

ORDINANCE 2016-30

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE/PLANNED AREA DEVELOPMENT (PAD) AMENDMENT FOR THE SURPRISE VILLAGE MARKETPLACE PAD PROVIDING DEVELOPMENT STANDARDS AND ALLOWING FOR SELF-STORAGE AND RECREATIONAL VEHICLE STORAGE ON A LOT GENERALLY LOCATED ON THE SOUTHEAST CORNER OF BELL ROAD AND STATE ROUTE 303.

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 on the southeast corner of Bell Road and State Route 303;

WHEREAS, the subject site was zoned Planned Area Development (PAD) on September 28, 2006 by Ordinance 06-44;

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations and uses;

WHEREAS, the current uses of the Surprise Village Marketplace PAD do not include Self-Storage and Recreational Vehicle Storage;

WHEREAS, the proposed Rezone satisfies the requirements set forth in Chapter 122 of the Surprise Municipal Code;

WHEREAS, this Rezone is in harmony with the purposes and intent of the Zoning Ordinance and the Surprise General Plan; and

WHEREAS, on October 6, 2016, the Planning and Zoning Commission recommended approval of the Surprise Village Marketplace Rezone PAD Amendment.

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

Section 1. The parcel legally described on Exhibit A and depicted on Exhibit B, known as "Lot 4, Surprise Village Marketplace" is rezoned by PAD Amendment providing development standards and allowing for Self-Storage and Recreational Vehicle Storage uses subject to the following stipulations:

- A. Development and use of the site shall be in conformance with the project narrative entitled "Storage West at Surprise Village Marketplace" consisting of 8 pages dated revised August 4, 2016 and stamped received August 4, 2016, except as modified by the following stipulations.
- B. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.
- C. The Property owner and successors waive claim for diminution of in value if the City takes action to rescind approval of this zone change request due to non-compliance with the stipulations of approval.

Section 2. No Codification. This Ordinance is not of a general and permanent nature and shall not be codified.

Section 3. 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 4. 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 5. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this 1 day of _November, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A – LEGAL DESCRIPTION FOR PROPERTY

LOT 4, SURPRISE VILLAGE MARKETPLACE EAST, ACCORDING TO BOOK 1200
OF MAPS, PAGE 38, RECORDS OF MARICOPA COUNTY, ARIZONA.

EXHIBIT B – DEPICTION OF THE PROPERTY TO BE RE-ZONED

