

## **Article 4.1: Site Regulations**

---

### **Sections:**

- 4.101 Encroachments into Building Setback and Interior Building Separation Areas
- 4.102 Projections above Height Limits
- 4.103 Lighting Standards
- 4.104 Outdoor Business Property Storage
- 4.105 Screening of Mechanical and Electrical Equipment
- 4.106 Refuse and Recycling Enclosures
- 4.107 Swimming Pools
- 4.108 Underground Utilities
- 4.109 Fences

### **4.101 Encroachments into Building Setback and Interior Building Separation Areas**

- A. The building setback areas in all districts shall remain unobstructed except where permitted by this Section.
- B. For single family uses in single family residential districts, these regulations are in addition to those set forth in Article 2.1: Single Family Residential Districts.
- C. For single family uses in single family residential districts, permitted encroachments into the required side clear area are set forth in Section 2.104D.4: Side Clear Area.
- D. For all uses in single family residential districts, balconies, stairs, chimneys, canopies, decks, covered patios, and awnings may encroach no more than 3 feet into any required building setback area.
- E. In multi-family and nonresidential districts, canopies and awnings may encroach no more than 3 feet into any required building setback or interior building separation area.
- F. For single family uses in single family residential districts, bay windows may encroach no more than 3 feet into any required building setback area. A bay window encroachment shall not exceed 1/3 the length of the wall plane upon which it is located.
- G. Belt courses, cornices, window sills, pop-outs, quoins, and similar decorative architectural features may encroach no more than 18 inches into any required building setback or interior building separation area.

- H. Roof overhangs may encroach no more than 5 feet into a required side building setback or interior building separation area, but shall not be closer than 3 feet from a side property line.
- I. In single family residential districts except SF-D and SF-A districts, roof overhangs may encroach no more than 18 inches into a required rear building setback area.
- J. For single family uses in single family residential districts, covered porches may project up to 6 feet into the required front building setback area. In no case shall the front building setback be less than 10 feet.
- K. Separation fences, located on a side or rear property line, may encroach into any required side and rear building setback area.
- L. Freestanding signs may encroach into required building setback areas, pursuant to Article 4.4: Sign Regulations.
- M. Accessory structures may encroach into required side and rear building setback areas, pursuant to Section 2.106B: Accessory Structures; Section 2.205A: Accessory Structures; Section 2.305A: Accessory Structures; and Section 2.505A: Accessory Structures.
- N. Outdoor lighting fixtures may encroach into required building setback areas, pursuant to Section 4.103: Lighting Standards.

#### **4.102 Projections above Height Limits**

The following projections above base district height limits are permitted:

- A. Belfries, domes, chimneys, cupolas, skylights, clock towers and other similar structural elements not used for human occupancy, may project above the base district height limit, provided that they do not cover more than 20 percent of the roof area.
- B. Mechanical equipment and enclosures, elevator penthouses, ventilators, and other similar equipment, may project up to 5 feet above the base district height limit, but may not exceed the height of parapet walls.
- C. Parapet walls or cornices may project up to 5 feet above the base district height limit.
- D. Theater scenery lofts only to the height necessary to accomplish their purpose.
- E. Church steeples, religious symbols, or similar elements on Places of Worship.
- F. Signs, pursuant to Article 4.4: Sign Regulations.

- G. Flagpoles, pursuant to Section 4.402G: Flagpoles.
- H. Wireless communications facilities, pursuant to Article 4.7: Wireless Communication Facilities.
- I. Over-the-Air Reception Devices, Large Satellite Dish Antennas, Satellite Earth Stations, and Amateur Radio Facilities pursuant to Article 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

#### **4.103 Lighting Standards**

- A. **Applicability.** Parking lot, security, common open space, and wall mounted lighting, other than on single family residences, shall be located, developed, and operated in compliance with the following regulations:
  - 1. All outdoor fixtures, other than bollard lighting, not shielded as set forth in the Gilbert Municipal Code, Chapter 42, Article II, Section 42-34 shall be set back from all property lines by a minimum of:
    - a. 10 feet; or
    - b. A distance equal to the height of the fixture.
  - 2. As set forth in Section 4.303P.4, the only permitted outdoor light fixtures within required perimeter landscape areas separating nonresidential uses from residential uses and separating multi-family residential uses from single family residential uses shall be bollard lighting.
  - 3. Parking lot and pole mounted security lighting shall not exceed a maximum mounting height of 14 feet within:
    - a. 100 feet of a residential district boundary; or
    - b. 100 feet of land designated for residential use in the General Plan.

In all other areas, parking lot and security lighting shall not exceed a maximum mounting height of 25 feet.
  - 4. Wall-mounted fixtures shall be a maximum height of 14 feet above grade, measured to the bottom of the light source. Wall-mounted fixtures shall be full cutoff type.
  - 5. Wall-, soffit- mount, and similar exterior building light fixtures in excess of 14 feet above grade may be approved by the Design Review Board. In addition to the findings required for approval of a project in Section 5.603B: *Findings for Approval*, the design review board shall establish

the following findings:

- a. The fixtures are used for the purpose of: accentuating architectural features of the building, accentuating signage, accentuating landscape or hardscape features, security, or for service areas; and
  - b. The fixtures are located on building elevations that do not side onto property designated for residential use in the General Plan.
6. Pole-mounted fixtures shall be full- or semi-cutoff type only. Semi-cutoff pole-mounted fixtures are limited to a maximum height of 14 feet above grade, measured to the bottom of the light source.
  7. All lighting under fueling facility canopies, drive-through canopies, customer loading canopies, and similar structures shall be fully recessed. No portion of the fixture shall project below the ceiling of the canopy structure.
- B. ***Municipal Code Compliance.*** Additional light and glare regulations are set forth in Gilbert Municipal Code Chapter 42, Article II, Section 42-34.

#### **4.104 Outdoor Business Property Storage**

The purpose of this section is to regulate outdoor storage of business property. This section does not apply to Outdoor Personal Property Storage. Unless otherwise provided for in a specific base zoning district, outdoor storage shall comply with the following requirements:

- A. Business property storage shall be limited to inventory, stock, supplies, equipment, and similar material not displayed for sale, rental, or lease;
- B. The maximum percentage of a lot that may be used for outdoor storage is set forth in each base zoning district;
- C. Outdoor storage areas shall be enclosed by a solid fence;
- D. The height of the fence is set forth in each base zoning district;
- E. Stored materials shall not exceed the height of the fence, except in the General Industrial and Public Facilities/Institutional zoning districts;
- F. Outdoor storage areas in all districts shall not be located in a required landscape area;
- G. Outdoor storage areas are prohibited in building setback areas in all zoning districts, except in the Light Industrial and General Industrial districts;
- H. Outdoor storage areas shall be surfaced with concrete, asphalt, decomposed

granite, or other approved dust free surface;

- I. Unless otherwise required by the Fire Marshal, access aisles to outdoor storage areas shall be surfaced with a minimum of a 4-inch-thick road base on compacted soil with dust palliative to support emergency apparatus and to reduce particulate matter; and
- J. All driveways accessing outdoor storage areas shall be paved with asphalt or concrete within 50 feet of a street or alley.

#### **4.105 Screening of Mechanical and Electrical Equipment**

A. ***Applicability.*** This section applies to:

- 1. All nonresidential uses.
- 2. Residential uses in single family districts.
- 3. Multi-family residential uses.
- 4. Subdivision common area facilities.
- 5. Public facility and institutional uses.

B. ***Equipment Subject to Screening Requirements.***

- 1. ***Nonresidential Uses.***
  - a. The following equipment shall be fully screened in accordance with this section: Ground-, building- and roof-mounted mechanical and utility equipment. Such equipment includes, but is not limited to, heating and air conditioning equipment, refrigeration equipment, electrical equipment and meters, storage tanks, transformers, backflow prevention devices, exhaust fans, and vents. Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities are regulated by Article 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.
  - b. Mechanical and electrical equipment listed in Section 4.105B.1a. shall be fully screened from view from public and private 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 Director of Planning, determines that the equipment will only be visible from permanently unoccupied areas, the screening requirement may be waived or modified. The screening method shall be depicted on

plans submitted with applications for design review and building permits. (SEE APPENDIX 1, FIGURE 4)

- c. Roof-mounted mechanical equipment shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the mechanical units. These building elements shall be an integral part of the building design. Separate mechanical equipment screen enclosures or fences are prohibited.
- d. Utility equipment such as electric and gas meters, junction boxes, and similar equipment shall be screened using architecturally compatible fences or landscaping. Service entrance section (SES) panels shall be fully recessed into the building elevation and enclosed by lockable exterior doors, or shall be screened by a decorative fence equal to or exceeding the height of the SES panel.
- e. Utility transformers, backflow prevention devices over 2 inches in diameter, and similar equipment shall be located to minimize their view from public streets, walkways, public and private parks, plazas, etc. These devices shall be located in areas that are not immediately adjacent to streets, driveways, parking lots, or public gathering areas. Where visible from these areas, the equipment shall be oriented so that it can be screened with berms, fences, landscaping, or a combination thereof, while maintaining required access to the equipment.
- f. All backflow prevention devices larger than 2 inches shall be screened with landscaping located within a six 6 foot radius of the device. All devices 2 inches or smaller shall be placed in a locked wire mesh cage painted to match the color of the primary building or adjacent fence.

2. *Residential Uses in Single Family Districts.*

- a. Roof-mounted mechanical equipment is prohibited. Ground mounted mechanical equipment shall be screened from public view by a minimum of a 4 foot high fence.
- b. All backflow prevention devices larger than 2 inches shall be screened with landscaping located within a 6 foot radius of the device. All devices 2 inches or smaller shall be placed in a locked wire mesh cage painted to match the color of the primary building or adjacent fence.

3. *Multi-Family Residential Uses.*

- a. Roof-mounted mechanical equipment shall be fully screened by a parapet wall or other building elements equal to or exceeding the

height of the mechanical units. These building elements shall be an integral part of the building design. Separate mechanical equipment screen enclosures or fences are prohibited.

- b. Ground mounted mechanical equipment shall be screened from public and common area view by a decorative screen fence. The fence shall exceed the height of the equipment by at least 1 foot.
- c. All backflow prevention devices larger than 2 inches shall be screened with landscaping located within a 6 foot radius of the backflow device. All devices 2 inches or smaller shall be placed in a locked wire mesh cage painted to match color of the primary building or adjacent fence.

#### **4.106 Refuse and Recycling Enclosures**

- A. **Applicability.** Enclosures for refuse and recycling container storage are required for all multi-family residential and all nonresidential developments, except as otherwise provided in the Gilbert Municipal Code. The Public Works Director may authorize the use of refuse and recycling container enclosures in high density single family residential developments.
- B. **Standards.** Refuse and recycling enclosures shall comply with the following requirements:
  - 1. Refuse and recycling enclosures shall not be located in any required perimeter landscape area.
  - 2. Refuse and recycling enclosures shall be set back a minimum of 3 feet from any access aisles, driveways, and travel ways.
  - 3. Enclosure gates shall not open into any access aisles, driveways, travel ways, parking space, or landscape area.
  - 4. Refuse and recycling enclosures shall be a minimum height of 6 feet and shall fully screen containers, compactors, and similar equipment from view.
  - 5. The Design Review Board may waive enclosures for refuse and recycling containers within the Light Industrial and General Industrial districts when located within a gated, fenced area and screened from view.
- C. **Materials and Design.** Refuse and recycling storage areas shall be constructed and maintained as follows:
  - 1. Enclosures shall be constructed of solid masonry or concrete with a decorative exterior.

2. Gates shall be constructed of solid heavy gauge metal or a heavy gauge metal frame with an opaque covering. Chain link gates are prohibited.
3. Enclosures shall be protected from adjacent vehicle parking and driveways by a 6-inch, poured-in-place concrete curb or other approved material. The curbing design shall meet the minimum requirements set forth in Maricopa Association of Governments Standard Detail No. 222 for single curbs.

#### **4.107 Swimming Pools**

##### **A. Location.**

1. *Residential Districts.* In any residential district, private swimming pools shall be located in the side or rear yards and shall not be any closer than 3 feet from any property line and may not be located within any recorded easement except with a written approval of the easement holder. In case of a corner lot, a pool may not be located closer than 5 feet to the street side property line. Minimum width of yards for pools adjacent to an alley, an alley easement, a street, or an existing building shall not be less than the depth of the pool adjacent thereto unless approved in writing by the Building Inspections Department and in no case shall the yards be reduced to less than 3 feet in the side or rear yard, or 3 feet in the street side yard.
2. *Nonresidential Districts.* In any district other than those above, a private swimming pool or a semi-public swimming pool shall not be closer than 7 feet to any property line, except that in the case of a corner lot, a swimming pool shall not be closer than 10 feet to the side property line on the street side; and if located in other than the side yard, rear yard, or in a court or other open space which is more than 50 percent surrounded by a building, the same shall be subject to the grant of a use permit as hereinafter provided.
3. *Public Swimming Pools.* No public swimming pool shall be located closer than 25 feet to any lot line on the lot on which it is situated.

##### **B. Enclosures and Gates.**

1. *Enclosures.* All swimming pools shall be enclosed by walls of a single family residential building or by a solid wall or a chain link or wrought iron fence not less than 5 feet nor more than 6 feet in height. If the design or the material of the fence or gate is such that there are openings, such openings shall be of a size to prohibit a spherical object 4 inches in diameter from passing through or under the fence or gate.
2. *Gates.* All gates shall be substantially the same height as the wall or the fence and shall be self-closing and self-latching and be constructed in such



a manner as to prevent uninvited access.

C. **Exceptions.**

1. The above regulations shall not apply to non-permanent wading pools made of rubber, plastic or similar materials and containing water up to a maximum depth of not more than 18 inches.
2. Where the premises upon which the pool is located abuts a body of water in an approved Planned Area Development, the fence enclosure parallel to the water shall not be required provided that the abutting enclosure extends horizontally 18 inches beyond the lake bank. For purposes of this exception, the word "abutting" shall mean terminating at the point of contact with the lakeside edge of the bank.
3. Double width gates which are not the sole means of ingress and egress shall not be required to be self-closing and self-latching but must be padlocked at all times when not being used.

**4.108 Underground Utilities**

On-site electric utility, cable television, and all other communication and utility distribution lines providing direct service to a development shall be placed underground. Overhead wires are prohibited.

**4.109 Fences**

These fence regulations are in addition to the requirements of Section 4.104: Outdoor Business Property Storage and Article 4.2: Off-Street Parking and Loading Regulations.

A. **Residential Districts.**

1. *Single Family Residential Districts.*
  - a. In all single family residential districts, except SF-43 and SF-35, fences within the required front setback area shall not exceed a height of 3 feet. Any fence located in the side or rear setback area shall not exceed a height of 8 feet. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence.
  - b. In SF-43 and SF-35 residential districts, other than open fencing, fences within the required front setback shall not exceed a height of 3 feet. Open fencing within the required front setback area shall not exceed a height of 6 feet. Any fence located in the side or rear setback area shall not exceed a height of 8 feet. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. (SEE

APPENDIX 1, FIGURE 5)

- c. A separation fence is required when a single family residential use is adjacent to an arterial street, a multi-family district or use, or a nonresidential district or use. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. The Planning Commission may modify these requirements pursuant to Section 4.109G: Modification of Separation Fence Requirements.
- d. Golf ball safety nets and associated poles are permitted in the side and rear setback area of lots adjacent to a golf course or driving range.
- e. Chain link or woven wire tennis and sport court fencing is permitted within the building envelope.

2. *Multi-Family Residential Districts.*

- a. In multi-family residential districts no fence is permitted in the required front setback area. No fence shall exceed a height of 8 feet. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence.
- b. A separation fence is required when a multi-family residential use is adjacent to a single family residential district or use or a nonresidential district or use. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. The Planning Commission may modify these requirements pursuant to Section 4.109G: Modification of Separation Fence Requirements.
- c. Golf ball safety nets and associated poles are permitted in the side and rear setback area of lots adjacent to a golf course or driving range.
- d. Chain link or woven wire tennis and sport court fencing is permitted in the building envelope.

3. *Temporary Fencing.* Temporary fencing is permitted in conjunction with:

- a. Construction sites.
- b. Temporary uses pursuant to Section 4.5012: Temporary Uses.
- c. Special events, pursuant to a Special Event permit.

4. *Prohibitions.*

- a. Barbed wire, razor wire, and electric fences are prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.
- b. Except at recreation facilities, the use of permanent chain link, woven wire, and similar fence material is prohibited.
- c. Except as permitted in Sections 4.107B: Enclosures and Gates, 4.109A.1e, 4.109A2.d., the use of permanent chain link fence material is prohibited.

**B. *Commercial and Office Districts and Uses.***

1. *Requirement.* A solid separation fence is required when a commercial or office district or use is adjacent to a single family residential or multi-family residential district or use or adjacent to a Light Industrial or General Industrial district. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. The Planning Commission may modify these requirements pursuant to Section 4.109G: Modification of Separation Fence Requirements.
2. *Temporary Fencing.* Temporary fencing is permitted in conjunction with:
  - a. Construction sites.
  - b. Temporary uses pursuant to Section 4.5012: Temporary Uses.
  - c. Special events, pursuant to a Special Event permit.
3. *Prohibitions.*
  - a. Barbed wire, razor wire, and electric fences are prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.
  - b. Except at recreation facilities, the use of chain link, woven wire, and similar fence material is prohibited.
  - c. Except as permitted in Section 4.107B: Enclosures and Gates, the use of permanent chain link is prohibited.

**C. *Employment Districts.***

1. *Business Park.* A solid separation fence is required when a Business Park district is adjacent to a single family residential or multi-family residential district or use or adjacent to a General Industrial district. The fence shall

be 8 feet in height and located on a property line and outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence.

2. *Light Industrial.* A solid separation fence is required when a Light Industrial district is adjacent to a single family residential or multi-family residential district or use or adjacent to a General Industrial district. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. Permanent chain link, woven wire, and similar fence material is permitted in areas not visible from streets. Such fences shall not exceed the height of the separation fence.
3. *General Industrial.* A solid separation fence is required when a General Industrial district is adjacent to a single family residential or multi-family residential district, commercial or office district or use, or adjacent to a Business Park or Light Industrial district. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. Permanent chain link, woven wire, and similar fence material is permitted in areas not visible from streets. Such fences shall not exceed the height of the separation fence.
4. *Temporary Fencing.* Temporary fencing is permitted in conjunction with:
  - a. Construction sites.
  - b. Temporary uses pursuant to Section 4.5012: Temporary Uses.
  - c. Special events, pursuant to a Special Event permit.
5. *Prohibitions.*
  - a. Barbed wire, razor wire, and electric fences are prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.
  - b. Except as permitted in Section 4.107B: Enclosures and Gates, permanent chain link, woven wire, and similar fence material is prohibited in Light and General Industrial districts in locations visible from streets.

**D. *Public Facility/Institutional District.***

1. *Requirement.*
    - a. A solid separation fence is required when a Public Facility/Institutional district is adjacent to a single family residential or multi-family residential district or use or as otherwise required by the Planning Commission of Zoning Administrator as a condition of a use permit approval.
    - b. The fence shall be 8 feet in height and located on a property line or outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. Except as required by the Planning Commission or Zoning Administrator as a condition of use permit approval, the Planning Commission may modify these requirements pursuant to Section 4.109G: Modification of Separation Fence Requirements.
  2. *Temporary Fencing.* Temporary fencing is permitted in conjunction with:
    - a. Construction sites.
    - b. Temporary uses pursuant to Section 4.5012: Temporary Uses.
    - c. Special events, pursuant to a Special Event permit
  3. *Prohibitions.*
    - a. The use of barbed wire, razor wire, and electric fences are prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.
    - b. Except at recreation facilities, the use of chain link, woven wire, and similar fence material is prohibited in locations visible from streets.
    - c. Except as permitted in Section 4.107B: Enclosures and Gates, the use of permanent chain link is prohibited.
- E. ***Construction Standards.*** All fences, except those on single family residential lots, shall be constructed of a minimum of 8 inch wide concrete block, exclusive of decorative elements.
- F. ***Maintenance.*** All fences shall be permanently maintained in good condition and repaired or replaced when necessary to ensure continued compliance with the requirements of this section.
- G. ***Modification of Separation Fence Requirements.*** The Planning Commission may approve modifications to the requirement for separation fences between

single family and multi-family residential districts or uses; single family residential uses adjacent to an arterial street; residential and nonresidential districts or uses; commercial and office districts or uses adjacent to a Light Industrial or General Industrial district; and Public Facility/Institutional district adjacent to a single family residential or multi-family residential district or use.

1. *Application.* An application for Modification of Separation Fence Requirements shall be filed with the Development Services division in accordance with the procedure and provisions for application, public notice, staff report, and public hearing set forth in Section 5.402B: Conditional and Special Use Permits.
2. *Action.* The Planning Commission shall approve, approve with modifications and/or conditions, or deny the proposed modification to the separation fence requirements. If the Planning Commission fails to take action within 90 days after closing the public hearing, the Planning Commission shall be deemed to have denied the application.
3. *Findings.* The Planning Commission may approve the proposed modification of separation fence requirements or may approve the proposal with modifications and/or conditions only after making the following findings of fact:
  - a. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;
  - b. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;
  - c. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;
  - d. The project is compatible with adjacent and nearby development;
  - e. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning; and

- f. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.
4. *Revocation.* Modification to separation fence requirements may be revoked by the Planning Commission following a public hearing if the uses or districts change, should the uses become incompatible, or because of failure to comply with the conditions of the approval.
- a. *Initiation of Revocation.* Proceedings for the revocation may be initiated by the Zoning Administrator. The Zoning Administrator shall prepare a written report to the Planning Commission that contains the following information:
    - (1) The separation fence modification to be revoked;
    - (2) The property to which the modification applies; and
    - (3) The reason or reasons for the proposed revocation.
  - b. *Notice of Revocation Hearing.* Notice of a revocation hearing shall be given by first class mail at least 15 days prior to the hearing as follows:
    - (1) To the property owner(s) of record;
    - (2) To the property address; and
    - (3) To the business address.

Notice of the public hearing shall be published at least 15 days prior to the date of the hearing at least once in a newspaper of general circulation published or circulated within the Town of Gilbert.

Notice shall be posted at least 15 days prior to the date of the hearing at 3 public places within the town designated by Town Council resolution for posting of public notices.
  - c. *Hearing.* The revocation hearing shall be held in accordance with the procedures for public hearing set forth in section 5.206: Public Hearing Procedures.
  - d. *Required Findings.* In order to revoke the modification to separation fence requirements, the Planning Commission shall make one or more of the following findings:
    - (1) One or more of the terms of conditions of the modification

- have been violated or there has been a violation of other applicable laws or regulations;
  - (2) The neighboring uses or zoning districts have changed; or
  - (3) The neighboring uses have become incompatible.
- e. Action. Upon revocation, the Zoning Administrator shall set forth the decision in a Notice of Decision describing the Planning Commission's action, with its findings. The Notice of Decision shall be sent via first class mail to:
- (1) To the property owner of record;
  - (2) To the property address; and
  - (3) To the business address.
5. *Appeals.* Any decision to modify the separation fence requirements may be appealed to the Town Council pursuant to Section 5.2011: Procedures for Appeals.