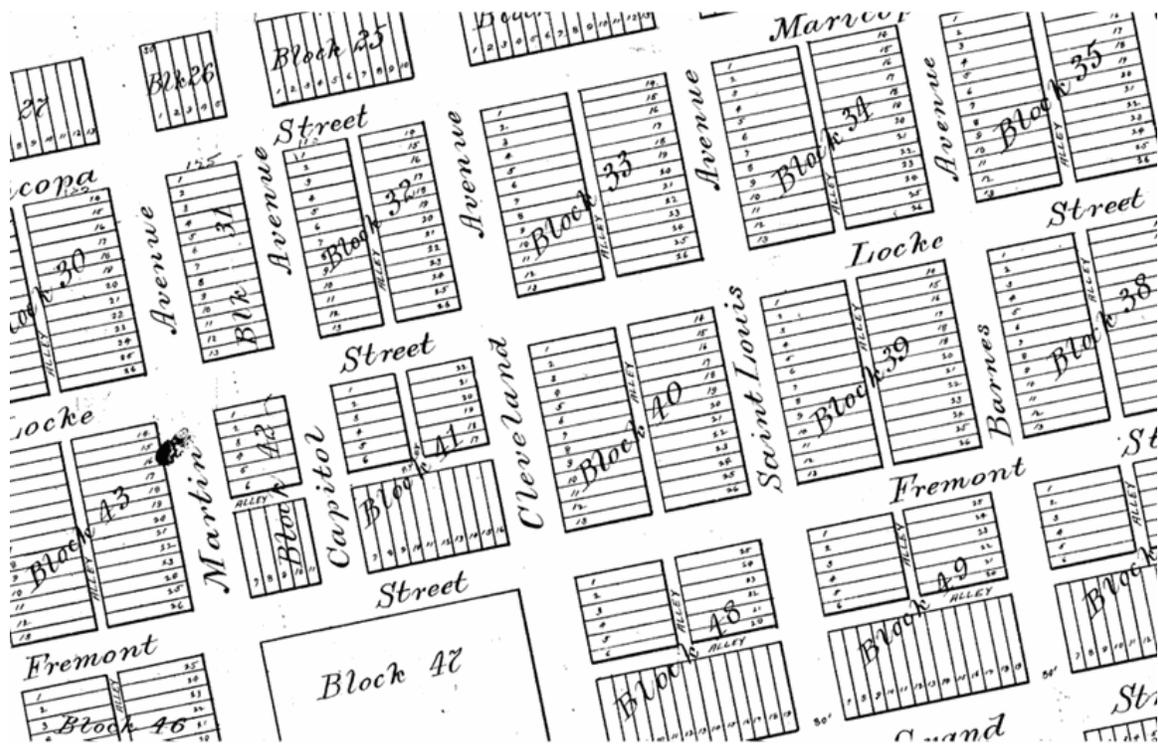


# Town of Gila Bend Zoning Ordinance Update

September 25, 2007

Final



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## Article I. GENERAL PROVISIONS

### 16-1-01 Citation of Ordinance

This Ordinance shall be cited as the “Gila Bend Zoning Ordinance”, except that when cited herein, it shall be referred to as “this Ordinance.”

### 16-1-02 Adoption of This Ordinance

This Ordinance is adopted as the Town of Gila Bend Zoning Ordinance for the regulation of Land Use in the Town, pursuant to Arizona Revised Statutes Section 9-462 et. seq.

### 16-1-03 Zone Map of Gila Bend, Arizona

- A. **Adoption.** The Town is hereby divided into districts, as shown on the Zone Map of Gila Bend, Arizona, which is hereby adopted by reference and declared to be a part of this Ordinance.
- B. **Amendments.** If changes are made in district boundaries, district classifications, or other matters set forth on the Zone Map, such changes shall be entered on the Zone Map within 15 days following the effective date of the ordinance adopting the change.
- C. **Maintenance.** The Zone Map shall be maintained in electronic format by the Town.
- D. **Certified Copies.** Paper copies of the Zone Map shall be certified as true and correct by the Town Engineer. Electronic copies of the Zone Map shall not be certified as true and correct.

### 16-1-04 Intent and Purpose

The broad purpose of this Ordinance is to implement the General Plan of the Town and to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use of land. Generally, this Ordinance is intended to:

- A. Establish regulations for location, erection, construction, reconstruction, alteration and Use of Buildings, Structures and Land.
- B. Promote orderly development and redevelopment and direct growth with priority to those areas where infrastructure and urban services can be economically provided.
- C. Ensure consistency and conformity among the General Plan, zoning districts and zoning ordinances and ensure an efficient Use of Land resources.
- D. Provide adequate light, air and access to Property.

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- E. Prevent overcrowding of land and undue concentration of Buildings and Structures by regulating Land, Buildings, Yards and density of population.
- F. Provide for compatibility among different Land Uses.
- G. Preserve and enhance Property values.
- H. Ensure that service demands of new Development will not exceed the capacities of existing or planned Streets, Utilities, or public services.
- I. Provide for administration of this Ordinance by providing standards processes, prescribing penalties for violation of such regulations, and defining powers and duties of the Town staff, the Zoning Hearing Officer, the Commission, the Board of Adjustment, and the Council in relation to this Ordinance.

### 16-1-05 Applicability

- A. Except as provided in this Ordinance, no Building, Structure, or Property shall be used and no Building or Structure or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished, or materially altered except in conformity with this Ordinance. Any Use that is not specifically allowed is prohibited.

### 16-1-06 Consistency with General Plan

- A. **General.** This Ordinance implements the goals, objectives and policies of the Town of Gila Bend General Plan and is hereby deemed to be consistent with and in conformity to the General Plan.
- B. **Amendments.** Any amendments to or actions pursuant to this Ordinance shall be consistent with the General Plan, as it may be amended from time to time by the Council.
- C. **Compliance with Goals.** An amendment to the text of this Ordinance is consistent with and in conformity to the General Plan if it complies with the goals and policies stated in the General Plan, as it may be amended from time to time. An amendment to the Zone Map is consistent with and in conformity to the General Plan if the map amendment is consistent with the land use map contained in the General Plan, as it may be amended from time to time.

### 16-1-07 Severability

The provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any

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provision of this Ordinance 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.

### 16-1-08 Interpretation

- A. **Minimum Standards.** 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, comfort, morals, convenience, prosperity and welfare. This Ordinance shall be liberally interpreted in order to further its underlying purposes. Whenever any provision of this Ordinance or any provision of any other applicable law, rule, contract, resolution or regulation of the Town, County, State or Federal government contains standards governing the same subject matter, the more restrictive requirements(s) or higher standard(s) shall control.
- B. **Definitions.** The words and phrases used in this Ordinance shall have the meanings assigned in Article XI Definitions unless a more specific meaning is provided in a specific section of this Ordinance.
- C. **Illustrations.** This Ordinance may include illustrations, photographs, flowcharts, and graphics for purposes of illustration and simplification. However, to the extent that there is any inconsistency between the text of this Ordinance and any such illustration, photograph, flowchart, and graphic, the text shall control.

### 16-1-09 Transitional Provisions

- A. **Violations Continue.** Any violation of the Zoning Ordinance previously in effect shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under Article X of this Ordinance, unless the use, development, construction or other activity complies with the provisions of this Ordinance.
- B. **Nonconformities under Prior Ordinance.** Any legal nonconformity under the previous Zoning Ordinance also shall be a legal nonconformity under this Ordinance, so long as the situation that resulted in the legal nonconforming status under the previous Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then said the Building, Structure or Use shall no longer be considered a nonconformity.
- C. **Completion of Development.**
  - 1. *Applications Submitted Prior To Effective Date.* Complete applications submitted prior to the effective date of this Ordinance and pending approval at the time of the effective date of this Ordinance may, at the applicant's option, be approved and permits may be issued under the terms of the previous zoning ordinance. If construction is not commenced or completed in accordance with the applicable approval term(s), the Town may grant an extension of up to 18 months for such construction under the terms of the previous Ordinance. If the Building, Structure, Development

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or Sign is not completed within the time allowed under the permit or any extension granted, then the Building, Structure, Development or Sign may be constructed, completed or occupied only in compliance with the requirements of this Ordinance.

2. *Permits Issued Prior To Effective Date Of This Ordinance.* Any Building, Structure or Development for which a permit was issued prior to the effective date of this Ordinance may, at the applicant's option, be completed in compliance with the issued permit and other applicable permits and conditions, even if such Building, Structure or Development does not fully comply with provisions of this Ordinance. If construction is not commenced or completed according to the applicable permit terms, the Town may grant an extension of up to 18 months for such construction under the terms of the previous Zoning Ordinance. If the Building, Structure or Development is not completed within the time allowed under the original permit or any extension granted, then the Building, Structure or Development may be constructed, completed or occupied only in compliance with this Ordinance.
3. *Plats and Site Plans Approved Prior to Effective Date of This Ordinance.* Any subdivision for which a preliminary or final plat was approved before the effective date of this Ordinance may, at the applicant's option, be completed according to the approved plat and other applicable permits and conditions, even if the subdivision does not fully comply with the provisions of this Ordinance. If the subdivision is not completed within the time requirements established by prior zoning ordinance or within any schedule included in the approval of the plat, the Town may grant an extension of up to 18 months for the completion of the subdivision under the terms of the previous zoning ordinance. If the subdivision is not completed within the time required under the original approval or any extension granted, then the subdivision may be completed only in compliance with this Ordinance.
4. *Additional Extensions.* The Town may grant an additional extension exceeding 18 months where the Town finds that such extension or extensions are warranted in light of all relevant circumstances including, but not limited to, the size and phasing of development, the level of investment, the need for the Development, economic cycles, and market conditions.

### **16-1-10 Conflict with Other Regulations**

In the case of a conflict between this Ordinance and/or any part thereof, or any other Ordinance of the Town, the more restrictive provision in all cases shall apply.

## Article II. ADMINISTRATION

### 16-2-01 Planning and Zoning Commission

- A. **Establishment.** The Commission is established by Section 2-7-1 of the Town Code.
- B. **Duties.** In addition to the duties of the Commission set forth in Section 2-7-4 of the Town Code, it shall be the duty of the Commission to:
1. Review and make recommendations to the Council regarding amendments to the Zone Map.
  2. Recommend to the Council any amendments to the regulations set forth in this Ordinance.
  3. Review or delegate review of Site Plans for development of Multi-Family Dwellings, commercial uses and industrial uses and to determine the appropriate action and requirements for each Site Plan of the Development as required by this Ordinance.
  4. Review and approve or deny applications for Conditional Use Permits.
  5. Recommend to the Council a General Plan and amendments thereto.
  6. Make recommendations to the Council on matters regarding the interpretation, enforcement, and administration of the Gila Bend Subdivision Ordinance, Chapter 12 of the Gila Bend Town Code.

### 16-2-02 Board of Adjustment.

- A. **Establishment.**
- The Board of Adjustment is established consisting of five (5) members appointed by the Mayor with the consent of the Council, except that the Mayor with the consent of the Council may establish the Council as the Board of Adjustment.
- B. **Membership.**
- Unless the Council serves as the Board of Adjustment, members of the Board of Adjustment shall be appointed for a term of three years and shall not serve more than two consecutive three-year terms.
- C. **Meetings.**
1. The Board of Adjustment shall adopt rules governing its meetings, subject to the approval of the Council. Said rules shall not be inconsistent with the ordinances of the Town and the laws of the State of Arizona.

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2. The chairman shall call meetings of the Board to pass upon and determine all appeals and all matters upon which it is the duty of the Board to act. The Board shall meet at any other times as it may prescribe in its rules.
3. The chairman of the Board, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
4. All meetings of the Board shall comply with the open meeting law of the State.

### D. Duties.

It shall be the duty of the Board of Adjustment to:

1. Hear and decide appeals where it is alleged an error is in any order, requirement, decision or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto.
2. Approve Variances in compliance with Section 16-3-3.

### 16-2-03 Zoning Administrator

A. **Establishment.** The position of Zoning Administrator is established to administer this Ordinance. The Zoning Administrator shall perform the duties set forth in this Ordinance and shall perform those duties under the direction of the Town Manager. The duties of the Zoning Administrator may be performed directly by the Town Manager or by such staff as may be designated by the Town Manager for the administration of this Ordinance.

### B. Duties.

It shall be the duty of the Zoning Administrator to:

1. Receive, process, record, administer and forward to the Commission, the Board or the Council, as appropriate, all requests for approvals and permits, governed by this Ordinance, except that building permits shall be issued by the Building Inspector of the Town.
2. Advise and recommend to the Commission, the Board and the Council regarding requests for approvals and permits as required by this Ordinance.
3. Direct such inspections, observations and analyses of any and all erection, construction, reconstruction, alteration, repair or Use of Buildings, Structures or Land within the Town relating to the regulations and restrictions set forth by this Ordinance.
4. To take such action as is necessary for the enforcement of this Ordinance relating to violations of the regulations and restrictions.
5. Render interpretations regarding this Ordinance, the General Plan and Lot or zoning district boundary lines.

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### 16-2-04 Hearing Officer

**A. Establishment.** The position of the Hearing Officer is established to hear certain matters as set forth in this Ordinance. In the event of an appeal pursuant to 16-3-09 Appeals of Dedications, Exactions and Zoning Regulations; and 16-3-10 Reconsideration of Certain Decisions, the Town Manager shall appoint a Hearing Officer.

**B. Duties.**

It shall be the duty of the Hearing Officer to:

1. Hear appeals of dedications, exactions and zoning regulations pursuant to Section 16-3-09;
2. Conduct fact finding hearings and make recommendations to the Council pursuant to Section 16-3-10.

## Article III. ADMINISTRATIVE PROCEDURES

### 16-3-01 Amendments to the Text of this Ordinance

#### A. Generally.

The Council may adopt ordinances amending the text of this Ordinance in compliance with A.R.S. Sections 9-462.04 and 9-462.05. Amendments may be initiated by the Council, the Commission, or by application of a person whose property would be affected by the amendment.

#### B. Applications.

1. *Submittal.* Applications shall be filed with the Zoning Administrator on forms provided by the Zoning Administrator. The application shall state the section or subsection of the Ordinance proposed for amendment, the proposed wording of the amendment, and the reasons for requesting the amendment. Graphic material should be submitted if it will assist in understanding the benefits of the amendment.
2. *Fees.* The application shall include the applicable fee.
3. *Review.* The Zoning Administrator shall review the application and schedule it for public hearings of the Commission and the Council, if applicable.

#### C. Citizen Review Process.

1. *Purpose.* Prior to a public hearing on any application for a text amendment that imposes new land use regulations or modifies existing land use regulations, a citizen review process shall be conducted by the Commission. The purpose of the citizen review process is to provide an opportunity for citizen involvement and public awareness of the application prior to the public hearing.
2. *Citizen Review Session.* A citizen review session shall be held by the Commission at least five (5) days prior to the public hearing for the consideration of the proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment will be invited to gather further information regarding the proposed text amendment at the citizen review session and to express any issues or concerns they may have with the proposed text amendment.
3. *Notice.* Notice of the citizen review session shall be given to landowners and other citizens potentially affected by the proposed text amendments at least ten (10) days prior to the Commission's citizen review session. This notice shall state the date, time and place of the citizen review session and shall include a general explanation of the substance of the proposed text amendment. The form of notice may vary according to the type of text amendment proposed, and any means deemed by the Town to provide the

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appropriate method of notice for the proposed text amendment shall be considered sufficient. The form of notice given may include, but is not limited to, the following:

- a. Publication in a local newspaper distributed to residents living within the Town.
  - b. Posting at official Town posting locations.
  - c. Posting on the Town's web site.
4. *Consideration by Commission.* After the citizen review session, the Commission may take all issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments at such session into account when it considers its recommendation to the City Council on the proposed text amendment and shall, prior to the Council's public hearing on the proposed text amendment, report to the Council the issues and concerns raised during the citizen review input and discussion session.

### **D. Notice of Public Hearing.**

The Zoning Administrator shall prepare a notice of the public hearings, which shall include the time, date, place and purpose of the hearings. The notice shall be published in the official newspaper of the Town at least 15 days prior to the date of the hearing of the Commission and at least 15 days prior to the hearing of the Council.

### **E. Public Hearing and Recommendation by the Commission.**

After the public hearing, the Commission may approve, approve with modifications, deny, continue or table the application. The Commission shall forward its written recommendation to the Council.

### **F. Public Hearing and Decision by the Council.**

An application which has been recommended for denial by the Commission shall not be heard by the Council except upon written request by the applicant. In its deliberations on the matter, the Council shall consider oral or written statements from the applicant, the public, Town staff members, and its own members. The Council may adopt an ordinance approving the application with or without modifications, deny the application, continue the application or table the application.

## **16-3-02 Amendments to the Zone Map**

### **A. Generally.**

The Council may adopt ordinances amending the Zone Map in compliance with A.R.S. Section 9-462.04. Such amendments may be initiated by the Council, the

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Commission, or by application of the person whose property would be affected by the rezoning.

### B. **Application.**

1. *Submittal.* Applications to amend the Zone Map shall be filed with the Zoning Administrator on forms provided by the Zoning Administrator. The application shall include the legal description of the property proposed to be rezoned, its present zoning classification, and the land use designation of the property set forth on the General Plan. The application shall include the name of the owner of the property.
2. *Fees.* The application shall include the applicable fee.
3. *Review.* The Zoning Administrator shall review the application and schedule it for public hearings of the Commission and the Council, if applicable.

### C. **Citizen Review Process.**

1. *Purpose.* Prior to a public hearing on any application for a rezoning of property or creation of a specific plan, a citizen review process complying shall be conducted by the Commission. The purpose of the citizen review process is to provide an opportunity for citizen involvement and public awareness of application prior to the public hearing.
2. *Applicant Responsibilities.* The applicant, in coordination with the Town Manager, shall establish a time, date, and place for a citizen review session to provide a reasonable opportunity for the applicant, adjacent landowners, and other potentially affected citizens to discuss issues or concerns they may have with the application proposed by the applicant. Town Manager shall attend the meeting as an observer and shall not conduct the meeting. The applicant shall supply the Town Manager with minutes of the session and a list of all individuals in attendance.
3. *Zoning Administrator Responsibilities.* The staff member in attendance shall report the results of the session and a list of all individuals in attendance. The staff member in attendance shall report the results of the session to the Commission and/or Town Council at such time as they take action on the rezoning or specific plan application, if any.
4. *Notice.* Written notice of the citizen review session shall be given at least five (5) days prior to the session and shall include the time, date, and location of the citizen review session and sufficient details regarding the substance of the proposed rezoning or specific plan application so as to allow citizens and other affected persons to determine how they might be affected by the proposed application.
5. The applicant shall provide to the Town for mailing such notice by first class mail to: A) Each property owner within 1000 feet of the boundary of the Real Property subject to the application; B) All other interested parties who have requested that they be placed on a notification list maintained by

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the City Clerk, and C) Adjoining municipalities sharing borders with the property subject to the application.

6. *Additional Procedures.* The Town Manager may establish additional procedures for the citizen review process as is deemed necessary to enhance public participation.

### D. **Notice of Public Hearing.**

1. *Zoning Administrator.* The Zoning Administrator shall prepare a notice of the public hearings. The notice include the time, date, place, and purpose of the public hearings. The Zoning Administrator shall be responsible for publishing, posting and mailing notices in compliance with this section.
2. *Published and Posted Notice.* The notice shall be published in the official newspaper of the Town and posted in a conspicuous place on the Real Property at least 15 days prior to the date of the hearing of the Commission and at least 15 days prior to the date of the Council hearing, if applicable.
3. *Mailed Notice.* The notice shall be mailed at least 10 days before the day of the first hearing to each owner of property situated wholly or partly within 200 feet of the property proposed to be rezoned. The applicant shall furnish the Zoning Administrator the names and addresses of all owners of property within 200 feet of the exterior boundaries of Real Property proposed to be rezoned. The Zoning Administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent as a part of the record of the proceedings. The failure to receive notice by individual property owners shall not invalidate the proceedings.

### E. **Public Hearing and Recommendation by the Commission.**

After the public hearing, the Commission may recommend approval, approval with modifications, or denial, or it may continue the hearing. The application shall not be continued more than two meetings in succession without consent of the applicant. The Commission shall forward its written recommendation to the Council.

### F. **Public Hearing and Decision by the Council.**

An application which has been recommended for denial by the Commission shall not be heard by the Council except upon written request by the applicant. In its deliberations on the matter, the Council shall consider oral or written statements from the applicant, Town staff, the public, and its own members. The Council may adopt an ordinance approving the application with or without modifications, deny the application, or continue the hearing. The application may not be continued more than two meetings without the consent of the applicant. If, approved, the Town Engineer shall revise the Zone Map in accordance with the ordinance.

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### G. Legal Protest against Amendment.

If there is a written protest against a change in the zoning classification of a parcel of land, signed by the owners of twenty percent or more of the area of lots included in the proposed change, or of those within a distance of 150 feet, the change shall not be approved except upon the affirmative vote of three-fourths of all of the members of the Council.

### 16-3-03 Variances

#### A. General.

The Board of Adjustment may grant a Variance from the strict terms of this Ordinance where such Variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the strict enforcement of this Ordinance would deprive the owner of the reasonable use of the Land and/or Building involved.

#### B. Applications for Variances.

Applications for Variances shall be on forms provided by the Zoning Administrator. The application shall be accompanied by a development plan showing such information as the Zoning Administrator may reasonably require for purposes of this Ordinance. The plans shall contain sufficient information for the Board to make a proper decision on the matter. The request shall state the exceptional conditions and the peculiar and practical difficulties claimed as a basis for a Variance. The application shall include:

1. Name and address of the applicant;
2. The legal description of the Property involved in the request for Variance, including the street address, if any;
3. The names and addresses of the owners of the Property and any other persons having a legal interest therein;
4. A Site Plan drawn to scale showing the Property dimensions, grading, landscaping, and location of Utilities, as applicable;
5. Location of all existing and proposed Buildings;
6. Drive accesses, driveways, access roads, parking spaces, off-street loading areas, and sidewalks as applicable;
7. The Variance requested and the reasons for the request.

#### C. Notice of Hearing.

1. *Zoning Administrator.* The Zoning Administrator shall prepare a notice of the public hearing, which shall include the time, date, place of the public hearing and the purpose of the Variance.

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2. *Published and Posted Notice.* The notice shall be published once in the official newspaper of the Town and posted in a conspicuous place on the Real Property at least 15 days before the hearing.
3. *Mailed Notice.* The notice shall be mailed at least seven (7) days prior to the public hearing to each owner of property situated wholly or partly within 200 feet of the exterior boundaries of the Real Property to which the Variance relates. The Zoning Administrator shall be responsible for mailing such notices. The applicant shall furnish to the Zoning Administrator the names and addresses of all Real Property owners within 200 feet of the Real Property.

### D. **Criteria for Granting of Variances.**

1. *General.* The Board of Adjustment may vary or adjust the strict application of the requirements of this Ordinance in the case of an irregular, narrow, shallow, or steep lot or other physical condition applying to a Lot, Building or Structure as a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable Use of the Land, Building or Structure involved. Any such Variance granted shall be granted according to the requirements and procedures established by this Ordinance.
2. *No Variance for Uses.* Variances may be granted only for hardships related to the physical characteristics of Land. Variances to this Ordinance related to Permitted Uses, Accessory and/or Conditional Uses in any use district shall not be allowed.
3. *Criteria.* No Variance or adjustment in the strict application of any provision of this Ordinance shall be granted unless:
  - a. Special circumstances or conditions, fully described in the Board's findings, are peculiar to the Land, Building or Structure for which the adjustment is sought and do not apply generally to Land, Buildings or Structures in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of the ordinance.
  - b. For reasons fully set forth in the Board's finding, the circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable Use of the Land or building, the granting of the adjustment is necessary for the reasonable Use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and
  - c. The granting of the adjustment is in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - d. To grant exceptions and Variances upon request where, after a showing that an illegal construction or a nonconforming Building or Use existed for a period of at least five (5) years. In violation of zoning ordinances and the

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Town, with knowledge of the existence of the condition, has not taken any steps toward elimination of such violations.

### E. **Public Hearing and Decision by the Board of Adjustment.**

In considering an application for a Variance, the Board shall consider:

1. Evidence showing why, due to special circumstances applicable to the Real Property, including its size, shape, topography, location or surroundings, strict application of this Ordinance would deprive the Property owner of privileges enjoyed by other Property owners of the same classification in the same zoning district.
2. Evidence showing that the requested Variance will not constitute a grant of special privileges inconsistent with limitations upon other Properties in the vicinity and district in which the Property is located.
3. Evidence that the special circumstances applicable to the Property were or are not self-imposed by the Property owner.
4. Evidence showing why granting the Variance: (a) substantially meets the intent and purpose of the zoning district in which the Property is located; (b) will not be detrimental to the health, safety, and general welfare of persons living or working in the neighborhood; (c) will not be detrimental to the general welfare of the Town; and (d) is the least amount of relief necessary to permit Use of the property similar to other Properties in the district.
5. After the hearing, the Board may adopt a motion granting the Variance and imposing conditions on the Variance to fulfill the intent of this Ordinance. A Variance shall not be approved except upon the affirmative vote of three-fourths of all the members of the Board.

### 16-3-04 **Site Plan Approval**

#### A. **General.**

The Commission shall review Site Plans for all Development in the Town except for Single-Family Dwellings and Two-Family Dwellings. Site Plan approval is not required for Single-Family Dwellings and Two-Family Dwellings.

#### B. **Submittal of Application.**

Applications for Site Plan approval shall be filed on forms provided by the Zoning Administrator. The application shall be accompanied by Development plans showing sufficient information for the Commission or Town staff to determine whether the proposed Development will meet the requirements of this Ordinance. The application and applicable fee shall be filed with the Zoning Administrator. The Zoning Administrator shall review the application and schedule it for a public hearing of the Commission.

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### C. Content of Application.

The application shall include the following:

1. General:
  - a. Name of Development;
  - b. Location of Development by Street address;
  - c. Location map, including area within one-half mile of Property;
  - d. Name and mailing address of developer/owner;
  - e. Name and mailing address of engineer/architect;
  - f. Date of plan preparation;
  - g. North point indicator; and
  - h. Scale of not less than 1" to 100'
2. Site Plan (over seal and signature of preparing engineer or architect):
  - a. Boundary line of Real Property, with dimensions
  - b. Location, identification and dimension of existing and proposed:
    - 1) topographic contours at a minimum interval of two feet, to a distance of 100 feet outside the property line
    - 2) adjacent streets
    - 3) on-site street
    - 4) utilities and utility easements and telephone and television facilities and easements
    - 5) buildings and structures, including building(s) height
    - 6) parking facilities
    - 7) water bodies
    - 8) surface water holding ponds and drainage ditches
    - 9) sidewalks, walkways, driveways, loading areas and docks, bikeways
    - 10) fences
    - 11) exterior signs
    - 12) exterior refuse collection areas
    - 13) exterior lighting
    - 14) landscaping (detailed plan showing plantings, materials equipment, etc.) including: botanical and common names of vegetation to be used, size of plantings at time of planting and at maturity, area to be irrigated
    - 15) traffic flow on-site
    - 16) traffic flow off-site
    - 17) surface water drainage arrows

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3. Number of employee and non-employee parking spaces existing, and proposed and total square footage of each; and
4. Site statistics including site square footage, percent of site coverage, dwelling unit density, percent park or open space.
5. Building:
  - a. Height above mean sea level of the lowest floor when the Building or Structure is proposed to be located in a Floodway or Floodplain Overlay Zone; and
  - b. Gross square footage of existing and proposed structures.
6. Permits:

A listing of all required Federal, State, and Town Permits and status of applications.
7. If the site is located in Floodplain or Floodway Overlay Zone, the following, information shall also be submitted:
  - a. elevation in relation to mean sea level of the lowest floor (including basement) of all Buildings and Structures;
  - b. elevation in relation to mean sea level to which has been, or will be flood-proofed;
  - c. certification by a registered professional engineer or architect, licensed in the State of Arizona, that the flood hazard reduction methods for any structure meet the criteria in Section 16-7-12 F, page 77; and
  - d. description of the extent to which any watercourse will be altered or relocated as a result of the proposed Development.

### D. **Site Plan Review.**

1. Site Plans
  - a. Conformance to the requirements of this Ordinance.
  - b. Whether existing and anticipated traffic and parking conditions would be negatively impacted.
  - c. Whether pedestrian and vehicular ingress and egress is adequate.
  - d. Whether there is adequate landscaping, lighting, provisions for Utilities, telephone or television, site drainage, open space, loading and unloading areas, grading, signage, screening, and setbacks for the site.
2. The Commission shall consider oral or written statements from the applicant, the public, Town staff members, or its own members. It may question the applicant and approve the application, approve the application with modifications, deny the application, or continue the hearing. The

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application may not be continued for more than two regular meetings of the Commission without the consent of the applicant.

3. If the Commission shall determine by motion that the proposed Site Plan will not be detrimental to the health, safety, or welfare of the residents of the Town nor will cause traffic congestion or seriously depreciate surrounding property values and at the same time is in harmony with the purposes and intent of this Ordinance, the plan for the area, and the General Plan, the Commission may approve the application and impose such conditions as necessary to fulfill the purposes of this Ordinance.
4. Applications may be denied by motion of the Commission upon a finding that the conditions required for approval do not exist.

### E. **Amendments to Site Plans.**

Applications to amend a Site Plan shall be submitted to the Zoning Administrator and shall include a revised Site Plan drawing showing the requested amendment.

Amendments to Site Plans may be approved by the Chairman and Secretary of the Commission upon receipt of a written finding of the Zoning Administrator that the amended Site Plan is in substantial compliance with the originally approved Site Plan. If it is determined by the Zoning Administrator that the proposed amended Site Plan is not in substantial compliance with the approved Site Plan, the application shall follow the procedures set forth in Section 16-3-4 (A-C), above.

## **16-3-05 Conditional Use Permit Approval**

### A. **General.**

Certain uses, while generally not suitable in a particular zoning district, may, under certain circumstances, be acceptable. When such circumstances exist, a Conditional Use Permit may be granted by the Commission. The permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person or firm.

### B. **Application.**

Applications for Conditional Use Permits shall be filed on forms provided by the Zoning Administrator. The applications and applicable fee shall be filed with the Zoning Administrator. The application for a Conditional Use Permit shall be processed in accordance with Section 16-3-4 of this Ordinance.

### C. **Public Hearing and Decision of Commission.**

1. *Authorized Conditional Use Permits.* No Conditional Use Permit shall be granted for a use not listed in this Ordinance as a Conditional Use in the zoning district in which the Property is located.

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2. *Commission consideration.* The Commission shall consider the effect of the proposed Conditional Use upon the health, safety, and general welfare of residents of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent Streets and Land, and the effect of the proposed, use on the General Plan. The Commission may grant the application by motion, imposing such conditions as it deems necessary to fulfill the purposes of this Ordinance, or it may deny the application.
3. *Commission action.* Applications for Conditional Use permits may be approved or denied by motion of the Commission. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist.
4. *Resubmittal.* No application for a Conditional Use permit which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Commission.

### D. **Notification of Commission Action.**

The applicant shall be notified in writing of the action taken by the Commission. If the application has been granted, the permit shall be issued by the Chairman of the Commission, and any conditions, automatic termination date, or period of review shall be stated on the permit.

## 16-3-06 Planned Area Development (PAD) Approval

### A. **General.**

The Council may adopt ordinances approving planned area developments. The requirements of this section are in addition to the application requirements set forth in Section 16-3-02. All PADs shall comply with Section 16-4-16.

### B. **Application.**

Prior to submitting an application, the applicant shall meet with Town Zoning Administrator to discuss the development concept, the review and approval process, and the submittal requirements. A concept plan for the proposed PAD shall be filed with the application. The Zoning Administrator shall review the application and schedule it for preliminary review of the Commission.

### C. **Concept Plan.**

#### 1. **Submittal Requirements**

The concept plan shall indicate proposed land uses, general circulation patterns, general building massing, property boundaries, existing land uses on adjacent properties, special site conditions or problems. A computation table showing proposed land use allocations in acres and percent of total site area shall be included on the concept plan.

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2. Commission Review of Concept Plan
  - a. The Zoning Administrator shall schedule an informal review of the concept plan by the Commission at its next regularly scheduled meeting.
  - b. The Commission shall review the concept plan and shall determine whether the plan is in conformance with this Ordinance and the General Plan. The Commission may instruct the applicant regarding features or design elements to be included in the PAD and what modifications to the underlying zoning district restrictions may be appropriate in light of the benefits the PAD will provide to the Town and the creative design for the PAD that will enhance the community.

3. Council Review

It is not required that the Council review the concept plan; however, the applicant may request a concept plan review by the Council following Commission review and comment. The scope of review and comment by the Council shall be the same as that of the Commission.

### **D. PAD Zone Map Amendment Application.**

1. Submittal Requirements

Based upon comments received regarding the concept plan, the applicant shall prepare a PAD zone map amendment application and submit it to the Zoning Administrator. The Zoning Administrator shall review the application and schedule it for a citizen review process and Commission and Council public hearings in accordance with the requirements of Section 16-3-02.

The following information shall be included in the application:

- a. Legal description of the Real Property and indication of gross area,
- b. Nature of the applicant's interest in the Land to be developed,
- c. A generalized location map showing surrounding Land Use and traffic circulation patterns,
- d. Site Conditions. An analysis of the existing site conditions which indicates at a minimum:
  - 1) Topographic contours with intervals of no more than two feet, to a distance to 100 feet beyond the property boundary,
  - 2) Location and extent of major vegetative cover (if any),
  - 3) Location and extent of perennial or intermittent streams and water ponding areas,
  - 4) Access and egress to adjacent properties and streets,
  - 5) Existing drainage patterns,
  - 6) Other information considered relevant by the applicant or Town staff.

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- e. Proposed allocations of land use expressed as a percent of the total area, as well as in acres. Uses to be indicated include: Streets, Parking lots, Open Space (public), Open Space (private), Residential (if appropriate), a stratification of residential uses in terms of Single-Family Detached Dwellings, Townhouses, garden Apartment Buildings, etc., Commercial (if appropriate), Industrial (if appropriate)
  - f. A Site Plan at a scale not smaller than one inch equals 100 feet, indicating all circulation elements, non-motorized and vehicular; structures; open space; recreational space; proposed grading; proposed landscaping.
  - g. Plans indicating the alignment and sizing of water lines, sanitary sewers, and storm sewer (if any), as well as easements for all Utilities, telephone and television facilities, if necessary. Also indicted shall be proposed surface drainage patterns.
  - h. A preliminary plat of the proposed development if a subdivision is proposed.
  - i. Preliminary architectural plans indicating the elevations and exterior wall finishes of proposed Buildings.
  - j. A three-dimensional model of the proposed Development is not required but is encouraged as a means of indicating the character of the proposed PAD as well as depicting site development relationships.
2. Public Hearing and Decision of Commission
- a. Notice of Public Hearing

The Zoning Administrator shall prepare and publish a notice of the public hearings in accordance with Section 16-3-02.
  - b. Review

In considering application, the Commission shall consider the following: interrelationship with the plan elements to conditions both on and off the property; conformance to the General Plan; the impact of the plan on the existing and anticipated traffic and parking conditions; the adequacy of the plan with respect to land use; pedestrian and vehicular ingress and egress; building location and height; landscaping; lighting; provisions for Utilities, telephone and television; site drainage; open spaces; loading and unloading areas; grading; signage; screening; setbacks; and other related matters.
  - c. The Commission shall consider oral or written statements from the applicant, the public, Town staff, or its own members. The Commission may question the applicant and approve, disapprove, or table the preliminary development plan. The application may not be continued for more than, two regular meetings of the Commission without the consent of the applicant.
  - d. If the Commission determines by motion that the proposed PAD will not be detrimental to the health, safety, or welfare of the community nor will

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cause traffic congestion, overload water/sewer capacities, burden public facilities or services, or seriously depreciate surrounding property values and at the same time is in harmony with the purposes and intent of this Ordinance, the plan for the area, and the General Plan, the Commission may recommend approval of the PAD along with necessary conditions to fulfill the intent of this Ordinance.

e. The Commission shall forward its written recommendation to the Council.

### 3. Public Hearing and Decision of the Council

#### a. Notice of Public Hearing

The Zoning Administrator shall prepare a notice of the public hearing in accordance with Section 16-3-02.

An application which has been recommended for denial by the Commission shall not be reviewed by the Council except upon written request by the applicant.

#### b. Review

In its deliberations on the proposed PAD, the Council shall consider oral or written statements from the applicant, Town staff, the public, and its own members. Following the public hearing, the Council may approve the PAD application, approve the application with modifications or conditions, deny the application, or continue the hearing. The application may not be continued for more than two meetings in succession without the consent of the applicant.

### E. Amendments to PAD Approval.

#### 1. Minor Changes

Minor changes in the location and placement of buildings may be authorized in writing by the Zoning Administrator and Town Engineer where unforeseen circumstances such as engineering requirements dictate such change. When in question, the Zoning Administrator and the Town Engineer may determine whether the changes to location and placement of buildings shall be classified as a minor or major change, or may refer the question to the Commission if they deem it necessary.

#### 2. Major Changes

All changes except minor changes are major changes. Applications for major changes shall follow the procedures for approval of a PAD.

### F. Denial of PAD Application.

If an application for a planned area development is denied, no new application for a PAD by the same applicant on the same site or portion of the site may be filed prior to 90 days after the date of denial.

**16-3-07 Appeals to Board of Adjustment**

**A. Application.**

Any aggrieved person or any officer or department of the Town affected by a decision of the Zoning Administrator with respect to an interpretation of this Ordinance or any Lot or zoning district boundary lines, may appeal that interpretation to the Board by filing an application with the Zoning Administrator. The application shall state the name and address (or Town office) of the applicant and the reasons for filing the appeal. The application shall be made within 30 days of the date of the interpretation which is being appealed. The Zoning Administrator shall then transmit to the Board the complete record of the Zoning Administrator's action for which the appeal is made.

**B. Effect of Appeal.**

An appeal to the Board stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board that by reason of facts stated in the certificate of stay, the stay would, in his opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed other than by a restraining order granted by the Superior Court on notice to the Town Clerk and with due cause shown.

**C. Notice of Public Hearing.**

No appeal may be granted by the Board until a public hearing has been held on the application. A notice of time, date, place, and purpose of the hearing shall be published in the official newspaper of the Town at least 15 days prior to the date of the hearing.

If the appeal relates to a decision on specific Real Property, the notice shall be posted in conspicuous places close to the Real property affected and shall be mailed at least 15 days prior to the date of the hearing to each owner of the Real Property situated within 200 feet of the property to which the appeal relates. The Zoning Administrator shall be responsible for mailing such notice. For the purpose of giving mailed notice, the Board may require the applicant to furnish an abstractor's certified Real property certificate showing the property ownership within 200 feet of the Real Property. The Zoning Administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent as a part of the record of proceedings. The failure to receive notice by individual Real Property owners shall not invalidate the proceedings.

**D. Review and Decision by the Board.**

Within 45 days of the date of application but no sooner than 15 days from the date of public notice, the Board shall hear and decide arguments for appeal to the decision in question. The Board shall consider oral or written statements from the appellant, his agent or attorney, the public and Town staff members. The Board shall also study the record of the action from which the appeal is taken. The Board may, by three-fourths (3/4) majority of the entire Board, approve an appeal

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or by simple majority, continue the hearing. If continued, the Board shall make a decision on the appeal at its next regularly scheduled meeting. The Board may impose such conditions on its decision as it deems necessary to satisfactorily correct the situation in the question, but is shall not attempt to infringe upon matters not specifically contained in the appeal.

### E. **Notice of Board Decision.**

The Board shall issue a written notice of its decision to all concerned parties and to the Town Clerk. The notice shall state the facts of the matter as determined by the Board, the reasons for its decision, and any conditions applied to the decision.

## **16-3-08 Protected Development Right Plan**

### A. **Purpose and Applicability.**

1. *Purpose.* The purpose of this section is to provide procedures consistent with applicable State law by which a plan may be designated as a Protected Development Right Plan. Except as provided in paragraph C.3 of this section, only a plan submitted to the Town that is designated as a Protected Development Right Plan at the time of submittal shall be processed as a Protected Development Right Plan.
2. *Definition.* A protected development right is 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, and precludes the enforcement against the development of any legislative or administrative Land use regulation of the Town or an initiated measure that would change, alter, impair, prevent, diminish, delay or otherwise impact the development or use of the Real Property as set forth in the approved Protected Development Right Plan. Upon approval of a Protected Development Right Plan, the owner has a protected development right to undertake and complete the development only to the extent of the specific elements and details shown on the plan without compliance with subsequent changes in zoning regulations and development standards.
3. *Two Classes of Protected Development Right Plans.* This section sets forth the procedures for two classifications of Protected Development Right Plans: non-phased developments and phased developments.

### B. **Procedures.**

1. *Applications.* Applications shall be filed in accordance with application procedures set forth in Section 16-3-02 and additional application requirements set forth in this section. Applications may be filed for non-phased development right plan, or phased development right plan.

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2. *Non-Phased developments.* Non-phased developments are developments that are constructed in one phase. Applications for Protected Development Right Plan for non-phased developments shall comply with the application requirements for final subdivision plat approval as set forth in the Town's Subdivision Regulations.
3. *Phased developments.* An application for a Protected Development Right Plan for phased developments shall comply with the application requirements set forth in this section and Section 16-3-6 for Planned Area Development Districts. The application shall identify all improvements required to be constructed for each phase.
4. *Application Content.*
  - a. All applications for a Protected Development Right Plan shall include all of the following:
    - 1) The proposed uses of the Real Property;
    - 2) The boundaries of the Real Property;
    - 3) Significant topographical and other natural features affecting development of the Real Property;
  - b. The location of all existing and proposed utilities and provisions for other infrastructure on the Real Property, including water, sewers, road and non-motorized circulation; and
  - c. All other studies and reports required by the Zoning Ordinance, the Town's Subdivision Regulations and other codes of the Town, including traffic reports, drainage reports, master street plans, development phasing schedules and phased public infrastructure schedules.
  - d. In addition to the requirements of paragraph a, an application for a Protected Development Right Plan for a non-phased development shall be submitted either as a final subdivision plat application or as a Planned Area Development district application and shall:
    - 1) Designate the plan as a non-phased Protected Development Right Plan at the time of submittal;
    - 2) Include the general location on the Real Property of the proposed Buildings, Structures and other improvements; and
    - 3) Include the number of Dwellings and the square footage and height of the proposed Buildings and Structures.
  - e. In addition to the requirements of paragraph a, an application for a Protected Development Right Plan for a phased development shall:
    - 1) Designate the plan as a phased Protected Development Right Plan at the time of submittal;
    - 2) Be submitted as a Planned Area Development district;
    - 3) Include the proposed phasing plan, the boundaries of each phase, and the schedule of development of each phase;

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- 4) Include the general location on the property of the proposed buildings, structures and other improvements for the first phase;
- 5) Include the number of Dwellings proposed for all phases of the Development; and
- 6) Include the square footage and height of the proposed Buildings and Structures for the first phase.

### C. General Provisions.

1. *Final Subdivision Plat Protected Development Right Plan.* The Protected Development Right Plan for a non-phased development shall be the final subdivision plat approved by the Town Council.
2. *Planned Area Development Protected Development Right Plan.* The Protected Development Right Plan for a phased development shall be the Planned Area Development district approved by the Town Council for that phase. Approval of a Protected Development Right Plan for one phase of a phased development is not approval of a Protected Development Right Plan for any other phase.
3. *Subsequent Designation.* The Town Council may designate by ordinance or resolution a development plan that is not identified as a Protected Development Right Plan at the time it is submitted, as a Protected Development Right Plan upon a finding that granting a protected development right to undertake and complete the development shown on the plan will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and secure the reasonable investment-backed expectations of the owner.
4. *Variances.* A Protected Development Right Plan approved with a condition that a Variance be obtained does not confer a protected development right until the Variance is granted. Approval of a Protected Development Right Plan does not guarantee approval of a Variance.
5. *Enforcement of Subsequent Land Use Regulations.* A protected development right does not preclude enforcement of land use regulations that would change, alter, impair, prevent, diminish, delay or impact the development or use of the property as approved in the Protected Development Right Plan under any of the following circumstances:
  - a. Changes agreed to in writing by the owner.
  - b. Declaration by the Town Council by resolution after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the Real Property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the Development were to proceed as approved in the Protected Development Right Plan.
  - c. Declaration by the Town Council by resolution after notice and a public hearing that the owner or his representative intentionally supplied inaccurate

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information or made material misrepresentations that made a difference in the approval of the Protected Development Right Plan by the Town.

d. The enactment of a state or federal law or regulation that precludes development as approved in the Protected Development Right Plan, in which case the Town Council, after notice and a public hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the Protected Development Right Plan.

6. *Overlay Zoning, Development Fees, Building Codes.* A protected development right does not preclude the enforcement of a subsequently adopted:
  - a. Overlay zoning classification that imposes additional requirements and that does not affect the allowable type or density of use, or ordinances or regulations that are general in nature and that are applicable to all property, so long as the zoning classification does not affect the allowable type or density of Use.
  - b. Development fees applicable to similar properties in the Town adopted pursuant to A.R.S. § 9-463.05.
  - c. Building, fire, plumbing, electrical, or mechanical code or other ordinance or regulation general in nature and applicable to all property subject to land use regulation by the Town.
7. *Non-Conforming Uses and Structures.* A protected development right does not preclude, change, or impair the authority of the Town to adopt and enforce zoning ordinance provisions governing non-conforming uses or structures on the property.
8. *Development Agreements.* Nothing in this article shall preclude, change, or limit the authority of the Town to enter into a Development Agreement pursuant to A.R.S. § 9-500.05.

### D. **Expiration Date and Extensions; Revocation.**

1. Expiration.
  - a. A Protected Development Right Plan for a non-phased development is valid for three years. In its sole discretion, the Town Council may extend this time period for a maximum of two additional years if it determines such extension is warranted by all relevant circumstances, including the size and type of the development, the level of investment of the landowner, economic cycles, and market conditions. If no building permit has been issued prior to expiration, no construction shall commence under the plan.
  - b. A Protected Development Right Plan for a phased development is valid for five years. In its sole discretion, the Town Council may extend this time period for a maximum of two additional years if it determines such extension is warranted by all relevant circumstances, including the size, type and

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phasing of the development, the level of investment of the landowner, economic cycles, and market conditions. No construction shall take place on the property for any phase for which a building permit has not been issued.

2. *Compliance.* After the approval of a Protected Development Right Plan, the Town Manager shall monitor the progress of the Development to ensure compliance with the terms and conditions of the original approval or any development agreement applicable to the Property. If the Development is not progressing in compliance with the original approval or any development agreement applicable to the property, the Town Manager shall prepare a report and recommendation to the Town Council. The report and recommendation shall contain the following:
  - a. The Protected Development Right Plan to be revoked;
  - b. The Real Property to which the right applies; and
  - c. The reason or reasons for the proposed recommendation.
  
3. *Revocation.* A Protected Development Right Plan may be revoked by the Town because of failure to comply with the applicable terms and conditions of the Protected Development Right Plan or development agreement.
  - a. The report and recommendation of the Director shall be submitted to the Council. The Director shall set a date for a public hearing on the proposed revocation.
  - b. A Notice of the public hearing shall be given by first class mail at least 15 days prior to the hearing as follows:
    - 1) To the Property owner of record;
    - 2) To the Real Property address; and
    - 3) To the business address.
  - c. Notice of the public hearing shall be published at least 15 days prior to the date of the hearing at least once in a newspaper of general circulation published or circulated within the Town.
  - d. Notice of the public hearing shall be posted at least fifteen days prior to the date of the hearing at three public places within the Town designated by Town Council resolution for posting of public notices.
  - e. The public hearing shall be held in accordance with the procedures for public hearing set forth in Section 16-3-02.
  - f. In order to revoke the Protected Development Right Plan, the Council shall find that one or more of the terms of conditions of the Protected Development Right Plan have been violated or there has been a violation of other applicable laws or regulations.
  - g. Upon revocation of the Protected Development Right Plan, the Town Manager shall notify the applicant in writing. Such notice shall describe the

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Town Council's decision, with its findings. The notice shall be mailed to the applicant by first class mail and to:

- 1) To the Real Property owner of record;
  - 2) To the Real Property address; and
  - 3) To the business address.
4. *No Vested Rights.* Where a Protected Development Right Plan has been created, development of property without complying with the Protected Development Right Plan is not a legal use of that Property. Therefore, there shall be no vested right to use Property in accordance with a Protected Development Right Plan where the Protected Development Right Plan has been revoked.

### **16-3-09 Appeals of Dedications, Exactions and Zoning Regulations**

#### **A. Purpose and Applicability.**

This section sets forth procedures for appeals of dedication requirements, exactions or zoning regulations pursuant to A.R.S. §§ 9-500.12 and 9-500.13.

#### **B. Appeals.**

Appeals of a required dedication or exaction filed pursuant to A.R.S. § 9-500.12 and of a zoning regulation alleged to create a taking pursuant to A.R.S. § 9-500.13 shall comply with the procedures of this Section and A.R.S. § 9-500.12G.

1. No fee shall be charged for the appeal.
2. Appeals shall only be filed by a Property owner.
3. Appeals shall be filed on a form established by the Director within 30 days of the date of the final action imposing the dedication or exaction or adopting or amending the zoning regulation. The Town shall notify the property owner of the right to appeal and provide a description of the appeal procedure to the applicant.

#### **C. Notice of Hearing.**

The Property owner shall be given at least ten days written notice of the time and place of the hearing by certified mail. The Property owner may agree to a shorter time for such notice.

#### **D. Hearing.**

The hearing shall not be a public hearing. Prior to the hearing, the Town shall submit a takings report to the Hearing Officer. The hearing shall be held not later than 30 days after the appeal is filed.

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### E. Appeals Filed Pursuant to ARS § 9-500.12.

An appeal of a required dedication or exaction as a condition of approval for the use, improvement, or development of real property shall comply with this paragraph E. No appeal of a dedication or exaction may be filed under this paragraph if the dedication or exaction is imposed by a legislative act of the Town Council that does not give discretion to a town official or town department to determine the nature or extent of the dedication or exaction.

1. In determining whether a dedication or exaction is in violation of the law, the Town has the burden to establish that:
  - a. There is an essential nexus between the dedication or exaction and a legitimate governmental interest of the Town; and
  - b. The required dedication or exaction is roughly proportional to the impact of the proposed use.
2. If the Hearing Officer finds that the Town has not met its burden as described in paragraph 1 above, the Hearing Officer may modify or delete the dedication or exaction requirement. If the Hearing Officer finds that the Town has met its burden, the Hearing Officer may affirm the dedication or exaction requirement. The Hearing Officer shall decide the appeal within five working days after the appeal is heard.

### F. Appeals Filed Pursuant to ARS § 9-500.13.

An appeal of the adoption or amendment of a zoning regulation by the Council alleged to create a taking shall comply with this section.

1. In determining whether an adopted or amended zoning regulation creates a taking of Property in violation of ARS § 9-500.13, the Town has the burden to establish that the zoning regulation does not create a taking. The Hearing Officer shall consider whether the zoning regulation would deny all economic use of the Property. In determining whether the action would deny the owner all economic use of the Property, the Hearing Officer shall consider the following factors:
  - a. Evaluation of the range of uses allowed under the General Plan and the Zoning Code.
  - b. Any economic impact study submitted related to the impact of the conditions of an amendment on the Property.
2. If the Hearing Officer finds that the Town has not met its burden as described in paragraph 1 above, the Hearing Officer shall transmit a recommendation to the Council and the Council may reconsider its prior action. If the Hearing Officer finds that the Town has met its burden, the Hearing Officer may affirm the zoning regulation. The Hearing Officer shall decide the appeal within five working days after the appeal is heard.

### G. Appeal of Decision of Hearing Officer.

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A property owner aggrieved by a decision of the Hearing Officer to modify or affirm a dedication or exaction requirement or to affirm a zoning regulation may file within 30 days after the decision a complaint in Superior Court, pursuant to A.R.S. § 9-500.12G.

### **16-3-10 Reconsideration of Certain Decisions**

#### **A. Purpose and Applicability.**

This section sets forth procedures for requesting reconsideration of Council actions related to certain Federal and state statutes in order to present evidence to the Council of an alleged violation of such statutes.

#### **B. Request for Reconsideration.**

An applicant may request a reconsideration of a Council decision on any of the following grounds:

1. An alleged violation of the Fair Housing Act;
2. An alleged violation of the Americans with Disabilities Act or the Arizonans with Disabilities Act;
3. An alleged violation of the Religious Land Use and Institutionalized Persons Act or the Arizona Free Exercise of Religion Act; and
4. An alleged violation of the Telecommunications Act.

#### **C. Reconsideration Procedure.**

1. The request for reconsideration shall be filed within ten days of the Council decision.
2. Prior to reconsideration by the Council, the Hearing Officer shall conduct a fact finding hearing to gather a complete record of all information relevant to the request. The Hearing Officer shall have the authority to request all information necessary to compile a complete record pertaining to the request.
3. Town officials and the applicant shall fully disclose all information relevant to the fact finding.
4. The Hearing Officer shall prepare a report and recommendation for Council consideration within 60 days of the filing of the request.

#### **D. Council Reconsideration.**

1. The Council shall conduct a public hearing on the request pursuant to the procedures set forth in Section 16-3-02.
2. In its deliberation, the Council shall consider only the applicant's written request, the findings of fact prepared by the Hearing Officer, and the Hearing Officer's recommendation. No new evidence shall be submitted.

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3. The Council shall uphold, reverse, or modify their prior decision or remand the matter to the Hearing Officer to develop additional findings.

### **16-3-11 Annexations**

#### **A. Purpose.**

The purpose of this article is to provide procedures consistent with applicable State law requirements for the annexation of Real Property into the Town. This article shall apply to all applications to annex Real Property into the Town.

#### **B. Initiation of Annexations.**

1. The Council or Town Manager may direct staff to review specific Real Property to determine whether it may be legally annexed and to contact Real Property owners to determine whether they will sign an annexation petition.
2. One or more Real Property owners may submit an application to annex Real Property owned by them into the Town.

#### **C. Procedures.**

1. An application by a Real Property owner shall be filed in accordance with the Town on forms provided by the Town Clerk.
2. Staff shall review the proposed annexation to determine whether the Real Property to be annexed meets the contiguity requirements of A.R.S. § 9-471H. No proposed annexation shall be processed unless it either meets the contiguity requirements or is exempt from such requirements.
3. Except for annexations of County rights-of-way or roadways with no taxable Real Property, staff shall file a blank petition in the office of the Maricopa County Recorder setting forth a legal description and an accurate map of all the exterior boundaries of the property proposed to be annexed. The map shall include all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the area of the proposed annexation. The legal description shall be sealed by a registered surveyor or engineer. Signatures shall not be obtained on an annexation petition until the expiration of a 30-day waiting period following the date of filing the blank petition.
4. Notice and a copy of the filing of the blank petition shall be given to the Clerk of the Maricopa County Board of Supervisors and to the Maricopa County Assessor.
5. Notice of a public hearing shall be given by the Town in accordance with this section. The notice shall include the following information:
  - a. A map showing the Real Property proposed to be annexed;
  - b. The date, time, location and purpose of the public hearing;

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- c. A statement that any interested person or any authorized agent may appear and be heard; and
  - d. A statement describing how to submit written comments.
6. The notice shall be given at least six days prior to the hearing in the following manner:
- a. The notice shall be published by the Town at least once in a newspaper of general circulation within the Town at least 15 days before the end of the 30 day waiting period.
  - b. Posting by the applicant in at least three conspicuous public places on the property proposed to be annexed.
  - c. Notice by first class mail with an accurate map of the Real Property proposed to be annexed sent by the Town to each owner of the Real and Personal Property that would be subject to taxation by the Town in the event of annexation in the territory proposed to be annexed.
7. Posting, maintenance and removal of signs are the responsibility of the applicant. Failure to remove the sign within ten days of public hearing action shall result in Town removal of the sign and a charge to the applicant for costs incurred. Size, color, content, and location of public hearing sign shall be designated by Town Council resolution for posting of public hearing notices. The applicant shall submit a signed affidavit and dated, color photos of sign or signs prior to the public hearing. Failure of the applicant to provide evidence of posting shall result in a postponement of the public hearing.
8. Notice by first class mail sent by the Town to the Chairman of the Board of Supervisors of Maricopa County.

### **D. Public Hearing.**

A public hearing shall be held by the Council within the last ten days of the 30-day waiting period described in paragraph 6a to provide opportunity for public comment and to discuss the proposed annexation.

### **E. Signatures and Filing with County Recorder.**

After the expiration of 30 days from the date the blank petition was filed, signatures may be obtained on an annexation petition. The petition shall contain the signatures of the owners of one-half or more in value of the Real and Personal Property and more than one-half of the persons owning Real and Personal Property that would be subject to taxation by the Town in the event of annexation, as shown by the last assessment of the Property, may be circulated. No alterations increasing or reducing the Real Property proposed to be annexed shall be made after a petition has been signed by a Real Property owner.

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### F. Filing of Signed Petition and Expiration.

A signed petition for annexation shall be filed with the City Clerk within one year after the last day of the 30-day waiting period described in paragraph E or the blank petition will expire. A new application shall be submitted if the property owner desires to annex the Real Property after that deadline. At the time of filing the petition for annexation, the petitioner shall submit a sworn affidavit verifying that no part of the Real Property proposed to be annexed is already subject to an earlier filing for annexation.

### G. Staff Review of Petitions.

Upon receipt of a signed petition for annexation, staff shall review the petition for sufficiency of signatures and conformance with other applicable requirements. Staff shall verify that the petition contains the signatures of the owners of one-half or more in value of the Real and Personal Property and more than one-half of the persons owning Real and Personal Property that would be subject to taxation by the Town in the event of annexation, as shown by the last assessment of the Property.

1. For the purpose of determining the sufficiency of the percentage of the value of Property, such values of Property shall be determined as follows:
  - a. In the case of Property assessed by the County Assessor, values shall be the same as shown by the last assessment of the Property; and
  - b. In the case of Property valued by the Department of Revenue, values shall be appraised by the Arizona Department of Revenue in the manner provided by law for municipal assessment purposes.
2. For the purpose of determining the sufficiency of the percentage of persons owning Property, the number of persons owning Property shall be determined as follows:
  - a. In the case of Property assessed by the County Assessor, the number of persons owning Property shall be as shown on the last assessment of the Property;
  - b. In the case of Property valued by the Department of Revenue, the number of persons owning Property shall be as shown on the last valuation of the Property;
  - c. If an undivided parcel of Real Property is owned by multiple owners, such owners shall be deemed as one owner and each may sign as a fractional interest; and
  - d. If a person owns multiple parcels of Real Property, such owner shall be deemed as one owner for the purposes of this section.

### H. Filing Petition and Affidavit with County Recorder.

After determination of sufficiency of signatures on the petition, the petition shall be filed in the office of the Maricopa County Recorder. The petitioner shall also

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submit a sworn affidavit verifying that no part of the territory is already subject to an earlier filing.

### I. **Staff Report.**

The Town Manager shall prepare and transmit to the Council a staff report with a proposed annexation ordinance. A copy of the staff report and proposed annexation ordinance shall be made available to the public and the applicant prior to the date of the meeting at which the Council will consider adopting the ordinance.

### J. **Town Council Action.**

After the filing of the signed petition, the Council may adopt the proposed annexation ordinance.

### K. **Annexation Complete.**

The annexation is final 30 days from the adoption of the ordinance annexing the property, subject to the review of the Maricopa County Superior Court pursuant to A.R.S. § 9-471C. When the annexation is final, the Town Clerk shall record the annexation ordinance.

### L. **Annexation of County Right-of-Way.**

County rights-of-way or roadways with no taxable Real Property may be annexed by mutual consent of the Council and the Maricopa County Board of Supervisors if the right-of-way or roadway is adjacent to the Town for its entire length. The proposed annexation shall be approved by ordinance as part of a published agenda item at regular public meetings of the Council and the Board of Supervisors.

## Article IV. ZONING DISTRICTS

### 16-4-01 Establishment Of Zoning Districts

A. For the purposes of this Ordinance, the Town shall be divided into the following zoning districts:

R-1	Single-Family Residential	I-1	Light Industrial
R-2	Duplex Residential	I-2	Heavy Industrial
R-3	Manufactured Home Residential	I-3	Basic Manufacturing, Industrial
R-4	Four-Plex Residential	AG	Rural Zone
R-5	Multi-Family Residential	PAD	Planned Area Development Overlay
B-1	Neighborhood Business		
B-2	Community Business		
	Manufactured Home Overlay Zone		

B. The boundaries of the above zoning districts are shown on the Official Zoning Map adopted pursuant to Section 16-1-3.

C. **Annexed Territory.** Real Property annexed by the Town shall be zoned to a comparable Town zoning district within six (6) months of the annexation becoming final. If such Real Property is the subject of an active rezoning application, such rezoning may be as set forth in the application.

### 16-4-02 Interpretation of Zone Boundaries

A. Where uncertainty exists with respect to any of the boundaries of the zones as shown on the Zone Map, the following rules shall apply:

1. Where zoning district boundaries are indicated as approximately following the center lines of Street, highway, or railroad rights-of-way or such lines extended, such center lines or such lines extended shall be construed to be such boundaries.
2. Where zoning district boundaries are indicated as approximately following the corporate limit line of the Town, such corporate limit line shall be construed to be such boundaries.
3. Where zoning district boundaries are indicated as approximately following Real Property lines or such lines extended, such Real Property lines or such lines extended shall be construed to be such boundaries.

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4. Where zoning district boundaries are indicated as approximately following the center line of stream beds or river beds, such center lines or such lines extended shall be construed to be such boundaries.
5. No zoning district boundary line shall hereinafter be established to divide one Lot into two or more zones unless the size of the Lot in question is such that division is determined to be essential by the Commission and the Town Council.

### **16-4-03 Use Matrix**

The following table is a guide to the uses allowed within each of the zoning districts which are further described in this section.

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Proposed Use	AG	R-1	R-2	R-3	R-4	R-5	B-1	B-2	I-1	I-2	I-3
	Rural	Single-Family Residential	Duplex Residential	Manufactured Home Residential	Four-Plex Residential	Multi-Family Residential	Neighborhood Business	Community Business	Light Industry	Medium Industry	Heavy Industry
Airports									C	C	C
Alcoholic Beverage Sales								P	P	P	P
Animal Kennel									P	P	P
Animal Services								P	P	P	P
Apartment Building						C					
Auditoriums									P	P	P
Automotive Sales, Rental And Delivery								P	P	P	P
Automotive Service Station								P	P	P	P
Automotive Washing Establishments								C	P	P	P
Bakery							P	P	P	P	P
Banks and Other Savings and Lending Institutions								P	P	P	P
Building Material and Home Improvement Sales and Service, Retail									P	P	P
Campground	C							C	C		
Cemetery	C <sup>1</sup>							P	P	P	
Community Assembly	C							P	P	P	P
Construction Sales and Service									P	P	P
Day Care Center		C	C	C	C		P	P			
Drive-In Business								C			

<sup>1</sup> Including pet cemeteries and mausoleums.

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Proposed Use	AG	R-1	R-2	R-3	R-4	R-5	B-1	B-2	I-1	I-2	I-3
	Rural	Single-Family Residential	Duplex Residential	Manufactured Home Residential	Four-Plex Residential	Multi-Family Residential	Neighborhood Business	Community Business	Light Industry	Medium Industry	Heavy Industry
Drive-In Theater									C	P	P
Emergency Housing	P <sup>2</sup>										
Farm/Ranch Uses	C										
Farm/Ranch-Related Uses	C										
Feed, Grain, and Fertilizer Sales									P	P	P
Forests and Wildlife Reservations	P										
Golf Courses	P										
Golf Driving Range and Miniature Golf Course								P	P	P	P
Grainery, Elevator Storage										P	P
Grocery Stores								P	P	P	P
Group Homes for the Handicapped	P <sup>3</sup>				C	C					
Heliports/Helipad <sup>4</sup>										C	C
Hospital								P	P	P	P
Hotel or Motel								P			
Junkyard										C	P
Manufactured Home				P							
Manufactured Home, Multi-sectional	P <sup>5</sup>	P	P	P	P						

<sup>2</sup> Emergency housing provided by a manufactured house, mobile home, recreational vehicle, or travel trailer for a maximum period of six months. Upon formal declaration of a disaster area, this time frame may be extended by the zoning inspector and may include tents as shelter.

<sup>3</sup> See additional conditions (now found in AG District).

<sup>4</sup> Subject to the Regulations of the Federal Aviation Administration.

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Proposed Use	AG	R-1	R-2	R-3	R-4	R-5	B-1	B-2	I-1	I-2	I-3
	Rural	Single-Family Residential	Duplex Residential	Manufactured Home Residential	Four-Plex Residential	Multi-Family Residential	Neighborhood Business	Community Business	Light Industry	Medium Industry	Heavy Industry
Manufactured Home, Single-wide				P							
Manufactured Home Park	C			P							
Manufacturing and Assembly - Artisan									P	P	C
Manufacturing and Assembly - Light									P	P	P
Manufacturing and Assembly - General									C	P	P
Manufacturing and Assembly - Heavy											P
Medical Clinic							P	P	P	P	P
Mining and Quarrying										C	P
Mining Refining, and Smelting											P
Mortuary								P	P	P	P
Motor Freight Terminals										P	P
Multi-Family Dwellings Containing Four or More Dwelling Units						P					
Nightclubs								C			
Offices							P	P	P	P	P
Oil Refineries										C	C
Packing Houses											P
Parking Garage									P	P	P
Parking Lot								P	P	P	P
Pawn Shops								P			

<sup>5</sup> See additional conditions (now found in AG District).

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Proposed Use	AG	R-1	R-2	R-3	R-4	R-5	B-1	B-2	I-1	I-2	I-3
	Rural	Single-Family Residential	Duplex Residential	Manufactured Home Residential	Four-Plex Residential	Multi-Family Residential	Neighborhood Business	Community Business	Light Industry	Medium Industry	Heavy Industry
Personal Services							P	P	P	P	P
Pest Control Shop								P	P	P	P
Plant Nurseries and Greenhouses	P							P	P	P	P
Printing and Publishing House								P	P	P	P
Public Buildings		C	C	C	C	C	P	P	P	P	P
Public Parks		P	P		P		P				
Racetracks	C									C	C
Radio And Television Studio								P	P	P	P
Railroad Switching Yards										P	P
Recreational Facility, Commercial								P			
Recreational Uses, Indoor								P	C	C	
Recreational Uses, Outdoor									C	C	
Recreational Vehicle Park	C					C		C	C		
Religious Assembly	P	C	C	C	C	C	P	P	P	P	P
Restaurant								P	P	P	P
Restaurant, Drive-In									P	P	P
Retail Sales, Convenience							C	P	P	P	P
Retail Sales, Convenience with fueling facility							C	C	C	C	C
Retail Sales, General							P	P	P	P	P
Retail Sales, Large-Scale								P	P	P	P
School, Public or Private (both Large-Scale and Small-Scale)	C	C					C	P			

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Proposed Use	AG	R-1	R-2	R-3	R-4	R-5	B-1	B-2	I-1	I-2	I-3
	Rural	Single-Family Residential	Duplex Residential	Manufactured Home Residential	Four-Plex Residential	Multi-Family Residential	Neighborhood Business	Community Business	Light Industry	Medium Industry	Heavy Industry
Sexually-Oriented Businesses										C	C
Single-Family Residential <sup>6</sup>	P	P	P	P	P	P					
Stables, Public	C <sup>7</sup>										
Stadiums									P	P	P
Tank Farms, Explosive Liquid										C	C
Tank Farms, Non-Explosive Liquid									P	P	P
Radio and Television Studios	C <sup>8</sup>								P	P	P
Terminals, Truck and Rail											P
Terminals, Transit								P	P	P	P
Three-Family Dwellings					P						
Townhouse Clusters					P <sup>9</sup>	P <sup>10</sup>					
Two-Family Attached Dwellings			P		P						
Utility Distribution Facilities		C	C	C	C	C	P	P	P	P	P
Utility Facilities	P							C	P	P	P
Utility Service Yards									C	C	P
Vehicle/Equipment Sales and Rental									P	P	P
Warehouses								P	P	P	P

<sup>6</sup> Single-Family Residential is permitted so long as it meets the R-1 Development Standards for single-family residential unless otherwise specified.

<sup>7</sup> Provided the buildings housing animals are set back from all lot lines a distance of not less than 100 feet.

<sup>8</sup> Primary or accessory commercial television, microwave and radio transmitter, receiving stations and towers and dishes, including earth stations.

<sup>9</sup> Not to exceed four (4) units or 160 feet in length, whichever is attained first.

<sup>10</sup> Of at least four units (4) but not more than 200 feet in length.

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Proposed Use	AG	R-1	R-2	R-3	R-4	R-5	B-1	B-2	I-1	I-2	I-3
	Rural	Single-Family Residential	Duplex Residential	Manufactured Home Residential	Four-Plex Residential	Multi-Family Residential	Neighborhood Business	Community Business	Light Industry	Medium Industry	Heavy Industry
Warehouses, Residential Storage								C			
Well Sites	P	C	C	C	C	C	C	C			
Wireless Communications Facilities							C	C	C	C	C
Wholesale Building Supply Business								P	P	P	P

‘P’ – Permitted without a Conditional Use Permit. ‘C’ – Permitted with a Conditional Use Permit.

**PERMITTED USES (P):** Those Uses listed as “Permitted Uses” shall be allowed to establish within any zone district in which they are listed, subject to the requirements of this Ordinance. All other Uses shall be prohibited except as otherwise provided in this Ordinance.

**CONDITIONAL USES (C):** Those Uses listed as “Conditional Uses” require a Conditional Use Permit in order to establish within the zone district in which they are listed, and shall be subject to all conditions and requirements imposed by the Commission in connection with the Conditional Use Permit.]

**16-4-04 Single-Family Residential Zone (R-1)**

**A. Purpose.**

The purpose of the R-1 Single-Family Residential Zone is to provide for the Development, at a low density, of Single-Family Detached Dwellings and directly related complementary uses. The zoning district is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.

**B. Permitted Uses.**

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

**C. Conditional Uses as set forth in Section 16-4-03, USE MATRIX.** Conditional Uses may be approved in accordance with the procedures set forth in Section 16-3-05.

**D. Permitted Accessory Structures and Uses.**

1. Private garages
2. Greenhouses
3. Tool houses, sheds and other similar buildings for the storage of domestic supplies
4. Private or jointly owned swimming pools and tennis courts for the use and convenience of the residents
5. Signs in compliance with the requirements of Article VIII.
6. Home Occupations in compliance with the requirements of Section 16-6-02.
7. An Animal Kennel used for non-commercial purposes where hunting or other dogs are kept for use of the owner for hunting, tracking or exhibiting and similar hobbies or for guarding or protecting the owner's Property.

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### E. Development Standards.

1. The following development standards shall apply:

R-1	Required Lot Area	Required Lot Dimensions			Setbacks, Yards, and Heights				
					Minimum Setbacks from Property Line				
	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)		Minimum Lot Depth (ft.)	Front (ft.)	Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Max Bldg. Height (ft.)
Single-family dwelling	7,000	70		100	20	6/10*	20	20	30
Schools, Religious Assemblies, Community Assemblies (including their accessory uses and structures)					50	50	50	50	
Accessory structures					20	3	20	3	
Structures for all other Principal, Conditional, or Accessory Uses					20	10	20	20	

\*No side yard shall be less than six feet; at least one side shall be ten feet.

2. Density: The density of the district shall conform with the densities set forth on the General Plan.
3. Front Yard Setback Adjustment. Front Yard Setback requirements of this section may be adjusted as follows:
  - a. If more than 25 percent of the frontage on one side of a street between intersections is occupied by buildings having front setbacks greater or lesser than required by this section, the average of the setbacks of all such buildings existing on the effective date of this Ordinance shall be maintained by all new or relocated buildings on that side of the street between the intersections. The adjusted front setback shall be referred to as the “average setback”.
  - b. If there is an established average setback and there is an existing building on only one side of a proposed new or relocated building, the front setback of the new or relocated building is required to be no greater than the front setback of the adjacent existing building.
  - c. If there is such an established average setback and there are existing buildings on both sides of the new or relocated building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portion of the first adjacent building on each side.

### F. Encroachment into Front and Side Yard Setbacks.

1. Open steps and decks may extend into the front yard setback a distance of not more than five (5) feet and into the side yard not closer than five (5) feet from the property line.

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2. Covered patios, decks, porches or carports are not permitted encroachments in any setback.
3. Roof Projections into Required Side Yards. A house or garage roof shall not be constructed closer than three (3) feet from a side property line.

### G. Fences.

All fences shall comply with the requirements of Section 16-5-05.

### H. Outdoor Storage.

Outdoor storage of goods and materials is permitted only if screened from adjacent properties.

## 16-4-05 Duplex Residential Zone (R-2)

### A. Purpose.

The purpose of the R-2 Duplex Residential Zone is to provide for the development, at a low density, of Single-Family Detached Dwellings, Two-Family Dwellings and directly related complementary uses. The zoning district is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.

### B. Permitted Uses.

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

### C. Conditional Uses.

Conditional Uses as set forth in Section 16-4-03, USE MATRIX. Conditional Uses may be approved in accordance with the procedures set forth in Section 16-3-05.

### D. Permitted Accessory Structures and Uses.

1. Private garages
2. Greenhouses
3. Tool houses, sheds and other similar buildings for the storage of domestic supplies
4. Privately or jointly owned swimming pools and tennis courts for the use and convenience of the residents
5. Signs in compliance with the requirements of Article VIII
6. Home Occupations in compliance with the requirements of Section 16-6-02.

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7. An Animal Kennel used for non-commercial purposes where hunting or other dogs are kept for use of the owner for hunting, tracking or exhibiting and similar hobbies or for guarding or protecting the owner's Property.

### E. Development Standards.

1. The following development standards shall apply:

R-2	Required Lot Area		Required Lot Dimensions		Setbacks, Yards, and Heights				
	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)		Minimum Lot Depth (ft.)	Minimum Setbacks from Property Line				
					Front (ft.)	Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Max Bldg. Height (ft.)
Single-family dwelling	6,000	60		100	20	6/10*	20	20	30
Two family dwelling	7,000	70		100	20	10	20	20	30
Schools, Religious Assemblies, Community Assemblies (including their Accessory Uses and Structures)					50	50	50	50	
Accessory Structures					20	3	20	3	
Structures for all other Principal, Conditional, or Accessory Uses					20	10	20	20	

\*No side shall be less than six feet; at least one side yard shall be ten feet.

2. Density: The density of the district shall conform with the densities set forth on the General Plan.
3. Front Yard Setback Adjustment. Front Yard Setback requirements of this section may be adjusted as follows:
  - a. If more than 25 percent of the frontage on one side of a street between intersections is occupied by buildings having front setbacks greater or lesser than required by this section, the average of the setbacks of all such buildings existing on the effective date of this Ordinance shall be maintained by all new or relocated buildings on that side of the street between the intersections. The adjusted front setback shall be referred to as the "average setback".
  - b. If there is an established average setback and there is an existing building on only one side of a proposed new or relocated building, the front setback of the new or relocated building is required to be no greater than the front setback of the adjacent existing building.
  - c. If there is such an established average setback and there are existing buildings on both sides of the new or relocated building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portion of the first adjacent building on each side.

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### F. Encroachment into Front and Side Yard Setbacks.

1. Open steps and decks may extend into the front yard setback a distance of not more than five (5) feet and not into the side yard closer than five (5) feet from the property line.
2. Covered patios, decks, porches or carports are not permitted encroachments in any setback.
3. Roof Projections into Required Side Yards. A house or garage roof shall not be constructed closer than three (3) feet from a side property line.

### G. Fences.

All fences shall comply with the requirements of 16-5-05.

### H. Parking.

Parking shall comply with the requirements of Section 16-5-07.

### I. Additional Building and Performance Standards.

Development of any parcel of land within this district shall be in compliance with all applicable requirements of Article V.

### J Outdoor Storage.

Outdoor storage of goods and materials is permitted only if screened from adjacent properties.

## 16-4-06 Manufactured Home Residential Zone (R-3)

### A. Purpose.

The purpose of the R-3 Manufactured Home Zone is to promote affordable housing and make economical use of the land by allowing the development of manufactured home communities at medium densities.

### B. Establishment of a R-3 Zone.

No property shall be zoned R-3 unless it contains at least five acres of contiguous land.

### C. Permitted Uses.

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

### D. Conditional Uses.

Conditional Uses as set forth in Section 16-4-03, USE MATRIX. Conditional Uses may be approved in accordance with the procedures set forth in Section 16-3-05.

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### E. Permitted Accessory Uses.

1. Private garages
2. Greenhouses
3. Tool houses, sheds and other similar buildings for the storage of domestic supplies
4. Privately or jointly owned swimming pools and tennis courts for the use and convenience of the residents
5. Signs in compliance with the requirements of Article VIII
6. Home Occupations in compliance with Section 16-6-02
7. An Animal Kennel used for non-commercial purposes where hunting or other dogs are kept for use of the owner for hunting, tracking or exhibiting and similar hobbies or for guarding or protecting the owner's Property

### F. Development Standards.

1. The following development standards shall apply:

R-3	Required Lot Area	Required Lot Dimensions			Setbacks, Yards, and Heights				
		Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Minimum Setbacks from Property Line				
					Front (ft.)	Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Max Bldg. Height (ft.)
Manufactured Homes to 18' in width	4,000	40		100	20	8	10	10	30
Manufactured Homes over 18' in width, or Single-family detached homes	5,000	50		100	20	8	10	10	30
Schools, Religious Assemblies, Community Assemblies (including their Accessory Uses and Structures)					50	50	50	50	
Accessory Structures					20	3	20	3	
Structures for all other Principal, Conditional, or Accessory Uses					20	10	20	20	

### G. Encroachment into Front and Side Yard Setbacks.

1. Open steps and decks shall be permitted to extend into the front yard setback a distance of not more than five (5) feet and into the side yard not closer than five (5) feet from the property line.
2. Covered patios, decks, porches or carports shall not be permitted encroachments in any setback.
3. Roof Projections into Required Side Yards. A manufactured home or garage roof shall not be constructed closer than five (5) feet of a side property line.

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### H. **Landscaping.**

All private, commonly owned recreation areas not devoted to buildings, structures, surfaced courts, sand boxes, etc, shall be landscaped and irrigated in accordance with Section 16-5-03

### I. **Fences.**

All fences shall comply with the requirements of 16-5-05.

### J. **Screening.**

1. All principal and Accessory Structures and Uses shall be screened from adjacent residential zones (except R-3) as required by 16-5-02.
2. Outdoor storage of goods and materials is permitted only if screened from adjacent properties.

### K. **Parking.**

Parking shall comply with the requirements of Section 16-5-07.

### L. **Additional Building and Performance Standards.**

Development of any parcel of land within this district shall be in compliance with all applicable requirements of Article V.

### M. **Maintenance.**

1. No occupancy permit for a manufactured home shall be issued unless the manufactured home is connected to public sewer and water lines.
2. No manufactured home shall be parked on a roadway for more than 24 consecutive hours.
3. No abandoned, burned, or wrecked manufactured home shall be kept within the R-3 District for more than 30 consecutive days.
4. Each manufactured home shall bear an insignia which attests that the construction of the manufactured home meets regulation A119.1 of the American National Standards Institute (adopted by the U.S. Department of Housing and Urban Development).
5. Standard manufactured home skirting shall be provided around the entire perimeter of the manufactured home between the bottom of the body of the manufactured home and the ground.
6. Each manufactured home shall be securely anchored to an adequately anchored foundation system.
7. Each manufactured home shall be stabilized from beneath using a concrete masonry, and/or metal support system acceptable to the Town in compliance with Federal Manufactured Home Construction Standards of June 15, 1976.

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8. There shall be no exposed outdoor storage of furniture (except lawn furniture), household goods, tools, equipment, or building materials or supplies.
9. Manufactured homes shall comply with all State, County and local codes.

### **16-4-07 Four-Plex Residential Zone (R-4)**

#### **A. Purpose.**

The purpose of the R-4 Four-plex Residential Zone is to provide for medium density housing in Multi-Family Dwellings and directly related complementary uses. The R-4 Zone is designed to allow highly economical use of land while creating an attractive, functional and safe residential environment.

#### **B. Permitted Uses.**

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

#### **C. Conditional Uses.**

Conditional Uses as set forth in Section 16-4-03, USE MATRIX. Conditional Uses may be approved in accordance with the procedures set forth in Section 16-3-05.

#### **D. Permitted Accessory Structures and Uses.**

1. Private garages
2. Greenhouses
3. Tool houses, sheds and other similar buildings for the storage of domestic supplies
4. Privately or jointly owned swimming pools and tennis courts for the use and convenience of the residents
5. Signs in compliance with Article VIII.
6. Home Occupations in compliance with Section 16-6-02
7. An Animal Kennel used for non-commercial purposes where hunting or other dogs are kept for use of the owner for hunting, tracking or exhibiting and similar hobbies or for guarding or protecting the owner's Property

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### E. Development Standards.

1. The following development standards shall apply:

R-4	Required Lot Area	Required Lot Dimensions		Setbacks, Yards, and Heights					Required Outdoor Living Area (sq. ft. / dwelling unit)
		Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Minimum Setbacks from Property Line					
	Min. Lot Area Per Unit (sq. ft.)			Front (ft.)	Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Max. Bldg. Height (ft.)	
Duplex	3,000	70	90	20	10	20	20	30	600
Triplex	3,000	80	90	20	10	20	20	30	500
Quadplex or townhouse	2,500	80	90	20	15	20	20	30	400
Townhouse Cluster	2,000	90	190	20	15	20	20	30	400
Schools, Religious Assemblies, Community Assemblies (including their Accessory Uses and Structures)				50	50	50	50	30	
Accessory Structures				20	3	20	3	30	
Structures for all other Principal, Conditional, or Accessory Uses				30	10	20	20	30	

2. Density shall not exceed 16 dwelling units per acre.

3. Outdoor Living Area in the minimum amount set forth above shall be provided on any lot occupied by the multiple residence or townhouse building. This space shall be easily accessible for daily recreational use by the occupants of the building. Driveways, parking areas, ornamental landscaped areas (having a width of less than 20 feet), and required side or front yards shall not be considered as Outdoor Living Area, except in the case of interior townhouse units where said unit is less than 20 feet in width, in which case the minimum width of the outdoor living area shall be the width of the lot.

### F. Schedule of Allowances.

The minimum lot areas in 16-4-07E may be adjusted according to the following except allowance shall not be made for two or three family dwellings.

1. For each parking stall in or under the residence, or otherwise completely underground, subtract 400 sq. ft., from the total minimum lot area.
2. For each unit with a balcony or patio of not less than 40 sq. ft, subtract 100 sq. ft. from the Outdoor Living Area.

G. **Front Yard Setback Adjustment.** Front Yard Setback requirements of this section may be adjusted as follows:

1. If more than 25 percent of the frontage on one side of a street between intersections is occupied by buildings having front setbacks greater or lesser than required by this section, the average of the setbacks of all such

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buildings existing on the effective date of this Ordinance shall be maintained by all new or relocated buildings on that side of the street between the intersections. The adjusted front setback shall be referred to as the “average setback”.

2. If there is an established average setback and there is an existing building on only one side of a proposed new or relocated building, the front setback of the new or relocated building is required to be no greater than the front setback of the adjacent existing building.
3. If there is such an established average setback and there are existing buildings on both sides of the new or relocated building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portion of the first adjacent building on each side.

### H. **Distance Between Buildings.**

When two (2) or more principal buildings are located on one (1) lot, the minimum separation between any two (2) adjacent principal buildings all be a distance not less than an amount equal to the height of the taller of the two buildings or twenty (20) feet, whichever is greater when developed as a Planned Area Development. For major and minor Site Plans, building separation shall be the sum of two interior side yard setbacks.

### I. **Accessory Structures and Uses.**

1. Accessory Structures shall comply with the setback requirements the Multi-Residence Dwellings except that Accessory buildings located within the rear yard of the Multi-Residence Dwelling may be located to within five (5) feet of the rear or interior side Property line. The Council may require common walls for Accessory Structures on the same Lot where common walls will eliminate unsightly and hazardous areas. Accessory Structures on the same Lot shall otherwise be separated by a distance of not less than ten (10) feet.
2. Exteriors of Accessory Structures shall have an exterior finish compatible to the main structure. Compatibility shall be determined by the Town based on type and use of building materials.

### J. **Fencing.**

All fences shall comply with the requirements of Section 16-5-05.

### K. **Landscaping.**

Except for Lots with Two-Family Dwelling and their adjacent rights-of-way, all areas not designated for Buildings, circulation, parking, or storage shall be landscaped in compliance with Section 16-5-03.

### L. **Parking.**

Parking shall comply with the requirements of Section 16-5-07.

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### M. **Additional Building and Performance Standards.**

Development of any parcel of land within this district shall be in compliance with all applicable requirements of Article V.

### N. **Outdoor Storage.**

Outdoor storage of goods and materials is permitted only if screened from adjacent properties.

## **16-4-08 Multi-Family Residential Zone (R-5)**

### A. **Purpose.**

The purpose of the R-5 Multi-Family Residential Zone is to provide for high density housing in Multi-Family Dwellings and directly related complementary uses. The R-5 Zone is designed to allow highly economical use of land while creating an attractive, functional and safe residential environment.

### B. **Permitted Uses.**

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

### C. **Conditional Uses.**

1. Conditional Uses as set forth in Section 16-4-03, USE MATRIX.  
Conditional Uses may be approved in accordance with the procedures set forth in Section 16-3-05.
2. Special Requirements for Recreational Vehicle Parks:
  - a. Recreational vehicle parks shall be screened from the view of any residential development.
  - b. Internal circulation roads shall be paved with a dust-free surface.
  - c. Individual recreational vehicle parking pads shall be plainly marked and paved with a dust-free surface.
  - d. Individual recreational vehicle parking pads shall be set back at least 10 feet from the perimeter of the park and 10 feet from any public street right-of-way.
  - e. Approved trash disposal and toilet facilities shall be provided for use of overnight vehicles.
  - f. Park plan, certified approved by Maricopa Department of Health Services, shall be submitted.

### D. **Permitted Accessory Structures and Uses are all Accessory Structures and Uses permitted in an R-1 District.**

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### E. Development Standards.

1. The following development standards shall apply:

R-5	Required Lot Area	Required Lot Dimensions		Setbacks, Yards, and Heights					Required Outdoor Living Area (sq. ft. / dwelling unit)
				Minimum Setbacks from Property Line					
	Min. Lot Area Per Unit (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Front (ft.)	Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Max Bldg. Height (ft.)	
Apartment Building		90	90	20	20	20	20	35	300
0	1,500			20	20	20	20	35	
1	1,500			20	20	20	20	35	
2	2,000			20	20	20	20	35	
3	2,000			20	20	20	20	35	
Townhouse Cluster	2,000	120	90	20	15	20	20	35	400
Schools, Religious Assemblies, Community Assemblies (including their Accessory Uses and Structures)				50	50	50	50	35	
Accessory Structures				20	3	20	3	35	
Structures for all other Principal, Conditional, or Accessory Uses				20	10	20	20	35	

2. Outdoor Living Area in the minimum amount set forth above shall be provided on any lot occupied by the multiple residence or townhouse clusters. This space shall be easily accessible for daily recreational use by the occupants of the building. Driveways, parking areas, ornamental landscaped areas (having a width of less than 20 feet), and required side or front yards shall not be considered as Outdoor Living Area, except in the case of interior townhouse units where said unit is less than 20 feet in width, in which case the minimum width of the Outdoor Living Area shall be the width of the lot.
3. For each unit with a balcony or patio of not less than 40 sq. ft. subtract 100 sq. ft. from the Outdoor Living Area.

- F. Additional setback regulations as described in Section 16-4-4 apply to the R-5 Zone.

For Apartment Buildings, parking of motor vehicles shall not be allowed within the front or corner Side Setbacks.

### G. Distance between Buildings.

When two (2) or more principal buildings are located on one (1) lot, the minimum separation between any two (2) adjacent principal buildings shall be a distance not less than an amount equal to the height of the taller of the two buildings or twenty (20) feet, whichever is greater, when developed as a Planned Area Development. For major and minor Site Plans, building separation shall be the sum of two interior side yard setbacks.

### H. Accessory Structures and Uses.

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1. Accessory Structures and Uses shall comply with the setback requirements for Multi-Residential Dwellings, except that Accessory Structures located within the Rear Yard of the multiple-residence building may be located to within three (3) feet of the rear or interior side property line. The Town Council may require common wall is for Accessory Structures on the same Lot where common walls will eliminate unsightly and hazardous areas. Accessory Structures on the same Lot shall otherwise be separated by a distance of not less than ten (10) feet.
2. Exteriors of Accessory Structures shall have an exterior finish compatible to the main structure. Compatibility shall be determined by the Town based on type and use of building materials.

### **I. Screening.**

1. All Principal and Accessory Structures and Uses shall be screened from adjacent Residential Zones (except R-5 zones) in compliance with Section 16-5-02.
2. Outdoor storage of goods and materials is permitted only if screened from adjacent properties.

### **J. Landscaping.**

All areas not designated for buildings, circulation, parking, or storage shall be landscaped in compliance with Section 16-5-03.

### **K. Fencing.**

All fences shall be installed in compliance with the requirements of Section 16-5-05.

### **L. Parking.**

Parking shall be provided in compliance with Section 16-5-07.

### **M. Additional Building and Performance Standards.**

Development of any parcel of land within this district shall be in compliance with all applicable requirements of Article V.

**16-4-09 Neighborhood Business Zone (B-1)**

**A. Purpose.**

The purpose of the B-1 Neighborhood Business Zone is to provide for the establishment of local centers for convenient retail or service outlets which deal directly with the consumer for whom the goods or services are intended. These centers are to provide services and goods primarily for the surrounding neighborhood and are not intended to draw customers from the entire community.

**B. Permitted Uses.**

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

**C. Conditional Uses.**

1. Conditional Uses as set forth in Section 16-4-03, USE MATRIX.  
Conditional Uses may be approved in accordance with the procedures set forth in Section 16-3-05.
2. Special Requirements for Convenience-food stores with not more than four gas pumps
  - a. Pump stands shall be set back not less than 25 feet from any street right-of-way, not less than 40 feet from any non-street property line and not less than 100 feet from any residential district boundary.
  - b. Interior curbs of not less than six (6) inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street rights-of-way.
3. Special Requirements for Day-Care Centers
  - a. A minimum of seventy-five (75) square feet of outdoor play space per child shall be provided from which at least, fifty square feet of fenced-in play space per child shall be provided. Fenced-in outdoor play space shall not include driveways, parking areas or land unsuited, by virtue of other usage or natural features, for children's play space.
  - b. At least two hundred and fifty (250) square feet of lot area per child shall be provided.

**D. Permitted Accessory Structures and Uses.**

1. Business signs in compliance with Article VIII.
2. Caretaker residences for the following principal uses, in compliance with Section 16-6-1.

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### E. Access.

1. Access to commercial activities shall be allowed only from arterial collector streets or a street specifically designed for such developments.
2. Access points shall be located at least 150 feet from any street intersection.
3. Access points on the same street shall not be spaced closer than 100 feet (as measured from centerlines). Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
4. Commercial development which may not be able to meet the requirements of Subsections 16-4-9 E(2) and (3) may request deviations from those requirements upon submittal to the Town Engineer of an engineer's report certified by a Professional Engineer addressing the following site conditions both present and future:
  - a. traffic volumes
  - b. turning movements
  - c. traffic controls
  - d. site design
  - e. site distances
  - f. location and alignment of other access points

Based upon the above data, the Town Engineer shall determine whether a deviation from the required standards is justified and if so, what alternative requirements will be necessary.

### F. Development Standards.

1. The following development standards shall apply:

B-1	Required Lot Dimensions		Setbacks, Yards, and Heights					
			Minimum Setbacks from Property Line					
	Min. Lot Width (ft.)		Front (ft.)	Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Residential Zone Boundary (ft.)	Max Bldg. Height (ft.)
Building Setbacks	100		35	15	15	15	45	25
Parking Lots			4	3	4	3	3	

2. Front Yard Setback Adjustment. Front Yard Setback requirements of this section may be adjusted as follows:
  - a. If more than 25 percent of the frontage on one side of a street between intersections is occupied by buildings having front setbacks greater or lesser than required by this section, the average of the setbacks of all such buildings

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existing on the effective date of this Ordinance shall be maintained by all new or relocated buildings on that side of the street between the intersections. The adjusted front setback shall be referred to as the “average setback”.

b. If there is an established average setback and there is an existing building on only one side of a proposed new or relocated building, the front setback of the new or relocated building is required to be no greater than the front setback of the adjacent existing building.

c. If there is such an established average setback and there are existing buildings on both sides of the new or relocated building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portion of the first adjacent building on each side.

d. Under certain conditions, where it is shown that because of shared parking facilities and/or shared access, drives, the standard side yard setbacks, and/or parking requirements would not be necessary or in the best Interest of the citizens of Gila Bend, the Commission may reduce said required side yards and/or parking requirements.

### G. **Screening.**

1. All Principal and Accessory Structures and Uses shall be screened from adjacent residential zones in compliance with Section 16-5-02.
2. Outdoor of goods and materials is permitted only if screened from view from adjacent Streets.

### H. **Landscaping.**

All areas not designated for buildings, circulation, parking or storage shall be landscaped in compliance with Section 16-5-03.

### I. **Fencing.**

All fences shall be installed in compliance with Section 16-5-05.

### J. **Parking.**

Parking shall be provided in compliance with Section 16-5-07.

### K. **Additional Building and Performance Standards.**

Development of any parcel of land within this district shall be in compliance with all applicable requirements of Article V.

### L. **Signs.**

Signs in compliance with Article VIII.

**16-4-10 Community Business Zone (B-2)**

**A. Purpose.**

The purpose of the B-2 Community Business Zone is to provide for low intensity, retail or service outlets which deal directly with the consumer for whom the goods or services are intended. The uses allowed in this district are to provide goods and services on a community market scale and located in areas which are served by arterial street facilities.

**B. Permitted Uses.**

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

**C. Conditional Uses.**

1. Conditional Uses as set forth in Section 16-4-03, USE MATRIX.  
Conditional Uses may be approved in accordance with the procedures set forth in Section 16-3-05.
2. Special Requirements for Automobile Service Stations
  - a. Automobile services station site improvements such as buildings or structures (permanent or temporary) shall be separated from any residential zone by at least 50 feet. Parking areas shall be separated from any residential zone by at least 15 feet.
  - b. The total site area shall not be less than 12,000 square feet.
  - c. Pump stands shall be set back not less than 25 feet from any street right-of-way line, not less than 40 feet from any non-street property line and not less than 75 feet from any residential zone boundary.
  - d. Hydraulic hoists, pits, and all lubrication, greasing, washing, repair and diagnostic equipment shall be used and enclosed within a building.
  - e. Interior curbs of not less than six (6) inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street rights-of-way.
  - f. No automobile service station on a site contiguous to any residential zone shall be operated between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
3. Special Requirements for Automobile Washing Establishments:
  - a. Automobile Washing Establishments shall be subject of the same limitations and conditions as are specified heretofore in subparagraphs “a,” “b,” “c,” “e,” and “f” for Automobile Service Stations.

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- b. Sufficient off-street area to provide space for not less than 10 automobiles waiting to be washed or three waiting spaces per washing stall, whichever is greater, shall be provided. A space 20 feet by 9 feet shall be deemed adequate for each such required space.
4. Special Requirements for Automobile Drive-In Theaters;
  - a. Automobile drive-in theater parking areas shall be screened from view of any residential development.
  - b. Light, glare and noise shall not impact nearby residential developments.
5. Special Requirements for Convenience-Food Restaurants:
  - a. Convenience-food restaurants shall be subject to the same limitations and conditions as are specified heretofore in subparagraphs “a,” “e,” and “f” for Automobile Service Stations.
6. Special Requirements for Day-Care Center
  - a. A minimum of seventy-five (75) square feet of outdoor, play space per child shall be provided from which at least fifty (50) square feet of fenced-in, play space per child shall be provided. Fenced-in, outdoor, play space shall not include driveways, parking areas or land unsuited by virtue of, other usage, or natural features for children's play space.
  - b. At least two hundred and fifty (250) square feet of lot area per child shall be provided.
7. Special Requirements for Mini-Warehouses:
  - a. Minimum site size shall be one acre.
  - b. On-site circulation, drives and parking:
    - 1) Each mini-warehouse site shall provide a minimum of two exits.
    - 2) All one-way driveways shall provide for one 10-foot parking lane and one 15-foot travel lane. Traffic direction and parking shall be designated by signing or painting.
    - 3) All two-way driveways shall provide for one 10-foot parking lane and two 12-foot travel lanes.
    - 4) The parking lanes may be eliminated when the driveway does not serve storage cubicles
    - 5) At least one parking space for each 10 storage cubicles, equally distributed throughout the storage area shall be provided.
    - 6) All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.
  - c. Fencing and Screening

Fencing shall be required around the perimeter of the project. Said fence shall be a minimum of six feet in height and constructed of decorative concrete block or chain link fence with slats as approved by the Planning and Zoning Commission.

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- d. All outdoor storage shall be limited to recreational vehicles and shall be screened from view from surrounding properties.
  - e. Setbacks. Any side of a building providing doorways to storage areas shall be set back from the property line not less than 25 feet side and rear yard setbacks, otherwise may be zero provided the building is of the same material and structure as the fencing. If not of the same material, the rear yard setback shall be at least 15 feet.
  - f. Masonry trash, enclosures shall be installed subject to the approval of the Planning and Zoning Commission.
  - g. No auctions, commercial sales, garage sales or similar activities shall be conducted on the premises.
8. Special Requirements for Recreational Vehicle Park and Overnight Campground:
- a. Recreational vehicle park shall be screened from view of any residential development.
  - b. Internal circulation roads shall be paved with a dust-free surface.
  - c. Individual recreational vehicle parking pads shall be plainly marked and paved with a dust-free surface.
  - d. Individual recreational vehicle parking pads shall be set back at least 10 feet from the perimeter of the park and 10 feet from any public street right-of-way.
  - e. Approved trash disposal and toilet facilities shall be provided for use of overnight campers.
  - f. Park plans, certified approved by Maricopa Department of Health Services shall be submitted.

### D. Permitted Structures and Uses.

- 1. Signs in compliance with Article VIII.
- 2. Trash enclosures, consistent with Section 16-5-02.

### E. Access.

- 1. Access to commercial activities shall be allowed only on arterial streets or a street specifically designed for such development.
- 2. Access points shall be located at least 150 feet from any street Intersection.
- 3. Access points on the same street shall not be spaced closer than 100 feet (as measured from centerlines). Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
- 4. Commercial developments which cannot meet the requirements of Sections 16-4-10 E(2) and (3) may request deviations from those requirements upon submittal to the Town Engineer of an engineer's report

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certified by a Professional Engineer addressing the following site conditions, both present and future:

- a. traffic volumes
- b. turning movements
- c. traffic controls
- d. site design
- e. site distances
- f. location and alignment of other access points

Based upon the above data, the Town Engineer shall determine whether a deviation from the requirement standards is justified and, if so what alternative requirements will be necessary.

### F. Development Standards.

The following development standards shall apply:

B-2	Required Lot Dimensions		Setbacks, Yards, and Heights					
	Min. Lot Width (ft.)	Min. Lot Width Corners (ft.)	Minimum Setbacks from Property Line					
Front (ft.)			Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Residential Zone Boundary (ft.)	Max Bldg. Height (ft.)	
Building Setbacks	100	150	35	15	25	15	45	25
Parking Lots			4	3	4	3	3	

1. Front Setback Adjustment. Front setback requirements of this section may be adjusted as follows:
  - a. If more than 25 percent of the frontage on one side of a street between intersections is occupied by buildings having front setbacks greater or lesser than required by this section, the average of the setbacks of all such buildings existing on the effective date of this Ordinance shall be maintained by all new or relocated buildings on that side of the street between the intersections. The adjusted front setback shall be referred to as the “average setback”.
  - b. If there is an established average setback and there is an existing building on only one side of a proposed new or relocated building, the front setback of the new or relocated building is required to be no greater than the front setback of the adjacent existing building.
  - c. If there is such an established average setback and there are existing buildings on both sides of the new or relocated building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portion of the first adjacent building on each side.
2. A structure may be erected to a height above 45' provided that minimum front and side setbacks shall be increased by one (1) foot for every three

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(3) feet of building height in excess of 35 feet. Buildings over 45 feet in height shall be subject to additional fire protection as determined by the Town Fire Marshall.

### G. **Screening.**

All Principal and Accessory Structures and Uses shall be screened from adjacent Residential Zones in compliance with Section 16-5-02.

### H. **Landscaping.**

All areas not designated for buildings, circulation, parking or storage shall be landscaped in compliance with Section 16-5-03.

### I. **Parking.**

Parking shall comply with the requirements of Section 16-5-07.

### J. **Additional Building and Performance Standards.**

Development of any parcel of land within this district shall be in compliance with all applicable requirements of Article V.

## 16-4-11 Rural Zone (AG)

### A. **Purpose.**

The principal purpose of this zoning district is to conserve and protect Farm/Ranch Uses and other open land uses, foster orderly growth in rural and agricultural areas, and prevent urban and agricultural land use conflicts; but when governmental facilities and services, public utilities and street access are available, or can reasonably be made available, applications for change of this zoning district to a Single-Family residential zoning districts will be given favorable consideration. Principal uses permitted in the zoning district include Farm/Ranch Uses, Farm/Ranch-Related Uses, non-farm residential uses, and recreational and institutional uses.

For purposes of the sign regulations set forth in Article VIII and the Home Occupation regulations set forth in Section 16-6-02 , this district shall be considered a residential district.

### B. **Permitted Uses.**

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

### C. **Additional Use Regulations.**

1. The following additional regulations shall apply to Uses in the Rural Zoning District.
  - a. Manufactured Homes

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- 1) One multi-sectional Manufactured Home permanently attached to the Lot so that the long side of the Manufactured Home faces the front Lot line. If Manufactured Home cannot meet Side Yard Setback requirements, the Zoning Administrator shall have the authority to issue administrative exceptions to this standard if the Lot is unique in terms of size, shape, or topography. Appeals shall be made to the Board.
- 2) If a permanent foundation wall is not installed, all sides of the multi-sectional Manufactured Home shall extend to meet the surrounding ground, or a façade shall be used on all sides of the Manufactured Home that would appear to have a foundation wall similar in appearance and kind to those used in conventional site built homes.
- 3) Re-roofing, re-siding, and structural additions shall conform to the Maricopa County Comprehensive Building Codes or any substantially similar Town building code.

b. Farms. Minimum lot area of two (2) contiguous acres. No commercial pen feeding or offal to swine or other animals is permitted unless a Conditional Use Permits is obtained.

c. Public Stables. Buildings housing animals shall be set back from all Lot lines a distance of not less than 100 feet.

d. Plant Nurseries and Greenhouses. Plant Nurseries and Greenhouses are permitted only for the propagation, cultivation and wholesale distribution of plants produced on the premises, provided such uses do not include retail sales. Open storage is limited to plants or packaged fertilizer, and the buildings and structures used in connection therewith set back from all lot lines a distance of not less than 50 feet.

e. Fences or freestanding walls not to exceed a height of six (6) feet outside of the Lot's buildable area. Note: Those utilities regulated by the Arizona Corporation Commission may be allowed increased fence heights due to national, state or local safety standards.

f. Emergency housing provided by a Manufactured Home, Mobile Home, Recreational Vehicle, or Travel Trailer for a maximum period of six months. Upon formal declaration of a disaster area, this time frame may be extended by the Zoning Administrator and may include tents as shelter.

### C. Conditional Uses.

In addition to the Conditional Uses as set forth in Section 16-4-03, USE MATRIX. The following Conditional Uses are permitted. Conditional uses may be approved in accordance with the procedures set forth in 16-3-05.

1. Farm/Ranch-Related Structures and Uses.

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### D. Permitted Accessory Structures and Uses.

1. Corrals for the keeping of horses
2. Private tennis court, provided that such court is not constructed within 20 feet of any adjoining Real Property under other ownership, and provided that tennis court fence or walls shall not exceed 12 feet in height.
3. Servant's quarters with kitchen facilities provided that the servant's quarter are integral to the primary Dwelling Unit and does not exceed 35 percent of its area.
4. Farm Stands.
5. Accessory Use lights provided that a permitted Accessory Structure or Use exists. The lights must be located on the Real Property so as not to direct or reflect light upon adjoining Real Property, shall be constructed within 20 feet of any adjoining Real Property under other ownership, shall not exceed 20 feet in height.
6. Signs in compliance with the requirements of Article VIII.
7. Home Occupations in compliance with the requirements of Section 16-6-02.

### E. Development Standards.

1. The following development standards shall apply:

R-1	Required Lot Area	Required Lot Dimensions			Setbacks, Yards, and Heights				
		Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Minimum Setbacks from Property Line				
					Front (ft.)	Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Max Bldg. Height (ft.)
Single-Family Dwellings	43,560 (one acre)	145		100	40 <sup>1</sup>	30	<sup>2</sup>	40	30 <sup>3</sup>
Schools, Religious Assemblies, Community Assemblies(including their Accessory Uses and Structures)					50	50	50	50	
Accessory Structures					20	3	20	3	
Structures for all other Principal, Conditional, or Accessory Uses					20	10	20	20	
Notes:									
<sup>1</sup> For through Lots, a Front Yard shall be provided along both Front Lot Lines.									
<sup>2</sup> Yards along each Street side of Corner Lots shall have a width equal to not less than one-half the depth of the required Front Yard. Yards along each side street of Corner Lots shall otherwise conform with the regulations applicable to Front Yards.									
<sup>3</sup> The height of Buildings shall not exceed 30 feet or two (2) stories.									

2. Lot Coverage: the maximum Lot coverage shall be fifteen (15) percent of the Lot area.

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3. Distance between Buildings: minimum distance between buildings on the same lot shall be fifteen (15) feet.

### F. **Parking Regulations.**

1. Two parking spaces per Dwelling shall be provided.
2. Parking spaces shall be located on the same lot as the use for which they are intended to serve and shall be located such that each space has access to the use to be served without crossing a public or private street or a railroad right-of-way.
3. Parking spaces shall be paved, surfaced with AVC material, or otherwise comply with the surfacing or dust proofing standards of the least restrictive zoning district in the Town of Gila Bend Zoning Ordinance.

## 16-4-12 Light Industry Zone (I-1)

### A. **Purpose.**

The purpose of the I-1 Light Industry Zone is to provide for the development of industrial, warehousing, and office facilities in a manner which does not cause adverse off-site environmental impacts. Uses allowed in the I-1 Zone are those whose activities (including storage) take place entirely within enclosed buildings, which have little or no emission of noise, smoke, dust, odor, vibration, or glare, and which pose little or no danger to the public health and safety.

### B. **Permitted Uses.**

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

### C. **Conditional Uses.**

1. Conditional Uses as set forth in Section 16-4-03, USE MATRIX. Conditional Uses may be approved in accordance with the procedures set forth in Section 16-3-05.
2. Recreational vehicle park and overnight campgrounds, subject to the regulations of Section 16-4-10C.8 of this Ordinance.

### D. **Permitted Accessory Structures and Uses.**

1. Signs in compliance with Article VIII.
2. Personnel service facilities providing personal services, education, recreation, entertainment, food, and convenience goods primarily for those personnel employed in the Principal Use.
3. Trash enclosures, in compliance with Section 16-5-02.

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### E. Access.

1. Access to industrial development shall be allowed only on arterial streets or a street specifically designed for such development.
2. Access points on arterial streets shall, wherever Possible be located at least 150 feet from any street intersection.
3. Access points on arterial streets shall, wherever possible, not be spaced closer than 100 feet (as measured from centerlines). Industrial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
4. Industrial developments which cannot meet the requirements of Sections 16-4-12 E(2) and (3) request deviations from those requirements upon submittal to the Town Engineer an engineer's report certified by a Professional Engineer addressing the following site conditions both present and future:
  - a. traffic volumes
  - b. turning movements
  - c. site design
  - d. site distances
  - e. location and alignment of other access points

Based upon the above data the Town Engineer shall determine whether a deviation from the required standards is justified and if so, what alternative requirements will be necessary.

### F. Development Standards.

1. The following development standards shall apply:

I-1	Required Lot Dimensions		Setbacks, Yards, and Heights					
	Min. Lot Width (ft.)	Min. Lot Width Corners (ft.)	Minimum Setbacks from Property Line					
			Front (ft.)	Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Residential Zone Boundary (ft.)	Max Bldg. Height (ft.)
Building Setbacks	100	150	35	15	30	15	60	55
Parking Lots			4	3	4	3	3	

2. Front Setback Adjustment. Front setback requirements of this section may be adjusted as follows:
  - a. If more than 25 percent of the frontage on one side of a street between intersections is occupied by buildings having front setbacks greater or lesser than required by this section, the average of the setbacks of all such buildings existing on the effective date of this Ordinance shall be maintained by all new or relocated buildings on that side of the street between the intersections. The adjusted front setback shall be referred to as the “average setback”.

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b. If there is an established average setback and there is an existing building on only one side of a proposed new or relocated building, the front setback of the new or relocated building is required to be no greater than the front setback of the adjacent existing building.

c. If there is such an established average setback and there are existing buildings on both sides of the new or relocated building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portion of the first adjacent building on each side.

3. The maximum height of any building shall be 55 feet, except that buildings over 35 feet in height must be approved by the Town Fire Marshall and shall be subject to additional fire protection precautions as determined by the Town Fire Marshall.

### **G. Screening.**

1. All Principal and Accessory Structures and Uses shall be screened from adjacent Residential Zones in compliance with Section 16-5-02.
2. Outdoor storage of goods and materials is permitted only if screened from view from adjacent Streets.

### **H. Landscaping.**

All areas not designated for buildings, circulation, parking or storage shall be in compliance with Section 16-5-03.

### **I. Fences.**

All fences shall comply with the requirements of 16-5-05.

### **J. Parking.**

Parking shall comply with the requirements of Section 16-5-07.

### **K. Additional Building and Performance Standards.**

Development of any parcel of land within this district shall be in compliance with all applicable requirements of Article V.

**16-4-13 Medium Industry Zone (I-2)**

**A. Purpose.**

The purpose of the I-2 Medium Industry Zone is to provide for the development of industries which, because of the nature of their operation appearance, traffic generation, or emission, would not be compatible with land uses in the Light Industrial Zone (I-1), but which, nevertheless, are necessary and desirable activities in the Town.

**B. Permitted Uses.**

1. Uses as set forth in Section 16-4-03, USE MATRIX.
2. Other uses determined by the Commission to be substantially similar to those uses set forth in Section 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.

**C. Conditional Uses.**

Conditional uses as set forth in Section 16-4-03, USE MATRIX. Conditional Uses may be approved in accordance with the procedures set forth in Section 16-3-05.

**D. Permitted Accessory Structures and Uses.**

1. Signs in compliance Article VIII.
2. Personnel service facilities providing services, education, recreation, entertainment, food, and convenience goods primarily for those personnel employed in the Principal Use.
3. Trash enclosures in compliance with Section 16-5-02.

**E. Access.**

1. Access to industrial development shall be all owed on arterial streets or streets specifically designed for such development.
2. Access points on arterial streets shall, wherever possible, be located at least 150 feet from any street intersections
3. Access points on arterial streets shall, wherever possible, not be spaced closer than 100 feet (as measured from centerlines). Industrial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
4. Industrial developments which cannot meet the requirements of Sections 16-4-13 E (2) and (3) may request deviations from those requirements upon submittal to the Town Engineer of an engineer's report certified by a Professional Engineer addressing the following site conditions both present and future:
  - a. traffic volumes
  - b. turning movements
  - c. traffic controls
  - d. site design

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e. site distance

f. location and alignment of other access points

Based upon the above data, the Town Engineer shall determine whether a deviation from the required standards is justified and, if so, what alternative requirements will be necessary.

### F. Development Standards.

1. The following development standards shall apply:

I-2	Required Lot Dimensions		Setbacks, Yards, and Heights					
	Min. Lot Width (ft.)		Minimum Setbacks from Property Line					
Front (ft.)			Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Residential Zone Boundary (ft.)	Max Bldg. Height (ft.)	
Building Setbacks	100		35	15	30	15	75	55*
Parking Lots			4	3	4	3	3	

2. Building Height

The maximum height of any building shall be 55 feet, except that buildings over 35 feet in height shall first be approved by the Town Fire Marshall and shall be subject to additional fire protection precautions as determined by the Town Fire Marshall.

### G. Screening.

All Principal and Accessory Structures and Uses shall be screened from adjacent Residential Zones in compliance with Section 16-5-2.

### H. Landscaping.

1. All areas not designated for buildings, circulation, parking or storage shall be landscaped in compliance with Section 16-5-3.
2. Outdoor storage of goods and materials is permitted only if screened from view from adjacent Streets.

### I. Fencing.

All fences shall be in compliance with Section 16-5-6.

### J. Parking.

Parking shall comply with the requirements of Section 16-5-8.

### K. Additional Building and Performance Standards.

Development of any parcel of land within this district shall be in compliance with all applicable requirements of Article V.

**16-4-14 Heavy Industry Zone (I-3)**

**A. Purpose.**

The purpose of the I-3 Heavy Industry Zone is to provide for the development of industries and activities which, because of the nature of their operation, appearance, traffic generation, or emission, would not be compatible with land uses in the Medium Industry Zone (I-2), but which, nevertheless, are necessary and desirable activities in the Town.

**B. Permitted Uses.**

1. In addition to the uses set forth in 16-4-03, USE MATRIX, the following uses are also permitted. Other uses determined by the Commission to be substantially similar to those uses set forth in 16-4-03, USE MATRIX and not detrimental to the public health, safety and general welfare.
2. Manufacturing, compounding, assembly or treatment of materials, products, machinery, merchandise and devises of all sorts.
3. Materials processing, purification, sorting, crushing, recycling, melting and mixing.
4. Mining, refining and smelting.
5. Packing houses.
6. Power plants, steam generation and furnaces (but excluding nuclear reactors and nuclear power plants).
7. Sanitary landfills (but excluding the treatment, storage or disposal of hazardous wastes), including transfer stations, ancillary offices and residential facilities for operators or security personnel, and related sorting, crushing, recycling, gas collection, and processing and re-processing facilities.
8. Truck and rail terminals.

**C. Conditional Uses.**

Conditional Uses as set forth in Section 16-4-03, USE MATRIX. Conditional Uses may be approved in accordance with the procedures set forth in Section 16-4-03.

**D. Permitted Accessory Structures and Uses.**

1. Signs in compliance Article VIII.
2. Personnel service facilities providing services, education, recreation, entertainment, food, and convenience goods primarily for those personnel employed in the Principal Use.
3. Trash enclosures in compliance with Section 16-5-2.

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4. Caretaker residences for the following principal uses, in compliance with Section 16-6-1.

**E. Access.**

1. Access to industrial development shall be allowed on arterial streets or streets specifically designed for such development.
2. Access points on arterial streets shall, wherever possible, be located at least 150 feet from any street intersections
3. Access points on arterial streets shall, wherever possible, not be spaced closer than 100 feet (as measured from centerlines). Industrial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
4. Industrial developments which cannot meet the requirements of Sections 16-4-12 E (2) and (3) may request deviations from those requirements upon submittal to the Town Engineer of an engineer's report certified by a Professional Engineer addressing the following site conditions both present and future:
  - a. traffic volumes
  - b. turning movements
  - c. traffic controls
  - d. site design
  - e. site distance
  - f. location and alignment of other access points

Based upon the above data, the Town Engineer shall determine whether a deviation from the required standards is justified and, if so, what alternative requirements will be necessary.

**F. Development Standards.**

1. The following development standards shall apply:

I-3	Required Lot Dimensions		Setbacks, Yards, and Heights					
			Minimum Setbacks from Property Line					
	Min. Lot Width (ft.)		Front (ft.)	Interior Side (ft.)	Corner Side (ft.)	Rear Yard (ft.)	Residential Zone Boundary (ft.)	Max Bldg. Height (ft.)
Building Setbacks	100		30	15	30	15	100	55*
Parking Lots			4	3	4	3	3	

2. Building Height

\*The maximum height of any building shall be 55 feet, except that buildings over 35 feet in height shall first be approved by the Town Fire Marshall and shall be subject to additional fire protection precautions as determined by the Town Fire Marshall.

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### G. **Screening.**

1. All Principal and Accessory Structures and Uses shall be screened from adjacent Residential Zones in compliance with Section 16-5-2.
2. Outdoor storage of goods and materials is permitted only if screened from view from adjacent Streets.

### H. **Landscaping.**

All areas not designated for buildings, circulation, parking or storage shall be landscaped in compliance with Section 16-5-3. Perimeter landscaping, berming, fencing, desert landscaping, and hedges may be used as elements of the required landscaping plan.

### I. **Fencing.**

All fences shall be in compliance with Section 16-5-6.

### J. **Parking.**

Parking shall comply with the requirements of Section 16-5-8.

### K. **Additional Building and Performance Standards.**

Development of any parcel of land within this district shall be in compliance with all applicable requirements of Article V.

### L. **Relationship to Overlay Zones.**

Any property located in the I-3 Zone must comply with the regulations of the Overlay Zones.

## **16-4-15 Manufactured Home Overlay Zone**

### A. **Purpose.**

The purpose of this overlay zone is to identify areas where the Town will permit the installation of certain types of manufactured housing.

### B. **Permitted Uses.**

In addition to the uses permitted in any underlying zone, areas covered by this overlay zone residential units manufactured off-site are permitted provided they are:

1. No more than four years in age from the date of manufacture at the time of installation, on two or more chassis for towing to the point of use.
2. Designed to be used with a foundation as a dwelling unit on a year-round basis.
3. Bear an insignia issued by an Arizona or a federal regulatory agency indicating that they comply with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of a manufactured home.

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### C. Development Standards.

The development standards of the underlying zone apply to all uses in areas covered by this overlay zone; in addition, off-site manufactured housing units installed in areas covered by this overlay zone must:

1. Be installed, attached, or affixed to a concrete foundation which extends along the perimeter of the structure and must otherwise meet the Arizona Department of Building Fire Safety Rules for manufactured housing installations.
2. Be oriented such that the wider dimension of the residence faces a street, except for units with completely enclosed two car garages.
3. If designed with a pitched roof, have a roof pitch of at least 1:3.
4. Have either wood paneled or stucco siding which extends to within six (6) inches of the ground.
5. Be roofed with either clay or concrete mission tile or fiberglass or metal shingles and, where the design includes eaves, have eaves at least twelve (12) inches in width.
6. Be at least twenty-four (24) feet wide.
7. Have their primary vehicle access from a street.
8. Be installed on a property with a front yard with finished landscaping of vegetative material and or decorative non-vegetative material.
9. Have all tow bars, wheels, axles, removed when installed.
10. Be installed with all utilities underground.
11. Provide that any outdoor storage is screened from view from adjacent properties.

### 16-4-16 Planned Area Development Overlay Zone - PAD

A. **Purpose.** The purpose of the Planned Area Development (PAD) is provide for the orderly development of land in the Town while permitting flexibility in the design, construction and processing of residential, commercial, and industrial developments to achieve a quality which could not be achieved by conventional zoning. PADs should:

1. Promote harmonious development of large parcels of land and provide for the unified control of land development;
2. Further economic development;
3. Facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities;
4. Preserve open space;

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5. Offer recreational opportunities close to residential uses
6. Enhance neighborhood appearance

### **B. General Requirements and Standards.**

#### 1. Modification of Restrictions of the Underlying Zoning District

A PAD may be used to modify the zoning restrictions of the underlying zoning district of the parcel, in accordance with the requirements of this section. The procedures set forth in Section 6-3-6 shall be followed.

#### 2. Ownership

The land proposed for a PAD shall be under single ownership at the time of application and shall be planned to be developed as a whole. A PAD shall not be approved unless the applicant has acquired actual ownership of, or, executed a binding sales contract for, all of the property comprising proposed PAD. The term “single ownership” shall include ownership of portions of such development by two or more wholly owned subsidiaries of a single owner, or by such single owner and one or more of it wholly owned subsidiaries.

#### 3. Conformance with General Plan

The proposed PAD shall be consistent with the Town of Gila Bend General Plan.

#### 4. PAD Regulations

a. Minimum size: The minimum size of a PAD shall be five (5) acres. The Council may approve a PAD less than five (5) acres upon a showing that:

1) There are unusual physical features of the property or the surrounding neighborhood such that development under the regulations of the zoning district would not serve to conserve a physical or geographical feature of importance to the neighborhood or Town or

2) The property is adjacent to or across the street from a PAD and approval of the proposed PAD will contribute to the amenities of the neighborhood.

#### 5. Density: 10% Increase

A residential PAD shall provide for a variety of housing types. A PAD may permit up to 10% greater density than the density permitted by the General Plan.

a. If the proposed density exceeds that permitted by the General Plan, the applicant has the burden to show that the increased density will not have an adverse impact on existing or proposed public facilities or on neighborhood properties and that an amendment to the General Plan is appropriate. The General Plan amendment may be processed concurrently with the PAD application.

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b. In determining the reasonableness of the increase in density, the Commission and Council shall consider increased efficiency in public facilities and services based, in part, upon:

- 1) The location, amount and proposed use of common open space;
- 2) The location, design and type of dwelling units;
- 3) The physical characteristics of the site;
- 4) Particular distinctiveness and excellence in siting, design, and landscaping;

6. Front, Rear and Side Yard Building Setback Regulations

Residential building setbacks from all property lines which form the perimeter of the PAD or from all interior and exterior dedicated street right-of-way lines or from the paving of any private interior circulation streets shall be at least 20 feet; commercial building setbacks shall be at least 35 feet or the height of the building, whichever is greater.

7. More Than One Building Per Lot

More than one building may be placed on one lot designated for single-family detached dwellings or other housing types, provided however that privately owned lots shall comply with the Town's Subdivision Ordinance in all respects not specifically noted in this section as appropriate Variances.

8. One Housing Type Not Inconsistent With Intent

A PAD that includes only one housing type such as all detached or all attached units shall not be considered inconsistent with the stated purposes and objectives of this section and shall not be the sole basis for denial or approval.

9. Architectural Style, Appearance

Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other elements of the development or to surrounding developments will be primary considerations in the review stages of the Commission and Council.

10. Building Permits; When Issued

No building permits shall be granted for any building in the development which does not conform to the approved PAD

11. Phasing of Development

a. Development of the PAD may be phased. An application for a PAD that is proposed to be phased shall include a phasing plan.

b. The phasing plan shall include the time for beginning and completion of each phase. After approval, the phasing plan may be modified by the Council on a showing of good cause by the developer.

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c. The Town may require financial guarantees to assure compliance with the phasing plan and construction of required improvements.

### 12. Streets, Utilities, Services and Public Facilities

Minor modifications to specifications and standards for streets, utilities and services may be approved by the Town Manager if it will result in a better development. The plans and specifications of all Streets, utilities and services shall be reviewed, modified if necessary, and approved by the Town prior to the final approval of the PAD. All PADs shall be served by public or community water and sewer systems.

### 13. Open Space Provision

At least seven percent (7%) of the PAD shall be set aside for public and/or private open space and recreational use. The Council shall determine what portion of the 7% shall be private and what shall be public at the time of approval of the PAD.

### 14. Operating and Maintenance Requirements for Planned Area Development Common Facilities

If there are common areas in the PAD to be used for private recreational use or for service facilities, the owner of such land and buildings shall enter into an agreement with the Town to assure a continued standard of maintenance. These common areas may be placed under the ownership of one of the following, depending which is more appropriate:

a. Dedicated to public where the recreational area of service facility will serve a community-wide.

b. Landlord control

c. Property owners association, provided all of the following conditions are met:

1) The property owners association shall be created prior to recordation of the final plat.

2) Membership in the property owners association shall be mandatory for each owner of property in the PAD.

3) Open space restrictions shall be permanent.

4) The property owners association shall be responsible for liability insurance and the maintenance of recreational, service, and other facilities as deemed necessary by the Town.

5) Landowners shall pay their pro rata share of the cost and the assessment levied by the association can become a lien on the property in accordance with Arizona statutes.

**16-4-17 Planned Community District (PC)**

A. **Purpose.** As an alternative to conventional zoning and development approaches and processes, the PC procedures and regulations are set forth in order that the public, health, safety, and general welfare be furthered to encourage innovations in residential, commercial, recreational, industrial and other types of development so greater opportunities for better housing, recreation, employment, commercial and industrial uses will be provided; to provide flexibility so that new development may reflect changes in the technology of land development; and to encourage a more creative approach to the utilization of land in order to provide a more efficient, aesthetic, and desirable development product and pattern taking into account special features of the geography, topography, size or shape of a particular property.

B. **Conformance with General Plan.**

The property applying for the PC Zoning District designation shall be required to obtain a Gila Bend General Plan land use category designation of Master Planned Community (“MPC”).

C. **Recommendations and Approvals Required.**

A Development Agreement and a MPC Development Plan (“Development Master Plan”) shall be required in order to obtain a PC Zoning District designation. The Development Agreement shall require an approval by the Town Council. The Development Master Plan shall be adopted as part of a Development Agreement between the Town and the property owner. The Development Agreement shall be adopted in accordance with A. R. S. 9-500.05 for regulation of land use, provision of public services and other purposes in compliance with state law. The Development Master Plan is required to be reviewed and to receive a recommendation from the Planning and Zoning Commission and shall require an approval from the Town Council pursuant to A. R. S. 9-462.04. The Development Master Plan’s purpose is to modify underlying land use regulations and to establish land uses, regulations, densities, development standards, design guidelines, phasing schedules, and procedures for administration and implementation.

D. **Land Uses.**

The Planned Community Zoning District is designed to accommodate all land uses identified in and approved as part of a Master Development Plan.

E. **Applicability of Existing Town Ordinances.**

The rules, regulations, standards, procedures, etc. (collectively the “Regulations”) established in the Development Master Plan shall be used to regulate development on the property. The regulations for development contained in a Development Master Plan modify the restricting of the underlying zoning district and take precedence over regulations covering land uses and property development standards in the Gila Bend Zoning Ordinance. Provisions of the Gila Bend Zoning Ordinance and Town administrative procedures not addresses by the Development Master Plan remain applicable to development on the property.

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### F. **Property Size.**

In order to receive a PC Zoning District designation, the size of the property in question must be six hundred and forty (640) acres or larger.

### G. **Application.**

The applicant shall have a pre-application meeting with Town staff prior to making application for PC Zoning District approval to discuss the development concept, the submittal, review and approval process. Applicant shall obtain the necessary application forms from the Zoning Administrator or other authorized Town official. Application forms properly completed and accompanied by the required fee shall be submitted to the Town. A copy of the Master Development Plan and exhibits shall accompany the application.

### H. **Minimum Requirements of Development Master Plan.**

The Development Master Plan shall contain, in the minimum, information discussing the following matters. The Town may request additional information if it is found to be relevant and necessary to review of the Master Development Plan. The Town may also waive the need for any of the following required information if it is found not to be relevant or necessary.

1. Site History
2. Existing Uses/Zoning
3. Surrounding Uses/Destinations
4. Land Use Plan
  - a. Proposed Uses and Densities
  - b. Conceptual Phasing Program
  - c. Proposed Recreational Areas
  - d. Floodplain Areas Determinable from Existing FIRM Maps
  - e. Environmentally Sensitive Areas
5. Discussion of Services and Infrastructure
  - a. Water
  - b. Wastewater
  - c. Other Utilities and Services
  - d. Drainage
  - e. Major Road System and Circulation System
  - f. Maintenance of Streets and Common Areas
  - g. Schools and Libraries
  - h. Parks and Open Spaces

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6. Development Standards, Lot Sizes, Height, Coverage Ratios and Setbacks
  - a. Residential Development
  - b. Commercial Development
  - c. Industrial Development
  - d. Development Standards Comparisons
  - e. Street and Traffic System Improvements
  - f. Fencing
  - g. Off-Street Parking
  - h. Signs
7. Conceptual Phasing Plan
8. Administration, Amendment, Density and Use Transfer Procedures
9. Design Guidelines
  - a. Landscaping Concepts
  - b. Road and Traffic Circulation System
  - c. Residential, Commercial, Industrial Design Guidelines
  - d. Signage
  - e. Lighting
  - f. Entry/Monument Treatments
  - g. Community Facilities
  - h. Screening
10. Provisions for Common Area Maintenance and Homeowners Associations
11. Other Information
  - a. Regional Location and Traffic Circulation Map
  - b. Identification of Gross Area
  - c. Property Legal and Boundary Description
  - d. Quantitative Development Allocation Tables
  - e. Existing Topography, Drainage Patterns and Vegetation
  - f. Minor Arterial, Collector and Local Street Sections
  - g. Student Generation
  - h. Identification of Village or Community centers
  - i. Example Illustrations of Development Types and Improvements

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### I. **Notice of Hearings.**

Public hearings and postings shall be held in compliance with state law for rezoning. A notice of the time, date, place, and purpose of the hearing shall be published in the official newspaper of the Town of Gila Bend at least fifteen (15) days prior to the date of the hearing. A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of property, as determined by the County assessor's records, within 300 feet of the property to which the PC Zoning District application relates. The Zoning Administrator or other authorized Town official shall be responsible for placing and mailing such notices. The applicant shall provide the Town with the names and addresses of all property owners within 300 feet of the property. Failure of individual property owners to receive notice will not necessarily invalidate the proceedings.

## Article V. GENERAL REGULATIONS

### 16-5-01 Purpose

The purpose of this article is to establish performance standards generally applicable to property in the Town to assure compatibility of uses, prevent urban blight, deterioration and decay, and enhance the health, safety and general welfare of the residents of the community.

### 16-5-02 Screening

#### A. Multi-Density and Mobile Home Developments.

All R-5 and R-3 Districts' principal and Accessory Structures and Uses (except signs) which are located on a parcel which abuts a Residential District other than R-5 or R-3 shall be screened from such District by an approved wall or fence not less than six (6) feet in height above the level of the adjacent property at the District boundary.

1. Walls or fences of lesser heights or planting screens may be permitted by the Town if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the use and enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Ordinance would interfere with the provisions of adequate amounts of light and air to same said properties.
2. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous or less opaque than when originally constructed.
3. This provision shall not apply when the Apartment Building is adjacent to an already existing nonresidential use (such as a school, religious assembly) in a Residential District. Such exception to the screening requirement shall only be allowed along that property line between the Apartment Building and then nonresidential land use.

#### B. Business and Industrial Development.

All principal and Accessory Structures and Uses (except signs) which are located on a parcel which abuts a Residential District shall be screened from such District by an approved wall or fence not less than six (6) feet in height above the level of the Residential property at the District boundary.

1. Walls or fences of lesser height screens may be permitted by the Town if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote the Use and

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enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Ordinance would interfere with the provisions of adequate amounts of light and air to same said properties.

2. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site, and they shall be properly maintained so as not to become unsightly, hazardous or less opaque than when originally constructed.

### **16-5-03 Landscaping Requirements**

#### **A. Generally.**

Landscaping requirements are established to encourage quality development within the Town, to provide a smooth transition between adjoining properties; to screen service yards, parking lots and other areas which tend to be unsightly; to facilitate the buffering of one land use from other land uses; to encourage harmonious relationships between buildings which are part of one development and buildings located on abutting properties; to provide open space and recreational areas to serve the needs of the residents of the Town; to soften the effect of development; to improve erosions and storm water runoff control; to reduce the particulate matter in the air; to encourage a sense of commitment to the Town and its residents on the part of developers; and to provide for the health, safety and general welfare of the residents of the Town.

#### **B. Definition.**

For purposes of this Ordinance, landscaping includes any or all of the following: lawn or grass areas; trees, shrubs, ground cover or other plantings; sprinkler or irrigation systems; decorative rock, natural or manmade; decorative lighting; benches, tables, fountains, planters or other similar outdoor furniture; decorative fences; detention and retention ponds; waterfalls and manmade streams; and berms or mounds.

#### **C. Landscaping Plan.**

1. A landscaping plan shall be submitted with any required Site Plan approval application and shall be reviewed and approved, denied or modified in conjunction with said Site Plan. All exposed ground areas surrounding or within a principal or Accessory Structure and Use, including street boulevards which are not devoted to drives, parking lots, sidewalks, patios or other such uses shall be landscaped.
2. When possible, areas of any particular site allocated to landscaping shall be located on that site in such a way as to provide substantial benefit to the general public as well as to the site itself.
3. Where practical, landscaping shall also be provided within parking lots in a manner which will serve to visually reduce the expanse of paved areas.

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### D. **Minimum Landscaping.**

1. Multi-Family Dwellings (except Townhouses), Apartment Buildings, condominium, and business developments; and Mobile Home Parks: All areas not used for Buildings, parking, driveways or other impervious materials or used for storage of materials shall be landscaped according to an approved landscape plan. For Townhouses, landscaping shall be required only in the Front Yards, Side Yards and unpaved rights-of-way.
2. Industrial Developments: All areas in front and corner side yards not used for parking, drives or other impervious materials or storage shall be landscaped according to an approved landscape plan.

### E. **Installation Prior to Occupancy Permit.**

1. All landscaping materials and equipment as provided for on the approved landscape plan for any residential, business or industrial development, or in the case of phased development, for the particular phase, shall be installed prior to the issuance of any occupancy permit, unless a financial guarantee in the amount of 150% of the cost of the materials and labor is submitted to the Town. Financial guarantees shall be of the types and forms provided in the Subdivision Ordinance.
2. Upon completion of the landscaping requirements as provided on the approved landscape plan the financial guarantee shall be released except for a portion in the amount of 20% of the cost of materials and installation which shall be retained for a warranty period of one year as guaranteed of proper installation and maintenance. Following the warranty period the remaining 20% guarantee shall be released upon a finding that installation and maintenance has occurred as per approved landscape plan.

### F. **Maintenance.**

All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.

## **16-5-04 Dwelling Unit Restrictions**

No cellar, garage, tent, trailer, basement with unfinished structure above, or Accessory Structure shall at any time be used as a Dwelling Unit. The basement portion of a finished home may be used for normal living, eating, and sleeping purposes, provided it is properly damp-proofed and has suitable fire protection and exits.

## **16-5-05 Fences**

- A. **Permit Required.** No person, firm or corporation, except on a farm and related to farming, shall construct, or cause to be constructed or erected within the Town any fence without first obtaining a building permit.

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- B. **Locations.** All fences shall be located entirely upon the private property of the persons, firms or corporation constructing, or causing the construction, of such fence unless the owner of the adjacent property agrees, in writing, that such fence may be erected on the division line of the respective properties. Such consent shall be in a form to be recorded in the Maricopa County Recorder's Office and shall bind future owners of the adjacent property.
- C. **Construction, Maintenance and Height Measurement.**
1. *Construction and Maintenance.* Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remaining in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance, and the Zoning Enforcement Officer shall commence proper proceedings for the abatement thereof.
  2. *Material.* The material of fences in a front yard shall be limited to split rail, chain link, concrete block or brick, wooden slats, steel poles with chains, or similar materials approved by the building official. In approving a material for a fence, the building official shall consider visibility requirements and consistency and compatibility of materials for the specific location of the fence. No approval shall be given for fences made of fence posts, plywood, particle board, barbed wire, chicken wire or pallets.
  3. *Measuring Fence Height.* The height of any fence shall be calculated to the uppermost points as follows:
    - a. In required yards abutting a street the height of the fence shall be the total effective height measured from the finished grade on the side nearest the street.
    - b. In other required yards, the height of the fence shall be the total effective height above the finished grade measured on the side nearest the abutting property.
    - c. On property lines the height may be measured from the finished grade of either side when the abutting property owners are in joint agreement, with such agreement submitted in writing.
  4. In all parts of the Town zoned residential, no fence shall be erected or maintained more than six (6) feet in height. In addition:
    - a. No fence, wall, or hedge shall be allowed in any required residential front yard which has any supporting member measuring more than 42 inches in height or any horizontal member or series of vertical members spaced closer than four (4) feet from one another more than 30 inches in height or is less than 65 percent transparent except that walls or fences 12 inches or less in

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height with a transparency of less than 65 percent shall be permitted. Hedges shall be exempt from the transparency criteria.

b. Fences, walls, or hedges exceeding the requirements of Section 16-5-6 F(4)(a) which are erected in any sideyard and which run parallel or approximately parallel to the front line of a building or manufactured home shall be set back from the front line of the building or manufactured home a minimum of five (5) feet.

c. On corner lots in all districts, no fence or planting in excess of 30 inches above the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected curbing lines of two intersecting streets, thence 40 feet along one curb line, thence diagonally to a point 40 feet from the point of beginning on the other curb line, then to the point of beginning.

d. Where a fence is erected as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be installed, shall remain unobstructed and shall be minimum of three (3) feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.

e. In corner side yards, fences up to six (6) feet in height may be permitted provided that no fence may be built in a corner side yard that is adjacent to a neighboring front yard unless it meets the front yard fencing requirements of Section 16-5-6 F(4)(a) and (b).

5. *Business and Industrial District Fences.* Fences in all Commercial and Industrial Districts shall not exceed 10 feet in height except that Boundary-Line Fences abutting Residential Districts shall not be greater than six (6) feet in height.
6. *Special-Purpose Fences.* Fences for special purposes and fences differing in construction, height or length may be permitted in any district by issuance of Conditional-Use Permit approved by the Planning and Zoning Commission. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended.
7. In all Districts, any fence so constructed as to have only one elevation "finished," which shall be defined as not having its support members significantly visible, shall be erected such that the finish elevation of the fence is exposed to the adjacent property.

### **16-5-06 Setback and Height Encroachments, Limitations and Exceptions**

The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided:

- A. In any Yards: Posts; off-street, open-parking spaces; sills; pilasters; lintels, cornices; eaves; gutters; awnings; open terraces; service-station, pump islands; open canopies;

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steps; flag poles; ornamental features; open, fire escapes; sidewalks; and fences, except as hereinafter amended. Also, terraces, steps, exposed ramps (wheelchair), uncovered porches, stoops, or similar feature provided they do not extend above the height of the ground floor level of the principal structure or to a distance of less than three (3) feet from any lot line nor less than one (1) foot from any existing or proposed access drive. Also, yard lights and nameplate signs in residential districts; trees; shrubs; plants; flood lights or other sources of light- illuminating, authorized, lights or light standards for illuminating parking areas, loading areas or yards for safety and security reasons, provided the direct source of light is not visible from the public right-of-way or adjacent, residential property.

- B. In Side and Rear Yards: Balconies eight (8) feet above grade may extend into the yards to within five (5) feet of a lot line provided said balconies do not extend over nonresidential driveways. Detached, outdoor, picnic shelters; open arbors and trellises may extend to within five (5) feet of a side or rear lot line except that no such structures shall exceed 500 square feet. Recreational equipment, picnic tables and apparatus needed for the operation of active and passive, solar-energy systems.
- C. In Rear Yards: Laundry, drying equipment, covered porches; breezeways and detached, outdoor living rooms may extend 20 feet into the rear yard but not closer than ten (10) feet from the rear lot line. Apparatus needed for the operation of active and passive, solar-energy systems.
- D. Height: Height limitations shall not apply to religious assembly spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles; public and private utility facilities, transmission towers of commercial and private, radio-broadcasting stations; television antennae; parapet walls extending no more than four (4) feet above the limiting height of the building except as hereinafter provided; and solar energy collectors and equipment used for the mounting or operation of such collectors.
- E. Side and Rear Setbacks: Subject to regulations contained in the Uniform Building Code and other applicable regulations, buildings may be excluded from side and rear setback requirements provided party walls are used and if the adjacent buildings are constructed as an Integral unit.

### 16-5-07 Off-Street-Parking Requirements

#### A. General Provisions.

1. *Floor Area.* The term “floor area,” for the purpose of calculating the number of Off-Street-Parking Spaces required shall be determined on the basis of the exterior-area dimensions of the Building, Structure or Use times the number of floors, minus 10%, except as may hereinafter be provided or modified.
2. *Change of Use or Occupancy of Buildings.* Any change of Use or occupancy of any Building, including additions thereto, requiring more

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parking shall not be permitted until such additional Off-Street Parking Spaces as required by this Ordinance are furnished.

3. *Grade.* The grade elevation of any Off-Street Parking Space, Parking Lot or Parking Garage shall not exceed three (3%) percent
4. *Surfacing.* Off-Street Parking Spaces and Parking Lots shall be paved with materials suitable to control dust and drainage. Plans for paving and drainage of driveways and stalls for five or more vehicles shall be submitted to the Town Engineer for his review, and the final drainage plan shall be subject to his written approval.
5. *Maintenance.* It shall be the joint and separate responsibility of the leasee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the Off-Street Parking Space, Parking Lot, Parking Garage, access ways, striping, landscaping, and required fences.
6. *No Storage of Goods.* Off-Street Parking Spaces, Parking Lots, Parking Garages, access ways, striping, landscaping, and required fences. shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles.

### B. **General Provisions Related to Residential Districts.**

1. *No Inoperable Vehicles.* Off-Street Parking Spaces in residential districts shall be utilized solely for the parking of licensed and operable, passenger automobiles; no more than one (1) truck not to exceed gross capacity of 12,000 pounds and Recreational Vehicles.
2. *No Commercial Vehicles.* Under no circumstances shall required Off-Street Parking Spaces in residential districts be used for storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants, or customers of Business or Manufacturing establishments.
3. *No Parking in Residential Setbacks.* No motor or Recreational Vehicles shall be parked in any front or corner side setback except on a paved, Off-Street Parking Space.
4. No access point (measured to the middle of the driveway) shall be located less than 40 feet from the intersection of two public Streets.
5. Except for Singe-Family and Two-Family Districts, Townhouses and Townhouse Clusters, driveway access curb openings on a public Street shall not be located less than 40 feet from one another as measured from inside of drive to inside of drive.
6. Single family uses shall be limited to one (1) drive access per property. The Council, upon the recommendation of the Planning and Zoning Commission, may modify this requirement.

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### B. General Provisions Related to other than Residential Districts.

1. *Off-Street Parking Space Dimensions.* The following shall be the minimum Off-Street Parking Space dimensions:

Angle	Width*	Length	Aisle Width
90 degrees	9'	20'	25'
60 degrees	9'	20'	20'
45 degrees	9'	20'	15'**

\* As measured by a line perpendicular to the stall line at a point on the outside end of the stall, except when the stall is on the inside edge of a curve, in which case the point of measurement shall be on the inside end of the stall.

\*\* Except where needed as a fire lane in which case a 20' minimum is required.

2. *Parking Garages.* The Off-Street Parking Space requirements may be provided by Parking Garages within the Principal Building or Structure attached thereto; however, unless provisions are made, no building permit shall be used to convert said Parking Garage into a Dwelling Unit different Use until other adequate provisions are made to comply with the required Off-Street Parking Space requirements of this Ordinance.
3. *Circulation Between Bays.* Parking Garages and Parking Lots shall be designed to facilitate safe circulation between parking bays or onto a public Street or Alley and to prohibit backing onto a public Street.
4. *Preserving Off-Site Parking.* The required number of Off-Street Parking Spaces for a Principal Use may be provided on Property other than on the Lot where the Principal Use is located, so long as both Lots are under the same ownership or control, either by deed or long-term lease. In that case, a recordable document approved by the Town shall be filed in the offices of the Maricopa County Records Office restricting the Use of the other Property to parking for the Principal Use.
5. *Driveways Required.* All Parking Lots and Parking Garages shall have access from driveways and not directly from the public Street.
6. *Distance from Intersection.* No access point (measured to the middle of the driveway) shall be located 150 feet in a Business District or 150 feet in an Industrial District from the intersection of two public Streets.
7. *Parallel Parking.* Parallel Off-Street Parking Spaces shall be a minimum of 22 feet in length.
8. *Drive Access.* All drive accesses shall be approved by the Town Engineer for width and location.
9. *Distance Between Driveway Access.* Driveway access curb openings on a public street shall not be located less than 40 feet from one another as measured from inside of drive to inside of drive.

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10. *Number of Drive Accesses.* Each Property shall be allowed one (1) drive access for each 100 feet of street frontage. The Council, upon recommendation of the Planning and Zoning Commission, may modify this requirement.
11. *Striping.* All Off-Street Parking Spaces shall be marked with painted lines not less than four (4) inches wide.
12. *Lighting.* Any lighting used to illuminate Off-Street Parking Spaces, Parking Lots or Parking Garages shall be so arranged as to reflect the light away from adjoining Property, abutting residential uses and public rights-of-way and be in compliance with this Ordinance.
13. *Signs.* No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. All signs shall conform to Article VIII.
14. *Curbing.* All Parking Lots and Parking Garages and driveways shall have a perimeter concrete curb and gutter around the entire Parking Lot or Parking Garage built according to standards provided by the Town Engineer.
15. *Protruding Vehicles.* All Off-Street Parking Spaces, Parking Lots and Parking Garages which abut property lines shall be designed and constructed such that parked vehicles shall not protrude over property lines.

### C. **Number of Spaces Required.**

The following minimum number of Off-Street Parking Spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

1. Single-family, two-family, townhouse, three-family and four-family dwellings: Two off-street spaces per unit. Multiple Family Dwellings: At least 2.25 off-street spaces per unit.
2. Motels, Motor Hotels, Hotels: One space per each rental unit plus one space for each 10 units and one additional space for each employee on any shift, plus additional spaces as may be required herein for related uses contained within the principal structure.
3. Religious Assembly, Theater, Auditorium: At least one parking space for each four seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.
4. Sanitariums, Convalescent Home, Rest Home, Nursing Home or Day Nurseries: Four spaces plus one for each three beds for which accommodations are offered plus one space for each employee on shift of greatest employment.

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5. Elderly (Senior Citizens) Housing: Reservation of area equal to one parking space per unit. Initial development is, however, required of only one-half space per unit and said number of spaces can continue until such time as the Town considers that a need for additional parking spaces has been demonstrated.
6. Convenience-Food Restaurant: At least one parking space for each two seats or the number of spaces required by the Planning and Zoning Commission.
7. Bowling Alley: At least five parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure.
8. Motor Fuel Station: At least four off-street parking spaces plus two off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.
9. Retail Store and Service Establishment: At least one off-street parking space for each 250 square feet of floor area.
10. Manufacturing, Fabricating or Processing of a Product or Material: One space for each 350 square feet of floor area, plus one space for each company-owned truck (if not stored inside principal building).
11. Warehousing, Storage or Handling of Bulk Goods: That space which is solely used as office shall comply with the office use requirements and one space per each 1,000 square feet of floor area, plus one space for each employee on maximum shift and one space for each company-owned truck (if not stored inside principal building).
12. Automobile-Washing Establishment (in addition to required stacking space):
  - a. Automatic Drive-Through, Serviced: A minimum of three spaces, or one space for each employee on the maximum shift, whichever is greater.
  - b. Self-Service: A minimum of two spaces per stall.
  - c. Service-Station Car Wash: None in addition to that required for the station.
  - d. Private Racquetball, Handball, and Tennis Courts: Not less than three spaces per each court.
  - e. Offices: (except medical and dental):

Gross Floor Area (Sq. ft.)	Spaces per 1,000 Sq. Ft. of Floor Area
0 to 5,000	4 (minimum of 4)
5,000 to 20,000	3
Over 20,000	2.75

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- f. Medical and Dental Offices: Four spaces for each doctor or dentist plus one per employee.
- g. Restaurants, Taverns: One space for each four seats plus one for each two employees.
- h. Schools, Public and Private:
  - 1) Elementary and junior high: One and one-half parking spaces for each classroom, library, lecture hall and cafeteria, plus one additional parking space for each three fixed seats in the auditorium, gymnasium or other place of public assembly or one parking space for every 21 square feet of area available for public assembly where no fixed seats are provided.
  - 2) Senior high school: One and one-half parking spaces for each classroom or lecture hall, plus one additional parking space for each five students that the school is designed to accommodate, plus one additional parking space for each employee or staff member. For theaters, auditoriums, sports arenas, gymnasiums and similar places of public assembly, in addition to the above, there shall be one parking space for each three fixed seats and one parking space for every 21 square feet of area available for public assembly where no fixed seats are provided. In no event shall less than ten parking spaces be provided for any use, regardless of number of employees.

### D. Joint Use of Off-Site Parking.

- 1. Up to 80% of the Off-Street Parking Spaces required by this Subsection for a religious assembly or for an auditorium incidental to a public or private school may be supplied by Off-Street Parking Spaces of the following daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses.
- 2. Conditions Required for Joint Use
  - a. The building or use for which application is being made to utilize the Off-Street Parking Spaces provided by another Building or Use shall be located within three hundred feet of the other Property.
  - b. The applicant shall show that there is no substantial conflict in the operating hours of the two buildings or uses for which joint use of Off-Street Parking Spaces is proposed.
  - c. A properly drawn legal instrument, executed by the parties concerned for joint use of Off-Street Parking Spaces, approved by the Town Attorney, shall be filed with the Town Clerk and recorded with the Maricopa County Records Office.

### E. Off-Site Parking.

- 1. Any off-site parking which is used to meet the requirements of this Ordinance shall be a Conditional Use as regulated by this Ordinance and shall be subject to the conditions listed below.

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2. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.
3. Reasonable access from off-site parking facilities to the use being served shall be provided.
4. The site used for meeting the off-site parking requirements of this Ordinance shall be under the same ownership as the principal use being served, under public ownership, or shall have guaranteed permanent use by virtue of a perpetual lease filed with the Town Clerk and County Clerk.
5. Off-site parking for multiple-family dwellings shall not be located more than 200 feet from any normally used entrance of the principal use served.
6. Off-site parking for non-residential uses shall not be located more than 300 feet from the main entrance of the principal use being used.
7. Any use which depends upon off-site parking to meet the requirements of this Ordinance shall maintain ownership or parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.
  - a. A properly drawn legal instrument, executed by the parties concerned for joint use of Off-Street Parking Spaces, approved by the Town Attorney, shall be filed with the Town Clerk and recorded with the Maricopa County Records Office.

### F. **Off-Street Loading.**

1. Location
  - a. All required loading berths shall be off-street and located on the same lot as the building or use to be served.
  - b. Except for loading berths required for Apartment Buildings, no loading berths shall be located closer than 50 feet from a residential district unless within a Structure.
  - c. Loading berths shall not be located within the minimum front yard building setback.
  - d. Loading berths located at the front or at the side of buildings on a corner lot shall observe the following requirements:
    - 1) Loading berths shall not conflict with pedestrian movement.
    - 2) Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
    - 3) Loading berths shall comply with all other requirements of this Section.
2. Screening

Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses.

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### 3. Size

Unless otherwise specified in these zoning regulations, the first loading berth shall be not less than 70 feet in length and additional berths required shall be not less than 30 feet in length and all loading berths shall be not less than 10 feet in width and 14 feet in height exclusive of aisle and maneuvering space.

### **16-5-08 Glare and Lighting**

- A. Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets.
- B. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property.
- C. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property.
- D. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.
- E. Any light or combination of lights which cause light on a public street, other than lights specifically intended for that purpose, shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street.
- F. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles (meter reading) as measured from said property.
- G. No light which is flashing, revolving, or otherwise resembles a traffic-control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.

### **16-5-09 Surface-Water Ponding**

Natural impoundment shall be retained as much as possible or, if necessary, enlarged or modified as directed by the Town Engineer to reduce the off-site runoff.

### **16-5-10 Storage; Exterior Displays**

- A. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a 100% opaque wall or fence not less than six (6) feet tall.
- B. Merchandise which is offered for sale as may be displayed outdoors in any B-2 District, but the area occupied by such outdoor display shall not constitute a greater number of square feet than 10% of the ground floor area of the building housing the

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principal use, unless such merchandise is a type customarily displayed outdoors such as automobiles and garden supplies.

- C. No storage of any type shall be permitted within the one-half of the required front or side street setback nearest the street nor within any required interior side or rear setback.

### **16-5-11 Trash and Garbage Incinerators; Storage**

No exterior incineration of trash or garbage is permissible. No outdoor storage of trash or garbage is permissible except in an Accessory Structure enclosed by walls and roof or enclosed containers within a totally screened area.

### **16-5-12 Public-Street Frontage**

Except as otherwise allowed or required by this Ordinance, no lot shall contain any building unless such lot abuts for at least 50 feet on a public street.

### **16-5-13 Common Area Ownership and Maintenance**

#### **A. Purpose.**

The purpose of this section is to provide for the maintenance and operation of landscaping, open space, private streets, utilities and other facilities held in common for the benefit of private property owners in residential and non-residential developments.

#### **B. Applicability.**

This section applies to all residential and non-residential developments where landscaping, open space, private streets, utilities, and other facilities are held in common ownership.

#### **C. Requirement.**

A homeowners or property owners association shall be created to maintain and operate landscaping, open space, recreation facilities, private streets, utilities, and/or other facilities held in common ownership. The documents creating the association shall provide that this obligation continue in perpetuity. Evidence of compliance with this section shall be submitted with an application for a final subdivision plat or minor subdivision.

## Article VI. SUPPLEMENTAL USE REGULATIONS

### 16-6-01 Accessory Structures and Uses

- A. An Accessory Structure shall be considered an integral part of the principal Building if it is connected to the principal Building by a covered passageway.
- B. Accessory Structures in residential districts shall not exceed the height of the principal Building and shall not be located within a Utility easement.
- C. No Accessory Structure for single-Family Dwellings shall occupy more than 25 percent of a Rear Yard or exceed 900 square feet of floor area. Garages in residential zoning districts which exceed the maximum may be allowed with a Conditional Use Permit.
- D. No permit shall be issued for the construction of more than one Garage for and Dwelling Unit.
- E. No Accessory Structure or Use shall be constructed on a Lot prior to the time of construction of the principal Building to which it is accessory, except by Conditional Use Permit.
- F. Accessory Structures in the B-1, 8-2, I-1 and I-2 Districts may be located any place to the rear of the principal Building, including in the Rear or Side Setback.
- G. No Accessory Structure in a Business or Industrial District shall exceed the height of the principal Building except by Conditional-Use Permit.

### 16-6-02 Home Occupations

#### A. Purpose.

All home occupations shall conform to the standards set forth in this Section. In general, a Home Occupation is an Accessory Use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for Home Occupations in this section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood, and a clearly secondary or incidental status in relation to the residential Use of the main Building as the criteria for determining whether a proposed Accessory Use qualifies as a Home Occupation.

#### B. Necessary Conditions.

All Home Occupations shall comply with the following requirements:

1. The Home Occupation shall be conducted solely by resident occupants;
2. No more than one room or twenty-five (25%) percent of the gross area of one floor of said residence, whichever is less, shall be used for the home occupation. Use of Accessory Structures is prohibited;

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3. Internal and external alterations of the dwelling is prohibited; electrical and mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located is prohibited;
4. No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood;
5. Outside storage of any kind related to the home occupation is prohibited;
6. The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time;
7. No use shall create noise, dust vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experience in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
8. Examples of Uses That Frequently Qualify as Home Occupations.

The following are typical examples of uses which can be conducted within the limits of the restrictions established in this section and thereby qualify as home occupations. Uses which may qualify as “home occupations” are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify as a home occupation): accountant; architect; artist; attorney-at-law; author; consultant; dressmaking; individual, stringed-instrument instruction; individual tutoring; insurance; millinery; preserving and home cooking; realtor.

### C. Uses That Are Prohibited.

The following uses by the nature of the investment of operation have a pronounced tendency, once started, to rapidly increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the following uses shall not be permitted as home occupations: auto repair, minor or major; barber shop; carpentry work; dance instruction; dental offices; medical offices; painting of vehicles, trailers, or boats; photo developing; photo studios; private schools with organized classes; radio repair; television repair; upholstery.

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### 16-6-03 Sexually-Oriented Businesses

- A. **Location.** Sexually-Oriented Businesses shall be located a minimum distance from the following uses:

USE OR USE CLASSIFICATION	SEPARATION REQUIREMENT (FEET)
Another sexually oriented business	1,000
Establishment having an Arizona Spirituous Liquor License Series #06: Bar License or Series #07: Beer and Wine Bar License	500
Library or museum open to the public	1,000
Child care center	1,000
Hotel or motel	500
Public park	1,000
Religious Assembly	1,000
Residential district boundary	1,000
School, public or private	1,000
Single or multi-family dwelling	1,000

1. Measurement of the required separation shall be made in a straight line, without regard to any intervening structures or objects, from the nearest point of the building used for a sexually oriented business to the nearest property line of the other use.
  2. Measurement of the required separation shall be made without regard to any intervening boundary of another city, town, county, or other political subdivision, however the other use must be located within the Town of Gila Bend
- B. **Municipal Code Compliance.** Sexually-oriented businesses shall obtain a business license pursuant to the Town Code.

### 16-6-04 Group Homes for the Handicapped

- A. **Purpose.** The purpose of these regulations is to permit handicapped persons to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.
- B. **Registration Required.** A completed registration form shall be submitted to the Town on a form established by the Town. Registration shall become effective upon issuance of a Certificate of Occupancy for the group home and shall terminate when the group home use ceases. No registration shall be accepted for a group home that does not comply with the requirements of the Zoning Code.

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- C. **Zoning Confirmation.** Prior to registration, a request for zoning confirmation may be submitted to the Zoning Administrator to confirm that the proposed location of the group home is permitted under this section.
- D. **Standards.** Group Homes for the Handicapped shall be located, developed, and operated in compliance with the following standards:
1. *Separation.* The minimum separation between group homes shall be 1,200 feet, as measured from the closest property lines. No separation is required when group homes are separated by a utility right-of-way of at least 300 feet in width, or by a freeway, arterial street, canal, or railroad.
  2. *Occupancy.* The number of residents, excluding staff, shall not exceed 10.
  3. *Exterior Appearance.* There shall be no sign or other exterior indication of a group home visible from a street.
  4. *Compliance with all Applicable Building and Fire Safety Regulations.* If a group home has one or more non-ambulatory residents, building code requirements in addition to those applicable to group homes with no non-ambulatory residents, shall apply.
  5. *Licensing.* Group homes shall comply with applicable licensing requirements.
  6. *Parking.* Any parking for the group home shall be on site and comply with the requirements of Section 16-5-7.
  7. *Tenancy.* No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.
- E. **Additional Requirements of State Law.** Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled pursuant to ARS § 36-582 or an assisted living home pursuant to ARS Title 36, Chapter 4, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.
- F. **Request for Accommodation.** If a group home owner believes any requirement of this Zoning Ordinance prevents the establishment of a group home in an economically viable manner, the owner shall submit to the Zoning Administrator a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the group home's needs, to address the Town's safety and welfare concerns, and to assure compliance with this section. The Zoning Administrator shall review the written request and determine:
1. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and,

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2. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood. The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act.

### **16-6-05 Religious Assembly**

- A. **No Exemption from Zoning.** Religious assemblies are not exempt from the requirements of the Zoning Ordinance.
- B. **Request for Determination.** If a religious assembly use believes any requirement of the Zoning Ordinance imposes a substantial burden on its exercise of its religion, the religious assembly use shall submit to the Zoning Administrator a written statement as to why any requirement imposes a substantial burden on its exercise of religion and a description of any requested accommodation. The Zoning Administrator shall review the statement and determine:
  1. Whether the proposed use is a religious assembly use under the Religious Land Use and Institutionalized Persons Act;
  2. Whether the requirement imposes a substantial burden on the exercise of religion by the religious assembly use;
  3. If the requirement imposes a substantial burden, whether the requirement furthers a compelling governmental interest of the Town, and if so, whether it is the least restrictive requirement necessary to further that compelling governmental interest; and
  4. The nature and extent of any accommodation, waiver, or adjustment to a requirement of the Zoning Ordinance, if any.

### **16-6-06 Over The Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, And Amateur Radio Facilities**

#### A. **Purpose.**

The purpose of this Article is to establish standards for Over-the-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities; minimize the visual impact of communication facilities; and provide opportunities for such communication uses within the Town, subject to limits set by federal regulation.

#### B. **Applicability.**

These regulations apply to:

1. Over-the-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur (HAM) Radio Facilities; and
2. Expansion and/or alteration of any such existing facilities.

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### C. Use and Development Regulations.

1. *Land use regulations.* The land use regulations for each base zoning district establish the districts in which Over-the-Air Reception Devices (OTARD), Large Satellite Dishes, Satellite Earth Stations, and Amateur (HAM) Radio Facilities. Over-the-Air Reception Devices are permitted accessory uses in all base zoning districts, pursuant to the standards set forth in this article.
2. *OTARD standards.* Unless these regulations would cause the installation or use of an OTARD to be unreasonably delayed, prohibited, would cause an unreasonable or increased cost, or would preclude it from reception of an acceptable quality signal, the following standards shall be met.
  - a. *Historical Sites.* Prior to installing an OTARD on a site within the Heritage District Redevelopment Area or on a site listed or eligible for inclusion on the National Register of Historic Places (National Register), the applicant shall notify the Town in writing. The Town may impose design restrictions no more burdensome than necessary to preserve the site for eligibility on the National Register.
  - b. *Equal Restrictions.* The Town shall not impose any greater restriction on an OTARD than is imposed on the installation, maintenance, or use of other modern appurtenances, devices, or fixtures comparable in size, weight and appearance, or safety risk to the OTARD.
  - c. *Safety Requirements.* If the antenna will be placed on a mast exceeding 12 feet above the roofline, the applicant shall obtain a building permit before installation due to safety concerns posed by wind loads and the risk of fall. Before installation, the application shall submit to the town a technical description of the antenna, anchorage features, and mast. If the Town determines the mast will pose a safety hazard to persons or property, the Town may prohibit installation.
  - d. *Location.* Antennas shall be located outside of the required front yard.
3. *Large Satellite Dish Antennas.* Large Satellite Dish Antennas, other than Satellite Earth Station antennas, are subject to the following standards:
  - a. *General Standards.*
    - 1) The antenna shall be the smallest diameter allowed by current technology to receive or transmit desired communications, but in no case shall exceed a diameter of 10 feet.
    - 2) Ground-mounted large satellite dish antennas shall be located in the rear one-half of the lot or parcel.
    - 3) Screen fencing shall be architecturally compatible with buildings or fencing on the property or adjacent properties.
    - 4) Any portion of the antenna visible from streets or adjacent residential lots or parcels shall be painted a color approved for use on the

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property. For parcels not having an approved color palette, the color shall be approved by the Zoning Administrator.

b. Single Family Residential Districts.

1) No more than 1 Large Satellite Dish Antenna may be located on any lot or parcel.

2) Large Satellite Dish Antennas shall be ground-mounted unless there is no feasible ground location on the lot or parcel to receive or transmit desired communications.

3) Ground-mounted Large Satellite Dish Antennas shall be screened from streets and adjacent lots or parcels by a 6 foot high solid fence.

c. Multi-Family Residential Districts.

1) No more than 1 Large Satellite Dish Antenna may be located on any lot or parcel with fewer than 10 units; no more than 2 large satellite dish antennas may be located on any lot or parcel with 10 or more units.

2) Roof-mounted Large Satellite Dish Antennas shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the antenna. These building elements shall be an integral part of the building design. Separate mechanical equipment screen enclosures or fences are prohibited.

d. Nonresidential Districts.

1) Ground-mounted Large Satellite Dish Antennas shall be screened from view from streets, areas accessible to the general public, and from areas shown for residential use in the General Plan. If the Design Review Board, or for Administrative Design Review, the Zoning Administrator, determines that the equipment will only be visible from permanently unoccupied areas, or are already screened from public view, the screening requirement may be waived or modified. The screening method shall be depicted on plans submitted with the applications for design review and building permits.

2) Roof-mounted Large Satellite Dish Antennas shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the antenna, but in no event shall such screen exceed a height of 8 feet above the roof deck. These building elements shall be an integral part of the building design. Separate screen enclosures or fences are prohibited.

4. Satellite Earth Stations, Large- and Small-scale. Antennas shall be:

a. Separated from adjacent uses and streets by an 8 foot high solid fence.

b. Located outside of the required perimeter landscape area.

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- c. Set back from adjacent property lines a minimum distance equal to the height of the antenna.
  - d. Painted a light, non-reflective color.
  - e. If roof-mounted, screened by a parapet or cornice and shall not extend above the roof-line.
5. Amateur (HAM) Radio Facilities.
- a. Antenna Standards. Antenna structures shall be:
    - 1) Limited to a maximum of 35 feet in height.
    - 2) Limited to no more than 1 amateur radio antenna on any lot or parcel.
    - 3) Mounted on the ground unless there is no feasible ground location on the lot or parcel to receive or transmit desired communications.
    - 4) If ground-mounted, located in the rear one-half of the lot or parcel, but in no event shall the antenna structure be required to be set back more than 100 feet from the front property line.
    - 5) Set back a minimum of 20 feet from side and rear property lines.
  - b. Waiver of Standards. If an amateur radio signal cannot be obtained when facilities are in compliance with the regulations set forth herein, the Zoning Administrator may permit a waiver from the height and location requirements of this section.
    - 1) The waiver request shall:
      - a) Provide evidence that a signal cannot be obtained by facilities in compliance with the standards; and
      - b) Document the minimum waiver from these regulations required in order to receive a signal.
        - 2) If a waiver of the height limit is necessary, the antenna shall be set back from adjacent property lines by a distance established by the Zoning Administrator.
        - 3) The decision of the Zoning Administrator shall be issued in the form of a Notice of Decision and include written findings.

## Article VII. WIRELESS COMMUNICATIONS FACILITIES

### 16-7-01 Purpose and Applicability

- A. The purpose of this Article is to uniformly regulate the location and design of wireless communications facilities to minimize visual and other possible negative effects, while encouraging the provision of services in the community, consistent with applicable law.
- B. This Article applies to all new wireless communications facilities (WCFs) and the modification of any existing WCF.
- C. This Article does not apply to those uses set forth in Section 16-6-6: Over-the-Air-Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

### 16-7-02 Permits Required

- A. **Administrative use permits.** An administrative use permit is required for any WCF permitted as set forth in Tables 16-7-4A and 16-7-4B, except for those requiring a new monopole to be erected as the support structure. An administrative use permit will be processed in accordance with the general procedures set forth in this Code and in accordance with this Article.
- B. **Conditional Use Permits.** A Conditional Use Permit is required for any WCF permitted as set forth in Tables 16-7-4A and 16-7-4B and requiring the erection of a new monopole as the support structure. A Conditional Use Permit will be processed in accordance with the general procedures set forth in this Code and in accordance with this Article.
- C. **Modifications.** An administrative use permit is required for any modification of an administrative use permit. A Conditional Use Permit is required for any modification of a Conditional Use Permit, except an administrative use permit is required for co-location on an existing monopole; in that event a Conditional Use Permit may be administratively amended to allow the co-location as approved by a separate administrative use permit.

### 16-7-03 Permitted Use, Height and Setback Regulations

- A. WCFs are permitted uses in the zoning districts specified in Tables 16-7-4A and 16-7-4B, subject to the additional development regulations set forth Section 16-7-5 and other requirements of this Article. An administrative use permit is required for those facilities designated with the letter “A”. A Conditional Use Permit is required for those facilities designated with the letter “U”.

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- B. Height and basic setback regulations for WCFs are set forth in Tables 16-7-4A and 16-7-4B. Additional setback regulations required are set forth in Section 16-7-5B.

### 16-7-03 A: WCF Use, Height and Setback Regulations-Neighborhood Business and Community Business Zoning Districts

WCF TYPE	MAXIMUM HEIGHT	MINIMUM SETBACKS	USE PERMIT REQUIRED
Monopole	65'	75'/110%	U
Monopole, Portable	65'	--	A
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element-Electric Utility Pole	15' above height of pole	--	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40'	75'	A

### 16-7-03 B: WCF Use, Height, And Setback Regulations- Industrial Zoning Districts

WCF TYPE	MAXIMUM HEIGHT	MINIMUM SETBACKS	USE PERMIT REQUIRED
Monopole	250'	100%	U
Monopole, Portable	200'	--	A
Monopole, Portable Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element—Electric Utility Pole	15' above height of pole	--	A
Alternative WCF Building Element	Height of Building	--	A
Alternative WCF Structure	40'	75'	A

An administrative use permit is required for a Public Safety Communications Facility. These facilities are permitted in Business and Industrial zoning districts.

### 16-7-04 Additional Development Regulations

- A. **Prohibited sites.** WCFs shall not be mounted on a dwelling unit or other residential building.

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### B. Setbacks.

1. *Measurement.* Setbacks shall be measured from the boundary of the entire property prior to the WCF application even though the WCF may be sited on one or more smaller individual parcels within a larger lot or parcel.
2. *Minimum setbacks.* All WCF Monopoles, Alternative WCF Structures, and Public Safety Communications Towers shall be setback a minimum distance equal to the greater of:
  - a. 250 feet from any lot or parcel zoned for or designated for residential use in the General Plan; or
  - b. 110% of the height of the WCF, including attached antennas; or
  - c. Current minimum setback is 100% of height
  - d. A distance equal to the building setback for the district in which it is located.
3. *Projections.* A WCF may not project into an easement, driveway, or setback unless otherwise specified in the permit.
4. *Equipment cabinets.* Equipment Cabinets and buildings shall comply with the required building setbacks of the base zoning district in which the WCF is located, except as provided for in Section 16-7-5.B.c.
5. *Setback exemptions.* The following WCFs are exempt from WCF setback requirements:
  - a. WCF antennas mounted on an Existing Vertical Element;
  - b. WCF antennas incorporated as a building design element;
  - c. Equipment cabinets or buildings located on an electric utility substation site.

### C. Support Structures.

1. *Monopole.* A new monopole shall be constructed to allow for co-location of at least 1 other similar wireless communications facility.
2. *Nonconforming building or structure.* A building or structure that was lawfully constructed under the code or regulations of the district in effect at time of construction, but which now is a nonconforming use, may be used as a support structure for a new WCF use, only if:
  - a. The alteration to the non-conforming building or structure will result in reduction or elimination of the nonconformity; or
  - b. The proposed alteration consists of additional antennas for the same WCF service/operator.

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### D. **Portable Monopoles.**

1. A portable monopole is permitted during the construction, modification, or replacement of an approved WCF. Placement shall be approved by the Zoning Administrator.
2. A portable monopole is permitted during a special event. Placement shall be approved by the Town Manager or as part of a special event permit.

### E. **Design and Aesthetics.**

1. WCFs shall be designed to minimize the visual impact of the facility when viewed from the majority of points within public rights-of-way and neighboring properties.
2. WCF poles and antennas shall be surfaced in a non-reflective finish or natural tones blending with the natural features and background against which the facility is viewed from the majority of points within public rights-of-way and neighboring properties.

### F. **Lighting.**

Artificial lighting of a WCF, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes.

### G. **Security Barrier.**

A security barrier shall enclose the WCF and related Equipment Cabinet.

## **16-7-05 Radio frequency (RF) Performance and Monitoring**

- A. All equipment proposed for a WCF shall meet the current FCC RF Guidelines and any amendments thereto (hereafter "FCC Guidelines").
- B. Within ninety (90) days after FCC issuance of an operational permit for the WCF, and annually thereafter, the wireless communication service carrier shall submit a written report providing existing and maximum future projected measurements of RF radiation from the WCF for:
  1. Existing WCF: maximum RF radiation from the WCF RF radiation environment.
  2. Existing WCF plus cumulative: maximum estimate of RF radiation from the existing WCF plus the maximum estimate of RF radiation from the total addition of co-located WCFs.
  3. Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC Guidelines.

If FCC Guidelines are changed during the period of any permit for a WCF then the WCF shall be brought into compliance with such revised guidelines within the time period provided by the FCC.

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- C. If at any time during the term of the permit the Town has reasonable evidence that a WCF is not in compliance with FCC Guidelines, and the Town provides notice of such, the Permittee or wireless communication service carrier so notified shall provide to the Town, within thirty (30) days after such notice, an analysis and determination of its compliance with FCC Guidelines showing the data collected and status pursuant to FCC Guidelines. If on review, the Town finds that the WCF does not meet FCC Guidelines, the Permittee or wireless communication service carrier shall have sixty (60) days from the date of the Town's finding of noncompliance to bring the WCF into compliance. If compliance is not achieved in the sixty-day period, the permit may be revoked or modified by the Town.

### 16-7-06 Noise and Environmental Standards

- A. To the extent allowed by law, the following noise and environmental standards apply to consideration of a permit for a WCF in addition to the monitoring requirements of this Section.
1. Roof-mounted or side-mounted equipment for a WCF shall not generate noise in excess of fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;
  2. An environmental assessment is required by the National Environmental Policy Act (NEPA) for any WCSF prior to commencing operations where any of the following exist:
    - a. Wilderness area;
    - b. Wildlife preserve;
    - c. Endangered species;
    - d. Historical site;
    - e. Indian religious site;
    - f. Flood plain;
    - g. High intensity white lights in residential neighborhoods; and
    - h. Excessive Radio frequency radiation exposure.An environmental assessment which, at a minimum, conforms with FCC requirements shall be submitted to the Town for each WCF where any of the above exists, and when the FCC requires such an environmental assessment to be submitted to the FCC.
- B. Within ninety (90) days after the approval of the permit, and annually from the date of approval of the permit, the Permittee shall submit existing and maximum future projected measurements of noise from the WCSF for the following:
1. Existing WCSF: maximum noise radiation from the WCF.
  2. Existing WCSF plus cumulative: maximum estimate of noise from the existing WCSF plus the maximum estimate of noise from the total addition of co-located WCFs.
  3. Certification, signed by an acoustical engineer, stating that noise measurements are accurate.

### 16-7-07 Co-Location

The operator of any WCF shall permit co-location of at least one additional WCF on the same support structure or site with an existing approved permit, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities). Applicants shall demonstrate a good faith effort to co-locating with other wireless service carriers, including but not limited to sharing information necessary to determine if co-location is feasible. All applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposal. Failure to comply with the co-location requirements of this Section may result in the denial of a permit request or revocation of an existing permit.

### 16-7-08 Application Requirements

A. The following items shall be required for a WCF application:

1. A master Site Plan showing the subject property and adjacent properties; all existing and proposed buildings on the subject property and their purpose; specific placement of the WCF antenna, mount and equipment cabinet; security barrier (if any), including type and extend and point of controlled entry on the site; fall zone; all proposed changes to the existing site, including grading, vegetation, roads, sidewalks and driveways;
2. A landscape plan showing specific placement of existing and proposed vegetation, trees, shrubs, identified by species and size of specimen at installation;
3. Photographs, diagrams, photo simulations and sight line representations as listed below:
  - a. A diagram or map showing the viewshed of the proposed facility;
  - b. Sight line representation;
  - c. Existing (before condition) photographs illustrated by four (4) by six (6) inch color photograph(s) of what can currently be seen from any adjacent residential building or properties, private roads and public right of ways adjacent to the site;
  - d. Photos simulations of the proposed facility from each of the adjacent properties or buildings, private roads and public rights-of-way adjacent to the site (after condition photographs). Such photo simulations shall include, but not be limited to, each of the existing condition photographs with the proposed WCF superimposed on it to show what will be seen from residential buildings, properties, private roads and public rights-of-way adjacent to the site;

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4. Siting elevations, or view at natural grade, from all directions (north, south, east, west) for a fifty-foot radius around the proposed WCF plus from all existing rights-of-way and private roads that serve the subject property. Elevations shall be at one-quarter inch equals one foot scale and show the following:
  - a. Antenna, mount, equipment cabinet;
  - b. Security barrier. If the security barrier will block views of the WCF, the barrier drawing shall be cut away to show the view behind the barrier;
  - c. Any and all structures on the subject property, existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation;
  - d. Grade changes or cuts and fills to be shown at original grade and new grade line;
5. Design submittals as follows:
  - a. Equipment brochures for the WCF such as manufacturer's specifications or trade journal reprints;
  - b. Materials of the WCF and security barrier, if any, specified by generic type and specific treatment, such as anodized aluminum, stained wood, painted fiberglass, etc.;
  - c. Colors represented by samples or a color board showing actual colors proposed;
  - d. Dimensions of all equipment specified for all three dimensions: height, width and breadth;
  - e. Appearance shown by at least two (2) photographic superimpositions of the WCF within the site. The photographic superimpositions shall include the antenna, mount, equipment cabinet if required by the Town, a scaled three-dimensional model of the WCF on the site;
6. Market and service maps as follows:
  - a. A map showing the service area of the proposed WCSF and the explanation of the need for the facility;
  - b. A map showing the locations and service areas of other WCFs sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service within the Town or are within a two-mile radius of the limits of the Town;
7. Co-location submittals, including signed statements indicating that:
  - a. The applicant agrees to allow for the potential co-location of additional WCF(s) by other wireless communication services and carriers on the applicant's structure or facility or within the same site;

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- b. The applicant has made a good faith effort to achieve co-location with other carriers and facilities as required in this Section, and if co-location is not feasible for this application for a substantial technical reason, a written statement of the reasons for the infeasibility;
8. A lease agreement with the owner or landlord shall also be submitted that:
  - a. Allows the landlord to enter into leases with other providers;
  - b. Specifies that if the carrier fails to remove the WCSF when required by this Section, the responsibility for removal falls upon the landlord; and
  - c. Allows entry by the Town and its agent for the purpose of inspection and compliance with Town Codes.
9. To the extent allowed by law, Radio frequency (RF) radiation performance submittals shall include in a form or study acceptable to Town staff the applicant's written statement of the existing and maximum future projected measurements of RF radiation from the proposed WCF:
  - a. Existing or ambient: measurement of existing RF radiation;
  - b. Existing plus proposed WCSF: maximum estimate of RF radiation from the proposed WCSF plus the existing RD radiation environment. These measurements shall be for the conditions specified in the RF performance standards of this Section.
  - c. Existing plus proposed WCSF plus cumulative: maximum estimate of RF radiation from the proposed WCSF plus the maximum estimate of RF radiation from the total addition of co-located WSCF plus the existing RF radiation environment. These measurements shall be for the conditions specified in the RF performance standards in this Section;
  - d. Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC Guidelines as specified in the RF performance standards of this Section;
10. To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed WCF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:
  - a. Existing or ambient: the measurement of existing noise;
  - b. Existing plus proposed WCF: maximum estimate of noise from the proposed WCF plus the existing noise environment;
  - c. Existing plus proposed WCF plus cumulative: maximum estimate of noise from the proposed WCSF plus maximum estimate of noise from the total addition of co-located Wises plus the existing noise environment;

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- d. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards section of this Section.
11. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance. If the applicant determines that the environmental assessment is not required, certification to that effect shall be provided. The applicant shall also list location, type and amount of any materials proposed for use within the WCF that are considered hazardous, by the federal, state or town government.
12. In addition to the requirements of this Section, an application for a Conditional Use Permit for a WCF shall comply with the application requirements specified in this Section.
13. An application for a Public Safety Communications Facility shall only be filed by a governmental entity or its authorized agent. In addition to all other application requirements, the applicant is to provide information showing that the proposed height does not exceed the height necessary for public safety communications purposes.

### **16-7-09 Permit Limitations and General Conditions.**

#### **A. Indemnification.**

A wireless communication service carrier, upon receiving approval of a condition use permit for a WCF use, shall indemnify, protect and hold harmless the Town, its officers and agents, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney fees (collectively "liabilities") incurred by the Town arising directly or indirectly from 1) WCF use as contemplated herein and in the use permit; and 2) the installation and operation of the WCF permitted thereby, including without limitation, any and all liabilities arising from emission by the WCF of electromagnetic fields or other energy waves or emissions. The wireless communication service carrier's compliance with this Section is an express condition of the Conditional Use Permit and is binding on any and all of wireless communication service carrier's successors and assign. The requirements of this section shall survive the termination of any such permit or amendment.

#### **B. Maintenance.**

The Permittee shall maintain the WCF to standards that are imposed by the Town at the time of granting of a permit or amendment thereto. Such maintenance shall include, but shall not be limited to, maintenance of the paint, structural integrity and landscaping. If the Permittee fails to maintain the facility, the Town may undertake the maintenances at the expense of the Permittee or terminate or revoke the permit, at its sole option. If such maintenance expense is not paid by the owner within thirty (30) days of notice by the Town, the Permittee agrees that the

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Town's costs shall constitute a lien upon the subject property upon its execution and filing with the County Recorder's Office.

### C. **Assignment.**

A permit granted to a Permittee is specific to the owner and wireless communication service carrier and may not be assigned, provided however that the wireless communication service carrier may assign its interest in the permit to any subsidiary or other affiliate of the wireless communication service carrier. Permittee shall notify the Town of any change in ownership or operation of the WCSF at least ninety (90) days prior to such change taking place.

### D. **Waiver.**

Where the Council finds that strict compliance with requirements of this Section may result in extraordinary hardship, the Council may modify such requirements upon a showing of noncompliance with applicable law or extraordinary hardship so that substantial justice may be done and the public interest secured. Hardship as used herein shall include, but not limited to, a finding that special circumstances applicable to the property, including its size, shape, topography, location or surroundings, will deprive such property of privileges enjoyed by other property in the same classification in the same zoning district throughout the strict application of the zoning ordinance. In granting such modifications, the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied and modified.

- E. Within ninety (90) days after issuance of the FCC operations permit, the wireless communication service carrier shall provide a copy of such permit to the town and register the WCF, providing information and stat as may be requested by the Town. Any change in the permit or registration data shall be filed with the Town within thirty (30) days after the change is made. The wireless communication service carrier shall submit to the Town a copy of its FCC Form 600 prior to the Town's approval of final inspection of a building permit for the WCSF or portion thereof.

### F. **Inspections.**

The Town and its agents are authorized to enter on the subject property and WCF site for the purpose of inspection and determining compliance with this Section and the provisions of a permit, as may be amended from time to time.

## Article VIII. SIGNS

### 16-8-01 Purpose

The purpose of this Ordinance is to protect and promote the general welfare, health, safety and order within the Town of Gila Bend through the standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as visual communicative media to persons situated within or upon public rights-of-way or properties.

The provisions of this Ordinance are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication, and a sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this Ordinance, while at the same time assuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.

### 16-8-02 General Provisions Applicable to All Districts

- A. Non-accessory, free-standing walls signs and billboards are prohibited in all districts except in areas specifically permitted in this Ordinance.
- B. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial.
- C. The Town, in granting permits for illuminated signs, shall specify the hours during which the same may be kept lighted when necessary to prevent the creation of a nuisance. All illuminated signs shall have a shielded light source. Any sign illuminated and located within 50 feet of a lot line of a Residential District shall be diffused or indirect so as not to reflect direct rays of light into adjacent residences. All illuminated signs in Commercial and Industrial Districts in close proximity to Residential Districts shall be designed so as to illuminate the sign and not adjacent residential property.
- D. No sign other than traffic and street signs shall be erected or temporarily placed within any street right-of-way or upon any public easements.
- E. No person other than an employee or duly authorized agent of the Town of Gila Bend shall erect a sign purporting to be a street name sign within the corporate limits.
- F. A permit for a sign to be located within 50 feet of any street or highway regulatory or warning sign, or of any traffic sign or signal, or of any crossroad or crosswalk, will be issued only if:

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1. The sign will not interfere with the ability of drivers and pedestrians to see any street or highway sign, or any traffic sign or signal, or any crossroad or crosswalk; and
  2. The sign will not distract drivers nor offer any confusion to any street or highway sign, or any traffic sign or signal.
- G. Campaign signs posted by a bona fide candidate for political office or by a person or group promoting a political issues or a political candidate may be placed in any district subject to requirements of that district. Such signs must be removed within seven days following the date of the election.
- H. One temporary identification sign may be installed upon a construction site in any district denoting the name of the project, owner, architect, engineer and contractor, provided such sign does not exceed 65 square feet in area.
- I. Temporary real estate signs may be erected for the purpose of selling or promoting a residential project of 10 or more dwelling units or any nonresidential project provided.
1. Such signs shall not exceed 60 square feet in area,
  2. Only one sign shall be permitted per street frontage up which the property abuts,
  3. Such signs shall be removed when the project is 80% completed, sold or leased or within two years, whichever is sooner, and
  4. Such signs shall be located no closer than 200 feet to any pre-existing residence.
- J. Temporary signs for the purpose of selling or leasing individual lots or buildings shall be permitted, provided:
1. Such signs shall not exceed six square feet for residential property and 32 square feet for nonresidential property,
  2. Only one such sign is permitted per street frontage upon which the property abuts,
  3. Such signs shall be removed within seven days following the lease or sale, and
  4. An "Open House" sign may be erected for a maximum of 48 hours.
- K. Any free-standing sign within 25 feet of any intersection of street right-of-way lines and/or driveway entrances shall have a minimum vertical clearance of 12 feet above the center line of the pavement or shall be lower than 36 inches in height.
- L. The total sign area of any multi-faced, free-standing or projecting wall sign shall not exceed twice the permitted area of a single-face sign.
- M. Traffic directional signs for private properties shall not exceed six square feet in area.
- N. Illuminated flashing signs (greater than 12 flashes per minute), moving signs and

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illuminated revolving beacons, zip flasher, or similar devices shall not be permitted in any use districts. However, in B-2, I-1, and I-2 Districts, flashing signs (greater than 12 flashes per minute) are permitted when limited to public service messages only, such as: time, temperature, etc.

- O. No free-standing sign shall project beyond the property line of the parcel upon which it is erected.
- P. One address sign shall be required per building in all districts.
- Q. Religious assembly directional sign may be permitted in all districts provided the total area of such signs shall not exceed the size for other directional signs in the district.
- R. Canopies and marquees shall be considered to be an integral part of the structure to which they are accessory. Signs may be attached to a canopy or marquee, but such sign shall not be considered as part of the wall area and thus shall not warrant additional sign area.
- S. Signs which are located on the interior of a building and are not visible from the outside of said building shall be exempt from the provisions of this Ordinance and shall not require permits or payment of fees.
- T. No sign shall contain any indecent or offensive picture or written matter.

### **16-8-03 District Regulations**

In addition to those signs permitted in all Districts, the following signs are permitted in each specific district and shall be regulated as to size, location and character according to the requirements herein set forth:

#### **A. Residential Districts.**

- 1. Nameplate Signs: One sign for each dwelling unit, not greater than two square feet in area, indicating the name and/or address of the occupant.
- 2. Institutional and Recreational Signs: One sign or bulletin board per street frontage for a public institutional use; for a recreational use in residential districts such sign or bulletin board shall not exceed 24 square feet in area nor shall it be placed closer than ten feet to any street right-of-way line.
- 3. Area Identification Signs: One sign per development not to exceed 24 square feet in area.
- 4. Temporary Signs: According to Section 16-7-13 J(2)(i).
- 5. Maximum Height of Free-Standing Signs: Six feet.
- 6. Lighting: Lighting must be indirect or defused.
- 7. No home occupation signs shall be allowed.

#### **B. B-1 District.**

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1. Wall Signs: The total area of all wall signs affixed to a building wall shall not exceed 15% of the total area of that wall. No individual wall sign shall exceed 100 square feet. Wall mounted signs shall not exceed mansard or roof height. Wall signs may not project into the required front setback area more than two feet. Illuminated but non-flashing signs are permitted.
2. Free-standing Signs: One free-standing sign per shop-ping center or isolated commercial establishment is permitted. The total area of this sign shall not exceed 40 square feet and its maximum height shall not exceed 20 feet.
3. Temporary Signs: Permitted according to Section 16-7-13 J(2)(i).
4. Traffic directional signs.

### C. B-2 District.

1. Wall Signs: The total area of all wall signs shall not exceed 15% of the total area of the wall to which they are attached or 300 square feet, whichever is less. Wall-mounted signs shall not exceed roof height by more than two feet.
2. Free-standing Signs: There may be no more than one free-standing sign for each commercial develop having a frontage of 300 feet or less. One additional sign may be erected for each 300 feet of additional frontage. The total area of a free-standing sign for a shopping center or isolated commercial establishment having one street frontage shall not exceed 60 square feet. Each permitted, free-standing sign, in excess of one, shall have an area not to exceed 40 square feet. As an alternative to two or more signs, the total allowable square footage may be combined into one sign. Maximum height shall not exceed 25 feet.
3. Exception: In addition the free-standing sign or signs defined in Section 16-7-13 J(3)(b) Businesses located within 1,500 feet of the centerpoint of any interstate interchange shall be allowed one sign not to exceed height of 25 feet above the elevation of said centerpoint of the interstate interchange. Total area of the sign shall not exceed 200 square feet.
4. Temporary Signs: Permitted according to Section 16-7-13 J(2)(i).
5. Traffic directional signals.

### D. I-1 and I-2 Districts.

1. Wall Signs: The total area of all wall signs shall not exceed 20% of the total area of the wall to which they are attached. Wall-mounted signs shall not exceed roof height by more than four feet.
2. Free-standing Signs: There may be no more than one free-standing sign per street frontage. Each free-standing sign may not exceed 60 square feet in area and 25 feet in height.

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3. Industrial Park Identification Signs: There may be no more than one identification, sign per industrial park entrance. Each identification sign may not exceed 60 square feet in area and 25 feet in height.
4. Temporary Signs: Permitted according to Section 16-7-13 J(2)(i).
5. Traffic Directional Signs.

### E. **Billboards.**

1. Billboards may be erected along and intended to serve only Interstate Highway 8 and State Highway 84 and 85.
2. The maximum allowable size of any billboard is 800 square feet.
3. The maximum allowable height of any billboard is 50 feet. If an Interstate or U.S. Highway served by a billboard is elevated above the surface on which it is placed, the Planning and Zoning Commission may grant a Variance to this regulation according to its discretion.
4. The minimum allowable distance between billboards along the same side of the road is 2,000 feet.
5. The minimum allowable proximity of any billboard to any residential zoning district is 500 feet.
6. No billboard may display any moving parts nor shall it be illuminated with any flashing or intermittent lights.
7. No billboard shall be placed closer than 100 feet to any interstate right-of-way line.

### F. **Non-conforming Signs.**

Any non-conforming sign which has been damaged by fire, wind or other cause in excess of fifty percent (50%) of the area of the sign face or faces shall not be restored except in conformance with the provisions of this Ordinance.

## Article IX. NON-CONFORMING USES

### 16-9-01 Non-Conforming Uses and Structures

- A. Any structure or use lawfully existing upon the effective date of this Ordinance may be continued at the size and in the manner of operation, existing upon such date except as hereinafter specified.
- B. Nothing in this Ordinance shall prevent the placing of a structure in safe condition which said structure is declared unsafe by the Building Inspector.
- C. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
- D. Whenever a lawful non-conforming use of a building or structure shall have been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, to an extent greater than 60 percent of its originally appraised value, it shall not be reconstructed, but such property shall revert to a conforming use.
- E. Whenever a lawful, non-conforming use of a building or structure or land is discontinued for a period of 90 days, any future use of said building or structure or land shall be in conformity with the provisions of this Ordinance.
- F. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary structural repairs provided such structural repairs do not enlarge or intensify the non-conforming use.
- G. A lawful non-conforming use shall not be changed except in conformance with the use requirements of the zone in which it is located.
- H. Alterations may be made to a structure or building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units.
- I. **Existing Lots.**
  - 1. At the time of the enactment of this Ordinance, if an owner of a plot of land consisting of one or more adjacent lots in a subdivision of record does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements or does not have sufficient lot width to conform to the minimum lot width requirements, such plot of land may nevertheless be used as a building site. The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot, such reduction to be determined by the Board of Adjustment.
    - a. In the R-1 and R-2 zones the reductions shall permit only a single-family residence. In R-3 zone, a manufactured home shall be less than 18 feet in width.

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- b. In the R-4 zone, the reduction shall permit only a duplex.
- c. In the R-5 zone, the reduction shall permit only a townhouse cluster or Apartment Buildings containing no more than four units.

### **16-9-02 Substandard Lots**

No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this Ordinance, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirement of this Ordinance is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

## **Article X. FEES, VIOLATIONS, PENALTIES AND REMEDIES**

### **16-10-01 Purpose**

It is the intent of this Ordinance to require petitioners to pay a portion of the public services that are necessary for processing their request. While the Town is not expecting 100% recovery of all costs, it does feel that all required publication and mailing costs plus a portion of administrative costs should be borne by the petitioner.

### **16-10-02 Fees**

- A. The Council may, by ordinance or resolution, establish administrative fees for the enforcement of the Zoning Ordinance. Such fees shall be reasonably related to the costs of administering and processing applications for development approval. No permit shall be processed, and no permit shall be considered to be submitted, until all applicable administrative fees have been paid pursuant to this Section and any ordinance or resolution adopted hereto.
- B. **Deposit for Administrative Costs.**
  - 1. In addition to the application fees, each applicant, for any of the respective petitions, shall file a financial deposit to defray administrative costs. Such costs may include, but shall not be limited to, advertising, preparation and mailing of public notices, reproduction costs and other costs necessary in processing the petition.
  - 2. The Town Manager shall establish reasonable deposits for each petition. The difference between the deposit and actual costs shall be returned the applicant at the conclusion of the petition review process. In event the costs exceed the deposit the Town shall be paid the difference prior to final action by the Town Council or Planning and Zoning Commission.

### **16-10-03 Violations and Penalties**

- A. No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or structure, or use any land in violation of this Ordinance.
- B. The Zoning Administrator shall order, in writing, the remedying of any violation. Such order shall state the nature of the violation, the ordinance provision violated, and the time by which the violation must be corrected. After such order has been served, no work shall proceed on any structure or tract of land covered by such an order except to correct such violation or to comply with the order.
- C. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment in accordance with the Section 16-3-06 of this Ordinance.

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- D. In addition to or in lieu of the procedures outlined above, this Ordinance shall be enforceable in a court of proper jurisdiction, and any or all appropriate remedies at law or in equity shall be available for the enforcement thereof.
- E. Any and all persons who shall violate any of the provisions of this Ordinance or fail to comply therewith, or who shall fail to comply with any lawful order or regulation made there under, shall severally for each and every such violation and noncompliance respectively, forfeit and pay a fine of not less than fifty dollars (\$50.00), nor more than (\$750.00), and/or be imprisoned not to exceed the time of four (4) months for each offense, said violation constituting a class 2 misdemeanor under the Criminal Code of the laws of the State of Arizona. In addition the costs of any such action may be imposed at the discretion of the court. The imposition of one penalty for any violation of this Ordinance shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations and defects within a reasonable time; and each day that the prohibited condition is not corrected or remedied shall constitute a separate offense; and the court shall impose a fine on a per diem basis for each day that the violation is maintained. Application of the above penalty shall not be held to preclude the forced removal of prohibited conditions.
- F. This Ordinance shall not be construed to hold the Town of Gila Bond, its Zoning Administrator, Town Engineer or any other Town official, responsible for any damage to persons or property by reason of any inspection or re-inspection authorized herein or the failure to so inspect or re-inspect or by reason of the issuance to a building permit as herein required.

### **16-10-04 Inspections**

#### **A. General.**

The Zoning Administrator or agent is hereby authorized to make such inspections as are necessary to determine compliance with this Ordinance and shall have the authority to enter at reasonable times upon any private or public real property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

#### **B. Owners and Persons in Control.**

It shall be the duty of the owners or persons in control of property in the Town to allow the Zoning Administrator or his agent free access to such premises at reasonable times for the purpose of such inspections.

## Article XI. DEFINITIONS

### 16-11-01 Definition of Terms

Except as specifically defined herein, all words in this ordinance shall have their customary dictionary definitions. For the purposes of this Ordinance certain words and terms used herein are defined as follows:

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word “shall” is always mandatory, the word “person” includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual;; the word “building” includes the word “structure”; the words “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied”..

**Accessory Structure or Use.** A subordinate Building or Structure, or portion of the principal Building, located on the same Lot as the principal Building, or a subordinate Use of Land, either of which is customarily incidental to the principal Building or to the principal Use of Land. Where part of an Accessory Structure is connected to part of the principal Building in a substantial manner as by a roof such Accessory Structure shall be counted as part of the principal Building. Local Utility installations above ground are Accessory Structures. Garages in residential districts are Accessory Structures.

**Adult Arcade:** Any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, digital video disks, compact disks, computer screens or other image producing devices are maintained to show images involving Specified Sexual Activities or Specified Anatomical Areas to persons in booths or viewing rooms.

**Adult Cabaret:** A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity or semi-nude; or
- B. Live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

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**Adult Motel:** A hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- 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 subrent the room for a period of time that is less than ten (10) hours.

**Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**Airport.** Any public or private airport, as defined in A.R.S. §28-8461, including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

**Alcoholic Beverage Sales.** Include the retail sale, for on- or off-premises consumption, of liquor, beer, wine, or other alcoholic beverages, but exclude Restaurants and Nightclubs.

**Alley.** A permanent public thoroughfare providing a secondary means of access to abutting lands.

**Alternative Wireless Communications Facility Building.** A building element designed to conceal and/or camouflage wireless communications facilities, including but not limited to a wall mount, clock tower, cupola, or religious assembly steeple.

**Alternative Wireless Communications Facility.** A structure designed to conceal and/or camouflage wireless communications facilities. Structures may include but are not limited to a free-standing structure such as an artificial cactus or tree, or a sculpture. Alternative structures do not include a flagpole, monopole with an attached flag, or a monopole with a minimal design feature.

**Animal Kennel.** Any Structure, Lot or combination thereof used for the boarding, breeding or care of three or more dogs, cats, pets, fowl or other domestic animals over the age of eight weeks.

**Animal Services.** The provision of animal care, treatment, and boarding services incidental to the provisions of such services, but not Animal Kennels.

**Antenna.** The panel, rod, dish, wire or other device from which communication signals are transmitted or received.

**Apartment Building.** A building other than a hotel or motel containing five (5) or more dwelling units which have primary entrances from common hallways.

**Auditorium.** An indoor facility for performing arts and exhibitions.

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**Automotive Sales, Rental and Delivery.** Sale or leasing of automobiles, motorcycles, light trucks, motor homes, recreational vehicles, boats, and similar equipment, including incidental maintenance.

**Automotive Service Station.** The sale of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, including the retail sale of gasoline for passenger car use, sale and servicing of tires, batteries, automotive accessories, and replacement items, lubricating services, and performance of repairs.

**Automotive Washing Establishment.** A Structure which has its primary purpose as washing automotive vehicles. Such Structures shall be considered incidental to Automotive Service Stations if no more than one auto may be washed at one time and if the Automotive Service Station is clearly the principal use.

**Bakery.** A Building used for the sale of baked goods on the lot and baking when incidental to retail sales from the Property.

**Banks and Other Savings and Lending Institutions.** Establishments that provide retail banking, credit, and mortgage services to individuals and businesses. This classification includes banks and savings and loan establishments, credit unions, and check cashing establishments.

**Base Flood, 100 Year.** The flood having a one percent chance of being equaled or exceeded in any given year.

**Basement.** A portion of a Building located partly underground but having not less than half its floor-to-ceiling height below the average grade of the adjoining ground.

**Block Frontage.** All of the property of a Lot or any portion thereof lying adjacent to a public street or highway, but not an Alley.

**Board.** The Board of Adjustment of the Town of Gila Bend, Arizona.

**Building Area.** That portion of a lot that lies within the boundaries of the front, side and rear yard setback requirements measured from the actual lot line. Open steps, terraces, unenclosed porches of one story, and architectural appurtenances projecting not more than two feet are permitted outside the Building Area.

**Building Envelope.** That area of a lot lying between the front, rear, and side yard setback lines and between ground level and the maximum allowable building height.

**Building Line, Front.** The line nearest to the front and across a lot establishing the minimum open space to be provided between the front line of a building and the front lot line.

**Building Line, Rear.** The line nearest to the rear and across a lot establishing the minimum open space to be provided between the rear line of a building and the rear lot line.

**Building Material and Home Improvement Sales and Service, Retail.** Sale or rental of building or landscaping materials, supplies, hardware or construction equipment to the public.

**Building, Attached.** A building having one or more common walls with another building when the principal use of each building is independent of the other and when no interior access exists from one building to another.

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**Building, Detached.** A Building having no common wall or structural connection with another Building.

**Building, Front Line of.** The line of the face of a building nearest the front lot line.

**Building, Height of.** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable and hip or gambrel roofs.

**Building, Principal.** A building in which is conducted the main, or principal, use of the lot on which said building is situated.

**Building, Public.** A building, supported by government funds, to be used in an official capacity on the behalf of the entire community.

**Building.** Any Structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels, except Manufactured Homes and manufactured offices.

**Business.** The engaging in or the purchase, sale, barter or exchange of goods, wares, merchandise or service; the maintenance or operation of offices or recreational or amusement enterprises. The term does not include Home Occupations.

**Campground.** Any area of land used to temporarily accommodate two or more camping parties, including cabins, tents, recreational vehicles or other camping, outfits.

**Carport.** A structure consisting of a roof and either walls or columns for the purpose of housing automotive vehicles and other chattels. Said structure shall be considered as an accessory building when detached from the principal building and as a part of the principal building when attached to the principal building along one or more sides of the carport or principal building.

**Cemetery.** Land used for the internment of human or animal remains. A cemetery may include columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Co-location.** The use of a single mount and/or site by more than one wireless communications facility.

**Commercial Mobile Radio Service.** Any of several technologies using radio signals at various frequencies to send and receive voice, data or video to and from mobile transceivers.

**Commission.** The Town of Gila Bend Planning and Zoning Commission.

**Community Assembly Places.** A Building where members and guests of a private non-profit association of persons may hold meetings and conduct social activities related to the association. Examples include union halls, fraternal and service organizations, and social clubs, but does not include Religious Assemblies.

Large Scale. 10 acres or less

Small-Scale. Less than 10 acres

**Conditional Use Permits.** Authorization to undertake a Conditional Use as in accordance with this Ordinance.

## Town of Gila Bend Zoning Ordinance Update

**Conditional Use.** A Use permitted with a Conditional Use Permit.

**Construction Sales and Service.** construction and incidental storage activities performed by construction contractors on lots other than construction sites.

**Council.** The governing body of the Town of Gila Bend.

**Crematorium.** A facility for the cremation of human or animal remains.

**Day-Care Center.** A use where care is provided for pay for three (3) or more unrelated children subject to the requirements of the State of Arizona.

**Detached.** Denotes a Building having no party wall in common or structural connection with another Building.

**Development.** Any manmade change to improve or alter Real Property.

**Drive-In Business.** Any business in which a sale is made without the customer being required to leave the vehicle. Such businesses include, but are not limited to, the following: drive-in banks, drive-in laundries or dry-leaning pickup stations, and Drive-In Restaurants, but does not include Drive-In Theaters.

**Drive-In Theater.** An outdoor theater where movies are shown on a large screen and customers generally watch movies from their automobiles, including facilities for the sale of food for customers.

**Dwelling Unit.** A Dwelling, or portion of a dwelling, used by one Family for residential purposes.

**Dwelling, Multi-Family.** A Building or portion thereof, with three or more Dwelling Units.

**Dwelling, Single-Family.** A Dwelling Unit used by one Family.

**Dwelling, Two-Family.** A Building, or portion thereof, with two Dwelling Units. A Two-Family Dwelling may also be referred to as a “duplex.”

**Dwelling.** A Building, or portion thereof, used as single-family, two-family or multi-family Dwellings.

**Emergency Housing.** A temporary shelter for victims of natural or man-made disasters and where shelter is provided in tents, mobile homes and similar temporary facilities for a limited period of time.

**Equipment Cabinet.** A shed or box used for storage of cables, batteries, and/or other equipment connected with and used for operation of a wireless communications facility.

**Escort Agency.** A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

**Existing Vertical Element.** An existing monopole, tower, pole, sign, exhaust stack performing a non-WCF function. Existing vertical element does not include a building.

## Town of Gila Bend Zoning Ordinance Update

**Farm Stand.** A Structure for the seasonal retail sale of food products produced on the Farm Stand is located.

**Farm/Ranch Structures and Uses.** Structures and uses devoted to the shelter and raising of livestock, poultry, feed, flowers, crops, field equipment or other agricultural items. The term does not include Farm/Ranch-Related Structures and Facilities.

**Farm/Ranch-Related Structures and Uses.** The following structures and uses: (i) Dairy farms, (ii) Cotton gins, but not the manufacturing or processing of by-products, (iii) Custom meat processing plants, including slaughtering, butchering and temporary storage of products, but not the rendering or refining of by-products, storage of offal, tanning or storage of hides, wholesale or retail sales, (iv) Storage and maintenance of specialized machinery and equipment used specifically in agriculture or rural areas, (v) Commercial aquaculture facilities, including breeding and holding lakes and ponds, (vi) Non-agricultural operations of facilities which were established for and which continue to be operated primarily for agricultural uses, (vii) Feed lots for cattle, sheep, swine, chickens, or other animals

**Fence.** A barrier constructed of materials erected for the purpose of protection, confinement, enclosure or privacy.

**Flood Insurance Rate Map (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and risk premium zones applicable to the community.

**Floodplain.** That area encompassing the Floodway Area and the Floodway Fringe.

**Floodproofing.** Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage or potential flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

**Floodway Fringe, 100-Year.** The area between the floodway and the 100-year flood boundary.

**Floodway, 100-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 a flood of 100-year magnitude without substantial increases in flood height.

**Forests and Wildlife Reservations.** Real Property established by the State of Federal government or a private entity that prohibits or severely limits Development and is intended to protect natural vegetation of wildlife.

**General Plan.** The comprehensive plan for development of the Town adopted pursuant to ARS Section 9-461 et seq., including any amendments to such plan or any subsequent plan adopted by the Council.

**Golf Course, Miniature.** See Outdoor Recreational Uses.

## Town of Gila Bend Zoning Ordinance Update

**Golf Course.** Land laid out with at least nine holes for playing golf and which is improved with tees, greens, fairways, and hazards. Clubhouses, maintenance buildings, cart storage facilities, pro shops, restaurants or golf driving ranges may be incidental uses. The following use is not a golf course: miniature golf course.

**Golf Driving Range.** See Outdoor Recreational Uses

**Greenhouse.** Same as Plant Nursery

**Grocery Store.** A retail Business with 5,000 square feet or more which deals principally in a variety food and general supplies for household uses. Characteristics of this type of Business include a Building of large physical size, a high volume of Business, and a wide variety of products.

**Ground Floor Area.** The square foot area of a building within its largest outside dimension computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

**Group Homes for the Handicapped.** A facility licensed or authorized by a governmental authority having jurisdiction over operations for 10 or fewer handicapped persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from 1 or more staff persons. This use includes assisted living homes; homes for the mentally ill, group care agencies and similar residential living arrangements for handicapped persons, but shall not include boarding houses, Nursing Homes, or a Shelter Care Facility.

**Habitable Floor.** Any floor usable for living purposes, which includes working sleeping, eating, cooking or recreation, or a combination thereof.

**Heliport/Helipad.** Public or privately owned facility for takeoff and landing of helicopters, including aircraft storage hangars.

**Home Occupation.** Any use conducted entirely within a dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which meets the requirements of this Ordinance.

**Hospital.** A facility licensed by the State of Arizona that provides diagnosis and treatment of patients and inpatient care by a medical staff. This use includes an urgent care facility.

**Hotel or Motel.** A building or portion thereof, or a group of buildings, in which lodging is provided and offered to transient guests for compensation; shall not include a lodging house.

**Junk Yard.** Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including but not limited to: use of salvaged base metal or metals, their compounds or combinations; used or salvaged rope, bags, rags, glass, rubber, lumber, millwork, brick, automobiles, and similar property which are used, owned, or possessed for the purpose of wrecking or salvaging parts therefrom. This classification includes salvage yards.

## Town of Gila Bend Zoning Ordinance Update

**Loading and Unloading Berths.** The off-street area required for the receipt of or distribution by vehicles of material or merchandise.

**Lodging House** A building with more than two but not more than ten guest rooms where lodging with or without meals is provided for compensation.

**Lot Coverage.** The percentage of the lot area covered by buildings.

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

**Lot Ground Level.** For buildings having walls fronting on only one street, the elevation at the front lot line at the center of a wall fronting on the street; for buildings having walls fronting on more than one street, the average of the elevation of the front lot line at the center of all walls fronting on the streets; for buildings having no walls fronting on the street, the average level of the ground adjacent to the exterior walls of the building.

**Lot Line Front.** In the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street.

**Lot Line, Rear.** A 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 (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot Line, Side.** Any lot boundary line not a front lot line or a rear lot line.

**Lot Width.** The distance as measured in a straight line, between side lot lines at the points of intersection with the building line.

**Lot, Corner.** A lot at a junction of and fronting on two or more intersecting streets.

**Lot, Interior.** A lot other than a corner or through lot.

**Lot, Through.** A lot having frontage on two parallel or approximately parallel streets.

**Lot.** A piece, parcel, plot, tract, or area of land occupied or capable of being occupied by one or more principal buildings, and the accessory buildings or uses customarily incidental to them, and including the open spaces required under this Ordinance, and having its principal lot frontage on a street.

**Manufactured Home, Multi-Sectional.** A multi-sectional manufactured home not exceeding two stories in height and manufactured after June 15, 1976, to standards established by the U.S. Department of Housing Urban Development that when joined forms a residence for human occupancy that measures 16 feet by 40 feet or larger and which is designed to be installed on a permanent foundation system when located on an individual lot of record in a rural or residential zoning district. A multi-sectional manufactured home shall have roofing and siding materials similar in appearance and kind to those used in site built homes.

## Town of Gila Bend Zoning Ordinance Update

**Manufactured Home.** A structure, manufactured after June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, and when erected on site, is 320 square feet or more in size, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a manufactured home will be based on the exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. The term "manufactured home" does not include recreational vehicles or factory built buildings (including modular) or mobile homes.

**Manufacturing and Assembly.** Manufacturing and assembly of products primarily for sale to other businesses.

*Artisan.* Small-scale production of goods by hand manufacturing or assembly, involving the use of hand tools and small-scale equipment.

*Light.* Manufacturing, processing, assembly, packaging, treatment, fabrication, and storage of finished or semi-finished parts or products. Light manufacturing and assembly uses are conducted within an enclosed building with incidental outdoor storage.

*General.* Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. General manufacturing and assembly uses are conducted either fully or partially within an enclosed building with limited off-site impacts. Products may require shipping by large trucks.

*Heavy.* Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of finished parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Heavy manufacturing and assembly uses may be conducted entirely outdoors and have moderate to significant off-site impacts, including visual impacts. Uses involving radioactive or highly toxic materials or chemicals, highly combustible or explosive materials, or other materials and substances of a noxious nature in the manufacturing process are included in this classification. This classification includes, but is not limited to, steel fabrication, concrete block manufacturing, and truss plants. Products require shipping by semi-trucks or rail.

**Medical Clinic.** An establishment where patients are admitted for special study and treatment by one or more licensed physicians and/or dentists and their professional associates, as distinguished from a "professional office" for general consultation services.

**Mining and Quarrying.** The extraction of metallic and nonmetallic minerals, including sand and gravel pit operations.

## Town of Gila Bend Zoning Ordinance Update

**Mobile Home Park.** A parcel of Land, under single ownership which has been planned and improved for the placement of mobile Manufactured Homes for non-transient residential Use. For the purpose of this Ordinance, any parcel of land with two or more mobile Manufactured Home lots for rent or for lease shall be deemed a Mobile Home Park. Spaces shall not be rented or leased for a period exceeding 364 days in duration.

**Mobile Home Space.** A plot of ground within a mobile home park designed for the accommodation of one mobile home.

**Mobile Home Stand.** That portion of an individual mobile home space which has been reserved for the placement of a mobile home and structures or additions appurtenant to the mobile home.

**Mobile Home.** A manufactured Dwelling Unit built prior to June 15, 1976, on a permanent chassis, capable of being transported in one (1) or more sections and designed to be used with or without a permanent foundation as a dwelling when placed within applicable zoning districts and connected to on-site utilities including an adequate sanitary sewage disposal system approved, installed and operational. The term "Mobile Home" does not include Recreational Vehicle, Travel Trailers, Manufactured Homes, Modular Home, Multi-Sectional Manufactured Homes, modular Buildings or factory-built Building.

**Mobile Manufactured Home Subdivision.** A mobile manufactured home subdivision is designed and intended for residential use where residence is in mobile manufactured homes.

**Mobile Office.** A factory-assembled structure or structures exceeding eight (8) 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.

**Modification.** The conversion of a single-use wireless communications facility to a co-location, or any physical or operational change, alteration, or other modification of any of the following as they relate to a wireless communications facility or the underlying real property, including but not limited to:

- a. The Site Plan;
- b. The sight line representation;
- c. The design submittal as required in this Article.

**Modular Home.** A dwelling unit mass-produced in a factory, designed and constructed for transportation to a site for occupancy when connected to the required utilities and when permanently anchored to a permanent foundation, and whether intended for use as an independent, individual unit or in combination with other units to form a larger building.

**Monopole, Portable.** A single pole and associated equipment mounted on a transportable base.

**Monopole.** A single pole attached to a permanent foundation.

## Town of Gila Bend Zoning Ordinance Update

**Mortuaries.** Establishments primarily engaged in the care and preparation of the human deceased and the conduct of funeral services. Typical uses include funeral parlors and chapels, or mortuaries, but excluding Cemeteries and Crematoria for dead animals.

**Motel.** Same as Hotel.

**Motor Freight Terminals.** Public warehousing including freight forwarding, packing and crating services, freight garaging and equipment maintenance.

**New Construction.** Structures for which the “start of construction” commenced on or after the effective date of this Article.

**Nightclubs.** A business engaged in the sale of alcoholic beverages for consumption on the premises, where 50 percent or more of the gross revenues is derived from the sale of alcoholic beverages. Serving food is only incidental to the sale of alcoholic beverages. Dancing, live music, or other similar live entertainment may be offered. This classification excludes Sexually-Oriented Businesses.

**Noxious Matter or Material.** 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.

**Nude Model Studio:** Any place where a person who appears semi-nude, in a state of nudity, or who 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. Nude Model Studio shall not include a proprietary school licensed by the State of Arizona or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or in a structure:

- A. 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; and
- B. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
- C. Where no more than one nude or semi-nude model is on the premises at any one time.

**Nursing Home.** A facility other than a hospital, licensed by the Arizona State Department of Health Services, that provides accommodation, personal assistance, and skilled nursing care to non-ambulatory residents who are dependent upon the services of others.

**Offices.** Structures, or portions of structures, in which commercial activities take place but where goods are not produced, sold, or repaired. These include: banks; general and professional offices; governmental offices; insurance offices; real estate offices; taxi-cab offices, but not taxi stands; travel agency or transportation ticket offices; telephone exchange; utility offices; radio broadcasting and similar uses.

## Town of Gila Bend Zoning Ordinance Update

**Open Sales (or Rental) Lot.** Any land used or occupied for the purpose of buying and selling merchandise, motor vehicles, any form of trailers, mobile homes, motorized homes, motor scooters, motorcycles, boats, aircraft and monuments, or for the sorting of same prior to sale.

**Overlay Zone.** A zone superimposed upon an underlying zone and which establishes special requirements in addition to those of the underlying zone, Development or use of land or structures must conform to the requirements of both zones or the more restrictive of the two, if in conflict.

**Parking Garage.** An attached or detached Building which is intended for the storage of motor vehicles and is available for use by the general public for free or for a fee.

**Parking Lot.** An open area, other than a Street or Alley designated for use as temporary parking of four (4) or more motor vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers.

**Parking Space, Off-Street.** A space designated for the temporary parking of a motor vehicle not on a Street or Alley but accessible from a Street or Alley.

**Party Wall.** Any wall of a Building or Structure which is common to two or more Buildings.

**Pawn Shops.** Businesses engaged in the buying and selling of new or secondhand merchandise and offering loans in exchange for personal property.

**Permittee.** The person issued a permit for the WCF and the wireless communication service carrier utilizing the permitted WCF.

**Personal Services.** Businesses offering services such as barber shops, beauty shops, laundromats, laundry and dry cleaning pickup and delivery stations (but excluding actual laundry operations), massage therapy, and similar uses.

**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.

**Plant Nurseries.** A Business where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark and mulch. Sale or rental of small landscaping tools and supplies may be an accessory use. This classification includes greenhouses.

**Property, Real.** Property in buildings and land.

**Protected Development Right Plan.** A plan of development approved by the Council pursuant to Section 16-03-08.

**Public Buildings.** A Building owned or leased for use by a governmental agency and used for a governmental use.

**Public Parks.** Public land available for recreational use by the public.

**Public Safety Communications Facility.** A WCF required for public safety communications of the town, a neighboring city, county or the state of Arizona.

## Town of Gila Bend Zoning Ordinance Update

**Recreation Facility, Commercial.** A building used for commercial cultural, entertainment, educational, and athletic performances to assembled groups of spectators or participants.

**Recreational Uses, Indoor.** Buildings used for indoor basketball, tennis, handball and similar recreational purposes, but not including Auditoriums.

**Recreational Uses, Outdoor.** Public parks and food service incidental thereto, public and private community swimming pools, recreational fields for activities such as outdoor basketball, tennis, lawn bowling, Miniature Golf Courses, Golf Driving Ranges and other play fields, but not Stadiums, Auditoriums and Arenas

**Recreational Vehicle Park.** A plot of ground upon which two or more sites are located, established or maintained for occupancy by [of] the general public as temporary living quarters for recreation, education or vacation purposes.

**Recreational Vehicle.** A vehicular type portable Structure without permanent foundation, which can be towed, hauled or driven primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes, including equipment associated with the Recreational Vehicle.

**Religious Assembly.** Facilities for worship and other religious ceremonies with incidental religious education, religious bookstores, rectories and parsonages, offices, social services, day care, and community programs.

Large Scale. Ten acres or more in size.

Small-Scale. Less than ten acres in size.

**Restaurant, Drive-In.** A Restaurant providing food prepared on-site, sold to patrons who pay before eating. Food and beverages may be consumed on the premises, taken out, or delivered. No table service is provided.

**Restaurant.** A Business, providing food and beverage service to patrons. Gross revenues from the sale of alcoholic beverages are less than 50 percent of total gross sales. Incidental takeout service may be provided.

**Retail Sales, Convenience.** A retail Business with less than 5,000 square feet offering a limited amount of groceries, household items, and automotive supplies. This use may include incidental Fueling Facilities, Limited Service Restaurants with drive-through and self-service automobile washing machines.

**Retail Sales, Large-Scale.** A retail Business engaged in the retail sale of merchandise, goods and/or groceries from a Building with a total sales floor area 50,000 square feet or greater. This classification excludes Commercial Vehicle/Equipment Sales and Rental, and Motor Vehicle Sales and Leasing.

**Retail Sales, General.** Businesses engaged in the retail sale of merchandise, goods, and groceries. This use includes rental services such as party supplies, clothing, video rental, and event furnishings. This use excludes Convenience Retail Sales, Grocery Retail Sales, Large-Scale Retail Sales, Building Material and Home Improvement Sales, Commercial Vehicle/Equipment Sales and Rental, Automotive Sales, Rental and Delivery, and Pawn Shops.

## Town of Gila Bend Zoning Ordinance Update

**Schools, Public or Private.** Facilities for educational and/or classroom purposes operated by public or private educational institutions offering a general course of study at primary, middle, or high school levels, including seminaries, study centers, athletic facilities, vocational and trade programs, and boarding that are incidental to the operation of such schools.

*Large-Scale.* Schools occupying five or more acres.

*Small-Scale.* Schools occupying less than five acres.

**Screening.** A solid or nearly solid barrier (i.e., wall, fence, plantings) constructed or installed for the purpose of visual separation.

**Security Barrier.** A locked, impenetrable wall or fence that prevents unauthorized entry or trespass into the enclosed area.

**Setback.** The minimum horizontal distance between a front -building line and the street or lot line.

**Sewer System, Community.** Any sanitary 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.

**Sewer, Public.** Any sanitary sewer line owned and maintained by the Town of Gila Bend, whether or not installed by the Town.

**Sexual Encounter Center:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

**Sexually-Oriented Business.** Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Escort Agency, Nude Model Studio, or Sexual Encounter Center.

**Shelter Care Facility, Homeless.** A facility which provides temporary lodging, meals, and sanitary facilities for persons without permanent housing.

**Shelter Care Facility.** A residential care facility which provides temporary lodging, meals, counseling, and full time supervision to individuals and groups such as pregnant teenagers, victims of domestic violence, neglected children, and runaways for periods of less than 30 consecutive days.

**Shopping Center.** Any grouping of two or more principal retail uses whether on, a single lot or on abutting lots under multiple or single ownership and whether contained in one building or multiple buildings.

**Sight Line Representation.** A drawing in which a sight is drawn from the closest façade of each building, private road or right of way (viewpoint) within five hundred feet (500') of the WCF to the highest point (visible point) of the WCF.

## Town of Gila Bend Zoning Ordinance Update

**Sign, Billboard.** Any non-accessory signs whether free-standing, wall-mounted, or roof-mounted.

**Sign, Free-standing.** Any non-movable sign not affixed to a building.

**Sign, Non-Accessory.** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**Sign, Wall.** A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from such building or structure.

**Sign.** Any board, device or structure or part thereof used for advertising, display, or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

**Site Plan.** A drawing to a scale not less than one (1) inch equals 100 feet showing the accurate location of all Structures, Streets, Alleys, and parking areas existing and proposed on Real Property or any other information as may be required by this Ordinance.

**Specified Anatomical Areas.** Any of the following:

- 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.

**Specified Sexual Activities.** Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, 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 subsections A and B above.

**Stable, Private.** Any building located on a lot which is designed, arranged, used or intended to be used for not more than four horses for the private use of the owner of the lot but shall not exceed 6,000 square feet in area.

**Stable, Public.** A stable where horses are ridden and/or kept for remuneration, hire or sale.

**Stadium.** A facility for exhibitions and competitions, including equestrian and other arenas.

## Town of Gila Bend Zoning Ordinance Update

**Start of Construction.** The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation, Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

**Street Frontage.** Any Property line separating a lot from a street.

**Street, Public.** Any street which has been dedicated or is otherwise publicly owned by the town.

**Street.** A right-of-way, other than an Alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting Real Property.

**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, Non-Conforming.** A structure that was lawfully constructed under the provisions of the prior ordinance or regulations of the district in effect at the time of construction. A change to the parking, loading, landscaping, or screening regulations in the district does not cause the structure to be non-conforming; provided however that the existing parking, loading, landscaping, or screening shall become non-conforming as of the effective date of the change.

**Structure.** Anything constructed or erected which requires location on the ground.

**Substantial Improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. before the improvement or repair is started, or
2. if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. any alteration of a structure listed on the National Register of Historic Places.

## Town of Gila Bend Zoning Ordinance Update

**Support Structure.** The structure upon which a WCF antenna and other hardware are mounted.

**Terminal, Rail.** A facility for the loading and unloading from a rail road of goods, passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including Airports, Heliports and Truck Terminals.

**Terminal, Transit.** A facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including Airports, Heliports, Rail Terminals or Truck Terminals.

**Terminal, Truck.** A facility for the loading and unloading goods and merchandise from trucks with a gross vehicle weight of 12,000 or more.

**Town.** The Town of Gila Bend, Arizona.

**Townhouse Cluster.** A building consisting of three or more non-communicating, Townhouses.

**Townhouse.** A single family dwelling constructed as part of a series of dwelling units, all of which are either attached to the adjacent building and/or buildings by party walls, or are located immediately adjacent thereto with no visible separation between walls or roof; all of which dwellings may be located on individual and separate lots, if individually owned, or upon a single lot, if under common ownership.

**Travel Trailer.** A vacation or camping trailer, towed by another vehicle designed as temporary living quarters which do not meet the defined requirements of a mobile/manufactured home (see Mobile and Manufactured Home).

**Use, Accessory.** See Accessory Structure or Use.

**Use, Conditional.** Either a public or private use as listed herein which because of its unique characteristics, cannot be properly classified as a Permitted Use in a particular district. After consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, a permit for such Conditional Use may or may not be granted, with or without time limits, pursuant to the requirements of this Ordinance. A Conditional Use may be a Principal Use or an Accessory Use.

**Use, Non-Conforming.** A use that is lawfully being conducted in a structure or on a lot or parcel on the effective date of this Ordinance, or the effective date of amendments to this Ordinance, but does not conform with the regulations for the district in which it is located.

**Use, Permitted.** A use which is lawfully established in a particular district or districts and which conforms with all requirements, regulations, and performance standards of such district. A Permitted Use may be a Principal Use or an Accessory Use.

**Use, Principal.** A use or structure which determines the predominant or major use of the lot on which it is located. A Principal Use may be either a Permitted or a Conditional Use.

## Town of Gila Bend Zoning Ordinance Update

**Use.** The employment or occupation of a building, structure or land for a person's service, benefit, or enjoyment.

**Utility Distribution Facilities.** Land and facilities for the distribution of Utility Services. Such facilities include wires, pipes and similar Structures to deliver Utility Services to an end user and do not include Utility Facilities.

**Utility Facilities.** Buildings, Structures or Land used by a public service corporation or governmental agency to generate Utility Services, including Structures for storage. Utility Facilities does not include Well Sites, Utility Distribution Facilities, Utility Service Yards, Wireless Communication Facilities, Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, or Amateur Radio Facilities.

**Utility Service Yard.** Buildings, Structures, or Land used for the purpose of storing and maintaining vehicles, equipment and materials related to Utility Facilities or Utility Distribution Facilities.

**Utility Services.** The provision of electrical, gas, water (domestic and irrigation), sewerage disposal, drainage systems, solid waste disposal and telephone.

**Variance, Dimensional.** Departure from the terms of the zoning regulations pertaining to height or width of structures and size of yard and open spaces where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

**Variance.** A modification or variation of the provisions of this Ordinance 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/Equipment Sales and Rental.** Sales or rental of trucks, tractors, construction or agricultural equipment, buses and similar equipment, including incidental maintenance.

**Warehouse, Residential Storage (Mini-Warehouse).** A building or group of buildings in a controlled access and fenced or screened compound that contains relatively small storage spaces of varying sizes, having individual, compartmentalized and controlled access for the dead storage of excess personal property of an individual or family generally stored in residential accessory structures, when such building or group of buildings are not located on the lot of the residence.

**Warehouse.** An enclosed building designed and used primarily for the storage of frozen foods and goods and materials.

**Well Site.** Groundwater extraction well locations, including pumps and associated equipment, not located within a building.

**Wholesale Building Supply Business.** Sale of building supplies, including lumber, at wholesale.

## Town of Gila Bend Zoning Ordinance Update

**Wireless Communications Facility (WCF).** A facility used for the provision of wireless communications services, including antenna, support structure, and related equipment.

**Wireless Communications Services.** Wireless communications services includes commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access services, and shall have the same meaning as “personal wireless services” as defined in 47 U.S.C. Section 332(c)(7)(C), as may be amended from time to time. Wireless communications services include cellular telephone service, personal communications service, and paging service.

**Wrecking Yard.** A place, lot or area where the primary function is that of dismantling, storage, abandonment or sale of goods and materials as parts or scraps.

**Yard, Corner Side.** A yard on a corner lot the area of which is bounded by a line extending from the front of the principal building (the front building line) to a point intersecting the side street right-of-way line (side lot line), then along said side lot line to a point intersecting the rear lot line then along said rear lot line to a point intersecting the line formed by extending the wall of the nearest principal building paralleling the side lot line.

**Yard, Front.** A yard extending across the full width of the lot between two side lot lines the depth of which is the least distance between the street right-of-way and the building line.

**Yard, Rear.** A yard extending across the full width of the lot between the two side lot lines and between the rear line and a parallel line tangent to the rear of the principal building and the depth of which is the least distance between the rear lot line and the parallel line.

**Yard, Side.** A yard extending between the front building line and the rear building line, the width of which is the least distance between the side lot line and the nearest part of the principal building.

**Yard.** A space on the same lot with a principal building, open, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, and unobstructed by structures, except as otherwise provided in this Ordinance.

**Zone Map.** The map adopted by the Council pursuant to Section 16-1-03 setting forth the boundaries of the zoning districts in the Town and all amendments to such map.

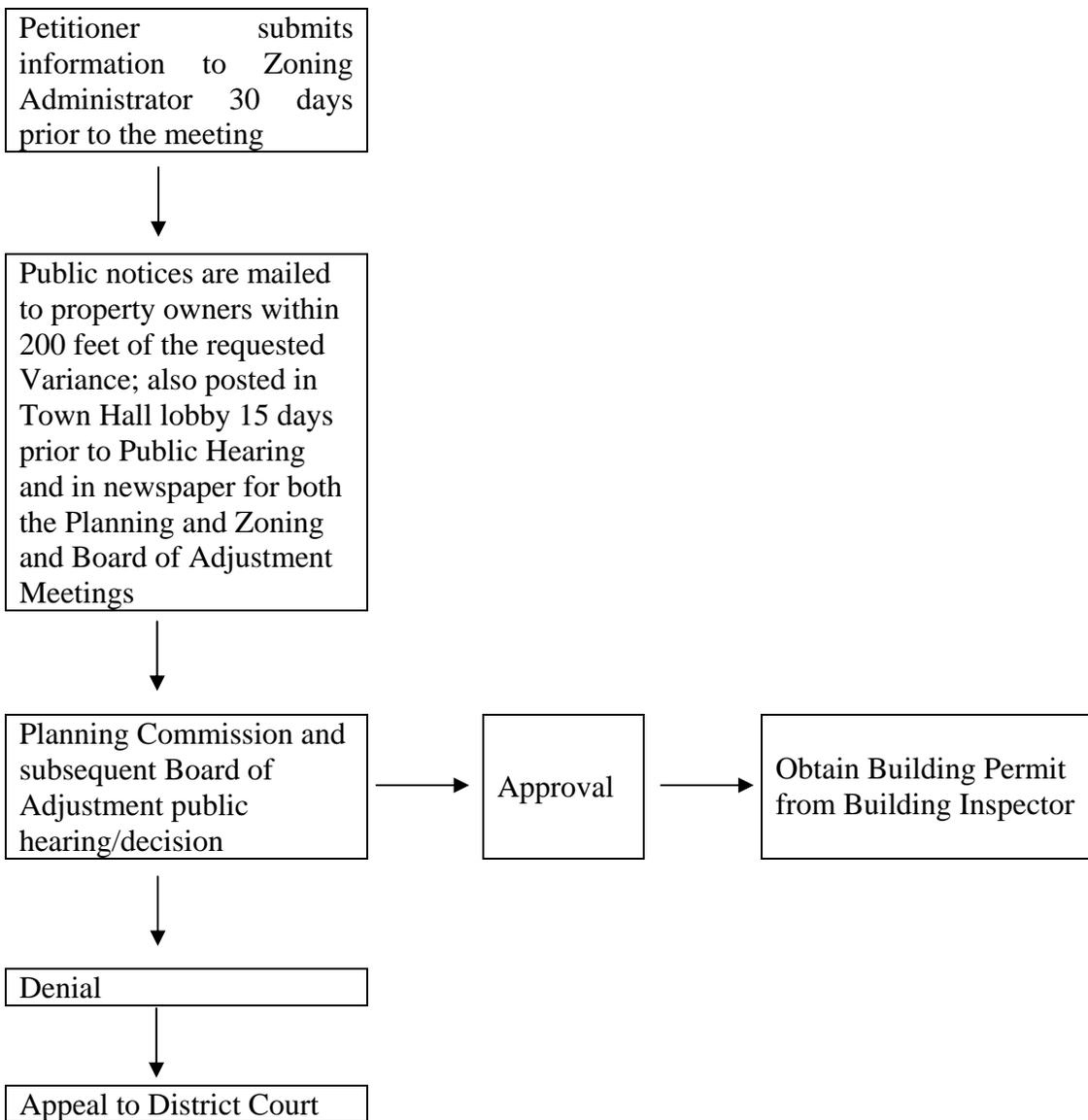
APPENDIX A: ADMINISTRATIVE PROCEDURE CHARTS

**VARIANCE**

A request for a Variance is in essence a request to legally circumvent the zoning laws. Variances can be dimensional in nature only (setbacks, height, size, etc.). The petitioner for a Variance must also prove a hardship by the virtue of the fact that to adhere to the established law he or she would be deprived of the use of their property in a reasonable manner or in a manner equal to their neighbors.

A Variance brings the petitioner to “equality” with his neighbors but should not make the petitioner more “equal” by giving them more rights than the neighbors.

VARIANCE PROCESS



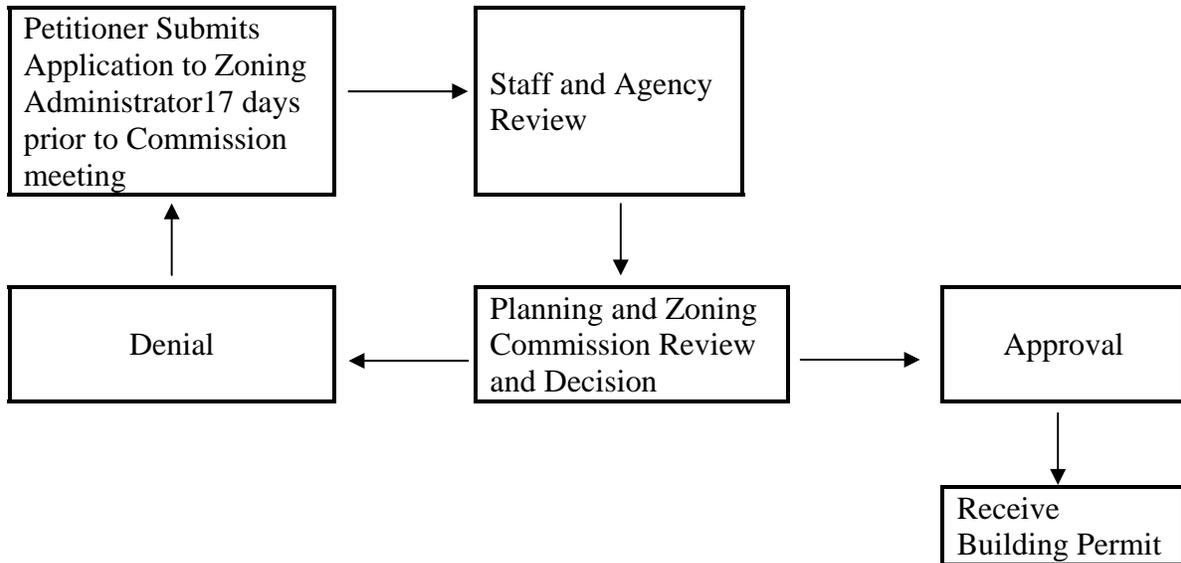
SITE PLANS

All proposals for development, 6 with the exception of single-family and two-family dwelling units, must go through the Planning and Zoning Commission Site Plan review process. The main purpose of the Site Plan review process is to coordinate a complete review with the utility companies and various Town departments in order to ensure that development plans are in full compliance with development regulations before construction begins.

CONDITIONAL USES

Conditional Uses are those uses which are allowed only if certain conditions are attached to the approval. Conditional Uses are all specifically listed as such in the zoning ordinance. Conditional Uses are processed in the manner of Site Plans.

SITE PLAN PROCESS



**PLANNED AREA DEVELOPMENT**

A planned area development (PAD) is a unique combination of zoning regulations and subdivision requirements. Although a PAD may require a longer processing time than a subdivision, it can be faster than going through a process of rezoning and then a subdivision. The purpose of a PAD is to provide the developer with a mechanism to more cost-effectively develop his or her property while still assuring the surrounding and future residents of a quality project compatible with existing and future development.

**PLANNED AREA DEVELOPMENT PROCESS**

**Developer**

**P&Z and Town staff**

**City Council**

<b>Action</b>	<b>Responsible Party</b>
Petitioner submits Concept Plan	Developer
Planning and Zoning Comments on Concept Plan	Planning Commission
Petitioner submits Preliminary Development Plan 30 days prior to Commission meeting	Developer
Staff and Agency Review / 15 day public advertising	City Staff/others
Planning and Zoning public hearing/Recommendation	Planning Commission
Commission Recommendation to Town Council/ Hearing Set	Planning Commission
15 day public advertising	City staff
Town Council public hearing	Town Council
Council may authorize petitioner to prepare Resolution of Intent	Town Council
Petitioner submits Resolution	Developer
Final Plat to Planning and Zoning Commission/ Recommendation	Planning Commission
Town Council decision on Preliminary Development Plan (by Resolution)	Town Council
Petitioner submits Final Development Plan, Final Plat and Application Material to Zoning Administrator	Developer
Final Plat to Planning and Zoning Commission/ Recommendation	Planning Commission
Commission recommendation Final Plat and Development Plan to Town Council	Planning Commission
Town Council Decision (by Resolution)	Town Council

**ADMINISTRATIVE APPEAL**

Any person who feels they have been aggrieved by the decision of the Town's administrative personnel may file an appeal. The Board of Adjustment acts as the Appeals Board. Generally an appeal involves situations where a person feels that a staff member of the Town has wrongly deprived the person of a building permit or has wrongly directed the person to stop construction. If the person wishes to contest the order, an appeal is filed.

In its capacity as an appeals board, the Board of Adjustment acts as a quasi-judicial body.

**ADMINISTRATIVE APPEALS PROCESS**

Petitioner is denied building or occupancy permit or is otherwise affected by a decision of an Administrative Officer

Within 30 days Petitioner files an appeal with the Zoning Administrator

Zoning Administrator transmits records to Board of Adjustment

15 day public advertising

Denial

Board holds public hearing/decision

Approval

Appeal to District Court

Receive Building Permit

**REZONING OR ZONE CHANGE**

A rezoning of property has the effect of changing the uses permitted on the subject property. Any person or party may initiate a zone change for any property. The decision by the Planning and Zoning Commission and Town Council to approve or deny a zone change is based upon the uses in the area or surrounding area and the request's compatibility with the Town's General Plan.

**AMENDMENT TO THE ZONING ORDINANCE**

An amendment to the zoning ordinance will have an effect on all properties in the Town. Depending on the amendment, it may change the required lot sizes, setback requirements or uses permitted in a particular zone. Like a rezoning, any person may petition for an amendment to the ordinance.

**REZONING AND AMENDMENT PROCESS**

- Petitioner submits application information to Zoning Administrator 30 days prior to Planning and Zoning meeting
  - 15 day public advertising
  - Staff or Agency review
  - Planning and Zoning Commission Public Hearing/Recommendation
  - Petitioner submits letter requesting Town Council Public Hearing
- Town Council sets Public Hearing
- 15 days Public Advertising
- Town Council Public Hearing