

## **16-3-12 Solar Field Overlay Zone (SFOZ) Approval**

### **A. General.**

The Council may adopt ordinances approving Solar Field Overlay Zones. The requirements of this section are in addition to the application requirements set forth in section 16-3-02. All SFOZs shall comply with section 16-4-18.

### **B. Application.**

Prior to submitting an application, the applicant shall meet with the Town Zoning Administrator to discuss the development concept, the review and approval process and the submittal requirements. A Site Plan, in accordance with section 16-3-04, shall be filed with the Application. The Zoning Administrator shall review the applications and schedule them for preliminary review of the Commission.

### **C. SFOZ Map Amendment Application.**

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

The applicant shall prepare a SFOZ and a Site Plan application to submit to the Zoning Administrator. The Zoning Administrator shall review the applications and if the submittal is found to be complete and in accordance with the Town codes and guidelines the Zoning Administrator shall schedule the application for a citizen review process and Commission and Council Public Hearings in accordance with section 16-3-02.

The following information shall be included in the application:

- a. Legal description of the Real Property and indication of gross area,
- b. Nature of the applicant's interest in the Land to be developed,
- c. A generalized location map showing surrounding Land Use and traffic circulation patterns,
- d. Site Conditions; an analysis of the existing site conditions which indicates at a minimum:
  - 1) Topographic contours with intervals of no more than two (2) feet, to a distance to one hundred (100) feet beyond the property boundary,
  - 2) Location and extent of major vegetative cover (in any),
  - 3) Location and extent of perennial or intermittent streams and water ponding areas,
  - 4) Access and egress to adjacent properties and streets,
  - 5) Existing drainage patterns,
  - 6) Other information considered relevant by the applicant or Town staff.
- e. A Site Plan in accordance with Section 16-3-04 C.

- f. Plans indicating the alignment and sizing of water lines, sanitary sewers, and storm sewer (if any), as well as easements for all Utilities, telephone and television facilities, if necessary. Also indicated shall be the proposed surface drainage patterns.
- g. Preliminary architectural plans indicating the elevations and exterior finishes of proposed buildings (if any).
- h. A three-dimensional model of the proposed Solar Field, and associated structures, is not required but encouraged as a means of indicating the character of the proposed SFOZ as well as depicting site development relationships.

2. Public Hearing and Decision by Commission.

- a. Notice of Public Hearing.

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

- b. Review.

In considering the applications, the Commission shall consider the following: interrelationship with the plan elements to conditions both on and off the property; the impact to the existing and anticipated traffic and parking conditions; possible impacts on neighboring properties and developments; pedestrian and vehicular ingress and egress; building location and height; landscaping; lighting; grading; signage; screening; setbacks and other related matters.

- c. The Commission shall consider oral or written statements from the applicant, the public, Town staff or its own members. The Commission may question the applicant and approve, disapprove, or table the SFOZ and Site Plan. The applicant may not be continued for more than two (2) regular meetings of the Commission without the consent of the applicant.
- d. If the Commission determines by motion that the proposed SFOZ and Site plan will not be detrimental to the health, safety or general welfare of the community nor will cause traffic congestion, overload water/sewer capacities, burden public facilities or services, or seriously depreciate property values and at the same time is in harmony with the purposes and intent of this Ordinance, the plan for the area and the General Plan, the Commission may recommend approval of the SFOZ and Site Plan along with the necessary conditions to fulfill the intent of this Ordinance.
- e. The Commission shall forward its written recommendation to the Council.

3. Public Hearings and Decision by Council.

a. Notice of Pubic Hearing.

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

Applications which have been recommended for denial by the Commission shall not be reviewed by the Council except upon written request by the applicant.

b. Review.

In its deliberations on the proposed SFOZ and Site Plan, the Council shall consider oral or written statements from the applicant, the public, Town staff or its own members. Following the public hearing, the Council may approve the SFOZ and Site Plan application, approve the applications with modifications or conditions, deny the applications or continue the hearing. The applications may not be continued for more than two (2) meetings in succession without the consent of the applicant.

**D. Amendments to SFOZ Approval.**

1. Minor Changes.

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

2. Major Changes.

All changes removals and/or revisions except minor changes are major changes. Applications for major changes shall follow the procedures for approval of the SFOZ and Site Plan.

**E. Denial of SFOZ Application.**

If an application for a Solar Field Overlay Zone is denied, no new application for a SFOZ by the same applicant on the same site or portion of the site may be filed prior to ninety (90) days after the date of denial.

## **16-4-18 Solar Field Overlay Zone (SFOZ)**

A. **Purpose.** The purpose of the Solar Field Overlay Zone (SFOZ) is to provide flexibility while promoting sustainable development and renewable energy options. The Town promotes the use of solar panels on roof tops within residential developments and commercial developments but is aware that large areas of land to house Solar Fields are in need. This zone is meant as a holding overlay zone by which allowing for future development of property to occur in an organized and sustainable pattern. The zone is not meant to negate current entitlements in the way of underlying zoning or pre-existing overlay zoning. SFOZs should:

1. Promote the use of underutilized land.
2. Further economic development.
3. Promote employment opportunities within the Town of Gila Bend.
4. Help meet utility companies requirements as related to the percentage of renewable energy in which such utilities are required by State and Federal guidelines.

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

1. Modification of Restrictions of the Underlying Zoning District(s).
  - a. A SFOZ may be used to modify the zoning restrictions of the underlying zoning district of a parcel, in accordance with the requirements of this section. The procedures set forth in Section 16-3-12 shall be followed.
  - b. The SFOZ designation, if approved by the Council, shall be considered a holding zone. The underlying zoning of the site shall stay in effect until the removal and/or reversion of the SFOZ by the Council. The removal and/or the reversion of the SFOZ shall be conducted in accordance with Section 16-3-12 as a Major Change and can be submitted by the property owner(s), their representative or the Town.

### **2. Ownership, Lease or Option.**

The land proposed for the SFOZ may be owned by multiple owners if all parties with interests in such land have signed off on the zoning modification. A SFOZ shall not be approved unless the applicant(s) has/have acquired actual ownership of, executed a binding sale for, ~~or~~ executed a long term lease (ten (10) years or more) or entered into an option agreement for all the property composing the proposed SFOZ.

### **3. Conformance with the General Plan.**

The proposed SFOZ shall be in conformance with the Goals and Objectives within the Land Use Elements of the Town of Gila Bend General Plan. The Town Council has enacted the SFOZ to be utilized as a holding zone for future development. An SFOZ overlay may only be

utilized for the use of Solar Field(s) for the production of renewable energy; and shall be in accordance with the requirements of this section.

4. SFOZ Regulations

Minimum size: The minimum size of a SFOZ shall be one hundred (100) acres. The Council may approve a SFOZ which is less than one hundred (100) acres, but no less than forty (40) acres, upon showing that the property is adjacent to or across the street from a SFOZ and approval of the proposed SFOZ will contribute to renewable energy production for the public.

5. Front, Rear and Side Yard Building Setback Regulations.

Solar Field building setbacks from all property lines which form the perimeter of the boundaries of the SFOZ or from all interior and exterior dedicated street right-of-ways shall be thirty five (35) feet.

6. Operation and Maintenance Requirements for Solar Fields.

The property shall be maintained by the owner(s) of the property and/or the operators of the Solar Field in such a way that the property shall be cleared of debris, weeds, trash etc. The equipment shall remain in good repair and working order; malfunctioning, equipment in disrepair or inoperable equipment shall be removed from the property immediately.

**C. Schedule of Construction.**

1. Upon submittal of the SFOZ the applicant shall also submit a schedule of construction. The development of the Solar Field must begin within one (1) year of the approval by Council of the SFOZ in accordance with Section 16-3-12.
2. The applicant may propose to develop the Solar Field in phases. Such phasing schedule will be submitted with the application to the Town for review and approval by Council and shall be in accordance with Section 16-3-12.