

ORDINANCE # 2025-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A TEXT AMENDMENT TO PART II, CHAPTER 106, ARTICLE IX, SECTIONS 106-9.1 and 106-4.3 OF THE SURPRISE LAND DEVELOPMENT ORDINANCES TO AMEND THE PLANNED UNIT DEVELOPMENT OVERLAY ZONING DISTRICT AND TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONING DISTRICT TO FACILITATE DEVELOPMENT OF UNDERUTILIZED, CONSTRAINED, AND CHALLENGING SITES.

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 Chapter 106 Article IX Sections 106-9.1 and 106-4.3 of the Surprise Land Development Ordinances to amend the Planned Unit Development Overlay Zoning District and Traditional Neighborhood Development Zoning District to facilitate development of underutilized, constrained, and challenging sites;

WHEREAS, on April 17, 2025, the Planning and Zoning Commission recommended approval of the proposed Text Amendments to the Land Development Ordinances.

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

Section 1. Chapter 106 of the Surprise Land Development Ordinances is hereby amended as described on attached ***Exhibit A***, attached hereto and incorporated by this reference.

Section 2. 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resolutions, or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed upon the effective date of this Ordinance.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 manner prescribed by law and shall be added to the Surprise Code of Ordinances at that time.

PASSED AND ADOPTED this 20th day of May, 2025.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, Acting City Attorney

EXHIBIT A

Sec. 106-4.3. Review and process.

A. Procedures.

1. A "TND plan of development" shall be submitted as part the *rezoning* 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 districts* 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 *rezoning* 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 units* 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 *rezoning* 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 **a** ~~the only~~ *zoning district* where the "shared court" (commonly known as four-packs and five-packs), "shared cluster", "mansion *apartment*", or rowhouse/townhome housing products **may** ~~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)

ARTICLE IX. OVERLAY ZONING DISTRICTS

Sec. 106-9.1. Planned unit development (P) overlay.

- A. Purpose. The planned unit *development* (PUD) overlay *zoning district* facilitates *development* by permitting flexibility to accommodate creative and imaginative designs that may not be possible under conventional regulations. It is intended to accommodate site constraints and unique circumstances that may include topography or *environmentally sensitive lands*.
- B. Applicability. The PUD overlay *zoning district* is permitted in all character areas as set forth in the General Plan. A PUD overlay *zoning district* provides for the establishment of distinct regulations as adopted by the city council. A PUD overlay may be applied to any *zoning district* in the city, except for the Surprise Heritage District (SHD), traditional neighborhood development (TND), or on any individual residential *dwellings*.

Where a provision in a PUD overlay *zoning district* varies from this ordinance, the provisions in the PUD overlay *zoning district* shall govern.

- C. Rationale. An application may request deviations from regulations in this *ordinance*, as permitted in this section. The proposal shall identify the various constraints associated with site and demonstrate how the design meets the following guiding objectives of a PUD overlay *zoning district*.
1. Development enriches the whole community through creating a unique sense of place for the residents within the PUD overlay *zoning district* as well as those in surrounding neighborhoods.
 2. Provide for a variety of coordinated and compatible land uses through innovative site planning.
 3. Create a higher standard of *development* than would be accomplished through the *development* of individual *parcels* through conventional *zoning* regulations.
 4. Planned and integrated comprehensive transportation systems for pedestrian and vehicular traffic as outlined in this *ordinance*, which may include provisions for mass transportation and *roadways*, bicycle or equestrian paths, pedestrian walkways and other similar transportation facilities to meet the site conditions.
 5. Preserve existing *environmentally sensitive lands* that exceeds the minimum open space area required in the ordinance and provide for and well-designed open space *amenities*.
 6. Fulfills the goals, objectives, and policies of the General Plan as well as specific plans for city areas that may include, but are not limited to cultural, educational, medical, and/or recreational facilities.
 7. Provide for a variety of housing types, employment opportunities, and commercial services to achieve a balanced community for families of a wide variety of ages, sizes, and levels of income.
 8. Site *structures* to take maximum advantage of the natural and man-made environment, provide view corridors, and minimize adverse environmental impact on surrounding areas during the *development* stages.
 9. Avoid premature or inappropriate *development* that would result in incompatible *uses* or would create traffic and *public* service demands that exceed the capacity of existing or planned facilities.
 10. All standards set forth in an approved PUD document shall carry the full force of law.
- D. Permitted uses.
1. All *uses* shall comply with the underlying *zoning district*.
- E. General regulations and permitted deviations.
1. The PUD overlay district may establish alternate standards ~~(except lot area per dwelling unit)~~ for those found in **Chapter 106** and **Chapter 107**. Standards developed through the PUD overlay district rezoning process shall be appropriate to the location and context for the site for which the project is proposed. Standards created through the PUD overlay should also assist in the fulfillment of the goals, objectives, and policies in the General Plan. Approval of the standards is based on the *site plan* provided as part of the PUD.
 2. All PUD districts shall otherwise adhere to the regulations established in this *ordinance*. Any PUD overlay *zoning districts* containing standards that do not adhere to **Chapter 106** or **Chapter 107** shall be identified at the time of PUD zoning approval and shall be set forth in the *development plan*.

(Ord. No. 2024-03, § 1(Exh. A), 3-5-24)

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