

LAND DEVELOPMENT CODE



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Effective: 10/21/2021
Ordinance No. 2809



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Summary of Amendments

Amendments	Section No. and Title	Effective Date	Ordinance No.
Addition of Mixed-Use Zoning Districts	Section 2: Terms Section 3: Base Zoning Districts and Use Regulations Section 4: Overlay District Regulations Section 5: Additional Use and Site Regulations Chapter 2, Section 10: Mixed-Use Development Design Guidelines	2-23-23	2848
Clarification of when a building is considered attached and clarify the definition of front and rear lot lines, especially for lots with double or multiple frontages	Section 2: Terms	4-6-23	2852
Deletion of the existing provisions related to short term rentals and referring to the Gilbert Municipal Code	Section 3.1, Table 3.1.2: Use Regulations Section 5.1.2 Vacation or Short-Term Rentals	9-15-23	2878
Scrivner's errors, discrepancies, Marijuana Facilities hours of operation	Section 3.4.4 Commercial Development Regulations Section 3.7.4 Employment Development Regulations Section 5.1.15 Marijuana Facilities Section 6.7.2 Initiation of	1/11/24	2887

Amendments	Section No. and Title	Effective Date	Ordinance No.
	Amendments Section 6.7.3 Procedures		
Standards for Parking, Site Circulation, and Vehicle Storage	Section 5: Additional Use and Site Regulations Section 5.3: Circulation, Parking and Loading	3-21-24	2894

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Chapter 1 Zoning Regulations

Section 1.0 General Provisions

1.1 Title

This document title shall be known and officially cited as the “Land Development Code”. It may also be referred to as the “Town of Gilbert Zoning Code”, “Town of Gilbert Zoning Ordinance” and the “LDC”.

1.2 Purpose and Intent

The broad purpose of the Zoning Code is to implement the General Plan. In addition, the Zoning Code should:

- A. Ensure consistency and conformity among the General Plan, zoning districts, and zoning ordinances;
- B. Direct growth with priority to those areas where infrastructure and urban services can be economically provided;
- C. Maintain and enhance the appearance and function of both new and existing development;
- D. Promote an efficient use of land resources;
- E. Ensure compatibility among land uses;
- F. Ensure the provision of adequate open space for light, air, and fire safety;
- G. Ensure that service demands of new development will not exceed the capacities of existing or planned streets, utilities, or public services;
- H. Conserve the natural environment, protect environmentally sensitive areas, and enhance the quality of the built environment;
- I. Promote energy and water conservation through project design;
- J. Establish consistent standards regulating the use and physical development of land; and
- K. Preserve and enhance property values.
- L. Promote and protect the public health, safety, comfort, and general welfare of

the residents of the Town of Gilbert.

1.3 Authority

The authority for the Gilbert Zoning Code is Arizona Revised Statutes (A.R.S) § 9-462 et seq., which provides for the regulation of land and land use by municipalities in Arizona.

1.4 Relationship to the General Plan

The General Plan is the overarching long-term guiding document for Gilbert. The Land Development Code is one of the primary tools used to implement the General Plan's goals and policies. The Land Development Code classifies the specific, immediate uses of land and the standards by which they are to be developed. The long-range success of the General Plan relies on the consistent translation of the goals and policies through the Code. All development shall be in conformance with the Gilbert General Plan.

1.5 Organization

The Land Development Code consists of the following 3 chapters and the Official Zoning Map. Illustrations are included for the purposes of example, explanation, and clarification. Where a graphic is in conflict with the text, the text shall govern.

Chapter 1 Zoning Regulations

[Sec. 1 General Provisions](#)

[Sec. 2 Terms](#)

[Sec. 3 Land Use Designations](#)

[Sec. 4 Overlay Zoning Districts](#)

[Sec. 5 Supplemental Regulations](#)

[Sec. 6 Administrations](#)

Chapter 2 [Design Guidelines and Standards](#)

Chapter 3 [Subdivision Regulations](#)

1.6 Official Zoning Map

The official Zoning map maybe found on the Town of Gilbert's website. It is a fluid document and printed versions may not be up to date.

A. ***Adoption***

The Town is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of the Zoning Code.

B. ***District Boundary or Classification Changes***

If, in accordance with the provisions of the Zoning Code, changes are made in district boundaries, district classifications, or other matter set forth on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within 15 days following the effective date of the Ordinance adopting the change.

C. ***Maintenance of Official Zoning Map***

The Official Zoning Map shall be maintained in electronic format by the Information Technology Services department, as authorized by the Planning Manager.

D. ***Copies of the Official Zoning Map***

Paper copies of the Official Zoning Map shall be certified as true and correct, at the time of printing, by the Planning Manager. Electronic copies of the Official Zoning Map shall not be certified as true and correct.

1.7 Language

In addition to the general provisions of the Zoning Code, the following rules of construction shall apply:

- The particular controls the general.
- Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

"And" indicates that all connected words or provisions shall apply.

"Or" indicates that the connected words or provisions may apply singly or in any combination.

"Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.

"Shall" is considered mandatory.

"Should" is highly encouraged in order to meet Gilbert standards.

- "Gilbert" and "Town" each refers to the Town of Gilbert, an Arizona municipal

subdivision.

- References to departments, commissions, boards, or other offices are to those of the Town of Gilbert unless otherwise indicated.
- References to a public official in the Town are to that person who performs the function referred to and includes a designee of such official.
- All references to days are to calendar days unless otherwise indicated.
- All references to measurements are in feet unless otherwise indicated.
- The words "activities" and "facilities" include any part thereof.

1.8 Transition

The following rules shall apply to all properties in the Town on the effective date of the Zoning Code:

A. *Violations Continue*

Any violation of the Zoning Code previously in effect will continue to be a violation under the Zoning Code and shall be subject to penalties and enforcement under [Enforcement](#), unless the use, development, construction or other activity complies with the provisions of the Zoning Code.

B. *Projects with Approvals or Permits*

1. *Building Permit Issued Prior to Effective Date of the Zoning Code*

Any building, structure, or sign for which a legal building permit is issued prior to the effective date of the Zoning Code may be completed in conformance with the permit and other applicable permits and conditions, even if such building, structure or sign does not fully comply with the Zoning Code after the effective date. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign is not completed in conformance with the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the then-current provisions of the Zoning Code.

2. *Building Permit Application Filed Prior to Effective Date of the Zoning Code*

Any building, structure, or sign for which a completed building permit application is filed prior to the effective date of the Zoning Code may be

issued a building permit and may be constructed in compliance with the building permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with the Zoning Code after the effective date. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign is not completed pursuant to the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the then-current provisions of the Zoning Code.

3. *Design Review Approved Prior to Effective Date of the Zoning Code*

A project that has received a legal Design Review approval prior to the effective date of the Zoning Code may file an application for a building permit in compliance with the Design Review plan and conditions of approval, even if the project does not comply with the provisions of the Zoning Code after the effective date. Upon approval of the construction plans, a building permit may be issued. The Design Review approval for projects approved prior to the effective date of the Zoning Code shall be valid for one (1) year from the date of approval by the Design Review Board. No time extensions shall be permitted.

4. *Preliminary Subdivision Plat Approved Prior to Effective Date of the Zoning Code*

A project which has a preliminary plat approved prior to the effective date of the Zoning Code may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provision of the Zoning Code after the effective date. If a final plat application is not filed within one (1) year of the date of preliminary plat approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with the then-current provisions of the Zoning Code.

5. *Use Permit Approved Prior to Effective Date of the Zoning Code, No Design Review Required*

A project which has received a use permit prior to the effective date of the Zoning Code may file an application for a Building Permit, even if the project does not fully comply with the provision of the Zoning Code after the effective date. If a building permit application is not filed within one (1) year of the date of use permit approval, the use permit shall expire.

No time extensions shall be permitted.

6. *Use Permit Approved Prior to Effective Date of the Zoning Code, Design Review Required*

A project which has an approved use permit may file an application for design review even if the use does not fully comply with the provisions of the Zoning Code after the effective date. If a design review application is not filed within one (1) year of the date of use permit approval, the use permit shall expire. No time extensions shall be permitted. Subsequent applications for design review shall comply with the then-current provisions of the Zoning Code.

C. *Planning Applications Filed Prior to the Effective Date of the Zoning Code*

1. *Applications for Design Review, Use Permits, and Preliminary Plats Submitted Prior to the Effective Date of the Zoning Code*

Administratively complete applications filed prior to the effective date of the Zoning Code may be approved under the provisions of the previous Zoning Code. Applicants may elect to develop under the provisions of the Zoning Code, but in that case shall comply with all provisions of the Zoning Code. If a building permit application is not filed within one (1) year of the date of approval of the design review, use permit, or preliminary plat, the approval shall expire. No time extensions shall be permitted.

2. *Applications for Rezoning Filed Prior to the Effective Date of the Zoning Code.*

Administratively complete rezoning applications filed prior to the effective date of the Zoning Code shall be governed by the provisions of the previous Zoning Code unless the applicant elects to comply with the current Zoning Code.

D. *Development of Projects with an Existing Planned Area Development Overlay Zoning District*

A lot or parcel zoned with a [Planned Area Development](#) (PAD) overlay zoning district subject to a master development plan, standards, and conditions of approval prior to the effective date of the Zoning Code shall be developed in accordance with the approved master development plan, standards, and conditions of approval. The development standards and requirements of the Zoning Code shall apply if not specifically modified by the PAD ordinance.

E. *Planning Applications Filed After the Effective Date of the Zoning Code*

All applications for rezoning, design review, use permits, and preliminary

subdivision plats filed after the effective date of the Zoning Code, including modifications and amendments, shall conform to the provisions of the then-current Zoning Code.

1.9 Interpretation

Where uncertainty exists regarding the interpretation of any provision of the Zoning Code or its application to a specific site, the Zoning Administrator shall determine the intent of the provision. The determination of the Zoning Administrator may be appealed in accordance with the provisions of [Procedures for Appeals](#).

A. *Official Zoning Map*

Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:

1. District boundaries shown as approximately following the property line of a lot or parcel shall be construed to follow such property line.
2. Where a district boundary divides a lot or parcel, the location of the district boundary shall be determined by the Zoning Administrator using the scale appearing on the Official Zoning Map.
3. District boundaries shown as approximately following right-of-way lines of freeways, streets, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.
4. District boundaries shown as lying within right-of-way lines of freeways, streets, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
5. District boundaries shown as lying at the edge of a canal or drainage channel shall be construed to follow the centerline of the canal or drainage channel.
6. If any uncertainty remains as to the location of a district boundary or other feature shown on the Official Zoning Map, the location shall be determined by the Zoning Administrator.

B. *Uses Not Listed*

Any use of land not specifically provided for in this Zoning Code may, by written determination, find that an unlisted use is substantially similar to a permitted use such that allowing for the unlisted use would meet the intent of the General Plan. The Zoning Administrator may condition such unlisted use as necessary

to ensure conformity.

C. ***Record of Interpretation***

The Zoning Administrator shall keep a record of interpretations made pursuant to this section. The record of interpretations shall be available to the public upon request.

1.10 Applicability

All uses and development of land shall comply with the Zoning Code.

A. ***Applicability to Property***

Zoning Code provisions shall apply to all land within the Town of Gilbert, including land owned by the Town of Gilbert and other local, State, or Federal agencies to the extent allowed by law.

B. ***Applicability to Streets and Rights-of-Way***

Streets, easements, and rights-of-way shall be in the same zoning district as contiguous property. Where contiguous properties are in different zoning districts, the centerline of the street shall be the district boundary unless otherwise depicted on the Official Zoning Map.

C. ***Compliance with Regulations***

No land shall be used and no structure shall be constructed, occupied, enlarged, or altered in any zoning district except in compliance with the Zoning Code.

D. ***Substandard Lot***

As permitted in [Non-Conforming](#) or Substandard Lot or Parcel, an existing, legally created lot as of the effective date of the Zoning Code having a width or area less than that required for the base district in which it is located may be occupied by a permitted use or use requiring approval of a Use Permit. However, no substandard lot may be further reduced in area or width and no substandard lot will be exempt from the then-current setback requirements of the district. A substandard lot shall be considered a non-conforming lot in accordance with Non-Conforming or Substandard Lot or Parcel.

E. ***Lots or Parcels Divided by District Boundaries***

The regulations applicable to each district shall be applied to the entire area within that district, and no use other than parking serving a primary use on the lot or parcel may be located in a district in which it is not a permitted use or use

approved by a Use Permit.

F. ***Public Nuisance***

Neither the provisions of the Zoning Code nor the approval of any permit authorized by the Zoning Code shall authorize the maintenance of any public nuisance.

G. ***Conflict with Other Regulations***

Where there is a conflict between the provisions of the Zoning Code, or between the provisions of the Zoning Code and any other Town code, the more restrictive provision shall control unless otherwise set forth in the Zoning Code. The modifications to base district zoning regulations contained in an approved Planned Area Development Overlay district are not amended by amendments to the Zoning Code.

H. ***Relation to Prior Zoning Code***

No provision of the Zoning Code shall validate any use or structure established, constructed, or maintained in violation of any prior zoning code, except as may be specifically authorized by the Zoning Code.

I. ***Extension of Time for Holidays and Weekends***

If a deadline for an act required by the Zoning Code falls on a weekend or a Town holiday, the time for performing such an act shall be extended to the next working day.

1.11 General Rules for Applicability

The Land Development Code may only be amended by an action of the Town Council. Uses, processes or terms not addressed in the code shall not be permitted unless the Zoning Administrator determines that the use, process or term is addressed under a different use category or under a different title or process.

- A. Lands Uses and Terms are to be found in Chapter 1 Section 3. The Land Uses are designated in blue and the terms are designated in black text.
- B. Use Regulations are to be found in Chapter 1 Section 3.1. The Land Uses and what zoning districts they are permitted within are in table format. Applicable limitations are referenced in the table and follow at the end of the Use Regulations Table. Land Uses are identified as Permitted (P), permitted with a Conditional, Special or Administrative Use Permit (U), (S) or (A) and/or permitted but limited by a L#. When the use does not meet one the use permit requirements or the applicable limitation or the table is blank, then the use is not permitted. Land Uses within the Town of Gilbert and the districts they are

permitted within may not be modified.

- C. Chapter 1 Sections 3.2 through 3.9 identify the base zoning district development standards for the 26 zoning districts identified within the Town of Gilbert and may be amended by a Planned Area Development.
- D. Chapter 1 Section 4 Identifies the Planned Area Development (PAD) Overlay Zoning District as a tool. Section 4.1 speaks to the purpose and what may be amended by a Planned Area Development. The other overlay districts were created by the Town of Gilbert within specific areas designated/described with the PAD. Land Uses may not be modified by a PAD ordinance.
- E. Chapter 1 Section 5.1 Supplemental Use Regulations identify additional Land Use limitations or requirements with the Town of Gilbert. These land uses may not be modified.
- F. Chapter 1 Section 5.2 through 5.9 provide additional standards, requirements and direction for development. See [Planned Area Development Overlay Zoning Districts](#) for a list of which regulations within this section may be amended by a PAD.
- G. Chapter 1 Section 6 discusses the Administration and Procedures permitted under the Land Development Code. These provisions and process may only be amended by the Town Council.

Section 2.0 Terms

Note: If there is a conflict between a graphic and a definition the text prevails.

Land Uses, within Section 2 Terms, are noted in italics.

Abandoned Vehicle. Abandoned vehicle is defined in Ariz. Rev. Stat. § 28-4801, as amended. For the purpose of this Zoning Code, abandoned vehicle also includes a vehicle that is wrecked, dismantled, partially dismantled, inoperative, abandoned, operable unlicensed, or discarded.

Abandonment. The termination of interest in a public easement, right-of-way, or dedication of land.

Abandonment, Plat: The intentional relinquishment of a vested plat for the purposes of re-platting the property into a different configuration or dividing up the property.

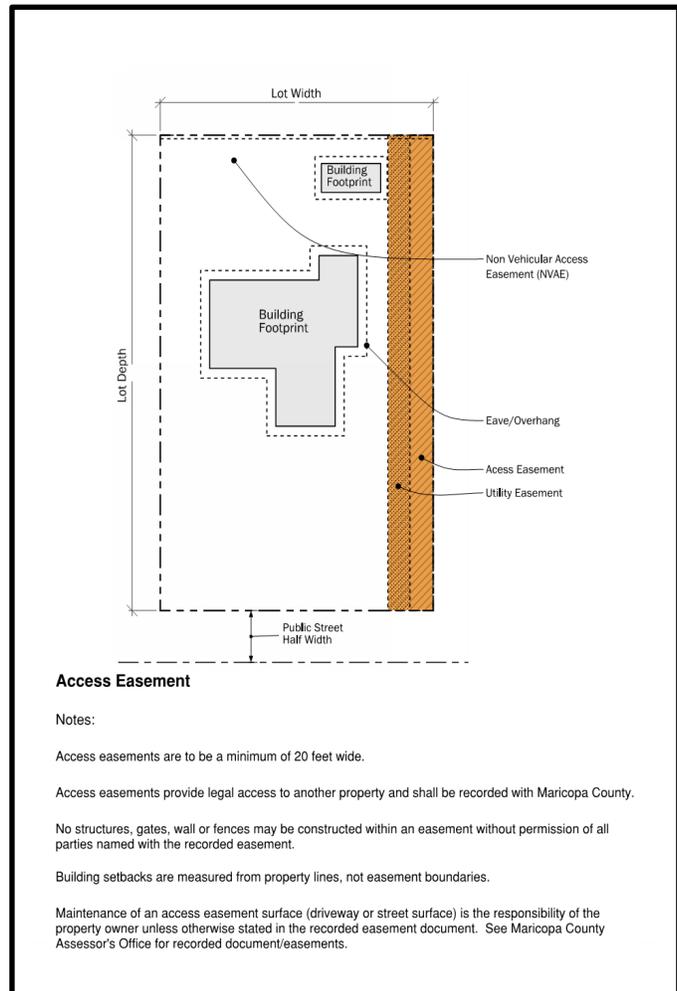
Abandonment, Right-of-way: The intentional relinquishment of right-of-way and the transfer of said property rights to another.

Abutting or Adjoining. A property that is immediately next to another property or shares a common boundary. It includes a zoning district that is next to another zoning district.

Accessory Structure. A detached subordinate and incidental structure on the same lot as the primary building, structure or use. Common accessory structures are detached garages, parking canopies, storage sheds, open air shade structures, workshops and cabanas. Accessory Structures are NOT dwelling units and shall not include any rooms used for overnight accommodations. This definition excludes dwelling units, signs, walls, fences and swimming pools.

Accessory Use. A subordinate use customarily incidental to and conducted on the same lot with the primary use or building including bona fide residential staff quarters.

Access Easement. Designated land that permits one or more persons to access or use or travel across another's land to reach a nearby location, such as a road.



Acreage

Gross. The area of a lot, tract, or project in acres, including all areas to be dedicated or deducted from the parcel, one-half the right-of-way of all adjoining public streets, if not already dedicated, and other land to be dedicated to the public.

Net. The area of a lot or project in acres, excluding land to be dedicated or having been dedicated to the public or reserved for public streets, schools, parks and other public facilities.

Active Recreation. Leisure and sports activities usually performed with others, often requiring equipment, a specialized facility or field. Some uses that are considered active are playgrounds, swimming, court games, golf and field sports.

Aggregate. As defined in A.R.S. § 9-461 as amended.

Adverse Impact. A negative consequence to the aesthetic physical, social, or economic environment resulting from an action or project.

Agritainment. *Agriculturally-based recreation and entertainment activities in conjunction with on-going agricultural uses on a lot. Activities may include corn mazes, hayrides, petting zoos, Farm Stands, and Farmer's Markets.*

Affected Property. The proposed site of rezoning including public rights-of-way to the centerline as defined in the Legal Protest process.

Airfield.

Private. Facilities for the takeoff and landing of airplanes and helicopters, including runways, aircraft storage hangars, helicopter pads, and support activities.

Alley. See Town of Gilbert Engineering and Construction Standards.

Alteration. Any construction, retrofit, enlargement, addition, reduction, relocation, remodeling, change in number of living units, development of or change in an open area, development of or change in a sign, demolition or removal, or other change for which a permit is required, excluding ordinary maintenance.

Amateur Radio Facility. *Equipment and structures used for airway communication purposes by persons holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.*

Ambient Noise Level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location

Ambulance Services. *Ambulance Services shall have the same meaning as sub-operation*

station under A.R.S. § 36-2201 as amended.

Amenities. Characteristics or individual elements of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities (e.g., a swimming pool or tennis courts), security systems, views, or landscaping.

Amphitheater. See *Entertainment and Recreation*.

Animal. See Gilbert Municipal Code

Animal Boarding. See *Kennel*.

Animal Clinic/Hospitals.

Large-scale. Animal services for large domestic and farm animals, including grooming and kenneling during medical treatment.

Small-scale. Animal services for small animals, including grooming and interior kennels for boarding of animals receiving medical treatment.

Animal Day Care. An establishment where animals are brought for less than 24 hour temporary care and exercise.

Animal Grooming. Any place or establishment where animals are bathed, clipped, or combed and a fee is charged for such services.

Animal Raising.

Commercial. The keeping, grazing or feeding of fowl or animals for profit.

Non-Commercial. The keeping, grazing or feeding of fowl or animals not for profit.

Animal Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals that is owned, operated, or maintained by a public body, humane society, animal welfare society, society for the prevention for cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals

Arboretum/Botanical Garden. An establishment where plants are grown for scientific study and display to the public. An Arboretum is a botanical garden containing living collections focused on woody plants.

Architectural Detail / Feature / Element. Prominent or significant parts or elements of a building or structure including but not limited to; cornices, belt courses, lintels, sills, pediments, columns or pilasters, rustications, or base courses.

Arterial.

Major. See Town of Gilbert Engineering and Construction Standards.

Minor. See Town of Gilbert Engineering and Construction Standards.

As-Built Drawings. Construction or engineering plans prepared after the completion of construction by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements, which includes but is not limited to all structures, parking facilities, detention/retention areas, curbs, gutters, and sidewalks.

Auction. See Swap Meet. and Gilbert Municipal Code.

Automated Teller Machine (ATM)

Bank ATM. An automated device that provides banking services.

Remote ATM. An outdoor, freestanding automated device that provides banking services at a location removed from the controlling financial institution.

A-Weighted Decibel (dBA). A unit for describing the amplitude of sound as measured on a sound level meter that approximates the frequency response of the human ear using the A-weighted network.

A-Weighted Sound Level. The total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of 20 micropascals using the A-weighted network scale at slow response. The unit of measurement shall be defined as dBA or dBa.

Awning. A roof-like cover entirely supported by and extending from a building for the purpose of protecting openings from the elements, providing shade or architectural embellishment.

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

Banquet Facility. An establishment rented to others for social gatherings.

Bars/Nightclubs/Lounges/Dance Halls. Eating and Drinking Establishments that derive 50 percent or more of their gross revenues from the sale of alcoholic beverages for consumption on the premises. Serving of food is only incidental to the sale of alcoholic beverages. This classification excludes Sexually-Oriented Businesses.

Barn.

Enclosed. A walled accessory structure upon a lot customarily used for the housing of livestock or for the storage of crops or machinery used in agricultural activities

Pole. A typically metal-clad structure most often utilizing poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage. Human habitation is not permitted.

Basement. That portion of a building that is partly or completely below grade plane and shall be included in the overall square footage of the building. A basement shall be considered a

story only where the finished surface of the floor above the basement meets one or more of the following:

1. More than six (6) feet above grade plane.
2. More than six (6) feet above the finished ground level for more than 50 percent of the total building perimeter.
3. More than twelve (12) feet above the finished ground level at any point.

Base Zoning District. The development standards as set forth in each Land Use Designation, see Section 3.

Bazaar. A temporary use operated by a homeowner, religious organization or non-profit organization, for the purpose of selling local handmade arts and crafts.

Bedroom. That portion of structure designed to be suitable for sleeping purposes, which may contain closets, access to a bathroom, access to a kitchen, and meets IRBC for requirements for access, light, and ventilation.

Berm. An earthen mound designed to provide visual interest, screen objects from view, reduce noise, or control drainage flows.

Bicycle. See Gilbert Municipal Code.

Block. An area of land bounded by adjacent streets, canals or drainage ways, railroads, open space, or corporate or subdivision boundaries.

Block Face. The portion of a block that abuts a street.

Brewery/Microbrewery/Distillery/Craft Distillery/Winery. An establishment that produces alcoholic beverages in conjunction with incidental uses of a restaurant, retail sales and/or tasting room. The liquor may be distributed to other locations and be sold on site. Serving of food is only incidental to sale of alcoholic beverages.

Building. Any structure for the shelter or support of any use or occupancy.

Attached. A structure which has:

- At least part of a wall in common with another building, OR
- A continuous roofline, and
- A maximum separation of ten (10) feet between the structures, and
- Direct doorways under the continuous roofline from one structure to the other (if there is a separation), and
- Matching architecture to assure the building appears to be a single structure.

This excludes walls and fences.

Detached. A structure that is not attached or otherwise permanently fastened to any other structure. This excludes walls and fences

Building Envelope. The volume of space for development as defined by the minimum building setbacks and the maximum allowable building height.

Building Footprint. The exterior outline of a structure where it meets the earth.

Building Height. See Height

Building Maintenance Services. Establishments providing carpet cleaning, janitorial services, pool services, and similar uses.

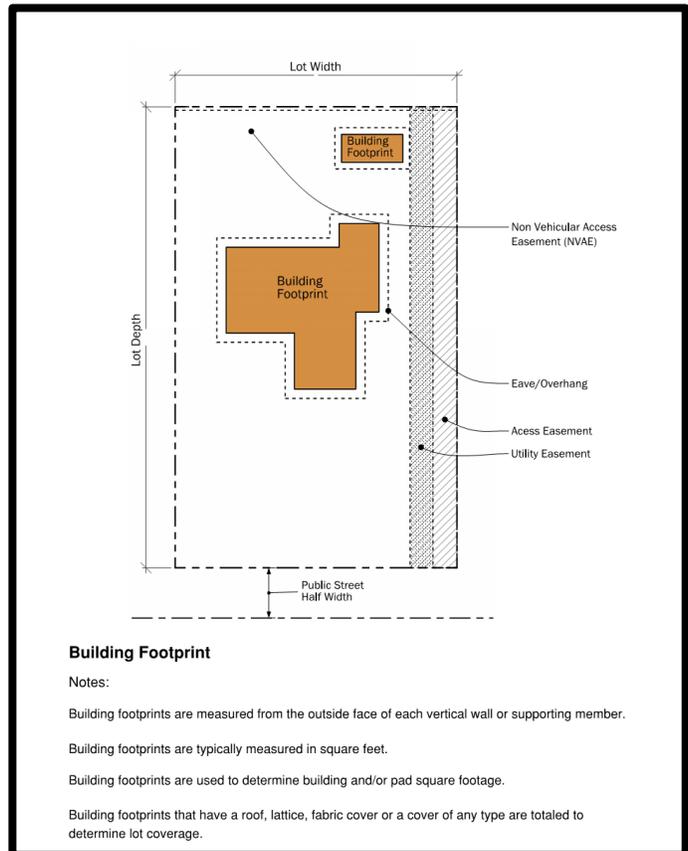
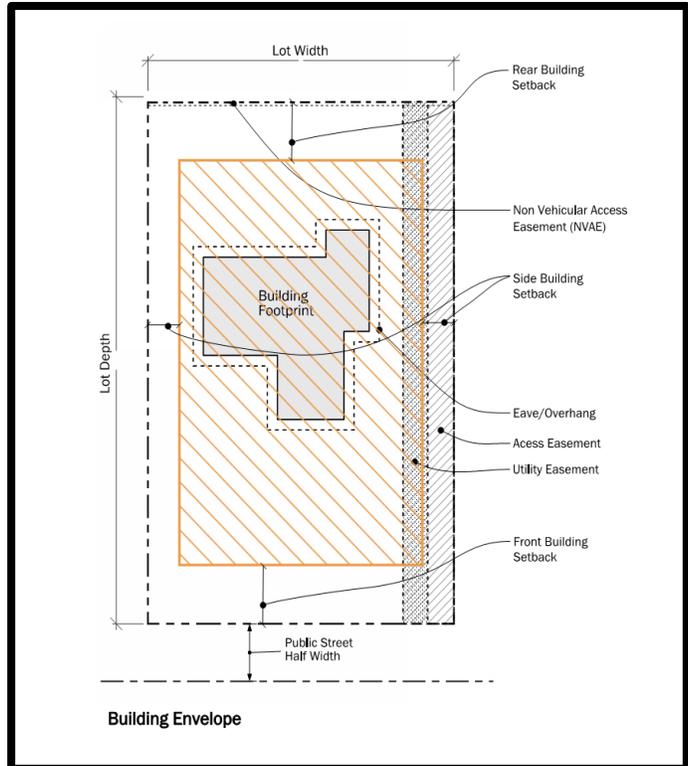
Building Material and Home Improvement Sales, Service and Rental.

Retail. Sale or rental of building or landscaping materials, supplies, hardware or construction equipment to the public.

Large Scale. Greater than 25,000 square feet gross leasable area.

Small-Scale. 25,000 square feet or less gross leasable area

Wholesale. Sale of building or landscaping materials, supplies, hardware or construction equipment to other firms for resale or distribution. Incidental retail sales may be conducted.



Building Overhangs. The edge of a roof protruding outwards, such as eaves and cantilevers, beyond the side of the building generally to provide weather protection.

Building Separation. Separation between structures is measured from the face of the vertical support surface to face of the vertical support surface.

Building Setback. The minimum distance by which any building or structure is required to be separated from a lot line.

Front. A line parallel to the front lot line depicting the minimum horizontal distance from the front lot line to the face of a primary building.

Rear. A line parallel to the rear lot line depicting the minimum horizontal distance from the rear lot line to the face of a primary building.

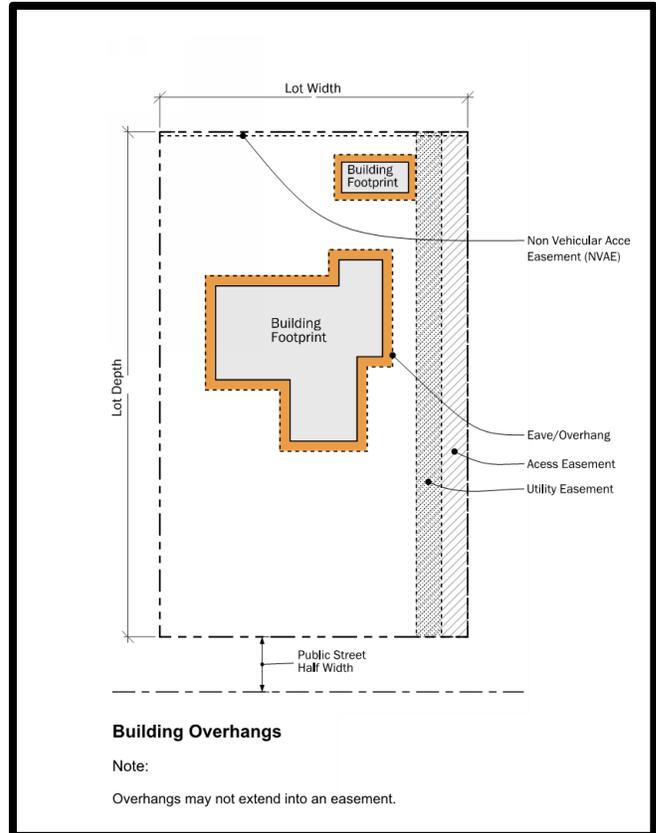
Side. A line parallel to the side lot line depicting the minimum horizontal distance from the side lot line to the face of a primary building.

Building Setback Area. The area of a lot outside of the building envelope.

Front. The area bounded by the front property line or lines, the side property lines, and the front setback line.

Rear. The area bounded by the rear property line or lines, the side property lines and the rear setback line.

Side. The area bounded by a side property line, a side setback line, and the front and rear setback lines.



Building Stepback. A requirement for portions of a building, above the second floor, to be recessed at a 1:1 ratio allowing for light, air, a reduction in building massing and distancing of uses.

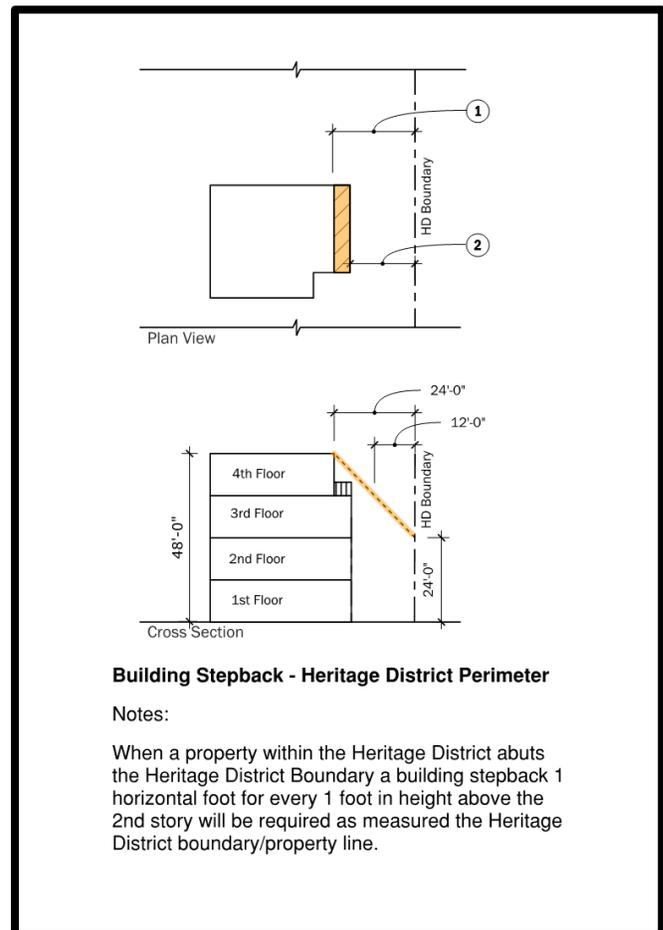
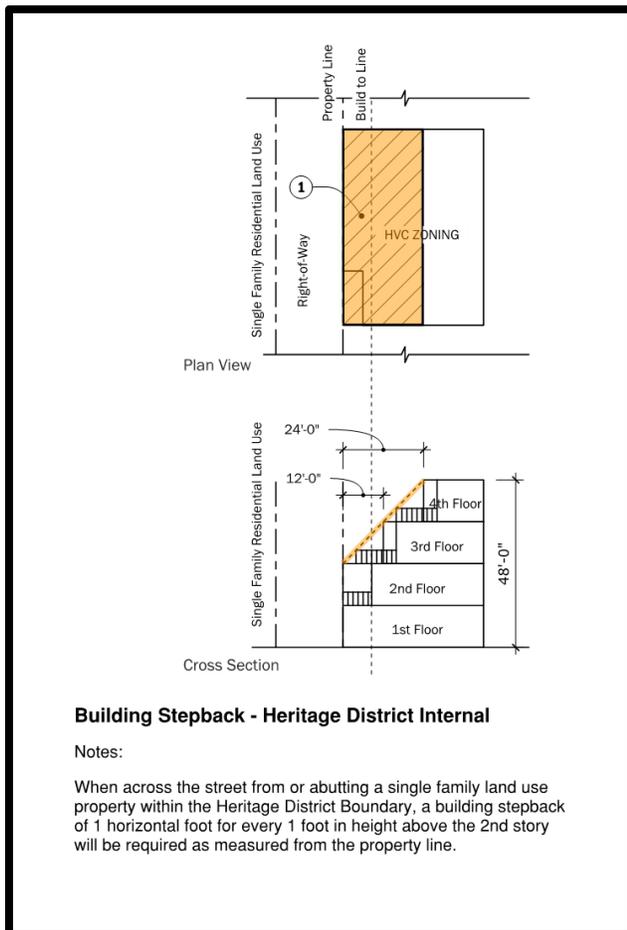
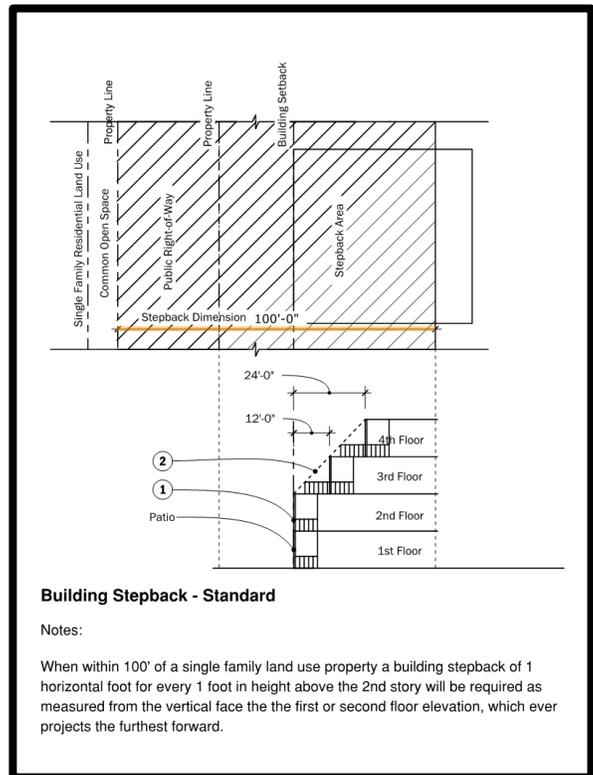
Standard. Any area of the Town that is not within the Heritage District Boundary.

Heritage District Internal. Parcel lines within the Heritage District boundary that do not abut the district boundary.

Heritage District Perimeter. Parcel lines within the Heritage District boundary that abut the district boundary.

Building Wall. The exterior support of a finished structure.

Build-To Line. The maximum distance a building may be set back from a property line.



Business Property. *Belongings owned, leased, or under the control of a business. Business property may include inventory, equipment, materials, supplies, and vehicles, including vehicles and equipment owned by others but used in conjunction with a business.*

Business Services. *Establishments providing document delivery, computer services, mail services and boxes, package services, blueprinting, typesetting, copying, desktop publishing and photographic services. This definition does not include dispatch facilities.*

Call Center. *A large-scale office providing incoming and outgoing telephone and computer services for one or more businesses. Call centers do not provide on-site customer services and are characterized by high employee density, open offices and 24 hour operations.*

Canopy. *A roofed structure not fully enclosed by walls for the purpose of providing shelter.*

Car Wash.

Automated or Self-Service. *A facility providing self-service or automated car washing but requiring vacuuming, final drying or final finishing by vehicle operators.*

Full Service. *An establishment that provides complete vehicle cleaning by employees or from a combination of employees and an automated facility. Vehicle detailing, and waxing may be offered.*

Caretaker. *See Facility Manager.*

Carport. *A solid roofed structure not fully enclosed by walls for the purpose of providing shelter for one or more vehicles.*

Carport Sales. *See Gilbert Municipal Code.*

Carnival. *See Gilbert Municipal Code for all subcategories.*

Cemetery. *As defined in A.R.S. § 32-2101 as amended.*

Cemetery, Pet. *Burial grounds for the interment of domestic animals.*

Certificate of Plat Correction. *An official document administratively approved and recorded for the purpose of correcting errors of minor survey, drafting or typographical nature to a recorded plat.*

Circus. *See Gilbert Municipal Code.*

Civic, Social and Fraternal Organization Facilities. *Facilities accommodating public, quasi-public, and private organizations including organized groups having a membership requirement and specific purpose related to the welfare of the members or community.*

Civil Hearing Officer. *An individual appointed by the Presiding Judge of the Gilbert Municipal Court to hear and decide civil matters pursuant to the Zoning Code.*

Classroom. A room within an educational facility in which a class of students is taught. Specialized facilities including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and childcare centers, shall not be counted as classrooms.

Clubhouse. See Homeowner Association Facilities.

Collector Street. See Town of Gilbert Engineering and Construction Standards

Colleges or Universities, Public or Private. Institutions of higher education (post-secondary) providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes Specialized Instructional Services. Student housing is permitted as Incidental.

Commercial Vehicle. Any vehicle currently registered as such with the State Department of Motor Vehicles or equivalent out-of-State or Federal agency and is used primarily in the conduct of a business as opposed to private family or individual use

Common Driveway. See Shared Driveway.

Community Garden. Land gardened collectively by a group of people. Gardening may include, but is not limited to, all types of horticulture such as flower, vegetable or field crops, and orchards containing berry, bush or tree crops.

Community Facility. May be Homeowners Association (HOA) Facilities if a HOA is recorded otherwise the facilities may be, but not limited to active or passive open space, play areas recreation courts, pathways, pool and clubhouses.

Condominium. Real estate, portions of which are designated for separate ownership of air space and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. The term “condos” when used in this Zoning Code shall have the meaning as Condominium.

Congregate Living Facility. A long-term residential facility for 11 or more handicapped or other special needs persons. Congregate living facilities include common dining, social, and recreational amenities. Congregate living facilities may include independent living units, Nursing Homes and Hospice but only as part of a larger facility. Limited commercial services may be provided exclusively for residents.

Contractor’s Yard. A facility for the outdoor storage of materials, equipment, and commercial vehicles used in construction, building maintenance, and similar activities, and maintenance of contractor’s supplies and operational equipment, including incidental office space.

Convention Center. A facility, auditorium or exhibition hall, used for assemblies or meetings. This classification excludes Civic, Social and Fraternal organization facilities, or other meeting facilities of private or non-profit groups that are primarily used by group members.

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

Crop Raising.

Commercial. The growing of tree, vine, field, forage, and other plant crops, intended to provide food or fiber, and the keeping, grazing, or feeding of fowl or animals for value increase and profit. This may include community gardens.

Non-Commercial. The growing of tree, vine, field, forage, and other plant crops intended to provide for food or fiber not for profit. This may include community gardens.

Cul-De-Sac. See Town of Gilbert Engineering and Construction Standards.

Cultural Institutions. Museums, historic sites, art galleries, performing arts facilities, libraries, and similar uses.

Dance Hall. See Bars/Nightclubs/Lounges/Dance Halls

Data Center. A facility primarily used for data processing which is also used to house computer systems and associated components, such as telecommunications and storage systems, including but not limited to web hosting organizations and internet service organizations. A server farm, telecom hotel, carrier hotel, co-location center, or any other term applicable to facilities that are used for these specified purposes shall be deemed to be a data center.

Day Care.

Home Occupation. A permanent residential unit where an occupant provides day care and supervision for five (5) or fewer children or adults not residing in the household, whether for compensation or not. The day care shall follow all requirements set forth, and shall be regulated by, the State of Arizona. The following uses are not a Home Occupation Day Care use: Group Homes for the Handicapped and Shelter Care Facility.

Residential. Either child day care provided for at least six (6) and not more than ten (10) children or adult day care for at least six (6) and not more than ten (10) adults. The day care shall follow all requirements set forth, and shall be regulated by, the State of Arizona. The following uses are not a Residential Day Care use: Group Homes for the Handicapped and Shelter Care Facility.

Day Care Centers. An establishment licensed by the Arizona State Department of Health Services providing care and supervision for five (5) or more persons on a less than 24 hour basis. This classification includes nursery schools, preschools, day care centers for children or adults, and any other day care facility licensed by the State.

Day/Night Level (DNL or Ldn). The 24 hour average sound level in A-weighted decibels, obtained after the addition of ten decibels to sound levels for the periods between 10:00 p.m. and 7:00 a.m. as averaged over a span of one year.

Decibel (dB). A unit for measuring the amplitude of sounds, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

Decision-Making Body. Any individual, officer, board, or commission representing the Town authorized to approve, approve with modifications and/or conditions, or deny an application.

Dedication. The donation and conveyance of land, an interest in land, or improvements to the Town or other public agency for public use, and the acceptance of such offer by the Town or public agency.

Density. The number of dwelling units per gross acre.

Detached Structure. Any vertical building or structure constructed or permanently erected and attached to the ground or a foundation. This structure may not touch another building or structure. This excludes walls and fences.

Detention Basin. See Town of Gilbert Engineering and Construction Standards.

Development Plan. A plan in accordance with the Zoning Code and adopted by zoning ordinance depicting modified base zoning district development standards.

Developmentally Disabled. See Arizona Revised Statutes A.R.S. § 36-581, as amended.

***Digital Production.** Uses focused on digital production such as software and internet content development and publishing; computer systems design and programming; photography; and graphic and industrial design, including rental studios.*

Dining, Outdoor. A contiguous exterior seating area used for eating and drinking.

***Dormitory.** A building with many rooms that provide sleeping and living accommodations for a number of people typically associated with a college or sports facility.*

Drainage Basin. See Town of Gilbert Engineering and Construction Standards.

Drive-Through Facility. An establishment that provides services to customers in motor vehicles. Drive-through facilities do not include Eating and drinking establishments that serve food to customers in parked vehicles.

Driveway. See Town of Gilbert Engineering and Construction Standards

Major. A vehicular access drive from an arterial street serving a development where inbound left turn movements are permitted or the driveway for projects that only have one access regardless of turning motions. Developments may have more than one (1) major driveway.

Dry Cleaning and Laundry.

Central Plant. A facility for cleaning or laundering fabrics, textiles, clothing, uniforms or similar items that does not include customer drop off.

Outlet. A retail facility where clothing and other fabrics are cleaned or laundered, by employees. Tailoring and similar services may be offered.

Duplex. A building on one (1) lot used and designed as a residence for two (2) families living independently of each other with individual cooking and sanitary facilities in each dwelling unit.

Dust Free. Property that is paved with asphalt, concrete, sealed bituminous material with a binder and mineral aggregate

Dwelling Unit.

Attached. A building containing two or more dwelling units, connected along and sharing one or more common walls, or stacked above each other.

Detached. A building containing a single dwelling unit, not connected to any other dwelling structure.

Easement. A grant by a property owner to others for the use of land or airspace for a specific purpose or purposes.

Easement, Vehicular Non-Access (VNAE). See Non-Vehicular Access Easement.

Eating and Drinking Establishments. See *Bars, Brewery, and Restaurants.*

Eave. Overhanging lower edge of a roof.

Elevation. A two-dimensional scaled drawing of a building or structure.

Entertainment and Recreation.

Indoor. Public or private fitness centers, theaters (including dine-in, comedy clubs) bowling alleys, skating rinks, billiard parlors and pool halls, amusement arcades, gymnasiums, sports courts, swimming pools, miniature golf and similar uses. Incidental sales of food and beverages are permitted. This classification excludes: Shooting Ranges and Homeowners Association Facilities.

Large-Scale. entertainment and recreation uses that are greater than 10,000 square feet of building area.

Small-Scale. entertainment and recreation uses 10,000 square feet or less of building area.

Outdoor. Public or private parks, playgrounds, open spaces, playing fields, sports courts, swimming pools, miniature golf, amphitheater, community gardens, and zoos. Incidental sales of food and beverages are permitted.

Active. Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include golf courses, driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, pickle ball, and motorized model airplane flying facilities.

Passive. Those recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include but are not limited to open field, hiking and picnicking.

Equestrian Arena. A facility for equestrian exhibitions and competitions.

Equivalent Sound Level (Leq). The equivalent, steady-state A-weighted sound level that in a stated period of time contains the same acoustic energy as the time-varying sound level during the same period.

Equivalent Sound Level, Hourly (Leq(h)). The hourly value of Leq.

Exotic Animals. See Gilbert Municipal Code

Facade. That portion of any exterior elevation of the building extending from grade to top of the parapet, wall, or eaves, and extending the entire width of the building elevation.

Facility Manager Dwelling Unit. An Incidental Dwelling Unit permitted for specific non-residential uses. The person(s) occupying the dwelling unit shall be an employee of the business where the residence is located and shall provide a service or function for the business that requires a continuous on-site presence (such as site security, access control, maintenance or monitoring). See Incidental Dwelling Unit.

Family. Persons meeting one (1) of the following:

1. An individual or two (2) or more persons related by blood, marriage, or adoption, and resident domestic employees, living together as a single housekeeping unit in a dwelling unit; or,
2. Not more than five (5) unrelated persons, living together as a single housekeeping unit in a dwelling unit; or
3. A functional family, consisting of not more than five (5) persons, plus their offspring, adopted and/or foster children who have a relationship functionally equivalent to a family. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Farm Stand. A structure used for the sale of produce or agricultural products produced on site.

Farmers' Market. The sale of agricultural products, arts and crafts, and prepared food by individual vendors at an open-air market, excluding games and rides.

Feed and Tack Sales. Outdoor sales of animal feed and supplies.

Feed Lot. A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. This classification does not include areas that are used for raising crops or other vegetation or upon which livestock are allowed to graze.

Fence. An open, semi opaque or solid barrier, railing, or other upright structure, including gates, typically constructed of wood or metal, enclosing an area to mark a boundary, control access, or prevent escape.

Double. Two fences or a fence and a wall that are parallel or nearly parallel and do not allow space for proper maintenance and visual security.

Internal. A fence located inside of a lot or development, not on the perimeter.

Open. A fence through which visibility is possible for 75 percent or more of the structure as viewed on a horizontal plane, from any point perpendicular to the fence line.

Perimeter/Separation. A fence located on an exterior property line.

View. A fence through which visibility is possible for 50 percent or more of the structure as viewed on a horizontal plane, from any point perpendicular to the fence line.

Fireworks Exhibition. See Gilbert Municipal Code.

Flag. See Sign Types.

Flag Lot. See Lot Types.

Flea Market. See Gilbert Municipal Code, Auctions/Swap Meets.

Floor Area.

Gross. The total area in square feet of all floors designed for tenant occupancy and common use, including basements, mezzanines, stairwells, and storage areas, measured from the centerline of interior partitions and from outside wall faces. Non air-conditioned courtyards shall not be considered in gross floor area calculations.

Floor Area Ratio (FAR). The gross floor area of a building or buildings on a lot divided by the net lot or parcel area.

Food Preparation. A facility that prepares food and beverages for off-site consumption.

Large-Scale. A food preparation facility that produces packaged foods and beverages for sale and distribution primarily to other businesses, this may include incidental on-site retail.

Small-Scale. A food preparation facility that produces food and beverages primarily for sale to the general public. This classification includes catering kitchens and the production of specialty foods.

Food Trucks. See Gilbert Municipal Code.

Foot Candle. A measure of light intensity representing the amount of light received by one (1) square foot of a surface located one (1) foot from a point source of light equivalent to one candle in brightness or illumination. See Gilbert Municipal Code.

Fowl. See Gilbert Municipal Code.

Freight/Truck Terminal and/or Warehouse. A facility for the receipt, transfer, short term storage, and distribution of goods transported by truck.

Freeway. An access controlled divided or grade-separated highway and all associated rights-of-way.

Front Setback. See Setback

Frontage

Building. The length of the side of a building abutting or generally parallel to the front lot line. For a building on a corner lot, the combined lengths of the sides of the building abutting or generally parallel to the front and corner side lot lines.

Street. The total length of all lot lines abutting street easements or rights-of-ways.

Fueling Facility. A facility for the retail sale of vehicle fuel.

Alternative. Commercial sale of alternative fuels that may or may not be open to the public. Incidental uses may include convenience retail sales less than 1,000 square feet, an Automated or Self-Service Car Wash, Light Vehicle Services and Alternative Fueling Facilities.

Fleet. Fuel dispensing limited to fleet vehicles such as delivery trucks, school buses, and municipal vehicles where no retail sales are conducted.

Public. Open to the public. Incidental uses may include convenience retail sales less than 1,000 square feet, an Automated or Self-Service Car Wash, Light Vehicle Services and Alternative Fueling Facilities.

Funeral and Undertaking Services. Establishments primarily engaged in the care and preparation of the human deceased and the conduct of funeral services. Typical uses include funeral parlors and chapels, or mortuaries, but excluding Cemeteries and Crematorium.

Garage

Attached. An enclosed structure for the single level parking of vehicles that is physically connected to the primary residence.

Detached. An enclosed structure for the single level parking of vehicles that is not attached to the primary structure by any other structure, this does not include a privacy wall, fence or gate.

Side-Entry. An enclosed structure for the single level parking of vehicles oriented such that the entrance is a minimum angle of at least 45 degrees from the front setback line.

Garden Supply Stores and Plant Nurseries. Establishments engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the incidental sales and rental of landscape materials and equipment.

Gate. A movable frame or solid structure that swings, slides, or rolls controlling ingress and egress through an opening in a fence, wall, or vegetation. A gate may also be freestanding.

Gatehouse. An accessory structure, not a dwelling unit, provided for aesthetic enhancement, security or site access control purposes.

Golf Course. Land laid out with at least nine holes for playing golf that is improved with tees, greens, fairways, and hazards. Clubhouses, maintenance buildings, cart storage facilities, pro shops, restaurants or driving ranges may be incidental uses. This classification excludes: miniature golf course.

Government Offices and Facilities. Office uses related to the administration of local, state, or federal government services or functions. This classification excludes airports, utilities, and Public Safety Facilities.

Large-Scale. Government offices and facilities that occupy more than 10,000 square feet of building area or more than five (5) acres.

Small-Scale. Government offices and facilities that occupy no more than 10,000 square feet of building area or five (5) acres.

Grade.

Existing. The level of the ground or pavement at a specific location as it exists prior to disturbance in preparation for development.

Finished. The final elevation of the ground surface after man-made alterations.

Street. The top of the curb. Where no curb exists, the top of the edge of pavement.

Grade Plane. A reference plane representing the average of finished ground level adjoining the exterior building, structure, wall or fence. Where the finished ground level slopes away from the

exterior building, structure, wall or fence the reference plane shall be established by the lowest points within a 5 foot radius.

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

Guest Quarters. A permanent structure used for the temporary housing of family members and non-paying guests, which does not include built-in cooking facilities, and is not equipped for kitchen appliances requiring 220 volt electric service or natural gas.

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable space. Habitable space is not the same as livable space.

Handicapped. A person who:

1. Has a physical or mental impairment that substantially limits one or more of such person's major life activities; or
2. Has a record of having such an impairment; or
3. Is regarded as having such impairment.

"Handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

Hardscape. Landscape surfaces consisting of non-living elements, such as brick patios, concrete driveways or block walls. It is one of the two major subcategories of landscaping, the other being softscape/vegetation.

Haunted House. A temporary use that contains a combination of displays, acts, exhibits, or other attractions intended to entertain or amuse patrons related to Halloween themes and images.

Hazardous Waste. Any chemical, compound, mixture, substance, product or other material that is a hazardous waste pursuant to Arizona Revised Statutes, Title 49, Chapter 4, Article 2 and C.F.R. Part 261 and poly-chlorinated biphenyls (PCBs) , as amended.

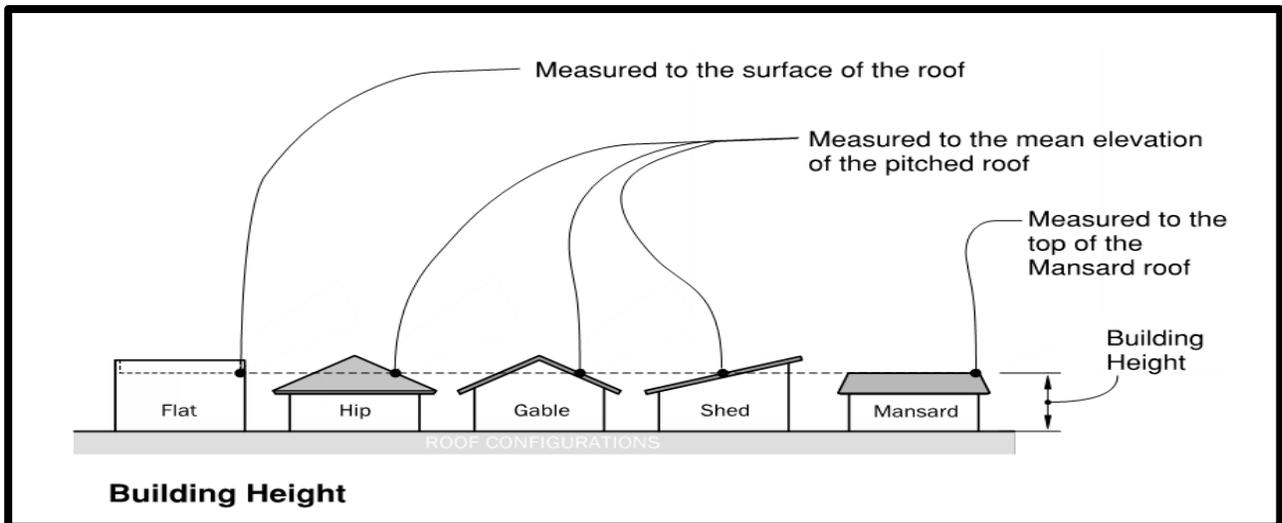
Hazardous Waste Collection and Transfer Facility. A Facility where hazardous or medical waste material is collected, received, temporarily stored, or processed for transportation to another location for recycling, reuse, incineration or final disposal.

Hazardous Waste Disposal Facility. A Facility where hazardous or medical waste material is incinerated or otherwise put to other final disposition.

Health Care Facilities. See Hospitals, Out-Patient Surgery Centers, Urgent Care, Medical Office and Clinics.

Health Resort. A vacation or recreation facility that may include lodging and is available to the public for medical or therapeutic purposes.

Height. The vertical distance from the finish floor level or finished grade, whichever is the lower elevation, to the highest level of the roof surface of flat or mansard roofs (not including the parapet), or to the mid-point of the highest sloped roof.



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

Home Occupation. A business or profession conducted in a dwelling unit or accessory structure within a residential district in accordance with state and local regulations.

Homeowners Association (HOA)/Property Owners Association (POA). A nonprofit corporation or unincorporated association of owners created pursuant to a declaration of restrictions to own and operate portions of a planned community and which has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration.

Homeowners Association Facilities. Private club houses, gates and guard houses, dining facilities, swimming pools, parks, open space, sports courts, play fields, golf courses and similar facilities owned by and principally for the use of association members. Homeowners Association Facilities include facilities owned and operated by apartment complexes for use by tenants.

Hospital. A facility licensed by the State of Arizona that provides in-patient physical or behavioral health services through the diagnosis, treatment and care of patients by a medical staff.

Hotels and Commercial Lodging. Establishments offering transient lodging including motor lodges, motels, hostels, extended stay hotels, timeshare facilities and tourist courts. This

classification excludes Group Homes for the Handicapped, apartments and other facilities intended for long-term occupancy. These uses may provide accessory services, such as conference and meeting rooms, restaurants, bars, and recreation facilities available to guests or to the public.

Household. See Family.

Illegal Use. An activity that is not permitted.

Improvement Plan. A plan submitted by a registered professional showing the location and construction details of streets, drainage facilities, utilities, landscaping, and lighting required for a subdivision or other project.

Incidental Dwelling Unit . A subordinate dwelling unit to the primary dwelling unit of the property.

Incidental Use . Subordinate to the primary use of the property.

Infill Development. The development of vacant or partially developed parcels that abut fully developed properties.

***Inflatables.** Devices made of strong plastic, rubber or other material designed to be filled or driven with air such as large cold air balloons or characters or air/sky dancers.*

Inoperable Vehicle. Any vehicle incapable of being legally driven or a vehicle that cannot be started and moved under its own power.

Interior Landscape. An open space area or areas within the building envelope excluding parking spaces, loading areas, or similar paved areas, driveways or walkways providing access to the facility.

Intersection. See Town of Gilbert Engineering and Construction Standards.

***Kennel.** A.R.S. §11-1001, An enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.*

Laboratories.

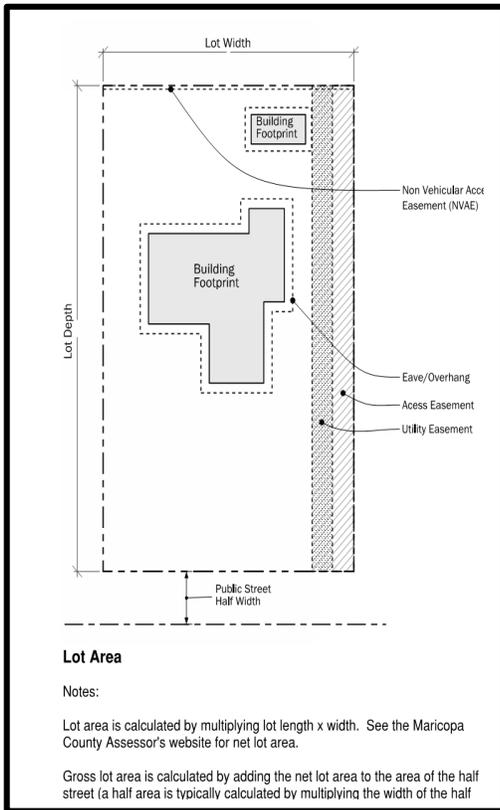
***Commercial.** Medical, dental, imaging, and similar indoor testing facilities.*

***Industrial.** Facilities for the testing or analysis of environmental, industrial, or similar products or materials.*

***Research.** See Research and Development.*

Land Locked. Land that has not been provided legal access from a public right-of-way or a public or private easement.

Landscape Buffer. A designated area of vegetation that acts as a distancing or transition between two uses or properties.



Land or Lot Splits. As defined in A.R.S. §9-463, as amended.

Laundry Services. Establishments that provide washing, drying, and dry-cleaning facilities for clothing or other fabrics in machines primarily operated by patrons.

Lighting Related Terms. See Gilbert Municipal Code,

Livable Floor Area. The floor area contained within a home, not including garages, carport or outdoor uncovered/covered spaces. Livable space is not the same as habitable space.

Livestock. See Gilbert Municipal Code.

Local Street. See Town of Gilbert Engineering and Construction Standards.

Loft Dwelling Unit. A residential dwelling above a non-residential use or uses. First floor uses, in a commercial mixed-use environment, shall be open to the public and are independent of the residential use above, except for

the residential use's leasing office. Parking may not be substituted for the first-floor non-residential use.

Lot Area. The area bounded by the lot lines, exclusive of public streets.

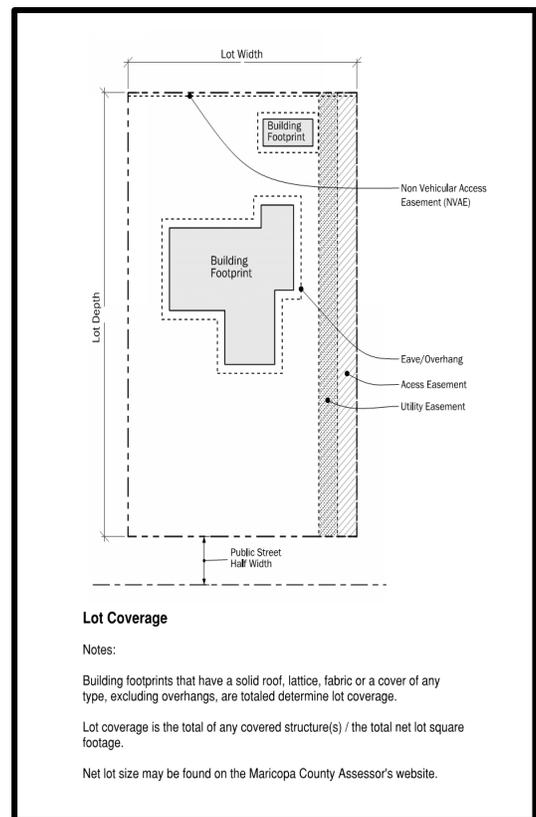
Lot Coverage. The numerical value obtained through dividing the sum of all covered or semi covered ground floor square footage, as measured from each exterior wall, by the net lot area.

Lot Depth. The measurement from the center of the front lot line to the center of the rear lot line.

Lot Line. Any property line bounding a parcel of land.

Front. The front lot line shall be determined as follows:

For a lot with double or multiple frontages, the primary frontage shall be determined based upon the majority of the following four (4) criteria:



1. The front door leading into the dwelling positioned for use by the general public when calling upon the occupants.
2. As depicted on the recorded subdivision plat; or where the primary frontage is not shown on the subdivision plat, as is consistent with and in harmony with the original subdivision design.
3. As is consistent and in harmony with other, adjacent, front yards.
4. On the street that is a lower level in the town's street classification system.

In addition, on Double-Frontage (Through) Lots, each frontage from which access is permitted shall be deemed a front lot line. The front lot line for lots having vehicular access only via an alley shall be the lot line abutting the local or collector street.

Flag Lot. The front lot line of a flag lot shall be determined at the time of a Final Subdivision Plat. If no Final Subdivision Plat is required, the front lot line shall be established at the time a building permit is issued.

Interior Lot. The front property line of an interior lot shall be the line abutting a street.

If a front yard is not already designated, or is being changed, the applicant requesting to designate or change the location of the front yard shall notify all property owners within 300 feet of the property line within fifteen (15) days. After such notification, the Zoning Administrator shall render a decision regarding the proposed change in the front yard designation. Following the decision, the property owner or owner of any property within 300 feet of the subject property may appeal the decision to the Board of Adjustment. Application for appeal to the Board of Adjustment shall be submitted to the Town, together with the fee prescribed in the fee schedule within ten (10) days after the ruling.

Interior. A lot line not abutting a street.

Rear. A lot line opposite the front lot line. If the side property lines meet in a point, the rear lot line shall be assumed to be a lot line not less than ten (10) feet in length drawn parallel to the front property line.

Side. Any lot line that is not a front lot line or a rear lot line.

Lot Types. A unit of land shown on a recorded subdivision plat, record of survey map, parcel map, or recorded as a metes and bounds description.

Corner. A lot located at the intersection of two (2) or more streets.

Double-Frontage. A lot having frontage on two (2) or more non-intersecting streets. Double-frontage lots are also known as through lots.

Flag. A flag-shaped lot with its widest dimension set back from the street and having a narrow strip of land connecting to the street. Flag lots are also known as panhandle or pipe stem lots.

Irregular Lot. A lot such that the shape or configuration meets the zoning district development standards but in shape has unusual angles, curvilinear lines, shape elongation, or more than four property lines.

Interior. A lot having only one side abutting a street.

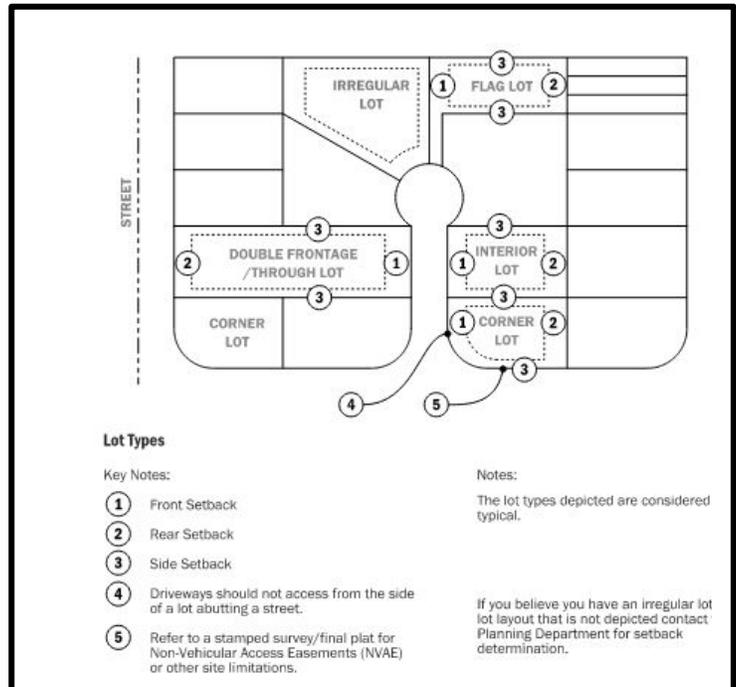
Lot Width. The distance between side lot lines measured at the front setback line.

Lounges. See Bars/Nightclubs/Lounges/Dance Halls

Maintenance. Ordinary upkeep, replacement, or repair of minor components of a building, structure, sign or landscaping. Maintenance shall include repainting of buildings or structures to match existing colors and the replacement of Sign Faces.

Maintenance and Repair Services. Establishments providing repair services for personal and household goods, such as household appliances, computers, television, audio or video equipment, office machines, furniture, luggage, and leather goods conducted entirely within an enclosed building. This classification excludes Vehicle Services, both Light and Heavy, and internal combustion engine repair.

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



Artisan. *Small-scale indoor or partially outdoor production of goods by hand manufacturing or assembly, involving the use of hand tools and small-scale equipment. This classification includes artisan studios used by artists for the creation of art.*

Light. *Manufacturing, processing, assembling, packaging, treatment, fabricating, and storage of finished or semi-finished parts or products. Light manufacturing and assembly uses may be indoor or partially outdoor within an enclosed building with incidental outdoor storage*

General. *Manufacturing, processing, compounding, assembling, packaging, treating or fabricating of parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage, handling of such products and materials, and related research and development. General manufacturing and assembly uses are conducted either fully or partially within an enclosed building with limited off-site impacts. Products may require shipping by large trucks. General Manufacturing and Assembly uses include those related to computer software and hardware, computer peripherals, semiconductor fabrication, bio technical and biomedical.*

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

Map of Dedication. A map used to separate land and easements being dedicated to a public entity or to the public for the purposes of roadway, drainage, flood control, utility line, emergency or service vehicle access, or other public use. A map may also dedicate easement rights for private purposes. A map of dedication may require lengthy metes and bounds, legal descriptions, title reports, and exhibits.

Marquee. A permanent structure attached to the front entrance of a building, supported by, and projecting from a building for the purpose of protecting openings from the elements, providing shade or providing architectural accents. This definition excludes: awning or canopies.

Master Site Plan. A self-contained development typically under unified ownership, often with a mixture of land uses, planned and developed in a single phase or planned in a determined series of phases, and in which the development standards are applied to the project as a whole rather than to individual lots.

Median. An area in the approximate center of a street that is used to separate the directional flow of traffic.

Marijuana. All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin. MARIJUANA INCLUDES cannabis as defined in A.R.S. § 13-3401, as amended, BUT DOES NOT include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

Medical Marijuana. Those portions of the plant of the genus cannabis administered and used by a registered qualifying patient, as that term is defined in A.R.S. § 36-2801, solely for the purpose of treating or alleviating the patient's debilitating medical condition or symptoms associated with that debilitating medical condition.

Marijuana Products. Marijuana products include marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

Marijuana Facilities.

Dual Licensee Site. An Entity licensed by the Arizona Department of Health Services to operate any of the following:

A single retail location at which a dual licensee may sell marijuana and marijuana products to consumers, cultivate marijuana, and manufacture marijuana products.

A single off-site cultivations location at which a Dual Licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana, and marijuana products may not be transferred or sold to customers.

A single off-site location at which a Dual Licensee may manufacture marijuana products, package, and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to customers.

Medical Marijuana Designated Caregiver Cultivation Location. The enclosed, locked facility where a registered designated caregiver, as defined and regulated pursuant to A.R.S. § 36-2801, as amended, authorized to cultivate marijuana.

Medical Marijuana Dispensary. A not-for-profit facility that, pursuant to A.R.S. § 36-2804, as amended, is registered with and certified by the Arizona Department of Health Services to acquire, possess, cultivate, manufacture or infuse, deliver, transfer, transport, supply, sell or dispense medical marijuana or related supplies and educational materials to cardholders, as that term is defined in A.R.S § 36-2801, as amended.

Off-site Cultivation Site. The enclosed, locked facility, at a different location from and identified by a Medical Marijuana Dispensary or Dual Licensee in Gilbert is grown or

stored.

Medical Offices and Clinics. An outpatient facility providing medical, dental, chiropractic and psychiatric services, as well as medical and dental laboratories incidental to the medical office use. This classification includes home health agencies as defined in A.R.S. § 36-151, as amended.

Medical Waste. Any solid waste that is generated in the diagnosis, treatment, or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, but not including hazardous waste as defined in Title 49, Chapter 4, Article 2, Arizona Revised Statutes.

Mining and Quarrying. The extraction of natural resources, including quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining.

Minor Land Division. The division of improved or unimproved land whose area is 2.5 acres or less into two (2) or (3) lots or parcels for the purpose of sale or lease, where no new street is involved; or the division of improved or unimproved land for the purpose of sale, or lease, whether immediate or future, into two (2) parts, where the boundaries of such property have been fixed by a recorded plat; or the lot line adjustments, whether or not a new lot is created; or lot Ties, where two (2) or more existing lots are joined by the removal of a lot line.

Minor Subdivision. The division of improved or unimproved land of any size, other than a Minor Land Division, for the purpose of sale or lease, into four (4) or fewer lots or parcels, whether or not a new street is involved.

Mixed-Use Development. A coordinated Development Plan which integrates two or more distinct types of uses (from the following: Residential, Commercial, Institutional, Employment, Industrial, or Cultural Uses) into a cohesive, pedestrian-oriented environment, with a variety of new public and semi-public spaces. Mixed-Use Development may vary in scale, ranging from individual buildings to large regional-scale developments, and provide unique designs tailored to the scale of the development.

Model Home Complex. Two or more uninhabited dwelling units used by a residential builder as models for the sales of residential lots and dwellings. A model home complex may include a sales office, customer parking, a design and decorating center, and similar activities.

Motor Vehicle. See A.R.S § 28-101, as amended.

Motor Vehicle Sales and Leasing, New and Used. Sale or leasing of automobiles, motorcycles, light trucks, motor homes, recreational vehicles, boats, and similar equipment, including incidental maintenance.

Multi-family. A building, group of buildings, or portion of a building that is attached or detached and contain two or more dwelling units on one lot. Multi-family developments are designed as a residence for two or more families living independently of each other with individual cooking and sanitary facilities in each dwelling unit. Multi-family dwellings may include bungalows, apartments, townhomes and residential condominiums.

Mural. A work of art that is painted, drawn, projected or otherwise applied on the exterior surface of a building, structure, wall or surface with the express permission of the property owner; and is non-commercial in that it does not promote a particular business, service or product.

Nightclub. See Bars/Nightclubs/Lounges/Dance Halls

Non-Chartered Financial Institution. A business other than a state or federally chartered bank, credit union, mortgage lender or savings and loan establishment that offers check cashing services and loans for payment of a percentage fee. This classification includes check cashing businesses, payday loan businesses, or businesses that function as deferred presentment services.

Non-Conforming Lot or Parcel.

Legal. A lot, the area, dimensions, or location of which was legal prior to the adoption, revision, or amendment of the zoning ordinance which no longer conforms to the development standards of the zoning district in which it is located.

Illegal. A lot, the area, dimensions, or location of which was not legally subdivided and does not conform to the development standards of the zoning district in which it is located.

Non-Conforming Sign. See Sign Types.

Legal. A sign that was legally constructed (permitted) prior to the adoption date of this Zoning Code, but which is not currently in compliance with the development standards for the district in which the sign is located.

Illegal. A sign that was not legally constructed (permitted) and is not currently in compliance with the development standards for the district in which the sign is located.

Non-Conforming Structure.

Legal. A structure that was legally constructed (permitted) prior to the adoption date of this Zoning Code, but which is not currently in compliance with the development standards for the district in which the structure is located. A change to the parking, loading, landscaping, or screening regulations in the district does not cause the structure to be non-conforming; provided however that the existing parking, loading, landscaping, or screening shall not become non-conforming as of the effective date of the change.

Illegal. A structure that was not legally constructed (permitted) prior to the adoption date of this Zoning Code and is not currently in compliance with the development standards for the district in which the structure is located.

Non-Conforming Use.

Legal. A use that is legally being conducted in a structure or on a lot or parcel on the effective date of the Zoning Code, or the effective date of amendments to the Zoning Code but does not conform with the current regulations for the district in which it is located.

Illegal. A use that was not legally conducted in a structure or on a lot or parcel on the effective date of the Zoning Code, or the effective date of amendments to the Zoning Code and does not conform with the current regulations for the district in which it is located.

Non-Habitable Space. A space providing a function not intended primarily for human occupancy, including bathrooms, maintenance rooms, shade structures, corridors, elevators, stairwells, or storage areas.

Non-Hazardous Waste Collection and Transfer Facility. Facilities where non-hazardous waste material is collected, received, temporarily stored or processed for transportation to another location for incineration or final disposal.

Non-Hazardous Waste Disposal Facility. Facilities where hazardous or medical waste material is incinerated or otherwise put to other final disposition.

Non-Hazardous Material Recycling Collection Facility.

Large-Scale. A private facility or property where recyclables are collected, received, temporarily stored or processed for transportation to another location for recycling.

Small-Scale. A private recycling container where the public is invited to bring materials to be recycled, reclaimed, reprocessed, or reused, including but not limited to newspapers, bottles, cans, clothing, and small household goods.

Non-Residential Use. All uses other than single family and multi-family residential uses.

Non-Traditional Business. A non-chartered financial institution, pawn shop, stand-alone smoking lounge or tattoo /piercing studio.

Nursing Home. A facility other than a hospital, licensed by the Arizona State Department of Health Services, that provides accommodation, personal assistance, and skilled nursing care to non-ambulatory residents who are dependent upon the services of others.

Offices, General. Professional or administrative offices. This classification excludes retail banking, financial institutions, and offices incidental to retail, Manufacturing and Assembly, storage, or other primary uses.

Off-Site Improvements. Streets, sidewalks, curbs, gutters, driveways, drainage and storm water retention facilities, parks, recreational amenities, trails, street lighting, medians, signage, water mains, sanitary sewers and facilities, public utilities, landscaping and fences and any other improvements required by the Zoning Code and Subdivision Regulations.

Off-Site Parking. Parking provided on a site other than the one on which the primary use is located.

Open Air Accessory Structure. A freestanding permanent structure that has a solid roof, lattice roof or fabric roof surface supported by poles, posts, columns, walls or other vertical structural

members that are permanently anchored into the ground. The structure may have up to one solid wall on any of the sides with the remaining sides open.

Open Air Attached Patio. See Patio

Open Air Porch. See Porch

Open Space. Landscaped areas for the purpose of meeting open space requirements.

Common. Any outdoor area of land or water permanently dedicated or designated for use for active or passive recreation areas, landscape, flood control, storm water retention, or resource management.

Private. A clearly defined outdoor living area directly adjoining a dwelling unit or building, intended solely for the exclusive use and enjoyment of a resident or tenant. Examples of private open space are patios, balconies and outdoor break areas/employee amenity areas.

Public. An outdoor area for the use and enjoyment of the general public or a designated Homeowners or Property Owners Association.

Out-Patient Surgery Center. Health care facilities where surgical procedures not requiring an overnight hospital stay are performed.

Outdoor Service Area. A delivery area, service entry, or loading dock used for the conveyance of goods and services.

Outdoor Storage.

Commercial. Storage of material, goods, vehicles, or equipment outside of a building not for immediate use, sale or display.

Overflight Areas. Land areas designated on the Official Zoning Map as areas that may be impacted by air traffic.

Over-the-Air Reception Device (OTARD). An antenna designed to:

1. Receive direct broadcast satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite and that is one meter (39.37 inches) or less in diameter; or
2. Receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite and that is one meter (39.37 inches) or less in diameter or diagonal measurement; or
3. Receive television broadcast signals.

For purposes of this definition, “fixed wireless signals” means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location, but shall not include among other things, AM radio, FM radio, amateur (“HAM”) radio, citizen’s band (“CB”) radio, and Digital Audio Radio Service (“DARS”) signals.

Parade. See Gilbert Municipal Code.

Parapet. That portion of an exterior wall that extends above the roof line.

Parcel. Parcel means lot.

Park.

Private. An area owned by a homeowner’s association, property owner’s association, individual or business that is used as a playground, or contains playground equipment, or areas with trees/turf or ramadas or contains the following facilities or amenities: paths, trails, picnic tables, sports fields, basketball courts, BBQ grills, splash pads, tennis courts, pickleball, volleyball courts, or swimming pools. This definition excludes: non-turf retention/detention basins primarily used to contain stormwater or property used as an employee break or amenity area. See Homeowners Association Facilities.

Public. See Gilbert Municipal Code

Park and Ride Lot. A public improved lot for the temporary parking of vehicles on a daily basis for persons traveling together to and from a place of employment through carpools or public transit.

Parking Facility. Improved outdoor lot offering parking to the public as a primary land use and not accessory to another land use. This use may be shaded by parking canopies.

Parking.

Enclosed. A garage with walls and a door.

Lot. An open paved, hardscaped or stabilized parking area that is available for public use and is accessory to a primary use.

Off-Site. Paved and improved parking that is required and not located within the boundary of the project it serves.

Overflow. Parking permitted as part of an approved master site plan on an undeveloped lot for a maximum of 24 hours on a dust-controlled surface.

Pull-Through Parking Space. A parking space than can be accessed from both ends.

Required. The minimum number of parking spaces required to accommodate the land uses as determined by the ratio provided in the parking table.

Space. An off-street area available for the temporary parking of motor vehicles in designated stalls.

Tandem. Two parking spaces arranged end-to-end that can only be accessed from one end. Tandem spaces may be open or enclosed.

Temporary Parking. Parking that is dust controlled and designated for a specific use or event for 72 hours or less and does not occur more often than four (4) times per year.

Parking Structure. An enclosed or semi-enclosed multi-level garage structure, above and/or below grade, offering public or private parking.

Passive Recreation. Leisure and sports activities that require little to no specialized improvements, equipment or facilities. Examples of some passive recreation activities are hiking, biking, picnicking, fishing and birdwatching.

Patio.

Covered. A hardscaped surface attached to the house, an accessory structure, an incidental dwelling unit or remote that is open on at least one side. The patio may have a solid roof, lattice roof or fabric roof surface supported by poles, posts, columns or other vertical structural members.

Uncovered. A hardscaped surface attached to the house, an accessory structure or freestanding that is open on at least one side and has no structural covering above.

Open Air Covered. A patio attached to the house, an accessory structure or incidental dwelling unit that is open on at least one side and in the rear half of the lot. The patio may have a solid, lattice or fabric roof surface supported by poles, posts, columns or other vertical structural members.

Pawn Shops. Establishments engaged in the buying and selling of new or secondhand merchandise and offering loans in exchange for personal property.

Pedestrian, Sidewalk and Landscape Tract. A parcel of land designated on a final plat for the exclusive use by the public for pedestrian amenities and activities, including sidewalks and landscaping.

Permanent Structure. Any structure permanently affixed to the ground. Permanent structures exclude fences, walls, swimming pools, tents, trailers and sport fencing/backstops.

Permeable Pavement. See Town of Gilbert Engineering and Construction Standards.

Personal Services. Provision of services of a personal nature. This classification includes barber shop, beauty salon, cosmetologist, electrolysis, massage therapy, tanning salon, day spa, and nail salon.

Petroleum and Gas Storage. Tank farms and outdoor facilities for the storage of petroleum products and natural gas.

Place of Worship. A structure used for religious worship which may have accessory uses such as religious education, religious bookstores, rectories and parsonages, offices, social services, day care, columbarium and community programs. "Place of Worship" does not include buildings that are used as single family or multi-family residences.

Large-Scale. A Place of Worship on ten (10) acres or more.

Small-Scale. A Place of Worship on less than ten (10) acres.

Planned Area Development. As defined in A.R.S. § 9-462.01, as amended.

Plat. A map, drawn to scale, depicting the subdivision of a piece of land.

Condominium. A plat where parcel lines are not amended.

Corrective. plat approved and recorded for the purpose of eliminating errors of minor survey, drafting or typographical nature on a recorded plat.

Final. As defined in A.R.S. § 9-463, as amended.

Preliminary. As defined in A.R.S. § 9-463, as amended.

Recorded. As defined in A.R.S. § 9-463, as amended.

Pool House. An accessory structure used in association with a private residence's swimming pool. Pool houses shall not be rented or used for overnight accommodations. See Homeowner Facilities for community pool houses.

Porch.

Open Air Porch. An attached covered platform that is open on at least two (2) sides, in the front yard adjacent to a residential entrance. The open air porch should be defined with an architecturally appropriate low railing or wall.

Porch. An attached covered platform located on a street side of a dwelling unit adjacent to a residential entrance.

Primary Dwelling Unit. A single residence, whether attached or detached providing complete, independent living facilities for a single housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A primary dwelling unit may have more than one (1) kitchen as long as the kitchens are open to the entire residence.

Primary Building. A building where the primary use on a lot is conducted.

Primary Structure. See Primary Building

Primary Use. The primary or predominant use or activity occurring on a property.

Private Open Space. See Open Space

Project. Any proposal for a new or changed use of land or buildings, or for new construction, alteration, or enlargement of any structure.

Property Line. See Lot Line

Property Owner. The owner of real property, or the authorized representative of the owner.

Protected Development Right. See A.R.S § 9-1201, as amended.

Public Assembly. See Gilbert Municipal Code.

Public Open Space. See Open Space.

Public Safety Facilities.

Large-Scale. Facilities for public safety and emergency services, including facilities that provide police and fire protection, Ambulance Services, public safety offices, forensic laboratories and training facilities.

Small-Scale. Storefront offices for public safety and emergency services.

Rear Setback. See Setback.

Recovery Residence. A dwelling unit or building used to provide a stable, clean and sober environment for individuals recovering from substance abuse. Individual residents do not live together as a single housekeeping unit and every person residing in the residence (excluding the House Manager and any minor children) is an “individual with a disability”, as that term is used in the federal and State Fair Housing Laws. See A.R.S. §§ 9-10-101, 36-425.06 and 36-401, as amended.

Recreational Vehicle. As defined under A.R.S. § 33-2102.

Recreational Vehicle Park. A developed property providing spaces for short-term rental to occupied recreational vehicles.

Recreational Vehicle Storage

Commercial. See Self-Storage Outdoor

Homeowners Association. An improved and dust-controlled lot or parcel owned by and for the exclusive use of homeowner’s association members, reserved for the storage of unoccupied recreational vehicles and other personal property. See HOA/POA Facilities

Reptile. See Gilbert Municipal Code.

Research and Development. Facilities for research and development of products, including but not limited to technology-intensive fields such as chemical, biological, pharmaceutical, electronics and genetic research.

Residential Uses. See Loft Unit, Single Family, Multi-Family, Incidental Dwelling Unit and Model Home Complex.

Restaurants.

Beverage Service. Eating and Drinking Establishments providing beverages and limited prepackaged food goods primarily or partially from a drive-through window. This classification includes coffee kiosks and similar uses.

Full Service. Eating and Drinking Establishments providing food and beverage service to patrons who order and are served while seated at tables and pay after eating. When alcoholic beverages are served, at least 40% of gross revenue shall be from the sale of food to be classified as a full-service restaurant. Takeout service may be provided. This classification may include as an incidental use an establishment licensed by the State of Arizona as a Teletrack Wagering Establishment.

Limited Service. Eating and Drinking Establishments providing food prepared on-site, sold to patrons who pay before eating. Food and beverages may be consumed on the premises, taken out, or delivered. No table service is provided. This classification includes cafeterias, cafes, fast-food outlets, pizzerias, and snack bars.

Retail Sales. The sale, rental, or lease of goods, products, or material directly to the consumer.

Convenience. A retail establishment of less than 5,000 square feet offering a limited amount of groceries, household items, and automotive supplies. This classification may include incidental Fueling Facilities, Limited Service Restaurants with drive-through and Automated or Self-Service Car Wash Facilities.

Furniture. Establishments selling furniture or a combination of furniture and appliances to the public.

Large-Scale. Establishments of 10,000 square feet or more.

Small-Scale. Establishments of less than 10,000 square feet.

General. Establishments engaged in the sale of merchandise, goods, and groceries. This classification includes rental services such as party supplies, clothing, video rental, and event furnishings. This classification excludes Building Material and Home Improvement Sales and Service, Furniture Retail Sales, Convenience Retail Sales, Commercial Vehicle/Equipment Sales and Rental, Motor Vehicle Sales and Leasing, and Pawn Shops.

Sexually Oriented Businesses. An Adult Arcade, Adult Bookstore, or Video Store, Adult Live Entertainment, Adult Movie Theater, Adult-oriented Business, Adult Theater, Adult Cabaret, Massage Establishment or Nude Model Studio each as defined in A.R.S § 11-811, as amended.

Retention Basin. See Town of Gilbert Engineering and Construction Standards.

Right-of-Way. The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or easement in which the municipality has an interest.

Roadside Sales. See Gilbert Municipal Code.

Rodent. See Gilbert Municipal Code.

Roof Line. The eave line on any part of a building with a pitched roof, or the upper edge of the parapet wall or vertical architectural wall feature on any part of a building with a flat roof.

Salvage Yards or Junkyards. Storage, dismantling and recycling of vehicles, equipment, metals, tires or other used materials for sale as parts or raw material, including but not limited to, the collection, storage, exchange or sale of goods, used building material, used containers or drums, and similar articles or property.

Satellite Dish Antenna.

Large. A satellite dish antenna exceeding one (1) meter (39.37 inches) in diameter designed or used for receiving communications from a satellite.

Satellite Earth Station. A facility equipped with transmitters, receivers, antennas, and other equipment for receiving and transmitting communications from satellites, and for interfacing communications with a land-based communications network.

Large-Scale. A facility in which one (1) or more antennas exceed two (2) meters (78.74 inches) in diameter or diagonal dimension.

Small-Scale. A facility in which no antenna exceeds two (2) meters (78.74 inches) in diameter or diagonal dimension.

Schools, Public, Charter or Private. Facilities for educational and/or classroom purposes operated by public, private, or charter educational institutions offering a general course of study at primary, middle, or high school levels, including seminaries, study centers, athletic facilities, vocational and trade programs, and boarding that are incidental to the operation of such schools.

Large-Scale. Schools occupying five (5) or more acres.

Small-Scale. Schools occupying less than five (5) acres.

Schools, Vocational-Technical and Trade. Uses offering instruction in special business, technical, trade, and vocational skills such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools, and similar establishments operated by non-governmental organizations.

Screening. A method of visually shielding or obscuring an abutting or nearby use or structure from another with a solid wall, fence or perforated metal that is greater than 80% opaque.

Seasonal Sales. The sale of merchandise related to a recognized state holiday or seasonal event including Christmas trees, consumer fireworks, pumpkins and other similar holiday or seasonal goods.

Secondary Dwelling. A second, subordinate dwelling unit located on the same lot as the primary dwelling unit.

Self-Storage Facility. A facility offering storage of personal property and office records to the general public. No overnight accommodations or commercial uses shall be conducted in a storage unit. No hazardous materials shall be stored in a storage unit.

Indoor. A personal property storage facility where all storage occurs in one or more fully enclosed buildings. A Self-Storage Facility may include an on-site dwelling unit for a facility manager.

Outdoor. A personal property storage facility where all or part of the storage occurs outdoors, including the storage of recreational vehicles. A Self-Storage Facility may include an on-site dwelling unit for a facility manager.

Senior Housing. Permanent residential unit(s) restricted by federal or state law, deed restriction, or similar requirement to occupancy by persons of a specific minimum age.

Service Bay. A building containing bay or roll-up doors or similar service openings to provide a service within the building.

Setback. See Building Setback and Building Setback Area.

Sexually-Oriented Business. See Retail Sales, Sexually Oriented Businesses.

Shared Driveway. A driveway providing a common access to two or more lots.

Shelter Care Facility. A residential care facility that provides temporary lodging, meals, counseling, and full-time supervision to individuals and groups such as pregnant teenagers, victims of domestic violence, neglected children, and runaways for periods of less than 30 consecutive days.

Large-Scale. A shelter care facility that is not small-scale.

Small-Scale. A shelter care facility housing five (5) or fewer persons.

Homeless. A facility which provides temporary lodging, meals, and sanitary facilities for persons without permanent housing.

Shooting Range.

Indoor. A structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for sport shooting or military/law enforcement training.

Outdoor. *Subject to state law, a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, archery, skeet, trap, black powder or any other similar sport shooting in an outdoor environment.*

Show. See Gilbert Municipal Code.

Sidewalk Sale/Parking Lot Event. See Gilbert Municipal Code.

Sign. Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public street, road, highway, right-of-way or parking area (collectively referred to as a “public area”). For the purposes of these regulations, the term “sign” shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The term “sign” for regulatory purposes shall not include the following objects: Grave yard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations visible from a public area, artwork or a building’s architectural features visible from a public area, or a manufacturer’s or seller’s markings on machinery or equipment visible from a public area.

Sign Related Terms.

Act of God. An event that is caused solely by the effect of nature or natural causes and without any interference by humans whatsoever.

Balloon. Any lighter than air, gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.

Commercial Building, Multiple Tenant. A commercial building with 2 or more separate tenants having individual entrances and shared parking.

Commercial Center. A group or cluster of retail shops, offices, or employment buildings that share common parking, landscaping, and/or frontage, and may have a property owners association and have a name that is generally understood by the public to refer to the group or cluster.

Comprehensive Sign Program. A set of sign design standards established for a multi-tenant building, non-residential complexes with multiple buildings, or large-scale mixed-use developments.

Double Frontage. A building which has frontage on two (2) streets or a street and a main access drive aisle.

Indirect Illumination. An external source of illumination that is not part of or attached to a sign.

Individual Letters. A cutout or etched letter or logo that is individually placed on a wall or freestanding sign.

Internal Illumination. A light source entirely within a sign where the source of the illumination is not directly visible.

Internal Indirect Lighting (Halo Lighting). A source of illumination, not directly visible, lighting only the background upon which the individual letter is mounted.

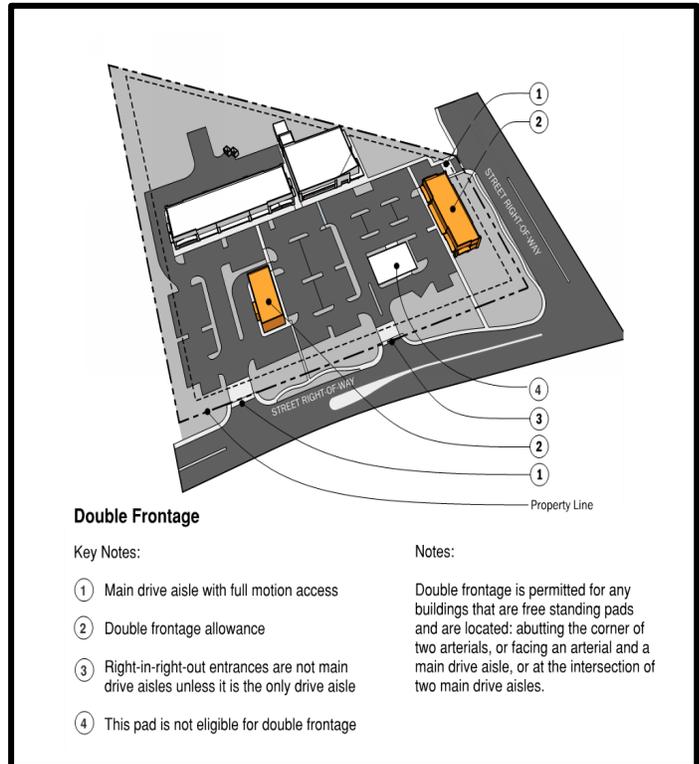
Logo. A graphic symbol representing an activity, use, or business. Logos include registered trademarks or symbols commonly used by a business and may include lettering in addition to graphic designs.

Master Sign Plan. A comprehensive sign plan for large scale multiple tenant commercial or employment uses, building complexes for a single commercial or employment use, auto malls, hospitals, or enclosed regional retail malls.

Pan-Channel Letter. An individual three-dimensional letter constructed by means of a three-sided metal channel.

Raceway. A structure used for wall mounted signage with individual letters or characters, located upon the exterior wall surface between the wall and the letters or sign characters. Raceways contain wiring, conduit, transformers, and other electrical components.

Stanchion. An upright bar, post, or frame forming a support barrier.



Sign Allowance. The amount of signage permitted per use as determined by a mathematical equation provided within this Zoning Code.

Sign Area. The part of a sign that is occupied by the graphic/copy as enclosed by a geometric shape.

Sign Face. The surface upon, against or through which the sign copy and/or graphic is displayed or illustrated, not including: structural supports; monument base; architectural features of a building or monument sign structure; nonstructural or decorative trim. When a sign only consists of letters, designs, or figures engraved, painted, projected, or fixed on a building or perimeter wall or other structure, and does not include a background contrasting with the material or color of the building or perimeter wall or other structure, the sign face shall consist of the entire fixed lettering and/or artwork, together with the spacing between the letters, figures or designs.

Sign Plan. A drawing required to be submitted with an application for a sign permit. The plan may show one (1) or more signs.

Sign Structure. The supports, uprights, braces and framework of a sign.

Sign Walker. A person who wears, holds or balances a sign.

Valance. The vertical front face of an awning, parallel to the face of the building to which it is mounted.

Sign Types

Abandoned Sign. A sign that is not operated or maintained for a period of 180 calendar days or longer during any 12 month period. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service that is no longer available; (2) the sign displays advertising for a business that is no longer licensed; (3) the sign is blank; (4) the sign advertises a business that is no longer doing business on the parcel where the sign is located; or (5) the sign is for a purpose that has lapsed.

A-Frame Sign. A portable, stand-alone sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form a base upon which the sign stands.

Animated Sign. A sign that uses movement or change of lighting to depict action or the appearance of motion. This definition includes blinking, flashing, moving and revolving signs; strobe lights, lasers, fiber optic lights, search lights and string lighting of any type.

Awning Sign. A sign painted, installed, attached or otherwise applied to or located directly on an awning.

Banner Sign. A Temporary Sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame.

Balloon Sign. A sign supported by a balloon anchored to the ground or a fixed object.

Bandit Sign. See Snipe sign.

Billboard Sign. A sign or structure, other than a Temporary Sign, portraying information or directing attention to a business, activity, commodity service, entertainment, or communication that is not conducted, sold or offered at the parcel on which the sign or structure is located, or which does not pertain to the parcel upon which the sign or structure is located.

Blinking Sign. See Flashing Sign.

Cabinet Sign. A three-dimensional enclosed structure that includes all messages and copy with a single or double Sign Face(s).

Canopy Sign. A wall sign designed to be installed, attached or otherwise applied to or located directly on the roof of a canopy and used to accent the building entry.

Canopy Sign for Service Islands. A sign mounted permanently on or under a service island canopy.

Changing Message Sign. A sign designed to permit change of copy manually, mechanically (MCM) or electronically (ECM), including such signs where the change of copy is by remote or automatic means.

Door Sign. A sign that is affixed to the surface of a door.

Drive-Through Sign. A sign oriented to occupants of vehicles utilizing a drive-through at an establishment that offers transactions through a window, with or without ordering capability.

Unit Wall Signs. A sign used to clearly identify a unit, which is permanently fastened to or painted on the wall or parapet of a building or structure.

Entrances to Non-residential Tenant Office or Suites Sign. A wall sign used to clearly identify an individual tenant office or suite located adjacent to the main entrance of the tenant office or suite.

Entrances to Restaurants Sign. A wall sign used to clearly identify the main entrance of a restaurant located adjacent main entrance.

Entrances to Service and Delivery Doors Sign. A wall sign used to clearly identify a service or delivery entrance located adjacent the entrance.

Flag. A Temporary Sign consisting of a piece of cloth, fabric or other non-rigid material.

Flashing Sign. Any illuminated sign, on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is

illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

Flying Banner Sign. A portable, stand-alone sign comprised of light fabric that moves with the wind and can turn 360° and is supported by a pole structure and a base.

Freestanding Sign. A sign erected or mounted on its own self-supporting structure or base detached from any supporting elements of a building, wall or fence.

Freeway Sign. A freestanding sign intended to advertise or identify uses to motorists on a freeway.

Historic Marker. A marker commemorating a historic person or event, or identifying a historic place, structure or object.

Heritage District Roof Sign. A sign mounted to the roof of a building whose horizontal dimension is equal to or greater than its vertical dimension and whose height exceeds the roofline or parapet of the building to which it is attached. The roof sign will be considered a non-commercial sign as long as it does not promote a particular business, service or product but contributes to the visual identity and character of the Heritage District through extraordinary aesthetic quality, creativity, or innovation.

Inflatable Sign. A form of inflatable device or a sign that is displayed, printed or painted on the surface of a balloon or any other form of inflatable background and is used to attract attention to or advertise a noncommercial or commercial message or location.

Intermittent Sign. A sign that permits light to be turned on or off intermittently more frequently than once every 12 hours or that is operated in a way whereby light is turned on or off intermittently or that varies in intensity or color more frequently than once every 12 hours, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including but not limited to an LED (light emitting diode) or digital sign.

Marquee Sign. A sign painted, installed, attached or otherwise applied to or located directly on a Marquee.

Monument Sign. An architectural structure signifying and marking an entrance.

Moving Sign. A sign designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.

Multi-Family Residential Entry Sign. A freestanding sign located at the entrance of or along the perimeter of a multi-family residential project.

Neon Sign. A sign using neon or any other inert gas under low pressure, that glows in a distinctive color when exposed to a high voltage electrical current.

Non-conforming Sign, Legal. A sign legally established prior to the effective date of the Zoning Code or of amendments thereto that became effective after the time at which

the sign was legally established or a sign that was legally established in another political jurisdiction prior to annexation to the Town and that does not conform to the regulations for signs for the district in which it is located.

Off-site Commercial Sign. Any sign that advertises a use, product, service, or activity occurring on a lot or parcel other than where the sign is located.

On-Site Directional Sign. A sign providing necessary direction for vehicular and pedestrian traffic on the premises on which the sign is located.

On-Site Directory Sign. A sign showing the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project.

On-Site Sign. Any sign that advertises a use, product, service, or activity occurring on a lot or parcel where the sign is located.

Painted Wall Sign. A sign painted directly onto the exterior wall of a building.

Permanent Sign. A sign constructed of durable materials, attached to the ground or to a building in a manner provided by the building code.

Pole Sign. A permanent freestanding sign supported by a single column, upright, pole, or post. Pole signs are not monument signs.

Portable Sign. A sign not permanently attached to, mounted upon or affixed to a building, structure or the ground, and which is easily moved. Examples include A-Frame Signs, T-Frame Signs, and signs on wheels. Portable Sign does not include a Temporary Sign carried by a person or animal.

Projecting Sign. A sign mounted on a building facade or under a roof perpendicular to the normal flow of traffic.

Projecting Roof Sign. A sign mounted to and projecting from the wall of a building wherein the sign height exceeds the height of a roofline or parapet. Projecting Roof Sign does not include a Marquee Sign.

Projecting Sign. A sign mounted to and projecting from the wall of a building and that does not exceed the height of the roofline or parapet. This definition excludes: Marquee Sign or Projecting Roof Sign.

Reflective Sign. A sign constructed of mirrors or other surfaces that reflect light.

Roof Sign. A sign erected on a roof or projecting above the highest point of the roof line, parapet, or fascia of a building.

Rotating Sign. A sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

Scrolling Sign. A sign that uses changing lights or colors to form one or more sign messages that move by electronic means horizontally or vertically across a display screen.

Single Family Residential Entry Sign. A freestanding sign located at the primary entrance of a residential subdivision.

Snipe Sign. A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Zoning Code.

Street Address Sign. A sign displaying only the official address assigned to a property by a governmental body.

Street Pole Banner Sign. A display containing changeable copy on vinyl or fabric with printed or sewn graphics that is mounted from brackets perpendicular to a streetlight pole or other freestanding armature structure.

Suspended /Blade Sign. A sign suspended from a roof overhang of a covered porch or walkway, that identifies the tenant of the adjoining space.

Temporary Residential Subdivision Signs. A temporary sign for the identification of a residential subdivision and related model home complexes.

Temporary Sign. A sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.

T-Frame Sign. A portable, stand-alone sign comprised of one single double-sided panel joined at the bottom to a base that is spread apart upon which the sign stands.

Tower Sign. A freestanding sign not more than 15 feet in height associated with large commercial or industrial projects.

Traffic Control Device Sign. Any Government Sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those Government Signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Umbrella Sign. A sign painted, installed, attached or otherwise applied to or located directly on an umbrella, including name brands and symbols.

Illegal Vehicle Sign. A sign that identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, that is parked and visible from the public right-of-way. This definition does not include vehicles used for transporting people or materials in the normal day-to-day operation of the business.

Unit and Building Identification Sign. A sign used for the identification for a multi dwelling or unit complex.

V-Shaped Sign. Signs erected upon common or separate structures that present a v-shaped appearance and having an exterior angle between faces of not more than 45 degrees with distance between faces of such signs at their closest point not exceeding two (2) feet.

Wall Sign. A sign permanently fastened to or painted on the wall or parapet of a building or structure (including canopies) in such a manner that the wall or vertical surface of the structure is the supporting structure for the sign.

Wall Mounted Cabinet Sign. A sign permanently affixed to a wall that is stylized in shape, rather than rectangular, to reflect the shape of the image printed on the Sign Face or the molded Sign Face, with embossed copy or sign copy or sign copy in relief.

Window Sign. A sign applied or attached to a window or displayed within six (6) feet of the interior of a first-floor window area so as to attract attention of persons outside the building. Window Signs do not include merchandise in a window display.

***Single Family.** A dwelling unit located on one lot designed for occupancy by one household for living and sleeping purposes, having cooking and sanitary facilities. Principal single family dwelling units may be attached (commonly known as townhouses or duplexes) or detached from other principal dwelling units.*

Single Family Dwelling Unit.

Attached. A primary dwelling unit on an individual lot that has at least one (1) wall/roof in common with one or more other primary dwelling units on separate lots.

Detached. A primary dwelling unit on an individual lot that has no common walls/roofs with another primary dwelling on a separate lot.

Single Housekeeping Unit. An interactive group of persons jointly occupying a residential unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the residents are renters, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Site. One or more contiguous lots or parcels under single ownership or unified control.

Site Plan. A plan prepared to scale showing the boundaries of a site and the proposed location of all buildings and structures, circulation, landscaping, improvements and open space areas.

Specialized Instructional Services. Provision of instructional services including: arts, crafts, dance or music studios, diet centers, driving schools, martial arts, reducing salons, tutoring and similar uses.

Sports Court/Field. A hardscape or field typically constructed outdoors, where such games as basketball, volleyball, street hockey, skateboarding, racquet sports and various other games and activities can be played. Backstops, backboards and goals are considered part of the sports court. Patios, driveways and unmarked concrete pads are not considered sport courts.

Stables.

Commercial. Facilities for boarding or renting horses, mules, or ponies where a fee is charged for such services. Equestrian lessons may be provided. This definition excludes Feed Lots.

Residential (Non-Commercial). A detached accessory structure for the keeping of horses, mules, and ponies, regardless of ownership, where no fee is charged.

Stacking Space. The area occupied by a vehicle while waiting to be served at the initial order point, fuel pump island, or service bay.

Stand-Alone Smoking Lounge. A self-contained, independently operating business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances, whether such substances are purchased therein, including, but not limited to cigar lounges, hookah lounges, tobacco clubs, and tobacco bars, but not including retail tobacco stores, as that term is defined in the Gilbert Municipal Code. This definition does not authorize the use or consumption of substances at Stand-alone Smoking Lounges that are prohibited under State or Federal law.

Storage Container.

Residential. A portable, weather resistant receptacle designed and used for the shipment or storage of household goods or personal items.

Non-Residential. A portable, weather resistant receptacle designed and used for the storage of equipment, supplies, merchandise, or similar materials.

Story. The portion of a building, other than a basement, included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street. A public or private thoroughfare for vehicular use providing access to public or private property.

Public. A public street includes the associated right-of-way.

Private. Any street not required to be maintained by the Town of Gilbert.

Street Types. See Town of Gilbert Engineering and Construction Standards.

Structure. Any vertical building constructed or permanently affixed to the ground or a foundation. This excludes wall and fences.

Studio Unit. A single room that combines the living and sleeping spaces. Studio units may have separate bath and kitchen spaces. Some studios may have an alcove area for sleeping or a loft area that is open to the main room.

Subdivider. A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and initiates proceedings for the subdivision of land. An individual serving as agent for such legal entity is not a subdivider.

Subdivision. As defined in A.R.S. § 9-463.02, as amended.

Surgery Center. See Out-Patient Surgery Center.

Swap Meet. *See Gilbert Municipal Code*

***Indoor.** A permanent location where commercial activities are held in an enclosed structure by groups of licensed vendors renting space to display, barter, or sell goods to the public. This definition excludes: Farmer's Market, occasional craft fairs and benefit sales held on public property or conducted by non-profit organization(s).*

***Outdoor.** A permanent location where commercial activities are held in an open area by groups of licensed vendors (sellers) rent space to display, barter, or sell goods to the public. This definition excludes: Farmer's Market, occasional craft fairs and benefit sales held on public property or conducted by a non-profit organization.*

Reoccurring. Swap meets that do not meet the Gilbert Municipal Code for a single special event.

Single Event. See Gilbert Municipal Code to determine if a single event; otherwise it will be considered recurring.

Swimming Pool. A portable or permanent structure intended for swimming or full or partial immersion. This definition excludes ornamental pools, water features or fishponds.

***Tattoo / Piercing Studio.** An establishment whose primary business is permanent marking of the skin using ink or other substances by means of needles or other instruments and which may also offer services to create an opening in the body for the purpose of inserting jewelry or other decoration. See Day Spa under Personal Services for permanent make up.*

***Teen Nightclub.** A facility with music and dancing primarily for youth unaccompanied by adults, and which charges an admission fee or cover charge.*

Teletrack Operator. Any person who holds an Arizona Racing Commission Permit for horse or dog racing events within Arizona and who accepts bets or wagers on the results of any pari-mutuel race at a location other than the racetrack.

Teletrak Wagering Establishment. Any establishment at which a Teletrak Operator accepts bets or wagers on the results of a horse or dog racing program conducted by a Teletrak Operator at an authorized track within Arizona.

Temporary Installation. A building or structure erected for only a limited period of time; not on a permanent foundation.

Temporary Use. A use established for a specified limited period of time.

Tent Sale. The temporary outdoor sale of vehicles at other than a normal business location, by one or more licensed dealers.

Trail

Equestrian. A linear path designated for equestrian use.

Multi-Use. A linear path designated for use by pedestrians, bicycles, and equestrians.

Transparency. The use of open and clear or sheer materials, or the combination of, to allow for the ability to see through or into. Typically, windows, doors with windows, porches or patio.

Transportation Passenger Terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals; transit stations. This definition excludes: Airports, and Heliports.

Urgent Care Facility. A facility licensed by the Arizona State Department of Health Services that provides emergency medical services with no provision for continuing care on an inpatient basis.

Use. See Accessory, Primary or Temporary Use.

Utility. Unless defined otherwise under federal or state law:

Facilities. Buildings, structures or land used by a utility, railroad, governmental agency or company working under contract for a utility, railroad or governmental agency utility, railroad or governmental agency for water or sewage treatment plants, lift and pumping stations, electric substations, telephone exchanges, resource recovery facilities or similar uses. This definition excludes: Utility Service Yards, Wireless Communication Facilities, Over-the-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, well sites, or Amateur Radio Facilities.

Large-Scale. A facility occupying two (2) acres or more.

Small-Scale. A facility occupying less than two (2) acres.

Service Yard. Buildings, structures, or land used by a utility, railroad, or governmental agency for the purpose of storing and maintaining vehicles, equipment and materials.

Well Site. Groundwater extraction well locations, including pumps and associated equipment, not located within a building.

Utility Easement. Land dedicated for installation of facilities overhead or underground for use by the public.

Vacant Land. A lot or parcel of land that is not actively used for any purpose and either no improvements, or limited improvements, have been constructed.

Vacation. See Abandonment.

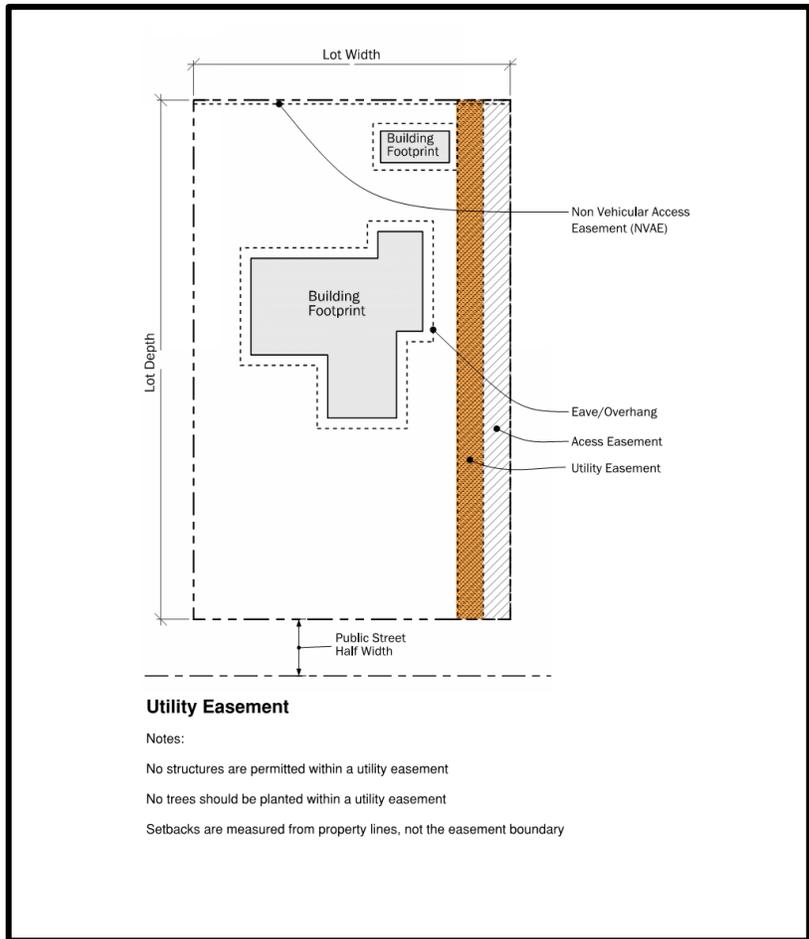
Vacation or Short-Term Rentals. See A.R.S. § 9-500.039, as amended.

Variance. Allows a deviation from dimensional and performance standards where the strict application will deprive the property owner of privileges enjoyed by similar properties.

Vehicle and Equipment Sales and Rental

Commercial Vehicle and Equipment Sales, Leasing and Rental. Sales or rental of trucks, tractors, construction or agricultural equipment, buses and similar commercially used equipment, including incidental maintenance.

Motor Vehicle Sales and Leasing. Sale or leasing of automobiles, motorcycles, light trucks, motor homes, recreational vehicles, boats, and similar equipment to the public, including incidental maintenance.



Non-Commercial Vehicle Rental. Rental of automobiles, light trucks, motorcycles, watercraft, and similar equipment to the public, specifically excluding sales and maintenance. This classification does not include the rental of motor homes and recreational vehicles.

Vehicle Services.

Heavy. Major repair of automobiles, trucks, motor homes, recreational vehicles, or boats. This classification includes full or partial drive train removal, repair and replacement, body and paint shops, radiator shops, vehicle emissions testing, transmission shops and similar uses. This classification excludes vehicle dismantling or Salvage.

Light. Minor vehicle services limited to repair, replacement and installation of components, including batteries, tires, brakes, tune-ups, air conditioning, automobile glass replacement and tinting, upholstery, audio and video equipment, mufflers, and lubrication services. Light vehicle services exclude any operation specified under Vehicle Services, Heavy.

Vehicle Towing Service Storage Yard; Impound Lot. Any improved lot, structure, or the use of any portion of such lot or structure for the temporary outdoor storage of towed vehicles that are to be claimed by the titleholders or their agents. Any vehicle stored shall remain mechanically operable and licensed at all time.

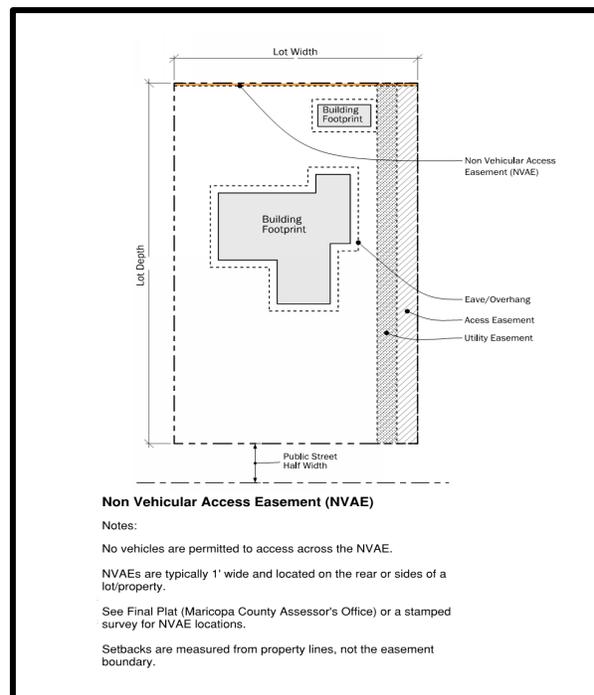
Vehicular Non-Access Easement (VNAE). A recorded easement prohibiting access or crossing by vehicles.

Wall. A semi-opaque or closed vertical surface forming a physical barrier preventing the passage of light, air, and vision in a horizontal plane for the screening or privacy of a yard. Walls are typically constructed of masonry, brick, concrete, metal, wood, or other similar materials. Walls and fences are not considered a structure.

Double. Two walls or a fence and a wall that are parallel or nearly parallel and do not allow space for proper maintenance and visual security.

Internal. A semi-opaque or solid wall located inside of a lot or development, not on the perimeter.

Perimeter. A wall located on an exterior lot line or property line.



Retaining. A wall used to retain more than 18 inches of material and not used to support a structure.

Screen. An opaque wall located to limit the view of a parked car, drive through, driveways/drive aisles, recreational vehicles, boats or any other use or property that is identified by the code.

Warehousing. Commercial storage and/or distribution facilities. See Freight/Truck Terminal and Warehouse and Petroleum and Gas Storage.

Waste Management. Facilities for the collection, receipt, storage, transfer, and disposal of waste, excluding sewage. See Hazardous and Non-Hazardous Waste Collection and Transfer Facility.

Water Feature. See Gilbert Municipal Code.

Wholesale Sales. The sales of goods, products, or materials to other wholesale or retail businesses.

Wholesale Sales and Distribution. Uses engaged in the wholesale sales, bulk storage and distribution of goods. Wholesale showrooms are also included in this use category.

Wireless Communication Facilities (WCF). Antennas, support structures and related equipment for the transmission or reception of personal wireless services, radio or microwave signals as authorized by the Federal Communication Commission. Personal wireless services include commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services, but not direct-to-home satellite services.

Wireless Communication Related Terms.

Alternative Light Pole.

Monopole. A single pole attached to a permanent foundation.

Public Safety Communications Facility. A tower or monopole required for the purpose of public safety communications of the Town, a neighboring city, Maricopa County, or the State of Arizona.

Wireless Communication Related Terms.

Antenna. Communications equipment that transmits or receives electromagnetic radio frequency signals and that is used in providing wireless services.

Co-Location. The use of a single support structure and/or site by more than one telecommunications provider.

Equipment Cabinet or Building. A cabinet or building used to house ground mounted telecommunication equipment to support a wireless communications facility.

Existing Vertical Element – Other. Any existing monopole tower or other vertical structure performing a non-WCF function. Existing vertical element “other” does not include a light pole, utility pole, recreational field light pole, building or sign.

Existing Vertical Element, Recreational Field Light Pole. A light pole constructed and used to provide an appropriate lighting function for a recreational ball field.

Microcell. A device that is connected to arterial facilities and used solely for transmitting, processing and receiving voice and data wireless telecommunications services, without any associated ground mounted equipment. The device is often referred to as an “ASME” (Aerial Strand Mounted Equipment).

Monopole, Portable. A Transportable base with a single pole and associated equipment.

Public Safety Communications Facility. A tower or monopole required for the purpose of public safety communications of the Town, a neighboring city, Maricopa County, or the State of Arizona.

Remote Radio Heads (RRH) / Remote Radio Units (RRU). Electronic devices that are used to amplify radio signals in order to increase the distance of the outgoing radio signal from the antenna.

Small Wireless Facility. As defined in A.R.S. § 9-591, as amended.

Stealth Building Element. A non-residential building element designed to conceal and/or camouflage Wireless Communications Facilities, including but not limited to a wall mount, clock tower, cupola or church steeple.

Stealth Structure. A structure designed to conceal and/or camouflage Wireless Communications Facilities. Structures may include but are not limited to artificial cacti or trees, or a sculptures. Stealth structures do not flagpoles, monopoles with an attached flag, or monopoles with a minimal design feature.

Wireless Support Structure. See A.R.S. § 9-591, as amended.

Yard

Front. Open space extending across the full width of the lot between the front lot line and the nearest line of the building.

Rear. Open space extending across the full width of the lot between the rear lot line(s) and the nearest line of the building.

Service. See Utility Service Yard

Side. The open space extending from the front yard to the rear yard along the entire side of a lot from the side lot line to the nearest line of the building

Section 3.0 Base Zoning Districts and Use Regulations

Base Zoning Districts are the standard zoning districts as depicted on the official Zoning Map and defined with this Section of the Zoning Code. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions. Land uses permitted within each district may not be modified.

Section 3.1 Use Regulations

3.1.1 Purpose and Intent

- A. The purposes and intent of the Land Use Regulations Table established in this section are to:
 - 1. Provide for single family residential, multi-family residential, commercial, office, employment, and public facility/institutional uses in appropriate locations.
 - 2. Ensure compatibility amongst land uses.

3.1.2 Use Regulations

A. Regulations

The following Use Regulations Table sets forth the land use regulations for all zoning districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"L" designates uses that are permitted subject to certain limitations. Number designations refer to the limitations listed at the bottom of Use Regulations.

"I" designates uses that are permitted only as incidental (accessory) to the primary use of the property.

"T" designates uses that are permitted to be conducted for a temporary period of time. Time limitations are listed in [Temporary Uses](#).

"A" designates uses that require an Administrative Use Permit pursuant to [Use Permits](#).

"U" designates uses that require a Conditional Use Permit pursuant to Use Permits.

"S" designates uses that require a Special Use Permit pursuant to [Use Permits](#).

B. Unlisted Uses

Uses are defined in [Terms](#). If a proposed use is not listed in the Terms, the Zoning Administrator shall determine if the proposed use is substantially similar to a permitted use; in that event, the Zoning Administrator shall assign the proposed use to a permitted use definition.

C. Prohibited Uses

Uses not listed in the Use Regulations Table or not assigned to a Use Definition pursuant to Unlisted Uses are prohibited.

D. Additional Use Regulations

Additional use regulations are set forth in [Supplemental Use Regulations](#).

		Table 3.1.2 Use Regulations																														
Use Category		Residential											Mixed Use and Non-Residential															Additional Standards				
Subcategory		SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF/L	MF/M	MF/H	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	MU/S	MU/L	MU/R		
Specific Use Type																																
Residential																																
Household Living																																
Residential																																See Vacation Short Term Rental
Loft Unit															P	P	P	P	P			P	P				P	P	P	P	P	See Terms
Single Family		P	P	P	P	P	P	P	P	P	L3																					
Multi-Family											P	P	P						L2 L6							L2 L6	L2 L6	L2 L34	L2 L34	L2 L34	L2 L34	
Incidental Dwelling Unit		A	A	A	A	A	A	A			L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	L34	See Incidental Units
Model Home Complex		P	P	P	P	P	P	P	P	P																						See Model Home Complex
Group Living																																
Congregate Living Facility		L5	L5								P	P	L25		P	P	P	P	L25		L25						L25		P	P	P	
Dormitory															P	P	P	P	P							P	P		P	P	P	
Group Homes for the Handicapped		P	P	P	P	P	P	P	P	P	P	P																				See Group Homes for the Handicapped
Shelter Care Facility																																
Small-Scale		P	P	P	P	P	P	P																								
Large-Scale											U	U	U	U	U	U	P	P							P							
Homeless																	U								U							
Recovery Residence		P	P	P	P	P	P	P	P	P	P	P																				See Recovery Residences
Senior Housing											P	P	P																P	P	P	
Civic and Institutional																																
Community Services																																
Arboretum/Botanical Garden		P	P											P L35	P	P	P	P	P							P	P		P	P	P	
Cemetery																										P						See Cemetery
Cemetery, Pet																									P							
Civic, Social and Fraternal Organizations															L7	L7	L7		L7		L7				L7	L7		P	P	P		
Cultural Institutions														P L35	P	P	P	P	P			P			P			P	P	P		
Day Care Center														P L35	P	P	P	P				L9	L10	L10	L10	L10	P	P	P	P	P	
Day Care, Home Occupation		I	I	I	I	I	I	I	I	I	I	I							I							I	I	I	I	I	See Home Occupation	
Day Care, Residential		I	I	I	I	I	I	I	I	I	I	I							I							I	I	I	I	I	See Residential Day Care	
Homeowners Association Facilities		P	P	P	P	P	P	P	P	P	P	P	P L35	P	P	P	P								P			P	P	P		

		Table 3.1.2 Use Regulations																															
Use Category		Residential											Mixed Use and Non-Residential															Additional Standards					
Subcategory	Specific Use Type	SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF/L	MF/M	MF/H	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	MU/S	MU/L	MU/R			
Place of Worship																																See Places of Worship	
Large-Scale		L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13									L7 L11 L13								L7 L11								
Small-Scale		L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13			L7 L11 L14	L7 L11 L14	L7 L11 L14	L7 L13 L35	L7 L13	L7 L13	L7 L13			P					L7 L11 L12				P	P	P		
Public Safety Facility																																	
Large-Scale		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P				P	P	P		P					P		
Small-Scale		P	P	P	P	P	P	P	P	P	P	P	P	P L35	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P		
Recreational Vehicle Storage, Homeowners Association		P	P	P	P	P	P	P	P	P																							
Educational Facility																																	
Colleges or Universities, Public or Private															P	P	P	P	P	P	U	P	P	P		P	P	P	P	P	P		
Specialized Instructional Services														P L35	P	P	P	P	P	p	P	P	P				P	P	P	P	P		
Schools, Public or Private																																	
Large-Scale		L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13						U L35	U	U	U								L7 L11						P		
Small-Scale		L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13			L7 L14	L7 L14	L7 L14	L7 L11 L35	L7 L11	L7 L11	L7 L11		L15	L7 L11	L7 L11				L7 L11	L15	L6	L15	L15	L15			
School, Vocational – Technical and Trade															P	P	P	P	P	P		P	P	P		P	P	P	P	P	P		
Health Care Facilities																																	
Hospital																									L22								
Out-Patient Surgery Center														P L35	P	P	P	P	P	P	P	P				P	P	P	P	P	P		
Urgent Care Facility														P L35	P	P	P	P	P	P	P	P				P	P	P	P	P	P		
Medical Offices and Clinics														P L35	P	P	P	P	P	P	P	P				P	P	P	P	P	P		
Nursing Home																P	P	P			U	P									P		
Marijuana Facilities																																	
Dual Licensee Site																															U	U	See Marijuana Facilities
Medical Marijuana Designated Caregiver Cultivation Location																															P	See Marijuana Facilities	
Medical Marijuana Dispensary																															U	U	See Marijuana Facilities

Table 3.1.2 Use Regulations																																
Use Category	Residential												Mixed Use and Non-Residential													Additional Standards						
Subcategory	SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF/L	MF/M	MF/H	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	MU/S	MU/L	MU/R			
Specific Use Type																																
Off-site Cultivation Off- Site																															See Marijuana Facilities	
Industrial Hemp																							P	P								
Transportation																																
Airfield, Private																																
Ambulance Services															P	P	P				P	P	P				P					
Heliport/Helipad	U	U														U	U				U	U	U	U	P							
Park and Ride Lot														P	P	P	P	P			P	P	P	P	P	P	P		P	P		
Parking Facility															P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Parking Structure														P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Transportation Passenger Terminals																P	P	P				P	P		P	P	P		P	P		
Utility																																
Amateur Radio Facility	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I		
Over-the-Air Reception Device	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			I	P	I	I	I	I							
Satellite Dish Antenna																																
<i>Large</i>	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I			I	I	I	I	I	I							
Satellite Earth Station																																
<i>Large-Scale</i>																						P	P	P								
<i>Small-Scale</i>														P	P	P	P	P				P	P	P								
Utilities																																
<i>Facilities, Large Scale</i>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
<i>Facilities, Small Scale</i>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
<i>Service Yard</i>																						P	P	P	P							
<i>Well Site</i>	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P		
Wireless Communication Facilities																																See Wireless Communication Facilities
<i>Alternative Light Poles</i>	L16	L16	L16	L16	L16	L16	L16	L16	L16	L16	L16	L16		U	U	U	U	U			U	U	U	U		U	U	U	U	U		
<i>Monopoles</i>																						U	U	U	U							
<i>Public Safety Communication Facility</i>																									A/U				A	A		
<i>Support Structures Other Than Those Listed Above</i>	A	A	A	A	A	A	A	A	A	A	A	A	L17	A	A	A	A	A			A	A	A	A	A	U	U	A	A	A		
Commercial																																
Commercial Services																																
Automated Teller Machine (ATM)																																
Bank ATM														I	I	I	I	I	L18	I	P				I	L18	L18	L18	L18	L18		
Remote ATM														P	P	P	P	P	L18	P	P	P	P	P	P	L18	L18	L18	L18	L18		
Banks and Other Financial Institutions														U	P	P	P	P	L18	L18	P					L18	L18	L18	L18	L18		
Banquet Facility															P	P	P	P	L1	L8	L32					L1	L8	L32	L36	L36	L37	P

		Table 3.1.2 Use Regulations																														
Use Category		Residential											Mixed Use and Non-Residential															Additional Standards				
Subcategory		SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF/L	MF/M	MF/H	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	MU/S	MU/L	MU/R		
Specific Use Type																																
Building Maintenance Services															P	P	P	P				P	P	P							P	
Business Services														P L35	P	P	P	P	P	P	P	I			I	P	P	P	P	P		
Eating and Drinking Establishments																																
<i>Bars/Nightclub/Lounges/Dance Halls</i>														U L35	P	P	P	P	P							U		P	P	P		
<i>Brewery, Microbrewery, Distillery, Craft Distillery or Winery</i>														U L35	P	P	P	P	P			P	P	P		P	P	P	P	P		
<i>Restaurants, Beverage Service</i>														P L35	P	P	P	P	L19			L18	L18		L18 L10	L18	L18	L18	L18	L18		
<i>Restaurants, Full Service</i>														P L35	P	P	P	P	P		L18 L9	L18	L18			L18	L18	P	P	P		
<i>Restaurants, Limited Service</i>														P L35	P	P	P	P	L19		L18 L9	L18	L18			L18	L18	L18	L18	L18		
Food Preparation																																
<i>Large-scale</i>																						U	P	P								
<i>Small-Scale</i>														P L35	P	P	P	P				P	P			I	P	P	P	P		
Funeral and Undertaking Services														P L35	P	P	P	P	U	P	P				P			U	U	U		
Home Occupation		I	I	I	I	I	I	I	I	I	I	I			I	I	I	I	I		I	I				I	I	I	I	I	See Home Occupation	
Maintenance and Repair Services														L20 L35	P	P	P	P	P			P	P				P	P	P	P		
Non-Chartered Financial Institution															U	U	U	U	U									U	U	U	See Non-Traditional Business Uses	
Self-Storage Facility																																
<i>Indoor</i>															P	P	P					U	U									
<i>Outdoor</i>															U	U	P						U	P								
Stand-Alone Smoking Lounge															U	U	U	U	U									U	U	U	See Non-Traditional Business Uses	
Piercing Studio															U	U	U	U	U							U		U	U	U	See Non-Traditional Business Uses	
Vehicle and Equipment Sale, Leasing, Rental, and Service																																
Car Wash																																
Automated or Self-Service															P	P	P	P										U L18 L36	U L18 L36	U L18 L36		
Full Service															P	P	P	P									U	U	U			
Fueling Facility																																

Table 3.1.2 Use Regulations																																
Use Category	Residential												Mixed Use and Non-Residential													Additional Standards						
Subcategory	SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF/L	MF/M	MF/H	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	MU/S	MU/L	MU/R			
Specific Use Type																																
Alternative													P L35	P	P	P	P				A	P	P	P								
Fleet																A	A			A	A	A	A	P								
Retail													P L35	P	P	P	P															
Motor Vehicle Sales and Leasing																P	P						L21									
Commercial Vehicle and Equipment Sales, Leasing, and Rental														I U	I U	U	U						P	P								
Non-Commercial Vehicle Rental														A	A	P	P			P	P	P										
Tent Sale																T	T															See Temporary Uses
Vehicle Services																																
Heavy																P							P	P	P							
Light														P	P	P	P					P	P	P								
Entertainment																																
Carnival,																																
Large-Scale														T	T	T	T												T	T	See Temporary Uses	
Non-commercial																		T									T	T	T	See Temporary Uses		
Small-Scale	T	T	T	T	T	T	T			T	T	T	T L35	T	T	T	T	T	T	T				T	T		T	T	T	See Temporary Uses		
Entertainment & Recreation, Indoor																																
Large-Scale														P	P	P	P							P			P	P	P			
Small-Scale												I	P L35	P	P	P	P	P		L9	P			P	P		P	P	P			
Entertainment and Recreation, Outdoor																																
Active																U	U							U				P	P			
Passive	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I						P	I	I	I	I	I			
Equestrian Arena	U	U																						P							See Animals	
Golf Course	P	P	P	P	P	P	P	P	P	P	P	P												P								
Haunted House	T	T	T	T	T	T	T			T	T	T	T L35	T	T	T	T	T										T	T	T	See Temporary Uses	
Shooting Range																																
Indoor																P	P					P	P	P						A		
Outdoor																								P								
Teen Nightclub																P	P	P														
Office																																
Call Center															P	P					P	P	P				P	P	P	P		
Government Offices and Facilities																																
Large-Scale														P	P	P	P				P	P	P		P		P		P	P		
Small-Scale	P	P	P	P	P	P	P	P	P	P	P	P	P L35	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P			

Table 3.1.2 Use Regulations																															
Use Category	Residential												Mixed Use and Non-Residential													Additional Standards					
Subcategory	SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF/L	MF/M	MF/H	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	MU/S	MU/L	MU/R		
Specific Use Type																															
Offices, General													P L35	P	P	P	P	P	P	P	P	P				P	P	P	P	P	
Retail Sales and Services																															
Animal Day Care													P L35	P	P	P	P	P								P		P	P	P	
Animal Grooming													P L35	P	P	P	P	P								P		P	P	P	
Animal Shelter																U							P	P	P						
Animal Clinic/Hospital																															
Large-Scale															P	P															
Small-Scale													P L35	P	P	P	P	P								P		P	P	P	
Kennel														U	U	P	P														
Building Material and Home Improvement Sales, Service and Rental																															
Large-Scale														U	U	P	P														U
Small-Scale													P L35	P	P	P	P	U										U	U	P	
Sales and Services Wholesale																								P	P						
Dry Cleaning and Laundry																															
Central Plant																								P	P						
Outlet													P L35	P	P	P	P	L18	P	L9 L18							L18	P	L18	L18	L18
Garden Supply Stores and Plant Nurseries															P	P	P											P	P	L37	
Health Resort															P	P	P	U				P				P	P	U	U	P	
Laundry Services													P L35	P	P	P	P	P								U	P	P	P	P	
Pawn Shop														U	U	U	U	U											U	U	U
Personal Services	L33	L33	L33	L33	L33	L33	L33	L33	L33	L33	L33	L33	L23 L33 L35	L23 L33	L23 L33	L23 L33	L23 L33	P	I	L9 L23 L33						P	P	P	P	P	
Retail Sales																															
Convenience													U L35	P	P	P	P											L18	L18 L37	L18 L37	
Furniture																															

Table 3.1.2 Use Regulations																															
Use Category	Residential												Mixed Use and Non-Residential													Additional Standards					
Subcategory	SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF/L	MF/M	MF/H	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	MU/S	MU/L	MU/R		
Specific Use Type																															
Large-Scale													U L35	P	P	P	P	P								P					L37
Small-Scale													P L35	P	P	P	P	P								P		P	P	P	
General													P L35	P	P	P	P	L18		L9 L18	L18 L24	L18 L24	L18 L24		L18	I L26	L18 L37	L18 L37	L18 L37		
Sexually Oriented Businesses																U							U	U							See Non-Traditional Business Uses
Seasonal Sales													T L35	T	T	T	T	T	T	T	T				T	T		T	T	T	
Swap Meet and Auction																															See Gilbert Municipal Code
Single Event																															
Indoor															T	T	T	T										T	T	T	
Outdoor																	T	T										T	T	T	
Swap Meet and Auction																															
Recurring																															
Indoor																P	P	P				P	P					P	P	P	
Outdoor																	P														P
Visitor Accommodations																															
Convention Center																P	P	P						P						P	
Hotels and Commercial Lodging																	P	P	P			P				P	P	P	P	P	
Recreational Vehicle Park																	U	U													
Vacation or Short-Term Rentals	P	P	P	P	P	P	P	P	P	P	P	P		L31	L31	L31	L31	L31			L31	L31				L31	L31	L31	L31	L31	See Gilbert Municipal Code
Industrial																															
Industrial Services																															
Crematorium																						P	P	P							
Data Center																					U	U									
Digital Production													P L35	P	P	P	P	L6	P	P	P	P				L6	P	P	P	P	
Laboratories																															
Commercial													P L35	P	P	P	P			P	P										
Industrial																						P	P	P							
Research and Development																					P	P	P	P			P				
Manufacturing and Assembly																															
Manufacturing and Assembly																															
Artisan													P L35	P	P	P	P	P				P	P	P			P	P	P	P	
Light																						P	P	P							

Table 3.1.2 Use Regulations																														
Use Category	Residential												Mixed Use and Non-Residential													Additional Standards				
Subcategory	SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF/L	MF/M	MF/H	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	MU/S	MU/L	MU/R	
Specific Use Type																														
General																							L27	P						
Heavy																								P						
Warehousing, Storage, & Distribution																														
Contractor's Yard																							P	P						
Warehousing:																														
<i>Freight/Truck Terminal and Warehouse</i>																							P	P						
<i>Petroleum and Gas Storage</i>																								U						
Wholesale Sales and Distribution																							P	P						
Vehicle Towing Service Storage Yard; Impound Lot																							P	P	P					
Waste and Salvage																														
Hazardous Waste Collection and Transfer Facility																								U						
Hazardous Waste Disposal Facility																								U						
Non-Hazardous Waste Collection and Transfer Facility																								U	U					
Non-Hazardous Waste Disposal Facility																								U						
Non-Hazardous Material Recycling Collection Facility																														
<i>Large-Scale</i>																								U	U					
<i>Small-Scale</i>	L28	L28	L28	L28	L28	L28	L28						A	A	A	A	A	A	A	A				P			A	A	A	
Salvage Yards or Junkyards																								U						
Agricultural																														
Agritainment	S	S	S	S	S	S	S						S _{L35}	S	S	S	S			S	S	S	S	S	S		S	S	S	
Animal Raising																														
Commercial	P	P																												
Non-Commercial	P	P	P	P	P	L29 L30	L29 L30	L29 L30																						
Crop Raising																														
Commercial	P	P																												
Non-Commercial	P	P	P	P	P	P	P	P	P	P	P	P												P						
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P _{L35}	P	P	P	P	P						P	P		P	P	P	
Farm Stand	P	P												A	A	A	A										A	A	A	
Farmers' Market															T	T	T	T	T						T	T	T	T	T	
Feed and Tack Sales														P	P	P	P						P	P	P					
Feed Lot	U	U																												
Stables, Commercial	U	U																						I						
Stables, Residential (Non-Commercial)	I	I	I	I	I																									

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L1	Requires a Use Permit
L2	Amenities shall be provided on the first floor to activate the street side.
L3	Legal non-conforming single family uses existing prior to March 3, 2005 may be expanded and/or repaired without limitation on valuation in conformance with site development regulations applicable to the Single Family Detached (SF-D) zoning district as set forth Single Family Residential Districts
L4	Existing single family uses may be continued, expanded, and repaired without limitation on valuation. Site development regulations and accessory uses of the Single Family-43 (SF-43) zoning district apply and are shown in Single Family Residential Districts.
L5	Facing and only accessible from an arterial street
L6	Use permit required for ground floor location
L7	Shall be located on collector or arterial streets. Conditional Use Permit approval is required for any other location.
L8	Not permitted as an open air rooftop use.
L9	Uses shall not be permitted as stand-alone businesses; limitation on square footage of combined uses. In GO use shall be limited to 15 percent of the building's gross floor area.
L10	Only permitted as an Incidental use and shall not front onto arterial street.
L11	Unlighted Outdoor Entertainment and Recreation uses are permitted in conjunction with Public and Private Schools and Place of Worship uses; lighted Outdoor Entertainment and Recreation uses in conjunction with Public and Private Schools and Place of Worship uses require a Conditional Use Permit.
L12	20,000 sf. or greater requires a Conditional Use Permit.
L13	Public and Private Schools and Place of Worship uses are not permitted in single family residential structures.
L14	Civic Social and Fraternal Organizations, Community Service Facilities, Public and Private Schools, and Place of Worship uses are not permitted in multi-family residential structures.
L15	Permitted only above the ground floor of a mixed-use building within 300 feet of Gilbert Road, Recker Road or Williams Field Road; permitted use in other locations.
L16	Alternative Light Poles may be located on property zoned residential and operated as an electric substation, Public and Private School, public park, or Place of Worship. Conditional Use Permit is required.
L17	Maximum height of alternative WCF structures is 40 feet and requires an Administrative Use Permit
L18	Drive-through facilities prohibited
L19	Existing drive-through facilities located north of the Western Canal may continue to operate as drive-through facilities until the drive-through facility is removed or converted to be part of the structure. Existing Service Bay facilities located north of the Western Canal may convert to a drive-through facility only for the Restaurants, Beverage Service or Restaurants, Limited Service uses and only until the drive-through facility is removed or converted to be part of the structure. A Use Permit is required
L20	Maximum gross floor area permitted: 2,000 sf.

L21	Only as an incidental use to Vehicle Services Light or Vehicle Services Heavy. Motor Vehicle Sales and Leasing shall be conducted indoors and limited to 30 percent of the GFA of the primary use.
L22	A hospital that provides in-patient treatments servicing a Court Ordered Evaluation for Civil Commitment, as defined by Arizona Revised Statutes or provides in-patient behavioral health treatment of pedophilia, exhibitionism, voyeurism, kleptomania or pyromania, as defined under federal law shall receive a conditional use permit approval and shall maintain a minimum 1,500 foot separation between the hospital's property line and any school or day care center property line.
L23	Permitted use. See Gilbert Municipal Code Chapter 14 for additional regulations regarding massage establishments and therapists.
L24	Only as a use incidental to the primary use of the property. Retail uses shall not exceed 20 percent of the primary use Gross Floor Area (GFA).
L25	May be permitted on the ground floor of a mixed-use building with a Use Permit
L26	Outdoor merchandizing or display prohibited.
L27	For General Manufacturing and Assembly Uses involving highly toxic materials or chemicals, highly combustible or explosive materials, or other materials and substances of a noxious nature in the manufacturing process, the Zoning Administrator may require a conditional use permit to ensure compatibility with abutting uses.
L28	Limited to the lot or parcels containing Schools and Place of Worship uses. Administrative Use Permit is required.
L29	Only permitted in this zoning district where the lot size is at least 6,000 sf.
L30	Peacock not permitted in this zoning district.
L31	Shall meet all required limitations of the zoning district under the "Residential" Use Category
L32	Only permitted above the ground floor of a mixed-use building.
L33	Non-invasive services permitted per State license on file with the Town of Gilbert.
L34	Facility Manager Dwelling Units are permitted as incidental to the primary use as listed under Incidental Dwelling Units .
L35	In the NC District, the hours that a business may be open to the public are limited to between 6:00 a.m. and 11:00 p.m. Increased hours of operation may be permitted with approval of a Conditional Use Permit to ensure that there will be no significant adverse impact on the nearby uses
L36	The hours that a business may be open to the public are limited to between 7:00 a.m. and 10:00 p.m. Increased hours of operation may be permitted with approval of a conditional use permit to ensure that there will be no significant adverse impact on the nearby uses.
L37	Maximum gross floor area permitted: 75,000 sq. ft.

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Section 3.2 Single Family Residential Districts

3.2.1 Purpose and Intent

The purposes and intent of this section are to:

- A. Provide for single family residential uses in appropriate locations.
- B. Provide for certain non-residential uses that compliment residential districts in appropriate locations.
- C. Provide for a variety of single family residential densities.
- E. Establish reasonable regulations to create and preserve walkable neighborhoods.
- F. Provide for appropriate transitions to other residential and Non-residential uses.

3.2.2 Single Family Residential Districts

Single Family-43 (SF-43)

This district permits single family housing on lots of at least 43,000 net square feet.

Single Family-35 (SF-35)

This district permits single family housing on lots of at least 35,000 net square feet.

Single Family-15 (SF-15)

This district permits single family housing on lots of at least 15,000 net square feet.

Single Family-10 (SF-10)

This district permits single family housing on lots of at least 10,000 net square feet.

Single Family-8 (SF-8)

This district permits single family housing on lots of at least 8,000 net square feet.

Single Family-7 (SF-7)

This district permits single family housing on lots of at least 7,000 net square feet.

Single Family-6 (SF-6)

This district permits single family housing on lots of at least 6,000 net square feet.

Single Family Detached (SF-D)

This district permits single family, detached housing on lots of at least 3,000 net square feet each.

Single Family Attached (SF-A)

This district permits single family, attached or a mix of attached and detached housing where each dwelling unit is on a lot of at least 2,000 net square feet each.

3.2.3 Single Family Residential Guide

A. ***Lot Development Regulations***

- 1. For land uses permitted in Single Family zoning district see [Use](#)

Regulations.

2. The Single Family Residential District Section sets forth the development regulations for uses in single family zoning districts and development standards for [non-residential uses in single family zoning districts](#).
3. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting General Plan land use category, street or street type.
4. Letter designations in the Additional Regulations tables refer to regulations that follow at the end of each section under Lot Development Regulations – Single Family Residential Districts.
5. In addition to the development regulations listed in the following tables, regulations may be found in:
 - Gilbert Municipal Code
 - [Overlay Zoning Districts](#)
 - [Supplemental Use Regulations](#)
 - [Site Regulations](#)
 - [Chapter II Design Guidelines](#)
 - Town of Gilbert Engineering and Construction Standards
6. Single family residential within the Heritage Village are governed under the development standards within the Heritage Village overlay District section of the Zoning Code.
7. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.

3.2.4 Single Family Residential Development Standards



3.2.4.A Single Family-43 (SF-43)

Single Family-43 is a large lot zoning district that permits up to one (1) primary dwelling unit per acre. The rural character is accentuated by custom homes, farm buildings, livestock and crops. The large lots are typically flood irrigated and may have septic systems.

Table 3.2.4.A.2 SF - 43 Accessory Structures

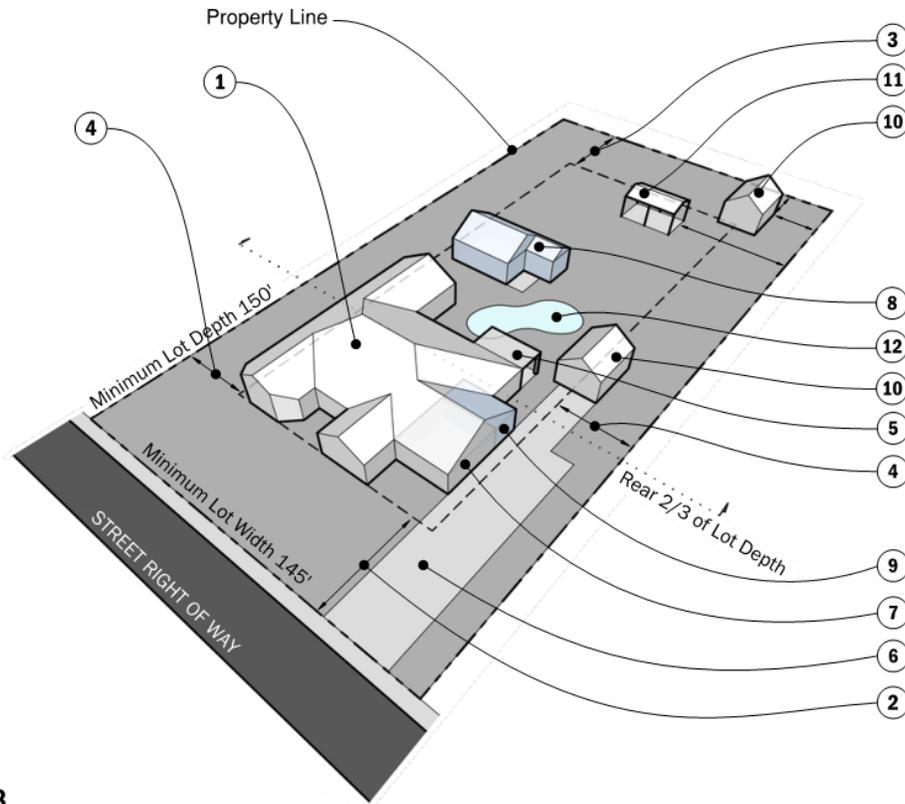
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 2/3 of the lot.
Lot Coverage	Sum of bldg. footprints counts toward the max. lot coverage
Required Setback	Same as primary structure unless located within the rear 2/3 of the lot then ≤ 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback.
Max. Height (ft.)	30

Table 3.2.4.A.3 SF-43 Incidental Dwelling Unit

	See Incidental Dwelling Unit (Living Quarters)
--	----------------------------------------------------------------

Table 3.2.4.A.1 SF-43 Primary Dwelling Unit Development Regulations

Standards	SF-43	Additional Regulations
Minimum Lot Area (sf.)	43,000	
Minimum Lot Dimensions (ft.) Width Depth	145 150	A
Maximum Height (ft./stories)	35/2	B
Minimum Building Setbacks (ft.) Front Side Rear	40 30 40	C D E
Maximum Lot Coverage (%) One-Story Two-Story	30 30	F F
Covered Patios Minimum (sf)	H, G	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Walls/Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures/Uses, Home Occupation, Day Care	See Supplemental Use Regulations	



SF-43

Key Notes:

- ① Primary Dwelling Unit
- ② 40' Front Building Setback
- ③ 40' Rear Building Setback
- ④ 30' Side Building Setback
- ⑤ Covered patio
- ⑥ Driveway
- ⑦ Required garage parking
- ⑧ Secondary Dwelling
- ⑨ Secondary Dwelling required parking
- ⑩ Accessory Structure (see Accessory Structure table)
- ⑪ Animal Shade Cover (see Animal Regulations)
- ⑫ Pool (see Pool Regulations)

Notes:

If a structure is attached to the primary dwelling unit, the structure must meet all primary building setbacks.

Freestanding tension shade sails are considered accessory structures, if not attached to the primary dwelling unit.

If the shade sail is attached to the primary dwelling unit it must meet all primary building setbacks.

Any structure with a roof/covering is counted toward the lot coverage. This includes tension shade sails and animal shade covers.

If a lot and/or dwelling does not match the development standards please contact the Town. Your development may have been approved under a Planned Area Development (PAD) with modified development standards.

3.2.4.B Single Family-35 (SF-35)

Single Family-35 is a large residential lot low density, zoning category allowing up to a maximum of two (2) primary dwelling unit per acre. The semi-rural properties often have an agricultural character. The large lots are typically for custom homes with flood irrigation which may have septic systems and often house multiple accessory structures.

Table 3.2.4.B.2 SF-35 Accessory Structures

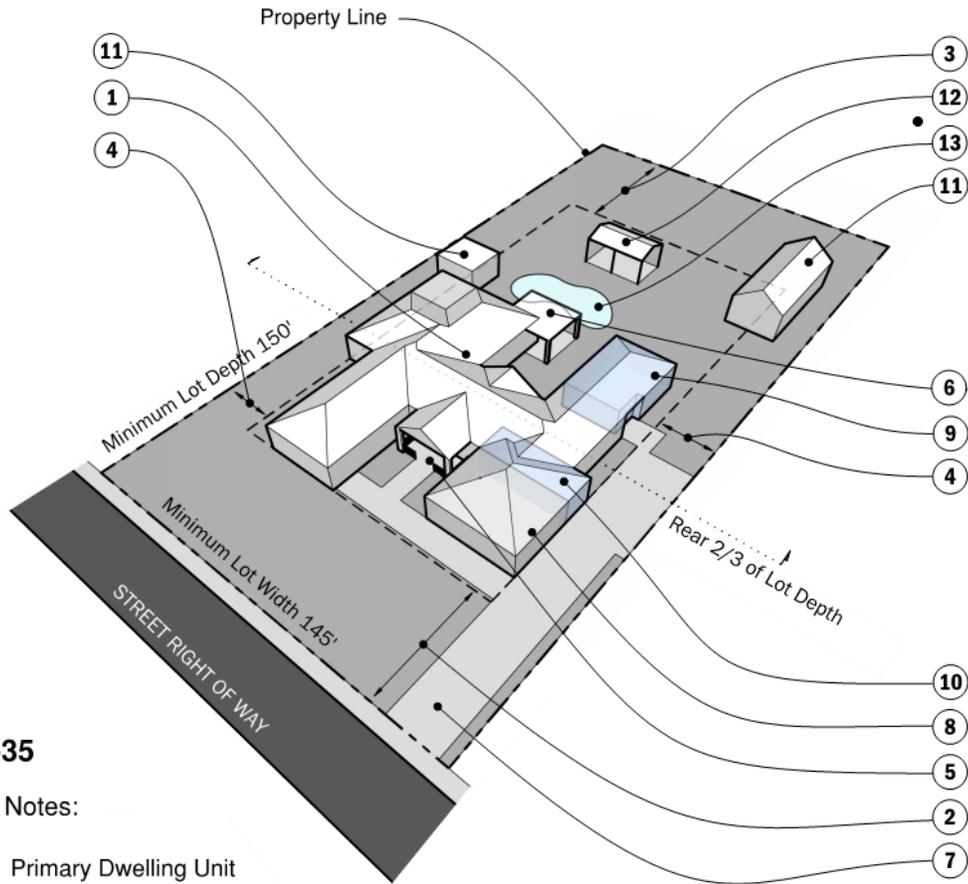
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 2/3 of the lot.
Lot Coverage	Sum of bldg. footprints counts toward the max. lot coverage
Required Setback	Same as primary structure unless located within the rear 2/3 of the lot then \leq 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback.
Max. Height (ft.)	30

Table 3.2.4.B.3 SF-35 Incidental Dwelling Unit

	See Incidental Dwelling Unit (Living Quarters)
--	------------------------------------------------

Table 3.2.4.B.1 SF - 35 Primary Dwelling Unit Development Regulations

Standards	SF-35	Additional Regulations
Minimum Lot Area (sf.)	35,000	
Minimum Lot Dimensions (ft.)		A
Width	140	
Depth	150	
Maximum Height (ft./stories)	35/2	B
Minimum Building Setbacks (ft.)		
Front	40	C
Side	20	D
Rear	40	E
Maximum Lot Coverage (%)		
One-Story	30	F
Two-Story	30	F
Covered Patios Minimum (sf)		G, H
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures, Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	



SF-35

Key Notes:

- ① Primary Dwelling Unit
- ② 40' Front Building Setback
- ③ 40' Rear Building Setback
- ④ 20' Side Building Setback
- ⑤ Porch
- ⑥ Covered patio
- ⑦ Driveway
- ⑧ Required garage parking
- ⑨ Secondary Dwelling
- ⑩ Secondary Dwelling required parking
- ⑪ Accessory Structure (see Accessory Structure table)

Notes:

If a structure is attached to the primary dwelling unit, the structure must meet all primary building setbacks.

Freestanding tension shade sails are considered accessory structures, if not attached to the Primary Dwelling Unit.

If the shade sail is attached to the primary dwelling unit it must meet all primary building setbacks.

Any structure with a roof/covering is counted toward the lot coverage. This includes tension shade sails and animal shade covers.

If a lot and/or dwelling does not match the development standards please contact the Town. Your development may have been approved under a Planned Area Development (PAD) with modified

3.2.4.C Single Family-15 (SF-15)

Single Family-15 zoning district may be custom homes, semi-custom homes or builder homes. The zoning district is often used as a transition between large lots and smaller-lot subdivisions. The SF-15 lots are not typically large enough to retain rainwater and are generally associated with private common open space facilities that serve a neighborhood.

Table 3.2.4.C.2 SF-15 Accessory Structures

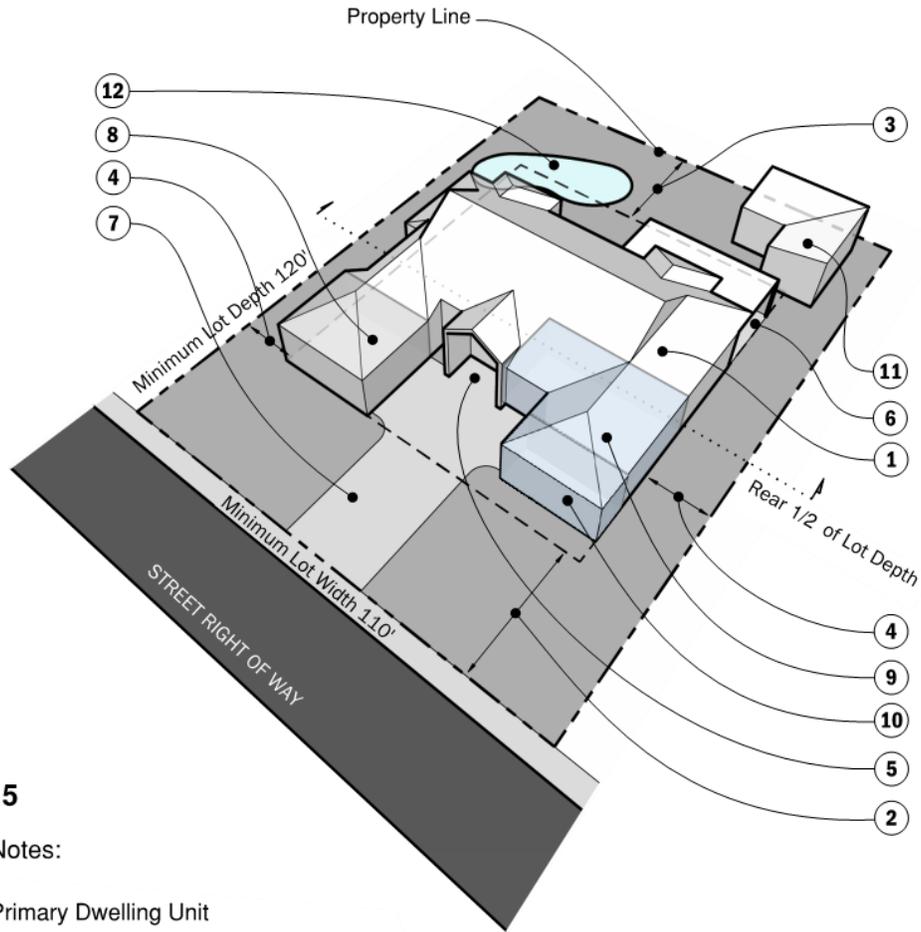
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Sum of bldg. footprints counts toward the max. lot coverage
Required Setback	Same as primary structure unless located within the rear 1/2 of the lot then ≤ 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback
Max. Height (ft.)	20

Table 3.2.4.C.3 SF-15 Incidental Dwelling Unit

	See Incidental Dwelling Unit (Living Quarters)
--	----------------------------------------------------------------

Table 3.2.4.C.1 SF-15 Primary Dwelling Unit Development Regulations

Standards	SF-15	Additional Regulations
Minimum Lot Area (sf.)	15,000	
Minimum Lot Dimensions (ft.)		A
Width	110	
Depth	120	
Maximum Height (ft./stories)	30/2	B
Minimum Building Setbacks (ft.)		
Front	30	C
Side	15	D
Rear	30	E
Maximum Lot Coverage (%)		
One-Story	35	F
Two-Story	35	F
Covered Patios Minimum (sf)		G, H
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures, Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	



SF-15

Key Notes:

- ① Primary Dwelling Unit
- ② 30' Front Building Setback
- ③ 30' Rear Building Setback
- ④ 15' Side Building Setback
- ⑤ Entry
- ⑥ Covered patio
- ⑦ Driveway
- ⑧ Required garage parking
- ⑨ Secondary Dwelling
- ⑩ Secondary Dwelling required parking
- ⑪ Accessory Structure (see Accessory Structure table)
- ⑫ Pool (see Pool Regulations)

Notes:

If a structure is attached to the primary dwelling unit it must meet all primary building setbacks.

Freestanding tension shade sails are considered accessory structures, if not attached to the Primary Dwelling Unit.

If the shade sail is attached to the primary dwelling unit it must meet all primary building setbacks.

Any structure with a roof/covering is counted toward the lot coverage. This includes tension shade sails and animal shade covers.

If a lot and/or dwelling does not match the development standards please contact the Town. Your development may have been approved under a Planned Area Development (PAD) with modified development standards.

3.2.4.D Single Family-10 (SF-10)

Single Family-10 is a one or the larger residential subdivision zoning districts and are often referred to a ¼ acre lots. The homes within this district are typically constructed by home builders and often have front and side facing garages, courtyards, patios, porches and may have multiple accessory structures. The density of this zoning district varies between Two (2) and five (5) dwelling units per acre.

Table 3.2.4.D. 2 SF-10 Accessory Structures:

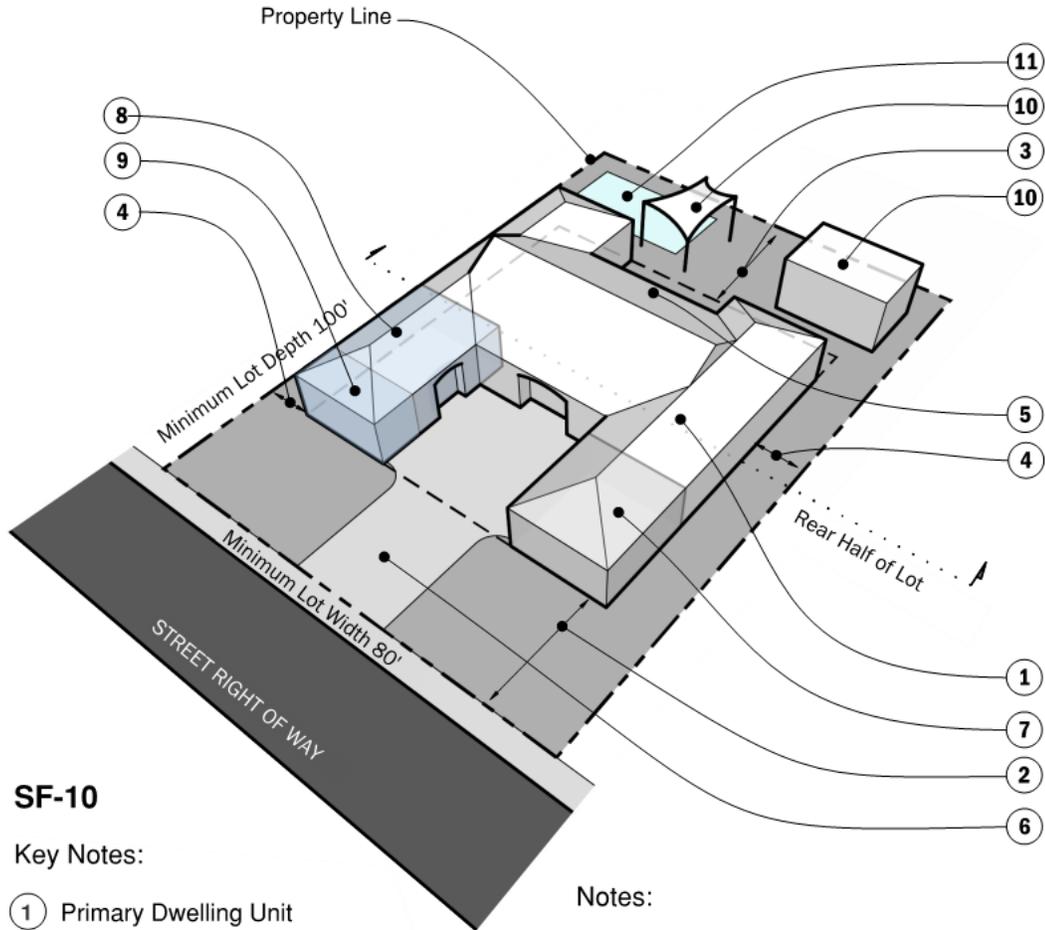
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Sum of bldg. footprints counts toward the max. lot coverage
Required Setback	Same as primary structure unless located within the rear 1/2 of the lot then ≤ 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback
Max. Height (ft.)	20

Table 3.2.4.D. 3 SF-10 Incidental Dwelling Unit

	See Incidental Dwelling Unit (Living Quarters)
--	----------------------------------------------------------------

Table 3.2.4.D.1 SF-10 Primary Dwelling Unit Development Regulations

Standards	SF-10	Additional Regulations
Minimum Lot Area (sf.)	10,000	
Minimum Lot Dimensions (ft.)		A
Width	85	
Depth	110	
Maximum Height (ft./stories)	30/2	B
Minimum Building Setbacks (ft.)		
Front	25	C
Side	10	D
Rear	30	E
Maximum Lot Coverage (%)		
One-Story	45	F
Two-Story	40	F
Covered Patios Minimum (sf)	G, H	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures, Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	



SF-10

Key Notes:

- ① Primary Dwelling Unit
- ② 25' Front Building Setback
- ③ 30' Rear Building Setback
- ④ 10' Side Building Setback
- ⑤ Covered patio
- ⑥ Driveway
- ⑦ Required garage parking
- ⑧ Secondary Dwelling
- ⑨ Secondary Dwelling required parking
- ⑩ Accessory Structure (see Accessory Structure table)
- ⑪ Pool (see Pool Regulations)

Notes:

If a structure is attached to the primary dwelling unit it must meet all primary building setbacks.

Freestanding tension shade sails are considered accessory structures, if not attached to the primary dwelling unit.

If the shade sail is attached to the primary dwelling unit it must meet all primary building setbacks.

Any structure with a roof/covering is counted toward the lot coverage. This includes tension shade sails and animal shade covers.

If a lot and/or dwelling does not match the development standards please contact the Town. Your development may have been approved under a Planned Area Development (PAD) with modified development standards.

3.2.4.E Single Family-8 (SF-8)

Single Family-8 is in the middle of lot sizes found throughout Gilbert. Typically, SF-8 lots are within a residential subdivision/master planned community. The homes within this district are typically constructed by a home builder and may have front and side facing garages, courtyards, patios, porches. Small accessory structures are sometime located in the rear yard. The density of this zoning district varies between 2 and 5 dwelling units per acre.

Table 3.2.4.E.2 SF-8 Accessory Structures (no Living Quarters)

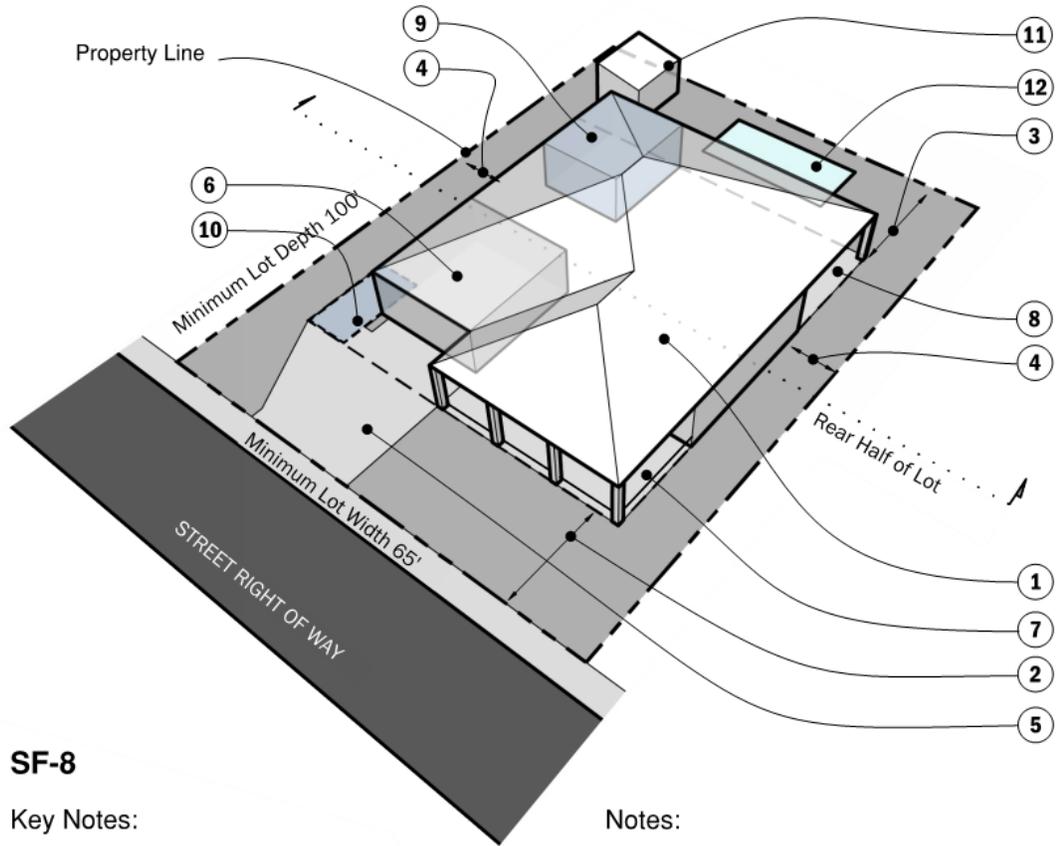
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Sum of bldg. footprints counts toward the max. lot coverage
Required Setback	Same as primary structure unless located within the rear 1/2 of the lot then \leq 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback
Max. Height (ft.)	20

Table 3.2.4.E.3 SF-8 Incidental Dwelling Unit

	See Incidental Dwelling Unit (Living Quarters)
--	----------------------------------------------------------------

Table 3.2.4.E.1 SF-8 Primary Dwelling Unit Development Regulations

<i>Standards</i>	<i>SF-8</i>	<i>Additional Regulations</i>
Minimum Lot Area (sf.)	8,000	
Minimum Lot Dimensions (ft.)	Width 75 Depth 100	A
Maximum Height (ft./stories)	30/2	B
Minimum Building Setbacks (ft.)	Front 20 Side 10 Rear 25	C D E
Maximum Lot Coverage (%)	One-Story 45 Two-Story 40	F F
Covered Patios Minimum (sf)	G, H	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures, Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	



SF-8

Key Notes:

- ① Primary Dwelling Unit
- ② 20' Front Building Setback
- ③ 25' Rear Building Setback
- ④ 10' Side Building Setback
- ⑤ Driveway
- ⑥ Required garage parking
- ⑦ Porch
- ⑧ Covered patio
- ⑨ Secondary Dwelling
- ⑩ Secondary Dwelling required parking
- ⑪ Accessory Structure (see Accessory Structure table)
- ⑫ Pool (see Pool Regulations)

Notes:

If a structure is attached to the primary dwelling unit it must meet all primary building setbacks.

Freestanding tension shade sails are considered accessory structures, if not attached to the primary dwelling unit.

If the shade sail is attached to the primary dwelling unit it must meet all primary building setbacks.

Any structure with a roof/covering is counted toward the lot coverage. This includes tension shade sails and animal shade covers.

If a lot and/or dwelling does not match the development standards please contact the Town. Your development may have been approved under a Planned Area Development (PAD) with modified development standards.

3.2.4.F Single Family-7 (SF-7)

Single Family-7 zoning districts are almost exclusively within developer constructed subdivisions or master planned communities. The lots are large enough to accommodate two (2) and Three (3) car garages, courtyards, porches, patios and rear yard accessory structures. The density of this zoning district varies between two (2) and five (5) dwelling units per acre.

Note: Development Standards for single family uses within the Heritage Village may located within the [Heritage Village Overlay District](#) Section.

Table 3.2.4.F.2 SF-7 Accessory Structures (no Living Quarters)

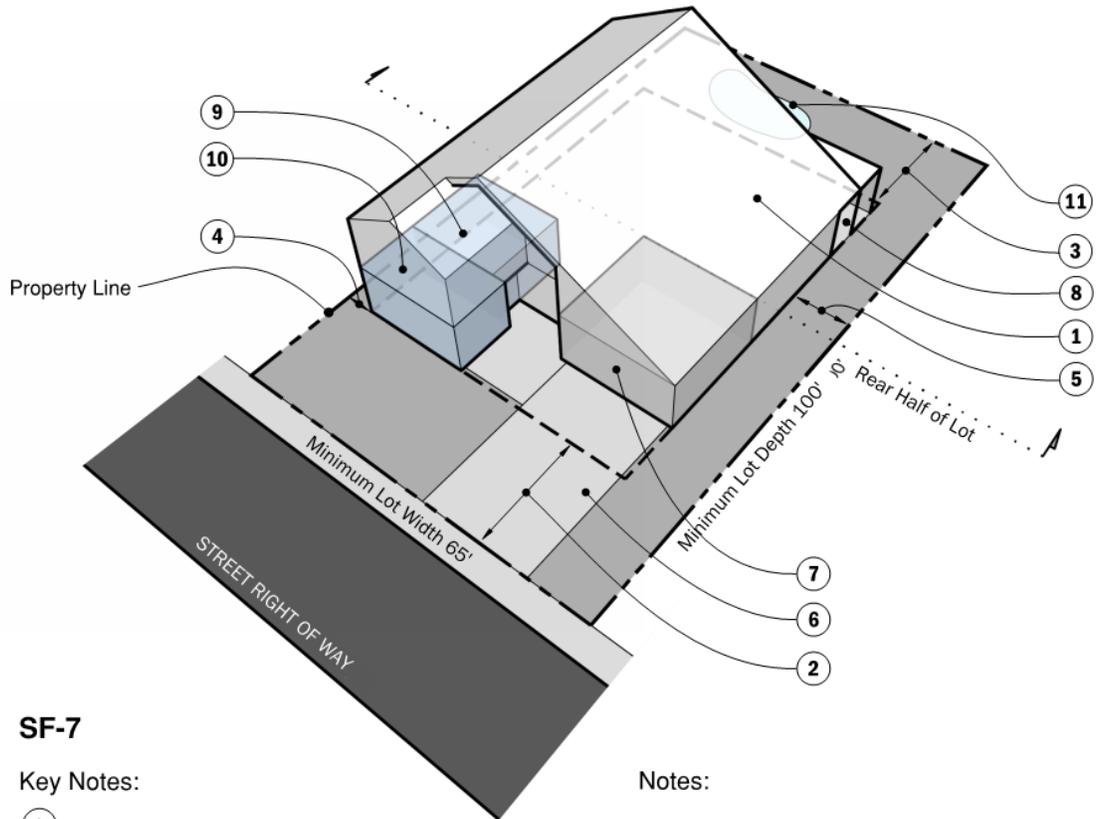
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Sum of bldg. footprints counts toward the max. lot coverage
Required Setback	Same as primary structure unless located within the rear 1/2 of the lot then ≤ 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback
Max. Height (ft.)	20

Table 3.2.4.F.3 SF-7 Incidental Dwelling Unit

	See Incidental Dwelling Unit (Living Quarters)
--	----------------------------------------------------------------

Table 3.2.4.F.1 SF-7 Primary Dwelling Unit Development Regulations

<i>Standards</i>	<i>SF-7</i>	<i>Additional Regulations</i>
Minimum Lot Area (sf.)	7,000	
Minimum Lot Dimensions (ft.)		A
Width	65	
Depth	100	
Maximum Height (ft./stories)	30/2	B
Minimum Building Setbacks (ft.)		C D E
Front	20	
Side	5&10	
Rear	20	
Maximum Lot Coverage (%)		F F
One-Story	45	
Two-Story	40	
Heritage Village Overlay District	See Lot Development Regulations SF-7	
Covered Patios Minimum (sf)	G, H	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures, Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	



SF-7

Key Notes:

- ① Primary Dwelling Unit
- ② 20' Front Building Setback
- ③ 20' Rear Building Setback
- ④ 5' Side Building Setback
- ⑤ 10' Side Building Setback
- ⑥ Driveway
- ⑦ Required garage parking
- ⑧ Covered patio
- ⑨ Secondary Dwelling
- ⑩ Secondary Dwelling required parking
- ⑪ Pool (see Pool Regulations)

Notes:

If a structure is attached to the primary dwelling unit it must meet all primary building setbacks.

Freestanding tension shade sails are considered accessory structures, if not attached to the primary dwelling unit.

If the shade sail is attached to the primary dwelling unit it must meet all primary building setbacks.

Any structure with a roof/covering is counted toward the lot coverage. This includes tension shade sails and animal shade covers.

If a lot and/or dwelling does not match the development standards please contact the Town. Your development may have been approved under a Planned Area Development (PAD) with modified development standards.

3.2.4.G Single Family-6 (SF-6)

The Single Family-6 zoning district is almost exclusively developed by home builders within subdivisions/master planned communities. The lots are large enough to accommodate two (2) car garages, courtyards, porches, patios and rear yard accessory structures. The density of this zoning district varies between two (2) and five (5) dwelling units per acre.

Note: Development Standards for single family uses within the Heritage Village may located within the [Heritage Village Overlay District Section](#).

Table 3.2.4.G.2 SF-6 Accessory Structures

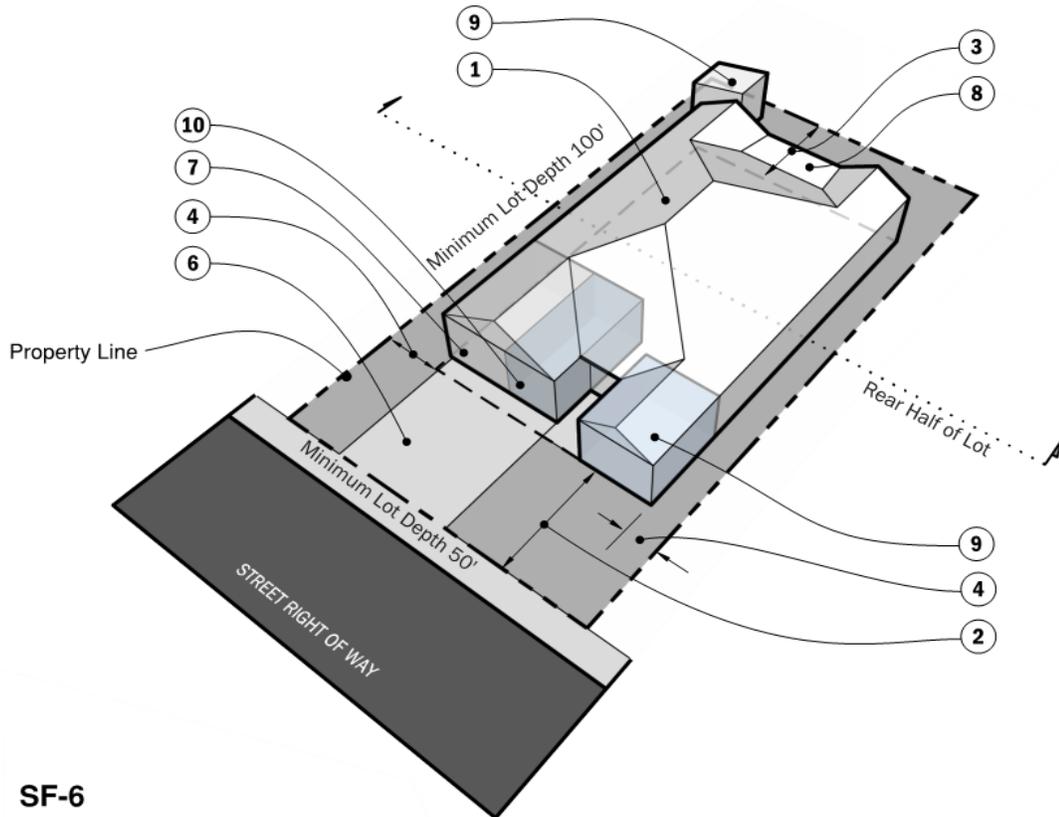
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Sum of bldg. footprints counts toward the max. lot coverage
Required Setback	Same as primary structure unless located within the rear 1/2 of the lot then ≤ 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback
Max. Height (ft.)	20

Table 3.2.4.G.3 SF-6 Incidental Dwelling Unit

	See Incidental Dwelling Unit (Living Quarters)
--	----------------------------------------------------------------

Table 3.2.4.G.1 SF-6 Primary Dwelling Unit Development Regulations

Standards	SF-6	Additional Regulations
Minimum Lot Area (sf.)	6,000	
Minimum Lot Dimensions (ft.)		A
Width	55	
Depth	100	
Maximum Height (ft./stories)	30/2	B
Minimum Building Setbacks (ft.)		
Front	20	C
Side	5&10	D
Rear	20	E
Maximum Lot Coverage (%)		
One-Story	45	F
Two-Story	40	F
Heritage Village Overlay District	See Lot Development Regulations SF-6	
Covered Patios Minimum (sf)	G, H	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures, Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	



SF-6

Key Notes:

- ① Primary Dwelling Unit
- ② 20' Front Building Setback
- ③ 20' Rear Building Setback
- ④ 5' Side Building Setback, on one side
- ⑤ 10' Side Building Setback, on one side
- ⑥ Driveway
- ⑦ Required garage parking
- ⑧ Covered patio
- ⑨ Secondary Dwelling
- ⑩ Secondary Dwelling required parking

Notes:

If a structure is attached to the primary dwelling unit it must meet all primary building setbacks.

Freestanding tension shade sails are considered accessory structures, if not attached to the primary dwelling unit.

If the shade sail is attached to the primary dwelling unit it must meet all primary building setbacks.

Any structure with a roof/covering is counted toward the lot coverage. This includes tension shade sails and animal shade covers.

If a lot and/or dwelling does not match the development standards please contact the Town. Your development may have been approved under a Planned Area Development (PAD) with modified development standards.

3.2.4.H Single Family-Detached (SF-D)

Single Family–Detached developments may be patio homes, zero lot line, or bungalow lots. In this zoning district dwelling structures comes up to, or very near to, the property line. Development on these lots tends to be more vertical due to the limited lot size. Garages are typically alley loaded, detached or recessed so that the streetscape is not garage centric.

Note: Development Standards for single family uses within the Heritage Village may located within the [Heritage Village Overlay District Section](#).

Table 3.2.4.H.2 SF-D Accessory Structures

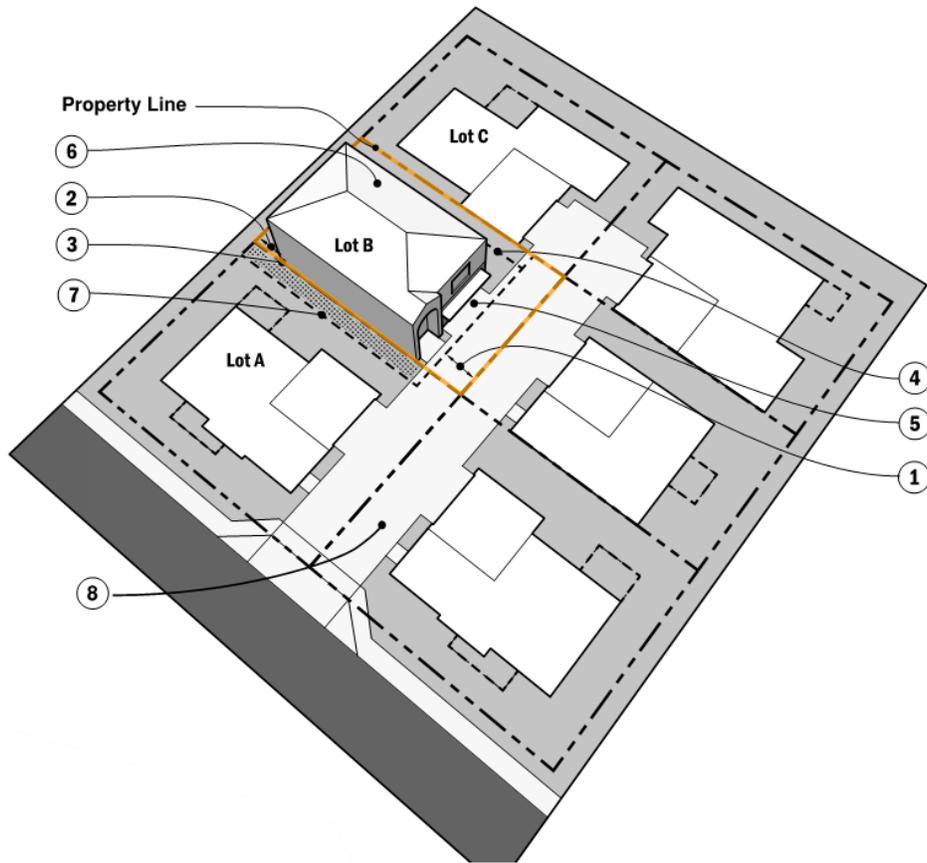
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Sum of bldg. footprints counts toward the max. lot coverage
Required Setback	Same as primary structure unless located within the rear 1/2 of the lot then ≤ 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback
Max. Height (ft.)	20

Table 3.2.4.H.3 SF-D Incidental Dwelling Unit

	Not Permitted
--	---------------

Table 3.2.4.H.1 SF-D Primary Dwelling Unit Development Regulations

Standards	SF-D	Additional Regulations
Minimum Lot Area (sf.)	3,000	
Minimum Lot Dimensions (ft.) Width Depth	N/A	A
Maximum Height (ft./stories)	36/3	B
Minimum Building Setbacks (ft.) Front Side Rear	10 0 or 5 10	C D E
Maximum Lot Coverage (%) One-Story Two/Three-Story	60 50	F F
Heritage Village Overlay District	See Lot Development Regulations SF-D	
Covered Patios Minimum (sf)	G, H	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	



SF-D

Key Notes:

- ① 10' Front Building Setback
- ② 10' Rear Building Setback
- ③ 0' Side Building Setback
- ④ 5' Side Building Setback
- ⑤ 20' driveway or a 3' driveway apron
- ⑥ Covered patio
- ⑦ Use and Benefit Easement (UBE) for abutting lot (UBE is on Lot A for Lot B)
- ⑧ Private street or tract

Notes:

Use and Benefit Easements (UBE) are strips of land allowing for access for the purpose of repair, maintenance, drainage, and improvements. Typically access is by appointment.

Depending on the plat language, in some cases the UBE may be fully or partially located within a private fenced yard.

No structure and/or other permanent improvement shall be constructed within a UBE except for an approved wall or fence with an access gate.

Freestanding tension shade sails are considered accessory structures, if not attached to the primary dwelling unit. If the shade sail is attached to the primary dwelling unit it must meet all primary building setbacks.

Any structure with a roof/covering is counted toward the lot coverage. This includes tension shade sails.

If a lot and/or dwelling does not match the development standards please contact the Town. Your development may have been approved under a Planned Area Development (PAD) with modified development standards.

3.2.4.I Single Family-Attached (SF-A)

A Single Family-Attached home is a structure that shares a common wall or walls with another unit(s). Some examples of attached dwellings are townhomes, condominiums, duplexes and row houses. Development on these lots tends to be more vertical due to the limited lot size. Garages are typically alley loaded or recessed or detached so that the streetscape is not garage centric.

Note: Development Standards for single family uses within the Heritage Village may located within the [Heritage Village Overlay District](#) Section.

Table 3.2.3.I.2 SF-A Accessory Structures

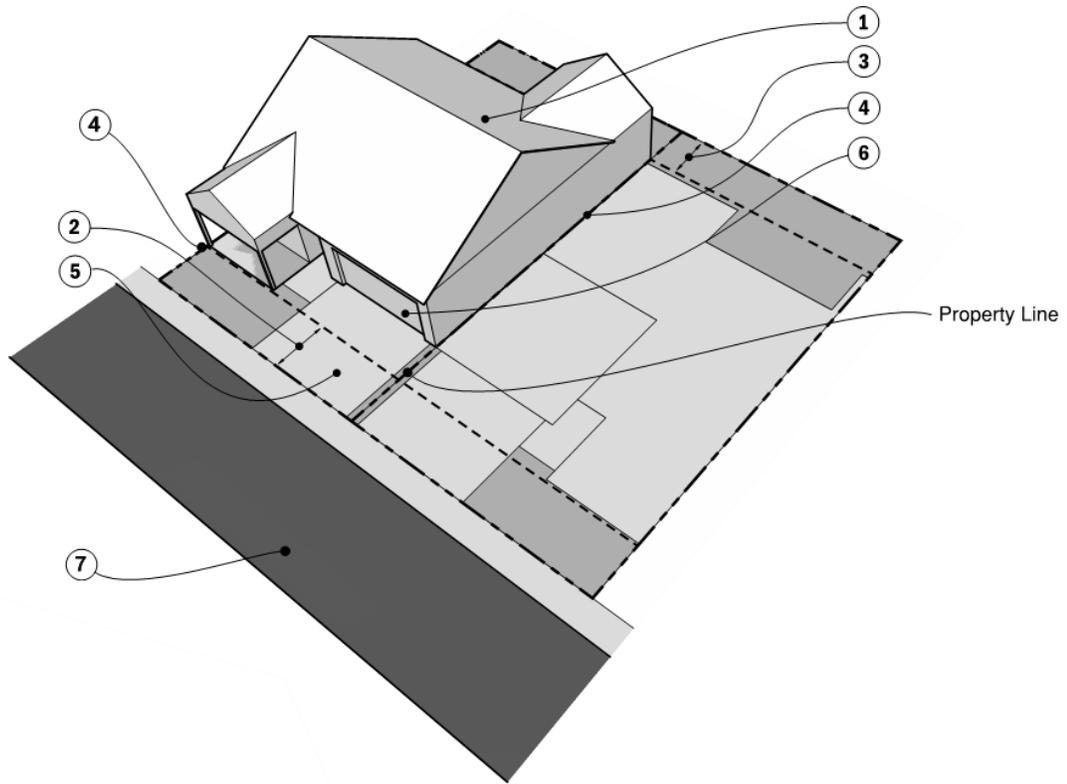
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Sum of bldg. footprints counts toward the max. lot coverage
Required Setback	Same as primary structure unless located within the rear 1/2 of the lot then ≤ 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback
Max. Height (ft.)	20

Table 3.2.3.I.3 SF-A Incidental Dwelling Unit

	Not Permitted
--	---------------

Table 3.2.4.I.1 SF-A Primary Dwelling Unit Development Regulations

Standards	SF-A	Additional Regulations
Minimum Lot Area (sf.)	2,000	
Minimum Lot Dimensions (ft.) Width Depth	N/A	A
Maximum Height (ft./stories)	36/3	B
Minimum Building Setbacks (ft.) Front Side Rear	10 0 10	C D E
Maximum Lot Coverage (%) One-Story Two/Three-Story	65 55	F F
Heritage Village Overlay District	See Lot Development Regulations SF-A	
Covered Patios Minimum (sf)	G, H	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	



SF-A

Key Notes:

- ① Primary Dwelling Unit
- ② 10' Front Building Setback
- ③ 10' Rear Building Setback
- ④ 0' Side Building Setback
- ⑤ 20' driveway or 3' driveway apron
- ⑥ Required garage parking
- ⑦ Private street or tract

Notes:

SF-A may be any combination of attached units.

Typically the HOA provides landscape maintenance for all outdoor areas except patios and porches.

3.2.5 Single Family Residential Development Standards - Additional Regulations

A ***Lot Depth for Double Frontage Lots on Arterial Streets***

In the SF-8, SF-7, and SF-6 zoning districts residential lots backing arterial streets with a street landscape area of less than 35 feet in width behind the right-of-way shall have a minimum depth of 110 feet.

B. ***Height***

Dwelling units on lots where any portion of the lot backs or sides onto parcels designated on the zoning map as Residential >14 – 25 DU/Acre, or non-residential, other than Neighborhood Office, shall be limited in height to one-story.

C. ***Front Setback***

1. In SF-10, SF-8, SF-7 and SF-6 districts, a front setback reduction of up to five (5) feet is allowed for:
 - a. Side entry garages
 - b. Livable Areas of dwelling units with detached garages
 - c. Dwelling units with front-facing garages that are recessed by 20 feet or more from the front plane of the livable area.
2. Staggering. In SF-10, SF-8, SF-7 and SF-6 districts, front setbacks are required to vary in three (3) feet (whole number) increments so that no more than two abutting lots have the same setback.

D. ***Side Setback***

1. In the SF-10, SF-8, SF-7, and SF-6 districts the minimum side setback shall be 15 feet where the side abuts:
 - a. Parcels designated on the zoning map as Residential > 8 – 14 DU/Acre, Residential > 14 – 25 DU/Acre, or non-residential;
 - b. An arterial or collector street; or
 - c. An arterial street landscape area of less than 35 feet in width behind the right-of-way.
2. In the SF-D district, a minimum of 10 feet shall be provided between dwelling units, measured from the exterior walls of the units.
3. In the SF-A district, a minimum of 15 feet shall be provided between

buildings, excluding detached garages and other accessory structures.

E. *Rear Setback*

1. In the SF-10 and SF-8 districts the minimum rear setback shall be 30 feet for single-story and 35 feet for two-story units where the rear lot line abuts:
 - a. A parcel designated on the zoning map as Residential > 8 – 14 DU/Acre, Residential > 14 – 25 DU/Acre, or non-residential;
 - b. An arterial or collector street; or
 - c. An arterial street landscape area of less than 35 feet in width behind the right-of-way.
2. In the SF-7 and SF-6 districts the minimum rear setback shall be 25 feet for single-story units and 30 feet for two-story units where the rear setback abuts:
 - a. A parcel designated on the zoning map as Residential > 8 – 14 DU/Acre, Residential > 14 – 25 DU/Acre, or non-residential;
 - b. An arterial or collector street; or
 - c. An arterial street landscape area of less than 35 feet in width behind the right-of-way.

F. *Additional Lot Coverage*

1. In the SF-43 through SF-6 districts 5% additional lot coverage in excess of the Zoning Code standard for the base zoning district is permitted for open air accessory structures, open air attached patios and open-air porches. See [Terms](#).
2. Homes that have been constructed and occupied, for more than 20 years, and which are within the SF-43 through SF-6 zoning districts, are permitted an extra 10% lot coverage in excess of the Zoning Code standard for the base zoning district to promote redevelopment.

G. *Patios, Balconies and Porches*

New required patios, balconies, porches for private open space shall be a minimum of six (6) feet in depth as measured from the inside of a support post to the inside edge of the opposite supporting post or building wall. See [Terms](#).

H. *Private Open Space*

1. SF-43 through SF-6 are required to have a minimum of 80 sf of solid

covered private open space.

2. SF-D and SF-A are required to have a minimum of 60 sf of solid covered private open space.
3. Private open space in addition to the minimum is not required to be covered.
4. The required private open space may be met by a balcony, hardscape patio, hardscape courtyard or deck meeting all minimum standards.

3.2.6 Non-residential Uses in a Single Family Residential District Development Standards

A. *Lot Development Regulations*

1. Non-residential Land Uses permitted in Single Family zoning districts may be found in [Use Regulations](#).
2. Development Standards are set forth in the Base Zoning District Table Development Standards for Non-residential Uses in Single family zoning districts.
3. Letter designations in the *Additional Regulations* column refer to regulations that follow at the end of each section.
4. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting General Plan land use category, street or street type.
5. In addition to the development regulations listed in the following tables, addition regulations may be found in:

Gilbert Municipal Code

[Overlay Zoning Districts](#)

[Supplemental Use Regulations](#)

[Site Regulations](#)

Town of Gilbert Engineering and Construction Standards

[Chapter II Design Guidelines](#)

6. Development Regulations may be modified as set forth in [the Planned Area Development District](#) or through the [Variance](#) process.

B. *Non-residential Uses in a Residential District*

Non-residential uses in a residential district provide neighborhood services and have been determined to be complimentary, in scale, hours of operation, and intensity, with minimal impact to the surrounding neighborhoods. If a use increases in size, increased setbacks may be required for the new portion of the development. Accessory structures are permitted, according to the standards in the base zoning district. Facility Manager Dwelling Units are only permitted for specific uses, See Use Regulations.

C. *Accessory Structures*

Refer to residential base zoning district Accessory Structure standards.

Table 3.2.6.A: Development Regulations – Non-residential Uses in Residential Districts					
<i>Standards</i>	<i>Use under 25,000 sf.</i>	<i>Use 25,000 to 50,000 sf.</i>	<i>Use 50,000 to 75,000 sf.</i>	<i>Use over 75,000 sf.</i>	<i>Additional Regulations</i>
Minimum Lot Area	Same as applicable zoning district				
Minimum Lot Dimensions	Same as applicable zoning district				
Maximum Building Height (ft.)	30	35	35	45	
Building Stepback	No	No	No	Yes	A
Minimum Building Setbacks (ft.)					
<i>Front</i>	Same as applicable zoning district				
<i>Side [Street]</i>	20	20	25	30	
<i>Side [Residential]</i>	20	25	35	50	
<i>Side [Non-residential]</i>	15	15	15	20	
<i>Rear [Residential]</i>	40	40	40	50	
<i>Rear [Non-residential]</i>	15	15	15	20	
Separation between Buildings (ft)					
<i>Single-story</i>	10	15	15	15	C
<i>Multi-story</i>	20	20	20	20	C
Maximum Lot Coverage (%)	Same as applicable zoning district				
Minimum Required Landscape Area (ft.)					
<i>Front</i>	20	25	30	35	B
<i>Side [Street]</i>	20	20	25	30	
<i>Side [Residential]</i>	20	25	35	35	
<i>Side [Non-residential]</i>	15	15	15	20	
<i>Rear [Residential]</i>	20	25	35	35	
<i>Rear [Non-residential]</i>	15	15	15	20	
Landscaping (% of net area)	15	15	15	15	See Landscape
Off-Street Parking and Loading	See Circulation, Parking and Loading				
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations				

Table 3.2.6.A: Development Regulations – Non-residential Uses in Residential Districts					
<i>Standards</i>	<i>Use under 25,000 sf.</i>	<i>Use 25,000 to 50,000 sf.</i>	<i>Use 50,000 to 75,000 sf.</i>	<i>Use over 75,000 sf.</i>	<i>Additional Regulations</i>
Uses	See Land Uses				
Animals Temporary Structures Home Occupation and Day Care	See Supplemental Use Regulations				
Modifications	See Planned Area Developments (PADs)				

3.2.7 Non-residential Uses in a Residential District - *Additional Regulations*

A. *Building StepBack*

Where a non-residential building is located within the Single Family district and is within 100 feet of any lot line of a single family land use, buildings shall be stepped back one (1) horizontal foot for every vertical foot of the building that rises above two (2) stories as measured from the face of the second floor including balconies and decks.

B. *Landscape*

Street frontage landscape requirements shall be consistent with commercial landscape requirements. See [Landscape](#)

C. *Building Separation*

Building separation between the primary building and accessory structures or accessory structure to accessory structure is ten (10) feet.

Section 3.3 Multi-Family Residential Districts

3.3.1 Purpose and Intent

The purposes of multi-family residential districts established in this section are to:

- A. Provide for multi-family residential uses in appropriate locations.
- B. Provide for a variety of housing opportunities.
- C. Establish reasonable regulations to create and preserve quality higher density living environments.
- D. Provide for appropriate transitions to other residential and Non-residential uses.

3.3.2 Multi-Family Residential Districts

Multi-Family/Low (MF/L)

This district permits multi-family housing at densities of >8-14 dwelling units per gross acre.

Multi-Family/Medium (MF/M)

This district permits multi-family housing at densities of >14-25 dwelling units per gross acre.

Multi-Family/High (MF/H)

This district permits multi-family housing at densities of >25-50 dwelling units per gross acre.

3.3.3 Multi-Family Residential Guide

A. ***Lot Development Regulations***

- 1. For land uses permitted in Multi-Family zoning districts See [Use Regulations](#).
- 2. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting General Plan land use category, street or street type.
- 3. Letter designations in the [Additional Regulations](#) column refer to regulations that follow at the end of this section.
- 4. In addition to the development regulations listed in the following tables, regulations may be found in:

Gilbert Municipal Code

[Overlay Zoning Districts](#)

[Supplemental Use Regulations](#)

Chapter II Design Guidelines

Site Regulations

5. Multi-Family residential developments within the Heritage District Overlay are subject to [Lot Development Regulations as amended in the Heritage District Planned Area Development Overlay District](#).
6. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.



3.3.4 Multi-Family Residential Development Standards

3.3.4.A Multi-Family/Low (MF/L)

Multi-Family/Low housing is the least intense multi-family zoning. Multi-Family housing may be attached or detached dwelling units that accommodate different families. The individual units may be for sale or for lease. Density in MF/L has no minimum, but the maximum shall not exceed 14 dwelling units per gross acre. Multi-Family communities are required to provide amenities and parking on-site.

Table 3.3.4.A.2 MF/L Accessory Structures

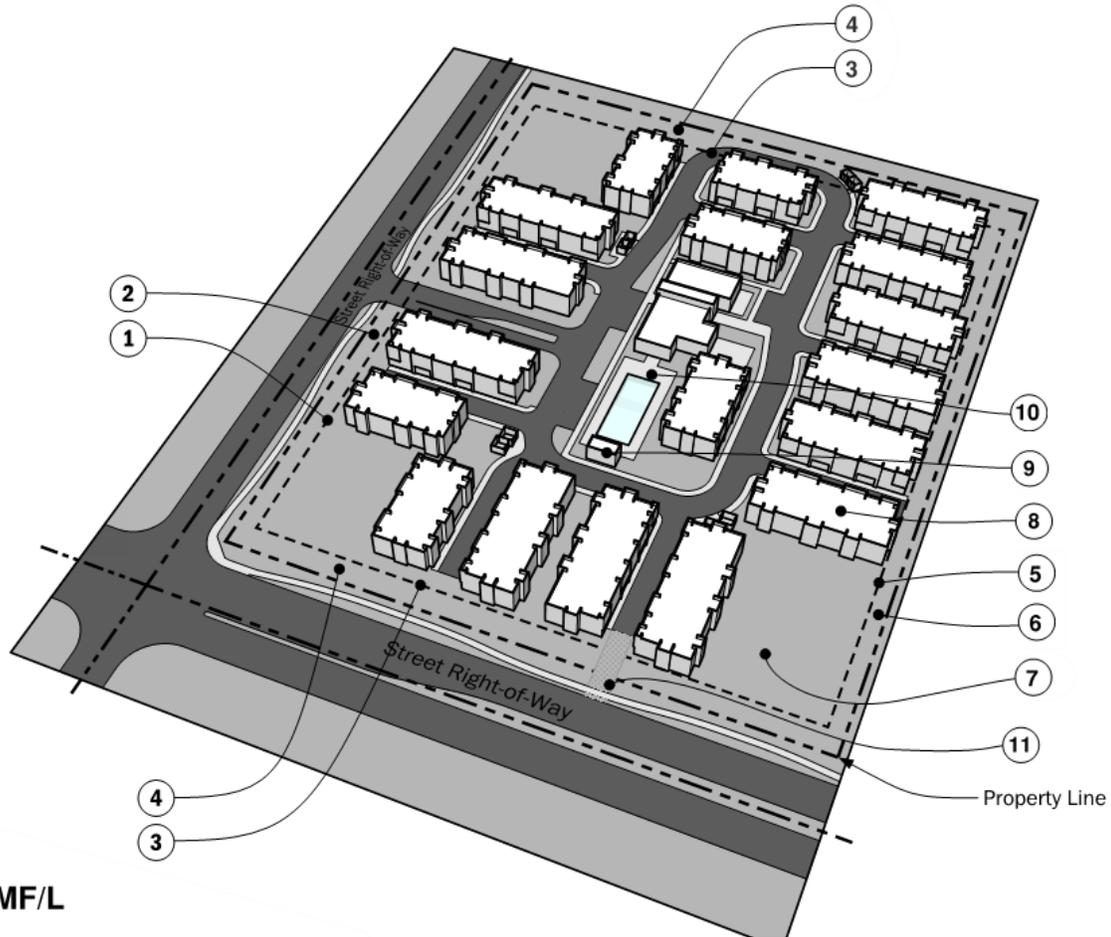
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope
Location for Carports/Garages [Multi-Family/ Non-residential]](ft.)	May be outside of the building envelop but shall be no closer than 10 to the property line.
Location for Carports/Garages [Single Family] (ft.)	May be outside of the building envelop but shall be no closer than 20 to the property line
Within the Building Envelope Max. Height (ft.)	36
Outside of the Building Envelope Max. Height	15

Table 3.3.4.A.3 MF/L Incidental Dwelling Unit (Living Quarters)	
	Not permitted

Table 3.3.4.A.1 MF/L Development Regulations

Standards	MF/L	Additional Regulations
Minimum Parcel Area (sf.)	20,000	
Maximum Height (ft.)	36	
Building Stepback	Yes	A
Minimum Building Setbacks (ft.)		
<i>Front</i>	25	
<i>Side [Street]</i>	25	
<i>Side [Single Family]</i>	25	
<i>Side [Multi-Family or Non-residential]</i>	20	
<i>Rear [Single Family]</i>	25	
<i>Rear [Multi-Family or Non-residential]</i>	20	
Minimum Landscape Area (depth in ft.)		
<i>Front</i>	20	
<i>Side [Street]</i>	20	
<i>Side [Single Family]</i>	20	
<i>Side [Multi-Family or Non-residential]</i>	15	
<i>Rear [Single Family]</i>	20	
<i>Rear [Multi-Family or Non-residential]</i>	20	
Separation between Buildings (ft.)		
<i>One/Two-Story</i>	20	
<i>Three-Story</i>	30	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Private Open Space (sf.)	60	B
Common Open Space (minimum)	45% of net	C, D
Common Open Space Landscaping	1 tree per unit	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscape	See Landscape	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures, Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	

Note: For MF uses in the Heritage District see [Heritage Village Overlay District](#).



MF/L

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ Side Building Setback
- ④ Side Perimeter Landscape Area
- ⑤ Rear Building Setback
- ⑥ Rear Perimeter Landscape Area
- ⑦ 45% open space
- ⑧ Maximum building height 36'
- ⑨ Accessory Structure
- ⑩ Amenity area
- ⑪ Emergency access or a second point of access required

Notes:

The amenity area should be easily accessible to all units via sidewalks.

Accessory structures that are not garages or carports must be located within the building envelope. Detached carports or garages may be outside of the building envelop. See MF/L Accessory Structure Table for more information.

At arterial intersections a 50' x 250' landscape area is required.

See Engineering Standards and Details for gated entry requirements.

SES panels must be screened per utility company guidelines and architecturally blended into the building.

3.3.4.B Multi-Family/Medium (MF/M)

The Multi-Family/Medium housing district generally consists of moderately dense two (2) and three (3)-story buildings. Multi-Family/Medium housing is typically larger buildings with attached units that may or may not have attached parking garages. The individual units may be for sale or for lease and shall not exceed 25 dwelling units per gross acre. Multi-Family communities are required to provide amenities and parking on-site.

Table 3.3.4.B.2 MF/M Development Regulations

Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope
Location for Carports/Garages [Multi-Family/ Non-residential] (ft.)	May be outside of the building envelop but shall be no closer than 10 to the property line
Location for Carports/Garages [Single Family] (ft.)	May be outside of the building envelop but shall be no closer than 20 to the property line
Within the Building Envelope Max. Height (ft.)	40
Outside of the Building Envelope Max. Height	15

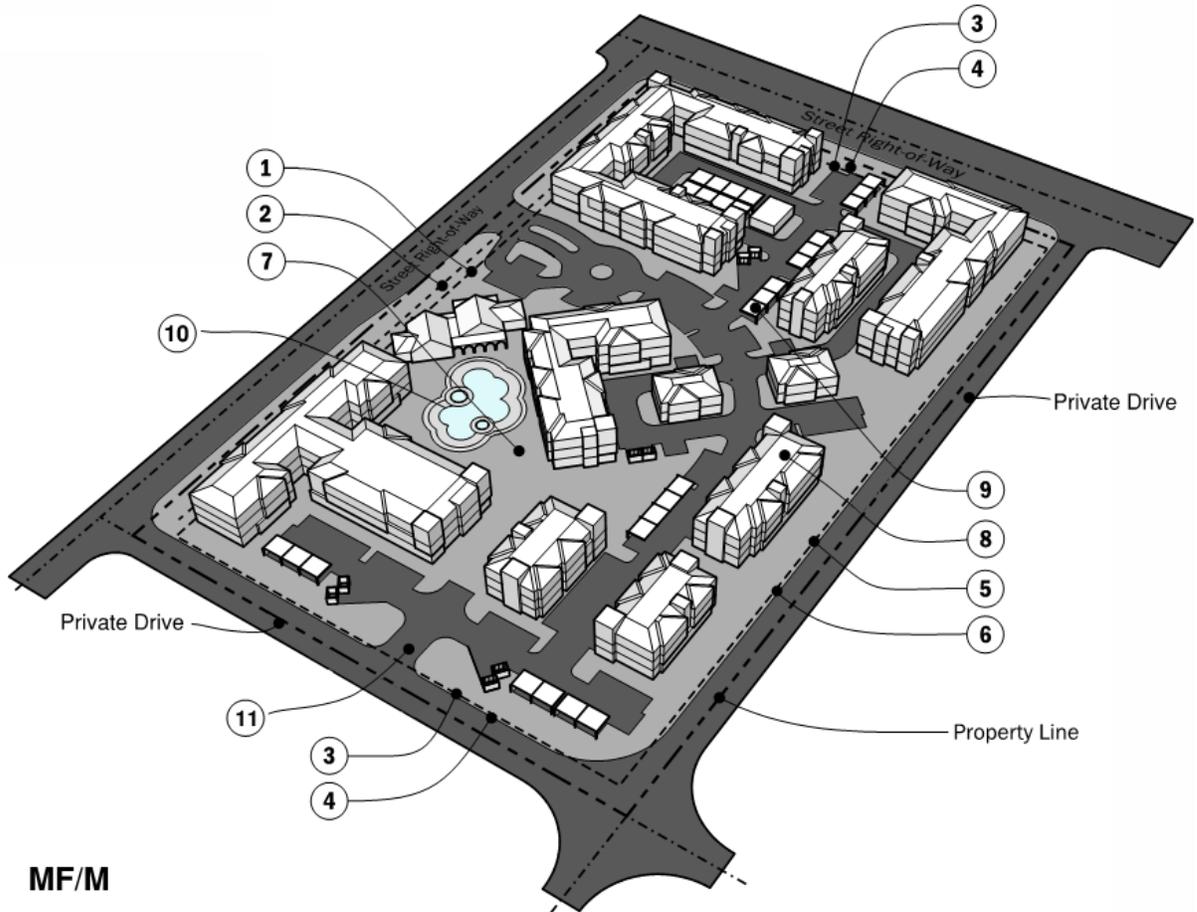
Table 3.3.4.B.3 MF/M Incidental Dwelling Unit

	Not permitted
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Table 3.3.4.B.1 MF/M Development Regulations

Standards	MF/M	Additional Regulations
Minimum Parcel Area (sf.)	20,000	
Maximum Height (ft.)	40	
Building Stepback	Yes	A
Minimum Building Setbacks (ft.)		
Front	30	
Side [Street]	30	
Side [Single Family]	30	
Side [Multi-Family or Non-residential]	20	
Rear [Single Family]	30	
Rear [Multi-Family or Non-residential]	20	
Minimum Landscape Area (depth in ft.)		
Front	20	
Side [Street]	20	
Side [Single Family]	20	
Side [Multi-Family or Non-residential]	15	
Rear [Single Family]	20	
Rear [Multi-Family or Non-residential]	20	
Separation between Buildings (ft.)		
Single or Two-Story	20	
Three-Story	20	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Private Open Space (sf.)	60	B, C
Common Open Space (minimum)	40% of net area	D
Common Open Space Landscaping	1 tree per unit	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscape	See Landscape	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures, Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	

Note: For MF uses in the Heritage District. see [Heritage Village Overlay District](#).



MF/M

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ Side Building Setback
- ④ Side Perimeter Landscape Area
- ⑤ Rear Building Setback
- ⑥ Rear Perimeter Landscape Area
- ⑦ 40% open space
- ⑧ Maximum building height 40'
- ⑨ Accessory Structure
- ⑩ Amenity area
- ⑪ Emergency access or a second point of access

Notes:

The amenity area should be easily accessible to all units via sidewalks.

Accessory structures that are not garages or carports must be located within the building envelop. Detached carports or garages may be outside of the building envelop. See MF/L Accessory Structure Table for more information.

At arterial intersections a 50' x 250' landscape area is required.

See Engineering Standards and Details for gated entry requirements.

SES panels must be screened per utility company guidelines and architecturally blended into the building.

3.3.4.C Multi-Family/High (MF/H)

The Multi-Family/High zoning district is the densest of the residential zoning districts within Gilbert. With a maximum gross density of 50 dwelling units per acre, this housing product type is intended to be located in and around intense mixed-use developments. Multi-Family communities are required to provide amenities and parking on-site.

Table 3.3.4.C .2 MF/H Accessory Structures

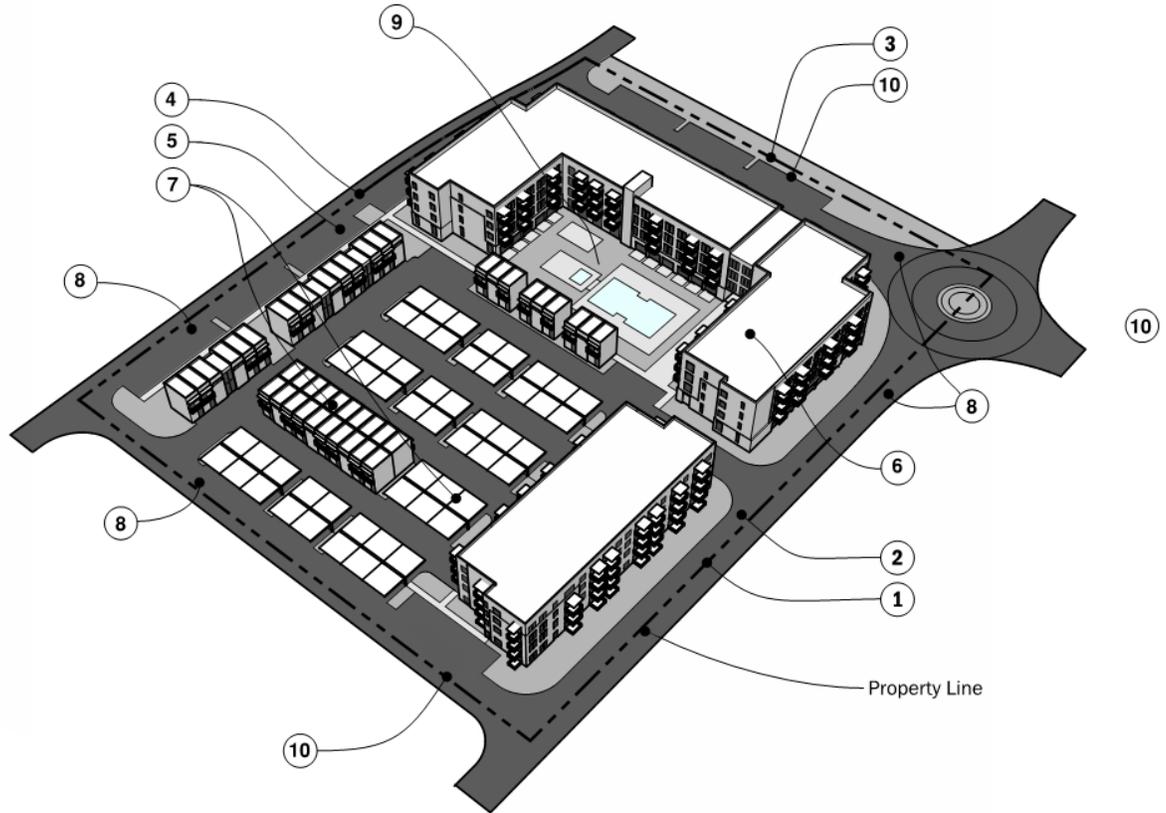
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope
Location for Carports/Garages [Multi-Family/ Non-residential] (ft.)	May be outside of the building envelop but shall be no closer than 10. to the property line.
Location for Carports/Garages [Single Family] (ft.)	May be outside of the building envelop but shall be no closer than to the property line
Parking Structure (ft.)	Within the building envelop
Within the Building Envelope Max. Height (ft.)	55
Outside of the Building Envelope Max. Height	15

Table 3.3.4.C .3 MF/H Incidental Dwelling Unit

	Not permitted
--	---------------

Table 3.3.4.C.1 MF/H Development Regulations

Standards	MF/H	Additional Regulations
Minimum Parcel Area (sf.)	35,000	
Maximum Height (ft.)	55	
Building Stepback	Yes	A
Minimum Building Setbacks (ft.)		
<i>Front</i>	25	
<i>Side [Street]</i>	25	
<i>Side [Single Family]</i>	75	E
<i>Side [Multi-Family or Non-residential]</i>	10	
<i>Rear [Single Family]</i>	75	E
<i>Rear [Multi-Family or Non-residential]</i>	10	
Minimum Landscape Area (depth in ft.)		
<i>Front</i>	25	
<i>Side [Street]</i>	20	
<i>Side [Single Family]</i>	40	E
<i>Side [Multi-Family or Non-residential]</i>	10	
<i>Rear [Single Family]</i>	40	E
<i>Rear [Multi-Family or Non-residential]</i>	10	
Separation between Buildings (ft.)		
<i>Single or Two-Story</i>	20	
<i>Three-Story</i>	20	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Private Open Space (sf.)	60	B, C
Common Open Space (minimum)	40% of net area	D
Common Open Space Landscaping	1 tree per 4 unit	
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscape	See Landscape	
Sports Courts, Lighting, Fences and Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures, Home Occupation, Day Care and Temporary Uses	See Supplemental Use Regulations	



MF/H

Key Notes:

- ① Front Building Setback, to a Private Drive
- ② Front Perimeter Landscape Area
- ③ Side, Internal to Master Site Plan
- ④ Rear Building Setback, to a private drive
- ⑤ Rear Perimeter Landscape Area
- ⑥ Maximum building height 55'
- ⑦ Accessory Structure
- ⑧ Shared drive aisle/access
- ⑨ Amenity area
- ⑩ Internal property line, no setback

Notes:

If the MF/H project is part of an approved master site plan then setbacks do not apply except on the perimeter of the master site plan and/or along public streets.

The amenity area should be easily accessible to all units via sidewalks.

At arterial intersections a 50' x 250' landscape area is required.

SES panels must be screened per utility company guidelines and architecturally blended into the building.

3.3.5 Multi-Family Residential Development Standards - Additional Regulations

A. ***Building Stepback***

Where development within a MF district is within 100 feet of any lot line of a single family dwelling unit/use, buildings shall be stepped back one (1) horizontal foot for every vertical foot of the building that rises above two (2) stories as measured from the face of the second floor including balconies and decks.

B. ***Private Open Space***

1. Each unit shall contain a minimum exterior required solid covered private open space. No dimension of the minimum shaded private open space shall be less than six (6) feet as measured from the dwelling façade to the inside edge of the opposite supporting post or wall.
2. The private open space shall be covered/protected by a solid roof.
3. Private open space, that is in addition to the required private open space, may be covered or uncovered.

C. ***Screening***

Screening of a patio or balcony be four (4) feet in height. Landscaped private yards surrounded by a wall or fence may not exceed eight (8) feet in height.

D. ***Common Open Space Amenities***

Common open space shall contain the following amenities:

1. In MF/L and MF/M district for development of 50 unit or more, one (1) swimming pool with a minimum 600 sf. surface area is required.
2. In the MF/L and MF/M districts for developments of 100 units or more, one (1) enclosed community facility of at least 1,000 square feet is required.
3. In the MF/H district for 50 units or more, one (1) swimming pool with a minimum surface area of ten (10) sf. per unit, is required. The pool surface area may be divided between two pools. An indoor or rooftop swimming pool may be counted towards the pool amenity requirement.
4. In the MF/H district, the required enclosed community facility shall be 10 sf. per unit and may be distributed amongst multiple community facilities.

5. One shaded children's play area of at least 400 square feet with play equipment is required in all Multi-family developments with the exception of senior housing or in the MF/H district, where an alternative active amenity is provided. The alternative active amenity may be placed indoors, outdoors or on roof tops.

E. *Modified Building Setbacks and Landscape Standards in MF/H District*

1. Where development in the MF/H District abuts any property zoned single family residential, and the maximum building height is 40 feet or less, the minimum side and rear building setback standards may be modified to comply with the MF/M District standards.
2. Where development in the MF/H District is abutting any property zoned single family residential, and the maximum building height is 40 feet or less, the minimum side and rear landscape area standards may be modified to comply with the MF/M District standards.

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Section 3.4 Commercial Districts

3.4.1 Purpose and Intent

The purpose and intent of commercial districts established in this section are to:

- A. Provide for a range of commercial uses at appropriate scales and locations,
- B. Encourage quality and variety in building and landscape design,
- C. Ensure land use compatibility with residential and other abutting uses,
- D. Provide for limited mixed commercial and residential uses.

3.4.2 Commercial Districts

A. ***Neighborhood Commercial (NC)***

This district permits small-scale neighborhood retail, office, and service uses under 25,000 square feet per user or stand-alone building.

B. ***Community Commercial (CC)***

This district permits small- to medium-scale retail, office, service and entertainment uses under 50,000 square feet per user or stand-alone building.

C. ***Shopping Center (SC)***

This district permits the unified development of medium- scale retail, office, service and entertainment uses under 75,000 square feet per user or stand-alone building.

D. ***General Commercial (GC)***

This district permits a broad range of small- to large-scale retail, service, office, entertainment, and institutional uses of any size. Uses need not be developed under a unified plan.

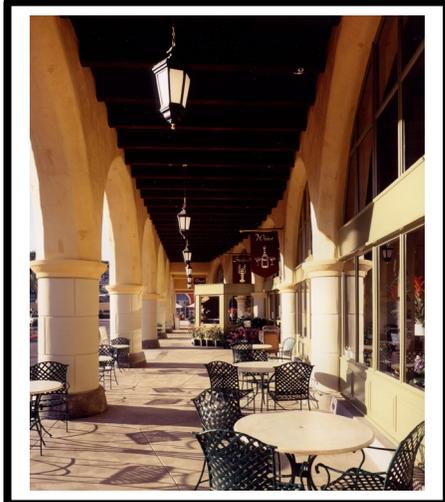
E. ***Regional Commercial (RC)***

This district permits large-scale regional retail, commercial, office, recreation and entertainment, and cultural uses, developed under a unified plan.

3.4.3 Commercial Guide

A. *Lot Development Regulations*

1. For land uses permitted in Commercial Zoning Districts see [Use Regulations](#).
2. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting General Plan land use category, street or street type.
3. Letter designations in the [Additional Regulations](#) column refer to regulations at the end of the section.
4. In addition to the development regulations listed in the following tables, regulations may be found in:
 - Gilbert Municipal Code
 - [Overlay Zoning Districts](#)
 - [Supplemental Regulations](#)
 - [Site Regulations](#)
 - [Chapter II Commercial Design Guidelines](#)
 - Town of Gilbert Engineering and Construction Standards
5. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.



3.4.4 Commercial Development Regulations

3.4.4 A Neighborhood Commercial (NC)

Neighborhood Commercial zoning is intended for small commercial sites within or near residential neighborhoods. The emphasis of this zone is on uses that serve the daily needs of abutting neighbors. Uses permitted within NC tend to be limited to small-scale and with minimal traffic, noise and sound impacts.

Table 3.4.4.A .2 NC Accessory Structures

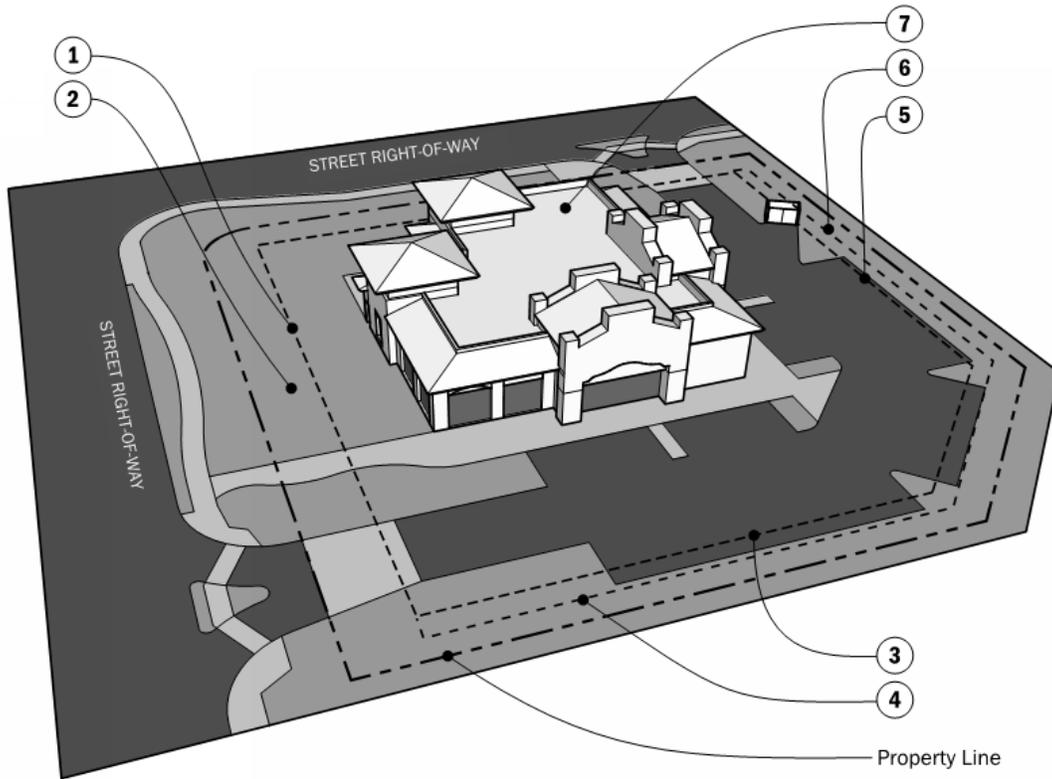
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required landscape area.
Height (ft.)	
Within the Building Envelope	25
Outside of the Building Envelope	15

Table 3.4.4.A .3 NC Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------

Table 3.4.4.A.1 NC Development Regulations

Standards	NC	Additional Regulations
Maximum Size of Use or Stand-alone Building (sf.)	25,000	
Maximum Building Height (ft./stories)	25/1	
Building Stepback	No	A
Minimum Building Setbacks (ft.)		
Front	20	B, C
Side [Street]	15	
Side [Residential]	15	
Side [Non-residential]	10	
Rear [Residential]	15	
Rear [Non-residential]	15	
Separation between Buildings (ft.)		
Single-Story	10	
Multiple-Story	-	
Minimum Required Landscape Area (ft.)		B, C
Front	20	B C
Side [Street]	15	
Side [Residential]	15	
Side [Non-residential]	10	
Rear [Residential]	15	
Rear [Non-residential]	15	
Landscaping (% of net area)	15	See Landscape
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures and Temporary Uses	See Supplemental Use Regulations	
Commercial Design Guideline	See Chapter II	



Neighborhood Commercial

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ Side Building Setback
- ④ Side Perimeter Landscape Area
- ⑤ Rear Building Setback
- ⑥ Rear Building Landscape Area
- ⑦ Maximum building height 25'/1 story

Notes:

At arterial intersections a 50' x 250' landscape area is required.

Good multi-modal pathways to the surrounding neighborhoods helps to connect the community to the services.

Decorative pavement is required at entrances from arterials streets.

SES panels must be screened per utility company guidelines and architecturally blended into the building.

Connectivity to abutting projects is highly encouraged.

No visible roof ladders are allowed.

3.4.4 B Community Commercial (CC)

The purpose of Community Commercial zoning is to allow the integration of less intense small- to medium-scale businesses within proximity of neighborhoods. The uses permitted within CC are limited in size and scale and are primarily focused on workforce and neighborhood service needs.

Table 3.4.4.B.2 CC Accessory Structures

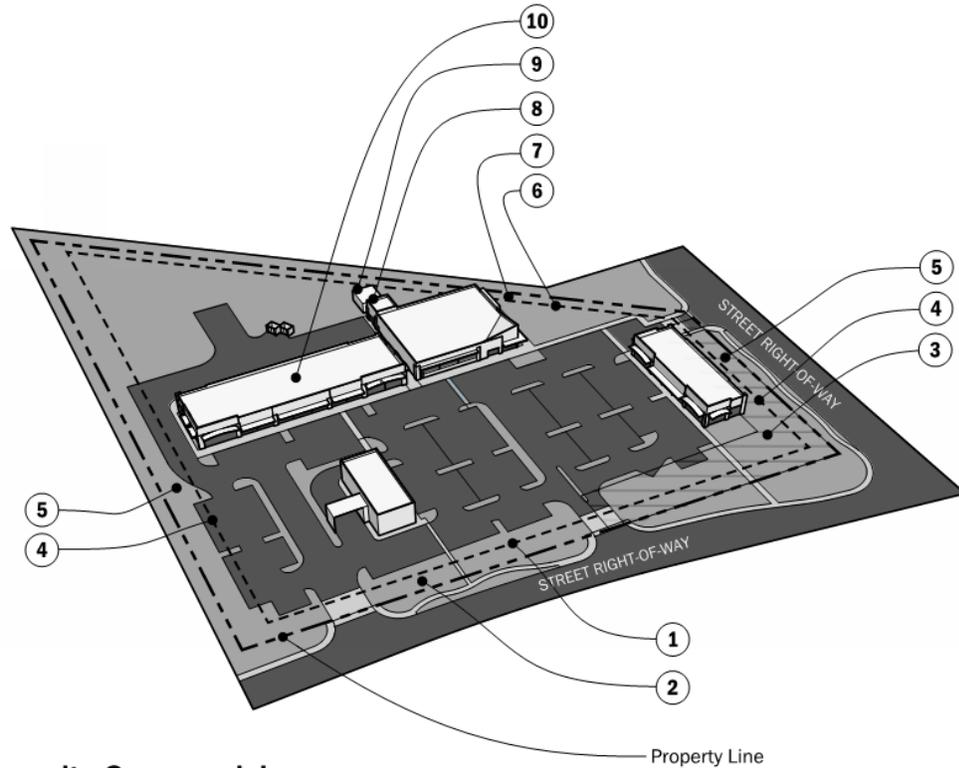
Accessory Structures (<i>no Living Quarters</i>)	
Construction	At the time of or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required landscape area.
Height (ft.)	
Within the Building Envelop	35
Outside of the Building Envelope	20

Table 3.4.4.B.3 CC Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------

Table 3.44.B.1 CC Development Regulations

<i>Standards</i>	<i>CC</i>	<i>Additional Regulations</i>
Maximum Size of Use or Stand-alone Building (sf.)	50,000	
Maximum Building Height (ft./stories)	35/2	
Building Stepback	No	A
Minimum Building Setbacks (ft.)		
Front	20	B, C
Side [Street]	20	
Side [Residential]	30	
Side [Non-residential]	15	
Rear [Residential]	40	
Rear [Non-residential]	15	
Separation between Buildings (ft.)		
Single-Story	15	
Multiple-Story	20	
Minimum Required Landscape Area (ft.)		
Front	20	B, C
Side [Street]	20	
Side [Residential]	25	
Side [Non-residential]	15	
Rear [Residential]	30	
Rear [Non-residential]	15	
Landscaping (% of net area)	15	See Landscape
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading	See Site Regulations	
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures and Temporary Uses	See Supplemental Use Regulations	
Commercial Design Guidelines	See Chapter II	



Community Commercial

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ 50' x 250' Arterial Intersection Area
- ④ Side Building Setback
- ⑤ Side Perimeter Landscape Area
- ⑥ Rear Building Setback
- ⑦ Rear Building Landscape Area
- ⑧ 10' building separation
- ⑨ Accessory Structure
- ⑩ Maximum building height 35 1/2 story

Notes:

At arterial intersections a 50' x 250' landscape area is required.

Good multi-modal pathways to the surrounding neighborhoods helps to connect the community to the services.

Decorative pavement is required at entrances from arterials streets.

SES panels must be screened per utility company guidelines and architecturally blended into the building.

Connectivity to abutting projects is highly encouraged.

No visible roof ladders are allowed.

3.4.4.C Shopping Center (SC)

The Shopping Center zoning district permits a group of medium to large retail, offices and other commercial establishments that are planned, developed, and managed as a single property. Site features, amenities and on-site parking are typically shared.

Table 3.4.4.C.2 SC Accessory Structures

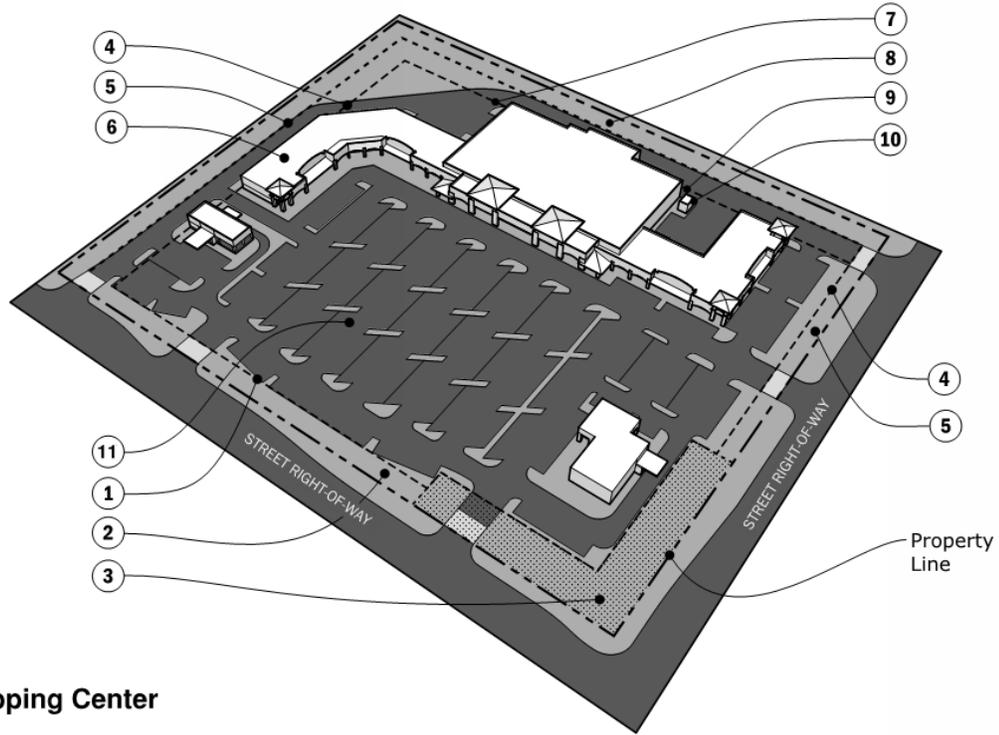
Accessory Structures (no Living Quarters)	
Construction	At the time of or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required landscape area.
Height (ft.)	
Within the Building Envelop	35
Outside of the Building Envelope	20

Table 3.4.4.C.1 SC Development Regulations

Standards	SC	Additional Regulations
Maximum Size of Use or Stand-alone Building (sf.)	75,000	
Maximum Building Height (ft./stories)	35/2	
Building Stepback	No	A
Minimum Building Setback (ft.)		
Front	25	B, C
Side [Street]	20	
Side [Residential]	75	
Side [Non-residential]	15	
Rear [Residential]	75	
Rear [Non-residential]	15	
Separation between Buildings (ft.)		
Single-Story	15	
Multiple-Story	20	
Minimum Required Landscape Area (ft.)		
Front	25	B, C
Side [Street]	20	
Side [Residential]	30	
Side [Non-residential]	15	
Rear [Residential]	35	
Rear [Non-residential]	15	
Landscaping (% of net area)	15	See Landscape
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures and Temporary Uses	See Supplemental Use Regulations	
Commercial Design Guidelines	See Chapter II	

Table 3.4.4.C.3 SC Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------



Shopping Center

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ 50' x 250' Arterial Intersection Area
- ④ Side Building Setback
- ⑤ Side Perimeter Landscape Area
- ⑥ Maximum building height 35 1/2 story
- ⑦ Rear Building Setback
- ⑧ Rear Building Landscape Area
- ⑨ 10' building separation
- ⑩ Accessory Structure
- ⑪ Shared parking

Notes:

- At arterial intersections a 50' x 250' landscape area is required.
- Good multi-modal pathways to the surrounding neighborhoods helps to connect the community to the services.
- Decorative pavement is required at entrances from arterials streets.
- SES panels must be screened per utility company guidelines and architecturally blended into the building.
- Connectivity to abutting projects is highly encouraged.
- No visible roof ladders are allowed.
- Roll-up doors and loading bays shall be a minimum of 50' from residential land uses.

3.4.4 D General Commercial (GC)

The General Commercial zoning district tends toward a mix of retail and office uses that are developed independently and may not be dependent on one another. There are a broad range of uses permitted within GC that often function as transitional in nature.

Table 3.4.4.D.2 GC Accessory Structures

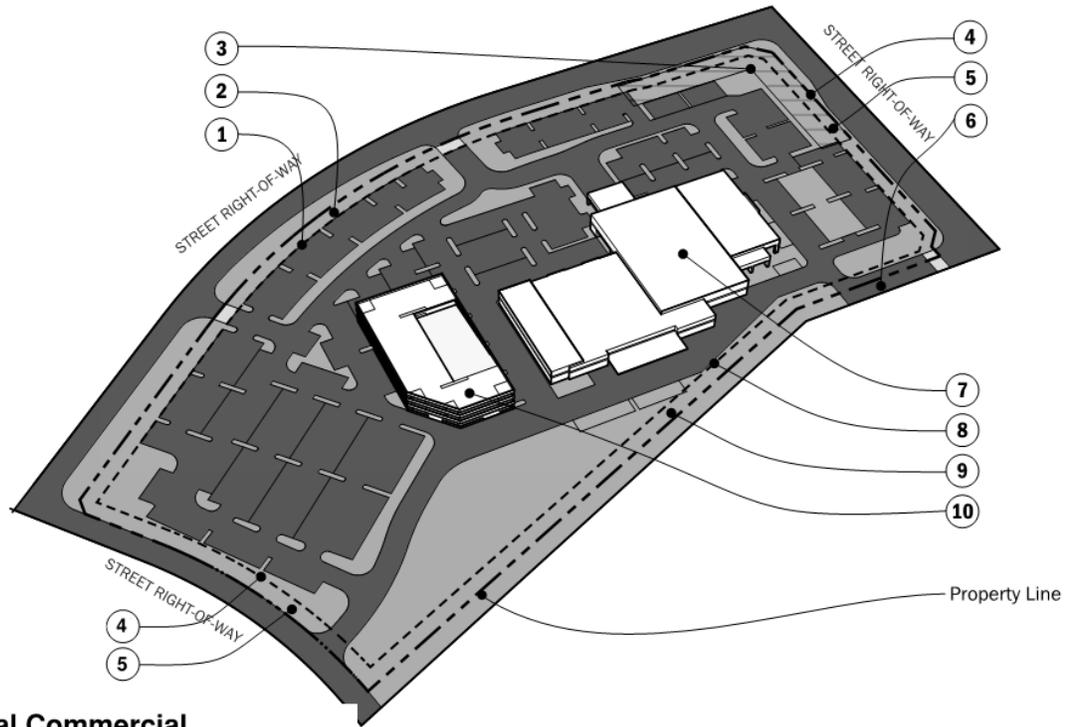
Accessory Structures (<i>no Living Quarters</i>)	
Construction	At the time of or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required landscape area.
Height (ft.)	
Within the Building Envelop	45
Outside of the Building Envelope	20

Table 3.4.4.D.3 Incidental Dwelling Unit

	Facility Manager Dwelling Unit (<i>Living Quarters</i>)
--	---------------------------------------------------------------------------

Table 3.4.4.D.1 Development Regulations – General Commercial (GC)

<i>Standards</i>	<i>GC</i>	<i>Additional Regulations</i>
Maximum Size of Use or Stand-alone Building (sf.)	--	
Maximum Building Height (ft.)	45	
Building Stepback	Yes	A
Minimum Building Setback (ft.)		
Front	25	B, C
Side [Street]	20	
Side [Residential]	75	
Side [Non-residential]	20	
Rear [Residential]	75	
Rear [Non-residential]	20	
Separation between Buildings (ft.)		
Single-Story	15	
Multiple-Story	20	
Minimum Required Landscape Area (ft.)		
Front	25	B, C
Side [Street]	20	
Side [Residential]	40	
Side [Non-residential]	20	
Rear [Residential]	40	
Rear [Non-residential]	20	
Landscaping (% of net area)	15	See Landscape
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading	See Site Regulations	
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures and Temporary Uses	See Supplemental Use Regulations	
Commercial Design Guidelines	See Chapter II	



General Commercial

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ 50' x 250' Arterial Intersection Area
- ④ Side Building Setback
- ⑤ Side Perimeter Landscape Area
- ⑥ Shared driveway
- ⑦ Maximum building height 45'
- ⑧ Rear Building Setback
- ⑨ Rear Building Landscape Area
- ⑩ Accessory Structure, parking structure

Notes:

At arterial intersections a 50' x 250' landscape area is required.

Decorative pavement is required at entrances from arterials streets.

Back-of-house and loading docks should be screened from public view.

Roll-up doors and loading bays shall be a minimum of 50' from residential land uses.

No visible roof ladders are allowed.

Auto services and storage should be screened from view.

SES panels must be screened per utility company guidelines and architecturally blended into the building.

3.4.4 E Regional Commercial (RC)

The Regional Commercial zoning district is the most intensive commercial district within the Town. Often RC development includes destination or specialty retail, offices and niche market uses. RC has the largest selection of permitted land uses of all the commercial zoning districts.

Table 3.4.4.E.2 RC Accessory Structures

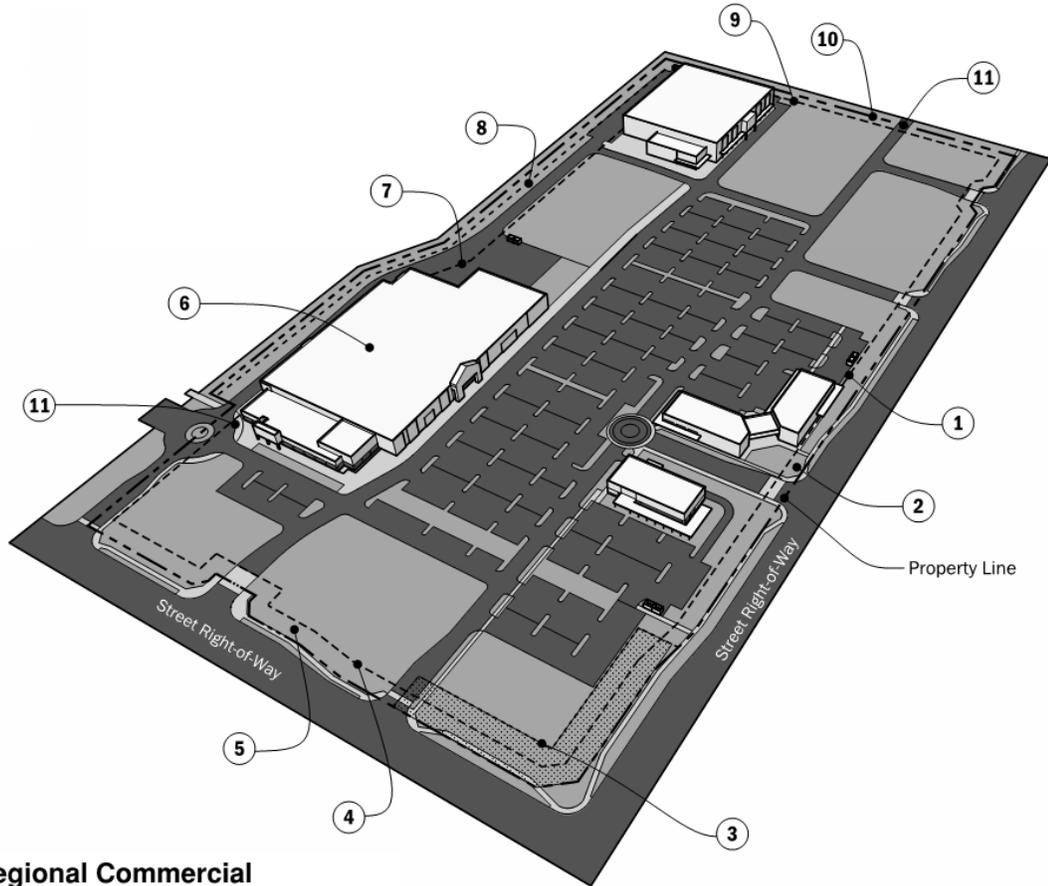
Accessory Structures (<i>no Living Quarters</i>)	
Construction	At the time of or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Location	Within the building envelope or within a required side or rear building setback, but not within a required landscape area.
Separation (ft.)	10 from any other structure/bldg.
Height (ft.)	
Within the Building Envelop	55
Outside of the Building Envelope	20

Table 3.4.4.E.3 RC Incidental Dwelling Unit

	Facility Manager Dwelling Unit (<i>Living Quarters</i>)
--	---------------------------------------------------------------------------

Table 3.4.4.E.1 Development Regulations – Regional Commercial (RC)

<i>Standards</i>	<i>RC</i>	<i>Additional Regulations</i>
Maximum Size of Use or Stand-alone Building (sf.)	--	
Maximum Building Height (ft.)	55	
Building Stepback	Yes	A
Minimum Building Setback (ft.)		
Front	25	B, C
Side [Street]	20	
Side [Residential]	75	
Side [Non-residential]	20	
Rear [Residential]	75	
Rear [Non-residential]	20	
Separation between Buildings (ft.)		
Single-Story	15	
Multiple-Story	20	
Minimum Required Landscape Area (ft.)		
Front	25	B, C
Side [Street]	20	
Side [Residential]	40	
Side [Non-residential]	20	
Rear [Residential]	40	
Rear [Non-residential]	20	
Landscaping (% of net area)	15	See Landscape
Modifications to the above standards		See Planned Area Developments
Building Setback to Parking (ft.)		See Circulation, Parking and Loading
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools		See Site Regulations
Land Uses		See Use Regulations
Animals, Temporary Structures and Temporary Uses		See Supplemental Use Regulations
Commercial Design Guidelines		See Chapter II



Regional Commercial

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ 50' x 250' Arterial Intersection Area
- ④ Side Building Setback
- ⑤ Side Perimeter Landscape Area
- ⑥ Maximum building height 55'
- ⑦ Rear Building Setback
- ⑧ Rear Building Landscape Area
- ⑨ Vehicular and pedestrian connection
- ⑩ Shared parking

Notes:

- At arterial intersections a 50' x 250' landscape area is required.
- Decorative pavement is required at entrances from arterials streets.
- Back-of-house and loading docks should be screened from public view.
- Roll-up doors and loading bays shall be a minimum of 50' from residential land uses.
- No visible roof ladders are allowed.
- Auto services and storage should be screened from view.
- SES panels must be screened per utility company guidelines and architecturally blended into the building.

3.4.5 Commercial Development Standards - Additional Regulations

A. ***Building Stepback***

Where development in the GC or RC district is within 100 feet of any parcel line of a single family dwelling unit, buildings shall be stepped back one (1) horizontal foot for each vertical foot of the building that rises above two (2) stories or 35 feet is required for habitable space.

B. ***Commercial Uses Abutting Residential Districts***

Commercial activity occurring within 50 feet of any property zoned residential shall be conducted within an enclosed building.

C. ***Building Setback and Landscape Areas***

Setbacks and required areas internal to an approved master site plan, commercial subdivision or development plan may be reduced or eliminated, provided the project meets applicable Design Guidelines, provides significant pedestrian paths, hierarchy of internal vehicular circulation, shared public easements and shared parking. Any shared easements shall be fully recorded and provided to staff upon request.

Section 3.5 Heritage Village Center Zoning District

3.5.1 Purpose and Intent

The Heritage Village Center (HVC) is intended to foster development consistent with the General Plan and Heritage District Redevelopment Plan. Additional purposes of the HVC district are:

- A. Encourage a high-quality pedestrian oriented mixed-use environment
- B. Reinforce the historic character of the downtown

3.5.2 Heritage Village Center District

A. *Heritage Village Center (HVC)*

This mixed-use district encourages complementary retail, service, office, lodging, entertainment, high density residential and cultural uses.

3.5.3 Heritage Village Center Guide

A. *Lot Development Regulations*

- 1. For land uses permitted in HVC zoning see [Use Regulations](#).
- 2. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting General Plan land use category, street or street type.
- 3. Letter designations in the [Additional Regulations](#) column refer to regulations that follow at the end of this Section.
- 4. In addition to the development regulations listed in the following tables, regulations may be found in:

Gilbert Municipal Code

[Overlay Zoning Districts](#)

[Supplemental Regulations](#)

[Site Regulations](#)

Chapter II [Heritage Village Design Guidelines](#)

- 5. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.

3.5.4 Heritage Village Center Development Regulations

3.5.4.A Heritage Village Center (HVC)

The Heritage Village Center zoning district celebrates the heart and history of Gilbert preserving history through architecture, art, and views of iconic landmarks that reference traditions of the community’s past. New development within this mixed-use environment should be complementary to the existing context of the Heritage District.

3.5.4.A.2 HVC Accessory Structures

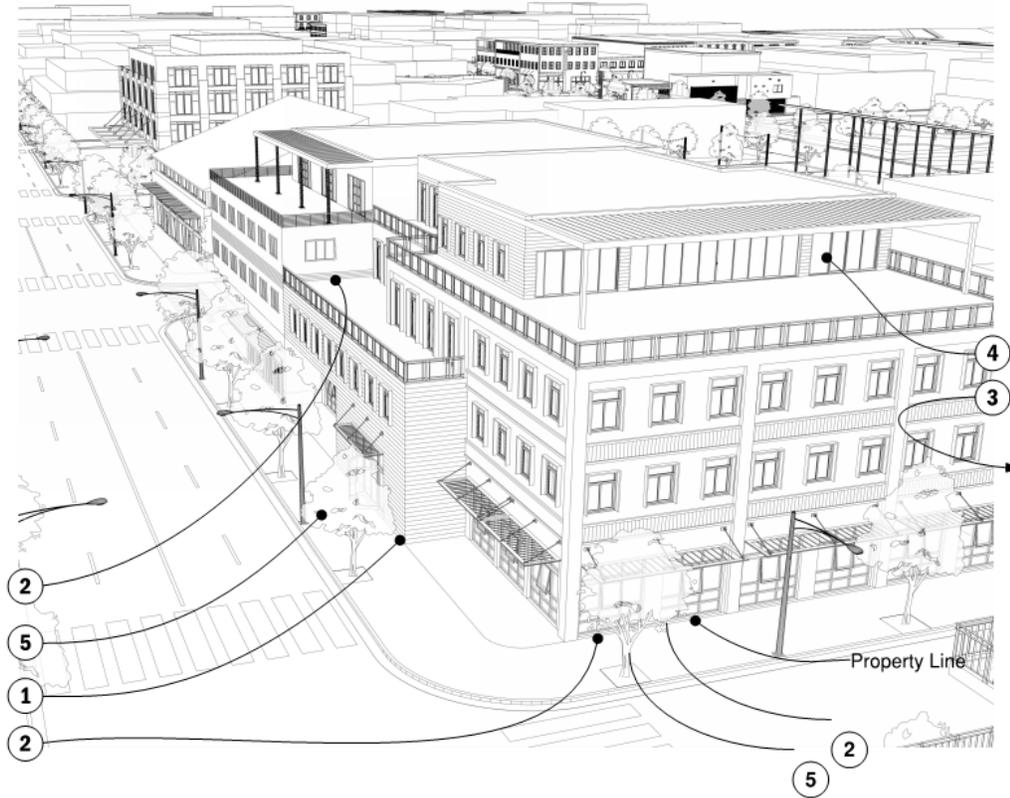
Accessory Structures (<i>no Living Quarters</i>)	
Construction	During or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Location	Within the building envelope
Separation (ft.)	10 from any other structure/bldg.
Separation (ft)	G
Height (ft.)	
Within the Building Envelop	55
Outside of the Building Envelope	15

3.5.4.A.3 HVC Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------

Table 3.5.4.1 HVC Site Development Regulations

<i>Standards</i>	<i>HVC</i>	<i>Additional Regulations</i>
Maximum Building Height (ft.)	55/4	A, B
Minimum Building Setback (ft.)		
<i>Front</i>	0	
<i>Side [Street]</i>	0	
<i>Side [Residential]</i>	10	
<i>Side [Non-residential]</i>	0	
<i>Rear [Residential]</i>	20	
<i>Rear [Non-residential]</i>	0	
Build-to Line (ft.)		
<i>Front</i>	10	C
<i>Side [Street]</i>	10	C
Stepback	Yes	F
Driveway Restrictions	Yes	D
Parking Setback	Yes	E
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Land Uses	See Use Regulations	
Sports Courts, Lighting, Storage, Outdoor Sale, Fences	See Site Regulations	
Exterior Lighting Standards	See Lighting	
HVC Design Guidelines	See Chapter II	



Heritage Village Center

Key Notes:

- ① Front Building Setback
- ② Side Building Setback
- ③ Rear Building Setback
- ④ Minimum building height 35'2 story
Maximum building height 55'4 story
- ⑤ 8' minimum pedestrian sidewalk and landscape

Notes:

Development must be within 10' of the property line.

Limited arterial curb cuts.

Surface parking shall be screened from the public street.

3.5.5 HVC Additional Regulations

A. ***Minimum Building Height***

Single-story buildings may be approved by the Redevelopment Commission with [Findings](#)

B. ***Maximum Building Height***

Building height above two (2) stories or 35 feet up to a maximum of four (4) stories or 55 feet may be approved by the Redevelopment Commission upon a finding of consistency with the Redevelopment Plan and finding that the character of the Heritage Village Center will be maintained.

C. ***Build-To Lines***

1. *Ground Floor.* A minimum of 50 percent of the ground floor building facades or defined permanent outdoor dining area shall be within 10 feet of the property line abutting a street.
2. *Second Floor.* All second floor building street facades shall be within 10 feet of the property line abutting a street. Permanent outdoor dining may substitute for a portion of the building facade abutting a street.

D. ***Driveway Restrictions to Parking Lots***

Vehicular access shall be from a non-arterial street or alley, unless the arterial is the only available access to the property.

E. ***Parking Setback***

Parking areas shall be set back a minimum of 25 feet from an arterial street.

F. ***Building Stepback***

A stepback of one (1) horizontal foot for every vertical foot of the building that rises above two (2) stories is required when located on the perimeter of the Heritage District Boundary or abutting or across the street from a single family residential land use.

G. ***Building Separation***

Building separation applies to both primary and accessory structures. If one structure has more stories than the other the separation for the taller structure applies.

Section 3.6 Office Districts

3.6.1 Purpose and Intent

The purposes and intent of the office districts established in this section are to:

- A. Provide office uses at appropriate scales in locations compatible with abutting uses.
- C. Encourage quality and variety in building and landscape design.

3.6.2 Office Districts

A. *Neighborhood Office (NO)*

This district serves as a transition between residential and more intense uses.

B. *General Office (GO)*

This district permits medium to large-scale office and service uses.

3.6.3 Office Guide

A. *Lot Development Regulations*

1. For land uses permitted in Office zoning districts see [Use Regulations](#).
2. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting General Plan land use category, street or street type.
3. Letter designations in the [Additional Regulations](#) column refer to regulations at the end of the section.
4. In addition to the development regulations listed in the following tables, regulations may be found in:

Gilbert Municipal Code

[Overlay Zoning Districts](#)

[Supplemental Regulations](#) and [Site Regulations](#)

Chapter II [Commercial](#) and [Employment Design Guidelines](#)

Town of Gilbert Engineering and Construction Standards

5. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.

3.6.4 Office Development Standards

3.6.4.A Neighborhood Office (NO)

Neighborhood Office zoning is intended for small offices buildings or complexes within or near residential neighborhoods. The emphasis of this zoning district is on single-story uses which serve the daily needs of abutting neighbors. Uses permitted within NO tend to be limited with minimal environmental impacts.

Table 3.6.4.A.2 NO Accessory Structures

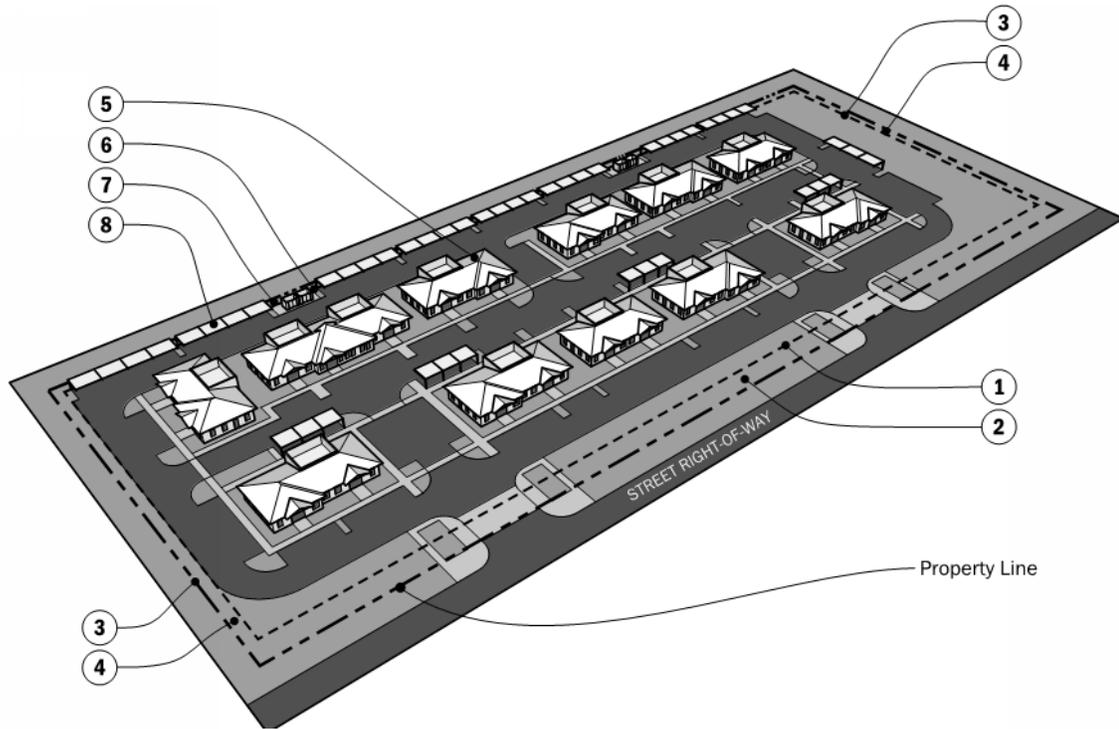
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required landscape area.
Height (ft.)	
Within the Building Envelop	25
Outside of the Building Envelope	Outside of the Building Envelope

Table 3.6.4.A.3 NO Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------

Table 3.6.4.A.2 NO Development Standards

Standards	NO	Additional Regulations
Maximum Building Height (ft./stories)	25/1	
Building Stepback	No	A
Minimum Building Setbacks (ft.)		
<i>Front</i>	20	B
<i>Side [Arterial]</i>	20	
<i>Side [Collector or Local]</i>	15	
<i>Side [Residential]</i>	15	
<i>Side [Non-residential]</i>	10	
<i>Rear [Residential]</i>	15	
<i>Rear [Non-residential]</i>	10	
Separation between Buildings (ft.)		
<i>Single-Story</i>	15	
Minimum Required Landscape Area (ft.)		
<i>Front</i>	20	B
<i>Side [Arterial]</i>	20	
<i>Side [Collector or local]</i>	15	
<i>Side [Residential]</i>	15	
<i>Side [Non-residential]</i>	10	
<i>Rear [Residential]</i>	15	
<i>Rear [Non-residential]</i>	10	
Modifications to the above standards		See Planned Area Developments
Street Frontage Landscaping		See Landscape
Off-Street Parking and Loading		See Circulation, Parking and Loading
Sports Courts, Lighting, Storage, Outdoor Sale, Fences		See Site Regulations
Land Uses		See Use Regulations
Temporary Structures and Uses		See Supplemental Use Regulations



Neighborhood Office

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ Side Building Setback
- ④ Side Perimeter Landscape Area
- ⑤ Maximum building height 25'/1 story
- ⑥ Rear Building Setback
- ⑦ Rear Building Landscape Area
- ⑧ Accessory Structure, parking canopy

Notes:

Detached parking canopies are considered accessory structures and may not be located within any required perimeter landscape area.

Driveway stub connections to other similar properties are highly encouraged and may be required if there are limited curb cut opportunities.

At arterial intersections a 50' x 250' landscape area is required.

Decorative pavement is required at entrances from arterials streets.

No visible roof ladders are allowed.

Auto services and storage should be screened from view.

SES panels must be screened per utility company guidelines and architecturally blended into the building.

3.6.4.B. General Office (GO)

The General Office district is the most intensive office zoning district. Designated for large scale, single or multiple-story medical, professional, general or service-type office uses. The only residential land uses allowed within the General Office classification are loft units above non-residential within a mixed-use project.

Table 3.6.4.B.2 GO Accessory Structures

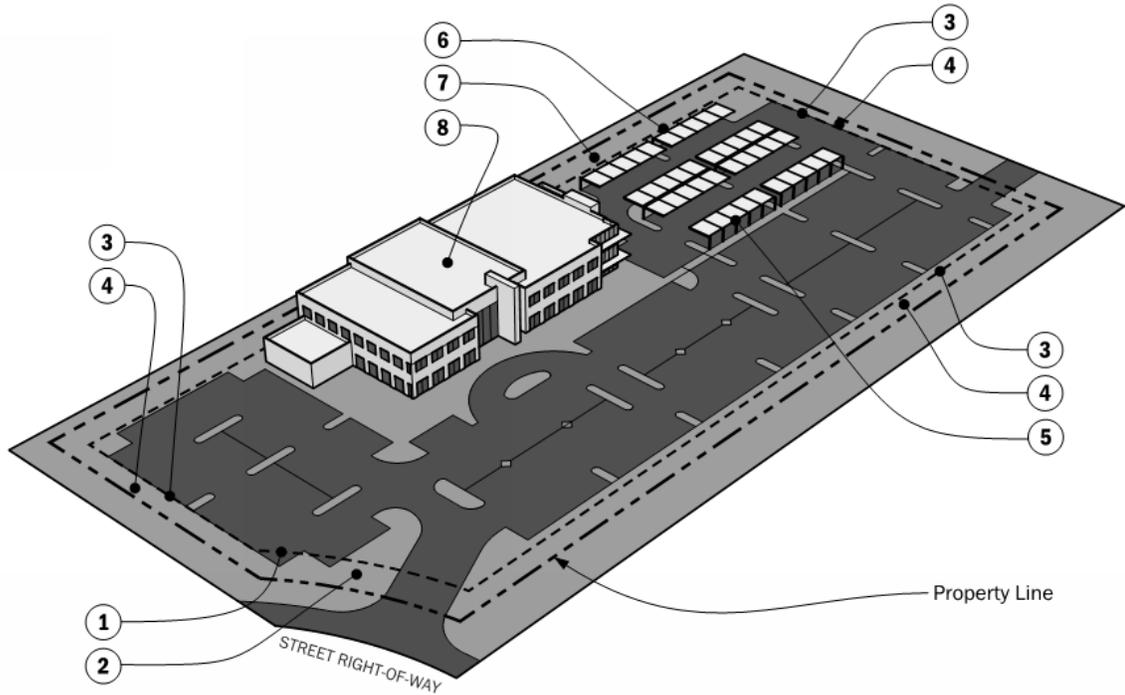
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required landscape area.
Height (ft.)	
Within the Building Envelop	55
Outside of the Building Envelope	20

Table 3.6.4.B.3 GO Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------

Table 3.6.4.B.1 GO Development Standards

Standards	GO	Additional Regulations
Maximum Building Height (ft./stories)	55/3	
Building Stepback	Yes	A
Minimum Building Setback (ft.)		
Front	25	B
Side [Arterial]	20	
Side [Collector or Local]	20	
Side [Residential]	30	
Side [Non-residential]	15	
Rear [Residential]	30	
Rear [Non-residential]	20	
Separation between Buildings (ft.)		
Single-Story	15	
Multiple-Story	20	
Minimum Required Landscape Area (ft.)		
Front	25	B
Side [Arterial]	20	
Side [Collector or Local]	20	
Side [Residential]	30	
Side [Non-residential]	15	
Rear [Residential]	30	
Rear [Non-residential]	20	
Landscaping (% of net area)	15	See Landscape
Modifications to the above standards	See Planned Area Developments	
Street Frontage Landscaping	See Landscape	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences	See Site Regulations	
Land Uses	See Use Regulations	
Temporary Structures and Uses	See Supplemental Use Regulations	



General Office

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ Side Building Setback
- ④ Side Perimeter Landscape Area
- ⑤ Accessory Structure, parking canopy
- ⑥ Rear Building Setback
- ⑦ Rear Building Landscape Area
- ⑧ Maximum building height 55'3 story

Notes:

Parallel passenger loading, that is located under a front entry feature, must provide a bypass lane for circulation.

Driveway stub connections to other similar properties are highly encouraged and may be required if there are limited curb cut opportunities.

At arterial intersections a 50' x 250' landscape area is required.

Decorative pavement is required at entrances from arterials streets.

No visible roof ladders are allowed.

SES panels must screen per utility company guidelines and architecturally blended into the building.

Detached parking canopies are considered accessory structures and may not be located within any required perimeter landscape area.

3.6.5 Office Development Standards – Additional Regulations

A. ***Building Stepback***

Where a building within the GO district is within 100 feet of any parcel line of a single family dwelling unit, buildings shall be stepped back one (1) horizontal foot for each vertical foot of the building that rises above two (2) stories or 35 feet is required for habitable space.

B. ***Building, Setback and Landscape Areas***

Setbacks and required areas internal to an approved master site plan, commercial subdivision or development plan may be reduced or eliminated, provided the project meets applicable Design Guidelines, provides significant pedestrian paths, hierarchy of internal vehicular circulation, shared public easements and shared parking. Easements shall be fully recorded and provided to staff upon request.

Section 3.7 Employment Districts

3.7.1 Purpose and Intent

The purposes of employment districts established in this section are to:

- A. Provide for a range of employment uses at appropriate intensities and locations,
- B. Identify areas of the Town for the location of employment uses and protect such areas from incompatible uses,
- C. Protect abutting uses from potential adverse impacts of employment uses by setting forth standards for compatibility,
- D. Encourage quality and variety in building and landscape design.

3.7.2 Employment Districts

The employment districts are:

A. ***Business Park (BP)***

This district permits integrated campus-style office development serving high technology, research and development, office, service and light industrial uses. Limited business service uses serving the development may be permitted. Development will include buildings of quality design in a landscaped setting.

B. ***Light Industrial (LI)***

This district permits employment uses of moderate intensity such as assembly, light manufacturing, processing, vehicle and equipment service, research and development, general offices, storage and distribution.

C. ***General Industrial (GI)***

This district permits more intense employment uses that may not occur in buildings and that require access for heavy trucks, such as manufacturing, food and materials processing and packaging, warehousing and storage, waste management, motor vehicle and heavy equipment storage and repair, utilities and freight/truck terminals.

3.7.3 Employment Guide

A. ***Lot Development Regulations***

- 1. For land uses permitted in Employment zoning districts see [Use Regulations](#).
- 2. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting

General Plan land use category, street or street type.

3. Letter designations in the [Additional Regulations](#) column refer to regulations at the end of the section.
4. In addition to the development regulations listed in the following tables, regulations may be found in:
 - Gilbert Municipal Code
 - [Overlay Zoning Districts](#)
 - [Supplemental Regulations](#)
 - [Site Regulations](#)
 - Chapter II [Commercial Design Guidelines](#)
 - Chapter II [Employment Design Guidelines](#)
 - Town of Gilbert Engineering and Construction Standards
5. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.



3.7.4 Employment Development Regulations

3.7.4.A. Business Park (BP)

Business parks are often termed office parks. BP is an employment zoning district that is commonly located between more intensive and less intensive zoning districts. Generally, this style of development groups employment and light manufacturing buildings together in a well-maintained environment.

Table 3.7.4.A.2 BP Accessory Structures

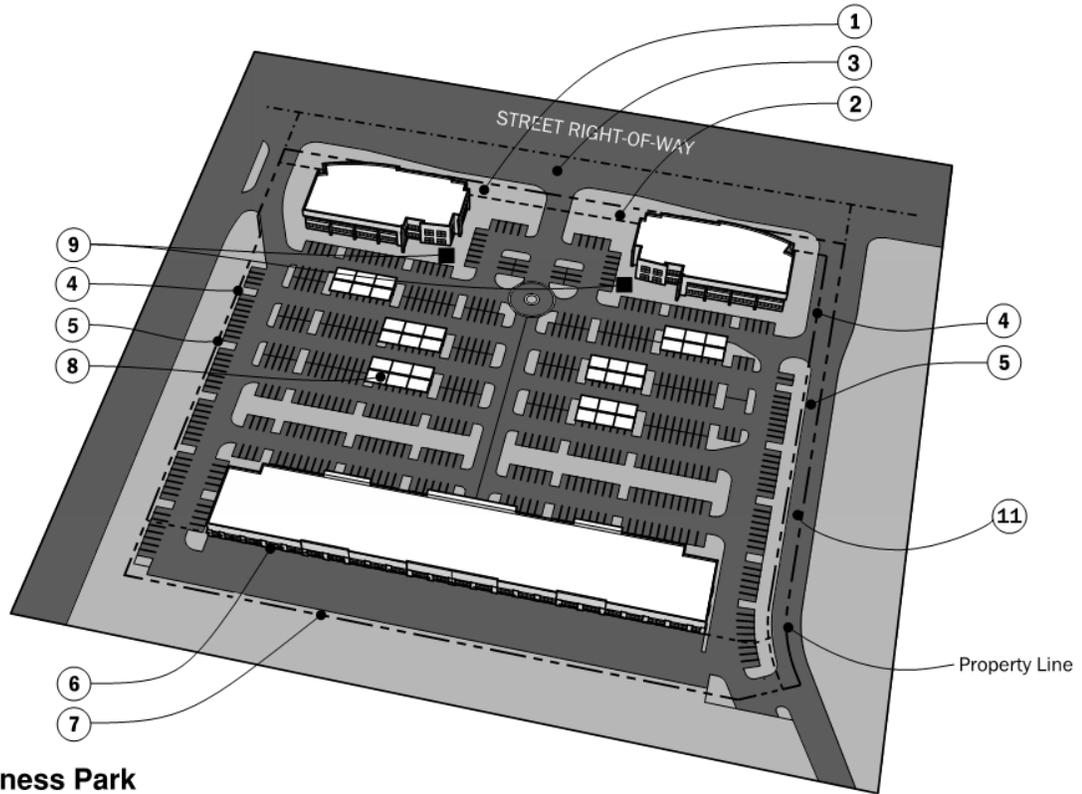
Accessory Structures (no Living Quarters)	
Construction	At the time of or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required perimeter landscape area.
Height (ft.)	
Within the Building Envelop	35
Outside of the Building Envelope	20

Table 3.7.4.A.3 BP Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------

Table 3.7.4.A.1 BP Development Regulations

Standards	BP	Additional Regulations
Maximum Building Height (ft./stories)	35/2	
Building Stepback	No	A
Minimum Building Setback (ft.)		
Front [Arterial]	25	
Front [Collector or Local]	20	
Side [Street]	20	
Side [Residential]	25	B
Side [Commercial/Office/ Public Facility/ Institutional]	15	
Side [Employment]	0	
Rear [Residential]	25	B
Rear [Commercial/Office/ Public Facility/Institutional]	15	
Rear [Employment]	0	
Separation between Buildings (ft.)		
Single-Story	15	
Multiple-Story	20	
Minimum Required Landscape Area (ft.)		
Front [Arterial]	25	C, D
Front [Collector or Local]	20	
Side [Street]	20	
Side [Residential]	20	
Side [Commercial/Office/ Public Facility/Institutional]	15	
Side [Employment]	5	
Rear [Residential]	20	
Rear [Commercial/Office/ Public Facility/Institutional]	15	
Rear [Employment]	5	
Landscaping (% of net area)	15	
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences	See Site Regulations	
Land Uses	See Use Regulations	
Temporary Structures and Uses	See Supplemental Use Regulations	
Employment Design Guidelines	See Chapter II	



Business Park

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ Public right-of-way
- ④ Side Building Setback
- ⑤ Side Perimeter Landscape Area
- ⑥ Rear Building Setback
- ⑦ Rear Building Landscape Area
- ⑧ Accessory Structure, parking canopy
- ⑨ Employee amenity area
- ⑩ Private drive
- ⑪ Maximum building height 3 1/2 story

Notes:

When driveways are shared, the building setback and perimeter landscape areas are measured from the property line.

Driveway stub connections to other similar properties are highly encouraged and may be required if there are limited curb cut opportunities.

At arterial intersections a 50' x 250' landscape area is required.

Loading docks and roll-up doors may not be located within 200' of residential zoning districts or uses.

No visible roof ladders are allowed.

SES panels must screen per utility company guidelines and architecturally blended into the building.

Loading docks must be screened is visible from public streets.

3.7.4.B Light Industrial (LI)

The intent of the Light Industrial zoning district is to provide for wholesale and warehousing uses as well as those manufacturing uses that include fabrication, manufacturing, assembly or processing of materials that are in refined form.

Table 3.7.4.B.2 LI Accessory Structures

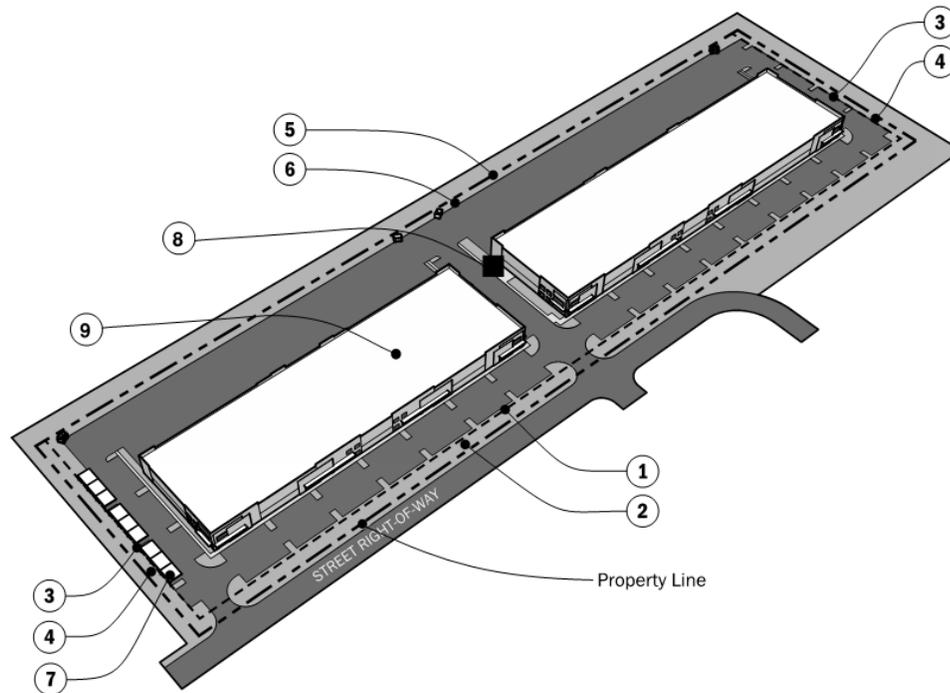
Accessory Structures (no Living Quarters)	
Construction	At the time of or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required landscape area.
Height (ft.)	
Within the Building Envelop	55
Outside of the Building Envelope	20

Table 3.7.4.B.3 LI Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------

Table 3.7.4.B.1 LI Development Regulations

Standards	LI	Additional Regulations
Maximum Building Height (ft./stories)	55/3	
Building Stepback	Yes	A
Minimum Perimeter Building Setback (ft.)		
<i>Front [Arterial]</i>	30	
<i>Front [Collector or Local]</i>	25	
<i>Side [Street]</i>	20	
<i>Side [Residential]</i>	75	B
<i>Side [Commercial/Office/ Public Facility/ Institutional]</i>	15	
<i>Side [Employment]</i>	0	
<i>Rear [Residential]</i>	75	B
<i>Rear [Commercial/Office/ Public Facility/Institutional]</i>	15	
<i>Rear [Employment]</i>	0	
Separation between Buildings (ft.)		
<i>Single-Story</i>	15	
<i>Multiple-Story</i>	20	
Minimum Required Landscape Area (ft.)		
<i>Front [Arterial]</i>	25	C, D
<i>Front [Collector or Local]</i>	20	
<i>Side [Street]</i>	20	
<i>Side [Residential]</i>	25	
<i>Side [Commercial/Office/ Public Facility/Institutional]</i>	15	
<i>Side [Employment]</i>	5	
<i>Rear [Residential]</i>	30	
<i>Rear [Commercial/Office/ Public Facility/Institutional]</i>	15	
<i>Rear [Employment]</i>	5	
Landscaping (% of net area)	15	See Landscape
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences	See Site Regulations	
Land Uses	See Use Regulations	
Temporary Structures and Uses	See Supplemental Use Regulations	
Employment Design Guidelines	See Chapter II	



Light Industrial

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ Side Building Setback
- ④ Side Perimeter Landscape Area
- ⑤ Rear Building Setback
- ⑥ Rear Building Landscape Area
- ⑦ Accessory Structure, parking canopy
- ⑧ Employee amenity area
- ⑨ Maximum building height 55'3 story

Notes:

When driveways are shared the building setback and perimeter landscape areas are measured from the property line.

Employee amenity areas should be adjacent to the structure they serve and provide at a minimum seating, shade and trash receptacles.

At arterial intersections a 50' x 250' landscape setback is required.

Loading dock and roll-up doors may not be located within 200' of residential zoning districts or uses.

Loading docks must be screened if visible from public streets.

No visible roof ladders are allowed.

Employee amenity areas should be adjacent to the structure they serve and provide at a minimum seating, shade and trash receptacles.

3.7.4.C General Industrial (GI)

The GI zoning district represents the most intensive employment area in Gilbert. Indoor and outdoor office, warehousing, fabrication and manufacturing all occur within these areas. Trucking and hauling often are associated with these uses.

Table 3.7.4.C.2 GI Accessory Structures

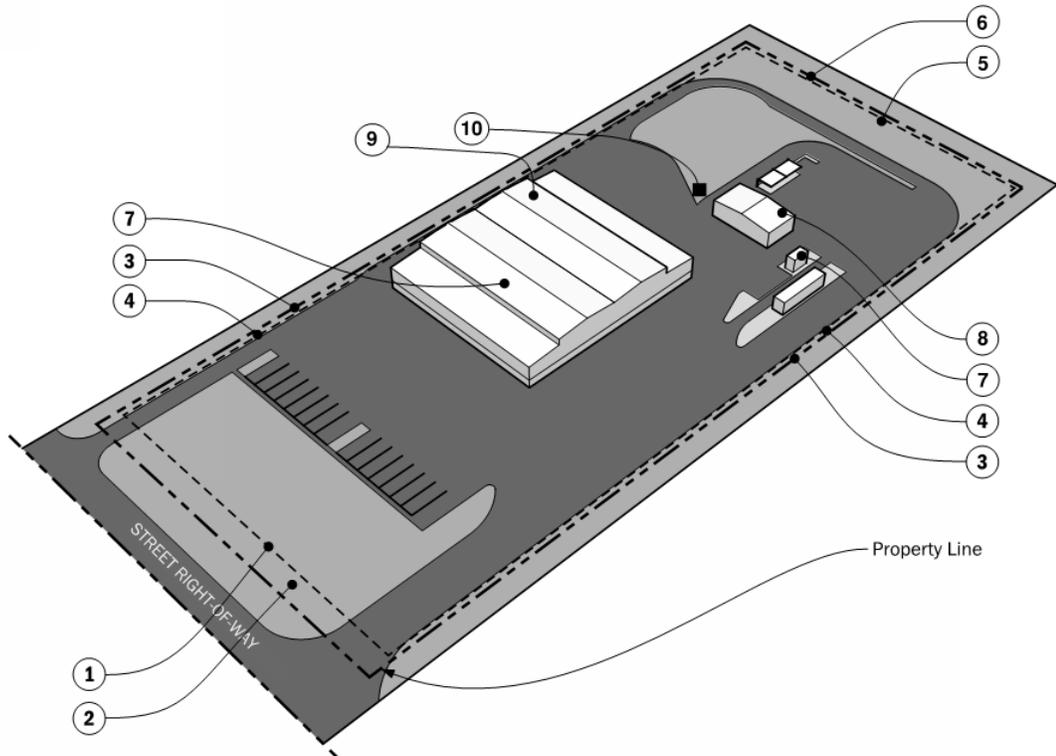
Accessory Structures (no Living Quarters)	
Construction	At the time of or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required landscape area.
Height (ft.)	
Within the Building Envelop	No Limit
Outside of the Building Envelope	20

Table 3.7.4.C.3 GI Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	---------------------------------------------------------

Table 3.7.4.C.1 GI Development Regulations

Standards	GI	Additional Regulations
Maximum Building Height (ft./stories)	--	
Building Stepback	No	A
Minimum Building Setback (ft.)		
Front [Arterial]	35	
Front [Collector or Local]	30	
Side [Street]	25	
Side [Residential]	100	B
Side [Commercial/Office/ Public Facility/ Institutional]	20	
Side [Employment]	0	
Rear [Residential]	100	B
Rear [Commercial/Office/ Public Facility/Institutional]	15	
Rear [Employment]	0	
Separation between Buildings (ft.)		
Single-Story	15	
Multiple Story	20	
Minimum Required Landscape Area (ft.)	25	
Front [Arterial]	25	C, D
Front [Collector or Local]	25	
Side [Street]	25	
Side [Residential]	30	
Side [Commercial/Office/ Public Facility/Institutional]	20	
Side [Employment]	5	
Rear [Residential]	35	
Rear [Commercial/Office/ Public Facility/Institutional]	15	
Rear [Employment]	5	
Landscaping (% of net parcel area)	--	
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences	See Site Regulations	
Land Uses	See Use Regulations	
Temporary Structures and Uses	See Supplemental Use Regulations	



General Industrial

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ Side Building Setback
- ④ Side Perimeter Landscape Area
- ⑤ Rear Building Setback
- ⑥ Rear Building Landscape Area
- ⑦ Accessory Structure, guard shack
- ⑧ Accessory Structure
- ⑨ No maximum building height
- ⑩ Employee amenity area

Notes:

Outdoor stacking or storage of goods may not exceed the height of the perimeter fence or screen walls.

When driveways are shared the the building setback and perimeter landscape areas are measured from the property line.

Employee amenity areas should be adjacent to the structure they serve and provide at a minimum seating, shade and trash receptacles.

At arterial intersections a 50' x 250' landscape setback is required.

Loading dock and roll-up doors may not be located within 200' of residential zoning districts or uses.

Loading docks must be screened if visible from public streets.

No visible roof ladders are allowed.

Employee amenity areas should be adjacent to the structure they serve and provide at a minimum seating, shade and trash receptacles.

3.7.5 Employment Development Regulations – Additional Regulations

A. ***Building Stepback***

Where development in the LI or GI district is within 100 feet of any parcel line of a single family dwelling unit, buildings shall be stepped back one (1) horizontal foot for each vertical foot of the building that rises above two (2) stories or 35 feet is required for habitable space.

B. ***Employment Uses Abutting Residential Districts***

Employment activity occurring within 50 feet of any property zoned residential shall be conducted within an enclosed building. No part of the building within 50 feet of the residentially zoned property shall contain bay or roll-up doors or similar service openings.

C. ***Zero Lot Line Landscape Requirements***

Where a building is constructed on the property line, required landscape areas shall be located abutting that portion of the side or rear property line not occupied by the building.

D. ***Landscape for Outdoor Service Areas***

Where a side or rear outdoor service area is gated, fully screened, and fully fenced, the interior landscape area is not required unless the outdoor service area is abutting property zoned residential. If abutting residential zoning the landscape area shall only be required to provide non-deciduous trees. If abutting a street all landscape areas enhancement shall apply.

Section 3.8 Public Facility/Institutional District

3.8.1 Purpose and Intent

The purpose and intent of the Public Facility/Institutional District is to provide for utilities and public and quasi-public uses.

3.8.2 Public Facilities/Institutional District

A. *Public Facilities/Institutional (PF/I)*

This district permits uses such as utilities, schools, hospitals, libraries, recreation centers, golf courses, and parks.

3.8.3 Public Facilities/Institutional Guide

A. *Lot Development Regulations*

1. For land uses permitted in Public Facilities/Institutional zoning district See [Use Regulations](#).
2. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting General Plan land use category, street or street type.
3. Letter designations in the Additional Regulations column refer to regulations at the end of the section.
4. In addition to the development regulations listed in the following tables, regulations may be found in:
 - Gilbert Municipal Code
 - [Overlay Zoning Districts](#)
 - [Supplemental Regulations](#)
 - [Site Regulations](#)
 - Chapter II [Commercial Design Guidelines](#)
 - Chapter II [Employment Design Guidelines](#)
 - Town of Gilbert Engineering and Construction Standards
5. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.

3.8.4.A Public Facility/Institutional (PF/I)

The Public Facility/Institutional zoning district was created to provide for uses that directly serve the public. These uses can range from public safety, parks and recreation, schools and health facilities. These uses may be publicly or privately owned and/or operated.

Table 3.8.4.A.2 PF/I Accessory Structures

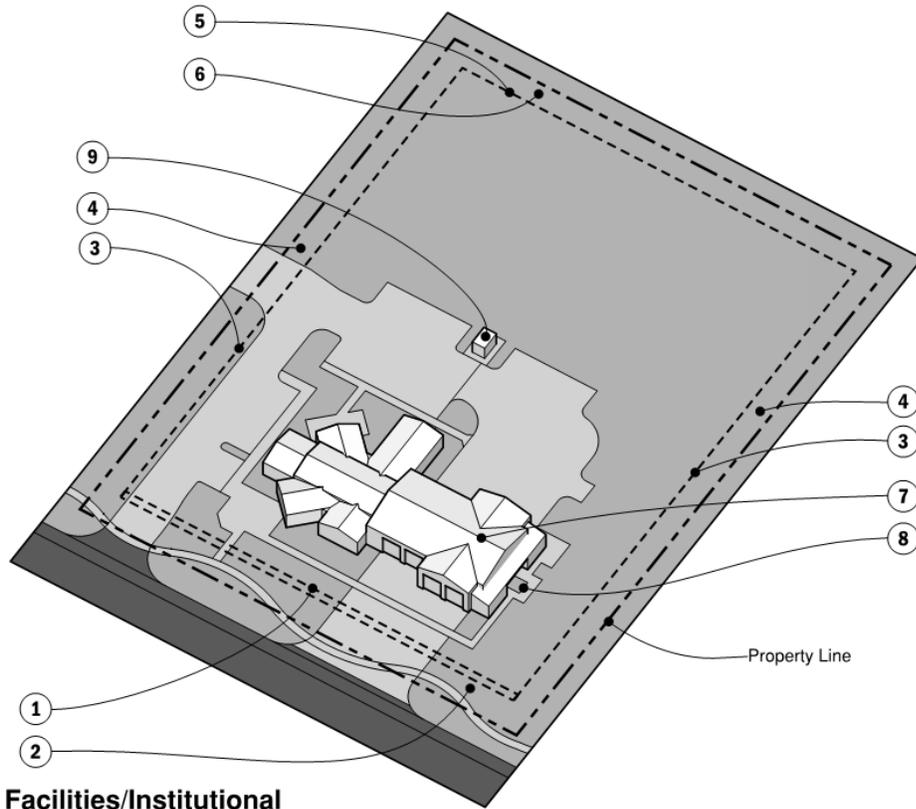
Accessory Structures (no Living Quarters)	
Construction	At the time of or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Separation (ft.)	10 from any other structure/bldg.
Location	Within the building envelope or within a required side or rear building setback, but not within a required perimeter landscape area.
Height (ft.)	
Within the Building Envelop	55
Outside of the Building Envelope	20

Table 3.8.4.A.3 PF/I Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------

Table 3.8.4.A.1 PF/I Development Regulations

Standards	PF/I	Additional Regulations
Maximum Building Height (ft.)	55	
Minimum Building Setback (ft.)		
Front	25	
Side [Street]	25	
Side [Residential]	25	A
Side [Non-residential]	15	
Rear [Residential]	20	A
Rear [Non-residential]	15	
Separation between Buildings (ft.)		
Single-Story	15	
Multiple Story	20	
Minimum Required Landscape Area (ft.)		
Front	20	
Side [Collector or Local]	15	
Side [Residential]	15	A
Side [Non-residential]	15	
Rear [Residential]	20	A
Rear [Non-residential]	15	
Landscaping (% of net area)	15	See Landscape
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animals, Temporary Structures and Temporary Uses	See Supplemental Use Regulations	
Employment Design Guidelines	See Chapter II	



Public Facilities/Institutional

Key Notes:

- ① Front Building Setback
- ② Front Perimeter Landscape Area
- ③ Side Building Setback
- ④ Side Perimeter Landscape Area
- ⑤ Rear Building Setback
- ⑥ Rear Building Landscape Area
- ⑦ Maximum building height 55'
- ⑧ Employee amenity area
- ⑨ Accessory Structure

Notes:

Outdoor stacking or storage of goods may not exceed the height of the perimeter fence or screen walls.

Gated entrances must meet Engineering Standards and Details.

Employee amenity areas should be adjacent to the structure they serve and provide at a minimum seating, shade and trash receptacles.

At arterial intersections a 50' x 250' landscape setback is required.

Loading dock and roll-up doors may not be located within 200' of residential zoning districts or uses.

Loading docks must be screened if visible from public streets.

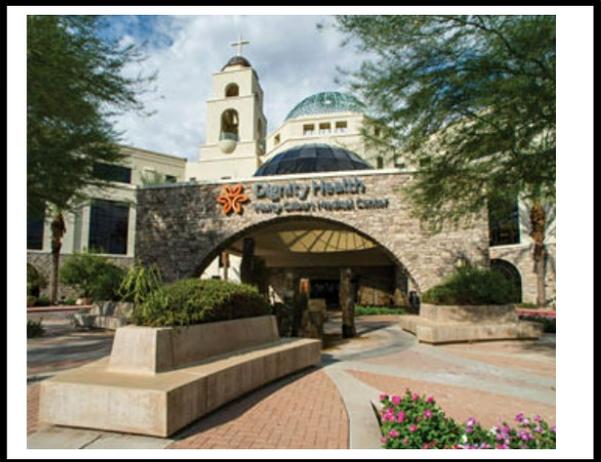
No visible roof ladders are allowed.

Employee amenity areas should be adjacent to the structure they serve and provide at a minimum seating, shade and trash receptacles.

3.8.4 Public Facilities/Institutional Development Regulations – Additional Regulations

A. *Public Facility/Institutional Uses Abutting Residential Districts*

Public Facility/Institutional activities occurring within 50 feet of any parcel line of a single family dwelling unit, shall be conducted within an enclosed building. No part of the building within 50 feet of the residentially zoned property shall contain bay or roll-up doors, car wash entry or exit point or similar service openings facing the direction of the residential land use.



Section 3.9 Gateway Districts

3.9.1 Purpose and Intent

The purposes and intent of the Gateway Districts are to:

- A. Implement the Gateway Character Area goals and policies of the General Plan, and the Gateway Area Right-Of-Way Improvement Standards and Streetscape Design Guidelines by creating a new urban core serving, commercial retail, employment, high density residential, governmental, institutional, and civic purposes of the community.
- B. Encourage quality and variety in building and landscape design to create a vibrant pedestrian environment.
- C. Provide for the location of employment uses and protect such areas from incompatible uses.
- D. Encourage opportunities for mass transit services.
- E. In the Gateway Village Center zoning district, encourage a mixture of uses, including complementary high density multi-family residential and loft units, retail service, office, lodging, entertainment and cultural uses and create a vibrant pedestrian/transit oriented environment to promote pedestrian activity.
- F. In the Gateway Business Center zoning district, provide for a range of employment uses at appropriate intensities and locations, support the integration of living and working uses, and support commuter rail and other mass transit services.
- G. The intent of these regulations is to promote vertical mixed-use development in a pedestrian-oriented environment.

3.9.2 Gateway Districts

The Gateway Districts are:

A. ***Gateway Village Center (GVC)***

This district permits pedestrian oriented retail service, office, lodging, educational, entertainment and cultural uses, and high density multi-family residential and loft units that are complementary.

B. ***Gateway Business Center (GBC)***

This district permits complementary retail service, office, lodging, educational, and entertainment uses, and high density multi-family residential and loft units.

3.9.3 Gateway Guide

A. *Lot Development Regulations*

1. For land uses permitted GVC and GBC zoning see [Use Regulations](#).
2. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting General Plan land use category, street or street type.
3. Letter designations in the [Additional Regulations](#) column refer to regulations that follow at the end of this section.
4. In addition to the development regulations listed in the following tables, regulations may be found in:
 - Gilbert Municipal Code
 - [Overlay Zoning Districts](#)
 - [Supplemental Use Regulations](#)
 - [Site Regulations](#)
 - Chapter II [Heritage Village Design Guidelines](#)
 - Town of Gilbert Engineering and Construction Standards
5. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.



3.9.4 Gateway Development Regulations

3.9.4.A Gateway Village Center (GVC)

The GVC regulations are designed to create a streetscape shopping, dining and entertainment experience while incorporating height and density to create critical mass in a live, work and play experience.

Table 3.9.4.A.2 GVC Accessory Structures

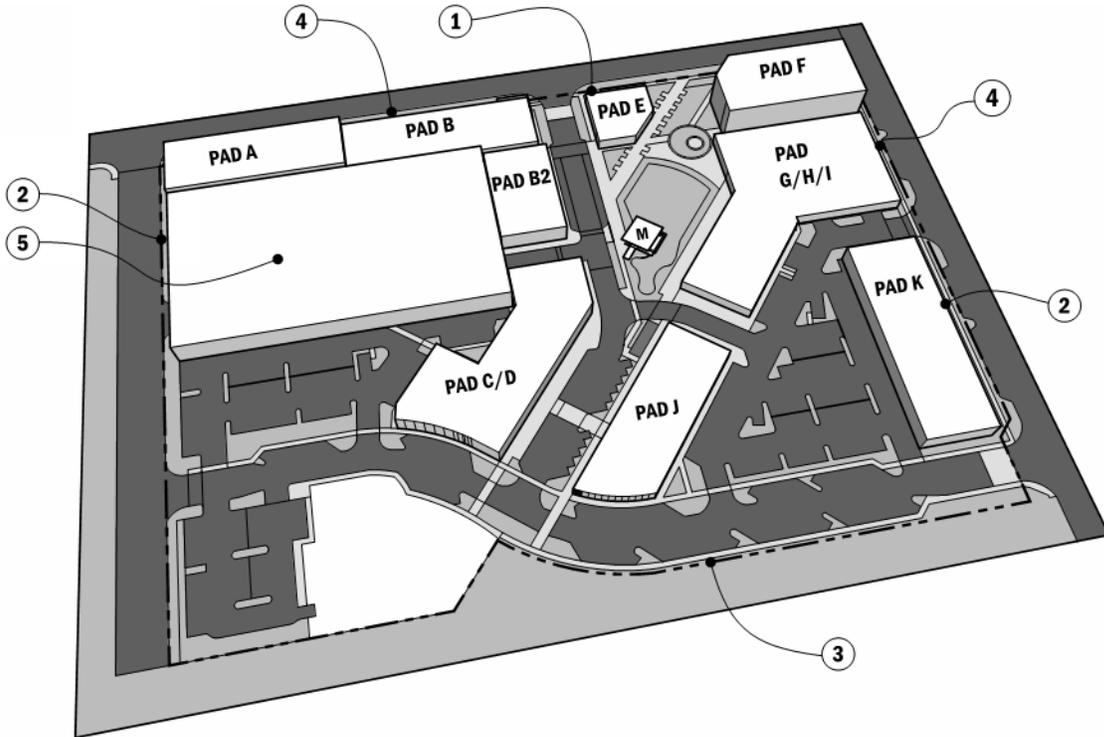
Accessory Structures (<i>no Living Quarters</i>)	
Construction	During or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Location	Within the building envelope
Separation (ft.)	10 from any other structure/bldg.
Height (ft.)	
Within the Building Envelop	90
Outside of the Building Envelope	15

Table 3.9.4.A.3 GVC Incidental Dwelling Unit

	Facility Manager Dwelling Unit (Living Quarters)
--	------------------------------------------------------------------

Table 3.9.4.A.1 GVC Development Regulations

<i>Standards</i>	<i>GVC</i>	<i>Additional Regulations</i>
Minimum Building Height (ft./stories)	15/1	A
Maximum Building Height (ft./stories)	90/6	B
Minimum Building Setback (ft.)		
Front	0	
Side [Street]	0	
Side [Residential]	0	
Side [Non-residential]	0	
Rear [Residential]	20	
Rear [Non-residential]	0	
Build-to Line (ft.)	0	B
Front		
Side [Street]	0	
Transparency	Yes	C
Driveway Restrictions	Yes	F
Parking Setback	Yes	G
Pedestrian, Sidewalk, and Landscape Tract	Yes	H
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Exterior Lighting Standards	See Lighting	(I)
Landscape – Right-of-Way	See Gateway Area Right-of-Way Improvement Standards	
Landscape – On-Site	Minimum of 5 percent of net area	



Gateway Village Center

Key Notes:

- ① Front Building Setback
- ② Side Building Setback
- ③ Rear Building Setback
- ④ Minimum building height 15'1 story
Maximum building height 90'6 story
- ⑤ Pedestrian sidewalk and landscape tract
- ⑥ Accessory Structure, parking structure

Notes:

- Development must be within 10' of the property line.
- Limited arterial curb cuts.
- Minimum 6' sidewalk
- Decorative pavement at arterial entrances

3.9.4.B Gateway Business Center (GBC)

The GBC was intended as a more office oriented district, complimentary to the retail and dining orientation of the GVC. The GBC was to have the same interesting walkable streetscape with strong pedestrian connects to the adjacent services. The GVC and GBC were to work synergistically to create a neotraditional urban village.

3.9.4.B.2 GBC Accessory Structures

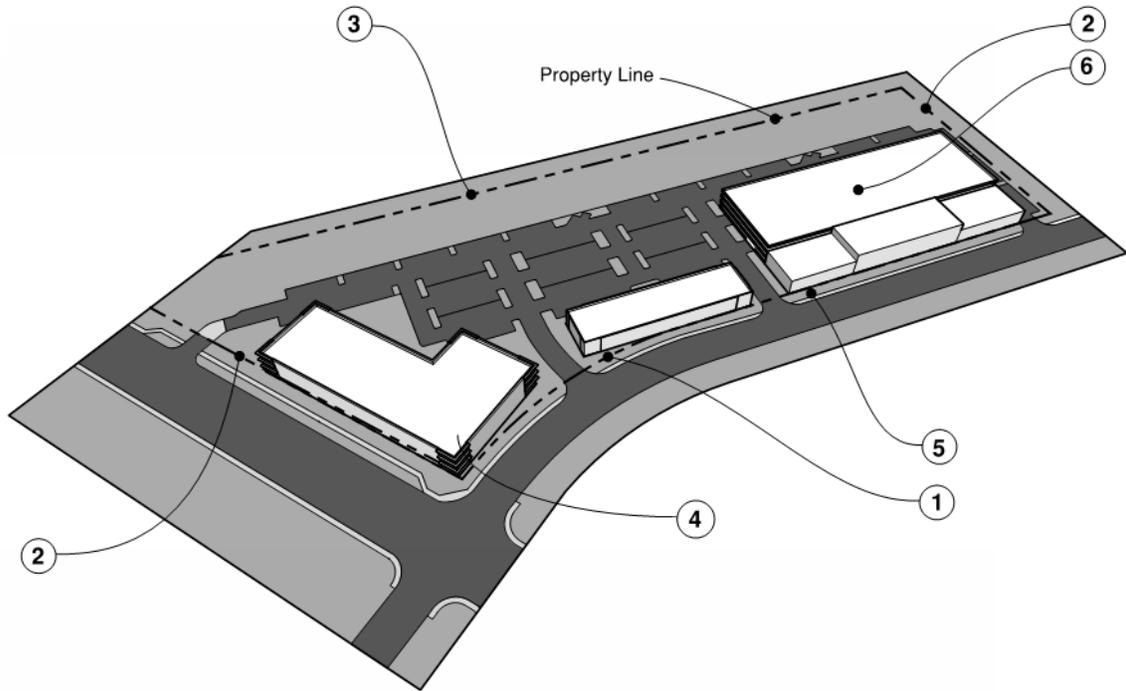
Accessory Structures (<i>no Living Quarters</i>)	
Construction	During or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Location	Within the building envelope
Separation (ft.)	10 from any other structure/bldg.
Height (ft.)	
Within the Building Envelop	90
Outside of the Building Envelope	15

3.9.4.B.3 GBC Incidental Dwelling Unit

	Facility Manager Dwelling Unit (<i>Living Quarters</i>)
--	------------------------------------------------------------------------------

Table 3.9.4.B.1 GBC Development Regulations

<i>Standards</i>	<i>GBC</i>	<i>Additional Regulations</i>
Minimum Floor Area Ratio (FAR) (%) at Build-out	--	
Minimum Building Height (ft./stories)	15/1	A
Maximum Building Height (ft./stories)	90/6	
Minimum Building Setback (ft.)		
<i>Front</i>	0	
<i>Side [Street]</i>	0	
<i>Side [Residential]</i>	0	
<i>Side [Non-residential]</i>	0	
<i>Rear [Residential]</i>	20	
<i>Rear [Non-residential]</i>	0	
Build-to Line (ft.)		
<i>Front</i>	0	B
<i>Side [Street]</i>	0	
Transparency	No	C
Driveway Restrictions	Yes	F
Parking Setback	No	G
Pedestrian, Sidewalk and Landscape Tract	Yes	H
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences	See Site Regulations	
Land Uses	See Use Regulations	
Exterior Lighting Standards	See Lighting	(I)
Landscape – Right-of-Way	See Gateway Area Right-of-Way Improvement	
Landscape – On-Site	Minimum of 5 percent of net area	



Gateway Business Center

Key Notes:

- ① Front Building Setback
- ② Side Building Setback
- ③ Rear Building Setback
- ④ Minimum building height 15'/1 story
Maximum building height 90'/6 story
- ⑤ Pedestrian sidewalk and
landscape tract
- ⑥ Accessory Structure, parking
structure

Notes:

Development must be within 10' of the property line.

Limited arterial curb cuts.

Minimum 6' sidewalk

Surface parking to be screened from streets.

Decorative pavement at arterial entrances

3.9.5 Gateway - Additional Regulations

A. ***Minimum Building Height***

Single-story buildings may be approved by the Design Review Board when the character of the Gateway Village Center will be maintained.

B. ***Maximum Building Height***

Building heights are reduced to 60 feet/4 stories for any building within 75 feet of a single family zoning district.

C. ***Setbacks and Build-To Lines***

1. Setbacks and build-to lines shall be measured from the property line or the Pedestrian, Sidewalk and Landscape Tract/Easement whichever is adjacent.
2. Seventy-five percent of ground floor building facades shall be located at the build-to line when the building fronts on an arterial or collector street. Permanent shade structures such as canopies and arcades may encroach up to 10 feet within the Pedestrian, Sidewalk and Landscape Tract/Easement when abutting an arterial or collector street and shall maintain a vertical clearance of at least 10 feet above finished grade. Permanent Signs and permanent shade structures such as canopies and arcades may not encroach into the public right-of-way without first obtaining an encroachment permit from the Town.
3. When abutting a public street, outdoor dining areas shall provide a minimum of six (6) feet of unobstructed pedestrian circulation.
4. Building street facades may encroach into the Pedestrian, Sidewalk and Landscape Tract no more than 10 feet.

D. ***Storefronts and Access***

A minimum 75 percent of ground floor building length or width of the primary building frontage shall consist of windows, window displays, doors, or a combination thereof.

E. ***Transparency***

1. When facing a public street, a minimum 75 percent of ground floor commercial or office building of frontage shall consist of windows (with non-reflective glass), window displays, doors, outdoor patios or a combination thereof. View windows, window displays, or doors shall be provided between zero (0) and eight (8) feet above grade adjacent to the primary building frontage.

2. When facing a public street, a minimum 50 percent of ground floor residential buildings frontage shall consist of windows (with non-reflective glass), doors, porches or stoops.

F. ***Driveway Restrictions***

Vehicular access shall be from a non-arterial street or alley.

G. ***Parking Setback***

1. Surface parking shall be located behind or adjacent to buildings.
2. Parking shall not be permitted within the build-to lines.
3. Parking within the GVC and GBC district may be shared

H. ***Pedestrian, Sidewalk and Landscape Tract***

1. The tract shall be shown on the final plat as designated for use by the public and shall be owned and maintained by the property owner or property owner's association.
2. The tract shall conform to standards set forth in the Gateway Area Right-of-Way Improvement Standards and Streetscape Design Guidelines and may consist of a combination of pedestrian-oriented amenities and facilities including, but not limited to, the following: sidewalks and hardscape areas with decorative patterns, pedestrian scale lighting, benches, outdoor seating areas, sidewalk cafes, planter pots or hanging baskets, planter walls, fountains, tree grates, water features, sculptures, arcades, awnings, low walls or open fencing to create semi-enclosed spaces to buffer and separate the tract from adjoining parking areas.

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Section 3.10 Mixed-Use Districts

3.10.1 Purpose and Intent

Mixed-use zoning districts are designed to contain a variety of land uses, such as offices, retail spaces, commercial services, and combinations of housing types. A mixed-use designation requires a mixture of uses across an entire proposed project but may not require multiple uses on individual parcels. Developments should provide transitions for existing neighborhoods and ensure a cohesive pattern of development and a compatible mix of uses.

The purposes and intent of this section are to:

- A. Foster development consistent with the General Plan, Redevelopment Plan, and any other Town Council-adopted plans.
- B. Establish reasonable regulations to create a mix of residential and non-residential uses which preserve and create quality neighborhoods, using vertical and horizontal mixed-use configurations.
- C. Provide for mixed-use development in appropriate locations and human scales.
- D. Provide for appropriate transitions to other residential and non-residential uses.
- E. Provide the ability to shape an area with flexible land use patterns.
- F. Foster development that ensures compatibility between automobile-dependent uses and pedestrians.

3.10.2 Mixed-Use Districts

The Mixed-Use zoning districts are:

A. ***Mixed-Use/Small (MU/S)***

This district permits small-scale to medium-scale mixed-use development designed to complement existing neighborhoods and character areas of the Town. Residential densities range between 8 and 25 dwelling units per acre, set within a mixture of other uses compatible with the surrounding neighborhood. The district is intended to achieve the following:

- Promote unique residential development opportunities, small-scale commercial development, or live-work combinations.

- Encourage opportunities for local entrepreneurship and small-scale commerce
- To allow for and promote adaptive re-use of existing buildings on collector or arterial streets
- To provide for new commercial and residential uses where such uses are consistent in scale, height, and needs with the adjacent neighborhoods
- To accommodate a mix of walkable, mixed-use, and residential development near low- and medium-density residential neighborhoods.
- To accommodate and support non-residential uses which complement and serve local neighborhoods, which promote and support local community and small-scale economic activity.
- Create opportunity for redevelopment of outmoded commercial centers to accommodate lively neighborhood-scale mixed-use development

B. *Mixed-Use/Large (MU/L)*

This district is designed to achieve a higher-density infill development in appropriate locations. Residential densities range between 15 and 35 dwelling units per acre set within a wide range of complementary uses. The district is intended to achieve the following:

- Provide for a variety of residential and nonresidential uses, in vertically mixed-use, horizontally mixed-use, or single-use configurations with an intentional compact character.
- Encourage vertical and horizontal mixed-use multi-story buildings with pedestrian-friendly streetscapes, public amenities, and good access to public transportation.
- Provide for neighborhood and community-serving centers that mix residential and nonresidential uses.
- Create opportunity for redevelopment of outmoded commercial centers to accommodate mixed-use development, utilizing internal open spaces, streets and drives to create lively and walkable urban places.

C. *Mixed-Use/Regional (MU/R)*

This district permits mixed-use development of residential and non-residential uses in a large master planned area. Residential densities range between 25 and 50 dwelling units per acre set within a self-sufficient district setting.

- Allow for greater freedom in providing a mix of land uses in the same development, including a mix of housing types, housing prices, lot sizes, and densities under a unified vision and development plan.

- Provide for community-serving centers, such as, but not limited to civic and institutional uses, office, research, educational campuses, healthcare campuses, entertainment, shopping centers, and other developments that cohesively mix residential and non-residential uses.
- Create opportunity for redevelopment of outmoded commercial centers and large-sized vacant parcels, to accommodate mixed-use development with walkable active streetscapes.

3.10.3 Mixed-Use District Guide

A. *Lot Development Regulations*

1. For land uses permitted in Mixed-Use Zoning Districts, see [Use Regulations.](#)
2. When a Base Zoning District Development Standards Table has a use in brackets, such as Side [Residential], the use in brackets refers to the abutting General Plan land use category, street, or street type.
3. Letter designations in the Additional Regulations column refer to regulations at the end of the section.
4. In addition to the development regulations listed in the following tables, regulations may be found in:

Gilbert Municipal Code

[Overlay Zoning Districts](#)

[Supplemental Regulations](#)

[Site Regulations](#)

[Chapter II Heritage Village Design Guidelines](#)

[Mixed-Use Development Design Guidelines](#)
5. Development regulations in this chapter may be modified as set forth in a [Planned Area Development Overlay District](#).
6. Use of Mixed-Use Districts is prohibited in areas designated as [Heritage District Overlay District](#).

3.10.4 Mixed-Use District Development Regulations

3.10.4.A Mixed-Use/Small (MU/S)

The MU/S district regulations are designed to achieve small-scale to medium-scale mixed-use development designed to complement existing neighborhoods and character areas of the Town. This district is designed to reduce vehicle trips and complement neighborhoods with new services.

Table 3.10.4.A.2 MU/S Accessory Structures

<i>Accessory Structures (no Living Quarters)</i>	
Construction	During or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Location	Within the building envelope
Separation (ft.)	10 from any other structure/bldg.
Within the Building Envelope Max. Height (ft.)	45

Table 3.10.4.A.1 MU/S Development Regulations

<i>Standards</i>	<i>MU/S</i>	<i>Additional Regulations</i>
Maximum Total Site Area (acres)	10	
Maximum Building Height (ft.)	45	A
Minimum Building Setback (ft.)		
Front	0	
Front [Arterial]	20	
Side [Street]	0	
Side [Arterial]	20	
Side [Residential]	10	B
Side [Non-residential]	0	
Rear [Residential]	10	B
Rear [Non-residential]	0	
Build-to Line (ft.)		
Front	10	C
Side [Street]	10	C
Transparency	No	
Driveway Restrictions	Yes	E
Parking Setback	Yes	F
Street Tract Requirements	Yes	G, H
Landscape and Open Space	20% net site area	I, J
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	K, L
Exterior Lighting Standards	See Lighting	
Animals, Temporary Structures and Temporary Uses	See Supplemental Use Regulations	
Mixed-Use Development Design Guidelines	See Chapter II	

3.10.4.B Mixed-Use/Large (MU/L)

The MU/L district regulations are designed to achieve higher-density infill development in appropriate locations and promote districts with unique pedestrian character and increased activity between uses. This district is designed to reduce vehicle trips and complement various districts of the Town with new services.

Table 3.10.4.B.2 MU/L Accessory Structures

<i>Accessory Structures (no Living Quarters)</i>	
Construction	During or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Location	Within the building envelope
Separation (ft.)	10 from any other structure/bldg.
Within the Building Envelope Max. Height (ft.)	65

Table 3.10.4.B.1 MU/L Development Regulations

<i>Standards</i>	<i>MU/L</i>	<i>Additional Regulations</i>
Minimum Total Site Area (acres)	5	
Maximum Building Height (ft.)	65	A
Minimum Building Setback (ft.)		
Front	0	
Front [Arterial]	20	
Side [Street]	0	
Side [Arterial]	20	
Side [Residential]	10	B
Side [Non-residential]	0	
Rear [Residential]	10	B
Rear [Non-residential]	0	
Build-to Line (ft.)		
Front	10	C
Side [Street]	10	C
Transparency	Yes	D
Driveway Restrictions	Yes	E
Parking Setback	Yes	F
Street Tract Requirements	Yes	G, H
Landscape and Open Space	20% net site area	I, J
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	K, L
Exterior Lighting Standards	See Lighting	
Animals, Temporary Structures and Temporary Uses	See Supplemental Use Regulations	
Mixed-Use Development Design Guidelines	See Chapter II	

3.10.4.C Mixed-Use/Regional (MU/R)

The MU/R district regulations are designed to achieve a mixed-use development of residential and non-residential uses in a large master planned area. This district is designed to improve the quality and function of regional destinations, including large employment centers and shopping centers, by integrating village residential uses and other complementary uses.

Table 3.10.4.C.2 MU/R Accessory Structures

<i>Accessory Structures (no Living Quarters)</i>	
Construction	During or after the primary structure/use
Number	Unlimited
Utilities	From primary service
Location	Within the building envelope
Separation (ft.)	10 from any other structure/bldg.
Within the Building Envelope Max. Height (ft.)	90

Table 3.10.4.C.1 MU/R Development Regulations

<i>Standards</i>	<i>MU/R</i>	<i>Additional Regulations</i>
Minimum Total Site Area (acres)	10	
Maximum Building Height (ft.)	90	A
Minimum Building Setback (ft.)		
Front	0	
Front [Arterial]	20	
Side [Street]	0	
Side [Arterial]	20	
Side [Residential]	10	B
Side [Non-residential]	0	
Rear [Residential]	10	B
Rear [Non-residential]	0	
Build-to Line (ft.)		
Front	10	C
Side [Street]	10	C
Transparency	Yes	D
Driveway Restrictions	Yes	E
Parking Setback	Yes	F
Street Tract Requirements	Yes	G, H
Landscape and Open Space	20% net site area	I, J
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking (ft.)	See Circulation, Parking and Loading	
Off-Street Parking and Loading		
Sports Courts, Lighting, Storage, Outdoor Sale, Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	K, L
Exterior Lighting Standards	See Lighting	
Animals, Temporary Structures and Temporary Uses	See Supplemental Use Regulations	
Mixed-Use Development Design Guidelines	See Chapter II	

3.10.5 Mixed-Use Districts – Additional Regulations

A. *Building Height, Setbacks, and Stepbacks*

Building setbacks in mixed-use districts shall be regulated by the height of structures. The following regulations shall be used to determine setbacks from adjacent single-family residential development:

1. **MU/S District:** Buildings with a maximum building height above MU/S standard (45' height) and less than 60' height may be approved upon finding by Design Review Board/Planning Commission that effects on surrounding land uses are minimized, the site sufficiently meets standards put forth in the Mixed-Use Development Design Guidelines, and the site meets Additional Finding of Fact. Sites on which buildings receive additional height allowances shall meet the following minimum criteria reflected in Findings of Fact:
 - All building area above 45' in height shall be located at least 45' from adjacent single-family residential uses.
 - Buildings above 45' in height shall be located adjoining to a collector or arterial street, or an activity-oriented common open space consistent with the Mixed-Use Development Design Guidelines.
 - Any building above 45' in height shall include a minimum of one ground-floor, non-residential use.
2. **MU/L District:** Buildings with a maximum building height above MU/L standard (65' height) and less than 80' height may be approved upon finding by Design Review Board/Planning Commission that effects on surrounding land uses are minimized, the site sufficiently meets standards put forth in the Mixed-Use Development Design Guidelines, and the site meets Additional Finding of Fact. Sites on which buildings receive additional height allowances shall meet the following minimum criteria reflected in Finding of Fact:
 - All building area above 65' in height shall be located at least 65' from single-family residential uses.
 - Buildings above 65' in height shall be located adjoining to a collector or arterial street, or an activity-oriented common open space consistent with the Mixed-Use Development Design Guidelines.

- Buildings above 65' in height shall include a minimum of one ground-floor, non-residential use.

Additional Finding of Fact: *The project design is consistent with Code requirements for the allowance of additional height on select buildings in a high-quality mixed-use environment, quantifiably minimizes potential impacts from increased height on surrounding properties, and conforms with the provisions and intent of the Mixed-Use Development Design Guidelines.*

B. *Residential Setbacks by Height*

Abutting single-family residential zones, side and rear setbacks shall increase by 1' for each 1' of building height above 20', up to 45' in building height.

C. *Build-To Line*

A minimum of 50% of ground floor building façade or defined permanent outdoor dining area shall be within 10' of property lines abutting streets or pedestrian, sidewalk, and landscape tract. Front and side setbacks abutting arterial streets are exempt from build-to line requirements and are subject to the 20' arterial setback identified for all mixed-use zoning districts.

D. *Transparency Requirements*

In **MU/L** and **MU/R** districts including a non-residential use, a minimum of 50% of ground floor frontage shall feature ground floor transparency, including but not limited to windows, window displays, doors, outdoor areas or other visually permeable frontage types.

E. *Driveway Restrictions*

All vehicular ingress and egress shall be located along non-arterial/collector streets, unless an arterial street is the only available access to the site.

F. *Parking Setback*

Parking must be placed to the side or rear of structures within mixed-use districts. Avoid placement of parking between public or private streets and building frontages. No more than 5% of parking may be placed in front of buildings with an emphasis on rideshare, ADA-accessible, and curbside

service spaces.

G. *Tract Requirement*

All internal streets and major access aisles on a site shall be located within a designated and recorded tract. Tract boundaries may be used as property boundaries for determining front and street setbacks. Drives within tracts shall conform to Mixed-Use Development Design Guidelines.

H. *Tracts as Open Space*

Internal drive area within tracts exhibiting unique landscaping and/or providing a pedestrian-oriented environment (as set forth in Section 2 of the Mixed-Use Development Design Guidelines) may have all areas not dedicated for vehicle use (including but not limited to sidewalks, pedestrian hardscaping, landscaping areas, etc.) counted toward the total common open space and landscape requirement for the site.

I. *Open Space and Landscaping*

A minimum of 50% of required open space area shall be defined as usable open space, including but not limited to plazas, outdoor seating areas, pocket parks, active recreation areas, playgrounds, and other gathering areas encouraging various continuous use for a variety of active and passive activities in common open areas.

J. *Private Open Space*

Multi-family residential uses are required to include a minimum of 40 sq. ft. of private open space for each residential unit. Single-family residential uses are required to include a minimum of 60 sq. ft. of private open space for each residential unit. Private open spaces, including but not limited to patios, private yards, courtyards and balconies, may be counted toward the total required landscape and open space area requirement in all mixed-use zoning districts.

K. *Required Mixture of Uses by Development Scale*

Each of the Mixed-Use Districts outlined in this ordinance shall provide the

following mixture of uses based on the district type applied:

1. **MU/S District:** Total site shall provide at least one (1) residential component and a minimum of one (1) other use. At least 50% of total building square footage on site shall be a residential use.
2. **MU/L District:** Total site shall provide a minimum of two (2) distinct uses. At least one (1) structure must contain a minimum of two (2) distinct uses.
3. **MU/R District:** Total site shall provide a minimum of three (3) distinct uses. At least one (1) structure must contain a minimum of two (2) distinct uses.

L. *Pre-Existing Uses and Rezoning*

In cases where a property is rezoned from another district to any Mixed-Use District, a minimum of 20% of floor space must be dedicated to uses permitted in the original zoning district, excluding sites which are rezoned from institutional and industrial zones including Public Facilities/Institutional (PF/I), Light Industrial (LI) and General Industrial (GI). When a site is rezoned from existing residential zoning districts into a mixed-use district, any residential housing type permitted in the Mixed-Use District may be utilized.

[See Land Development Code Section 3.1, Use Regulations.](#)

Section 4.0 Overlay District Regulations

Section 4.1 Planned Area Development Overlay Zoning District

4.1.1 Purpose and Intent

The purpose and intent of the Planned Area Development Overlay Zoning District (PAD) is to provide a tool to modify regulations and standards in order to achieve outstanding development that provide a unique product that provides a benefit to the community through the use of creative design features, open space, vertical mixed-use development, affordable housing under Federal Law, Protected Development Rights Plan, and revitalization.

4.1.2 Exclusions

PADs may not be used to modify the following:

- Land Uses
- Supplemental Land Use Regulations
- Parking Ratios and Regulations requiring a Use Permit
- Sign Regulations
- Perimeter Walls and Fences (See [Wall and Fence Modification](#))

4.1.3 Land Use and Development Regulations

Use and development of land within a PAD shall conform to the zoning district regulations and development standards of the Zoning Code, except as modified by the PAD zoning ordinance. The zoning ordinance shall only be modified if the applicant can clearly demonstrate a benefit to the Town of Gilbert.

4.1.4 Approval

A. *Development Plan*

The use and development of the property in a PAD shall substantially conform to the Development Plan approved by the Town Council as an exhibit to the PAD zoning ordinance. The Development Plan shall consist of a site plan, and/or other requested exhibits, with enough detail to convey the project intent or requested modifications. The Design Review must be in substantial compliance with the Development Plan.

B. *Conditions*

The Planning Commission may recommend, and the Town Council may impose, conditions of approval including, but not limited to, the following:

- Timing or phasing of development
- Off-site and/or on-site improvements
- Development standards
- Design guidelines
- Conditions of use
- Dedication of land for public purposes including roadways
- Granting of utility easements
- Granting of easements for public use of trails and open space areas
- Requirements for establishment of a homeowners or property owners associations or other mechanism to ensure continued maintenance of commonly owned land and facilities.
- Reservation of land for future public acquisition.

Section 4.2 Phoenix-Mesa Gateway Airport Overlay District

4.2.1 Purpose and Intent

Consistent with A.R.S. §§ 28-8461 through 28-8486 and 9-462.04, as amended, the purposes of the Phoenix-Mesa Gateway Airport Overlay District are to:

- A. Designate an area in the Town that is or may be impacted by noise generated by aircraft using the Phoenix-Mesa Gateway Airport as depicted on the Town of Gilbert Zoning Map.
- B. Mitigate the effects of aircraft noise on the public health, welfare, and safety by:
 1. Prohibiting noise sensitive uses in new projects within Overflight Area 1;
 2. Establishing noise attenuation requirements applicable to noise sensitive uses in new projects within Overflight Area 2; and
 3. Requiring notification to future owners and occupants of possible noise impacts on noise sensitive uses in new projects within Overflight Areas 2 and 3 of the Phoenix-Mesa Gateway Airport Overlay District.
- C. To identify and mitigate flight hazards.

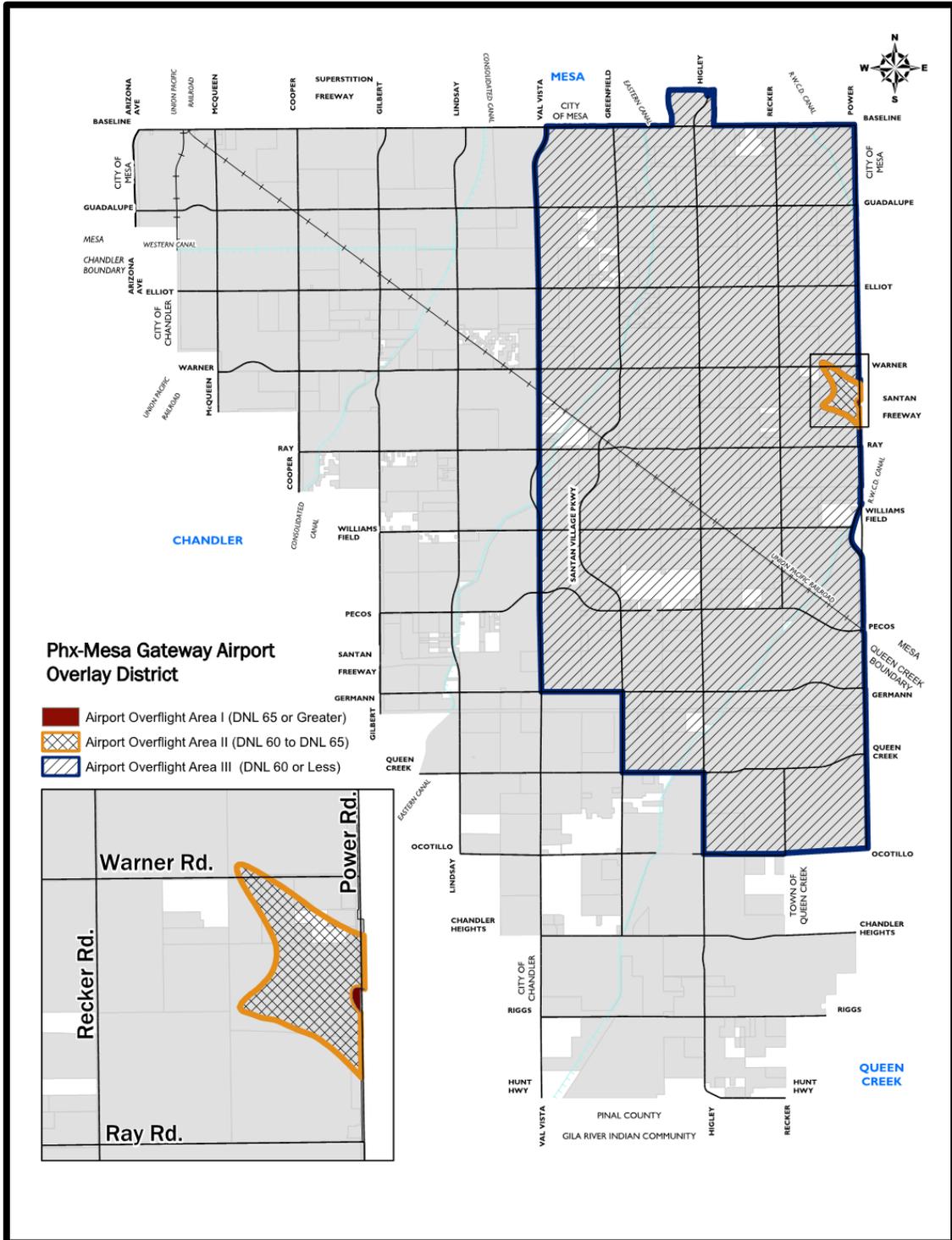
4.2.2 Applicability

Base zoning district regulations and other requirements of the Zoning Code shall apply except as specifically modified by an overlay district and/or by the [Compatibility Matrix](#). The Official Zoning Map shall identify each Overflight Area within the Phoenix-Mesa Gateway Airport Overlay District.

- A. The provisions of this section shall apply to noise sensitive uses and/or hazards in new or altered projects located wholly or partially within the [Phoenix-Mesa Gateway Airport Overlay District](#).
- B. If a project is located partially within Overflight Areas 2 and 3, then the development and notification requirements for Overflight Area 2 shall apply to noise sensitive uses in the entire new project.
- C. If a project is located partially within Overflight Area 3 and partially outside of any overflight area, then the development and notification requirements for Overflight Area 3 shall apply to noise sensitive uses in the entire project.
- D. For the purposes of this section, the following meanings shall apply:
 1. “Airport” means the Phoenix-Mesa Gateway Airport owned and operated

by the Phoenix-Mesa Gateway Airport Authority.

2. “Airport Overflight Area” or “AOA” means an area designated on the Official Zoning Map as Airport Overflight Area (AOA) 1, 2 OR 3.



AOA 1 Corresponding to the area exposed to long-term future noise of DNL 65 and higher.

AOA 2 Corresponding to the area exposed to long-term future noise of DNL 60 to DNL 65.

AOA 3 Generally corresponding to the area covered by dense, low-altitude flight tracks, the traffic pattern's outer edges, a majority of noise complaint locations, and the FAA-defined wildlife attractant separation area. Noise of 60 DNL or less.

3. "Day-Night Level" or "DNL" refers to the Federal Aviation Administration (FAA) standard metric for determining the cumulative exposure of individuals to noise.
4. "Hazards" means those items identified in the Compatibility Matrix.
5. "New Project" means a project with the following status of development as of April 21, 2019:
 - a. No preliminary plat has been approved; or
 - b. A preliminary plat has expired; or
 - c. No Design Review Master Site Plan has been approved; or
 - d. A Design Review Master Site Plan has expired; or
 - e. A permit has not been granted for construction on an alteration.
6. "Noise Sensitive Uses" means those uses as identified in the Compatibility Matrix.
7. "Phoenix Mesa Gateway Airport Overlay District" means that area so designated on the Official Zoning Map.
8. "Project" means, as of April 21, 2019, a subdivision with boundaries established by a recorded plat or a site with boundaries depicted on a construction permit document.

4.2.3 Development and Notification Requirements

Uses and development within each AOA shall meet the following compatibility requirements depending on the land use and zone, as depicted in The Compatibility

Matrix.

- Compatible (C): Use may be allowed.
- Conditionally Compatible (CC): Use may be allowed subject to stated conditions.
- Marginally Compatible (MC): Use may be allowed subject to an outdoor-to-indoor noise level reduction of 25 decibels in buildings where people reside, sleep or gather.
- Incompatible (I): Use shall be avoided.
- 25 Decibels (25): An outdoor to indoor noise reduction of 25 decibels shall be required.

Table 4.23.A - Compatibility Matrix			
<i>Land Use</i>	<i>AOA 1</i>	<i>AOA 2</i>	<i>AOA 3</i>
Residential / Group Living (Household and Group Living)	I	I	CC (1/2/3/5/7)
Civic and Institutional - Community Services			
<i>Arboretum or Botanical Garden</i>	CC (5/6)	C	C
<i>Cemetery</i>	CC (5)	C	C
<i>Day Care Centers</i>	I	I	CC (1)
<i>Public Facilities</i>	CC (6/7)	CC (7)	CC (7)
Health Care Facilities			
<i>Hospitals</i>	I	I	CC (1/5)
<i>Surgery Center</i>	I	I	CC (1)
<i>Medical Offices and Clinics</i>	I	I	CC (1)
<i>Nursing Homes/Congregate Living</i>	I	I	CC (1/4/5)
Transportation			
<i>Airfield/Heliport/Helipad</i>	I	I	CC (6)
<i>Ambulance Service</i>	I	MC 25 (1/4)	C
<i>Park and Ride/Parking Facility</i>	C	C	C
<i>Transportation Passenger Terminals</i>	CC (5)	C	C
Utility (all)	CC/MC (5/6)	C	C
Commercial			
<i>Banks and Other Financial Institutions</i>	CC (5)	C	C
<i>Banquet Facilities</i>	I	MC 25 (1/4)	CC (1)
<i>Building Maintenance Services</i>	CC (5)	C	C
<i>Business Services</i>	CC (5)	C	C
<i>Eating and Drinking Establishments</i>	CC (5)	C	C
<i>Sexually Oriented Businesses</i>	CC (5)	C	C

Table 4.23.A - Compatibility Matrix			
Land Use	AOA 1	AOA 2	AOA 3
<i>Stand-alone Smoking Lounges</i>	CC (5)	C	C
<i>Vehicle and Equipment Sales, Leasing, Services and Fueling</i>	CC (5/6)	C	C
Entertainment and Recreation, Indoor			
<i>Amusement Centers, Athletic Clubs, Gyms</i>	CC (5)	C	C
<i>Theaters, Playhouses, Concert Halls, Performing Arts</i>	I	MC 25 (1/4)	CC (1/5)
<i>Haunted Houses, Teen Nightclub</i>	CC (5)	C	C
Entertainment and Recreation, Outdoor			
<i>Equestrian Arena</i>	I	CC (1/4)	CC (1)
<i>Golf Course</i>	CC (6/7)	C (7)	C (7)
<i>Parks</i>	CC (6/7)	C (7)	C (7)
<i>Special Events, Carnival</i>	CC (6)	C	C
Office	CC (5)	C	C
Call Center	CC (5)	C	C
Government Offices	CC (5)	C	C
Retail Sales and Services			
<i>Animal Services & Clinics</i>	CC (5)	C	C
<i>Dry Cleaning and Laundry</i>	CC (5/6)	C	C
<i>Health Resort/Spa</i>	CC (5)	C	C
<i>Personal Services</i>	CC(5)	C	C
<i>Retail Sales (all)</i>	CC (5)	C	C
Visitor Accommodation			
<i>Hotels and Commercial Lodging</i>	MC 25 (1/4)	MC 25 (1/4)	CC (1)
<i>Recreational Vehicle Park</i>	I	I	CC (1/2/3)
Industrial Services			
<i>Crematorium</i>	CC (6)	C	C
<i>Data Center</i>	CC (6)	C	C
<i>Digital Production</i>	CC (6)	C	C
<i>Laboratories Commercial and Industrial</i>	MC (6)	CC (6)	C
<i>Mining and Quarrying</i>	CC (5/6)	CC (6)	C
<i>Research and Development</i>	CC (5/6)	CC (5/6)	C
Manufacturing and Assembly	CC (5/6)	CC (6)	C
Warehousing, Storage, & Distribution	I	CC (6)	C
Waste and Salvage	CC (5/6/7)	C (7)	C (7)

Note (1) A fair disclosure agreement and covenant, which would include the following disclosure, shall be recorded as a condition of development approval: *“This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft*

expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes.”

Note (2) All final subdivision plats and public reports filed with the Arizona Department of Real Estate shall include the notice described in Note 1.

Note (3) Sales and leasing offices established for new subdivisions and residential development projects shall provide notify all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice shall consist of a sign at least four (4) feet by four (4) feet installed at the entrance to the sales or leasing office at each project (“Aircraft Overflight Area Sign”). The Aircraft Overflight Area Sign shall be installed prior to commencement of sales or leases and shall not be removed until the sales office is permanently closed, or the leasing office no longer leases units in the project. The sign shall state the disclosure in Note 1 with letters of at least one (1) inch in height.

Note (4) An avigation easement shall be recorded concurrently with or prior to the recordation of a subdivision plat or issuance of a building permit holding the Town, the public, and the Phoenix-Mesa Gateway Airport Authority harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or any other effects that may be caused by aircraft landing, departing or operating at or near a designated Airport, not including the physical impact of aircraft or parts thereof.

Note (5) The developer shall incorporate features into the design and construction of buildings where people live, work, or are otherwise received to achieve an outdoor-to indoor noise level reduction of 25 decibels.

Note (6) Hazardous Materials and Airspace Protection Policies (See [Airspace Protection Policies](#)):

- a. Facilities with above ground storage tanks containing any of the following materials:
 - (1) Flammable or combustible liquids, including fuels or other substances containing at least five (5) percent petroleum, with individual tanks having a capacity greater than 6,000 gallons or total tank capacities greater than 12,000 gallons.
 - (2) Liquefied petroleum, hydrogen and natural gases and cryogenic liquids with an individual tank capacity equivalent to 2,000 gallons

of water or total tank capacities greater than the equivalent of 30,000 gallons of water.

- (3) Compressed gases in excess of 50,000 cubic feet on the premises.
- b. Facilities involving the manufacturing, processing, warehousing, or storage of toxic substances exceeding the threshold planning quantities for hazardous and extremely hazardous substances specified by the EPA.
- c. Facilities involving the manufacturing, processing, warehousing, or storage of explosive materials, including fireworks, in quantities exceeding 50 pounds of net explosive weight.
- d. Medical and biological research facilities manufacturing, processing, warehousing, or storing toxic or infectious agents that are classified as Biosafety Level 2, 3, and 4 facilities by the US Department of Environmental Protection (EPA).

Note (7) Bird Attractants

- a. Coordination shall be taken to address and mitigate as needed the potential for bird attractants as described in Airspace Protection Policies below.

A. ***Airspace Protection Policies***

The airspace protection policies are intended to ensure compliance with federal regulations, as described in Title 14, Code of Federal Regulations 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace. Any of these hazards within the 14 CFR Part 77 require FAA review. Where applicable, sponsors of proposed projects located wholly or partially within an AOA shall provide notice to the FAA in the manner prescribed in 14 CFR Part 77. Potential Hazards outside of the 14 CFR Part 77 shall be coordinated with the FAA to ensure safety.

1. Height

The erection of objects determined by the FAA to be a hazard to air navigation (i.e. proposed construction or alteration, for which the FAA has issued a Determination of Hazard (DOH)), shall not be permitted, regardless of whether they penetrate a critical airspace surface depicted. The erection of such an object would necessitate modifications in airspace design or flight procedures by increasing visibility minimums or otherwise compromising the use of the Airport and the surrounding airspace. In addition to the physical hazards to flight posed by tall objects, other land use characteristics can interfere

with flight safety.

2. Glint and Glare

Highly reflective materials may produce glint and glare causing visual after-images or flash blindness in pilots and air traffic controllers, thus compromising flight safety. Materials creating the potential for persistent afterimage or flash blindness in pilots should be considered incompatible in AOA 1, AOA 2, and the portion of the AOA 3 within the boundaries of the 14 CFR Part 77 horizontal and outer approach surfaces. In the portion of AOA 3 outside the boundaries of the Part 77 horizontal and outer approach surfaces, reflective materials are acceptable unless the FAA has issued a Determination of Hazard (DOH) related to the use of the proposed reflective materials. If the airport staff and the permitting agency determine that the proposed project can cause a hazard, the burden of proof shall be on the applicant to demonstrate that the proposed project would not create glint or glare hazards. Adequate proof can be provided in either of two ways:

- a. A technical study demonstrating that the proposed building materials would not create reflections severe enough to cause after-images or flash blindness in pilots on approach to any runway at any time of day during any time of the year.
- b. If the FAA has reviewed the proposed project through the 14 CFR Part 77 OE/AAA process, the FAA's final Notice of Determination indicates no objections to the potential glint and glare effects of the proposed project.

3. Lighting Systems

Some lighting systems may contain features that pilots may confuse with airport identification and navigational lighting or that may compromise the vision of pilots on approach to a runway. If directed toward the final approach paths of aircraft, the following lighting systems shall be considered incompatible in AOA 1, AOA 2, and the portion of AOA 3 within the boundaries of the Part 77 horizontal and outer approach surfaces:

- a. Searchlights (including temporary searchlights for special events, etc.),
- b. Stroboscopic lights,
- c. Laser lights,
- d. A linear array of sequenced flashing lights,

- e. Any lighting systems that produce effects mimicking airport identification lighting, runway end identification lighting, or runway approach lighting.

In the portion of AOA 3 outside the boundaries of the Part 77 horizontal and outer approach surfaces, these potentially problematic lighting systems are acceptable unless the FAA has issued a Determination of Hazard (DOH) related to the proposed lighting.

4. Dust, Smoke and Water Vapor

Land uses that would create columns of dust, steam, water vapor, or smoke dense enough to impair pilot or air traffic controller vision and compromise flight safety are incompatible in AOA 1, AOA 2, and in the portion of AOA 3 within the boundaries of the Part 77 horizontal and outer approach surfaces. If the airport staff and the permitting agency determine that a proposed project has the potential to create a hazard the burden of proof shall be on the applicant to demonstrate that the proposed project would not create problems severe enough to impair pilot vision or air traffic controller vision.

If the FAA has reviewed the proposed project through the 14 CFR Part 77 OE/AAA process and issued a determination indicating no objections to the proposed project on account of dust, steam, water vapor, or smoke, that determination is adequate evidence that the project can proceed without creating this hazard Unless the FAA has issued a DOH related to the proposed sources, these sources of dust, smoke, and water vapor are acceptable in AOA 3 outside the boundaries of the Part 77 horizontal and outer approach surfaces.

5. Thermal Hazards

Land uses that produce thermal plumes (such as power plants or other land uses that employ smokestacks, cooling towers, or that create thermal exhaust), even when not a visual hazard, may interfere with aircraft control by causing air turbulence. Land uses that produce thermal plumes with the potential to interfere with the safe control of aircraft shall be considered incompatible in AOA 1, AOA 2 and the portion of AOA 3 within the boundaries of the 14 CFR Part 77 horizontal and outer approach areas. If the airport staff and the permitting agency determine that a proposed project has the potential to cause a hazard, the burden of proof shall be on the applicant to demonstrate that the proposed project would not create hazardous thermal plumes. Adequate proof could be provided in either of two ways:

- a. A technical study demonstrating that the proposed project would not create thermal plumes severe enough to compromise the

safe control of the smallest aircraft expected to fly over the proposed facility.

- b. If the FAA has reviewed the proposed project through the 14 CFR Part 77 OE/AAA process, the FAA's final Notice of Determination indicates no objections to the potential thermal plume effects of the proposed project.

6. Electromagnetic Interference

Sources of electromagnetic interference with aircraft instrumentation and communication equipment or navigational aids are incompatible within the Airport Planning Area (AOA-1, AOA-2, and AOA-3). Examples or potentially problematic sources may include, but are not limited to, radio transmission facilities, microwave transmission towers, and wind turbines. If the permitting agency suspects that a proposed project may create the potential for electromagnetic interference with aircraft instrumentation, or communication equipment, or navigational aids, it should consult with the airport staff and bring the matter to the attention. The FAA typically considers the potential for electromagnetic interference would be considered by the FAA through the 14 CFR Part 77 OE/AAA process. If the FAA has reviewed the proposed project, the project sponsor shall comply with any conditions or recommendations relating to the mitigation of electromagnetic interference.

7. Bird Attractants

The following land uses are known to attract large numbers of hazardous wildlife, particularly birds, requiring minimum separation distances between them and the Air Operations Area. Such uses are incompatible with safe airport operations within 10,000 feet and conditionally compatible between 10,000 feet and 5 statute miles of the. Separation distances are maintained between the closest point of the Air Operations Area and the hazardous wildlife. For guidance, refer to FAA, Advisory Circular AC 150/5200-33C, Hazardous Wildlife Attractants on or Near Airports.

- a. Waste Disposal Operations
- b. Waste Transfer Facilities that are wholly or partly open air on one or more sides: or store uncovered quantities of solid waste outside, even if only for a short time; or use semi-trailers that leak or have trash clinging to the outside; or do not control odors by ventilation and filtration systems (odor masking is not acceptable).

- c. Composting Operations that accept food waste
- d. Water Management Facilities
- e. Stormwater Management Facilities such as artificial ponds, including water detention, retention, or recharge ponds, that create above-ground standing water are incompatible within 10,000 feet of the Air Operations Area unless required by other provisions of municipal, county, or state law provisions. Applicants should develop measures to minimize hazardous wildlife attractions in consultation with a qualified Airport Wildlife Biologist where the law requires these facilities to be closer than 10,000 feet.

These uses may be compatible in the portion of AOA-3 within the boundaries of the CFR 14 Part 77 horizontal and outer approach surfaces if coordination measures are taken to minimize the risk of attracting hazardous wildlife. In the portion of AOA 3 outside the boundaries of the Part 77 horizontal and outer approach surfaces, waterscapes, including those intended to support aquatic vegetation and animal life, are acceptable; projects within either the 10,000 feet or 5 statute miles of the Air Operations Area are subject to FAA review in accordance with AC 150/5200-33C, Hazardous Wildlife Attractants on or Near Airports. Plans for such proposed developments such as wastewater treatment facilities and associated settling ponds, including any devices or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes and artificial marshes designed for wastewater treatment and wetlands mitigation projects shall be circulated to the Phoenix-Mesa Gateway Airport Authority for coordination with the FAA, and review and comment prior to development.

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Section 4.3 Santan Freeway Corridor Overlay District

4.3.1 Purpose and Intent

The purpose of the Santan Freeway Corridor Overlay District is to:

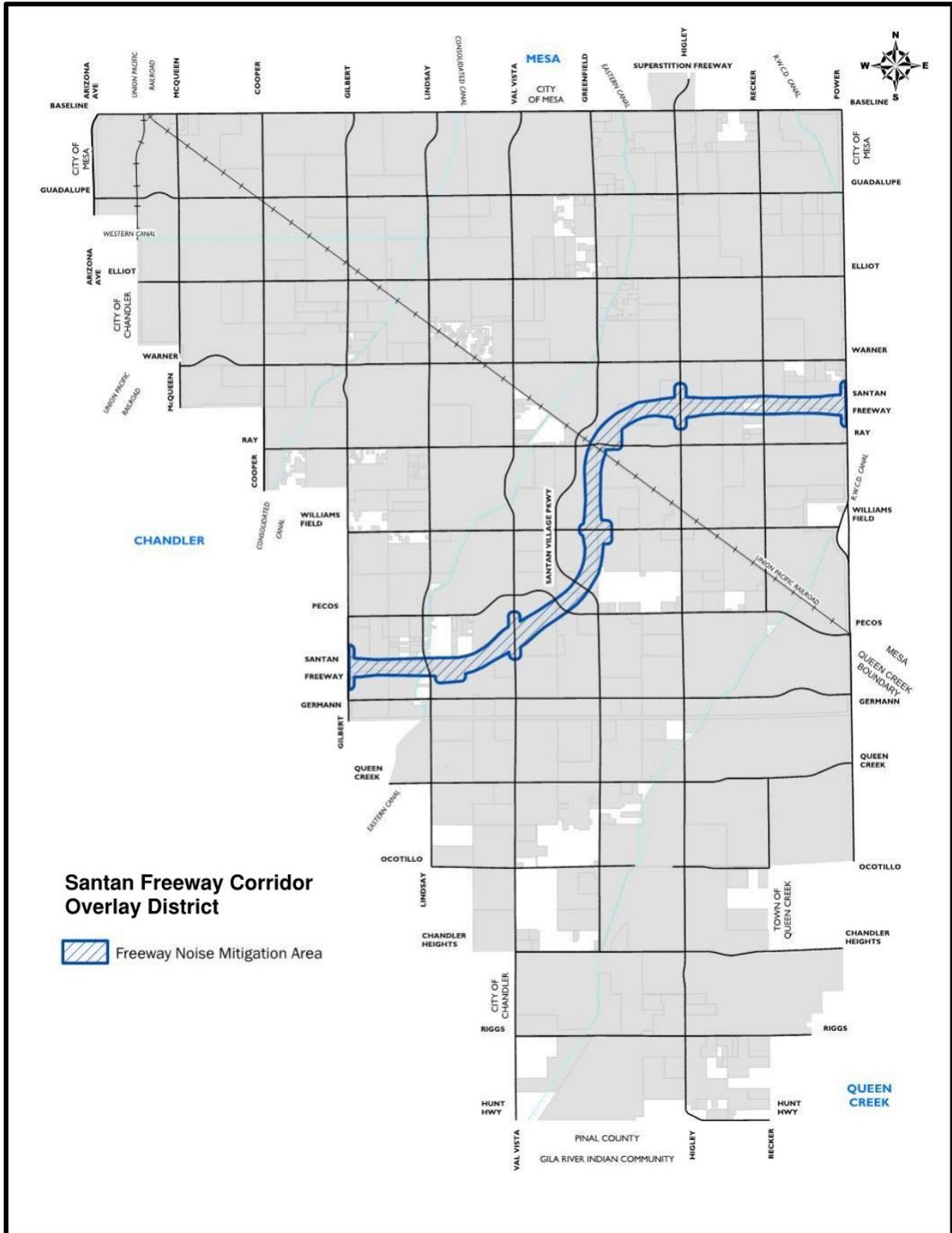
- A. Designate an area in the Town that is or may be impacted by freeway noise.
- B. Mitigate the effects of freeway noise on Freeway Noise Sensitive Uses, and protect the public health, welfare, and safety by establishing noise reduction requirements applicable to development of Freeway Noise Sensitive Uses within the Santan Freeway Corridor Overlay District.
- C. Ensure compatibility of Freeway Noise Sensitive Uses proposed in the Santan Freeway Corridor Overlay District.

4.3.2 Applicability

Base zoning district regulations shall apply except as modified by an overlay district. The Official Zoning Map shall identify the Santan Freeway Corridor Overlay District boundaries.

- A. The provisions of this section shall apply to development of Freeway Noise Sensitive Uses located on all property and lots completely or partially located within 300 feet of the exterior edge of the right-of-way boundary on each side of the Santan Freeway alignment.
- B. Properties that have received zoning approval prior to the effective date of the Santan Freeway Corridor Overlay District on March 30, 2000, shall be required to comply with the provisions of this section and meet the sound attenuation standards set forth in Development and Notification Requirements within the Santan Freeway Corridor Overlay District.
- C. For the purposes of this section, the following words and terms shall have the following meanings:
 - 1. “Freeway” shall mean a controlled access, divided, grade-separated highway, and all associated rights-of-way, exclusive of retention basins in excess of one (1) acre.
 - 2. “Freeway Noise Barrier” shall mean a noise mitigation wall, an earth berm, or a combination of both that interrupts the path of sound from the sound source to the sound receiver.

3. "Freeway Noise Sensitive Uses" shall mean Single Family, Multi-Family residential uses, Hospitals, Nursing Homes, Place of Worship, libraries, Schools, and Day Care Centers.



4.3.3 Development and Notification Requirements

A. *Neighborhood Environmental Design Analysis*

1. Contact with Arizona Department of Transportation

Prior to submittal of an application for a Rezoning, Use Permit, Preliminary Plat, Final Plat, or Design Review for a Freeway Noise Sensitive Uses in the Santan Freeway Corridor Overlay District, the applicant shall contact the Arizona Department of Transportation (ADOT) Environmental Planning Group to discuss the scope of the proposed project and receive input.

2. Application Requirement

A Neighborhood Environmental Design Analysis shall be submitted with applications for Rezoning, Use Permit, Preliminary Plat, Final Plat, or Design Review for development of Freeway Noise Sensitive Uses within the Santan Freeway Corridor Overlay District. Six (6) copies of the report shall be submitted with the application. The Planning Manager may waive this requirement when it is determined that the application is not relevant to the purposes of this section.

3. Report Certification

The Neighborhood Environmental Noise Analysis shall be sealed by a registered engineer or other qualified professional transportation noise analyst. The certifying professional shall certify that the design of the proposed development complies with the requirements set forth in Santan Freeway Corridor Overlay District Development Standards. The Applicant shall forward a copy of the Neighborhood Environmental Design Analysis to ADOT.

4. Content

The Neighborhood Environmental Design Analysis shall include the following:

- a. Site and building design strategies to be employed in the project to minimize the effects of freeway noise. Strategies shall include elements targeted at reducing both interior and exterior noise levels.
- b. A description of the construction techniques and materials to be employed to reduce interior noise levels to comply with Interior

Noise Levels per this Section.

- c. A technical noise report prepared using the federal Traffic Noise Model (TNM), or approved standard federal transportation methodology, supporting the noise mitigation measures outlined in Report Certifications. The technical noise report shall establish the height of noise barriers required to meet the standards prescribed by Development Standards. The technical noise report shall separately evaluate and discuss exterior and interior noise and shall be based upon a level of service (LOS) “C” at 70 miles per hour for the abutting segment of the freeway.
- d. Any preliminary comments received from the ADOT Environmental Planning Group on the project.
- e. A written response from ADOT that notes their position regarding the project and any conditions of approval or reasons for denial.

5. Updating

The Neighborhood Environmental Design Analysis shall be updated if construction of the development has not occurred within three (3) years from the effective date of the development approval by the Town.

B. *Development Standards*

Development of Freeway Noise Sensitive Uses within the Santan Freeway Corridor Overlay District shall comply with the following development standards:

1. Building Height

- a. The height of buildings on lots completely or partially located within 150 feet abutting to the exterior edge of the right-of-way boundary on each side of the Santan Freeway alignment shall be limited to a Single-story.
- b. The Town Council may approve a greater number of stories for non-residential Freeway Noise Sensitive Uses if the Neighborhood Environmental Design Analysis demonstrates that the site design of the project will achieve the same or greater reduction of interior noise levels as the height restriction.

2. Noise Barriers

Developers of all Freeway Noise Sensitive Uses in the Santan Freeway Corridor Overlay District shall provide noise barriers. The noise barriers shall:

- a. Achieve an exterior noise level reduction of at least 5 dBA Leq(h) from the levels predicted in the Neighborhood Environmental Design Analysis; and
- b. Meet the noise mitigation levels prescribed by ADOT noise policy.
- c. The height and design of noise barriers shall be set forth in the Neighborhood Environmental Design Analysis and shall comply with structural standards of the ADOT. In no event shall a noise barrier be less than eight (8) feet in height.

3. Deposit of Funds with the Town

Prior to recordation of a final plat or issuance of a building permit for any portion of a development, the developer shall enter into an agreement with the Town for deposit with the Town of an amount equal to the estimated cost for construction of the noise barrier by the ADOT.

4. Developer Construction of Noise Barrier

The Town may, at its discretion and with ADOT's concurrence, enter into an agreement with a Developer to permit construction by the Developer of the noise barrier meeting the above requirements on the developer's property. Any such agreement shall provide that:

- a. Prior to recordation of a final plat or issuance of a building permit for any portion of the development, the developer deposit with the Town a bond in an amount equal to the estimated cost of the noise barrier specified by the Neighborhood Environmental Design Analysis. The cost of the barrier shall be determined by the Town.
- b. Construction of the noise barrier for the entire project shall be complete prior to issuance of a Certificate of Occupancy for any Freeway Noise Sensitive Uses, including a model home complex, in the development.
- c. The agreement bind shall bind the property owner, homeowner's association, or property owner's association, to maintain the noise barrier in perpetuity. The estimated costs for 10 years of

maintenance expense, as determined by the Town, shall be deposited in a dedicated maintenance reserve account.

5. Noise Barrier Design

The noise barrier is subject to Administrative Design Review approval. The noise barrier shall be designed in accordance with ADOT freeway noise wall standards on the freeway side and shall be compatible with project design elements on the side opposite the freeway.

6. Noise Barrier Height

Barriers required pursuant to this section are exempt from the height limitations prescribed by wall and fences.

7. Landscaping

A developer may contract for additional landscaping to be provided at the developer's expense within or abutting the freeway right-of-way.

8. Interior Noise Level

All building construction for Freeway Noise Sensitive Uses shall achieve a maximum interior noise level of 43 dBA Ldn. In addition, residential uses shall adhere to the minimum standards for interior noise levels prescribed by the U.S. Department of Housing and Urban Development (HUD). As part of an application for Design Review, the developer shall submit a sealed letter from a registered architect, engineer, or qualified transportation noise analyst certifying that the construction materials, methods, and design employed will achieve the required noise reduction. A copy of the certification shall also be submitted with each application for a building permit and shall be noted on the construction plans.

9. Site Design

Final Design Review plans and preliminary plats shall employ design strategies to minimize the impact of freeway noise. Strategies shall include building orientation and location, and the placement of open space and trails. Site features that are not noise sensitive, such as parking lots and storm water retention areas, should be placed between the freeway and buildings.

C. ***Public Notification***

For all residential developments completely or partially located within 1,000 feet of the exterior edge of the right-of-way boundary of the Santan Freeway

alignment, developers shall provide the following notice to buyers and tenants:

1. Final Plats

Final Plats shall note the following language: “This property, due to its proximity to the Santan Freeway, is likely to experience noise from the freeway, which could be of concern to some individuals.”

2. Subdivision Public Report

The subdivision public report filed with the Arizona Department of Real Estate shall include a statement disclosing the property’s location relative to the freeway, and further include the following language: “Due to this property’s proximity to the Santan Freeway, it is likely to experience noise from the freeway, which could be of concern to some individuals.” Prior to the commencement of sales, the developer shall provide an affidavit to the Town evidencing compliance with this paragraph.

3. Sales and Leasing Office Signs

Sales and leasing offices for residential developments shall provide notice to prospective buyers or tenants that the development is located within the Santan Freeway Corridor Notification Area. Such public notice shall consist of a freestanding sign:

- a. Measuring at least four (4) feet by four (4) feet
- b. Installed at the entrance to each sales or leasing office
- c. Installed prior to commencement of sales, including pre-sales, or leasing and shall remain in place until the sales or leasing office is permanently closed.
- d. Including the following language in letters of at least one (1) inch in height: “This development is located within the Santan Freeway Corridor Notification Area. For additional information contact the Arizona Department of Transportation at the *Arizona Department of Transportation Community Relations Office*.
- e. With lettering a minimum of 30 inches above grade.

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Section 4.4 Heritage District Overlay Zoning District

4.4.1 Purpose and Intent

The purposes and intent of the Heritage District Overlay Zoning District are to:

- A. Provide for the adoption of [Heritage District Design Guidelines](#) in the Heritage District Overlay Zoning District.
- B. Protect the historic character of the downtown area and promote continuity of that character in new development.
- C. Strengthen pedestrian environment of the downtown area.
- D. Create a compact and diverse downtown.
- E. Establish high quality architecture in new development and redevelopment.
- F. Create a distinct downtown landscape character.
- G. Create coherent and consistent street spaces.
- H. Ensure that downtown off-street parking enhances the historic character of the area.
- I. Provide unique development standards and requirements for development in a village, urban, work/live lifestyle.
- J. Encourage redevelopment and reinvestment.

4.4.2 Applicability

Base zoning district regulations shall apply except to the extent modified by this overlay district. The Official Zoning Map shall identify the boundaries of the Heritage District Overlay Zoning District.

The provisions of this section shall apply to new projects located wholly or partially within the Heritage District Overlay Zoning District.

Projects located within the boundaries of the Heritage District Overlay shall comply with the Heritage Village Design Guidelines.

4.4.3 Development within the Heritage District Overlay District

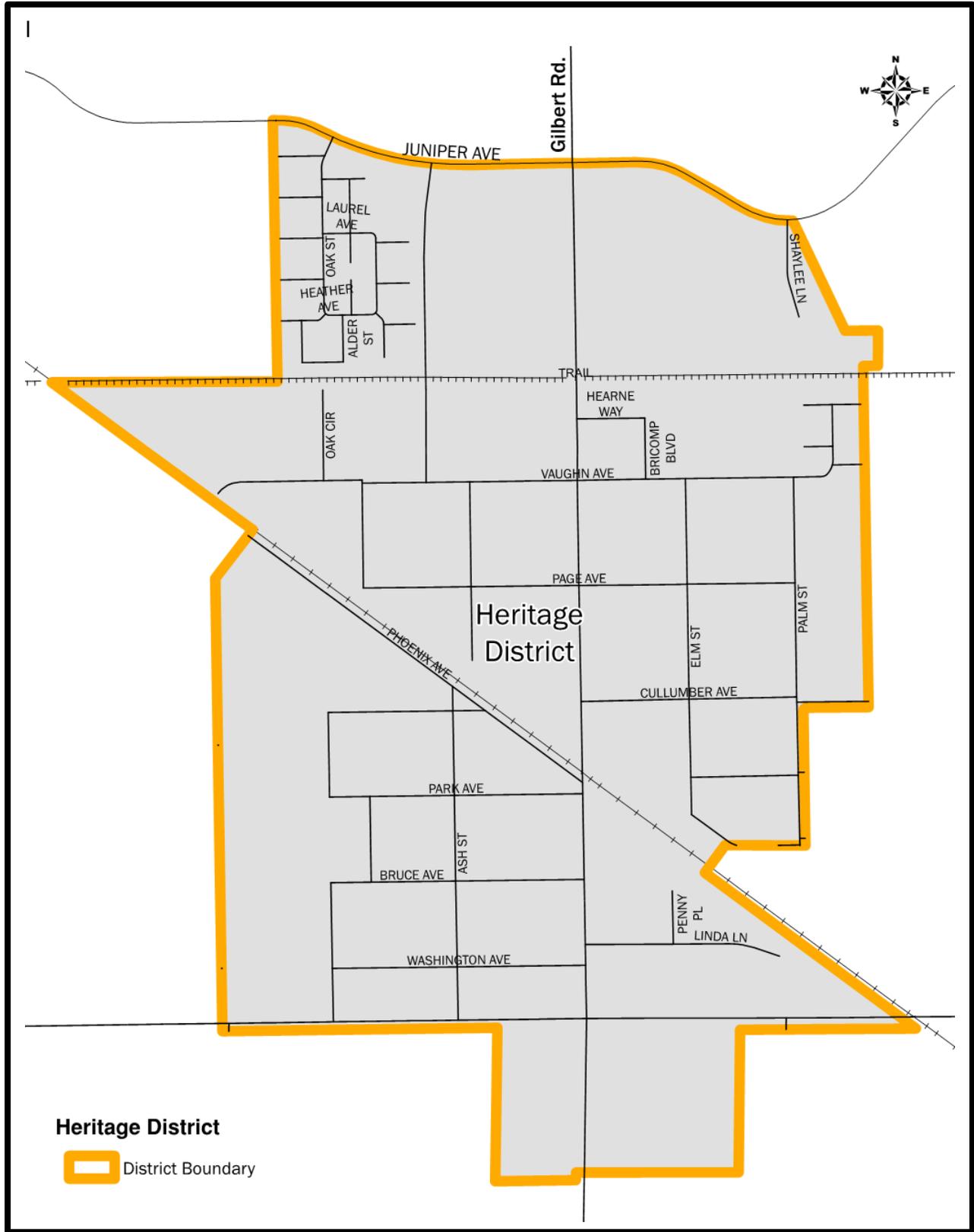
- A. The Redevelopment Commission and Planning Commission/Design Review Board shall recommend adoption of Heritage District Design Guidelines to the Town Council. The Town Council may adopt Heritage District Design Guidelines.

- B. All development within the Heritage District Overlay Zoning District shall be consistent with the Heritage District Design Guidelines.
- C. Development of land within the Heritage District Overlay District shall conform to the base zoning district regulations, except as modified by a Planned Area Development overlay district.
- D. All development within the Heritage District Overlay Zoning District shall be prohibited from use of standards for Mixed-Use Zoning Districts designated in LDC Section 3.10, including Mixed-Use/Small (MU/S), Mixed-Use/Large (MU/L), and Mixed-Use Regional (MU/R) Zoning Districts.

4.4.4 Residential Guide

A. *Lot Development Regulations*

1. For land uses permitted in Multi-Family zoning districts See [Use Regulations](#).
2. When the Base Zoning District Development Standards Table has a use in brackets such as *Side [Residential]*, the use in bracket refers to the abutting General Plan land use category or type of street.
3. Letter designations in the [Additional Regulations](#) column refer to regulations that follow at the end of this section.
4. In addition to the development regulations listed in the following tables, regulations may be found in:
 - Gilbert Municipal Code
 - [Overlay Zoning Districts](#)
 - [Site Regulations](#)
 - Heritage District Master Plan
 - Chapter II [Heritage Village Design Guidelines](#)
 - Town of Gilbert Engineering and Construction Standards
5. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.



A. Single Family-7 Land Use and Development Standards

The Single Family-7 within the Heritage District. The Design Guidelines specifically address the typical one (1) story suburban ranch vernacular of the neighborhood that is to be preserved. The modified development regulations were created to assist in additions and aesthetic maintenance.

Table 4.4.5.A.2 SF-7 Accessory Structures

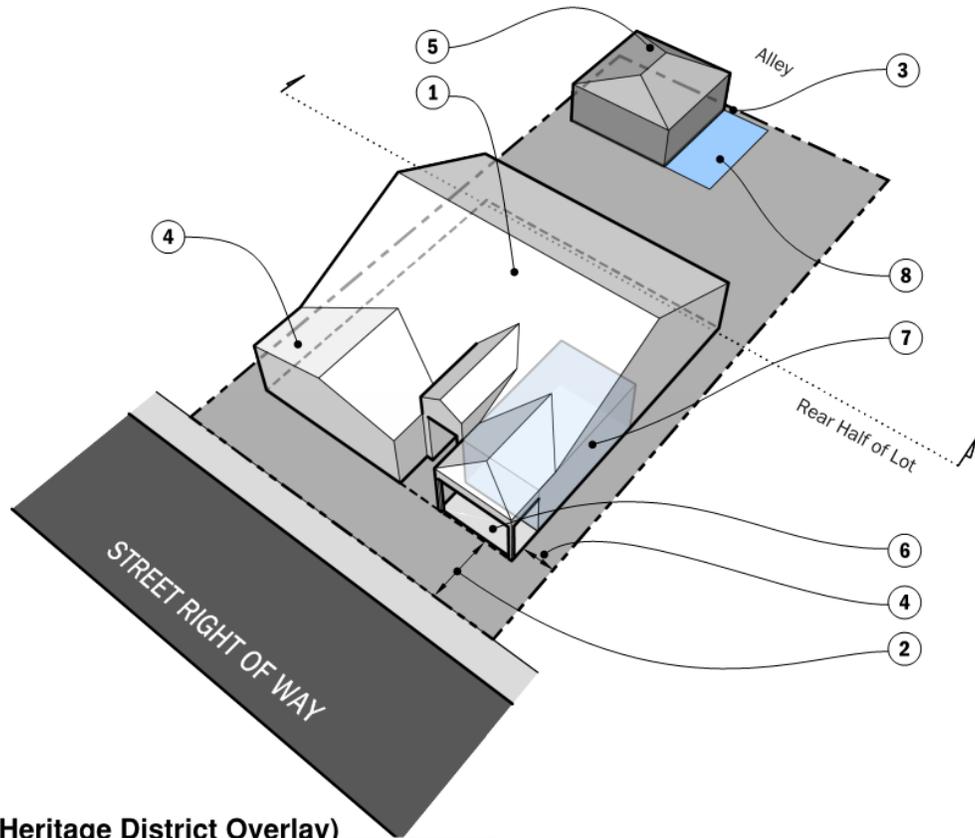
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Bldg. footprint counts toward the max. lot coverage
Required Setback if within the rear 1/2 of the lot (ft.)	Sides 5 and 5 Rear 3 Circulation, Parking and Loading for apron and driveway lengths
Max. Height (ft.)	20

Table 4.4.5.A.3 SF-7 Incidental Dwelling Unit

	Incidental Dwelling Unit (Living Quarters)
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Table 4.4.5.A.1: Development Regulations – Single Family-7 (See Non-Residential Uses in a Residential District for non-residential regulations)

Standards	SF-7
Minimum Lot Area (sf.)	6,000
Maximum Height (ft./stories)	36
Minimum Building Setbacks (ft.)	
Front	10
Side	5 and 5
Rear	10
Rear (Alley)	3
Maximum Lot Coverage (%)	65
One Story	55
Two/Three Story	
Modifications to the above standards	See Planned Area Developments
Street Frontage Landscaping	See Landscape
Off-Street Parking and Loading	See Circulation, Parking and Loading
Sports Courts, Lighting, Walls/Fences, Swimming Pools	See Site Regulations
Land Uses	See Use Regulations
Animals Temporary Structures/Uses, Home Occupations, Day Care	See Supplemental Use Regulations
Additional Regulations	Heritage District Design Guidelines



SF-7 (Heritage District Overlay)

Key Notes:

- ① Primary Dwelling Unit
- ② 10' Front Building Setback
- ③ 10' Rear Building Setback with no alley access / 3' Rear Building Setback with alley access.
- ④ 5' Side Building Setback
- ⑤ Required parking may be enclosed, covered, or uncovered.
- ⑥ Covered porch
- ⑦ Secondary Dwelling Unit
- ⑧ Secondary Dwelling Unit required parking may be a garage, covered or uncovered

Notes:

6,000 square foot minimum lot size.

If a structure is attached to the primary dwelling unit the structure must meet all primary building setbacks.

Any structure with a roof, lattice or covering is counted toward the lot coverage.

The secondary dwelling unit front door may not face the street.

A designated parking space must be provided for the secondary dwelling unit.

See Circulation, Parking and Loading for parking regulations.

B. Single Family-6 Land Use and Development Standards

The Single Family - 6 zoning district is the most visible neighborhood within the Heritage District Overlay boundary. The Heritage District Design Guidelines specifically address the style and intent of the neighborhood that is to be preserved and enhanced. The modified development regulations were created to assist in new construction, additions and aesthetic maintenance.

Table 4.4.5.B.2 SF-6 Accessory Structures

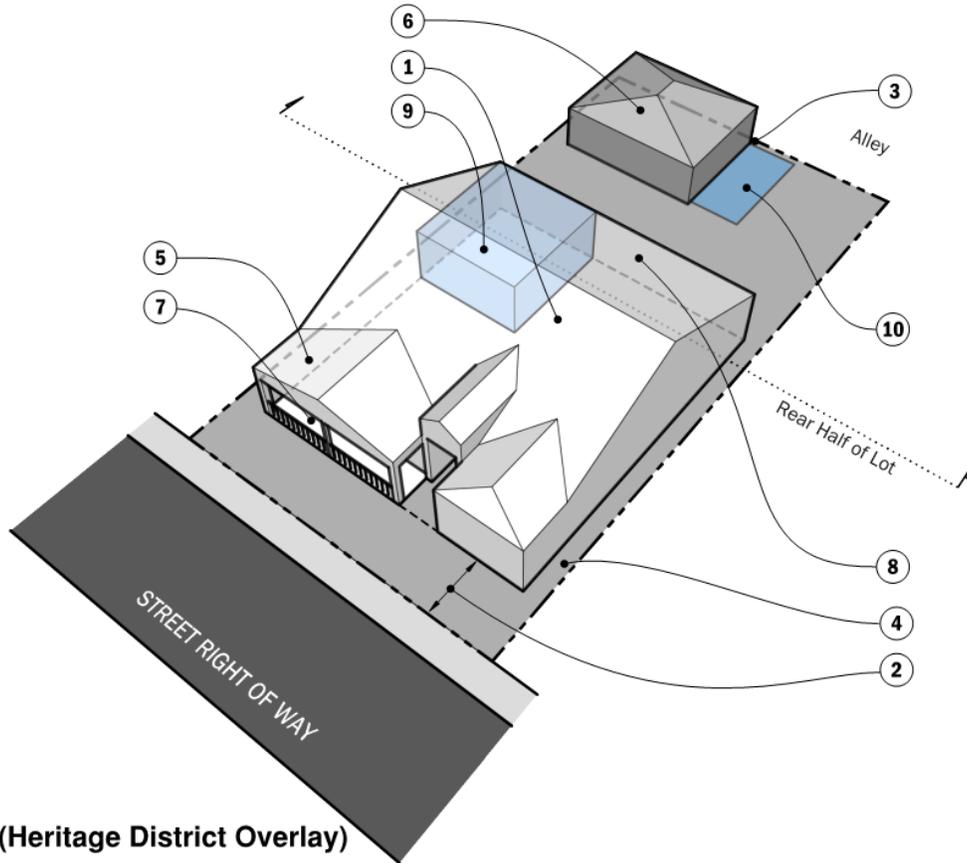
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Bldg. footprint counts toward the max. lot coverage
Required Setback if within the rear 1/2 of the lot (ft.)	Sides 3 and 5 Rear 3 See Parking for min. apron and driveway lengths
Max. Height (ft.)	20

Table 4.4.5.B.3 SF-6 Incidental Dwelling Unit

	Incidental Dwelling Unit (Living Quarters)
--	------------------------------------------------------------

Table 4.4.5.B.1: Development Regulations – Single Family-6 (See Non-Residential Uses in a Residential District for non-residential regulations)

Standards	SF-6
Minimum Lot Area (lot sf.)	3,000
Maximum Lot Areas (lot sf.)	6,999
Maximum Height (ft./stories)	36
Minimum Building Setbacks (ft.)	
Front	10
Side	3 and 5
Rear	10
Rear (Alley)	3
Maximum Lot Coverage (%)	
One Story	65
Two/Three Story	55
Modification to the above standards	See Planned Area Developments
Street Frontage Landscaping	See Landscape
Off-Street Parking and Loading	See Circulation, Parking and Loading
Sports Courts, Lighting, Walls/Fences, Swimming Pools	See Site Regulations
Land Uses	See Use Regulations
Animals, Temporary Structures/Uses, Home Occupations, Day Care	See Supplemental Use Regulations
Additional Regulations	Heritage District Design Guidelines



SF-6 (Heritage District Overlay)

Key Notes:

- ① Primary Dwelling Unit
- ② 10' Front Building Setback
- ③ 10' Rear Building Setback with no alley access/ 3' Rear Building setback with alley access.
- ④ 3' Side Building Setback, only on one side.
- ⑤ 5' Side Building Setback, only on one side
- ⑥ Front porch
- ⑦ Covered patio
- ⑧ Secondary Dwelling Unit
- ⑨ Secondary Dwelling Unit required parking may be a garage, covered or uncovered

Notes:

3,000 square foot minimum lot size.
 6,999 square foot maximum lot size.

If a structure is attached to the primary dwelling unit the structure must meet all primary building setbacks.

Any structure with a roof, lattice or covering is counted toward the lot coverage.

The secondary dwelling unit front door may not face the street.

A designated parking space must be provided for the secondary dwelling unit.

See Circulation, Parking and Loading for parking regulations.

C. Single Family-D Land Use and Development Standards

Single Family – Detached developments may be patio homes, zero lot line, or bungalow lots. In this zoning district dwelling structures are at, or are very near to, the property line. Garages are typically alley loaded, detached or recessed so that the streetscape is not garage centric.

Table 4.4.5.C.2 SF-D Accessory Structures

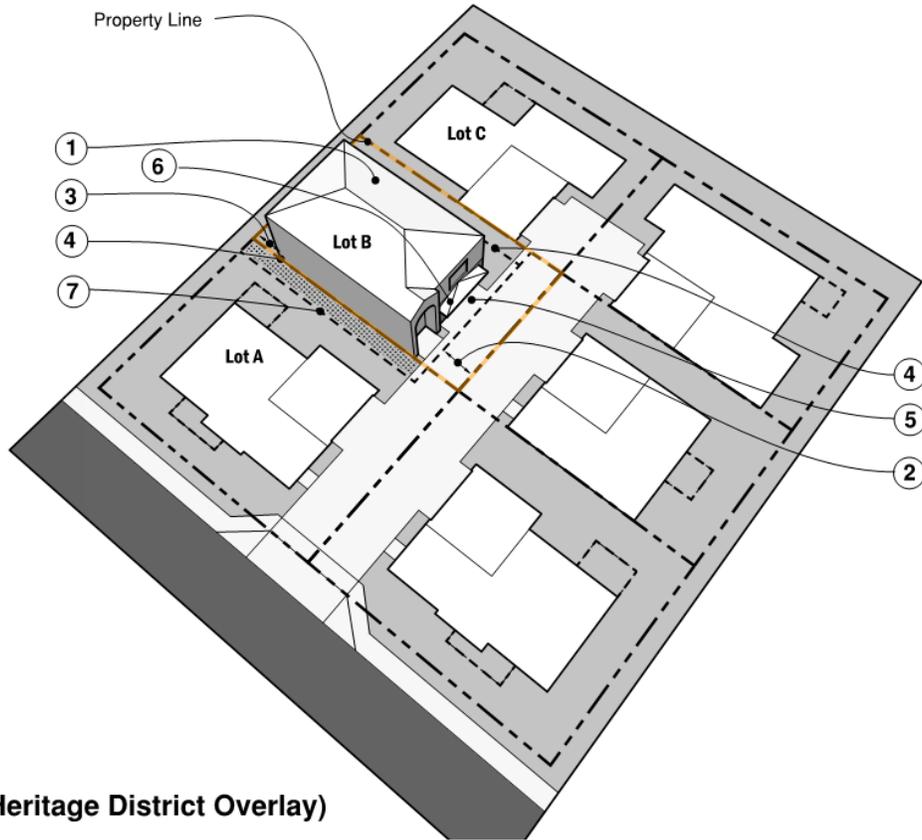
Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Bldg. footprint counts toward the max. lot coverage
Required Setback if within the rear 1/2 of the lot	Sides 0 Rear ≤ 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback
Max. Height (ft.)	20

Table 4.4.5.C.3 SF-D Incidental Dwelling Unit (Living Quarters)

	Not permitted
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Table 4.4.5.C.1: Development Regulations – Single Family-D (See Non-Residential Uses in a Residential District for non-residential regulations)

Standards	SF-D
Minimum Lot Area (sf. per)	3,000
Maximum Height (ft./stories)	36
Minimum Building Setbacks (ft.)	
Front	10
Side	0 or 5
Rear	10
Rear (Alley)	3
Maximum Lot Coverage (%)	
One Story	65
Two/Three Story	55
Modifications to the above standards	See Planned Area Developments
Street Frontage Landscaping	See Landscape
Off-Street Parking and Loading	See Circulation, Parking and Loading
Sports Courts, Lighting, Walls/Fences, Swimming Pools	See Site Regulations
Land Uses	See Use Regulations
Animals, Temporary Structures/Uses, Home Occupations, Day Care	See Supplemental Use Regulations
Additional Regulations	Heritage District Design Guidelines



SF-D (Heritage District Overlay)

Key Notes:

- ① Primary Dwelling Unit
- ② 10' Front Building Setback
- ③ 10' Rear Building Setback with no alley access/ 3' Rear Building setback with alley access.
- ④ 0' or 5' Side Building Setback
- ⑤ 3' Alley apron or 20' driveway.
- ⑥ Covered entry
- ⑦ Use and Benefit Easement for abutting lot. (The UBE on Lot A is for Lot B)

Notes:

3,000 square foot minimum lot size.

If a structure is attached to the primary dwelling unit the structure must meet all primary building setbacks.

Use and Benefit Easements are strips of land allowing for access for the purpose of repair, maintenance, drainage, and improvements. Typically access is by appointment.

Depending on the plat language, in some cases the UBE may be fully or partially located within a private fenced yard.

No structure and/or other permanent improvement shall be constructed within a UBE except for an approved wall or fence with an access gate.

Freestanding tension shade sails are considered accessory structures, if not attached to the primary dwelling unit. If the shade sail is attached to the primary dwelling unit it must meet all primary building setbacks.

Any structure with a roof/covering is counted toward the lot coverage. This includes tension shade sails.

D. Single Family-A Land Use and Development Standards

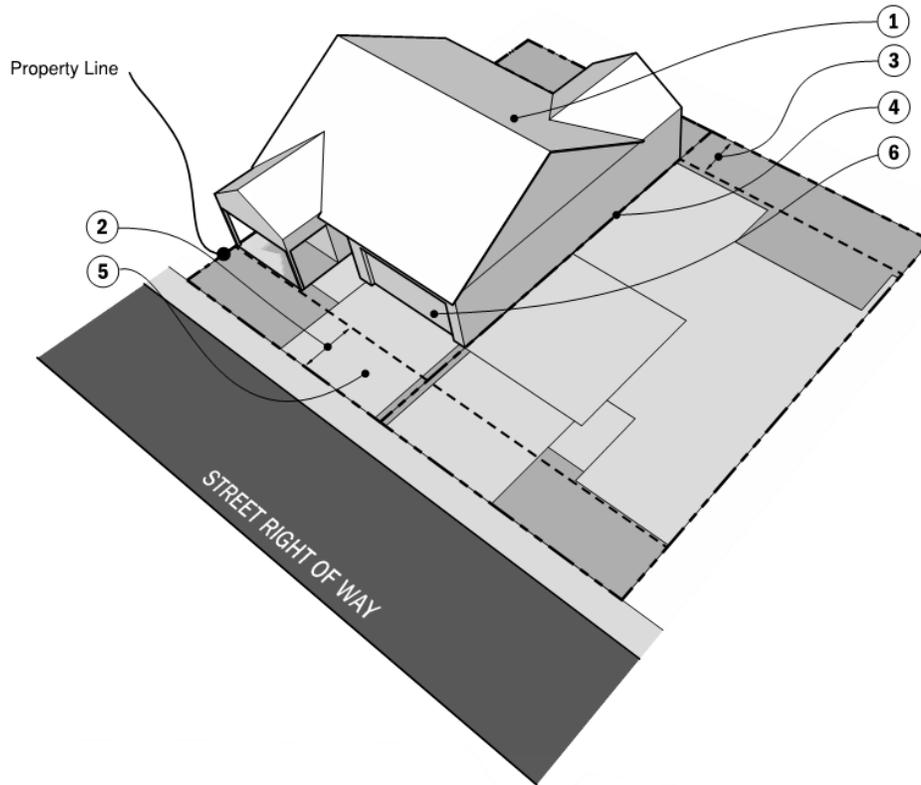
A Single Family - Attached home is a structure that shares a common wall or walls with another unit. Some examples of attached dwellings are townhomes, condominiums, duplexes, row houses and apartment buildings. Development on these lots tend to be more vertical due to the limited lot size.

Table 4.4.5.D.2 SF-A Accessory Structures

Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope or Within a required side or rear building setback if within the rear 1/2 of the lot.
Lot Coverage	Bldg. footprint counts toward the max. lot coverage
Required Setback if within the rear 1/2 of the lot	Sides 0 Rear ≤ 10 ft in height, 5 ft setback > 10 ft in height, for each ft above 10 ft add one additional foot in setback
Max. Height (ft.)	20

Table 4.4.5.D.3 SF-A Incidental Dwelling Unit (Living Quarters)	
	Not permitted

Table 4.4.5.D.1: Development Regulations – Single Family-A (See Non-Residential Uses in a Residential District for non-residential regulations)	
<i>Standards</i>	<i>SF-A</i>
Minimum Lot Area (sf.)	2,000
Maximum Height (ft./stories)	36
Minimum Building Setbacks (ft.)	
Front	10
Side	0
Rear	10
Rear (Alley)	3
Maximum Lot Coverage (%)	
One Story	65
Two/Three Story	55
Modifications to the above standards	See Planned Area Developments
Street Frontage Landscaping	See Landscape
Off-Street Parking and Loading	See Circulation, Parking and Loading
Sports Courts, Lighting, Walls/Fences, Swimming Pools	See Site Regulations
Land Uses	See Use Regulations
Animals, Temporary Structures/Uses, Home Occupations, Day Care	See Supplemental Use Regulations
Additional Regulations	Heritage District Design Guidelines



SF-A (Heritage District Overlay)

Key Notes:

- ① Primary Dwelling Unit
- ② 10' Front Building Setback
- ③ 10' Rear Building Setback with no alley access/ 3' Rear Building setback with alley access.
- ④ 0' Side Building Setback
- ⑤ 20' driveway or 3' alley apron
- ⑥ Required parking

Notes:

Minimum lot size 2,000 square feet.
Typically the HOA provides landscape maintenance for all outdoor areas except patios and porches.

E. Multi-Family/Low Land Use Development Standards

Multi-Family/Low zoning within the Heritage Village Overlay District is an eclectic mix of density and style. The Heritage Design Guidelines address the aesthetics that are to be met by infill development, renovations, additions and new projects.

Table 4.4.5.E.2 MF/L Accessory Structures

Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope
Location for Carports/Garages [Multi-Family/ Non-residential] (ft.)	May be outside of the building envelop but shall be no closer than 10 to the property line
Location for Carports/Garages [Single Family] (ft.)	May be outside of the building envelop but shall be no closer than 15 to the property line
Within the Building Envelope Max. Height (ft.)	36
Outside of the Building Envelope Max. Height	15

Table 4.4.5.E.3 M/L Incidental Dwelling Unit

	Not permitted
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Table 4.4.5.E.1: Development Regulations – Multi-Family/Low Residential Districts

<i>Standards</i>	<i>MF/L</i>	<i>Additional Regulations</i>
Maximum Height (ft./stories)	36	
Building Stepback	Yes	A
Minimum Building Setbacks for Front, Side and Rear Setbacks (ft.)		
Abutting Single Family	15	
Abutting Multi-Family or Non-Residential	10	
Minimum Landscape Area for Front Side and Rear Areas (Depth in ft.)		
Abutting Single Family	15	
Abutting Multi-Family or Non-Residential	10	
Private Open Space (sf.)	60	B, C
Common Open Space (min.)	35% of net site	D
Landscaping (Perimeter & Public Street Frontages)	1 tree/30 linear ft.	
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking	See Encroachments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Walls/Fences, Swimming Pools	See Site Regulations	
Land Uses	See Use Regulations	
Animal, Temporary Structures/Uses, Home Occupations, Day Care	See Supplemental Use Regulations	
Additional Regulations	Heritage District Design Guidelines	

F. Multi-Family/Medium Land Use Development Standards

Multi-Family/Medium housing is generally moderately dense two (2) to four (4) story buildings. Multi-Family/Medium housing is typically larger buildings with attached units that may or may not have attached parking garages. The individual units may be for sale or for lease and shall not exceed 25 dwelling units per gross acre. Multi-Family communities are required to provide amenities and parking on-site.

Table 4.4.5.F.2 MF/M Accessory Structures

Accessory Structures (no Living Quarters)	
Construction	During or after the primary structure/use construction
Number	Unlimited
Utilities	From the primary service
Location	Within the building envelope
Location for Carports/Garages [Multi-Family/ Non-residential]	May be outside of the building envelop but shall be no closer than 10ft. to the property line
Location for Carports/Garages [Single Family]	May be outside of the building envelop but shall be no closer than 15 ft. to the property line
Within the Building Envelope Max. Height (ft.)	40
Outside of the Building Envelope Max. Height	15

Table 4.4.5.F.3 MF/M Incidental Dwelling Unit

	Not permitted
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Table 4.4.5.F.1: Development Regulations – Multi-Family/Medium Residential Districts

<i>Standards</i>	<i>MF/M</i>	<i>Additional Regulations</i>
Maximum Height (ft./stories)	40	
Building Stepback	Yes	A
Minimum Building Setbacks for Front, Side and Rear Setbacks (ft.)		
Abutting Single Family	15	
Abutting Multi-Family or Non-Residential	10	
Minimum Landscape Area for Front Side and Rear Areas (ft.)		
Abutting Single Family	15	
Abutting Multi-Family or Non-Residential	10	
Private Open Space (sf.)	60	B, C
Common Open Space (minimum)	25% of net site	D
Landscaping (Perimeter & Public Street Frontages)	1 tree/30 linear ft.	
Modifications to the above standards	See Planned Area Developments	
Building Setback to Parking	See Encroachments	
Street Frontage Landscaping	See Landscape	
Off-Street Parking and Loading	See Circulation, Parking and Loading	
Sports Courts, Lighting, Walls/Fences, Swimming Pools	See Site Regulations	
Uses	See Use Regulations	
Animals, Temporary Structures/Uses, Home Occupations, Day Care	See Supplemental Use Regulations	
Additional Regulations	Heritage District Design Guidelines	

4.4.5 Residential Development Standards - Additional Regulations

A. ***Building Stepback***

1. Where development in MF/L and MF/M districts is abutting the boundary of the Heritage Village Overlay District a 1:1 stepback, starting above the second floor, shall be measured from the property line. See [Terms](#).
2. Where development in MF-L and MF-M districts is abutting or across the street from a single family zoning district, a stepback of 1:1, starting above the second floor, shall be measured from the property line. See [Terms](#).

B. ***Private Open Space***

Each unit shall contain an exterior private open space of which the minimum dimension shall not be less than 6 feet as measured from the dwelling facade to the inside edge of the supporting post or wall. The minimum private open space shall be protected by a solid roof.

C. ***Screening***

Screening of patios or balconies is required at a height of four (4) foot. Private e yards surrounded by a wall or fence may not exceed eight (8) feet in height.

D. ***Common Open Space Amenities***

Common open space shall contain a range of active and passive amenities appropriate to the size of the development.

Section 4.5 Vertical Development Overlay Zoning District

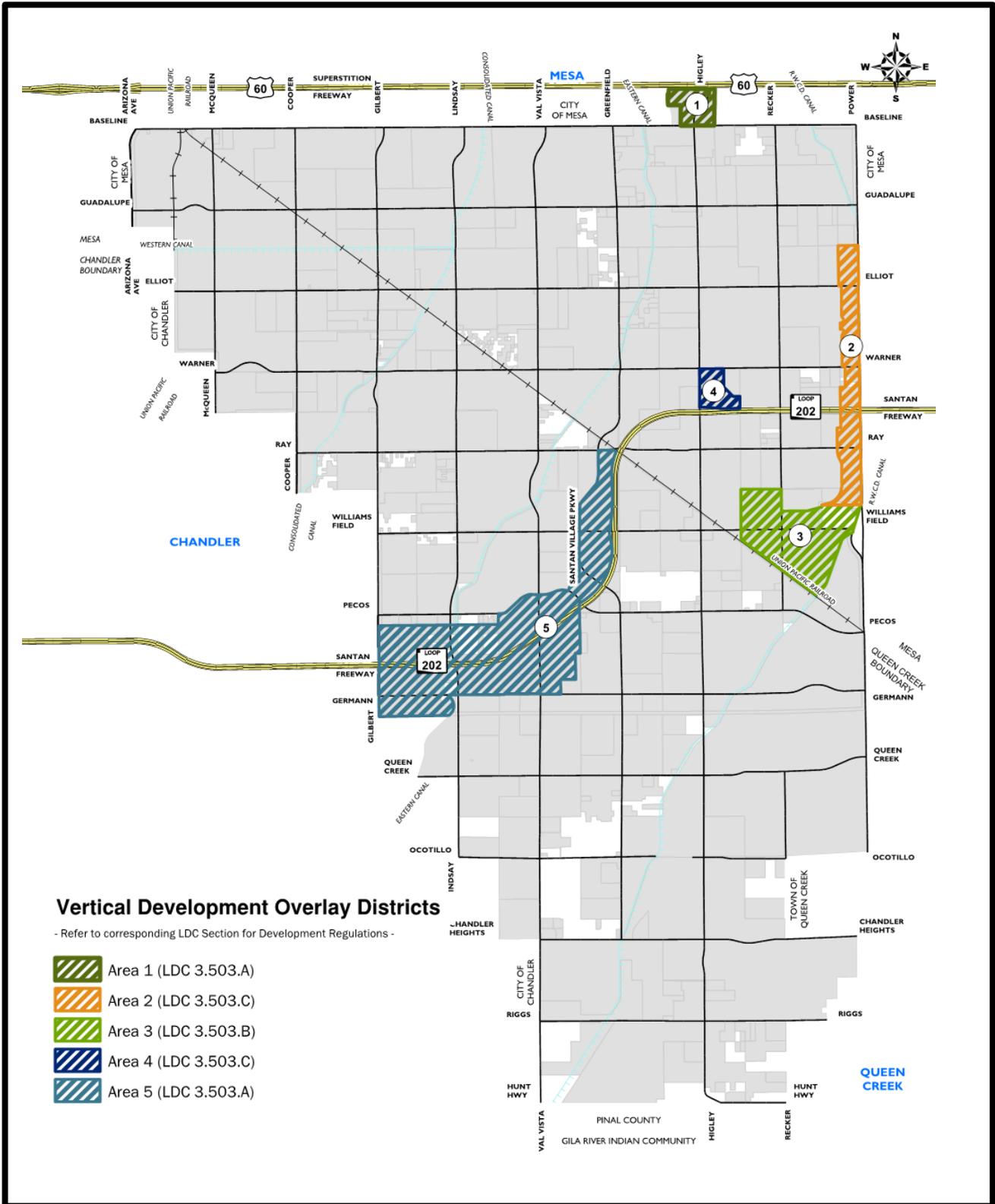
4.5.1 Purpose and Intent

The purposes of the Vertical Development Overlay Zoning District are to:

- A. Permit mid-rise buildings within a Vertical Development Overlay Zoning District.
- B. Provide development standards and requirements for buildings up to 90 feet and/or six (6) stories by right in Vertical Development Overlay Zoning Districts.
- C. Provide development standards and requirements for applications for mid-rise buildings up to 11 stories if approved by the Council.
- D. Support the vision, goals and policies of the Gilbert General Plan by directing development into identified growth areas and promoting compact development for more efficient use of land.
- E. Encourage a vertical mixture of uses, including complimentary retail, office, employment and residential loft units to create a vibrant urban environment.
- F. Mitigate potential neighborhood safety, traffic, parking and resource impacts of taller buildings.

4.5.2 Applicability

- A. Development of land within the Vertical Development Overlay Zoning Districts shall conform to the Base Zoning District regulations and other requirements of the Zoning Code, except as modified by the provisions set forth in this Section or by another applicable Overlay District.
 - 1. If the development standards of this section conflict with the provisions of a Planned Area Development Overlay District adopted by ordinance prior to September 2, 2008, the provisions of the Planned Area Development shall control.
 - 2. Freeway Noise Sensitive Uses abutting the Santan Freeway shall comply with the Santan Freeway Corridor Overlay District.
- B. The boundaries of the Vertical Development Overlay Zoning Districts are set forth on the Official Zoning Map and as depicted below.
- C. The provisions of this section shall apply to projects on property located wholly or partially within a Vertical Development Overlay Zoning District, but only the portion of a project located within the Overlay District shall be subject to these standards.



4.5.3 Guide

A. *Development Regulations*

1. For land uses permitted within underlying zoning districts, See [Use Regulations](#).
2. Letter designations in the [Additional Regulations](#) column refer to regulations that follow at the end of this section.
3. In addition to the development regulations listed in the following tables, regulations may be found in:
 - a. Gilbert Municipal Code
 - b. [Base Zoning Districts and Use Regulations](#)
 - c. [Overlay Zoning Districts](#)
 - d. [Site Regulations](#)
4. If a PAD, other than the Vertical Overlay, exists on the subject site that modifies height the existing PAD shall be the governing document.
5. Development Regulations may be modified as set forth in the [Planned Area Development District](#) or through the [Variance](#) process.

4.5.4 Land Use and Development Requirements

<i>Zoning District</i>	<i>Base Maximum Building Height/Stories</i>	<i>Bonus Maximum Building Height/Stories</i>	<i>Bonus Maximum Building & Landscape Setback Reductions</i>	<i>Additional Regulations</i>
RC	90'/6	150'/11	50% of Reqd. in RC District	A, B
GO	90'/6	150'/11	50% of Reqd. in GO District	
BP	90'/6	150'/11	50% of Reqd. in BP District	
PF/I	90'/6	150'/11	50% of Reqd. in PF/I District	
MU/L	75'/6	105'/8	50% of Reqd. in MU/L District	

Table 4.5.4.B – Building Heights & Setbacks – Area 2

<i>Zoning District</i>	<i>Base Maximum Building Height/Stories</i>	<i>Bonus Maximum Building Height/Stories</i>	<i>Bonus Maximum Building & Landscape Setback Reductions</i>	<i>Additional Regulations</i>
RC	75'/5	105'/7	50% of Req'd. in RC District	A, B
GC	60'/4	N/A		
GO	75'/5	105'/7	50% of Req'd. in GO District	
BP	60'/4	N/A		

Table 4.5.4.C – Building Heights & Setbacks – Area 3

<i>Zoning District</i>	<i>Base Maximum Building Height/Stories</i>	<i>Bonus Maximum Building Height/Stories</i>	<i>Bonus Maximum Building & Landscape Setback Reductions</i>	<i>Additional Regulations</i>
MF/M	56'/4	84'/6		A, B
GO	90'/6	150'/11	50% of Req'd. in Go District	A, B
BP	60'/4	75'/5	50% of Req'd. in BP District	
GVC	90'/6	150'/11		B
GBC	90'/6	150'/11		

Table 4.5.4.B – Building Heights & Setbacks – Area 4

<i>Zoning District</i>	<i>Base Maximum Building Height/Stories</i>	<i>Bonus Maximum Building Height/Stories</i>	<i>Bonus Maximum Building & Landscape Setback Reductions</i>	<i>Additional Regulations</i>
RC	75'/5	105'/7	50% of Req'd. in RC District	A, B
GC	60'/4	N/A		
GO	75'/5	105'/7	50% of Req'd. in GO District	
BP	60'/4	N/A		
MU/L	75'/6	105'/8	50% of Req'd in MU/L	

Table 4.5.4.B – Building Heights & Setbacks – Area 5				
<i>Zoning District</i>	<i>Base Maximum Building Height/Stories</i>	<i>Bonus Maximum Building Height/Stories</i>	<i>Bonus Maximum Building & Landscape Setback Reductions</i>	<i>Additional Regulations</i>
RC	90'/6	150'/11	50% of Req'd. in RC District	A, B
GO	90'/6	150'/11	50% of Req'd. in GO District	
BP	90'/6	150'/11	50% of Req'd. in BP District	
PF/I	90'/6	150'/11	50% of Req'd. in PF/I District	
MU/L	75'/6	105'/8	50% of Req'd. in MU/L District	
MU/R	90'/7	105'/8	50% of Req'd. in MU/R District	

4.5.5 Vertical Overlay Zoning District - Additional Regulations

- A. Base and bonus building heights and reduced setbacks are only permitted 200 ft. or more from property designated for residential uses at a density less than 14 DU/Acre in the general plan.
- B. Applications for building permits shall include building coordinates and a Federal Aviation Administration determination letter if required per Federal Aviation Regulations Part 77.13 or its successor, if any.

4.5.6 Development/Bonus Matrix

The Development/Bonus Matrix set forth in the table below provide guidelines for evaluating applications for bonus height and reduced setbacks. Bonus building heights and reduced setbacks may be approved by adoption of a [Planned Area Development \(PAD\)](#) rezoning ordinance setting forth the bonus maximum heights and/ or stories or setbacks. In no case shall any building be approved in conflict with the [Phoenix Mesa Gateway Overlay District](#).

The amenities described in the table below are not all-inclusive and are not intended to permit uses not allowed in the base zoning district. Applicants should consider them as examples of the Town’s expectations. Bonus height and reduced setbacks may be approved when the project demonstrates in the opinion of the Town Council the best mix of uses, the most amenities and desired infrastructure improvements, for the Town.

Table 4.5.6.A – Development/Bonus Matrix	
<i>Desired Amenity</i>	<i>Explanation/Notes</i>
Mixture of Land Uses	

Table 4.5.6.A – Development/Bonus Matrix

<i>Desired Amenity</i>	<i>Explanation/Notes</i>
<i>Eating & Drinking Establishments</i>	Eating & drinking establishments are especially desirable when they will extend the hours of evening activities.
<i>Hotels and Commercial Lodging</i>	Hotels provide activity. Hotels with full service restaurants & conference and/or meeting rooms are especially desirable.
<i>Offices, General</i>	Offices shall be located above ground floor level.
<i>Residential, Permanent Loft Units</i>	Residential lofts at densities greater than 25 DU/Acre are an especially desirable primary use. Density is calculated only on the residential portion of a mixed-use project.
<i>Retail Sales, General</i>	Community-based retail, which serves the needs of the immediate community is a substantial asset and should constitute more than 50 percent of the ground floor level.
Urban Form	
<i>Small Parcel Size</i>	Five (5) acre maximum parcel size (net) creates short blocks & greater lot coverage, and assists in integrating the street, lot, and building.
<i>New Public or Private Streets</i>	Multiple local streets create an intense & fine grained network to mitigate traffic and integrate the street, lot, and building.
<i>Below-Grade Parking Structure</i>	Below-grade parking is especially desirable for intense employment uses.
Design Features	
<i>Ground Level Public Pedestrian Plaza(s)</i>	Significant, shaded public plazas with the ability to accommodate active uses are desirable. Shading should consist of permanent or solid structures, as well as landscape.
<i>Pedestrian-Oriented Amenities</i>	Sidewalks and hardscape areas with decorative patterns; pedestrian scale lighting, outdoor seating, sidewalk cafes, planter pots or walls, fountains, tree grates, sculptures, arcades, artwork and / or awnings.
<i>“Green” Building & Sustainable Design Features</i>	Green buildings, LEED certified, including active and passive solar design, passive cooling, cool pavement and cool roofing are environmentally sound methods to achieve sustainable development.
<i>Buildings Are Articulated & Detailed with Changes in Massing</i>	Design quality is highly desirable. Buildings shall display vertical and/ or horizontal articulation and break down mass into human scale.
<i>Minimal Reflectivity & Glare</i>	Windows and other reflective elements on taller buildings should minimize the visual impact on nearby uses.
<i>Solar Shading</i>	Staff may require submittal of a solar study showing that a building will not significantly increase solar shading of abutting land.

Section 5.0 Additional Use and Site Regulations

Section 5.1 Supplemental Use Regulations

5.1.1 Purpose and Applicability

The purpose of this section is to mitigate the potential adverse impacts of certain uses.

5.1.2 Vacation or Short-Term Rentals

The owner(s) of a vacation or short-term rental shall comply with the requirements contained in Chapter 14, Article III of the Gilbert Municipal Code.

5.1.3 Home Occupations

A. *Location*

Other than Home Occupation Day Care, a Home Occupation use may only be conducted within the dwelling unit or an accessory structure.

B. *Employees*

1. Other than family members residing within the dwelling unit located on the lot or parcel, there shall be no more than one full time equivalent employee working at the home occupation.
2. The lot or parcel shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

C. *Exterior Appearance*

1. The residential character of the property shall be maintained. There shall be no display of merchandise or stock in trade, outdoor storage of materials, or other exterior indication of a home occupation.
2. When a Home Occupation use is conducted within any garage, the doors to the garage shall remain closed.
3. Home Occupation use shall not result in any structural alterations or additions to a building that will change its primary use or building code occupancy classification.

D. *Storage*

On-site storage of hazardous materials including toxic, explosive, noxious, combustible, or flammable materials beyond those normally incidental to

residential use is prohibited.

E. ***Neighborhood Impacts***

A Home Occupation use shall not produce noise, odors, vibrations, glare, dust, fumes, or electrical interference above those levels normally expected in the residential neighborhood.

F. ***Traffic Generation***

A Home Occupation use shall not generate vehicular or truck traffic in greater volume than that normally expected in the residential district in which the home occupation is located.

G. ***Parking***

Any parking for the Home Occupation use shall be on site and comply with the requirements of Circulation, Parking and Loading.

H. ***Licensing***

Home Occupations shall comply with applicable licensing requirements. Home occupations may be limited under state law. Please refer to Arizona Revised Statutes.

5.1.4 Residential Day Care

A. ***Incidental to Primary Residential Use***

A Residential Day Care use must be incidental to the primary use of the dwelling unit for residential purposes.

B. ***Employees***

Other than family members residing within the dwelling unit located on the lot or parcel, there shall be no more than one full time equivalent employee working at the Residential Day Care use.

C. ***Exterior Appearance and Structural Alterations***

1. The residential character of the property shall be maintained. There shall be no outdoor storage of materials, or other exterior indication of a Residential Day Care use.
2. A Residential Day Care use shall not result in any structural alterations or additions to a building that will change its primary use or building code occupancy classification.
3. Existing garages, carport structures, or driveways shall not be expanded,

enclosed, displaced, or otherwise modified for the purpose of accommodating the Residential Day Care use.

4. Any permitted expansion, remodeling, or other modification of a dwelling unit shall comply with all applicable Town codes without requiring a variance or relief from standard requirements for the zoning district within which the dwelling unit is located.

D. ***Screening***

All outdoor recreation/play areas shall be completely screened and enclosed by a minimum six (6) foot high solid wall or fence with solid self-closing and self-latching gates.

E. ***Separation***

The minimum separation between Residential Day Care uses on the same street shall be 300 feet, as measured from the closest property lines.

F. ***Neighborhood Impacts***

A Residential Day Care use shall not produce noise, odors, vibrations, glare, dust, fumes, or electrical interference above those levels normally expected in the residential neighborhood.

G. ***Traffic Generation***

A Residential Day Care use shall not generate vehicular or truck traffic in greater volume than that normally expected in the residential district in which the Residential Day Care use is located.

H. ***Parking***

Any parking for the Residential Day Care use shall be on site and comply with the requirements of [Circulation, Parking and Loading](#).

I. ***Licensing***

The Residential Day Care use shall comply with applicable licensing requirements. Day Care may be limited under state law. Please refer to Arizona Revised Statutes.

5.1.5 Group Homes for the Handicapped

Group Homes for the Handicapped allow persons with disabilities to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood and prevent a concentration of such facilities in any area so as to institutionalize that area.

A. ***Registration***

A completed registration form shall be submitted to the Development Services Department on a form established by the Planning Manager or authorized designee. 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.

B. ***Zoning Confirmation***

Prior to registration, a request for zoning confirmation may be submitted to the Development Services Department to confirm that the proposed location of the group home is permitted under this section.

C. ***Standards***

1. Separation

The minimum separation between group homes and between any group home and any recovery residence shall be 1,200 feet, as measured from the closest property lines. No separation is required when group homes or a group home and recovery residence 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 five (5) (unless permitted by State License for up to 10).

3. Exterior Appearance

- a. Group Homes shall comply with all Applicable Building and Fire Safety Regulations.
- b. 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.

4. Licensing

Group homes shall comply with applicable licensing requirements. If a group home is required by Arizona law to obtain a State License, a copy of that license and all renewals thereto shall be provided to the Town for record-keeping purposes within 10 days of receipt by the group home

operator.

5. Parking

Any parking for the group home shall be on site and comply with the requirements of [Circulation, Parking and Loading](#).

6. Tenancy

No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or to substantial physical damage to the property of others.

7. Exclusive Use

All administrative activities including staffing, counseling and other visitations, shall serve only the residents of the group home.

D. ***Additional Requirements of State Law***

Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled pursuant to A.R.S. § 36-582, as amended, or an assisted living home pursuant to A.R.S. Title 36, Chapter 4, then any such State law or rule shall apply in addition to all of the conditions listed below and shall preempt any conflicting condition listed herein.

E. ***Request for Accommodation***

1. If a Group Homeowner believes any requirement of the Zoning Code prevents the establishment of a group home, the owner may submit to the Zoning Administrator a written request for accommodation, accompanied by 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 ensure compliance with this section. The Zoning Administrator shall, in consultation with the Town Attorney, review the written request and determine:
 - a. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act.
 - b. 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.
 - c. The extent of the accommodation required to comply with the Fair

Housing Act.

5.1.6 Recovery Residence

The purpose of these regulations is to permit persons recovering from substance abuse, and their minor children, to reside in a group setting in residential neighborhoods in order to facilitate integration and stabilization and to provide reasonable regulations to maintain the residential character of neighborhoods and prevent a concentration of such facilities in any particular area so as to institutionalize that area.

A. *Registration Required*

Prior to beginning operations, the owner or operator of a recovery residence shall submit a completed registration form to the Development Services Department on a form established by the Planning Manager or authorized designee. The registration shall become effective upon verification by the Zoning Administrator that the registration complies with the requirements of the Zoning Code and that the recovery residence operator has obtained a valid Town of Gilbert Business License for the recovery residence. A registration shall terminate when the recovery residence use ceases.

B. *Procedures*

1. In addition to the registration form, the applicant shall submit an operations and management plan (“O&MP”) to ensure compliance with state and local laws. O&MP shall include:
 - a. Name and address of the business owner
 - b. Name, address and telephone number of the property owner and person in control of the property
 - c. If the business owner and property owner are not the same person or entity, applicant shall provide a notarized letter of authorization from the property owner
 - d. Emergency contact telephone number
 - e. The number of persons occupying each bedroom
 - f. Maximum number of occupants
 - g. A floor plan
 - h. Resident screening process
 - i. Guest and resident rules of conduct

C. **Standards**

1. O&MP Compliance

The recovery residence shall be operated and managed in compliance with the O&MP submitted with registration, a copy of which shall remain on file with the Development Services Department.

2. Separation

The minimum separation between recovery residences and between a recovery residence and a group home shall be 1,200 feet as measured from the closest property lines. No separation is required when recovery residences or a recovery residence and a group home are separated by a utility right-of-way of at least 300 feet in width, or by a freeway, arterial street, canal, or railroad.

3. Occupancy

The number of residents shall not exceed five (5), excluding staff and minor children.

4. Exterior Appearance

a. Parking

Parking for the recovery residence shall be on-site and shall comply with [Circulation, Parking and Loading](#).

b. Tenancy

No recovery residence shall house any person whose tenancy would constitute a direct threat to the health or safety of other persons or to substantial physical damage to the property of others.

c. Exclusive Use

All administrative activities, including staff, counseling and other visitations, shall serve only the residents of the recovery residence.

d. State License

The applicant shall provide Gilbert with a copy of the State license

required under A.R.S. § 36-2064 (A), as amended.

D. *Request for Accommodation*

1. If a recovery residence owner believes any requirement of the Zoning Code prevents the establishment of a recovery residence, the owner may submit to the Zoning Administrator a written request for accommodation, accompanied by 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 recovery residence's needs, to address the Town's safety and welfare concerns, and to ensure compliance with this section. The Zoning Administrator shall, in consultation with the Town Attorney, review the written request and determine:
 - a. Whether an accommodation should be made pursuant to the requirements of the Federal and State Fair Housing Laws.
 - b. The nature of the accommodation taking into consideration the requirements of the Federal and State Fair Housing Laws, public safety and welfare concerns, and the residential character of the neighborhood.
 - c. The extent of the accommodation required to comply with the Federal and State Fair Housing Laws.

5.1.8 Places of Worship

A. *Request for Determination*

Places of Worship are not exempt from the requirements of the Zoning Code. If a place of worship use believes any requirement of the Zoning Code imposes a substantial burden on its exercise of its religion, the place of worship 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, in consultation with the Town Attorney, shall review the statement and determine:

1. Whether the proposed use is a place of worship use under the Religious Land Use and Institutionalized Persons Act.
2. Whether the specified requirement imposes a substantial burden on the exercise of religion by the place of worship 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.

4. The nature and extent of any necessary accommodation, waiver, or adjustment to a requirement of the Zoning Code, if any.

B. *Senior Housing*

Senior housing incidental to Large-Scale Place of Worship uses may be permitted upon approval of a Conditional Use Permit.

5.1.9 Cemeteries

A. *Location*

Cemeteries shall be located on arterial streets and have a minimum frontage of 300 feet.

B. *Minimum Lot Area*

The minimum contiguous lot area for a cemetery is 20 acres.

C. *Accessory Uses*

1. Uses and structures accessory to the cemetery use may include a business office, chapel, columbarium, mausoleum, and equipment storage.
2. A crematorium is not an accessory use.
3. Accessory uses and structures shall be set back at least 50 feet from any property line.

5.1.10 Farm Stands

Unless otherwise stated under state law

A. *Items for Sale*

A farm stand shall only be used for the retail sale of produce and agricultural products produced on the property

B. *Location*

Farm stands shall meet all of the following requirements:

- Abutting an arterial or collector street
- Within 300 feet from any intersection
- Within 40 feet of the front property line

5.1.11 Model Homes

Model Home complexes are permitted for the initial sale of homes within a recorded subdivision or residential condominium development.

A. ***Location***

The model home complex shall be located within a subdivision where the model homes are currently being constructed. The model home complex may be used to market homes for sale within a greater Planned Area Development, subject to approval by the Planning Manager.

B. ***Design Review Required***

All model home complexes shall obtain administrative design review approval prior to issuance of a Certificate of Occupancy for any model home/unit within the subdivision.

C. ***Opening***

An approved model home complex may be open for use when all required improvements have been installed or constructed, inspected, and a Certificate of Occupancy issued.

D. ***Termination***

The sales office use shall be terminated, all model home complex units converted to residential occupancy standards, all exterior improvements unique to the complex removed, all signage removed, and a final inspection completed on all model complex units prior to residential occupancy of the sales office unit.

E. ***Parking***

The model home complex parking area shall be constructed of concrete, masonry, asphalt, compacted decomposed granite, or other approved dust free surface. Accessible parking shall meet all accessibility requirements, including a paved surface, signage and connection to the model complex by an ADA compliant pathway.

F. ***Signage***

Signage shall comply with the requirements of [Sign Regulations](#).

G. ***Residential Occupancy Prohibited***

Any unit in a model home complex shall not be occupied as a residential unit until fully converted to residential occupancy standards and a certificate of occupancy

has been issued by the Town.

H. ***Improvements Required***

All model home complex sales offices and parking areas shall have access from a paved street. Pedestrian ways shall be paved and ADA compliant.

5.1.12 Fueling Facilities

A. ***New Fueling Facilities***

1. Minimum clear height shall be 14 foot 6 inches.
2. No light fixtures or signs shall extend below the clear height or ceiling.
3. Maximum structure height shall adhere to the base zoning district regulations for accessory structures and shall not exceed the height of the primary structure.
4. The roofline, fascia panel or parapet wall of the fueling facility canopy shall be architecturally integrated with the primary use and/or building.

B. ***Abandonment***

All Fueling Facility structures and tanks that are unused and/or vacant for one (1) year or more are assumed to be abandoned. Abandoned structures and facilities shall be removed; and the fuel tanks shall be removed within 90 days from the date a notice of abandonment is mailed to the property owner. Underground tanks may be filled with an inert material in lieu of removal.

C. ***Reuse***

Fueling Facility buildings that are occupied with a use that does not involve the dispensing of fuel shall remove all underground fuel tanks or fill them with an inert material prior to occupancy of the building. All pumps, pump islands, fuel dispensing equipment and price signs shall be removed prior to occupancy of the building.

5.1.13 Non-Traditional Business

A. ***Location***

In the CC, SC, GC, RC and HVC zoning districts, Non-chartered Financial Institutions, Pawn Shops, and Stand-alone Smoking Lounges shall be located, developed, and operated in compliance with the following standards:

1. Separation Requirements

The minimum separation between any two non-traditional businesses

shall be 1,000 feet, as measured in a straight line in any direction from the closest perimeter business walls. No separation is required when non-traditional businesses are separated by a freeway.

2. Additional Separation Requirements for Stand-alone Smoking Lounges:
 - a. Stand-alone Smoking Lounges shall be separated a minimum of 1,320 feet, as measured in a straight line in any direction from the perimeter business walls, from any existing School, Public or Private.

B. Hours of Operation

The hours that a Tattoo/Piercing Studio may be open to the public are limited to between 8:00 am and 11:00 pm. Increased hours of operation may be permitted with approval of a Conditional Use Permit to ensure that there will be no significant adverse impact on the nearby uses.

5.1.14 Sexually Oriented Businesses

A. Location

Sexually-Oriented Businesses shall be a minimum distance from the uses set forth in the following table. Measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a sexually-oriented business to the nearest point on the property line of a parcel containing the relevant use or use classification.

<i>Table 5.1.14.A Distancing Requirements</i>	
<i>Use or Use Classification</i>	<i>Separation Requirement (feet)</i>
Another Sexually-Oriented Business	1,000
Establishment having an Arizona Spirituous Liquor License Series #06: Bar License or Series #07: Beer and Wine Bar License	500
Cultural Institutions	1,000
Day Care Center, public or private	1,320
Hotels and Commercial Lodging	500
Public Park	1,320
Place of Worship	1,320
Residential district boundary	1,320
Schools, Public or Private	1,320
Single or Multi-Family dwelling	1,320

Please see Gilbert Municipal Code for additional regulations.

5.1.15 Marijuana Facilities

A. *Applicability*

The minimum requirements of this section shall apply to all Marijuana Facility uses located in any zoning district.

B. *Establishment and Use*

1. Marijuana Facilities shall:

- a. Be located in a permanent building and shall not be located in a temporary structure, trailer, cargo container, motor vehicle, or other similar non-permanent enclosure.
- b. Be limited to 5,000 square feet gross floor area for all permitted uses.
- c. Be limited to a single secure on-site storage area of no greater than 2,000 square feet for medical marijuana and marijuana stored at an off-site cultivation site.
- d. Supply proof that the Marijuana Facility is State-approved, certified and registered with the Arizona Department of Health Services.
- e. Comply with all registration and recordkeeping required by the Town, Maricopa County and State of Arizona.
- f. Obtain, maintain and display a valid Town of Gilbert Business Registration or license as may be required by the Gilbert Municipal Town.
- g. Supply the name of all the Marijuana Facilities with which it is affiliated, if off-site cultivation is proposed.
- h. If medical marijuana is supplied to the Medical Marijuana Dispensary by a qualified patient or caregiver, provide the name and contact information of the qualified patient or caregiver.
- i. Not provide off-site deliveries of medical marijuana, marijuana, or marijuana products, except that a Medical Marijuana Designated Caregiver Cultivation Facility may deliver medical marijuana to the Qualifying Patient(s) for whom the caregiver is the Designated Caregiver, in compliance with the rules and regulations promulgated by the State of Arizona Department of Health Services.
- j. Sell only medical marijuana, marijuana, and related merchandise

incidental to its use. The sale of items promoting the Marijuana Facility, or its merchandise is prohibited.

- k. Not have drive-through facilities or take-out windows.
- l. Not emit dust, fumes, vapors or odors into the environment.
- m. Prohibit consumption of medical marijuana and marijuana on the premises.
- n. Not permit or provide indoor or outdoor seating areas or facilities for the consumption of marijuana anywhere on the site.
- o. Permit annual fire inspections pursuant to the Town of Gilbert Fire Code.
- p. If designated caregiver cultivation is proposed, supply the residence locations and proof of registry identification cards of the qualifying patients for whom the medical marijuana will be cultivated and the location of the closest medical marijuana dispensary to the residence of each qualifying patient. Any changes in qualifying patients or residence locations shall be reported to the Planning Manager within 30 days of the change.
- q. A single designated caregiver is permitted, and the total cultivation area shall not exceed 120 square feet. The total cultivation area is the footprint required for growing the actual plant material.

C. Location

Medical Marijuana Facilities shall be a minimum distance from the uses set forth in the following table, including medical marijuana facilities located in neighboring jurisdictions. Measurements shall be made in a straight line in any direction from the closest perimeter business walls. No separation is required when medical marijuana facilities are separated by a freeway.

Table 5.1.15.A.3 Medical Marijuana Facilities Location Requirements	
<i>Use or Use Classification</i>	<i>Separation Requirement (feet)</i>
Another Marijuana Facility	5,280
Hospital	1,320
Day Care Center, public or private	1,000
Public or Private Park	1,000
Place of Worship	1,000
Schools, Public or Private	1,000
Residential District Boundary	1,000

D. Hours of Operation

A Marijuana Facility shall have operating hours not earlier than 8:00 am and not later than 10:00 pm.

E. Security Plan Requirements

A Medical Marijuana Facility shall implement appropriate security measures to deter and prevent the theft of marijuana and medical marijuana, reasonably regulate customer access to the premises, and be in compliance with A.R.S. Title 36 Chapters 28.1 and 28.2. A sworn statement certifying a current approved security plan is on file with the State Department of Health Services shall be submitted to the Town upon request.

5.1.16 Temporary Uses

A. Temporary Uses Standards

<i>Table 5.1.16.A Temporary Uses</i>				
<i>Use Classification</i>	<i>Time Duration (days)</i>	<i>Frequency of Use</i>	<i>Interval between Uses (days)</i>	<i>Special Event Permit Required</i>
Bazaar	15 Days of Use (Maximum) per Calendar Year			yes
Carnival	See Gilbert Municipal Code Chapter 15: Special Events			
Carnival, Small-Scale	4	4 / year	3	yes
Farmer's Market	See Gilbert Municipal Code Chapter 15, Special Events			
Circus	See Gilbert Municipal Code Chapter 15: Special Events			
Fireworks Display	See Gilbert Municipal Code Chapter 15: Special Events			
Garage Sale	See Gilbert Municipal Code Chapter 42; Offenses and Abatement of Public Nuisances			no
Haunted House	45	1 / year	--	yes
Parade	See Gilbert Municipal Code Chapter 15-52			
Public Assembly	Gilbert			
Seasonal Sales	30	4 / year	14	yes
Sidewalk Sale/ Parking Lot Event	4	8 days/month	3	yes
Swap Meet and Auction, Single Event	See Gilbert Municipal Code Chapter 15: Special Events			
Sale-Vehicle	3	4 / year	60	No

B. Permit

Temporary uses shall obtain applicable fire and building permits and transaction privilege tax licenses prior to commencement of activities. A Special Event Permit or Administrative Use Permit may also be required.

C. Standards

1. The temporary use shall be set back a minimum of 20 feet from any

abutting, occupied residential lot or parcel.

2. The area of the temporary use, including parking areas, access points, aisles, driveways, and travel ways, shall be surfaced with gravel, decomposed granite or other approved dust free material.
3. Any parking for the use shall be on site and shall comply with the requirements of [Circulation, Parking and Loading](#) in the Zoning Code.
4. Adequate sanitation, water, traffic control, parking, and public health measures shall be provided for all temporary uses.
5. All entry points into any temporary use area shall remain free of obstructions to allow unhindered access by emergency vehicles. A minimum area of no less than four (4) feet wide shall be maintained on all sidewalks and walkways within any temporary use area to allow for proper pedestrian passage.

D. *Signage*

All signage shall comply with the regulations set forth in Sign Regulations in this Zoning Code.

E. *Inflatables*

Inflatables are allowed for the duration of any temporary use as long as they are securely affixed at grade level and displayed only:

1. On private property where the temporary use is taking place
2. During the hours the temporary use is open to conduct business
3. So that no less than a minimum of four (4) feet is clear for pedestrian passage on all sidewalks and walkways
4. In a manner and location that does not create a hazard to pedestrian traffic.
5. In the following zoning districts: NC, CC, SC, GC, RC, HVC, BP, PF/I, GVC, MU/S, MU/L, and MU/R.

F. *Balloons*

Balloons are allowed for the duration of any temporary use subject to the following requirements:

1. Balloons shall be securely attached by a strong and durable tether to a

fixed place or securely mounted on the ground.

2. Balloons shall be displayed only:
 - a. On property where the temporary use is taking place
 - b. During the hours the temporary use is open to conduct business
 - c. If set back from the nearest public right-of-way a distance equal to or greater than the length of the tether
 - d. In a manner and location that does not create a hazard to pedestrian or vehicular traffic
 - e. In the following zoning districts: NC, CC, SC, GC, RC, HVC, BP, PF/I, GVC, MU/S, MU/L and MU/R.

G. *Additional Requirements*

Adequate sanitation, water, traffic control, parking, and public health measures shall be provided for all temporary uses.

1. All entry points into any development shall remain free of obstructions to allow unhindered access by emergency vehicles. A minimum area of no less than 4 feet wide shall be maintained on all sidewalks and walkways within any development to allow for proper pedestrian passage.

5.1.17 Temporary Installations

A. *Temporary Construction Trailers*

1. Permit

Construction trailers are permitted only on a lot or parcel during construction pursuant to a valid building permit.

2. Use

Construction trailers may be occupied for office or security purposes or may be used for storage of equipment and material used in construction on the site.

3. Design

Temporary construction trailers shall be located and utilized in compliance with the following standards:

- a. Setbacks for construction trailers shall comply with the

development regulations for each base zoning district.

- b. The area of the construction trailer, including parking areas, access points, aisles, driveways, and travel ways, shall be surfaced with gravel, decomposed granite or other approved dust free material.
- c. The parking of a vehicle, trailer or other device marked or unmarked which is parked or driven in such a manner that it is used primarily as a portable sign is prohibited.

B. *Temporary Sales Trailers*

1. Permit

Sales Trailers are permitted only on a lot or parcel during construction pursuant to a valid building permit.

2. Use

Sales trailers, including modular offices, may be used for the sale and lease of residential and non-residential real estate, memberships, and similar activities,

3. Design

Temporary construction trailers shall be located and utilized in compliance with the following standards:

- a. Setbacks for sales trailers are set forth in the development regulations each base zoning district.
- b. Unless otherwise required by the Fire Marshal, the area of the sales trailer including parking areas, access points, aisles, driveways, and travel ways shall be surfaced with a minimum of a four (4) inch thick road base on compacted soil with dust palliative to support emergency apparatus and to reduce particulate matter.
- c. Any parking for the use shall be on site and comply with the requirements of [Circulation, Parking and Loading](#).

C. *Temporary Storage Containers*

1. Residential

- a. Temporary storage containers on residential property are permitted only for the purpose of storage of household goods or

personal items.

- b. Temporary storage containers are not considered accessory structures.
- c. Temporary storage containers shall be placed on a driveway or additional parking space on a developed residential lot or parcel.
- d. Temporary Storage Containers within Residential zoning districts shall not cover an area greater than 160 square feet total.
- e. During construction on a lot or parcel pursuant to a valid building permit; or for no longer than 30 days within a six (6) month period on a developed residential lot or parcel

2. Non-Residential

- a. Temporary construction trailers shall be located and utilized in compliance with the following zoning districts:
 - Single Family Residential Districts
 - Community Commercial
 - Shopping Center, General
 - Regional Commercial
 - Light Industrial
 - General industrial
 - Public Facility/Institutional
 - Mixed-Use Districts
- b. Temporary storage containers on commercial and employment properties are permitted only for the purpose of storage of equipment, supplies, merchandise, or similar materials.
- c. Temporary storage containers are not considered accessory structures.
- d. Temporary storage containers placed shall be outside the area located between the building and any street in

applicable Commercial and Employment districts.

- e. Temporary storage containers shall not be located in landscape areas, retention basins, travel ways and drive aisles, fire lanes, required parking spaces, sidewalks, loading zones, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.
- f. Temporary storage containers served by utilities, larger than 160 square feet or providing any function other than storage require building permit review. A container requiring a Certificate of Occupancy, a container that is accessible to the public or that is habitable is regulated as a structure.
- g. Temporary Storage Containers within Commercial, Employment or Public Facility/Institutional zoning districts shall not cover an area greater than 320 square feet total.
- h. The Temporary Storage Container total coverage area within Light Industrial, General Industrial and Public Facility/Institutional zoning districts may be increased with Design Review approval and a Storage Container Master Site Building Permit.
- i. Temporary Storage Containers are permitted during construction on a lot or parcel pursuant to a valid building permit.
- j. No longer than 90 days in a 12 month period in a Commercial, Employment or Public Facility/Institutional district.
- k. In Light and General Industrial and the Public Facility/Institutional districts, storage containers are permitted for an indefinite period of time subject to Design Review approval. The Temporary Storage Container is not an accessory structure but must meet all accessory structure requirements if approved indefinitely.

D. *Temporary Classrooms*

1. Permit

Temporary classroom facilities are permitted as an expansion of an

existing Place of Worship or School use with the issuance of an Administrative Use Permit that meets the required findings and specifies a time frame within which the structure shall be permitted. See [Findings](#) for Administrative Use Permits in this zoning Code.

E. ***Temporary Place of Worship***

1. Permit

Temporary facilities are permitted as an expansion of an existing Place of Worship use with the issuance of an Administrative Use Permit that meets the required [Findings](#) and specifies a time frame within which the structures shall be permitted.

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Section 5.2 Site Regulations

5.2.1 Purpose and Intent

The purpose and intent of this section is to specify how and where structures or site elements may be located.

5.2.2 Animals

Base animal regulations and definitions are addressed in the Gilbert Municipal Code. Additional regulations not addressed in the Gilbert Municipal Code may be discussed in the sections below regarding [Accessory Structures](#) or [Walls and Fences](#).

A. *Residential*

1. Rodents and Fowl

- a. On each lot that is at least 6,000 square feet but less than 8,000 square feet in area, any combination of rodents and fowl not to exceed five (5) total animals is permitted.
- b. On each lot that is at least 8,000 square feet but less than 10,000 square feet in area, any combination of up to 10 rodents and fowl is permitted.
- c. On each lot that is at least 10,000 square feet but less than 20,000 square feet in area, any combination of up to 25 rodents and fowl is permitted. For each additional 10,000 square feet of lot area, an additional 12 rodents or fowl are permitted.
- d. Aviaries shall be located within the building envelope or the rear one-half of the lot. If located within the rear one-half of the lot, the aviary shall be a minimum of five (5) feet from any property line.
- e. One rooster over four months in age shall be permitted for each 20,000 square feet of lot area with the exception of those kept for "Crop and Animal Raising, Commercial", provided that the rooster is controlled or contained in such a manner as to comply with Gilbert Municipal Code Chapter 6 (Noisy Animals).

2. Livestock

- a. Large and small livestock animals are permitted on lots of 15,000 net square feet and larger. The number of livestock are determined as follows:

- b. One large livestock animal is permitted for each 10,000 square feet of net lot area.
 - c. One small livestock animal is permitted for each 5,000 square feet of net lot area.
 - d. Where both large and small livestock animals are kept, the minimum required lot area shall be cumulative.
3. Stables
- a. Any accessory structure housing animals shall be set back at least 20 feet from all property lines.
4. Apiaries (Beehives)
- a. Apiaries are permitted in any residential zoning district as long as they are located at least 100 feet from any property line.
- B. *Commercial***
1. Stables
- a. Minimum 10 net acres.
 - b. Any structure housing animals shall be set back at least 100 feet from all property lines.
2. Equestrian Arenas.
- a. Minimum 10 net acres.
 - b. Any structure housing animals overnight shall be set back at least 100 feet from all property lines.
 - c. Any structure housing animals other than overnight shall be set back at least 50 feet from all property lines.
 - d. The location and operation of any arena shall be as set forth in the approval of a Use Permit. Conditions may be imposed to minimize noise, dust, light, odors, and other negative impacts on abutting uses.
3. Animal Services
- a. Indoor kennel/boarding facilities shall be located within the building envelope

- b. Outdoor runs and exercise areas associated with a boarding facility shall not be located within a required landscape setback or within 100 feet from any residential use or district, whichever is more restrictive.
- c. Outdoor runs and exercise areas shall not be located within 25 feet of any building's primary entrance on an abutting lot or suite.
- d. Outdoor runs and exercise areas shall be enclosed by a minimum six (6) foot wall or fence.
- e. Outdoor boarding of animals other than livestock is prohibited.

5.2.3 Incidental Dwelling Unit

A. *Single Family Residential Guest Quarters*

- 1. Establishment and Use
 - a. Guest Quarters shall not be constructed prior to construction of the dwelling unit.
- 2. Number
 - a. One (1) per lot or parcel.
- 3. Location
 - a. Guest Quarters shall be located within the building envelope.
- 4. Design
 - a. Guest Quarters may be attached to the principal dwelling.
 - b. Guest Quarters shall use utility service provided to the principal dwelling.
 - c. Ranges, ovens, and built-in cooking facilities are prohibited.
 - d. Separate renting or leasing from the principal dwelling is prohibited.
 - e. Guest Quarters shall be a single floor and not exceed the principal structure maximum height requirement of the base zoning district and may be located above an attached or detached garage.
 - f. Design of Guest Quarters shall be compatible with the design of

the principal dwelling in materials, colors and architectural style.

B. *Single Family Residential Secondary Dwelling Units*

1. Establishment and Use
 - a. Secondary Dwellings shall not be constructed prior to construction of the dwelling unit.
2. Number
 - a. One (1) per lot or parcel.
3. Location
 - a. Except for Secondary Dwellings constructed over a detached garage, Secondary Dwellings shall be located within the building envelope.
 - b. A Secondary Dwelling constructed over a detached garage shall not exceed the height of the principal dwelling.
4. Design
 - a. The entrance to the Secondary Dwelling shall not be visible from the public or private street on which the principal dwelling fronts;
 - b. The Secondary Dwelling shall use utility service provided to the principal dwelling.
 - c. The Secondary Dwelling shall provide one additional off-street parking space in conformance with [Circulation, Parking and Loading](#) regulations.
 - d. The Secondary Dwelling shall not have internal access to the principal dwelling.
 - e. Rentals of Secondary Dwellings are permitted.
 - f. A full kitchen is permitted in a Secondary Dwelling.
 - g. The design of the Secondary Dwelling unit shall be compatible with the design of the principal dwelling in materials, colors and

architectural style.

C. ***Temporary Single Family Dwellings***

A recreational vehicle is permitted as a temporary dwelling for a caretaker or security guard on a lot or parcel only during construction undertaken pursuant to a valid building permit.

C. ***Non-residential Zoning District Facility Manager Dwelling Unit***

Facility Manager Dwelling Units are permitted as an incidental use to certain non-residential uses when the principal use has a demonstrated need for a continuous on-site presence and the Facility Manager.

1. Establishment and Use

- a. An ADU within a non-residential zoning district is permitted as a Facility Manager Unit for the uses listed below.
- b. An ADU's livable floor area shall not exceed 2,000 square feet.
- c. A permanent ADU may not be located in a trailer or mobile structure unless the structure has been modified and the wheels removed to sit on a permanent foundation with utilities.

2. Applicability

ADUs are permitted for the following non-residential uses:

- a. Animal Shelter
- b. Cemetery
- c. Contractor's Yard
- d. Crop and Animal Raising, Commercial
- e. Funeral and Undertaking Services
- f. Garden Supply Store and Plant Nurseries
- g. Kennel
- h. Mining and Quarrying
- i. Place of Worship
- j. Salvage Yards or Junkyards

- k. Schools
- l. Stables, Commercial
- m. Self-Storage

3. Number

Only one ADU is permitted per primary use except for the following uses which are permitted a maximum of two.

- a. Commercial Crop and Animal Raising
- b. Garden Supply Store and Plant Nurseries
- c. Commercial Stables

4. Location

- a. The dwelling unit, and any structure attached to it, shall be fully located within the building envelope.
- b. The dwelling unit may be attached to or detached from the primary structure/use.

5. Design

- a. The dwelling unit's design aesthetic shall be compatible with the design of the primary structure/project including colors, materials and style.
- b. The front entrance/door shall not be visible from public or private streets.
- c. Kitchens are permitted.

6. Height

The dwelling unit's structure shall not exceed the maximum height of the district.

D. ***Temporary Non-residential Zoning District Dwelling Units***

A recreational vehicle or a trailer is permitted as a temporary dwelling for a caretaker or security guard on a lot or parcel only during construction undertaken pursuant to a valid building permit.

5.2.4 Encroachments

Encroachments into building setbacks may be permitted in specific instances as noted below:

A. *Single Family*

1. For all structures in single family residential districts, balconies, stairs, chimneys, canopies, decks, stairwells, elevator shafts, covered patios, shade sails, awnings and bay window may encroach no more than three (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.
2. Retaining walls, driveways, and uncovered patios may fully encroach into the building setback.
3. Belt courses, cornices, windowsills, 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. This does not include eaves or roof overhangs.
4. In single family residential districts, a roof overhang may encroach no more than 18 inches into a required building setback area as long as it does not encroach into an easement.
5. Covered porches may project up to six (6) feet into the required front building setback area. However, in no case shall the remaining unobstructed front building setback be less than eight (8) feet.
6. Fences, located on a side or rear property line, may encroach into any required side or rear building setback area the minimum amount necessary to reach an existing structure or enclose a yard. See [Walls and Fences](#).

B. *Multi-Family, Mixed-Use and Non-Residential*

1. Canopies and awnings may encroach no more than three (3) feet into any required building setback or interior building separation area.
2. Belt courses, cornices, windowsills, 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.
3. Fences located on a side or rear property line may encroach into any required side and rear perimeter landscape area the minimum amount necessary to reach an existing structure or enclose an amenity. See

Fencing.

4. Freestanding signs may encroach into required building and required landscape areas up to 3 foot from a property line or right-of-way. See [Signs](#).
5. Outdoor lighting fixtures may encroach into required building setback areas. See [Lighting](#).

5.2.5 Height Projections

Encroachments into height limits may be permitted in specific instances as noted below:

- A. Belfries, domes, chimneys, cupolas, skylights, clock towers and other similar decorative non-habitable architectural features may project above the zoning district height limit provided that they do not cover more than 20 percent of the roof area.
- B. Mechanical equipment and enclosures, elevator shafts, stairwells ventilators, and other similar unoccupied spaces, may project up to five (5) feet above the zoning district height limit, but may not exceed the height of parapet walls unless fully screened or architecturally integrated as a design feature.
- C. Parapet walls or cornices may project up to five (5) feet above the zoning district height limit.
- D. Theater scenery lofts may project above the height limit only to the height necessary to accomplish their purpose.
- E. Church steeples, religious symbols, or similar elements on Places of Worship are not regulated.

5.2.6 Sport Courts/Fields

Sports Courts/Fields shall adhere to the Gilbert Municipal Code regulations regarding lighting, noise and other general nuisances, in the addition to provisions below.

- A. ***Residential***
 1. Sport Courts/Fields shall be set back a minimum of 10 feet from side and rear property lines.
 2. Sport Courts on any single family lots are not permitted in the front building setback or street side setback of any unenclosed lot.
 3. Sports Courts/Fields for residential complexes or subdivision amenities shall be identified on an approved site plan when located within

common open spaces.

4. Sports Courts/Fields for residential subdivisions or complexes located along a street shall meet the minimum perimeter landscape area requirements.
5. Sports Courts/Fields fencing, when greater than 8 feet in height, shall meet Accessory Structure setbacks.

B. *Non-Residential*

1. Non-residential Sports Courts/Fields shall be identified on an approved Design Review site plan.
2. Sports Courts/Fields shall be set back a minimum of 10 feet from property lines.
3. If a Sports Courts/Field is located along a street, the court shall meet minimum perimeter landscape area requirements.

5.2.7 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. Non Residential 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 shall be padlocked at all times when not being used.

5.2.8 Lighting

Base lighting regulations and definitions are addressed in the Gilbert Municipal Code. Additional regulations not addressed in the Gilbert Municipal Code are provided below:

A. ***Single Family Residential Lots***

See Gilbert Municipal Code for lighting regulations.

B. ***Single Family Subdivision Common Open Space, Multi-Family Residential, Mixed-Use, Commercial, Office, Employment and Public Facility/Institutional***

1. All outdoor fixtures, other than bollard lighting, that are not shielded as set forth in the Gilbert Municipal Code shall be set back from all property lines by a minimum of 10 feet or a distance equal to the height of the fixture.
2. Bollard lighting is the only permitted outdoor fixture within required perimeter landscape areas separating non-residential uses from residential uses and separating multi-family residential uses from single family residential uses.
3. Parking lot and pole mounted security lighting shall not exceed a maximum lens mounting height of 14 feet within 100 feet of a residential district boundary or within 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 lens mounting height of 25 feet.
4. Wall mounted fixtures shall be a maximum height of 14 feet above grade, measured to the lens. Wall mounted fixtures shall be full cutoff type.
5. Wall, soffit, and/or similar standard exterior building light fixtures in excess of 14 feet above grade may be approved through the Design Review process with Additional [Lighting Findings](#).
6. Temporary lighting such as tivoli, festival or light strings lighting is subject to this section.
7. See Gilbert Municipal Code for recreational lighting.

5.2.9 Walls and Fences

A. ***Wall and Fence Guide***

1. All walls and fences shall be permanently maintained in good condition and repaired or replaced when necessary to ensure continued compliance with the requirements of this section.
2. In addition to the development regulations listed in the following tables,

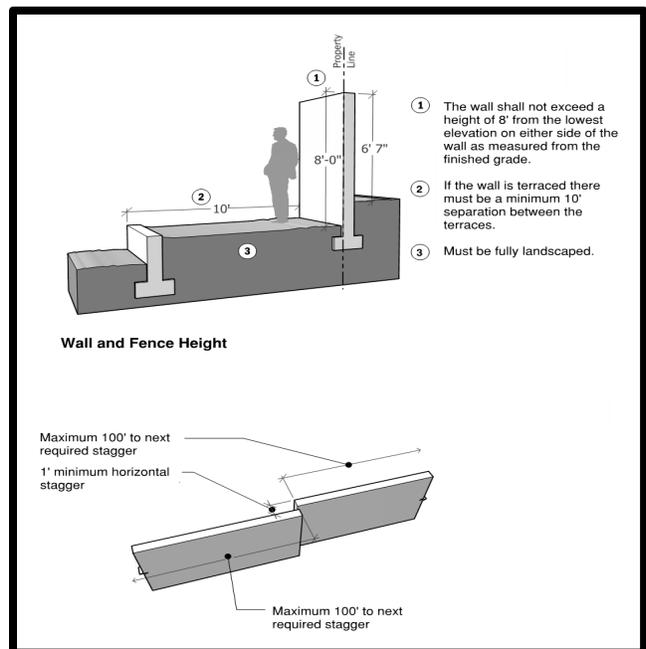
regulations may be found in:

- Gilbert Municipal Code
- [Chapter II Design Guidelines](#)
- Town of Gilbert Engineering and Construction Standards

3. Existing Walls and Fences

- a. When an existing substandard well-maintained opaque wall or fence is located on a property line, but does not meet height requirements for new development, the wall or fence, may be maintained in its existing condition.
- b. If all parties abutting an existing substandard opaque wall or fence agree, in writing, that the wall or fence should meet current standards the wall or fence may be extended or rebuilt per current standards.
- c. If all parties abutting an existing substandard wall or fence do not agree that an existing wall or fence should or should not be modified to meet current standards due to specific conditions, then the [Wall and Fence Modification](#) process in this Zoning Code shall be utilized.
- d. Unless noted in brackets [] in the following tables, the walls and fences are considered optional, bracketed text denotes a required solid wall.

- e. The additional standards or limitations, denoted by letters, are listed as Additional Wall and Fence Regulations at the end of the tables.



Single Family Residential	SF-43, SF-35	Non- Res. in Res. District	SF-15, SF-10, SF-8, SF-7, SF-6, SF-D, SF-A
Maximum Height of a Perimeter W/F in feet			
Front abutting a (an)			
Arterial Street - Solid	8	NA	3
Arterial Street - Open/View	8	NA	3
Non-Arterial Street - Solid	3	NA	3
Non-Arterial Street - Open/View	3	NA	3
Not Abutting a Street - Solid, Open/View	8	NA	8
Side abutting a			
Street/ Public Alley - Solid, Open/View	8	NA	8
Single Family - Solid, Open/View	8	[8]	8
Multi-Family - Solid	[8]	[8]	[8]
Multi-Family - Open and/or View	NA	8	NA
Non-Residential - Solid	[8]	8	[8]
Rear abutting a			
Street or Public Alley - Solid, Open and/or View	8	8	8
Single Family - Solid	8	[8]	8
Multi-Family - Solid	[8]	[8]	[8]
Non-Residential - Solid	[8]	8	[8]
Parking Screen Walls -May not be located on the property line or in a required landscape area	NA	[4]	NA
Maximum Height of a W/F within the Building Setback/Building Envelope	8	8	8
Chain Link Security Fences	Not Permitted		
Maximum Height of Recreation Sports Court W/F, including Chain Link and Woven Wire, within the Building Envelope	Not to exceed the height of the district		
Maximum Height of Open Fencing with Wire Attached on the Internal Side for Animal Control	8	Not Permitted	
Maximum Height of Safety Nets/Mesh and Associated Poles	Not to exceed the height of the district - A		
Barbed Wire, Razor Wire/Electric Fences	See Gilbert Municipal Code		
Temporary Fencing - not to exceed 8 ft	Only during construction with an active permit or a permitted temporary use.		

Multi-Family	MF/L	MF/M	MF/H	MF in the Heritage Village Boundary	MF in the Gateway Boundary
Maximum Height of a Perimeter W/F in feet					
Front					
Street - Solid, Open/View	Not Permitted				
Not Abutting a Street - Solid, Open/View	Not Permitted				
Side					
Street - Solid, Open/View	Not Permitted				
Public Alley - Solid, Open/View	8	8	8	8	8
Single Family - Solid	[8]	[8]	[8]	[8]	[8]
Multi-Family Zoning - Solid, Open/View	8	8	B	C	C
Non-Residential - Solid, Open/View	[8]	[8]	B	C	C
Rear					
Public Alley - Solid, Open/View	8	8	8	8	8
Single Family - Solid	[8]	[8]	[8]	8	8
Multi-Family - Solid, Open/View	8	8	B	C	C
Non-Residential - - Solid, Open/View	[8]	[8]	B	C	C
W/F Within the Required Landscape Area	Not Permitted				
Parking Screen Walls (May not be located on the property line or in the required LS area)	[4]	[4]	[4]	[4]	[4]
Maximum Height of a W/F within the Front Building Setback/Building Envelope, Solid, Open/View	4	4	4	4	4
Maximum Height of a W/F within the Side or Rear Building Setback/Building Envelope, Solid, Open/View	8	8	8	4	4
Chain Link Security Fences	Not Permitted				
Recreation Sports Facilities W/F (including Chain Link and Woven Wire) within the Building Envelope	Not to exceed the height of the district				
Open Fencing with Wire Attached on the Internal Side for Animal Control	8				
Safety Nets/Mesh and Associated Poles	Not to exceed the height of the district - A				
Barbed Wire, Razor Wire/Electric Fences	See Gilbert Municipal Code				
Temporary Fencing (not to exceed 8 ft)	Only during construction with an active permit or a permitted temporary use.				

Commercial	NC	CC	SC	GC	RC	HVC	GVC
Maximum Height of a Perimeter W/F in feet							
Front							
Public or Private Street - Solid, Open/View	Not Permitted						
SF, MF, LI or GI - Solid	[8]	[8]	[8]	[8]	[8]	8	8
Uses not listed above - Solid, Open/View	8	8	8	8	8	8	8
Side							
Street - Solid, Open/View	Not Permitted						
Public Alley - Solid, Open/View	8	8	8	8	8	8	8
SF, MF - Solid	[8]	[8]	[8]	B	B	C	C
LI or GI - Solid	[8]	[8]	[8]	[8]	[8]	[8]	[8]
Uses not listed above - Solid, Open/View	8	8	8	8	8	C	C
Rear							
Street	Not Permitted						
Public Alley - Solid, Open/View	8	8	8	8	8	8	8
SF, MF, LI or GI - Solid	[8]	[8]	[8]	[8]	[8-B]	8	8
Uses not listed above - Solid, Open/View	8	8	8	8	8	4	4
W/F Within the Required Landscape Area	Not Permitted						
Screen Wall max height (May not be located on the property line or in the required LS area)	[4]	[4]	[4]	[4]	[4]	[4]	[4]
Maximum Height of a W/F when attached to a building as a screening method for loading	Not to exceed the height of the district						
Maximum Height of a W/F within the front Building Setback/Building Envelope, Solid, Open/View	4	4	4	4	4	4	4
Maximum Height of a W/F within the Side or Rear Building Setback/Building Envelope, Solid, Open/View	8	8	8	8	8	4	4
Chain Link Security Fences	Not Permitted						
Recreation Sports Facilities Walls, Fences (including Chain Link and Woven Wire) within the Building Envelope	Not to exceed the height of the district						
Maximum Height of Open Fencing with Wire Attached on the Internal Side for Animal Control	8	8	8	8	8	8	8
Safety Nets/Mesh and Associated Poles	Not to exceed the height of the district - A						
Barbed Wire, Razor Wire and Electric Fences	See Gilbert Municipal Code						
Temporary Fencing (not to exceed 8 ft)	Only during construction with an active permit or temporary use.						

Employment, Public Facility / Institutional	NO	GO	BP	LI	GI	GBC	PF/1
Maximum Height of a Perimeter W/F							
Front							
Street - Solid, Open, View W/F	Not Permitted						
SF, MF - Solid	[8]	[8]	[8]	[8]	[8]	4	[8]
LI - Solid	[8]	[8]	8	8	[8]	[8]	8
GI - Solid	[8]	[8]	[8]	[8]	[8]	[8]	8
Use Not Listed above - Solid, Open/View	8	8	8	8	8	4	[8]
Side							
Street - Solid, Open/View	Not Permitted						
Public Alley - Solid, Open/View	8	8	8	8	8	8	8
SF, MF - Solid	[8]	[8]	[8]	[8]	[8]	C	[8]
LI - Solid	[8]	[8]	8	8	[8]	[8]	8
GI - Solid	[8]	[8]	[8]	[8]	[8]	[8]	8
Use Not Listed Above - Solid	8	8	8	8	8	C	8
Rear							
Street - Solid, Open/View	Not Permitted						
Public Alley - Solid, Open/View	8	8	8	8	8	8	8
SF, MF - Solid	[8]	[8]	[8]	[8]	[8]	C	[8]
LI - Solid	[8]	[8]	8	8	[8]	[8]	8
GI - Solid	[8]	[8]	[8]	[8]	[8]	[8]	8
Use Not Listed Above - Solid, Open/View	8	8	8	8	8	C	8
W/F Within the Required Landscape Area	Not Permitted						
Screen Walls (May Not be Located on the Property Line or in the Required Landscape Area) Solid	[4]	[4]	[4]	[4]	[4]	[4]	[4]
Maximum Loading Dock Screening when attached to a building within the building setback	Not to exceed the height of the district						
Walls within the Front Building Setback/Building Envelope	4	4	4	4	4	4	4
Walls within the Side or Rear Building Setback/Building Envelope	8	8	8	8	8	4	8
Chain Link Security Fences	Not Permitted			When not visible from a street		Not Permitted	
Recreation Sports Facilities Walls, Fences (including Chain Link and Woven Wire) within the Building Envelope	Not to exceed the height of the district						
Open/View Fencing with Wire for Animal Control?	Not Permitted						8
Safety Nets/Mesh and Associated Poles	Not to exceed the height of the district - A						
Barbed Wire, Razor Wire and Electric Fences	See Gilbert Municipal Code						
Temporary Fencing	Only during construction with an active permit or temporary use.						

Mixed-Use Districts	MU/S	MU/L	MU/R
Maximum Height of a Perimeter W/F in feet			
Front			
Public or Private Street - Solid, Open/View	Not Permitted		
SF, MF, LI, or GI	8	8	8
Uses not listed above - Solid, Open/View	8	8	8
Side			
Public or Private Street - Solid, Open/View	Not Permitted		
Public Alley - Solid, Open/View	8	8	8
Single-Family – Solid, Open/View	C, D	C, D	C, D
Multi-Family – Solid, Open/View	C, D	C, D	C, D
NC, CC, GC, SC, RC – Solid, Open/View	D	D	D
LI or GI - Solid	[8]	[8]	[8]
Uses not listed above - Solid, Open/View	C, D		
Rear			
Public or Private Street – Solid, Open/View	Not Permitted		
Public Alley - Solid, Open/View	8	8	8
SF OR MF - Solid	C, D	C, D	C, D
LI OR GI - SOLID	[8]	[8]	[8]
Uses not listed above - Solid, Open/View	D	D	D
W/F Within the Required Landscape Area	[4]	[4]	[4]
Screen Wall max height (May not be located on the property line or in the required LS area)	[4]	[4]	[4]
Maximum Height of a W/F when attached to a building as a screening method for loading	[4]	[4]	[4]
Maximum Height of a W/F within the front Building Setback/Building Envelope, Solid, Open/View	4	4	4
Maximum Height of a W/F within the Side or Rear Building Setback/Building Envelope, Solid, Open/View	8	8	8
Chain Link Security Fences	Not Permitted		
Recreation Sports Facilities Walls, Fences (including Chain Link and Woven Wire) within the Building Envelope	Not to exceed the height of the district		
Maximum Height of Open Fencing with Wire Attached on the Internal Side for Animal Control	8	8	8
Safety Nets/Mesh and Associated Poles	Not to exceed the height of the district - A		
Barbed Wire, Razor Wire and Electric Fences	See Gilbert Municipal Code		
Temporary Fencing (not to exceed 8 ft)	Only permitted during construction with active permit or temporary use – see LDC 5.1.16 and 5.1.17.		

B. *Additional Wall and Fence Regulations*

Unless noted in brackets on the Wall and Fence tables, the walls and fences are considered optional.

Note A May be located within the required building /landscape setback as determined by the Zoning Administrator.

Note B The maximum height shall not exceed four (4) foot when both parcels are located within a mixed-use master plan or development plan. When not located within a mixed-use master plan the wall height shall be a maximum height of eight (8) feet.

Note C For Multi-family, Mixed-Use or Commercial developments, within the Heritage District and the Gateway Village boundaries, perimeter walls/fences shall not exceed four (4) foot unless enclosing a private rear yard. If enclosing a private rear yard, the maximum fence height is eight (8) foot.

Note D For developments in Mixed-Use districts where both parcels are located within master site plan area, perimeter walls/fences shall not exceed four (4) feet unless enclosing private open space or secured amenity or parking area. If enclosing private open space or other private amenities, maximum fence height is eight (8) feet. When not located within mixed-use development with master site plan, maximum fence height is eight (8) feet.

C. *Wall and Fence Modification*

1. Walls and fences only may be modified through a Variance or a Wall and Fence Modification according to the requirements below.
2. Process
 - a. An application for a Wall and Fence Modification shall be filed with the Planning Department as a Conditional Use Permit for any wall/fence on a property.
 - b. The Conditional Use Permit application packet outlines the submittal requirements.
 - c. The Wall and Fence modification should be approved prior to a Design Review approval that depicts or is dependent on the

revision.

3. Process for Perimeter/Separation Wall or Fence Modification

- a. When a Perimeter/Separation Wall or Fence Modification is required, the applicant shall be responsible for acquiring a notarized owner's signature from a majority of property owners of all real, contiguous/abutting property that is subject to the modification. The signature packet shall include a notarized statement of approval on the same page(s) as a site plan depicting the location of the modification and a detail of the proposed wall or fence. See application packet for additional information.
- b. When a perimeter/separation wall or fence is required, and the applicant can demonstrate to the Town that they are unable to obtain the necessary contiguous/abutting property owner's signatures, the applicant may request that the wall/fence be relocated internal to the site or waived. If a wall or fence requirement is requested to be waived the applicant must demonstrate that an existing wall or fence meets the buffer intent or that a wall or fence is not needed. If the perimeter/separation wall or fence is moved internal to the site, in no case shall two walls or fences be located closer than 10 feet. In no case shall two solid walls create a corridor that is not clearly visible from a public or private street.
- c. No notarized signatures are required if the wall or fence modification is not a perimeter/separation wall or fence and greater than 10 away from the property line.
- d. If the requested modification is abutting a public right-of-way, no notarized signature from the Town is required.
- e. The property owner requesting the modification shall be responsible for construction coordination with the abutting property owners.

3. Findings

The Planning Commission may approve the proposed Wall and Fence Modification only after making the findings of fact. See [Wall and Fence Modification Findings](#) in this Zoning Code.

4. Revocation

Wall and Fence Modifications requirements may be revoked by the Planning Commission following a public hearing if the uses or districts

change, the uses become incompatible, or the users fail to comply with the conditions of the approval.

a. Initiation of Revocation

Proceedings for the revocation may be initiated by the Zoning Administrator with a written notice, sent certified mail, to the property owner. The Zoning Administrator shall prepare a written report to the Planning Commission that contains the following information:

- 1) The wall or 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

The Notice of Public Hearing shall meet the standards for [Public Notice](#) in this Zoning Code.

c. Hearing

- 1) The revocation hearing shall be held in accordance with the procedures for public hearing set forth in [Public Hearing Procedures](#) in this Zoning Code.
- 2) The Planning Commission shall clearly state as a condition of approval how the site shall come into compliance with the Zoning Code.

d. Revocation Findings

In order to revoke the modification to a wall or fence requirement, the Planning Commission shall make the required [Revocation Findings](#) in this Zoning Code.

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 emailed, file shared or mailed via first class mail to each of the following:

- To the property owner of record.

- To the property address.
- To the business address.

D. *Appeals*

Any decision to modify the wall and fence requirements may be appealed to the Town Council pursuant to [Procedures for Appeals](#) in this Zoning Code.

5.2.10 Outdoor Retail Sales and Merchandise Display

- A. Outdoor retail sales and merchandise displays should adhere to the following general criteria. See Municipal Code for transient merchant and pop-up retail.
1. Outdoor retail sales and merchandise displays shall not be located in required landscaped areas or in public rights-of-way.
 2. Outdoor retail sales and merchandise displays shall not obstruct ingress and egress to a building, designated accessible routes, or fire lanes, and shall not interfere with vehicular circulation or sight visibility.
 3. Outdoor retail sales and merchandise display areas shall be adjacent to the structure containing the business selling the merchandise.
 4. Design Review plans shall designate permitted areas for outdoor retail sales and merchandise display.
 5. For Design Review plans approved prior to the effective date of the Zoning Code, the location of outdoor retail sales and merchandise display require Administrative Design Review approval.
 6. New and Used Motor Vehicle Sales and Leasing have no limitation on outdoor retail sales and merchandise display area.
 7. Construction equipment including forklifts, boom trucks, cranes, bucket trucks and similar equipment shall be displayed in an unextended position.
 8. Merchandise displays, or stacking shall not exceed a height of 10 feet above finished grade.
 9. The temporary use of a parking area for sales and display is permitted.

See [Circulation, Loading and Parking](#).

Table 5.2.10A Outdoor Retail Sales/ Merchandise Display Allowance																			
	SF	MF	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	GVC	GBC	PF/I	MU/S	MU/L	MU/R
250 SF																			
500 SF																			
750 SF																			
2500 SF																			
The lesser of 5% of the GFA or 200 SF																			
Not Permitted																			

5.2.11 Outdoor Business Activities and Storage

- A. Outdoor Business Activities and Storage shall adhere to the following general criteria:
 1. No outdoor business actives or storage shall be located within 50 feet of property zoned single family residential or designated for residential use in the General Plan.
 2. No portions of buildings within 50 feet of property zoned single family residential shall contain bay or roll-up doors, or similar service openings.
 3. Service bay or roll-up doors or similar openings facing property designated for residential use in the General Plan shall not be located closer than 200 feet from the property line.
 4. Within 50 feet of a street or alley all driveways accessing outdoor storage areas shall be paved with asphalt or concrete.
 5. All business service activities shall be conducted within the service bays or yards fully screened from public streets. No used or discarded vehicle parts, equipment, or disabled, junked, or wrecked vehicles may be located outside the service bays or screened yards.
 6. Business outdoor storage areas in all districts shall not be in a required landscape area along a public or private street.
 7. Outdoor storage areas shall be screened from public view and enclosed solid wall or fence with a solid gate.
 8. Outdoor storage areas shall not be between the front of a building and a public street.
 9. Business outdoor storage areas are prohibited in building setback areas

in all zoning districts, except in the Light Industrial and General Industrial districts when not abutting to a residential zoning district or use.

10. Stored materials shall not exceed the height of the fence, except in the Light Industrial, General Industrial and Public Facilities/Institutional zoning districts and as approved as part of the Design Review process.
11. Unless otherwise required by the Fire Marshal, access aisles to outdoor storage areas shall be surfaced with a minimum of a four (4) inch-thick road base on compacted soil with dust palliative to support emergency apparatus and to reduce particulate matter.
12. Outdoor storage areas shall be surfaced with concrete, asphalt, decomposed granite, or other approved dust free surface.

Table 5.2.11A Outdoor Storage																			
	SF	MF	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	GVC	GBC	PF/I	MU/S	MU/L	MU/R
5% SF of GFA																			
No Max SF																			
Not Permitted																			

5.2.12 Equipment, Service Area and Stairway Screening

A. Single Family

1. Roof mounted mechanical equipment may be considered if fully screened on all four sides by an integrated architectural design and/or an integrated parapet roof system that matches the style of the residence; however, parapet screening is not permitted for residences with pitched roofs.
2. Ground mounted mechanical equipment shall be screened from public view by a screen that is at least 10 percent taller than the height of the equipment being screened.

B. Multi-Family

1. 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.
2. Roof mounted screening shall be an integral part of the building massing, materials and design.
3. Ground mounted mechanical equipment, visible from public and common areas shall be decoratively screened by a fence or wall. The fence or wall shall exceed the height of the equipment by at least 10

percent.

4. Exterior mounted stairs or ladders leading to upper floors or the roof shall be visually screened from streets and main entries. The screening materials and design shall be incorporated into the architectural design of the overall building.
5. Roof access require handle rails shall be screened or collapsible so that there are out of sight.

C. *Non-residential Uses*

1. Ground, building and roof mounted mechanical and utility equipment such as heating and air conditioning, refrigeration, electrical, meters, storage tanks, transformers, backflow prevention devices shall be fully screened from public and private streets, areas accessible to the general public, and from areas zoned single family residential.
2. Exterior mounted stairs leading to upper floors or the roof shall be visually screened from streets and main entries. The screening materials and design shall be incorporated into the architectural design of the overall building and materials.
3. Roof mounted mechanical equipment shall be fully screened by a parapet wall or other architecturally integrated building elements equal to or exceeding the height of the mechanical units by at least 10 percent.
4. If the Planning Manager or designee 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 for approval.
5. HVC ground mounted equipment is limited to equipment mandated by utility companies or the Town utility equipment such as electric and gas meters, junction boxes, and similar equipment and such equipment shall be screened using architecturally compatible fences, walls or landscaping.
6. Service entrance section (SES) panels shall either be fully recessed into the building elevation with lockable exterior doors or shall be screened by a decorative screening equal to or exceeding the height of the SES panel per utility company standards. Doors, screens and gates shall be painted to match the adjacent wall color.
7. All mechanical and utility equipment shall be coordinated with and meet the utility company's design guidelines prior to submittal.
8. No mechanical or utility equipment shall be located within the sight

visibility triangle.

9. See Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities in this Zoning Code for additional equipment screening regulations.

5.2.13 Refuse and Recycling Enclosures

- A. Refuse and Recycling Enclosures shall adhere to the following general criteria:
 1. All refuse and recycling containers, enclosures and facilities shall meet the Town Engineering and Construction Standards.
 2. Solid opaque enclosures for refuse and recycling container storage are required for all multi-family residential and all non-residential developments, except if refuse and recycling containers are permanently located in rear screened service courts, screened loading docks or gated enclosed service yards not visible to the public.
 3. Refuse and recycling enclosures shall not be located in any required perimeter landscape area.
 4. Containers not requiring a dedicated enclosure may not be located closer than 3 foot to a property line or wall.
 5. Refuse and recycling enclosures shall be set back a minimum of three (3) feet from any access aisles, driveways, travel ways or parking stalls, as measured from the face of curb.
 6. Enclosure gates shall not open into any access aisles, driveways, travel ways, parking spaces, pedestrian path or required landscape areas.
 7. Refuse and recycling enclosures shall be a minimum height of six (6) feet and shall fully screen containers, compactors, and similar equipment from view.
 8. Chain link enclosures and gates are prohibited as a refuse and recycling enclosure.
 9. Compactors are highly encouraged in the Regional Commercial, General Commercial, Mixed-Use and Multi-Family zoning districts or for any intensive development.
 10. Enclosures shall be protected from adjacent driveways by a six (6) inch, poured-in-place concrete curb or situated within a parking lot landscape

island.

5.2.14 Utilities

- A. On-site electric utility, cable television, and all other communication and utility distribution lines providing direct service to any property shall meet the Town Engineering and Construction Standards.
- B. All backflow prevention devices shall follow the Town Engineering and Construction Standards.

Section 5.3 Circulation, Parking and Loading

5.3.1 Purpose and Intent

The purpose and intent of the Circulation, Parking and Loading regulations are to:

- A. Ensure that adequate but not excessive parking is provided for new land uses and major alterations to existing uses to meet the parking needs created by such uses.
- B. Establish regulations for new uses, new or relocated buildings and buildings that have been altered or expanded.
- C. Ensure that off-street parking and loading areas are designed and located to protect the public safety, minimize congestion, reduce solar heat gain, minimize traffic conflicts and congestion on parking aisles and streets, and buffer surrounding land uses and public areas from visual and noise impacts.
- D. Ensure pedestrian-friendly parking areas by providing for safe pedestrian routes, parking lot lighting, parking spaces sized for contemporary vehicles, and trees for shade.
- E. Provide for the accessibility needs and requirements of disabled persons, the aged, expectant mothers and other persons with designated needs.
- F. To ensure that new project design, alterations and expansions of existing projects are coordinated with approved master plans, design guidelines and the Town Engineering and Construction Standards.

5.3.2 Applicability

These regulations apply to new uses and expansion of existing uses and/or structures.

5.3.3 General Provisions

All required parking shall be located on site, except as provided for in this section. Technical Variances to the Town Engineering and Construction Standards do not relieve an applicant from fully complying with the requirements and/or intent of the Zoning Code.

A. ***Required Parking/Parking Lot Landscaping for Structures that are Altered***

The parking and parking lot landscaping requirements may be found in the [Landscape](#) section. Once an existing site is altered the current Zoning Code development standards shall apply. When a non-conforming site or structure is altered, the non-conforming parking and landscaping shall be modified to eliminate the non-conformity unless the property owner shows this it is not possible to entirely eliminate the non-conformity. The percentage of the parking

and landscaping that is permitted to remain non-conforming shall be determined by the Planning Manager through the Design Review process.

B. *Uses Not Mentioned*

Parking requirements for a use not identified in this section shall be determined by the Zoning Administrator based on parking requirements for the most similar use under this Zoning Code or on other parking manual that addresses the use in a manner consistent with the Zoning Code. The Zoning Administrator may require submission of a minor or major parking study as described in Subsection 5.3.4 depending on the scale and complexity of the site.

C. *Fractional Spaces*

If the number of parking spaces required in this section results in a fraction, the required number shall be rounded to the nearest whole number. For example, if the computed requirement equals 9.5 spaces, 10 spaces are required. If the computed requirement equals 9.4 spaces, 9 spaces are required.

D. *Computation of Required Parking for Residential Use*

Residential parking for multi-family uses shall be based on the number of bedrooms. Any rooms defined as bedrooms by the Town of Gilbert building code shall be counted as a bedroom for the purpose of determining off-street parking requirements.

E. *Visitor Parking*

On-street parking may be counted toward the visitor parking requirement for developments in the Single Family Detached (SF-D), Single Family Attached (SF-A), Mixed-Use and Multi-Family zoning districts provided that the street has a minimum 8.5 foot wide legal parking area exclusive of travel lanes. To qualify as one visitor parking space, there shall be an uninterrupted 22 foot long space and a sidewalk adjacent to the parking side of the street and abutting the subject property. The Town may require on-street visitor parking spaces to be striped.

F. *Off-Site Parking for Heritage Village Center, Mixed-Use and Gateway Zoning Districts*

Where a non-residential use in the Heritage Village Center, Mixed-Use or Gateway zoning districts cannot provide all the required parking spaces on-site, off-site parking may be approved by an Administrative Use Permit. The application may require additional information upon staff request, but in all cases shall include:

1. Information regarding where the required off-site parking spaces will be located, which must be within 1,000 feet of the use.
2. Information regarding how the off-site parking spaces shall be improved to the standards set forth in this Zoning Code and the Town Engineering and

Construction Standards.

3. Easements for construction, utilities, access, parking and maintenance which shall be recorded in a form satisfactory to the Town Attorney.
4. Information regarding how all State and Federal accessibility requirements shall be met.

The Administrative Use Permit shall terminate if the use or uses change.

G. *Infill Development or Major Site Renovation*

Non-residential infill development in a non-residential zoning district or the major renovation of an existing non-residential use in a non-residential zoning district may have up to 50% off-site parking pursuant to an Administrative Use Permit if the application for the permit shows the following requirements are met:

1. The lot to be used for parking is located within 500 feet of project property line and is not across an arterial street
2. The lot to be used for parking is also within a non-residential zoning district
3. The lot to be used for parking is exclusively for the subject use. If the lot is to be shared by more than one use/user, it must meet the Shared Parking requirements of this Zoning Code. If property to be used for parking is not owned by the same owner as the project property generating the use, the off-site area shall be used in conjunction with a recorded, non-cancelable lease, renewable in a minimum of five (5) year increments. A copy of the executed and recorded lease shall be provided to the Town Engineer. The lease shall remain permanently in effect to satisfy the parking requirements of this section.

H. *Temporary Overflow Parking*

Vacant land within an overall approved Planned Area Development master concept or phased master plan may be used for overflow parking when a special event temporarily exceeds the parking required on-site by this Zoning Code. The overflow parking lot shall be required to provide a maintained dust control surface and may require striping. Vehicles parked in an overflow lot may not exceed 24 hours per vehicle. The overflow parking lot shall be documented and approved as part of a master concept or plan with a specific end date.

I. *Temporary Use of Parking Areas*

Unless permitted pursuant to the Supplemental Regulations for temporary use in

this Zoning Code the use of parking areas for other than parking is prohibited.

J. ***Parking for Age Restricted Uses or the Americans with Disabilities Act***

A reduction in parking requirements for a multi-family age restricted use may be approved by an Administrative Use Permit where the project is restricted by covenant or deed restriction to residents older than 55. Any such approval shall be based on a minor parking study, as described in subsection 5.3.4, or other acceptable evidence that supports the requested parking reduction. In no event shall required parking be reduced below 0.5 parking spaces per dwelling unit. Parking requirements for the multi-family use shall revert to those specified in this section if age restrictions are no longer in effect.

K. ***Recreational Vehicles and Trailers***

No recreational vehicle or trailer shall be parked in the front or side setback visible from the street, except on a driveway or additional parking space permitted in this section.

Except as permitted under [Site Regulations](#) for Incidental Dwelling Units in this Zoning Code no recreational vehicle or trailer shall be rented or permanently occupied.

L. ***Inoperable Vehicles***

Inoperable vehicles shall be located at a business engaged in Vehicle Services or Motor Vehicle Sales and Leasing, or be completely screened from view by an opaque wall taller than the vehicle, or in a fully enclosed building. Tarping or temporary fencing is not to be considered screening.

M. ***Abandoned Vehicle***

The parking of an abandoned vehicle is prohibited in all zoning districts.

N. ***Prohibited Parking***

Parking shall be prohibited in the following locations:

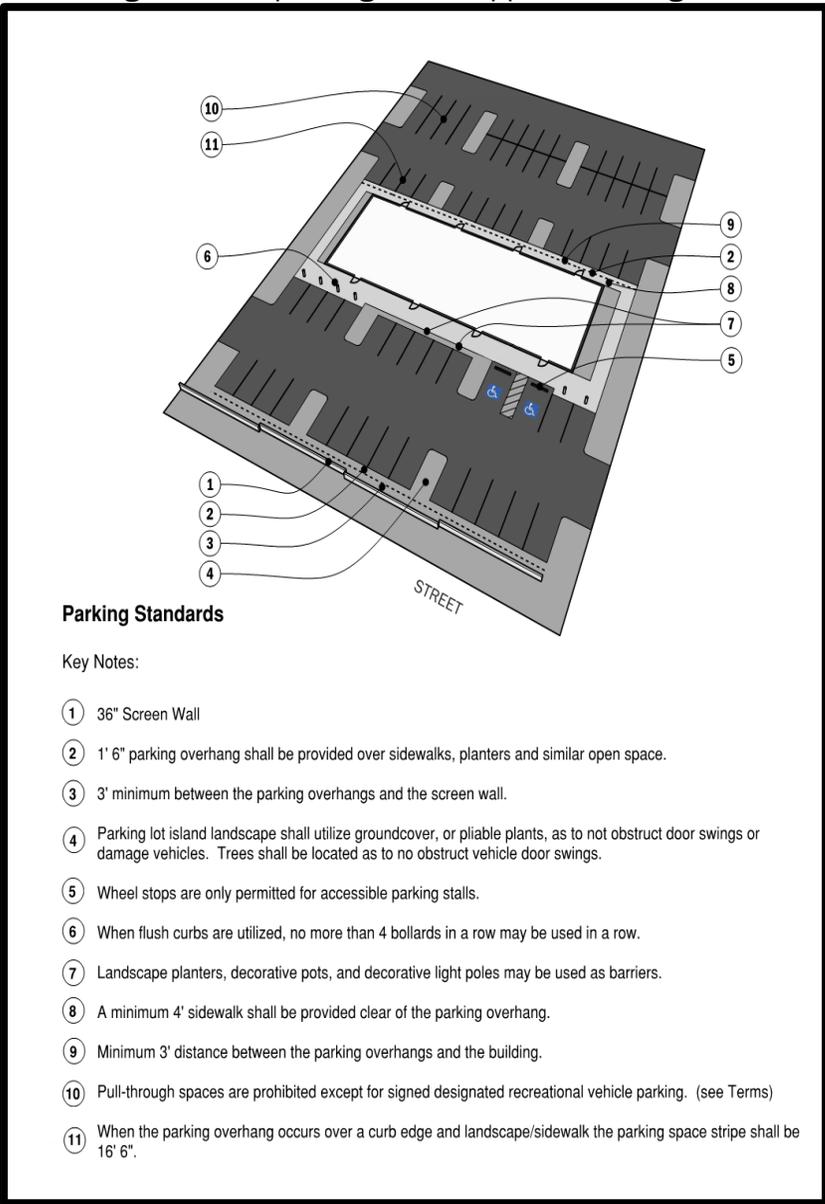
1. Required front, side or rear landscape areas.
2. Unimproved properties or portions of properties in non-residential and multi-family districts.

3. Outside areas not designated for parking on an approved Design Review plan or as otherwise authorized in this section.

O. Separation from Buildings

Parking spaces shall be separated from a non-residential or multi-family building by one of the following methods:

1. A six (6) inch vertical curb, the 30 inch parking overhang and a minimum three (3) foot wide foundation landscape area. Six (6) foot total distance.
2. A six (6) inch vertical curb, 30 inch parking overhang over concrete, a minimum four (4) foot sidewalk and a minimum three (3) foot foundation landscape area. Ten (10) foot total distance.
3. A minimum four (4) foot wide at-grade sidewalk and a minimum three (3) foot foundation landscape planter. Seven (7) foot total distance. No parking overhang shall occur over the sidewalk, unless specifically permitted below. The at-grade/flush sidewalk shall be protected by a combination of bollards, light poles, raised planters and/or sculpture. No



more than four (4) bollards in a row are permitted.

P. *Parking Overhang*

1. Non-Opposing Overhangs

Vehicles may overhang landscape areas or sidewalks by 30 inches provided that:

- a. The overhang does not interfere with the base of any structure, screen wall, raised planter, seating bench, fence, utility equipment, tree trunk, light pole or light base.
- b. The unobstructed width of the sidewalk, exclusive of the 30 inch overhang, is not less than four (4) feet.
- c. The allowable overhang does not reduce any landscape planter width below three (3) feet to allow for screen wall clearance and landscape.
- d. No part of any parked vehicle extends into any required landscape area or beyond any property line.

2. Opposing Overhangs

- a. Where parking spaces are on opposite sides of a landscape area or sidewalk or combination thereof, the landscape area or sidewalk shall be at least nine (9) feet in width.

Q. *Land Locked Parcels*

1. All parcel or lots shall have legal recorded access.
2. The access shall have a minimum width of 20 feet

R. *Parking Wheel Stops*

Concrete or metal parking wheel stops held in place by steel posts or placed directly on the parking surface are prohibited except for accessible spaces as specified by State and/or Federal Law.

S. *Side Clearance*

Each parking space located at the end of a row adjacent to a landscape island shall provide a two (2) foot wide area that is clear of permanent vertical obstructions more than six (6) inches in height, exclusive of landscaping. Landscaping in the side clearance shall be located as to not obstruct typical

access to a vehicle.

T. *Tandem Parking*

1. *Single Family Residential.* Required parking spaces internal to a garage or carport may be tandem.
2. *Multi-Family Residential.* Tandem parking spaces shall only be approved for multi-family parking in addition to the required parking. The tandem spaces may be located internal to a required garage or carport parking space or external to the required garage or carport. Both parking stalls shall be assigned to the same dwelling unit.
3. *Non-residential.* Tandem parking spaces shall only be approved for full-time valet or attended parking.

U. *Pull-Through Parking Spaces*

Single parking rows/spaces are required to pull in toward a landscape island or planter and shall not pull straight through from one drive aisle to another, except for designated recreational vehicle parking spaces.

V. *Striping*

1. Where a parking space utilizes a parking overhang the parking space stripe shall be 16 feet 6 inches in length as designated with four (4) inch wide lines of white or other contrasting color paint.
2. Where a parking space does not utilize a parking overhang the parking space stripe shall be 19 feet in length as designated with four (4) inch wide lines of white or other contrasting color paint. A flush curb condition shall protect the adjacent development through the use of bollards with a maximum of four (4) in a row, raised landscape planters, planter pots, signage, decorative lighting or public art.
3. All striping shall be maintained to clearly identify each space.
4. Alternative delineation may be approved by the Planning Manager.

W. *Pavement Edge Protection*

All permanent uses other than individual single family residential lots shall provide a six (6) inch, poured-in-place concrete curb or other approved material for all parking areas and drive aisles abutting landscaped areas. The curbing design shall meet the Town Engineering and Construction Standards.

5.3.4 Off Street Parking Deferrals and Reductions

A. Parking reductions

Where a business or use may have a unique parking demand, structural limitation impacting building occupancy, or a transportation plan that may measurably reduce parking demand for a given use or set of uses, a parking reduction may be approved as follows:

1. Proposed reductions between 1% and 10% of the total requirement for off-street parking for non-residential development may be approved administratively by the planning manager pursuant to administrative relief. The application shall include a minor parking study. No application for administrative relief under this section will be deemed complete without submission of a waiver of claims for diminution in value pursuant to Arizona Revised Statutes, §§ 12-1131 through 12-1138, as amended, executed by all the owners of the property.
2. Proposed reductions above 10% and up to 25% of the total requirement for off-street parking for non-residential development may be approved by an Administrative Use Permit. The application may require additional information as requested by the Planning Manager, but in all cases shall include a minor parking study.
3. Proposed reductions above 25% and up to 50% of the total requirement for off-street parking for non-residential development and proposed reductions between 1% and up to 25% of the total requirement for off-street parking for residential development may be approved through a Conditional Use Permit. The application may require additional information as requested by the Planning Manager, but in all cases shall include a major parking study.

Any parking reduction approvals shall terminate if the use or uses change.

B. Shared parking

Where abutting or nearby businesses/uses generate parking demand at differing peak hours or where uses generate shared trips, a parking reduction based on shared parking may be approved:

1. Shared parking reductions up to 10% of the required parking may be approved as part of a design review application in the Mixed-Use/Small (MU/S), Mixed-Use/Large (MU/L), and Mixed-Use Regional (MU/R) zoning districts with submittal of a minor parking study.
2. For zoning districts that do not allow shared parking by right, per section 5.3.6. A, a shared parking reduction of up to 50% of the required parking may be approved through an Administrative Use Permit, and is subject to

the following:

- a. The nearby use shall be within 1000' feet of the subject site and not separated by an arterial street
- b. The application may require additional information as requested by the Planning Manager, but in all cases shall include a minor parking study and proposed documents for recording cross-easements and maintenance agreements satisfactory to the town attorney.

Any parking reduction approvals shall terminate if the use or uses change.

C. Deferred parking

Where a business has or will have a unique parking demand, a deferral of up to 50% of the required parking may be approved by an administrative use permit. A deferral is not a permanent parking reduction. The application may require additional information upon staff request, but in all cases shall include:

1. A minor parking study
2. A site plan showing all required parking areas and parking areas reserved for deferred parking.

The administrative use permit shall terminate if the use or uses change.

D. Parking study requirements

1. A minor parking study shall require:
 - a. Proposed density for a development's uses, in units /rooms for residential/lodging uses and in gross land area or gross floor area for all other uses,
 - b. A summary of the reduction requested from the standard parking requirements in percentage and number of spaces,
 - c. A calculation of the development's typical peak parking demand for weekdays and weekends justifying the requested reduction, including the following factors as applicable:
 - Base-parking ratio for each use;
 - Mode-split reduction for each use (the percentage of people expected to drive rather than use other transportation options) including information on amenities provided to encourage alternate transportation options such as increased bicycle

parking or on-site showers for employees;

- Captive reduction for each use (the percentage of people expected to visit a particular use at the development when they are already on-site for another purpose); and
 - Presence factor for each use (the percentage of daily visitors to the use as expected to be present at the peak hour).
- d. A description of the methodology used for developing each of the factors listed above, and
- e. Qualifications of the preparing firm or individual.
2. A major parking study shall require:
- a. Proposed density for a development's use, in units /rooms for residential/lodging uses and in gross land area or gross floor area for all other uses,
- b. A summary of the reduction requested from the standard parking requirements in percentage and number of spaces,
- c. A calculation of typical peak parking demand for the development on weekdays and weekends justifying the requested reduction, including the following factors as applicable:
- Base parking ratio for each use;
 - Mode split reduction for each use (the percentage of people expected to drive rather than use other transportation options) including information on amenities provided to encourage alternate transportation options such as increased bicycle parking or on-site showers for employees;
 - Captive reduction for each use (the percentage of people expected to visit a particular use at the development when they are already on-site for another purpose); and
 - Presence factor for each use (the percentage of daily visitors to the use as expected to be present at the peak hour).
- d. A description of the methodology used for developing each of the factors listed above, and
- e. Parking inventory and occupancy counts for three (3) comparable properties demonstrating similar demand ratios, as evidenced by peak occupancy counts, to those requested by the applicant,

subject to the following provisions:

1. Requirements for occupancy counts: occupancy counts must be conducted a minimum of two times on a weekday and one time on a weekend for each property, with a mix of morning, afternoon, and evening/late night periods as appropriate for the uses. Prior to submittal, the applicant shall obtain written approval of the proposed occupancy county days and time periods. The Planning Manager, at their discretion, may approve alternate requirements for occupancy counts upon written request describing justification for alternate counts.
 2. Requirements for choosing comparable properties: comparable properties selected must be sized similarly and have programming similar to the proposed development with similar or identical uses. The property must be located in Gilbert or, if no suitable property in Gilbert exists, in a community similar in population, size, and accessibility to transit networks/transportation choices. Prior to submittal, the applicant shall obtain written approval of the proposed comparable development locations from town staff prior to collecting any data.
- f. Qualifications of the preparing firm or individual. A licensed engineer in the State of Arizona shall stamp the traffic study.

5.3.5 Parking on Single Family Residential Lots

- A. One additional uncovered parking space may be constructed next to a driveway, carport or garage provided that:
1. The additional space is located on the side of the driveway, carport or garage closest to the property line except on corner lots, the parking space shall not be constructed abutting the side street.
 2. The space may be within the side building setback, provided that on corner lots, the parking space shall not be constructed in the side street setback area.
 3. The parking space size shall be nine (9) feet by 19 feet, minimum.
 4. The parked vehicle shall not be parked so that access to the vehicle

encroaches upon a neighboring property.

5. No parked vehicle may obstruct or encroach on a sidewalk.
 6. Access to the parking space shall be via a curb cut, rolled curb, or driveway.
 7. The parking space shall have a surface of asphalt, concrete, pavers, decomposed granite or gravel. The surface may consist of two (2) parallel asphalt, concrete or paver strips. The area between such parallel strips shall be landscaped with vegetative or non-vegetative ground cover.
 8. No motor vehicle, recreational vehicle, boat or trailer shall be parked in the front or side setback visible from the street, except when parked on a driveway or additional parking space. The motor vehicle, recreational vehicle, boat or trailer may not block access to a required residential parking stall, carport or garage.
 9. Inoperable motor vehicles shall not be parked in front yards. Inoperable motor vehicles may be parked in a rear or side yard when located behind an opaque fence, wall or gate and completely screened from view. Temporary fencing is not considered adequate screening.
- B. One commercial vehicle with a manufacturer's gross vehicle weight rating of more than five (5) tons may be parked on residential lots or parcels one (1) acre or larger, subject to the following conditions:
1. The vehicle shall not be parked in the required front or street side setback area.
 2. The vehicle shall be parked behind a minimum six (6) foot high solid wall, fence or gate.
 3. The vehicle shall be parked no closer than ten (10) feet from any property line.

5.3.6 Required Parking

This section sets forth parking space requirements for all zoning districts.

A. ***Shared Parking***

1. Shared parking shall be required for uses within the Gateway Village Center, Gateway Business Center, Shopping Center and Regional Commercial zoning districts, excluding hotels, residential and congregate care.
2. The shared parking shall be depicted and noted on an approved master

site plan's data table.

3. Dedication of cross access easements, construction easements and utility easements shall be noted on the master site plan and recorded.
4. Dedications shall be provided to the Town during the construction process.

5.3.6.A Shared Parking for Shopping Center and Regional Commercial Districts	
<i>Use Classification</i>	<i>Requirement (Gross Floor Area)</i>
Shopping Center	1 space per 250 sf.
Gateway Village Center, Gateway Business Center and Regional Commercial	1 space per 200 sf.

B. Required Parking

5.3.6.B Off-Street Parking Requirements	
<i>Use Classification</i>	<i>Requirement (Gross Floor Area)</i>
Agritainment	Determined by Zoning Administrator
Ambulance Services	1 space per 250 sf.
Animal Services	
<i>Animal Grooming</i>	1 space per 250 sf.
<i>Animal Shelter</i>	1 space per 250 sf.
<i>Feed and Tack Sales</i>	1 space per 350 sf.
<i>Kennel</i>	1 space per 250 sf.
<i>Large Animal Hospitals</i>	1 space per 300 sf.
<i>Small Animal Clinics</i>	1 space per 250 sf.
Automated Teller Machine	None required
Automated Teller Machine, Remote	2 spaces per machine
Banks and Other Financial Institutions	1 space per 200 sf.
Banquet Facility	Determined by Zoning Administrator
Bed and Breakfast Homes	2 enclosed spaces; plus 1 space per guest room
Building Maintenance Services	1 space per 300 sf..
Building Material and Home Improvement Sales and Service, Retail	1 space per 250 sf.
Building Material and Home Improvement Sales and Service, Wholesale	1 space per 800 sf.
Business Services	1 space per 250 sf.
Call Center	1 space per 150 sf.
Cemetery	None required
Cemetery, Pet	None required
Civic, Social and Fraternal Organizations	1 space per 200 sf. or 1 space per 4 fixed seats, whichever is greater
Colleges or Universities, Public or Private	1 space per 200 sf. of classroom and office area
Congregate Living Facility	0.5 spaces per unit
Contractor's Yard	1 space per 250 sf. of office area
Convention Center	1 space per 200 sf. or 1 space per 4 fixed seats, whichever is greater
Crematorium	1 space per 300 sf.
Crop and Animal Raising, Commercial	None required

5.3.6.B Off-Street Parking Requirements	
<i>Use Classification</i>	<i>Requirement (Gross Floor Area)</i>
Crop Raising, Non-Commercial	None required
Cultural Institutions	1 space per 200 sf. or 1 space per 4 fixed seats, whichever is greater
Day Care Centers	1 space per 300 sf.
Day Care Homes	No additional spaces required
Day Care , Residential	No additional spaces required
Dry Cleaning and Laundry Outlet	1 space per 250 sf.
Dry Cleaning and Laundry Central Plant	1 space per 300 sf.
Eating and Drinking Establishments <i>Bars/Night Clubs/Lounges/Dance Halls</i>	1 space per 100 sf.; plus 1 space per 400 sf. of outdoor dining area
<i>Restaurants, Beverage Service</i>	1 space per 75 sf.; plus 1 space per 400 sf. of outdoor dining area
<i>Restaurants, Full Service</i>	1 space per 100 sf.; plus 1 space per 400 sf. of outdoor dining area
<i>Restaurants, Limited Service</i>	1 space per 100 sf.; plus 1 space per 400 sf. of outdoor dining area
Entertainment and Recreation, Indoor	1 space per 150 sf. of indoor area
Entertainment and Recreation, Outdoor	2 spaces per court; 45 spaces per soccer field; 35 spaces per baseball or softball field; 1 space per batting cage; 2 spaces per miniature golf hole
Farm Stand	1 space per 50 sf. of sales area
Farmers' Market	1 space per 50 sf. of sales area
Food Preparation <i>Large-Scale</i>	1 space per 300 sf.
<i>Small Scale</i>	1 space per 250 sf.
Funeral and Undertaking Services	1 space per 100 sf. of assembly area; plus 1 space per 200 sf. of office area
Garden Supply Store and Plant Nurseries	1 space per 400 sf. of sales and display area
Golf Course	5 spaces per hole
Government Offices and Facilities	1 space per 200 sf.
Group Homes for The Handicapped	No additional spaces required
Haunted House	1 space per 100 sf.
Health Care Facilities <i>Hospital</i>	1.5 spaces per bed
<i>Urgent Care Facility</i>	1 space per 100 sf.
<i>Medical Offices and Clinics</i>	1 space per 150 sf.
Home Occupation	No additional parking required
Homeowners Association Facilities	1 space per 250 sf. building area
Hotels and Commercial Lodging	1.1 spaces per guest room, suite or unit; public eating and drinking establishments calculated separately
Instructional Services Specialized	1 space per 200 sf. of instructional area
Laboratories, Commercial	1 space per 150 sf.
Laundry Services	1 space per 250 sf.
Loft Unit	1.5 spaces per unit
Maintenance and Repair Services	1 space per 300 sf.

5.3.6.B Off-Street Parking Requirements	
<i>Use Classification</i>	<i>Requirement (Gross Floor Area)</i>
Manufacturing and Assembly	
<i>Artisan</i>	1 space per 500 sf.
<i>Light</i>	1 space per 500 sf.
<i>General</i>	1 space per 500 sf.
<i>Heavy</i>	1 space per 1,000 sf.
Mining and Quarrying	1 space per 250 sf. of office area
Nursing Home	0.5 spaces per bed
Offices, General	1 space per 250 sf.
Pawn Shop	1 space per 250 sf.
Personal Services	1 space per 200 sf.
Public Safety Facilities	1 space per 250 sf.
Recreational Vehicle Park	1 space per 100 sf. of office area, plus 2 spaces per permanent residential unit
Place of Worship	1 space per 100 sf. of assembly area, plus 1 space per 200 sf. of other indoor area
Research and Development	1 space per 200 sf.
Residential, Permanent	
<i>Single Family (on-street parking permitted)</i>	2 enclosed spaces per unit. Residential uses in the Heritage District Overlay Zoning District may provide 2 unenclosed spaces on site
<i>Single Family (no on-street parking)</i>	2 enclosed spaces per unit; plus .25 guest spaces per unit; plus 6 guest spaces at the primary active open space and 3 guest spaces at each secondary active open space. Residential uses in the Heritage District Overlay Zoning District may provide 2 unenclosed spaces on site.
<i>Single Family, Lot Width is less than 55'</i> <i>or</i> <i>Single Family, Apron Access</i>	2 enclosed spaces per unit; plus 0.5 guest parking spaces per unit; plus 0.5 guest parking spaces per unit that does not provide a minimum of 80 square feet of additional enclosed parking area; plus 6 guest spaces at the primary active open space and 3 guest spaces at each secondary active open space. All required guest parking spaces shall be striped and equally distributed throughout the development, as approved on the parking plan; required dwelling unit guest parking spaces shall be located within 250 feet of the dwelling unit's front lot line, as measured by the pedestrian route. Parking plan design review approval required. These standards do not apply to residential uses in the Heritage District Overlay Zoning District (see above).

5.3.6.B Off-Street Parking Requirements	
<i>Use Classification</i>	<i>Requirement (Gross Floor Area)</i>
<i>Multi-Family</i>	1 space per 1 bedroom/studio unit. 2 spaces per 2 or more bedroom units; all plus .25 guest spaces per unit. 1 space per unit shall be covered, of which 25% shall be enclosed Residential uses in the Heritage District Overlay Zoning District may provide uncovered and unenclosed spaces on site.
<i>Secondary Dwelling</i>	1 additional space
Retail Sales, Convenience	1 space per 100 sf.
Retail Sales, Furniture	1 space per 500 sf.
Retail Sales, General	1 space per 250 sf.
Sexually-Oriented Business	1 space per 250 sf.
Schools, Public or Private	Elementary: 2 spaces per classroom Junior High: 2 spaces per classroom High: 7 spaces per classroom
Special Assistance Shelters	1 space per 500 sf.
Stables, Commercial	1 space per 2 horse stalls
Storage, Personal Property <i>Indoor</i>	8 spaces plus 2 covered spaces per dwelling unit
<i>Outdoor</i>	2 covered spaces per dwelling unit
Swap Meet and Auction, Indoor	1 space per 200 sf.
Swap Meet and Auction, Outdoor	1 space per 200 sf. of sales area
Teen Nightclub	1 space per 200 sf.
Transportation Passenger Terminals	Determined by Zoning Administrator
Utilities	
<i>Facilities</i>	1 space per 250 sf. of office area
<i>Service Yards</i>	1 space per 250 sf. of office area
<i>Well Site</i>	No additional spaces required
Vehicle Equipment Sales, Leasing and Services <i>Car Wash, Automated or Self-Service</i>	2 spaces minimum
<i>Car Wash, Full Service</i>	10 spaces minimum
<i>Commercial Vehicle/Equipment Sales and Rental; New and Used</i>	1 space per 250 sf. of indoor area
<i>Fueling Facility</i>	1 space per 100 sf. of convenience retail sales, plus 2 spaces per service bay
<i>Fueling Facility, Alternative</i>	1 space per fueling station
Vehicle Equipment Sales, Leasing and Services(continued) <i>Fueling Facility, Fleet</i>	None required
<i>Motor Vehicle Sales and Leasing, New and Used</i>	1 space per 250 sf. of interior display space; plus 1 space per 3 service bays; plus 1 space per 25 vehicles displayed outdoors
<i>Non-Commercial Vehicle Rental</i>	1 space per 100 sf.
<i>Vehicle Services, Light and Heavy</i>	3 spaces per service bay plus 1 space per 100 sf. of office and sales area
Warehousing <i>Freight/Truck Terminal and Warehouse</i>	1 space per 1000 sf. plus 1 space per 250 sf. office area
<i>Petroleum and Gas Storage</i>	1 space per 250 sf. of office area

5.3.6.B Off-Street Parking Requirements	
<i>Use Classification</i>	<i>Requirement (Gross Floor Area)</i>
Salvage or Junkyards	1 space per 200 sf. of office area
Waste Management Hazardous Waste Collection and Transfer Facility	1 space per 250 sf. of office area
Hazardous Waste Disposal Facility	1 space per 250 sf. of office area
Non-Hazardous Waste Collection Transfer Facility	1 space per 250 sf. of office area
Non-Hazardous Waste Disposal Facility	1 space per 250 sf. of office area
Non-Hazardous Material Recycling Collection Facility Large Scale	1 space per 250 sf. of office area
Small Scale	None required
Wireless Communication Facilities	None required

5.3.7 Uncovered and Covered Parking Spaces and Aisles

This section sets forth minimum dimensional requirements for open parking spaces, covered parking spaces, and spaces in parking structures. For on-street parking see Town Engineering and Construction Standards.

5.3.7.A Open Parking Spaces and Unobstructed Covered Parking Spaces (where the support structure of the cover is outside of the parking space) in feet				
<i>Space Angle</i>	<i>Space Width</i>	<i>Space Length</i>	<i>Aisle Width</i>	<i>Vertical Clearance</i>
Two Way Drive Aisle				
90 degrees	9.0	19.0	25.0	8.0
90 degrees	9.5	19.0	24.0	8.0
90 Degree Compact	9.0	16.0	25.0	8.0
One Way Drive Aisle				
0 degrees	10.0	14.0	22.0	8.0
30 degrees	9.0	15.0	20.0	8.0
45 degrees	9.0	16.0	20.0	8.0
60 degrees	9.0	17.0	20.0	8.0
Two Way Drive Aisle				
0 degrees	10.0	20.0	22.0	8.0
30 degrees	9.0	20.0	20.0	8.0
45 degrees	9.0	22.0	20.0	8.0
60 degrees	9.0	24.0	20.0	8.0

5.3.7.B Obstructed Covered Parking Spaces (where the support structure is on the parking space line) in feet				
<i>Space Angle</i>	<i>Space Width</i>	<i>Space Length</i>	<i>Aisle Width</i>	<i>Vertical Clearance</i>
Two Way Drive Aisle				
90 degrees	9.3	19.0	25.0	8.0
90 degrees	9.3	19.0	24.0	
One Way Drive Aisle				
0 degrees	10.3	14.0	22.0	8.0

5.3.7.B Obstructed Covered Parking Spaces (where the support structure is on the parking space line) in feet				
<i>Space Angle</i>	<i>Space Width</i>	<i>Space Length</i>	<i>Aisle Width</i>	<i>Vertical Clearance</i>
30 degrees	9.3	15.0	20.0	8.0
45 degrees	9.3	16.0	20.0	8.0
60 degrees	9.3	17.0	20.0	8.0
Two Way Drive Aisle				
0 degrees	10.3	20.0	22.0	8.0
30 degrees	9.3	20.0	20.0	8.0
45 degrees	9.3	22.0	20.0	8.0
60 degrees	9.3	24.0	20.0	8.0

5.3.8 Gated Parking Lots and Gated Structures

Gated parking lots and parking structures shall adhere to the Town Engineering and Construction Standards in addition to the standards below.

5.3.8.A Parking Structures (Multi-Family and Non-Residential) in feet				
<i>Space Angle</i>	<i>Space Width</i>	<i>Space Length</i>	<i>Aisle Width</i>	<i>Vertical Clearance</i>
Two Way Drive Aisle				
90 degrees	9.0	18.0	24.0	8.0
One Way Drive Aisle				
45 degrees	9.0	17.67 (17' - 8")	20	8.0
60 degrees	9.0	19.0	20	8.0

5.3.8.B Compact Parking (Multi-Family and Non-Residential) in feet			
<i>Parking Area</i>	<i>Space Width</i>	<i>Space Length</i>	<i>Additional Limitations</i>
Open	9.0	16.0	Drive aisle width is dependent on the design direction (see above). No more than 10% of the required parking may be compact. Compact parking shall be clearly signed.
Carport	9.3	16.0	
Parking Structure	9.0	16.0	

5.3.9 Private Garages for Single Family and Multi-Family Residential Dwelling Units

Required garage parking spaces shall be free and clear from permanent obstructions

5.3.10 Parking Access

- A. *Residential Uses*
 1. On public or private streets where a residential garage or carport is directly accessible from the street, it shall have a paved driveway not less than 20 feet in length, measured from the back of sidewalk to the face of the

garage door or vertical support post of the canopy structure. If no sidewalk exists, the driveway length shall be measured from the back of curb.

2. Where a residential garage or carport is directly accessible from an alley, easement or tract it shall have a paved apron of three (3) feet in length or a driveway of 20 feet in length as measured from the edge of the alley, tract or easement to the face of the garage door or vertical support post of the canopy structure. If a sidewalk exists in the alley, easement or tract, the apron or driveway shall be measured from the back of sidewalk.

B. *Multi-Family, Mixed-Use and Non-residential Uses*

1. Ingress and Egress

Each parking area shall have a driveway or driveways providing ingress to and egress from a public street or designated easement. Parking in Heritage Village Center, Mixed-Use/Small, Mixed-Use Large, Gateway Village Center and Gateway Business Center zoning districts may be directly accessed from an alley.

2. Parking Area Egress Aisles

Parking area egress aisles shall be perpendicular to the public street and level for a distance of at least 20 feet behind the sidewalk or pedestrian crossing unless otherwise agreed upon by the Town Traffic Engineer.

5.3.11 Driveways

A. *Single Family Residential*

1. A minimum driveway equal to the width of the parking stall or parallel drive strips that are a minimum 1 foot 6 inches each in width are required.
2. A minimum back up area of 24 feet shall be provided for side-oriented garages or parking spaces. Maneuvering or parking access shall not cross a property line.

B. *Multi-Family, Mixed-Use and Non-Residential*

1. Driveways ingress and egress for multi-family, mixed-use or non-residential parcels shall have a minimum width of 20 feet for one-way traffic and 30 feet minimum and 40 feet maximum for two-way traffic. One-way driveways shall be clearly identified and separated by a median.

5.3.12 Surfacing

Except as otherwise provided in this section, parking areas and spaces, access points, aisles, driveways, and travel ways shall be paved with masonry, asphalt, or concrete.

Pavers are not permitted in the public right-of-way. All paved areas shall be maintained to provide a surface free from cracks, holes, and pavement deterioration. All required pavement marking shall remain visible.

A. ***Single Family Residential Driveways - 50 feet or less***

That portion of a driveway within 50 feet of a right-of-way shall be a hardscape surface.

B. ***Single Family Residential Driveways - Greater than 50 feet***

That portion of a driveway within 50 feet of the right-of-way shall be improved with a hardscape surface. The remainder of the driveway may be constructed of concrete, masonry, asphalt, compacted decomposed granite, or other approved dust free surface.

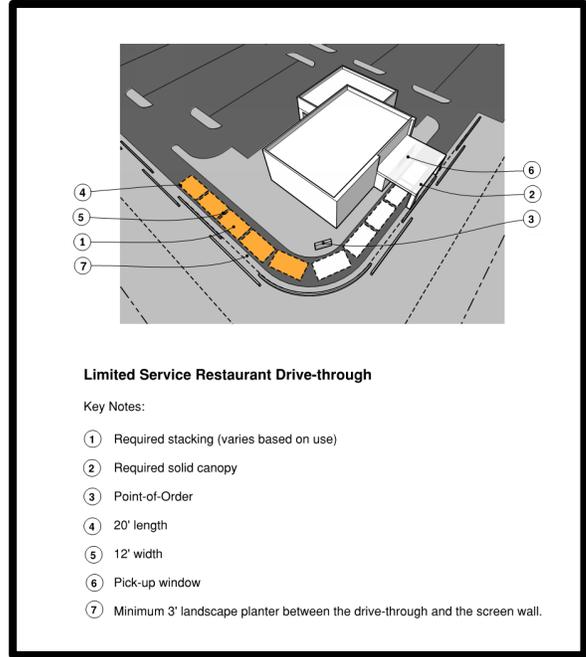
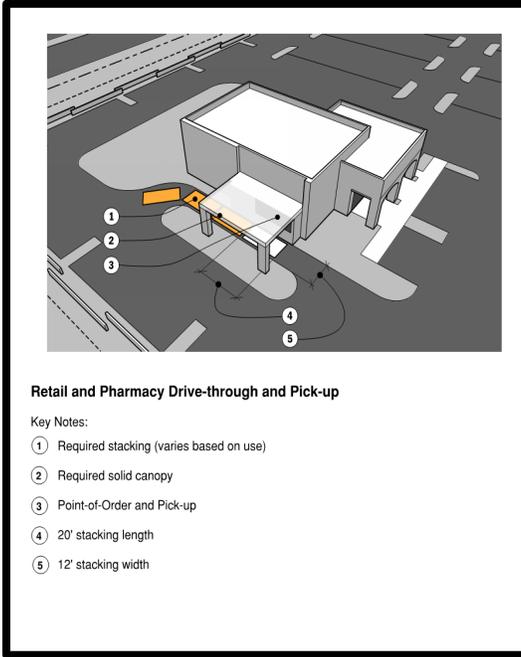
C. ***Alternative Paving Surface***

The Planning Manager may approve an alternative surface material for facilities that have limited or infrequent use.

5.3.13 Drive-Through and Take-Out Facilities

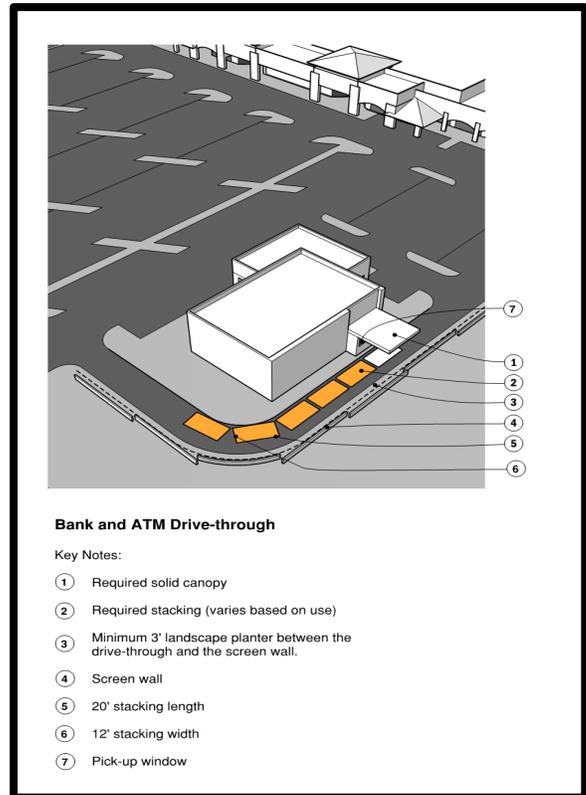
A. ***Drive-Through Facilities***

1. Drive-through facilities shall provide safe, unimpeded movement of



vehicles at street access points, in travel aisles and in parking areas.

2. Drive-through aisles shall be a minimum width of 12 feet.
3. Stacking spaces shall be a minimum of 12 feet wide by 25 feet in length.
4. Drive-through aisle shall have a minimum interior turning radius of 15 feet and an exterior turning radius of 30 feet.
5. Drive-through aisles shall be screened from public and private streets, interior ingress and egress driveways, areas accessible to the general public and residential uses. Screening shall be by one of the following:



- a. A decorative opaque wall or fence constructed at a minimum height of three (3) and a maximum height of four (4) feet as measured

from the grade. Solid screen walls are required along arterials.

- b. A continuous non-deciduous landscape hedge.
- c. A combination of an opaque wall or fence and a non-deciduous landscape hedge.

6. A planted landscape area, of not less than three (3) feet, shall be provided on each side of a drive-through screen wall.

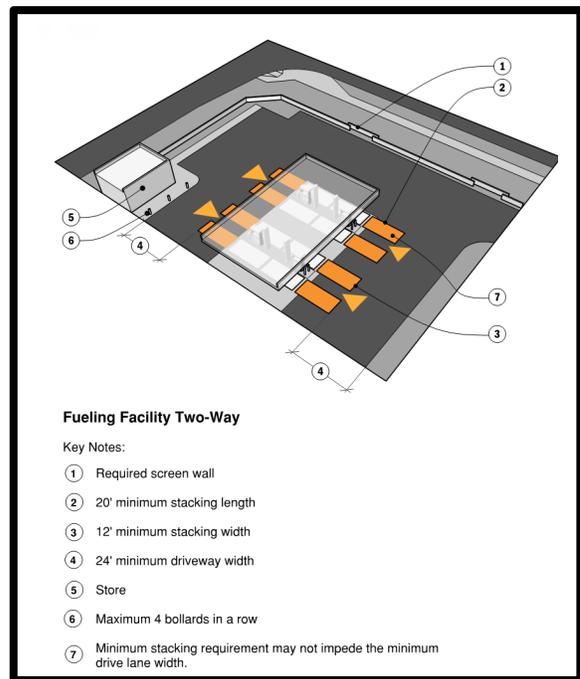
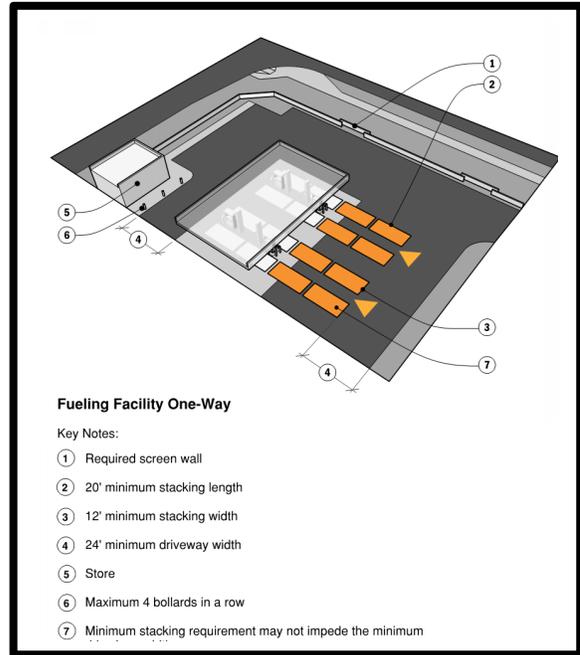
7. Drive through facilities shall have a full solid canopy over the exterior payment/pick-up window and drive lane.

8. Drive through facilities may have full or partial canopies at the menu board or point of order.

9. Drive through facilities that utilize exterior employees as the point of order shall provide safe walkways for the employees adjacent to the vehicular drive through lane and shade structures.

10. Required stacking space requirement shall begin behind the point of order and shall not include the point of order space.

11. For unique uses or uses not stated in this document the Zoning Administrator may modify the point of order and the number of stacking spaces and their location on either side of the point of order. However, at no time shall the total number of required spaces be reduced.



12. Vehicular stacking areas shall be provided in accordance with the following table:

Drive-Through Facility Stacking Space Requirements	
<i>Use Classification</i>	<i>Stacking Space Requirement</i>
Banks and Other Financial Institutions	3 spaces per teller or ATM drive-through
Eating and Drinking Establishments <i>Restaurants, Beverage Service</i>	3 spaces per window
<i>Restaurants, Limited Service</i>	4 spaces or if a double lane 2 per lane
Retail Sales, General <i>Dry Cleaning</i>	2 spaces per window
<i>Pharmacy</i>	2 spaces per aisle
<i>Photo drop</i>	1 space per window
Vehicle Equipment Sales, Leasing and Services <i>Car Wash, Automated or Self-service</i>	2 space per bay
<i>Car Wash, Full Service</i>	8 spaces minimum
<i>Fueling Facility</i>	1 space per pump and one space behind each pump on either end of the fueling island. The stacking shall not impede the required vehicular drive aisle.
<i>Fueling Facility, Alternative</i>	1 space per pump and one space behind each pump on either end of the fueling island. The stacking shall not impede the required vehicular drive aisle.
<i>Vehicle Services, Heavy</i>	1 space per service bay
<i>Vehicle Services, Light</i>	1 space per service bay

B. Take-Out Facilities

1. Eating and Drinking Establishments providing a walk-up designated take-out counter or window shall identify one or more parking spaces adjacent to the take-out entrance for exclusive use by take-out customers.
2. Takeout windows shall provide a solid canopy for climate control.

5.3.14 Passenger Loading

- A. Passenger loading areas shall be provided adjacent to the primary facility entrance or entrances.
- B. Passenger loading areas shall be identified/signed exclusively for this use.
- C. Passenger loading areas shall consist of either vehicle turnout lanes located

outside access aisles or oversized parking stalls.

1. A parallel passenger loading space shall be 12 feet x 20 feet with a minimum 12 foot bypass lane.
2. A 90 degree pull in passenger loading space shall be 12 feet wide by 19 feet long.
3. If the space is pull-in and abutting a landscape area, two- and one-half (2.5) feet of the 19 foot parking stall shall be the landscape overhang.

D. Passenger loading shall be provided in accordance with the following table.

Passenger Loading Requirements	
<i>Use Classification</i>	<i>Requirement</i>
Congregate Living Facility	1 space
Convention Center	5 spaces
Cultural Institutions	1 space
Day Care Centers	3 spaces
Entertainment and Recreation, Indoor	3 spaces per skating rink 2 spaces per swimming pool 1 space per performing arts facility 1 space per 3 theatre screens
Entertainment and Recreation, Outdoor	2 spaces per swimming pool 1 space per sports field or court 3 spaces per amphitheater
Government Office and Facilities <i>Large Scale</i>	2 spaces
Health Care Facilities <i>Hospitals</i>	2 spaces per public entrance
<i>Urgent Care Facility</i>	1 space
<i>Out Patient Surgery Centers, Medical Offices and Clinics (greater than 5,000 sf.)</i>	2 spaces per public entrance
Hotels and Commercial Lodging	3 spaces
Nursing Home	1 space
Place of Worship <i>Large Scale</i>	4 spaces
<i>Small Scale</i>	1 space
Schools, Public or Private	as determined by the Town Engineer
Transportation, Passenger Terminals	as determined by the Town Engineer

5.3.15 Vehicular Screening

Parking areas, drive aisles and automotive fuel pump islands within 75 feet of public or private streets shall be screened from view by a solid wall or fence. Non-deciduous landscaping or landscaped berming may substitute for walls or fences up to a maximum of 25 percent of the length of the required screening. Automotive dealerships are not required screening in the areas where cars are being displayed. Screening shall still apply to customer and employee parking areas on dealership lots. Screening shall be provided

in one of the following methods:

A. *Walls and Fences*

1. Walls or fences shall be a minimum of three (3) feet and a maximum of four (4) feet, measured from finish grade, exclusive of columns and decorative features.
2. Parking screen walls or fences shall not be located in public rights-of-way, street frontage landscape areas, or on top of any retaining walls.
3. Walls or fences shall be horizontally staggered a minimum of one (1) foot for every 50 to 100 linear feet or provide a significant design and/or material change within that dimension.
4. Walls or fences shall be set back a minimum of three (3) feet from the perimeter of any parking space, driveway, or any access aisle, as measured from the back of curb.
5. Walls or fences shall be constructed of durable materials that are consistent with the exterior building elevations. Decorative feature/detail shall be provided on both sides of the wall.
6. Walls and fences shall not be located in the site visibility triangle, see the Town Engineering and Construction Standards.

B. *Landscape*

1. Where landscaping is used as a screening method, it shall be planted and maintained as a continuous non-deciduous landscape hedge between three (3) feet and four (4) feet in height, measured from finish grade.
2. Landscape screening shall not be located in public rights-of-way, street frontage landscape areas, or on top of any retaining wall.
3. The landscape hedge shall be set back a minimum of three (3) feet from the perimeter of any parking overhang, driveway, or any access aisle.
4. Plant materials shall be of a non-deciduous species.
5. Landscaping located in the site visibility triangle shall meet the Town Engineering and Construction Standards.

C. *Berms*

1. Where a berm is used as a screening method, it shall be measured not less

than three (3) feet and not more than four (4) feet from finish grade.

2. Berm screening shall not be located in public rights-of-way.
3. The toe of the berm shall be set back a minimum of three (3) feet from the perimeter of any parking overhang, driveway, parking stall or access aisle.
4. The maximum slope of the berm shall meet the Town Engineering and Construction Standards.

D. *Exception*

1. A new screen wall shall not be required where an existing screen wall complies with the minimum height and intent of this section.
2. If a screen wall exists but shall be removed, a replacement wall will be required to be constructed by the property owner per current standards.
3. New screen walls shall not be located closer than 10 feet to an existing wall or fence to ensure ease of maintenance and to abate public nuisances.
4. Screen walls shall not be required to screen outdoor display of new or used motor vehicles for sale or lease when such display area is identified on an approved Design Review site plan. Required parking for these uses shall comply with the screening requirements of this section.

5.3.16 Parking Lot Lighting

- A. Parking lot light poles shall be located in a standard parking island, incorporated into a walkway or other pedestrian landscape.
- B. Concrete bases for light poles shall be a minimum of 30 inches from finished grade.
- C. Concrete bases for light poles shall be painted to match a primary exterior building color or material.

5.3.17 Parking Space and Aisle Setbacks at Arterial Driveway Entrances

A. *Parking Setbacks, Inbound Left Turns Permitted*

1. Parking spaces directly served by a driveway accessed from an arterial street where inbound left turns are permitted shall be set back:
 - a. NO (Neighborhood Office), GC (General Commercial), PF/I (Public Facility/Institutional) and all Employment Districts. A minimum of

60 feet from the arterial right-of-way.

- b. Within Mixed-Use/Small (MU/S), Mixed-Use/Large (MU/L), Mixed-Use/Regional (MU/R), Heritage Village Center (HVC), Gateway Village Center (GVC) and Gateway Business Center (GBC), setback shall be determined by the Town Engineer based on the overall density and intensity of the site.
- c. All Other Non-residential and Multi-Family Districts. A minimum of 80 feet from the arterial right-of-way.

B. *Parking Setbacks, Inbound Left Turns Not Permitted*

- 1. Parking spaces directly served by a driveway accessed from an arterial street where inbound left turns are not permitted shall be set back:



- a. NO (Neighborhood Office), , MU/S (Mixed-Use/Small), GC (General Commercial), and HVC (Heritage Village Center) Districts. A

minimum of 40 feet from the arterial right-of-way.

- b. NC (Neighborhood Commercial), GO (General Office), MU/L (Mixed-Use/Large), PF/I (Public Facility/Institutional), and all Employment Districts. A minimum of 60 feet from the arterial right-of-way.
- c. CC (Community Commercial), SC (Shopping Center), MU/R (Mixed-Use/Regional) RC (Regional Commercial), and Multi-Family Residential Districts. A minimum of 80 feet from the arterial right-of-way.

C. *Drive Aisle Setbacks*

- 1. Parking drive aisles intersecting and crossing a major driveway accessed from an arterial street shall be set back:
 - a. *NO (Neighborhood Office)*. A minimum of 20 feet from the arterial right-of-way.
 - b. *NC (Neighborhood Commercial), GC (General Commercial), MU/S (Mixed-Use Small) and all Employment Districts*. A minimum of 40 feet from the arterial right-of-way.
 - c. *CC (Community Commercial), SC (Shopping Center), GO (General Office), PF/I (Public Facility/Institutional), MU/L (Mixed-Use/Large) and Multi-Family Residential Districts*. A minimum of 60 feet from the arterial right-of-way.
 - d. *RC (Regional Commercial) and MU/R (Mixed-Use/Regional) District*. A minimum of 80 feet from the arterial right-of-way.
 - e. *Convenience Retail, Fueling Facility, and Limited Service Restaurant Uses in any District*. A minimum of 60 feet from the arterial right-of-way.

D. *Exceptions*

- 1. Minimum drive aisle setback requirements in the NO, NC, GC, HVC, GCV and GBC, MU/S, MU/L, MU/R, BP, LI, and GI districts may be modified by the Town Engineer or Designee. A Traffic Study is required to be submitted and approved by the Town Engineer to establish findings that more or less vehicle storage length is required to serve the development.

5.3.18 Off-Street Loading

A. *Commercial, Office and Employment Districts*

- 1. This section applies to any use having a gross floor area of 10,000 square

feet or more requiring the delivery or distribution of material or merchandise by trucks measuring 36 feet or more, including cab and trailer.

2. At least one (1) off-street loading space shall be provided. One additional loading space shall be provided for each additional 40,000 square feet of gross floor area over 10,000 square feet. Required loading spaces shall be maintained during the existence of the use.
3. Standards
 - a. Loading spaces shall not be closer than 100 feet to any residential zoning, or within 100 feet of a residential use, unless such loading spaces are within an enclosed building.
 - b. Each required off-street loading space shall be not less than 12 feet wide and 45 feet long.
 - c. Each required off-street loading space shall have a minimum clear height of 14 feet.
 - d. Each off-street loading space visible from a public street, within 200 feet of land zoned residential or within 200 feet of a residential use shall be enclosed on three sides by a solid wall or fence not less than 14 feet in height.
 - e. Truck maneuvering areas shall not encroach into required parking spaces or rights-of-way.
4. Off-street loading spaces are required for developments within mixed-use zoning districts where uses are present which are subject to the loading requirements of this section. Such developments may provide shared off-street loading facilities when multiple uses within the development are subject to loading space requirements of this section and the following standards are met:
 - a. All standards for off-street loading space dimensions and placement are met (See LDC 5.3.18.A.3),
 - b. Distance between uses is less than 400 feet.
 - c. Direct pedestrian access is provided from each use sharing loading spaces, provided access is no less than 6' width and less than 14' clearance at any point.
 - d. Placement of off-street loading space does not conflict with site circulation or movement by pedestrians, vehicles, or other modes

between uses.

- e. Shared off-street loading is approved by Administrative Use Permit.

B. *Customer Loading Zones*

1. This section applies to retail uses where customers take delivery of goods in non-commercial vehicles other than in designated parking spaces. Such uses are characterized by the sale of large or bulky items. Uses include home improvement, appliance, furniture, grocery, retail warehouse, and electronics stores.
2. A customer loading zone shall be provided for any use having a gross floor area of 25,000 square feet.
3. Standards
 - a. The loading zone shall be located within 50 feet of the primary exit or merchandise pick-up location. Customer loading is prohibited in designated fire lanes.
 - b. A loading zone shall be a minimum width of 10 feet wide and a minimum 30 feet in length.
 - c. The loading zone shall have a minimum clear height of 14 feet.
4. Customer loading zones are required for developments within mixed-use zoning districts where uses are present which are subject to the loading requirements of this section. Such developments may provide shared off-street customer loading spaces when multiple uses within the development are subject to loading space requirements of this section and the following standards are met:
 - a. All standards for off-street loading space dimensions and placement are met (see LDC 5.3.18.A.3).
 - b. Distance between uses is less than 200 feet.
 - c. Direct pedestrian access is provided between uses utilizing shared customer loading space(s) provided access is no less than 4' in width at any point and access meets ADA access requirements.
 - d. Placement of off-street loading space does not conflict with site circulation or movement by pedestrians, vehicles, or other modes

between uses.

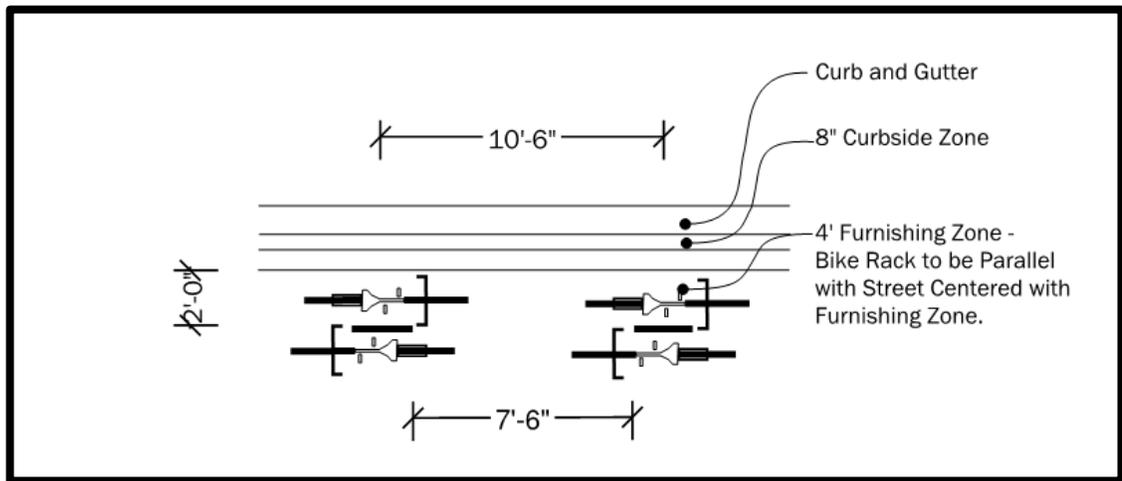
- e. Shared customer loading is approved by Administrative Use Permit.

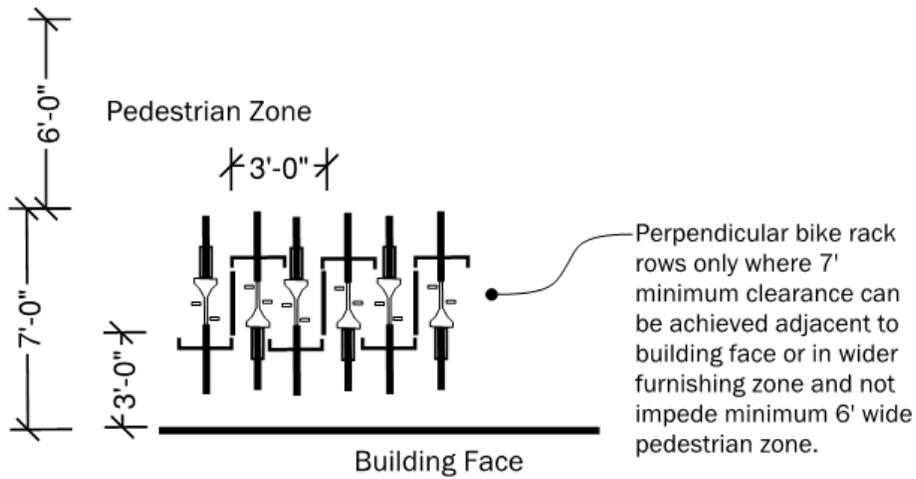
5.3.19 Bicycle Parking

- A. Land uses that are required to provide a least 40 vehicle parking spaces shall be required to provide four (4) bicycle parking spaces at each building entrance.
- B. Land uses that require less than 40 vehicle parking spaces shall be required to provide four (4) bicycle parking spaces.
- C. Single Family land uses are exempt from this requirement.
- D. The Planning Manager may determine the bicycle parking requirement for uses not identified in this - Zoning Code.
- E. Bicycle parking for uses in the SC and RC zoning districts shall be distributed throughout a project and addressed on the master site plan.
- F. Common or shared bicycle parking facilities may be provided for attached or in-line uses and addressed in the master site plan.
- G. Bicycle parking spaces shall be located on a paved surface within 20 feet of the building entrance.
- H. Bicycle parking spaces shall not encroach into any required landscaping or pedestrian access areas.
- I. Bicycle parking spaces shall measure two (2) feet by six (6) feet per space. A pre-manufactured bicycle rack or locker which differs from these dimensions may be approved by the Planning Manager.
- J. The bicycle rack shall be a stationary object permanently affixed to the ground or a structure to which the operator can lock the bicycle frame and wheels to the object. Bicycle lockers may be used.
- K. In no event shall any use be required to provide more than 100 bicycle parking spaces.
- L. For developments constructed within mixed-use zoning districts where multiple uses are subject to bicycle parking requirements of this section, shared bicycle parking within a single facility is permitted. In order for bicycle parking to be shared, the following standards are to be met:
 - 1. Bicycle parking shall be visible from all uses utilizing shared bicycle parking facility.
 - 2. Spaces shall be provided within shared bicycle parking facility to

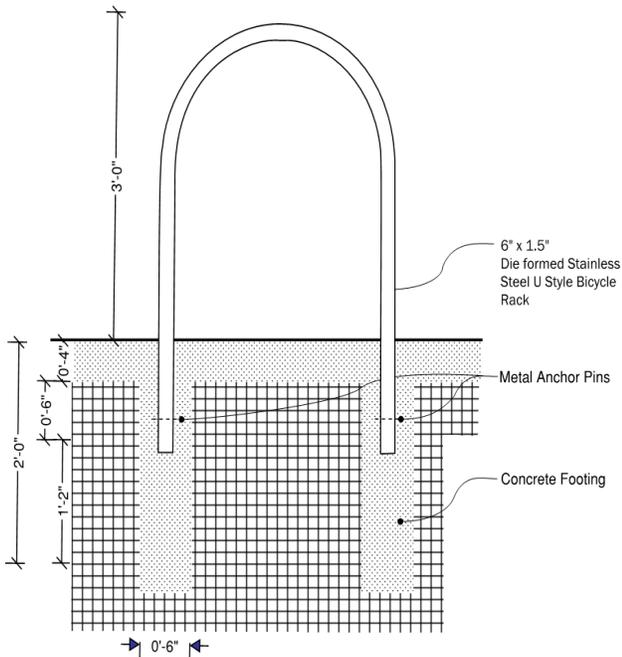
accommodate requirements for all uses utilizing shared facility.

3. A minimum of one security feature (direct lighting, lockers, racks with provision of two points of contact between bicycle and rack, locking mechanisms, or another approved method) shall be used to provide security for users of shared bicycle parking facility.
4. Pedestrian access shall be available between shared bicycle parking and
5. No use shall be greater than 300' from shared bicycle facility.



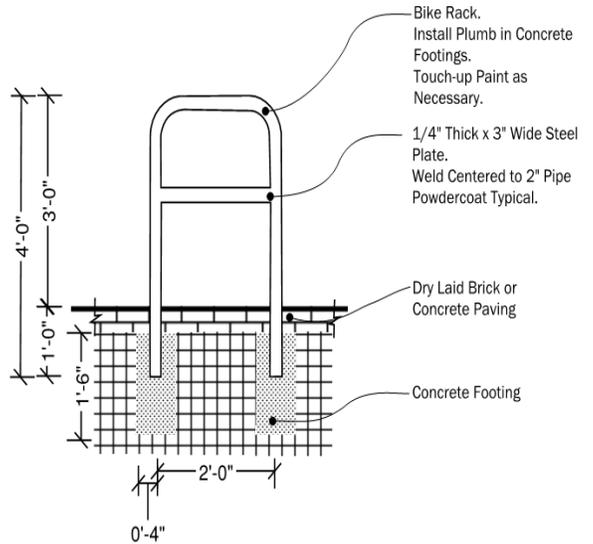


Bike Rack Spacing



Inverted U Bike Rack

Note:
Maintain Proper Drainage Away From Trail and Bike Rack.



Direct Bury Bike Rack

Note:
Bike Rack to be 2" Round
Schedule 40 Steel Pipe.
Bend to Form and Dimensions
as Shown.
Powdercoat RAL-6009.

Section 5.4 Landscape

5.4.1 Purpose and Intent

- A. Promote attractive development.
- B. Improve the appearance and character of areas surrounding new development.
- C. Minimize heat gain created by unshaded areas.
- D. Conserve energy by shading buildings from exposure to the sun.
- E. Minimize conflicts between potentially incompatible permitted land uses on adjoining lots or parcels.
- F. Provide consistent landscape requirements for similarly situated properties.
- G. Promote water conservation through the design of landscape areas and the selection of plant materials.

5.4.2 Applicability

- A. All new residential and non-residential subdivisions.
- B. All new construction other than individual single family residences.
- C. Additions of 25 percent or more to existing buildings and uses in all non-residential and multi-family residential districts
- D. New construction and expansion by 25 percent or more of all existing permanent non-residential uses in residential districts.

5.4.3 General Provisions

- A. See applicable base Zoning District for additional regulations.
- B. See Design Guidelines for additional standards.
- C. *Heritage District*

Landscaping requirements for parcels in the Heritage District Redevelopment Area shall comply with the [Heritage District Redevelopment Plan and Design Guidelines](#).

D. ***Gateway Character Area***

Landscaping requirements for parcels in the General Plan Gateway Character Area shall comply with the [Gateway Character Area Design Standards and Guidelines](#).

E. See [Subdivision Regulations](#) for additional standards.

F. See the Town Engineering and Construction Standards. Technical Variances to the Town Engineering and Construction Standards do not relieve an applicant from fully complying with the requirements and/or intent of the Zoning Code.

G. ***Landscaping Components***

Landscaping may include trees, shrubs, ground cover, vines, walkways, ponds, fountains, benches, sculpture, shade structures, and other materials used for enhancing the exterior appearance of a development or parking area.

H. ***Installation per Approved Plans***

All required landscaping shall be installed in accordance with the approved landscape plan prior to issuance of a final Certificate of Occupancy.

I. ***Minimum Area Requirements***

The minimum landscaping area and open space requirements for any non-residential or multi-family lot or parcel, non-residential subdivision, or non-residential use in a residential district, exclusive of streets, are set forth in the development regulations for each base zoning district. Additional landscaping and open space requirements for single family residential subdivisions are set forth in Subdivision Regulations in this Zoning Code.

J. ***Street Frontage and Landscape Requirements***

The minimum street frontage and perimeter landscaping area requirements for any non-residential or multi-family lot or parcel, residential or non-residential subdivision, or non-residential use in a residential district, exclusive of streets, are set forth in the development regulations for each base zoning district.

K. ***Driveways and Drive Aisles***

Driveways may perpendicularly cross through a required landscape area to allow for access. Otherwise, drive aisles shall not be located within required landscape areas.

L. ***Parking Overhang***

The landscape area beneath a parking overhang may be calculated towards the required landscaping area as long as it is landscaped with vegetation.

M. *Undeveloped Areas in Approved Design Review Plans*

Any portion of a lot or parcel not shown on an approved Master Site Plan depicting buildings, parking, driveways or sidewalks shall be landscaped with inorganic material for dust control purposes. Areas shown on a Design Review Master Site Plan for future development shall be protected from unauthorized vehicular access. In some cases, extruded temporary curbing may be permitted by the Planning Manager.

N. *Irrigation*

A programmable automatic irrigation system shall be provided to all landscaped areas requiring water. Water conservation fixtures shall be used in accordance with applicable Town requirements.

O. *Pavement Edge and Planter Protection*

All permanent uses other than individual single family residential lots shall provide a six (6) inch, poured-in-place vertical concrete curb, flush curb or other approved material for all parking areas, drive aisles, planters and landscaped areas. The curbing design shall meet the minimum requirements set forth in the Town Engineering and Construction Standards. Temporary measures may be approved by the Planning Manager.

P. *Turf Area Border*

Turf areas shall be separated from other landscape areas by a six (6) inch wide poured in place concrete curb or other approved material. Curbing manufactured from metal or similar materials are prohibited.

Q. *Retaining Walls*

Retaining walls shall not appear as one solid surface and shall not exceed maximum wall height. When retaining walls are located within five (5) feet of each other or another wall a five (5) foot landscape planter, with vegetation, shall be provided as a terrace between the walls. Retaining walls and terraced retaining walls shall be measured from the highest elevation of the top of wall to the lowest elevation of the grade at the toe of the last/lowest wall.

5.4.4 Landscape Standards

A. *Minimum Tree Size*

All approved trees shall have a minimum size as follows:

Table 5.4.4.A Parking Lot Landscape Requirements	
<i>Landscape Material</i>	<i>Dimension</i>
Tree Height (Deciduous and Non-deciduous)	6 ft. (typically a 24 in. box)

Table 5.4.4.A Parking Lot Landscape Requirements	
<i>Landscape Material</i>	<i>Dimension</i>
Palm Tree	5 ft.
Caliper Single Trunk	0.75 inches measured 4 inches above the soil line
Caliper multi-trunk	0.75 inches (average of the 2 largest trunks) measured 4 inches above the soil line

1. All trees planted within the sight distances for controlled and uncontrolled intersections shall adhere to the sight visibility and trunk height requirements set forth in the Town Engineering and Construction Standards.

B. *Tree Planting*

All trees shall be planted, staked and maintained in accordance with the Arizona Nursery Association standards.

C. *Inorganic Ground Cover*

All landscape areas not covered by turf, sidewalks, play equipment, temporary basins, lakes, or ponds, or hardscape features shall be covered by an approved inorganic ground cover such as decomposed granite, crushed rock, gravel, river rock, and/or boulders. The depth of coverage shall be specified on the approved landscape plan.

D. *Streets, Raised Median, Cul-de-sac, Turn-arounds, Traffic Circles and Roundabouts within Street Right-of-Way and Landscape Area Planting Standards*

The following landscaping is required between curbs, between the curb and the property line, and behind the right-of-way along all arterial and collector streets, other than those within the Heritage District Redevelopment Area and the General Plan Gateway Character Area. [See Heritage District Design Guidelines](#) and [Gateway Streetscape Design Guidelines](#) requirements:

1. Landscaping shall be installed at the time of construction.
2. Arterial intersections shall have a minimum 50 foot wide by 250 foot long landscape area established and maintained along the street frontage. This area shall be measured from right-of-way lines. One driveway within each arterial intersection landscape area may be provided.
3. Arterial Streets require 20 feet of landscape area abutting and parallel to the street.
4. Collector and Local Streets require 10 feet of landscape area abutting and parallel to the street

5. Minimum Tree Size shall be planted in the quantity of one (1) tree per 30 feet of lineal street frontage, exclusive of driveways. Trees shall be located as shown on an approved landscape plan.
6. At least 50 percent of the required arterial street trees shall be 24 inch box size or larger.
7. A minimum of 50 percent of the arterial street trees in the landscape area shall be one or both designated theme trees as set forth on the [Streetscape Theme Tree Map](#).
8. Shrubs with a minimum size of five (5) gallons shall be planted to complement the placement of trees. Shrubs shall be planted at a minimum rate of six (6) shrubs per tree.
9. Shrubs and vegetative groundcovers shall be planted to cover a minimum of 25 percent of the landscape area.
10. All shrubs and ground covers planted within the sight distances for controlled and uncontrolled intersections shall adhere to the sight visibility and height requirements set forth in the Town Engineering and Construction Standards.
11. Street trees, shrubs, accent plants, and ground covers planted in the right-of-way shall be selected from the Arizona Department of Water Resources Low Water Use/Drought Tolerant Plant List for the Phoenix Active Management Area.
12. Streetscape areas shall be naturally contoured. See the Town Engineering and Construction Standards for maximum slopes.
13. Stormwater retention areas shall not exceed 50 percent of the right-of-way landscape area behind the curb line and street side landscape area, exclusive of driveways.
14. Trees planted within utility easements shall comply with requirements established by that utility company. Where utility easements prevent the planting of trees required by this section, the landscape area shall be increased in width by the amount affected by the easement.
15. Ten foot landscape easements, exclusive of sidewalks and walls, are required at the end of parking lot rows abutting rights-of-way and or main private drives.

5.4.5 Side and Rear Landscape

- A. Required side and rear landscape areas extend inward from the property line of the development site by a distance specified in the development regulations of each base zoning district.

Table 5.4.5.A Side and Rear Landscape Area Requirements

<i>Landscape Material</i>	<i>Density</i>	<i>Minimum Size at Planting</i>
Non-deciduous Trees	2 per 1000 sf.	24 in. box
Shrubs	5 per 1000 sf.	5 gallon
Vegetative Groundcover	20% of area	1 gallon
Inorganic Groundcover	100% of area	N/A

- B. All trees planted in a required side or rear landscape area shall be semi-deciduous, non-deciduous or evergreen and located and maintained to provide an effective visual screen from abutting uses.
- C. Required perimeter landscape areas separating non-residential uses from residential uses and multi-family residential uses from single family residential uses shall only be used as open space or for the following if they do not interfere with their effectiveness as a visual screen and separation between uses:
 1. Electrical equipment, including transformers, cable television and telephone equipment, but excluding generators.
 2. Trails/passive recreation.
 3. Bollard lighting.
 4. Stormwater retention.
 5. Play areas.
 6. Seating.

5.4.6 Parking Lot Landscaping

- A. Parking lot trees shall be planted in and around the parking lot at a ratio of one (1) per every eight (8) parking spaces.

Table 5.4.6.A Parking Lot Landscape Requirements

<i>Landscape Material</i>	<i>Dimension</i>
Minimum Branch Height	6 ft. (typically a 24 in. box)
Caliper Single Trunk	2 in.
Caliper Multi-trunked	1.5 in.

- B. No more than eight (8) consecutive parking spaces shall be constructed without a landscape island. Fully enclosed and screened rear service yards, within Light Industrial and General Industrial zoning are not required to have parking island with trees.
- C. Parking lot island planters may not be less than six (6) feet from face of curb to face of curb with a minimum interior planting area of five (5) feet.
- D. Parking lot trees may not be counted toward the required side and rear tree requirements
- E. Trees shall be located to maximize the shading effect for pedestrian and vehicles. Automotive dealerships may substitute other shade devices in lieu of 50% of the required parking lot trees.
- F. Diamond planters are not permitted for landscape purposes.
- G. A minimum of 10 percent of a parking lot shall be evenly landscaped with vegetation.
- H. Each end parking space of a row shall be separated from the drive aisle by a landscape island or peninsula.
- I. Refer to [Circulation, Parking and Loading](#) for parking lot, driveway loading and drive through screening standards.

5.4.7 Retention Basins

- A. Retention basins shall be finished with either rock or vegetation. Trees and shrubs shall be primarily located on the slopes and upper banks.
- B. Retention basins located along street frontages shall be designed as an integral part of any frontage landscape area.
- C. Retention basins shall be contoured to create a natural appearance.
- D. Retaining walls shall not be located within right-of-way or required street landscape areas except as approved by a Technical Variance to the Town Engineering and Construction Standards. Technical Variances do not relieve an applicant from complying with the intent of the Zoning Code.
- E. See the Town Engineering and Construction Standards for additional retention basin requirements including maximum slopes and depths.
- F. Retention basins shall be constructed in accordance with plans approved by the Town Engineer and shall conform to grading and landscape plans approved by the Design Review Board.

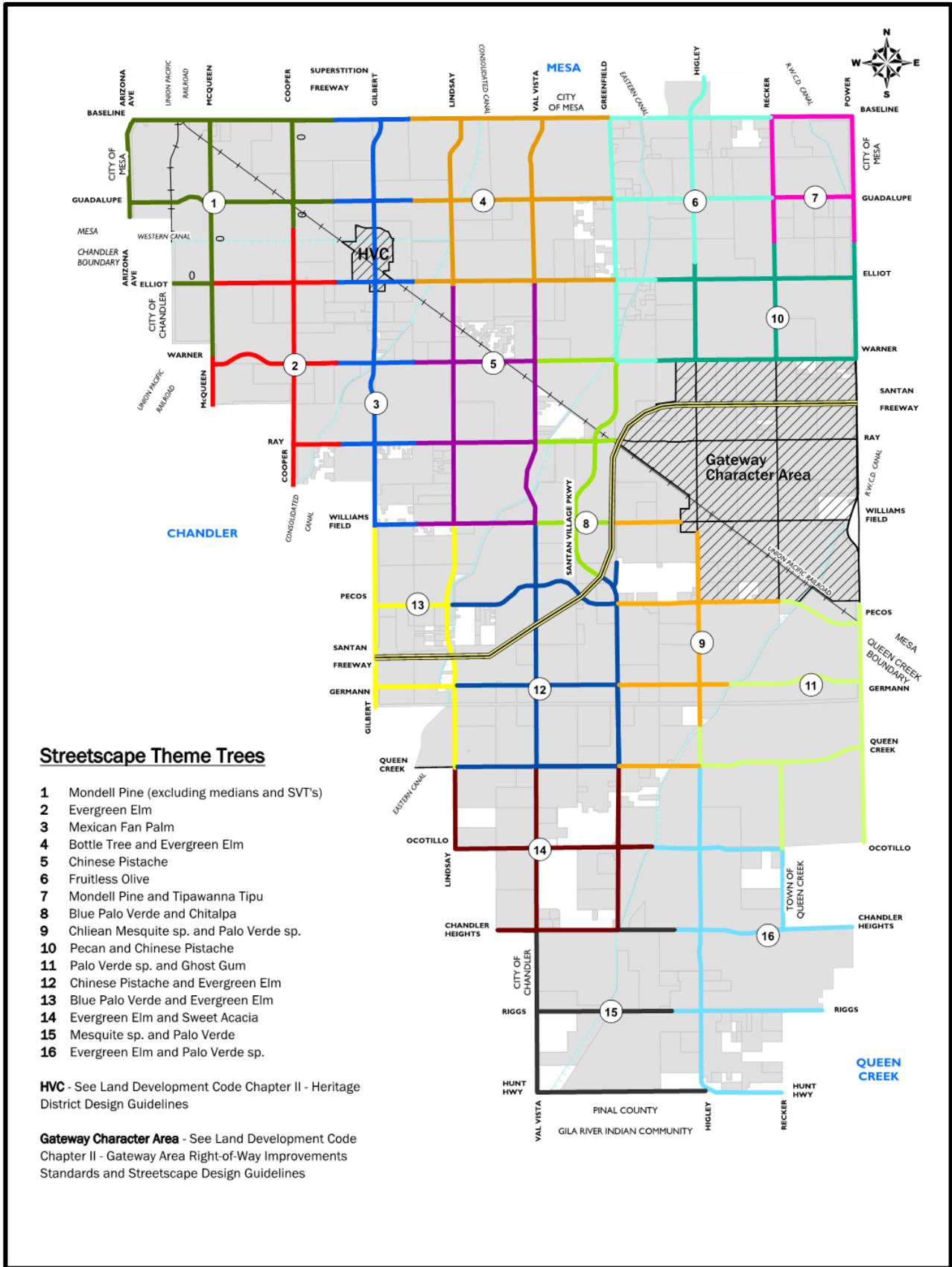
5.4.8 Streetscape Theme Trees

A. Streetscape Theme Trees help to create a distinct image for various districts within the Town, see the following Street Them Tree Map.

- District 1: Mondel Pine (*Pinus eldarica*) (not permitted within median)
- District 2: Evergreen Elm (*Ulmus parvifolia*)
- District 3: Mexican Fan Palm (*Washingtonia robusta*), Chinese Pistache (*Pistacia Chinensis*) (See the [Heritage District Design Guidelines](#))
- District 4: Bottle Tree (*Brachychiton populneus*), Brazilian Pepper Tree (*Schinus terebinthifolius*) Evergreen Elm (*Ulmus parvifolia*)
- District 5: Chinese Pistache (*Pistacia chinensis*)
- District 6: Fruitless Olive (*Olea europaea* 'Swan Hill')
- District 7: Mondel Pine (*Pinus eldarica*), Coolibah Tree (*Eucalyptus microtheca*), Tipawanna Tipu (Tipawanna tipu)
- District 8: Blue Palo Verde (*Cercidium floridum*, Chitalpa (*chitalpa tashkentensis*)
- District 9: Chilean Mesquite (*Prosopis chilensis*), Palo Brea (*Cercidium praecox*)
Palp Verde sp.
- District 10: Pecan (*Carya illinoensis*), Chinese Pistache (*Pistacia chinensis*)
- District 11: Native Mesquite (*Prosopis velutina*), Sissoo Tree (*Dalbergia sissoo*)
Palo Verde sp., Ghost Gum (*Corymbia aparrenrinja*)
- District 12: Chinese Pistache (*Pistacia chinensis*), Evergreen Elm (*Ulmus parvifolia*)
- District 13: Blue Palo Verde (*Cercidium floridum*), Evergreen Elm (*Ulmus parvifolia*)
- District 14: Sissoo Tree (*Dalbergia sissoo*), Sweet Acacia (*Acacia farnesiana*), Evergreen Elm (*Ulmus parvifolia*)
- District 15: Mesquite (*Prosopis species*), Palo Verde sp., Evergreen Elm (*Ulmus parvifolia*)
- District 16: Sonoran Emerald Palo Verde (*Cercidium hybrid* 'Sonoran Emerald'), Palo Brea (*Cercidium praecox*), Evergreen Elm (*Ulmus parvifolia*)

B. ***Alternative Theme Trees***

The Design Review Board shall have the authority to approve an alternative streetscape theme tree where it finds that the proposed tree species is superior to the required theme tree, and that it is necessary to complement the landscape design of the abutting development.



C. ***Welcome to Gilbert Entry Signs***

1. A Welcome to Gilbert sign shall be installed, retained and/or maintained at all inbound arterial street corners where the street crosses into the town jurisdiction.
2. The required sign shall read Welcome to Gilbert.
3. The sign shall be located within 200 feet of the intersection, on private property, and constructed by the developer at the time property's development or redevelopment.
4. The sign shall be either a freestanding monument sign or other design as approved by the Planning Commission and/or Design Review Board.
5. The sign shall incorporate color materials and design elements from the adjacent development.
6. The sign shall be either internally or externally illuminated.
7. The Welcome to Gilbert text shall be greater than or equal to two (2) feet above grade.
8. The sign shall be maintained by the property owner or association.
9. Other project landscape, signs or features shall not obstruct visibility of the sign.
10. The Welcome to Gilbert sign letter height shall be at a scale so as it is clearly legible from the opposite side of the street.
11. The Welcome to Gilbert Sign shall not count against the project's overall freestanding monument sign count unless incorporated into overall project signage.

5.4.9 Landscape Maintenance

A. ***Landscape Maintenance During Construction***

Existing plant material damaged during construction shall be replaced with comparable species and size prior to the final inspection or issuance of a Certificate of Occupancy. Existing plant material may only be removed pursuant a Design Review approval.

B. *Right-of-Way Landscape Maintenance*

Maintenance of landscaping in the right-of-way shall be the responsibility of the abutting property owner, whether an individual, corporation, property owner's association or homeowner's association. Landscape maintenance for properties developed under a unified landscape plan shall be conducted in a uniform manner.

C. *Landscape Maintenance*

1. Landscaped areas shall be maintained by the owner, association, Park Improvement District (PKID) or lessor of the property. Maintenance shall include pruning, trimming, watering, removal and replacement of dead plant material, or other required improvements.
2. The landscaping shall be maintained in a weed-free manner.
3. The irrigation system shall be in good working condition and shall be programmed in accordance with seasonal irrigation requirements. Broken, leaking, or damaged irrigation systems shall be repaired within 24 hours.
4. The landscaped area shall be maintained free of debris.
5. Landscaping shall be maintained at the level shown on the original approved landscape plan.
6. Amenities shown on the approved landscape plan shall be maintained in good repair.
7. Common area fences and the exterior face of property line fences shall be maintained by the owner, association, PKID or lessor of the property or common area.
8. Common area fences and the exterior face of property line fences shall be maintained by the owner of the common area, unless the common area is maintained by a PKID.

5.4.10 Enforcement

A. *Determination of Violation*

A single family residential subdivision shall be in violation of the requirements of this section if there are:

1. Barren areas of 20 lineal feet or more in areas shown as landscaped on the approved landscape plan

2. Unmaintained areas containing weeds, debris, sinkholes, lack of inorganic ground cover, or similar conditions or
3. Amenities, including but not limited to, barbeques, tot lots, ramadas, picnic tables, ball fields, courts, pools, lakes, lighting, sidewalks, trails, and other common area amenities that are in disrepair or in need of paint or maintenance.

B. *Determination of No Violation*

A single family residential subdivision shall not be in violation of the requirements of this section if:

1. Landscape has been removed for safety reasons, such as maintaining traffic visibility or preventing interference with utility poles and/or lines, and if such removal has been authorized by the Town or serving utility.
2. The existing landscaping meets the intent of the original approved plans.
3. There is no approved landscape plan or other relevant document on file with the Town, dead plant material, parking lot planter islands where trees have been removed or are missing, damaged irrigation systems, debris, erosion, failure to control dust and where existing amenities are in disrepair. Amenities in disrepair shall be repaired or removed.
4. Other than for streetscape theme trees, where trees or other plant material have been replaced with plants similar in size and appearance.

C. *Enforcement Procedures*

The following procedures are in addition to those regulations and procedures set forth in [Enforcement](#).

1. Upon notification of a complaint of a violation by the Code Compliance Manager, the Planning Manager shall review the approved landscape plans for the subdivision, inspect the area, and provide a written report to the Code Compliance Manager regarding the original plan requirements and acceptable alternatives, if any.
2. Upon a determination that a violation exists, a notice shall be sent to the homeowner's association (HOA) president and board, with a copy to the HOA management company, if one is known to the Town, outlining the violation and providing the HOA with 45 days to bring the landscaping into compliance.
3. Notice will be deemed given when done so in writing and mailed to the HOA address on file with the Arizona Corporation Commission.

4. Within the above 45 day period the HOA may file an amendment to the approved landscape plans reflecting existing conditions. The amendment shall be reviewed and approved, approved with modifications and/or conditions, or denied by the Design Review Board, or the Planning Manager as appropriate. The time for compliance is stayed from the time the proposed amendment is filed until action is taken by the Design Review Board, or the Planning Manager as appropriate.
5. The Code Compliance Manager may extend the 45 day compliance period for an additional 45 days if it is found that the HOA is making reasonable efforts to bring the area into compliance.
6. If the HOA fails to remedy the violation within the time period outlined above, the Code Compliance Manager shall send a final notice giving the HOA 20 additional days to comply.
7. If the HOA has failed to comply, a citation shall be issued to the HOA president, with a copy to the HOA board and management company, if one is known to the Town, in accordance with Violation; Notice and Opportunity to Correct, outlining the violation and summoning that person to appear in court and respond to the charges.

D. ***Appeals***

Appeals may be filed in accordance with the procedures set forth in [Appeals of Decisions of the Design Review Board, Redevelopment Commission, and Planning Manager](#).

Section 5.5 Common Area Ownership and Maintenance

5.5.1 Purpose and Intent

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

The purpose of this section is to provide for the maintenance and operation of such common areas for the use and benefit of the private property owners and residents of the residential, mixed-use or non-residential development.

5.5.2 Requirement

A homeowner's (HOA) or property (POA) owner's association shall be created to maintain and operate all landscaping, open space, recreation facilities, private streets, private sidewalks, parking area, utilities, and/or other facilities held in common ownership. The common areas shall be deeded to a nonprofit homeowners' association, community association, or corporation that is organized and operated solely to provide for the maintenance and management of the common area property.

The documents governing the association shall provide that these maintenance and operation obligations continue in perpetuity.

Evidence of compliance with this section shall be submitted with an application for a final subdivision plat or minor subdivision.

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Section 5.6 Sign Regulations

5.6.1 Purpose and Intent

This section is adopted pursuant to the police power of the Town and State law under A.R.S. § 9-462.01, as amended, and the Development Services Director, or designee, is authorized and directed to administer and enforce this chapter.

In no event shall consideration for approval be based upon the message content of a sign.

- A. It is the purpose of this section is to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and traffic and pedestrian safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death. This section is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

- B. In order to preserve and promote the Town of Gilbert as a desirable community in which to live, visit, work, play and do business, a pleasing, visually attractive and safe environment is of foremost importance. The regulation of signs within the Town is a highly contributive means by which to achieve this desired end. Further it continues to be the purpose of this section is to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the Town of Gilbert is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the Town and promoting its continued well-being, and are intended more specifically to:
 - 1. To maintain and enhance the beauty, unique character, aesthetic environment, and quality of the Town of Gilbert, that will attract commerce, businesses, economic development, residents and visitors.
 - 2. To preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the Town.
 - 3. To regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Town and that complements the natural surroundings in recognition of the Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its community.

4. To ensure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.
5. To maintain and improve traffic and pedestrian safety through properly located signs; to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians.
6. To allow for traffic control devices consistent with national standards that promote roadway safety and efficiency by providing for the orderly movement of road users on streets and roadways, and that notify users of regulations and provide warning and guidance necessary for the safe, uniform and efficient operation of all elements of the traffic stream.
7. To promote economic development and the value of non-residential properties, through sensitivity to surrounding land uses and maintaining an attractive community appearance.
8. To encourage signs that are clear and legible to be safely read by passing motorists.
9. To encourage the effective use of signs as a means of communication.
10. To emphasize small town historical character by promoting pedestrian oriented and appropriately scaled signage in the Heritage Village Center Zoning District.
11. To aid the public and private sectors in identifying the location of goods and services.
12. To allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs.
13. To preclude signs from conflicting with the primary permitted use of the site and adjoining sites.
14. To minimize the possible adverse effects of signs on nearby public and private property.
15. To reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.

16. To encourage and allow signs that are appropriate to the zoning district in which they are located.
17. To establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
18. To foster the integration of signage with architectural and landscape designs.
19. To provide flexibility and to encourage variety in signage.
20. To relate signage to the basic principles of good design.
21. To promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape and advance the Town's goals of quality development except to the extent expressly preempted by State or Federal law.
22. To ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and to protect the public from unsafe signs. To protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics such as their size (area), height, number, illumination and movement.
23. To protect property values by ensuring that the number of signs are in harmony with buildings, neighborhoods, and conforming signs in the area.
24. To enable the fair and consistent enforcement of these sign regulations.
25. To provide standards that are consistent with Local, County, State and Federal law regarding the non-communicative aspects of signs.

5.6.2 Exempt Signs

The following signs are exempt from regulation under this section:

- A. Government Signs, including signs erected by the Town for government purposes.
- B. Signs located entirely inside the premises of a building or enclosed space, other than Window Signs.

- C. Signs on a vehicle, other than an Illegal Vehicle Sign.
- D. Traffic Control Device Signs.
- E. Signs protected by state statute, including but not limited to political signs as protected under A.R.S. §16-1019 and sign walkers as protected by A.R.S. § 9-499.13, as amended.
- F. Signs protected by federal Law.
- G. Aircraft Overflight Area Signs. See [Phoenix-Mesa Gateway Airport Overlay District](#).

5.6.3 Prohibited Signs

The following signs are prohibited in the Town of Gilbert unless protected by state statute, federal law, or otherwise allowed in this section or [Temporary Uses](#).

- A. Abandoned Signs
- B. Balloon Signs
- C. Billboards
- D. Blinking Signs
- E. Flashing Signs
- F. Inflatable Signs
- G. Intermittent Signs
- H. Moving Signs
- I. Off-site Commercial Signs
- J. Pole Signs
- K. Reflective Signs
- L. Rotating Signs
- M. Signs emitting any sound that is intended to attract attention
- N. Signs attached or painted on trees, rocks or natural features
- O. Signs in the right-of-way
- P. Signs installed, attached or painted on fences
- Q. Signs or sign support structures that obstruct means of egress, including any fire escape, any window, any door opening, any stairway, any opening, any exit, any walkway, any utility access or Fire Department connection
- R. Signs that interfere with any opening required for ventilation
- S. Signs resembling Traffic Control Device Signs
- T. Signs with exposed raceways
- U. Snipe or Bandit Signs
- V. Illegal Vehicle Signs

5.6.4 Comprehensive Sign Plan

A Comprehensive Sign Plan (CSP) provides design compatibility for project signs and coordinates sign design, allotment and locations. A Comprehensive Sign Plan shall be required for all projects not located within the Heritage Village Center Zoning District and consisting of the following project types:

- Multi-tenant buildings
- Non-residential complexes with multiple buildings
- All mixed-use developments located within MU/S, MU/L, or MU/R zoning districts
- Mixed-use developments or master site plans located in Commercial, Public Facilities/Institutional or Employment zoning districts as permitted

A. *Approval*

1. A Comprehensive Sign Plan may be administratively approved by staff or elevated to the Design Review Board for approval.
2. An existing Comprehensive Sign Plan may be administratively amended or elevated to the Design review Board for approval.
3. Signs that meet existing Comprehensive Sign Plan's locations and standards, may proceed directly to permitting.
4. Conditions, requirements, or standards necessary may be added to assure that the signs covered by the Comprehensive Sign Plan will not be materially detrimental to persons or property.
5. Signs that are not required by or included in a Sign Plan may proceed directly to permitting.

B. *Comprehensive Sign Plan Evaluation Criteria*

1. Sign Types

Permanent signs should be laid out in an organized manner that identifies their hierarchy and purpose.

2. Placement

All sign structures shall be placed where they are visible and legible. Factors to be considered include the location relative to pedestrian movement, traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing

angles.

3. Size / Dimensions

All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to abutting uses, and placement of display.

4. Design Style

Signs within a Comprehensive Sign Plan should be consistent with the architectural design style of the project.

5. Colors / Materials

The colors and materials of the sign, sign base and any other sign related fixtures shall be consistent with the architecture.

6. Illumination

Internal or external lighting shall be consistent with the architectural style of the project.

7. Way Finding

A Comprehensive Sign Plan should focus on the hierarchy and placement of signs and allow for a logical understanding of the message provided, pedestrian and vehicular directions, use locations and overall use of the site.

5.6.5 Master Sign Plan

A Master Sign Plan (MSP) may be approved as an alternative to the requirements in this section under Permanent Signs. A Master Sign Plan should be used for projects 40 acres or for unique and special projects as determined by the Planning Manager. A Master Sign Plan should focus on a project's unique design, special use, creativity and/or large-scale project needs. A Master Sign Plan shall be required for the following project types:

- Multi-tenant commercial, office, or employment uses/complexes exceeding 40 acres.
- Multi-tenant commercial, office or employment uses/complexes that are unique in design and highly stylized.
- Stand-alone office/employment buildings exceeding 100,000 square feet.

- Indoor or Outdoor Entertainment and Recreation uses.
- Auto malls.
- Hospitals.
- Hotels and Commercial Lodging having at least 150 guest rooms and a Full-Service Restaurant or conference and meeting rooms.
- Regional retail shopping malls.
- Planned Area Development that have a uniquely special design concept.

A. ***Approval***

1. A Master Sign Plan shall be approved by the Design Review Board.
2. The Design Review Board may not reduce any sign development standard to less than 50 percent of any minimum standard, nor increase any sign development standard by more than double the maximum standard.
3. Changes to an existing Master Sign Plan may be administratively approved if the proposed changes are minor involving noncommunicative activity, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.
4. Conditions, requirements, or standards necessary may be added to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property.

B. ***Master Sign Plans Evaluation Criteria***

1. Sign Types
 - a. Permanent signs should be laid out in an organized manner that identifies their hierarchy and purpose.
 - b. Signs proposed that are not listed under Permanent Signs shall be innovative and consistent with the style and uniqueness of the project.

2. Placement

All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial

centers in which some tenants have little or no visibility from the street.

3. Quantity

The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of the task they are associated with.

4. Size/Dimensions

a. All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to abutting uses, and placement of display. In no event shall a Master Sign Plan contain a freestanding sign that exceeds by more than 50 percent any maximum height standard permitted by this section. Consistent with the exemptions set forth in this section, there shall be no limit on the amount by which a Master Sign Plan may allow a freestanding sign to exceed the height restrictions permitted on the site when the freestanding sign is placed or oriented so as to be visible only internally to the development.

b. Except as set forth in this section below in no event shall a Master Sign Plan contain a wall sign that exceeds by more than 25 percent any maximum area standard permitted by this section.

c. Consistent with the exemptions set forth in this section, there shall be no limit on the amount by which a Master Sign Plan may allow a wall sign to exceed the area restrictions permitted on the site when the wall sign is placed or oriented so as to be visible only internally to the development itself.

5. Design Features and Materials

a. Sign design themes and materials shall be compatible with the architecture, colors, and materials of the project.

6. Illumination

a. Internal or external lighting shall be consistent with the architectural style of the project.

7. Development Standards

a. The Design Review Board may not reduce any sign development standard to less than 50 percent of any minimum standard, nor

increase any sign development standard by more than on 100 percent of the maximum standard.

8. Way Finding

- a. The hierarchy and placement of signs should allow for a logical understanding of the message, direction and use of the site.

5.6.6 Heritage Sign Plan

A Heritage Sign Plan provides design compatibility for project signs and integrates sign design with the architecture of the buildings and the Heritage Village Character Area. A Heritage Sign Plan shall be required within the Heritage Village Character Area for the following:

- Single tenant commercial or office uses
- Multi-tenant commercial or office uses
- A multi-building complex.

A. *Approval*

1. The Redevelopment Commission (RDC) shall approve a Heritage Sign Plan when it is not consistent with the Permanent Sign standards.
2. A Heritage Sign Plan may be administratively approved when the proposed plan complies with all of the requirements set forth within this section.
3. Existing Heritage Sign Plans may be administratively amended if the amendment is a minor design, color or type of sign material change. Staff may elevate the amendment to the RDC for approval.
4. Signs that meet an existing Heritage Sign Plan's locations and standards may proceed directly to permitting.
5. Conditions, requirements, or standards necessary may be added to ensure that the signs covered by the Heritage Sign Plan will not be materially detrimental to persons or property.

B. *Heritage Sign Plan Evaluation Criteria*

1. Sign Types
 - a. Permanent signs should be laid out in an organized manner that identifies their hierarchy and purpose.
 - b. Signs proposed that are not listed under Permanent Signs shall be

innovative and consistent with the style and uniqueness of the project.

2. Placement

All sign structures shall be placed where they are visible and legible. Factors to be considered include the location relative to pedestrian movement, traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles.

3. Size/Dimension

a. All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to abutting uses, and placement of display.

b. In the event that the total business Sign Area otherwise allowed does not provide sufficient area for visibility and legibility for a sign, then the maximum size of sign area may be increased, but only as necessary to allow for visibility and legibility; however, in no event shall the foregoing allow a total business Sign Area to exceed by more than 25 percent any maximum area standard otherwise allowed in this section.

4. Design Features and Materials

Design features and materials shall be compatible with the architecture, colors, and materials of the structures.

5. Colors / Materials

The colors and materials of the sign, sign base and any other sign related fixtures shall be consistent with the period architecture.

6. Illumination

a. Internal or external lighting shall be consistent with the architectural style of the building.

b. Consideration shall be given to abutting uses and users when located abutting a property line.

7. Way Finding

The hierarchy and placement of signs should allow for a logical understanding of the message, direction and use of the site.

5.6.7 Gateway Sign Plan

A Gateway Sign Plan provides design compatibility for project signs and integrates sign design with the architecture of the buildings in the Gateway Village Center or Gateway Business Center zoning districts. A Gateway Sign Plan shall be required for the following:

- Single or multiple-tenant commercial or office uses
- Multi-building complex for a single commercial use
- Mixed-use developments located within GVC or GBC zoning districts

A. *Approvals*

1. A Gateway Sign Plan may be administratively approved when the proposed plan complies with all of the requirements set forth in the provisions of this Zoning Code relating to Permanent Sign Standards.
2. Existing Gateway Sign Plans may be administratively amended if the amendment is a minor design, color or type of sign material change. An increase in sign quantities, sizes or significant style change may require an RDC approval.
3. Signs that meet an existing Gateway Sign Plan location and standards may proceed directly to permitting.
4. Conditions, requirements, or standards may be attached as necessary to ensure that the sign covered by the Gateway Sign Plan will not be materially detrimental to persons or property.

B. *Gateway Sign Plan Evaluation Criteria*

1. Sign Types
 - a. Permanent signs should be laid out in an organized manner that identifies their hierarchy and purpose.
 - b. Signs proposed that are not listed under Permanent Signs shall be innovative and consistent with the style and uniqueness of the project.

2. Placement

All sign structures shall be placed where they are visible and legible. Factors to be considered include the location relative to pedestrian movement, traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles.

3. Size / Dimensions

- a. All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to abutting uses, and placement of the sign.
- b. In the event that the total business Sign Area otherwise allowed in this section does not provide sufficient area for visibility and legibility for a sign, then the maximum size of Sign Area may be increased but only as necessary to allow for visibility and legibility; however in no event shall the foregoing allow a total business Sign Area to exceed by more than 25 percent any maximum area standard otherwise allowed in this section.

4. Design Style

Sign design themes and materials shall be compatible with the architecture style of the project and speak to the uniqueness of the project.

5. Colors / Materials

The colors and materials of the sign, sign base and any other sign related fixtures shall be consistent with the architectural style of the project.

6. Illumination

Internal or external lighting shall be consistent with the architectural style of the project.

7. Way Finding

The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.

5.6.8 General Provisions

The following general provisions for signs shall apply to this section and to all legal conforming and nonconforming signs, unless otherwise indicated in this section.

A. *Viewpoint Neutrality*

1. Notwithstanding anything in this section to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
2. Notwithstanding anything in this section to the contrary, it is the policy of the Town to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.
3. Within this section, any distinction between on-site signs and off-site signs applies only to commercial messages. It does not apply to noncommercial messages.

B. *Substitution of Noncommercial Speech for Commercial Speech*

1. Notwithstanding anything contained in this section to the contrary, any sign erected pursuant to the provisions of this section may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire Sign Face or any portion thereof. The Sign Face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this section.

C. *Administrative Interpretation and Discretionary Approval*

1. Interpretations of this section may be made by the Zoning Administrator. All interpretations of this section are to be exercised in light of the policies, purposes and intent set forth herein.
2. Whenever a sign permit or other approval is subject to discretion, such discretion shall not be exercised as to message content, but instead shall be directed to structural and location factors, including, as applicable:
 - a. Whether the location and placement of the sign will endanger motorists.
 - b. Whether the sign will cover, blanket or interfere with any prominent view of a structure or façade of architectural significance.
 - c. Whether the sign will obstruct views of users or abutting buildings to landscaped areas or open space.

- d. Whether the sign will negatively impact the visual quality of a public open space, such as a public recreation facility, square, plaza, park, courtyard and the like.
- e. Whether the sign is compatible with nearby building heights.
- f. Whether the sign's lighting or illumination system will cause hazardous or unsafe driving conditions for motorists.

D. *Consent of Legal Owner of Property*

Except as required by state law, no sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.

E. *Signs on Public Property*

Except as required by state law or otherwise permitted by this section, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

F. *Placement of Signs*

- 1. Permanent Signs shall not project into or over the public right-of-way without first obtaining a license or encroachment permit from the Town.
- 2. The lowest portion of any sign that extends over an area intended for pedestrian use shall not be less than eight (8) feet above finished grade.
- 3. The lowest portion of any sign that extends over an area intended for vehicular use shall not be less than 14 feet above the finished grade.
- 4. Any sign placed on a sidewalk or other public right-of-way shall comply with this section and applicable provisions of the Americans with Disabilities Act.
- 5. Except for appropriately placed Traffic Control Device Signs, no sign shall be placed in the sight visibility triangle.

G. *Flagpoles*

Unless otherwise required by state law the standards below shall apply to all flagpoles.

Table 5.6.8.G Flagpoles									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Flag Poles	1	3	1	< ½ acre maximum 3 flagpoles Each additional acres is permitted another 2 flagpoles					
Maximum Flags per Pole	No limit	2	No limit	2					
Location	-	Per the Design Review Site Plan or as part of a Sign Plan							
Maximum Height	1.5 times the max. height of the district, but shall in no event exceed a height of 50 ft.								
Building Permit	A building permit is required for flagpoles exceeding 30 ft within residential districts and for all non-residential properties.								

H. *Flag Brackets and Stanchions*

For each primary structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags.

I. *Measurement of Signs*

1. The area of a sign is measured or calculated as follows:

a. Background panel signs

Sign copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose both the sign copy and the background.

b. Background surface signs

The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose each word, graphic or discrete visual element in the total sign.

c. Illuminated background signs

The area of a sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element that contains sign copy.

d. Double-faced signs

If a sign has two (2) display faces, and the interior angle between the two (2) faces is 30 degrees or less, then the Sign Area is one (1) Sign Face only; however, if the two (2) faces are of different sizes or shapes, then the larger is used. If the sign has two (2) display faces, and the interior angle between the two faces is greater than 30 degrees, then the Sign Area is the sum of the areas of the two (2) faces.

e. Multi-faced signs

If a sign has three (3) or more faces, then the Sign Area is equal to 50 percent of the aggregate area of all Sign Faces.

f. Sculptural and nonplanar signs

The area of a spherical, free form, sculptural or other nonplanar sign is 50 percent of the sum of the areas, using only the four (4) vertical sides of the smallest four-sided polyhedron which will completely enclose the entire sign structure.

J. ***Measurement of Sign Height***

1. The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign.
2. The maximum height allowed for a freestanding sign, however, shall not include any architectural embellishment provided the embellishment does not exceed 36 inches at the base of the sign and 18 inches at the top of the sign.
3. The average finished grade shall be considered the lowest of the following:
 - a. The lowest elevation where the base of the sign meets ground level.
 - b. The top of the curb of the nearest public street adjoining the property upon which the sign is erected.

- c. The grade of the land at the primary entrance to the lot on which the sign is located.

K. ***Signs Shall Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage***

Signs shall maintain a minimum distance of six (6) feet horizontal clearance and 12 feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.

L. ***Signs Declared a Nuisance and Repair; Signs Presenting Immediate Peril to Public Health or Safety***

The building official may order the repair of signs declared a nuisance, and with or without notice may cause any structurally unsafe or structurally insecure sign to be immediately removed if the sign presents an immediate peril to the public health or safety.

M. ***Tenant Sign Panel and Wall Sign Band Replacement***

Replacement of a tenant sign panel containing the same color, size, design, and style as the original on an approved sign structure with removable panels shall not require a permit. Any tenant panel that is vacant or missing shall be replaced within 30 days.

N. ***Wall Sign Fascia Repair***

Where a tenant has vacated a tenant or user suite, the fascia of the accessory wall sign band shall be repaired to its surrounding texture and color within 45 days of the panel or sign being removed.

O. ***Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access***

Signs shall not be attached to standpipes, gutters, drains or fire escapes. Signs shall not be installed so as to impair access to a roof.

P. ***Bus Shelter Signage***

Notwithstanding the provisions of this section, signs in conjunction with bus shelter facilities approved by the Town or other governmental agencies shall be permitted. Development standards, including but not limited to Sign Face area, height, location, etc., shall be determined in accordance with bus shelter design requirements established by the Town Engineer.

5.6.9 Temporary Signs

A Temporary Sign may be displayed as a ground, wall or window sign.

A. General Criteria for Temporary Signs

1. Government Signs displaying government speech are exempt from Temporary Sign Regulations.
2. A Temporary Sign may be used during construction that is conducted pursuant to a valid permit.
3. A Temporary Sign is illegal if it does not meet the criteria established for the zoning district in which the Temporary Sign is located, as set forth and described in the tables below.
4. Except as otherwise provided below, the general criteria and limitations in this section do not apply to A-Frame and T-Frame Signs, Banner Signs, Flying Banner Signs, Flags and Umbrella Signs.

Table 5.6.9.A Temporary Signs: General Criteria and Limitations by Zoning District			
ZONING DISTRICTS	Residential Zoning Districts	Non-Residential (Other than Heritage Village Center) Zoning Districts	Heritage Village Center, Mixed-Use and Gateway Zoning Districts
Maximum Number of Signs Per Parcel	4 ¹	4	4
Maximum Sign Area Per Sign	6 sf.	32 s sf.	32 sf.
Sign Height Maximum for a Freestanding Sign ²	4 ft.	6 ft.	6 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign ³)	6 ft.	15 ft.	15 ft.
Minimum Setback/ Distance from Right of Way ⁴	10 ft.	10 ft.	10 ft.
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign) ²	15 ft.	15 ft.	15 ft.
Permit Required	No	No	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No	No
Permission of Owner Required	Yes	Yes	Yes
Allowed within a Sight Visibility Triangle	No	No	No
Allowed on Public Sidewalk / Right of Way	No	No	No
Duration Allowed After Conclusion of an Event if Sign Pertained to an Event	3 days	3 days	3 days
Lighting or Illumination Allowed	No	No	No
Movement Allowed	No	No	No

- ¹ In single family residential zoning districts, each single family residential use with at least one primary structure may place up to 6 off-site Temporary Signs on private property for the purpose of directing the public to a residential activity (e.g. real estate open house, garage/yard sale, estate sale). Said signs shall be displayed only during the hours that the single family residence is open for public inspection and shall not exceed 6 sf. in area per sign.
- ² Not applicable to signs displayed on Flagpoles.
- ³ Window Signs shall not cover more than 25% of the first-floor window area.
- ⁴ Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs or signs affixed to a temporary construction fence.

B. A-Frame Signs, T-Frame Signs and Flying Banners.

A-Frame Signs, T-Frame Signs and Flying Banners are illegal if they do not meet the criteria and limitations set forth below.

1. Criteria and Limitations

- a. A-Frame Signs and T-Frame Signs are permitted in all zoning districts but may be placed in single family residential zoning districts only in conjunction with non-residential uses.
- b. A-Frame Signs and T-Frame Signs shall be located adjacent to the parcel or business advertised thereon, supported by a base of sufficient weight and durability to withstand wind gusts, and maintained in a professional manner free from fading, tearing, and tattering.
- c. A-Frame Signs and T-Frame Signs shall not be placed in raised or painted medians, affixed to the ground with stakes fastened to or driven into concrete, placed across the street from the business being advertised, or placed on equestrian or multi-use trails, and shall be placed at grade level.

Table 5.6.9.B. A-Frame Signs, T-Frame Signs and Flying Banners: Criteria and Limitations	
Total Maximum Number of Signs	4 per business ⁵
Flying Banner Maximum Sign Area (sf) ⁶	12
A-Frame and T-Frame Maximum Width (in)	31
Flying Banner Maximum Height (ft)	15
A-Frame and T-Frame Maximum Height (in)	45
Flying Banner Minimum Setback/Distance from edge of curb (ft)	4 or a distance equal to the height of the Flying Banner Sign, whichever is greater.
A-Frame and T-Frame Minimum Setback/Distance from edge of curb (ft)	5 (Except in Heritage Village Center and Gateway Zoning Districts, where minimum shall be 1 foot)
A-Frame and T-Frame Maximum Width of Public Sidewalk that the Sign May Obstruct	No more than 1/3 of the width of a public sidewalk and shall provide at least four 4 ft. of sidewalk clearance
A-Frame and T-Frame Minimum Distance from an Access Drive or Street Intersection (ft)	30
A-Frame and T-Frame Minimum Distance from another Flying Banner Sign, A-Frame or T-Frame Sign (ft)	20

Table 5.6.9.B. A-Frame Signs, T-Frame Signs and Flying Banners: Criteria and Limitations	
A-Frame and T-Frame Maximum Distance of Sign from Premises ⁷	10 feet with signs spaced at least 20 feet apart
Duration	Only during hours when business is open
Allowed on Public Sidewalk / ROW	Yes, subject to the criteria in this table
Allowed within a Sight Visibility Triangle	No
Lighting or Illumination Allowed	No
Permit Required	No
Flying Banner Movement Allowed	Yes
A-Frame and T-Frame Movement Allowed	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No
Flying Banner Maximum Width of Public Sidewalk that the Sign May Obstruct.	No more than 1/3 of width of public sidewalk, and in all instances, there shall be at least 4 feet of sidewalk clearance

⁵ The combined total of A-Frame Signs, T-Frame Signs and Flying Banners shall not exceed four (4) per business.

⁶ The square footage limitation is per side for a Flying Banner sign.

⁷ Signs may be permitted along the perimeter of a multi-tenant non-residential complex, but only pursuant to an approved sign plan.

- d. The purchase and placement of A-Frame Signs and T-Frame Signs is not a substantial capital investment in the business being advertised. Upon repeal or modification of the regulations pertaining to these types of Temporary Signs that results in further restricting or prohibiting the same, then such signs shall not be legal non-conforming signs and such signs shall comply with all new regulations.

C. *Banner Signs*

Banner Signs are permitted in all zoning districts but may be placed in single family residential zoning districts only in conjunction with non-residential uses. Banner Signs are illegal if they do not meet the criteria and limitations set forth below:

Table 5.6.9.C. Banner Sign: Criteria and Limitations	
Maximum Number of Banner Signs Per Parcel/Business	1
Maximum Sign Area ⁸	40 sf. for occupancies up to 5,000 sf. 80 sf. for occupancies greater than 5,000 sf. up to 15,000 sf. 120 sf. for occupancies greater than 15,000 sf. up to 50, sf.; or 180 sf. for occupancies greater than 50,000 sf.
Sign Height Maximum if displayed as a Freestanding Sign	8 ft.
Minimum Sign Setback if displayed as a Ground Sign ⁹	3 ft.
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign ¹⁰)	15 ft.
Permit Required	Yes
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No

Table 5.6.9.C. Banner Sign: Criteria and Limitations	
Allowed on Public Sidewalk / Right of Way ¹¹	No
Allowed within a Sight Visibility Triangle	No
Duration	No more than 120 days per year in the aggregate
Duration Allowed After Conclusion of an Event if the Sign Pertains to an Event	1 day
Lighting or Illumination Allowed	No
Movement Allowed	No

8 The square footage limitation is per side for a double-sided Banner Sign. For example, a 40 square foot limitation means there is a limit of 40 square feet of surface area per side of the Banner Sign.

9 Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to Banner Signs displayed on walls.

10 Not applicable to signs displayed on Flagpoles.

D. Sign Walkers

Sign Walkers are permitted in all zoning districts and shall comply with State law, A.R.S. § 9-499.13, as amended, and meet the following criteria and limitations:

1. Permitted Locations
 - a. Thirty feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.
 - b. Five feet from the street measured from the back of curb or edge of pavement if no curb exists.
 - c. Sign walkers shall yield right-of-way to pedestrians, bicycles and all others traveling or located on the sidewalks.
 - d. At grade level.
2. Prohibited Locations
 - a. In raised or painted medians.
 - b. In parking aisles or stalls.
 - c. In driving lanes or driveways.
 - d. On equestrian or multi-use trails.
 - e. So that less than a minimum of four (4) feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.
 - f. On fences, boulders, planters, other signs, vehicles, utility facilities,

or any structure.

- g. Within a minimum distance of 20 feet from any other sign walker.
- h. In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.

3. Display

- a. Displayed only when the business is open to conduct business.
- b. Held, worn or balanced at all times.

4. Elements prohibited

- a. Any form of illumination, including flashing, blinking, or rotating.
- b. Animation on the sign itself.
- c. Mirrors or other reflective materials.
- d. Attachments, including, but not limited to, balloons, ribbons, speakers.

E. *Flags*

- 1. Unless otherwise required by state law or specified in this section, no more than two (2) flags may be displayed on a flagpole, from a flag bracket or on a flag stanchion.
- 2. The Sign Area of a flag displaying a commercial message shall not exceed 24 square feet.
- 3. For the purpose of determining the Sign Area of a flag, only one side of the flag shall be counted.
- 4. Flags on residential or non-residential parcels may be externally illuminated. A sign permit is not required for a flag.

F. *Umbrella Signs*

- 1. For each table in an outside seating area for a licensed business establishment, one (1) Umbrella Sign per umbrella is allowed.
- 2. An Umbrella Sign shall not exceed eight (8) feet in height.
- 3. An umbrella having an Umbrella Sign shall be mounted on or in the table

or secured within an umbrella holder adjacent to the table.

4. A sign permit is not required for an Umbrella Sign.
5. Umbrella Signs shall not be counted as part of a Maximum Sign Area for any use.

G. Temporary Residential Subdivision Signs

1. Temporary Residential Subdivision Signs are permitted in single family residential zoning districts for each builder in a recorded subdivision plat only in conjunction with a valid building permit for a model home complex.
2. Temporary Residential Subdivision Signs are illegal if they do not meet the criteria and limitations set forth below:

Table 5.6.9.H Temporary Residential: Subdivision Signs: Criteria and Limitations			
	Primary Entry(ies)	Model Home Complex	Perimeter Subdivision Open Space
Maximum Number of Signs	1 per entry	1 or more	1 per street frontage
Maximum Sign Area	32 sf.	96 sf.	32 sf.
Maximum Height	8 ft.	12 ft.	8 ft.
Minimum Setback/ Distance from Right of Way ¹¹	10 ft. (5 ft. if less than 32 sf.)	10 ft. (5 ft. if less than 32 sf.)	10 ft. (5 ft. if less than 32 sf.)
Aggregate Maximum Sign Area	256 sf.		
Duration	3 years or until the model home complex is permanently closed, whichever occurs first.		
Allowed on Public Sidewalk / Right-of-Way	No		
Allowed within a Sight Visibility Triangle	No		
Lighting or Illumination Allowed	No		
Permission of Owner Required	Yes		
Permit Required	Yes		
Movement Allowed	No		
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No		

¹¹ Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to Wall Signs or signs affixed to a temporary construction fence.

H. Off-site Temporary Signs on Private Property

Off-site Temporary Signs are permitted in all zoning districts on unimproved lots or parcels of 10 acres or more subject to criteria below:

Table 5.6.9.I. Off-site Temporary Signs on Private Property: Criteria and Limitations	
Maximum Number of Signs Per Parcel	1
Minimum Size of Unimproved Parcel Required	10 acres
Maximum Sign Area	32 sf.
Maximum Sign Height	8 ft.
Minimum Setback/ Distance from any Right of Way ¹²	10 ft.
Minimum Spacing from any Other Sign (including any Temporary Sign or Permanent Sign)	100 ft.
Duration	1 year
Allowed on Public Sidewalk / Public Right-of-Way	No
Allowed within a Sight Visibility Triangle	No
Lighting or Illumination Allowed	No
Permission of Owner Required	Yes
Permit Required	Yes
Movement Allowed	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No

¹² Minimum Sign Setbacks are measured from the edge of the property line.

5.6.10 Permanent Signs General Limitations

The illumination of signs shall meet all regulations as set forth in the Gilbert Municipal Code, Chapter 42, Article II, Section 42-34.

A. *Permanent Sign Lighting*

1. Illumination of a sign is optional.
2. Except for Changing Message Displays and Marquee Signs, any flashing, blinking, reflective, animated, or rotating lights, or signs with an intermittent or varying intensity of artificial illumination, whether deliberate or as a consequence of a defect in the sign or the illumination source, shall be prohibited for any and all signs.
3. Exposed light sources such as neon, tube, incandescent, light-emitting diode (LED), fluorescent, metal halide, high- or low- sodium bulbs, or mercury vapor light sources may be used as a source of illumination for commercial uses in Commercial, Heritage Village Center, and Gateway Village Center Zoning Districts only.
4. Exposed light tubes and bulbs shall be a decorative feature that is consistent with the sign design and compatible with the architectural character of the building.

5. Exposed light tubes and bulbs shall be proportionally sized.
6. Exposed light tubes and bulbs may require administrative approval.
7. All light sources shall be shielded to prevent illumination trespass onto properties other than where the light source is located or permitted under a sign plan.

B. *Sign Illumination*

1. Residential Permanent Signs

Permanent Sign located on a parcel in a residential district may not be separately or specially illuminated, unless otherwise specified in this section.

Illuminated Street Address Signs may not exceed 0.3 foot candles at the property lines.

2. Non-residential Permanent Sign

A Permanent Sign on a parcel in a non-residential zoning district may be illuminated by internal illumination, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified in this section; however, a Permanent Sign may not be illuminated in a manner that leaves the illumination device and/or components exposed to public view except with the use of neon, decorative bulbs or tubing as provided in this section.

3. Internal Illumination

Any outdoor internally illuminated sign permitted under this section shall be constructed with an opaque background and translucent letters or other graphical elements, or with a solid colored background and contrasting letters or graphics.

4. External indirect illumination

Externally lit signs are permitted to be illuminated only with steady, stationary, and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon, decorative bulbs or tubing) used for illuminating a sign shall not be visible from the abutting public rights-of-way and residential properties.

5. Illumination of signs abutting single family residential uses

No sign located within 50 feet of a single family zoning district shall be illuminated.

C. *Manual Changing Message Displays*

One half of the area of the face of a Freestanding Monument or Marquee Sign may be a Manual Changing Message Display, subject to the criteria and limitations of this section.

D. *Electronic Changing Message Displays*

1. As provided in this section, wall mounted cabinet signs, marquee signs, freestanding monument signs, tower and freeway signs may be Electronic Changing Message Displays except in residential zoning districts.
2. For non-residential uses in residential zoning districts, 1/2 of the Sign Face of a Freestanding Monument Sign may be an Electronic Changing Message Display, which may be in full color, subject to the following operation limitations:
 - a. An Electronic Changing Message Display shall not change more than once every eight (8) seconds except in Commercial, Heritage Village Center and Gateway Village Center Zoning Districts where unlimited motion is permitted.
 - b. An Electronic Changing Message Display shall change by an instant change method.
 - c. An Electronic Changing Message Display shall incorporate photocell/ light sensors, with automatic dimming technology that appropriately adjusts to ambient light conditions at all times of the day and night. Displays shall have a brightness level of no greater than 0.3 foot candles above ambient light conditions at the property line as measured by foot candle meter.
 - d. An Electronic Changing Message Display that malfunctions, fails or ceases to operate in its usual programmed manner shall be repaired or disconnected within 48 hours by the owner or operator.

5.6.11 Permanent Signs Types

A. *Street Address Signs*

Dwelling units and non-residential buildings are required to clearly be identified by, and associated with, a street address for public safety first responders, mail delivery and official governmental notification.

1. Painted curb signs are permitted but do not meet the requirements for public safety, mail delivery and official governmental notification. One additional Street Address Sign is required
2. The United States Postal Service governs regulation of mailbox signs.

Table 5.6.11.A. Street Address Signs									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Minimum Number	1	1							
Maximum Number	1 per location	1 per location; 2 total							
Location	Curb, Mailbox, Wall	Wall or Freestanding							
Sign Area	3 sf. per sign	6 sf.							
Illumination	Internal or indirect	Internal or indirect							

B. Unit and Building Identification Signs

Buildings and units that are part of a multi-building development shall be clearly identified for public safety first responders, mail delivery and official governmental notification.

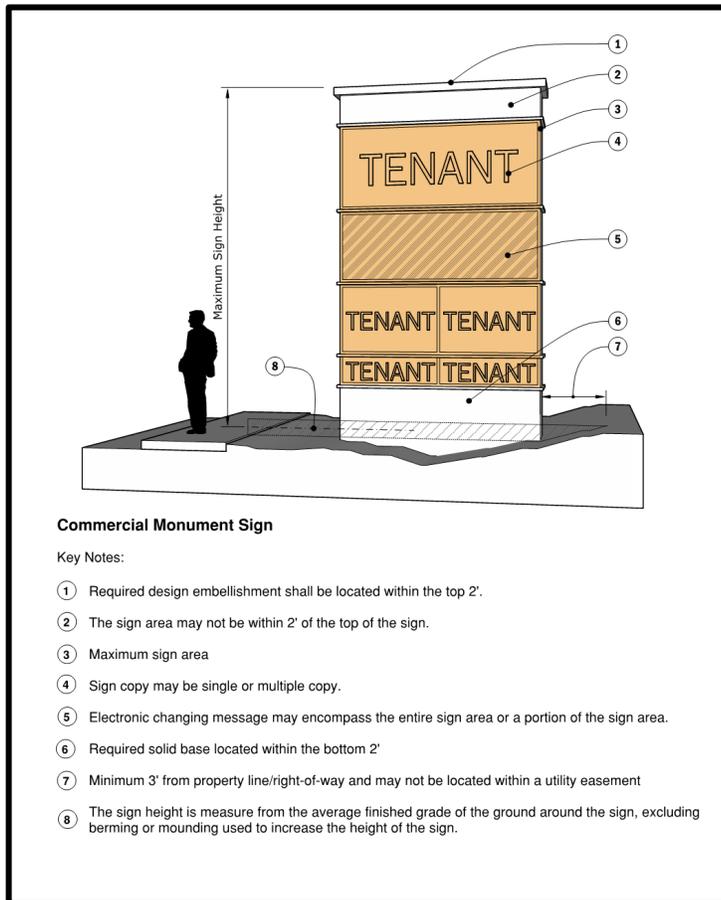
Table 5.6.11.B. Unit and Building Identification Signs									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	Yes							
Minimum Number		1							
Maximum Number		2							
Location		Wall or Freestanding							
Sign Area		6 sf.							
Maximum Height		3 ft.							
Illumination		Internal or indirect							

C. Freestanding Signs

1. The following is a summary of the various types of freestanding sign permitted.

- Monument
- Residential Entry
- Multi-Family Entry
- Tower
- Freeway
- On-Site Traffic Directional
- Directory
- Drive-Through

2. The required Welcome to Gilbert Signs, located at all incoming arterial street locations and/or inbound corners, may be freestanding monuments. The Welcome to Gilbert freestanding monument signs shall not be counted against a development’s freestanding monument sign allowance, unless the text is incorporated into overall project signage design.



3. All freestanding monument signs shall be setback a minimum of 3' from any right-of-way and may not be located within a public utility easement.

Note: If the sign is permitted as a manual changing message (MCM) or an electronic changing message (ECM) the criteria are listed in the following tables.

1. Monument Sign

Table 5.6.11.C.1. Freestanding Monument Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Number		1 for any lot or parcel with a min. of 100 ft. of street frontage		1 for any lot or parcel with a min. of 100 ft. of street frontage	1 for any lot or parcel	1 for any lot or parcel with a min. of 100 ft. of street frontage			
Maximum Number		1 additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 ft. but less than 400 ft.		1 additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 ft. but less than 400 ft.	-	1 additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 ft. but less than 400 ft.			
Maximum Number		1 additional Monument Sign is permitted for each additional 300 ft. of street frontage		1 additional Monument Sign is permitted for each additional 300 ft. of street frontage	-	1 additional Monument Sign is permitted for each additional 300 ft. of street frontage			
Maximum Height		8 ft.		12 ft. to the top of design embellishments	6 ft. to the top of design embellishments	12 ft. to the top of design embellishments			
Design		Solid Base		Solid Base					
Design		-		The Sign Face shall be located 2 ft. and 10 ft. above grade	-	The Sign Face shall be located 2 ft. and 10 ft. above grade			
Design		-		Embellishments may be added to the top, sides or bottom					
MCM		½ of the sign area may be MCM display		½ of the sign area may be manual changing message (MCM) display					
ECM Display		-		Full color					
ECM Time		-		Once every 8 seconds					

Table 5.6.11.C.1. Freestanding Monument Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
ECM Transition		-		Instant					
ECM Illumination		-		Photocell/Light sensors with auto dimming technology that adjust to day/night ambient light conditions					
ECM Illumination		-		0.3 foot candles above ambient conditions at the property line as measured by a foot candle meter					
ECM Maintenance		-		Malfunctions, fails or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within 48 hours by the owner or operator					
Maximum Sign Area		Only one side of the sign shall be counted		Only one side of the sign shall be counted					
Maximum Sign Area		32 sf. in area		60 sf.	32 sf.	60 sf.			
Separation		-		100 ft. apart					
ROW Setback		3 ft.		3 ft.					
Built to Lines		-		-	Permitted to assist in the safe movement of vehicular traffic on a property containing an existing bldg. that exceeds the required build-to line	-	-	-	Permitted to assist in the safe movement of vehicular traffic on a property containing an existing bldg. that exceeds the required build-to line

2. Single Family Residential Entry Sign

Table 5.6.11.C.2. Residential Entry Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	Yes	No	No	No	No	No	No	No	No
Maximum Number	2								
Location	At primary entries only								
Design	Compatible design with the development								
Maximum Height	8 ft.								
Maximum Sign Area	Only one side shall be counted								
Maximum Sign Area	25 sf.								
Illumination	Internal or indirect								
ROW Setback	3 ft.								
Initial Approval	Design Review								
Subsequent Approvals	Admin. DR								

3. Multi-Family Entry Sign

Table 5.6.11.C.3. Multifamily Entry Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	Yes	Yes	Yes	No	No	No	Yes
Maximum Number			2						2
Location			At primary entries only						At primary entries only
Design			Design compatible with the development						Design compatible with development
Maximum Height			8 ft.		6'				6 ft
Maximum Sign Area			32 sf.						32 sq ft
Illumination			Internal or indirect						Internal or indirect
ROW Setback			3 ft.						3 ft
Approval			Admin. DR						Admin DR

4. Tower Sign

Table 5.6.11.C.4. Tower Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	No	Yes	Yes	Yes	Yes
Zoning Restriction				RC and GC Only		-	-		MU/L and MU/R Only
Acreage Restriction				> 40 net ac.		> 40 net Ac.			
Maximum Number				1 for each 500 ft. of st. frontage		1 for each 500 ft. of st. frontage			
Maximum Number				Tower + Monument Signs shall not exceed 1 sign per 300 feet of st. frontage		Tower + Monument Signs shall not exceed 1 sign per 300 feet of st. frontage			
Location				Abutting a Freeway		Abutting a Freeway			
Design				Solid Base		Solid Base			
MCM				½ of the sign area may be manual changing message display		½ of the sign area may be manual changing message display			
ECM Display				Full color		Full color			
ECM Time				Once every 8 seconds		Once every 8 seconds			
ECM Transition				Instant		Instant			
ECM Illumination				Photocell/Light sensors with auto dimming technology that adjust to day/night ambient light conditions		Photocell/Light sensors with auto dimming technology that adjust to day/night ambient light conditions			
ECM Illumination				0.3 foot candles above ambient conditions at the property line as measured by a foot candle meter		0.3 foot candles above ambient conditions at the property line as measured by a foot candle meter			
ECM Maintenance				Malfunctions, fails or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within 48 hours by the owner or operator		Malfunctions, fails or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within 48 hours by the owner or operator			
Maximum Height				15 ft.		15 ft.			

Table 5.6.11.C.4. Tower Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	No	Yes	Yes	Yes	Yes
Maximum Sign Area				Only one side of the sign shall be counted		Only one side of the sign shall be counted			
Maximum Sign Area				80 sf.		80 sf.			
Sign Allowance Area				The Max. Allowable Sign Area may be increased by an additional 20 sf. for the id. of tenants or occupants of suites < 5,000 sf.		The Max. Allowable Sign Area may be increased by an additional 20 sf. for the identification of tenants or occupants of suites ≤ 5,000 sf.			
Separation				300 ft. apart on the same st. frontage		300 ft. apart on the same st. frontage			

5. Freeway Sign

Table 5.6.11.C.5. Freeway Sign													
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R				
Permitted	No	No	No	Yes	No	Yes	Yes	Yes	Yes				
Acreage Restriction				15 ac.		15 ac.							
Maximum Number				1 for each 400 ft. of freeway frontage		1 for each 400 ft. of freeway frontage							
Maximum Number				500 sf.		500 sf.							
Location				Abutting a Freeway		Abutting a Freeway							
Location				Within 100 ft. of freeway ROW		Within 100 ft. of freeway ROW							
MCM				½ of the sign area may be manual changing message display		½ of the sign area may be manual changing message display							
ECM Display				Full color		Full Color							
ECM Time				Once every 8 seconds		Once every 8 seconds							
ECM Transition				Instant		Instant							

Table 5.6.11.C.5. Freeway Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	No	Yes	Yes	Yes	Yes
ECM Illumination				Photocell/Light sensors with auto dimming technology that adjust to day/night ambient light conditions		Photocell/Light sensors with auto dimming technology that adjust to day/night ambient light conditions			
ECM Illumination				0.3 foot candles above ambient conditions at the property line as measured by a foot candle meter		0.3 foot candles above ambient conditions at the property line as measured by a foot candle meter			
ECM Maintenance				Malfunctions, fails or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within 48 hours by the owner or operator		Malfunctions, fails or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within 48 hours by the owner or operator			
Orientation				The Sign Face shall make an interior angle of more than 30 degrees to the freeway		The Sign Face shall make an interior angle of more than 30 degrees to the freeway			
Maximum Height				60 ft. above grade or 30 ft. above the grade of the nearest lane of a main freeway travel surface, whichever is greater		60 ft. above grade or 30 ft. above the grade of the nearest lane of a main freeway travel surface, whichever is greater			
Maximum Sign Area				For the purpose of determining the Sign Area, only one side of the monument shall be counted		For the purpose of determining the Sign Area, only one side of the monument shall be counted.			
Sign Allowance Area				May be increased by 20% for center identification		May be increased by 20% for center identification			
Separation				400 ft. apart from any other freeway sign on the same property		400 ft. apart from any other freeway sign on the same property			
Setback				150 ft. from freeway ROW, and a property line adj. to property designated for retail or residential use in the GP		150 ft. from freeway ROW, and a property line adj. to property designated for retail or residential use in the GP			

6. On-Site Directional Sign

Table 5.6.11.C.6. On-site Traffic Directional Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Purpose	To assist in the safe movement pedestrian and vehicular traffic								
Location	Outside of a required Perimeter Landscape Area								
Maximum Height	3 ft.								
Design	Solid Base								
Maximum Sign Area	Only one side of the sign shall be counted								
Maximum Sign Area	Only one side of the sign shall be counted								
Maximum Sign Area	Not counted as part of a max. or total sign area for any use								
Maximum Sign Area	3 sf..								
ROW Setback	25 ft.								

7. On-Site Directory Sign

Table 5.6.11.C.7. Directory Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Number	1 per 4 comm. tenants or uses								
Location			on-site, within islands or pedestrian areas			on-site, within islands or pedestrian areas			
Design			-	-	Interactive Display permitted		-	-	Interactive Display Permitted
Design			-	-	Pedestrian scale required	-	-		Pedestrian Scale Required
Design			-	-	Integrated into the bldg. design or located anywhere on site outside of easements	-	-		Integrated into the bldg. design or located anywhere on site outside of easements
Maximum Height			8 ft.	8 ft.	6 ft.	8 ft.			6 ft.
Maximum Sign Area	Only one side of the sign shall be counted								

Table 5.6.11.C.7. Directory Sign										
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R	
Permitted	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Maximum Sign Area			40 sf.		6 sf.	40 sf.			6 ft.	
ROW Setback			75 ft. except where such property line abuts other comm. or employment dev. and there is a cross access between the properties							

8. Drive-Through Sign

Table 5.6.11.C.8. Drive-Through Sign										
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R	
Permitted	No	No	No	Yes	Yes	Yes	Yes	No	No	
Maximum Number				2 each drive-through lane						
Location				May be either a wall or a ground mounted						
Design				A solid base is required						
Maximum Height				7 ft.						
Sign Allowance Area				50 sf.						

D. Service Island Canopy Sign

Table 5.6.11.D. Service Island Canopy Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	No	Yes	Yes	No	No
Maximum Number				2 per Service Island		2 per Service Island			
Placement				Vertically centered		Vertically centered			
Maximum Height				Shall not exceed 80% of the vertical dim. of the canopy wall		Shall not exceed 80% of the vertical dim. of the canopy wall			

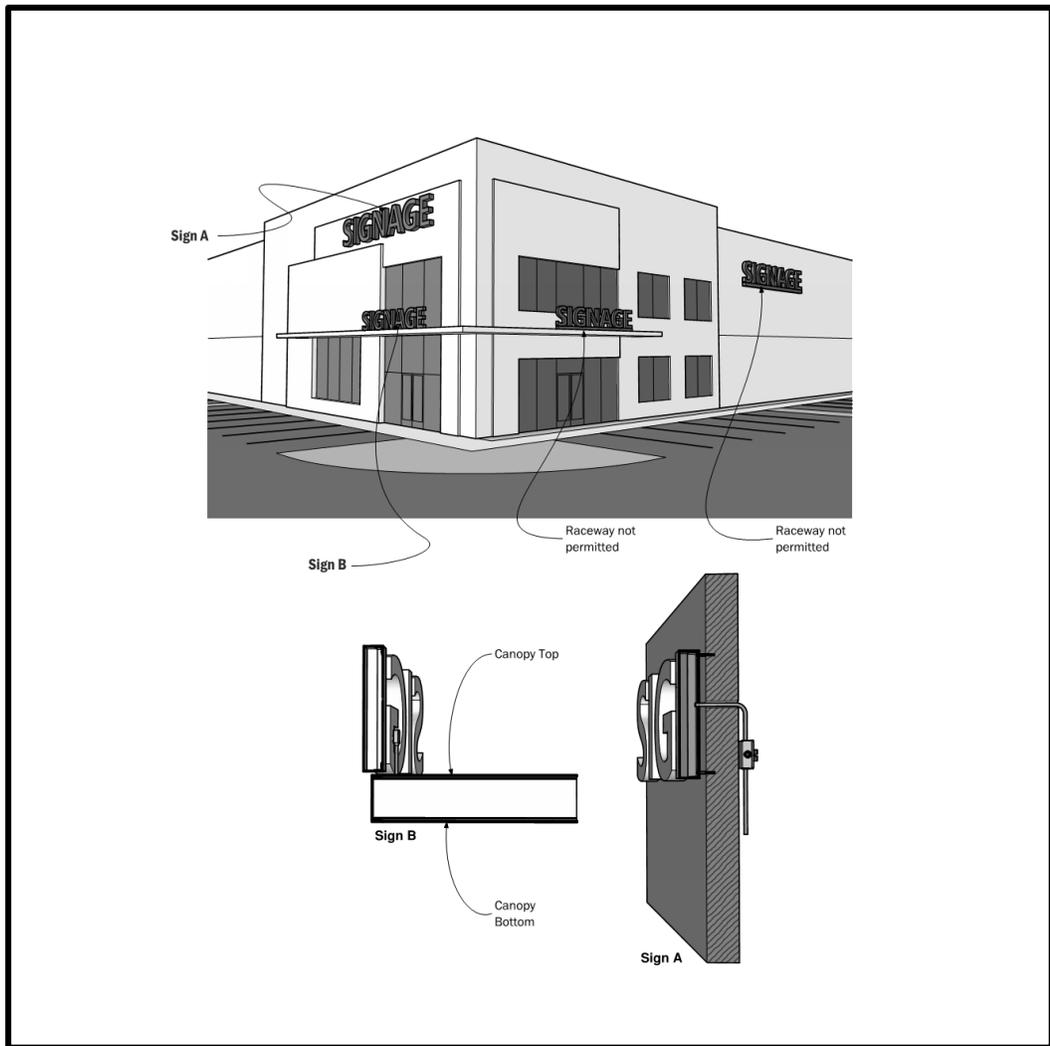
Table 5.6.11.D. Service Island Canopy Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Maximum Allowable Sign Area				12 sf.			12 sf.		
Maximum Sign Area				Shall not count against the Max. Allowable Sign Area			Shall not count against the Max. Allowable Sign Area		
Design				No part of the sign shall project > 6 in.			No part of the sign shall project >6 in.		

E. **Wall Signs**

Wall Sign criteria are broken into general criteria and criteria based on the number of stories of the building.

The following is a summary of the various types of wall signs permitted.

- 1-Story Building
- 2-Story Building



- 3-Story Building and More
- Painted Wall Signs
- Entrances to Non-Residential Tenant Offices or Suites

- Entrances to Restaurants
- Service and Delivery Entrances



Building Sign Types

Key Notes:

- ① Wall Sign
- ② Wall Mounted Electronic Changing Message Cabinet Sign (must be integrated into the building architectural design)
- ③ Projecting Wall Sign
- ④ Roof Sign
- ⑤ Awning and/or Canopy Sign
- ⑥ Suspended Sign
- ⑦ Window Sign
- ⑧ Door Sign

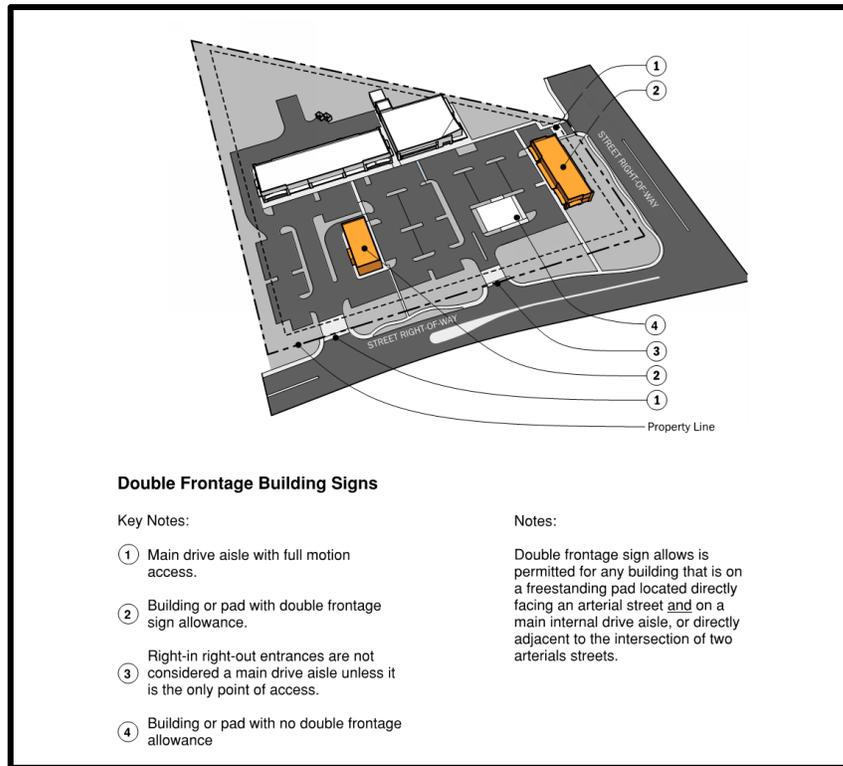
If the sign is permitted as a cabinet, a manual changing message (MCM) or an electronic changing messages (ECM) the criteria are listed in the tables below.

1. Wall Sign General Criteria

Table 5.6.11.E.1. Wall Signs: General Criteria									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cabinet (excluding MCM and ECM)				Stylized in shape, rather than rectangular, to reflect the shape of the image printed on the sign face or molded sign face with embossed copy or sign copy or sign copy in relief					
ECM Cabinet Design					Equal to or less than 50% of the sign area allowance				
ECM Cabinet Design				Shall be flush mounted and architecturally integrated with the wall plane or canopy fascia					
Design			Proportional to the massing on which it is located						
Placement			Wall Signs shall be placed on an area that is free of architectural details						
Placement			Shall not be located closer to the eave or top of parapet than 1/2 the vertical dimension of the largest letter or character						
Placement			Top floor signage located on a ≥ 3-story bldg. may span floor plates (such as a vertical sign on a wing wall)						
MCM				½ of the sign area may be manual changing message display					
ECM Cabinet Display				Full color					
ECM Cabinet Time				Once every 8 seconds					
ECM Cabinet Transition				Instant					
ECM Cabinet Illumination				Photocell/Light sensors with auto dimming technology that adjust to day/night ambient light conditions					
ECM Cabinet Illumination				0.3 foot candles above ambient conditions at the property line as measured by a foot candle meter					
ECM Cabinet Maintenance				Malfunctions, fails or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within 48 hours by the owner or operator					
Maximum Length			Shall not exceed 80% of the horizontal length of the exterior bldg. elev. of a tenant suite						

Table 5.6.11.E.1. Wall Signs: General Criteria									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Height			Shall not exceed 80% of the vertical dim. of the sign band or wall space on which it is placed						
Maximum Height			14 ft. when abutting property designated for residential use in the Gen. Plan						
Illumination			Internal or indirect						
Illumination			Not permitted when abutting property designated for residential use in the Gen. Plan						
Maximum Sign Area			*	16 sf. when facing and abutting property designated for residential use in the Gen. Plan					

* See Wall Signs: 3-Story Building or More for criteria.

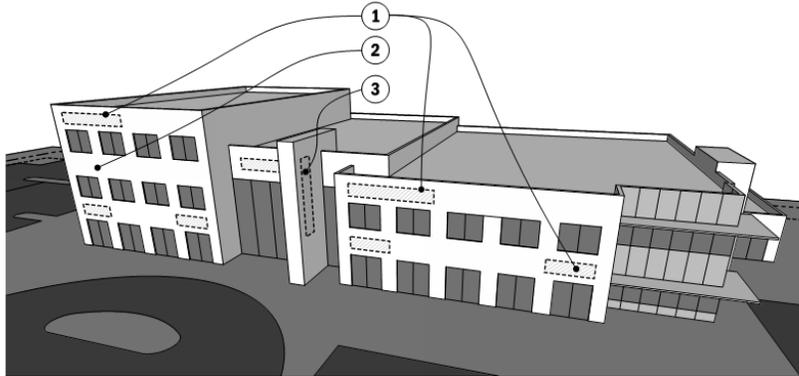


2. Wall Signs: 1-Story Building

Table 5.6.11.E.2. Wall Signs: 1-Story Building									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Minimum Area				32 sf.					
Maximum Sign Allowance Area for bldgs. ≤ 75 ft from ROW				Length of the longest bldg. elev. of a tenant or user suite or the length of the bldg. elev. of the tenant or user where the primary entrance is located x 1					
Maximum Sign Allowance Area for bldgs. > 75 ft from ROW				Length of the longest bldg. elev. of a tenant or user suite or the length of the bldg. elev. of the tenant or user where the primary entrance is located x 1.5					
Double Frontage				Bldgs. with 2 or more elevs. facing streets/main private circulation drives shall be permitted double the Sign Allowance Area. The Sign Allowance Area is cumulative and to be used on 2 or more elevs.					

3. Wall Signs: 2-Story Building

Table 5.6.11.E.3. Wall Signs: 2-Story Building									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
First Floor Sign Allowance				Individual tenant signs located on the 1st floor of a 2-story bldg. shall be subject to the same criteria as tenant signs for a 1-story bldg.					
Second Floor				Individual tenant signs/bldg. signs located on the 2nd floor of a 2-story bldg. shall not exceed 75 sf. in Allowable Sign Area.					
Second Floor Sign Allowance				Individual tenant signs and any bldg. signs may be placed on any approved sign band or wall space on the second floor					
Second Floor Sign Allowance				The maximum Sign Allowance Area, including all tenant signs and bldg. signs, shall not exceed 50 % of the lineal bldg. elev. on the 2nd floor					
Double Frontage				Bldgs. with 2 or more elevs. facing streets/main private circulation drives shall be permitted double the Sign Allowance Area. The Sign Allowance Area is cumulative and to be used on 2 or more elevs.					
Approval				CSP, MSP HSP or GSP required					



Multi-Story Building Signs

Key Notes:

- ① Sign area
- ② The second floor of a 3 story building will have no signs.
- ③ Sign area counts toward the allowable wall sign area for the top floor.
- ④ Building or pad with no double frontage allowance

Notes:

Sign area, or sign envelop, is not equivalent to sign allowance.

4. Wall Signs: 3-Story Buildings or More

Table 5.6.11.E.4. Wall Signs – 3-Story Building or More									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Location			Facing main entry or arterial street						Facing main entry or arterial street
Maximum Number			1						
First Floor Sign Allowance				Individual tenant signs located on the 1st floor of a 2-story bldg. shall be subject to the same criteria as tenant signs 1-story bldgs.					

Table 5.6.11.E.4. Wall Signs – 3-Story Building or More									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Top Floor				The Sign Area for a Wall Sign on the top floor shall not be counted against the Sign Allowance Area of a Wall Sign on the 1st. floor					
Top Floor Sign Allowance				Wall Signs located on the top floor are limited to 4 signs total for the entire building.					
Top Floor Sign Allowance				The Max. Sign Allowance Area for a Wall Sign on the top floor shall not be increased $\geq 25\%$ through a CSP or MSP					
Maximum Sign Allowance Area for bldgs. ≤ 75 ft from ROW			Length of the bldg. on which the sign is placed x 1	Length of the longest bldg. elev. of a tenant or user suite or the length of the bldg. elev. of the tenant or user where the primary entrance is located x 1 or: 1% of the area of the elev. to which the sign is attached, whichever is greater					
Maximum Sign Allowance Area for bldgs. > 75 ft from ROW			Length of the bldg. on which the sign is placed x 1.5	Length of the longest bldg. elev. of a tenant or user suite or the length of the bldg. elev. of the tenant or user where the primary entrance is located x 1.5 or: 1% of the area of the elev. to which the sign is attached, whichever is greater					
Double Frontage				Bldgs. with 2 or more elevs. facing streets/main private circulation drives shall be permitted double the Sign Allowance Area. The Sign Allowance Area is cumulative and to be used on 2 or more elevs.					
Approval				CSP, MSP HSP or GSP required					

5. Painted Wall Signs

Table 5.6.11.E.5. Painted Wall Signs									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	No	No	No	Yes
Location				Any exterior wall of the tenant/user suite					Any exterior wall of the tenant/user suite
Location				Shall be limited to an on-site sign					Shall be limited to an on-site sign

Table 5.6.11.E.5. Painted Wall Signs								
Sign Allowance Area				Shall be included in the Sign Allowance Area				Shall be included in the Sign Allowance Area
Illumination				Indirect				Indirect

6. Entrances to Non-Residential Tenant Offices or Suites

Table 5.6.11.E.6. Entrances to Non-Residential Tenant Offices or Suites									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Number	1, in addition to the Address, Unit and Bldg. Sign Allowance								
Maximum Sign Area	3 sf.								

7. Entrances to Restaurants

Table 5.6.11.E.7 Entrances to Restaurants									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Number	1, in addition to any other Wall Sign allowance								
Location	Installed within 10 ft. of the main entrance.								
Maximum Sign Area	6 sf.								
Maximum Height	6 ft.								
Illumination	Internal or external, options								

8. Entrances to Service and Delivery Doors

Table 5.6.11.E.8. Service and Delivery Entrances									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R

Table 5.6.11.E.8. Service and Delivery Entrances									
Permitted	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Number				1, in addition to any other Wall Sign allowance					
Location				Installed within 10 ft. of the entrance					
Maximum Sign Area				6 sf.					
Maximum Height				6 ft.					

F. Marquee Sign

Table 5.6.11.F. Marquee Sign										
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R	
Permitted	No	No	No	Yes	Yes	No	No	No	Yes	
Location				Shall not obstruct sidewalks, accessible paths, or the visibility of other signs					Shall not obstruct sidewalks, accessible paths, or the visibility of other signs	
Location				At the primary entrance of the tenant/user suite to which it is appurtenant					At the primary entrance of the tenant/user suite to which it is appurtenant	
Placement				On a Marquee approved by PC or RDC					On a Marquee approved by PC or RDC	
Design				The colors, materials, and design shall complement the design of the bldg.(s)					The colors, materials, and design shall complement the design of the bldg.(s)	
Design				May include manual or electronic Changing Message Display that is proportional and arch, integrated with the Marquee structure and bldg. design					May include manual or electronic Changing Message Display that is proportional and arch, integrated with the Marquee structure and bldg. design	
Allowable Sign Area				Awning sign area shall be included in the total wall sign allowance					Awning sign area shall be included in the total wall sign allowance	
Illumination				Internal or indirect					Internal or indirect	

Table 5.6.11.F. Marquee Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Illumination				Shall be decorative and arch. compatible with the bldg.					Shall be decorative and arch. compatible with the bldg.
Illumination				May incorporate flashing or blinking elements within the permitted Sign Area					May incorporate flashing or blinking elements within the permitted Sign Area
Approval				Approval by PC or RDC in a CSP, MSP, HSP or GSP					Approval by PC or RDC in a CSP, MSP, HSP or GSP

G Projecting Sign

Table 5.6.11.G. Projecting Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	No	No	No	Yes
Location				The exterior bldg. wall of the tenant/user suite to which they are appurtenant					The exterior bldg. wall of the tenant/user suite to which they are appurtenant
Location				At the customer entry area of the tenant/user suite if blinking, flashing or illumination elements are incorporated					At the customer entry area of the tenant/user suite if blinking, flashing or illumination elements are incorporated
Design				Stylized in shape, rather than rectangular, to reflect the shape of the image printed on the Sign Face					Stylized in shape, rather than rectangular, to reflect the shape of the image printed on the Sign Face
Design				Fixtures used to affix the Projecting Sign to bldg. walls shall be decorative and architecturally compatible with the bldg.					Fixtures used to affix the Projecting Sign to bldg. walls shall be decorative and architecturally compatible with the bldg.
Sign Allowance Area				Shall be included in the Max. Allowable Sign Area					Shall be included in the Max. Allowable Sign Area

Table 5.6.11.G. Projecting Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Illumination				Internal or indirect illuminated, optional					Internal or indirect illuminated, optional
Illumination				Lighting fixtures shall be decorative and architecturally compatible with the bldg.					Lighting fixtures shall be decorative and architecturally compatible with the bldg.

H. *Projecting Roof Sign*

Table 5.6.11.H. Projecting Roof Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	No	No	No	Yes
Location				The exterior bldg. wall of the tenant/user suite to which they are appurtenant					The exterior bldg. wall of the tenant/user suite to which they are appurtenant
Location				At the customer entry area of the tenant/user suite if blinking, flashing or illumination elements are incorporated					At the customer entry area of the tenant/user suite if blinking, flashing or illumination elements are incorporated
Design				Stylized in shape, rather than rectangular, to reflect the shape of the image printed on the Sign Face					Stylized in shape, rather than rectangular, to reflect the shape of the image printed on the Sign Face
Design				Fixtures used to affix the Projecting Sign to bldg. walls shall be decorative and architecturally compatible with the bldg.					Fixtures used to affix the Projecting Sign to bldg. walls shall be decorative and architecturally compatible with the bldg.
Maximum Height				Shall not exceed the height of a roofline or parapet by more than 25 % of the overall height of the sign					Shall not exceed the height of a roofline or parapet by more than 25 % of the overall height of the sign

Table 5.6.11.H. Projecting Roof Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Maximum Height				The PC or RDC may forego the 25% max. only when the application demonstrates that the Projecting Roof Sign is incorporated into the bldg.'s design					The PC or RDC may forego the 25% max. only when the application demonstrates that the Projecting Roof Sign is incorporated into the bldg.'s design
Maximum Height				In no event shall the sign exceed the height of the bldg.'s roofline or parapet by $\geq 30\%$ of the overall height of the sign					In no event shall the sign exceed the height of the bldg.'s roofline or parapet by $> 30\%$ of the overall height of the sign
Sign Allowance Area				Shall be included in the Max. Allowable Sign Area					Shall be included in the Max. Allowable Sign Area
Illumination				Internal or indirect illuminated					Internal or indirect illuminated
Illumination				Lighting fixtures shall be decorative and arch. compatible with the bldg.					Lighting fixtures shall be decorative and arch. compatible with the bldg.

I. **Window Sign**

Table 5.6.11.I. Window Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Sign Area		$\leq 25\%$ of window area		$\leq 25\%$ of window area					
Illumination		Internal, optional		Internal, optional					
Permit		Not required		Not required					

J. *Door Sign*

Table 5.6.11.J. Door Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Sign Area	≤ 25% of door area								
Illumination	Not permitted								
Permit	Not required								

K. *Suspended / Blade*

Table 5.6.11.K. Suspended / Blade									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	No	No	No	Yes
Maximum Number				1 per each permitted tenant/user bldg. elev.					1 per each permitted tenant/user bldg. elev.
Location				The sign shall be suspended from a roof overhang of a covered porch or walkway adjacent to the exterior bldg. wall of the tenant/user suite to which the sign is appurtenant					The sign shall be suspended from a roof overhang of a covered porch or walkway adjacent to the exterior bldg. wall of the tenant/user suite to which the sign is appurtenant
Maximum Sign Area				6 sf.					6 sf.
Sign Allowance Area				The sign area shall not be included in the Max. Allowable Sign Area					The sign area shall not be included in the Max. Allowable Sign Area
Illumination				May be indirectly illuminated					May be indirectly illuminated
Illumination				Lighting fixtures shall be decorative and arch. compatible with the bldg.					Lighting fixtures shall be decorative and arch. compatible with the bldg.

L. Awning Sign

Table 5.6.11.L .Awning Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	Yes	Yes	No	No	No	Yes
Location				Shall not obstruct sidewalks, accessible paths, or the visibility of other signs					Shall not obstruct sidewalks, accessible paths, or the visibility of other signs
Location				On the awning					On the awning
Design				Graphics shall be permanently affixed to the awning.					Graphics shall be permanently affixed to the awning.
Allowable Sign Area				Awning sign area shall be included in the total wall sign allowance					Awning sign area shall be included in the total wall sign allowance
Illumination				Indirect, direct or backlit					Indirect, direct or backlit
Illumination				Lighting fixtures shall be decorative and compatible with the bldg. arch.					Lighting fixtures shall be decorative and compatible with the bldg. arch.

M. Historical Markers

Table 5.6.11.M. Historical Markers									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Number	1 per parcel								
Maximum Allowable Sign Area	6 sf.								

N. *Heritage District Roof Sign*

Table 5.6.11.N. Heritage District Roof Sign									
	Single Family	Non-Res. in a Res. District	Multi-Family	Commercial	HVC, GVC, GBC	Office	Employment	Public Facility / Institutional	MU/S, MU/L, MU/R
Permitted	No	No	No	No	Yes	No	No	No	No
Maximum Number					1 per Segment Seg. 1: Juniper Ave. to the Consolidated Canal Seg. 2: the Consolidated Canal to the railroad tracks Seg. 3: the railroad tracks to Elliot Rd.				
Location					On a bldg. that is ≥ 3-stories and fronts Gilbert Rd.				
Location					2 ft. from the roof edge				
Height					Shall not extend > than 15 ft. above the roof line, parapet or fascia of the bldg.				
Height					The measurement includes structural supports, arch. features, and nonstructural or decorative trim				
Maximum Sign Area					200 sf.				
Allowable Sign Area					Shall not counted against any other Sign Area				
Design					The sign copy shall be mounted as stylized, individual letters and graphics.				
Design					A background panel or billboard-style backer is prohibited				
Design					The horizontal dim. shall be ≥ the vertical dimension				
Design					If single-sided, the back of the roof sign shall include a stylized backer and shall have all wires and accessory equipment concealed				
Design					A double-sided roof sign may only be permitted if mounted perpendicular to Gilbert Rd.				
Design					The roof sign shall be architecturally compatible with the bldg.				
Design					The sign shall not inhibit the required screening of mechanical equipment and shall not impair roof access				
Illumination					Sign illumination shall be limited to exposed neon, decorative bulbs or tubing				
Approval					The RDC may approve the roof sign when the application demonstrates that the roof sign is compatible with the bldg.'s arch. design				

5.6.12 Sign Maintenance

- A. Maintenance of legal signs is allowed without a permit as long as the maintenance in no way alters the design of what was previously approved.
- B. Sign maintenance is the replacement or repair of a part or portion of a sign required by ordinary wear, tear, or damage, with like material, color, and design.
- C. Any sign or component of a sign that is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety shall be promptly repaired or replaced.
- D. Surface materials and components shall be kept free of chipping, peeling, fading, cracks, holes, buckles, warps, splinters, or rusting visible from an abutting property or street.
- E. Illuminated signs shall be maintained in good operating condition including prompt removal and replacement of all parts or components.

5.6.13 Nonconforming Signs

- A. It is the intent of this section to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible will promote public health, safety, and welfare. The following provisions shall govern nonconforming signs.:
 - 1. Non-conforming signs may receive reasonable repairs or alterations to the face, letters, and frame.
 - 2. If a non-conforming sign is structurally changed or is damaged by fire, lack of maintenance, or other causes by more than 50 percent of its reproduction value, or is temporarily or permanently removed by any means, including “acts of God,” then such sign shall be rebuilt, repaired, or replaced only in conformance with the provisions of this section.
 - 3. If a non-conforming sign becomes an abandoned sign, it shall be removed after notice to the property owner, unless in the case of an abandoned sign the property owner establishes facts sufficient to rebut the presumption of abandonment.
 - 4. If a property or development is expanded or modified to add new signage, all nonconforming signs shall be removed or rebuilt to comply with the provisions of this section.
 - 5. Sign Faces may be replaced on non-conforming signs.
 - 6. Any change to a property that adds to or changes existing signage shall be

prohibited until all non-conforming signs are removed or rebuilt in conformance with this section. Nothing herein shall prevent the replacement of Sign Faces on a nonconforming sign. Nothing herein shall require that existing signage which does not conform to the restrictions on Cabinet Signs or raceways be brought into conformance where it is demonstrated to the Zoning Administrator that the type of signage permitted by this section is not structurally feasible.

5.6.14 Sign Violations

A. *Permit*

Unless specifically exempted herein, it shall be illegal for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any sign in the Town without first obtaining a sign permit in accordance with the provisions of this section.

B. *Compliance*

Signs shall be installed, placed, or maintained in the Town only in compliance with this section. If provisions of this section are in conflict with any other Town code, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this section are declared to be nuisances and may be abated as provided by law. The responsibility for compliance with this section rests jointly and severally upon the sign owner, the permit holder, any and all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control.

C. *Permanent Signs*

1. Notice of Violation

Notice of violation of this section shall be provided by a Code Compliance Officer to one or more of the responsible persons listed in section B above. The time periods provided for correction of the violation shall be:

- a. A ten (10) calendar day written notice shall be provided.
- b. If determined to be in an unsafe condition, a two (2) calendar day written notice shall be provided. If the correction has not been made within 48 hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner

or owner or lessee of the property upon which the sign is located.

D. *Enforcement*

1. The Code Compliance Manager is authorized to require removal of any sign installed in violation of this section. In the case of a sign code violation where the offending sign has been removed by the Code Compliance Officer, the notice shall state the reason for its removal.
2. The Building Official is authorized to remove or require the immediate removal or repair without written notice of any unsafe sign that creates an immediate hazard to persons or property.
3. The costs of removal or repair of a sign by the Town shall be borne by the person who installed the sign, and, if unknown, the owner or lessee of the sign and of the property on which the sign is located. If the Town incurs costs in the removal or repair of a sign, the Town may bring an action in Municipal Court or Superior Court to recover its costs.

E. *Temporary Signs-Generally*

1. Notice of Violation
 - a. For Temporary Signs, other than A-Frame/T-Frame Signs and Flying Banners which previously addressed, a two (2) calendar day written notice shall be provided.
 - b. A notice of violation is not required for a Temporary Sign placed within the right-of-way, and such signs may be removed immediately by the Town at any time and without notice.

2. Enforcement

The Code Compliance Manager may remove or cause to be removed any Temporary Sign that is not removed by the owner.

F. *Temporary Signs: A-Frame and T-Frame Signs; Flying Banner Signs*

1. Notice of Violation, Enforcement and Penalties
 - a. First Offense
 - 1) A two day written notice of the violation shall be given by the Code Compliance Manager to the owner or lessee of the business to which the sign relates, or, if such violation relates to the spacing requirements set forth in the Temporary Sign provisions of this Zoning Code a written notice shall be given to all owners or lessees of businesses

to which the signs relate.

- 2) Upon receipt of the notice, the owner or lessee of the business or businesses to which the sign(s) relate shall bring the sign(s) into conformance with this section.

b. Second Offense

- 1) If the Code Compliance Manager finds that there is a second violation by the same owner or lessee of a business to which a sign relates within any 24 month period, then no notice shall be required for a second violation. The offending A-Frame/T-Frame Sign or Flying Banner Sign shall be subject to immediate confiscation. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used.
- 2) If the violation relates to the spacing requirements set forth in the Temporary Sign provisions of this Zoning Code, then all signs in violation shall be subject to confiscation regardless of which sign was placed first.
- 3) The Code Compliance Manager shall give notice to the owner or lessee of the business to which a sign relates that the sign has been confiscated and that if not claimed within five (5) calendar days from the date of the notice, the sign shall be disposed of by the Town.

c. Third Offense

- 1) If the Code Compliance Manager finds that there is a third violation by the same owner or lessee of a business to which a sign relates within any 24 month period, such sign shall be confiscated. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used.
- 2) If the Code Compliance Manager finds that there is a third violation by the same owner or lessee of a business to which a sign relates within any 24 month period, A-Frame Signs, T-Frame Signs, and Flying Banners relating to the business shall not be permitted.

d. Fourth Offense

- 1) If the Code Compliance Manager finds that there is a fourth violation by the same owner or lessee of a business to which

a sign relates within any 24 month period, the owner or lessee of the business shall be guilty of a Class I Misdemeanor but shall be exposed to civil fines only for the conviction. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used.

- 2) Upon conviction of a violation of this section, the court shall order a person who has been convicted of a violation of this section to pay a fine of not less than \$500.00 for each count upon which a conviction has been obtained.

5.6.15 State Preemption

This section shall be interpreted and enforced consistent with State law.

5.6.16 Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section.

A. *Severability where less speech results*

Without diminishing or limiting in any way the declaration of severability set forth in subsection (1), above, or elsewhere in this section, the Zoning Code, the Gilbert Code of Ordinances, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

B. *Severability of provisions pertaining to prohibited signs*

Without diminishing or limiting in any way the declaration of severability set forth in subsection (1), above, or elsewhere in this section, the Zoning Code, the Gilbert Code of Ordinances, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed [Prohibited Signs](#), of this section. Furthermore, if any part, section, subsection,

paragraph, subparagraph, sentence, phrase, clause, term, or word of Prohibited Signs is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Prohibited Signs thereby ensuring that as many prohibited sign types as may be constitutionally prohibited continue to be prohibited.

C. *Severability of Prohibition on Billboards*

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this section and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on Billboards as contained in this section, the Zoning Code, or the Gilbert Code of Ordinances, or any adopting ordinance.

Section 5.7 Non-Conforming Uses, Lots, Parcels, Structures and Signs

5.7.1 Purpose and Intent

This section establishes uniform provisions for the regulation of uses, lots, parcels, structures, and signs that were legally established prior to the adoption of the Zoning Code or amendments hereto, but which would now be prohibited or regulated differently under the requirements of the Zoning Code. It is the intent of this section to encourage the conversion of non-conforming uses, lots, parcels, structures, and signs to conforming status.

5.7.2 General Provisions

- A. A legally established non-conforming use may be continued, except as set forth in this section.
- B. A permitted use may be extended into any portion of a non-conforming structure.
- C. A non-conforming use that occupies any portion of any structure, lot, or parcel shall not be expanded to occupy additional building or land area except as permitted in the [Use Regulation Table](#).
- D. A non-conforming use shall not be expanded in intensity or hours of operation except as permitted in the Use Regulation Table.
- E. A non-conforming or substandard lot or parcel that contains at least 80 percent of the minimum lot area required in the district, and has at least 80 percent of all required lot dimensions, may be developed for a use permitted in the district.
- F. A non-conforming structure shall not be altered unless required or permitted by law, unless the alteration will not increase the nonconformity or will result in reduction or elimination of the nonconformity.
- G. Non-conforming signs shall be governed by the provision related to [Signs](#) in this Zoning Code.

5.7.3 Abandonment of Non-Conforming Uses

A. ***Termination***

A non-conforming use shall terminate one (1) year following cessation of the use unless the Zoning Administrator determines that the non-conforming use has not been abandoned, pursuant to this section.

B. ***Request for Determination***

A property owner or Planning Manager may request that the Zoning Administrator determine if a use has been abandoned. The property owner shall have the

burden of establishing intent not to have abandoned the use. The Zoning Administrator shall set forth a determination in a Notice of Decision. The Notice of Decision shall be emailed, file shared or mailed to the property owner by first class mail within 30 days of the filing of the request.

C. *Appeal Determination*

The applicant may file an appeal of the Zoning Administrator's determination to the Board of Adjustment within 10 days of the date of mailing of the Notice of Decision.

D. *Fact Finding by Hearing Officer*

1. Prior to the Board of Adjustment appeal hearing, the Hearing Officer shall conduct a fact-finding hearing to gather a complete record of all information pertaining to the request.
2. The Hearing Officer shall have the authority to request all information necessary to compile a complete record pertaining to the request.
3. Town officials and the applicant shall fully disclose all information pertinent to the fact finding.
4. The Hearing Officer shall prepare a report and recommendation for Board of Adjustment consideration within 60 days of the filing of the request.

E. *Board of Adjustment Hearing*

1. The Board of Adjustment shall conduct a public hearing on the request pursuant to the [Public Hearing Procedures](#) in this Zoning Code.
2. In its deliberations, the Board of Adjustment shall consider only the applicant's written request, the Findings of Fact prepared by the Hearing Officer, and the Hearing Officer's recommendation. No new evidence shall be submitted.
3. The Board of Adjustment shall uphold or reverse the zoning Admonitor's determination or remand the matter to the Zoning Hearing Officer to develop additional findings.

5.7.4 Repair or Rebuilding of a Damaged Structure

- A. If a non-conforming structure has been damaged so that the cost of repair or rebuilding in compliance with current construction codes is less than 50 percent of the value of the structure prior to the damage, the structure may be repaired or rebuilt. The extent of non-conformity shall not be increased by the repair or rebuilding.

- B. If a non-conforming structure has been damaged so that the cost of repair or rebuilding in compliance with current construction codes equals or exceeds 50 percent of the value of the structure prior to the damage, the structure may be repaired or rebuilt, but only in conformance with the Zoning Code except as permitted in the [Use Regulations](#) Table.
- C. The value of a structure and costs of repair or rebuilding shall be determined by the Building Official. The Building Official shall consider appraisals, insurance adjuster's estimates, contract amounts, and similar information.
- D. An appeal of the determination of value may be made to the Building and Construction Regulations Code Board of Appeals. The decision of the Building and Construction Regulations Code Board of Appeals shall be final.

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Section 5.8 Wireless Communication Facilities

5.8.1 Purpose and Intent

- A. The purpose and intent of these regulations are to:
1. Establish uniform standards and procedures to manage the development, siting, installation, and operation of Wireless Communication Facilities (WCFs) in compliance with the Federal Telecommunications Act of 1996.
 2. Provide for appropriate development of WCFs to provide services within the Town in a manner that will protect and promote public health and safety, and prevent visual blight, while supporting new technologies.
 3. Provide for an efficient and capable wireless telecommunications network throughout the Town that promotes co-location and optimal facility locations to meet the current and future wireless telecommunications needs of the Town's residents, businesses, industry, and visitors.
- B. *Applicability*
1. This section and the Design Standards Manual for Wireless Communication Facilities in Chapter II shall govern the development activities of wireless facilities within the Town of Gilbert, including the installation, construction, expansion, alteration, modification and operation of wireless facilities, subject to the rules contained within this section regarding the use of Town-owned Right-of-Way in connection with small wireless facilities.
 2. Small Wireless Facilities in Town-owned Rights-of-Way and public utility easements shall be governed by the Buildings and Construction Regulations of the Town of Gilbert Code.
 3. This section shall not apply to those uses set forth in the provisions of the Zoning Code relating to [Over-The-Air Reception Devices](#), [Large Satellite Dishes](#), [Satellite Earth Stations](#), and [Amateur Radio Facilities](#).

5.8.2 Procedures

A. *Application*

An application for a new WCF, or expansion or alteration of any existing WCF, shall be filed with the Town in accordance with the application procedures set forth in the table below, [Use Permits Procedures](#), and [Design Review Procedures and Responsibility](#). In addition to any other requirements specified, applications shall not be deemed complete without a minimum submission of

the following as described within the official Town application packet:

- Application with signature of real property owner or letter of consent from real property owner
- Project Narrative
- Proposition 207 (Diminution in Value) Waiver Form with Title Report and Exhibits
- Parcel/Aerial Map
- Legal Description
- Site Plan
- Landscape Plan
- Neighborhood Notice
- Traffic Impact Analysis/Study (if required by Town)
- Response to Pre-Application Comments (if applicable)
- Inventory and Map
- Report on Alternatives
- Photo—Simulations
- Facility Diagrams
- *Radio Frequency (RF) Exposure Compliance*

B. *Minor Modifications*

As set forth in [Modifications](#) and notwithstanding Section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of Law, proposed minor modifications to existing WCFs shall not require a use permit. Minor modifications to existing WCFs include any of the following:

1. Upgrading the capacity of an existing facility by replacing antennas with new antennas of the same size as at the same mounting height on a pole.
2. Adding one or more antennas or other apparatus to an existing facility, in a manner that does not dramatically change the visual impact of the existing facility.
3. Increasing the height of an antenna slightly (1 foot – 2 foot maximum) such that it is visually insignificant at the height at which the antenna is mounted.

4. Adding new equipment within an existing equipment cabinet or building that remains screened by the existing walls of the equipment cabinet or building.

C. *Legal Non-Conforming WCFs*

1. A WCF that was legally constructed under the provisions of the Land Development Code and Regulations of the Zoning District in effect at the time of construction shall not require a use permit for maintenance work. WCF maintenance means the realignment of antennas, replacement or repair of a part or portion of a WCF due to ordinary wear, tear or damage with like material, size, color, and design. Maintenance work does not include changing the number, color, size or design of the WCF or its components as set forth in this section and the provisions of this Zoning Code relating to [Use Permits](#).
2. No alteration to a non-conforming WCF shall be made except where required or otherwise permitted by law to reduce or eliminate the non-conformity.

5.8.3 Use and Development Regulations

A. *Locations Permitted*

See [Use Regulations](#) to determine which Wireless Communication Facilities are permitted in which zoning districts.

B. *Limited Single Family Locations*

WCFs are permitted in single family and multi-family residential zoning districts when the property is owned by any of the following:

1. The state, county, a school, or community college district, if the primary use of such property is a governmental use.
2. An electric utility company, if the property is used for an electric utility use.
3. A Place of Worship use, if the primary use of such property is for worship or social use.

C. *Wireless Communication Facility Categories*

Each type of WCF has been organized into one of three categories, primarily based on the size and visual impact each type has to its surrounding property.

Each category is subject to separate application and review processes.

1. Category 1 WCFs

Facilities in this category have minimal visual impact due to the small size, concealment efforts, and location on existing vertical elements. The process to review and approve Category 1 facilities is through an Administrative Design Review. Examples of Category 1 facilities include but are not limited to Microcells, new Small Wireless Facilities (SWFs) and WCFs on utility poles and recreational field light poles.

2. Category 2 WCFs

Facilities in this category have a more significant visual impact than those in Category 1 due to their larger size and new vertical elements. The process to review and approve Category 2 facilities is through an Administrative Use Permit. Examples of Category 2 facilities include but are not limited to new Small Stealth Structures, existing vertical elements.

3. Category 3 WCFs

Facilities in this category have the most significant visual impact on surrounding properties due to the increased heights permitted and fewer requirements for concealment. The process to review and approve Category 3 facilities is through a Conditional Use Permit. Examples of Category 3 facilities include but are not limited to Monopoles, Large Stealth Structures and Public Safety Communication Facilities.

Wireless Communication Facility Categories Table									
Category	Maximum Height Permitted by Zoning District								
Facilities listed under each category are examples but may not include all eligible facility types. The Zoning Administrator has the authority to determine which Category a proposed WCF shall be processed under	Single Family Residential ⁽¹⁾	Multi-Family Residential ⁽¹⁾	Commercial	Office	Employment	Public Facility/ Institutional	Heritage Village Center	Gateway Zoning District	Mixed-Use
Category 1: Administrative Design Review									
Microcell	No max. ⁽¹⁾	No max. ⁽¹⁾	No max.	No max.	No max.	No max.	No max.	No max.	No max.
Small Wireless Facility – Existing Vertical Element – <i>Other</i>	10 ft. ^{(1) (2)}	10 ft ^{(1) (2)}	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft ⁽²⁾	10 ft
Small Wireless Facility - New	40 ft ⁽¹⁾	40 ft ⁽¹⁾	40 ft	40 ft	40 ft	40 ft	-	-	-
Existing Vertical Element – <i>Utility Pole or Recreational Field Light Pole</i>	15 ft ^{(1) (2)}	15 ft ^{(1) (2)}	15 ft ⁽²⁾	15 ft ⁽²⁾	15 ft ⁽²⁾	15 ft ⁽²⁾	15 ft ⁽²⁾	15 ft ⁽²⁾	15 ft.
Stealth Building Element	Height of Bldg. ⁽¹⁾	Height of Bldg. ⁽¹⁾	Height of Bldg.	Height of Bldg.	Height of Bldg.	Height of Bldg.	Height of Bldg.	Height of Bldg.	Height of Bldg.
Category 2: Administrative Use Permit									

Wireless Communication Facility Categories Table									
<i>Category</i>	<i>Maximum Height Permitted by Zoning District</i>								
Stealth Structure (Small)	40 ft ⁽¹⁾	40 ft ⁽¹⁾	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft
Existing Vertical Element – <i>Light pole or Existing Vertical Element - Other</i>	10 ft ⁽¹⁾⁽²⁾	10 ft ⁽¹⁾⁽²⁾	-	-	-	10 ft ⁽²⁾	-	-	-
Building Mounted Public Safety Antenna	-	-	-	-	-	10 ft ⁽²⁾	-	-	-
Public Safety Communications Facility	-	-	-	-	-	75 ft	-	-	-
Category 3: Conditional Use Permit									-
Monopole	-	-	75 ft	75 ft	75 ft	75 ft	-	-	-
Stealth Structure (Large)	-	-	75 ft	75 ft	75 ft	75 ft	-	-	-
Public Safety Communications Facilities	-	-	-	-	-	250 ft	-	-	-

- (1) Wireless Communication Facilities may only be permitted in residential zoning districts in accordance with this section.
- (2) Measured up to 10 feet above existing vertical element.

5.8.4 Additional Development Regulations

A. *Height*

The permitted maximum heights for WCFs are set forth in the table above. Unless otherwise provided in this section, the height of WCFs shall be measured from finished grade to the highest point of the structure, including antenna and attachments.

For facility types that are not specifically listed in the table above, the Zoning Administrator shall determine the maximum height based on other similar facilities within the same category.

B. *Setbacks, WCF Support Structure*

The following setbacks shall apply to the support structure upon which a WCF is mounted.

1. Measurement

Setbacks shall be measured from the center point of the support structure to the boundary of the entire property prior to the WCF application even though the WCF may be sited on one or more smaller individual parcels within a larger lot or parcel.

2. Required Setback Distance

All new support structures shall be located a distance equal to or greater than the building setback for the district in which it is located, unless abutting any lot or parcel designated for residential use in the General Plan.

3. Required Setback Distances from Residential

All new support structures shall be set back from any lot or parcel designated for residential use in the General Plan to the maximum extent feasible and a distance equal to the greater of:

- a. 75 feet; or
- b. 110 percent of the height of the WCF, including attached antennas.

C. ***Setbacks, Ground Equipment***

1. Setback of the Base Zoning District

Except as otherwise provided for in this section, ground equipment associated with WCFs, including but not limited to equipment cabinets and buildings, shall comply with the required building setbacks of the Base Zoning District within which the WCF is located.

2. Setback Measurement

Setbacks shall be measured from the closest perimeter wall of the equipment cabinet or building within which the ground equipment is mounted, to the boundary of the entire property. Setbacks shall be measured prior to the WCF application even though the proposed WCF may be sited on one or more smaller individual parcels within a larger lot or parcel. Setbacks shall not be measured from a wall surrounding the ground equipment, but rather from the actual ground equipment.

D. ***Setback Exemptions***

The following are exempt from the setback requirements:

1. WCF antennas mounted on an existing vertical element;
2. WCF antennas incorporated as a stealth building element; and
3. Ground equipment located on an Electric Utility Substation site.

E. ***Ground Equipment***

1. Screening.

- a. Equipment Cabinets and Associated Equipment. The equipment cabinet and associated equipment, including air conditioning units and emergency generators, shall be located within the cabinet within which the antenna is placed, or shall be fully

screened from view by a decorative solid fence equal to or exceeding the heights of the equipment cabinet.

- b. Equipment Buildings. An equipment building shall be screened with an eight (8) foot decorative solid separation fence.
- c. Waiver or Modification of Screening Requirement. The screening requirement may be waived or modified if the Zoning Administrator determines that the equipment cabinet or building will only be visible from permanently unoccupied areas or is already screened from public view.

2. Height

- a. Equipment cabinets shall not exceed eight (8) feet in height.
- b. Equipment buildings shall not exceed 15 feet in height.

3. Area

- a. The area of an equipment cabinet or building that is used by a single provider shall not exceed 300 square feet.
- b. The area of an equipment cabinet or building that is used by multiple providers shall not exceed 600 square feet.

4. Public Safety Communications Facility Exception

- a. The equipment cabinet or building of Public Safety Communications Facility may exceed the height and area limitations as listed in the table above, but only if approved as part of a Conditional Use Permit.
- b. The equipment cabinet or building of Public Safety Communications Facility shall be subject to all screening requirements.

F. ***Fencing***

1. Design

Fencing shall be architecturally compatible with buildings and fencing on the property or of abutting properties and shall be solid to fully screen the equipment it is surrounding.

2. Height

Fencing shall not exceed eight (8) feet in height.

3. Prohibitions

- a. The use of barbed wire or razor wire is prohibited except as permitted in the Gilbert Municipal Code.
- b. The use of chain link, woven wire or similar fence material is prohibited, except as permitted in the provisions of this Zoning Code relating to in [Walls and Fences](#).

G. ***Lighting***

1. 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 only.
2. WCFs on light poles and recreational field light poles shall comply with the provisions of this Zoning Code relating to [Lighting Standards](#).

H. ***WCF Support Structures - Additional Regulations***

1. *Monopole.* Any new monopole shall be constructed to allow for co-location of at least One (1) additional WCF antenna of similar type. If constructed to less than the maximum height permitted, the monopole shall also have the capability of adding an additional vertical section.
2. *Light Pole and Recreational Field Light Pole.* When a WCF light pole or recreational field light pole replaces one of a series of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible as determined by the Zoning Administrator.
3. *Non-Conforming Support Structures.* A support structure that was legally constructed under the provisions of the code or regulations of the district in effect at the time of construction. No alteration to a non-conforming support structure shall occur unless required by law or unless the alteration will result in reduction or elimination of the non-conformity, or unless the alteration conforms to the following provisions:
 - a. The Town may allow additional antennas pursuant to a Conditional Use Permit. In addition to the findings required for approval of a Conditional Use Permit the Additional [WCF Findings](#) for Support Structure in this Zoning Code shall establish the rationale for the granting of relief under this section.

4. *Stealth Building Element.* No part of a Stealth Building Element shall extend above the highest point of a building, at the location where it is mounted.

I. ***Portable Monopoles***

1. *Temporary Replacement Monopoles.* A portable monopole may be permitted during the construction modification, or replacement of an approved WCF. Placement of the portable monopole requires the approval of the Planning Manager
2. *Special Event Monopoles.* A portable monopole may be permitted during a Special Event, but only if approved as part of a Special Event Permit pursuant to the Gilbert Municipal Code.
3. *Height.* The Height of a portable monopole shall not exceed 65 feet in height in all Zoning Districts, with the exception of a portable monopole in an Employment and Public Facility/Institutional Zoning district where a maximum height of no more than 75 feet is permitted.

J. ***Co-Location on Monopoles***

The operator of a monopole shall allow the co-location of at least one additional WCF on the same monopole or site where feasible. Applicants and operators shall share technical information to enable evaluation of the feasibility of co-location. Permission shall be required for all operators and owners of this monopole in which co-location is proposed.

5.8.5 Required Findings

In addition to *the required* process findings, the Planning Manager shall approve, approve with modifications and/or conditions, or deny a Design Review application after making the Additional [WCF Findings](#) herein.

5.8.6 Miscellaneous Provisions

A. ***WCFs on Utility Property***

The costs of improvements to utility facilities, poles, and property to accommodate a WCF shall not be charged against any municipal aesthetics program funding granted to the Town.

B. ***Independent Technical Study***

Should the Zoning Administrator or the Director of Development Services require additional technical information that cannot be obtained from the applicant, the Town may require the applicant to pay the cost of an independent technical study.

C. ***Revocation***

To the extent permitted by law, failure to comply with co-location requirements as provided for in this section is grounds for revocation of an existing use permit pursuant to the provisions of this Zoning Code relating to Use Permit [Revocation](#).

D. ***Abandonment; Non-Use***

WCFs that are not in use for six (6) or more months shall be removed by the Wireless Communications Service Provider or the property owner no later than 90 calendar days from the last date of use unless otherwise agreed to in writing by the Zoning Administrator.

E. ***Security of WCFs***

All WCFs and associated equipment shall be installed and secured in a manner to prevent unauthorized access. All WCFs and associated equipment shall also be constructed and shielded so that they cannot be climbed on or run into. Access to transmitters and telecommunications control points shall be limited to persons authorized to operate or service the WCF only.

F. ***Signage***

No sign or advertising of any kind shall be permitted on any WCF, equipment cabinet or building antenna or support structures unless required by law or pursuant to a sign permit.

G. ***Transfer of Rights***

A Use Permit under this section shall not be assigned, transferred or conveyed without prior written notice to the Town. The written notice shall describe the assignee's name, address, contact person, and of the effective date of such assignment.

H. ***Reservation of Authority to Inspect Wireless Telecommunications Facilities***

1. The Town reserves the right to inspect the permitted site to verify compliance with all applicable technical, safety, fire, building, code requirements, and all other applicable requirements.
2. The Town shall pay for the costs associated with such an inspection, except that the permit holder shall reimburse the Town for the actual cost of the inspection where violations of this section are found to exist and for those circumstances occasioned by said permit holder's, lessee's or licensee's refusal to provide necessary information, refusal to provide necessary access to facilities, or refusal to otherwise cooperate with the Town with respect to an inspection.

3. Payment of such costs shall be paid to Town no later than 30 calendar days from the date of the Town's invoice or other demand for reimbursement. In the event of an appeal in accordance with the procedures set forth under Use Permit [Appeals](#) herein, said reimbursement payment shall still be paid to Town shall set aside the amount, pending the final decision on appeal.

I. ***Conflict with Other Laws or Ordinances***

Where this section differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal Government, the provisions more restrictive or protective of the Town and the public shall apply.

J. ***Severability***

1. If any word, phrase, definition, sentence, part, section, subsection, or other portion of this section or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, definition, sentence, part, section, subsection, or other portion of this section, or the proscribed application thereof, applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.
2. Any use permit issued under this section shall be comprehensive and not severable. If part of a use permit is deemed or ruled to be invalid or unenforceable in any material respect by a competent authority, or is overturned by a competent authority, the use permit may be declared void in total upon determination by the Town.

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Section 5.9 Dishes, Satellite Earth Stations, and Amateur Radio Facilities

5.9.1 Purpose and Intent

- A. Establish standards for Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.
- B. Minimize the visual impact of communication facilities.
- C. Provide opportunities for such communication uses within the Town, subject to limits set by federal regulations.

5.9.2 Use and Development Regulations

A. ***Land Use Regulations***

The [Use Regulations](#) for each base zoning district establish the districts in which Amateur Radio Facilities, Large Satellite Dish Antennas, Over-The-Air Reception Devices, and Satellite Earth Stations are permitted. Over-the-air reception devices are permitted accessory uses in all base zoning districts, pursuant to the standards set forth in this section.

B. ***Over-the-Air-Reception Devices (OTARD) Standards***

Unless these regulations would cause the installation or use of an OTARD to be unreasonably delayed or 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.

1. 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.
2. 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.
3. If the antenna will be placed on a mast exceeding 12 feet above the roofline, the applicant shall obtain a building permit before installation due to safety concerns posed by wind loads and the risk of fall. Before installation, the applicant shall submit to the Town a technical description of the antenna, anchorage features, and mast. If the Town

determines the mast will pose a safety hazard to persons or property, the Town may prohibit installation.

4. Antennas shall not be located within the front yard.

C. *Large Satellite Dish Antennas*

Large Satellite Dish Antennas, other than Satellite Earth Station antennas, are subject to the following standards:

1. General Standards

- a. The antenna shall be the smallest diameter allowed by current technology to receive or transmit desired communications, but in no case shall exceed a diameter of 10 feet.
- b. Ground mounted large satellite dish antennas shall be located in the rear one-half of the lot or parcel.
- c. Screen fencing shall be architecturally compatible with buildings or fencing on the property or abutting properties.
- d. Any portion of the antenna visible from streets or abutting 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 Planning Manager.

2. Single Family Residential Districts

- a. No more than one (1) Large Satellite Dish Antenna may be located on any lot or parcel.
- b. 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.
- c. Ground mounted Large Satellite Dish Antennas shall be screened from streets and abutting lots or parcels by a six (6) foot high solid fence.

3. Multi-Family Residential Districts

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

- b. 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.

4. Non-residential Districts

- a. 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 Planning Manager, determines that the equipment will only be visible from permanently unoccupied areas, or is already screened from public view, 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.
- b. 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.

D. ***Satellite Earth Stations, Large- and Small-scale***

Satellite Earth stations, Large- and Small-scale shall be:

1. Separated from abutting uses and streets by an eight (8) foot high solid wall or fence.
2. Located outside of the required perimeter landscape area.
3. Set back from abutting property lines a minimum distance equal to the height of the antenna.
4. Painted a light, non-reflective color.
5. If roof mounted, screened by a parapet or cornice and shall not extend above the roof line.

E. ***Amateur (HAM) Radio Facilities***

1. Antenna Standards

- a. Limited to a maximum of 35 feet in height.
- b. Limited to no more than one (1) amateur radio antenna on any lot or parcel.
- c. Mounted on the ground unless there is no feasible ground location on the lot or parcel to receive or transmit desired communications.
- d. If ground mounted, located in the rear one-half of the lot or parcel, but in no event shall the antenna structure be required to be set back more than 100 feet from the front property line.
- e. Set back a minimum of 20 feet from side and rear property lines.

2. 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.

- a. The waiver request shall:
 - 1) Provide evidence that a signal cannot be obtained by facilities in compliance with the standards; and
 - 2) Document the minimum waiver from these regulations required in order to receive a signal.
- b. If a waiver of the height limit is necessary, the antenna shall be set back from abutting property lines by a distance established by the Zoning Administrator.
- c. The decision of the Zoning Administrator shall be issued in the form of a Notice of Decision and shall include written findings.

Section 6.0 Administrations

Section 6.1 Planning Administration

6.1.1 Purpose and Intent

The purpose and intent of this section is to identify those bodies, administrators, and officials with responsibilities under the Gilbert Land Development Code. Subsequent sections of Administration provide detailed information regarding procedures, applications, and permits. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of the Zoning Code as minimum requirements.

6.1.2 Town Council

The powers and duties of the Town Council have been established under the Gilbert Municipal Code.

A. *Powers and Duties of Town Council under the Zoning Code*

1. Consider, adopt, reject or modify amendments to the General Plan.
2. Consider, adopt, reject or modify annexation of property and Maricopa County rights-of-way and roadways.
3. Consider, adopt, reject or modify text amendments to the Zoning Code.
4. Consider, adopt, reject or modify amendments to the Official Zoning Map.
5. Hear and decide appeals from decisions of the Planning Commission on use permits.
6. Hear and decide appeals from decisions of the Planning Commission on preliminary subdivision plats.
7. Hear and decide appeals from decisions of the Planning Commission on Wall and Fence Modifications.
8. Consider and approve final subdivision plats and amendments.
9. Hear and decide appeals from decisions of the Design Review Board or Redevelopment Commission.

10. Exercise appeal authority as authorized by the Zoning Code.
11. Appoint members of the Planning Commission, Redevelopment Commission and Design Review Board.
12. Establish, by resolution, a schedule of fees and charges for the various applications and services provided pursuant to the Zoning Code.
13. Adopt Design Guidelines for the design review process.
14. Consider, approve or revoke a Protected Development Rights Plan.
15. Hear and decide requests for reconsideration.

6.1.3 Planning Commission

The Planning Commission (the "Commission") is established pursuant to the Gilbert Municipal Code and the requirements of Arizona Revised Statutes.

A. *Creation, Membership, and Terms of Office*

1. The Commission shall act in the capacity of the Design Review Board.
2. The Commission is composed of seven (7) regular members and two (2) alternate members appointed by the Town Council.
3. Members of the Commission shall reside in the Town.
4. A change of residence from the Town of any member shall create a vacancy as of the date of such change of residence.
5. The term of each regular member of the Commission shall be for a period of four (4) years or until his successor assumes office.
6. Members shall serve staggered terms whereby no more than four (4) members' terms expire in any one year.
7. The term of the alternate members shall be for a period of one (1) year.
8. The alternate members of the Commission shall act as a regular member in the absence of a regular member at any meeting or hearing of the Commission. The Chair of the Commission, or the Vice Chair in the Chair's absence, shall determine which alternate member shall take the place the absent member. If both the Chair and vice chair are absent, both alternative member shall serve.

9. The Commission shall elect a chair and vice-chair from its membership.

B. *Meetings*

All meetings of the Commission shall be held at the call of the chair and at such other times as the Commission may determine. Except for executive sessions authorized by law, all meetings of the Commission shall be open to the public.

C. *Proceedings*

The Commission shall adopt rules and regulations to govern its proceedings. The minutes and records of all Commission proceedings shall be kept and filed as public records in the office of the Town Clerk. The Executive Secretary of the Commission shall be the Planning Manager.

D. *Powers and Duties*

The Commission shall have the following powers and duties:

1. Recommend to the Town Council a General Plan and amendments thereto.
2. Annually review progress towards implementation of the General Plan and recommend to the Town Council changes desired due to new legislation, development trends and changing economic, social and environmental conditions.
3. Review and make recommendations to the Town Council on proposals to amend the Official Zoning Map or the provisions of the Zoning Code.
4. Initiate changes to the Official Zoning Map or text of the Zoning Code to ensure conformance and consistency with the Town's General Plan.
5. Review and recommend to the Town Council design guidelines for conducting design review.
6. Approve, approve with modifications and/or conditions, or deny Special and Conditional Use Permits.
7. Revoke Administrative, Special and Conditional Use Permits.
8. Hear and decide appeals from decision of the Zoning Administrator on applications for Administrative Use Permits.
9. Review applications for Administrative Use Permits upon referral by the Zoning Administrator.

10. Appoint a Zoning Hearing Officer from the Commission membership or contract a legal professional, not appointed to any Town Board or Commission.
11. Approve, approve with modifications and/or conditions or deny preliminary subdivision plats and open space plans.
12. Hear and decide appeals from decisions of the Town Engineer on applications for Minor Land Divisions.
13. Hear and decide appeals from decisions of the Planning Manager on applications for Administrative Relief from Development Standards.
14. Review and make recommendations to the Town Council on proposals for Protected Development Right Plans.
15. Approve, approve with modifications and/or conditions, or deny major Wall and Fence Modifications.
16. Hear and decide upon Wall and Fence Modification revocations.

6.1.4 Board of Adjustment

The Board of Adjustment of the Town of Gilbert (the "Board") is established pursuant to Arizona Revised Statutes A.R.S. § 9-462.06, as amended.

A. *Creation and Membership*

1. The Planning Commission shall serve as the Board.
2. The Chair of the Board shall be the Chair of the Planning Commission or as designated by the Chair of the Planning Commission.

B. *Meetings*

1. All meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine.
2. Except for executive sessions authorized by law, all meetings of the Board shall be open to the public.

C. *Proceedings*

1. The Board shall adopt rules and regulations to govern its proceedings.
2. The minutes and records of all Board proceedings shall be kept and filed as public records in the office of the Town Clerk.

3. The Executive Secretary of the Board shall be the Planning Manager.

D. ***Powers and Duties***

1. The Board has the following powers and duties:
 - a. Hear and decide appeals from decisions of the Zoning Hearing Officer on applications for variances.
 - b. Review applications for variances upon referral by the Zoning Hearing Officer.
 - c. Hear and decide appeals from a decision, determination, or interpretation made by the Zoning Administrator.

E. ***Ex Parte Communications***

The Board acts in a quasi-judicial manner and shall not entertain, accept or participate in any [Ex Parte Communications](#).

6.1.5 Planning Manager

The Planning Manager is the employee of the Town designated to administer Planning Department.

A. ***Powers and Duties of the Manager, or Designee***

1. Administer the Land Development Code.
2. Provide professional recommendations to the Town Council, appointed officials and Town management on matters related to the physical development of the community.
3. Administer the annexation process.
4. Process, review, and make recommendations to the Planning Commission on applications for:
 - a. Amendments to the General Plan text or maps
 - b. Amendments to Zoning Code text or maps
 - c. Subdivision Plat maps
5. Process, review, and make recommendations with respect to property in the Heritage District Overlay District to the Redevelopment Commission on applications for:

- a. Amendments to the General Plan text or maps
 - b. Amendments to the Zoning Code text or maps
 - c. Subdivision Plat maps
6. Process, review and make recommendations on applications for design review.
 7. Expand the boundaries of a Design Review Master Site Plan application to incorporate abutting properties.
 8. Perform administrative design review
 9. Expand the notification area
 10. Grant administrative relief from development standards Pursuant to this Zoning Code.
 11. Determine if applications require a zoning amendment or amendment to the General Plan.
 12. Process and make recommendations on appeals.
 13. Initiate proceedings for the revocation of a protected development right plan.
 14. Appoint and supervise the work of the Zoning Administrator.
 15. Make recommendations to the Design Review Board, Redevelopment Commission and Planning Commission on design review guidelines.
 16. Make recommendations to the Zoning Hearing Officer.
 17. Serve as Executive Secretary of the Planning Commission and Board of Adjustment.
 18. Waive the Pre-application Process pursuant to the Zoning Code.
 19. Exercise appeal authority as authorized by the Zoning Code.
 20. Review and approve minor Wall and Fence Modifications pursuant to this Zoning Code.
 21. Approve other applications and projects as authorized by the Zoning Code.

6.1.6 Zoning Administrator

The Zoning Administrator is a member of the Planning Department appointed by the Planning Manager.

A. *Powers and Duties of the Zoning Administrator, or Designee*

1. Administer and enforce the provisions of the Zoning Code. The enforcement duties may be delegated to the Town Code Compliance and Police Departments.
2. Interpret the Zoning Code to members of the public and to other Town departments.
3. Review, approve, approve with modifications and/or conditions or deny applications for Administrative Use Permits.
4. Review, approve, approve with modifications and/or conditions or deny applications for modifications to Administrative Use Permits
5. Refer to the Planning Commission Administrative Use Permit applications determined in writing by the Zoning Administrator to merit review by the Planning Commission.
6. Initiate proceedings for the revocation of a use permit.
7. Initiate proceedings for the revocation of Wall and Fence Modifications.
8. Make determinations regarding uses that are not included in a permitted use classification in this Zoning Code.
9. Make determinations regarding parking requirements for uses that are not identified in this Zoning Code pursuant to this Zoning Code.
10. Make determinations regarding request for accommodation for Group Homes for the Handicapped.
11. Make determinations regarding Place of Worship uses pursuant to this Zoning Code.
12. Make determinations regarding non-conforming uses, lots, parcels and signs pursuant to this Zoning Code.
13. Modify or waive equipment cabinet screening requirements for Wireless Communication Facilities pursuant to this Zoning Code.
14. Make determinations regarding which category a Wireless Communication Facility shall be processed under.

15. Make determinations regarding light poles or recreational field light poles used for a Wireless Communication Facility.
16. Waive standards for the establishment of Amateur Radio Facilities pursuant to this Zoning Code.

6.1.7 Zoning Hearing Officer

The Zoning Hearing Officer (the "Hearing Officer") is assigned to hear and make decisions on matters within the jurisdiction of the Board of Adjustment, subject to appeal to the Board of Adjustment.

A. *Appointment and Procedures*

1. Planning Commissioners who have completed a minimum of one (1) year of appointment may be designated by the chair as the Hearing Officer.
2. Prior to conducting a hearing, the Hearing Officer shall complete a training course in the legal and procedural requirements of the position.
3. No member of the Commission shall serve as Hearing Officer for more than 24 consecutive months during any five (5) year period. Any period of time during which a member of the Commission served as Alternate Hearing Officer shall not be counted when calculating months of service as Hearing Officer.

B. *Powers and Duties of the Zoning Hearing Officer*

1. Conduct hearings and make decisions on matters within the jurisdiction of the Board of Adjustment, subject to appeal to the Board of Adjustment.
2. Approve, approve with modifications and/or conditions, or deny applications for variances.
3. Refer to the Board of Adjustment applications determined in writing by the Hearing Officer to merit review by the Board of Adjustment.
4. Conduct a hearing, develop findings of fact, and submit a recommendation to the Town Council on requests for reconsideration of decisions pertaining to:
 - a. Federal and State Fair Housing Act.
 - b. Federal Religious Land Use and Institutionalized Persons Act or the Arizona Free Exercise of Religion Act.

- c. Americans with Disabilities Act or the Arizonans with Disabilities Act.
 - d. Telecommunications Act.
5. Hear and decide appeals from any decision regarding dedications or exactions filed pursuant to A.R.S. § 9-500.12, as amended.
 6. Hear and decide appeals by property owners alleging a zoning regulation has created a taking in violation of A.R.S. § 9-500.13, as amended.
 7. Conduct a hearing, develop findings of fact, and submit a recommendation to the Board of Adjustment on appeals of the Zoning Administrator determination regarding non-conforming use status.
- C. ***Ex Parte Communications***
- The Hearing Officer acts in a quasi-judicial manner and shall not entertain, accept or participate in any **Ex Parte Communications**.

6.1.8 Design Review Board

The Planning Commission shall serve as the Design Review Board. The Design Review Board's duty is to evaluate the design of proposed developments, to ensure the projects are attractive, functional, in harmony with their surroundings, safe and consistent with adopted design guidelines and community goals.

A. ***Creation, Membership, and Terms of Office***

1. The Planning Commission shall serve as the Design Review Board.
2. The Planning Commission Chair shall be the Chair of the Design Review Board.
3. The Design Review Board shall consist of seven (7) regular members and two alternate members appointed by the Town Council.
4. Members of the Design Review Board shall reside in the Town of Gilbert.
5. A change of residence from the Town of Gilbert shall create a vacancy as of the date of such change of residence.
6. The term of each regular member shall be established by the Town Council.
7. Members shall serve staggered terms whereby no more than four (4) members' terms expire in any one (1) year. The term of the alternate members shall be for a period of one (1) year.

8. The alternate member of the Design Review Board shall act as a regular member in the absence of a regular member at any meeting or hearing of the Design Review Board. The Chair of the Commission shall, or the Vice chair in the Chair's absence, determine which alternate member shall take the place of the absent regular member. In the event both the Chair and Vice-Chair are absent, both alternatives shall serve.
9. The Design Review Board members shall serve at the pleasure of the Town Council.

B. *Meetings*

All meetings of the Design Review Board shall be held at the call of the chair and at such other times as a majority of the Design Review Board may determine.

C. *Proceedings*

1. The Design Review Board shall adopt rules and regulations to govern its proceedings.
2. The minutes and records of all Design Review Board proceedings shall be kept and filed as public records in the office of the Town Clerk.
3. The Executive Secretary of the Design Review Board shall be the Planning Manager.

D. *Powers and Duties of the Design Review Board*

1. Approve, approve with modifications and/or conditions, or deny applications for design review.
2. Hear and decide appeals from administrative design review decisions of the Planning Manager.
3. Advise departments and elected and appointed bodies on matters related to community design.
4. Review and make recommendations to the Town Council on proposals for Protected Development Right Plans pursuant to Protected Development Right Plan.
5. Conduct public hearings as required by the Zoning Code.

6.1.9 Redevelopment Commission

The Redevelopment Commission is created to encourage development and redevelopment in the Heritage District Overlay District and other redevelopment areas

designated by the Town Council, consistent with any adopted redevelopment plan and other applicable requirements.

A. *Creation, Membership, and Terms of Office*

1. The Redevelopment Commission shall consist of five (5) regular members appointed by the Mayor. Members of the Redevelopment Commission shall be residents of the Town. The membership should include at least:
 - a. One (1) architect, landscape architect, urban planner, designer or other qualified design professional.
 - b. One (1) land development or construction industry representative.
 - c. One (1) with a financial services representative.
2. The term of each regular member of the Redevelopment Commission shall be for a period of four (4) years or until his successor assumes office.
3. Members shall serve staggered terms whereby no more than two (2) members' terms expire in any one (1) year.
4. The Mayor shall annually appoint a chair and vice-chair from among the members of the Redevelopment Commission.
5. The Redevelopment Commissioner shall meet all requirements of A.R.S. Title 36, Chapter 12, Article 3 for membership on the Redevelopment Commission
6. A Redevelopment Commissioner may be removed from office by the Mayor for inefficiency, neglect of duty or misconduct in office, but only after a hearing and after the commissioner has been given a copy of the charges at least 10 days prior to the hearing and had an opportunity to be heard in person or by counsel. A Commissioner's absence from three (3) consecutive meetings may be considered neglect of duty for purposes of this section.

B. *Meetings*

All meetings of the Redevelopment Commission shall be held at the call of the Chair and at such other times as a majority of the Redevelopment Commission may determine.

C. ***Proceedings***

The Redevelopment Commission shall adopt rules and regulations to govern its proceedings. The minutes and records of all Redevelopment Commission proceedings shall be kept and filed as public records in the office of the Town Clerk. The Executive Secretary of the Redevelopment Commission shall be the Director of Economic Development.

D. ***Powers and Duties of the Redevelopment Commission***

1. All powers conferred upon municipalities by the provisions of A.R.S. Title 36, Chapter 12, Article 3, except the powers to borrow money, issue bonds, acquire and dispose of real property, enter into contracts with the federal government or any public body, prepare a general plan for the development of the town or approve redevelopment plans.
2. Recommend to the Town Council a Redevelopment Plan and amendments thereto.
3. Review and make recommendations to the Planning Commission on proposals to amend the Official Zoning Map or the provisions of the Zoning Code relating to the Heritage District Overlay District and other designated redevelopment areas.
4. Approve, approve with modifications and/or conditions, or deny applications for design review. relating to the Heritage District Overlay District and other designated redevelopment areas.
5. Hear and decide appeals from administrative design review decisions of the Director of Planning relating to the Heritage District Overlay District and other designated redevelopment areas.
6. Review and recommend approval to the Town Council of design guidelines for the Heritage District Overlay District.
7. Review and recommend approval, approval with modifications and/or conditions, or denial to the Planning Commission of Special and Conditional Use Permits relating to the Heritage District Overlay District and other designated redevelopment areas.
8. Review and comment to the Planning Commission on appeals of Administrative Use Permits relating to the Heritage District Overlay District and other designated redevelopment areas.
9. Review and recommend approval, approval with modifications and/or conditions, or denial to the Planning Commission of preliminary subdivision plats relating to the Heritage District Overlay District and other designated redevelopment areas.

10. Review and comment on applications for zoning, General Plan Amendments, Subdivisions, Variances, Design Review, and Use Permits within 1,000 feet of the exterior boundaries of the Heritage District Redevelopment Area.
11. Conduct public hearings as required by the Zoning Code.

6.1.10 Code Compliance Manager

The Code Compliance Manager, pursuant to the Gilbert Municipal Code, is a member of the Building and Code Compliance Department and administers the Code Compliance Department. The Code Compliance Manager, or Designee, shall enforce the provisions of the Land Development Code, including conducting inspections and issuing warrants and citations as provided for by State law and local ordinance.

6.1.11 Civil Hearing Officer

The Presiding Judge of the Gilbert Municipal Court shall appoint one or more Civil Hearing Officers to hear and decide matters related to violations of the Zoning Code. The Civil Hearing Officers shall hear and decide civil actions for violations of a zoning ordinance, the Zoning Code, a use permit, variance, Design Review approval, or administrative design review decisions of the Planning Manager. The Civil Hearing Officers shall act under the authority of the Presiding Judge. Decisions of a Civil Hearing Officer are appealable to the superior court pursuant to A.R.S. § 22-261 et seq.

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Section 6.2 Common Procedures

6.2.1 Purpose and Intent

Policies and procedures are an essential part of any organization. Together, policies and procedures provide a roadmap for day-to-day operations, ensure compliance with laws and regulations, give guidance for decision-making, and streamline internal processes. The intent is to provide a consistent set of standards that are available for everyone.

6.2.2 Application Process

A. *Applications*

Completed applications shall be submitted to the Development Services Department on a form established by the Planning Manager.

1. Any of the following persons or entities may submit an application:
 - a. The owner of the property.
 - b. An agent representing the owner, with the submittal of a signed writing by the owner of the property authorizing said agent to submit applications on behalf of the owner.
 - c. A party to a duly executed written contract to purchase the subject property, with the submittal of said contract.
 - d. A party with an exclusive option to purchase the property pursuant to a duly executed written contract, with the submittal of the contract.
 - e. A lessee in possession of the subject property, with the submittal of a duly executed written contract or exclusive option to.
 - f. The Town to initiate applications for amendments to the Zoning Code the General Plan and the Zoning Map.
 - g. Upon submittal for any process that allows for an appeal, the owner/applicant agrees to the notice of public hearing sign to be posted on the subject property per the State and Land Development Code requirements.

B. *Application Content*

1. The Planning Manager shall specify the form and content of applications that are required pursuant to the Zoning Code.

2. The Planning Manager may require additional supporting materials as part of the application necessary to describe the existing situation and the proposed project.
3. The applicant shall be responsible for the accuracy and completeness of all information submitted to the Town.
4. The Planning Manager may waive the submission of specific material or information if it is not needed to reach a decision on the application.
5. No application for amendments to the Zoning Map, General Plan land use designations, use permit, variance or annexation will be deemed complete without submission of a Waiver of Claims for Diminution in Value pursuant to the Arizona Revised Statutes, §§12-1131 through 12-1138, as amended, executed by all the owners of the property.
6. The owner(s) shall verify property ownership by submitting a title report. If the owner is a partnership, corporate entity, or joint venture, the formation documents of incorporation and other documents may be required to show authority over the property.
7. Should the ownership of the property change during the application process, updated documents shall be submitted to the Town prior to and as a condition of final approval, which may include a new Waiver of Claims for Diminution.

C. ***Determination of Completeness***

After receiving an application accompanied by the required fee, the Planning Manager shall determine if the application is complete within seven (7) working days of the filing date. The Planning Manager shall notify the Applicant if the application is incomplete. If the application is incomplete, the Town shall identify the items that shall be filed to complete the application.

D. ***Concurrent Applications***

When a project requires approvals under more than one section of the Zoning Code, the individual applications may be accepted for concurrent review.

E. ***Inspection and Reproduction of Public Records***

All applications, including supporting materials, are public records. Public records may be reviewed and copied upon request. The applicant shall clearly label each page of copyrighted or trademarked materials, and such materials shall be available for public inspection, but copyrighted materials shall not be copied.

F. ***Inactive Applications***

All applications shall be actively pursued to a decision. If no applicant activity has occurred on an application for 180 days, the application shall be determined to be inactive. Thirty days prior to that date the planning staff shall notify the applicant in writing that the application will become inactive. If the applicant requests in writing that the Planning Manager extend the 180 day period, such request shall be accompanied by an explanation for the period of inactivity. The Planning Manager may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period. If an extension is not approved, the application will be deemed withdrawn and the file shall be closed.

6.2.3 Fees and Fines

A. ***Required Fees***

All applications required by the Zoning Code shall be accompanied by the required fees set by resolution of the Town Council. Applications shall not be accepted without payment of the required fee unless specifically waived by the Development Services Director.

B. ***Fee Refunds***

If an application is withdrawn prior to a decision, the applicant may be eligible for a refund of a portion of the fee. The amount of the refund shall be determined by the Planning Manager based on direct and indirect costs incurred by the Town through the date of withdrawal. Fee refunds shall not be made for applications that have been denied or determined to be inactive.

C. ***Fines***

All fines imposed by the Town of Gilbert Municipal Court for violations of a zoning ordinance, the Zoning Code, a use permit, a variance or a Design Review approval shall be set forth in the court fine schedule.

6.2.4 Pre-Application Review

A. ***Pre-Application Requirements***

Pre-application review is required for all of the following before an application will be accepted for processing:

1. Zoning applications.
2. General Plan Text, Land Use or Circulation Map Amendments.
3. Preliminary subdivision plats.
4. Design review for:
 - a. Master site plans.
 - b. Shopping centers.
 - c. Office complexes.
 - d. Commercial and employment buildings on sites five (5) acres and larger that are not within an approved master site plan, shopping center or industrial park.
 - e. Any single building with more than 10,000 square feet of gross floor area.
 - f. Business parks.
 - g. Multi-family residential uses.
 - h. Public and private schools.
 - i. Public Safety Facilities, Government Offices and Facilities, Outdoor Entertainment and Recreation.
 - j. Other large-scale projects with multiple structures developed under a unified plan.
 - k. New vertical structures for Wireless Communication Facilities.

B. *Pre-Application Waivers*

The Planning Manager may waive the requirement for a pre-application review based on a determination that no purpose will be served by the review.

C. *Optional Review*

An applicant for a project not requiring pre-application review may request such review.

D. ***Application Submittal***

A request for pre-application review shall be filed with the Planning Department on a form established by the Planning Manager. An incomplete application may be returned.

E. ***Pre-Application Meetings***

After reviewing the application for compliance with the Zoning Code, Town staff will meet with the applicant or representative to provide comments. Following the meeting, Staff shall provide the applicant with a written summary of comments and place a copy of the comments in the project file.

6.2.5 Neighborhood Meeting

A. ***Neighborhood Meeting Requirements***

Applicants for General and Specific Plan Text, Land Use or Circulation Map Amendments and rezoning shall schedule and conduct a neighborhood meeting in accordance with this section.

B. ***Neighborhood Meeting Scheduling***

The applicant shall schedule a neighborhood meeting to receive comments on the proposal. Neighborhood meetings shall be conducted prior to pre-application review and after filing of an application unless otherwise approved by the Planning Manager.

C. ***Neighborhood Meeting Notification***

At least 10 days prior to the neighborhood meeting, notification shall be provided as follows:

1. Applicant shall notify by first-class mail all property owners of record within 300 feet of the property, unless the General Plan, other policy adopted by the Town Council or the Planning Manager requires notification of a larger area due to the potential impact of the project that may extend beyond the required notification boundary.
2. Applicant shall notify by first-class mail all Homeowners Associations (HOAs) and/or Property Owners Associations (POAs) within 1,000 feet of the property
3. Applicant shall notify any persons who have specifically requested notice regarding the application who register their names and addresses with the Town as being interested in receiving such notice. Registration shall be in written form addressed to the Planning Manager.

4. The notice shall set forth the purpose, substance of the proposed application, and the time, date and place of the meeting. A copy of the notice shall be submitted to the Planning Manager.
5. Applicant shall install a sign on the property in a location or locations clearly visible to abutting residents setting forth the purpose, time, date, and place of the neighborhood meeting. Size, color, content, and location of the sign shall be designated by Town Council resolution for posting of public hearing and neighborhood meeting notices.

D. *Neighborhood Meeting Procedure*

The applicant shall conduct the meeting in a location, time, and meeting format approved by the Planning Manager. Following the meeting, which the Town staff may attend, the applicant shall create a written summary of the meeting, including comments received. Staff may augment the meeting record as necessary.

E. *Record of Proceedings*

Concurrent with application submittal for General or Specific Plan Map Amendments, and amendments to a zoning ordinance or the Official Zoning Map, the applicant shall file with the Planning Manager:

1. Certification, on a form established by the Planning Manager, that the meeting was noticed and conducted in compliance with requirements of this section
2. A dated photograph of the sign installed.
3. A written summary of the meeting prepared, including a list of all attendees' names and addresses.

F. *Additional Meetings*

The Planning Manager may require that one (1) or more additional neighborhood meetings be held. If the application is substantially modified from what was presented at the neighborhood meeting, a second neighborhood meeting shall be held to present the modified application. The notification procedures as set forth below shall be followed.

G. *Other Required Meetings*

For projects where the applicant is not otherwise required to conduct a neighborhood meeting, the Planning Manager may require that a neighborhood meeting be held if a determination is made that the project may substantially impact abutting neighborhoods.

6.2.6 Notice of Public Hearings

Prior to consideration of any action for which the Zoning Code requires notice pursuant to this section, notice shall be given in compliance with the following requirements:

A. *Published Notice*

For General or Specific Plan amendments, amendments to the zoning code text, amendments to a zoning ordinance or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, zoning variances, and appeals heard by the Board of Adjustment, the Town Clerk or Planning Manager, as appropriate, shall prepare for publication a Notice of Public Hearing. The notice shall comply with the following requirements:

1. The notice shall be published at least 15 days prior to the date of the public hearing at least once in a newspaper of general circulation within the Town of Gilbert. Notice of a hearing on a major amendment to the General Plan shall be posted not more than 30 days prior to the hearing.
2. A general description of the proposed project or action and the property included in the application.
3. The date, time, location, and purpose of the public hearing.
4. The location and times at which the complete application and project file may be viewed by the public.
5. A statement that any interested person or authorized agent may appear and be heard.
6. A statement describing how and when to submit written comments.
7. No additional information may be included in the mailing.

B. *Posting of Official Notice*

For applications for General and Specific Plan amendments, amendments to the zoning code text, amendments to a zoning ordinance or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, zoning variances, Design Review Master Site Plans, and appeals heard by the Board of Adjustment, the Town Clerk or Planning Manager, as appropriate, shall prepare for posting a Notice of Public Hearing.

The Town shall post the notice at least 24 hours prior to the date of the public hearing at four (4) public places within the Town designated by Town Council resolution governing posting of public notices.

C. *Property Posting*

For applications for annexation, General and Specific Plan map amendments, amendments to a zoning ordinance or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, Design Review Master Site Plan, zoning variances, and appeals heard by the Board of Adjustment, the applicant shall post the Notice of Public Hearing on the subject property. Applications for amendments to the text of the Zoning Code shall not require property posting. The notice shall be subject to the following requirements:

1. The notice shall be posted at least 15 days prior to the date of the public hearing.
2. Posting, maintenance and removal of signs are the responsibility of the applicant. Failure to remove the sign within 10 days of public hearing action shall result in Town removal of the sign and a charge to the applicant for costs incurred.
3. Size, color, content, and location of public hearing sign shall be designated by Town Council resolution for posting of public hearing notices.
4. The applicant shall submit a signed affidavit and dated, color photos of the sign or signs prior to the public hearing.
5. Failure of the applicant to provide evidence of posting shall result in a postponement of the public hearing.

D. *Neighborhood Notice*

For applications for General and Specific Plan amendments, rezoning, conditional and special use permits, preliminary subdivision plats, Design Review Master Site Plans, zoning variances and appeals heard by the Board of Adjustment, the Planning Manager shall prepare a Notice of Public Hearing.

The notice shall be subject to the following requirements:

1. At least 15 days prior to the date of the public hearing, the applicant shall notify by first-class mail:
 - a. All property owners of record within 300 feet of the property, unless the General Plan, other policy adopted by the Town Council or the Planning Manager requires notification of a larger area due to the potential impact of the project that may extend beyond the required notification boundary. See Town of Gilbert General Plan, Santan Character Area.

- b. All Home Owner's Associations (HOAs) and Property Owner's Associations (POAs) within 1,000 feet of the property
 - c. All neighborhood associations within 1,000 feet of the property.
 - d. The property owner if the application is initiated by a person other than the property owner
 - e. Any persons who have specifically requested notice regarding the application who register their names and addresses with the Town as being interested in receiving such notice. Registration shall be in written form addressed to the Planning Manager.
2. For any Wireless Communication Facility requiring a Conditional Use Permit, the applicant shall provide the notice required above at least 30 days prior to the date of the public hearing and if, in response to this notification, two or more individuals or a community association requests an opportunity for additional input, the applicant shall hold a neighborhood meeting prior to the Planning Commission public hearing on the project.
 3. The notice shall set forth the purpose, time, date, and place of the meeting. A copy of the notice shall be submitted to the Planning Manager.
 4. The applicant shall submit a signed affidavit and copies of the mailing prior to the public hearing. Failure of the applicant to provide evidence of mailing shall result in a postponement of the public hearing.
 5. The validity of the proceedings shall not be affected by the failure of any person to receive such notice that has been duly mailed.

6.2.7 Public Hearing Procedures

A public hearing held pursuant to the Gilbert Municipal Code and Zoning Code shall comply with the following procedures:

A. *Public Hearing Testimony*

1. Rights of All Persons

Any person may appear at a public hearing and submit oral or written evidence related to the application, either individually or as a representative of a person, group or an organization.

Each person who appears at a public hearing shall be identified and state their place of residence or business. If they are appearing on

behalf of a person, group or organization they shall state the name of the person, group or organization being represented.

2. Time Limits

The Mayor, Chair, Zoning Hearing Officer or Designee may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.

3. Exclusion of Testimony

- a. The Mayor, Chair, Zoning Hearing Officer or Designee may exclude testimony or evidence that is irrelevant, immaterial, or repetitious.

In the event any testimony or evidence is excluded as irrelevant, immaterial, or repetitious, the person offering such testimony or evidence shall have an opportunity to offer a written statement in regard to such testimony or evidence for the record. Such written statement shall be presented to the Town Clerk within three (3) working days of the hearing.

B. *Order of Proceedings at Public Hearing*

1. Introduction of Item

The Mayor, Chair, or Zoning Hearing Officer shall introduce the item.

2. Public Hearing

The Mayor, Chair, or Zoning Hearing Officer shall open the public hearing. See [Approval of Items by Consent](#).

3. Staff Report

Staff shall present a report, which includes a written recommendation and shall respond to questions from the decision-making body.

4. Applicant Presentation

The applicant shall present the project, indicate concurrence or disagreement with advisory body or staff recommendations, and respond to questions from the body.

5. Public Testimony

Testimony will be accepted from those requesting to be heard, subject to the limitations of [Public Hearing Testimony](#).

6. Applicant Response

The Mayor, Chair, or Zoning Hearing Officer may request the applicant to respond to testimony or evidence presented by the public or staff.

7. Staff Response

Staff and the Town Attorney may provide information or clarification regarding matters raised during the public hearing.

8. Continuance of Public Hearing

The body conducting the public hearing may by motion continue the public hearing to a fixed date, time, and place.

9. Close of Public Hearing

The Mayor, Chair, or Zoning Hearing Officer shall close the public hearing.

10. Tabling

The decision-making body conducting the public hearing may by motion table the public hearing. The public hearing on the matter shall not be conducted until notice is given in the same manner as for the initial hearing.

11. Deliberation and Action

The Town Council, Board of Adjustment, Planning Commission, Design Review Board, Redevelopment Commission, or Zoning Hearing Officer shall discuss the request and approve, approve with modifications and/or conditions or deny the request, unless it has been continued or tabled.

12. Revision to Conditions

If the Town Council, Board of Adjustment, Planning Commission, Design Review Board, Redevelopment Commission, or Zoning Hearing Officer makes a change to the recommended conditions, the public hearing shall be re-opened prior to the vote for the limited purpose of affording the applicant an opportunity to comment on any modified conditions. The public hearing shall be closed before action is taken.

C. ***Approval of Items by Consent***

The hearing body may, by a single motion, approve any number of public hearing items where, after opening the public hearing, no person requests the item be removed from the public hearing consent calendar. If such a request is made, the hearing body shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action.

6.2.8 Findings Required

When making a decision to approve, approve with modifications and/or conditions, revoke, or deny any conditional or special use permit, administrative use permit, variance, master site plans, or preliminary subdivision plat, the decision-making body shall make findings of fact required by the Zoning Code. Findings shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the record and shall be in writing or included in the minutes. The findings shall be set forth in the staff report and Notice of Decision that the Planning Manager issues following a decision.

6.2.9 Administrative Procedures

Any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Department. Copies of such materials shall be made available at a reasonable cost to be established from time to time through Town Council resolution. Staff reports to the Commission, Zoning Hearing Officer, Board, Design Review Board, or Town Council will not be made available to the public until they have been submitted to the body for which the report is prepared.

6.2.10 Ex Parte Communications

A. ***Prohibition Against Ex Parte Communications***

1. Zoning Hearing Officer of Board of Adjustment

To ensure that the decision-making process is fair and impartial, the Zoning Hearing Officer or a member of the Board of Adjustment shall not, directly or indirectly, participate in any **Ex Parte Communications** relevant to an application pending before that body. Ex Parte communications are oral or written communications related to the matter to be heard by the Hearing Officer or Board and which is made to or by the Hearing Officer or any member of the Board, including in person, telephonic or electronic communications that occur outside of a public meeting of the hearing body.

2. Town Council, Planning Commission, Design Review Board and Redevelopment Commission

The prohibition on ex parte communications also applies to any hearing

body hearing any appeal. **Ex Parte Communications** are oral or written communications related to the matter to be heard, including in person, telephonic or electronic communications that occur outside of a public meeting of the hearing body.

B. *Exceptions*

This prohibition shall not apply to communications between the Hearing Officer or members of the Board and Town staff. This prohibition is not intended to prevent site visits, the receipt of expert opinions, and the review of mail and other correspondence relating to the proceedings. All such communications shall be documented and entered into the record of the proceedings.

C. *Disclosure of Communications*

If a Zoning Hearing Officer or Board member receives an ex parte communication the Officer or Board member shall place the communication in the public record or shall enter into the record a statement describing the time, place, and content of the communication.

6.2.11 Final Decisions

A. *Time of Decision*

A final decision shall be deemed to have been made at the time action is taken by the Board of Adjustment, Planning Commission, Design Review Board, or Redevelopment Commission. A final decision shall be deemed to have been made on the date of issuance of Notice of Decision by the Zoning Hearing Officer, Zoning Administrator, or Planning Manager.

B. *Notice of Decision*

If a final decision is made by Notice of Decision, the notice shall describe the decision made and the findings that were the basis for the decision. The Planning Manager shall email or mail the Notice to the applicant at the mailing address stated in the application and to any other person or entity requesting such notification in writing with the Development Services Department

6.2.12 Procedures for Appeals

This section sets forth the procedures for appeals except for appeals filed pursuant to of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions. Any decision within the authority of the decision-making body may be appealed, unless the Zoning Code provides that the decision is final.

A. *Rights of Appeal*

1. Appeals may be filed by:
 - a. The owner of property that is the subject of a final decision by the Zoning Administrator, Zoning Hearing Officer, Planning Manager, Planning Commission, Design Review Board, Board of Adjustment, or Redevelopment Commission.
 - b. Any other person aggrieved by a final decision of a decision-making body identified and who has standing to appeal pursuant to State law.
 - c. A member of the Town Council
 - d. The Town Manager
 - e. The Planning Manager
2. All administrative remedies shall be exhausted prior to bringing legal action in Superior or Federal Court against the Town or any of its boards, commissions, employees, or officers.

B. *Filing of Appeal*

1. An appeal shall be filed with the Development Services Department on a form established by the Planning Manager.
2. The appeal shall set forth the decision or decisions being appealed and the grounds upon which the appeal is based.
3. The appellant shall be responsible for the appeal fees.
4. The appeal fee shall be paid in full at the time of submittal.
5. Upon submittal for any process that allows for an appeal, the owner/applicant agrees to the notice of public hearing sign to be posted on the subject property.

C. *Communication During Appeals*

See [Ex Parte](#).

D. *Time Limits for Appeal*

All appeals shall be filed within 10 calendar days of the decision, except for appeals from decisions of the Zoning Hearing Officer and Board of Adjustment.

Appeals from decisions of the Zoning Hearing Officer and Board of Adjustment shall be filed within 30 calendar days of the decision.

D. ***Proceedings Stayed by Appeal***

The timely filing of an appeal, except for the appeals of a decision of the Board of Adjustment to Superior Court, shall stay all proceedings in the matter appealed.

E. ***Public Notice***

Prior to consideration of any appeal for which State law or the Zoning Code requires a public hearing, the Town shall provide public notification in compliance with Notice of Public Hearings or as required by State law, whichever requires the most notice.

F. ***Transmission of Record***

The Planning Manager or Designee shall forward the appeal, the Notice of Decision, and all other documents that constitute the record to the decision-making body.

G. ***Standards***

When reviewing any decision on appeal, the decision-making body shall use the same standards for decision-making required for the original decision.

H. ***Hearing Body Action***

Public hearings shall be conducted in accordance with procedures set forth in Public Hearing Procedures. The decision-making body may remand the matter to the original decision-making body for reconsideration, for additional information or to cure a deficiency in the record or proceeding. The decision-making body shall hold a hearing on the appeal within 60 days of the filing of the request. The decision-making body shall render its decision within 30 days of the date the hearing is closed unless State law requires a shorter deadline.

Section 6.3 Administrative Relief from Development Standards

6.3.1 Purpose and Intent

The purpose of this section is to authorize minor deviations from the requirements of this Zoning Code. The Planning Manager may grant administrative relief from development standards as authorized by this section where such deviations are necessary for the implementation of this Zoning Code and will improve the quality of development. Such relief is not a variance.

6.3.2 Scope of Authority

The Planning Manager is authorized to grant administrative relief from dimensional requirements of the Zoning Code not to exceed 10 percent of the requirement. Any relief granted shall be the minimum required to implement the purposes of the Zoning Code and improve the quality of development.

6.3.3 Procedures and Standards of Review

A. *Application*

An application for administrative relief shall be filed with the Development Services Department in accordance with the application procedures set forth in Common Procedures.

B. *Findings Required for Administrative Relief*

Any administrative relief authorized by the Planning Manager will be documented with findings to be filed with the appropriate Development Services Department case files.

The following findings shall establish the rationale for the granting of relief:

1. Relief is necessary due to the physical attributes and conditions of the property and the proposed use or structure including, but not limited to: topography, noise exposure, irregular property boundaries, or other unusual circumstances.
2. There are no alternatives to the requested modification that could provide similar benefits with less potential detriment.
3. Granting the relief would not threaten the health or safety of the public or the occupants of the property and would not create a change in land use or density that would be inconsistent with the requirements of this Zoning Code.

4. Granting the relief does not impose an undue financial or administrative burden on the Town.
5. There are no compelling public interests that justify the denial of the requested relief or the imposition of conditions.
6. The applicant's demonstrated need substantially outweighs any detriment to public needs and interests
7. If relief is being requested pursuant to the requirements of State or Federal law, the relief is necessary to reasonably accommodate the needs of an applicant pursuant to the specific requirements of State or Federal law.

6.3.5 Appeals

- A. Any decision to grant relief from the provisions of this Zoning Code may be appealed to the Planning Commission pursuant to [Procedures for Appeals](#).
- B. Communication during appeals see [Ex Parte](#).

Section 6.4 Use Permits

6.4.1 Purpose and Intent

Use Regulations sets forth those uses for which a use permit is required. No use requiring a use permit may be commenced until a use permit is obtained and is tied to the land for the period of time until the use ceases. Generally, these uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of use permit applications is designed to evaluate possible adverse impacts and to minimize them where possible through the imposition of specific conditions or requirements. Approval of a use permit requires review of the location, design, configuration, and special impacts of a proposed use to determine, based on standards set forth in the Zoning Code, the desirability of permitting the use on a particular site.

Use Permit Classifications:

A. ***Administrative Use Permit***

A use permit approved by the Zoning Administrator for a use in specified districts based on a determination of compliance with standards set forth in the base zoning district regulations and individual review of their location, design, configuration, intensity, and density of use or structures.

B. ***Conditional Use Permit***

A use permit approved by the Planning Commission for a use in specified districts based on a determination of compliance with standards set forth in the base zoning district regulations and individual review of their location, design, configuration, intensity, and density of use or structures.

C. ***Special Use Permit***

A use permit approved by the Planning Commission for a use in any zoning district, based on consideration of the technical requirements of the use, characteristics of the location where the use is proposed to be established, and impacts on abutting uses. Examples of uses that require Special Use Permits are Agritainment, police and fire stations, wastewater treatment facilities, and water reservoirs.

6.4.2 Procedures

A. *Administrative Use Permit*

1. Application

An application for an Administrative Use Permit shall be filed with the Development Services Department in accordance with the application procedures set forth in [Common Procedures](#).

2. Neighborhood Notice

The Zoning Administrator shall prepare a Neighborhood Notification for applications for Administrative Use Permits, See [Public Notice](#). The validity of the proceedings shall not be affected by the failure of any person to receive the mailed notification.

3. Option to Require Public Hearing

The Zoning Administrator may require a public hearing before the Planning Commission for any Administrative Use Permit application that the Zoning Administrator determines to have special neighborhood or community significance. In such cases, the Planning Commission shall review and act upon the Application in the manner described in this section for Conditional and Special Use Permits. The Zoning Administrator shall not schedule such applications for consideration by the Planning Commission until the applicant has paid a fee for a public hearing as set by Council resolution.

4. Action

Except as provided for above, Option to Require Public Hearing, the Zoning Administrator shall review the application for compliance with the Zoning Code. The Zoning Administrator shall approve, approve with modifications and/or conditions, or deny the application and shall set forth any proposed findings and decision on a Notice of Administrative Decision. The Notice of Administrative Decision shall be mailed to the applicant by first class mail within 45 days from the filing of the application.

5. Appeal

a. Decisions of the Zoning Administrator on Administrative Use Permits may be appealed to the Planning Commission pursuant to the procedures set forth in Procedures for Appeals. The Planning Commission's decision shall be final. The Planning

Commission shall have the authority to uphold, modify, or overrule the decision of the Zoning Administrator.

- b. The Town Council may certify for its review any action of the Commission regarding an Administrative Use Permit as provided for in Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions.
- c. Communications during appeals see [Ex Parte](#).

B. *Conditional and Special Use Permits*

1. Application

An application for a Conditional or Special Use Permit shall be filed with the Development Services Department in accordance with the application procedures set forth in Common Procedures.

2. Public Notice

Public notice shall be provided in accordance with the public notification procedures set forth in [Notice of Public Hearings](#).

3. Staff Report

The Director shall prepare and transmit to the Planning Commission a staff report, including an analysis and recommendation, setting forth any proposed findings and conditions upon which the Commission may base its decision

4. Public Hearing

The Planning Commission shall conduct a public hearing in accordance with the procedures set forth in [Public Hearing Procedures](#).

5. Action

The Planning Commission may approve, approve with modifications and/or conditions, or deny special and conditional use permits. 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.

6. Appeal

- a. Decisions of the Planning Commission may be appealed to the Town Council pursuant to the procedures set forth in Procedures for Appeals. The Town Council's decision shall be final. The Town

Council shall have the authority to uphold, modify, or overrule the decision of the Planning Commission.

- b. The Town Council may certify for its review any action of the Commission regarding a Use Permit as provided for in Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions.
- c. Communications during appeals see [Ex Parte](#).

6.4.3 Required Findings for Administrative Use Permits

The Planning Commission or the Zoning Administrator shall approve, approve with modifications and/or conditions, or deny a use permit after making findings of fact set forth in this section. Additional Findings of Fact may be required.

A. *Findings Required for Approval of Administrative Use Permit*

The Zoning Administrator may approve an Administrative Use Permit as submitted or modified only upon making the following findings:

1. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to abutting property, to the neighborhood, or to the public in general.
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the Town Council.
3. The proposed use conforms with the conditions, requirements, or standards prescribed by the Zoning Code and any other applicable local, State, or Federal requirements.
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

B. *Additional Findings Required for Approval of Temporary Classroom Structures*

1. The temporary structure is located on the same lot or parcel as the primary use.
2. The temporary structure will not have any more impact on surrounding properties than the permanent use.
3. There is an approved design review plan for the property identifying a location for a permanent classroom.

4. The design review plan has not expired.
5. The approval may be for the main structure, an expansion of the main structure or a related accessory structure.
6. The location for the temporary classroom structure does not conflict with the location for the permanent facility.
7. Construction documents have been submitted to the Town for the permanent structure, whether it is the main structure, an expansion of the main structure or a related accessory structure.

C. *Additional Findings Required for Approval of Temporary Place of Worship Structures*

1. The temporary structure is located on the same lot or parcel as the primary use.
2. The temporary structure will not have any more impact on surrounding properties than the permanent use.
3. There is an approved design review plan for the property identifying a location for the permanent structure.
4. The design review plan has not expired.
5. The approval may be for the main structure, an expansion of the main structure or a related accessory structure.
6. The location for the temporary Place of Worship structure does not conflict with the location for the permanent facility.
7. Construction documents have been submitted for the permanent structure, whether it is the main structure, an expansion of the main structure or a related accessory structure.

D. *Additional Findings Required for Approval of WCFs*

1. The proposed WCF conforms with the requirements of this section.
2. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element.
3. The visibility of the WCF is reduced to the extent feasible by decreasing the WCF height, increasing the WCF setback, locating the WCF in proximity to other structures, using antenna designs that minimize horizontal projects, and constructing the WCF with colors and materials that de-emphasize the WCF's visibility.

E. ***Findings Required for Denial of Administrative Use Permit***

If the Zoning Administrator is unable to make the required findings for approval, they shall deny the application, in which case they will provide a written statement as to their reasons for the determination.

6.4.4 Required Findings for Conditional Use Permits and Special Use Permits

The Planning Commission may approve a Conditional Use Permit or Special Use Permit as submitted or modified only upon making the following findings:

A. ***Findings Required for Approval of Conditional Use Permit and Special Use Permit***

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to abutting property, to the neighborhood, or to the public in general.
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

B. ***Findings Required for Approval of Wall and Fence Modifications***

1. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to abutting property, to the neighborhood, or to the general welfare of the town as a whole.
2. 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.
3. 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.

4. The project is compatible with abutting and nearby development.

C. *Additional Required Findings for Approval of WCFs*

1. The proposed WCF conforms with the requirements of the Land Development Code.
2. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element.
3. The visibility of the WCF is reduced to the extent feasible by decreasing the WCF height, increasing the WCF setback, locating the WCF in proximity to other structures, using antenna designs that minimize horizontal projects, and constructing the WCF with colors and materials that de-emphasize the WCF's visibility.

D. *Additional Required Findings for Approval of a WCF Support Structure*

1. The existing use of the property is conforming.
2. The additional antenna conforms with the requirements of this section.
3. Any relief granted shall be the minimum required to implement the purposes of this section.

E. *Additional Required Finding Required for Approval of Special Use Permit*

1. The proposed location is reasonably necessary to meet the objectives of the proposed use based on technical requirements.

6.4.5 Findings for Denial of a Conditional Use Permits and Special Use Permits

If the Commission is unable to make the required findings for approval, it shall deny the application, in which case the Chair shall state in writing the reasons for that determination.

6.4.6 Expiration, Modifications, Revocation

A. *Expiration*

1. A use permit shall automatically expire three (3) years from its effective date unless the use has commenced.
2. A use permit shall expire if the use has ceased for more than one (1) year and business licenses are not renewed. A Use Permit [Revocation](#) process will be brought forward by the Zoning Administrator.

B. *Modifications*

No change is permitted in the use or structure for which a use permit has been issued except as follows:

1. Administrative Use Permit

The Zoning Administrator may approve modifications to any Administrative Use Permit. Modifications are limited to reasonable changes to the Administrative Use Permit that do not substantially alter a Design Review approval or any condition of the Administrative Use Permit. The Zoning Administrator shall provide written records of the decision and supportive findings.

2. Conditional Use and Special Use Permits

Modifications to a Conditional or Special Use Permit may be granted by the decision-making body pursuant to the procedures set forth in Common Procedures.

3. Conditional Use Permits for Wireless Communication Facilities

a. Substantial changes to conditional use permits for wireless communication facilities (WCF), including but not limited to a change in physical location of the structure on which antennas are mounted, shall be subject to the provisions for granting a new permit as set forth above in Conditional Use and Special Use Permits.

b. Minor changes to conditional use permits for wireless communication facilities (WCF) may be approved by the Zoning Administrator upon a finding that the change does not substantially alter the use permit approval or any condition of approval. The Zoning Administrator shall provide written records of the WCF decision and supportive findings.

C. *Revocation*

A use permit may be revoked by the decision-making body following a public hearing if the use ceases for a period of 90 consecutive days, or if the permit holder fails to comply with the conditions of the use permit.

1. Initiation of Revocation

Proceedings for the revocation of a use permit may be initiated by the Zoning Administrator. The Zoning Administrator shall prepare a written report to the decision-making body that contains the following information:

- a. The use permit to be revoked.
- b. The property to which the permit applies.
- c. The reason or reasons for the proposed revocation.

2. Notice of Revocation Hearing

- a. 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 of record.
 - 2) To the property address.
 - 3) To the business address of the permit holder.
- b. 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.
- c. Notice shall be posted at least 15 days prior to the date of the hearing at four (4) public places within the Town designated by Town Council resolution for posting of public notices.

3. Hearing

The revocation hearing shall be held in accordance with the procedures for public hearing set forth in [Public Hearing Procedures](#).

4. Revocation Findings

- a. Conditional Use or Special Use Permit
 - 1). One or more of the terms of conditions of the use permit have been violated or there has been a violation of other applicable laws or regulations;
 - 2). The use has ceased for at least 90 consecutive days and the applicant has not demonstrated any circumstances justifying the cessation of use.
- b. Revocation Findings for Wall and Fence Modifications
 - 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.

5. Action

Upon revocation of the use permit, the Zoning Administrator shall set forth the decision in a Notice of Decision describing the decision-making body's action, with its findings.

- a. The Notice of Decision shall be emailed, file shared or mailed to the applicant by first class mail and to:
 - 1) To the property owner of record.
 - 2) To the property address.
 - 3) To the business address of the permit holder.

6.4.7 Appeals

A. *Conditional and Special Use Permits*

Decisions on a Conditional and Special Use Permits may be appealed to the Town Council pursuant to the procedures set forth in Procedures for [Appeals](#).

B. *Administrative Use Permits*

Decisions on an Administrative Use Permits may be appealed to the Planning Commission pursuant to the procedures set forth in Procedures for [Appeals](#).

6.4.8 Effective Date of Permit

The effective date of the use permit shall be the 11th day after the approval, unless the action is appealed in accordance with procedures for [Appeals](#). No building, grading, or construction permit shall be issued until the use permit becomes effective.

Section 6.5 Variances

6.5.1 Purpose and Intent

Variances provide a mechanism for relief from the strict application of the Zoning Code where the strict application will deprive the property owner of privileges enjoyed by similar properties. Variances may be granted with respect to dimensional and performance standards including, but not limited to site dimensions, yards, height of structures, distances between structures, open space requirements, signage dimensions, fences, and walls. No variances from the use regulations of the Zoning Code shall be granted.

6.5.2 Procedures

A. *Application*

A written application for a variance shall be filed with the Development Services Department in accordance with the application procedures set forth in [Common Procedures](#). In addition to any other requirements specified, applications shall at a minimum include the following:

1. Evidence showing why, due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings, strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district.
2. Evidence showing that the requested variance will not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located.
3. Evidence that the special circumstances applicable to the property were or are not self-imposed by the current or previous property owner or applicant.
4. Evidence showing why granting the variance:
 - a. Substantially meets the intent and purpose of the zoning district in which the property is located
 - b. Will not be detrimental to the health, safety, and general welfare of persons living or working in the neighborhood
 - c. Will not be detrimental to the general welfare of the Town
 - d. Is the least amount of relief necessary to permit use of the property similar to other properties in the district

B. *Public Notice*

Public notice shall be provided in accordance with the public notification procedures set forth in [Notice of Public Hearings](#).

C. *Staff Report*

The Planning Manager shall prepare and transmit to the Zoning Hearing Officer a staff report, including an analysis, setting forth any proposed findings and conditions upon which the Hearing Officer may base its decision. A copy of the staff report shall be made available to the public and the applicant prior to the public hearing.

D. *Public Hearing*

The Zoning Hearing Officer shall conduct a public hearing in accordance with the procedures set forth in [Public Hearing Procedures](#).

E. *Action*

The Zoning Hearing Officer shall render a written decision within 10 days of the date the hearing is closed. The Zoning Hearing Officer may approve, approve with modifications and/or conditions, or deny applications for variances in accordance with Required [Findings](#).

F. *Referral to Board of Adjustment*

The Zoning Hearing Officer may, upon review of the facts of the application, determine that the case merits review by the full Board of Adjustment. In such cases, the Zoning Hearing Officer shall prepare a written statement of the reasons for referring the matter to the Board. Staff shall schedule the matter for hearing at the next available Board of Adjustment hearing and submit the Hearing Officer's statement to the Board with the staff report.

G. *Appeal*

1. Decisions of the Zoning Hearing Officer may be appealed to the Board of Adjustment pursuant to the procedures set forth in [Procedures for Appeals](#).
2. Communications during appeals see [Ex Parte](#).

6.5.3 Required Findings

The Zoning Hearing Officer or the Board of Adjustment, upon referral as provided for in Referral to [Board of Adjustment](#), shall only approve a variance after meeting the required findings.

A. *Required Findings for Approval of a Variance*

1. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. Such special circumstances were not created by the current or previous owner or applicants.
3. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. The variance will not be materially detrimental to persons residing or working in the vicinity, to abutting property, to the neighborhood, or to the public welfare in general.

6.5.4 Use Variances Prohibited

Neither the Board of Adjustment nor the Zoning Hearing Officer shall approve any changes in the uses permitted in any zoning district or approve any modification of the requirements of the Zoning Code that would have the effect of allowing the establishment of a use not otherwise permitted.

6.5.5 Conditions of Approval

In approving a variance, the Board of Adjustment or the Zoning Hearing Officer may impose reasonable conditions necessary to:

- A. Achieve the general purposes of the Zoning Code or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan.
- B. Protect the public health, safety, and general welfare.
- C. Insure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

6.5.6 Effective Date

The effective date of the variance shall be the 31st day after the approval, unless the action is appealed in accordance with the procedures set forth in [Procedures for Appeals](#). No building, grading, or construction permit shall be issued until the variance becomes effective.

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Section 6.6 Design Review

6.6.1 Purpose and Intent

A. *Purpose*

The purpose of design review is to protect public health, safety, and general welfare, and to preserve and enhance property values by promoting and maintaining a functional and aesthetic community character. More specifically, design review is intended to ensure that:

1. Adopted design guidelines are applied consistently to developments subject to design review in the Town.
2. Siting and architectural design of structures harmonize visually with surrounding development and create a built environment that is safe and aesthetically pleasing.
3. The arrangement of buildings, parking areas, drive aisles, storm water retention areas, pedestrian ways and other features of the site combine to create a functional project that is convenient for users of the property.
4. Unsightly uses, features or activities are screened from public view and from abutting property, and dissimilar uses are separated by buffers to prevent conflicts, promote privacy, and maintain property values.
5. Landscaping provides a visually pleasing setting for structures on the site, complements the architecture of the project, mitigates the heat island effect, blends harmoniously with the natural landscape, conserves water, does not conflict with public or private utilities, and is suited to the site and the area's climatic conditions.
6. Project materials and colors are appropriate to the architectural style of the structures, suited to the desert climate, complement neighboring properties and project a high-quality image.
7. Signage, building graphics, exterior lighting, and other decorative structures and features are compatible with the design of the structure(s) and with the architectural character of the surrounding area.

B. *Applicability*

Design review is required for all new construction, exterior site and structure alterations, signs, and preliminary subdivision plats prior to final plat, including Town facilities

The following do not require Design Review and may go directly to permitting:

1. All single family detached new custom homes and remodeled dwelling units and related accessory buildings. Standard Plans and Semi-Custom Builder homes require Design Review.
2. Minor exterior site and structure alterations.
3. Repairs and maintenance that do not alter the exterior design of a structure.
4. Approved temporary construction offices.
5. Approved Farm Stands.
6. Changes to the face of an existing approved sign.
7. Signs consistent with an approved Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan, or Gateway Sign Plan.
8. Individual tenant signs in centers constructed before November 27, 1984 and not subject to the requirement for a Comprehensive Sign Program.

6.6.2 Procedures and Responsibility

A. *Procedures*

The following procedures shall apply to applications for design review, residential standard plans, and subdivision open space plans:

1. Pre-Application Review

Pre-application review shall be as required subject to procedures set forth in [Common Procedures](#).

2. Applications

Applications for design review approval or amendments to an existing approval shall be filed in accordance with the application procedures set forth in [Common Procedures](#).

Applications may be filed for design review approval for a master plan, design review approval for a specific portion of a master plan, for an entire site development in a single phase.

a. Master Plans (Multi-Phase Projects)

Prior to or concurrent to receiving design review approval for any specific portion of a master plan, a design review approval for the master site plan shall be obtained.

The master site plan establishes the overall organization of the project and the relationship between structures, vehicular and pedestrian access, landscape design concepts, preliminary grading and drainage and any other significant improvement or design concepts both on-site and off-site.

Design Review approval of a master site plan shall encompass all of a proposed phased or multiple building project and shall include design guidelines for architecture, landscape colors and materials. The master site plan may also include other elements within the development such as elevations, and lighting.

b. Design Review

Design review approval is required before a project may be submitted for building permit review unless the project qualifies for an optional existing process.

Design review approval establishes a site plan, landscape plan, preliminary grading and drainage, building elevations, floor plans, exterior lighting materials and colors.

Design review of a master planned project shall adhere to and include the approved guiding documents as part of the submittal.

c. Concurrent Review

A master site plan and any number of phases may be processed concurrently.

d. Residential Standard Plans. Residential standard plan approval is required before any plans may be submitted for building permit review.

e. Subdivision Open Space Plan. Subdivision open space over 20 acres shall be reviewed concurrent to and a recommendation provided by the Design Review Board prior to or concurrent to preliminary plat approval by the Planning Commission or on the same agenda.

3. *Public Notice.* Public notice shall be provided in compliance with [Notice of Public Hearings](#).

The following applications do not require public notice of a public hearing, but are required to be discussed/approved by the Design Review Board or Redevelopment Commission:

- a. Residential Standard Plans.
- b. Commercial, office, and employment buildings on sites, lots, or parcels of less than five (5) acres that are in conformance with an approved commercial or industrial subdivision or master site plan.
- c. Subdivision Open Space Plans.
- d. Signs and Sign Plans.

4. Notice to Adjacent Jurisdictions

When the application involves development of land that abuts other municipalities or unincorporated areas of Maricopa County or a combination thereof, the Department shall send a copy of the Notice of Public Hearing to the planning agency of the adjacent governmental unit. Applications listed in [Public Notice](#), do not require notice to adjacent jurisdictions.

5. Staff Report

The Planning Manager shall prepare and transmit a staff report to the Design Review Board or Redevelopment Commission, as applicable. A copy of the staff report shall be made available to the public and the applicant prior to the public hearing.

6. Hearing

The Design Review Board or the Redevelopment Commission, as applicable shall conduct a public hearing for all items except for applications listed in [Public Notice](#), as not requiring public notice and administrative matters.

7. Conditions of Approval

The approval of a design review application may include conditions necessary to:

- a. Ensure conformance with the General Plan, and in conformance with the Redevelopment Plan if applicable, consistent with the purposes of this section.

- b. Implement applicable design guidelines.
- c. Ensure compatibility with adjacent and nearby development.
- d. Provide for a functional, energy efficient, aesthetic, and safe project design.

8. Action

The Design Review Board, or the Redevelopment Commission for projects in the Heritage District Overlay Zoning District, or the Planning Manager as appropriate shall approve, approve with modifications and/or conditions, or deny an application for Design Review subject to the requirements of the Zoning Code and based on compliance with approved design guidelines. An action of the Design Review Board or the Redevelopment Commission shall be accompanied by findings of fact giving the reasons for the action. If the Design Review Board or Redevelopment Commission fails to take action within 90 days after closing the public hearing, the application shall be deemed to have been denied.

B. *Administrative Design Review*

Administrative design review shall be conducted by the Planning Manager. The Planning Manager may refer any application for administrative design review to the Design Review Board or, in the Heritage District Overlay Zoning District, to the Redevelopment Commission for action.

1. Scope of Administrative Design Review Authority

The Planning Manager may conduct administrative design review of applications for:

- a. New structures of 5,000 square feet or less and building additions of 5,000 square feet or less within a previously approved master site plan.
- b. For Employment zoning districts, additions to an existing or approved building within a previously approved site plan that are less than 50 percent of the gross floor area.
- c. Minor revisions to approved Design Review plans that meet the standards of the Zoning Code, that will not substantially change any approved site plan, landscape plan, or structure, and that are consistent with the intent of the original approval.

- d. Changes to colors and materials in an existing or approved project that do not substantially change the appearance of the site or its structure.
 - e. The addition of two (2) residential standard plans to an approved Standard Plan application.
 - f. Residential Standard Plan transfers in accordance with policies adopted by the Design Review Board.
 - g. Locations of outdoor retail sales and merchandise displays not designated on an approved Design Review site plan.
 - h. The addition of signs to an approved Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan, Gateway Sign Plan, or Design Review.
 - i. Minor amendments to a Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan, or Gateway Sign Plan, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.
 - j. Comprehensive Sign Programs, Heritage Sign Plans, or Gateway Sign Plans.
 - k. Signs.
 - l. Open Space Plans for a subdivision less than 20 acres as part of the Preliminary Plat review.
 - m. Model Home Complexes.
 - n. Projects that do not require public notice yet require approval by the Design Review Board or the Redevelopment Commission may be approved administratively after the project is discussed by the Design Review Board or the Redevelopment Commission at a Study Session and final exhibits meet review comments for code requirements.
 - o. Category 1 Wireless Communication Facilities as set forth in [Wireless Communications Facilities](#).
2. Applications for Administrative Design Review.

Applications for administrative design review approval or amendments to an existing administrative approval shall be filed in accordance with the application procedures set forth in [Common Procedures](#).

3. Public Notice and Hearing

No public notice or hearing is required for administrative design review applications.

4. Planning Manager Action

The Planning Manager may approve, approve with modifications and/or conditions, or deny the application in accordance with findings as set forth below. The decision of the Planning Manager shall be on a Notice of Decision, and a copy shall be emailed, file shared or mailed to the applicant.

5. Conditions of Approval

In approving an administrative design review application, the Planning Manager may impose conditions necessary to:

- a. Ensure conformance with the General Plan, and the Redevelopment Plan, if applicable, consistent with the purposes of this section.
- b. Implement applicable design guidelines.
- c. Ensure compatibility with abutting and nearby development.
- d. Ensure safe and efficient provision of public services.
- e. Provide for a functional, energy efficient, aesthetic, and safe project design.

6. Modifications to Wireless Communication Facilities

No change is permitted to the use or structure of a Wireless Communication Facility for which an Administrative Design Review approval has been issued except if the Zoning Administrator, upon a finding that the change does not substantially alter the original approval, or any condition of approval may approve the application and shall provide written records of the WCF decision.

C. ***Building and Construction Regulations Code Board of Appeals***

In order to hear and decide appeals of orders, decisions, and determinations made by the Building Official or the Fire Chief relative to the application and interpretation of the Building and Construction Regulations Code of the Town of Gilbert and amendments thereto, or suitability of alternative materials and types of construction, the Design Review Board shall serve as the Building and Construction Regulations Code Board of Appeals.

6.6.3 Design Review Findings

The following findings shall be made prior to approval of a Design Review application.

A. *Findings for Design Review Approval*

1. The project is consistent with applicable design guidelines.
2. The project conforms to the General Plan, and specifically to the Land Use, Community Design, and Environmental Planning Elements.
3. The project is consistent with all applicable provisions of the Zoning Code.
4. The project is compatible with abutting and nearby development.
5. The project design provides for safe and efficient provision of public services.

B. *Additional Required Findings for Approval of Lighting*

1. 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.
2. The fixtures are located on building elevations that do not side onto property designated for residential use in the General Plan.
3. Pole mounted fixtures are full- or semi-cutoff type only. Semi-cutoff pole mounted fixtures are limited to a maximum height of 14 feet above grade, measured to lens mounting height.
4. All lighting under fueling facility canopies, drive-through canopies, customer loading canopies, and similar structures is fully recessed. No portion of the fixture shall project below the ceiling of the canopy structure.

C. *Additional Required Findings for Approval of WCFs*

1. The proposed WCF conforms with the requirements of the Land Development Code
2. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element.
3. The visibility of the WCF is reduced to the extent feasible by decreasing the WCF height, increasing the WCF setback, locating the WCF in proximity to other structures, using antenna designs that minimize

horizontal projects, and constructing the WCF with colors and materials that de-emphasize the WCF's visibility.

- D. ***Additional Required Findings for Approval of Heritage District Overlay Zoning District Projects***
 - 1. The project design complies with the Heritage District Design Guidelines and any design guidelines adopted pursuant to the Heritage District Overlay Zoning District.
 - 2. The design is compatible with the pedestrian orientation of the Heritage District.
 - 3. The new development complements the historical character of the Heritage District.

- E. ***Additional Require Findings for Approval of Heritage Village Zoning District Single-Story Buildings***
 - 1. The height and design are in keeping with the character and vision of the Heritage Village Center per the Heritage Village Redevelopment Master Plan and the Heritage District Design Guidelines.

6.6.4 Appeals of Decisions of the Design Review Board, Redevelopment Commission and Planning Manager

- A. Final decisions of the Design Review Board and the Redevelopment Commission may be appealed to the Town Council pursuant to the procedures set forth in [Procedures for Appeals](#). The Town Council shall have the authority to uphold, modify, or reverse the decision of the Design Review Board or Redevelopment Commission. The decision of the Town Council shall be final, except as set forth in [Appeals of Dedications, Exactions and Zoning Regulations, Reconsideration of Certain Decisions, and Claims for Diminution in Value](#).

- B. A decision of the Planning Manager may be appealed to the Design Review Board or the Redevelopment Commission for properties located in the Heritage District Overlay Zoning District pursuant to the procedures set forth in [Procedures for Appeals](#). The Design Review Board and the Redevelopment Commission shall have the authority to uphold, modify, or reverse the decision of the Planning Manager of Planning. The decision of the Design Review Board and the Redevelopment Commission on appeals from a decision of the Planning Manager shall be final.

- C. Appeals of decisions of the Design Review Board, Redevelopment Commission, or Planning Manager shall be based on design issues that are within the scope of authority of the Design Review Board, Redevelopment Commission, or the

Planning Manager, respectively.

- D. Communications during appeals shall adhere to the [Ex Parte](#) communication limitations.

6.6.5 Effective Date and Expiration Date

- A. *Effective Date*

The effective date of the final design review decision shall be the 11th day after approval, if no appeal has been filed. No building, grading, or construction permit shall be issued until the final design review decision becomes effective.

- B. *Expiration Date*

Design Review approval shall expire automatically three (3) years after the effective date unless a building permit has been issued and work authorized by such permit has commenced or substantial expenditures in furtherance of the work have been made.

6.6.6 Enforcement

No building or grading permit shall be issued until the Applicant submits a Design Review Plan showing any changes required as a condition of Design Review approval. All future development shall conform to the approved Design Review Plan unless modifications or changes are approved pursuant to the requirements of the Zoning Code.

Section 6.7 Amendments to Zoning Code Text, a Zoning Ordinance or the Official Zoning Map

6.7.1 Purpose and Intent

The purpose of this section is to provide procedures consistent with applicable State requirements by which changes may be made to the text of the Zoning Code, a zoning ordinance and to the Official Zoning Map. This procedure shall apply to all proposals to change the text of the Zoning Code, a zoning ordinance, or to revise a zoning district classification or zoning district boundary line shown on the Official Zoning Map.

6.7.2 Initiation of Amendments

A. ***Town Council***

The Town Council may direct the Planning Commission to initiate and analyze, conduct a hearing, and make a recommendation to the Council for an amendment to the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map.

B. ***Planning Commission***

The Commission may initiate consideration of an amendment by directing the Planning Manager to prepare an amendment to the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map and to schedule a hearing on the proposed amendment pursuant to the procedures set forth in this section. Following the hearing the Commission may make a recommendation to the Town Council for action.

C. ***Owner***

A property owner or an agent authorized in writing may apply for an amendment to the Official Zoning Map or a zoning ordinance governing the property. This provision does not extend to amendments of the Zoning Code.

6.7.3 Procedures

A. ***Pre-Application Review***

All applications by a property owner to amend the Official Zoning Map or a zoning ordinance governing the property shall be subject to pre-application review pursuant to the procedures set forth in Common Procedures.

B. ***Citizen Review***

All applications to amend the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map shall be subject to a citizen review process. The Planning Manager may establish additional procedures for the citizen review

process.

The citizen review process shall at a minimum consist of a neighborhood meeting or a work session of the Planning Commission, as set forth below.

1. *Zoning Ordinance and Official Zoning Map Amendments.* The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in [Neighborhood Meeting](#).
2. *Text Amendments to the Zoning Code*
 - a. A citizen review session shall be held at a work session of the Planning Commission scheduled at least 5 days prior to the public hearing at the Planning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to comment on the proposal.
 - b. Notice of the citizen review session shall be given to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application, at least 10 days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. A copy of the notice shall be submitted to the Planning Manager. The form of notice to be used may vary according to the type of text amendment proposed. Any form of notice used by the Planning Manager for the proposed text amendment shall be considered sufficient. The form of notice given may include, but is not limited to, the following:
 - 1) Publication in a local newspaper of general circulation distributed to residents living within the Town
 - 2) Posting at four (4) public places within the Town designated by Town Council resolution governing posting of public notices
 - 3) Posting on the official Town website
 - c. The Planning Commission may take into account issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments when it considers its recommendation to the Town Council. Prior to the Town Council hearing on the proposed text amendment the Commission shall report on the issues and concerns raised during the citizen

review session.

C. ***Application***

Applications shall be filed in accordance with the application procedures set forth in [Common Procedures](#).

D. ***Notification***

Public notification shall be provided in compliance with [Notice of Public Hearings](#). When the proposed amendment involves land that abuts other municipalities or unincorporated areas of Maricopa County or a combination thereof, the Department shall send a copy of the Notice of Public Hearing to the planning agency of the adjacent governmental unit.

E. ***Staff Report***

The Planning Manager shall prepare and transmit to the Planning Commission a staff report. The report shall include an evaluation of the consistency and conformance of the proposed amendment with the General Plan and any applicable specific plan adopted by the Town Council. A copy of the staff report shall be made available to the public and any applicant prior to the public hearing.

F. ***Planning Commission Hearing***

The Planning Commission shall conduct a public hearing on any application to amend the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map as set forth in [Common Procedures](#).

G. ***Planning Commission Action***

The Planning Commission shall render its decision in the form of a written recommendation to the Town Council. The recommendation shall include the reasons for the recommendation. The Commission may recommend approval, approval with modification and/or conditions, or denial of the proposed amendment. If the Commission fails to make a recommendation to the Town Council within 90 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the Town Council.

H. ***Protest Procedures***

If the owners of 20 percent or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property (as defined by A.R.S. § 9-462-04, as amended, file a protest in writing against the proposed amendment, the change shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Town Council. The three-fourths vote is to be rounded to the nearest whole number. The protest

shall be filed in writing with the Town Clerk at least five (5) days prior to the public hearing or any continued public hearing of the Town Council to allow time to verify the signatures on the protest.

I. Town Council Hearing

The Town Council shall conduct a public hearing and take action as set forth in [Common Procedures](#).

J. Town Council Action

The Town Council may approve, approve with modifications and/or conditions, or deny the application. Approval shall be by Ordinance.

K. Conditions of Approval

In approving an amendment to a zoning ordinance or to the Official Zoning Map, the Town Council may impose conditions for the dedication of rights-of-way and easements related to the effect of the rezoning, establish a schedule for development, or impose other conditions permitted by law, and, if the amendment is for a Planned Area Development Overlay, the Town Council may impose additional conditions necessary to ensure that the proposed amendment:

1. Conforms to the General Plan and any applicable specific plan adopted by the Town Council.
2. Will not be detrimental to public health, safety, and general welfare of persons living or working in the surrounding area or to the general welfare of the Town as a whole.

L. ***Failure to Meet Conditions within Specified Time Period.*** If the Town Council approves a Zoning Ordinance or an amendment to the Official Zoning Map with a condition that is required to be completed within a specific time period and the condition is not satisfied within that time period, any of the following actions may be taken:

1. The Town Council or the Planning Commission may initiate an amendment to remove the time period condition or extend the time period and direct the Planning Manager to prepare an ordinance to do the same pursuant to the procedures set forth in this section.
2. The Town Council or the Planning Commission may initiate a rescission of the Zoning Ordinance to revert the zoning to its prior zoning classification for failure to comply with the conditions of the rezoning ordinance, pursuant to A.R.S. § 9-462.01(E), as amended, and direct the Planning Manager to notify the property owner by certified mail and prepare an ordinance to revert the zoning pursuant to the procedures

set forth in this section.

3. The property owner in writing may apply for an amendment to the zoning ordinance to amend or remove the condition pursuant to the procedures set forth [Application Process and Procedures sections](#).
4. the property owner's application must show that removing the condition will not be detrimental to public health, safety, and general welfare of persons living or working in the surrounding area or to the general welfare of the Town as a whole.

6.7.4 Findings

- A. In considering amendments to a zoning ordinance or to the Official Zoning Map, the Planning Commission shall only recommend approval and the Town Council shall only approve the proposed amendment based on a determination that the amendment as proposed or as modified conforms with the General Plan, any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district.
- B. The Town Council shall find the following as part of its approval of any proposed amendment:
 1. Public Notice

All required public notice has been conducted in accordance with applicable state and local laws.
 2. Public Meetings and Hearings

All required public meetings and hearings have been held in accordance with applicable state and local laws.

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Section 6.8 Amendments to General Plan Text or Map

6.8.1 Purpose and Intent

The General Plan is a comprehensive long-range guide for orderly growth and development in the community. The purpose of this section is to provide procedures by which changes may be made to the text or map of the General Plan.

6.8.2 Initiation of Amendments

A. *Initiation*

1. Town Initiated Amendments

The Town Council or the Planning Commission may initiate an amendment to the map or text of the General Plan. An amendment shall be initiated by motion.

2. Property Owner Initiated Amendments

A property owner or an agent authorized in writing may apply for an amendment to the map or text of the General Plan governing the property.

B. *Timing*

1. Major Amendments

- a. Applications for major amendments shall be filed no later than May 31 of each calendar year in order to be considered in that year.
- b. All applications for major amendments to the General Plan shall be heard by the Town Council at a single hearing during the calendar year in which they are filed.
- c. A major General Plan amendment is defined as:
 - d. Residential
 - e. Any Land Use Map residential density classification increase of 160 acres or more.
 - f. Any change from a residential Land Use Map classification a non-residential classification of 40 acres or more.

- g. Non-Residential
 - h. Any change of non-residential Land Use Map classification of 40 acres or more.
2. Minor Amendments
- a. Applications for minor amendments may be filed at any time.
 - b. A Minor General Plan Amendment is defined as:
 - c. All changes not defined as major, see above, and include:
 - d. Mandated changes by initiatives or state law.
 - e. Any change to Parks/Open Space and Public Facility/Institutional Land Use Classifications.

6.8.3 Procedures

A. *Pre-Application Review*

All applications to amend the map or text of the General Plan shall be subject to the [Pre-Application](#) review process.

B. *Citizen Review*

All applications to amend the General Plan shall be subject to a citizen review process.

The citizen review process shall at a minimum consist of a neighborhood meeting or a work session of the Planning Commission, as set forth below. The Planning Manager may establish additional procedures for the citizen review process.

1. Map Amendments

The applicant shall schedule and conduct a [Neighborhood Meeting](#) pursuant to this Zoning Code.

2. Text Amendments

- a. A citizen review session shall be held at a work session of the Planning Commission scheduled at least five (5) days prior to the public hearing at the Planning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment

shall have an opportunity to address the Planning Commission on the proposal.

- b. Notice of the citizen review session shall be given to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application, at least 10 days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. A copy of the notice shall be submitted to the Planning Manager. The form of notice to be used may vary according to the type of text amendment proposed. Any form of notice used by the Planning Manager for the proposed text amendment shall be considered sufficient. The form of notice given may include, but is not limited to, the following:
 - 1) Publication in a local newspaper of general circulation distributed to residents living within the Town.
 - 2) Posting at four (4) public places within the Town designated by Town Council resolution governing posting of public notices.
 - 3) Posting on the official Town website.
- c. The Planning Commission may take into account issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments when it considers its recommendation to the Town Council. Prior to the Town Council hearing on the proposed text amendment the Commission shall report on the issues and concerns raised during the citizen review session.

C. *Application*

Applications shall be filed in accordance with the [Common Procedures](#).

D. *Public Notice*

Public notification shall be provided in compliance with [Notice of Public Hearings](#).

E. *Notice to Other Jurisdictions*

Notice of amendments to the General Plan shall be given in accordance with the requirements of A.R.S. § 9-461.06, as amended.

F. ***Staff Report***

The Planning Manager shall prepare and transmit to the Planning Commission a staff report. A copy of the staff report shall be made available to the public and any applicant prior to the public hearing.

G. ***Planning Commission Hearing***

The Planning Commission shall conduct at least one (1) public hearing for minor General Plan amendments and at least two (2) public hearings for major General Plan amendments. Hearings on major General Plan amendments shall be held in two separate locations in the Town. The Planning Commission shall conduct the hearings as set forth in [Common Procedures](#).

H. ***Planning Commission Action***

The Planning Commission may recommend the approval, approval with modifications or denial of the proposed amendment. If the Commission fails to make a recommendation to the Town Council within 90 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the Town Council.

I. ***Town Council Hearing***

The Council shall conduct a public hearing as set forth in [Common Procedures](#).

J. ***Town Council Action***

The Town Council may approve, approve with modifications or deny the application. Approval of any major amendment to the General Plan shall require an affirmative vote by at least 2/3 of the members of the Council. Approval shall be by Resolution.

Section 6.9 Protected Development Rights Plan

6.9.1 Purpose and Intent

The purpose of this section is to provide procedures consistent with applicable State law by which a plan may be designated as a Protected Development Rights Plan. Except as provided for under [Subsequent Designation](#), only a plan submitted to the Town that is designated as a Protected Development Rights Plan at the time of submittal shall be processed as a Protected Development Rights Plan. This section sets forth the procedures for two classifications of Protected Development Rights Plans: non-phased developments and phased developments.

A protected development right is the right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Rights Plan without compliance with subsequent changes in zoning regulations and development standards, and precludes the enforcement against the development of any legislative or administrative land use regulation of the town or an initiated measure that would change, alter, impair, prevent, diminish, delay or otherwise impact the development or use of the property as set forth in the approved Protected Development Rights Plan. Upon approval of a Protected Development Rights Plan, the owner has a protected development right to undertake and complete the development only to the extent of the specific elements and details shown on the plan without compliance with subsequent changes in zoning regulations and development standards.

6.9.2 Procedures

A. *Application*

Applications shall be filed in accordance with application procedures set forth in [Common Procedures](#) and additional application requirements set forth in this section. Applications may be filed for non-phased development right plan, or phased development right plan.

1. Non-Phased developments

Non-phased developments are developments that are constructed in one phase. Applications for Protected Development Rights Plan for non-phased developments shall comply with the application requirements for final subdivision plat approval as set forth in Chapter III: Subdivision Regulations.

2. Phased developments

An application for a Protected Development Rights Plan for phased developments shall comply with the application requirements set forth in this section and in the [Planned Area Development Overlay Zoning](#)

District. The application shall identify all improvements required to be constructed for each phase.

B. *Application Content*

1. All Applications. Applications for a Protected Development Rights Plan shall include all of the following:
 - a. The proposed uses of the property.
 - b. The boundaries of the property.
 - c. Significant topographical and other natural features affecting development of the property.
 - d. The location of all existing and proposed utilities and provisions for other infrastructure on the property, including water, sewers, road and pedestrian walkways.
 - e. All other studies and reports required by the Zoning Code, the Subdivision Regulations and other codes of the Town, including traffic reports, drainage reports, master street plans, development phasing schedules and phased public infrastructure schedules.

2. Non-Phased Developments

In addition to the requirements of the Application Content set forth above, relating to all Applications, an application for a Protected Development Rights Plan for a non-phased development shall be submitted either as a final subdivision plat application or as a Planned Area Development Overlay district application and shall:

- a. Designate the plan as a non-phased Protected Development Rights Plan at the time of submittal.
- b. Include the general location on the property of the proposed buildings, structures and other improvements.
- c. Include the number of dwelling units and the square footage and height of the proposed buildings and other structures.

3. Phased Developments

In addition to the requirements of the application content set forth above relating to all applications, an application for a Protected Development Rights Plan for a phased development shall:

- a. Designate the plan as a phased Protected Development Rights Plan at the time of submittal.
- b. Be submitted as a Planned Area Development Overlay zoning district.
- c. Include the proposed phasing plan, the boundaries of each phase, and the schedule of development of each phase.
- d. Include the general location on the property of the proposed buildings, structures and other improvements for the first phase.
- e. Include the number of dwelling units proposed for all phases of the development.
- f. Include the square footage and height of the proposed buildings and other structures for the first phase.

6.9.3 General Provisions

A. *Non-Phased Protected Development Rights Plan*

The Protected Development Rights Plan for a non-phased development shall be the final subdivision plat or a Planned Area Development Overlay Zoning District approved by the Town Council.

B. *Phased Protected Development Rights Plan*

The Protected Development Rights Plan for a phased development shall be the Planned Area Development Overlay zoning district approved by the Town Council for that phase. Approval of a Protected Development Rights Plan for one phase of a phased development is not approval of a Protected Development Rights Plan for any other phase.

C. *Subsequent Designation*

The Town Council may designate by ordinance or resolution a development plan that is not identified as a Protected Development Rights Plan at the time it is submitted, as a Protected Development Rights Plan upon a finding that granting a protected development right to undertake and complete the development shown on the plan will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and secure the reasonable investment-backed expectations of the owner.

D. *Variances*

A Protected Development Rights Plan approved with a condition that a variance be obtained does not confer a protected development right until the variance

is granted. Approval of a Protected Development Rights Plan does not guarantee approval of a variance.

E. *Enforcement of Subsequent Land Use Regulations*

A protected development right does not preclude enforcement of land use regulations that would change, alter, impair, prevent, diminish, delay or impact the development or use of the property as approved in the Protected Development Rights Plan under any of the following circumstances:

1. Changes agreed to in writing by the owner.
2. Declaration by the Town Council by resolution after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved in the Protected Development Rights Plan.
3. Declaration by the Town Council by resolution after notice and a public hearing that the owner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the Protected Development Rights Plan by the Town.
4. The enactment of a state or federal law or regulation that precludes development as approved in the Protected Development Rights Plan, in which case the Town Council, after notice and a public hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the Protected Development Rights Plan.

F. *Overlay Zoning, Development Fees, Building Codes*

A protected development right does not preclude the enforcement of a subsequently adopted:

1. Overlay zoning classification that imposes additional requirements and that does not affect the allowable type or density of use, or ordinances or regulations that are general in nature and that are applicable to all property, so long as the overlay zoning classification does not affect the allowable type or density of use.
2. Development fee adopted pursuant to A.R.S. § 9-463.05, as amended.
3. Building, fire, plumbing, electrical, or mechanical code or other ordinance or regulation general in nature and applicable to all property subject to land use regulation by the Town.

G. *Non-Conforming Uses and Structures*

A protected development right does not preclude, change, or impair the authority of the Town to adopt and enforce zoning ordinance provisions governing non-conforming uses or structures on the property.

H. *Development Agreements*

Nothing in this section shall preclude, change, or limit the authority of the Town to enter into a Development Agreement pursuant to A.R.S. § 9-500.05, as amended.

6.9.4 Expiration Date and Extensions; Revocation

A. *Expiration*

1. Non-Phased Development Rights Plan

A Protected Development Rights Plan for a non-phased development is valid for three (3) years. In its sole discretion, the Town Council may extend this time period for a maximum of two (2) additional years if it determines such extension is warranted by all relevant circumstances, including the size and type of the development, the level of investment of the landowner, economic cycles, and market conditions. If no building permit has been issued prior to expiration, no construction shall commence under the plan.

2. Phased Development Rights Plan

A Protected Development Rights Plan for a phased development is valid for five (5) years. In its sole discretion, the Town Council may extend this time period for a maximum of two (2) additional years if it determines such extension is warranted by all relevant circumstances, including the size, type and phasing of the development, the level of investment of the landowner, economic cycles, and market conditions. No construction shall take place on the property for any phase for which a building permit has not been issued.

B. *Compliance*

After the approval of a Protected Development Rights Plan, the Planning Manager shall monitor the progress of the development to ensure compliance with the terms and conditions of the original approval or any development agreement applicable to the property. If the development is not progressing in compliance with the original approval or any development agreement applicable to the property, the Planning Manager shall prepare a report and recommendation to the Town Council. The report and recommendation shall contain the following:

1. The Protected Development Rights Plan to be revoked;
2. The property to which the right applies; and
3. The reason or reasons for the proposed recommendation.

C. *Revocation*

A Protected Development Rights Plan may be revoked by the Town because of failure to comply with the applicable terms and conditions of the Protected Development Rights Plan or development agreement.

1. Initiation of Revocation

The report and recommendation of the Planning Manager shall be submitted to the Town Council. The Planning Manager shall set a date for a public hearing on the proposed revocation.

2. Notice of Public Hearing on Revocation

a. Notice of the public hearing shall be given by first class mail at least 15 days prior to the hearing as follows:

- 1) To the property owner of record.
- 2) To the property address.
- 3) To the business address of the holder of the right.

b. 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.

c. Notice of the public hearing shall be posted at least 15 days prior to the date of the hearing at four (4) public places within the Town designated by Town Council resolution for posting of public notices.

3. Public Hearing

The public hearing shall be held in accordance with the procedures for public hearing set forth in [Public Hearing Procedures](#).

4. Required Findings

In order to revoke the Protected Development Rights Plan, the Town Council shall find that one or more of the terms of conditions of the

Protected Development Rights Plan have been violated or there has been a violation of other applicable laws or regulations; and

5. Action

Upon revocation of the Protected Development Rights Plan, the Planning Manager shall set forth the decision in a Notice of Decision describing the Town Council's decision, with its findings. The Notice of Decision shall be emailed, file shared or mailed to the applicant by first class mail and to:

- a. To the property owner of record.
- b. To the property address.
- c. To the business address of the holder of the right.

D. ***No Vested Rights***

Where a Protected Development Rights Plan has been created, development of property without complying with the Protected Development Rights Plan is not a legal use of that property. Therefore, there shall be no vested right to use property in accordance with a Protected Development Rights Plan where the Protected Development Rights Plan has been revoked, pursuant to [Revocation](#) process above.

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Section 6.10 Appeals of Dedications, Exactions and Zoning Regulations, Reconsideration of Certain Decisions, and Claims for Diminution in Value

6.10.1 Purpose and Intent

- A. To provide a process for appeals of dedication requirements, exactions or zoning regulations pursuant to A.R.S. §§ 9-500.12 and 9-500.13, as amended.
- B. To provide a process for reconsideration of Town Council actions related to certain Federal and state statutes.
- C. To provide a process for filing and processing claims for diminution in value pursuant to A.R.S. § 12-1134, as amended.

6.10.2 Appeals of Required Dedications and Exactions and of Zoning Regulations Pursuant to A.R.S. § 9-500.12 and 9-500.13

A. *Appeals*

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

1. Fee

No fee shall be charged for the appeal.

2. Filing of Appeal

Appeals shall only be filed by a property owner. Appeals shall be filed on a form established by the Planning Manager within 30 days of the date of the final action imposing the dedication or exaction or adopting or amending the zoning regulation. The Town shall notify the property owner of the right to appeal pursuant to this section and shall provide a description of the appeal procedure on a Notice of Decision for the zoning.

- B. Communications During Appeals shall adhere to [Ex Parte Communications](#) limitations.

C. *Notice of Hearing*

The property owner shall be given at least 10 days written notice of the time and place of the hearing by certified mail. The property owner may agree to a shorter time for such notice.

D. *Hearing*

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

E. *Appeals Filed Pursuant to A.R.S. § 9-500.12*

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

1. Findings

In determining whether a dedication or exaction is in violation of the law, the Town has the burden to establish that:

- a. There is an essential nexus between the dedication or exaction and a legitimate governmental interest of the Town; and
- b. The required dedication or exaction is roughly proportional to the impact of the proposed use.

2. Decision

If the Zoning Hearing Officer finds that the Town has not met its burden as described in the Findings above, the Zoning Hearing Officer may modify or delete the dedication or exaction requirement. If the Zoning Hearing Officer finds that the Town has met its burden, the Zoning Hearing Officer may affirm the dedication or exaction requirement. The Zoning Hearing Officer shall decide the appeal within five (5) working days after the appeal is heard.

F. *Appeals Filed Pursuant to A.R.S. § 9-500.13*

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

1. Findings

In determining whether an adopted or amended zoning regulation creates a taking of property in violation of A.R.S. § 9-500.13, as amended, the Town has the burden to establish that the zoning regulation does not create a taking. The Zoning Hearing Officer shall consider whether the zoning regulation would deny all viable economic

use of the property. In determining whether the action would deny the owner all viable economic use of the property, the Zoning Hearing Officer shall consider the following factors:

- a. Uses Permitted. Evaluation of the range of uses allowed under the General Plan and the Zoning Code.
- b. Economic Impact Study. Any economic impact study submitted related to the impact of the conditions of an amendment on the property.

2. Decision

If the Zoning Hearing Officer finds that the Town has not met its burden as described in Subsection (E)(1), the Zoning Hearing Officer shall transmit a recommendation to the Town Council and the Town Council may reconsider its prior action. If the Zoning Hearing Officer finds that the Town has met its burden, the Zoning Hearing Officer may affirm the zoning regulation. The Zoning Hearing Officer shall decide the appeal within five (5) working days after the appeal is heard.

G. *Appeal of Decision of Zoning Hearing Officer*

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

6.10.3 Reconsideration of Certain Town Council Decisions

A. *Request for Reconsideration*

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

1. An alleged violation of the Fair Housing Act
2. An alleged violation of the Americans with Disabilities Act or the Arizonans with Disabilities Act
3. An alleged violation of the Religious Land Use and Institutionalized Persons Act or the Arizona Free Exercise of Religion Act
4. An alleged violation of the Telecommunications Act of 1996.

B. *Reconsideration Procedure*

1. Time of Filing

The request for reconsideration shall be filed within 10 days of the Town Council decision.

2. Fact Finding Hearing

a. Prior to reconsideration by the Town Council, the Zoning Hearing Officer shall conduct a fact-finding hearing to gather a complete record of all information relevant to the request.

b. The Zoning Hearing Officer shall have the authority to request all information necessary to compile a complete record pertaining to the request.

c. Town officials and the applicant shall fully disclose all information relevant to the fact finding.

d. The Zoning Hearing Officer shall prepare a report and recommendation for Town Council consideration within 60 days of the filing of the request.

3. Town Council Reconsideration

a. The Town Council shall conduct a public hearing on the request pursuant to the procedures set forth in [Public Hearing Procedures](#).

b. In its deliberation, the Town Council shall consider only the applicant's written request, the findings of fact prepared by the Hearing Officer, and the Zoning Hearing Officer's recommendation. No new evidence shall be submitted.

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

6.10.4 Claim for Diminution in Value Pursuant to A.R.S. § 12-1134

A. *Filing of Claim*

All claims for diminution in value pursuant to A.R.S. § 12-1134, as amended, shall be filed with the Town Clerk on a form prescribed by the Town.

B. *Town Review*

After a claim is filed, the Town Attorney's office shall review the claim to determine whether the enactment or application of a land use law has diminished the value of the claimant's property. A certified land appraiser, economist, or other qualified expert may be consulted to determine the amount of the diminishment of value, if any.

C. *Staff Recommendation*

The Town Attorney or authorized designee shall prepare a recommendation to the Town Council to deny the claim, pay compensation for diminishment in value or rescind or modify the land use regulation.

D. *Town Council Determination*

Within 90 days of the filing of the claim, Town Council shall make a determination whether to deny the claim, to pay compensation, or to modify or rescind the land use law or its application to the claimant's property. The Council's determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a land use law to an individual property shall be recorded against the property in the office of the Maricopa County Recorder.

E. *Satisfaction of Notice of Claims Requirements*

Filing a claim pursuant to this section shall be deemed to satisfy the requirements set forth in A.R.S. § 12-821.01, as amended, for filing an administrative claim against the Town.

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Section 6.11 Annexations

6.11.1 Purpose and Intent

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

6.11.2 Initiation of Annexations

A. *Town Council or Town Manager*

The Town Council or Town Manager may direct staff to review specific property to determine whether it may be legally annexed and to contact property owners to determine whether they will sign an annexation petition.

B. *Owner*

One or more property owners may submit an application to annex property owned by them into the Town.

6.11.3 Procedures

- A. Annexations shall follow state statutes A.R.S. § 9-471 et. seq. The Town of Gilbert reserves the right to add additional noticing for annexation.

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Section 6.12 Enforcement

6.12.1 Purpose and Intent

The purpose of this section is to provide consistent enforcement applicable with State law, Gilbert Municipal Code and the content of this document. The standards set forth shall apply to all property in the Town of Gilbert.

6.12.2 Invalid Permits and Approvals

Any permit issued, or administrative approval granted in conflict with any provision of a zoning ordinance, the Zoning Code, a use permit, a variance, or a Design Review approval is void, unless relief is granted pursuant to [Administrative Relief from Development Standards](#).

6.12.3 Enforcement Responsibilities

A. *Building and Code Compliance Department*

Prior to issuance of building permits, the Building and Plan Review Department shall ascertain that plans presented with the building permit application comply with those approved subject to the requirements of the Zoning Code.

B. *Code Compliance Manager*

The Plan Review and Inspection Manager shall enforce the provisions of the Zoning Code and is authorized to stop any work undertaken not in compliance with any provision of a zoning ordinance, the Zoning Code, use permit approval, variance, or Design Review approval.

C. *Town Attorney*

The Town Attorney may commence an action in Superior Court to abate a violation of the Zoning Code.

6.12.4 Violation; Notice and Opportunity to Correct

A. *Notice*

Before issuing a citation for a violation of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval, the Code Compliance Officer shall provide a written notice of the violation to the property owner, person in control, or authorized agent of the property. The notice shall set forth:

1. The violation.
2. What is required to bring the property into compliance.
3. The time period allowed to bring the property into compliance.

B. *Time Period*

The time period provided to correct violations of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval other than landscape and signs shall be a minimum of 10 days. The time period provided to correct violations of landscape and sign regulations are set forth in:

1. The Landscape Maintenance and Enforcement provisions within this Zoning Code set forth the time period provided to correct violations pertaining to [Landscape Regulations](#).
2. The Notice of Violation provisions within this Zoning Code set forth the time period provided to correct violations of [Sign Regulations](#). A citation is considered an appropriate notice in the case of violations of Sign Regulations, for signs installed without required permits.

- C. *Failure to Receive Notice.*** Failure of the property owner, person in control, or authorized agent of the property to receive a notice shall not preclude issuance of a citation.

6.12.5 Violations and Citations

If a violation of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval continues past the time for correction set forth in the notice of violation, a citation shall be issued by any person so authorized by the Zoning Code to the property owner, person in control, or authorized agent of the property.

- A. A civil action for violations shall be commenced by filing of the citation in the Town of Gilbert Municipal Court.
- B. Citations may be issued by the Code Compliance Manager, a Code Compliance Officer, or a Town of Gilbert Police Officer.
- C. Each day a violation continues, or the failure to perform any act or duty required by the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.
- D. Every civil action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to civil traffic procedures and the Arizona Rules of Procedure in Civil Traffic Violation Cases.

6.12.6 Penalties

- A. A citation issued pursuant to Violations and Citations, as set forth above, shall direct the person to whom the citation is issued to pay a fine in the amount set forth in the Gilbert Municipal Court adopted schedule of fines within 10 days of the issuance of the citation or to appear before the Town of Gilbert Municipal Court. Payment of the fine shall constitute a finding of responsibility for the violation for purposes of Habitual Offenders as set forth below.
- B. Upon a finding by the Town of Gilbert Municipal Court that a person, corporation, or other legal entity is responsible for a civil violation of a zoning ordinance, the Zoning Code, a use permit, a variance or a Design Review approval, the Town of Gilbert Municipal Court shall impose a civil fine of not more than \$500.00 for each violation.
- C. Any judgment for civil fines or penalties may be collected as any other civil judgment, as provided for in the Arizona Revised Statutes.

6.12.7 Habitual Offenders

- A. Any person found responsible by the Town of Gilbert Municipal Court for committing three (3) or more civil violations of a zoning ordinance, the Zoning Code, a use permit, variance or Design Review approval within a 24 month period, whether by admission, by payment of the fine, by default or by judgment after hearing shall be determined to be a habitual offender. For purposes of calculating the 24 month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. A habitual offender who subsequently violates a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval shall be guilty of a Class 1 Misdemeanor offense.
- C. Upon the conviction of a habitual offender for a violation of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval, the Court may:
 - 1. Impose a sentence of incarceration not to exceed six (6) months in jail.
 - 2. Impose a fine not to exceed \$2,500.00, exclusive of penalty assessments prescribed by law.
 - 3. Impose a term of probation.
 - 4. Impose any combination of incarceration, fine, and probation.
- D. Notwithstanding the above elective penalty, upon conviction of a habitual offender of a violation of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval, the Court shall impose a fine of not less than \$500.00 for each count upon which a conviction is obtained.

- E. A judge shall not grant probation to a habitual offender or suspend any part of a sentence or fine imposed upon a habitual offender for any sentence required by this subsection, except on the condition that the habitual offender pays the mandatory minimum fines as provided in this section.
- F. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

6.12.8 Abatement

The Town of Gilbert Municipal Court may order abatement of a violation of this section pursuant to A.R.S. § 9-462.05, as amended.

6.12.9 Cumulative Procedures and Remedies

The procedures and remedies provided for herein shall be cumulative and in addition to any other procedures and remedies to which the Town may be entitled by law or equity.

6.12.10 Failure to Provide Evidence of Identity

A person who fails or refuses to provide evidence of his or her identity to the Town of Gilbert Building Official, a Building Inspector, the Code Compliance Manager, a Code Compliance Officer, or a Police Officer or any other authorized agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of the Zoning Code, is guilty of a Class 1 Misdemeanor. Evidence of identity shall consist of a person's full name, residence address, and date of birth.

Chapter 2 Design Guidelines and Standards

Section 1 Residential Design and Development Guidelines

Section 2 Medium High Density Framework Design Guidelines

Section 3 Single Family Attached and Multi-Family Design Guidelines (reserved)

Section 4 Commercial Design Guidelines

Section 5 Employment Design Guidelines

Section 6 Gateway Area Right-of-Way Improvement Standards and Streetscape Design Guidelines

Section 7 Gateway Area – Traditional Neighborhood Design Guidelines

Section 8 Heritage District Design Guidelines

Section 9 Design Standards Manual for Wireless Communication Facilities

Section 10 Mixed-Use Development Design Guidelines

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Chapter 3 Subdivisions

Section 1.1 Subdivision Regulations

1.1.1 Purpose and Intent

The purpose and intent of this Section is to provide procedures consistent with State law to regulate and control the subdivision and division of land within the Town in a manner that will:

- A. Ensure that lands are suitable for subdivision by reason of availability of water and topography, and are free from flooding, high water table, adverse soils, subsidence, or other natural or man-made hazard to life or property.
- B. Create and maintain safe and functional commercial and employment developments and safe, functional, and walkable residential neighborhoods.
- C. Ensure adequate vehicular and non-vehicular circulation through coordinated street, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining developments and public facilities.
- D. Allow the creation of individual lots of reasonable utility.
- E. Ensure the provision of adequate facilities by establishing tracts and easements for public and private streets, utilities, drainage and storm water retention, recreation and open space.
- F. Ensure the provision of public streets by dedication to the Town.
- G. Ensure the provision of adequate sites for schools and other public facilities.
- H. Implement the General Plan, the Zoning Code, design guidelines, and other codes and ordinances of the Town.
- I. Ensure the accurate conveyance of land.

1.1.2 Applicability

The requirements of this Section shall apply to all divisions of improved or unimproved land into five (5) or more lots or parcels for the purpose of financing, sale, or lease, whether immediate or future, with the following exceptions:

- A. The adjustment or relocation of a boundary line or a sale or exchange of parcels between adjacent property owners or adjacent lots shown on a recorded subdivision or parcel map when the sale or exchange does not create additional lots.

- B. The adjustment or relocation of boundaries between adjoining units or subdivision of individual units in a previously approved and recorded condominium plat where such subdivision or relocation is expressly permitted by the condominium declarations.
- C. The creation of an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property.
- D. Leasing of apartments, offices, stores, or similar space within an apartment building, commercial building, industrial building, or mobile home park.
- E. The division of land by order of any court or by operation of law, or pursuant to the laws of eminent domain.
- F. Minor land division and minor subdivision, pursuant to [Subdivision Regulations](#) Minor Land Division and Minor Subdivision.

1.1.3 Preliminary Plat Overview

Except as provided otherwise elsewhere in the Land Development Code, the preparation, submittal, review and approval of preliminary plats shall proceed through the following progressive steps prior to Final Plat:

A. *Preliminary Plat Submittal Original Submission*

Completed applications shall be submitted to the Development Services Department on a form established by the Planning Manager. Any of the following persons or entities may submit an application:

1. The owner of the property.
2. An authorized agent of the owner.
3. A person acting under a purchase contract or exclusive option to purchase the property

B. *Application Content*

Application content is set forth in the Preliminary Plat Application.

1. The Planning Manager may require additional supporting materials as part of the application.
2. The applicant shall be responsible for the accuracy and completeness of all information submitted to the Town.
3. The Planning Manager may waive the submission of specific material or information if it is not needed to reach a decision on the application.

4. When a project requires more than a single approval the individual applications may be accepted for concurrent review.
5. All applications, including supporting materials, are public records.

C. ***Inactive Applications***

If no applicant activity has occurred on an application for 180 days, the application shall be determined to be inactive. Thirty days prior to that date the planning staff shall notify the applicant in writing that the application will become inactive. If the applicant requests in writing that the Planning Manager extend the 180 day period, such request shall be accompanied by an explanation for the period of inactivity. The Planning Manager may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period. If an extension is not approved, the application will be deemed withdrawn and the file shall be closed.

D. ***Notice of Public Hearings***

Public notification shall be provided in compliance with [Common Procedures](#).

E. ***Staff Reports***

The Planning Manager or designee shall prepare and transmit staff reports to the Design Review Board and to the Redevelopment Commission, if applicable, and to the Planning Commission.

F. ***Redevelopment Commission***

The Redevelopment Commission shall review applications for preliminary subdivision plats within the Heritage District Overlay Zoning District at a public meeting. The Redevelopment Commission may recommend approval, approval with modifications and/or conditions, or denial of preliminary plats to the Planning Commission.

G. ***Design Review***

The Design Review Board, or Planning Commission acting as the Design Review Board, shall review the open space plan for a subdivision of 20 acres or more at a public meeting. Design Review Board, or the Planning Commission acting as the Design Review Board, shall approve, approve with modifications and/or conditions, or deny the subdivision open space plan. This action may be combined with the approval of the preliminary plat. Staff may administratively approve open space plans for subdivisions of less than 20 acres and amendments to approved open space plans that do not substantially change the intent of the original approval.

H. ***Planning Commission Hearing***

The Planning Commission shall conduct a public hearing on an application for a preliminary subdivision plat as set forth in [Common Procedures](#). The Planning Commission may approve, approve with modifications and/or conditions, or deny the proposed preliminary subdivision plat. The Planning Commission shall consider recommendations from the Redevelopment Commission, if applicable.

I. ***Appeal***

The Design Review Board or Planning Commission action on a preliminary subdivision plat or open space plan may be appealed to the Town Council pursuant to [Procedures for Appeals](#). The Town Council decision shall be final. The Town Council shall have the authority to uphold, modify, or overrule the action of the Design Review Board.

J. ***Effective Date***

The effective date of the preliminary subdivision plat shall be the 11th day after approval, if no appeal has been filed. The effective date of a preliminary subdivision plat which has been appealed to the Town Council is the date of Town Council approval.

K. ***Expiration Date***

A preliminary subdivision plat shall automatically expire three (3) years from its effective date unless a complete application for a final subdivision plat has been filed with the Town.

1.1.4 Final Plat Overview

Except as provided otherwise elsewhere in the Land Development Code, the preparation, submittal, review and approval of final plats shall proceed through the previous preliminary plat step and then the following progressive steps:

A. ***Submittal Requirements***

All final plat requirements, check lists, processes are addressed in the Final Plat Process Guide. Completed applications shall be submitted to the Development Services Department on a form established by the Development Engineering Manager. Any of the following persons or entities may submit an application:

1. The owner of the property
2. An authorized agent of the owner
3. A person acting under a purchase contract or exclusive option to purchase the property.

B. *Application Content*

Application content is set forth in the Final Plat Process Guide.

1. The Development Engineering Manager may require additional supporting materials as part of the application, including but not limited to legal descriptions, plans, drawings, and other information necessary to describe the proposed project.
2. The applicant shall be responsible for the accuracy and completeness of all information submitted to the Town.
3. The Development Engineering Manager may waive the submission of certain information if he finds it is not needed to reach a decision on the application.

C. *Inspection and Reproduction of Public Records*

All applications, including supporting materials, are public records.

D. *Inactive Applications*

All applications shall be actively pursued to a decision. If no applicant activity has occurred on the final plat application for 180 days, the application shall be determined to be inactive. Thirty (30) days prior to that date the Development Engineering Manager or designee shall notify the applicant in writing that the application will become inactive. If the applicant requests in writing that the Development Engineering Manager extend the 180 day period, such request shall be accompanied by an explanation for the period of inactivity. The Development Engineering Manager may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period. If an extension is not approved, the application will be deemed withdrawn and the file shall be closed.

E. *Staff Report*

The Development Engineering Manager shall prepare and transmit a staff report to the Town Council. The staff report shall provide an analysis and recommendation. A copy of the staff report shall be made available to the public and the applicant prior to the meeting.

F. ***Town Council Action***

The Town Council shall approve or deny the final subdivision plat.

G. ***Mayor's Signature***

Upon Town Council approval of a final subdivision plat and after all other required certifications have been executed, the Mayor shall sign the final subdivision plat.

H. ***Appeals***

Decisions of the Town Council on a final plat are final.

I. ***Recordation***

Improvement plans for the subdivision shall be approved by the Development Engineering Manager prior to recordation of a final plat. The Development Services Department shall record the final subdivision plat with the office of the Maricopa County Recorder.

J. ***Dedications and Acceptance***

1. Dedications of Easements and Public Streets. Dedication of easements and public street rights-of-way shall be effective upon recordation of the final subdivision plat.
2. Public Improvements. The recordation of the final subdivision plat shall not constitute acceptance by the Town of the dedication of any public improvement. The process for acceptance of public improvements shall be established by the Development Engineering Manager.

1.1.5 Amendments to Previously-Approved Plats

A. ***Preliminary Plats***

All or a part of an approved preliminary subdivision plat may be amended. Whether the process is administrative, or a full public hearing depends on the scale of the change. The process decision is at the purview of the Planning Manager.

B. ***Final Plats***

All or a part of an approved plat may be amended. Whether the process is administratively amended or requires Town Council approval depends on the scale of the amendment. The process decision is at the purview of the Development Engineer.

1.1.6 Reservation of Land for Public Purpose

The Town may require the reservation of land for public parks, recreational facilities, school sites, and fire stations for one (1) year from the date of recording of a final plat as set forth in A.R.S. § 9-463.01, as amended. The reserved land area shall be identified on the preliminary subdivision plat approved by the Planning Commission. At the applicant's option a lot and street pattern for the reserved land area may be approved as part of the preliminary subdivision plat. Prior to the end of the One (1) year period following recording of the final plat, the Town or public agency for whose benefit an area has been reserved may enter into an agreement to acquire the land. If no agreement is reached within the One (1) year period the reservation of land shall terminate.

1.1.7 Dedications

Dedications shall be in a form acceptable to the Development Engineering Manager and Town Attorney, or as shown in the forms of dedication as provided in the Final Plat Process Guide.

A. ***Streets, Rights-of-Way and Public Easements***

All proposed streets, rights-of-ways, and easements shall be identified on both the preliminary and final subdivision plats. The final subdivision plat shall contain a dedication for all public streets, rights-of-way and public easements.

B. ***Private Utility Easements***

All easements proposed for dedication to a private utility company shall be identified on both the preliminary and final subdivision plats. The final subdivision plat shall contain an offer of dedication for all such easements to the appropriate utility company. Acceptance of such offers shall be the responsibility of the utility company.

C. ***Vehicular Non-Access Easements (VNAE)***

Vehicular non-access easements shall be shown on the subdivision plat. No driveway or vehicle gate shall be installed that would permit a vehicle to access or cross a vehicular non-access easement.

D. ***Other Easements***

Other easements required by the General Plan, the Zoning Code or Town standards shall be shown on both the preliminary and final subdivision plats.

E. ***Appeals of Dedications and Exactions***

Appeals of a required subdivision plat dedication or exaction filed pursuant to A.R.S. § 9-500.12, as amended, or alleged to create a taking pursuant to A.R.S.

§ 9-500.13, as amended, shall comply with the procedures of [Appeals](#), and A.R.S. § 9-500.12G, as amended.

1.1.8 Subdivision Improvements

A. *Improvements Required*

The cost of all subdivision improvements within and adjacent to new subdivisions shall be the responsibility of the subdivider. All subdivisions shall install public and private improvements pursuant to improvement plans approved by the Town. Required improvements to be shown on the plat, including, but not limited to, streets, utilities, stormwater drainage and retention, recreation and open space facilities, survey monuments, landscaping, street lights, street and traffic control signs, and fencing.

B. *Preparation of Improvement Plans*

Improvement plans shall be prepared and sealed by an engineer licensed by the State of Arizona. Improvement plans shall conform to the latest adopted Town standards, details, and specifications.

C. *Assurance of Construction*

The subdivider shall provide assurance of construction that required improvements will be installed or constructed in accordance with approved plans and Town details and specifications, in accordance with A.R.S. § 9-463.01(C)(8), as amended. Such assurance of construction shall be in an amount equal to 110 percent of the estimated cost of completion of the required improvements, as determined by a professional engineer registered in the state of Arizona and approved by Town staff. The assurance of construction shall be provided in a form satisfactory to the Development Engineering Manager and Town Attorney. The following forms of assurance may be used:

1. Cash Deposit

Upon satisfactory completion of the improvements, the Town shall inspect the improvements, and, if said improvements are in compliance with approved plans and Town details and specifications, the Town shall initially accept said improvements. After Initial Acceptance, the deposit may be reduced to 10 percent of the original cash deposit and such amount shall remain with the Town until Final Acceptance of the work. Upon Final Acceptance, the remaining cash deposit shall be returned to the subdivider. The subdivider may elect to substitute a surety (warranty) bond until Final Acceptance of the improvements.

2. Surety Bond

A surety bond, executed by the subdivider as principal, from a corporation duly authorized to transact surety business in the State of Arizona. The bond shall be in favor of the Town. The bond shall remain in full force and effect until Initial Acceptance of the improvements. After Initial Acceptance, a warranty bond in the amount of 10 percent of the original bond shall remain with the Town until Final Acceptance of the improvements. Upon Final Acceptance, the warranty bond shall be returned to the subdivider.

3. Letter of Credit

The subdivider may provide an irrevocable letter of credit in favor of the Town of Gilbert from a bank or financial institution authorized and licensed to do business in the state of Arizona. The letter of credit shall be in the form prescribed by the Town Development Engineering Manager and the Town Attorney.

4. Loan Commitment

The subdivider may provide assurance of construction of subdivision improvements by delivering to the Town Engineer prior to the recording of said plat an agreement between an approved lending institution and the subdivider. The agreement shall state that funds sufficient to cover the entire cost of installing the required improvements, including engineering and inspection costs, and the cost of replacement or repairs of any existing streets or improvements damaged by the subdivider in the course of development of the subdivision, in an amount approved by the Town, have been deposited with the lending institution. The agreement shall provide that such funds are specifically allocated and will be used by the subdivider or on his/her behalf, only for the purpose of installing the subdivision improvements. The Town shall be the beneficiary of such agreement. The agreement shall remain in full force and effect until Initial Acceptance of the required improvements. After Initial Acceptance, the amount required to be available may be reduced to 10 percent of the original amount and the agreement shall remain in effect with the revised amount until Final Acceptance of the improvements. Upon Final Acceptance, the agreement may be terminated. The subdivider, the subdivider may elect to substitute a surety warranty bond to cover the costs until Final Acceptance.

5. Alternative to Assurance of Construction - Hold on Certificates of Occupancy

The Town may accept as an alternative assurance of construction a written agreement with the subdivider that no certificates of occupancy

will be issued for a subdivision until the required improvements are complete in accordance with the approved plans and Town's details and specifications. This alternate method of assurance will only be accepted for subdivisions that require no improvements to existing arterial or collector roadways and if all of the following criteria are met:

- a. The subdivider has engaged in business in the Phoenix Metro area for a period of three (3) consecutive years prior to making request.
- b. The subdivider has completed all the required improvements in a minimum of two (2) jurisdictions in a manner satisfactory to the local jurisdiction's Engineer. The written agreement shall provide that as an alternative to the assurance provisions of this Section regarding Cash Deposit, Surety Bond, and Loan Commitment, the Town shall be authorized to withhold building permits or final building inspections until all required improvements are completed and the work is inspected and accepted by the Development Engineering Manager or designee. The Building and Code Compliance Manager shall deny final approval of any building permit or final building inspection for any structure located within a subdivision unless a written certification has been received from the Town Engineer that all required improvements are complete, and the work has been inspected and accepted. If the subdivider fails to complete all required improvements in accordance with the terms of the agreement, the Development Engineering Manager may authorize the completion of the work.

D. *Town Completion of Work*

If the subdivider abandons the installation of construction of required improvements or fails to complete the improvements in accordance with the Town's details and specifications, the Town may complete such installation or construction and the cost shall be deducted from the assurance of construction. The cost of construction exceeding the amount of the assurance shall be the responsibility of the subdivider, and the Town may recover such construction costs through all available remedies.

E. *Phasing*

The Development Engineering Manager shall approve any plan for the phased construction of a subdivision or subdivision improvements.

F. ***Design Standards***

The Town shall publish design standards, specifications and details for public and private improvements to be constructed within the Town. All subdivision improvements shall conform to the latest adopted design standards.

G. ***Residential Subdivision Plat Design***

A residential subdivision plat shall meet the density as set forth by the applicable provisions of the General Plan and the Zoning Code shall comply with the latest applicable adopted design guidelines and policies.

H. ***Street Lighting Improvement District (SLID)***

Prior to Final Plat approval, the subdivider shall, at no cost to Gilbert and pursuant to the provisions of Arizona Revised Statutes Title 48, Article 2, prepare, execute and deliver to Gilbert, a petition and all supporting documentation required to form a street lighting improvement district for lighting the public streets and parks within the subdivision. If the subdivision provides for private streets, the subdivider shall ensure that all provisions requiring payment of all costs related to energy, maintenance, repair and replacement of all streetlights and lights in parks are provided for in the recorded covenants, conditions and restrictions related to the subdivision.

1.1.9 Gated Facility Entrances

Gated facility entrances shall comply with the latest adopted Town Engineering and Construction Standards.

1.1.10 Continuation of Streets

Streets in a new subdivision shall align with and continue streets in adjacent developments. Single family residential subdivisions adjacent to undeveloped property designated for single family residential use on the General Plan shall provide for the continuation of streets to access the adjacent property, as determined by the Planning Commission.

1.1.11 Corrections to Recorded Plats

- A. Except as provided in this section, any change to a recorded subdivision plat shall be processed in accordance with the Final Plat section of this Chapter.
- B. Certificate of Correction may be approved by the Town Engineer or designee, only for the purpose of correcting minor survey / scrivener's errors of a drafting or typographical nature to a recorded plat, or for correcting street addresses in accordance with Gilbert's addressing policies. An example Certificate of Correction form is provided in the Final Plat Process Guide.

C. ***Application***

1. Correction Requested by Owner
 - a. An owner requesting a Corrective Plat or Certificate of Correction shall file a complete application for the requested correction in writing, with all required documentation and fees.
 - b. Applications shall include:
 - 1) Corrections requested, in sufficient detail to determine what process (Corrective Plat or Certificate of Correction) will be required
 - 2) The date the plat was recorded
 - 3) The docket and page number of the plat being corrected
2. If the correction is a street address change initiated by staff, the Development Engineering Manager or designee shall process the application.

Section 1.2 Minor Land Division and Minor Subdivision

1.2.1 Purpose and Intent

- A. **Purpose.** The purpose of this Section is to provide procedures consistent with State law to regulate and control the minor land division and minor subdivision of land within the Town in a manner that will meet the following:
1. Ensure that lands are suitable for subdivision by reason of availability of water and topography, and are free from flooding, high water table, adverse soils, subsidence, or other natural or man-made hazard to life or property.
 2. Create and maintain safe and functional commercial and employment developments and safe, functional, and walkable residential neighborhoods.
 3. Ensure adequate vehicular and non-vehicular circulation through coordinated street, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining developments and public facilities.
 4. Allow the creation of individual lots of reasonable utility.
 5. Ensure the provision of adequate facilities by establishing tracts and easements for public and private streets, utilities, drainage and storm water retention, recreation and open space.
 6. Ensure the provision of public streets by dedication to the Town.
 7. Ensure the accurate conveyance of land.

1.2.2 Applicability

Each of the following shall be subject to the requirements of this article:

- A. **Minor Land Division**
1. The division of improved or unimproved land whose area is 2.5 acres or less into two (2) or three (3) lots or parcels for the purpose of sale or lease, where no new street is involved.
 2. The division of improved or unimproved land for the purpose of sale, or lease, whether immediate or future, into two (2) parts, where the boundaries of such property have been fixed by a recorded plat.

3. Lot line adjustments, whether or not a new lot is created.
4. Lot Ties, where two (2) or more existing lots are joined by the removal of a lot line.
5. Condominium Plat.

B. *Minor Subdivisions*

The division of improved or unimproved land of any size for the purpose of sale or lease, into four (4) or fewer lots or parcels, whether or not a new street is involved

C. *Exclusions*

This article does not apply to Subdivisions, other than Minor Subdivisions, pursuant to this chapter.

1.2.3 Minor Land Division Overview

A. *Application*

Applications shall be filed in accordance with the application procedures set forth in [Common Procedures](#).

B. *Process*

The review process for a minor land division shall be established by the Development Engineering Manager. A preliminary plat shall not be required. The Development Engineering Manager shall approve or deny the minor land division. Upon approval of a minor land division, and after all other required certifications have been executed, the Town Engineer shall sign the minor land division map.

C. *Recordation*

Improvement plans for the minor land division shall be approved by the Development Engineering Manager prior to recordation of the minor land division. The Development Engineering Manager department shall record the minor land division with the Maricopa County Recorder.

D. *Acceptance of Public Improvements*

The approval of the minor land division by the Town shall not be deemed to constitute acceptance by the Town of the dedication of any proposed public way, space, or improvement. Acceptance of public improvements will not occur until the Town issues a Final Acceptance letter for the project.

1.2.4 Minor Subdivision Overview

All minor subdivisions shall be approved by the Town Council.

A. ***Application***

All minor subdivision and minor land division requirements, check list and process are addressed in the Final Plat Process Guide.

B. ***Staff Report***

The Development Engineering Manager or designee shall prepare and transmit a staff report to the Town Council. The staff report shall provide an analysis and recommendation. A copy of the staff report shall be made available to the public and the applicant prior to the meeting.

C. ***Town Council Action***

The Town Council shall approve or deny the final subdivision plat.

D. ***Mayor's Signature***

Upon Town Council approval of a final subdivision plat and after all other required certifications have been executed, the Mayor shall sign the final subdivision plat.

E. ***Appeals***

Decisions of the Town Council on a final plat are final.

F. ***Recordation***

Improvement plans for the subdivision shall be approved by the Development Engineering Manager prior to recordation of a final plat. The Development Services Department shall record the final subdivision plat with the office of the Maricopa County Recorder.

G. ***Dedications and Acceptance***

1. Dedications of Easements and Public Streets. Dedication of easements and public street rights-of-way shall be effective upon recordation of the final subdivision plat.
2. Public Improvements. The recordation of the final subdivision plat shall not constitute acceptance by the Town of the dedication of any public improvement. The process for acceptance of public improvements shall be established by the Development Engineering Manager.

1.2.5 Appeals

A. ***Minor Land Division***

Appeals of the decision of the Development Engineering Manager regarding a minor land division, except for appeals filed pursuant to Appeals of Required

Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions, shall be heard by the Planning Commission.

B. *Rights of Appeal*

Except as provided in Procedures for Appeals, appeals may be filed by:

1. The applicant.
2. Any other person aggrieved by the final decision of the Town Engineer, and who has standing to appeal pursuant to State law.
3. A member of the Town Council.
4. The Town Manager.
5. The Planning Manager.

All administrative remedies shall be exhausted prior to bringing legal action in Superior or Federal Court against the Town or any of its boards, commissions, employees, or officers.

C. *Minor Subdivision*

Decisions of the Town Council on a minor subdivision plat are final.

1.2.6 Effective Date and Expiration Date

A. *Effective Date*

The effective date of the minor land division or minor subdivision shall be the 11th day after approval, if no appeal has been filed.

B. *Expiration Date*

A minor land division or minor subdivision shall automatically expire three (3) years from its effective date if not properly recorded with the Maricopa County Recorder.

1.2.7 Amendments

All or a part of an approved minor subdivision may be amended. The amendment process shall follow the same steps as the original approval process.

1.2.8 Reservation of Land for Public Purpose, Minor Subdivision

The Town may require the reservation of land in a minor subdivision for public parks, recreational facilities, school sites, and fire stations for one (1) year from the date of recording of a final plat as set forth in A.R.S. § 9-463.01, as amended. The reserved

land area shall be identified on the minor subdivision plat approved by the Town Council. Prior to the end of the one (1) year period, the Town or public agency for whose benefit an area has been reserved may enter into an agreement to acquire the land. If no agreement is reached within the one (1) year period the reservation of land shall terminate.

1.2.9 Dedication of Rights-of-Way and Easements

Dedications shall be in a form acceptable to the Development Engineering Manager and Town Attorney, or as shown in the forms of dedication as provided in the Final Plat Process Guide.

A. *Streets, Rights-of-Way and Public Easements*

All proposed streets, rights-of-way and easements shall be identified on minor subdivision and minor land division plats. Minor subdivision and minor land division plats shall contain a dedication for all public streets, rights-of-way and public easements.

B. *Private Utility Easements*

All easements proposed for dedication to a private utility company shall be identified on minor subdivision and minor land division plats. The minor subdivision and minor land division plat shall contain an offer of dedication for all such easements to the appropriate utility company. Acceptance of such offers shall be the responsibility of the utility company.

C. *Vehicular Non-Access Easements (VNAE)*

Vehicular non-access easements shall be shown on minor subdivision and minor land division plats. No driveway or vehicle gate shall be installed which would permit a vehicle to access or cross a vehicular non-access easement.

D. *Other Easements*

Other easements required by the General Plan, the Land Development Code or the Town Engineering and Construction Standards shall be shown on minor subdivision and minor land division plats.

E. *Appeals of Dedications and Exactions*

Appeals of a required minor subdivision plat dedication or exaction filed pursuant to A.R.S. § 9-500.12, as amended, or alleged to create a taking pursuant to A.R.S. § 9-500.13, as amended, shall comply with the procedures of Appeals, and A.R.S. § 9-500.12G, as amended.

1.2.10 Standards

- A. Minor land divisions and minor subdivisions shall conform to the lot, street, block, alley, and easement standards and requirements for subdivisions. All lots or parcels created by a minor land division and minor subdivision shall conform to the General Plan and the Zoning Code.
- B. Any lot or parcel shall have a minimum 20 foot wide legal access to a street or non-residential drive aisle, including adequate emergency response turn-around or “hammer head” improvements on cul-de-sac or dead-end lots.
- C. Any lot or parcel shall have access to all utilities necessary for the uses permitted on the property. This requirement includes extending water mains and/or sewer collection lines to the property line, installing fire hydrants at appropriate spacing, and providing dedicated public utility easements, all as determined by the Town during plan review.

1.2.11 Improvements

A. ***Improvements Required***

All minor land divisions and minor subdivisions shall install public and private improvements pursuant to improvement plans approved by the Town. Improvements include, but are not limited to, streets, utilities, stormwater drainage and retention, recreation and open space facilities, survey monuments, landscaping, street lights, street and traffic control signs, and fencing. The cost of all required improvements shall be the responsibility of the subdivider.

B. ***Preparation of Improvement Plan***

Improvement plans shall be prepared and sealed by an engineer licensed by the State of Arizona. Improvement plans shall conform to the latest adopted Town standards, details and specifications.

C. ***Assurance of Construction***

Assurance of construction of improvements shall be provided as set forth in final plat Assurance of Construction.

D. ***Town Completion of Work***

If the subdivider abandons the installation of construction of required improvements or fails to complete the improvements in accordance with the Town’s details and specifications, the Town may complete such installation or construction and the cost shall be deducted from the assurance of construction. The cost of construction exceeding the amount of the assurance shall be the responsibility of the subdivider, and the Town may recover such construction costs through all available remedies.

E. *Phasing*

The Development Engineering Manager shall approve any plan for the phased construction of a minor subdivision or land division improvements.

F. *Design Standards*

The Town shall publish design standards, specifications and details for public and private improvements to be constructed within the Town. All subdivision improvements shall conform to the latest adopted design standards.

G. *Residential Subdivision Plat Design*

A residential subdivision plat shall meet the density as set forth by applicable provisions of the General Plan and the Zoning Code shall comply with the latest applicable adopted design guidelines and policies.

1.1.12 Gated Facility Entrances

Gated facility entrances shall comply with the latest adopted Town Engineering and Construction Standards.

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Section 1.3 Vacation / Abandonment of Streets and Easements

1.3.1 Purpose and Intent

To allow for a process in which the Town transfers the right-of-way or easement ownership.

1.3.2 Procedures

A. *Initiation*

The vacation/abandonment of a street or easement shall be initiated by the property owner, who shall by formal written request to the Development Engineering Manager, provide vacation/abandonment details and legal descriptions(s) of the property to be vacated/abandoned.

B. *Notice*

The Development Engineering Manager or designee shall provide written notice of the proposed vacation to the owners of all property, any homeowners or property owners association, and any utility company or public agency affected by the vacation. Notice shall be mailed no later than 30 days prior to Town Council action.

C. *Staff Report*

The Development Engineering Manager or designee shall prepare and transmit a staff report to the Town Council. The staff report shall provide an analysis and recommendation. A copy of the staff report shall be made available to the public and affected parties prior to the public hearing.

D. *Town Council Hearing*

The Town Council shall conduct a public hearing as set forth in [Common Procedures](#) and the applicable [state statutes](#).

E. *Town Council Action*

The Town Council shall approve or deny the proposed vacation by resolution.

F. *Mayor's Signature*

Upon Town Council approval of the vacation, and after all other required certifications have been executed, the Mayor shall sign the final vacation resolution.

G. *Recordation*

The Development Services Department shall record the final vacation resolution with the office of the Maricopa County Recorder.

1.3.3 Submittal Requirements

All application submission requirements are specified in the Vacation/Abandonment of Streets and Easements Process Guide.

1.3.4 Effective Date

The effective date of vacation of streets and easements is the date of Town Council approval.

1.3.5 Appeals

Decisions of the Town Council on the vacation of streets and easements are final.

Section 1.4 Penalties and Enforcement

1.4.1 Purpose and Intent

The purpose of this section is to provide consistent enforcement applicable with State law, Municipal Code and the content of this document. The standards set forth shall apply to all property in the Town of Gilbert.

1.4.2 Invalid Permits and Approvals

Any permit issued or administrative approval granted in conflict with any provision of the subdivision regulations, an approved and recorded final plat, or an approved minor land division or minor subdivision plat is void.

1.4.3 Enforcement Responsibilities

A. *Plan Review and Inspection Division of the Development Services Department*

Prior to issuance of building permits, the Plan Review and Inspection Division shall ascertain that plans presented with the building permit application comply with the approved final plat, minor land division or minor subdivision plat, subject to the requirements of the subdivision regulations.

B. *Code Compliance Administrator*

The Code Compliance Administrator shall enforce the provisions of the subdivision regulations and is authorized to provide notice of violations, issue citations for violations and to stop any work undertaken not in compliance with any provision of a final plat, subdivision regulations, minor land division or minor subdivision plat.

C. *Town Attorney*

The Town Attorney may commence an action in Superior Court to abate a violation of the subdivision regulations.

1.4.4 Violation; Notice and Opportunity to Correct

A. *Notice*

Before issuing a citation for a violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, the Code Compliance Administrator or his agent shall provide a written notice of the violation to the property owner, person in control, or authorized agent of property. The notice shall set forth:

1. The violation.
2. What is required to bring the property into compliance.
3. The time period allowed to bring the property into compliance.

B. *Time Period*

The time period provided to correct violations of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat shall be a minimum of 10 days.

C. *Failure to Receive Notice*

Failure of the property owner, person in control, or authorized agent of the property to receive a notice shall not preclude issuance of a citation.

1.4.5 Violations and Citations

- A. If a property owner, person in control or authorized agent continues to be in violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat past the time for correction set forth in the notice of violation, a citation shall be issued to the property owner, person in control, or authorized agent of the property.
- B. A civil action for violations shall be commenced by filing of the citation in the Town of Gilbert Municipal Court.
- C. Citations may be issued by the Code Compliance Administrator or designee, a Code Compliance Inspector, or a Town of Gilbert Police Officer.
- D. Each day a violation continues, or the failure to perform any act or duty required by the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.
- E. Every civil action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to civil traffic procedures and the Arizona Rules of Procedure in civil traffic violation cases.

1.4.6 Penalties

- A. A citation issued pursuant to [Violations and Citations](#) shall direct the person to whom the citation is issued to pay a fine in the amount set forth in the Town of Gilbert's Municipal Court adopted schedule of fines within 10 days of the issuance of the citation or to appear before the Town of Gilbert Municipal Court. Payment of the fine shall constitute a finding responsibility for the violation for purposes covered under Habitual Offenders as set forth below.

- B. Upon a finding by the Town of Gilbert Municipal Court that a person, corporation, or other legal entities responsible for a civil violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, the Town of Gilbert Municipal Court shall impose a civil fine of not more than \$500.00 for each violation.
- C. Any judgment for civil fines or penalties may be collected as any other civil judgment, as provided for in the Arizona Revised Statutes.

1.4.7 Habitual Offenders

- A. Any person found responsible by the Town of Gilbert Municipal Court for committing three (3) or more civil violations of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat within a 24 month period, whether by admission, by payment or the fine, by default or by judgment after hearing shall be determined to be a Habitual Offender. For purposes of calculating the 24 month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. A Habitual Offender who subsequently violates the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat shall be guilty of a Class I Misdemeanor Offense.
- C. Upon the conviction of a Habitual Offender for a violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, the Court may:
 - 1. Impose a sentence of incarceration not to exceed six (6) months in jail; or
 - 2. Impose a fine not to exceed \$2,500.00, exclusive of penalty assessments prescribed by law; or
 - 3. Impose a term of probation; or
 - 4. Impose any combination of incarceration, fine, and probation.
- D. Notwithstanding the above elective penalty, upon conviction of a Habitual Offender of a violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, the court shall impose a fine of not less than \$500.00 for each count upon which a conviction is obtained.
- E. A Judge shall not grant probation to a Habitual Offender or suspend any part of a sentence or fine imposed upon a Habitual Offender for any sentence required by this subsection, except on the condition that the Habitual Offender pays the mandatory minimum fines as provided in this section.

- F. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

1.4.8 Abatement

The Town of Gilbert Municipal Court may order abatement of a violation of this chapter pursuant to A.R.S. § 9-499, as amended.

1.4.9 Cumulative Procedures and Remedies

The procedures and remedies provided for herein shall be cumulative and in addition to any other procedures and remedies to which the Town may be entitled by law or equity.

1.4.10 Failure to Provide Evidence of Identity

A person who fails or refuses to provide evidence of his or her identity to the Town of Gilbert Building Official, a Building Inspector, the Code Compliance Administrator or designee, a Code Compliance Inspector, or a Police Officer or any other authorized agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, is guilty of a Class I Misdemeanor. Evidence of identity shall consist of a person's full name, residence address, and date of birth.

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