




12

## Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: EVA CUTRO, AICP, PLANNING MANAGER   
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MEETING DATE: FEBRUARY 1, 2023

SUBJECT: Z22-18 LDC TEXT AMENDMENT: REQUEST TO AMEND THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER I ZONING REGULATIONS, SECTION 2.0 TERMS, RELATED TO THE DEFINITIONS OF BUILDING ATTACHED, LOT LINE (FRONT AND REAR), AND THE LOT TYPE GRAPHIC. THE EFFECT OF THE AMENDMENT WILL BE TO CLARIFY WHEN A BUILDING IS CONSIDERED ATTACHED AND CLARIFY THE DEFINITION OF FRONT AND REAR LOT LINES, ESPECIALLY FOR LOTS WITH DOUBLE OR MULTIPLE FRONTAGES.

**STRATEGIC INITIATIVE:** Exceptional Built Environment

The proposed text amendments will improve certain development standards and clarify how they are defined. The built environment is directly affected by the efficiency and effectiveness of the Land Development Code implementation.

### RECOMMENDED MOTION

For the reasons set forth in the staff report, staff requests that Planning Commission move to recommend to the Town Council approval of Z22-18 an LDC Text Amendment to the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Section 2.0 Terms, related to the definitions of Building Attached, Lot Line (front and rear) and the Lot Type graphic. The effect of the amendment will be to clarify when a building is considered attached and clarify the definition of Front and Rear Lot Lines, especially for lots with double or multiple frontages.

## DISCUSSION

On a continual basis, staff seeks ways to improve the content and usefulness of the Land Development Code (LDC). This is often in response to customer needs and citizen expectations for a high-quality built environment.

Town staff receives many requests to determine front yards on multiple frontage lots. In addition, there is an occasional request to determine if a structure is “attached” to the primary dwelling. The current Code criteria is limited, making some interpretations difficult. To remedy this, staff conducted a review of multiple municipal zoning ordinances and resources from the American Planning Association. Based on this study, the following revisions are recommended:

### Section 2.0 Terms

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

**Attached.** A structure which has:

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

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~~or is connected by a solid or semi-solid roof structure.~~ This excludes walls and fences.

~~Attached Structure.~~ Any vertical building that is physically connected to another building or structure. This excludes walls and fences.

### Section 2.0 Terms

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

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

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

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 direction the front door faces.
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.

~~Corner Lot. The front lot line of a corner lot is the shortest lot line abutting a street from which access may be taken. If the street lines are the same length, anyone may be considered the front lot line.~~

**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.

~~Other. For lots other than the types listed above, front lot lines shall be established at the time of Final Subdivision Plat. If no Final Subdivision Plat is required, the front lot lines shall be established at the time of building permit~~

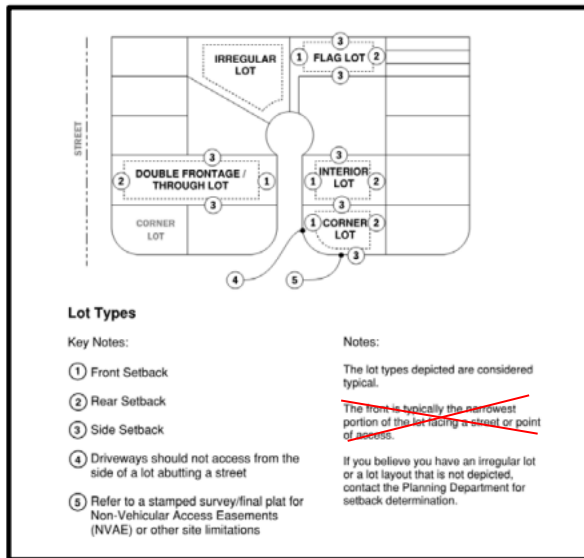
If a front yard is not already designated, or is being changed, the applicant requesting to designate or change the location of the front yard shall notify all property owners within 300 feet of the property line. Within fifteen (15)

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.

A revision to the definition for “rear” lot line is also recommended. The current definition restricts the rear to a “singular” lot line. On lots with more than four sides it may be prudent for a lot to have more than one rear lot line if this is in harmony with the surrounding properties.

Rear. A ~~singular~~ 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.

Lastly, the graphic in the Land Development Code would be updated to reflect the proposed changes.



## PLANNING COMMISSION INPUT

On January 4, 2023, the Planning Commission initiated a LDC text amendment and conducted a citizen review to address terms related to the definitions of Building Attached, Lot Line (front and rear) and the Lot Type graphic.

## PUBLIC NOTIFICATION AND INPUT

A notice of hearing was advertised and published in The Arizona Republic newspaper, and an official notice was posted in four public places within the Town of Gilbert limits at Greenfield Public Library, Chamber of Commerce, Perry Public Library, and Civic Center Municipal Building II. The notification requirements of LDC Section 6.2.6 have been satisfied. Staff has received no comment from the public at this time.

## STAFF RECOMMENDATION

For the reasons set forth in the staff report, staff requests that Planning Commission move to recommend to the Town Council approval of Z22-18 an LDC Text Amendment to the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Section 2.0 Terms, related to the definitions of Building Attached, Lot Line (front and rear) and the Lot Type graphic. The effect of the amendment will be to clarify when a building is considered attached and clarify the definition of Front and Rear Lot Lines, especially for lots with double or multiple frontages.

Respectfully submitted,

*Eva Cutro*

Eva Cutro, AICP  
Planning Manager

## **Attachments and Enclosures:**

- 1) Notice of Public Hearing



## **NOTICE OF PUBLIC HEARING**

PURSUANT TO ARS Sections 39-204 & 9-462.04, NOTICE IS HEREBY GIVEN OF PUBLIC HEARING in the Town of Gilbert, Arizona, relating to the following requests for changes in land use regulations:

Z22-18 LDC TEXT AMENDMENT: Request to amend the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Section 2.0 Terms, related to the definitions of Building Attached, Building Setback (front, rear and side) and Building Setback Area (front, rear and side). The effect of the amendment will be to clarify when a building is considered attached and clarify the definition of Building Setbacks and Building Setback Area, especially for irregular shaped lots.

**The applications and project files may be viewed by the public Monday through Thursday, 7:00 am to 6:00 pm at the Town of Gilbert, Planning and Development Services office located at 90 East Civic Center Drive, Gilbert, AZ. Written comments may be sent to Town of Gilbert, Planning and Development Services, 90 East Civic Center Drive, Gilbert, AZ 85296. Written comments may also be submitted at the public hearing. Any interested person may appear and be heard at the following public hearing:**

**Planning Commission: Wednesday, February 1, 2023 at 6:00 p.m.  
Gilbert Municipal Center, Council Chambers, 50 East Civic Center Drive, Gilbert, AZ**

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Chaveli Herrera, Town Clerk