

ORDINANCE 2017-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE APPROXIMATELY 9.9 ACRES FROM RESIDENTIAL RANCH (RR) TO RESIDENTIAL MEDIUM DENSITY 9 DU/AC PLANNED UNIT DEVELOPMENT (RM-9 PUD) FOR THE PROJECT KNOWN AS “175TH & SWEETWATER”, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 175TH AVENUE AND SWEETWATER ROAD.

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

WHEREAS, the subject site is generally located at the southeast corner of 175th Avenue and Sweetwater Road;

WHEREAS, the subject site was annexed into the City of Surprise under Ordinance # 2017-01 and currently enjoys Residential Ranch (RR) zoning as a result of that annexation;

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

WHEREAS, the proposed Rezone to, Residential Medium Density , maximum 9 dwelling units per gross acre (RM-9 PUD) satisfies the requirements set forth in Chapter 122 of the Surprise Municipal Code;

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

WHEREAS, on January 5, 2017, the Planning and Zoning Commission recommended approval of the 175th & Sweetwater development.

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

Section 1. *Rezoning.* The parcel legally described on Exhibit A and depicted on Exhibit B, known as “175th & Sweetwater” is rezoned from Residential Ranch (RR) to Residential Medium Density, maximum 9 dwelling units per gross acre (RM-9 PUD) in a manner consistent with the Zoning Map included in Exhibit B subject to the following stipulations:

- a. Development and use of the site shall be in substantial conformance with the project narrative entitled “175th & Sweetwater”, prepared by LVA Urban Design Studio, dated revised December 2016 and stamped received December 6, 2016, except as modified by the following stipulations.
- b. Approval of this zone change request presumes the successful annexation of the subject property as being processed under FS16-427. Should said annexation request fail, the zoning of the property granted under this ordinance shall not take effect and this ordinance shall be null and void.
- c. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

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

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

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

APPROVED AND ADOPTED this _____ day of _____ 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"

DESCRIPTION

175th & SWEETWATER ZONE CHANGE from RR to RM-9 PUD

A portion of the southeast quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, City of Surprise, Maricopa County, Arizona described as follows;

BEGINNING at the center quarter corner of said Section 14 from which the south quarter corner of said Section 14 lies South 00°12'46" West 2640.37 feet;

Thence along the east-west midsection line of said Section 14 North 89°48'53" East 1081.58 feet;

Thence departing said midsection line South 00°11'02" East 401.53 feet;

Thence South 89°48'53" West 1084.33 feet to the north-south midsection line of said Section 14;

Thence along said midsection line North 00°12'46" East 401.54 feet to the POINT OF BEGINNING.

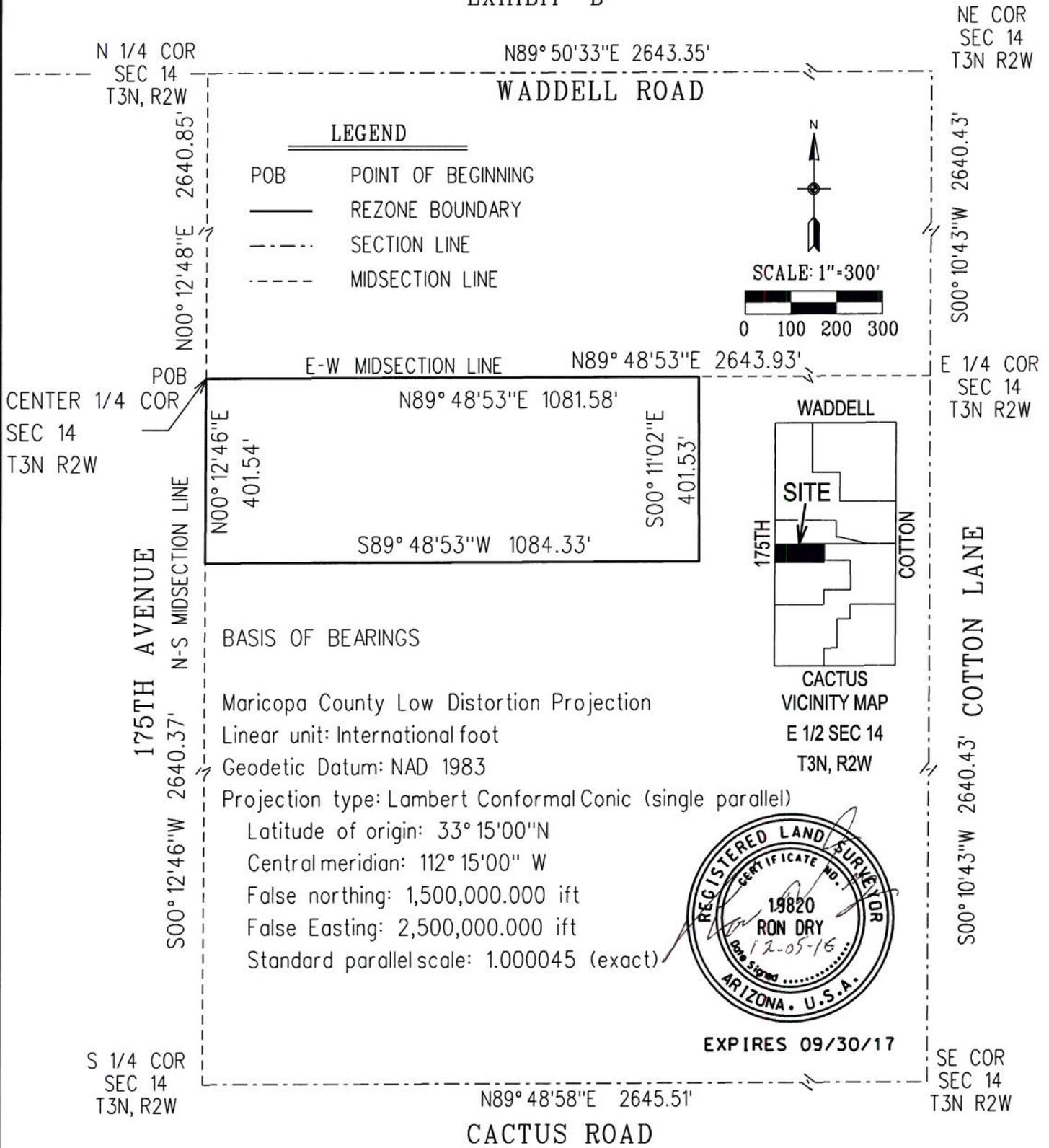
Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description



EXPIRES 09-30-2017

EXHIBIT "B"



175TH & SWEETWATER
ZONE CHANGE
from RR to RM-9 PUD



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 16034

DRAWN BY RCD

DATE 12-05-16

SHEET 1 OF 1