



## NOTICE OF PUBLIC MEETING

GILA BEND TOWN COUNCIL  
Tuesday January 27, 2026; 6:00pm  
Gila Bend Unified School District Media Center  
308 North Martin Avenue

Pursuant to ARS § 38-431.02, notice is hereby given that the TOWN COUNCIL will hold a Special Council meeting on Tuesday January 27, 2026, beginning at 6:00 p.m., in the Gila Bend Unified School District Media Center located at 308 N Martin Avenue, Gila Bend, Arizona. Doors open to the Council meeting room at 5:45pm for public seating. The public may be asked to temporarily relocate if an executive session occurs. The public will be invited back into the Council meeting room when the Council returns from executive session. **Councilmembers of the Town of Gila Bend Town Council will attend either in person or by telephone or video communication.** A copy of the final agenda will be available twenty-four hours prior to the meeting in the Town Clerk's Office, 644 West Pima, Gila Bend, AZ 85337.

I. **CALL TO ORDER**

Call to Order  
Pledge of Allegiance  
Invocation

II. **ROLL CALL**

Mayor Tommy Sikes  
Vice-Mayor Chris Riggs  
Councilmember Fernando Fernandez  
Councilmember Will Sipes

Councilmember Scott Swanson  
Councilmember Mary Vinzant  
Councilmember Donny Young

III. **Call to the Public**

(Council requests that you express your ideas in three minutes or less and refrain from any personal attacks or derogatory statements about any individual. The Mayor will limit discussion whenever he deems such an action appropriate to the proper conduct of the meeting. At the conclusion of an open call to the public, individual members of the Council may respond to criticism made by those who have addressed the Council, may ask staff to review a matter, or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take legal action on any matters during an open call to the public unless the matters are properly noticed for discussion and legal action.)

IV. **BUSINESS-**

- A. **Initiation of Zoning and Subdivision Code Text Amendments:** Discussion and possible action regarding the initiation of amendments to the Town's Zoning Ordinance (including but not limited to Article II and Article III) and Subdivision Code (Chapter 12) to authorize administrative review and approval of site plans and land divisions, in accordance with House Bill 2447, ARS § 9-500.49. **Discussion and possible action.**
- B. **Possible Adoption of Resolution No. 26--01 Calling the 2026 Town Election:** Consideration and possible action to adopt Resolution No. 26-01 establishing the 2026 election dates, offices to be filled, candidate filing deadlines, voter registration deadlines, and other related election matters, and authorization for the Interim Town Clerk to coordinate with Maricopa County Elections as required. **Discussion and Possible Action.**

- C. **Amendment No. 1 to the Intergovernmental Agreement for Library Facility Improvements:** The Mayor and Town Council may discuss and possibly take action to approve Amendment No. 1 to the Intergovernmental Agreement between the Town of Gila Bend and the Maricopa County Library District. This amendment authorizes the Library District to reimburse the Town, up to \$200,000, for specified one-time improvements to the Gila Bend Branch Library. **Discussion and possible action.**

V. **WORK SESSION**

(This is the time Council may discuss issues that require more in-depth consideration than may be possible in a Regular Meeting. No formal action may be taken other than a general consensus or conveying direction to Town Staff for further action.)

- A. **Zoning Code Update:** The Mayor and Town Council may discuss proposed updates to the Town of Gila Bend Zoning Code, including but not limited to Article VI and Article VII as it pertains to the Town of Gila Bend 2007 Zoning Code. **Discussion only**

VI. **ADJOURNMENT**

NOTE: The Council may go into Executive Session for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3).

  
Pat Riggs  
Interim Town Clerk

Date Posted: 1/22/2026  
Time: Before 4:00 pm

Town Manager Approval  
Initial *KV* Date *1-22-26*

**This agenda posted no later than 24 hours prior to the meeting  
at the following locations:**

**Town Website: [www.gilabendaz.org](http://www.gilabendaz.org)  
Gila Bend Post Office bulletin board: 109 W Papago  
Gila Bend Town Hall lobby: 644 W Pima  
Community Center lobby: 202 N Euclid  
Family Resource Center: 303 E Pima**

Reasonable Accommodations For Persons With Disabilities And Persons With Limited English Proficiency Will Be Provided Upon Request. Please Telephone Your Accommodation Request (928 683-2255 Or 1-800-367-8939 Add Arizona Relay Service) 72 Hours In Advance If You Need A Sign Language Interpreter Or Alternate Materials For A Visual Or Hearing Impairment.

Los Alojamientos Razonables Para Personas Con Incapacidades Y Personas Con La Pericia Inglesa Limitada Serán Proporcionados Sobre El Pedido. Telefóne Por Favor Su Pedido Del Alojamiento (928 683-2255 O 1-800-367-8939 Agregan Arizona El Servicio Del Releva) 72 Horas En El Avance Si Usted Necesita A Un Interprete De Lenguaje Por Señas O Alterna Las Materias Para Un Visual O Deterioro De Vista.

## **RESOLUTION NO. 26-01**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF GILA BEND, ARIZONA, CALLING FOR A 2026 PRIMARY AND GENERAL ELECTION; DESIGNATING THE ELECTION DATES AND PURPOSE OF ELECTIONS; SETTING FORTH THE CANDIDATE FILING PERIOD; ESTABLISHING THE CONDUCT OF ELECTIONS INCLUDING BALLOT TABULATION REQUIREMENTS AND PAYMENT OF ELECTION EXPENDITURES; SETTING FORTH THE VOTER REGISTRATION DEADLINE AND EARLY VOTING DATES; DESIGNATING VOTING RIGHTS ACT REQUIREMENTS; PROVIDING FOR PUBLICATION OF THE TOWN FINANCIAL STATEMENT; DESIGNATING THE ELECTION FORMAT; AND PROVIDING FOR THE CANVASSING OF ELECTION RESULTS.

**WHEREAS**, the Town of Gila Bend will hold a Primary Election for the election of its Town officers pursuant to A.R.S. § 16-204 and, if necessary, a runoff election at the General Election pursuant to Gila Bend Town Code §§ 32.02, 32.04, A.R.S. §§ 9-821.01 and 16-204; and

**WHEREAS**, the Town will coordinate with Maricopa County to administer the Town's candidate elections for the Primary and General Election dates.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Gila Bend, Arizona, as follows:

### **Section 1. Call for Elections; Designation of Election Dates; Purpose.**

The Town of Gila Bend calls the Primary Election and if required, the General Election, to be held on the date prescribed by law and authorizes the Town Clerk to take all necessary actions to comply with any election changes enacted by the Arizona State Legislature.

That August 4, 2026, unless otherwise amended by the Arizona State Legislature, has been set as the date for holding the Primary Election in the Town for the purpose of electing four Council Members to serve four-year terms. The Mayor and Council of the Town of Gila Bend also hereby call for a General Election in the Town to be held on November 3, 2026, for Council seat runoffs, if required.

Any candidate receiving a majority of votes cast pursuant to Town Code § 32.02 and A.R.S. § 9-821.01(D) – (G) for that office at the Primary Election will be declared elected to the office for which the person is a candidate. If a runoff is required, a candidate shall be declared elected to the office for which the person is a candidate as set forth in Town Code § 32.04 and A.R.S. § 9-821.01(H).

**Section 2. Designating Date and Place to File Candidate Nomination Forms.**

Candidates seeking municipal office may obtain a Candidate Packet at the Town of Gila Bend Town Clerk's Office, 644 West Pima Street, Gila Bend, Arizona, 85337, which includes nomination papers and other materials that must be filed by candidates. For the August 4, 2026 election date, candidates may submit or return nomination papers and other nomination forms no earlier than Monday, March 9, 2026, at 8:00 a.m. and must be filed no later than 5:00 p.m. on Monday, April 6, 2026, at the Town Clerk's Office, to submit their names for the Primary Election ballot. If the Primary Election date is changed, the filing period will be adjusted accordingly to comply with state law.

**Section 3. Conduct of Election; Expenditures.**

The Primary and General Elections will be held, conducted, and canvassed in the manner provided by law, and only persons who are qualified electors of the Town will vote at the Town elections. Ballots shall be counted by the voting system in use by the Maricopa County Elections Department for the recordation of the electors' choices as authorized by Arizona law.

The Town Council hereby authorizes all expenditures as it may be necessary to order, notice, hold and administer the elections, which expenses shall be paid from current operating funds of the Town. The Town Clerk is hereby authorized to take all necessary action to facilitate the Primary and General Elections.

**Section 4. Deadline for Voter Registration and Early Voting Dates.**

A voter in the Primary and General Elections must be a qualified elector of the Town. Maricopa County registration and voting lists will be used for the elections. To be qualified to vote in the elections, a Town resident must be registered to vote by 11:59 p.m. on Monday, July 6, 2026 for the August 4, 2026 Primary Election, and by 11:59 p.m. on October 5, 2026 for the November 3, 2026 General Election.

Early voting with respect to the Primary and General Elections will be permitted in accordance with the provisions of A.R.S. Title 16, chapter 4, article 8.

**Section 5. Voting Rights Act and Spanish Translation.**

To comply with the Voting Rights Act of 1965, as amended, the proceedings pertaining to this election will be translated into languages required by law and posted, published, distributed, and/or recorded in each instance where posting, publication, distribution, and/or recording of such proceedings are required, such as this call of election, the notice of election, ballots, the request for arguments, the informational pamphlet, all early voting materials and all instructions relating thereto, including instructions at the polling places.

**Section 6. Publication of Election Notices.**

The Town Clerk is hereby authorized to publish the financial statement as required in A.R.S. § 9-246, in a newspaper published in the Town once before any such election or posted in three public places in the Town for at least ten days before any such election. The Town Clerk is authorized to prepare any notices as necessary to comply with all applicable laws.

**Section 7. Designating Election Format.**

The election format for both the 2026 Primary and General Elections shall be polling place election. Polls are open from 6:00 a.m. to 7:00 p.m. on Election Day. The Primary and General Elections may be consolidated with any other election conducted in the Town on those election dates.

Ballots shall be counted by the voting system in use by the Maricopa County Elections Department for the recordation of the electors' choices as authorized by Arizona law.

**Section 8. Canvass of Election.**

The Maricopa County election officials will forward the votes cast to the Town Council for canvassing. The Town Council will meet within 20 days after the election date to canvass the returns of the election and to certify the result, as provided by Arizona law.

**PASSED, ADOPTED AND APPROVED** by the Mayor and Council of the Town of Gila Bend, Arizona, this 27th day of January, 2026.

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Tommy Lee Sikes, Mayor

ATTEST:

APPROVED AS TO FORM:

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Patricia Riggs, Town Clerk

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Allen Quist, Town Attorney

**AMENDMENT NUMBER ONE  
TO THE  
INTERGOVERNMENTAL AGREEMENT  
FOR THE USE OF REAL PROPERTY BY AND BETWEEN  
THE MARICOPA COUNTY LIBRARY DISTRICT  
AND  
TOWN OF GILA BEND**

THIS AMENDMENT NO. 1 between the Town of Gila Bend, an Arizona municipal corporation ("Town"), and the Maricopa County Library District, a political subdivision of the State of Arizona ("Library District"), pursuant to A.R.S. § 11-952, is hereby entered into and shall be effective on the last signature date set forth below.

**RECITALS**

WHEREAS, the Town and Library District entered into an Intergovernmental Agreement ("Agreement") for the operation and use of the Gila Bend Branch Library, dated December 1, 2025;

WHEREAS, the Library District has identified certain facility improvements to the library building that it wishes to fund in accordance with the Agreement; and

WHEREAS, the Town and Library District desire to amend the Agreement to authorize the Library District to reimburse the Town for costs associated with these facility improvements under the terms and conditions set forth herein.

**AMENDMENTS**

NOW, THEREFORE, in consideration of the mutual representations and covenants set forth herein, the parties agree to amend the Agreement as follows:

**I. ADDITION OF SECTION 10.6 – ONE-TIME FACILITY IMPROVEMENT**

The Agreement is hereby amended to add a new Section 10.6, as follows:

**10.6 One-time Facility Improvement**

10.6.1 The Library District is authorized to reimburse the Town for costs associated with the following improvements to the library facility: interior paint, carpet replacement, minor electrical work (non-structural), and window repair or replacement as noted in Section 10.6.2.

10.6.2 The Town shall submit quotes or a proposal for the above improvements for a total cost not to exceed \$200,000, unless

otherwise approved in writing by both parties. Upon approval of such quote or proposal, the Library District shall provide a deposit payment of up to 30% of the total to initiate the project. The Town shall submit itemized invoices to the Library District. The Library District shall reimburse the Town the total amount, up to \$200,000, less any deposit previously made to the Town by the Library District.

10.6.3 All work covered under this Amendment must be completed by November 24, 2026, and all reimbursement documentation must be submitted no later than December 24, 2026.

## II. NO OTHER AMENDMENTS

All other provisions of the Agreement not specifically amended herein remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have severally given their respective consents authorized by law and the Parties hereto have executed this Amendment by and through their respective officers duly authorized. The parties hereto have executed this Agreement as of the date and year last set forth below.

**TOWN OF GILA BEND, ARIZONA,**  
a municipal corporation,

By \_\_\_\_\_  
Mayor Tommy Sikes

DATE: \_\_\_\_\_

**APPROVED AS TO FORM:**

**ATTEST:**

By \_\_\_\_\_  
Allen Quist, Town Attorney      Date

By \_\_\_\_\_  
Pat Riggs, Interim Town Clerk      Date

[ADDITIONAL SIGNATURES ON FOLLOWING PAGE.]

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**MARICOPA COUNTY LIBRARY  
DISTRICT**

By \_\_\_\_\_  
Chairman of the Board of Directors  
Maricopa County Library District

DATE: \_\_\_\_\_

**APPROVED AS TO FORM:**

By \_\_\_\_\_  
Deputy County Counsel                      Date

**ATTEST:**

By \_\_\_\_\_  
Clerk of the Board                                      Date



## 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. Multifamily-Density and Mobile Home Developments.

All R-5 and R-43 ~~d~~Districts' and mobile home parks' principal and ~~a~~Accessory ~~s~~Structures and ~~u~~Uses ~~(except signs)~~ which are located on a parcel which abuts a ~~r~~Residential ~~d~~District other than R-5 or R-43 shall be screened from such ~~d~~District by a ~~solid n-approved wall or~~ fence not less than six (6) feet in height above the level of the adjacent property at the ~~d~~District boundary.

1. ~~F~~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 ~~multifamilyApartment b~~Building or mobile home park 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 ~~multifamilyApartment b~~Building and the ~~existing~~ nonresidential land use.

#### B. Business and Industrial Development.

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

1. ~~F~~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 enjoyment of the properties within the adjacent Residential District, or there is a finding that a screening of the type required by this Ordinance

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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.**

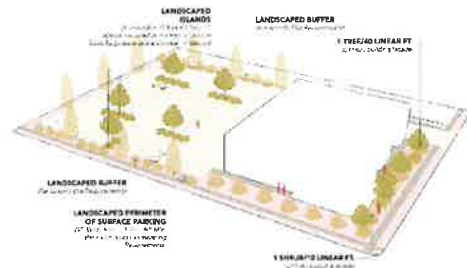
Landscaping requirements are established to encourage quality development within the Town, to provide a smooth transition between adjoining properties; to screen service yards, parking lots and other areas which tend to be unsightly; to facilitate the buffering of one land use from other land uses; to 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 ~~a~~Accessory ~~s~~Structure and ~~U~~se, 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) and 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, and adjacent to public right-of-way, not used for parking, drives or other impervious materials or storage shall be landscaped according to an approved landscape plan.



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- 2.3 A minimum of one (1) tree must be provided every twenty-five (25) feet or equivalent groupings. Trees must be a minimum of one (1) inch caliper in size when planted. A minimum of five (5) shrubs per tree must be provided. Shrubs must be a minimum of five (5) gallon size at time of planting. Groundcover plants may be planted instead of the required shrubs. Drought tolerant, native plants should be used.

#### 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 ~~one-hundred and fifty (150%) percent~~ 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 ~~twenty (20%) percent~~ 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 ~~twenty (20%) percent~~ 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 ~~a~~Accessory ~~s~~Structure shall at any time be used as a ~~d~~Dwelling ~~u~~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. No recreation vehicle, mobile home, camper, trailer, or tent shall be used as a dwelling unit within a residential district.

**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 ~~over three (3) feet in height~~ without first obtaining a building permit.
- 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 residential, commercial and light industrial districts 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 Zoning Administrator. All fences over six (6) feet in height must be approved by the Bbuilding Oofficial. In approving a material for a fence, the Zoning Administratorbuilding 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, concertina 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. No fence over three (3) feet in height is allowed in a front yard or in a required visibility triangle. A variance is required to allow a fence over three (3) feet in a front setback outside the required visibility triangle.
  - 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 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.~~

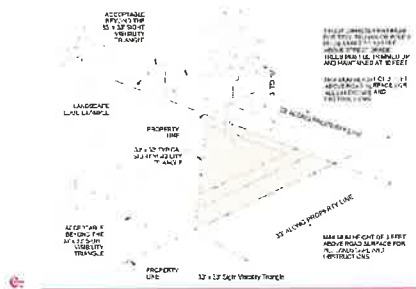
a. On corner lots in all districts, no fence or planting in excess of ~~three (30)~~ feetinches above the street center line grade shall be permitted except a post, column or tree not exceeding one foot at its greatest cross-sectional dimension

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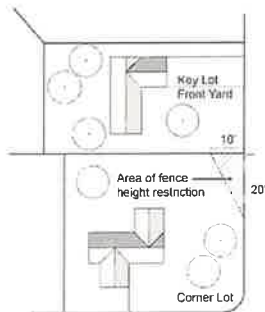
between a height of three (3) feet and a height of ten (10) feet above the established grade within a triangular area defined as follows: beginning at the intersection of the projected curbing lines of two intersecting streets, thence thirty-three (33) feet along one curb line, thence diagonally to a point thirty-three (33) feet from the point of beginning on the other curb line, then to the point of beginning.



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d-b 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.

c. 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 within a triangle measuring twenty (20) feet along the street property line and ten (ten) feet along the property line 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).



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5. *Business and Industrial District Fences.* Fences in all cCommercial and iIndustrial dDistricts shall not exceed ten (10) feet in height except that bBoundary-l-line fFences abutting rResidential dDistricts shall not be greater than six (6) feet in height. All fences over six (6) feet in height



shall provide structural information to the Building Official prior to obtaining a permit.

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 Board of Adjustment 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 ~~d~~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 and public street.
- 7.8. *Retaining Walls:* Individual retaining walls shall be limited to a maximum height of six (6) feet when located within fifty (50) feet of a subdivision perimeter boundary or within the required building setback for a single lot. All retaining walls shall be separated by one (1) foot horizontal distance for each one (1) foot vertical height of the wall downslope, with a minimum separation of three (3) feet. The area between retaining walls shall be landscaped. Requests to modify these requirements shall be through a Conditional Use Permit process.



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## 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 ~~Front Setback~~~~any Yards~~: ~~Posts~~; ~~off-street~~; open-parking spaces; sills; pilasters; ~~linters~~; cornices; eaves; gutters; awnings; ~~open terraces~~; ~~service station~~; ~~pump islands~~; ~~open canopies~~; 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~~

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~~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 ~~Setback 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 ~~five-hundred (500)~~ square feet. Recreational equipment, picnic tables and apparatus needed for the operation of active and passive, solar-energy systems.
- C. In Rear ~~Setback Yards~~: Laundry, drying equipment, covered porches; breezeways and detached, outdoor living rooms may extend ~~up to twenty (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 ~~highest point of a flat roof~~~~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

~~16-5-07 Off-street parking shall be provided for all uses of property in accordance with the standards in the Zoning Ordinance.~~

##### A. General Provisions.

1. *Floor Area.* The term "floor area," for the purpose of calculating the number of ~~oOff-sStreet-pParking sSpaces~~ required shall be determined on the basis of the exterior-area dimensions of the ~~bBuilding, sStructure~~ or ~~uUse~~ 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 ~~uUse~~ or occupancy of any ~~bBuilding~~, including additions thereto, requiring more parking shall not be permitted until such additional ~~oOff-sStreet pParking sSpaces~~ as required by this Ordinance are furnished ~~or a variance approved~~.
3. *Grade.* The grade elevation of any ~~oOff-sStreet pParking sSpace~~, ~~pParking lLot~~ or ~~pParking gGarage~~ shall not exceed three (3%) percent.
4. *Surfacing.* Off-~~sStreet pParking sSpaces~~ and ~~pParking lLots~~ shall be paved with materials suitable to control dust and drainage. Plans for

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paving and drainage of driveways and stalls for five (5) 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 ~~o~~Off-~~s~~Street ~~p~~Parking ~~s~~Space, ~~p~~Parking ~~l~~Lot, ~~p~~Parking ~~g~~Garage, access ways, striping, landscaping, and required fences.
6. *No Storage of Goods.* Off-~~s~~Street ~~p~~Parking ~~s~~Spaces, ~~p~~Parking ~~l~~Lots, ~~p~~Parking ~~g~~Garages, access ways, striping, landscaping, and required fences: shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles unless a Conditional Use Permit is approved by the Board of Adjustment-

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

1. *No Inoperable Vehicles.* Off-~~s~~Street ~~p~~Parking ~~s~~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 ~~r~~Recreational ~~y~~Vehicles.
2. *No Commercial Vehicles.* Under no circumstances shall required ~~o~~Off- ~~s~~Street ~~p~~Parking ~~s~~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 a ~~b~~Business or ~~m~~Manufacturing establishments for more than twenty-four (24) consecutive hours-
3. *No Parking in Residential Setbacks.* No motor or ~~r~~Recreational ~~y~~Vehicles shall be parked in any front or corner side setback except on a paved, ~~o~~Off-~~s~~Street ~~p~~Parking ~~s~~Space and meets Section 16-5-04 visibility requirements. Recreational vehicles shall not be used to live in unless located within an approved recreational vehicle park.
4. No access point (measured to the middle of the driveway) shall be located less than forty (40) feet from the intersection of two public ~~s~~Streets.
5. Except for ~~s~~Single ~~-f~~Family and ~~duplex~~Two-Family ~~d~~Districts, ~~t~~Townhouses and ~~t~~Townhouse ~~c~~Clusters, driveway access curb openings on a public ~~s~~Street shall not be located less than forty (40) feet from one another as measured from inside of drive to inside of drive unless the width of the platted lot is less than thirty (30) feet.
6. Single family uses shall be limited to one (1) drive access per property. The Board of Adjustment Council, upon the recommendation of the Planning and Zoning Commission, may modify this requirement through the variance process.

**B.C. General Provisions Related to other than Residential Districts.**

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

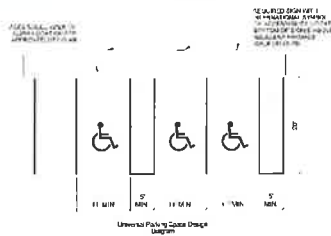
Angle	Width*	Length	Aisle Width
90 degrees	9'	20'	25'
60 degrees	9'	20'	20'
45 degrees	9'	20'	15'**

\* 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.

*Accessible Parking Space Requirements: Not less than two (2) percent of all parking in multifamily, commercial and industrial districts must meet ADA requirements. A single accessible parking space shall not be less than eleven (11) feet in width and shall have an adjacent access aisle not less than five (5) feet in width. The length of accessible parking space and aisle shall not be less than eighteen (18) feet in length. Two accessible parking spaces may share a single five (5) foot wide access aisle. A ramp meeting ADA requirement must be provided from the ADA parking space to a sidewalk leading to the building entrance. ADA space must be located in close proximity to the primary building entrance. If covered parking is provided, the same percentage of ADA parking spaces as the standard parking spaces that are covered must be provided. Identification of accessible parking spaces must be provided, including a "Reserved Parking" sign and distinctive pavement markings.*

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2. *Parking Garages.* The ~~o~~Off-~~s~~Street ~~p~~Parking ~~s~~Space requirements may be provided by ~~p~~Parking ~~g~~Garages within the ~~p~~Principal ~~b~~Building or ~~s~~Structure attached thereto; however, unless provisions are made, no building permit shall be used to convert said ~~p~~Parking ~~g~~Garage into a ~~d~~Dwelling ~~u~~Unit different ~~u~~Use until other adequate provisions are made to comply with the required ~~o~~Off-~~s~~Street ~~p~~Parking ~~s~~Space requirements of this Ordinance.
3. *Circulation Between Bays.* Parking ~~g~~Garages and ~~p~~Parking ~~l~~ots shall be designed to facilitate safe circulation between parking bays or onto a public ~~s~~Street or ~~a~~Alley and to prohibit backing onto a public ~~s~~Street.

4. *Preserving Off-Site Parking.* The required number of ~~o~~Off-~~s~~Street ~~p~~Parking ~~s~~Spaces for a ~~p~~Principal ~~u~~Use may be provided on ~~p~~Property other than on the ~~l~~Lot where the ~~p~~Principal ~~u~~Use is located, so long as both ~~l~~ots 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 Recorders Office restricting the ~~u~~Use of the other ~~p~~Property to parking for the ~~p~~Principal ~~u~~Use.
5. *Driveways Required.* All ~~p~~Parking ~~l~~ots and ~~p~~Parking ~~g~~Garages shall have access from driveways and not directly from the public ~~s~~Street.
6. *Distance from Intersection.* No access point (measured to the middle of the driveway) shall be located ~~one-hundred and fifty (150) feet or less in a~~ ~~b~~Business ~~d~~District or ~~one-hundred and fifty (150) feet or less in an~~ ~~i~~Industrial ~~d~~District from the intersection of two public ~~s~~Streets.
7. *Parallel Parking.* Parallel ~~o~~Off-~~s~~Street ~~p~~Parking ~~s~~Spaces shall be a minimum of ~~twenty-two (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 ~~forty (40)~~ feet from one another as measured from inside of drive to inside of drive.
10. *Number of Drive Accesses.* Each ~~p~~Property shall be allowed one (1) ~~driveway~~ access for each ~~one-hundred (100)~~ feet of street frontage. ~~The Board of Adjustment Council, upon recommendation of the Planning and Zoning Commission, may modify this requirement through a variance application. If the platted lot is less than one-hundred (100) feet in width, one driveway shall be allowed for access to the property.~~
11. *Striping.* All ~~o~~Off-~~s~~Street ~~p~~Parking ~~s~~Spaces shall be marked with painted lines not less than four (4) inches wide.
12. *Lighting.* Any lighting used to illuminate ~~o~~Off-~~s~~Street ~~p~~Parking ~~s~~Spaces, ~~p~~Parking ~~l~~ots or ~~p~~Parking ~~g~~Garages shall be so arranged as to reflect the light away from adjoining ~~p~~Property, abutting residential uses and public rights-of-way and be in compliance with this Ordinance. ~~Light fixtures must not exceed fifteen (15) feet in height within one-hundred (100) feet of a residential district.~~
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 ~~p~~Parking ~~l~~ots and ~~p~~Parking ~~g~~Garages and driveways shall have a perimeter concrete curb and gutter around the entire ~~p~~Parking ~~l~~ot or ~~p~~Parking ~~g~~Garage built according to standards provided by the Town Engineer.

15. Protruding Vehicles. All oOff-sStreet pParking sSpaces, pParking lLots and pParking gGarages which abut property lines shall be designed and constructed such that parked vehicles shall not protrude over property lines.

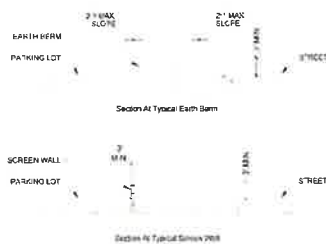
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16. Electric Vehicle Charging Stations: Allowed in all multifamily, commercial, and industrial district parking lots and garages. Americans with Disabilities requirements must be met. Equipment must be located to minimize visibility from off-site and adjacent public streets. All improvements must be located outside the required building and landscape setbacks.

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17. Screening of Headlights: A three (3) foot high solid fence or berm must be provided for parking spaces that face public right of way to block the headlights from glaring into the street. A solid, three (3) foot high perennial landscaping hedge may be used in place of the fence.

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15.

#### C.D. Number of Spaces Required.

The following minimum number of oOff-sStreet pParking sSpaces 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. Multi familyple-Family developments with at least five (5) dDwellings: At least 2-25 off-street spaces per unit.
2. Motels, mMotor hHotels, hHotels: One (1) space per each rental unit plus one space for each ten (10) units and one (1) additional space for each employee on any shift, plus additional spaces as may be required herein for related uses contained within the principal structure.

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3. Religious ~~a~~Assembly, ~~t~~Theater, ~~a~~Auditorium: At least one (1) parking space for each four (4) 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, Group Convalescent h~~Homes ~~assisted living commercial, group homes assisted living residential, group home recovery, Rest Home, n~~Nursing ~~h~~Home or ~~d~~Day care center ~~Nurseries~~: Four (4) spaces plus one (1) for each three (3) beds for which accommodations are offered plus one (1) space for each employee on shift of greatest employment.
5. Elderly (Senior Citizens) Housing: Reservation of area equal to one (1) 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 ~~(1)~~ parking space for each two ~~(2)~~ seats ~~and one (1) space for each employee working on the maximum size shift for the number of spaces required by the Planning and Zoning Commission.~~
7. Bowling Alley: At least five (5) 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 (4) off-street parking spaces plus two ~~(2)~~ 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 (1) off-street parking space for each ~~two-hundred and fifty (250)~~ square feet of floor area.
10. Manufacturing, Fabricating or Processing of a Product or Material: One (1) space for each ~~three-hundred and fifty (350)~~ square feet of floor area, plus one (1) 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 (1) space per each ~~one-thousand (1,000)~~ square feet of floor area, plus one (1) space for each employee on maximum shift and one (1) 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 (3) spaces, or one (1) space for each employee on the maximum shift, whichever is greater.

b. Self-Service: A minimum of two (2) spaces per stall.

c. Service-Station Car Wash: None in addition to that required for the station.

d. ~~12. Public and Private Racquetball, Handball, and Tennis Courts:~~  
Not less than three (3) spaces per each court.

e. ~~13. 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

f. ~~14. Medical and Dental Offices: Four (4) spaces for each doctor or dentist plus one (1) per employee.~~

g. ~~15. Restaurants, Taverns/Bar/Lounge: One (1) space for each four (4) seats, plus one (1) space per two-hundred (200) s.f. of public assembly space (excluding kitchen, rest rooms, storage, etc.) plus one (1) space for each two employees.~~

h. ~~16. Schools, Public and Private:~~

a. Elementary and junior high: One and one-half (1 1/2) parking spaces for each classroom, library, lecture hall and cafeteria, plus one (1) additional parking space for each three (3) fixed seats in the auditorium, gymnasium or other place of public assembly or one (1) parking space for every twenty-one (21) square feet of area available for public assembly where no fixed seats are provided.

b. Senior high school: One and one-half (1 1/2) parking spaces for each classroom or lecture hall, plus one (1) additional parking space for each five (5) students that the school is designed to accommodate, plus one (1) 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 (1) parking space for each three (3) fixed seats and one (1) parking space for every twenty-one (21) square feet of area available for public assembly where no fixed seats are provided. In no event shall less than ten (10) parking spaces be provided for any use, regardless of number of employees.

17. Bed and Breakfast: Two (2) parking spaces for owner/manager and one (1) space for each bedroom.

18. Shooting or Archery Range: Two (2) spaces for employees and one (1) space for each three (3) stations for target practice.

19. Research Laboratory and Data Centers: One (1) space per employee for the largest shift.

20. Recreation Vehicle and Boat Storage (Indoor and Outdoor): Two (2) spaces for staff and one (1) space for each fifteen (15) storage units/spaces.

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~~21. Veterinary clinic, animal services, training school; One (1) space per two-hundred and fifty (250) s.f. of gross floor area, excluding kennel, restroom, and storage areas.~~

~~b.~~

~~D-22. Joint Use of Off-Site Parking.~~

~~1-a. Up to eighty (80%) percent 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-b. Conditions Required for Joint Use~~

~~a-i. 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 (300) feet of the other property.~~

~~b-ii. 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.~~

~~e-iii. 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-23. Off-Site Parking.~~

~~1-a. 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.~~

~~2-b. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.~~

~~3-c. Reasonable access from off-site parking facilities to the use being served shall be provided.~~

~~4-d. 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 Recorder/Clerk.~~

~~5-e. Off-site parking for multiple-family dwellings shall not be located more than two-hundred (200) feet from any normally used entrance of the principal use served.~~

~~6-f. Off-site parking for non-residential uses shall not be located more than three-hundred (300) feet from the main entrance of the principal use being used.~~

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7.g. 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.i. 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-24. Off-Street Loading.

##### 1-a. Location

a.i. All required loading berths shall be off-street and located on the same lot as the building or use to be served.

b.ii. Except for loading berths required for multifamily apartment buildings, no loading berths shall be located closer than fifty (50) feet from a residential district unless within a structure.

e.iii. Loading berths shall not be located within the minimum front yard building setback.

d.iv. Loading berths located at the front or at the side of buildings on a corner lot shall observe the following requirements:

a.1. Loading berths shall not conflict with pedestrian movement.

b.2. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.

e.3. Loading berths shall comply with all other requirements of this Section.

##### 2-b. Screening

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

##### 3-c. Size

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

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#### 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.
- H. All lights shall be designed to have minimal impact on military flights over and in proximity to the site. Luke Air Force Base personnel shall review and approve all light fixtures within two (2) miles of the Gila Bend Air Force Auxiliary Airport noise contours to ensure no impact to military operations.
- G.I. Building designs shall minimize reflectivity and glare that negatively impact adjacent properties, and military operations. Luke Air Force Base personnel shall review and approve all buildings/structures within two (2) miles of the Gila Bend Air Force Auxiliary Airport noise contours that may impact military flight safety.

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#### 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 ~~manage~~~~reduce~~ the off-site runoff. The following must be considered:

- A. No person shall alter any natural drainage course or existing drainage facility in such a way as to damage or endanger by flooding, erosion, or any other means, any public or private property or improvements.
- B. All drainage facilities shall be designed to manage the historic flows and impact of the proposed development to ensure that the pre- versus post water flow and amount leaving the property does not change.
- C. Retention basins and ponds shall meet MAG and Arizona Department of Water Resources Flood Mitigation Section Stormwater Detention/Retention standards.

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#### 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 one-hundred (100%) percent opaque wall or fence not less than six (6) feet tall, or within the building.
- B. Merchandise which is offered for sale as may be displayed outdoors in any B-2 dDistrict, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten (10%) percent of the ground floor area of the building housing the principal use, unless such merchandise is a type customarily displayed outdoors such as automobiles and garden supplies.
- C. No merchandise displaystorage 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.
- C-D. Merchandise that is displayed must be associated with the principal business on the property or a Conditional Use Permit is required.

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#### 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 aAccessory sStructure enclosed by walls and roof or enclosed containers within a minimum six (6) foot tall solid decorative wall with a gate for access~~totally screened area~~unless not visible from off-site or public streets.

#### 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 unless a variance is approved by the Board of Adjustment.

### 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, or a Maintenance District, 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.

### 16-5-14 Public Trails

#### A. Purpose.

Trail systems shall be designed to support safe, convenient connectivity within the Town of Gila Bend and the regional trail system, including historic trails. Trail design and easements shall consider all terrain (ATV), equestrian, off-road bicycles, and hikers.

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#### B. Applicability.

This section applies to all residential and non-residential developments that are in proximity to natural open space; an existing trail system; canal; railroad track; Town park; federal, state or county park; wilderness area or national monument land.

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#### C. Requirement.

Each new development and major site plan amendment should strive to meet the General Plan 2040 circulation policy to establish an integrated network of off-street bicycle and hiking trails to improve access to recreation and for applicants to pay their fair share to implement their portion of the Town trail system. Trail requirements:

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1. A minimum twenty (20) foot wide trail easement shall be dedicated for public access and shown on the Site Plan and if applicable, plat.
2. Trails shall be a minimum of ten (10) feet wide and constructed of 1/4 inch minus decomposed granite at three (3) inches of depth (compacted and stabilized the full three (3) inch depth) or alternative comparable surface design. The sub-grade shall be 90% compacted. MAG standards must be followed.

3. Trails shall not be located in 404 washes, retention basins or within drainage channels.

4. No spiny plants or poisonous plants shall be located within ten (10) feet of trails.

5. There shall be a minimum of ten (10) foot clearance over the trail and shoulder areas.

6. Trails shall merge directly into accessible ramps at all road and driveway crossings.

7. All trails shall be maintained to assure three (3) foot horizontal clearance between the trail and/or sidewalk and fixed obstacles such as trees, poles, walls, fences and utility boxes.

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## 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 ~~b~~Building if it is connected to the principal ~~b~~Building by a covered passageway.
- B. Accessory Structures in residential districts shall not exceed the height of the principal ~~b~~Building and shall not be located within a ~~u~~ility easement. The maximum accessory building or structure height identified within each district in Article IV shall not be exceeded unless a variance is approved by the Board of Adjustment.
- C. No Accessory Structure within afor single-~~f~~amily ~~district~~Dwellings shall occupy more than twenty-five (25) percent of a ~~r~~Rear ~~setback~~Yard or ~~exceed~~ 900 square feet of floor area. Garages in residential zoning districts which exceed the maximum height may be allowed with a Conditional Use Permit.
- D. No permit shall be issued for the construction of more than one (1) gGarage ~~for and Dwelling Unit per lot within an R-1 district unless by Conditional Use Permit.~~
- E. No ~~a~~Accessory ~~s~~Structure or ~~u~~se shall be constructed on a ~~l~~ot prior to the time of construction of the principal ~~b~~Building to which it is accessory, except by Conditional Use Permit.
- ~~F. Accessory Structures in the B-1, S-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.F.~~ No Accessory Structure in a ~~b~~Business or ~~i~~ndustrial ~~d~~istrict shall exceed the height of the principal ~~b~~Building except by Conditional ~~u~~se Permit.

### 16-6-02 Home Occupations

#### A. Purpose.

All home occupations shall conform to the standards set forth in this ~~s~~Section. In general, a Home Occupation is an ~~a~~Accessory ~~u~~se 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~~ensure 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 ~~u~~Use of the main ~~b~~Building as the criteria for determining whether a proposed ~~a~~Accessory ~~u~~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 ~~(1)~~ room or twenty-five (25%) percent of the gross area of one ~~(1)~~ floor of said residence, whichever is less, shall be used for the home occupation. Use of ~~a~~Accessory ~~s~~Structures is prohibited;
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 ~~(1)~~ 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; and~~ private schools with organized classes; ~~radio repair; television repair; upholstery.~~



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

A. **Purpose.** The requirements in this section and A.R.S. § 13-1422 must be met.

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

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USE OR USE CLASSIFICATION	SEPARATION REQUIREMENT (FEET)
Another sexually oriented business	1,320,000
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	1,320,000
Child care center	1,320,000
Hotel or motel	500
Public park	1,320,000
Religious Assembly	1,320,000
Residential distriet-boundary	1,000
School, public or private	1,320,000
Single or multi-family zoning districtdwelling	1,320,000

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.
- 2-3. Sexually-Oriented businesses shall not remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday, and between the hours of 1:00 a.m. and 12:00 p.m. (noon) on Sunday.

B-C. **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 disabledhandicapped persons to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood. Group home assisted living residential and recovery allow up to ten (10) residents in rural and residential districts if they meet the conditions in this section and A.R.S. § 36-582, and A.R.S. § 36-591. Group

home, assisted living commercial, allows up to sixteen (16) residents in R-4 and R-5 districts with a conditional use permit.

- 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.
- 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 A.R.S. § 36-591 and the following standards:
1. *Separation.* The minimum separation between group homes shall be one-thousand-three hundred and twenty (1,320) 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 ten (10) for group home assisted living residential and recovery. Group home assisted living commercial shall not exceed sixteen (16) residents.
  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. Access. Group home assisted living commercial property shall have vehicular access from an arterial or collector street.
  - 6.7. *Parking.* Any parking for the group home shall be on site and comply with the requirements of Section 16-5-07.
  8. *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.
  - 7.9. Outdoor Open Space. A minimum of fifty (50) square feet of usable outdoor space per bed shall be provided.
- E. **Additional Requirements of Federal and State Law.** Notwithstanding the foregoing, if the Federal government or Arizona 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 A.R.S. § 36-582 or an assisted living home pursuant to A.R.S. Title 36, Chapter 4, then any such Federal or State law or rule

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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,
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 Town of Gila Bend Zoning Ordinance and must meet- A.R.S. § 41-1493 and the Religious Freedom Restoration Act (RFRA).
- 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 ~~o~~Over-the-Air ~~r~~Reception ~~d~~Devices, ~~L~~arge ~~s~~Satellite ~~d~~Dishes, ~~s~~Satellite ~~e~~Earth ~~s~~Stations, and ~~a~~Amateur ~~r~~Radio ~~f~~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. This section does not apply to Wireless Communication Facilities. Refer to Article VII for Wireless Communication Facility regulations and guidelines.

B. **Applicability.**

These regulations apply to:

1. Over-the-Air ~~r~~Reception ~~d~~Devices, ~~L~~arge ~~s~~Satellite ~~d~~Dishes, ~~s~~Satellite ~~e~~Earth ~~s~~Stations, and ~~a~~Amateur (HAM) ~~r~~Radio ~~f~~Facilities; and
2. ~~New and the e~~Expansion and/or alteration of any such existing facilities.

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 ~~twelve~~ (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 ~~T~~own 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 ten (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 property. For parcels not having an approved color palette, the color shall be approved by the Zoning Administrator.

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b. Single Family Residential Districts.

- 1) No more than one (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 six (6) foot high solid fence.

c. Multi-Family Residential Districts.

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

- eight (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:
- Separated from adjacent uses and streets by an eight (8) foot high solid fence.
  - Located outside of the required perimeter landscape area.
  - Set back from adjacent property lines a minimum distance equal to the height of the antenna.
  - Painted a light, non-reflective color.
  - If roof-mounted, screened by a parapet or cornice and shall not extend above the roof-line.
5. Amateur (HAM) Radio Facilities.
- Antenna Standards. Antenna structures shall be:
    - Limited to a maximum of thirty-five (35) feet in height.
    - Limited to no more than one (1) amateur radio antenna on any lot or parcel.
    - Mounted on the ground unless there is no feasible ground location on the lot or parcel to receive or transmit desired communications.
    - 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 one-hundred (100) feet from the front property line.
    - Set back a minimum of twenty (20) feet from side and rear property lines.
  - 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.
    - The waiver request shall:
      - Provide evidence that a signal cannot be obtained by facilities in compliance with the standards; and
      - Document the minimum waiver from these regulations required in order to receive a signal.
    - 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.
    - The decision of the Zoning Administrator shall be issued in the form of a Notice of Decision and include written findings.

## 16-6-07 Manufactured Housing

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### A. Manufactured Housing Requirements.

Manufactured housing that integrates seamlessly into the community and ensures high-quality development should be encouraged to expand affordable and attainable housing options for residents. Where off-site manufactured single-family residences are permitted, they must adhere to the following requirements:

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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.
4. Obtain a Manufactured Housing permit from the Arizona Department of Housing (ADOH) Office of Manufactured Housing, after Site Plan review is completed to determine if all Zoning Ordinance requirements are met.
5. A manufactured building shall not be placed on property with the Town of Gila Bend until all requirements in number four (4) are met. Additional review for utility and infrastructure connections must be submitted and approved.

### B. Manufactured Housing Development Standards.

Manufactured housing units 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. If unable to fit the wider portion of the manufactured residence facing the public street, the narrower frontage must have a window or door.
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 public street or a private accessway that meets local street standards.
8. Be installed on a property with a front yard with finished landscaping of drought tolerant native plants and decorative non-vegetative material.
9. Have all tow bars, wheels, axles, removed when installed.

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10. Be installed with all utilities underground.

11. Provide that any outdoor storage is screened from view from adjacent properties.



## 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. Wireless communication facilities (WCF) send or receive wireless communication signals and include monopoles, antennas, microwave dishes, antenna structures, towers and related equipment enclosures.
- B. This ~~a~~Article applies to all new wireless communications facilities (WCFs) and the modification of any existing WCF located outside of public right-of-way.
- C. Small Wireless Facilities (SWF) that consist of 5G technology, located within public right-of-way, including antennas and related equipment for cellular service, placed on utility poles or streetlights, are allowed per federal FCC guidelines (Federal Telecommunications Act of 1996, U.S. Code, Title 47, Sections 253 and 332).
- D. This Article does not apply to those uses set forth in Section 16-6-06: Over-the-Air- Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.
- E. Section 332(C)(7) of the Communications Act preserves state and local authority over zoning and land use decisions for personal wireless service facilities. A state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits WCF, must act on applications within a reasonable period of time, and must provide decision in writing. If denied, the written finding must include reasons for the denial.

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### 16-7-02 Permits Required

- ~~A. Administrative use permits. An administrative use permit is required for any WCF permitted as set forth in Tables 16-7-04A and 16-7-04B, 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. A Conditional Use Permits. A Conditional Use Permit is required for any WCF permitted as set forth in Tables 16-7-04A and 16-7-04B 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.B. Modifications. Site Plan Review** An administrative use permit is required for any modification of an existing WCF 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, including co-location on an existing monopole; adding new ground equipment or replacing existing equipment with a larger model, and modifying the equipment screening/fence, 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 [Section 16-4-03](#) and [Tables 16-7-034A](#) and [16-7-034B](#), subject to the additional development regulations set forth [Section 16-7-045](#) 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 "[CU](#)". All new and modified WCF require site plan review and approval.
- B. Height and basic setback regulations for WCFs are set forth in [Tables 16-7-034A](#) and [16-7-034B](#). Additional setback regulations required are set forth in [Section 16-7-045B](#).

#### 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 REQUIRE ME NTD
Monopole	65'	75'/110%	<a href="#">CU and Site Plan Review</a>
Monopole, Portable	65'	--	<a href="#">CA and Site Plan Review</a>
Existing Vertical Element	Height of existing vertical element	--	<a href="#">A Site Plan Review</a>
Existing Vertical Element-Electric Utility Pole	15' above height of pole	--	<a href="#">CA and Site Plan Review</a>
Alternative WCF Building Element	Height of building	--	<a href="#">CA and Site Plan Review</a>
Alternative WCF Structure	40'	75'	<a href="#">CA and Site Plan Review</a>

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#### 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%	<a href="#">Site Plan Review</a> <del>U</del>
Monopole, Portable	200'	--	<a href="#">Site Plan Review</a> <del>A</del>
Monopole, Portable Existing Vertical Element	Height of existing vertical element	--	<a href="#">Site Plan Review</a> <del>A</del>



Existing Vertical Element—Electric Utility Pole	15' above height of pole	--	Site Plan Review
Alternative WCF Building Element	Height of Building	--	Site Plan Review
Alternative WCF Structure	40'	75'	Site Plan Review

A Site Plan Review ~~is~~ ~~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.

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 ~~site area~~ ~~lot or parcel~~.
2. *Minimum setbacks.* All WCF ~~m~~Monopoles, ~~a~~Alternative WCF ~~s~~Structures, and ~~p~~Public ~~s~~Safety ~~c~~Communications ~~t~~Towers shall be setback a minimum distance equal to the greater of:
  - a. ~~Two-hundred and fifty (250)~~ feet from any lot or parcel zoned for or designated for residential use in the General Plan; or
  - b. ~~One-hundred and ten (110%) percent~~ of the height of the WCF, including attached antennas; or ~~variance approval by the Board of Adjustment.~~
  - 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 ~~c~~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.e.~~
5. *Setback exemptions.* The following WCFs are exempt from WCF setback requirements:
  - a. WCF antennas mounted on an ~~e~~Existing ~~permitted v~~Vertical ~~e~~Element ~~with no portion of the antennas extending above the top height of the structure element;~~
  - b. WCF antennas incorporated as a building design element;
  - c. Equipment cabinets or buildings located on an electric utility substation site.

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C. **Support Structures.**

1. *Monopole.* A new monopole shall be constructed to allow for co-location of at least one (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.

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 ~~c~~Equipment ~~c~~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.~~

- C.B. 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 (60) -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 sSection.

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. ~~If any complaint is filed in writing to the Town Clerk by a property owner within one (1) mile of an existing WCF regarding noise 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 ~~(1)~~ 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;
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;
  - b. The applicant has made a good faith effort to achieve co-location with other carriers and facilities as required in this sSection, 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 RF 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 WCF 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 sSection;
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;
  - d. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the FCC 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.~~ 12. 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.

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**16-7-09 Permit Limitations and General Conditions.****A. Indemnification.**

A wireless communication service carrier, upon receiving approval of a condition use permit and/or site plan approval 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/or site plan approval and is binding on any and all of wireless communication service carrier's successors and assigns. 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 pPermittee fails to maintain the facility, the Town may undertake the maintenances at the expense of the pPermittee 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 pPermittee agrees that the 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 Board of Adjustment Council finds that strict compliance with requirements of this sSection may result in extraordinary hardship, the Board of Adjustment 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 Board of Adjustment

## APPENDIX A

### Town of Gila Bend Zoning Ordinance Update

~~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 ~~T~~own 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 WCF 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 ~~s~~Section, the adopted Building Code, and the provisions of a permit, as may be amended from time to time.

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