

ORDINANCE # 2023-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT FOR A REDUCTION IN THE REAR YARD SETBACK STANDARD, GENERALLY LOCATED AT THE NORTHEAST CORNER OF HAPPY VALLEY ROAD AND 151ST AVENUE.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located north of Happy Valley Road and east of the 151st Avenue alignment;

WHEREAS, the subject site is approximately 19.92 acres and is currently zoned RM-9 with a PUD Overlay;

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations, namely modifying the rear yard setback from 20-feet to 15-feet for the RM-9 portion of the Windstone Ranch as indicated below. The RM-9 development encompasses 79 lots on approximately 19.92 acres;

WHEREAS, as a result of modifying the rear yard setback from 20-feet to 15-feet, the property owner shall construct an amenity site near the project's southeast corner. The amenity site will include an approximate 1,900 square foot community pool, basketball half-court, bathrooms, ramada, shade sail with benches, open turf area and a barbecue area. Residents may access this active open space by foot, or by vehicle, as there will be ten (10) on-street parking spaces including two (2) ADA-compliant spaces.

WHEREAS, this PUD amendment is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on October 5, 2023, the Planning and Zoning Commission recommended that the Windstone Ranch PUD Amendment be approved.

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

Section 1. *PUD Amendment.* This PUD Amendment is subject to the following stipulations:

- a. Development and use of the site shall be consistent with the narrative entitled "Windstone Ranch PUD Amendment" dated July 28, 2023.

- b. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

Section 2. Amenity Site. As a result of modifying the rear yard setback, an amenity site near the project's southeast corner shall be constructed to include an approximate 1,900 square foot community pool, basketball half-court, bathrooms, ramada, shade sail with benches, open turf area and a barbecue area.

Section 3. Codification. This ordinance is not of a general nature and will not be codified.

Section 4. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this 6th day of November, 2023.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney