay to the city the fee charged by the county recorder.

E. An *applicant* aggrieved by the decision of the community development director may file for an appeal of the decision to the board of adjustment.

Sec. 108-1.5. Subdivisions.

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 *final plat* ~~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 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*~~.

Chapter 108 LAND DIVISION AND SUBDIVISION REGULATIONS
ARTICLE II. REPORTS, PLANS, AND DESIGN STANDARDS

Sec. 108-2.1. General requirements.

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* 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. Pursuant to A.R.S. § 9-463.01, the City Council shall either determine that certain lands may not be subdivided, by reason of adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water or other natural or manmade hazard to life or property, or control the lot

size, establish special grading and drainage requirements and impose other regulations deemed reasonable and necessary for the public health, safety or general welfare on any lands to be subdivided affected by such characteristics. ~~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.~~

Chapter 108 LAND DIVISION AND SUBDIVISION REGULATIONS
ARTICLE III. SUBMDIVISION CONSTRUCTION, INSPECTION AND ACCEPTANCE

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 assurance*s accepted by the city).
   b. The city engineer and community development director approve and subsequently transmit the *final plat* for recordation. After a *final plat* has been recorded, the city engineer may, in his/her discretion, allow 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, 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.

2. *Alter*native assurance agreement. In lieu of providing a "construction of improvements *financial assurance*" to the city, the recording of the approved *final plat* is withheld until after all required *public improvement*s have been completed by the *developer* and approved for acceptance by the city.

a. The *subdivider/applicant* submits an executed standard contract (*alter*native assurance agreement), as approved by the city attorney, regarding the installation of improvements. The contract shall require that all improvements be completed no later than twelve (12) months from the date the *final plat* was approved ~~by the city council~~ by the C~~c~~ity ~~council~~ and that no *lot* may be sold. The terms of this contract shall run with the land and shall be binding upon all subsequent *subdivider*s and shall survive the expiration or other termination of this agreement.

b. The *subdivider/applicant* pays the construction permit fees and the city issues a construction permit for the subdivision improvements.

c. All improvements and construction shall be in conformance with the approved subdivision improvement plans. When the completed improvements are inspected and approved by the city engineer and a warranty of improvements *financial assurance* is submitted to cover the completed improvements the community development director will transmit the *final plat* to the county for recordation and the sale of *lots* may commence.

d. If the *subdivider/applicant* fails to initiate construction within twelve (12) months from the date of ~~council~~ approval, the council shall take formal action to rescind approval of the *final plat* which shall then become null and void and of no force or effect.

e. A request for a one-time extension to the required completion of the improvements may be approved by the city for an additional twelve (12) month period. A revised alternative improvements contract, as approved by the city attorney, regarding the construction of the unfinished portions of the improvements shall be submitted along with the request for the time extension.

f. Should the construction of improvements be found to be contrary to the improvement plans or contrary to good construction practices, the recordation of the *final plat* shall be withheld until appropriate construction remedies are made to the satisfaction of the city engineer.

Sec. 108-3.2.1. Deferral of required improvements.

A. The city council may defer or delay installation of development-required improvements to coincide with *adjacent* work, future planning, or because of incompatible *grade*s, inadequacy or lack of connecting facilities, or for some other suitable reasons.

B. Whenever the city council defers the requirement to construct and install any improvement, the *subdivider/applicant* shall pay to the city at the time of *final plat* approval their proportionate share of the costs of constructing and installing such improvement in the future, as determined by the city engineer. Alternatively, at the city council's option, the *applicant* may post a financial or other guarantee, as provided in this section, ensuring completion of said improvements upon demand of the city council. ~~The mayor shall not sign the *final plat* and t~~The *final plat* shall not be recorded until the requirements of this subsection have been satisfied.

Sec. 108-3.3. Construction, inspection, and completion of improvements.

A. The *subdivider/applicant* shall pay for all costs of constructing and removing temporary facilities and improvements required by the C~~c~~ity ~~council~~ and shall maintain the same for the period of construction.

COMMUNITY DEVELOPMENT
Planning Division
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-3154

Planning and Zoning Commission Recommendation
FS25-0479 ZONING TEXT AMENDMENT SELF CERT AND ADMINISTRIVE APPROVALS

On October 2, 2025, the Planning and Zoning Commission recommended that City Council approve the Zoning Text Amendment case known as “Zoning Text Amendment Self Cert and Administrative Approvals,” Case# FS25-0479. The Commission had no questions or concerns. The motions were as follows:

Commissioner Holland moved to recommend approval of the Zoning Text Amendment for administrative approvals, Case # FS25-0479. Commissioner Leonard seconded the motion. Motion passed with 5 votes in favor.

ZONING TEXT AMENDMENT – LEGISLATIVE UPDATES

FS25-0479, FS25-0481 & FS25-0482

City Council

November 04, 2025

SURPRISE
ARIZONA

Background

56th & 57th Arizona State Legislature passed a series of bills with the intent to increase administrative approvals, require middle housing, and modify construction start times.

- Staff initiated a series of three text amendments to conform with these changes.
- Other bills of note are included for discussion only.

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Background

Bills Requiring Text Amendments - FOR ACTION	Awareness/ Honorable Mention Only – FOR INFORMATION
HB2447: Administrative Approvals	**SB1529:** Housing Design Plans
HB2721: Middle Housing (56th Leg)	**SB1308:** Sober Living Homes
SB1182: Construction Start Times	

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Summary of Changes: HB2447

HB2447- Administrative Approvals:

Proposes further modifications to the administrative approvals process. Changes to the bill further restrict what cities “shall” do, requiring:

- At-risk submittals for certain on-site preliminary grading and drainage work
- Applicants with a “…history of compliance with building codes…” to be eligible for expedited permit review

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Summary of Changes: HB2447

HB2447 affects the following sections of the City Code:

- 101-2.2 - Glossary of Terms
- 102-2.1 - Procedure Types
- 108-1.2 - General Subdivision Processes
- 108-1.4 - Minor Land Division
- 108-1.5 - Amended/ Corrected Final Plat
- 108-2.1 - General Requirements
- 108-3.2 - Financial Assurances
- 108-3.2.1 - Deferral of Required Improvements

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Summary of Changes: HB2447

HB2447 affects the following sections of the City Code:

- 108-3.3 – Construction Inspection and Completion

The amendment also proposes striking sections 102-5.5 and 102-5.6, as they should have been stricken with the previous text amendment for Administrative Approvals, brought forth in December of 2024.

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Fees: HB2447

Due to already exceptional review times, expedited plan review has not been offered in the city.

With the required change, Staff proposes an expedited review fee of:

- Double the standard plan review fee
- Minimum $1,000
- Additional 20% required for third review and beyond
- Fee will be brought forward for action at a subsequent meeting

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ARIZONA

Summary of Changes: HB2721

HB2721- Middle Housing:

Requires that, on or before January 1, 2026, the city adopt an ordinance and regulations for the development of middle housing (duplexes, triplexes, fourplexes & townhomes) as permitted use on all lots:

- Zoned for single family residential within one mile of a central business district
- At least 20% of more than 10 contiguous acres

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ARIZONA

Summary of Changes: HB2721

HB2721 does not apply to land within the vicinity of a military airport.

However, the bill also states that if a city doesn't adopt a conforming ordinance and design guidelines by the required date, middle housing shall be allowed on all lots zoned for single family residential use without limitations.

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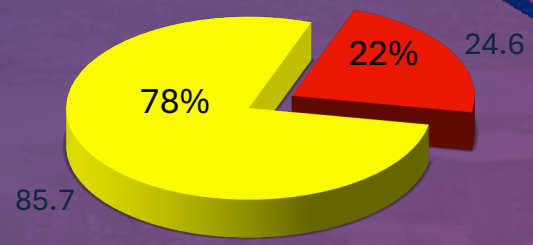
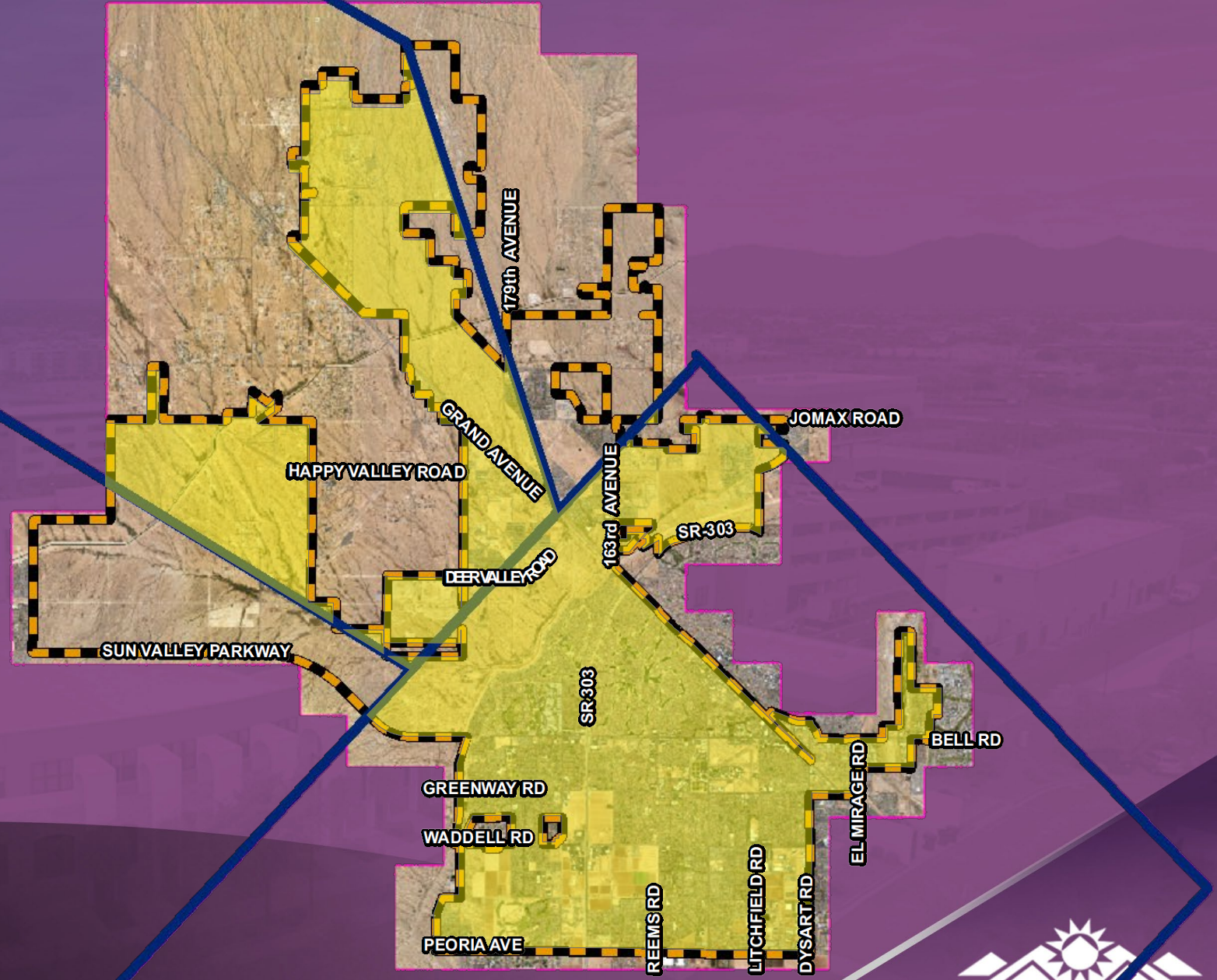
Square Miles





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Summary of Changes: HB2721

HB2721 further states a municipality may not:

- Discourage the development of middle housing
- Restrict middle housing types to less than two floors
- Restrict the floor area ratio to less than 50%
- Restrict permitting or plan review requirements
- Require owner/occupancy of any structure
- Require structures to be sprinklered/ comply with commercial requirements
- Require more than 1 off-street parking space per unit

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Summary of Changes: HB2721

HB2721 affects the following sections of the City Code:

- Section 112-1.1
- Section 112-2.1
- Section 112-3.1

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Summary of Changes: SB1182

SB1182- Noise and Construction Start Times:

Prohibits a municipality from adopting any noise ordinance that limits construction between May 1 and October 15 of each year between the hours of 5am and 7pm:

- Allows for the pouring of concrete to occur one hour before the construction start time

SB1182 affects the following sections of the City Code:

- 34-105 - Noise
- 104-1.7 - Noise and Vibration Standards

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Summary of Changes: SB1182

Current code already exceeds the parameters of the legislative changes by allowing construction to occur between 5am and 9pm.

Within section 34-105 the exception for concrete to be poured an hour earlier was added.

Section 104-1.7 was updated to reference back to the updated section 34-105 for consistency.

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Housing Design Plans: SB1529

Updates A.R.S. § 9-461.20 to require a municipality to:

- Establish standard approved housing design plans or a preapproved housing design plan program with the following classes :
  - Class 1: Single Family – Have three approved housing designs ranging in size from 800 to 2,000 sq. ft. by July 1, 2026
  - Class 2: Duplexes - Have three approved housing designs ranging in size from 400 to 1,000 sq. ft. by January 1, 2027
  - Class 3: Triplexes - Have three approved housing designs ranging in size from 400 to 1,000 sq. ft. by January 1, 2027
  - Class 4: Accessory Dwelling Units - Have three approved housing design plans ranging in size from 200 to 1,000 sq. ft. by January 1, 2027

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Sober Living Homes: SB1308

PASSED this legislative session!

Updates A.R.S. § 9-462.14 to require a municipality to:

- ✓ Establish a procedure to request deviation/ reasonable accommodation from distance requirements between SLH's
- ✓ City cannot reclassify a single-family home to commercial because of an SLH
- ✓ Ensure city's definition of SLH matches the expanded state definition

SURPRISE
ARIZONA

Sober Living Homes: SB1308

The bill further:

- Makes patient brokering unlawful
- Clarifies the State licensing requirements and standards through the Department of Health Services (DHS)
    - Expands sobriety requirements and testing
    - Requires policies and procedures
    - Requires a “good neighbor” policy
    - Requires accounting practices of the operators
    - Requires operators to post notice of patient/ resident rights openly
    - Requires operator fingerprinting

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Sober Living Homes: SB1308

The bill further:

- Requires SLH's to "obtain and maintain" current documentation from the local jurisdiction confirming compliance with all zoning, building code and fire code requirements
- Includes a statement of "Legislative Findings" supporting the protection of residents living in these homes and the community at large from unscrupulous operators
- Sets a series of penalties for non-conformance that DHS can enact
- Requires information sharing between DHS and local jurisdictions

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Neighborhood Outreach

September 17, 2025 at 6:00 PM
Surprise Regional Library
Public Attendance: 1
Public Inquiry via email: 1

Questions raised were related to the Middle Housing bill and included:

- General questions about what defines middle housing
- Questions about the impact to specific areas of the city if the bill passes.

Feedback was neither in direct support or opposition to the bill.

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Planning and Zoning Commission

Planning and Zoning Commission recommended **approval** of the proposed Zoning Text Amendments to conform with recent legislative updates to City Council.

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Text Amendment Timeline

9/17/2025	• Neighborhood Meeting
10/02/2025	• P&Z Commission
11/04/2025	• City Council Meeting

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Action

If City Council wishes to approve, three separate actions are required; one for each planning case, as follows:

- Ordinance 2025-21, FS25-0479: Administrative Approvals
- Ordinance 2025-18, FS25-0481: Middle Housing
- Ordinance 2025-17, FS25-0482: Construction Start Times

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Questions or Comments?

THANK YOU

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ARIZONA

Building Plan Review Time Comparison

City	Standard Review Time	Comment
Avondale	16 days first / 8 days resubmittal	All building permit types
Goodyear	5-25 days first / 5 days resubmittal	Review times vary by permit type with 5 days for simple residential (patio) and new commercial 25 days.
Peoria	5-18 days first/ resubmittals vary	Review and resubmittal times vary by project type with simple residential (patios) at 5 days and new commercial at 18. Resubmittals decline by 1-2 days thereafter per subsequent review.
Glendale	10-25 days/ resubmittals vary	Review times and resubmittals vary by project type.
Phoenix	5-45 days/ resubmittals vary	Review and resubmittal times vary by project type with simple plot plan at 5 days and new commercial at 45. Resubmittals vary thereafter per subsequent review.
Scottsdale	8-28 days/ resubmittals unknown	Resubmittal days not noted online
Surprise	4-16 days first/ 1-8 days resubmittal	

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Building Plan Review Fee Comparison

City	Expedited Review Fee	Comment
Avondale	Double the standard plan review fee	
Goodyear	Double the standard plan review fee	
Peoria	200% of normal plan review fee	Minimum $1,000
Glendale	300% of normal plan review fee	
Phoenix	3x basic plan review fee	
Scottsdale	2x basic plan review fee	An additional 20% is added if third review required
Surprise	None	None

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Contact Person: Trever Fleetham, PLANNER SENIOR
Submitting Department: Community Development
District: Citywide
Staff Recommendations:

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

Agenda Wording:
Consideration and action regarding a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to modify residential development standards. Case FS24-1275. Ordinance #2025-19.

Motion:
Motion to **approve/deny** Ordinance #2025-19.

Background:
Jeff Blilie with Gilbert Blilie, PLLC requests a Zoning Text Amendment to modify standards for the SHD-RO, R-1, R-2, R-3, and TND zoning districts, as well as other related code sections and the Planning and Engineering Design Standards (PEDS), to allow for additional home product types that are not currently supported by the LDO.

Objective Analysis:
The proposed zoning text amendment, if approved, will increase the allowable variety of lot/home product types in residential zoning districts, as well as clarify associated language throughout.

Policy Compliant:
This Zoning Text Amendment is consistent with, and will help implement, the Surprise General Plan 2040.

Financial Impact:
While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:
There is no anticipated budget impact related to this item.

FTE Impact:

There will be no impact on FTE as a result of this Zoning Text Amendment.

ATTACHMENTS:

1. 00 - FS24-1275 Residential Development Standards ZTA - Staff Report - 110425 CC
2. 01 - FS24-1275 Residential Development Standards ZTA - Narrative
3. 02 - FS24-1275 Residential Development Standards ZTA - Legislative Text Edit_101425
4. 03 - FS24-1275 Residential Development Standards ZTA - Citizen Participation Report
5. 04 - FS24-1275 Residential Development Standards ZTA - Ordinance
6. FS24-1275 Residential Development Standards ZTA - Presentation

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ARIZONA

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

Case:	**FS24-1275**
Project Name:	Residential Zoning Text Amendment
Council District:	Citywide
Meeting Date:	**November 4, 2025**
Planner:	Trever Fleetham, Planning Manager

Applicant:	Jeff Blilie, GilbertBlilie, PLLC
Request:	Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) to modify certain residential development standards.
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2040.
Support/Opposition:	See attached Citizen Participation Report
Commission Recommendation:	The Planning & Zoning Commission recommended **approval** of the proposed Zoning Text Amendment to modify certain residential standards, Case FS24-1275, to City Council during the regularly scheduled Planning & Zoning Commission meeting on Thursday, October 16, 2025.

PROJECT DESCRIPTION:

Jeff Blilie with GilbertBlilie, PLLC requests a Zoning Text Amendment to modify standards for the SHD-RO, R-1, R-2, R-3, and TND zoning districts, as well as other related code sections and the Planning and Engineering Design Standards (PEDS), to allow for additional home product types that are not currently supported by the LDO.

BACKGROUND:

December 15, 2020: The Mayor and City Council approved Ordinance #2020-38, adopting the Land Development Ordinance under case FS18-296.

July 18, 2024: A Concept Review meeting was held to discuss the proposed Zoning Text Amendment, under case number CR24-0792.

September 16, 2024: The applicant filed a request for a Zoning Text Amendment to modify standards to allow for additional home product types that are not currently supported by the LDO.

April 9, 2025: The applicant held a neighborhood outreach meeting to discuss the proposal.

August 13, 2025: The applicant held a second neighborhood outreach meeting since there were additional amendments added to the proposal.

ANALYSIS AND DISCUSSION:

The applicant is requesting modifications to various development standards across multiple residential zoning districts within the LDO in order to improve the feasibility of additional home product types. While each residential zoning district within the LDO was designed to allow for a variety of lot types and housing products, the applicant has identified certain limitations and ambiguity in the code that restrict or prohibit product types that home builders desire to develop. While not all residential development standards directly regulate product types, there are some that can indirectly affect certain home sizes or types. Affected product types, as identified by the applicant, include townhouses, smaller lot detached single family homes, detached alley-loaded products, cluster homes, duplexes, and RV garage products.

Glossary of Terms – Section 101-2.2

Clarifying changes to the definitions of ‘dwelling, single-family’ and ‘townhouse’ are proposed to support and accommodate the associated development standard changes for townhouses. Townhouses are single-family dwellings on separate platted lots, but are attached by a common wall. The current definitions and standards in the LDO do not clearly delineate a townhouse from a standard single-family dwelling. The proposed changes aim to clarify this distinction.

Land Use Table – Section 106-1.8

'Townhouse' is proposed to be added as a separate use category within Table 106-1c. This addition will help differentiate townhouses from other home product types and provide clarity for staff and applicants. The allowances for which zoning districts this use is proposed to be permitted or conditionally permitted in are consistent with other residential uses of similar intensities, as well as staff's previous interpretations for townhouses.

Residential Low Density (R-1) – Section 106-2.3

The proposed changes within this zoning district are limited to the lot coverage maximum within Lot Category B. The applicant is requesting that the maximum be increased from 45% to 55% when an RV garage is provided. The change would not affect typical Lot Category B parcels, nor the other lot categories, but would allow the home builders the opportunity to provide an RV garage and maximize lot usage without moving into the next larger category.

Residential Medium Density (R-2) – Section 106-2.4

Changes within the R-2 zoning district include clarifications to better differentiate between allowed housing types, specificity for townhouses, and reductions in minimum development standards to allow for smaller lots/products. These products can include detached front-loaded products, detached alley-loaded products, cluster homes (commonly referred to as packs), and townhouses. Additional, supporting changes to this zoning district include modifications to certain setbacks, and requirements for subdivision.

Residential High Density (R-3) – Section 106-2.5

The R-3 zoning district is proposed to include a second development standards table specific to townhouses, along with supporting textual changes. These changes will make clear the applicable development standards for townhouses, separate from multi-family products, since they are reviewed and function differently than other typical products within this district.

Surprise Heritage District – Residential Overlay (SHD-RO) – Section 106-3.2

While the applicant did not originally propose changes to this zoning district, staff requested these changes be added for consistency. The proposed changes here mirror those proposed within the R-3 zoning district.

Traditional Neighborhood Development (TND) – Section 106-4.4

In order to ensure consistency and prevent conflict, changes are being proposed to the residential overlay of the TND zoning district that mirror those proposed within the other zoning districts.

Other Supporting Changes

Amendments to Sections 107 and 108, as well as the PEDS, are proposed to support and accommodate the aforementioned changes. These include modifications to on- and off-street parking, trash collection, lot frontage requirements, access, and product design.

Staff Review

City reviewing departments worked closely with the applicant on the proposed changes to ensure that the requested changes do not create unintended consequences. Smaller lot products typically pose concerns for emergency services, solid waste collection, transportation circulation, and parking. Additional modifications to the code were included, based on staff comments, to mitigate these concerns.

Additionally, Planning staff reviewed the subject proposal in the context of the intent of HB2721 – Middle Housing, and other recent state housing bills. These bills attempt to facilitate an increase in diversity of housing in the hopes of satisfying Arizona's housing needs. The proposed changes are harmonious with this effort by increasing the variety of lot and home product types allowed within the LDO.

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2040: The subject request is consistent with the Surprise General Plan 2040 in that it aims to clarify and expand standards for a variety of housing types. Specifically, the subject request supports the following goal and policies of the general plan:

Goal 4.2 – Be a home for everyone

Upholding the condition and quality of the city's housing stock is necessary to maintain safe, attractive, and livable neighborhoods for all people who want to live in Surprise. Surprise will also work to preserve housing opportunity through providing more diverse, accessible options within neighborhoods that expand the range of housing types, densities, and prices.

Policy #1:

Proactively update local ordinances, policies, and building codes to encourage development of residential neighborhoods that broaden the choice of housing type, size, price, amenities, and conveniences so as to allow for a wide variety of options for all who live or want to live in Surprise.

Policy #7:

Accommodate medium and high-density development/redevelopment in appropriate areas of the City and that are good neighbors to existing development.

CITIZEN PARTICIPATION:

The applicant held an in-person neighborhood outreach meeting on April 9, 2025, at the Surprise Regional Library. Due to changes to the proposed text amendment subsequent to this meeting, another in-person neighborhood outreach meeting was held on August 13, 2025, at Windmill Suites Surprise. These meetings were advertised pursuant to the requirements of the LDO. In total, there were four (4) members of the public in attendance. Questions and comments were centered around housing types and densities, and the proximity of these to their existing neighborhoods.

SUMMARY:

The proposed Zoning Text Amendment to the LDO will increase the allowable variety of lot/home product types in residential zoning districts, as well as clarify associated language throughout. Staff has worked closely with the applicant to ensure any potentially negative impacts from these changes are mitigated.

RECOMMENDATION:

Throughout the review process, staff collaborated with the applicant to ensure the proposed amendments provided clarity and consistency within the code, provided for a variety of housing product types, and was consistent with recent housing bills passed by the state legislature.

The Planning & Zoning Commission recommended **approval** of the proposed Zoning Text Amendment to modify certain residential standards, Case FS24-1275, to City Council during the regularly scheduled Planning & Zoning Commission meeting on Thursday, October 16, 2025.

However, should the Council wish to **deny** the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

01 Narrative
02 Legislative Edit
03 Citizen Participation Report
04 Ordinance
PPT

PROPOSED TEXT AMENDMENT
SURPRISE LAND DEVELOPMENT CODE § 101, 106, 107, 108
PLANNING AND ENGINEERING DESIGN STANDARDS

Case #: FS24-1275

1st Submittal: September 16, 2024

2nd Submittal: January 17, 2025

3rd Submittal: February 27, 2025

4th Submittal: May 27, 2025

5th Submittal: July 21, 2025

PROJECT TEAM

RVi Planning + Landscape Architecture
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1. INTRODUCTION

This application is for text amendments to the Surprise Land Development Ordinance (LDO) for the R-1, R-2 and R-3 zoning districts, as well as other applicable code sections and the Planning and Engineering Design Standards (PEDS), to allow for additional home product types in Surprise that are currently not supported through the LDO. The sections in the LDO code proposed for amendment are:

- §101-2.2 Glossary of terms.
- §106-1.8 Compliance with other provisions.
- §106-2.3, Residential low density (R-1).
- §106-2.4 Residential medium density (R-2).
- §106-2.5, Residential high density (R-3).
- §106-3.2. Design and development standards in the SHD zoning district.
- §106-4.3, Review and process.
- §106-4.4, Development standards.
- §107-4.3, R-1, R-2. and SHD-RO residential provisions.
- §107-4.4, Multi-family, mixed use, and non-residential use provisions.
- §107-4.9 Minimum off-street parking requirements.
- §108-2.5 Lot planning.

2. DESCRIPTION OF REQUEST

The proposed text amendments to Sections 101-2.2, 106-1.8, 106-2.3, 106-2.4, 106-2.5, 106-3.2, 106-4.3, 106-4.4, 107-4.3, 107-4.4, 107-4.9, and 108-2.5 are included as Appendix B, Legislative Edit. The amendment intends to allow additional home product types in Surprise to provide additional housing diversity throughout the city. The home products that would be permitted through these text amendments include the following, examples of which are shown in Appendix A:

- SHD-RO
    - Townhouse
- R-2
    - Detached, front-loaded product
    - Detached, alley-loaded product
    - Cluster home
    - Townhouses
- R-3
    - Alley-loaded townhouse
    - Front-loaded townhouse
    - Alley-loaded duplex

Additionally, proposed amendments to the R-1 zoning district would allow homes to include RV garages.

Currently, the home product types listed are not feasible in Surprise with the existing standards under Chapter 106, Article II Residential Zoning Districts of the LDO and Chapter 106, Article III

Surprise Heritage District Zoning Districts. Home builders have historically achieved these, or similar, developments in Surprise through a Planned Area Development (PAD), which is no longer supported in the current LDO.

3. SUMMARY OF PROPOSED LDO AMENDMENTS AND JUSTIFICATION

The proposed amendments to the LDO are included in Appendix B, Legislative Edit. A summary of the proposed amendments and rationale for these changes are included in the following section.

LDO Section		Proposed Amendment	Justification/Rationale
Chapter 101 Administrative Provisions, Article II. Rules Of Interpretation and Glossary of Terms			
Sec. 101-2.2 Glossary of terms.		Update the definition for "Dwelling, single-family" to specify that townhouses are excluded from this definition.	Clarifies that there is a distinction between single-family units and townhouses.
		Update the "townhouse" definition.	Provides additional distinction between townhouse and single-family dwelling, duplex, and triplex by describing that such units are platted, attached, and accessed by a separate outdoor entrance.
Chapter 106 Zoning and Use Standards, Article I. In General			
Sec. 106-1.8., Table No. 106-1c – Primary Land Use Matrix for All Zoning Districts		Added "Townhouse" as a permissible use in the R-2, R-3, TND-R zoning districts and as an allowed use with a CUP in the SHD-RO zoning district.	Establishes "townhouse" as a separate residential use, apart from the other residential uses. The R-2 and R-3 zoning districts have been updated through this LDO amendment to incorporate townhouses, while the SHD-RO and TND-R zoning districts already refer to townhouses or describe a product that aligns with townhouses in Article III and Article IV, respectively.
Chapter 106 Zoning and Use Standards, Article II. Residential Zoning Districts			
Sec. 106-2.3. Residential low density (R-1)	*Table 106-2c—Residential Low Density (R-1) Zoning District*	Add note #5 to include a 55% lot coverage standard for lots with an RV garage in Lot Category B.	Provides additional lot coverage allowances to accommodate home products that include RV garages.

LDO Section		Proposed Amendment	Justification/Rationale
Sec. 106-2.4 Residential Medium Density (R-2).	*Sec. 106-2.4.A. Purpose*	Update the list of housing opportunities allowed in the R-2 district to include townhouses, clarify other dwelling types, and remove reference to “buildings”.	Including townhouses in the list of allowed housing opportunities clarifies that townhouses are separate from the other uses listed and that townhouses are allowed in R-2. Clarifying the other dwelling types further supports the distinction between single-family, two- and three-family, and townhouses. Removing “buildings” from the sentence aligns with the defined terms in the Glossary.
	Sec. 106-2.4.B. Applicability	Update the minimum lot area from 4,000 sf to 2,800 sf per dwelling unit with an exception for duplexes and triplexes which will have a minimum lot area of 4,000 sf.	Supports home products on smaller lot sizes. This minimum lot size addresses the range of lot sizes in the current market, which includes lots that are 35'x80'. An exception was made for duplexes and triplexes so that the minimum width for these dwellings is not changed.
		Remove the exception that “lots in column A and B are permitted one (1) *dwelling unit* as shown in Table 106-2d…”	Removes the restriction on the quantity of dwelling units on smaller lots to allow small lot subdivisions.
	Table 106-2 – Residential Medium Density (R-2) Zoning District	Update the lot area permitted in Lot Category A. Lot Category A has been changed from 3,500-4,949 sf to: 2,800-4,949 sf for single-family and townhouse 4,000-4,949 sf for duplex and triplex	Allows for a greater range of lot sizes for single-family and townhouses in Lot Category A. The minimum lot area has been reduced for single-family and townhouse dwellings to allow for smaller lot sizes and increased for duplex and triplex to ensure that these dwellings retain appropriate densities and lot widths.

LDO Section		Proposed Amendment	Justification/Rationale
Sec. 106-2.4 Residential Medium Density (R-2).	*Table 106-2 – Residential Medium Density (R-2) Zoning District*	Reduce the minimum lot width for Lot Category A from 40 to 35 sf.	Allows for a greater range in lot sizes to accommodate more variety in home products.
		Reduce the side setback for Lot Category A from 5’ & 7’ to 5’.	Allows for 25’ wide home products on 35’ wide lots.
		Added a note to specify that there can be a 5% deviation in lot area for 5% of the total lots. Specified that such deviation is subject to the approval of the Community Development Director.	This provides flexibility to accommodate anomalies in platting.
		Update Note 2 to reduce the setback from a garage face to the property line from 20’ to 18.5’; and update the setback from an alley edge from nine to three feet. Add specifications regarding landscaping in this setback.	The 2022 City of Surprise Supplemental Engineering Development Standard Details, Local Street Cross-Section shows detached sidewalks 1.5' into the right-of-way. An 18.5' setback in addition to the 1.5' distance for detached sidewalks would allow for a 20' driveway that does not overhang onto the sidewalk. The reduction in setback from alley edge lines provides flexibility in driveway lengths for alley-loaded lots. Specifications regarding landscaping ensure that the setback will be landscaped and that a walkway can be accommodated in the landscaped area.
		Update Note 3 to include townhouses.	Clarifies that the zero-foot setback may apply to townhouses.
		Update Note 5 to apply this requirement to developments larger than 150 lots. Developments with fewer	This standard is proposed for developments with smaller parcels that can only justify a single lot size and can provide lots less than 40' as permitted within the zoning category. In a

LDO Section		Proposed Amendment	Justification/Rationale
Sec. 106-2.4 Residential Medium Density (R-2).	*Table 106-2 – Residential Medium Density (R-2) Zoning District*	than 150 lots would not have lot size limitations.	typical development, a builder may sell 8 homes per month with an estimated 18-month close-out goal. As such, on average, a single development "store" may include approximately 144 +/- lots. When projects exceed this number, additional lot sizes are introduced to offer multiple home options at different price points and for a different buyer profile to ensure multiple market segments that do not compete with each other.
		Update Note 5 to reduce lot widths to 40'.	Maintains consistency with the overall lot width reduction in Lot Category A.
Sec. 106-2.5. Residential high density (R-3).	*Sec. 106-2.5.B. Applicability*	Include language to provide an exception for townhouses as it relates to the minimum units per lot and net residential density.	Maintains the density requirements for multi-family but provides an exception for townhouses, which are subject to the density standard in Table 106-2f.
	Sec. 106-2.5.C. Development standards	Include new development standards for townhouses.	Provides standards, which are currently not in the LDO, to allow townhouses.
	Sec. 106-2.5.C.3.b	Updated the open space calculation standard to include backyards.	Accounts for backyards which are typical for townhouse products.
Chapter 106 Zoning and Use Standards, Article III. Surprise Heritage District (SHD) Zoning Districts			
Sec. 106-3.2. – Design and development standards in the SHD zoning district.	*Sec. 106-3.2.B*	Add new table of development standards for townhouses in SHD-RO, and add reference to such table.	Provides development standards for townhouses in SHD-RO as townhouses are permitted with a CUP per Table 106-1c.

LDO Section		Proposed Amendment	Justification/Rationale
Chapter 106 Zoning and Use Standards, Article IV. Traditional Neighborhood Development (TND) Zoning Districts			
Sec. 106-4.3. Review and process	*Sec. 106-4.3.C.4*	Replace “townhome” with “townhouse”.	Provides consistent terminology for “townhouse”, aligned with the Glossary.
Sec. 106-4.4. – Development standards	*Table 106-4b – Development Standards for TND-R Parcels*	Update Note 2 to reduce the setback from a garage face to the property line from 20’ to 18.5’; and update the setback from an alley edge from six feet to three feet. Add specifications regarding landscaping in this setback.	The 2022 City of Surprise Supplemental Engineering Development Standard Details, Local Street Cross-Section shows detached sidewalks 1.5' into the right-of-way. An 18.5' setback in addition to the 1.5' distance for detached sidewalks would allow for a 20' driveway that does not overhang onto the sidewalk. The reduction in setback from alley edge lines provides flexibility in driveway lengths for alley-loaded lots. Specifications regarding landscaping ensure that the setback will be landscaped and that a walkway can be accommodated in the landscaped area.
		Update Note 3 to include townhouses.	Clarifies that the zero-foot setback may apply to townhouses.
		Update Note 8 to reduce lot widths to 40’.	Maintains consistency with the development standards for other residential zoning districts that allow a similar use.
Chapter 107 Design and Development Regulations, Article IV. Parking and Loading Regulations			
Sec. 107-4.3. R-1, R-2. and SHD-RO residential provisions.		Include parking restrictions on residential streets with lots 40’ wide or less on trash collection days.	Ensures on-street parking in developments with narrow lots will not impact trash collection services.
Sec. 107-4.4. Multi-family, mixed use, and non-residential use provisions.		Include parking restrictions on residential streets with	Ensures on-street parking in developments with narrow lots

LDO Section		Proposed Amendment	Justification/Rationale
		lots 40' wide or less on trash collection days.	will not impact trash collection services.
Sec. 107-4.9. Minimum off-street parking requirements.		Update Table 107-4c – Parking Standards for "Dwelling, single-family" to include 0.2 spaces per dwelling unit dedicated to visitor parking for lots that are 40' wide or less.	Provides visitor parking spaces to accommodate the parking restrictions on trash days for lots 40' wide or less.
		Update Table 107-4c – Parking Standards to include a new parking standard for Townhouse.	Provides parking standards for the permitted residential use. Includes parking requirements for dwelling units, community facilities, and visitor parking to ensure adequate parking.
Chapter 108 Land Division and Subdivision Regulations, Article II. Reports, Plans, and Design Standards			
Sec. 108-2.5. Lot planning.	*Sec. 108-2.5.F. Lot frontage.*	Update language to include an exception to the 30' frontage width standard for townhouses, which is proposed to have a 20' minimum frontage width.	Accommodates the smaller lot widths for townhouses, proposed in the R-3 zoning district.
	Table 108-2a – Narrow Lots Subdivision	Update the table to remove the "up to 100%" lot width range.	Aligns with the proposed lot width provisions in the R-2 and R-3 zoning districts.

4. SUMMARY OF PEDS UPDATES

The proposed changes to the PEDS are suggested to ensure consistency with the proposed amendments to the LDO. Proposed changes to the PEDS are for the following sections:

- Chapter 2: Neighborhood Land Uses
- Appendix A – Glossary of Terms

5. PROJECT LOCATION

The proposed text amendments and PEDS changes would apply City-wide.

6. COMPATIBILITY WITH GENERAL PLAN DESIGNATIONS

The proposed amendments will remain consistent with the General Plan 2040 land use Character Area designations. Per the General Plan 2040, R-2 is compatible with the Suburban and Urban development types and R-3 is compatible with the Urban development type within the Neighborhood Character Area.

The proposed amendments to the R-2 district remain reflective of the suburban uses in the Neighborhood Character Area, which supports a mix of detached and attached homes. The proposed amendments would support the following Suburban Neighborhoods typical uses listed in the General Plan:

- Medium-lot single-family residential uses
- Small-lot single-family residential uses – such as alley loaded, duplexes, court and patio homes, and townhouses

Similarly, the proposed amendments to the R-3 zoning district remain reflective of the urban uses in the Neighborhood Character Area and support the following typical uses listed in the General Plan:

- Small-lot single-family attached residential uses – such as duplexes, court or patio homes, and townhouses
- Multi-family residential uses – such as condominiums and apartments

The proposed amendments to the R-1 zoning category do not change the rural and suburban development types supported in the General Plan.

This application supports the following goal and policies from the 2040 General Plan:

Goal 4.2 Be a home for everyone

Policies

1. *Proactively update local ordinances, policies, and building codes to encourage development of residential neighborhoods that broaden the choice of housing type, size, price, amenities, and conveniences so as to allow for a wide variety of options for all who live or want to live in Surprise*

7. *Accommodate medium and high-density development/redevelopment in appropriate areas of the City and that are good neighbors to existing development.*

7. INFRASTRUCTURE

Due to the denser nature of these home product types, it is understood that infrastructure will be considered during the site planning process for residential development. Such considerations must be made for:

- Stormwater: stormwater should be effectively moved through the home product or be absorbed on-site to not overburden the street stormwater facilities.
- Internal streets: internal streets shall maintain widths to allow for emergency access, on-street or off-street parking as required, and trash collection areas.

8. PHASING

The phasing of development shall be addressed at the site planning process for individual residential developments.

APPENDIX A

SUPPLEMENTAL EXHIBITS

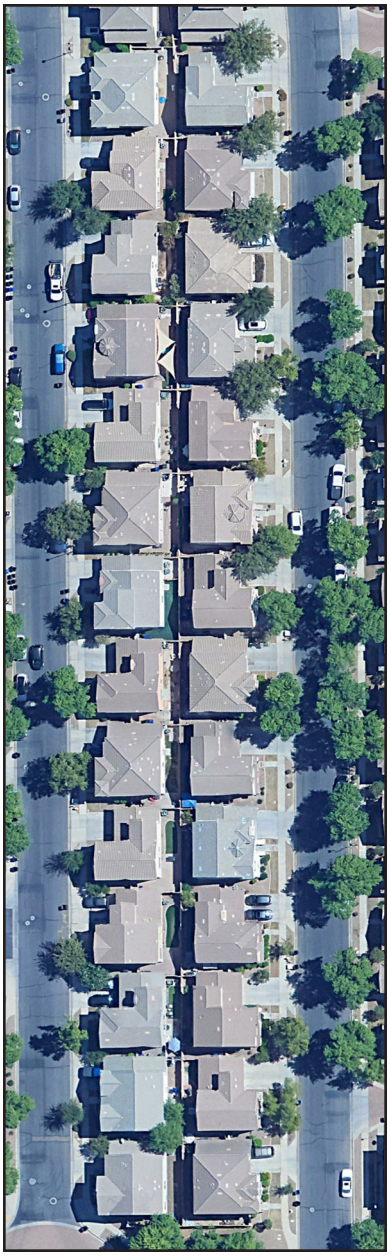
THE WILLOWS GILBERT, AZ

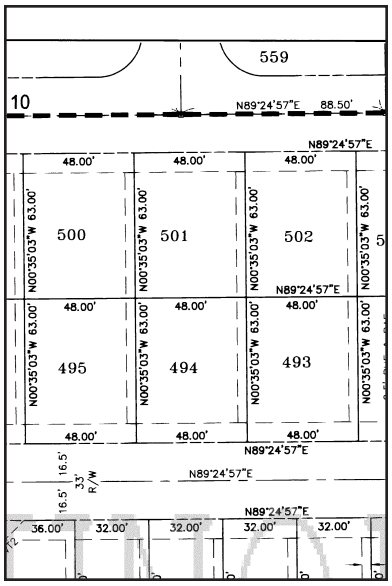
AN EXISTING RESIDENTIAL DEVELOPMENT BUILT BY K. HOVNANIAN HOMES

NORTHEAST OF WILLIAMS FIELD ROAD AND RECKER ROAD

DETACHED, FRONT-LOADED PRODUCT

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 6-8 DU/AC
- TYPICAL LOT SIZE: 48'X63'
- TYPICAL LOT AREA: 3,024 SF
- SIDE SETBACKS: 5' & 5'
- FRONT DOORS ON PUBLIC STREET





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SURPRISE LDO TEXT AMENDMENT • **RESIDENTIAL MEDIUM DENSITY (R-2)**

SURPRISE, AZ
2024-08-14
24005636
GILBERT BLILIE, PLLC

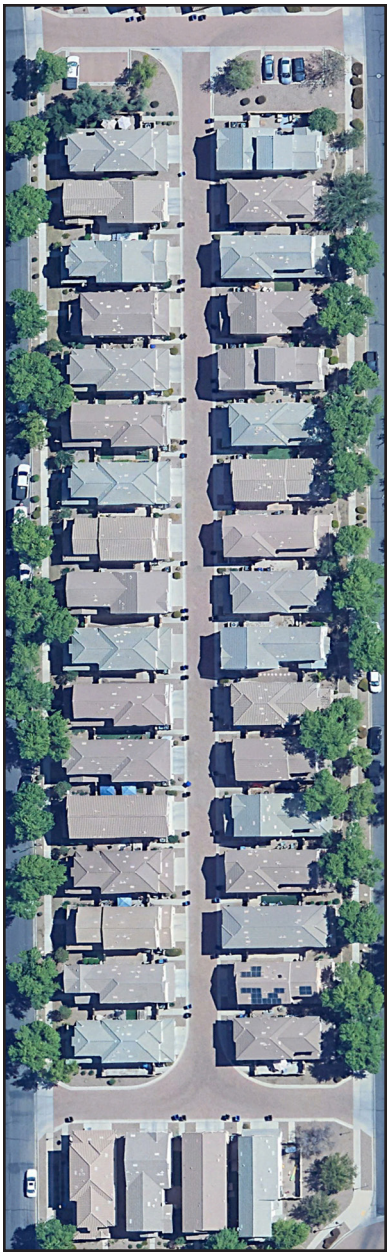
THE WILLOWS GILBERT, AZ

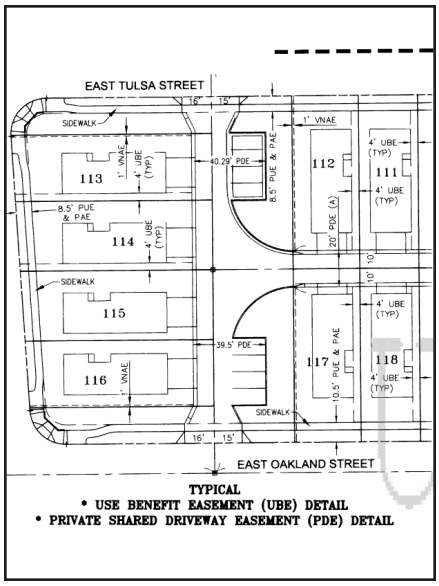
AN EXISTING RESIDENTIAL DEVELOPMENT BUILT BY K. HOVNANIAN HOMES

NORTHEAST OF WILLIAMS FIELD ROAD AND RECKER ROAD

DETACHED, ALLEY-LOADED PRODUCT

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 6-8 DU/AC
- TYPICAL LOT SIZE: 32'X95'
- TYPICAL LOT AREA: 3,040 SF
- SIDE SETBACKS: 6' & 4' WITH 4' U.B.E.
- FRONT DOORS ON PUBLIC STREET





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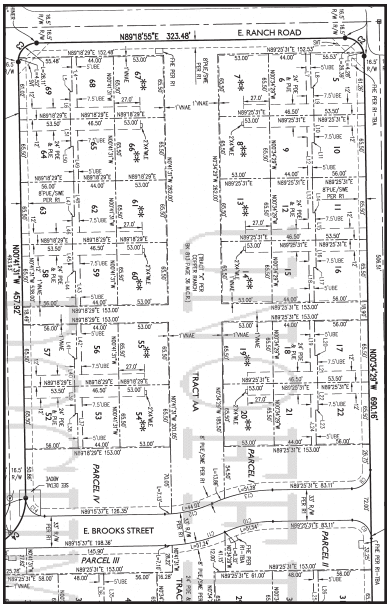
COPPER RANCH GILBERT, AZ

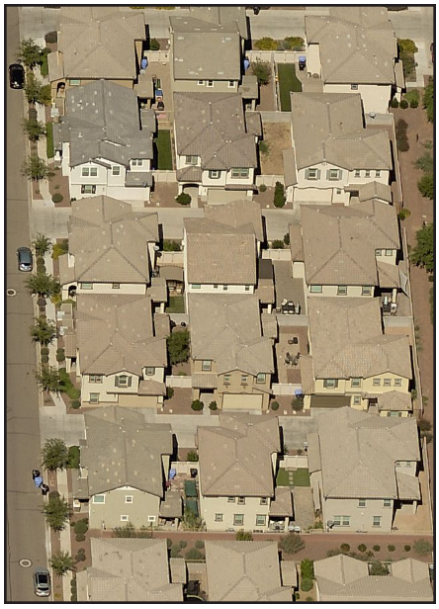
AN EXISTING RESIDENTIAL DEVELOPMENT BUILT BY KB HOMES

SOUTHEAST OF WARNER ROAD AND RECKER ROAD

4/6-PACK AUTOCOURT / CLUSTER HOME

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 6-8 DU/AC
- MIN. LOT SIZE: 44'X65.5'
- MIN. LOT AREA: 2,954 SF
- FRONT DOORS FACING ALLEY OR PUBLIC STREET





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SURPRISE LDO TEXT AMENDMENT • **RESIDENTIAL MEDIUM DENSITY (R-2)**

SURPRISE, AZ
2024-08-14
24005636
GILBERT BLILIE, PLLC

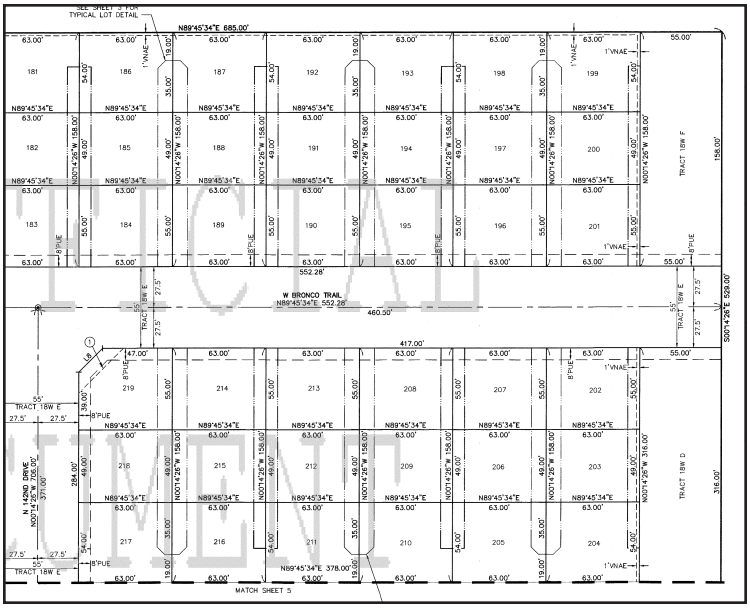
RANCHO MERCADO SURPRISE, AZ

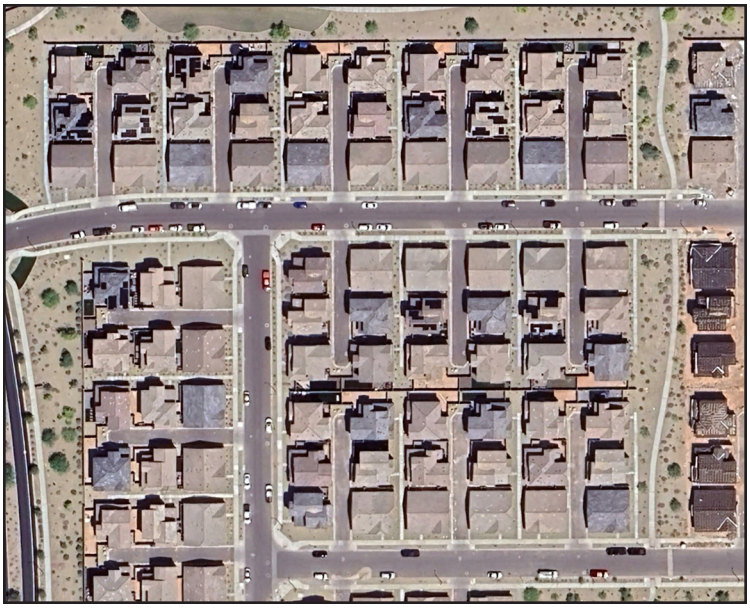
AN EXISTING RESIDENTIAL DEVELOPMENT BUILT BY TAYLOR MORRISON

NORTHEAST OF HAPPY VALLEY ROAD AND RANCHO MERCADO PARKWAY

6-PACK AUTOCOURT / CLUSTER HOME

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 6-8 DU/AC
- MIN. LOT SIZE: 49'X63'
- MIN. LOT AREA: 3,087 SF
- FRONT DOORS ON COMMON OPEN SPACE TRACT OR PUBLIC STREET





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SURPRISE LDO TEXT AMENDMENT • **RESIDENTIAL MEDIUM DENSITY (R-2)**

SURPRISE, AZ
2024-08-14
24005636
GILBERT BLILIE, PLLC

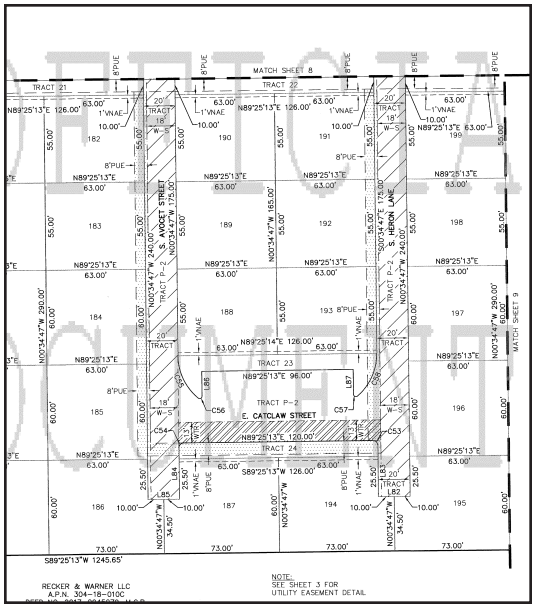
WARNER MEADOWS GILBERT, AZ

AN EXISTING RESIDENTIAL DEVELOPMENT BUILT BY LENNAR

NORTHEAST OF WARNER ROAD AND RECKER ROAD

18-PACK AUTOCOURT / CLUSTER HOME

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 6-8 DU/AC
- MIN. LOT SIZE: 55'X63'
- MIN. LOT AREA: 3,465 SF
- FRONT DOORS FACING ALLEY OR PUBLIC STREET



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SURPRISE LDO TEXT AMENDMENT • **RESIDENTIAL MEDIUM DENSITY (R-2)**

SURPRISE, AZ
2024-08-14
24005636
GILBERT BLILIE, PLLC

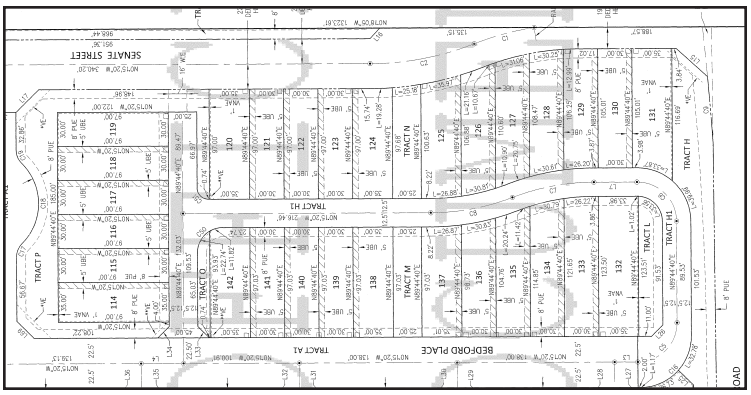
HORIZON CHANDLER, AZ

AN EXISTING RESIDENTIAL DEVELOPMENT BUILT BY LENNAR

NORTHEAST OF GERMANN ROAD AND MCQUEEN ROAD

DETACHED, ALLEY-LOADED PRODUCT

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 6-8 DU/AC
- MIN. LOT SIZE: 30'X97'
- MIN. LOT AREA: 2,910 SF
- SIDE SETBACKS: 0' & 10' WITH 5' U.B.E.
- DOORS ON OPEN SPACE OR STREET



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SURPRISE LDO TEXT AMENDMENT • **RESIDENTIAL MEDIUM DENSITY (R-2)**

SURPRISE, AZ
2024-08-14
24005636
GILBERT BLILIE, PLLC

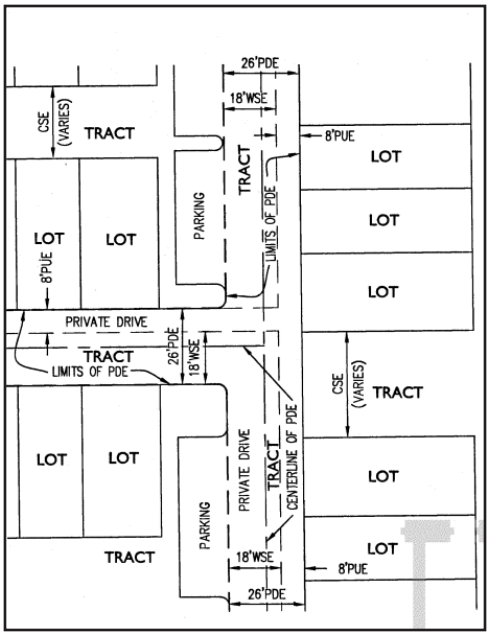
FINCHER FIELDS GILBERT, AZ

AN EXISTING RESIDENTIAL DEVELOPMENT BUILT BY LENNAR

NORTHWEST OF WILLIAMS FIELD ROAD AND RECKER ROAD

ATTACHED, ALLEY-LOADED TOWNHOMES

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 12-18 DU/AC
- MIN. LOT SIZE: 22'X70'
- MIN. LOT AREA: 1,540 SF
- FRONT DOORS ON COMMON OPEN SPACE TRACT OR PUBLIC STREET



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SURPRISE LDO TEXT AMENDMENT • **RESIDENTIAL HIGH DENSITY (R-3)**

SURPRISE, AZ
2024-08-14
24005636
GILBERT BLILIE, PLLC

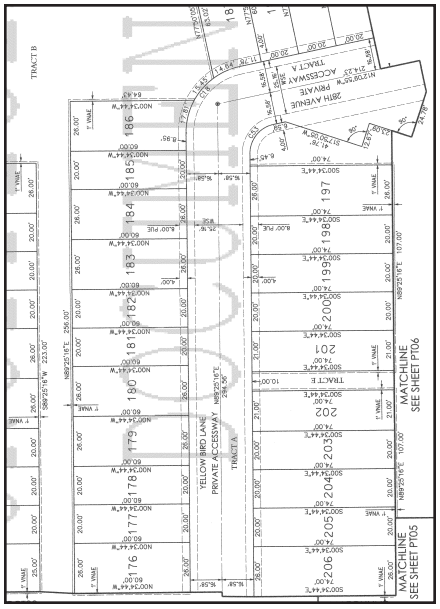
23 & 17 NORTH PHOENIX, AZ

TWO RESIDENTIAL DEVELOPMENTS BY K. HOVNANIAN HOMES

23: NE OF NORTHERN RD AND 23RD AVE
17: NE OF INTERSTATE 17 AND JOMAX RD

FRONT-LOADED, ATTACHED TOWNHOMES

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 10-15 DU/AC
- MIN. LOT SIZE: 20'X60' WITH 3' APRON
  20'X74' WITH DRIVEWAY
- MIN. LOT AREA: 1,200 SF OR 1,480 SF
- FRONT DOORS ON PUBLIC STREET



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SURPRISE LDO TEXT AMENDMENT • **RESIDENTIAL HIGH DENSITY (R-3)**

SURPRISE, AZ
2024-08-14
24005636
GILBERT BLILIE, PLLC

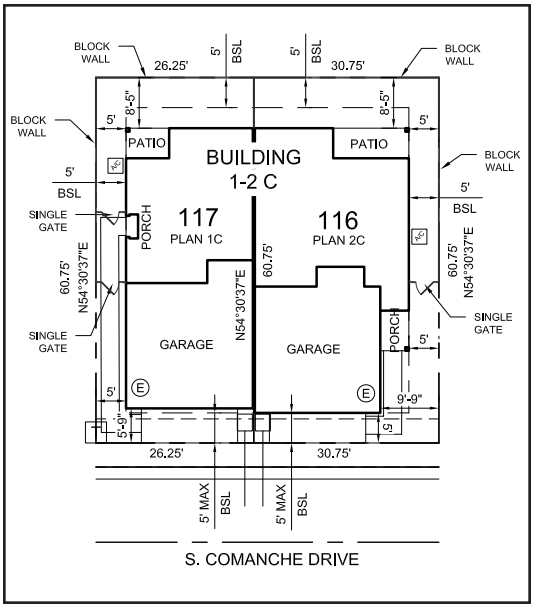
MARIPOSA CHANDLER, AZ

AN EXISTING RESIDENTIAL DEVELOPMENT BUILT BY THE NEW HOME COMPANY

NORTHWEST OF QUEEN CREEK ROAD AND ALMA SCHOOL ROAD

ALLEY-LOADED, ATTACHED DUPLEX

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 10-15 DU/AC
- MIN. LOT SIZE: 26.25'X60.75'
- MIN. LOT AREA: 1,595 SF
- FRONT DOORS ON COMMON OPEN SPACE TRACT OR ALLEY



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SURPRISE LDO TEXT AMENDMENT • **RESIDENTIAL HIGH DENSITY (R-3)**

SURPRISE, AZ
2024-08-14
24005636
GILBERT BLILIE, PLLC

APPENDIX B

LEGISLATIVE EDIT

Section 101-2.2

Sec. 101-2.2. Glossary of terms.

A. General terms. For the purpose of carrying out the intent of this ordinance, all words shall have their normal and customary meanings, unless specifically defined as follows:

1. The word "day" shall mean calendar day for calculation of time, unless specifically defined otherwise.
2. Words used in the present tense include the future, words used in the singular include the plural, and words used in the plural include the singular, except where the natural construction of the writing indicates otherwise.
3. The words "shall" and "will" are mandatory and the word "may" or "optional" is permissive.
4. Words or phrases are expressed using *italics* shall assume the meaning as ascribed in within the LDO. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase.
5. In case of any difference of meaning or implication between the text of this ordinance and any figure or graphic, the text shall control.

B. Abbreviations. The following abbreviations and/or acronyms shall have the following meaning:

ADA	Americans with Disabilities Act
ADEQ	Arizona Department of Environmental Quality
ARS	Arizona Revised Statutes
CD	Community Development
CIP	Capital Improvement Plan
LDO	Land Development Ordinance
PAD	Planned Area Development
PEDS	Planning and Engineering Design Standards
PUD	Planned Unit Development
TND	Traditional Neighborhood Development
TUP	Temporary Use Permit

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

A

Abandon. The discontinuation of use for more than ninety (90) [days] unless a particular timeline is identified.

Abandoned or inoperable motor vehicle. A motor vehicle or any major portion thereof that is unlicensed and is incapable of movement under its own power and will remain so without major repair, including but not limited to repair of the differential, transmission, head, engine block, or oil pan.

Abut. A property having a common boundary or *lot line* not separated by a *street.*

Density transfer. Permitted unused allowable *dwelling unit*s in one (1) area to be relocated in another area of the same development or an approved *off-site* development, commonly known as *transfer of density and development rights* (*TDR*).

Developer. The *owner* or representative of the *owner* of land proposed to be developed and/or *subdivided.*

Development. Any man-made change to improve or *alter* real property, including but not limited to *buildings* or other *structures*, mining, dredging, *filling*, grading, paving, excavation or drilling operations.

Development parcel. A portion of land within an overall master *site plan* or master planned *development* that includes one (1) or more *lots* with a specific net residential density, characteristic, and/or *zoning district*; excluding a *parcel* or *lot* outside of a master planned development.

Development plan. A type of plan that becomes part of the *zoning* or *preliminary plat* for a property. The plan depicts site characteristics, development information, and provides guidance for site plans and subdivision plats.

Donation bin. Any container, storage unit, or *structure*, other than a primary *building* or *accessory building*(s) that is used for the collection of charitable or for-profit donated items from the general *public*, including but not limited to clothing, household goods, toys, books, and newspapers.

Drive aisle. The travel way by which cars enter and depart *parking spaces.*

Drive-through. An *access*ory facility for an establishment that provides service and/or goods at a window or door that the customer drives past without being required to leave the vehicle.

Duplex. See *dwelling, two-family.*

Dwelling. A *building* or portion thereof that contains one (1) *dwelling unit* that is occupied primarily for residential living purposes but not including *hotel*s, *motel*s, *mobile homes* or *RV's.*

1. ***Dwelling, live-work.*** A *building,* or portion thereof, or a group of *buildings* that combines a *dwelling unit* with the work space (*office*, commercial, or retail) for *uses* permitted in the *zoning district* in which the unit is located; more than a *home occupation.*
2. ***Dwelling(s), multi-family.*** A *building* or *lot* containing four (4) or more *dwelling units used* for residential occupancy by four (4) or more families living independently of each other; includes the general term *multi-family* (commonly known as *apartments*).
3. ***Dwelling, single-family.*** One (1) *dwelling unit* on a single *lot* of record excluding townhouses; includes the general term *single-family*.
4. ***Dwelling, two-family.*** A *building* or *lot* containing two (2) *dwelling units used* for residential occupancy by two (2) families living independently of each other (commonly known as *duplex*).
5. ***Dwelling, three-family.*** A *building* or *lot* containing three (3) *dwelling units used* for residential occupancy by three (3) families living independently of each other (commonly known as *triplex*).
6. ***Dwelling unit.*** A single unit as a whole *building* or portion thereof, providing complete independent living facilities for one (1) or more *persons*, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
7. ***Dwelling unit, accessory (ADU).*** A secondary *dwelling unit* independent of the primary *dwelling unit* on the same property; provided it meets specific standards.

E

Elevation. The front, rear or side façade of a *building* showing the relationship of the site *grade* to floor level, often depicted on a scale drawing that includes such features as design, construction materials, height, dimensions, windows and doors.

Temporary use permit (TUP). A *use* permit required for activities that may be appropriate on an interim basis without requiring full compliance with the development standards of the *zoning use* district in which the property is located or by which the city may permit seasonal or transient *uses* not otherwise permitted.

Townhouse. A type of residential *dwelling* that is ~~often, but not necessarily, an~~ platted for one unit per lot, attached ~~to one or~~ more other dwellings ~~product type (see also *dwelling*)~~in a row by a common wall, and is accessed by a separate outdoor entrance.

Traffic calming. A technique or method of reducing traffic speeds and/or neighborhood cut-through traffic volumes that utilizes changes in *street* alignment, installation of barriers, and other physical measures.

Triplex. See *three-family dwelling.*

Truck. A vehicle weighing eighteen thousand (18,000) or more pounds, or a combination of vehicles weighing in excess of twenty-six (26,000) pounds, or a box *truck* or semi-trailer cab.

U

Urban development. Any land developed in an industrial, retail commercial, *office*/institutional/civic/*public use,* and/or residential *development* having an overall minimum density of one (1) *dwelling unit* per gross acre or greater.

Use. The employment or occupation of a *building*, *structure*, or land for a *person's* service, benefit, or enjoyment.

1. ***Use, permitted.*** A *use* which has a lawfully established right in a particular district or districts or has been granted legal authorization, such as but not limited to a *conditional use permit* (*CUP*), and which conforms to all requirements, regulations, and performance standards of such district(s).
2. ***Use, primary.*** A land *use* that is the predominant, principal, or major *use* of the *lot* on which it is located.
3. ***Use, temporary.*** A *use* established for a fixed period of time with the intent to discontinue such *use* upon the expiration of the time period as regulated by this *ordinance.*

Utility, public. Any agency under *public franchise* or *ownership*, or under certificate of convenience and necessity that provides the *public* with electric, gas, heat, communication, rail transportation, water, sewage collection, or other similar service.

Utility services. Service to the *public* of water, *sewer*, electric, gas, communications, cable television, drainage, flood control, or other facilities, owned and operated by any person, firm, corporation, municipal department or board, duly authorized by state or municipal regulations. The foregoing shall be deemed to include facilities and appurtenances to the above uses but shall not include *public utility* treatment and generating plants or *offices.*

V

Variance. A modification or variation of the *development* standards in **Chapter 106** of the LDO as applied to a specific piece of property, as further outlined in **Section 102-6.5**.

Vehicle fueling station. A convenience *use* having pumps and storage tanks or other facilities from which gasoline, diesel or *alternative* fuels are dispensed into motor vehicles (commonly known as *gas stations* or *fueling stations*).

Vehicle sales and leasing. The *use* of any *building*, land area, or other premises with *display and sales areas* of new or used automobiles, *trucks*, trailers, or *recreational vehicles* and including any warranty repair work and other *repair service* conducted as an *accessory use.*

Section 106-1.8

Sec. 106-1.8. Compliance with other provisions.

A. Planning and engineering design standards (PEDS) as referenced in **Chapter 107, Article I**. The articles within the PEDS shall apply where applicable, based on the specific *zoning* and land *use*, and will govern the general site design and *development*, *open space* design, circulation design, landscape and *street*scape design, and *building* form and architecture of a *development* in addition to those listed below.

B. Use specific standards. Those land *uses* listed in **Table 106-1c** that have specific *use* standards associated with them shall comply with the specific standards outlined in **Article X** herein as well as to the PEDS in **Chapter 107**.

C. Parking regulations. In addition to the PEDS, the parking regulations in **Chapter 107, Article IV** herein shall apply.

D. Landscaping regulations. All landscaping associated with *development* shall comply with the PEDS and **Chapter 107, Article II** herein.

E. Outdoor lighting. All *outdoor lighting* shall comply with the PEDS and **Chapter 107, Article III** herein.

F. Environmentally sensitive land regulations. All development, regardless of *zoning* or *use* of the land, on lands that are determined to contain *environmentally sensitive features* or that contain *cultural resources* shall comply with **Chapter 104, Article II** herein and **Chapter 5** of the PEDS.

G. Land division and subdivision regulations. The additional regulations governing the division of land in **Chapter 108** herein shall apply.

H. Signage. All *signage* proposed shall comply with **Chapter 109** herein.

I. Life safety codes. All life safety codes as adopted per **Chapter 105** herein.

Table No. 106-1c—Primary Land Use Matrix for All Zoning Districts "P" = Permitted; "AUP" = Administrative Use Permit; "CUP" = Council Use Permit; "(blank space)" = Prohibited																									
	Residential				**Surprise Heritage District**		**Traditional** Neighborhood **Development**				**Mixed Use**			**Commercial**				**Employment**				**Open Space/Pubilc Uses**			**Use** Specific **Standards**
Zoning Districts **Uses**	**RR**	**R-1**	**R-2**	**R-3**	**SHD-RO**	**SHD-CO**	**TND-R**	**TND-C**	**TND-MU**	**TND-OS**	**MU-1**	**MU-2**	**MU-3**	**CO**	**C-1**	**C-2**	**C-3**	**BP**	**I-1**	**I-2**	**I-3**	**OS-1**	**OS-2**	**PF**	Specific regulations can be found in sections listed below
Residential																									
Assisted living center (more than 10 residents)			P	P	AUP	P	AUP		P			P													
Assisted living home (10 or less residents)	P	P	P		P		P																		Sec. 106-10.9
Dormitory						CUP						CUP				CUP	CUP	CUP	CUP						
Dwelling, live/work									P		P	P	P												Sec. 106-4
Dwelling, multi-family (4 or more)				P	CUP	P	P		P		P	P	P												
Dwelling, single-family	P	P	P		P		P																		
Dwelling, two-family (duplex)			P	P	AUP		P						P												
Dwelling, three-family (triplex)			P	P	AUP		P						P												
Group foster care	P	P	P	P	P		P																		Sec. 106-10.21
Manufactured homes	P				P																				Sec. 106-10.26
Model home complex	P	P	P				P						P												Sec. 106-10.29
Residential healthcare facility	P	P	P	P	P		P						P												Sec. 106-10.21
Townhouse			P	P	CUP		P																		
Commercial																									

Section 106-2.3

Sec. 106-2.3. Residential low density (R-1).

A. Purpose. The residential low density (R-1) *zoning district* provides areas for *single-family* homes on varying *lot* sizes and a mix of densities together with *schools*, *parks*, and other *public* services necessary for suburban residential neighborhoods.

B. Applicability. The R-1 *zoning district* reflects the suburban *development* type and is allowed in the neighborhood character (1) area in accordance with the *General Plan* with a maximum of one (1) *dwelling unit* per *lot* of record.

C. Development standards. **Table 106-2c** below identifies the required *development* standards for the residential low density (R-1) *zoning district.*

Table 106-2c—Residential Low Density (R-1) Zoning District

Lot Categories	A[3]	B	C	D	E	F
General Plan compatibility	Suburban	Suburban	Suburban	Suburban and rural	Rural	Rural
Lot area (sf)	4,950—7,999	8,000—11,999	12,000—17,999	18,000—27,999	28,000—43,559	≥43,560
Min. lot width (sf)	45	60	80	90	100	130
Min. front setback[1] (ft)	12	12	15	20	20	30
Max. front setback (ft)	25	25	30	35		
Min. rear setback[1] (ft)	15	20	20	25	30	30
Min. side setback[1] (ft)	5 & 8	5 & 10	10	10 & 15	20	20
Min. street side setback[1, 4] (ft)	15	15	15	15	20	20
Max. bldg. height (ft)	35	35	35	35	35	35
Max. lot coverage [5]		45%	40%	30%	30%	25%
Open space (% of gross area of residential development)[3]	20%	20%	20%	15%	15%	10%

Notes:

1. *Garage* face and embellishments shall be *setback* a minimum of 20 feet measured from any opposing property line; except rear *alley* loaded *garages*, which shall be *setback* six (6) feet from edge of *alley* line.
2. The city requires *open space* on a development/subdivision basis rather than on a *lot*-by-*lot* basis. Subdivisions with more than one (1) lot category will provide the higher percentage of open space.
3. Residential projects shall contain no more than fifty (50) percent of lots less than forty-eight (48) feet wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in **Chapter 108** of this *ordinance*.
4. Corner *lots* where *block* endcap landscape tracts are provided are not subject to the minimum *street* side *setbacks*.
5. Lots that have an RV garage within Lot Category B shall be allowed up to fifty-five (55) percent lot coverage.

(Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Section 106-2.4

Sec. 106-2.4. Residential medium density (R-2).

A. Purpose. The residential medium density (R-2) *zoning district* allows for a variety of housing opportunities including *detached* and *attached* ~~*buildings* that *single-family*~~ *dwellings* including, *single-family dwellings, two-family dwellings*, ~~and~~ *three-family dwellings*, and *townhouses* together with *schools*, *parks*, and public services necessary for an urban and suburban residential environment. While the district primarily accommodates residential *uses*, nonresidential *uses* that help to support, and are compatible with, residential neighborhoods may also be allowed when compatible with adjoining neighborhoods.

B. Applicability. The R-2 *zoning district* reflects the suburban development type and is allowed in the neighborhood character area in accordance with the *General Plan* with a maximum of three (3) *dwelling units* per *lot* of record. Minimum *lot* area is ~~four thousand~~two thousand eight hundred (~~4,000~~2,800) square feet per dwelling unit~~.~~, except for duplexes and triplexes which shall have a minimum *lot* area of four thousand (4,000) square feet., ~~except *lots* in column A and B are permitted one (1) *dwelling unit* as shown in **Table 106-2d** below.~~

C. Development standards. **Table 106-2d** below identifies the required development standards for the residential medium density (R-2) *zoning district.*

Table 106-2d—Residential Medium Density (R-2) Zoning District

Lot Categories	**A**[4]		**B**[4]	**C**	**D**
General Plan compatibility	Urban		Suburban	Suburban	Suburban
Lot area[1] (sf)	Single-family & Townhouse: ~~3,500~~2,800—4,949	Duplex & Triplex: 4,000—4,949	4,950—7,999	8,000—11,999	≥12,000
Min. lot width (sf)	~~40~~ 35		45	70	80
Min. front setback[2] (ft)	10		12	12	15
Max. front setback (ft)	25		25	25	30
Min. rear setback[2] (ft)	10		15	20	20
Min. side setback[2] (ft)	5[3] ~~& 7~~[2]		5 & 8[2] [3]	5 & 10	10
Min. street side setback[2]; ~~6~~[5] (ft)	10		10	10	10
Max. bldg. height (ft)	35		35	35	35
Open space (% of gross acres of residential development)[3]	25%		20%	20%	20%

Notes:

1. At the sole discretion of the City, up to 5% of the total lots of a development may vary up to 5% in lot area to accommodate discrepancies in the lot category's respective lot area range, but in no case shall a lot in Lot Category A be less than 2,800sf.

2. *Garage* face and embellishments shall be *setback* a minimum of 18.5 feet ~~20 feet~~ measured from any opposing property line, except rear *alley* loaded *garages*, which shall be *setback* ~~nine~~ three (~~3~~9) feet from *alley* edge line. Any portion of the 3-foot setback that is not a part of a driveway or walkway shall be fully landscaped. Walkways providing access to dwelling entryways may be located within the landscaped area.

3. May be reduced to zero feet *setback* for *single-family dwellings* as *attached building* and separated by a *common wall* along the property line, *and townhouses*. End units must maintain the larger *setback*.

4. The city requires *open space* on a *subdivision* or *development* site basis rather than on a *lot*-by-*lot* basis. Subdivisions with more than one (1) *lot* category will provide the higher percentage of *open space*.

54. Residential development projects exceeding 150 total lots (including those with separate development parcels) shall contain no more than fifty(50) percent of lots that are less than ~~forty-eight~~forty (4048) feet wide as calculated across whole *subdivisions* or *preliminary plats* and will include mitigating designs outlined in **Chapter 108** of this *ordinance*.
65. Corner *lots* where *block* endcap landscape tracts are provided are not subject to the minimum *street* side *setbacks*.

(Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Section 106-2.5

Sec. 106-2.5. Residential high density (R-3).

A. Purpose. The residential high density (R-3) *zoning district* is to provide for the *development* of high-density residential *uses* in areas of the city where adequate *semipublic features* and services exist with capacity to serve the area. The district is designed to create a high-quality environment by incorporating design excellence as well as substantial recreational and aesthetic *amenities.*

B. Applicability. The R-3 *zoning district* reflects the urban development type and is allowed in the neighborhood character area in accordance with the *General Plan.* With the exception of *townhouses*, ~~M~~*multi-family* residential shall have a minimum of four (4) *dwelling unit*s per *lot* and a *net residential density* of more than eight (8) *dwelling unit*s per acre. The minimum *lot* size for R-3 *zoning* is one (1) acre.

C. Development standards.

1. **Table 106-2e** below identifies the required *development* standards for the residential high density (R-3) *zoning district.*

Table 106-2e—Residential High Density (R-3) Zoning District			
Net Density (du/ac)	**8-11.9**	**12-14.9**	**15+**
Min. setback to arterial ROW (ft)[2]	20	20	20
Min. setback to collector and local ROW (ft)[2]	15	15	15
Min. setback adjacent to residential zoning (ft)	10	15	20
Min. setback adjacent to non-residential zoning (ft)	20	20	20
Max. bldg. height[1] (ft)	45	50	60
Open space (sf/du)	150	150	150
Notes: 1. The *height* of any *structure*, or portions thereof, shall not exceed 30 feet in *height* measured at the *setback* line when *adjacent* to *single-family*, *two-family*, *three-family development parcels.* The *height* of the *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*. 2. *Setback* may be reduced to ten (10) feet along collector or local *right-of-way* for units that open to the *street* and exclude a perimeter wall.			

2. **Table 106-2f** below identifies the required *development* standards for townhouses in the residential high density (R-3) *zoning district.*

Table 106-2f—Residential High Density (R-3) Zoning District, Townhouses	
Net Density (du/ac) min.	6
Lot area (sf)	1,200
Min. lot width (ft)	20
Min. bldg. front setback[1] (ft)	3
Min. bldg. rear setback (ft)	10
Min. bldg. side setback[2] (ft)	5
Min. perimeter setback adjacent to public street	20
Min. perimeter setback adjacent to residential zoning	20
Min. perimeter setback adjacent to non-residential zoning	20
Max. bldg. height (ft)	45
Open space (sf/du)	150
Notes: 1. *Garage* face and embellishments shall be *setback* a minimum of 20 feet measured from any opposing property line, except for private accessway or *alley* loaded *garages*, which shall be *setback* three (3) feet from *alley* edge line. Any portion of the 3-foot setback that is not a part of a driveway or walkway shall be fully landscaped. Walkways providing access to dwelling entryways may be located within the landscaped area. 2. Setback only applies to end units.	

~~2~~3. All projects shall provide one hundred fifty (150) square feet of on-site *open space* per *dwelling unit*, which shall include surfacing and safety features such as lighting, and *amenities* that enable residents to *use* the *open space.* Acceptable types of *open space* are listed below.

a. Common *open space* (excluding *setbacks*) with a minimum dimension of fifteen (15) feet in any direction that is accessible to all *dwelling unit*s by sidewalks or local paths. The space shall be oriented to maximize afternoon shade, unless site conditions such as topography warrant waiving this requirement by the community *development* director or designee.

b. Individual balconies, ~~or~~ patios (excluding front stoops), or backyards may be *used* for up to twenty-five (25) percent of the required *open space.* To qualify as *open space*, balconies or patios must be at least forty (40) square feet with no dimension less than five (5) feet.

c. Rooftop decks and terraces may be *used* to meet up to fifty (50) percent of the required *open space*, provided the space provides *amenities* such as seating areas, barbeques, fireplaces, recreational spaces, shade and landscaping.

d. On-site indoor recreation areas may be *used* to meet up to twenty-five (25) percent of the required *open space* provided the space is designed for communal *use* by all residents and provides space for entertaining, gathering, or exercise equipment and fitness activities.

e. Environmentally sensitive areas may count toward *open space* requirements if integrated into the site design to be visible and usable by residents with features such as trails and benches. Sensitive or critical areas meeting these requirements may count for up to fifty (50) percent of the required *open space.*

(Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Section 106-3.2

Sec. 106-3.2. Design and development standards in the SHD zoning district.

A. Design standards.

1. These design standards shall apply to any and all new *development* in the SHD and supersede any conflicting design standards in other parts of this ordinance. The regulations specific to commercial and *mixed use* land *uses*, in **Article III** of the **PEDS**, may apply to the design of new non-residential *development* when not in conflict with those outlined herein.

2. Prior to any permits being issued for new development, or renovation of an existing *building*, the architectural, site, and landscape plans shall be reviewed by development services for adherence to these design standards, in addition to other adopted regulations.

3. Plants and landscape materials shall be low water *use*, drought-tolerant plants as delineated in **Appendix C** of the **PEDS**. All areas of bare soil shall be covered with grass, drought tolerant plantings, or decomposed granite to discourage weeds and to control dust. Edible citrus and nut trees are also permitted. All landscaping shall be well-maintained with diseased and/or dead plant material removed and replaced promptly.

4. Trellis work, open front porches, and cloth shade sails will not be counted as part of the *lot coverage* allowance.

5. Architectural features of all *buildings* and *structures* shall reflect the historical character of Phoenix-valley architecture from the 1880's to the 1950's. These architectural features shall be present on all *elevations.*

    a. Residential architectural designs include but are not limited to Bungalow (Classical, California, and Craftsman), Spanish Colonial Revival, California Ranch, Southwest Style, and Pueblo Revival.

    b. All *new construction* should include features and embellishments that were prominent in historical architecture to avoid bland, monotone styles. The features include but are not limited to:

        (1) Projections and reveals; back and side porches on residential *structures*; varied roof and cornice lines; doors, windows, and window treatments such as shutters, awnings, and lintels; and traditional brick or river rock wainscoting, other architectural features such as porte-cocheres, *garage* doors, dormers, chimneys, and patios.

        (2) *Building* materials, textures, roof treatments and pitches, *building heights*, *building* mass, and proportions indicative of historical Phoenix-valley architecture.

6. An open and covered porch on the front *elevation* for all new *single-family* residential *development* shall be required as a means to help create a pedestrian scale connection to the *street*, permit interaction with neighbors, enhance citizen *block* watch programs, and enhance the sense of neighborhood. *Building* orientation shall consider the existing environmental conditions and solar orientation.

7. Although not required, residential *fences* may be built to a *height* not exceeding six (6) feet in a *side* or *rear yard* or thirty-six (36) inches in a *front yard.* The *fence* material shall be compatible with the design style and material of the main *structure*, preferably masonry, wrought iron, or painted wood. The *use* of chain link fencing (with or without slats) is prohibited.

8. All non-residential land *uses*, excluding *parks*, that *abut* residential properties are required to provide visual *screening* from those residences by an opaque fence/wall or landscaping of approved drought-tolerant plant materials in combination with a wall. This *screening* shall include *accessory uses*, *loading*

*area*s, and trash receptacles. The *use* of concertina wire is prohibited when *adjacent* to a public *right-of-way.*

9. On-site *retention* shall be required for all non-residential properties, all *multi-family* residential properties, and residential properties with more than one (1) *single-family dwelling.* Rainwater harvesting for plant irrigation is encouraged.

10. A color palette of earth tones shall be the predominate colors used. The use of accent colors is encouraged to provide a festive and lively *street*scape. Accent color, contrasting the primary *wall* color, should be used to accent entryways and special architectural and trim elements (i.e. columns, trellises, lintels, sills, door and window frames, cornices, and moldings).

11. Roof-mounted mechanical equipment shall be *screened* from public view and designed to appear as an integral part of the *building*, with the exception of solar panels. Mechanical equipment, propane tanks, water filters, coolers and air conditioning units, and similar utility equipment installed at *grade* or wall mounted shall be *screened* from public view.

12. Assembly *uses* over five thousand (5,000) square feet and *multi-family dwelling*s shall adhere to the following *use*-specific standards:

    a. The residential development shall have a *building frontage* presence to the neighborhood *street* rather than primarily facing a parking lot. The front entry shall include a walkway to the *street* or surrounding neighborhood.

    b. All multi-story *buildings* shall have unified and stylistic design elements present on all sides of the *building*(s). A variety of massing and *building heights* and stepping rooflines are strongly encouraged. Straight rooflines should be minimized by using offsets, differing *height*s, stepping, or different orientations to produce variety within a *development*.

    c. A color palette of earth tones shall be the predominate color used. The use of accent colors is encouraged to provide a festive and lively *streetscape.* Accent color, different from the dominate *wall* color, should be used to accent entryways and special architectural features of a *building.*

    d. The required *off-street parking spaces* shall be located in the rear, to the side, or beneath the *structures* with cars recessed one-half (½) level to avoid interrupting the rhythm of the established *street*scape, to make land on site available for gardens and courtyards rather than for surface parking, and to provide a pedestrian level connection to the neighborhood.

    e. Mechanical equipment and similar utility devices, whether at *grade* or roof mounted, shall be *screened* from public view and designed to appear as an integral part of the *building*, with the exception of solar panels. The mechanical equipment *screening* shall be included in the overall allowed *building height.* Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets should be *screened* from public view or designed to appear as an integral part of the *building.*

    f. Reflective *building* materials are prohibited. Metallic surfaces, including roof materials, shall be treated to be non-reflective.

    g. The *use* of metal or corrugated metal as the primary *building* material is prohibited; it may however be *used* as an architectural accent or decorative element.

    h. The *building* materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding *developments*. The city strongly encourages all new *buildings* to meet LEED (Leadership in Energy and Environmental Design) certification standards and *building* sites to utilize low impact development (LID) technologies.

    i. All *buildings* shall harmonize architecturally with the residential character of the neighborhood.

j. Assembly *uses* may be required to provide a traffic study, depending on the specific location.

B. Development standards.

1. Existing *mobile homes* and *manufactured homes* that are not in compliance with the use-specific standards of **Section 106-10.26** herein as of the effective date of this ordinance shall be considered as legal non-conforming *structures.* However, the existing *mobile home* or *manufactured home* may be replaced in its entirety with a conventional site-built home or with a *manufactured home* that complies with the use specific standards outlined in **Section 106-10.26** herein.

2. The *development* standards shown in **Table 106-3a**, Table 106-3b, and **Table 106-3cb** below are applicable to all properties within the SHD. These tables identify the *development* standards for properties zoned into one (1) of the overlay zones.

Table 106-3a—SHD—Residential Overlay Zoning (SHD-RO)

	Commercial	**Single-Family,** Two-Family, **Three-Family**	**Multi-Family Residential**
Min. lot area (sf)	5,000		15,000
Min. lot area (sf/du)		5,000	5,000
Min. front setback (ft)	15	12[2, 3]	15[2, 3]
Max. front setback (ft)	30	30[4]	30[4]
Min. side setback (ft)	10	5 & 10[1, 3]	20[3]
Min. rear setback (ft)	12	12[3]	20[3]
Max. bldg. height (ft)	30	30	35
Lot coverage %		65%	65%

Notes:
1. May be reduced to zero-foot *setback* for *single-family dwelling*s as attached to and separated by a *common wall* along the property line. End units shall maintain the larger *setback.*
2. A covered front porch may encroach into the *front setback* by up to five (5) feet.
3. *Garage* doors/embellishments shall be *setback* a minimum of twenty (20) feet measured from the opposing property line, except rear, *alley* loaded *garage*s, which shall be *setback* six (6) feet from the *alley* edge line.
4. Measured from the primary *dwelling*, excluding front porch.

Table 106-3b—SHD – Residential Overlay Zoning (SHD-RO), Townhouses	
Net Density (du/ac) min.	6
Lot area (sf)	1,200
Min. lot width (ft)	20
Min. bldg. front setback[1] (ft)	3
Min. bldg. rear setback (ft)	10
Min. bldg. side setback[2] (ft)	5
Min. perimeter setback adjacent to public street	20
Min. perimeter setback adjacent to residential zoning	20
Min. perimeter setback adjacent to non-residential zoning	20
Max. bldg. height (ft)	45
Open space (sf/du)	150
Notes: 1. *Garage* face and embellishments shall be *setback* a minimum of 20 feet measured from any opposing property line, except for private accessway or *alley* loaded *garage*s, which shall be *setback* three (3) feet from *alley* edge line. Any portion of the 3-foot setback that is not a part of a driveway or walkway shall be fully landscaped. Walkways providing access to dwelling entryways may be located within the landscaped area. 2. Setback only applies to end units.	

Table 106-3~~b~~c—SHD—Commercial Overlay Zoning (SHD-CO)	
	Commercial Overlay
Front setback (ft)	15
Side setback (ft)	10
Rear setback (ft)	10
Max. bldg. height (ft)	35[1]
Min. lot area (sf/du)	4,000 sf/du
Notes: 1. *Mixed use buildings* that include vertically integrated residential have a max *height* of 45 feet.	

(Ord. No. 2021-17, § 1(Exh. A), 2-1-22; Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Section 106-4.3

Sec. 106-4.3. Review and process.

A. Procedures.

1. A "TND plan of development" shall be submitted as part the re*zoning* process pursuant to **Chapter 102** of this *ordinance*. The TND plan of *development* is the compilation of exhibits that demonstrate compliance with all requirements of this *ordinance*; which at a minimum shall include the following.

   a. A master development plan map that identifies the size and location of each *development parcel.*

   b. Each *development parcel* shall be labeled with one (1) of the overlay *zoning district*s outlined in **subsection 106-4.2.B**.

2. The final approved TND plan of development, which will govern the *development* progress of a specific TND project, shall reflect the project's acreage, approved *lot* yield, and land *use* ratios approved by the city.

3. *Platting* of the individual *subdivisions* within the TND boundary will still be required and shall comply with the PEDS and other design standards as referenced and outlined in **Chapter 107** and the land division and *subdivision* regulations in **Chapter 108** of this *ordinance*.

4. *Parcels* within a TND development that are proposed for any multiple-*building apartment* complex, *mixed use* development, *civic use*, or a commercial development project shall require *site plan* review.

5. The specific overlay boundary lines and associated land *uses* (per **Table 106-1c**) along with the blended *lot* sizes for the residential *parcel*(s) shall be identified at the time of either the *site plan* approval or the *preliminary plat* and recorded on the *final plat.* The *gross residential density* for each residential and *mixed use development parcel* shall be in accordance with the approved TND plan of *development*.

6. At the time of *final plat* recordation, or approval of the *site plan* if no subdivision is required, the overlay *zoning* boundaries are administratively set for the *development parcel.* The city shall monitor each TND development, from the approval of the TND plan of development through the *platting* stage, and then at the *building permit* stage to ensure that the land *use* mixture agreed upon through the initial re*zoning* process and the required variety of *lot* sizes and housing types is maintained. The city shall amend the official Surprise *Zoning* Map to reflect the approved "TND plan of development" and overlay *zoning* boundaries at each stage.

B. Amendments.

1. A council approved TND plan of *development* may be amended administratively for the following circumstances:

   a. Up to a ten (10) percent transfer (increase or decrease) in the allowed quantity of *dwelling unit*s between *development parcels* within the TND;

   b. Up to a ten (10) percent increase or decrease to the overall *gross residential density* of the TND as compared to the city council approval;

   c. Up to a ten (10) percent shift in the individual *development parcel gross area* or configuration, as compared to the city council approval.

2. Requests for an administrative *amendment* shall require the following:

   a. The master *developer*, or the specific *applicant* if the master *developer* is no longer involved in the project, shall provide the city with a "revised TND plan of development" that reflects any and all administratively approved *alterations* to date.

b. No further applications for *plats*, *site plans*, or *building permits* shall be submitted to the city until after the administrative *amendment* request has been determined; and if approved, a new "revised TND plan of *development*" showing the latest approved *amendment* has been submitted back to the city.

3. Administrative *amendment* to the TND plan of development shall not be allowed if:

a. Any *amendment* would require backbone infrastructure (water and wastewater) upsizing, or change the parameters for the master drainage design, or change the amount or intent of the *open space* component of the TND as compared to the initial approval.

4. Any *alteration* to the "TND plan of *development*" that exceeds the limits set for administrative approval, as listed above shall require city council action as a TND *amendment.*

C. Incentives.

1. The TND *zoning district* complies with the neighborhood character area of the *General Plan* by allowing a variety of residential development types and specific supportive commercial. Additionally, the ratios *used* for defining the mix of required land *uses*, delineated in **Table 106-4a**, are based on *dwelling unit* and population as described in the *General Plan.* Thus a *General Plan amendment* should not be required, provided all other provisions of the city *General Plan* are satisfied.

2. After the TND *zoning* and the associated TND plan of *development* is approved by the city, through the public hearing process, further re*zoning* of the individual *development parcels* will not be necessary provided development adheres to the approved TND plan of development.

3. The city allows for certain infrastructure improvements within the *public right-of-way* to be calculated as *open space* if certain *amenities* are provided or design aspects are utilized (see the PEDS in **Chapter 107** for specific details).

4. The TND residential (TND-R) overlay is the only *zoning district* where the "shared court" (commonly known as four-packs and five-packs), "shared cluster", "mansion *apartment*", or rowhouse/~~townhome~~ townhouse housing products are permitted to be utilized in the city (see PEDS, **subsection 2.5E** for specific details).

(Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Section 106-4.4

Sec. 106-4.4. Development standards.

A. The specific development standards for the TND *zoning district* are outlined in **Table 106-4b** and **Table 106-4c** below. Each *lot*, regardless of the product type or land *use*, shall adhere to the development standards outlined in the following tables.

1. All *multi-family* projects shall provide one hundred fifty (150) square feet of on-site *open space* per *dwelling unit*, which shall include surfacing and safety features such as lighting, and *amenities* that enable residents to *use* the *open space.* Acceptable types of *open space* are listed below.

   a. Common *open space* (excluding *setbacks*) with a minimum dimension of fifteen (15) feet in any direction that is accessible to all *dwelling unit*s by sidewalks or local paths. The space shall be oriented to maximize afternoon shade, unless site conditions such as topography warrant waiving this requirement by the community *development* director or designee.

   b. Individual balconies or patios (excluding front stoops) may be *used* for up to twenty-five (25) percent of the required *open space.* To qualify as *open space*, balconies or patios must be at least forty (40) square feet with no dimension less than five (5) feet.

   c. Rooftop decks and terraces may be *used* to meet up to fifty (50) percent of the required *open space*, provided the space provides *amenities* such as seating areas, barbeques, fireplaces, recreational spaces, shade and landscaping.

   d. On-site indoor recreation areas may be *used* to meet up to twenty-five (25) percent of the required *open space* provided the space is designed for communal *use* by all residents and provides space for entertaining, gathering, or exercise equipment and fitness activities.

   e. Environmentally sensitive areas may count toward *open space* requirements if integrated into the site design to be visible and usable by residents with features such as trails and benches. Sensitive or critical areas meeting these requirements may count for up to fifty (50) percent of the required *open space.*

B. Deviations to the *development* standards in this section for any TND *zoning district* shall be considered part of a *rezoning* application and will be based on the individual characteristics of the TND *development*, including its topography, location, overall design and quality, the interface of its various components and the integration of the project into the overall community.

C. All *development parcels* shall adhere to the approved TND plan of development.

Table 106-4b—Development Standards for TND-R Parcels

Lot Categories	**A**[9]	**B**	**C**[1]	**D**[1]	**E**[1]	**F**[1]	**G**[7]	
Lot area (square feet)	2,000—3,499	3,500—4,949	4,950—7,999	8,000—11,999	12,000—17,999	18,000 and over	*Multi-family* 16,000	Commercial & MU 16,000
Min. lot width (sf)	35[8]	40[8]	50	70	80	90	N/A	N/A
Min. front setback (ft)	5[2]	10[2, 5]	12[2, 5]	15[2, 5]	25[4]	30[4]	15	15

Max. front setback (ft)	N/A	N/A	N/A	N/A	N/A	N/A	25	25
Min. side setback (ft)	5[3]	5 & 7[3]	5 & 8[3]	5 & 10	10	10 & 15	10	10
Min. rear setback (ft)[2]	5	10	15[5]	20[5]	25	30	20	15
Max. bldg. height (ft)	30	30	30	30	30	30	45[6]	35[6]
Lot coverage %	70%	60%	50%	50%	50%	40%	60%	60%

Notes:

1. Minimum *lot* area of 4,000 square feet per *dwelling unit*; except *lots* in column A and B are permitted one (1) *dwelling unit.*
2. *Garage* face and embellishments shall be *setback* a minimum of 18.5~~20~~ feet measured from any opposing property line; except rear *alley* loaded *garage*s, which shall be *setback* ~~six~~ three (~~6~~3) feet from *alley* edge line. Any portion of the 3-foot setback that is not a part of a driveway or walkway shall be fully landscaped. Walkways providing access to dwelling entryways may be located within the landscaped area.
3. May be reduced to zero feet *setback* for *single-family dwelling*s as *attached building* and separated by *common wall* along property line, and *townhouses*. End units must maintain the larger *setback.*
4. A covered front porch may encroach closer to the *street* by up to eight (8) feet.
5. A covered porch may encroach into the *setback* by up to five (5) feet.
6. The *height* of any *structure*, or portions thereof, shall not exceed 30 feet in *height* measured at the *setback* line when *adjacent* to *single-family* or *two-family lots.* The *height* of the *structure* may increase at a ratio of one-foot vertical for every one-foot *setback* horizontally, as measured relative to the property line, to the maximum allowed *height.*
7. Minimum *lot* area of two thousand five hundred (2,500) square feet per *dwelling unit*.
8. TND projects shall contain no more than fifty (50) percent of lots less than forty ~~eight~~ (~~48~~40) feet wide and will include mitigating designs outline in **Chapter 108** of this ordinance.
9. Only be used for a residential development with access for each dwelling unit provided by a common shared drive or rear-loaded alley.

Table 106-4c—Additional Development Standards

	TND-C	TND-MU[1]	TND-OS
Min. lot area (sf)	6,000	16,000	N/A
Min lot area per dwelling unit (sf/du)	N/A	2,000	N/A
Min. setback to arterial ROW (ft)[1]	20	20	15

Min. setback to collector and local ROW (ft)[1]	15[2]	20[2]	15
Min. setback adjacent to residential zoning (ft)[1]	10[3]	10[3]	15
Min. setback adjacent to non-residential zoning (ft)	15	20	15
Max. bldg. height (ft)[4]	40	45	35

Notes:

1. *Setbacks* shall not include any *parking spaces* or *drive aisles* except *ingress and egress.*
2. *Setback* may be reduced to ten (10) feet for units that open to the *street* and exclude a perimeter wall.
3. *Setback* increased to twenty (20) feet from *single-family* residential.
4. The *height* of any *structure*, or portions thereof, shall not exceed thirty (30) feet in *height* measured at the *setback* line when *adjacent* to *single-family*, *two-family*, *three-family development parcels.* The *height* of the *accessory 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.*

(Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Section 107-4.3

Sec. 107-4.3. R-1, R-2, and SHD-RO residential provisions.

A. *Off-street parking* spaces within the front *yard* shall be utilized solely for the parking of licensed and operable passenger vehicles and in addition to **Chapter 54, Article IV** of this Code the regulations below shall apply:

1. The *recreational vehicle* or utility trailer stored in the rear or *side yard* shall be behind the front line of the primary *structure.*

2. Placement of a *recreational vehicle* or utility trailer other than the rear or *side yard* for loading and unloading purposes may be permitted for a period not to exceed seventy-two (72) hours up to two (2) times per month.

3. No person shall *park* a *truck* on any *lot*, except while loading and unloading the *truck*, while services are being provided to the residence by the *truck*'s occupant, or for a period of time to exceed twenty-four (24) hours.

B. The *off-street parking spaces* within the front *yard* shall not be *used* for storage of commercial equipment.

C. Residential parking and driveway areas shall be constructed and maintained, with the required *parking space*(s) being located on and *accessed* by a dust-proof surface.

D. Driveway entrances and *off-street parking* spaces within the *front yard* shall not comprise more than thirty (30) percent of the *front lot line,* except that each *lot* is permitted one driveway up to eighteen (18) feet wide.

E. Residential on-street parking shall not be permitted on trash days for any lot 40’ wide or less.

1. Lots 40' wide or less shall be signed "No Parking on Trash Days" for on-street parking.

2. At the sole discretion of the City, driveways and garages shall be sized sufficiently to accommodate the parking restrictions on trash days.

3. HOAs shall ensure that parking restrictions are acknowledged by buyers at the time of purchase.

4. The additional off-street parking spaces required for developments with lots 40’ wide or less, per Table 107-4c, for the purposes of visitor and overflow parking shall be geographically separate from the required parking for the development’s community facilities and/or amenity area(s).

5. The additional off-street parking spaces required for developments with lots 40’ wide or less, per Table 107-4c, for the purposes of visitor and overflow parking shall be distributed across the development and adjacent to dwelling units.

(Ord. No. 2021-17, § 1(Exh. A), 2-1-22)

Section 107-4.4

Sec. 107-4.4. Multi-family, mixed use, and non-residential use provisions.

A. The minimum number of required *off-street parking spaces*, as outlined in **Table 107-4c**, may be reduced by the number of on-*street parking spaces abutting* the property lines of the *lot* or *parcel.*

B. *Off-street parking* facilities shall be designed, constructed, and maintained in accordance with volume 1 of the PEDS and the specifications described below:

1. Parking, loading, and driveway areas will be paved with asphalt, brick, concrete, or other approved surfaces of comparable durability.

2. Parking, loading, and driveway areas will be *grade*d and drained utilizing low impact *development* (LID) methods and water harvesting of surface water run-off for watering of the required landscaping.

3. Parking is prohibited in required *setback* and landscape areas.

[C.] *Off-street parking* facilities shall provide landscape islands and landscape medians/walkways to provide shade trees and aid in capturing stormwater as follows:

1. One (1) parking *lot* island with one (1) foot of ribbon curbing shall be provided every ten (10) *parking spaces* and at the end of each parking row.

2. Landscaped medians/walkways shall be provided for every third double rows of parking when the parking exceeds thirty (30) spaces per row.

3. Where wheel stops are not *used* the width of the *abutting* landscape median or sidewalk shall be increased in by at least two (2) feet.

4. Exceptions may be made for *parking spaces* that are covered utilizing solar panels as the shade *structure.*

[D.] When permitted in commercial or industrial *zoning district* parking and storage of *truck*s shall be within the *screened* storage area or a loading zone of an approved *site plan* and under the specific conditions outlined within this Code.

E. Residential on-street parking shall not be permitted on trash days for any lot 40’ wide or less.

1. Lots 40’ or less shall be signed “No Parking on Trash Days” for on-street parking.

2. At the sole discretion of the City, driveways and garages shall be sized sufficiently to accommodate the parking restrictions on trash days.

3. HOAs shall ensure that parking restrictions are acknowledged by buyers at the time of purchase.

4. The additional off-street parking spaces required for developments with lots 40’ wide or less, per Table 107-4c, for the purposes of visitor and overflow parking shall be geographically separate from the required parking for the development’s community facilities and/or amenity area(s).

5. The additional off-street parking spaces required for developments with lots 40’ wide or less, per Table 107-4c, for the purposes of visitor and overflow parking shall be distributed across the development and adjacent to dwelling units.

(Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

Section 107-4.G

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

A. Each individual land *use* within the different *zoning district*s and overlay *zoning district*s 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	
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 plus 0.2 spaces per DU for lots 40' wide or less for visitor and overflow parking
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
Townhouse	2 per DU plus 1 per 500 sf of community facility uses and 0.2 spaces per DU dedicated to visitor parking
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

Section 108-2.5

Sec. 108-2.5. Lot planning.

A. The *lot* arrangement and sizes shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing *building permits* to build on all *lots* in compliance with **Chapter 106** of the LDO or in providing driveway *access* to *buildings* on such *lots* from an approved *street.* Prior to *final plat* approval the city may require additional documentation, including but not limited to engineering concept plans, for *lots* with questionable development ability.

B. *Lots* shall be arranged in a contiguous pattern within a *block*; except where the *block* length or an *environmentally sensitive feature* warrants an easement either through the *block* to accommodate drainage or *access* for *multimodal* (pedestrian/bicycle/golf cart) traffic to adjoining *open space* or to preserve the *environmentally sensitive feature.*

C. Flag lots or panhandle lots and other unorthodox *lot* layouts shall not be *platted*; unless approved by council, such as topographic constraints in environmentally sensitive areas or design methods that enhance *multimodal* (pedestrian/bicycle/golf cart) traffic.

D. Lot dimensions.

1. The minimum *lot* size shall comply with the *lot* ranges within the *zoning district*s as described in **Chapter 106** of this ordinance; except that utility facilities using land or a *building used* only for equipment purposes (and not for human occupation) and requiring less than one thousand (1,000) square feet of site are exempt from the minimum *lot* size standards of all *zoning district*s. Individual tracts within a subdivision are also exempt from this provision.

2. The depth-to-width ratio of the usable area of a residential *lot* shall not be greater than three to one (3:1), except in a *hillside* development area where flexibility may be allowed based on topographical considerations.

3. Depth and width of properties reserved or laid out for *business*, commercial, or industrial purposes shall be adequate to provide for the *off-street parking* and loading facilities required for the type of *use* and development contemplated.

4. Dimensions of *corner lots* shall be large enough to allow for erection of *buildings*, observing the minimum *setbacks* from both *street*s.

5. All residential *lots* shall be designed such that the minimum *lot* width may be achieved at both the *front* and *rear setback* lines.

6. Residential *lots* that are less than fifty (50) feet wide are encouraged to have vehicular access from an *alley.*

E. *Side lot lines* shall be at right angles to the *street* the *lot* faces, or radial to curved *street* lines, unless topographic conditions necessitate a different arrangement acceptable to the community development director or designee.

F. Lot frontage.

1. Every *lot* shall have a minimum *frontage* width of thirty (30) feet on a public or *private street*, except *townhouse* lots which shall have a minimum frontage width of twenty (20) feet on a public or private street, and every *lot* shall have direct *access* to the improved circulation system either by said *street* or by *alley.*

2. No residential *lot* of record shall derive direct *access* to a *roadway* classified as an arterial or *park*way, except *multi-family* developments designed with an on-site turnaround and comply with *roadway access* management policy standards.

3. Residential *lots* that are zoned rural residential (RR) and have a minimum *lot* width of two hundred (200) feet may take direct *access* to collector *roadways*; egress from the *lot* shall be only in a forward motion.

4. Commercial and industrial *lots* may take *access* to a *roadway* classified as an arterial or *park*way when designed with an on-site turnaround and comply with *roadway access* management policy standards.

5. Commercial and industrial *lots* may be required to be served by a combined shared *access* drive to limit the number of possible traffic hazards; driveways shall be designed and arranged so vehicles *ingress and egress* from the property in a forward motion.

6. Double *frontage* and reversed *frontage lots* shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific constraints of topography and orientation.

G. Narrow lot subdivisions. Subdivisions with a homogenous design of *lot widths* narrower than fifty (50) feet cause numerous long-term conflicts and constraints for city services, design standards, parking, and quality of pedestrian movement over the lifespan of the neighborhood. In order to mitigate these problems, the designs listed below may apply to residential project that permit a given percentage of lots as calculated across whole subdivisions or preliminary plats to be narrower than fifty (50) feet wide according to **Table 108-2a**. Mitigating designs for plat are outlined below and home product designs are identified in the PEDS.

1. Rear loaded alleys.

2. Evenly distribute narrow lots among lots that are fifty (50) feet wide or greater.

3. Public off-street parking areas within one-eighth (⅛) mile of every narrow *lot.*

4. Dedicated solid waste pickup locations with curb markings, preferably between the smaller separation of matching/mirrored driveways.

5. Incorporate lot diversity within a plat with at least twenty-five (25) percent of lots that exceed the minimum lot width by five (5) feet.

6. Other designs may be proposed that vary from the strict provisions of this section in such a manner that intent is maintained with such modification.

Table 108-2a—Narrow Lots Subdivision

Allowed Lots Less than 50' Wide per Subdivision Plat	**Mitigating Designs**
Up to 10%	No more than two such *lots* shall *abut* one another
Up to 25%	Any 1 design
Up to 50%	3 mitigating designs
Up to 100% ~~of lots 48'—50' wide~~	Matching/mirrored driveways with dedicated solid waste pickup locations

(Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

CHAPTER 2: NEIGHBORHOOD LAND USES

2.1 GENERAL LAND/SITE DESIGN & DEVELOPMENT

A. The development plan shall be interconnected through the open space, landscaping, and its visual design characteristics.

B. Large development plans proposed for phased development shall be planned and designed so that each phase is complete and can exist independently in terms of the functionality of its infrastructure and circulation systems as well as the drainage.

C. When allowed, high-density residential and non-residential development shall be located within mixed-uses projects or adjacent to, and oriented toward, the arterial and/or collector roadways, transit/bus services, and the community's pedestrian circulation and trail system.

D. Subdivision and street layout, lot orientation, and home design and siting, shall utilize the most advantageous solar orientation, climatic, and environmental conditions of the development site.

E. Design of accessory elements such as group mailboxes and security huts and gates, transit/bus shelters, and streetscape shall be compatible with the architectural style and/or unique theme of the development or neighborhood in which it is located.

F. Group mailboxes for residential developments shall be placed into an architectural structure that is strategically and conveniently located throughout as a part of the pedestrian circulation system features such as illumination, shade trees and benches for neighbor interaction. All group mailboxes shall be accessible to persons with disabilities.

G. Multi-family & Non-residential Buildings in the Neighborhood Land Use: Trash and refuse collection containers shall be screened from public view with a six foot (6') decorative masonry wall enclosure and located such that they are not the visual focal point of a driveway or cannot be viewed from a public street. Those sites that can only locate the refuse containers in a highly visible location shall provide screening the containers with decorative latching gates at the opening to the enclosure.

H. To reduce the impact of ~~the~~ garage dominant architecture ~~garage doors~~ for single-family dwelling units, front-facing garage doors on a public street shall not comprise more than forty-five percent (45%) of the total linear frontage of the residential front elevation.

1. Development plans may include up to ten percent (10%) of home products with additional options such as but not limited to front porch or patio that comprises of the remaining front elevation, or balconies within a subdivision may have garage doors up to sixty percent (60%) of the total linear frontage of the residential front elevation.

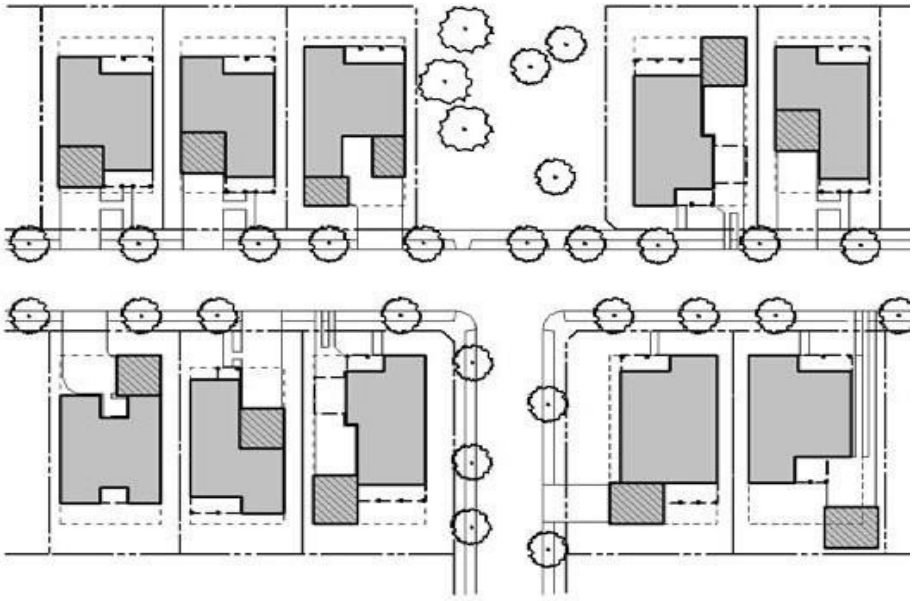
2. For 3-car garages, garage proportions may be up to fifty percent (50%) on homes. Stalls will be separated such that no more than two (2) stalls are in the same vertical plane or adjacent to each other (i.e., provide a two-foot

(2') offset with architectural trim for at least one (1) stall or provide one (1) stall in a side-entry or tandem configuration).

I. Subdivisions must create a more diverse street character, especially in the case of homogenous design of lot widths narrower than forty-eight feet (48') that causes numerous long-term conflicts and constraints for city services, design standards, parking, and quality of pedestrian movement over the lifespan of the neighborhood. All residential lots shall incorporate a combination of designs methods for site layout such as but not limited to those below, which can also act as a supplement the quantity and type of designs outlined for residential subdivisions Section 108-2.5 of the LDO (see **Illustration 10** below):

1. Stagger the building frontage depths between adjacent lots;
2. A five foot (5') or greater recess for the garage from the front plane of the home;
3. A porte-cochere;
4. A garage located in the rear of the lot utilizing a single or double-car drive adjacent to the home or accessed from an alley;
5. A side-entry garage product as part of a variety of floor plans; or
6. Decorative pavers or other driveway treatments to the menu of options.
7. Garage doors with windows, raised or recessed panels, architectural trim, and/or single garage doors
8. Architectural treatment above the garage such as windows or balconies
9. Single-car driveways and garages (including tandem)
10. Open carports,
11. Matching, mirrored, and/or shared driveways,
12. At least 2/3 of home products that fit on narrow lots must be two-story with the second story brought toward the front elevation.
13. Other designs may be proposed that vary from the strict provisions of this section in such a manner that intent is maintained with such modification

ILLUSTRATION 10



K. Traditional Neighborhood Developments (TND) shall provide blended density residential neighborhoods that provide for and encourage different housing types (i.e. detached single-family, attached-product, duplex, ~~townhome~~townhouse, shared court, shared cluster, mansion apartment, and live-work) and varying lot sizes within the same residential development parcel(s) and preferably on the same street rather than separating housing types by whole neighborhoods.

2.2 OPEN SPACE DESIGN AND PUBLIC PLACES

A. GENERAL RESIDENTIAL OPEN SPACE DESIGN.

1. Multi-use pathways and equestrian trails uses as a secondary mode of travel and access throughout neighborhoods and the City shall be landscaped, provided with low level lighting for safety, and furnished to provide rest areas at transition points and other locations as determined to accommodate the specific needs of the community.

2. In the event retention basins are required, per the drainage analysis, they shall be developed as an amenity and landscaped to accommodate active and/or passive recreation. They shall be located and oriented to physically, functionally, and/or visually connect with other open space areas and the abutting open space of neighboring development plans.

3. Retention basins with a bottom area in excess of one-half acre (1/2ac), shall be designed, turfed in a manner to accommodate a play/sport field rather than being landscaped with decomposed granite. All structures and play equipment are to be located above the 100-year, 2-hour high water line and an ADA path provided to the structures.

3. Rooftop decks and terraces may be considered as common open space provided these areas contain amenities such as seating areas, barbeques, fireplaces, recreational space, shade structures and landscaping as an integral component of the areas.

4. On-site indoor recreational areas may be considered as open space if the area(s) are designed for communal use by all residents and provide space for entertaining, gathering, or fitness activities.

2.3 CIRCULATION DESIGN

A. GENERAL STANDARDS.

1. All proposed residential developments shall provide a Traffic Impact Analysis (TIA) for the proposed development. If as a result of the traffic analysis, it is determined that a new roadway(s) at the Arterial classification level is necessary to serve the development a General Plan Amendment may be required. The TIA shall be used to determine projected traffic volumes, desired operating speeds, projected traffic types, projected construction phasing, and determine the need for new traffic signals.

2. Local streets shall utilize either the alternative or standard cross section (see **Illustration #1A** and **#1B** herein).

3. Collector streets in new residential developments shall be located to minimize cut-through vehicular traffic on the local streets and through the neighborhoods, by utilizing a modified grid street pattern.

4. Streets classified as a Parkway, Arterial, and/or Collector shall utilize the City's most updated cross section with a detached sidewalk design with the resulting *landscape strip*.

B. ROADWAY DESIGN.

1. Within the hierarchy of existing and proposed two-way City streets, a minimum unobstructed pavement width of twenty-six feet (2~~0~~6'), with a minimum vertical clearance of fifteen feet (15') shall be provided for fire apparatus access. The unobstructed pavement width for fire apparatus may be reduced to a minimum of twelve feet (12') in developments where median divided streets exist.

2. New collector streets within a residential development may require a landscaped multi-use path in addition to the on-street bicycle lane to connect with a regional trail system.

4. The creation of new dead-end streets shall not be permitted in a TND Development. All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to thoroughfares on adjacent sites or developments, except when constrained by topography.

D. ACCESS.

1. A subdivision development may be permitted "limited access" points to the surrounding collector and arterial streets at a quarter mile (¼) spacing and "full access" points on the half mile (½) and full mile spacing; where supported by the Traffic Impact Analysis (TIA) and accepted by the City Traffic Engineer.

2. The use of alleys with rear garage configurations and entry access points may be considered as a means of vehicular and pedestrian access to a residential lot.

~~2.~~3. The use of shared open space courtyards or tracts with entry access points may be considered as a means of pedestrian access to a residential lot.

~~3.~~4. Alleys shall be paved, well-lit and designed for pedestrian connectivity and view-fencing rather than solid fencing along the rear property lines to further enhance the safety, appearance, and use of the alley. Standard Detail cross-sections for alleys can be found in the **PEDS, Volume 2 Engineering Development Standards**.

a. Minimum right-of-way or easement width of twenty feet (20');

b. A twelve-foot (12') wide paved surface centered in the right-of-way, with pavement material, texture, pattern and strength selected to accommodate automobiles, garbage disposal trucks (when garbage pick-up is planned at the rear of the property), pedestrians, and bicycles;

c. A four-foot (4') wide landscaped strips located on either side of the paved area of the alley. Landscaped strips will contain a combination of trees and shrubbery and architectural lighting consistent with the character of the neighborhood. The placement, type, height and spacing of landscape and lighting shall comply with the landscape and lighting standards set forth in this Ordinance;

d. Opaque fencing along the rear property line abutting the alley line shall not exceed four feet (4') in height, except view fences may be permitted up to six feet (6') in height;

e. Ribbon curbs (no gutters) to permit natural recharge of groundwater shall be required; except or unless, because of drainage conditions, additional engineered measures are required by the city manager or designee to facilitate stormwater runoff and drainage;

f. No parking shall be permitted on an alley unless parking bays or pull outs adjacent to garages have been included and approved as part of the rear lane design; and

g. When the alley is also used to collect garbage, storage bins containing trash for pick-up shall be placed on a designated surface integrated into the design of the landscape strip.

5. All lots shall have ~~frontage~~ access ~~onto a fully improved publicly dedicated or approved private street developed to "local street" standards and may have access by either the public/private local street or an alley refer to the Volume Two of the PEDS for specifics.~~ to an approved public or private road or alley, developed in accordance with the LDO, PEDS, EDS, and/or other applicable codes.

~~4.~~6. If the front door of any dwelling unit faces an alley, a concrete sidewalk must be provided along the alley to connect the front door to the sidewalk on a public or private street.

E. CIRCULATION AUXILIARY AMENITIES.

1. The planning and design of public transit and school bus stops within a master planned development and individual neighborhoods shall be considered and should at a minimum include an improved hardscaped space of adequate size for adults and/or children to safely gather and sit.

2. Private "pedestrian-only" walking paths (excluding cyclists, skateboarders, wheelchair, and equestrian uses) are allowed, when approval by the Community Development Director. Where permitted these paths shall:

   a. Be a minimum of five feet (5') in width; have a maximum grade of five percent (5%) ; be constructed of concrete, asphalt, permeable paving surface, or stabilized decomposed granite material.

   b. Shall be lighted for pedestrian safety, in accordance with a City approved photometrics plan, and with pedestrian scaled (overhead or bollard style) light fixtures that are compatible with the character of the area, and spaced appropriately to provide an even, non-glare light level along the course of the walking path.

3. Parking Lots: Multi-family and non-residential buildings within the neighborhood land use shall be designed in an "up front" manner that locates buildings along the street frontage and the required off-street parking spaces located in the rear or to the side of the structures. Parking may also be designed beneath the structures to avoid interrupting the rhythm of the established streetscape and to make land on site available for gardens and courtyards rather than for surface parking. Parking lots shall be landscaped in accordance with **Chapter 107** of the LDO and utilizing the plant palette list in **Appendix C** herein.

2.4 LANDSCAPE AND STREETSCAPE DESIGN

A. LANDSCAPE STANDARDS.

1. Private Lots:

   a. Individual residential lots shall be designed to minimize the use of

building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets should be screened from public view or designed to appear as an integral part of the building and painted to match the building.

3. Ground mounted mechanical equipment and building projections (other than roof eaves) shall not be located within the required "unobstructed" side yard setback and shall be screened from public view (see **Chapter 106** of the LDO for setback information).

4. All exterior elevations of a residential structure shall provide architectural detailing (360° architecture); not just the front elevation. Window embellishments shall be provided on all homes by adding architectural features which enhance the elevations, e.g. greater variation of window design, different window styles, recesses, surrounds, shutters, lintels and sills, gabled roof features over the windows, etc. Such features must be added to all of the exterior elevations of the structure, including second story windows, to provide interest and relief. In the case of residential construction this material wrap/wainscot shall continue along the side elevations to the point where it meets the side lot perimeter fence return.

5. The City strongly encourages new residential neighborhoods to meet Leadership in Energy and Environmental Design (LEED-ND) certification standards and building sites to utilize Low Impact Development (LID) technologies.

6. Production homebuilders shall provide a minimum of four (4) floor plans, with a minimum of three (3) distinctly different elevations for each floor plan; including a variety of products with front entries facing the street. Additionally, a minimum of three (3) roof pitches/styles/materials/colors, three (3) styles of garage doors, three (3) window designs/embellishments, and three (3) exterior paint colors shall be required as a standard feature to further promote visual interest and architectural diversity.

7. The developer/production home builder shall be responsible for assuring that no two similar rear building elevations and rooflines are allowed on adjacent lots that back to a public right-of-way.

8. The developer/production home builder shall be responsible for assuring that not more than two (2) of the same building elevations are on adjacent lots and on lots directly across the street from one another. For clarification, lots "directly across the street" are those where at least fifty one percent (51%) of the lot's street frontage is directly across from the street frontage of the lot on the opposite side of the street (measured by extending sided lot lines to the street centerline).

9. Corner lots shall be limited to a single story home and the side elevation fronting the side street shall be fully embellished and the roofline varied.

B. ATTACHED SINGLE-FAMILY DWELLINGS.

1. All buildings shall have their main entrance fronting onto either a street or oriented towards and arranged around a shared open space courtyard/tract or alley.

2. A variety of rooflines styles and heights shall be used as well as building projections and recesses. The structures shall have stylistic architectural design elements on all exposes building elevations. The architecture shall incorporate style-appropriate and varied door and window openings and architectural embellishments. A variety of front and rear porch configurations shall be used to provide functional yet varied architectural integrity to the buildings.

3. Brick, integral colored block, or slump block shall be used (not painted concrete masonry units) for buildings using masonry as the primary material.

4. Flat asphalt shingles shall not be permitted. Clay tile, concrete tile, architectural asphalt shingles, cementitious or fiberglass tiles, and standing-seam or corrugated metal shall be the permitted roofing material. Alternative roofing products shall require city approval.

C. MULTI-FAMILY DWELLINGS.

1. The residential development shall have a building frontage presence to the neighborhood street rather than a parking lot frontage. The front entry shall include a walkway to the street or surrounding neighborhood.

2. All multi-story buildings shall have unified and stylistic design elements present on all sides of the building(s). A variety of massing and building heights and stepping rooflines are strongly encouraged. Straight rooflines should be minimized by using offsets, differing heights, stepping, or different orientations to produce variety within a development.

3. Townhouses, duplexes, and triplexes in subdivisions or master planned communities shall incorporate design variation across buildings. Design variations shall include two or more of the following: a variety of roofline styles and heights, unit configuration, colors, materials, and door and window openings, as well as porch configurations. Straight rooflines should be minimized by using offsets, differing heights, stepping, or different orientations to create variety within a development.

~~3.~~4. A color palette of earth tones shall be the predominate color used. The use of accent colors is encouraged to provide a festive and lively streetscape. Accent color, different from the dominate wall color, should, at a minimum, be used to accent entryways and special architectural features of a building.

~~4.~~5. Reflective building materials are prohibited; except for the normal use of glass windows. Metallic surfaces, including roof materials, shall be treated to be non-reflective.

~~5.~~6. The use of metal or corrugated metal as the primary building material is prohibited; it may however be used as an architectural accent or decorative element.

~~6.~~7. All buildings shall harmonize architecturally with the residential character of the neighborhood as determined by the Community Development Director or designee.

D. MODEL HOME COMPLEX

1. Guidelines:

   a. Seventy-five percent (75%) of plans constructed in a model home complex for single-family dwellings must be "non-garage dominant".

   b. If any approved product line consists of one plan that provides a significantly recessed garage, that plan must be modeled.

   c. If any approved product line consists of two or more plans that provide a significantly recessed garage, the number of those plans modeled will be determined by the city manager or designee.

2 Site standards:

   a. Site design shall comply Sec 106-10.29 of the LDO.

   b. Landscapes for model home complexes shall comply with the PEDS and Chapter 107 of the LDO.

3. A "zero-step" entrance shall be required for all model homes within the City of Surprise.

   a. "Zero-step" entry shall have a floor or landing on each side of the primary entrance door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level, except for exterior landings, which are permitted to have a slope not to exceed 0.25 units vertical in 12 units horizontal (two percent). Thresholds for such doors shall not exceed one-half-inch in height, and thresholds with changes in level greater than one-quarter-inch shall be beveled with a slope not greater than one unit vertical in units horizontal.

   b. The city manager or designee may waive the requirement "zero-step" entry if it is found that it would prove to be cost prohibitive. Such cases however, the builder must still provide a zero-step entry into at least one model home and an ADA compliant pathway to all models.

   c. Model signage. All new model homes and sales areas shall include signage that read - "Ask Us About Accessibility Options."

   d. Education. An educational DVD shall be available to sales staff and potential homebuyers regarding the benefits of visitability.

E. ADDITIONAL BUILDING TYPES IN TND DEVELOPMENTS.

1. In order to create neighborhoods of blended densities; to provide a broad choice of housing types for lifelong livability and a diversity of needs; to promote walkability; and to enable appropriately-scaled and well-designed compatible land uses it is important for the TND to consider building types other than what might traditionally be expected.

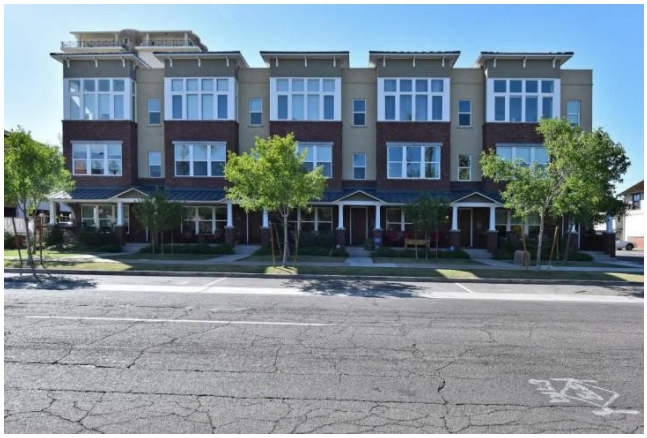
2. The following four (4) types of housing products shall ~~only~~ be permitted in conjunction with the Traditional Neighborhood Development (TND) Zoning District (see **Chapter 106**, **Article 4** of the LDO):

ILLUSTRATION 14 - Mansion Apartment

Specifics: (minimum 10,000 SF lot)

- Min of 4 units (1,000-1,400 sq. ft. each; not including garages)
- One shared main entrance area off front porch. Unit division from within structure.
- Street frontage designed to reflect appearance and scale of a single-dwelling house to blend with neighborhood context.

ILLUSTRATION 15 – Row House/~~Townhome~~Townhouse



Specifics: (minimum 4,000 SF lot/DU)

- Consists of 4–8 rowhouses placed side-by-side that
- Front to a public street
- Transitions from a traditional detached single-family neighborhood into a higher

E. NON-RESIDENTIAL BUILDINGS IN THE NEIGHBORHOOD LAND USE.

1. Non-residential structures shall be designed to create transitions to the surrounding residential development with the size, massing and height of the structure relating to the prevailing scale of the adjacent residential neighborhood.

2. Taller buildings shall be made to appear less imposing by stair-stepping building heights and rooflines back from the property lines, breaking up the mass of the building, providing a broader open space/landscape area as foreground for the building, and providing a building frontage presence to the neighborhood street rather than a parking lot frontage.

3. Assembly Uses may be required to provide a traffic study, depending on the specific location.

2.7 RESIDENTIAL SOLID WASTE GUIDELINES

A. GENERAL STANDARDS.

cd. 32'- no parking in front of barrel.

13. Developments with more than two (2) abutting lots of less than fifty-feet (50') wide shall be signed "no parking on trash days"

14. Single-family developments with lots forty-feet (40') wide or less shall be signed "No Parking on Trash Days".

15. At the sole discretion of the City, driveways and garages shall be sized sufficiently to accommodate the parking restrictions on trash days.

16. HOAs shall ensure that parking restrictions are acknowledged by buyers at the time of purchase.

B. CLUSTER HOMES, SHARED DRIVEWAYS, AND DEADEND ALLEYS

1. Each unit must have a predetermined location for a minimum of two containers (trash and recycle) per unit (2/du). Containers shall have a designated location on the street with a permanent marking on the curbing identifying address or unit number. Show all container locations, with addresses on site plan, for visibility triangle, refer to latest version of engineering and design standards.

2. Designated container location ~~may~~ shall be signed "no parking on trash days". There should be fifteen feet (15') of space from the start of the no parking area to the first container. Containers should have a minimum seventy- eight inches (78") spacing center to center of container. There should be fifteen feet (15') of space from the last container to the end of the no parking area.

3. Placement designations will not be located near cluster mailboxes.

4. The required use of identified locations should be included in the homeowners conditions covenants, and restrictions.

5. Designated container locations will also be used for bulk collection for each unit.

APPENDIX A – GLOSSARY OF TERMS

A. General Terms. For the purpose of carrying out the intent of these Planning and Engineering Design Standards (PEDS), certain terms or words used herein shall be interpreted or defined as follows:

1. Words used or defined in one tense or form shall include other tenses and derivative forms; words used in the singular include the plural; and words in the plural include the singular.

2. The words "shall", "must", and "will" are mandatory and not permissive.

3. The words "should", "encourage, and "may" are permissive.

4. The word "person" includes an individual, tenant, lessee, firm, co-partnership, joint venture, corporations, associations, estate, trust, receiver, or and any other group or combination acting as a singular entity, including the federal government, another city, county, or school district, except as exempt by law.

5. The following words or terms when applied in these PEDS may be used interchangeably unless contrary to the circumstances: lot, plat, parcel or premise; and "building" applies to the word "structure".

B. Abbreviations. The following abbreviations and/or acronyms shall have the following meaning:

APS	Arizona Public Service Electric
A.R.S.	Arizona Revised Statutes
PEDs	Planning and Engineering Design Standards

C. Italicized. Words or phrases throughout the PEDS which are expressed using italics shall assume the meaning as ascribed in this Appendix. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase unless such word or phrase is otherwise included herein this Appendix.

D. Specific Terms. The following specific terms, words and phrases shall, for the purposes of understanding these standards, have the following definitions and meanings:

A.

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

***Apartment Complex*:**

***Archeological Resource*:** Any material remains of past human life or activities that are of historic or pre-historic significance. Such material includes, but is not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, cultural landscapes, rock paintings, rock carvings, intaglios, graves, skeletal remains, or any piece of any of the foregoing items (see *cultural resource* herein).

street and are given equal space, consideration and safety issues. Complete streets also create a sense of place and improve social interaction as they encourage walking, biking and transit as viable transportation options.

***Cluster Development/Subdivision*:** Concentration of development on only a portion of a site, allowing *environmentally sensitive features*, *recreation areas, open space,* and areas to be protected with no loss in the number of lots and maintaining the overall density of the site. It requires transferring density on the same site and the undeveloped land to be permanently retained for open space, habitat, or conservation of *environmentally sensitive features*.

***Cultural Resources*:** An aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture.

D.

***Detached Sidewalk*:** A sidewalk that is separated from the street by a *landscape strip* that is measured from the back of the street curb and runs continuously along the length of the street.

***Disturbed Area*:** The area of natural ground that has been, or is proposed to be, altered through grading, cut and fill, removal of natural vegetation, placement of material and equipment, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

E.

***Environmentally Sensitive Features*:** Elements in the landscape that play a particularly large role in sustaining the natural environment and ecosystem and supporting wildlife and plant diversity, but at the same time are especially sensitive to degradation such as: *hillside development areas*; *important habitat*; *protected native vegetation*; *significant rock outcroppings*; *significant stands of vegetation*; ridgelines; *steep slopes*; *water features*; *wildlife corridors* (as further specified in **Chapter 104** of the **LDO**).

F.

Floodplain: Any land area susceptible to being inundated by water from any source. It may or may not include a *floodway*.

Floodway, one hundred-year: The channel of a river or other watercourse and the adjacent land areas which must be kept free of encroachment in order to carry and discharge the 100 year flood without substantial increases in flood height.

***Fore/Courtyard*:** a building frontage where the building facade is aligned close to the front property line with a portion of the facade set back. The resulting forecourt and/or interior courtyard are suitable for gardens, restaurant seating, or an entry plaza. A short wall may also be placed at the property line.

G.

PROPOSED TEXT AMENDMENT
SURPRISE LAND DEVELOPMENT CODE § 101, 106, 107, 108
PLANNING AND ENGINEERING DESIGN STANDARDS

Citizen Participation Report

August 15, 2025

Case #: FS24-1275

1. METHODS OF OUTREACH

The applicant provided opportunities for neighborhood input via two neighborhood meetings and ongoing communication with interested stakeholders. The City of Surprise provided the required notices for the neighborhood meetings and will also provide the required notices for the hearings, which have not yet been scheduled.

Neighborhood Meeting

The first neighborhood meeting was held on April 9, 2025, at 6:00 p.m., at the Surprise Regional Library, Program Room, 16089 N. Bullard Avenue. Three Surprise residents attended the meeting. The sign-in sheet is included in Appendix A. The representative discussed the proposed amendments to the Surprise LDO and the PEDS at the meeting.

The second neighborhood meeting was held on August 13, 2025, at 6:00 p.m., at Windmill Suites Surprise, Arizona Room; 12545 W. Bell Road. One Surprise resident attended the meeting. The sign-in sheet is included in Appendix A. At the meeting, the applicant team discussed the additional proposed amendments to the Surprise LDO, which included the proposed change to the R-1 zoning district for homes with RV garages, the proposed change to the TND-R district to permit townhouses, and the proposed change to SHD-RO to allow townhouses with a Conditional Use Permit. Two display boards were shown at the meeting to help facilitate the discussion about the housing product types being proposed. The boards are included in Appendix B.

Correspondence

Throughout the amendment process, the applicant team received emails from interested stakeholders, who represent, or are, homebuilders that have active projects in Surprise. The stakeholders asked for information about the proposed amendments to the LDO. The applicant shared the draft application, including the proposed legislative edit, and remained in contact with most of these stakeholders.

2. SUMMARY OF INPUT

Homebuilder stakeholders inquired about the proposed standards that would support the “missing-middle” housing product types they would like to build in Surprise. Neighbors who attended the first neighborhood meeting were interested in learning more about the types of housing and density that would be allowed if the proposed amendment is approved. The neighbors

discussed how this proposed amendment could create more housing near their neighborhoods. The resident in attendance at the second neighborhood meeting generally did not like the idea of townhouses in Surprise, but after discussing with the applicant team and City staff, they indicated that they were not completely opposed to townhouses and seemed to understand why townhouses would be a housing type offered in Surprise.

APPENDIX A

Neighborhood Meeting Sign-in Sheets

Neighborhood Outreach Meeting
FS24-1275

Wednesday, April 9, 2025
6 PM

Surprise Regional Library, Program Room
16089 N. Bullard Ave

This Sign-In Sheet is a Public Record

PLEASE PRINT

Name	Email	Address
Susan Draper	[redacted]	
Michele Styles		[redacted]
Kimberly Virostek		[redacted]

Neighborhood Outreach Meeting
FS24-1275

Wednesday, August 13, 2025
6 PM

Windmill Suites Surprise, Arizona Room;
12545 W Bell Road

This Sign-In Sheet is a Public Record

PLEASE PRINT

Name	Email	Address
Christina Zamorano	[redacted]	

APPENDIX B

Boards Displayed at 2nd Neighborhood Meeting

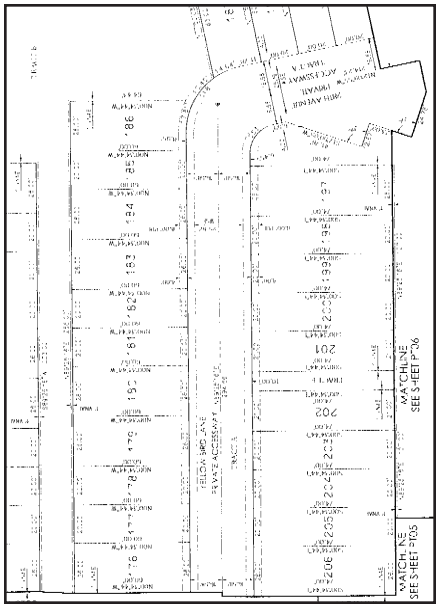
23 & 17 NORTH PHOENIX, AZ

TWO RESIDENTIAL DEVELOPMENTS BY K. HOVNANIAN HOMES

23: NE OF NORTHERN RD AND 23RD AVE
17: NE OF INTERSTATE 17 AND JOMAX RD

FRONT-LOADED, ATTACHED TOWNHOMES

- BUILDING HEIGHT: 2-STORY
- TYPICAL DENSITY: 10-15 DU/AC
- MIN. LOT SIZE: 20'X60' WITH 3' APRON
  20'X74' WITH DRIVEWAY
- MIN. LOT AREA: 1,200 SF OR 1,480 SF
- FRONT DOORS ON PUBLIC STREET



Copyright RVi

BUILDING SETBACKS

FRONT: 12’

REAR: 10’

SIDE: 5‘/5’

ORDINANCE # 2025-19

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CODE OF SURPRISE, ARIZONA, BY AMENDING CHAPTERS 101, 106, 107, AND 108, AND THE PLANNING & ENGINEERING DESIGN STANDARDS, RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS; INCLUDING SEVERABLITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the applicant seeks to amend Chapters 101, 106, 107, and 108 of the Surprise Land Development Ordinances, and the Planning & Engineering Design Standards (the **"PEDS"**), to add and modify standards to facilitate additional home product types, including, but not limited to, townhouses, small lot detached single family homes, detached alley-loaded products, cluster homes, duplexes, and RV garage products; and

WHEREAS, on October 16, 2025, the Planning and Zoning Commission recommended approval of the proposed text amendments to the Land Development Ordinances and the PEDS.

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

Section 1. Chapters 101, 106, 107, and 108 of the Surprise Land Development Ordinances, as well as the PEDS, are hereby amended as described on the attached **Exhibit A** and incorporated by this reference.

Section 2. The recitals above are fully incorporated in this Ordinance by reference.

Section 3. All ordinances, resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed upon the effective date of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4. This Ordinance will become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____, 2025.

Kevin D. Sartor, Mayor

Attest:

Kristi Passarelli, City Clerk

Approved as to form:

Jeffrey Murray, City Attorney

EXHIBIT A

Section 101-2.2

Sec. 101-2.2. Glossary of terms.

A. General terms. For the purpose of carrying out the intent of this ordinance, all words shall have their normal and customary meanings, unless specifically defined as follows:

1. The word "day" shall mean calendar day for calculation of time, unless specifically defined otherwise.
2. Words used in the present tense include the future, words used in the singular include the plural, and words used in the plural include the singular, except where the natural construction of the writing indicates otherwise.
3. The words "shall" and "will" are mandatory and the word "may" or "optional" is permissive.
4. Words or phrases are expressed using *italics* shall assume the meaning as ascribed in within the LDO. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase.
5. In case of any difference of meaning or implication between the text of this ordinance and any figure or graphic, the text shall control.

B. Abbreviations. The following abbreviations and/or acronyms shall have the following meaning:

ADA	Americans with Disabilities Act
ADEQ	Arizona Department of Environmental Quality
ARS	Arizona Revised Statutes
CD	Community Development
CIP	Capital Improvement Plan
LDO	Land Development Ordinance
PAD	Planned Area Development
PEDS	Planning and Engineering Design Standards
PUD	Planned Unit Development
TND	Traditional Neighborhood Development
TUP	Temporary Use Permit

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

A

Abandon. The discontinuation of use for more than ninety (90) [days] unless a particular timeline is identified.

Abandoned or inoperable motor vehicle. A motor vehicle or any major portion thereof that is unlicensed and is incapable of movement under its own power and will remain so without major repair, including but not limited to repair of the differential, transmission, head, engine block, or oil pan.

Abut. A property having a common boundary or *lot line* not separated by a *street.*

Density transfer. Permitted unused allowable *dwelling unit*s in one (1) area to be relocated in another area of the same development or an approved *off-site* development, commonly known as *transfer of density and development rights* (*TDR*).

Developer. The *owner* or representative of the *owner* of land proposed to be developed and/or *subdivided.*

Development. Any man-made change to improve or *alter* real property, including but not limited to *buildings* or other *structures*, mining, dredging, *filling*, grading, paving, excavation or drilling operations.

Development parcel. A portion of land within an overall master *site plan* or master planned *development* that includes one (1) or more *lots* with a specific net residential density, characteristic, and/or *zoning district*; excluding a *parcel* or *lot* outside of a master planned development.

Development plan. A type of plan that becomes part of the *zoning* or *preliminary plat* for a property. The plan depicts site characteristics, development information, and provides guidance for site plans and subdivision plats.

Donation bin. Any container, storage unit, or *structure*, other than a primary *building* or *accessory building*(s) that is used for the collection of charitable or for-profit donated items from the general *public*, including but not limited to clothing, household goods, toys, books, and newspapers.

Drive aisle. The travel way by which cars enter and depart *parking spaces.*

Drive-through. An *access*ory facility for an establishment that provides service and/or goods at a window or door that the customer drives past without being required to leave the vehicle.

Duplex. See *dwelling, two-family.*

Dwelling. A *building* or portion thereof that contains one (1) *dwelling unit* that is occupied primarily for residential living purposes but not including *hotel*s, *motel*s, *mobile homes* or *RV's.*

1. ***Dwelling, live-work.*** A *building,* or portion thereof, or a group of *buildings* that combines a *dwelling unit* with the work space (*office*, commercial, or retail) for *uses* permitted in the *zoning district* in which the unit is located; more than a *home occupation.*
2. ***Dwelling(s), multi-family.*** A *building* or *lot* containing four (4) or more *dwelling units used* for residential occupancy by four (4) or more families living independently of each other; includes the general term *multi-family* (commonly known as *apartments*).
3. ***Dwelling, single-family.*** One (1) *dwelling unit* on a single *lot* of record excluding townhouses; includes the general term *single-family*.
4. ***Dwelling, two-family.*** A *building* or *lot* containing two (2) *dwelling units used* for residential occupancy by two (2) families living independently of each other (commonly known as *duplex*).
5. ***Dwelling, three-family.*** A *building* or *lot* containing three (3) *dwelling units used* for residential occupancy by three (3) families living independently of each other (commonly known as *triplex*).
6. ***Dwelling unit.*** A single unit as a whole *building* or portion thereof, providing complete independent living facilities for one (1) or more *persons*, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
7. ***Dwelling unit, accessory (ADU).*** A secondary *dwelling unit* independent of the primary *dwelling unit* on the same property; provided it meets specific standards.

E

Elevation. The front, rear or side façade of a *building* showing the relationship of the site *grade* to floor level, often depicted on a scale drawing that includes such features as design, construction materials, height, dimensions, windows and doors.

Temporary use permit (TUP). A *use* permit required for activities that may be appropriate on an interim basis without requiring full compliance with the development standards of the *zoning use* district in which the property is located or by which the city may permit seasonal or transient *uses* not otherwise permitted.

Townhouse. A type of residential *dwelling* that is ~~often, but not necessarily, an~~ platted for one unit per lot, attached ~~to one or~~ to one or more other dwellings ~~product type (see also *dwelling*)~~in a row by a common wall, and is accessed by a separate outdoor entrance.

Traffic calming. A technique or method of reducing traffic speeds and/or neighborhood cut-through traffic volumes that utilizes changes in *street* alignment, installation of barriers, and other physical measures.

Triplex. See *three-family dwelling.*

Truck. A vehicle weighing eighteen thousand (18,000) or more pounds, or a combination of vehicles weighing in excess of twenty-six (26,000) pounds, or a box *truck* or semi-trailer cab.

U

Urban development. Any land developed in an industrial, retail commercial, *office*/institutional/civic/*public use,* and/or residential *development* having an overall minimum density of one (1) *dwelling unit* per gross acre or greater.

Use. The employment or occupation of a *building*, *structure*, or land for a *person's* service, benefit, or enjoyment.

1. ***Use, permitted.*** A *use* which has a lawfully established right in a particular district or districts or has been granted legal authorization, such as but not limited to a *conditional use permit* (*CUP*), and which conforms to all requirements, regulations, and performance standards of such district(s).
2. ***Use, primary.*** A land *use* that is the predominant, principal, or major *use* of the *lot* on which it is located.
3. ***Use, temporary.*** A *use* established for a fixed period of time with the intent to discontinue such *use* upon the expiration of the time period as regulated by this *ordinance.*

Utility, public. Any agency under *public franchise* or *ownership*, or under certificate of convenience and necessity that provides the *public* with electric, gas, heat, communication, rail transportation, water, sewage collection, or other similar service.

Utility services. Service to the *public* of water, *sewer*, electric, gas, communications, cable television, drainage, flood control, or other facilities, owned and operated by any person, firm, corporation, municipal department or board, duly authorized by state or municipal regulations. The foregoing shall be deemed to include facilities and appurtenances to the above uses but shall not include *public utility* treatment and generating plants or *offices.*

V

Variance. A modification or variation of the *development* standards in **Chapter 106** of the LDO as applied to a specific piece of property, as further outlined in **Section 102-6.5**.

Vehicle fueling station. A convenience *use* having pumps and storage tanks or other facilities from which gasoline, diesel or *alternative* fuels are dispensed into motor vehicles (commonly known as *gas stations* or *fueling stations*).

Vehicle sales and leasing. The *use* of any *building*, land area, or other premises with *display and sales areas* of new or used automobiles, *trucks*, trailers, or *recreational vehicles* and including any warranty repair work and other *repair service* conducted as an *accessory use.*

Section 106-1.8

Sec. 106-1.8. Compliance with other provisions.

A. Planning and engineering design standards (PEDS) as referenced in **Chapter 107, Article I**. The articles within the PEDS shall apply where applicable, based on the specific *zoning* and land *use*, and will govern the general site design and *development*, *open space* design, circulation design, landscape and *street*scape design, and *building* form and architecture of a *development* in addition to those listed below.

B. Use specific standards. Those land *uses* listed in **Table 106-1c** that have specific *use* standards associated with them shall comply with the specific standards outlined in **Article X** herein as well as to the PEDS in **Chapter 107**.

C. Parking regulations. In addition to the PEDS, the parking regulations in **Chapter 107, Article IV** herein shall apply.

D. Landscaping regulations. All landscaping associated with *development* shall comply with the PEDS and **Chapter 107, Article II** herein.

E. Outdoor lighting. All *outdoor lighting* shall comply with the PEDS and **Chapter 107, Article III** herein.

F. Environmentally sensitive land regulations. All development, regardless of *zoning* or *use* of the land, on lands that are determined to contain *environmentally sensitive features* or that contain *cultural resources* shall comply with **Chapter 104, Article II** herein and **Chapter 5** of the PEDS.

G. Land division and subdivision regulations. The additional regulations governing the division of land in **Chapter 108** herein shall apply.

H. Signage. All *signage* proposed shall comply with **Chapter 109** herein.

I. Life safety codes. All life safety codes as adopted per **Chapter 105** herein.

Table No. 106-1c—Primary Land Use Matrix for All Zoning Districts "P" = Permitted; "AUP" = Administrative Use Permit; "CUP" = Council Use Permit; "(blank space)" = Prohibited																									
	Residential				**Surprise Heritage District**		**Traditional** Neighborhood **Development**				**Mixed Use**			**Commercial**				**Employment**				**Open Space/Pubilc Uses**			**Use** Specific **Standards**
Zoning Districts **Uses**	**RR**	**R-1**	**R-2**	**R-3**	**SHD-RO**	**SHD-CO**	**TND-R**	**TND-C**	**TND-MU**	**TND-OS**	**MU-1**	**MU-2**	**MU-3**	**CO**	**C-1**	**C-2**	**C-3**	**BP**	**I-1**	**I-2**	**I-3**	**OS-1**	**OS-2**	**PF**	Specific regulations can be found in sections listed below
Residential																									
Assisted living center (more than 10 residents)			P	P	AUP	P	AUP		P			P													
Assisted living home (10 or less residents)	P	P	P		P		P																		Sec. 106-10.9
Dormitory						CUP						CUP				CUP	CUP	CUP	CUP						
Dwelling, live/work									P		P	P	P												Sec. 106-4
Dwelling, multi-family (4 or more)				P	CUP	P	P		P		P	P	P												
Dwelling, single-family	P	P	P		P		P																		
Dwelling, two-family (duplex)			P	P	AUP		P						P												
Dwelling, three-family (triplex)			P	P	AUP		P						P												
Group foster care	P	P	P	P	P		P																		Sec. 106-10.21
Manufactured homes	P				P																				Sec. 106-10.26
Model home complex	P	P	P				P						P												Sec. 106-10.29
Residential healthcare facility	P	P	P	P	P		P						P												Sec. 106-10.21
Townhouse			P	P	CUP		P																		
Commercial																									

Section 106-2.3

Sec. 106-2.3. Residential low density (R-1).

A. Purpose. The residential low density (R-1) *zoning district* provides areas for *single-family* homes on varying *lot* sizes and a mix of densities together with *schools*, *parks*, and other *public* services necessary for suburban residential neighborhoods.

B. Applicability. The R-1 *zoning district* reflects the suburban *development* type and is allowed in the neighborhood character (1) area in accordance with the *General Plan* with a maximum of one (1) *dwelling unit* per *lot* of record.

C. Development standards. **Table 106-2c** below identifies the required *development* standards for the residential low density (R-1) *zoning district.*

Table 106-2c—Residential Low Density (R-1) Zoning District

Lot Categories	A[3]	B	C	D	E	F
General Plan compatibility	Suburban	Suburban	Suburban	Suburban and rural	Rural	Rural
Lot area (sf)	4,950—7,999	8,000—11,999	12,000—17,999	18,000—27,999	28,000—43,559	≥43,560
Min. lot width (sf)	45	60	80	90	100	130
Min. front setback[1] (ft)	12	12	15	20	20	30
Max. front setback (ft)	25	25	30	35		
Min. rear setback[1] (ft)	15	20	20	25	30	30
Min. side setback[1] (ft)	5 & 8	5 & 10	10	10 & 15	20	20
Min. street side setback[1, 4] (ft)	15	15	15	15	20	20
Max. bldg. height (ft)	35	35	35	35	35	35
Max. lot coverage [5]		45%	40%	30%	30%	25%
Open space (% of gross area of residential development)[3]	20%	20%	20%	15%	15%	10%

Notes:

1. *Garage* face and embellishments shall be *setback* a minimum of 20 feet measured from any opposing property line; except rear *alley* loaded *garages*, which shall be *setback* six (6) feet from edge of *alley* line.
2. The city requires *open space* on a development/subdivision basis rather than on a *lot*-by-*lot* basis. Subdivisions with more than one (1) lot category will provide the higher percentage of open space.
3. Residential projects shall contain no more than fifty (50) percent of lots less than forty-eight (48) feet wide as calculated across whole subdivisions or preliminary plat and will include mitigating designs outline in **Chapter 108** of this *ordinance*.
4. Corner *lots* where *block* endcap landscape tracts are provided are not subject to the minimum *street* side *setbacks*.
5. Lots that have an RV garage within Lot Category B shall be allowed up to fifty-five (55) percent lot coverage.

Section 106-2.4

Sec. 106-2.4. Residential medium density (R-2).

A. Purpose. The residential medium density (R-2) *zoning district* allows for a variety of housing opportunities including *detached* and *attached* ~~*buildings* that *single-family*~~ *dwellings* including, *single-family dwellings, two-family dwellings*, ~~and~~ *three-family dwellings*, and *townhouses* together with *schools*, *parks*, and public services necessary for an urban and suburban residential environment. While the district primarily accommodates residential *uses*, nonresidential *uses* that help to support, and are compatible with, residential neighborhoods may also be allowed when compatible with adjoining neighborhoods.

B. Applicability. The R-2 *zoning district* reflects the suburban development type and is allowed in the neighborhood character area in accordance with the *General Plan* with a maximum of three (3) *dwelling units* per *lot* of record. Minimum *lot* area is ~~four thousand~~two thousand eight hundred (~~4,000~~2,800) square feet per dwelling unit~~.~~, except for duplexes and triplexes which shall have a minimum *lot* area of four thousand (4,000) square feet., ~~except *lots* in column A and B are permitted one (1) *dwelling unit* as shown in **Table 106-2d** below.~~

C. Development standards. **Table 106-2d** below identifies the required development standards for the residential medium density (R-2) *zoning district.*

Table 106-2d—Residential Medium Density (R-2) Zoning District

Lot Categories	**A**[4]		**B**[4]	**C**	**D**
General Plan compatibility	Urban		Suburban	Suburban	Suburban
Lot area[1] (sf)	Single-family & Townhouse: ~~3,500~~2,800—4,949	Duplex & Triplex: 4,000—4,949	4,950—7,999	8,000—11,999	≥12,000
Min. lot width (sf)	~~40~~ 35		45	70	80
Min. front setback[2] (ft)	10		12	12	15
Max. front setback (ft)	25		25	25	30
Min. rear setback[2] (ft)	10		15	20	20
Min. side setback[2] (ft)	5[3] & ~~7~~[2]		5 & 8[2] [3]	5 & 10	10
Min. street side setback[2], ~~6~~ (ft)	10		10	10	10
Max. bldg. height (ft)	35		35	35	35
Open space (% of gross acres of residential development)[4]	25%		20%	20%	20%

Notes:

1. At the sole discretion of the City, up to 5% of the total lots of a development may vary up to 5% in lot area to accommodate discrepancies in the lot category's respective lot area range, but in no case shall a lot in Lot Category A be less than 2,800sf.

2. *Garage* face and embellishments shall be *setback* a minimum of 18.5 feet ~~20 feet~~ measured from any opposing property line, except rear *alley* loaded *garages*, which shall be *setback* ~~nine~~ three (3) feet from *alley* edge line. Any portion of the 3-foot setback that is not a part of a driveway or walkway shall be fully landscaped. Walkways providing access to dwelling entryways may be located within the landscaped area.

3. May be reduced to zero feet *setback* for *single-family dwellings* as *attached building* and separated by a *common wall* along the property line, *and townhouses*. End units must maintain the larger *setback*.

4. The city requires *open space* on a *subdivision* or *development* site basis rather than on a *lot*-by-*lot* basis. Subdivisions with more than one (1) *lot* category will provide the higher percentage of *open space*.

54. Residential development projects exceeding 150 total lots (including those with separate development parcels) shall contain no more than fifty(50) percent of lots that are less than ~~forty-eight~~forty (4048) feet wide as calculated across whole *subdivisions* or *preliminary plats* and will include mitigating designs outlined in **Chapter 108** of this *ordinance*.
65. Corner *lots* where *block* endcap landscape tracts are provided are not subject to the minimum *street* side *setbacks*.

Section 106-2.5

Sec. 106-2.5. Residential high density (R-3).

A. Purpose. The residential high density (R-3) *zoning district* is to provide for the *development* of high-density residential *uses* in areas of the city where adequate *semipublic features* and services exist with capacity to serve the area. The district is designed to create a high-quality environment by incorporating design excellence as well as substantial recreational and aesthetic *amenities.*

B. Applicability. The R-3 *zoning district* reflects the urban development type and is allowed in the neighborhood character area in accordance with the *General Plan.* With the exception of *townhouses*, ~~A~~*multi-family* residential shall have a minimum of four (4) *dwelling unit*s per *lot* and a *net residential density* of more than eight (8) *dwelling unit*s per acre. The minimum *lot* size for R-3 *zoning* is one (1) acre.

C. Development standards.

1. **Table 106-2e** below identifies the required *development* standards for the residential high density (R-3) *zoning district.*

Table 106-2e—Residential High Density (R-3) Zoning District			
Net Density (du/ac)	**8-11.9**	**12-14.9**	**15+**
Min. setback to arterial ROW (ft)[2]	20	20	20
Min. setback to collector and local ROW (ft)[2]	15	15	15
Min. setback adjacent to residential zoning (ft)	10	15	20
Min. setback adjacent to non-residential zoning (ft)	20	20	20
Max. bldg. height[1] (ft)	45	50	60
Open space (sf/du)	150	150	150
Notes: 1. The *height* of any *structure*, or portions thereof, shall not exceed 30 feet in *height* measured at the *setback* line when *adjacent* to *single-family*, *two-family*, *three-family development parcels.* The *height* of the *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*. 2. *Setback* may be reduced to ten (10) feet along collector or local *right-of-way* for units that open to the *street* and exclude a perimeter wall.			

2. **Table 106-2f** below identifies the required *development* standards for townhouses in the residential high density (R-3) *zoning district.*

Table 106-2f—Residential High Density (R-3) Zoning District, Townhouses	
Net Density (du/ac) min.	6
Lot area (sf)	1,200
Min. lot width (ft)	20
Min. bldg. front setback[1] (ft)	3
Min. bldg. rear setback (ft)	10
Min. bldg. side setback[2] (ft)	5
Min. perimeter setback adjacent to public street	20
Min. perimeter setback adjacent to residential zoning	20
Min. perimeter setback adjacent to non-residential zoning	20
Max. bldg. height (ft)	45
Open space (sf/du)	150
Notes: 1. *Garage* face and embellishments shall be *setback* a minimum of 20 feet measured from any opposing property line, except for private accessway or *alley* loaded *garages*, which shall be *setback* three (3) feet from *alley* edge line. Any portion of the 3-foot setback that is not a part of a driveway or walkway shall be fully landscaped. Walkways providing access to dwelling entryways may be located within the landscaped area. 2. Setback only applies to end units.	

~~2~~3. All projects shall provide one hundred fifty (150) square feet of on-site *open space* per *dwelling unit*, which shall include surfacing and safety features such as lighting, and *amenities* that enable residents to *use* the *open space.* Acceptable types of *open space* are listed below.

a. Common *open space* (excluding *setbacks*) with a minimum dimension of fifteen (15) feet in any direction that is accessible to all *dwelling unit*s by sidewalks or local paths. The space shall be oriented to maximize afternoon shade, unless site conditions such as topography warrant waiving this requirement by the community *development* director or designee.

b. Individual balconies, ~~or~~ patios (excluding front stoops), or backyards may be *used* for up to twenty-five (25) percent of the required *open space.* To qualify as *open space*, balconies or patios must be at least forty (40) square feet with no dimension less than five (5) feet.

c. Rooftop decks and terraces may be *used* to meet up to fifty (50) percent of the required *open space*, provided the space provides *amenities* such as seating areas, barbeques, fireplaces, recreational spaces, shade and landscaping.

d. On-site indoor recreation areas may be *used* to meet up to twenty-five (25) percent of the required *open space* provided the space is designed for communal *use* by all residents and provides space for entertaining, gathering, or exercise equipment and fitness activities.

e. Environmentally sensitive areas may count toward *open space* requirements if integrated into the site design to be visible and usable by residents with features such as trails and benches. Sensitive or critical areas meeting these requirements may count for up to fifty (50) percent of the required *open space.*

Section 106-3.2

Sec. 106-3.2. Design and development standards in the SHD zoning district.

A. Design standards.

1. These design standards shall apply to any and all new *development* in the SHD and supersede any conflicting design standards in other parts of this ordinance. The regulations specific to commercial and *mixed use* land *uses*, in **Article III** of the **PEDS**, may apply to the design of new non-residential *development* when not in conflict with those outlined herein.

2. Prior to any permits being issued for new development, or renovation of an existing *building*, the architectural, site, and landscape plans shall be reviewed by development services for adherence to these design standards, in addition to other adopted regulations.

3. Plants and landscape materials shall be low water *use*, drought-tolerant plants as delineated in **Appendix C** of the **PEDS**. All areas of bare soil shall be covered with grass, drought tolerant plantings, or decomposed granite to discourage weeds and to control dust. Edible citrus and nut trees are also permitted. All landscaping shall be well-maintained with diseased and/or dead plant material removed and replaced promptly.

4. Trellis work, open front porches, and cloth shade sails will not be counted as part of the *lot coverage* allowance.

5. Architectural features of all *buildings* and *structures* shall reflect the historical character of Phoenix-valley architecture from the 1880's to the 1950's. These architectural features shall be present on all *elevations.*

   a. Residential architectural designs include but are not limited to Bungalow (Classical, California, and Craftsman), Spanish Colonial Revival, California Ranch, Southwest Style, and Pueblo Revival.

   b. All *new construction* should include features and embellishments that were prominent in historical architecture to avoid bland, monotone styles. The features include but are not limited to:

      (1) Projections and reveals; back and side porches on residential *structures*; varied roof and cornice lines; doors, windows, and window treatments such as shutters, awnings, and lintels; and traditional brick or river rock wainscoting, other architectural features such as porte-cocheres, *garage* doors, dormers, chimneys, and patios.

      (2) *Building* materials, textures, roof treatments and pitches, *building heights*, *building* mass, and proportions indicative of historical Phoenix-valley architecture.

6. An open and covered porch on the front *elevation* for all new *single-family* residential *development* shall be required as a means to help create a pedestrian scale connection to the *street*, permit interaction with neighbors, enhance citizen *block* watch programs, and enhance the sense of neighborhood. *Building* orientation shall consider the existing environmental conditions and solar orientation.

7. Although not required, residential *fences* may be built to a *height* not exceeding six (6) feet in a *side* or *rear yard* or thirty-six (36) inches in a *front yard.* The *fence* material shall be compatible with the design style and material of the main *structure*, preferably masonry, wrought iron, or painted wood. The *use* of chain link fencing (with or without slats) is prohibited.

8. All non-residential land *uses*, excluding *parks*, that *abut* residential properties are required to provide visual *screening* from those residences by an opaque fence/wall or landscaping of approved drought-tolerant plant materials in combination with a wall. This *screening* shall include *accessory uses*, *loading*

*area*s, and trash receptacles. The *use* of concertina wire is prohibited when *adjacent* to a public *right-of-way.*

9. On-site *retention* shall be required for all non-residential properties, all *multi-family* residential properties, and residential properties with more than one (1) *single-family dwelling.* Rainwater harvesting for plant irrigation is encouraged.

10. A color palette of earth tones shall be the predominate colors used. The use of accent colors is encouraged to provide a festive and lively *street*scape. Accent color, contrasting the primary *wall* color, should be used to accent entryways and special architectural and trim elements (i.e. columns, trellises, lintels, sills, door and window frames, cornices, and moldings).

11. Roof-mounted mechanical equipment shall be *screened* from public view and designed to appear as an integral part of the *building*, with the exception of solar panels. Mechanical equipment, propane tanks, water filters, coolers and air conditioning units, and similar utility equipment installed at *grade* or wall mounted shall be *screened* from public view.

12. Assembly *uses* over five thousand (5,000) square feet and *multi-family dwelling*s shall adhere to the following *use*-specific standards:

    a. The residential development shall have a *building frontage* presence to the neighborhood *street* rather than primarily facing a parking lot. The front entry shall include a walkway to the *street* or surrounding neighborhood.

    b. All multi-story *buildings* shall have unified and stylistic design elements present on all sides of the *building*(s). A variety of massing and *building heights* and stepping rooflines are strongly encouraged. Straight rooflines should be minimized by using offsets, differing *height*s, stepping, or different orientations to produce variety within a *development*.

    c. A color palette of earth tones shall be the predominate color used. The use of accent colors is encouraged to provide a festive and lively *streetscape.* Accent color, different from the dominate *wall* color, should be used to accent entryways and special architectural features of a *building.*

    d. The required *off-street parking spaces* shall be located in the rear, to the side, or beneath the *structures* with cars recessed one-half (½) level to avoid interrupting the rhythm of the established *street*scape, to make land on site available for gardens and courtyards rather than for surface parking, and to provide a pedestrian level connection to the neighborhood.

    e. Mechanical equipment and similar utility devices, whether at *grade* or roof mounted, shall be *screened* from public view and designed to appear as an integral part of the *building*, with the exception of solar panels. The mechanical equipment *screening* shall be included in the overall allowed *building height.* Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets should be *screened* from public view or designed to appear as an integral part of the *building.*

    f. Reflective *building* materials are prohibited. Metallic surfaces, including roof materials, shall be treated to be non-reflective.

    g. The *use* of metal or corrugated metal as the primary *building* material is prohibited; it may however be *used* as an architectural accent or decorative element.

    h. The *building* materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding *developments*. The city strongly encourages all new *buildings* to meet LEED (Leadership in Energy and Environmental Design) certification standards and *building* sites to utilize low impact development (LID) technologies.

    i. All *buildings* shall harmonize architecturally with the residential character of the neighborhood.

j. Assembly *uses* may be required to provide a traffic study, depending on the specific location.

B. Development standards.

1. Existing *mobile homes* and *manufactured homes* that are not in compliance with the use-specific standards of **Section 106-10.26** herein as of the effective date of this ordinance shall be considered as legal non-conforming *structures.* However, the existing *mobile home* or *manufactured home* may be replaced in its entirety with a conventional site-built home or with a *manufactured home* that complies with the use specific standards outlined in **Section 106-10.26** herein.

2. The *development* standards shown in **Table 106-3a**, Table 106-3b, and **Table 106-3c~~b~~** below are applicable to all properties within the SHD. These tables identify the *development* standards for properties zoned into one (1) of the overlay zones.

Table 106-3a—SHD—Residential Overlay Zoning (SHD-RO)

	Commercial	**Single-Family,** Two-Family, **Three-Family**	**Multi-Family Residential**
Min. lot area (sf)	5,000		15,000
Min. lot area (sf/du)		5,000	5,000
Min. front setback (ft)	15	12[2, 3]	15[2, 3]
Max. front setback (ft)	30	30[4]	30[4]
Min. side setback (ft)	10	5 & 10[1, 3]	20[3]
Min. rear setback (ft)	12	12[3]	20[3]
Max. bldg. height (ft)	30	30	35
Lot coverage %		65%	65%

Notes:
1. May be reduced to zero-foot *setback* for *single-family dwellings* as attached to and separated by a *common wall* along the property line. End units shall maintain the larger *setback.*
2. A covered front porch may encroach into the *front setback* by up to five (5) feet.
3. *Garage* doors/embellishments shall be *setback* a minimum of twenty (20) feet measured from the opposing property line, except rear, *alley* loaded *garages*, which shall be *setback* six (6) feet from the *alley* edge line.
4. Measured from the primary *dwelling*, excluding front porch.

Table 106-3b—SHD – Residential Overlay Zoning (SHD-RO), Townhouses	
Net Density (du/ac) min.	6
Lot area (sf)	1,200
Min. lot width (ft)	20
Min. bldg. front setback[1] (ft)	3
Min. bldg. rear setback (ft)	10
Min. bldg. side setback[2] (ft)	5
Min. perimeter setback adjacent to public street	20
Min. perimeter setback adjacent to residential zoning	20
Min. perimeter setback adjacent to non-residential zoning	20
Max. bldg. height (ft)	45
Open space (sf/du)	150
Notes: 1. *Garage* face and embellishments shall be *setback* a minimum of 20 feet measured from any opposing property line, except for private accessway or *alley* loaded *garages*, which shall be *setback* three (3) feet from *alley* edge line. Any portion of the 3-foot setback that is not a part of a driveway or walkway shall be fully landscaped. Walkways providing access to dwelling entryways may be located within the landscaped area. 2. Setback only applies to end units.	

Table 106-3~~b~~c—SHD—Commercial Overlay Zoning (SHD-CO)	
	Commercial Overlay
Front setback (ft)	15
Side setback (ft)	10
Rear setback (ft)	10
Max. bldg. height (ft)	35[1]
Min. lot area (sf/du)	4,000 sf/du
Notes: 1. *Mixed use buildings* that include vertically integrated residential have a max *height* of 45 feet.	

Section 106-4.3

Sec. 106-4.3. Review and process.

A. Procedures.

1. A "TND plan of development" shall be submitted as part the re*zoning* process pursuant to **Chapter 102** of this *ordinance*. The TND plan of *development* is the compilation of exhibits that demonstrate compliance with all requirements of this *ordinance*; which at a minimum shall include the following.

    a. A master development plan map that identifies the size and location of each *development parcel.*

    b. Each *development parcel* shall be labeled with one (1) of the overlay *zoning district*s outlined in **subsection 106-4.2.B**.

2. The final approved TND plan of development, which will govern the *development* progress of a specific TND project, shall reflect the project's acreage, approved *lot* yield, and land *use* ratios approved by the city.

3. *Platting* of the individual *subdivisions* within the TND boundary will still be required and shall comply with the PEDS and other design standards as referenced and outlined in **Chapter 107** and the land division and *subdivision* regulations in **Chapter 108** of this *ordinance*.

4. *Parcels* within a TND development that are proposed for any multiple-*building apartment* complex, *mixed use* development, *civic use*, or a commercial development project shall require *site plan* review.

5. The specific overlay boundary lines and associated land *uses* (per **Table 106-1c**) along with the blended *lot* sizes for the residential *parcel*(s) shall be identified at the time of either the *site plan* approval or the *preliminary plat* and recorded on the *final plat.* The *gross residential density* for each residential and *mixed use development parcel* shall be in accordance with the approved TND plan of *development*.

6. At the time of *final plat* recordation, or approval of the *site plan* if no subdivision is required, the overlay *zoning* boundaries are administratively set for the *development parcel.* The city shall monitor each TND development, from the approval of the TND plan of development through the *platting* stage, and then at the *building permit* stage to ensure that the land *use* mixture agreed upon through the initial re*zoning* process and the required variety of *lot* sizes and housing types is maintained. The city shall amend the official Surprise *Zoning* Map to reflect the approved "TND plan of development" and overlay *zoning* boundaries at each stage.

B. Amendments.

1. A council approved TND plan of *development* may be amended administratively for the following circumstances:

    a. Up to a ten (10) percent transfer (increase or decrease) in the allowed quantity of *dwelling unit*s between *development parcels* within the TND;

    b. Up to a ten (10) percent increase or decrease to the overall *gross residential density* of the TND as compared to the city council approval;

    c. Up to a ten (10) percent shift in the individual *development parcel gross area* or configuration, as compared to the city council approval.

2. Requests for an administrative *amendment* shall require the following:

    a. The master *developer*, or the specific *applicant* if the master *developer* is no longer involved in the project, shall provide the city with a "revised TND plan of development" that reflects any and all administratively approved *alterations* to date.

b. No further applications for *plats*, *site plans*, or *building permits* shall be submitted to the city until after the administrative *amendment* request has been determined; and if approved, a new "revised TND plan of *development*" showing the latest approved *amendment* has been submitted back to the city.

3. Administrative *amendment* to the TND plan of development shall not be allowed if:

a. Any *amendment* would require backbone infrastructure (water and wastewater) upsizing, or change the parameters for the master drainage design, or change the amount or intent of the *open space* component of the TND as compared to the initial approval.

4. Any *alteration* to the "TND plan of *development*" that exceeds the limits set for administrative approval, as listed above shall require city council action as a TND *amendment.*

C. Incentives.

1. The TND *zoning district* complies with the neighborhood character area of the *General Plan* by allowing a variety of residential development types and specific supportive commercial. Additionally, the ratios *used* for defining the mix of required land *uses*, delineated in **Table 106-4a**, are based on *dwelling unit* and population as described in the *General Plan.* Thus a *General Plan amendment* should not be required, provided all other provisions of the city *General Plan* are satisfied.

2. After the TND *zoning* and the associated TND plan of *development* is approved by the city, through the public hearing process, further re*zoning* of the individual *development parcels* will not be necessary provided development adheres to the approved TND plan of development.

3. The city allows for certain infrastructure improvements within the *public right-of-way* to be calculated as *open space* if certain *amenities* are provided or design aspects are utilized (see the PEDS in **Chapter 107** for specific details).

4. The TND residential (TND-R) overlay is the only *zoning district* where the "shared court" (commonly known as four-packs and five-packs), "shared cluster", "mansion *apartment*", or rowhouse/~~townhome~~ townhouse housing products are permitted to be utilized in the city (see PEDS, **subsection 2.5E** for specific details).

Section 106-4.4

Sec. 106-4.4. Development standards.

A. The specific development standards for the TND *zoning district* are outlined in **Table 106-4b** and **Table 106-4c** below. Each *lot*, regardless of the product type or land *use*, shall adhere to the development standards outlined in the following tables.

1. All *multi-family* projects shall provide one hundred fifty (150) square feet of on-site *open space* per *dwelling unit*, which shall include surfacing and safety features such as lighting, and *amenities* that enable residents to *use* the *open space.* Acceptable types of *open space* are listed below.

a. Common *open space* (excluding *setbacks*) with a minimum dimension of fifteen (15) feet in any direction that is accessible to all *dwelling unit*s by sidewalks or local paths. The space shall be oriented to maximize afternoon shade, unless site conditions such as topography warrant waiving this requirement by the community *development* director or designee.

b. Individual balconies or patios (excluding front stoops) may be *used* for up to twenty-five (25) percent of the required *open space.* To qualify as *open space*, balconies or patios must be at least forty (40) square feet with no dimension less than five (5) feet.

c. Rooftop decks and terraces may be *used* to meet up to fifty (50) percent of the required *open space*, provided the space provides *amenities* such as seating areas, barbeques, fireplaces, recreational spaces, shade and landscaping.

d. On-site indoor recreation areas may be *used* to meet up to twenty-five (25) percent of the required *open space* provided the space is designed for communal *use* by all residents and provides space for entertaining, gathering, or exercise equipment and fitness activities.

e. Environmentally sensitive areas may count toward *open space* requirements if integrated into the site design to be visible and usable by residents with features such as trails and benches. Sensitive or critical areas meeting these requirements may count for up to fifty (50) percent of the required *open space.*

B. Deviations to the *development* standards in this section for any TND *zoning district* shall be considered part of a *rezoning* application and will be based on the individual characteristics of the TND *development*, including its topography, location, overall design and quality, the interface of its various components and the integration of the project into the overall community.

C. All *development parcels* shall adhere to the approved TND plan of development.

Table 106-4b—Development Standards for TND-R Parcels

Lot Categories	**A**[9]	**B**	**C**[1]	**D**[1]	**E**[1]	**F**[1]	**G**[7]	
Lot area (square feet)	2,000—3,499	3,500—4,949	4,950—7,999	8,000—11,999	12,000—17,999	18,000 and over	*Multi-family* 16,000	Commercial & MU 16,000
Min. lot width (sf)	35[8]	40[8]	50	70	80	90	N/A	N/A
Min. front setback (ft)	5[2]	10[2, 5]	12[2, 5]	15[2, 5]	25[4]	30[4]	15	15

Max. front setback (ft)	N/A	N/A	N/A	N/A	N/A	N/A	25	25
Min. side setback (ft)	5[3]	5 & 7[3]	5 & 8[3]	5 & 10	10	10 & 15	10	10
Min. rear setback (ft)[2]	5	10	15[5]	20[5]	25	30	20	15
Max. bldg. height (ft)	30	30	30	30	30	30	45[6]	35[6]
Lot coverage %	70%	60%	50%	50%	50%	40%	60%	60%

Notes:

1. Minimum *lot* area of 4,000 square feet per *dwelling unit*; except *lots* in column A and B are permitted one (1) *dwelling unit.*
2. *Garage* face and embellishments shall be *setback* a minimum of 18.5~~20~~ feet measured from any opposing property line; except rear *alley* loaded *garage*s, which shall be *setback* ~~six~~ three (~~6~~3) feet from *alley* edge line. Any portion of the 3-foot setback that is not a part of a driveway or walkway shall be fully landscaped. Walkways providing access to dwelling entryways may be located within the landscaped area.
3. May be reduced to zero feet *setback* for *single-family dwelling*s as *attached building* and separated by *common wall* along property line, and *townhouses*. End units must maintain the larger *setback.*
4. A covered front porch may encroach closer to the *street* by up to eight (8) feet.
5. A covered porch may encroach into the *setback* by up to five (5) feet.
6. The *height* of any *structure*, or portions thereof, shall not exceed 30 feet in *height* measured at the *setback* line when *adjacent* to *single-family* or *two-family lots.* The *height* of the *structure* may increase at a ratio of one-foot vertical for every one-foot *setback* horizontally, as measured relative to the property line, to the maximum allowed *height.*
7. Minimum *lot* area of two thousand five hundred (2,500) square feet per *dwelling unit*.
8. TND projects shall contain no more than fifty (50) percent of lots less than forty ~~eight~~ (~~48~~40) feet wide and will include mitigating designs outline in **Chapter 108** of this ordinance.
9. Only be used for a residential development with access for each dwelling unit provided by a common shared drive or rear-loaded alley.

Table 106-4c—Additional Development Standards

	TND-C	**TND-MU[1]**	**TND-OS**
Min. lot area (sf)	6,000	16,000	N/A
Min lot area per dwelling unit (sf/du)	N/A	2,000	N/A
Min. setback to arterial ROW (ft)[1]	20	20	15

Min. setback to collector and local ROW (ft)[1]	15[2]	20[2]	15
Min. setback adjacent to residential zoning (ft)[1]	10[3]	10[3]	15
Min. setback adjacent to non-residential zoning (ft)	15	20	15
Max. bldg. height (ft)[4]	40	45	35

Notes:

1. *Setbacks* shall not include any *parking spaces* or *drive aisles* except *ingress and egress.*
2. *Setback* may be reduced to ten (10) feet for units that open to the *street* and exclude a perimeter wall.
3. *Setback* increased to twenty (20) feet from *single-family* residential.
4. The *height* of any *structure*, or portions thereof, shall not exceed thirty (30) feet in *height* measured at the *setback* line when *adjacent* to *single-family*, *two-family*, *three-family development parcels.* The *height* of the *accessory 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.*

Section 107-4.3

Sec. 107-4.3. R-1, R-2, and SHD-RO residential provisions.

A. *Off-street parking* spaces within the front *yard* shall be utilized solely for the parking of licensed and operable passenger vehicles and in addition to **Chapter 54, Article IV** of this Code the regulations below shall apply:

1. The *recreational vehicle* or utility trailer stored in the rear or *side yard* shall be behind the front line of the primary *structure.*

2. Placement of a *recreational vehicle* or utility trailer other than the rear or *side yard* for loading and unloading purposes may be permitted for a period not to exceed seventy-two (72) hours up to two (2) times per month.

3. No person shall *park* a *truck* on any *lot*, except while loading and unloading the *truck*, while services are being provided to the residence by the *truck*'s occupant, or for a period of time to exceed twenty-four (24) hours.

B. The *off-street parking spaces* within the front *yard* shall not be *used* for storage of commercial equipment.

C. Residential parking and driveway areas shall be constructed and maintained, with the required *parking space*(s) being located on and *accessed* by a dust-proof surface.

D. Driveway entrances and *off-street parking* spaces within the *front yard* shall not comprise more than thirty (30) percent of the *front lot line,* except that each *lot* is permitted one driveway up to eighteen (18) feet wide.

E. Residential on-street parking shall not be permitted on trash days for any lot 40’ wide or less.

1. Lots 40' wide or less shall be signed "No Parking on Trash Days" for on-street parking.

2. At the sole discretion of the City, driveways and garages shall be sized sufficiently to accommodate the parking restrictions on trash days.

3. HOAs shall ensure that parking restrictions are acknowledged by buyers at the time of purchase.

4. The additional off-street parking spaces required for developments with lots 40’ wide or less, per Table 107-4c, for the purposes of visitor and overflow parking shall be geographically separate from the required parking for the development’s community facilities and/or amenity area(s).

5. The additional off-street parking spaces required for developments with lots 40’ wide or less, per Table 107-4c, for the purposes of visitor and overflow parking shall be distributed across the development and adjacent to dwelling units.

Section 107-4.4

Sec. 107-4.4. Multi-family, mixed use, and non-residential use provisions.

A. The minimum number of required *off-street parking spaces*, as outlined in **Table 107-4c**, may be reduced by the number of on-*street parking spaces abutting* the property lines of the *lot* or *parcel.*

B. *Off-street parking* facilities shall be designed, constructed, and maintained in accordance with volume 1 of the PEDS and the specifications described below:

1. Parking, loading, and driveway areas will be paved with asphalt, brick, concrete, or other approved surfaces of comparable durability.

2. Parking, loading, and driveway areas will be *grade*d and drained utilizing low impact *development* (LID) methods and water harvesting of surface water run-off for watering of the required landscaping.

3. Parking is prohibited in required *setback* and landscape areas.

[C.] *Off-street parking* facilities shall provide landscape islands and landscape medians/walkways to provide shade trees and aid in capturing stormwater as follows:

1. One (1) parking *lot* island with one (1) foot of ribbon curbing shall be provided every ten (10) *parking spaces* and at the end of each parking row.

2. Landscaped medians/walkways shall be provided for every third double rows of parking when the parking exceeds thirty (30) spaces per row.

3. Where wheel stops are not *used* the width of the *abutting* landscape median or sidewalk shall be increased in by at least two (2) feet.

4. Exceptions may be made for *parking spaces* that are covered utilizing solar panels as the shade *structure.*

[D.] When permitted in commercial or industrial *zoning district* parking and storage of *truck*s shall be within the *screened* storage area or a loading zone of an approved *site plan* and under the specific conditions outlined within this Code.

E. Residential on-street parking shall not be permitted on trash days for any lot 40’ wide or less.

1. Lots 40’ or less shall be signed “No Parking on Trash Days” for on-street parking.

2. At the sole discretion of the City, driveways and garages shall be sized sufficiently to accommodate the parking restrictions on trash days.

3. HOAs shall ensure that parking restrictions are acknowledged by buyers at the time of purchase.

4. The additional off-street parking spaces required for developments with lots 40’ wide or less, per Table 107-4c, for the purposes of visitor and overflow parking shall be geographically separate from the required parking for the development’s community facilities and/or amenity area(s).

5. The additional off-street parking spaces required for developments with lots 40’ wide or less, per Table 107-4c, for the purposes of visitor and overflow parking shall be distributed across the development and adjacent to dwelling units.

Section 107-4.G

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

A. Each individual land *use* within the different *zoning district*s and overlay *zoning district*s 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	
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 plus 0.2 spaces per DU for lots 40' wide or less for visitor and overflow parking
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
Townhouse	2 per DU plus 1 per 500 sf of community facility uses and 0.2 spaces per DU dedicated to visitor parking
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

Section 108-2.5

Sec. 108-2.5. Lot planning.

A. The *lot* arrangement and sizes shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing *building permits* to build on all *lots* in compliance with **Chapter 106** of the LDO or in providing driveway *access* to *buildings* on such *lots* from an approved *street.* Prior to *final plat* approval the city may require additional documentation, including but not limited to engineering concept plans, for *lots* with questionable development ability.

B. *Lots* shall be arranged in a contiguous pattern within a *block*; except where the *block* length or an *environmentally sensitive feature* warrants an easement either through the *block* to accommodate drainage or *access* for *multimodal* (pedestrian/bicycle/golf cart) traffic to adjoining *open space* or to preserve the *environmentally sensitive feature.*

C. Flag lots or panhandle lots and other unorthodox *lot* layouts shall not be *platted*; unless approved by council, such as topographic constraints in environmentally sensitive areas or design methods that enhance *multimodal* (pedestrian/bicycle/golf cart) traffic.

D. Lot dimensions.

1. The minimum *lot* size shall comply with the *lot* ranges within the *zoning district*s as described in **Chapter 106** of this ordinance; except that utility facilities using land or a *building used* only for equipment purposes (and not for human occupation) and requiring less than one thousand (1,000) square feet of site are exempt from the minimum *lot* size standards of all *zoning district*s. Individual tracts within a subdivision are also exempt from this provision.

2. The depth-to-width ratio of the usable area of a residential *lot* shall not be greater than three to one (3:1), except in a *hillside* development area where flexibility may be allowed based on topographical considerations.

3. Depth and width of properties reserved or laid out for *business*, commercial, or industrial purposes shall be adequate to provide for the *off-street parking* and loading facilities required for the type of *use* and development contemplated.

4. Dimensions of *corner lots* shall be large enough to allow for erection of *buildings*, observing the minimum *setbacks* from both *street*s.

5. All residential *lots* shall be designed such that the minimum *lot* width may be achieved at both the *front* and *rear setback* lines.

6. Residential *lots* that are less than fifty (50) feet wide are encouraged to have vehicular access from an *alley.*

E. *Side lot lines* shall be at right angles to the *street* the *lot* faces, or radial to curved *street* lines, unless topographic conditions necessitate a different arrangement acceptable to the community development director or designee.

F. Lot frontage.

1. Every *lot* shall have a minimum *frontage* width of thirty (30) feet on a public or *private street*, except *townhouse* lots which shall have a minimum frontage width of twenty (20) feet on a public or private street, and every *lot* shall have direct *access* to the improved circulation system either by said *street* or by *alley.*

2. No residential *lot* of record shall derive direct *access* to a *roadway* classified as an arterial or *park*way, except *multi-family* developments designed with an on-site turnaround and comply with *roadway access* management policy standards.

3. Residential *lots* that are zoned rural residential (RR) and have a minimum *lot* width of two hundred (200) feet may take direct *access* to collector *roadways*; egress from the *lot* shall be only in a forward motion.

4. Commercial and industrial *lots* may take *access* to a *roadway* classified as an arterial or *park*way when designed with an on-site turnaround and comply with *roadway access* management policy standards.

5. Commercial and industrial *lots* may be required to be served by a combined shared *access* drive to limit the number of possible traffic hazards; driveways shall be designed and arranged so vehicles *ingress and egress* from the property in a forward motion.

6. Double *frontage* and reversed *frontage lots* shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific constraints of topography and orientation.

G. Narrow lot subdivisions. Subdivisions with a homogenous design of *lot widths* narrower than fifty (50) feet cause numerous long-term conflicts and constraints for city services, design standards, parking, and quality of pedestrian movement over the lifespan of the neighborhood. In order to mitigate these problems, the designs listed below may apply to residential project that permit a given percentage of lots as calculated across whole subdivisions or preliminary plats to be narrower than fifty (50) feet wide according to **Table 108-2a**. Mitigating designs for plat are outlined below and home product designs are identified in the PEDS.

1. Rear loaded alleys.

2. Evenly distribute narrow lots among lots that are fifty (50) feet wide or greater.

3. Public off-street parking areas within one-eighth (⅛) mile of every narrow *lot.*

4. Dedicated solid waste pickup locations with curb markings, preferably between the smaller separation of matching/mirrored driveways.

5. Incorporate lot diversity within a plat with at least twenty-five (25) percent of lots that exceed the minimum lot width by five (5) feet.

6. Other designs may be proposed that vary from the strict provisions of this section in such a manner that intent is maintained with such modification.

Table 108-2a—Narrow Lots Subdivision

Allowed Lots Less than 50' Wide per Subdivision Plat	**Mitigating Designs**
Up to 10%	No more than two such *lots* shall *abut* one another
Up to 25%	Any 1 design
Up to 50%	3 mitigating designs
Up to 100% ~~of lots 48'—50' wide~~	Matching/mirrored driveways with dedicated solid waste pickup locations

CHAPTER 2: NEIGHBORHOOD LAND USES

2.1 GENERAL LAND/SITE DESIGN & DEVELOPMENT

A. The development plan shall be interconnected through the open space, landscaping, and its visual design characteristics.

B. Large development plans proposed for phased development shall be planned and designed so that each phase is complete and can exist independently in terms of the functionality of its infrastructure and circulation systems as well as the drainage.

C. When allowed, high-density residential and non-residential development shall be located within mixed-uses projects or adjacent to, and oriented toward, the arterial and/or collector roadways, transit/bus services, and the community's pedestrian circulation and trail system.

D. Subdivision and street layout, lot orientation, and home design and siting, shall utilize the most advantageous solar orientation, climatic, and environmental conditions of the development site.

E. Design of accessory elements such as group mailboxes and security huts and gates, transit/bus shelters, and streetscape shall be compatible with the architectural style and/or unique theme of the development or neighborhood in which it is located.

F. Group mailboxes for residential developments shall be placed into an architectural structure that is strategically and conveniently located throughout as a part of the pedestrian circulation system features such as illumination, shade trees and benches for neighbor interaction. All group mailboxes shall be accessible to persons with disabilities.

G. Multi-family & Non-residential Buildings in the Neighborhood Land Use: Trash and refuse collection containers shall be screened from public view with a six foot (6') decorative masonry wall enclosure and located such that they are not the visual focal point of a driveway or cannot be viewed from a public street. Those sites that can only locate the refuse containers in a highly visible location shall provide screening the containers with decorative latching gates at the opening to the enclosure.

H. To reduce the impact of ~~the~~ garage dominant architecture ~~garage doors~~ for single-family dwelling units, front-facing garage doors on a public street shall not comprise more than forty-five percent (45%) of the total linear frontage of the residential front elevation.

1. Development plans may include up to ten percent (10%) of home products with additional options such as but not limited to front porch or patio that comprises of the remaining front elevation, or balconies within a subdivision may have garage doors up to sixty percent (60%) of the total linear frontage of the residential front elevation.

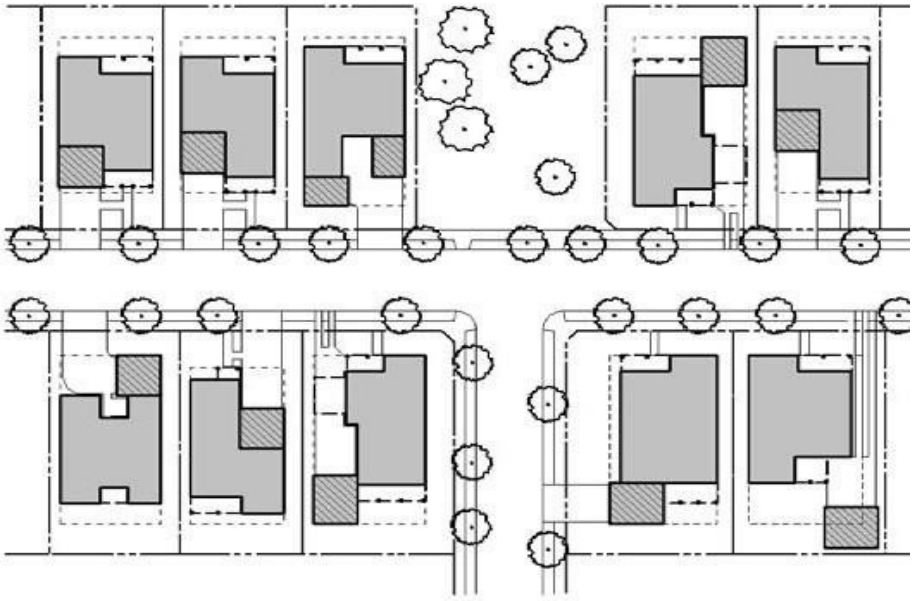
2. For 3-car garages, garage proportions may be up to fifty percent (50%) on homes. Stalls will be separated such that no more than two (2) stalls are in the same vertical plane or adjacent to each other (i.e., provide a two-foot

(2') offset with architectural trim for at least one (1) stall or provide one (1) stall in a side-entry or tandem configuration).

I. Subdivisions must create a more diverse street character, especially in the case of homogenous design of lot widths narrower than forty-eight feet (48') that causes numerous long-term conflicts and constraints for city services, design standards, parking, and quality of pedestrian movement over the lifespan of the neighborhood. All residential lots shall incorporate a combination of designs methods for site layout such as but not limited to those below, which can also act as a supplement the quantity and type of designs outlined for residential subdivisions Section 108-2.5 of the LDO (see **Illustration 10** below):

1. Stagger the building frontage depths between adjacent lots;
2. A five foot (5') or greater recess for the garage from the front plane of the home;
3. A porte-cochere;
4. A garage located in the rear of the lot utilizing a single or double- car drive adjacent to the home or accessed from an alley;
5. A side-entry garage product as part of a variety of floor plans; or
6. Decorative pavers or other driveway treatments to the menu of options.
7. Garage doors with windows, raised or recessed panels, architectural trim, and/or single garage doors
8. Architectural treatment above the garage such as windows or balconies
9. Single-car driveways and garages (including tandem)
10. Open carports,
11. Matching, mirrored, and/or shared driveways,
12. At least 2/3 of home products that fit on narrow lots must be two-story with the second story brought toward the front elevation.
13. Other designs may be proposed that vary from the strict provisions of this section in such a manner that intent is maintained with such modification

ILLUSTRATION 10



K. Traditional Neighborhood Developments (TND) shall provide blended density residential neighborhoods that provide for and encourage different housing types (i.e. detached single-family, attached-product, duplex, ~~townhome~~townhouse, shared court, shared cluster, mansion apartment, and live-work) and varying lot sizes within the same residential development parcel(s) and preferably on the same street rather than separating housing types by whole neighborhoods.

2.2 OPEN SPACE DESIGN AND PUBLIC PLACES

A. GENERAL RESIDENTIAL OPEN SPACE DESIGN.

1. Multi-use pathways and equestrian trails uses as a secondary mode of travel and access throughout neighborhoods and the City shall be landscaped, provided with low level lighting for safety, and furnished to provide rest areas at transition points and other locations as determined to accommodate the specific needs of the community.

2. In the event retention basins are required, per the drainage analysis, they shall be developed as an amenity and landscaped to accommodate active and/or passive recreation. They shall be located and oriented to physically, functionally, and/or visually connect with other open space areas and the abutting open space of neighboring development plans.

3. Retention basins with a bottom area in excess of one-half acre (1/2ac), shall be designed, turfed in a manner to accommodate a play/sport field rather than being landscaped with decomposed granite. All structures and play equipment are to be located above the 100-year, 2-hour high water line and an ADA path provided to the structures.

3. Rooftop decks and terraces may be considered as common open space provided these areas contain amenities such as seating areas, barbeques, fireplaces, recreational space, shade structures and landscaping as an integral component of the areas.

4. On-site indoor recreational areas may be considered as open space if the area(s) are designed for communal use by all residents and provide space for entertaining, gathering, or fitness activities.

2.3 CIRCULATION DESIGN

A. GENERAL STANDARDS.

1. All proposed residential developments shall provide a Traffic Impact Analysis (TIA) for the proposed development. If as a result of the traffic analysis, it is determined that a new roadway(s) at the Arterial classification level is necessary to serve the development a General Plan Amendment may be required. The TIA shall be used to determine projected traffic volumes, desired operating speeds, projected traffic types, projected construction phasing, and determine the need for new traffic signals.

2. Local streets shall utilize either the alternative or standard cross section (see **Illustration #1A** and **#1B** herein).

3. Collector streets in new residential developments shall be located to minimize cut-through vehicular traffic on the local streets and through the neighborhoods, by utilizing a modified grid street pattern.

4. Streets classified as a Parkway, Arterial, and/or Collector shall utilize the City's most updated cross section with a detached sidewalk design with the resulting *landscape strip*.

B. ROADWAY DESIGN.

1. Within the hierarchy of existing and proposed two-way City streets, a minimum unobstructed pavement width of twenty-six feet (2~~0~~6'), with a minimum vertical clearance of fifteen feet (15') shall be provided for fire apparatus access. The unobstructed pavement width for fire apparatus may be reduced to a minimum of twelve feet (12') in developments where median divided streets exist.

2. New collector streets within a residential development may require a landscaped multi-use path in addition to the on-street bicycle lane to connect with a regional trail system.

4. The creation of new dead-end streets shall not be permitted in a TND Development. All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect wherever possible to thoroughfares on adjacent sites or developments, except when constrained by topography.

D. ACCESS.

1. A subdivision development may be permitted "limited access" points to the surrounding collector and arterial streets at a quarter mile (¼) spacing and "full access" points on the half mile (½) and full mile spacing; where supported by the Traffic Impact Analysis (TIA) and accepted by the City Traffic Engineer.

2. The use of alleys with rear garage configurations and entry access points may be considered as a means of vehicular and pedestrian access to a residential lot.

~~2.~~3. The use of shared open space courtyards or tracts with entry access points may be considered as a means of pedestrian access to a residential lot.

~~3.~~4. Alleys shall be paved, well-lit and designed for pedestrian connectivity and view-fencing rather than solid fencing along the rear property lines to further enhance the safety, appearance, and use of the alley. Standard Detail cross-sections for alleys can be found in the **PEDS, Volume 2 Engineering Development Standards**.

a. Minimum right-of-way or easement width of twenty feet (20');

b. A twelve-foot (12') wide paved surface centered in the right-of-way, with pavement material, texture, pattern and strength selected to accommodate automobiles, garbage disposal trucks (when garbage pick-up is planned at the rear of the property), pedestrians, and bicycles;

c. A four-foot (4') wide landscaped strips located on either side of the paved area of the alley. Landscaped strips will contain a combination of trees and shrubbery and architectural lighting consistent with the character of the neighborhood. The placement, type, height and spacing of landscape and lighting shall comply with the landscape and lighting standards set forth in this Ordinance;

d. Opaque fencing along the rear property line abutting the alley line shall not exceed four feet (4') in height, except view fences may be permitted up to six feet (6') in height;

e. Ribbon curbs (no gutters) to permit natural recharge of groundwater shall be required; except or unless, because of drainage conditions, additional engineered measures are required by the city manager or designee to facilitate stormwater runoff and drainage;

f. No parking shall be permitted on an alley unless parking bays or pull outs adjacent to garages have been included and approved as part of the rear lane design; and

g. When the alley is also used to collect garbage, storage bins containing trash for pick-up shall be placed on a designated surface integrated into the design of the landscape strip.

5. All lots shall have ~~frontage~~ access ~~onto a fully improved publicly dedicated or approved private street developed to "local street" standards and may have access by either the public/private local street or an alley refer to the Volume Two of the PEDS for specifics.~~ to an approved public or private road or alley, developed in accordance with the LDO, PEDS, EDS, and/or other applicable codes.

~~4.~~6. If the front door of any dwelling unit faces an alley, a concrete sidewalk must be provided along the alley to connect the front door to the sidewalk on a public or private street.

E. CIRCULATION AUXILIARY AMENITIES.

1. The planning and design of public transit and school bus stops within a master planned development and individual neighborhoods shall be considered and should at a minimum include an improved hardscaped space of adequate size for adults and/or children to safely gather and sit.

2. Private "pedestrian-only" walking paths (excluding cyclists, skateboarders, wheelchair, and equestrian uses) are allowed, when approval by the Community Development Director. Where permitted these paths shall:

   a. Be a minimum of five feet (5') in width; have a maximum grade of five percent (5%) ; be constructed of concrete, asphalt, permeable paving surface, or stabilized decomposed granite material.

   b. Shall be lighted for pedestrian safety, in accordance with a City approved photometrics plan, and with pedestrian scaled (overhead or bollard style) light fixtures that are compatible with the character of the area, and spaced appropriately to provide an even, non-glare light level along the course of the walking path.

3. Parking Lots: Multi-family and non-residential buildings within the neighborhood land use shall be designed in an "up front" manner that locates buildings along the street frontage and the required off-street parking spaces located in the rear or to the side of the structures. Parking may also be designed beneath the structures to avoid interrupting the rhythm of the established streetscape and to make land on site available for gardens and courtyards rather than for surface parking. Parking lots shall be landscaped in accordance with **Chapter 107** of the LDO and utilizing the plant palette list in **Appendix C** herein.

2.4 LANDSCAPE AND STREETSCAPE DESIGN

A. LANDSCAPE STANDARDS.

1. Private Lots:

   a. Individual residential lots shall be designed to minimize the use of

building height. Mechanical equipment shall be treated to be non- reflective. Electrical meters, service components, and SES cabinets should be screened from public view or designed to appear as an integral part of the building and painted to match the building.

3. Ground mounted mechanical equipment and building projections (other than roof eaves) shall not be located within the required "unobstructed" side yard setback and shall be screened from public view (see **Chapter 106** of the LDO for setback information).

4. All exterior elevations of a residential structure shall provide architectural detailing (360° architecture); not just the front elevation. Window embellishments shall be provided on all homes by adding architectural features which enhance the elevations, e.g. greater variation of window design, different window styles, recesses, surrounds, shutters, lintels and sills, gabled roof features over the windows, etc. Such features must be added to all of the exterior elevations of the structure, including second story windows, to provide interest and relief. In the case of residential construction this material wrap/wainscot shall continue along the side elevations to the point where it meets the side lot perimeter fence return.

5. The City strongly encourages new residential neighborhoods to meet Leadership in Energy and Environmental Design (LEED-ND) certification standards and building sites to utilize Low Impact Development (LID) technologies.

6. Production homebuilders shall provide a minimum of four (4) floor plans, with a minimum of three (3) distinctly different elevations for each floor plan; including a variety of products with front entries facing the street. Additionally, a minimum of three (3) roof pitches/styles/materials/colors, three (3) styles of garage doors, three (3) window designs/embellishments, and three (3) exterior paint colors shall be required as a standard feature to further promote visual interest and architectural diversity.

7. The developer/production home builder shall be responsible for assuring that no two similar rear building elevations and rooflines are allowed on adjacent lots that back to a public right-of-way.

8. The developer/production home builder shall be responsible for assuring that not more than two (2) of the same building elevations are on adjacent lots and on lots directly across the street from one another. For clarification, lots "directly across the street" are those where at least fifty one percent (51%) of the lot's street frontage is directly across from the street frontage of the lot on the opposite side of the street (measured by extending sided lot lines to the street centerline).

9. Corner lots shall be limited to a single story home and the side elevation fronting the side street shall be fully embellished and the roofline varied.

B. ATTACHED SINGLE-FAMILY DWELLINGS.

1. All buildings shall have their main entrance fronting onto either a street or oriented towards and arranged around a shared open space courtyard/tract or alley.

2. A variety of rooflines styles and heights shall be used as well as building projections and recesses. The structures shall have stylistic architectural design elements on all exposes building elevations. The architecture shall incorporate style-appropriate and varied door and window openings and architectural embellishments. A variety of front and rear porch configurations shall be used to provide functional yet varied architectural integrity to the buildings.

3. Brick, integral colored block, or slump block shall be used (not painted concrete masonry units) for buildings using masonry as the primary material.

4. Flat asphalt shingles shall not be permitted. Clay tile, concrete tile, architectural asphalt shingles, cementitious or fiberglass tiles, and standing-seam or corrugated metal shall be the permitted roofing material. Alternative roofing products shall require city approval.

C. MULTI-FAMILY DWELLINGS.

1. The residential development shall have a building frontage presence to the neighborhood street rather than a parking lot frontage. The front entry shall include a walkway to the street or surrounding neighborhood.

2. All multi-story buildings shall have unified and stylistic design elements present on all sides of the building(s). A variety of massing and building heights and stepping rooflines are strongly encouraged. Straight rooflines should be minimized by using offsets, differing heights, stepping, or different orientations to produce variety within a development.

3. Townhouses, duplexes, and triplexes in subdivisions or master planned communities shall incorporate design variation across buildings. Design variations shall include two or more of the following: a variety of roofline styles and heights, unit configuration, colors, materials, and door and window openings, as well as porch configurations. Straight rooflines should be minimized by using offsets, differing heights, stepping, or different orientations to create variety within a development.

~~3.~~4. A color palette of earth tones shall be the predominate color used. The use of accent colors is encouraged to provide a festive and lively streetscape. Accent color, different from the dominate wall color, should, at a minimum, be used to accent entryways and special architectural features of a building.

~~4.~~5. Reflective building materials are prohibited; except for the normal use of glass windows. Metallic surfaces, including roof materials, shall be treated to be non-reflective.

~~5.~~6. The use of metal or corrugated metal as the primary building material is prohibited; it may however be used as an architectural accent or decorative element.

~~6.~~7. All buildings shall harmonize architecturally with the residential character of the neighborhood as determined by the Community Development Director or designee.

D. MODEL HOME COMPLEX

1. Guidelines*:*

a. Seventy-five percent (75%) of plans constructed in a model home complex for single-family dwellings must be "non-garage dominant".

b. If any approved product line consists of one plan that provides a significantly recessed garage, that plan must be modeled.

c. If any approved product line consists of two or more plans that provide a significantly recessed garage, the number of those plans modeled will be determined by the city manager or designee.

2 Site standards*:*

a. Site design shall comply Sec 106-10.29 of the LDO.

b. Landscapes for model home complexes shall comply with the PEDS and Chapter 107 of the LDO.

3. A "zero-step" entrance shall be required for all model homes within the City of Surprise.

a. "Zero-step" entry shall have a floor or landing on each side of the primary entrance door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level, except for exterior landings, which are permitted to have a slope not to exceed 0.25 units vertical in 12 units horizontal (two percent). Thresholds for such doors shall not exceed one-half-inch in height, and thresholds with changes in level greater than one-quarter-inch shall be beveled with a slope not greater than one unit vertical in units horizontal.

b. The city manager or designee may waive the requirement "zero-step" entry if it is found that it would prove to be cost prohibitive. Such cases however, the builder must still provide a zero-step entry into at least one model home and an ADA compliant pathway to all models.

c. Model signage. All new model homes and sales areas shall include signage that read - "Ask Us About Accessibility Options."

d. Education. An educational DVD shall be available to sales staff and potential homebuyers regarding the benefits of visitability.

E. ADDITIONAL BUILDING TYPES IN TND DEVELOPMENTS.

1. In order to create neighborhoods of blended densities; to provide a broad choice of housing types for lifelong livability and a diversity of needs; to promote walkability; and to enable appropriately-scaled and well-designed compatible land uses it is important for the TND to consider building types other than what might traditionally be expected.

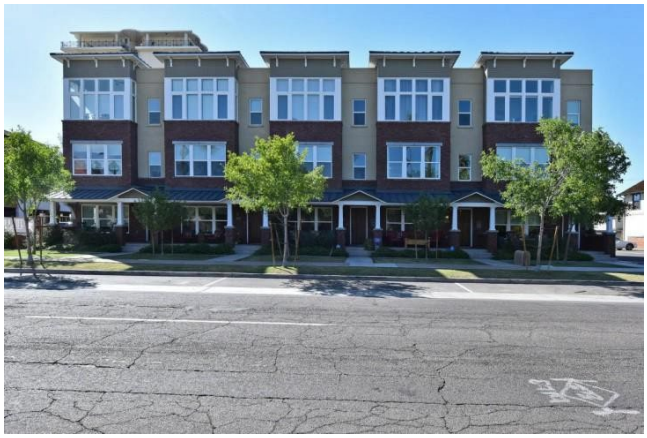
2. The following four (4) types of housing products shall ~~only~~ be permitted in conjunction with the Traditional Neighborhood Development (TND) Zoning District (see **Chapter 106**, **Article 4** of the LDO):

ILLUSTRATION 14 - Mansion Apartment

Specifics: (minimum 10,000 SF lot)

- Min of 4 units (1,000-1,400 sq. ft. each; not including garages)
- One shared main entrance area off front porch. Unit division from within structure.
- Street frontage designed to reflect appearance and scale of a single-dwelling house to blend with neighborhood context.

ILLUSTRATION 15 – Row House/~~Townhome~~Townhouse



Specifics: (minimum 4,000 SF lot/DU)

- Consists of 4–8 rowhouses placed side-by-side that
- Front to a public street
- Transitions from a traditional detached single-family neighborhood into a higher

E. NON-RESIDENTIAL BUILDINGS IN THE NEIGHBORHOOD LAND USE.

1. Non-residential structures shall be designed to create transitions to the surrounding residential development with the size, massing and height of the structure relating to the prevailing scale of the adjacent residential neighborhood.

2. Taller buildings shall be made to appear less imposing by stair-stepping building heights and rooflines back from the property lines, breaking up the mass of the building, providing a broader open space/landscape area as foreground for the building, and providing a building frontage presence to the neighborhood street rather than a parking lot frontage.

3. Assembly Uses may be required to provide a traffic study, depending on the specific location.

2.7 RESIDENTIAL SOLID WASTE GUIDELINES

A. GENERAL STANDARDS.

cd. 32'- no parking in front of barrel.

13. Developments with more than two (2) abutting lots of less than fifty-feet (50') wide shall be signed "no parking on trash days"

14. Single-family developments with lots forty-feet (40') wide or less shall be signed "No Parking on Trash Days".

15. At the sole discretion of the City, driveways and garages shall be sized sufficiently to accommodate the parking restrictions on trash days.

16. HOAs shall ensure that parking restrictions are acknowledged by buyers at the time of purchase.

B. CLUSTER HOMES, SHARED DRIVEWAYS, AND DEADEND ALLEYS

1. Each unit must have a predetermined location for a minimum of two containers (trash and recycle) per unit (2/du). Containers shall have a designated location on the street with a permanent marking on the curbing identifying address or unit number. Show all container locations, with addresses on site plan, for visibility triangle, refer to latest version of engineering and design standards.

2. Designated container location ~~may~~ shall be signed "no parking on trash days". There should be fifteen feet (15') of space from the start of the no parking area to the first container. Containers should have a minimum seventy- eight inches (78") spacing center to center of container. There should be fifteen feet (15') of space from the last container to the end of the no parking area.

3. Placement designations will not be located near cluster mailboxes.

4. The required use of identified locations should be included in the homeowners conditions covenants, and restrictions.

5. Designated container locations will also be used for bulk collection for each unit.

APPENDIX A – GLOSSARY OF TERMS

A. **General Terms**. For the purpose of carrying out the intent of these Planning and Engineering Design Standards (PEDS), certain terms or words used herein shall be interpreted or defined as follows:

1. Words used or defined in one tense or form shall include other tenses and derivative forms; words used in the singular include the plural; and words in the plural include the singular.

2. The words "shall", "must", and "will" are mandatory and not permissive.

3. The words "should", "encourage, and "may" are permissive.

4. The word "person" includes an individual, tenant, lessee, firm, co-partnership, joint venture, corporations, associations, estate, trust, receiver, or and any other group or combination acting as a singular entity, including the federal government, another city, county, or school district, except as exempt by law.

5. The following words or terms when applied in these PEDS may be used interchangeably unless contrary to the circumstances: lot, plat, parcel or premise; and "building" applies to the word "structure".

B. **Abbreviations**. The following abbreviations and/or acronyms shall have the following meaning:

APS	Arizona Public Service Electric
A.R.S.	Arizona Revised Statutes
PEDs	Planning and Engineering Design Standards

C. **Italicized.** Words or phrases throughout the PEDS which are expressed using italics shall assume the meaning as ascribed in this Appendix. Words or phrases not expressed in italics shall assume the common meaning of the word or phrase unless such word or phrase is otherwise included herein this Appendix.

D. **Specific Terms**. The following specific terms, words and phrases shall, for the purposes of understanding these standards, have the following definitions and meanings:

A.

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

***Apartment Complex*:**

***Archeological Resource*:** Any material remains of past human life or activities that are of historic or pre-historic significance. Such material includes, but is not limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, cultural landscapes, rock paintings, rock carvings, intaglios, graves, skeletal remains, or any piece of any of the foregoing items (see *cultural resource* herein).

street and are given equal space, consideration and safety issues. Complete streets also create a sense of place and improve social interaction as they encourage walking, biking and transit as viable transportation options.

***Cluster Development/Subdivision*:** Concentration of development on only a portion of a site, allowing *environmentally sensitive features*, *recreation areas, open space,* and areas to be protected with no loss in the number of lots and maintaining the overall density of the site. It requires transferring density on the same site and the undeveloped land to be permanently retained for open space, habitat, or conservation of *environmentally sensitive features*.

***Cultural Resources*:** An aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture.

D.

***Detached Sidewalk*:** A sidewalk that is separated from the street by a *landscape strip* that is measured from the back of the street curb and runs continuously along the length of the street.

***Disturbed Area*:** The area of natural ground that has been, or is proposed to be, altered through grading, cut and fill, removal of natural vegetation, placement of material and equipment, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

E.

***Environmentally Sensitive Features*:** Elements in the landscape that play a particularly large role in sustaining the natural environment and ecosystem and supporting wildlife and plant diversity, but at the same time are especially sensitive to degradation such as: *hillside development areas*; *important habitat*; *protected native vegetation*; *significant rock outcroppings*; *significant stands of vegetation*; ridgelines; *steep slopes*; *water features*; *wildlife corridors* (as further specified in **Chapter 104** of the **LDO**).

F.

Floodplain: Any land area susceptible to being inundated by water from any source. It may or may not include a *floodway*.

Floodway, one hundred-year: The channel of a river or other watercourse and the adjacent land areas which must be kept free of encroachment in order to carry and discharge the 100 year flood without substantial increases in flood height.

***Fore/Courtyard*:** a building frontage where the building facade is aligned close to the front property line with a portion of the facade set back. The resulting forecourt and/or interior courtyard are suitable for gardens, restaurant seating, or an entry plaza. A short wall may also be placed at the property line.

G.

ZONING TEXT AMENDMENT – RESIDENTIAL DEVELOPMENT STANDARDS FS24-1275

City Council

November 4, 2025

SURPRISE
ARIZONA

Background

- Applicant has identified certain limitations/ambiguity in the LDO
  - These either hinder or prohibit certain home product types
- Applicant is proposing changes to provide clarity and increase variety in lot/home product types

SURPRISE
ARIZONA

Affected Codes

The proposed changes affect the following sections of the City Code:

- Section 101-2.2 Glossary of terms
- Section 106-1.8 Compliance with other provisions (use table)
- Section 106-2.3 Residential low density (R-1)
- Section 106-2.4 Residential medium density (R-2)
- Section 106-2.5 Residential high density (R-3)
- Section 106-3.2 Design and development standards in the SHD zoning district

SURPRISE
ARIZONA

Affected Codes - Continued

The proposed changes affect the following sections of the City Code:

- Section 106-4.3 Review and process
- Section 106-4.4 Development standards
- Section 107-4.3 R-1, R-2, and SHD-RO residential provisions
- Section 107-4.4 Multi-family, mixed use, and non-residential use provisions
- Section 107-4.9 Minimum off-street parking requirements
- Section 108-2.5 Lot planning
- Planning & Engineering Design Standards (PEDS)

SURPRISE
ARIZONA

Summary of Changes

Glossary of Terms & Land Use Table

- Modifications to definitions of:
  - Dwelling, single-family
  - Townhouse
- Revised definitions create distinction between the two
- Townhouse added as a separate use category within the use table
  - Clear separation and appropriate allowances

SURPRISE
ARIZONA

Summary of Changes

Residential Low Density (R-1)

- Increase max lot coverage in Lot Category B of R-1
  - Only applicable when RV garage is provided

Residential Medium Density (R-2)

- Clarifications to differentiate between housing types
- Specificity for townhouses
- Reductions in minimum standards
- Supporting changes to setbacks and subdivision requirements

SURPRISE
ARIZONA

Summary of Changes

Residential High Density (R-3)

- Second, separate development standard table for townhouses
  - Clarifications for townhouses
  - Distinctions from other R-3 products (multi-family)

Surprise Heritage District – Residential Overlay (SHD-RO)

- Mirror changes made in R-3
- Added at the request of staff

SURPRISE
ARIZONA

Summary of Changes

Traditional Neighborhood Development (TND)

- Changes mirror those in the other districts
- Ensure consistency and avoid conflict

Other supporting changes

- Amendments to Sections 107 and 108 of the LDO, and the PEDS
- Support and accommodate other changes
- Parking, trash collection, lot frontages, access, product design

SURPRISE
ARIZONA

Neighborhood Outreach

- April 9, 2025
- Surprise Regional Library
- Public Attendance: 3

- August 13, 2025
- Windmill Suites Surprise
- Public Attendance: 1

Questions and comments on housing types and densities, and proximity to their existing neighborhoods

SURPRISE
ARIZONA

Recommendation

Throughout the review process, staff collaborated with the applicant to ensure the proposed amendments provided clarity and consistency within the code, provided for a variety of housing product types, and was consistent with recent housing bills passed by the state legislature.

The Planning & Zoning Commission recommended **approval** to City Council

SURPRISE
ARIZONA

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Jodi Tas, MNGMNT ANALYST - SR

Submitting Department: City Manager Office

District: Citywide

Staff Recommendations: None

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

Agenda Wording:

Presentation and discussion from Maricopa Association of Government (MAG) pertaining to the status of the Grand Avenue Corridor Study.

Motion:

Presentation and discussion only.

Background:

Over the last two years, the City of Surprise has made significant progress with transportation improvements in the north Surprise area including a feasibility study that led to a state appropriation for near-term improvements at Loop 303/US 60 and in the future, more improvements with the passage of Proposition 479 are planned.

The study is developing a plan that identifies the transportation needs in a part of the region that is growing rapidly. The study has been underway for approximately one year and covers the area between Loop 303 on the south, SR 74 on the north, Vistancia Boulevard on the east and the Hassayampa River on the west. The study has several objectives, including finding a long-term solution for the interchange of Loop 303 and Grand Avenue and the intersection of 163rd Avenue and Grand Avenue; identifying and protecting key road crossings and intersections along Grand Avenue and sequencing the development of these key locations; and identifying and sequencing other transportation improvements to ensure acceptable levels of mobility are achieved and maintained throughout the entire study area.

Objective Analysis:

The purpose of this presentation is to provide an update on the MAG Grand Avenue Corridor Study.

Policy Compliant:

Yes, this study will help support our City Council Strategic Plan and General Plan.

Financial Impact:

There is no anticipated financial impact related to this item.

Budget Impact:
There is no anticipated budget impact related to this item.
FTE Impact:
This item does not have an impact on current staff levels.

ATTACHMENTS:
1. Surprise Nov 4 Council Meeting - US60 Presentation

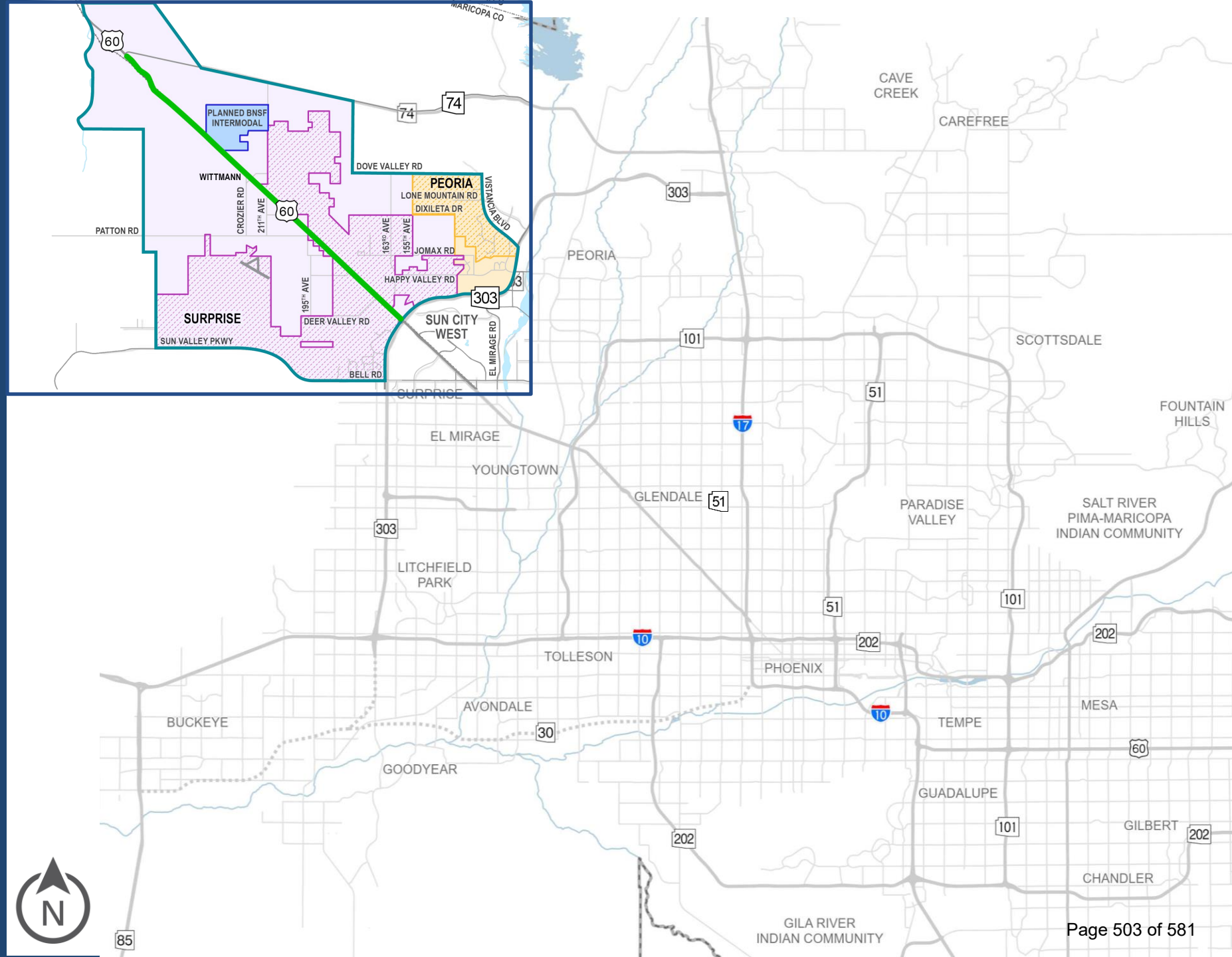
US 60 (GRAND AVENUE): LOOP 303 TO SR 74 CORRIDOR STUDY PROJECT UPDATE

City of Surprise Council Meeting

November 4, 2025

MARICOPA ASSOCIATION of GOVERNMENTS

STUDY AREA



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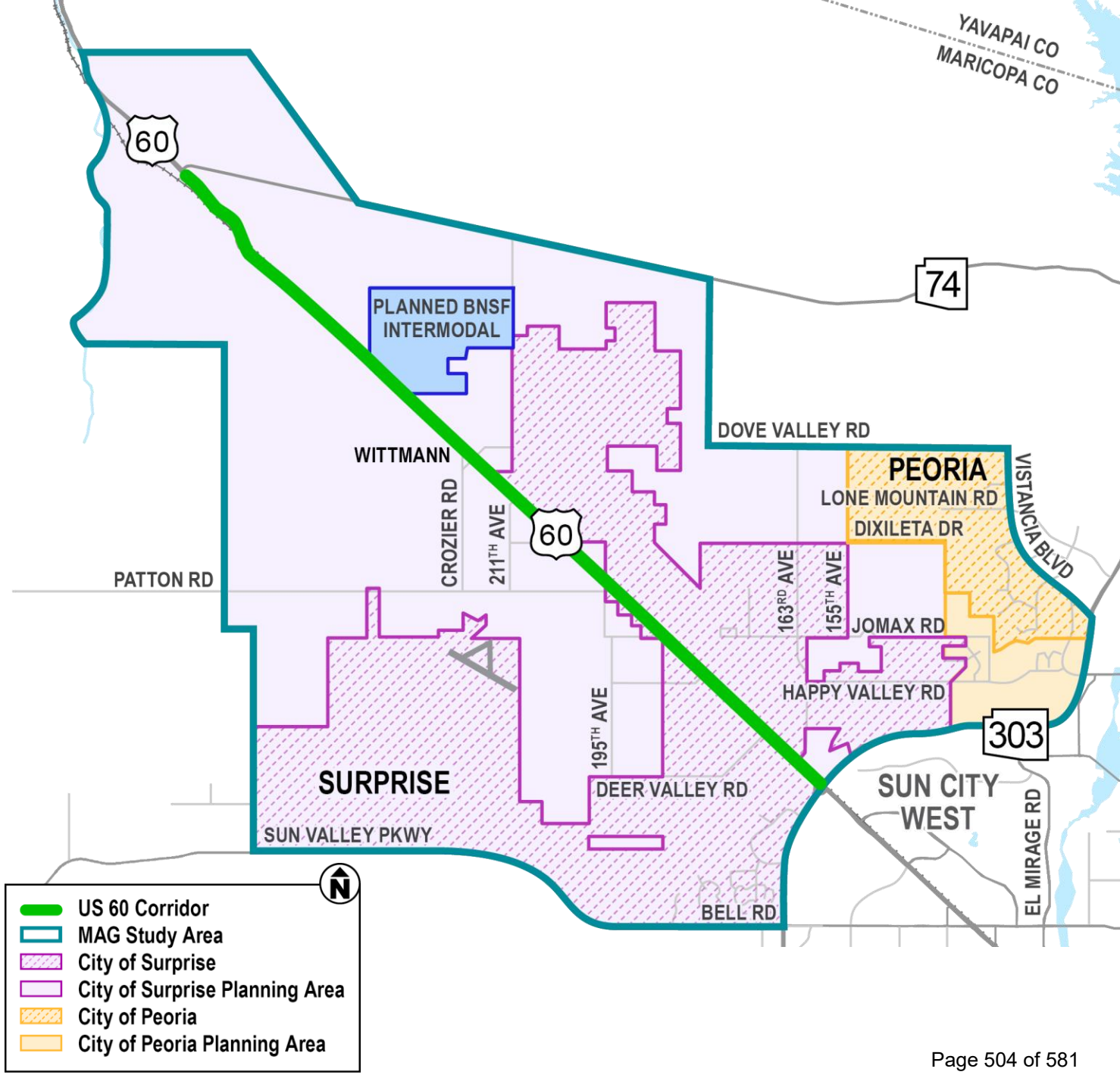
STUDY PURPOSE

- Identify where transportation improvements are needed
- Determine when they are needed



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BACKGROUND

- Stakeholders
- BNSF Considerations
- Schedule

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BACKGROUND
Stakeholders

ARIZONA DEPARTMENT OF TRANSPORTATION

SURPRISE ARIZONA

PEORIA ARIZONA

MARICOPA COUNTY

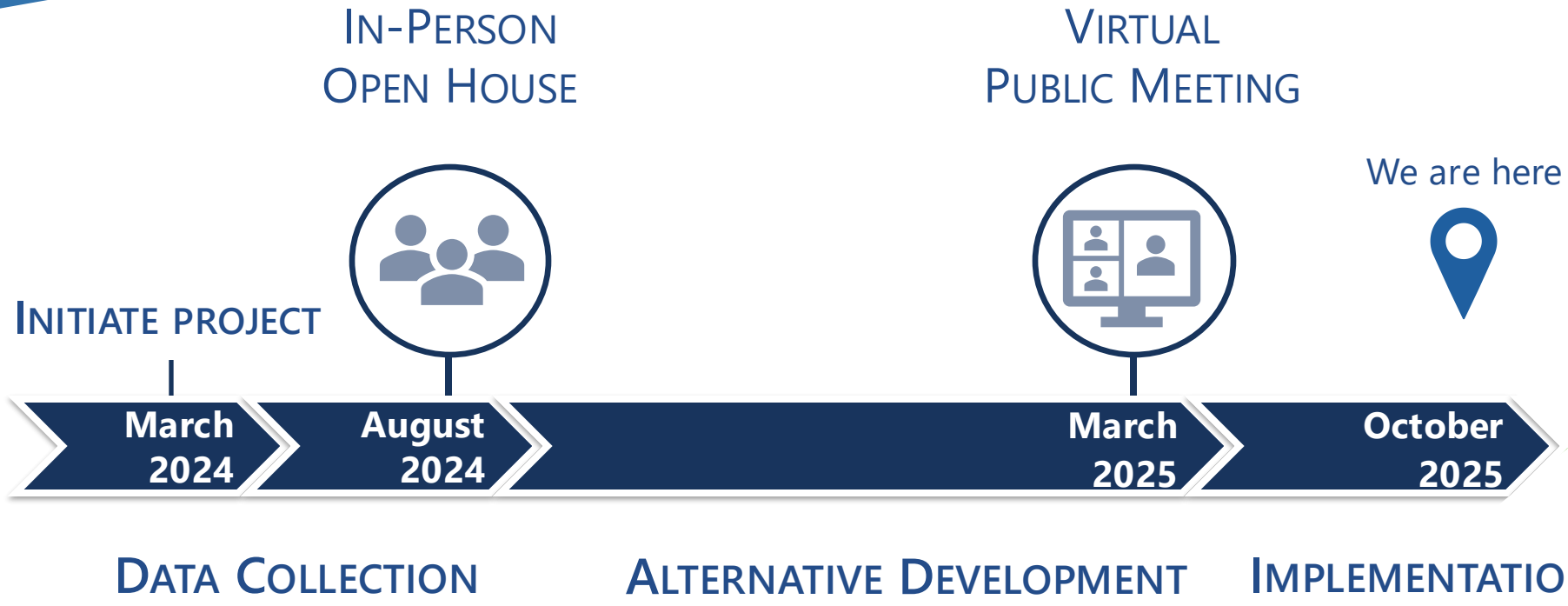
ARIZONA STATE LAND DEPARTMENT

BNSF RAILWAY

BACKGROUND
BNSF Considerations

- Study includes BNSF proposed multimodal logistic facility assumptions
- Grade separating roads over the railroad tracks is not addressed in this study

BACKGROUND
Schedule



BACKGROUND
Public Open House
August 14, 2024

150 attendees

76 comments from online interactive map

HIGHEST PRIORITIES

1. Traffic congestion
2. Access
3. Safety

KEY FINDINGS

- Growth
- Existing congestion
- Demand for Loop 303 interchanges
- General Plan highway networks

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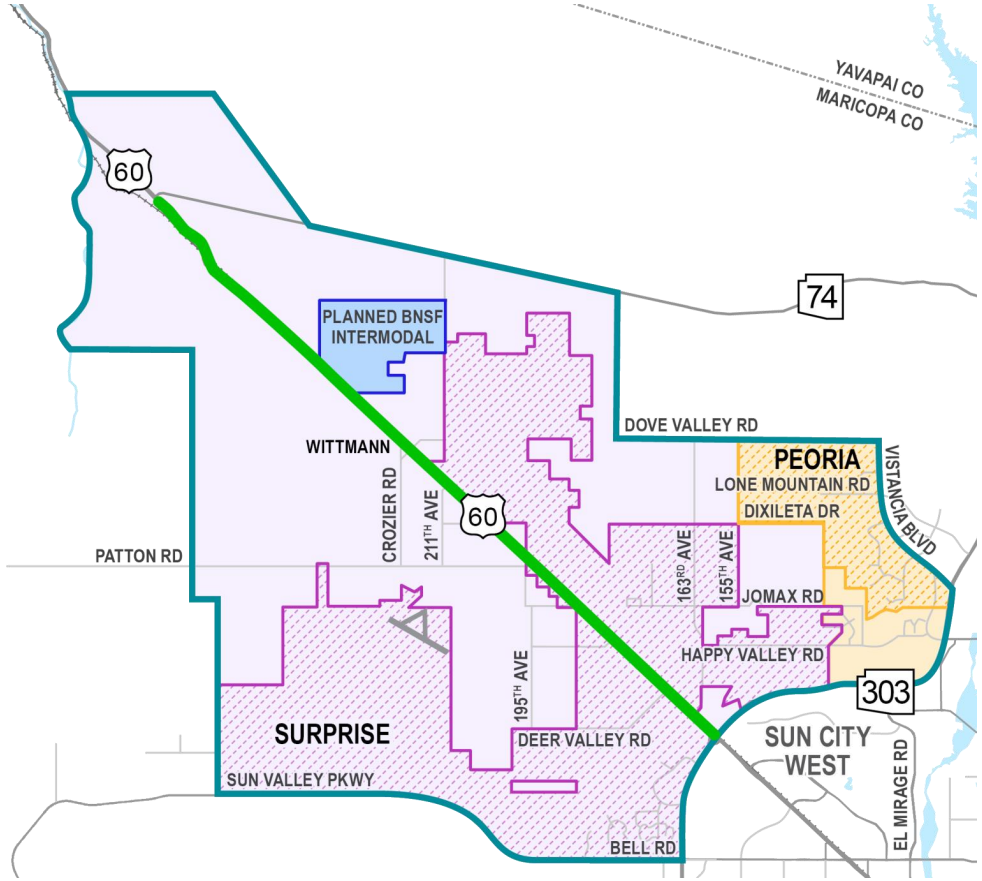
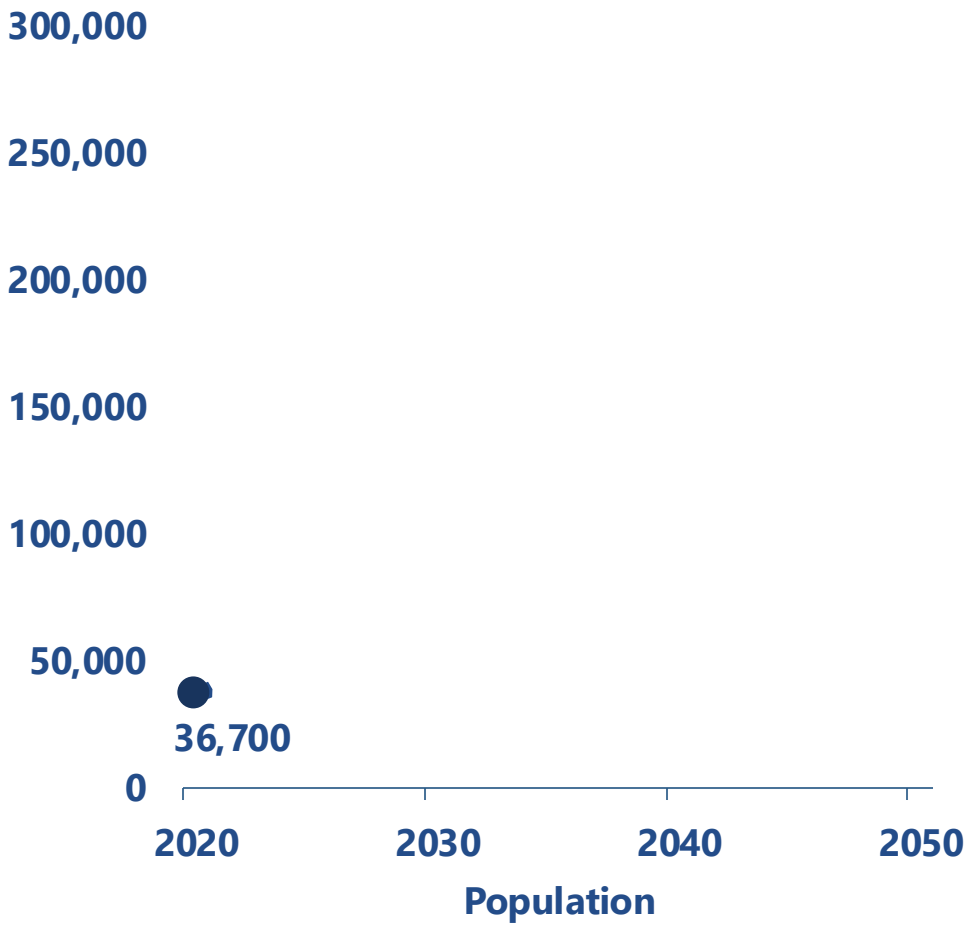
KEY FINDINGS
Growth

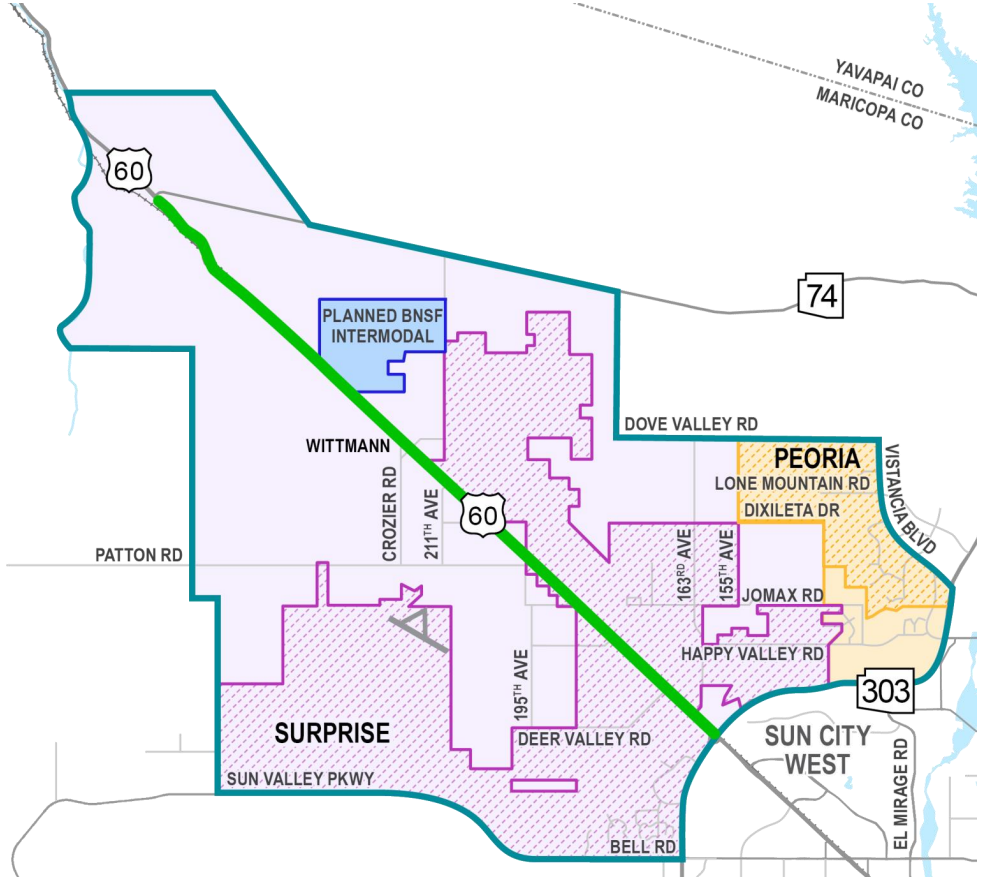


Population growth 2020 - 2050

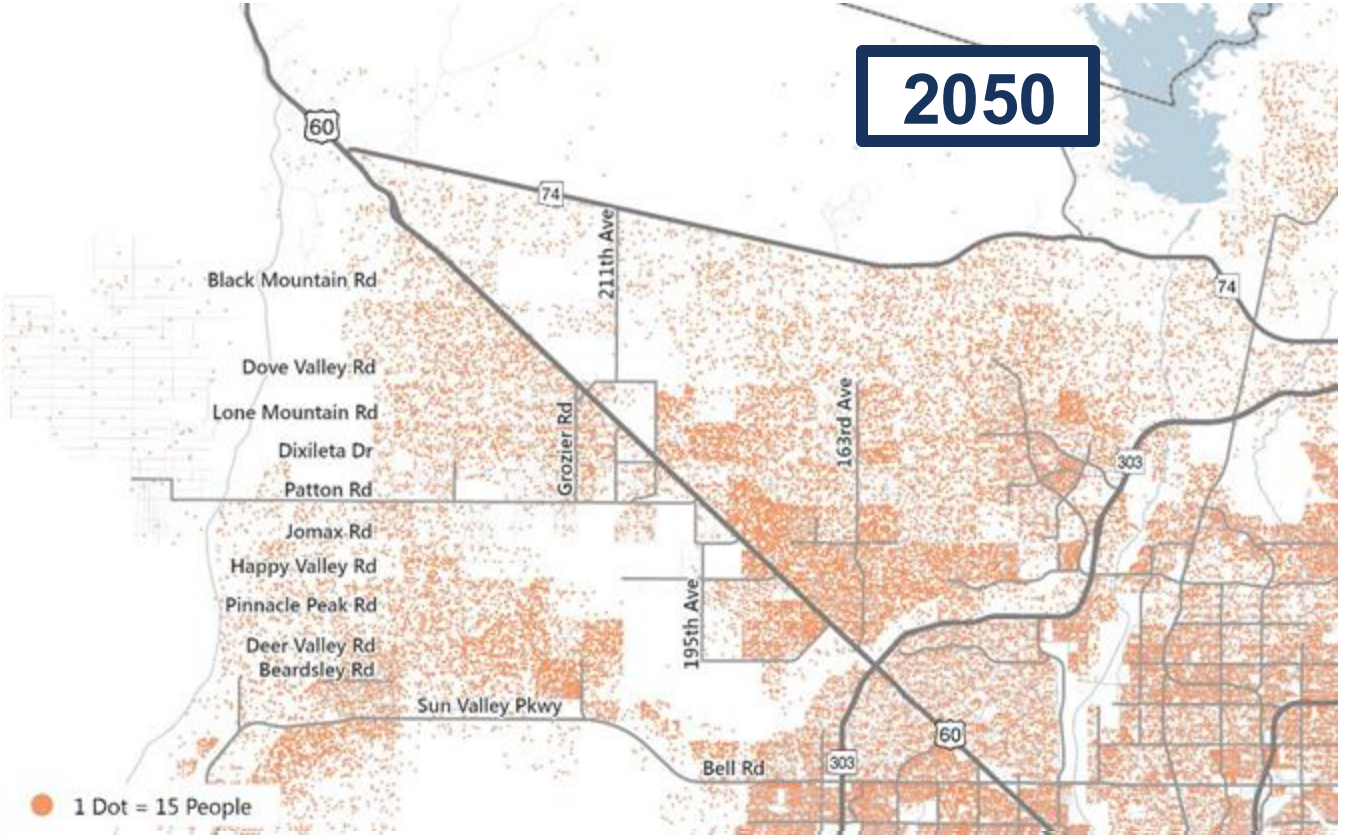


MARICOPA ASSOCIATION of GOVERNMENTS

KEY FINDINGS
Growth

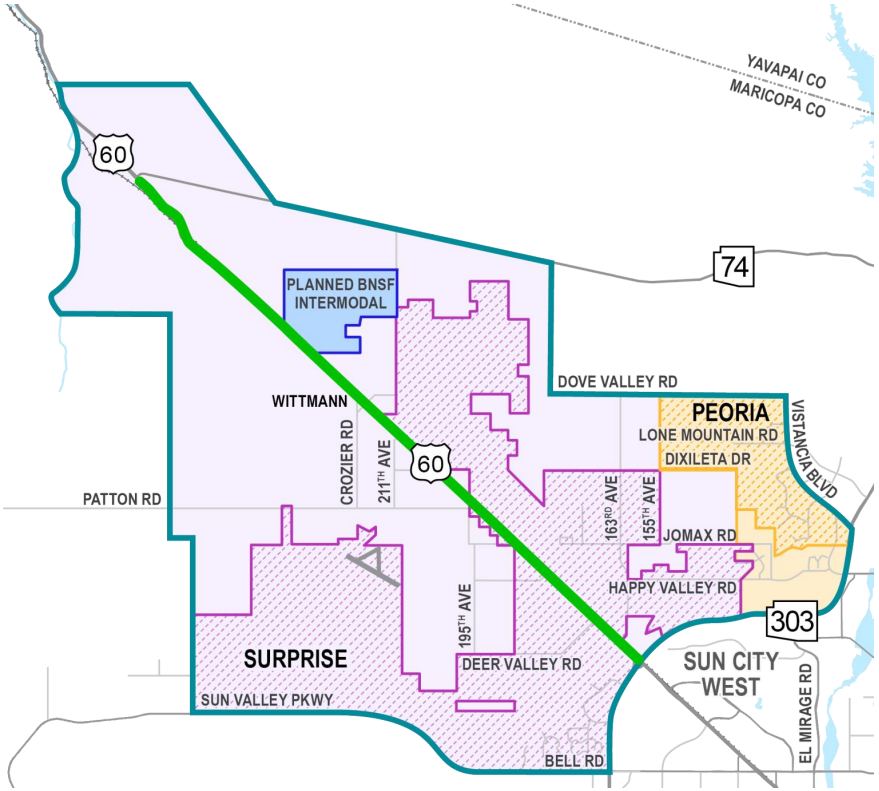


Population growth 2020 - 2050

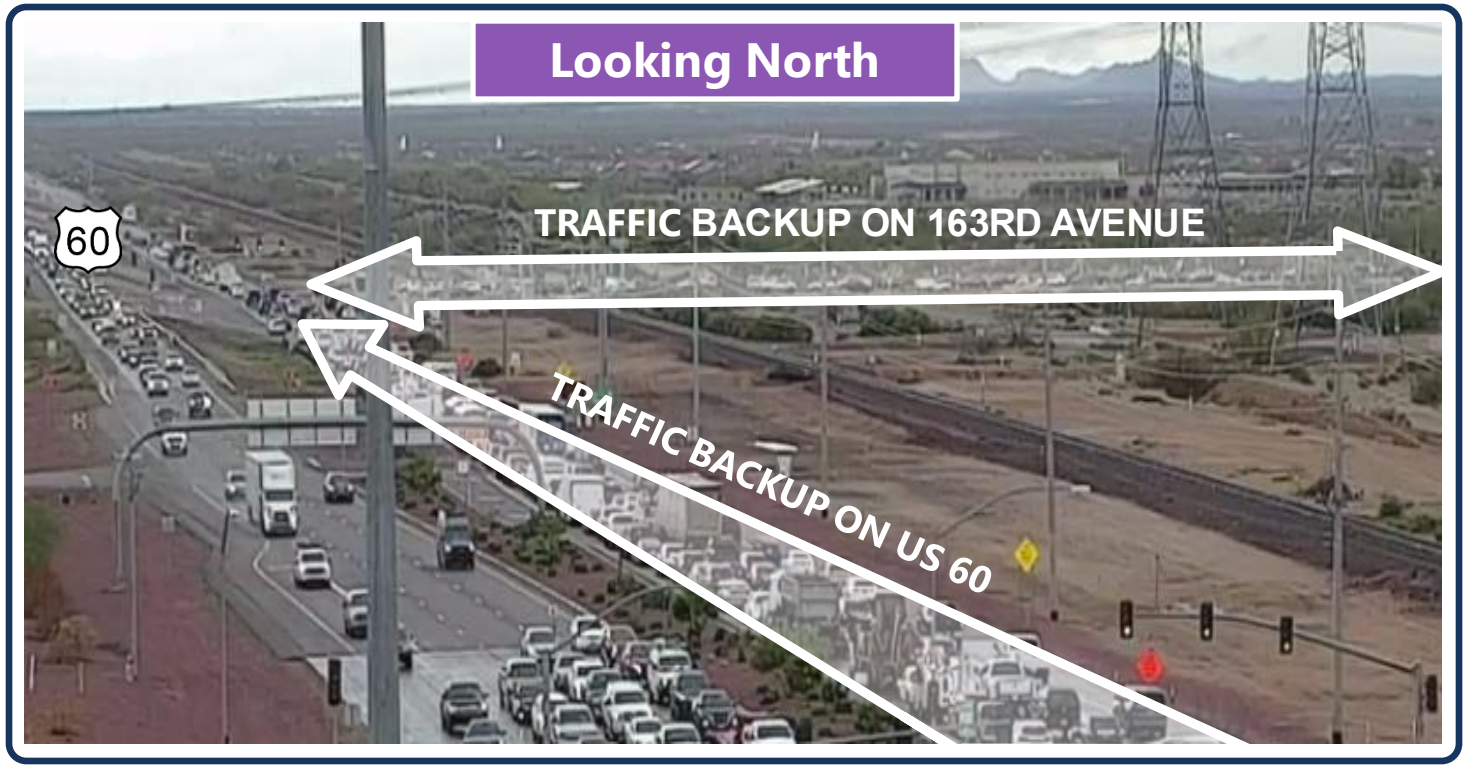


MARICOPA ASSOCIATION of GOVERNMENTS

KEY FINDINGS
Existing Congestion

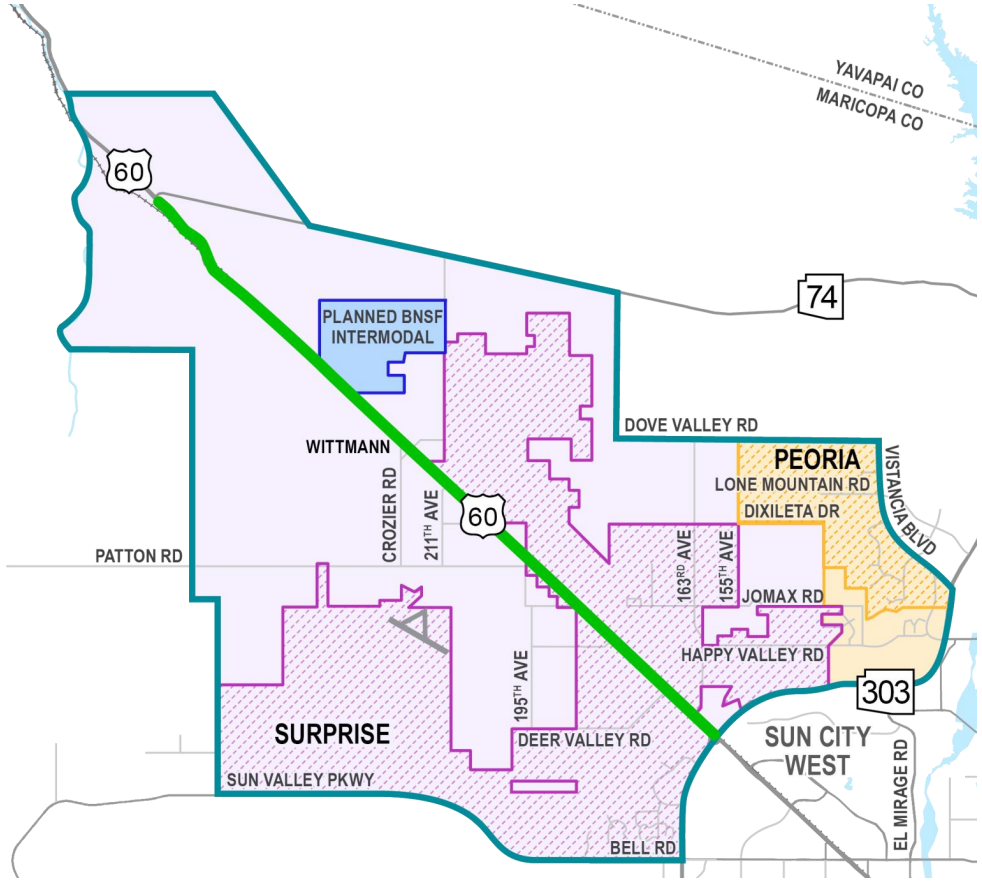


US 60 (Grand Ave) South of 163rd Avenue

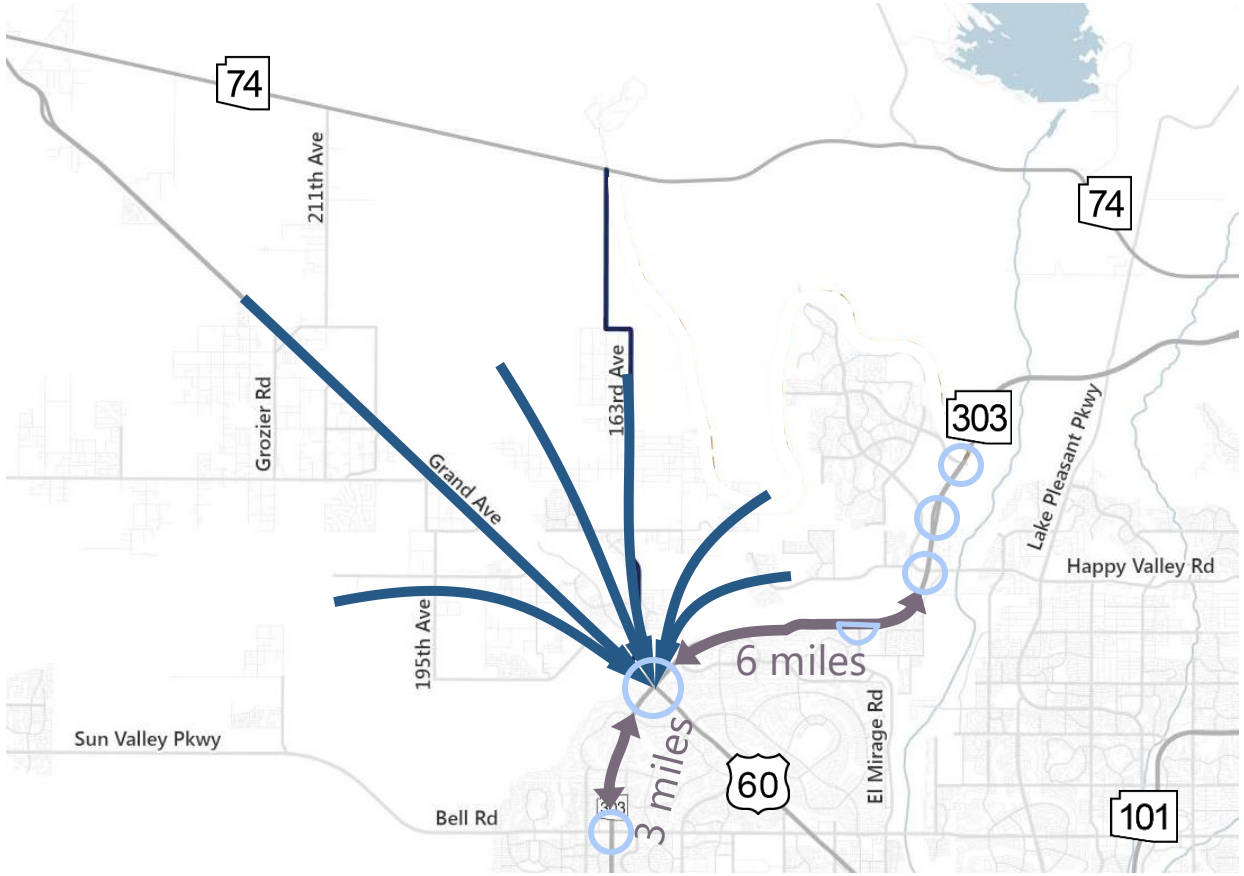


MARICOPA ASSOCIATION of GOVERNMENTS

KEY FINDINGS
Existing Congestion



Existing study area freeway interchanges



MARICOPA ASSOCIATION of GOVERNMENTS

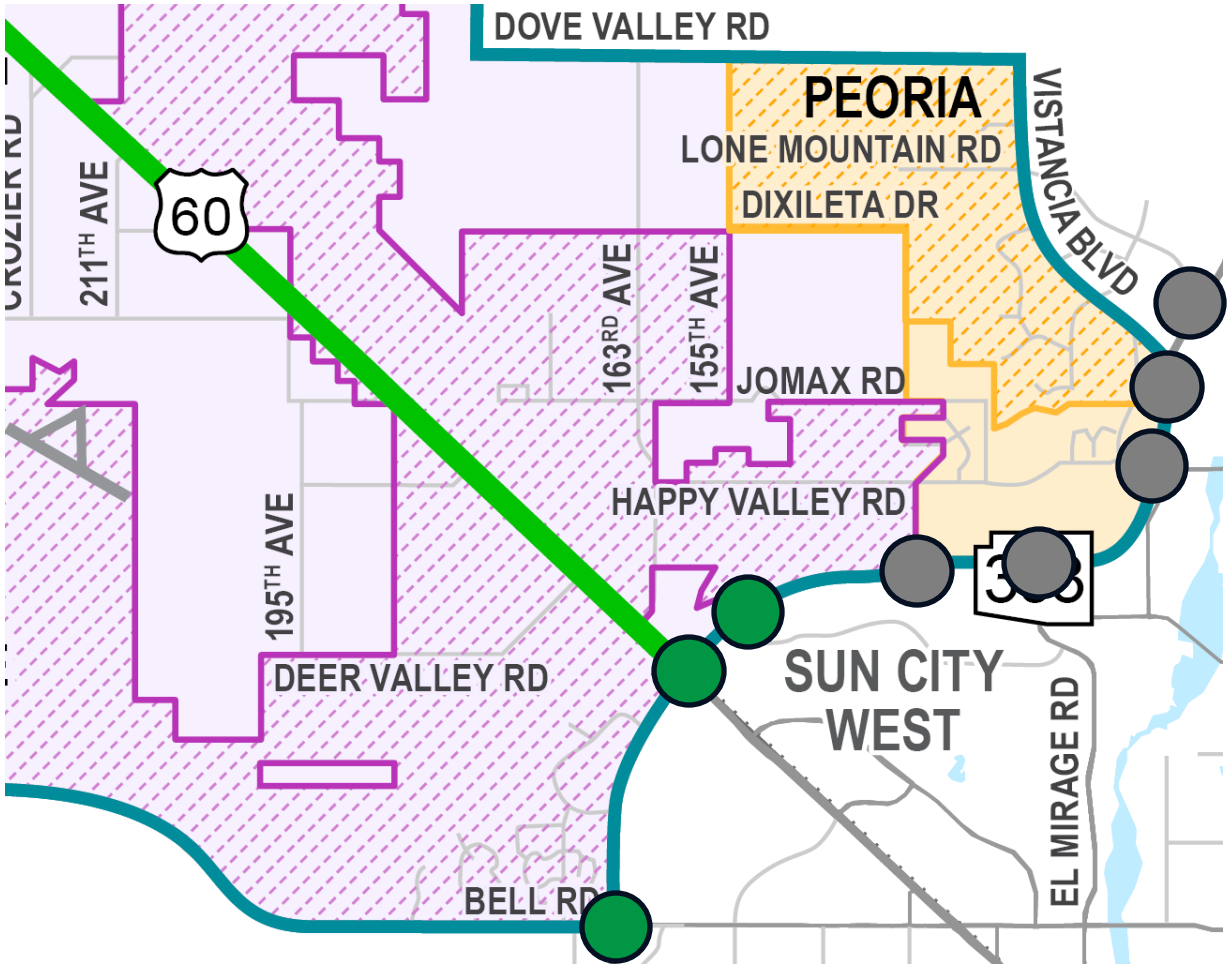
KEY FINDINGS
Demand for Loop 303 Interchanges

West interchanges:
will serve 297,000 study area vehicles per day in 2050

East interchanges:
will serve 156,000 study area vehicles by 2050

West interchanges present a more difficult challenge

Future Loop 303 Interchanges

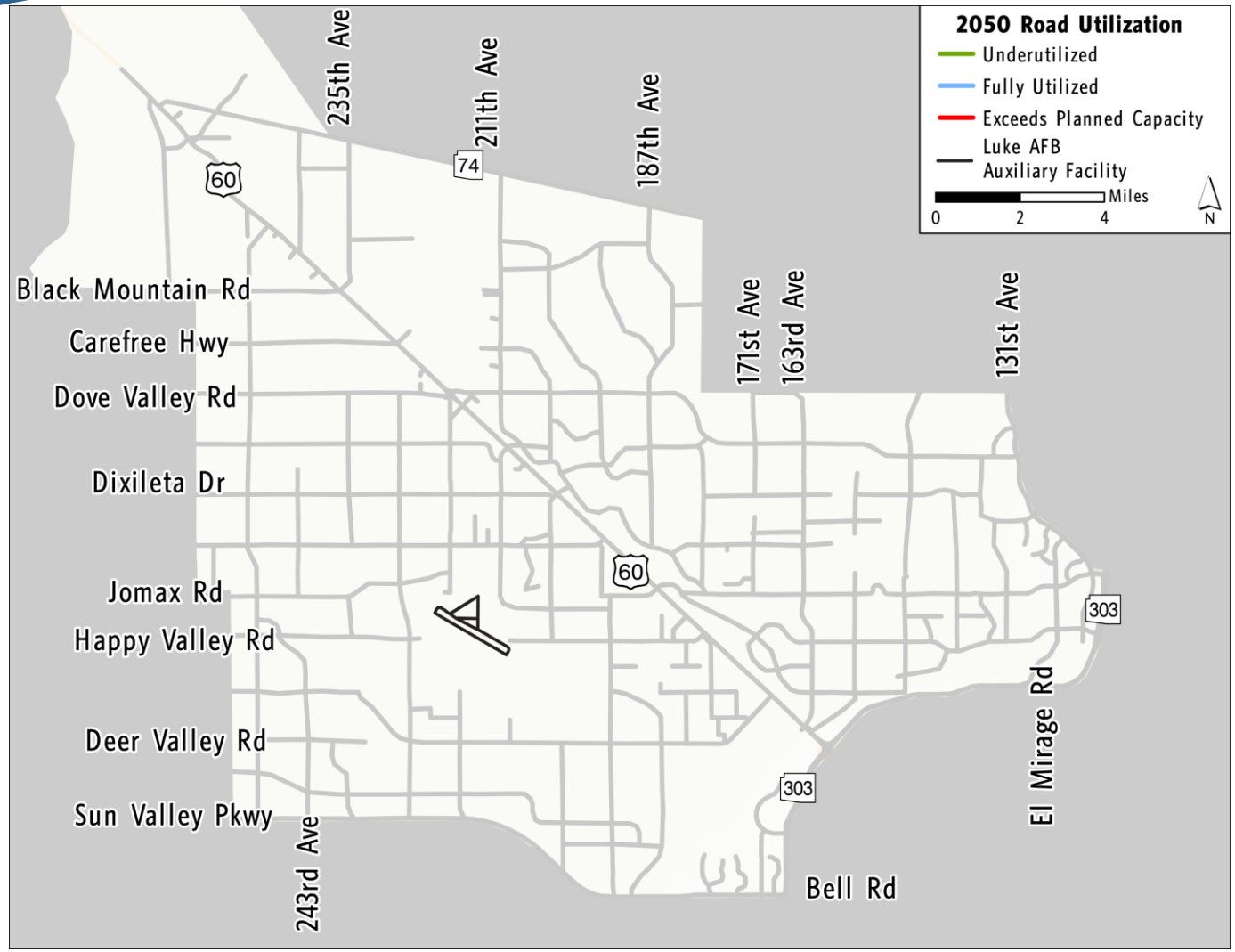


MARICOPA ASSOCIATION of GOVERNMENTS

KEY FINDINGS
General Plan Road Network

General Plan road networks:

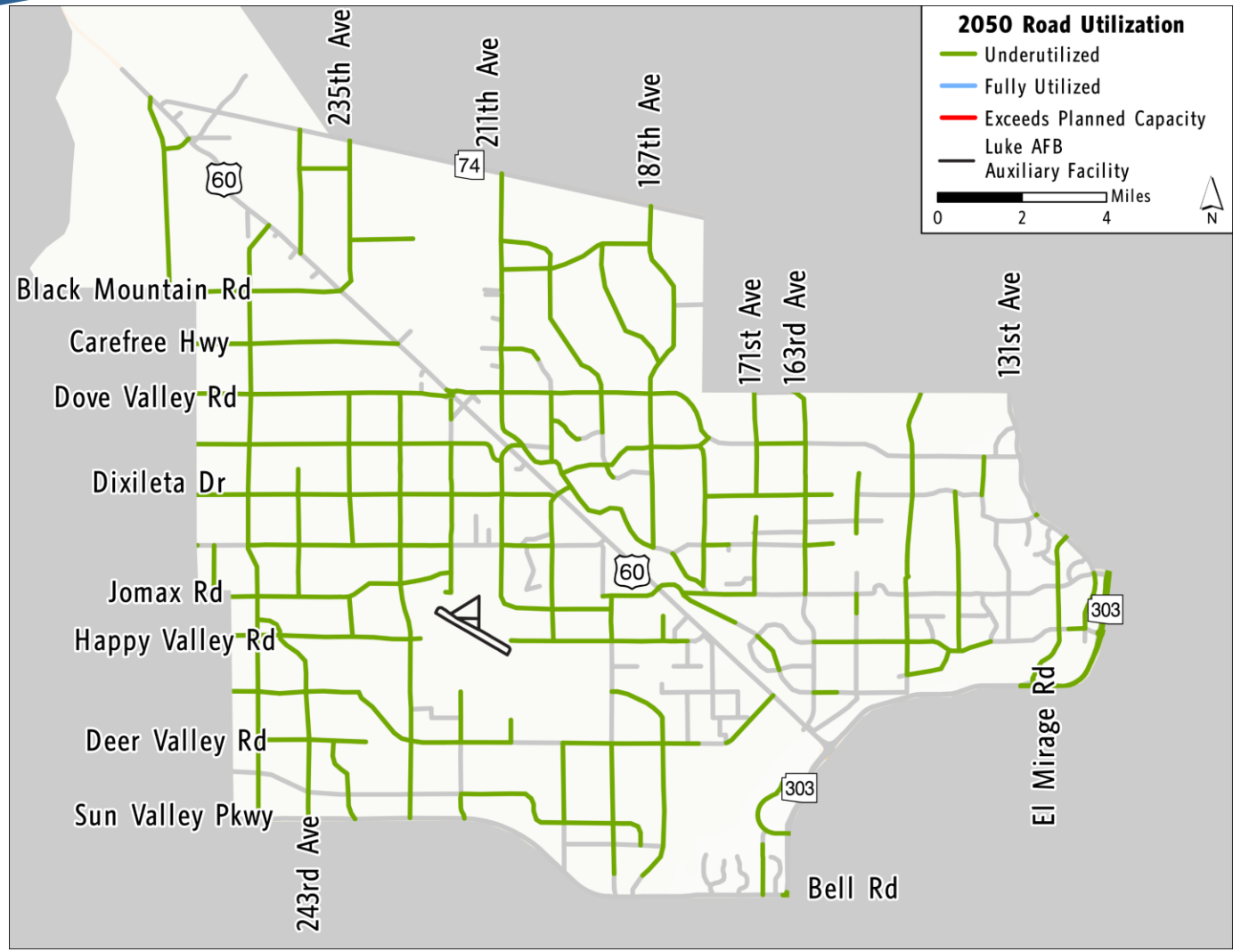
- Streets planned by local jurisdictions
- Ultimate road widths specified in general plans
- Most built in phases by developers



MARICOPA ASSOCIATION of GOVERNMENTS

KEY FINDINGS
General Plan Road Network

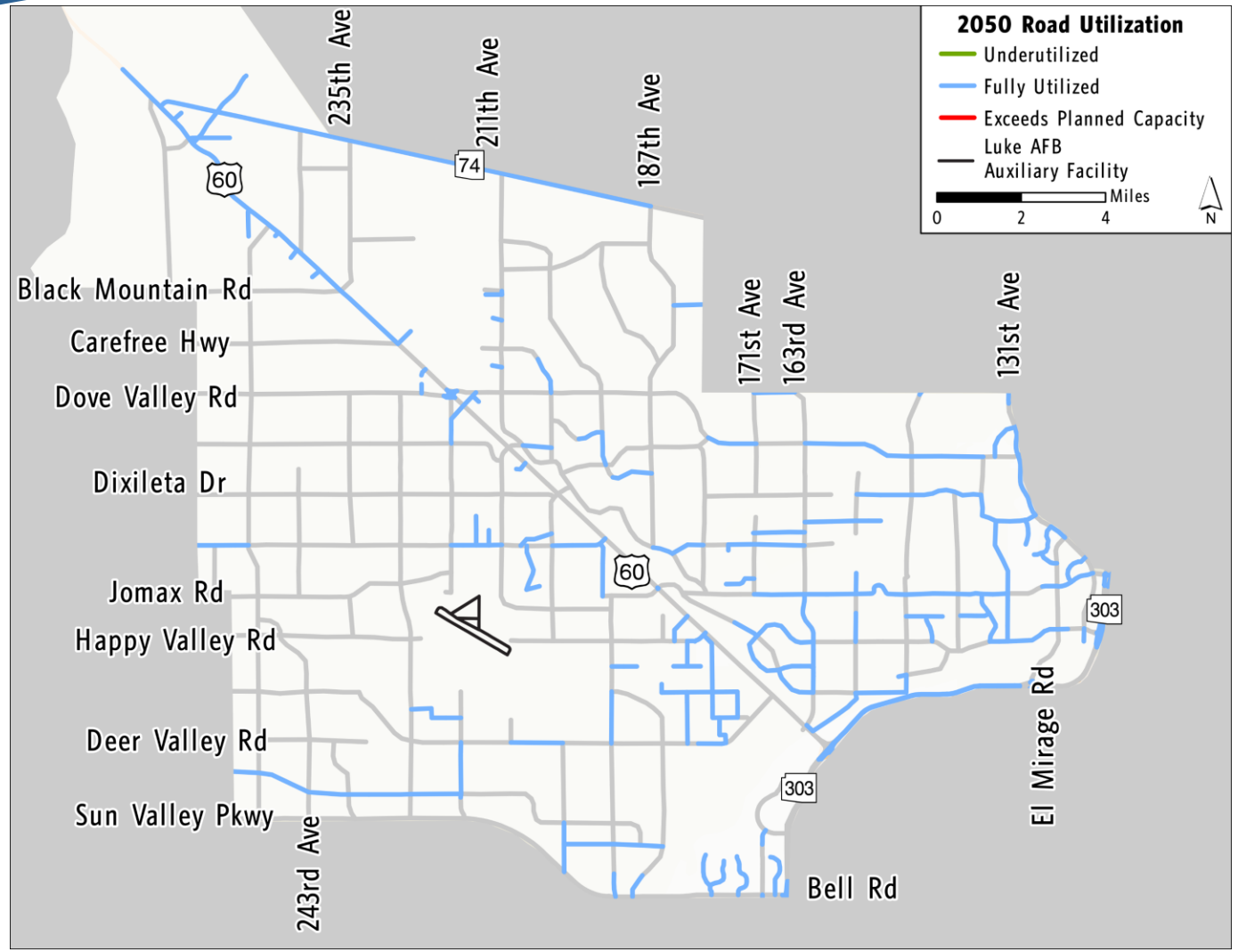
- Many streets underutilized in 2050
- Not every improvement is needed by 2050



MARICOPA ASSOCIATION of GOVERNMENTS

KEY FINDINGS
General Plan Road Network

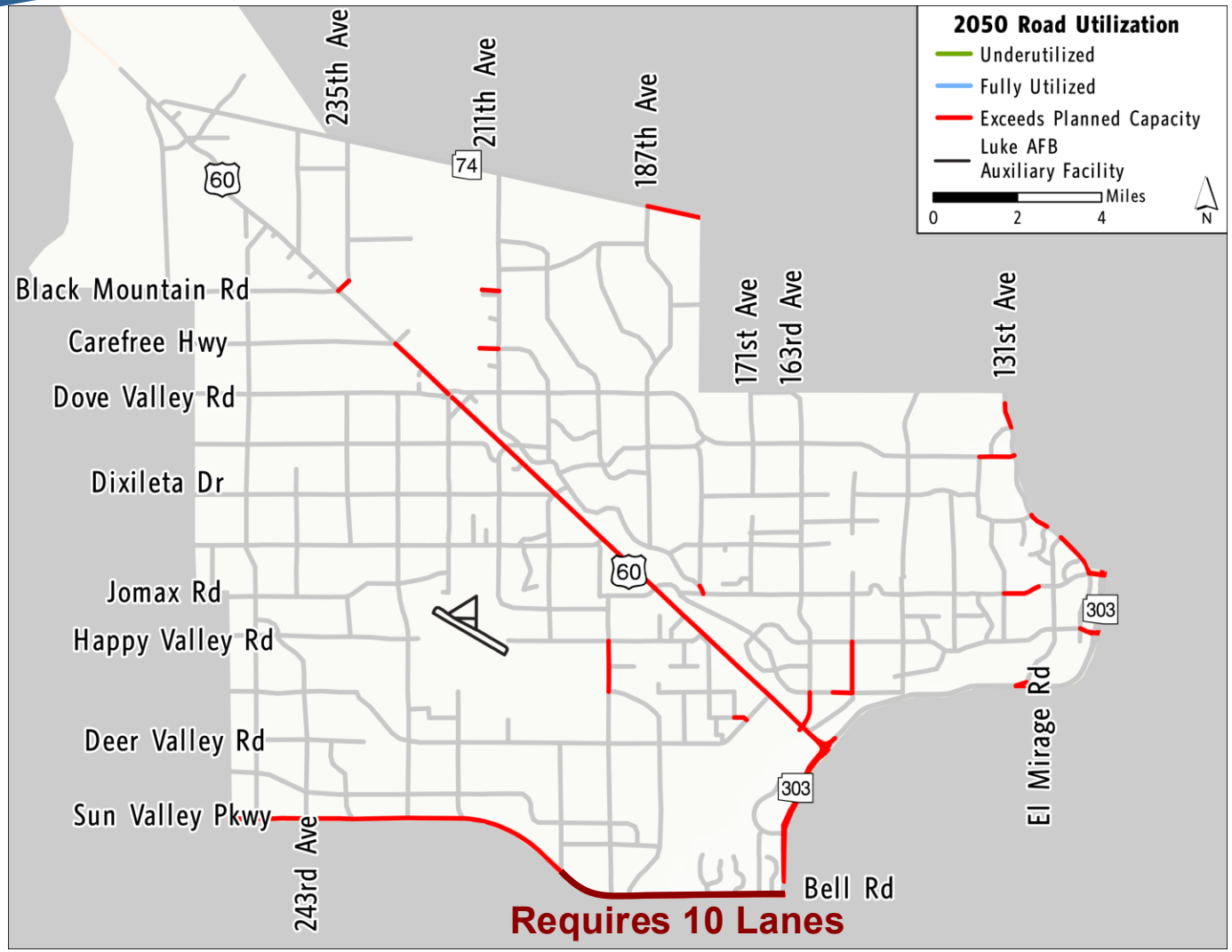
- Some streets would require full general plan capacity by 2050



MARICOPA ASSOCIATION of GOVERNMENTS

KEY FINDINGS
General Plan Road Network

- Some streets would require more capacity than the general plan allows

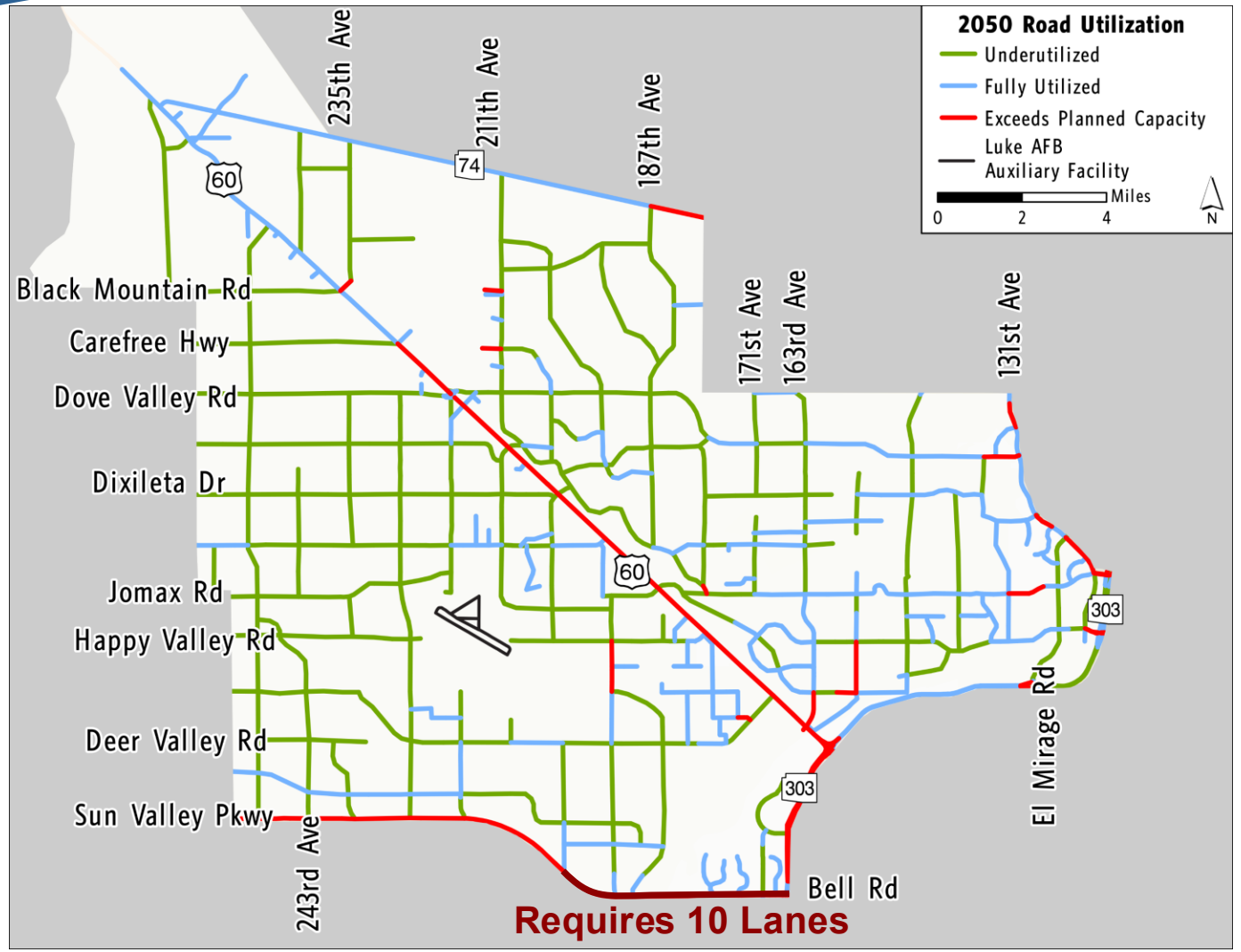


KEY FINDINGS
General Plan Road Network

- Many streets underutilized in 2050
- Not every improvement is needed by 2050

- Some streets would require full general plan capacity by 2050

- Some streets would require more capacity than the general plan allows

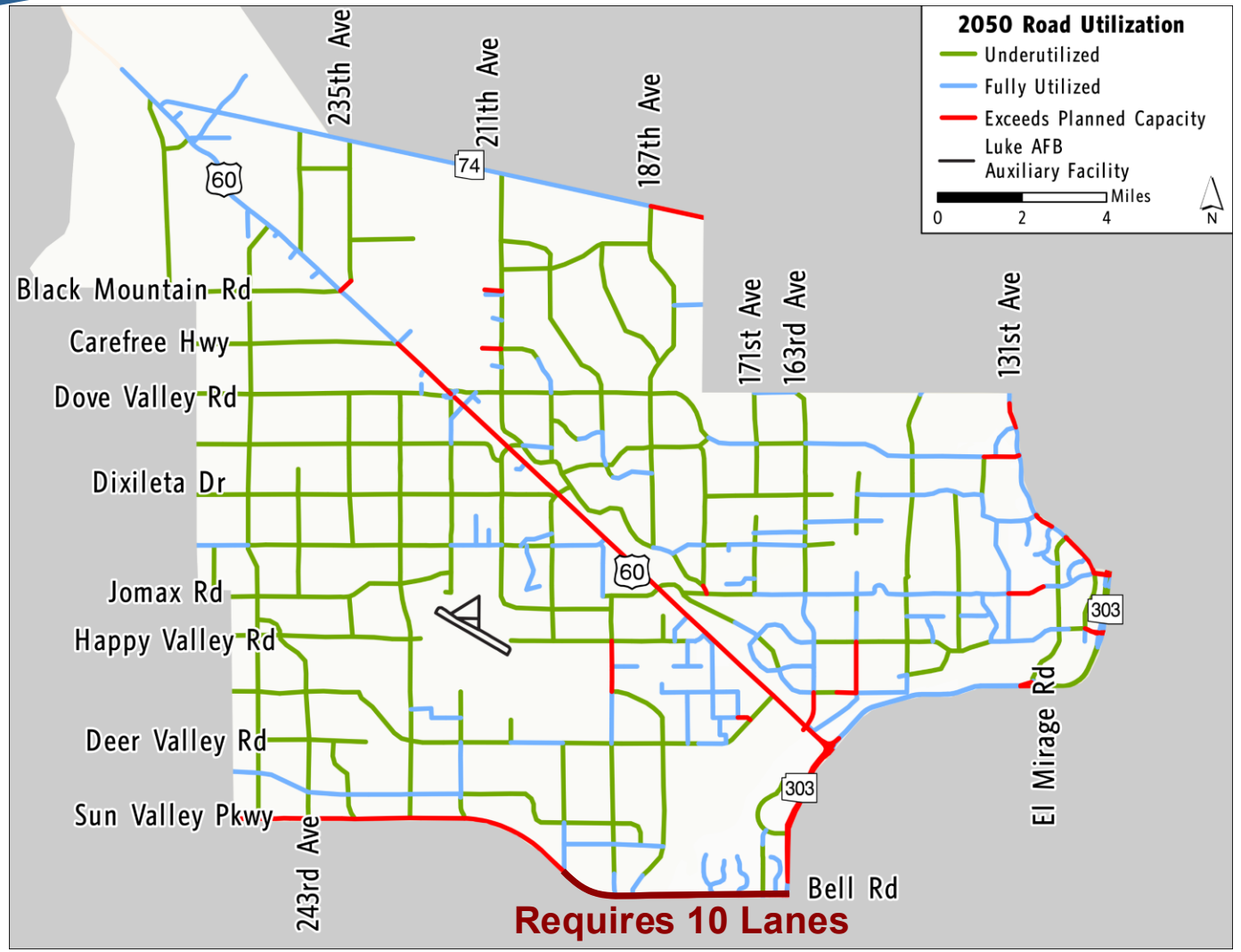


MARICOPA ASSOCIATION of GOVERNMENTS

KEY FINDINGS
General Plan Road Network

Study Purpose:

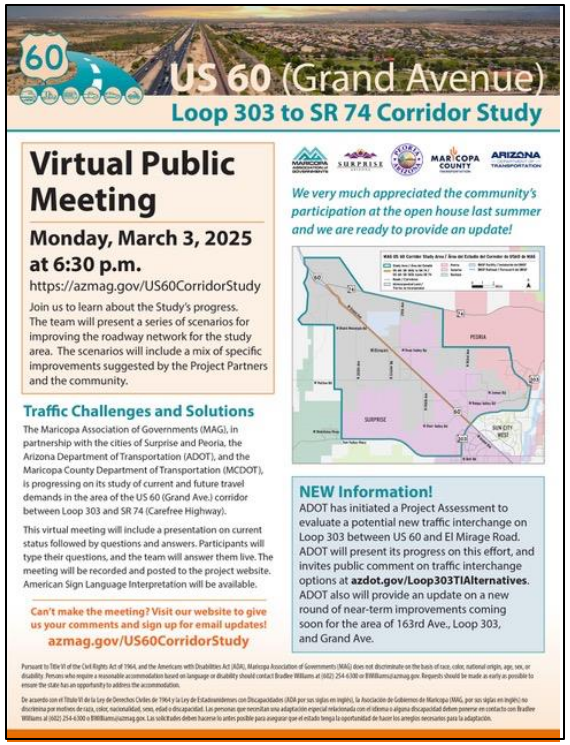
- Identify where transportation improvements are needed
- Determine when they are needed



MARICOPA ASSOCIATION of GOVERNMENTS

KEY FINDINGS
Virtual Public Meeting

	March 3, 2025
Submissions	249
Opinions on Alternative Solutions	4,811
Comments	616
Average Responses per Submission	22



MOST POPULAR ALTERNATIVES

- Improving access to Loop 303
- Improving access to US 60 (Grand Ave)

RECOMMENDATIONS

- Improve access to:
  - Loop 303 from US 60 (Grand Ave)
  - Other Loop 303 interchanges
  - US 60 (Grand Ave) from arterial streets
- Implement an Access Management Plan for US 60 (Grand Ave)

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RECOMMENDATIONS
Access to Loop 303 from US 60 (Grand Ave)

THREE-STEP PROCESS

Step 1: Implement small improvements

Step 2: Build the 155th Avenue/Loop 303 interchange

Step 3: Build major upgrades

RECOMMENDATIONS
Access to Loop 303 from US 60 (Grand Ave)

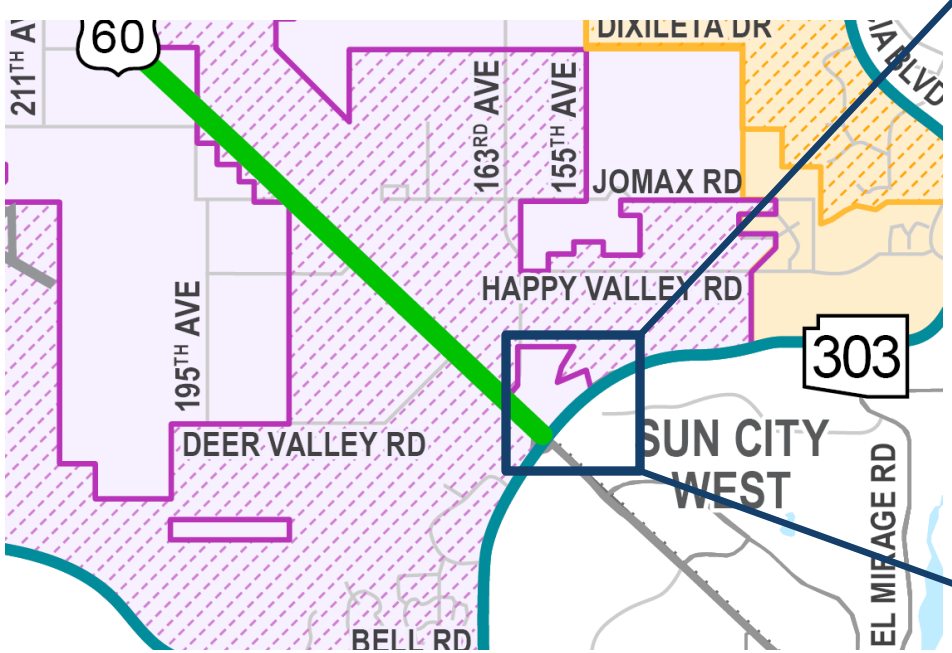
THREE-STEP PROCESS

Step 1: Implement small improvements

RECOMMENDATIONS
Access to Loop 303 from US 60 (Grand Ave)

THREE-STEP PROCESS

Step 2: Build the 155th Avenue/Loop 303 interchange



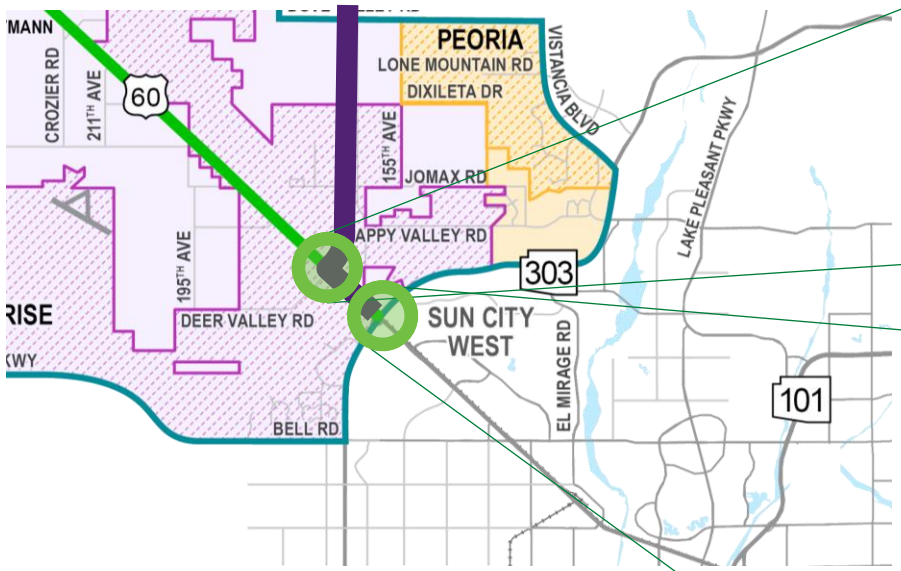
155th Avenue/Loop 303 interchange concept

MARICOPA ASSOCIATION of GOVERNMENTS

RECOMMENDATIONS
Access to Loop 303 from US 60 (Grand Ave)

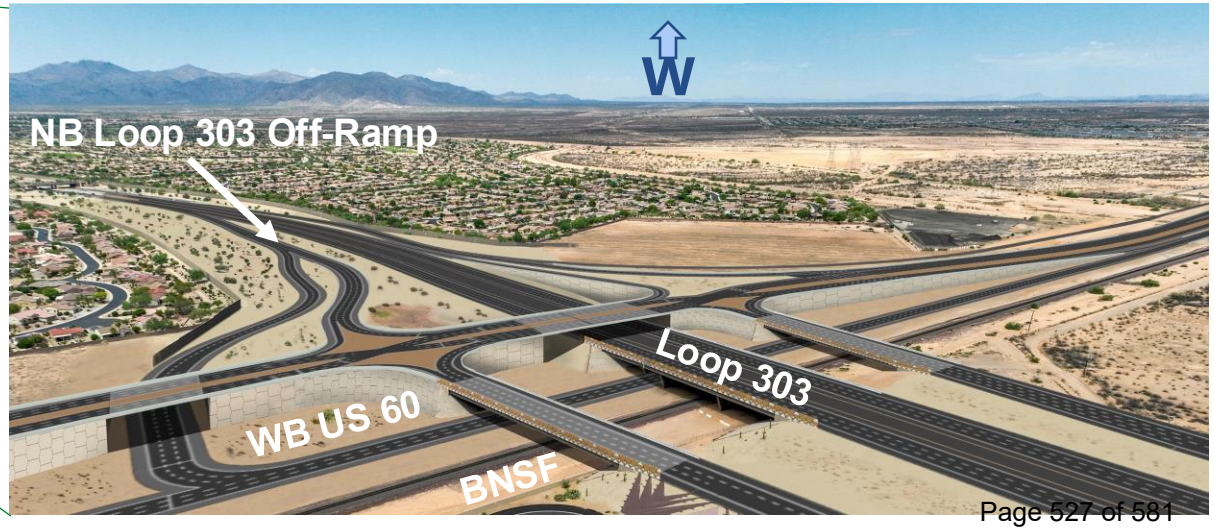
THREE-STEP PROCESS

Step 3: Build major upgrades



US 60 (Grand Ave)/163rd Avenue Intersection

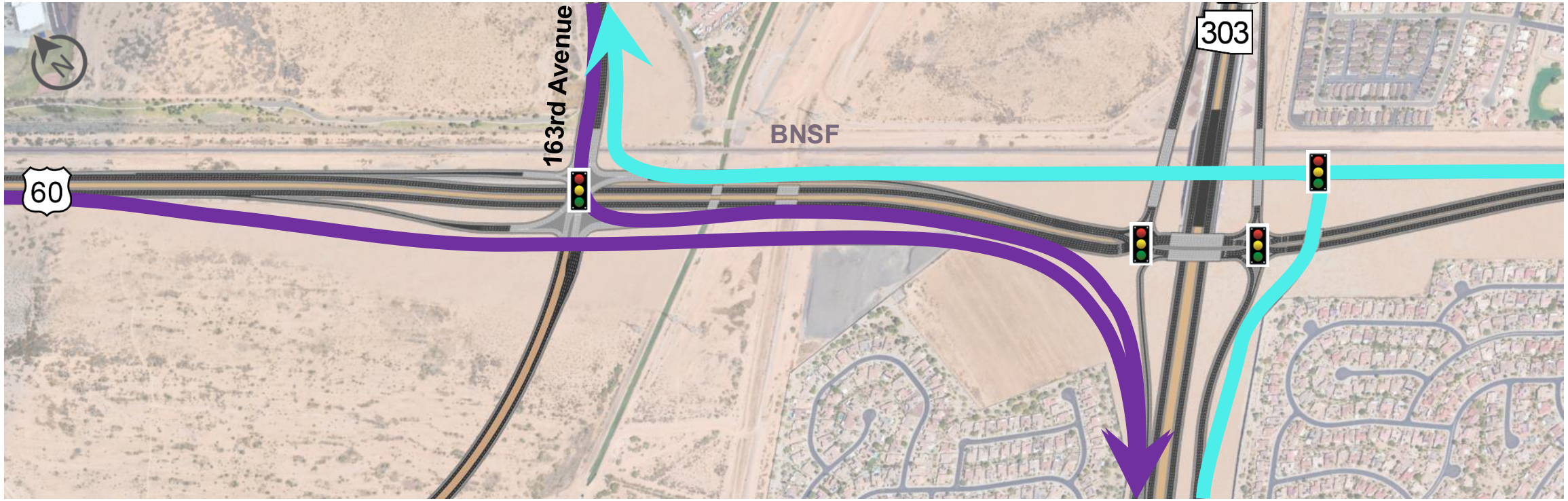
US 60 (Grand Ave)/Loop 303 Interchange



RECOMMENDATIONS
Access to Loop 303 from US 60 (Grand Ave)

Step 3: Build major upgrades

US 60 (Grand Ave)/163rd Avenue Intersection and US 60 (Grand Ave)/Loop 303 Interchange



MARICOPA ASSOCIATION of GOVERNMENTS

RECOMMENDATIONS
Access to Loop 303 from US 60 (Grand Ave)

THREE-STEP PROCESS

STATUS

Step 1: Implement small improvements

Construction of last minor improvements nearly finished

Step 2: Build the 155th Avenue/Loop 303 interchange

Design begins early 2026, programmed for construction in 2028

Step 3: Build major upgrades

Design begins in 2026, construction begins in Phase II of Prop 479

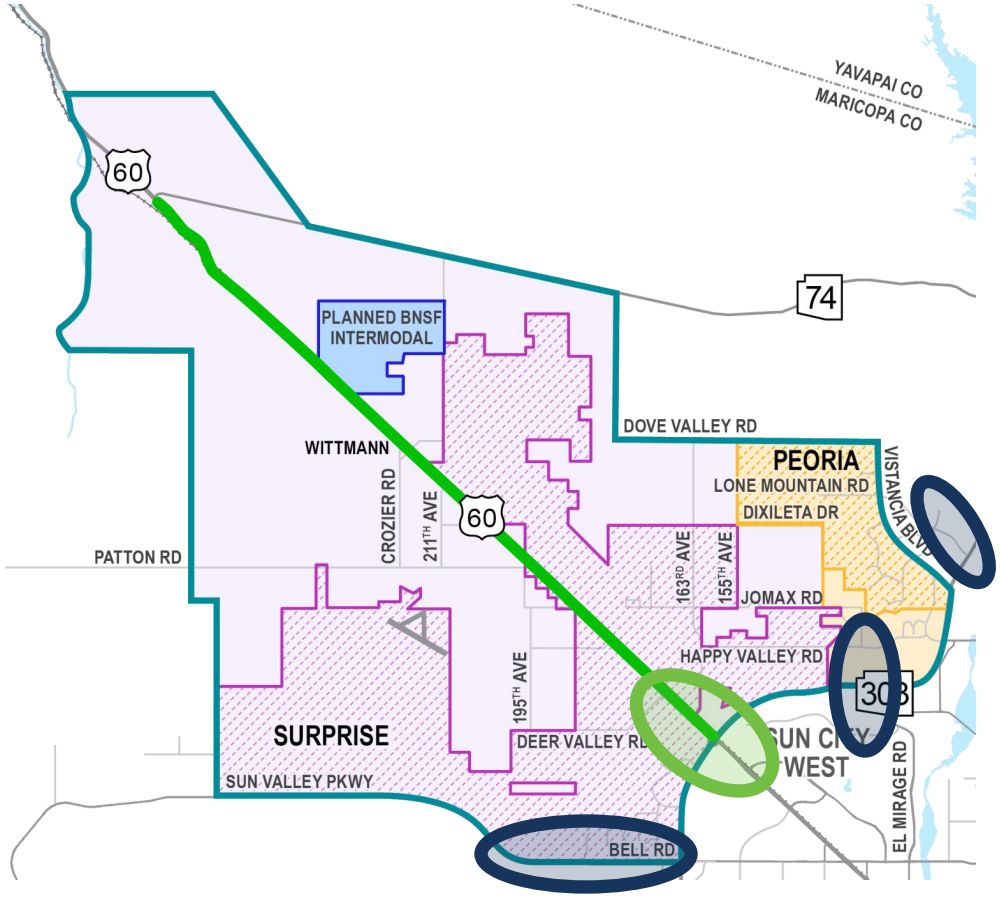
RECOMMENDATIONS
Access to Other Loop 303 Interchanges

Existing Need

US 60 (Grand Ave) at Loop 303

Future Needs

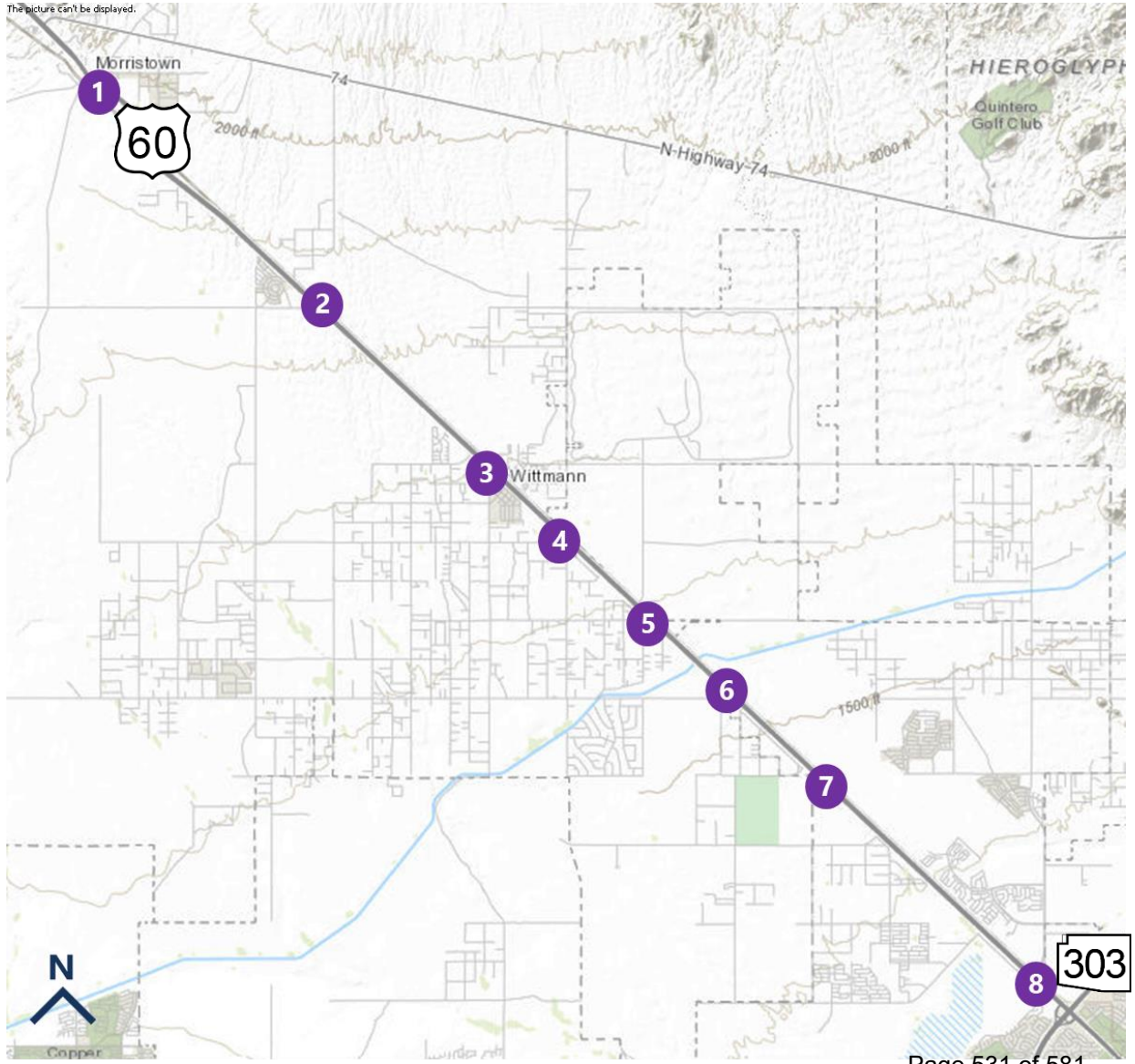
- Bell Road
- El Mirage Road
- Lone Mountain Road



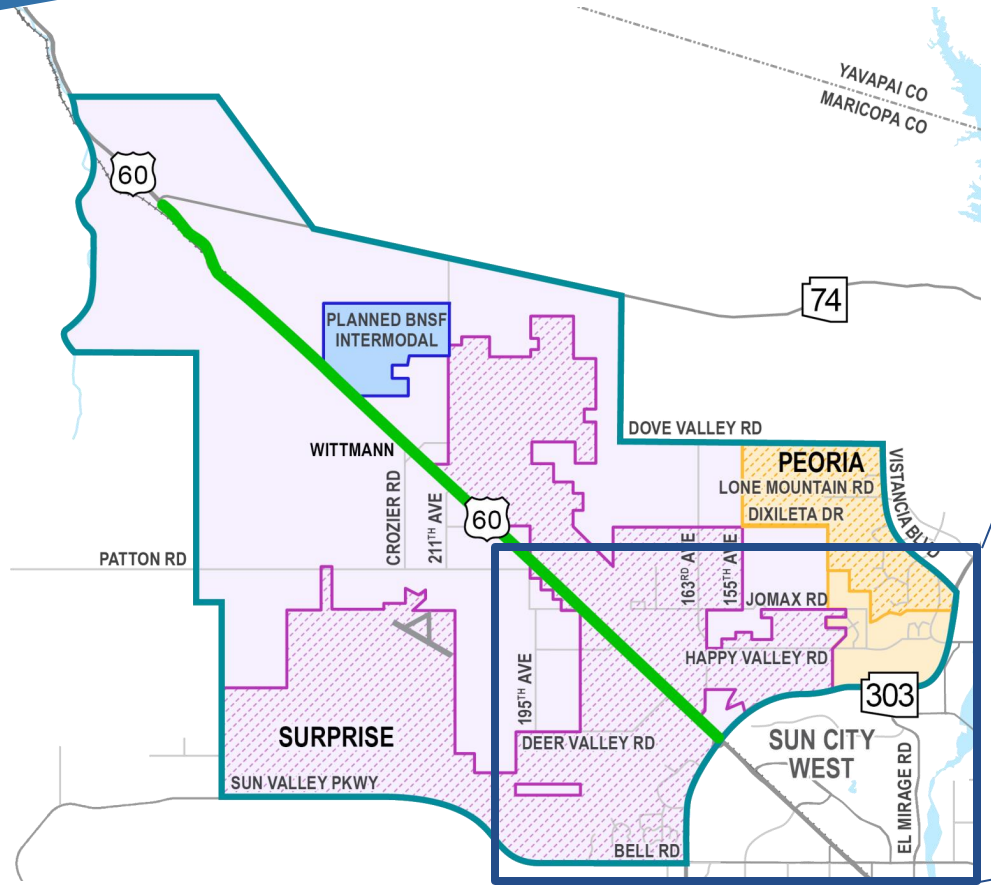
MARICOPA ASSOCIATION of GOVERNMENTS

RECOMMENDATIONS
Access Management along US 60

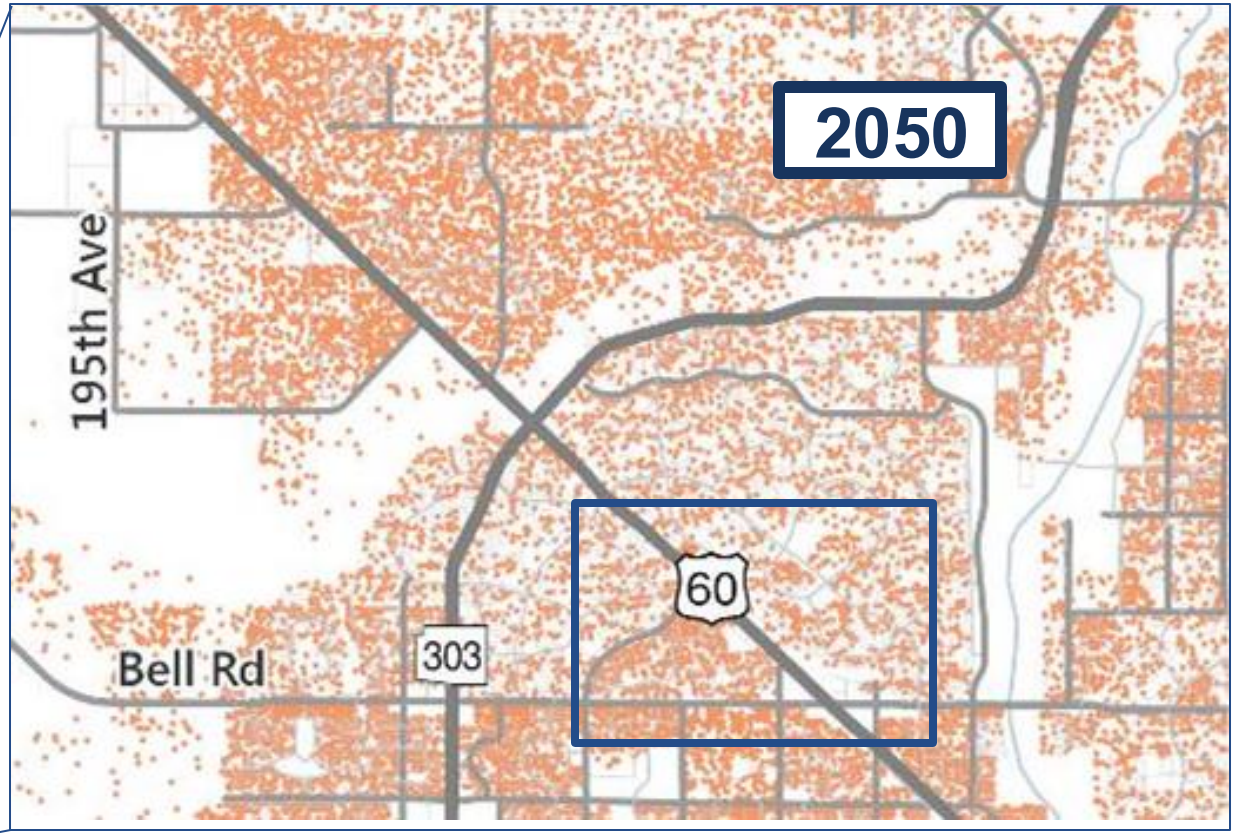
- Eight opportunities to access and cross US 60 (Grand Ave)
- Ensure key access points crossing US 60 (Grand Ave) are available when needed



RECOMMENDATIONS
Access Management for southern portion of US 60 (Grand Ave)



Population growth 2020 - 2050

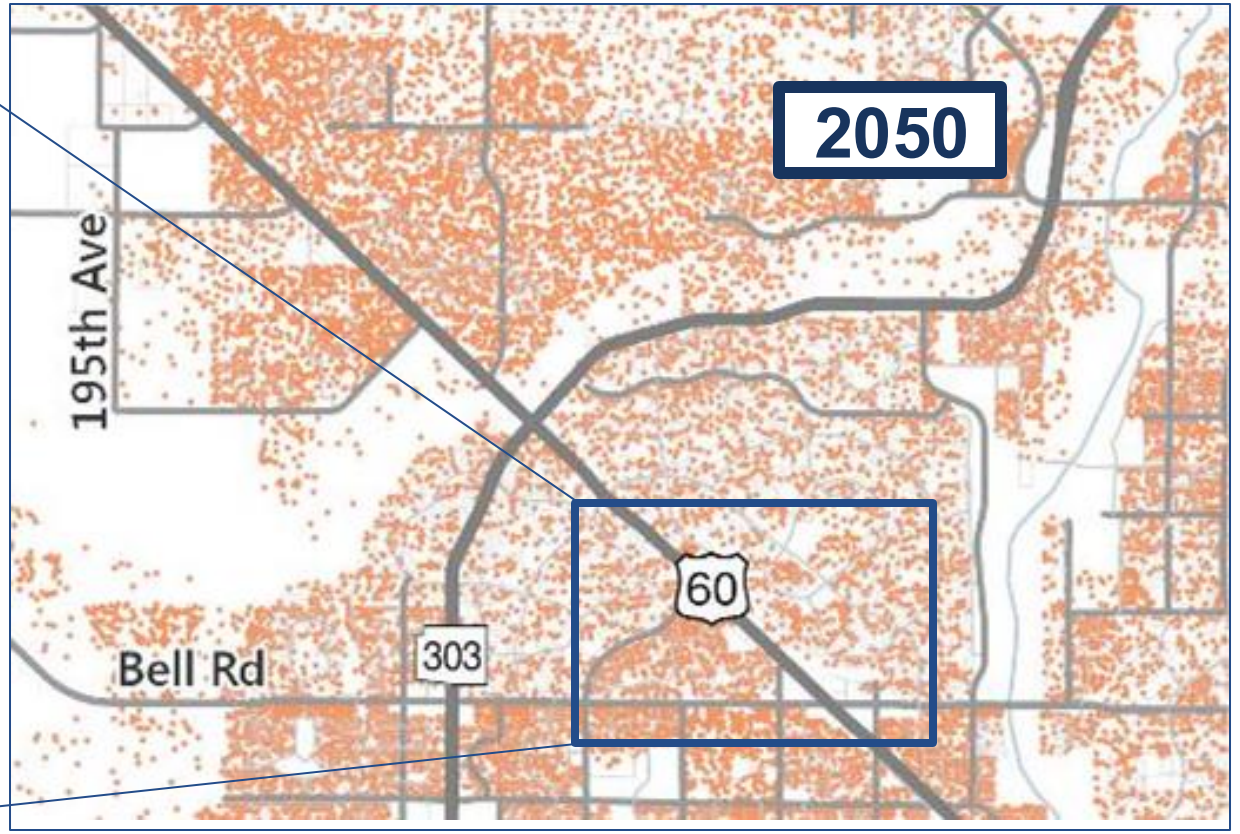


MARICOPA ASSOCIATION of GOVERNMENTS

RECOMMENDATIONS
Access Management for southern portion of US 60 (Grand Ave)

US 60 Between Reems Road and Bell Road

Population growth 2020 - 2050



MARICOPA ASSOCIATION of GOVERNMENTS

RECOMMENDATIONS
Access Management for southern portion of US 60 (Grand Ave)

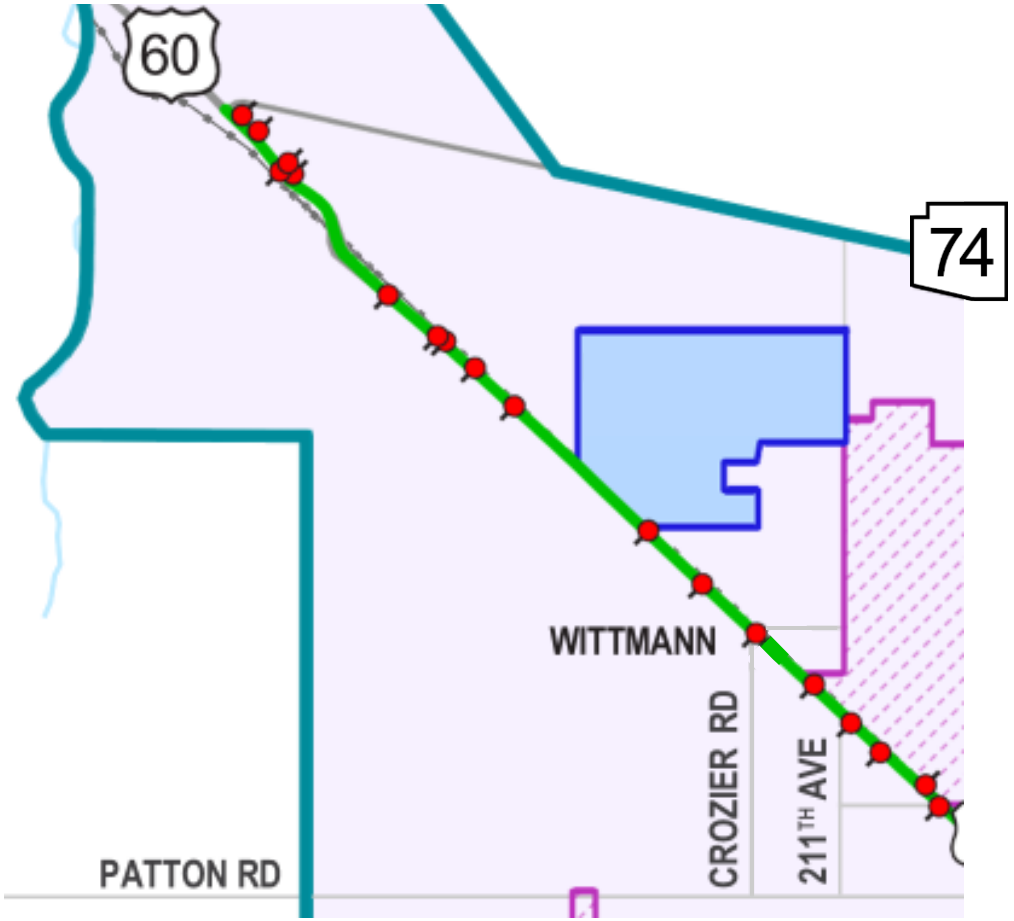
US 60 Between Reems Road and Bell Road

- High density of development
- Frequent signalized intersections
- Unsignalized driveways
- Reduced speed limits

RECOMMENDATIONS
Access Management for northern portion of US 60 (Grand Ave)

- Rural environment
- High speed limits
- Growing truck volumes
- Focus on safety

Existing Access Points Along US 60

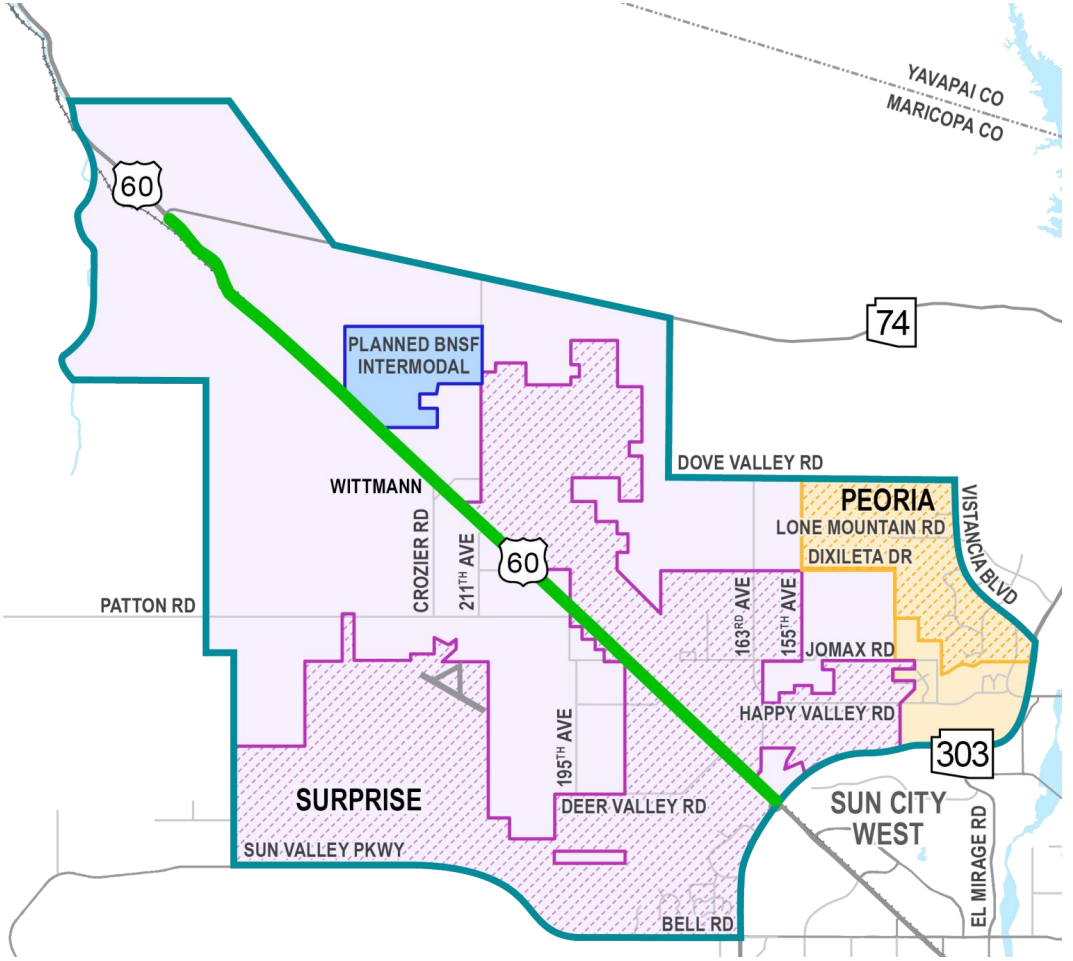


MARICOPA ASSOCIATION of GOVERNMENTS

RECOMMENDATIONS
Summary

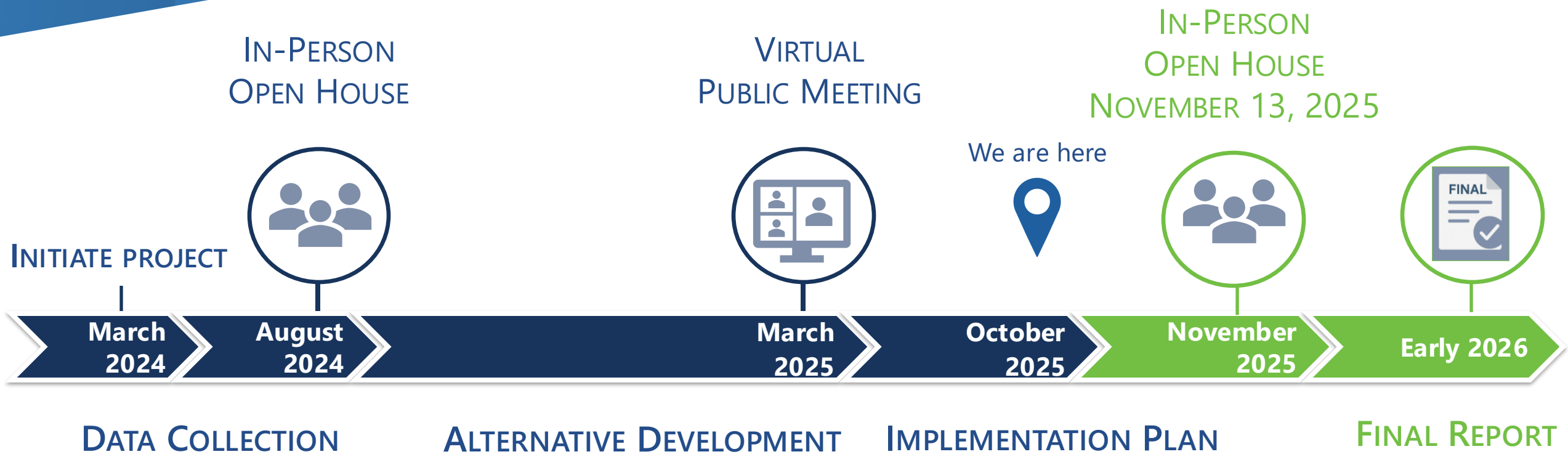
Recommendations will help MAG and its member agencies improve:

- Access to:
  - Loop 303 from US 60 (Grand Ave)
  - Other Loop 303 interchanges
  - US 60 (Grand Ave) from arterial streets
- Implementation of an Access Management Plan for US 60 (Grand Ave)



MARICOPA ASSOCIATION of GOVERNMENTS

RECOMMENDATIONS
Schedule



MARICOPA ASSOCIATION of GOVERNMENTS

THANK YOU

Bradlee Williams
bwilliams@azmag.gov

MARICOPA ASSOCIATION of GOVERNMENTS

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Lloyd Abrams, Director - Community Development

Submitting Department: Community Development

District: District 1

Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to acceptance of Drainage Easement from Parcel B2 at Desert Oasis LLC. for roadway improvements along 163rd Avenue.

Motion:

I move to accept the Drainage Easement from Parcel B2 at Desert Oasis LLC.

Background:

In 2023, the City of Surprise residents approved the G.O. Bond for several projects. One of those projects was the improvement of 163rd Avenue north of Grand Avenue. With ongoing development, the City identified the need to improve access into this area. The drainage easement is needed in association with the road improvements being done along 163rd Avenue that will allow the City to expand the east side of 163rd Avenue to accommodate additional northbound lanes of traffic.

Objective Analysis:

The planned improved roadway will need the additional drainage area on the east side of 163rd Avenue and Jomax Road for completion of the roadway improvement.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

The project is part of the 2023 G.O. Bonds. The right of way dedication is needed to support the expansion of 163rd Avenue. The City will plan for future operation and maintenance when the additional roadway is in place.

FTE Impact:

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

ATTACHMENTS:

1. DEase171DOL
2. Parcel B2 at Desert Oasis Drainage Easement - CC 11.04.25

WHEN RECORDED, RETURN TO:
City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

DRAINAGE EASEMENT

This Drainage Easement (the "Easement") is executed this ____ day of _____, 202_, by and between Parcel B2 at Desert Oasis LLC., an Arizona Limited Liability Company ("Grantor"), and the City of Surprise, an Arizona municipal corporation ("Grantee").

RECITALS

A. Grantor is the fee title owner of a parcel of land as described in Maricopa County, Arizona located in the NE ¼ of Section 1, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

B. Grantee desires to acquire from Grantor and Grantor desires to grant to Grantee an exclusive drainage easement over, under and across a portion (the "Easement Area") of the above-mentioned Grantor's property. The Easement Area is legally described in Exhibit "A" and depicted on Exhibit "B".

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for the purpose set forth in the foregoing Recitals which are incorporated herein by reference, the parties hereto agree as follows:

1. Easements. Grantor hereby grants and conveys to Grantee, its successors and assigns, an easement over the Easement Area for drainage purposes. Grantor shall not erect or construct or permit to be erected or constructed any structure within the Easement Area. Grantor may make use of the Easement Area so long as such use does not unreasonably interfere with the purposes of this Easement – namely to receive, accept, handle, control, and contain drainage from adjacent streets and roadways.

2. Not a Public Dedication. Other than the grant of this Easement for drainage purposes, nothing contained in this Easement shall be deemed to be a conveyance or dedication of any portion of the Easement Area to the general public.

3. Miscellaneous. Headings in this Easement are for convenience only and shall not define or limit the provisions hereof. This Easement shall be construed according to its

ordinary meaning and shall not be strictly construed for and against Grantor or Grantee. This Easement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant, or condition of this Easement be void, invalid, or inoperative, the same shall not affect any other term, provision, covenant, or condition of this Easement, but the remainder thereof shall be effective as though such void, invalid, or inoperative term, provision, covenant, or condition had not been contained herein.

4. Termination. This Easement shall remain in place until the underlying property encumbered by this Easement and/or the lots adjacent thereto and associated with this Easement are developed and otherwise capture, control, and account for the necessary onsite and/or offsite drainage from the adjacent streets and roadways. At the time Grantor, or its successors and assigns, receives an approved grading and drainage permit from the City, Grantor shall provide Grantee with sixty (60) days' written notice to vacate the Easement Area. Upon Grantee vacating the Easement Area, this Easement shall terminate without further action by the Grantee.

IN WITNESS WHEREOF, the parties hereto have executed this Declaration as of the date above written.

GRANTOR: Parcel B2 at Desert Oasis LLC., An Arizona Limited Liability Company

By: Taproot Consulting
Its: Manager

By: John Wittrock
Its: Manager

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this 16th day of September, 2025, by JOHN WITTROCK and _____ known by me as Grantor and owners of the subject property.

OFFICIAL SEAL
RENAE LINDLEY
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
COMM# 635415
My Comm. Expires August 1, 2026

GRANTEE:

City of Surprise, an Arizona municipal corporation

By: _____
Kevin Sartor
Its: Mayor

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this___ day of _____, 202_, by _____, known by me as the Mayor of the City of Surprise, an Arizona municipal corporation.

_____

EXHIBIT "A"

DESCRIPTION

TEMPORARY DRAINAGE EASEMENT DEDICATIONS

Portions of Parcel B2 of "DESERT OASIS of SURPRISE BAER PARCEL MAP OF DEDICATION" as recorded in Book 666, Page 08, records of Maricopa County, Arizona, being located in the Northeast Quarter of Section 1, Township 4 North, Range 2 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

EASEMENT #1

BEGINNING at the Southwest Corner of said Parcel B2 from which the Southeast Corner of said Parcel lies South 80°30'05"East 753.38 feet;

Thence along the west line of said Parcel North 09°58'30" East 140.00 feet to a point labeled POINT "A" for purposes of this description;

Thence departing said line South 80°30'05" East 80.00 feet;

Thence South 09°59'30" West 140.00 feet to the south line of said Parcel B2;

Thence along said south line North 80°30'05" West 80.00 feet to the POINT OF BEGINNING.

Containing 0.26 acres, more or less.

EASEMENT #2

COMMENCING at the aforementioned POINT "A";

Thence along the west line of said Parcel B2 North 09°58'30" East to the beginning of a tangent curve, concave westerly, having a radius of 2935.00 feet;

Thence northerly continuing along said west line and said curve through a central angle of 02°12'46" a distance of 114.51 feet to the POINT OF BEGINNING;

Thence continuing along said west line and along said curve through a central angle of 03°06'15" a distance of 160.64 feet;

Thence departing said line South 85°20'31" East 115.00 feet;

DESCRIPTION continued on page 2 of 2

DESCRIPTION continued from page 1 of 2

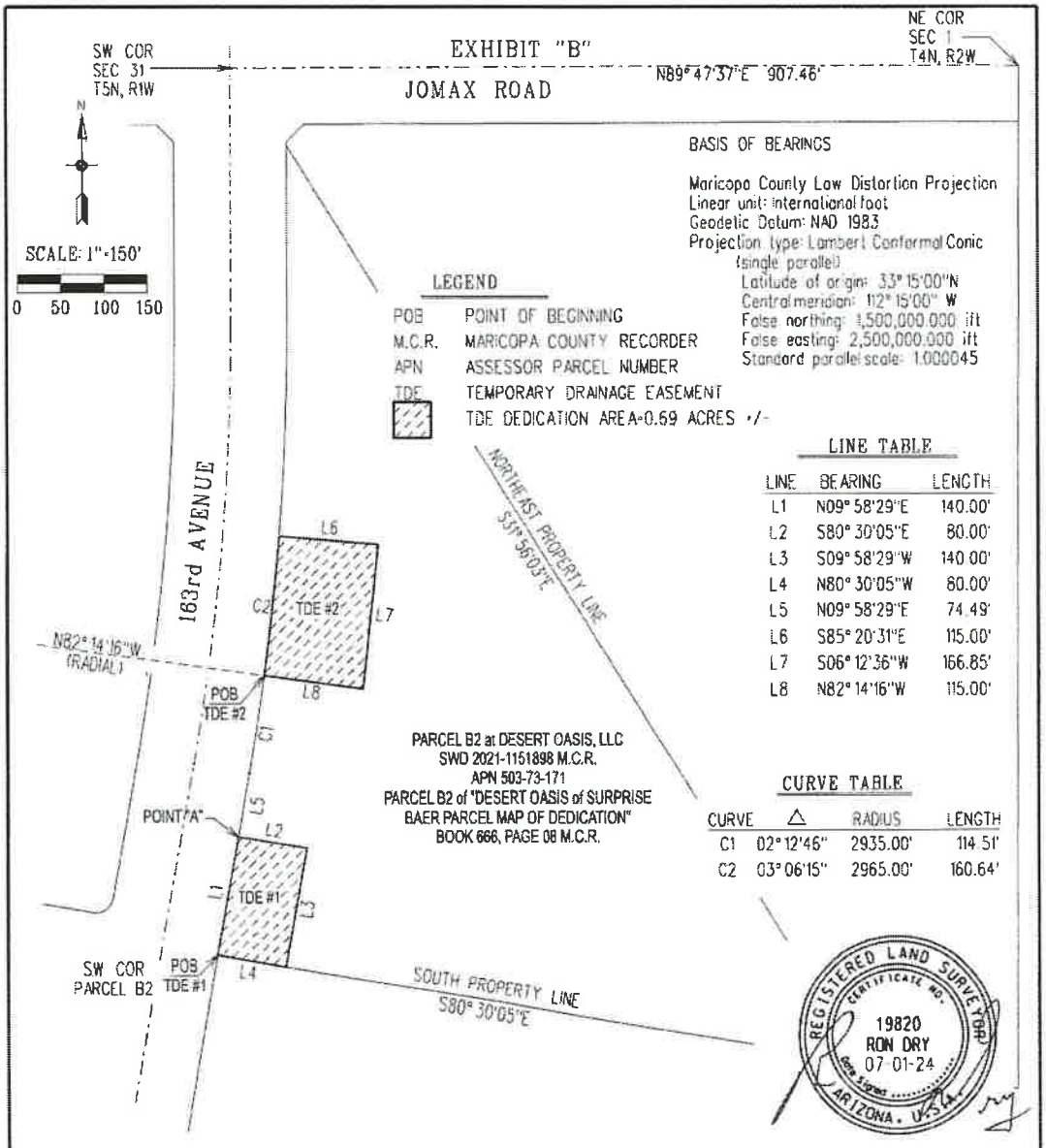
Thence South 06°12'36" West 166.85 feet;

Thence North 82°14'16" West 115.00 feet to the POINT OF BEGINNING.

Containing 0.43 acres, more or less.

Attached is Exhibit "B" and by this reference is made a part hereof.

End of description



TEMPORARY DRAINAGE EASEMENT DEDICATIONS	SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT # 23021	DRAWN BY RCD	DATE 07-01-24	SHEET 1 OF 1

EXHIBIT "A"

DESCRIPTION

TEMPORARY DRAINAGE EASEMENT DEDICATION

A portion of Parcel B2 of "DESERT OASIS of SURPRISE BAER PARCEL MAP OF DEDICATION" as recorded in Book 666, Page 08, records of Maricopa County, Arizona, being located in the Northeast Quarter of Section 1, Township 4 North, Range 2 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest Corner of Section 31, Township 5 North, Range 1 West, of the Gila and Salt River Meridian from which the Northeast Corner of said Section 1 lies North 89°47'37" East 907.46 feet, being also a point on the centerline of 163rd Avenue;

Thence along said centerline South 00°01'38" West 115.34 feet;

Thence departing said centerline South 89°58'22" East 80.99 feet to a point on the northeast line of said Parcel B2 and the POINT OF BEGINNING;

Thence along said line South 31°56'03" East 164.38 feet;

Thence departing said line South 00°01'38" West 97.82 feet;

Thence North 89°02'10" West 90.41 feet to a point on a non-tangent curve, concave westerly, the center of which lies North 89°02'10" West 2978.00 feet;

Thence northerly along the arc of said curve through a central angle of 00°56'12" a distance of 48.69 feet;

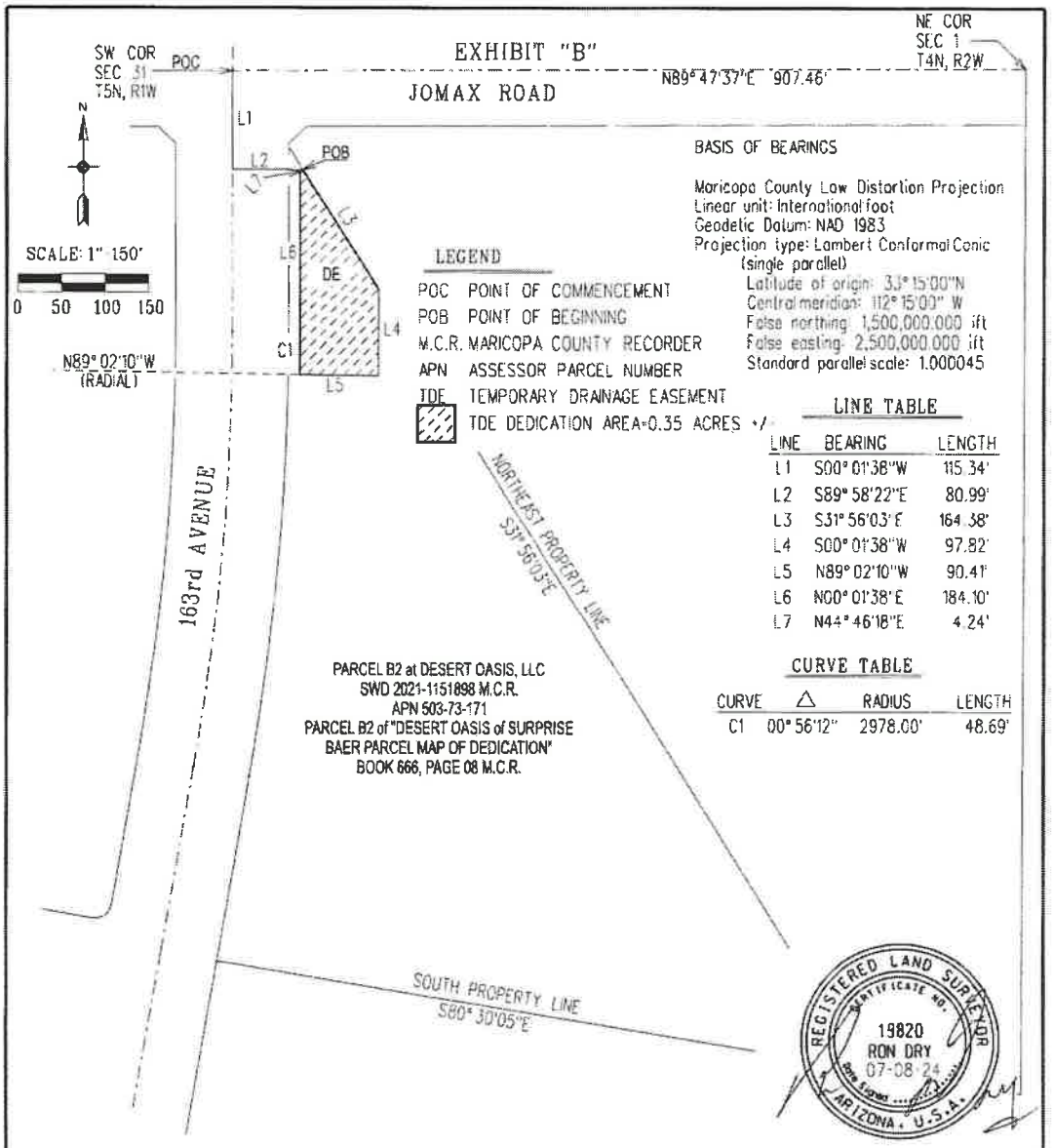
Thence North 00°01'38" East 184.10 feet;

Thence North 44°46'18" East 4.24 feet to the POINT OF BEGINNING.

Containing 0.35 acres, more or less.

Attached is Exhibit "B" and by this reference is made a part hereof.

End of description



TEMPORARY DRAINAGE EASEMENT DEDICATION	SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT • 23021	DRAWN BY RCD	DATE 07-08-24	SHEET 1 OF 1

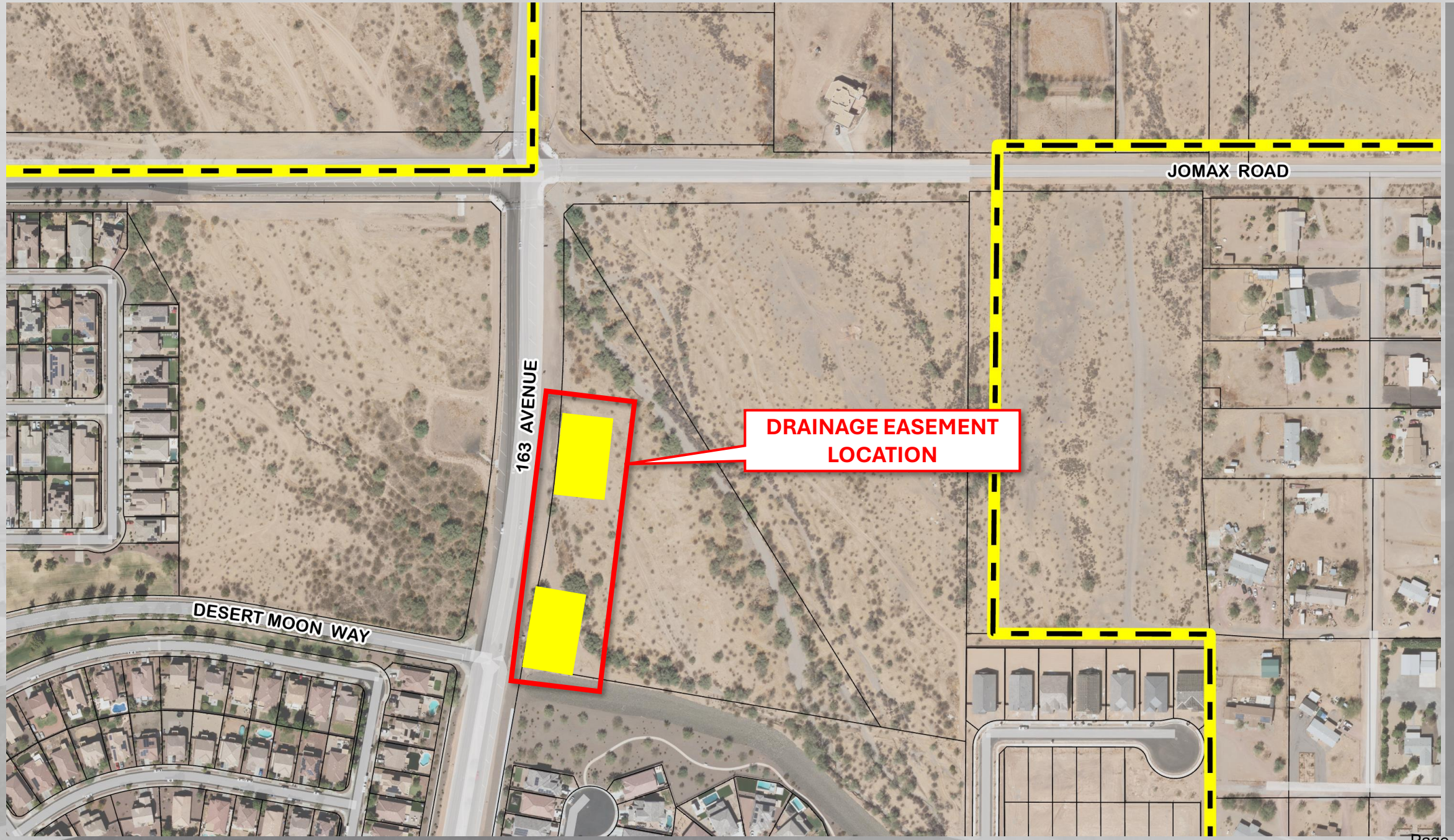
Parcel 2B at Desert Oasis, LLC

Drainage Easement

City Council

November 4, 2025

SURPRISE
ARIZONA



VICINITY MAP

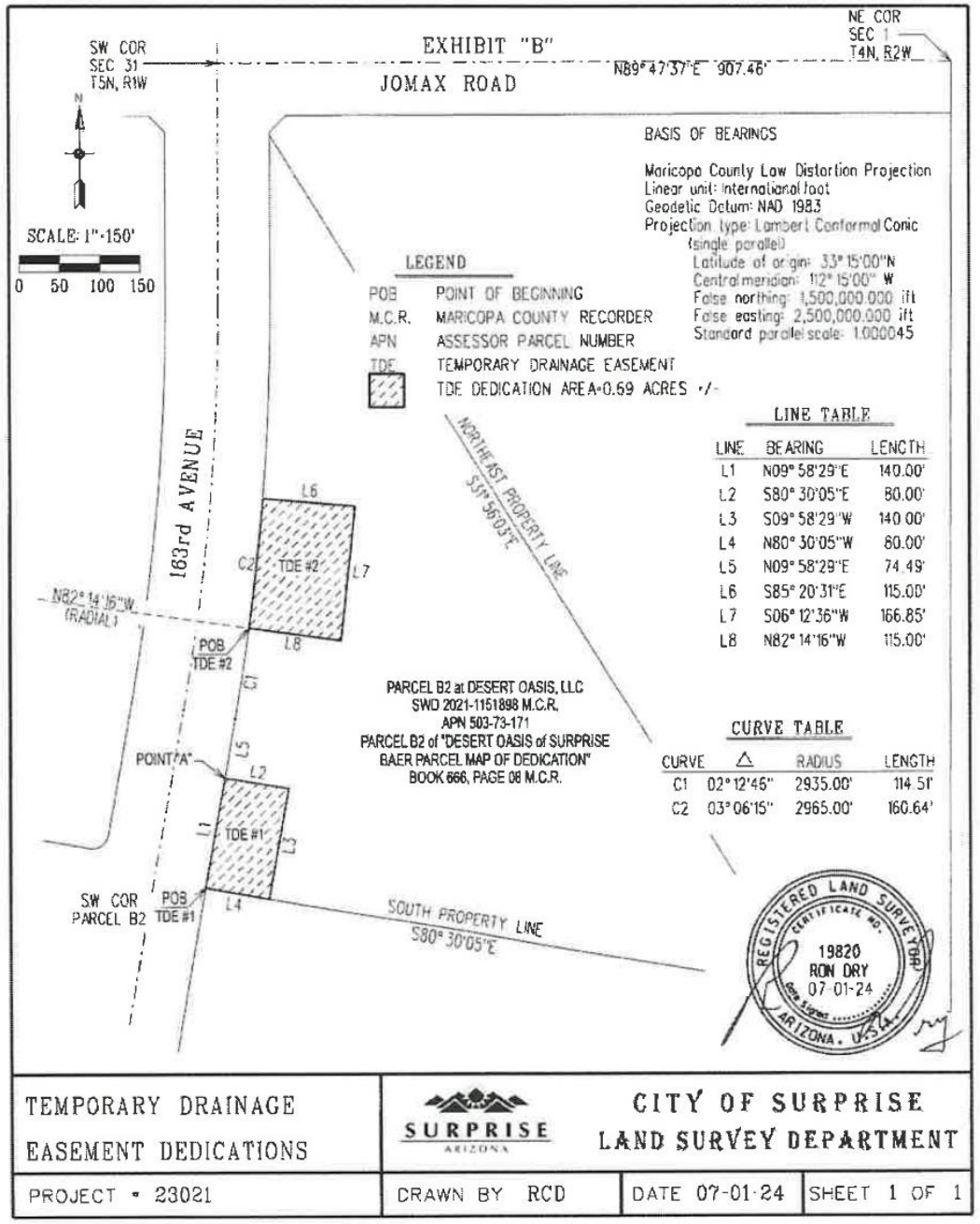


EXHIBIT "B"
JOMAX ROAD
SW COR SEC 31 T5N, R1W
NE COR SEC 1 T4N, R2W
N89°47'37"E 907.46'
SCALE: 1"=150'
0 50 100 150
BASIS OF BEARINGS
Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
Latitude of origin: 33° 15'00"N
Central meridian: 112° 15'00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045
LEGEND
POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
APN ASSESSOR PARCEL NUMBER
TDE TEMPORARY DRAINAGE EASEMENT
TDE DEDICATION AREA=0.69 ACRES +/-
163rd AVENUE
NORTHEAST PROPERTY LINE S31° 55'03"E
N82° 14'16"W (RADIAL)
POB TDE #2
TDE #2
TDE #1
POINT "A"
SW COR PARCEL B2
POB TDE #1
SOUTH PROPERTY LINE S80° 30'05"E
PARCEL B2 at DESERT OASIS, LLC
SWD 2021-1151898 M.C.R.
APN 503-73-171
PARCEL B2 of "DESERT OASIS of SURPRISE BAER PARCEL MAP OF DEDICATION"
BOOK 666, PAGE 08 M.C.R.
LINE TABLE
LINE BEARING LENGTH
L1 N09° 58'29"E 140.00'
L2 S80° 30'05"E 80.00'
L3 S09° 58'29"W 140.00'
L4 N80° 30'05"W 80.00'
L5 N09° 58'29"E 74.49'
L6 S85° 20'31"E 115.00'
L7 S06° 12'36"W 166.85'
L8 N82° 14'16"W 115.00'
CURVE TABLE
CURVE Δ RADIUS LENGTH
C1 02° 12'46" 2935.00' 114.51'
C2 03° 06'15" 2965.00' 160.64'
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
07-01-24
Date Signed
ARIZONA, U.S.A.
TEMPORARY DRAINAGE EASEMENT DEDICATIONS
SURPRISE ARIZONA
CITY OF SURPRISE
LAND SURVEY DEPARTMENT
PROJECT # 23021
DRAWN BY RCD
DATE 07-01-24
SHEET 1 OF 1

EXHIBIT

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Contact Person: Lloyd Abrams, Director - Community Development
Submitting Department: Community Development
District: District 1
Staff Recommendations:

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

Agenda Wording:
Consideration and Action on accepting a Special Warranty Deed from Dakota Creek at Desert Oasis LLC. for parcel 503-73-170 along 163rd Avenue and Jomax Road.

Motion:
I move to approve accepting a Special Warranty Deed from Dakota Creek at Desert Oasis LLC.

Background:
In 2023, the City of Surprise residents approved the G.O. Bond for several projects. One of those projects was improvements of 163rd Avenue north of Grand Avenue. With ongoing development, the City identified the need to improve access into this area. The right of way being dedicated is needed in association with the road improvements being done along 163rd Avenue that will allow the City to expand the east side of 163rd Avenue to accommodate additional northbound lanes of traffic.

Objective Analysis:
As this area continues to develop, additional lanes are needed to handle the increase in traffic and safer traffic movements.

Policy Compliant:
Approval of this item is policy compliant.

Financial Impact:
While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide City services.

Budget Impact:
This project is part of the 2023 G.O. Bonds. The right of way dedication is needed to support the expansion of 163rd Avenue. The City will plan for future operation and maintenance when the additional roadway is in place.

FTE Impact:

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

ATTACHMENTS:

1. WD170DC
2. Dakota Creek at Desert Oasis SWD - CC 11.04.25

When recorded return to:
City Clerk
City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, AZ 85374

Exempt from filing an
Affidavit of legal value
A.R.S. §11-1134(A)(3)

SPECIAL WARRANTY DEED

For the consideration of Ten Dollar ($10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Dakota Creek at Desert Oasis LLC, an Arizona Limited Liability Company ("Grantor"), hereby conveys to the **CITY OF SURPRISE**, an Arizona municipal corporation, the following real property situated in Maricopa County, Arizona, together with all rights and privileges appurtenant thereto:

> See Exhibit A & B attached hereto and incorporated herein by this reference (the "Property").

Subject to all reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

And Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of Grantor herein and none other, subject to the matters above set forth.

Dated this 16 day of September, 2025

GRANTOR
Dakota Creek at Desert Oasis LLC, an Arizona Limited Liability Company

By: John W. Wittrock
Its: Manager

STATE OF ARIZONA)
)ss.
County of MARICOPA)

This instrument was acknowledged and executed before me this 16th day of September 2025, by JOHN WITTROCK.

My Commission Expires:
8/1/2026

NOTARY PUBLIC

OFFICIAL SEAL
RENAE LINDLEY
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
COMM# 635415
My Comm. Expires August 1, 2026

GRANTEE:

CITY OF SURPRISE,
An Arizona municipal corporation

By: _____
Kevin Sartor
Its: Mayor

Attest:

_____
Kristi Passarelli, City Clerk

STATE OF ARIZONA)
)SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Kevin Sartor, known by me as the Mayor of the City of Surprise an Arizona municipal corporation.

_____
Notary Public

My Commission Expires:

EXHIBIT "A"

DESCRIPTION

ROAD RIGHT-OF-WAY DEDICATION

A portion of Parcel B1 of "DESERT OASIS of SURPRISE BAER PARCEL MAP OF DEDICATION" as recorded in Book 666, Page 08, records of Maricopa County, Arizona, being located in the Northeast Quarter of Section 1, Township 4 North, Range 2 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest Corner of Section 31, Township 5 North, Range 1 West, of the Gila and Salt River Meridian from which the Northeast Corner of said Section 1 lies North 89°47'37" East 907.46 feet;

Thence along the north line of said Northeast Quarter North 89°47"37" East 84.74 feet;

Thence departing said line South 00°12'23" East 65.00 feet to the most northerly northwest corner of said Parcel and the POINT OF BEGINNING;

Thence along the north line of said Parcel North 89°47'37" East 46.41 feet;

Thence departing said line South 44°46'18" West 71.64 feet to the southwest line of said Parcel;

Thence along said southwest line North 31°56'03" West 30.19 feet to the west line of said Parcel;

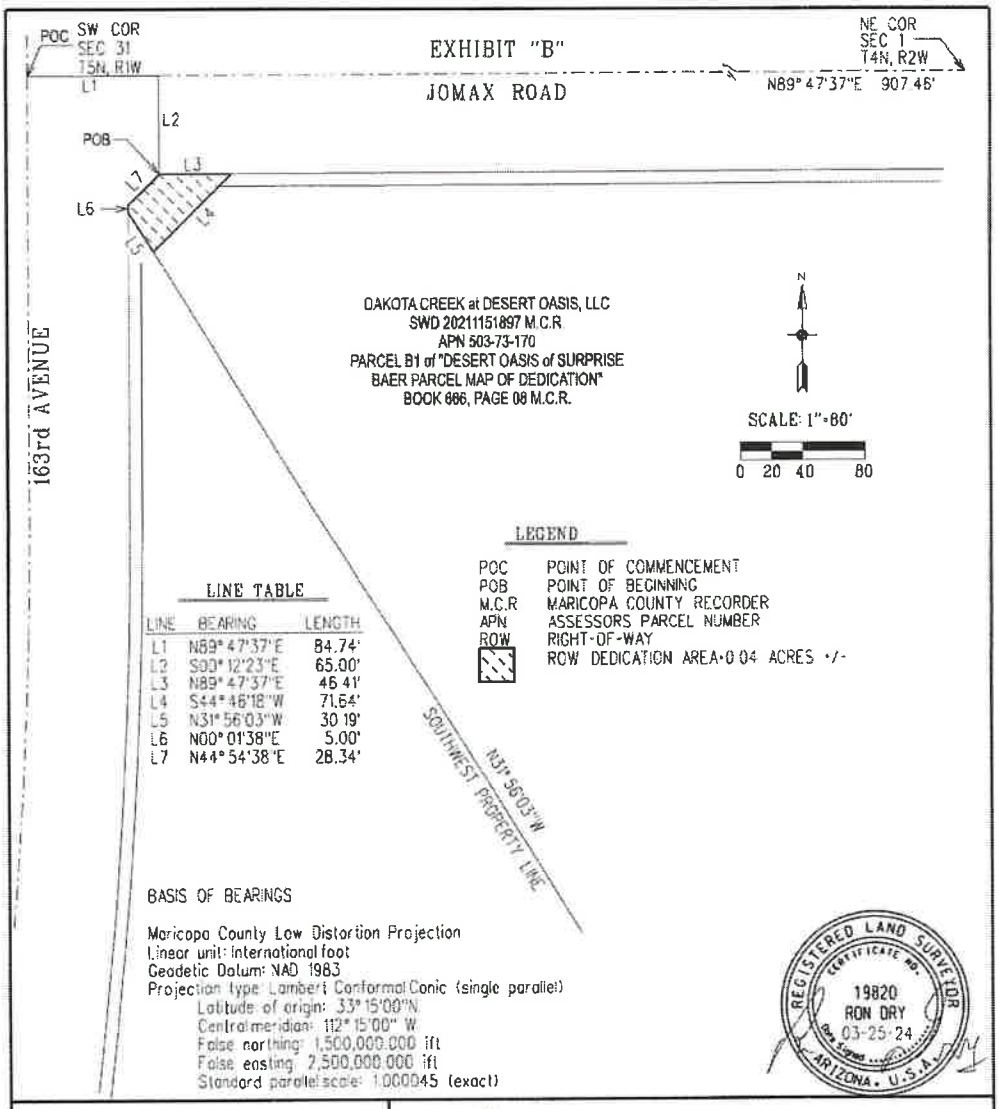
Thence along said line North 00°01'38" East 5.00 feet to an angle point;

Thence along the northwest line of said Parcel North 44°54'38" East 28.34 feet to the POINT OF BEGINNING.

Containing 0.04 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



ROAD RIGHT-OF-WAY DEDICATION	SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT • 23021	DRAWN BY RCD	DATE 03-25-24	SHEET 1 OF 1

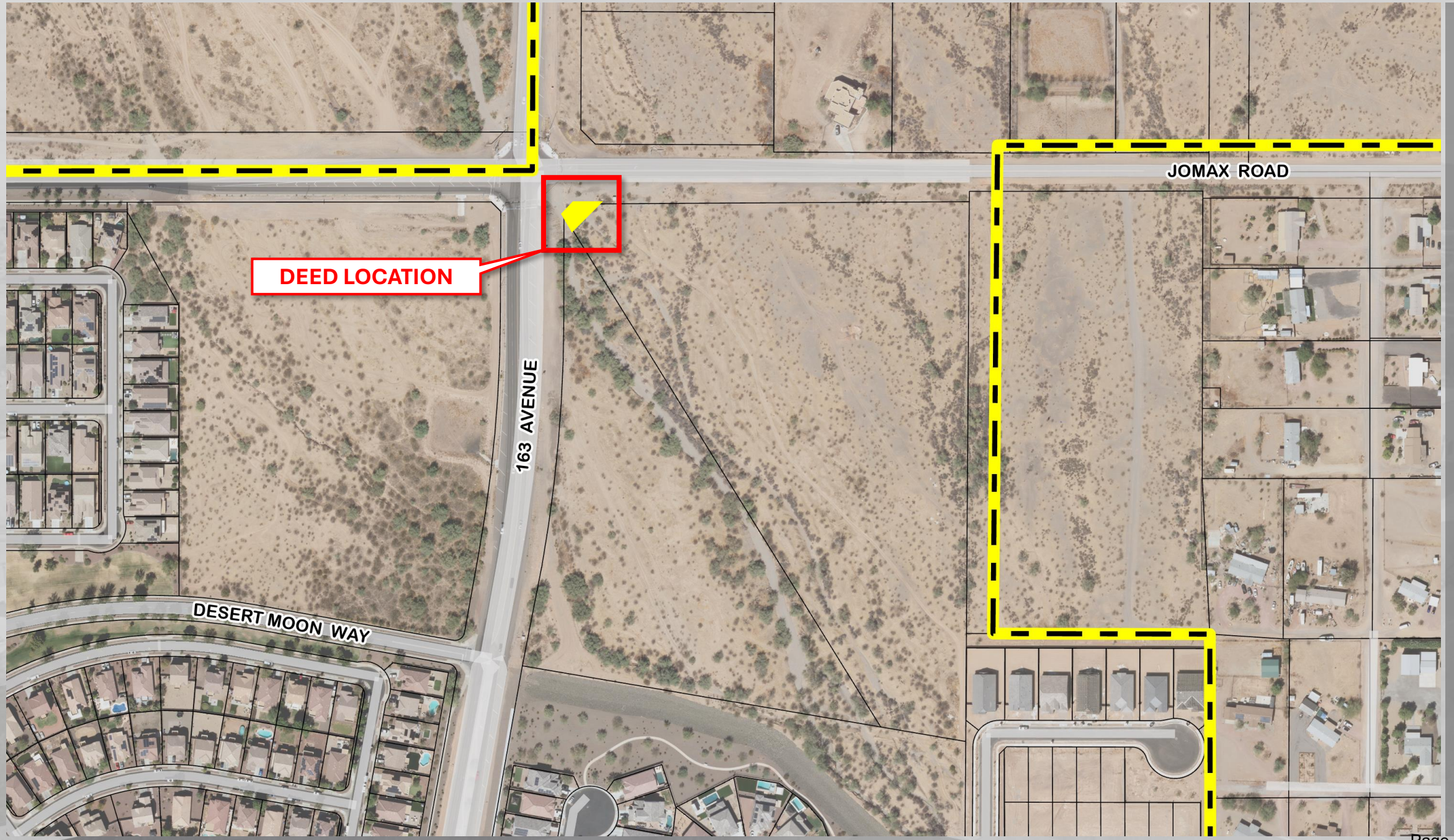
Dakota Creek at Desert Oasis, LLC

Special Warranty Deed

City Council

November 4, 2025

SURPRISE
ARIZONA



VICINITY MAP

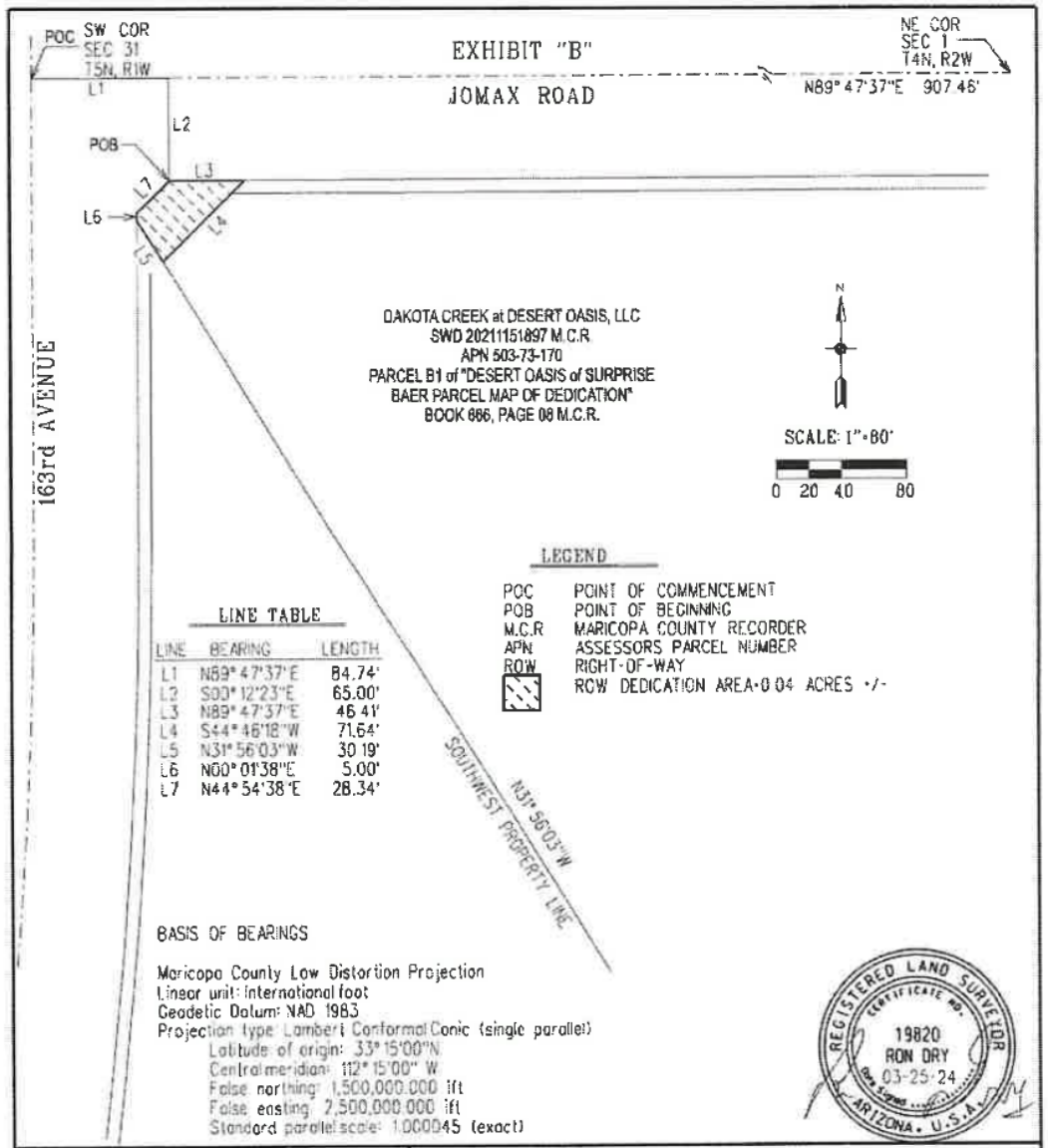


EXHIBIT "B"
POC SW COR SEC 31 T5N, R1W
NE COR SEC 1 T4N, R2W
N89° 47'37"E 907.46'
JOMAX ROAD
163rd AVENUE
POB
L1
L2
L3
L4
L5
L6
L7
DAKOTA CREEK at DESERT OASIS, LLC
SWD 20211151897 M.C.R.
APN 503-73-170
PARCEL B1 of "DESERT OASIS of SURPRISE BAER PARCEL MAP OF DEDICATION"
BOOK 666, PAGE 08 M.C.R.
SCALE: 1"=80'
0 20 40 80
LEGEND
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
M.C.R MARICOPA COUNTY RECORDER
APN ASSESSORS PARCEL NUMBER
ROW RIGHT-OF-WAY
ROW DEDICATION AREA-0.04 ACRES +/-
LINE TABLE
LINE BEARING LENGTH
L1 N89° 47'37"E 84.74'
L2 S00° 12'23"E 65.00'
L3 N89° 47'37"E 46.41'
L4 S44° 46'18"W 71.64'
L5 N31° 56'03"W 30.19'
L6 N00° 01'38"E 5.00'
L7 N44° 54'38"E 28.34'
SOUTHWEST PROPERTY LINE
N31° 56'03"W
BASIS OF BEARINGS
Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
Latitude of origin: 33° 15'00"N
Central meridian: 112° 15'00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045 (exact)
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
03-25-24
ARIZONA, U.S.A.
ROAD RIGHT-OF-WAY DEDICATION
SURPRISE ARIZONA
CITY OF SURPRISE
LAND SURVEY DEPARTMENT
PROJECT • 23021
DRAWN BY RCD
DATE 03-25-24
SHEET 1 OF 1

EXHIBIT

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025

Contact Person: Lloyd Abrams, Director - Community Development

Submitting Department: Community Development

District: District 1

Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to acceptance of Drainage Easement from Dakota Creek at Desert Oasis LLC. for roadway improvements along 163rd Avenue and Jomax Road.

Motion:

I move to accept the Drainage Easement from Dakota Creek at Desert Oasis LLC.

Background:

In 2023, the City of Surprise residents approved the G.O. Bond for several projects. One of those projects was the improvements of 163rd Avenue north of Grand Avenue. With ongoing development, the City identified the need to improve access into this area. The drainage easement is needed in association with the road improvements being done along 163rd Avenue that will allow the City to expand the east side of 163rd Avenue to accommodate additional northbound lanes of traffic.

Objective Analysis:

The planned improved roadway will need the additional drainage area on the east side of 163rd Avenue and Jomax Road for completion of the roadway improvement.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide City services.

Budget Impact:

The project is part of the 2023 G.O. Bonds. The drainage easement is needed to support the expansion of 163rd Avenue. The City will plan for future operation and maintenance when the additional roadway is in place.

FTE Impact:

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

ATTACHMENTS:

1. DEase170DC
2. Dakota Creek at Desert Oasis Drainage Easement - CC 11.04.25

WHEN RECORDED, RETURN TO:
City Clerk
City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

DRAINAGE EASEMENT

This Drainage Easement (the "Easement") is executed this ____ day of _____, 202_, by and between Dakota Creek at Desert Oasis LLC, an Arizona Limited Liability Company ("Grantor"), and the City of Surprise, an Arizona municipal corporation ("Grantee").

RECITALS

A. Grantor is the fee title owner of a parcel of land as described in Maricopa County, Arizona located in the Northeast quarter of Section 1, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

B. Grantee desires to acquire from Grantor and Grantor desires to grant to Grantee an exclusive drainage easement over, under and across a portion (the "Easement Area") of the above-mentioned Grantor's property. The Easement Area is legally described in Exhibit "A" and depicted on Exhibit "B".

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for the purpose set forth in the foregoing Recitals which are incorporated herein by reference, the parties hereto agree as follows:

1. Easements. Grantor hereby grants and conveys to Grantee, its successors and assigns, an easement over the Easement Area for drainage purposes. Grantor shall not erect or construct or permit to be erected or constructed any structure within the Easement Area. Grantor may make use of the Easement Area so long as such use does not unreasonably interfere with the purposes of this Easement – namely to receive, accept, handle, control, and contain drainage from adjacent streets and roadways.

2. Not a Public Dedication. Other than the grant of this Easement for drainage purposes, nothing contained in this Easement shall be deemed to be a conveyance or dedication of any portion of the Easement Area to the general public.

3. Miscellaneous. Headings in this Easement are for convenience only and shall not define or limit the provisions hereof. This Easement shall be construed according to its

ordinary meaning and shall not be strictly construed for and against Grantor or Grantee. This Easement shall be governed by the laws of the State of Arizona. Should any term, provision, covenant, or condition of this Easement be void, invalid, or inoperative, the same shall not affect any other term, provision, covenant, or condition of this Easement, but the remainder thereof shall be effective as though such void, invalid, or inoperative term, provision, covenant, or condition had not been contained herein.

4. Termination. This Easement shall remain in place until the underlying property encumbered by this Easement and/or the lots adjacent thereto and associated with this Easement are developed and otherwise capture, control, and account for the necessary onsite and/or offsite drainage from the adjacent streets and roadways. At the time Grantor, or its successors and assigns, receives an approved grading and drainage permit from the City, Grantor shall provide Grantee with sixty (60) days' written notice to vacate the Easement Area. Upon Grantee vacating the Easement Area, this Easement shall terminate without further action by the Grantee.

IN WITNESS WHEREOF, the parties hereto have executed this Declaration as of the date above written.

GRANTOR: Dakota Creek at Desert Oasis LLC, an Arizona Limited Liability Company

By: _____

Its: MANAGER

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this 16th day of September, 2025, by JOHN WITTROCK and _____ known by me as Grantor and owners of the subject property.

OFFICIAL SEAL
RENAE LINDLEY
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
COMM# 635415
My Comm. Expires August 1, 2026

_____

GRANTEE:

City of Surprise, an Arizona municipal corporation

By: _____
Kevin Sartor
Its: Mayor

STATE OF ARIZONA)
) SS.
County of Maricopa)

The foregoing instrument was acknowledged before me this___ day of _____, 202_, by _____, known by me as the Mayor of the City of Surprise, an Arizona municipal corporation.

_____

EXHIBIT "A"

DESCRIPTION

TEMPORARY DRAINAGE EASEMENT DEDICATION

A portion of Parcel B1 of "DESERT OASIS of SURPRISE BAER PARCEL MAP OF DEDICATION" as recorded in Book 666, Page 08, records of Maricopa County, Arizona, being located in the Northeast Quarter of Section 1, Township 4 North, Range 2 West of the Gila and Salt River Meridian, City of Surprise, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest Corner of Section 31, Township 5 North, Range 1 West, of the Gila and Salt River Meridian from which the Northeast Corner of said Section 1 lies North 89°47'37" East 907.46 feet;

Thence along the north line of said Northeast Quarter North 89°47''37" East 131.15 feet;

Thence South 00°12'23" East 65.00 feet to the POINT OF BEGINNING;

Thence North 89°47'37" East 36.59 feet;

Thence South 00°01'38" West 190.45 feet to the southwest line of said Parcel B1;

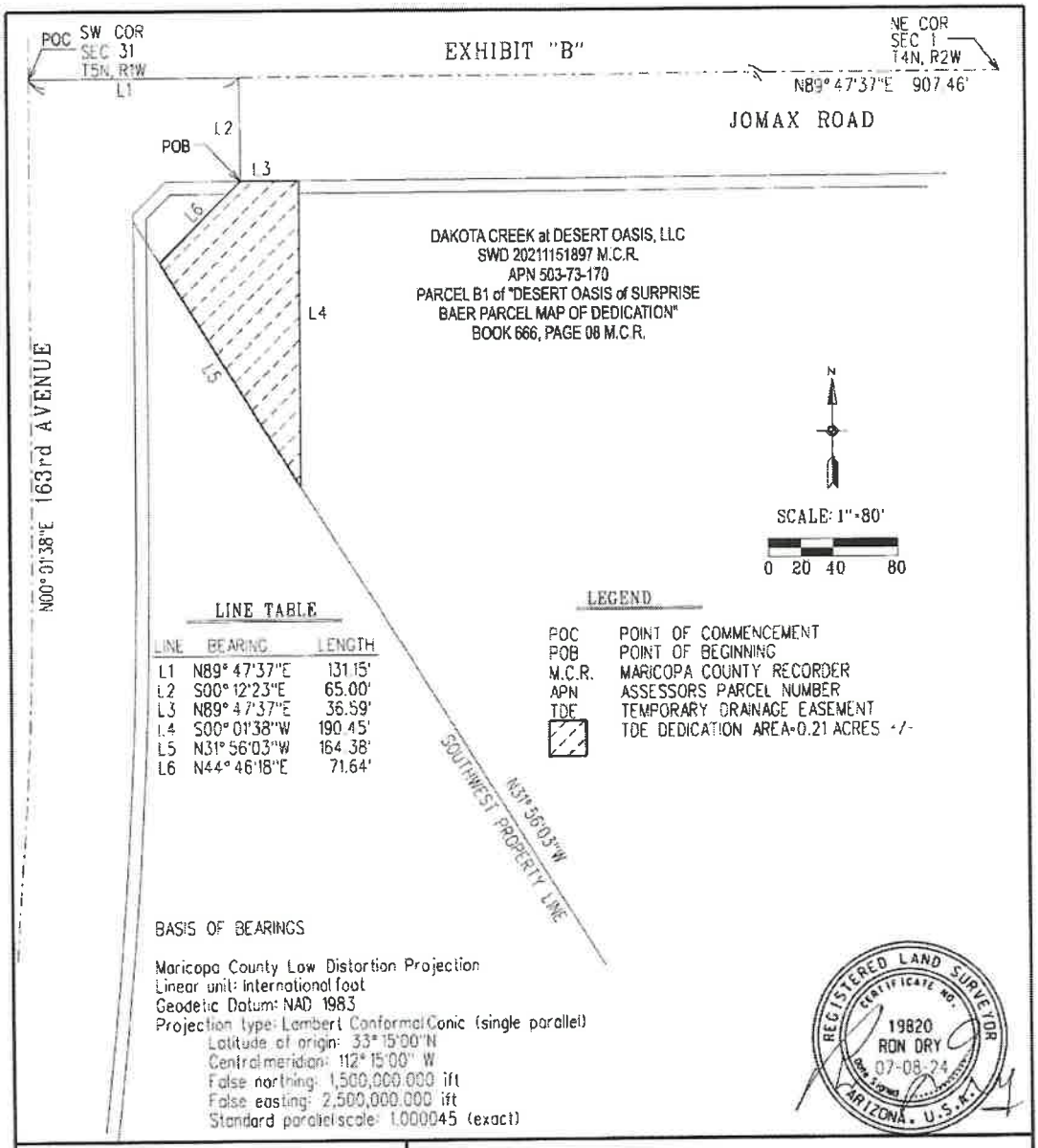
Thence along said line North 31°56'03" West 164.38 feet;

Thence departing said line North 44°46'18" East 71.64 feet to the POINT OF BEGINNING.

Containing 0.21 acres, more or less.

Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



TEMPORARY DRAINAGE EASEMENT DEDICATION	SURPRISE ARIZONA	CITY OF SURPRISE LAND SURVEY DEPARTMENT	
PROJECT • 23021	DRAWN BY RCD	DATE 07-08-24	SHEET 1 OF 1

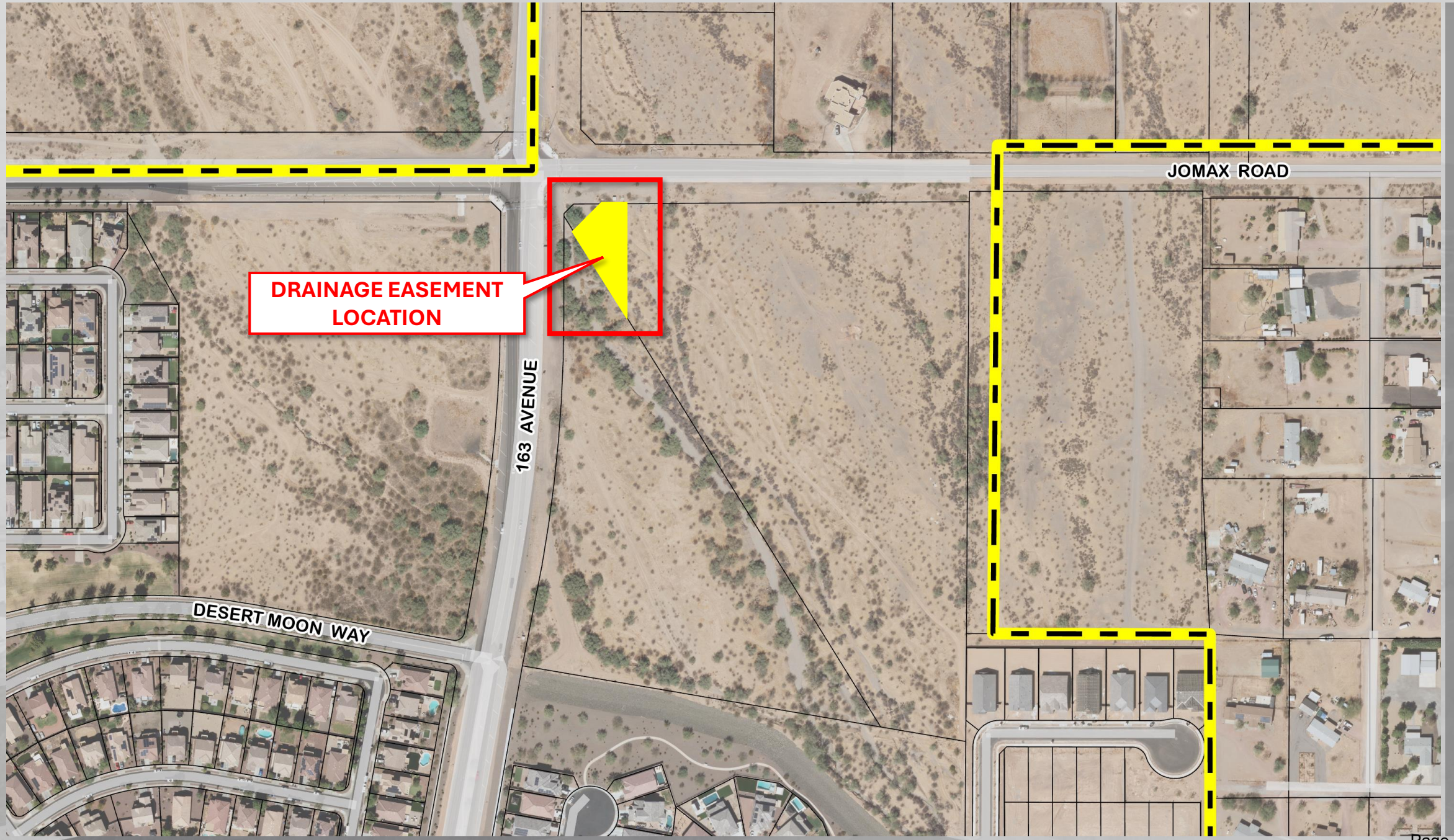
Dakota Creek at Desert Oasis, LLC

Drainage Easement

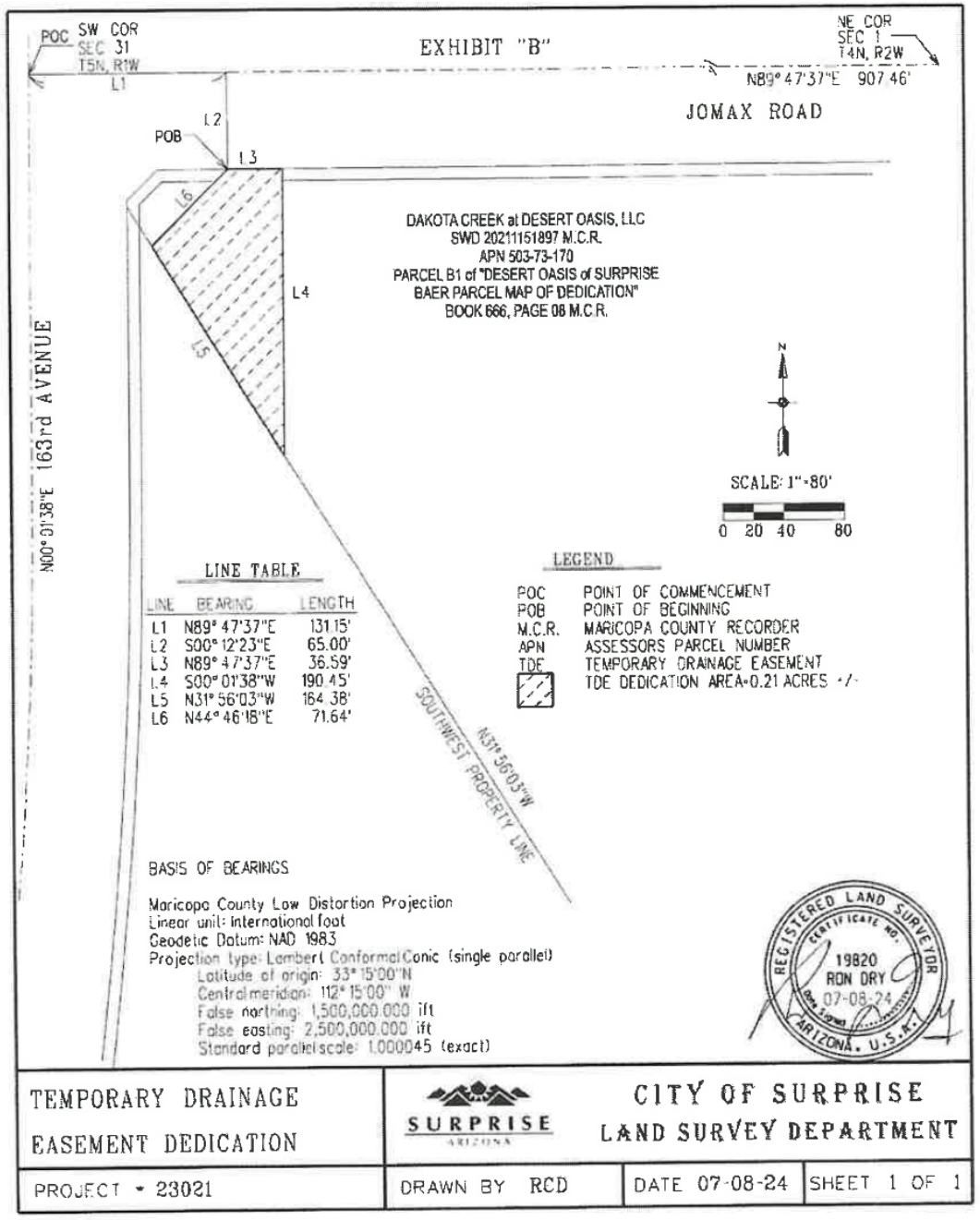
City Council

November 4, 2025

SURPRISE
ARIZONA



VICINITY MAP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NE COR SEC 1 T4N, R2W
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JOMAX ROAD
POB
L1
L2
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N00° 01'38"E 163rd AVENUE
DAKOTA CREEK at DESERT OASIS, LLC
SWD 20211151897 M.C.R.
APN 503-73-170
PARCEL B1 of "DESERT OASIS of SURPRISE
BAER PARCEL MAP OF DEDICATION"
BOOK 666, PAGE 08 M.C.R.
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L5 N31° 56'03"W 164.38'
L6 N44° 46'18"E 71.64'
LEGEND
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
APN ASSESSORS PARCEL NUMBER
TDE TEMPORARY DRAINAGE EASEMENT
TDE DEDICATION AREA=0.21 ACRES +/-
SOUTHWEST PROPERTY LINE
N31° 56'03"W
BASIS OF BEARINGS
Maricopa County Low Distortion Projection
Linear unit: International foot
Geodetic Datum: NAD 1983
Projection type: Lambert Conformal Conic (single parallel)
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Central meridian: 112° 15'00" W
False northing: 1,500,000.000 ift
False easting: 2,500,000.000 ift
Standard parallel scale: 1.000045 (exact)
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
07-08-24
ARIZONA, U.S.A.
TEMPORARY DRAINAGE EASEMENT DEDICATION
SURPRISE ARIZONA
CITY OF SURPRISE
LAND SURVEY DEPARTMENT
PROJECT - 23021
DRAWN BY RCD
DATE 07-08-24
SHEET 1 OF 1

EXHIBIT

Questions or Comments?

THANK YOU

SURPRISE
ARIZONA

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: Human Resources
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:
Consideration and action pertaining to approval of an Employment Agreement with Andrea Davis, appointing her as City Manager effective on November 29, 2025, pursuant to Surprise Municipal Code Sec. 2-120.

Motion:
I move to approve appointment of Andrea Davis as City Manager effective November 29, 2025.

Background:
City Manager Bob Wingeroth resigned effective November 28, 2025 therefore the appointee begins immediately upon departure.

Objective Analysis:

Policy Compliant:
Surprise Municipal Code Sec. 2-120. City Manager - Appointment

(a)

The city council will appoint a city manager to serve as the operational and administrative head of the city. The city manager will serve at the pleasure of the city council.

(b)

The city manager will be chosen solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office set forth in this division. No council member may receive such appointment during the term for which the council member has been elected.

(Ord. No. 2013-09, § 2(Exh. A), 11-12-13)

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:

1. DRAFT Andrea Davis CM Employment Agreement (Added on 11/3/25)

CITY MANAGER EMPLOYMENT AGREEMENT

THIS AGREEMENT, between the Mayor and Council of the City of Surprise Arizona ("City") and Andrea Davis ("Employee"), is authorized by Ariz. Rev. Stat. § 9-303, entered into pursuant to Surprise Municipal Code §§ 2-120 and 2-121, and shall commence ("Effective Date") on November 29, 2025. The following sets forth the duties and responsibilities of the Parties:

1. Upon the Effective Date of this Agreement, Employee will perform all duties of the position of City Manager for the City as set forth in the Surprise Municipal Code, including but not limited to § 2-122, using reasonable care, diligence, skill, and expertise to fulfill Employee's role as City Manager.

2. Employee shall devote such time as is necessary for the full and proper performance of the Employee's duties, including work outside normal business hours, and to perform such duties exclusively for the City of Surprise.

3. The City shall evaluate the performance of Employee on an annual basis.

4. Beginning the first pay period after the Effective Date of this Agreement, City will pay Employee a biweekly salary of $12,483.49 ($324,570.61 annually) in accordance with the normal and usual procedure for payment of employees by the City. Salary will be adjusted annually on the same basis as non-appointed, and/or non-represented employees, consistent with City's compensation policies (e.g. performance pay, market adjustments, cost of living adjustments, etc.) as approved by the City Council as part of the annual budget process. This agreement will be automatically amended to reflect any such salary adjustments.

5. Employee shall receive all benefits, including all pays, stipends, and reimbursable expenses, on the same basis as non-appointed and/or non-represented City employees, in accordance with the City's ordinances, policies, and procedures.

6. In addition, Employee shall receive a mobile phone stipend in the amount of $120.00 per month; and Employee shall also receive a vehicle allowance stipend in the amount of $500.00 per month.

7. Employee will accrue paid time off (PTO) at a rate of 10.77 hours per pay period, up to a maximum accrual of 560 hours. Upon termination of this Agreement for any reason whatsoever, by either Party, including with or without cause by City, or Employee resignation, the above-described PTO balance will be paid to Employee.

8. The Employee will receive a one-time advancement of 480 hours of PTO is distinct and in addition to the 560 hours referenced above. This one-time advancement of 480 hours of PTO is subject to the following:

DRAFT

a. The 480 hours will vest with the Employee on November 29, 2025, and thereafter be available for use by Employee and/or pay-out upon termination of this Agreement for any reason whatsoever, by either Party, including with or without cause by City, or Employee resignation.

9. At the beginning of the fiscal year the City shall contribute an amount equal to seven (7) percent of the City Manager's salary into a 401(a) plan. If deferred compensation exceeds the amount allowed by the IRS, the remainder will be included in the City Manager's pay.

10. The Parties understand and agree that Employee serves at the pleasure of the Mayor and Council and that either Party may terminate this Agreement at any time and for any reason. In the event Employee terminates this Agreement, Employee shall provide City with thirty (30) days' written notice delivered in person or by mail to:

    Mayor, City of Surprise
    16000 N. Civic Center Plaza
    Surprise, Arizona 85374

    Notice under this section is for the benefit of the City and can be waived, in whole or in part, by the City. Upon notice of termination under this section, the Parties will agree upon an appropriate plan to transition to new organizational leadership.

11. In accordance with SMC Chapter 4, including 4-1 and 4-2, as may be amended from time to time, the City shall defend and indemnify the Employee. Should any acts, errors, or other alleged omissions be determined to be outside the scope of Employee's employment, the City may elect not to defend or indemnify Employee.

12. This Agreement constitutes the entire agreement between parties, and both parties acknowledge that there are no other agreements, oral or otherwise. This Agreement cannot be amended or modified without the written concurrence of both parties, except as specifically set forth herein.

13. This Agreement will be interpreted in accordance with the law of the State of Arizona. If any provision or portion of this Agreement is held to be unconstitutional, invalid or unenforceable, the remaining portion will remain unaffected, and City and Employee will enter into negotiations to correct the Agreement's defect in order to assure the intent of the Agreement is carried out to the fullest extent possible.

14. Each Party has had opportunity to consult legal counsel for advice regarding the drafting of this Agreement and the provisions of this Agreement may not be construed against or in favor of either party.

SIGNATURES ON FOLLOWING PAGE

DRAFT

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed as of this _____ day of _____ 2025.

City of Surprise	**Employee**
_____	_____
Mayor Kevin Sartor	Andrea Davis

Approved as to Form:

_____

City Attorney Jeffrey Murray

DRAFT

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: Mayor and Council
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:
Consideration and action to recess into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss or consider Andrea Davis' employment/appointment options for the position of the City Manager.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS:

CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 4, 2025
Submitting Department: Mayor and Council
Staff Recommendations:

Contact Person:
District: Internal

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

Agenda Wording:
*Consideration and action to recess into executive session pursuant to A.R.S. § 38-431.03(A)(1) to discuss succession planning options for the position of the City Manager and staffing for the office of the City Manager.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:
FTE Impact:

ATTACHMENTS: