

## CHAPTER 101 - ADMINISTRATIVE PROVISIONS

### ARTICLE 1 – IN GENERAL

#### 101-1.1 TITLE & Effect

- A. Part II of the City of Surprise Municipal Code shall be known as and may be cited as the Surprise Land Development *Ordinance* (LDO) and may be referred to herein as “this code”, “this ordinance”, or the “LDO”.
- B. The Surprise LDO shall be effective on \_\_\_\_\_

#### 101-1.2 Authority

- A. The Surprise LDO is adopted pursuant to the authority contained in the Arizona Revised Statutes (A.R.S.) Title 9, Arizona Revised Statutes (“A.R.S.”), and Chapter 4, Articles 6 and 7 and general laws in order to conserve and promote the public health, safety, and general welfare of the present and future citizens of the City of Surprise.
- B. All ordinances or portions of ordinances adopted before the effective date of the LDO, with the exception of vested Planned Area Developments, in conflict with this *Ordinance*, or inconsistent with the regulations of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. Approved and vested Planned Area Developments that have not expired may retain entitlements, densities, *plats*, and regulations specifically granted in the adopting ordinance(s). It is the intent that the LDO shall supersede any reference to standardized regulations associated with the previous land development ordinances.

#### 101-1.3 Purpose & Applicability

- A. The purpose of this ordinance is to implement the goals and policies of the *General Plan* and other related plans and documents of the City by providing the minimum requirements to ensure consistency and compatibility between the *General Plan* and the *Zoning districts*, particularly in the following ways:
  - 1. Providing for a range of *uses* and intensities with orderly growth and development by dividing the City into specific *zoning districts* to promote an efficient *use* of land resources and ensure compatibility between land *uses*.
  - 2. Direct growth with priority to those areas where *infrastructure* and urban services already exist or can be economically provided.

3. Ensuring the protection of the natural, historic, economic, cultural, and scenic resources of the City by establishing standards regulating the *use* and physical development of land.
  4. Promoting development that further protects the public’s investment in *multimodal* transportation and *infrastructure*, recreation, *open space*, and other *public facilities*.
  5. Promoting a high level of quality in the design and function of both new and existing development in accordance with the Planning and Engineering Design Standards (PEDS).
  6. Promoting safety from fire, flood, and other natural or man-made disasters.
  7. Providing for coordination of land *uses* with, other municipalities, counties, the state, regional associations, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.
  8. Providing for efficient review of development proposals, to clarify the approval process.
  9. Providing for procedures that respond uniformly and consistently to development proposals.
  10. Promote the conservation of natural resources and energy by encouraging techniques such as *building* orientation and *site planning*, energy-efficient *building* construction, *use* of active and passive solar energy systems, on-site transportation management, and other energy and natural resource saving technologies into development projects.
- B.** The land *use* regulations and general development standards provided herein shall be applicable to and govern the development and *use*, whether new or existing, of all *buildings*, *structures* and land within the corporate limits of the City of Surprise.

**101-1.4 Interpretation**

- A.** Interpretation and application of the provisions of this ordinance shall be regarded as the basic and minimum requirements for the protection of public health, safety, and welfare. Whenever any provision of this ordinance or any provision of any other applicable law, rule, contract, resolution or regulation of the City, state agency, or the federal government contains certain standards, covering the same subject matter, the more restrictive requirement(s) or higher standard(s) shall control.

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**PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)**

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- B. This *Ordinance* also is not intended to interfere with, abrogate, or annul any private agreements between *persons*, such as easements, deeds, covenants, except that if this *Ordinance* imposes higher standards or a greater restriction on land, *buildings* or *structures* than an otherwise applicable provision of a law, ordinance, or a private agreement, the provisions of this *Ordinance* shall prevail.
- C. This *Ordinance*, upon its adoption, amends and supersedes the text of all other *zoning* ordinances previously adopted by the City, except where an earlier *zoning* ordinance is to apply pursuant to a Development Agreement or other land development agreement that expressly requires such.
- D. In case of any difference of meaning or implication between the text of this ordinance and any figure or graphic, the text shall control.

**101-1.5 Severability Clause**

- A. It is declared to be the intention of the City that the provisions of the LDO are separable in accordance with the following:
  - 1. If any court of competent jurisdiction shall adjudge any provision of Part II of the Surprise Municipal Code to be invalid, such judgment shall not affect any other provisions of the LDO not specifically included in said judgment.
  - 2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of Part II of the Surprise Municipal Code to a particular property, *building* or other *structure*, such judgment shall not affect the application of said provision to any other property, *building* or *structure* not specifically included in said judgment.

**101-1.6 Permits and Approvals**

- A. No development activity shall occur on any property within the City until all applicable reviews, permits, approvals, and certificates have been issued and approved by the staff and/or officials with the authority to act upon said action.

**ARTICLE 2 – RULES OF INTERPRETATION AND GLOSSARY OF TERMS**

**101-2.1 Rules for Measurement**

- A. Measuring Distances. All distances are measured along a horizontal plane not by following the topography or slope of the land.
- B. Calculations: When any requirement of this *Ordinance* results in a fraction of a unit, that fraction will be disregarded and rounded to the nearest whole number to apply the more restrictive regulation.

**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” 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
  - CIP Capital Improvement Plan
  - LDO Land Development *Ordinance*
  - PAD Planned Area Development
  - TUP *Temporary use Permit*

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- ARS Arizona Revised Statutes
- PEDS Planning and Engineering Design Standards
- CD Community Development

- 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), 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*.

**Access:** A place, way, or means for entry to or exit from a property, *structure*, or building.

**Accessory:** A *structure*, *building*, or *use* that is customarily incidental and subordinate to the principal *structure*, *building*, or *use*.

**Adjacent:** To lie near, border on, not distant or far from, or near but not necessarily touching or *abutting*.

**Adult Foster Care Home:** A residential setting that provides room and board and adult foster care services for at least one and no more than four (1-4) adults who are participants in the Arizona long-term care system or contracts for services with the United States Department of Veterans Affairs and in which the sponsor or the manager resides with the residents and integrates the residents who are receiving adult foster care into that person's *family*.

**Agricultural animals:** *Agricultural animals*, whether kept and maintained for production and sale, *family* food production, education, or for personal enjoyment, are classified below:

1. Livestock: horses, donkeys and mules, miniature horses, cattle, sheep, goats, ox, or other similar domesticated *farm* or *ranch* animal.
2. Rodent: rabbits, chinchillas, and other similar mammals.
3. Fowl: chickens, ducks, turkeys, pigeons, ostriches, peacocks and other similar birds.
4. Bees: honey bees

**Agricultural facility:** *Agricultural facilities* shall include, but are not limited to: cotton gins, other than those gins that manufacture or process by-products; the storage, mixing and/or blending,

sale, and distribution of *agricultural* chemicals, but not the manufacture thereof; custom meat processing plants including slaughtering, butchering, and temporary storage of products, but not including rendering or refining of by-products; storage of offal, tanning or storage of hides, and wholesale or retail sales; *agricultural buildings* for the storage of hay, grain, or other horticultural products and large scale breeding and keeping of poultry or livestock and maintenance of specialized agriculture machinery and equipment.

***Agricultural operation:*** *Farming*, including plowing, tillage, cropping, and installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products, wholesale landscape nursery stock, and the breeding, boarding, and pasturing of *agricultural animals* (Also known as *Farming or ranching*).

***Alley:*** A permanent thoroughfare providing a secondary means of access to *abutting* lots.

***Alter:*** To change or cause to change in character or composition the structural elements, *use*, or other features of a *building* or site that requires a permit under this *Ordinance* or the *Building Code*.

***Amendment:*** A change in the wording, application, or substance of this *Ordinance* or the *Surprise General Plan*, or any change, deletion, or addition in the *zoning district* boundaries or classifications of the *zoning map*.

***Amenity:*** A natural or created feature that enhances the aesthetic quality, visual appeal, activity, or attractiveness of an area.

***Amusement or Theme Park:*** An outdoor facility, which may include *structures* and *buildings*, where there are various devices for entertainment, including, but not limited to, rides, booths for the conduct of games or sale of items, and *buildings* for shows and entertainment.

***Ancillary use:*** A *use* that is incidental to and customary associated with the *primary uses* is located on the same *lot* or *parcel* as the *primary uses*.

***Animal Boarding Facility:*** Any *structure*, land, or combination thereof *used*, designed, or arranged for the boarding, breeding, or care of household pets, but excluding livestock.

***Animal Clinic:*** Any facility maintained or *used* by a licensed veterinarian to provide preventative medical care, minor and preventative procedures, and short-term boarding for animals.

***Animal Hospital:*** Any full-service facility maintained or *used* by a licensed veterinarian with *hospital* capabilities, services, and machines for diagnostic procedures to provide medical care and short-term boarding for animals.

***Animal Shelter:*** A facility *used* for the confinement, maintenance, safekeeping, and control of animals that are found by a citizen or come into the custody of the animal enforcement officer and that is owned, operated, or maintained by a public body, or organization devoted to the welfare, protection, and humane treatment of animals.

***Apartment:*** A residential *dwelling*; a type of *multi-family dwelling unit*.

**Applicant:** The *owner* or their authorized agent submitting any type of *development* application on behalf of the *owner* and who is authorized to receive any notices on their behalf for any action taken by the city regarding the development application.

**Archaeological 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*).

**Area, gross:** The total sum of square footage or acreage within a *parcel* or development.

**Area, net:** The specific square footage or acreage within a *parcel* or development, excluding any land *used* or to be *used* as *rights-of-way*

**As-Built:** A survey, construction, and/or engineering plans prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements, *off-site* and *right-of-way* improvements which includes but is not limited to all *structures*, parking facilities, *retention* areas, curbs, gutters, sidewalks, and utilities.

**Assisted Living Center:** An *assisted living facility* that provides resident rooms or resident units to eleven (11) or more residents.

**Assisted Living Facility:** A *residential care institution*, including an *adult foster care home*, that provides or contracts to provide *supervisory care services*, *personal care services*, or directed care services on a continuous basis.

**Assisted Living Home:** An *assisted living facility* conducted within a *single-family dwelling unit* that provides resident rooms to ten (10) or fewer residents.

**Athletic Center:** See *Fitness Center*.

**Authorized Agent:** A *person* with powers as a duly authorized representative has the authority to sign contracts, permits, permit applications, monitoring results and other documents in the company's name and otherwise bind the company.

**Auto Salvage Yard:** A *junkyard* primarily containing inoperable vehicles.

## **B**

**Bar/Nightclub:** A *business* primarily devoted to the on-site serving and consumption of alcoholic beverages licensed (Series 6 or 7 licenses) by the proper State agencies and City departments where the service of food and providing of entertainment may be *ancillary*.

**Bed and Breakfast:** A *single-family dwelling* in which the *owners* or occupants of the *dwelling* provide, for compensation, short term lodging and meals for guests, occupying not more than

five (5) guest rooms, located within the same principal *dwelling* or *accessory dwelling unit*. Any *dwelling* in which more than five (5) guest rooms are provided shall be deemed a *hotel*.

**Berm:** A mound of earth that is *used* to shield, *screen*, or *buffer* undesirable views, separate incompatible land *uses*, provide visual and landscape interest, decrease noise, or control the direction of water flow.

**Block:** Land bounded by *streets*, or by a combination of *streets*, public *parks*, cemeteries, other *rights-of-way*, or boundary lines of municipalities.

**Buffer:** The technique of providing landscape or other improvements on land set aside or in a *buffer area used* to separate different intensities and types of land *use*.

**Buffer area:** An area of land that separates incompatible land *uses* and is utilized to mitigate any potentially negative impacts.

**Building:** Any *structure* having a roof that is supported by poles, columns, and/or walls for the housing and/or enclosure of *persons*, animals, or personal property.

**Building, attached:** A *building* having one (1) or more *common wall* with another *building* when the *primary uses* of each *building* is independent of the other and when no interior entry exists between *buildings*.

**Building, detached:** A *building* having no *common wall* or structural connection with another *building*.

**Building Envelope:** That area of a *lot* lying between the front, rear, and *side setback* lines available for construction.

**Building height:** The vertical distance from the lowest contact at *grade* of the *building* to the highest point of roofline or *parapet*.

**Building permit:** A fee based document issued by the City provided by an authoritative body with the purpose of granting permission to do work on a regulated *building* in compliance with City *building codes*.

**Business:** *Engaging* in the purchase, sale, barter, or exchange of goods, wares, merchandise, or service; the maintenance or operation of *offices* or recreational or amusement enterprises.

## C

**Cabinet or Carpenter Shop, Millwork and Wood Product Manufacturing:** A *business* that specializes in a craftsman trade which processes wood materials to form end-user products *used* in the construction or maintenance of *buildings* or creates furniture and a variety of other objects.

**Caliper:** The size of a tree as determined by the diameter which is measured using a fixed arm scale and movable arm tool.



**Campground:** Any area of land specifically designed and designated to temporarily accommodate two (2) or more camping parties, including cabins, tents, *recreational vehicles* or other camping outfits.

**Carport:** A roofed *structure* not more than seventy-five percent (75%) enclosed by walls and attached to the main *building* for the purpose of providing shelter for one (1) or more motor vehicles.

**Catering Service:** An establishment where the preparation of food and meals on the premises, are delivered to another location for consumption, not including food *manufacturing*. *Catering Services* may be a *primary uses* or *ancillary* to a *restaurant*.

**Cemetery:** Land utilized for the burial of the dead (human and animal) and dedicated for *cemetery* purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such *cemetery*.

**Civic use:** Is a *Community Facility* developed for cultural, educational, or institutional purposes for the *public* and *semipublic use*, typically arranged in a manner that is *pedestrian friendly* or focused around a central plaza or *open space* with *amenities* for the public to sit, gather, or attend events; may also include civic or governmental facilities such as fire stations, libraries, *places of assembly*, or *schools* with *public parks*.

**Change of use:** A formal change of a *building's* classification *use* or principal land *use* on a *lot* from one (1) type to another.

**Clinic:** A facility that provides medical, dental, psychiatric, or surgical service for sick or injured patients (human and/or animal) exclusively on an out-patient basis, including urgent care treatment, diagnostic services, training, and administration.

**Club, private:** An association which owns, hires or leases a *building*, or a portion thereof, and the *use* of such premises (including but not limited to *uses* allowed in the same *zoning district*) being restricted to *persons* who are bona fide members paying annual dues and their bona fide guests; excluding membership based retail *businesses*.

**Cluster Development/Subdivision:** The development technique that concentrates *buildings/lots* on a portion of the development site to allow the remaining land to be permanently *used* for recreation, preserving *open space*, and/or conservation of *environmentally sensitive features* and where possible and practical, support connectivity.

**Commerce center:** A development designed as a group of *buildings* and *uses* planned with shared circulation, parking, utilities, drainage, and landscaping that is unified through *open space*, *pedestrian friendly* connections, and architectural style regardless of the number of *parcels* or *pad sites*.

**Common area:** An outdoor area that is designed and developed as shared *use* and *pedestrian friendly*, including but not limited to features such as *parks* plazas, terraces, courtyards, patios, stormwater *retention*, *multi-modal* paths, and trails,.

**Common wall:** A dividing partition between two (2) contiguous *buildings* or between two (2) *adjacent lots* shared by the neighboring occupants.

**Community Facility:** A noncommercial *use* established primarily for the benefit and service of the population of the community in which it is located (typically includes social, entertainment, athletic, or recreational *uses* and may also include *business office* associated with the community such but not limited to Homeowners Association or *apartment rental office*).

**Community Garden:** Land gardened collectively by a group of people. Gardening may include, but is not limited to, all types of horticulture such as flowers, vegetable or field crops, and orchards containing berry, bush or tree crops.

**Community Open space System:** The community's *parcs*, playgrounds, active and passive recreational areas, natural features, and *environmentally sensitive features* that collectively provide a continuous and integrated system of *open space*.

**Compatibility:** The avoidance of placing physical impact land *uses* that are known to or might happen to generate odors, noise, dust, excessive light and glare, *adjacent* to, or in close proximity of, more *sensitive lands* already located in an area.

**Complete streets:** A *right-of-way* system that is designed and operated to enable safe, attractive and comfortable *access* and travel for all *users*. Pedestrians, bicyclists, transit riders, and motorists of all ages and abilities are able to safely and comfortably move along and across a complete *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.

**Conditional use Permit (CUP):** A *use* permit required as legal authorization for certain *uses* to be considered a *permitted use* in a particular *zoning district*.

**Construction Plan:** The maps or drawings showing the specific location and design of improvements to be installed on a parcel or in a subdivision accompanying a *recorded plat* and in accordance with the requirements of the City of Surprise as a condition of the approval of the *plat*.

**Construction trailer:** A factory-assembled *structure* or *structures* exceeding eight feet in width, originally equipped with the necessary service connections, and originally made so as to be readily movable as a unit or units on its (their) own running gear and designed to be *used* as an *office* without a permanent foundation, whether or not said running gear has been removed. (commonly known as a mobile *office*)

**Contractor's Yards:** *Outdoor storage* of materials, equipment, and surplus goods associated with services provided by related *business*, including but not limited to construction, landscaping, air conditioning, plumbing, and/or remodeling services.

**Correctional Facility:** A public *building* used for the confinement of people convicted of crimes.

**Cottage industry:** A small *business*, owned and operated by the residential occupant, in a residential area conducted within the *dwelling* or in an *accessory building*. The *business* may

have employees and customers but must be clearly incidental and secondary to the *use* of the property for *single-family* residential purposes.

**Cul-de-sac:** A *local street* with only one (1) outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

**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.

**Curb Extension:** Generally rounded extensions of a curb located at a *street* intersection that narrow the *street* by widening the sidewalk and/or the *landscape strip* in order to make pedestrian *street* crossings shorter and easier, and to provide a visual narrowing along the *roadway* to help increase driver awareness and slow the movement of traffic in heavy pedestrian areas.

**Curb separated sidewalk:** A sidewalk that is detached 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*.

**Cut:** The removal of soil, rock, or other materials from a location which shapes and lowers the *grade* at the location.

## D

**Day Care Center:** A *use* where care, supervision, and guidance are provided for pay for five or more minor or adult *persons* unrelated to the proprietor subject to the requirements of the State of Arizona.

**Deep Root Barrier:** A mechanical barrier that redirects tree root growth downward, eliminating the surface rooting that damages hardscapes such as sidewalks, driveways, and *street* paving.

**Density, gross residential:** The number of residential *dwelling units* per *gross area* of land (du/ac).

**Density, net residential:** The average number of residential *dwelling units* per acre of land for residential only purposes, including *parks*, *open space*, and recreational areas, but excluding any land *used* or to be *used* as arterial *rights-of-way*, *school/public facility* reservations, and nonresidential *uses*. For calculating *net residential density*, the following formula shall apply:

$$D = \frac{du}{A - (c+i+s+a)}$$

Where: D = Residential density

du = Total number of *dwelling units* in project

A = *Gross area* (acres)

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c = *Net area* of commercial land (acres)

i = *Net area* of industrial land (acres)

s = *Net area* of school/public facility reservations (acres)

a = *Net area* of arterial rights-of-way (acres)

**Density transfer:** Permitted unused allowable *dwelling units* 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.

**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-through:** An *accessory* 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.

**Drive aisle:** The travel way by which cars enter and depart *parking spaces*.

**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 *hotels*, *motels*, *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; 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.

**Entertainment Establishment, Indoors:** An establishment that provides participant or spectator recreation to the general public that may include ancillary *uses* such as retail and *restaurants*, but excluding public *park* and recreation facilities. Entertainment *uses* typically includes but are not limited to roller rink, rock/climbing gym, bowling alley, pool hall, movie theaters, arcade games.

**Entertainment Establishment, Outdoors:** An establishment that provides participant or spectator recreation to the general public that may include ancillary *uses* such as retail and *restaurants*, but excluding public *park* and recreation facilities. Entertainment *uses* typically includes but are not limited to typically go-cart track, batting cages, miniature golf, paintball course, drive-in theaters, and disc golf.

**Environmental buffer area:** An area of land alongside and/or surrounding a protected or conserved *environmentally sensitive feature* or *cultural resource* in which human activity is restricted to research and maintenance of the feature or resource in order to mitigate negative impacts of edge effects on the land or wildlife.

**Environmental Inventory Plan:** Development plan rooted in an integrated conservation design approach that identifies, locates, and inventories all of the *environmentally sensitive feature(s)*, *cultural resource(s)*, and *environmental buffer area(s)* within and *adjacent* to a proposed development site.

**Environmentally sensitive feature:** 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; habitat; protected native plants; significant rock outcroppings; significant stands of vegetation; ridgelines; steep slopes; water features; and wildlife corridors*. Includes the general term ‘*environmentally sensitive*’ and ‘*environmentally sensitive lands*’

**Equestrian center:** Commercial horse, donkey, and/or mule facilities including: horse *ranches*, boarding *stables*, riding schools and academies, and horse exhibition facilities. This land use includes barns, *stables*, corrals, and paddocks *accessory* and incidental to the above uses.

## F

**Factory-built Building:** A multi-sectional unit manufactured *off-site* in accordance to the Uniform Building Code (UBC) and/or International Building Code (IBC), as adopted by the City, that when joined together forms a *building* or *dwelling unit*.

**Fairgrounds:** A developed use including but not limited to: *agricultural* related *buildings*, animal shows and judging, carnivals, circuses, community meeting or recreational *buildings* and *uses*, concerts, food booths and stands, games, rides, rodeos, sales and auctions, that may include *recreational vehicle* overnight parking and camping areas.

**Family:** A group of people living together as a single housekeeping unit, within a single *dwelling unit* as distinguished from a group occupying a *hotel, motel, club*, dormitory, fraternity, sorority, lodging house or *nursing care institution*.

**Farm:** See *Agricultural operations*.

**Farm stand:** An establishment only for the sale of fruits, vegetables, flowers, containerized house plants, eggs, honey, dates, nuts, and other *agricultural* food products that are grown and/or produced on-site.

**Fence:** An artificially constructed barrier of wood, stone, masonry, metal or combination of materials erected to *screen*, separate, protect, confine, or enclose; not including landscaping or other natural growth. The term *fence* shall include all *walls*, except those as part of *building*.

**Fence return:** The portion of a *fence* parallel or approximately parallel to the front line that is between the *dwelling* and *side lot line*.

**Fill:** Soil, rock or other material, deposited at a location by man that raises the *grade* at that location.

**Financial assurance:** A form of security including a cash deposit, 3<sup>rd</sup> party trust, an irrevocable letter of credit, of funds in escrow in an amount and form satisfactory to the City Attorney and meeting the requirements expressed elsewhere in this *Ordinance* and/or Surprise Municipal Code.

**Fitness Club:** Establishments that provides exercise facilities, including but not limited to running, jogging, aerobics, weight lifting, sports courts, and swimming, and may also include locker rooms, showers, massage rooms, saunas and related *accessory uses* (commonly known as *Athletic or Health Club*).

**Fleet-Based Services:** Passenger transportation services, local delivery services, medical transport, and other *businesses* that rely on fleets of 3 or more vehicles. This classification includes parking, dispatching, and *offices* for *uses* such as but not limited to taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar *businesses*. This classification does not include towing operations or taxi or delivery services with 2 or fewer fleet vehicles on-site.

**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.

**Freight Depot/Distribution Center:** A location or facility for the receipt, transfer, short-term storage, and dispatching of goods transported by *truck* or rail. Included in the *use* type would be express or other mail and package distribution facilities, including such facilities operated by the U.S. Post Office and includes related administrative *offices*, fueling facilities, dispatch operations and loading facilities.

**Frontage:** That side of a *structure, building, or lot abutting* on a *right-of-way used* for legal access.

**Funeral Home/Mortuary:** An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities, excluding a *cemetery, crematorium, and columbarium*.

## G

**Gallery:** A room or *structure* in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.

**Garage:** A *building* or portion thereof, designed for the storage of vehicles, boats, and/or trailers and is located on the same property as the *dwelling unit* it serves.

**General Plan:** The comprehensive plan pursuant to A.R.S. §9-461.05, providing for the future growth and improvement of the City of Surprise and for the general location of *streets, schools* and recreation areas, public *building* sites, and other physical development, and including any part of such plan separately adopted and any *amendment* to such plan, or parts thereof.

**Grade:** The surface of the ground, paving or sidewalk at any point *abutting* a *structure* or *fence/wall*.

**Group Home:** A single *dwelling unit* shared as their primary residence by handicapped and/or elderly *persons* living together as a single housekeeping unit in which staff *persons* provide on-site care, meals, supervision, and other support services for the residents. Group homes shall not include *assisted living facilities*, *nursing care facilities*, shelter care facilities, recovery homes, *correctional facilities*, or homes for the developmentally disabled as regulated by the Arizona Revised Statutes

## H

**Habitat:** Land area that supports plant or animal species protected by the federal Endangered Species Act and/or other federal or Arizona laws or regulations.

**Health Care Institution:** An establishment that provides *personal care services* for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition.

**Health Club:** See *Fitness Club*.

**Hillside:** Those lands where the natural terrain has an average cross slope of ten percent (10%) or greater. However, a ten (10%) percent or greater slope, created by a natural wash on land that otherwise would not be classified as *hillside* land shall be exempt from the *hillside* regulations.

**Home occupation:** A *business* activity conducted in whole or part and is clearly an *accessory* or incidental *use* and subordinate to a *dwelling unit*.

**Hospital:** An institution providing primary health services and medical or surgical care, primarily inpatient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities providing such institution is operated by, or treatment is given, under direct supervision of a persons licensed to practice medicine by the State of Arizona.

**Hotel or motel:** A *building* or portion thereof, or a group of *buildings*, in which lodging accommodations are provided and offered to transient guests for compensation and may not serve as a *dwelling unit* or a *person's* primary residence.

## I

**Impound Lot:** A *lot* or *parcel* used for the storage of vehicles that have been towed.

**Indoor Shooting/Archery Range:** Any *building*, or portion therein, where there are facilities for the firing of handguns, rifles, other firearms, or arrows inside.

**Ingress/egress:** The location of entry and exit to a *structure* or property.



**Infill:** New development which is placed within an existing and already developed site or area.

**Integrated Conservation Design:** A development concept that considers site characteristics, natural features, and layout in the larger context of the site and its surrounding *parcels*. *Integrated conservation design* is intended to preserve important and unique natural features such as *hillside development areas* and *steep slopes*, *wildlife corridors*, *natural habitat*, and *cultural resources* that are known and those that may be discovered on the site as well as conservation of community view corridors, and the required *open space* per the *zoning district*.

## J

**Junkyard:** Any *lot* or *parcel*, *structure*, or *building* used in whole or in part for the storage, processing, reuse, resale, or disposal of personal property, but not including a landfill, transfer station, or other solid waste disposal site

## K

**Kennel:** Any *lot* or premise with an enclosed, controlled area, inaccessible to other animals, in which a *person* keeps, harbors or maintains five or more dogs under controlled conditions; does not include *Animal Boarding Facility*, *Animal Hospitals and/or Clinics*, or *Animal Shelter*.

## L

**Laboratory:** See *Research Facility*

**Landscape strip:** The landscaped area between sidewalk and curb along a *public street*, parking *lot*, or driveway (commonly known as *Park Strip*).

**Loading Area:** The area separate from *drive aisles* or *parking spaces*, used for the receipt or distribution of material or merchandise by vehicles.

**Lot:** A single piece of property, including a *parcel* of land, shown in the records of the Maricopa County Assessor's Office, to be used pursuant to all City requirements for the development.

1. **Lot, corner:** A *lot* at a junction of and fronting on two (2) or more intersecting *streets*.
2. **Lot, flag:** A *lot* with the buildable area of the *lot* set back from the *street* behind another *lot*, with limited *street frontage*.
3. **Lot, interior:** A *lot* other than a corner or *through lot*.
4. **Lot, key:** A *lot* where the *side lot line* abuts the *rear lot line* of a corner *lot*.

5. **Lot, through:** A lot having street frontage on two (2) parallel or approximately parallel streets, commonly known as double frontage.

**Lot coverage:** The percentage of the lot area covered by a building and/or other allowed roofed structure used for protection or shielding from the elements or weather.

**Lot depth:** The horizontal distance of a line measured at the midpoint of and a right angle to the front lot line and running between the front lot line and the rear lot line of a lot.

**Lot line:** The boundary that sets the border of a lot. (commonly known as a property line)

1. **Lot line, front:** The narrowest lot line abutting the right-of-way.
2. **Lot line, rear:** The lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the chord of front lot line.
3. **Lot line, side:** Any lot line that is not a front lot line or a rear lot line.

**Lot line Adjustment:** A minor revision to lot lines between two (2) or more existing lots, tracts or parcels but is not dividing property.

**Lot width:** The distance as measured in a straight line, between side lot lines.

## **M**

**Manufactured home:** A residential dwelling unit built in accordance with and certified as a manufactured home under the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and the laws of the State of Arizona Office of Manufacture Housing.

**Manufacturing:** The creation of products either with machinery or by hand according to an organized plan and with a division of labor. Typical manufacturing uses, which may be conducted indoor or outdoor based on the zoning district, include but are not limited to general processing and fabrication of biotechnical, cabinet and carpentry, computers and electronics, food production, metal, paper, plastics and/or wood products.

**Map of dedication:** A legal instrument prepared by a registered civil engineer and a registered land surveyor that may be used to dedicate right-of-way, drainage, flood control, utilities, emergency or service vehicle access, or other public uses; not to be used to create lots, parcels, or tracts owned, or to be owned, by any person not a public agency.

**Medical marijuana dispensary:** A not-for-profit entity defined in A.R.S. § 36-2801(11), that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, dispenses, or otherwise provides medical marijuana or related supplies and educational materials to cardholders as defined in A.R.S. § 36-2801(2).

**Medical marijuana dispensary off-site cultivation Facility:** An enclosed, locked facility where marijuana is cultivated by a *medical marijuana dispensary* as referenced in A.R.S. § 36-2804(B)(1)(b)(ii).

**Medical marijuana infusion facility:** A facility that incorporates medical marijuana into consumable/edible goods by the means of cooking or blending.

**Medical Office (Health Care Facility):** A *building* or portion thereof that provides outpatient *personal care services* in the form of medical services, medical imaging and testing *clinics*, *nursing services*, behavioral health services, health *screening* services, other health-related services, *supervisory care services*, or directed care services; including but not limited to medical *offices*, walk-in *clinics*, outpatient surgical facility, outpatient facility, and urgent care. *Medical Office* excludes *hospitals*, trauma centers with ambulatory services, *laboratory* and research facilities, and all facilities for medical marijuana.

**Microbrewery/distillery/winery:** A *business* primarily devoted to the on-site producing and serving and consumption of alcoholic beverages licensed (Series 3, 13, and/or 18 licenses) by the proper State agencies and City departments where the service of food, retail sales, and providing of entertainment may be *ancillary*.

**Minor land division:** The division of improved or unimproved land or lands within the city for the purpose of financing, sale, or lease, whether immediate or future, into three (3) or less lots, tracts, or parcels of land with no public dedication of property.

**Mixed Use:** A *building* or *lot* that contains more than one (1) type of land *use* by integrating residential with non-residential *uses*, planned as a whole that functionally share vehicular and pedestrian *access* and *parking areas*.

**Mining and mineral extraction:** The extraction of sand, gravel or other material from the land in the amount of four hundred cubic yards (400 y<sup>3</sup>) or more and the removal thereof from the site.

**Mobile home:** A residential *dwelling* that was fabricated or built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (effective June 15, 1976).

**Mobile Vending:** A *person* or entity that provides services or retail sales from within a vehicle, trailer, or stand that is intended to be temporary, or is capable of being moved from one (1) location to another.

**Model home:** A *dwelling unit* used initially for display purposes which typifies the units that will be constructed in the subdivision and may incorporate sales or rental *offices* for the subdivision prior to residential occupancy.

**Motel:** Also known as a *hotel*.

**Multimodal:** Means of traveling within or through a community to include automobiles, buses, trolley, rail, bicycles, *pedestrian friendly* walkways and path and trail systems, and any other

means of moving *persons* and goods by a surface, overhead or underground means of transportation.

## **N**

**New construction:** *Structures* for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

**Nonconforming lot:** A *parcel* of land that does not conform to an established, such as but not limited to having minimum area or dimensions less than required in the district in which it is located.

**Nonconforming structures:** A *structure*, or portion thereof that does not conform to an established district or district regulation applicable to where the *structure* is located.

**Nonconforming uses:** A *land use* that does not conform to this *Ordinance* or *General Plan* provisions that govern the land.

**Noxious matter:** Material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects on the physical or economic well-being of individuals.

**Nursing care facility:** A *residential care institution* provides inpatient beds or resident beds and *nursing services* to *persons* who need continuous *nursing services* but who do not require a *hospital* or direct daily treatment from a physician. (commonly known as *nursing home*)

**Nursing services:** Those services that pertain to the curative, restorative, and preventive aspects of treatment and care that are performed at the direction of a physician by or under the supervision of a registered nurse licensed in this state.

## **O**

**Off-site:** Any *structure* or *use* located outside the property of the *primary uses*.

**Office:** A *building*, or portion thereof, *used* for conducting the affairs of a *business*, profession, service industry, or government and internal storage of supplies customary and incidental to the *use*.

**Open space:** Land and/or water areas , improved or unimproved and set aside, dedicated, designated or reserved for public or private *use* or enjoyment as active and passive recreational areas or for environmental, scenic, or conservation purposes.

**Open space, active:** Land and water areas specifically designed as an activity-based recreational area to include boating, water sports, sports fields, golf courses, local and community *parks* having picnic, playground, recreational and support components and pedestrian, hiking, bicycle and equestrian trails.

**Open space, passive:** Land and water areas that are either partially improved, undeveloped or in a natural state that are intended for scenic, environmental, conservation, and/or resource protection; and include such resource-based activities as nature study, nature trails, and any other activities requiring a natural condition that cannot easily be duplicated by human actions.

**Ordinance:** Any legislative action of a local government, which has the force of law, including any *amendment* or repeal of any ordinance.

**Original Lot:** Any existing *lot, parcel, tract* of land or combination thereof identified in the official records of the Maricopa County Recorder as of the annexation of the property into the corporate limits of the city or on December 24, 1986, whichever is later.

**Outdoor lighting:** Artificial illuminating device that includes the complete lighting unit of a *lamp* or *lamps* and ballast(s) (when applicable) together with the parts designed to distribute the light, to position and protect the *lamps*, and to connect the *lamps* to the power supply; whether permanent or portable, a device *used* for illumination or advertisement including, but are not limited to, search, spot or flood lights for *buildings* and *structures*, recreational areas, parking *lot* lighting, landscape lighting, *signage* and *street* lighting..

1. **Adaptive controls:** Devices such as motion sensors, timers and dimmers *used* in concert with *outdoor lighting* equipment to vary the intensity or duration of operation of lighting.
2. **Ambient Light Level:** The general overall level of background lighting in an area.
3. **Bulb or Lamp:** The source of electric light; to be distinguished from the whole assembly (see luminaire). *Lamp* often is *used* to denote the bulb and its housing.
4. **Cut-Off Angle of a Luminaire:** The angle, measured up from the nadir (i.e. straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or *lamp*) is not visible.
5. **Direct illumination:** Illumination resulting from light emitted directly from a *lamp* or *luminaire*, not light diffused through translucent *signs* or reflected from other surfaces (such as the ground, *building* faces, or artistic *structure*).
6. **Fixture:** The assembly that holds the *lamp* in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
7. **Floodlight:** A *fixture* designed to “flood” a well-defined area with light.
8. **Full cut-off:** Attribute of a *luminaire* from which no light is emitted by the *fixture*, either directly from the *lamp* or indirectly from the *fixture*, at or above a horizontal plane drawn through the highest light-emitting portion of the *luminaire* and no more than 10% of the *lamp*'s intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the *luminaire*. A *full cut-off luminaire*, by definition, also is “fully shielded.”

9. **Fully shielded luminaire:** A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
10. **HID lamp:** In a discharge lamp, the emitted energy (light) is produced by the passage of an electric current through a gas. High-intensity discharge (HID) include metal halide and high-pressure sodium lamps. Other discharge lamps are low pressure sodium (LPS) and fluorescent. Some such lamps have internal coatings to convert some of the ultraviolet energy emitted by the gas discharge into visual output.
11. **High Pressure Sodium (HPS) Lamp:** A HID lamp where radiation is produced as a "point source" from sodium vapor at relatively high partial pressures (100 torr) commonly used in street lighting; emits an amber color.
12. **LED:** Light emitting diode.
13. **Light Spill:** Unwanted spillage of light onto adjacent areas and may affect sensitive receptors particularly residential properties and ecological sites.
14. **Light trespass:** Excessive light that spills onto adjacent property, typically produced by stray light coming from street lighting fixtures, illuminated signage and other outdoor lighting sources.
15. **Low-Pressure Sodium (LPS) Lamp:** A HID lamp where the light is produced as a "tube source" by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr) commonly used in street lighting; emits a monochromatic light.
16. **Lumen:** A measurement of the total amount of ambient light emitted by a source.
17. **Metal Halide Lamp:** An HID lamp where the light source is produced by radiation from metal-halide vapors commonly used for street lighting; emits a good quality white light.
18. **Nit:** The industry standard for measuring the specific light intensity (brightness) of Electronic Messaging Center (EMC) signs or one (1) candela per square meter.
19. **Partially Shielded:** Fixtures that are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal.
20. **Photometry:** The quantitative measurement of light level and distribution.
21. **Shield:** An opaque material permanently installed and/or attached that blocks the transmission or emission of light as a means of controlling or directing the light emitted from an outdoor lighting fixture to provide for full cut-off photometric performance.
22. **Spotlight:** A fixture designed to light only a small, well-defined area.

23. **Stray Light:** Emitted light that falls away from the area where it is needed or wanted (see also *Light trespass*).
24. **Temporary Lighting:** Lighting that is intended for *uses* that, by their nature are of limited duration, e.g. holiday decorations, civic events or construction projects.
25. **Wallpack:** A *luminaire*, typically affixed to the side of a *structure*, used for area lighting or security lighting.

**Out Parcel:** See *Pad site*.

**Outdoor Display Area:** Any land *used* or occupied for the display of sample goods, materials, or merchandise outside.

**Outdoor Sales Area:** Any land *used* or occupied for viewing by and direct access for customer of any goods, materials, or merchandise for purpose of retail or wholesale buying, selling, or renting.

**Outdoor Storage/Use:** Any land *used* or occupied for the storage goods, materials, or merchandise outside or conducting any *use* outside.

**Owner:** Any person, group of *persons*, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be *subdivided* under this ordinance.

## **P**

**Pad site:** A freestanding *lot* located within a larger development and typically requires shared vehicle *access* from the *street* and coordinated architectural and site design elements (commonly known as *Out Parcel*).

**Parapet:** That part of any wall extending above the roof line that generally runs around the perimeter of a flat roof *building* at the roofline.

**Parcel:** Any legally described *lot* created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder.

**Parcel assemblage:** A combination of land within the city which results in the assemblage of improved or unimproved land for the purpose of financing, sale, or lease, whether immediate or future, from three (3) or less *lots*, tracts, or *parcels* of land with no public dedication of property, into a single property.

**Park and Ride:** An *off-street parking* facility designed or intended to provide peripheral collection and storage of vehicles to accommodate transit centers where *persons* then board a train, bus, or other multi passenger mode of transportation.

**Park:** Any public or private land available for recreational, educational, cultural, or aesthetic uses, including but not limited to fountains, playground, public art, outdoor amphitheater & performance pad, splash pad, sport courts/fields, and non-commercial disc golf.

**Parking area:** Any land area containing one (1) or more *parking space*.

**Parking bay:** A paved *parking area* used for *alleys* or *on-street* parking on local residential streets; typically bound by *traffic calming* devices such as bulb outs, chicanes, or curb extensions.

**Parking space:** Any land area designated and used for parking of one (1) motor vehicle.

**Parking, off-street:** A *parking space* or *area* on a property that is not in the *right-of-way* or an *alley*.

**Parking structure:** Any *structure*, except those defined herein as a *garage*, used for the storage of motor vehicles.

**Party Wall:** See *common wall*.

**Pedestrian Friendly:** An environment in which conflict between the automobile and pedestrian is minimized or eliminated through the provision of a comprehensive means of vehicular-separated pedestrian travel that is fast, attractive and comfortable for a wide range of age and abilities groups; and by the design of *buildings* and other *uses* in a manner that is sensitive to the needs of the pedestrian.

**Perimeter Street:** Any *street* that *abuts* an existing development or the land to be *subdivided*.

**Personal care services:** Assistance with activities of daily living that can be performed by *persons* without professional skills or professional training and includes the coordination or provision of intermittent *nursing services* and the administration of medications and treatments by a nurse who is licensed pursuant to A.R.S. Title 32, Chapter 15 or as otherwise provided by law.

**Personal services:** *Businesses* offering non-medical services directly to the customer that may include customary and incidental retail sales, including but not limited to barber shops, beauty shops, nail salons, and tailors.

**Persons:** Includes any individual or group of individuals, corporations, partnerships, associations, or any other organized group of *persons*, including state and local governments and agencies thereof.

**Place of Assembly:** A *building* or a portion of a *building* used for people to gather for regularly scheduled programming, including, but not limited to, dance halls, public meeting halls, conference center meeting and exhibit rooms, indoor auction houses, and live action theaters.

**Place of Worship:** Any *building* or portion thereof, used for nonprofit purposes by an established religious organization where such *building* is primarily intended to be used for worship. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque.



**Plant Nursery:** The use of land, buildings, or structures for the growth, outdoor display areas, and/or outdoor sales area of flowers, plants, shrubs, trees and may include the sale of commonly used materials such as containers and fountains, soil, rock, bark, or mulch materials.

**Plat:** A map, survey, plan or replat certified by a licensed, registered land survey containing a description of the subdivided land with ties to permanent monuments that provides for changes in land use or ownership.

1. **Final plat:** A final map of a subdivision, including supporting data, in substantial conformance to an approved preliminary plat and all conditions placed upon it by the City Council, prepared by a registered land surveyor, in accordance with this Ordinance and the Arizona Revised Statutes.
2. **Preliminary plat:** An initial map, including supporting data, recommended by the Planning and Zoning Commission and approved by the City Council, indicating a proposed subdivision design, prepared by a registered civil engineer and a registered land surveyor, in accordance with this Ordinance and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a preliminary plat.
3. **Recorded plat:** A final plat bearing all of the certificates of approval required by this Ordinance and the Arizona Revised Statutes and duly recorded in the Maricopa County Recorder's Office.
4. **Replat:** A plat for the purpose of reverting previously subdivided acreage to unsubdivided acreage, or; for the purpose of vacating rights-of-way previously dedicated to the public and abandoned under procedures prescribed by the City Code, or; for the purpose of vacating or re-describing lot or parcel boundaries previously recorded.

**Portable Storage Container:** A device in the shape of a rectangular solid; constructed of metal, consisting of four (4) vertical walls, a floor and a ceiling and in which at least one (1) vertical end is designed as a door and not permanently affixed to the ground. Portable storage containers include devices initially designed to facilitate the shipping of containerized cargo and constructed entirely of steel in a manner consistent with ISO 6346, and are being reused to facilitate secure storage, but not designed as a building or habitable space as defined in the City of Surprise Building Code unless converted through the permit process.

**Printing Plant:** A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

**Property Line:** see lot line

**Protected Development Right:** The right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan, without compliance with subsequent changes in zoning regulations and development standards during the term of the Protected Development Right, except as provided by A.R.S. §9-1204.

**Protected Development Right Plan:** A development plan identified as a Protected Development Right Plan at the time of the *Landowner's* submission that, if approved by the Council, grants to the *Landowner* a Protected Development Right to undertake and complete development and use of the property as shown thereon for a specified period of time.

**Protected native plants:** Those species of plants that are native to Arizona which are to be conserved and protected due to their value as *habitat* as specifically listed in Chapter 104; Table 104-2a of this *Ordinance*.

**Public:** Having two definitions:

1. Resources, conveniences, facilities, or similar that is open to, enjoyed and *used* by, and/or maintained for the general public
2. Anything owned or operated by the federal government, state government, or any political subdivision.

**Public Facility:** Any facility, including, but not limited to *structures, buildings, property, recreation areas, civic uses, and streets*, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity or a private organization that contributes to the municipal *infrastructure* system.

**Public Feature:** Any resources, conveniences, facilities or benefits continuously offered to the general public for their *use* and/or enjoyment, with or without charge (e.g., restrooms, information displays, public telephones, rain shelters, drinking fountains, etc.)

**Public improvement:** Any drainage ditch, *right-of-way*, sidewalk, pedestrian way, tree, lawn, *off-street parking area*, or other facility for which the City of Surprise may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement where the responsibility rests with the City of Surprise.

## **Q**

**Qualifying commercial and/or industrial developments:** New or expanding developments that are legally established and in conformance with the regulations of this *Ordinance* that will occupy vacant in-fill *parcels* or replace dilapidated *buildings*.

## **R**

**Ranch:** A *Lot*, or portion thereof, designed and *used* for the breeding and raising of horses and large *agricultural animals*; but not an *agricultural operation*.

**Recovery Residence (commonly known as Sober Living, Addiction Recovery Homes):** A residential setting that provides alcohol-free or drug-free housing for *persons* who need or find

benefit in a supervised living environment that provides *structure* and some level of guidance, behavioral health services, and in-house recovery programs.

**Recreational vehicle (RV):** A vehicular type portable *structure*, which can be towed, hauled or driven, primarily designed as temporary living accommodation for recreational, camping, and travel *use* and not designed for permanent residential or commercial purposes that: contains its own motive power, or drawn by another vehicle or is mounted on another vehicle.

**Recreational vehicle (RV), park model:** A *Recreational vehicle* built on a single chassis, mounted on wheels, has a gross trailer area not exceeding 400 square feet in the set -up mode, and is certified by the manufacturer as complying with the ANSI A119.5 standard for recreational *park trailer*.

**Recreational vehicle (RV) Park:** An integrated land-lease development, in accordance with the provisions of this *Ordinance*, where *recreational vehicles* are used for temporary living or vacation purposes.

**Recycling Collection Facility:** A *lot* or *structure*, or portions thereof, where the public may donate, redeem, or sell recyclable materials with limited processing activities.

**Recycling Processing:** Baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, *remanufacturing*, shredding, and/or preparation for shipment of recyclable materials.

**Recycling Processing Facility:** A *structure* or enclosed space *used* for the collection and processing of recyclable materials for shipment.

**Recycling Reverse Vending Machines:** An automated mechanical device which accepts at least one (1) or more type of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip.

**Repair Service Establishment:** An establishment primarily engaged in repairing for household appliances and other personal property including, but not limited to, shoe, jewelry, computers, cellphones, and watch; excluding automotive or heavy equipment.

**Research Facility:** A *building*, or portion thereof, that is *used* for research, development, and/or testing laboratories that shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard as specified herein, excluding mass fabrication, or any *manufacturing*, processing, or sale of products. (commonly known as *Laboratory*)

**Residential Care Institution:** A *health care institution* other than a *hospital* that provides resident beds or residential units, *supervisory care services*, *personal care services*, behavioral health services, directed care services or health-related services for *persons* who do not need continuous *nursing services*.

**Restaurant:** A commercial establishment where food and beverages are primarily prepared, served, and/or consumed on the premises.

**Restaurant, convenience/take out:** A small scale *restaurant* which primarily utilizes window and/or counter service allowing customers to pick up food for on or off-premise consumption. Typical establishments include but not limited to coffee, juices, or sodas shops, bagel or donut eatery, or lunch cafes.

**Retention:** A stormwater storage facility that stores surface runoff.

**Ridgelines:** Prominent topographic features connecting a series of major and minor hills, peaks or mountains; often *used* by raptors to orient, nest and/or catch thermals while migrating.

**Right-of-way (ROW):** A designated or otherwise legally established strip of land occupied or intended to be occupied by a *street*, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm *sewer* main, trees, or for another special *use*.

**Roadway:** That portion of a *street* or *alley right-of-way* that is improved and intended for driving or parking.

## **S**

**School:** An institution providing regular academic instruction traditionally associated with a program of study at the primary, secondary, and tertiary levels equivalent to or greater than standards prescribed by the State Board of Education or the State Board of Regents.

**School, vocational:** *Schools* offering instruction in the technical, commercial or trade skills, such as real estate *schools*, *business* colleges, electronic *schools*, automotive and aircraft technician *schools* and similar commercial establishments.

**Screening:** A solid or nearly solid barrier (i.e., *wall*, *fence*, landscaping) constructed or installed for the purpose of visual separation to shield, protect or obscure.

**Self-storage facility:** A property *building used* for renting or leasing individual storage spaces in which the renters or lessees customarily store and remove their own personal property on a self-service basis. Front *office* may include *ancillary* retail sales.

**Semipublic:** Resources, conveniences, facilities, or similar that is open to, enjoyed and *used* by, and/or maintained for the authorized members; such as residents using a neighborhood or community association facility, guests within the lodgings such as *hotels/motels*, or members of a *fitness club*.

**Sensitive lands:** Land that encompasses wildlife *habitats* and corridors, wash corridors that replenish local groundwater, *archaeological resource* sites, unique plant environments, and scenic vistas.

**Service call establishment:** An establishment that provides *off-site* professional services at the customer's location dispatched from the *business' office* or *home occupation* location.

**Setback:** The minimum distance by which any *structure* must be separated from *right-of-way* or *lot line*.

**Setback, front:** The minimum *setback* line parallel to the *Front Lot line*.

**Setback, rear:** The minimum *setback* line parallel to the *Rear lot line*.

**Setback, side:** The minimum *setback* line parallel to any *Side lot line* between the *front* and *rear setbacks*.

**Setback, street side:** The minimum *setback* line parallel to the *Side lot line* that *abuts a right-of-way* between the *front* and *rear setbacks*.

**Sewer:** Any *sewer line* owned and maintained by the city, whether or not installed by the city.

**Sewer system:** Any *sewer system*, whether treatment plant, septic tank or lagoon, designed with a *sewer collection system* to be *used* by a legally constituted association of property owners. The system may or may not be a public system.

**Sexually oriented business:** This term is synonymous with “adult oriented *business*” and means an *adult arcade, adult bookstore, adult cabaret, adult motel, adult novelty store, adult theater, adult motion picture theater, adult video store, escort agency, nude model studio, or sexual encounter center*.

1. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are regularly maintained to show images to five or fewer *persons* per machine at any one (1) time, and where the images so displayed are distinguished or characterized by their emphasis upon matters depicting, describing or exhibiting *specified sexual activities* or *specified anatomical areas*.
2. **Adult Bookstore, Adult Novelty Store or Adult Video Store:** A commercial establishment that has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior *business* or advertising, or maintains a substantial section of its sales or display space for sale or rental for any form of consideration any of the following:
  - a. Books, magazines, periodicals or other printed matter, or photographs, films, computer simulations, holograms, motion pictures, video reproductions, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the depiction, description, exhibition or display of *specified sexual activities* or *specified anatomical areas*; or
  - b. Instruments, devices, or paraphernalia that are designed for *use* or marketed primarily for stimulation of human genital organs or for sadomasochistic *use* or abuse of the *user* or others.
3. **Adult Cabaret:** A *nightclub, bar, restaurant, or similar commercial establishment* that regularly features:

## PART II – The City of Surprise LAND DEVELOPMENT ORDINANCE (LDO)

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- a. *Persons* who appear in a state of nudity or semi-nude; or
  - b. Live performances that are characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*; or
  - c. Films, motion pictures, computer simulations, holograms, video cassettes, slides, or other photographic reproductions, which are characterized by the depiction, description, exhibition or display of *specified sexual activities* or *specified anatomical areas*.
4. **Adult Motel:** A *hotel, motel*, or similar commercial establishment that:
- a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, computer simulations, holograms, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction, description, exhibition or display of *specified sexual activities* or *specified anatomical areas*; and has a sign visible from the public *right-of-way* that advertises the availability of this adult type of photographic reproductions; and, either
  - b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
5. **Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, holograms, computer simulations, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown that are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.
6. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features *persons* who appear nude or semi-nude, or in live performances characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*.
7. **Adult Video Store:** See *Adult Bookstore, Adult Novelty Store or Adult Store*.
8. **Escort:** A *person* who, for consideration, and for another person, agrees or offers to act as a companion, guide, date or to privately model lingerie or to privately perform a striptease.
9. **Escort Agency:** A *person* or *business* establishment that furnishes offers to furnish, or advertises to furnish escorts as one of its primary *business* purposes for a fee, tip, or other consideration.

10. **Nude, Nudity** or a **State of Nudity**: The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
11. **Nude Model Studio**: Any place where a *person* (or *persons*) who appears semi-nude, in a state of nudity or displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other *persons* who pay money or any form of consideration. A nude model studio does not mean a modeling class, or the facility for such class, operated:
  - a. By a proprietary *school* licensed by the State of Arizona; a college, junior college, or university supported entirely or partly by taxation;
  - b. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
  - c. That has no sign visible from the exterior of the *structure* and no other advertising that indicates a nude or semi-nude person is available for viewing.
12. **Semi-Nude** or in a **Semi-Nude Condition**: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.
13. **Sexual Encounter Center**: A *business* or commercial enterprise that, as one (1) of its principal *business* purposes, offers for any form of consideration: a place where two (2) or more *persons* may congregate, associate, or consort for the purpose of *specified sexual activities*. The definition of sexual encounter center or any *sexually oriented businesses* shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
14. **Specified Anatomical Areas**: Human genitals in a state of sexual arousal.
  - a. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - b. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
15. **Specified Sexual Activities**: Any of the following:

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- a. The fondling or other erotic touching of human genitals, pubic region, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- c. Excretory functions as part of, or in connection with, any of the activities set forth in subdivisions (1) through (2) above.

**Shared parking and loading:** Two (2) or more land uses (such as a retail store, office, restaurant, or other similar user) using the same, undivided parking area and loading areas rather than each designed with their own.

**Shelter Care Facility:** A residential care institution where short-term services including, but not limited to, temporary lodging, meals, and counseling, are provided to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children,

**Showroom/Sales Office:** A building or portion thereof where merchandise is exhibited or where samples are displayed and the sale of services and related products are conducted, excluding storage of retail goods or service merchandise. Typical uses include but are not limited to flooring, decor, remodeling services, and other contractors. Showrooms/sales offices may be ancillary within another use or as a primary uses.

**Sign and/or Signage:** See Chapter 108 for all definitions related to signs and/or signage.

**Significant Rock Outcroppings:** Any surface rock formation having an area of 500 square feet or larger or any surface rock formation having a height greater than ten (10) feet from the surrounding grade.

**Significant Stand of Vegetation:** A single native or protected tree or cactus that is of a height greater than 25 feet, or three (3) or more trees or cacti located within a radius of fifteen (15) feet from each other each having a height greater than eighteen (18) feet.

**Site plan:** A drawing showing the accurate location of all structures, streets, alleys, and parking areas existing and proposed on subject property or any other information as may be required by the City of Surprise Procedural Manual.

**Small Subdivision:** The division of land within the City which results in improved or unimproved land or lands for the purpose of financing, sale, or lease, whether immediate or future, consisting of four (4) to ten (10) lots, tracts, or parcels of land with all lots complying with the size requirements of the zoning district within which they are located.

**Stable:** A lot or buildings, corals, pens and other ancillary features uses that may also include boarding of horses and limited livestock, breeding or training programs, or arenas; private stables are for use of the owner or occupant of the lot and commercial stables are where horses are kept for remuneration, hire or sale.



**Steep Slopes:** Unimproved land, *parcel*, or tract of land, where the existing natural terrain has an average cross-slope of fifteen (15%) percent or greater and where the natural state of such should be left undeveloped and conserved as *open space*.

**Street:** A general term *used* to describe a paved *right-of-way*, municipally or privately owned, serving as a means of travel, usually affording the principal means of *access* to *abutting* property.

1. **Street, arterial (major and minor):** Streets designed to carry large amounts of traffic across or through the city and designated as such by the Surprise *General Plan*.
2. **Street, collector:** A *street* connecting local residential *streets* to each other, to community facilities and to *arterial streets*.
3. **Street, dead-end:** A *street* or a portion of a *street* with only one (1) vehicular-traffic outlet.
4. **Street, local:** A *street* intended to serve and provide *access* exclusively to the properties *abutting* thereon, and not connecting with other *streets* in such a manner as to encourage through traffic.
4. **Street, private:** Any *street* that is not dedicated to the public and is to be maintained by a private entity.
5. **Street, public:** Any *street* which has been dedicated or is otherwise publicly owned by the city.
6. **Street, service:** A *street* running parallel to a freeway, expressway or other *roadway*, and serving *abutting* properties. (commonly known as frontage road)

**Streetscape:** A design term referring to all the elements between the *buildings* on either side of the *street* that, as a group, define the general appearance of a *block* or group of *blocks* with respect to the *structures*, *setbacks* from *rights-of-way*, *open space*, landscaping, public art, lighting, *signage*, paving materials, *street furnishings* and other elements that contribute to the overall character and image of a city *block*.

**Street Frontage:** Any *lot line* separating a *parcel* from a *street*.

**Street Furnishings:** All items that are placed within or *abutting* the public *right-of-way* for both an aesthetic and functional purpose, including, but not necessarily limited to, benches, bus shelters, trash receptacles, plant containers, kiosk *signs*, *lighting fixtures*, tree grates and guards, bicycle racks, bollards, fountains and public art.

**Structural Alteration:** Any change in the supporting members of a *building*, such as bearing walls or partitions, columns, beams or girders, or any change in the exterior walls or the roof.

**Structure:** Anything constructed or erected with a permanently secured location on the ground or attached to something having a permanently secured location on the ground.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a *structure*, excluding those solely necessary to assure safe living conditions or any *alteration* of a *structure* listed on the National Register of Historic Places, the cost of which equals or exceeds 50 percent of the market value of the *structure* either:

1. Before the improvement is started; or
2. If the *structure* has been damaged and is being restored, the value before the damage occurred.

**Subdivide:** The act of dividing land into two (2) or more parts by *platting*, or by metes and bounds description, into tracts of less than 36 acres for the purpose of sale, lease, *building* purposes, or subdivision.

**Subdivider:** The individual, firm, corporation, or partnership, association, limited liability company, syndicate, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this *Ordinance* and statutes of the State of Arizona; except that an individual serving as representative for such legal entity is not a *developer*; and said *developer* need not be the *owner* of the property as defined by this *Ordinance*. The City Council may itself prepare or have prepared a *plat* for the subdivision of land under municipal *ownership*. (see also *Developer*)

**Subdivision:** Improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance whether immediate or future; excluding *minor land divisions*

**Supervisory care services:** General supervision, including daily awareness of resident functioning and continuing needs the ability to intervene in a crisis, and assistance in the self-administration of prescribed medications.

## **T**

**Temporary Improvement:** Improvements built and maintained by a *subdivider* during construction of the subdivision and prior to release of the performance bond.

**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 attached product type (see also *dwelling*).

**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 18,000 or more pounds, or a combination of vehicles weighing in excess of 26,000 pounds, or a box *truck* or semi-trailer cab.

## U

**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. Dimensional *Variances* only may be allowed; no *Variance* regarding *use* of property shall be permitted; no *Variance* decreasing *lot* area requirements shall be allowed.

**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 & 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*.

**Vehicle service, major repair:** The *alteration*, rebuilding, reconditioning, upholstery, and collision service, including body, frame, or fender repair or painting of vehicles.

**Vehicle service, minor repair:** Servicing of motor vehicles including tire repair, battery changing, engine rebuilding and transmission repair, storage of merchandise and supplies related to the servicing of motor vehicles, sale of lubricants, automobile washing and lubrication but not including any operation specified under "*Vehicle service, major repair*".

**View fence:** A *fence* that is constructed in a manner that allows for a clear view of an area beyond the *fence* from any angle.

**Visibility Triangle:** The area at the intersection of *streets* in which a motorist's view must remain free from any visual obstruction.

## W

**Wall:** A *fence* made of a solid material such as CMU block, stone, bricks, or river rock; except those as part of a *building*.

**Warehouse/Distribution:** An enclosed *building* designed and *used* primarily for the storage and/or delivery of goods and materials

**Water features:** Includes those features as listed and defined below:

1. **Floodplains:** The area along a perennial or ephemeral stream or river that fills with water periodically. *Floodplains* can include *riparian areas* and sometimes have a distinct vegetative community that includes water-loving plants; may also be characterized simply by dry river or streambeds (refer to Maricopa County Flood Control District).
2. **Riparian Areas:** The ecosystem located along a perennial or ephemeral wash or river. Usually characterized by water-intensive plants/trees, *riparian areas* run parallel to *streams* and *rivers*.
3. **Rivers/Streams:** The lowest point within a watershed where water moves downstream. *Streams* and *rivers* in Maricopa County can be perennial or ephemeral.
4. **Springs/Seeps:** Fixed locations where groundwater emerges from the earth perennially or ephemerally. These features usually have a distinct water-loving plant community associated with them which can include mesic grasses, reeds, rushes, sedges, cattails and a variety of shrubs and trees.
5. **Wetlands:** An area that is saturated by water perennially or seasonally and has a distinct vegetation community associated with water. The term *wetlands* encompasses both the aquatic environment associated with the water saturated area and the distinct vegetative community around the periphery which can be characterized by mesic grasses, reeds, rushes, sedges and/or cattails.

**Water Supply, assurance (100 Years):** A written statement from Arizona Department of Water Resources, that states the water supply and flows are adequate and in accordance with City and State requirements and provide evidence that it meets the Arizona Department of Water Resources requirements for a one hundred (100) year assured supply.

**Wholesale Shopping.** An establishment or place of *business* primarily engaged in selling and/or distributing merchandise to other *businesses* other than the direct to the consumer, excluding bulk merchandise, direct to the consumer *businesses*.

**Wildlife corridors:** Pathways or *habitat* linkages which permit animal movement between *habitat* areas, provide escape routes, or travel paths as they wander through their home ranges in search of food, water, mates, or other needs and as may be further defined by the Arizona Game and Fish Department.

**Wireless Communication Facility:** Any facility that transmits and/or receives signals by electromagnetic or optical means, including *antennas*, microwave dishes, horns, or similar types of equipment, *towers* or similar *structures* supporting such equipment, and equipment *buildings* but not direct-to-home satellite services.

1. **Alternative tower structure:** An innovative wireless *tower* design, such as a clock *tower*, grain silo, bell *tower*, false chimney, steeple, light pole, flag pole, windmill, and similar design mounting *structures*, that camouflage or *conceal* the presence of wireless *antennas* or *towers*. *Alternative tower structures* may also include utilization of a traffic signal *streetlight* pole or similar *structure*, or freestanding *structure* within a public *right-of-way* as approved by the city manager or designee on a case-by-case basis.
2. **Amateur Radio Antenna:** A freestanding or *building-mounted structure*, including any base, *tower* or pole, *antenna*, and appurtenances, intended for airway communications purposes by a *person* holding a valid amateur radio (HAM) license issued by the Federal Telecommunications Commission (FCC).
3. **Antenna:** Communications equipment that transmits or receives electromagnetic radio frequency signals and that is *used* in providing wireless services.
4. **Backhaul:** The connection from a *wireless facility base station* to the core network of the internet.
5. **Base station:** The *structure* or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between *user* equipment and a communications network. The term does not encompass a *tower* or *monopole* as defined herein or any equipment associated with a *tower* or *monopole*:
  - a. The term includes, but is not limited to; equipment associated with wireless communications services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services.
  - b. The term includes, but is not limited to, radio transceivers, *antenna*, coaxial or fiber-optic cable, regular and backup power supplies, and comparable

- equipment, regardless of technological configuration (including distributed *antenna* systems and *small cell networks*).
- c. The term includes any *structure* other than a *tower* or *monopole* that, at the time the relevant *wireless facility* application is filed with the city, supports or houses equipment, and that has been reviewed and approved under the applicable *zoning* or siting process, or under another state, county or local regulatory review process, even if the *structure* was not built for the sole or primary purpose of providing such support.
  - d. The term does not include any *structure* that, at the time the relevant *wireless facility* application is filed with the city, does not support or house equipment described in subsections (a) and/or (b) above.
6. **Cellular on wheels (COW):** A mobile cell site that consists of a cellular *antenna tower* and electronic radio transceiver equipment on a *truck* or a trailer designed to be part of a cellular network and temporary in nature.
  7. **Colocation:** To install, mount, maintain, modify, operate, or replace *wireless facilities* on, within, or *adjacent* to a *wireless support structure* or utility pole.
    - a. **Colocation, major:** A *colocation* of a *wireless facility* where the proposed *wireless facility* equipment exceeds ten feet above the supporting *structure* and/or exceeds 50 feet above *grade*.
    - b. **Colocation, minor:** A *colocation* of a *wireless facility* where the proposed *wireless facility* equipment does not exceed ten feet above the supporting *structure* and does not exceed 50 feet above *grade*.
  8. **Conceal or Concealment:** *Wireless facilities* designed or disguised to look like something other than a *wireless facility* or *base station* (see also *Alternative tower structure*).
  9. **Microcell:** A device that is connected to aerial facilities and *used* solely for transmitting, processing, and receiving voice and data wireless telecommunications services, without any associated ground mounted equipment. The device is often referred to as an "ASME" (aerial strand mounted equipment).
  10. **Monopole:** A *wireless support structure* composed of a single spire *used* to support communications equipment and having no guy wires or ground anchors. A *monopole* shall not be greater than 40 inches in diameter at *grade* and shall have all of the *wireless facilities* mounted on the pole and wiring contained inside of the pole; includes monopalms, monocactus, monopines, and monobroadleaf wireless *towers*.
  11. **Rooftop mounted wireless facility:** A *wireless facility* with the *antennas* located on the roof of a *building* or on top of a *structure* and consisting of *antennas*, support *structures*, and *accessory* equipment which are adequately *screened* so as not to appear as stand-alone devices above the top of the roof line.

12. **Small Cell Network:** A collection of interrelated small cell facilities designed to deliver personal wireless services.
13. **Small wireless facility ("SWF"):** A *wireless facility* that meets both of the following qualifications:
  - a. All *antennas* are located inside an *antenna* enclosure of no more than six cubic feet in volume or, in the case of *antennas* that have exposed elements, the *antennas* and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and
  - b. All other wireless equipment associated with the facility is cumulatively not more than 28 cubic feet in volume or 50 cubic feet in volume if the equipment was ground mounted before the effective date of this *Ordinance*. The following types of associated *ancillary* equipment are not included in the calculation of equipment volume pursuant to this subsection:
    - (1) An electric meter.
    - (2) *Concealment* elements.
    - (3) A telecommunications demarcation box.
    - (4) Grounding equipment.
    - (5) A power transfer switch.
    - (6) A cutoff switch.
    - (7) Vertical cable runs for the connection of power and other services.
14. **Structure Mounted Wireless facility:** A *wireless facility* with the *antennas* located on the wall or roof of a *building* or on the side or top of a *structure*, including *colocation* on an existing freestanding *wireless facility* and consisting of *antennas*, support *structures*, and *accessory* equipment.
15. **Transmission Equipment:** Equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, *antennas*, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave *backhaul*.
16. **Tower:** Any *structure* built for the sole or primary purpose of supporting any *antennas* and their associated facilities, licensed or authorized by the FCC, such as *structures* that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave *backhaul*, and the associated site.

17. **Wireless facility:**
- a. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including both of the following:
    - (1) Equipment associated with wireless communications.
    - (2) Radio transceivers, *antennas*, coaxial or fiber optic cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
  - b. Includes *SWFs*.
  - c. Does not include the *structure* or improvements on, under, or within which the equipment is collocated, wireline *backhaul* facilities, coaxial or fiber-optic cable that is between *wireless support structures* or utility poles, or coaxial or fiber-optic cable that is otherwise not immediately *adjacent* to, or directly associated with, an *antenna*.
  - d. Does not include Wi-Fi radio equipment described in A.R.S. § 9-506(I) or *microcell* equipment described in A.R.S. § 9-584(E).
18. **Wireless facility Monopole Modification, major:** A modification of an existing *wireless facility monopole* where the proposed *monopole* and *base station* exceeds the greater of either:
- a. An increase in height of the *tower* greater than ten feet (10'); or
  - b. An increase of *base station* area greater than ten percent (10%) of the existing facility.
19. **Wireless facility Monopole Modification, minor:** A modification of an existing *wireless facility monopole* where the proposed *monopole* and *base station* does not exceed the greater of either:
- a. An increase in height of the *monopole* less than ten feet (10'); or
  - b. An increase of *base station* area less than ten percent of the existing facility.
20. **Wireless support structure:** A freestanding *structure* such as a *monopole*, a *tower* (either guyed or self-supporting), a sign or billboard, or any other existing or proposed *structure* designed to support, or capable of supporting *wireless facilities*. It does not include a utility pole.

**Wrecking Yard:** See *junkyard*.



**X**

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**Y**

**Yard:** An open area of a residential *lot* that is at *grade* level between the *dwelling* and the adjoining *lot lines*, except as otherwise provided in this *Ordinance*

1. **Yard, front:** A *yard* extending between two (2) *side lot lines* and the depth of which is the distance between the *street* and the primary *building* and *fence return*, when *present*.
2. **Yard, rear:** A *yard* extending between two (2) *side lot lines* and the depth of which is the distance between the *rear lot line* and the primary *building*.
3. **Yard, side:** A *yard* extending between the *fence return* or *front yard* and *rear yard* and the depth of which is the distance between the *side lot line* and the primary *building*.
4. **Yard, street side:** A *side yard* which is along the *side lot line* that *abuts* a *street*.

**Z**

**Zoning:** The dividing of the City into districts or zones and the establishment of regulations for governing the *use*, placement, spacing, and size of land and *structures* within each zone or district.

**Zoning administrator:** The staff position of the Community Development Director or designee.

**Zoning district:** A portion of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this *Ordinance*.