

ORDINANCE # 2024-44

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 AND ADDING CHAPTER 102, ARTICLE II, SECTION 102-2.3, RELATING TO THE APPROVAL OF RESIDENTIAL ZONING APPLICATIONS; INCORPORATING THE RECITALS BY REFERENCE; SETTING FORTH DEFINITIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Arizona Legislature adopted S.B. 1162, codified as Ariz. Rev. Stat. § 9-462.10, which mandates that cities and towns adopt zoning code amendments on or before January 1, 2025, related to the approval of residential zoning applications;

WHEREAS, this Ordinance is being adopted by the City Council to comply with the new mandates under S.B. 1162;

WHEREAS, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; and

WHEREAS, this Ordinance was properly noticed for a 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 101, Article II, Section 101-2.2 and Chapter 102, Article II, Section 102-2.3 of the Surprise Municipal Code are hereby amended and added 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. 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resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted herein by reference are repealed.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.

Section 6. Pursuant to Surprise Municipal Code § 1-7, a person convicted of a violation of this Ordinance shall be guilty of a class 1 misdemeanor and subject to the punishment for a class 1 misdemeanor under state law.

Section 7. Emergency. The Council hereby finds, determines, and declares that an emergency exists, and that in order to preserve the peace, health, and safety of the City of Surprise, this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 17 day of December, 2024.

Skip Hall, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Robert Wingo, City Attorney

I, KRISTI PASSARELLI, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE # 2024-44 ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE ON THE 17th DAY OF December, 2024, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2024.

Kristi Passarelli, City Clerk

EXHIBIT A

FS24-1421- Zoning Text Amendment Administrative Zoning Approvals

Legislative Edits

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

Chapter 101 – ADMINISTRATIVE PROVISIONS

ARTICLE II - IN GENERAL

Sec. 101-2.2. Glossary of terms.

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

R

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

Chapter 102 – REVIEW PROCESS AND APPLICATIONS

ARTICLE II – PROCEDURE TYPES AND SUBMITTALS

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

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

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

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

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

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

(1) Land that is designated as a district of historical significance pursuant to Ariz. Rev. Stat. § 9-462.01(a); and

(2) An area that is designated as historic on the national register of historic places;

(3) Land that is already zoned as a planned area development (PAD).