

TOWN OF GILBERT, ARIZONA
UNIFIED LAND DEVELOPMENT CODE



CODIFIED THROUGH ORDINANCE NO. 1300, APPROVED ON SEP 5, 2000

ACKNOWLEDGMENT

The Unified Land Development Code was completed under the auspices of the Town Council, Planning and Zoning Commission members, Town Planning Department staff and ULDC Steering Committee to consolidate the Town's policies and regulations into an easily read and understandable format. This re-organized document was formally adopted by Town Council on December 19, 1995.

The following individuals are recognized for their effort in this momentous undertaking:

Town of Gilbert

Wilburn J. Brown
Mayor

Kent W. Stevens
Vice-Mayor

Town Council

Dave Crozier
Phil Long
Larry Morrison

Cynthia Dunham
Melvin
McDonald

Planning and Zoning Commission

Dan Dodge
Chairman
Lothaire Bluth
Les Presmyk
Marlan Walker

Joanne McFarland
Vice Chairman
Linda Lang
Stan Strom

The Planning Department

ULDC Steering Committee

Jo Albright
Phil Long
Joe O'Reilly

Linda Edwards
Scott Morrison
Russ Weymiller

Consultant
CSC/Counts
Phoenix, AZ

INTRODUCTION

This Unified Land Development Code brings together regulations and guidelines for developing land in the Town of Gilbert into a single, convenient reference document. Residents, developers and municipal officials participated in the consolidation process to create a common understanding of the community's land development practices. The Code revises and reorganizes materials previously contained in multiple ordinances, resolutions and specifications. Now there is one, comprehensive source of information for improving real estate in the Town.

The Code is Gilbert's principal land use implementation tool. Its provisions support the future development goals established by the Town of Gilbert General Plan. Care has been taken in revising sections of this document to assure that they are consistent with the Plan's principles and assist in encouraging its desired land use patterns. Similarly, guidelines contained in the Code are meant to suggest ways in which individual land parcels may be developed so as to conform with quality standards that have been set by the Town.

There are three main sections in Gilbert's Unified Land Development Code. They are organized to begin with provisions which broadly regulate the uses of land in the Town, moving toward the more detailed specifications for improving individual properties. Chapter I, Land Use Designation, incorporates the community's basic zoning ordinances. Chapter II, Development Regulations, deals with lot layouts and criteria for site preparation, such as subdivision and landscaping directions. Technical engineering specifications are covered in Chapter III, Improvement Details.

The Code's Chapters are followed by a Glossary which defines terms used throughout the document. Words and phrases appearing in the Glossary are referenced in the text (dotted underline) to alert Code users that definition clarification is available. There are additional Appendices including forms, fee schedules and other materials pertaining to the Town's development practices.

Requirements, those provisions with regulatory effect that must be met by all property owners, are generally set forth in Chapters I and II. There are procedures for permitting minor variations from these standards based on special circumstances of individual properties. Guidelines, establishing community expectations for site improvements, appearance or amenities, are contained in portions of Chapters II and III. These directions are intended as performance standards, informing citizens and land developers of desired build-out results, but allowing some flexibility in their attainment. Land owners are, of course, encouraged to exceed guideline expectations; and, in some instances (such as Planned Developments), proposed projects may be more favorably reviewed where additional quality measures are included.

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Chapter I

LAND USE DESIGNATION

- Art. I. Zones (District Classifications), §§ 1.1-1.82
- Art. II. General Regulations, §§ 2.1-2.67
- Art. III. Signs, §§ 3.1-3.62
- Art. IV.: Parking, §§ 4.1-4.43
- Art. v Non-conforming Uses and Structures, §§ 5.1-5.22
- Art. VI. Annexation Zoning, §§ 6.1-6.22
- Art. VII. Land Use Administration, §§ 7.1-7.62
- Art. VIII. Wireless Communications Facilities, §§ 8.1-8.92

PREAMBLE

This Chapter incorporates fundamental land planning principles, adopted as Town of Gilbert regulatory policy authorized by the Arizona Revised Statutes, to implement the quality growth and development vision embodied in the Gilbert General Plan.

Regulations contained herein are to be expressly administered in furtherance of the Plan's Land Use Goals and Policies, including but not limited to the purposes of achieving a balanced community with orderly land development patterns, supported by adequate services and facilities, conserving the natural and man-made environment, protecting property values and preserving the health, safety and welfare of Town residents.

Residential land use policies are intended to provide for a range of housing densities and types in the community District classifications (Planning Areas A thru F) promote such variety through standards which preserve older, existing neighborhoods; encourage well-planned, new residential areas in locations with adequate community services; and maintain attractive, spacious, living environments buffered from incompatible uses. Residential districts are to be provided with safe, convenient transportation so as to be accessible to educational, cultural, recreational, commercial and employment uses.

Commercial land use policies are meant to promote balanced retail and service opportunities appropriately dispersed throughout the Town. Locational decisions, together with site development standards, are founded on the community's shopping needs and tax base considerations and harmony with existing or planned development. Village Centers (designated within each Planning Area except D on the Land Use Plan) and specified multi-commercial use nodes along transportation corridors are planned to afford vehicular access and site sizing with strong pedestrian emphasis. The General Plan establishes guidelines for location and business mix at each commercial land use classification level.

Employment opportunity policies provide for job growth in multi-use centers and high-volume roadway corridors as well as through the creation of industrial/business parks with employee amenities. Particular attention is focussed on the Plan's attraction for clean, high

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technology industries and buffering strategies which are implemented to mitigate the impacts of more intense employment uses, such as manufacturing and fabrication, on residential neighborhoods.

In addition to the General Plan Land Use Goals, this Chapter supports the planning vision represented among other Plan Elements. Community Design, for example, is furthered by provisions which assure appropriate siting arrangements, property improvements and the Design Review Board's function. The Open Space and Recreation Element suggests standards for integrating leisure time amenities into the Town's land use pattern. Vehicular, bicycle, pedestrian and equestrian policies pertaining to site development are directed by the Circulation/Transportation Element.

Town of Gilbert responsibilities toward General Plan goals are further reflected in Elements dedicated to: Public Facilities and Services; Economic Development; and Environmental Management. The Plan's Growth Coordination Program, furthermore, establishes criteria for capital improvements, annexation policy and other municipal programs which are to be coordinated with Uniform Development Standards in this Code.

Land Use designation is the foundation for the Town of Gilbert land development guidance system. It represents the bridge between the community expectations established by the General Plan and the specifications for site improvement that are set forth in Code Chapter II, Development Standards, and Chapter III, Improvement Details.

ARTICLE I. ZONES (DISTRICT CLASSIFICATIONS)

1.1 Establishment of districts.

In order to classify, regulate, restrict, and separate the use of land, buildings, and structures, and to regulate and limit the type, height, and bulk of buildings and structures in the various districts, and to regulate the area of yards and other open area abutting between buildings and structures and to regulate the density of population, the Town of Gilbert is hereby divided into the following districts:

<i>AG</i>	<i>Agricultural</i>
RI-43	Rural Residential (One Acre per Dwelling Unit)
RI-35	Single Family Residential - (35,000 sq.ft. per D.U.)
RI-20	Single Family Residential - (20,000 sq.ft. per D.U.)
RI-15	Single Family Residential - (15,000 sq.ft. per D.U.)
RI-IO	Single Family Residential - (10,000 sq.ft. per D.U.)
RI-8	Single Family Residential - (8,000 sq.ft. per D.U.)
RI-7	Single Family Residential - (7,000 sq.ft. per D.U.)
RI-6	Single Family Residential - (6,000 sq.ft. per D.U.)
RI-5	Single Family Residential - (5,000 sq.ft. per D.U.)
R-2 R-	Two Family Duplex Residential
3 R-4	Multi-Family (18 Dwelling Units/Acre)
R-TH	Multi-Family (22 Dwelling Units/Acre)
R-CH	Townhouse Residential
N-S	Single Family, Cluster Homes
NCC	Neighborhood Service
C-1 C-2	Neighborhood Convenience
PSC-1	Light Commercial
PSC-2	General Commercial
P/OS	Planned Neighborhood Shopping Center
ER I-	Planned Shopping Center
B 1-1	Public Facility/Open Space
1-2	Entertainment/Recreation
1-3	Industrial Buffer
PAD	Garden Industry
	Light Industry
	General Industry
	Planned Area Development Overlay

Except as hereinafter provided, the effect of Establishment of Districts requires that:

- A. No building shall be erected and no existing building shall be moved, altered, added to, or enlarged nor shall any land or building be used, designed, or intended to be used for

any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building or land is located, provided that any building may be moved off any lot.

- B. No building shall be erected to exceed in height the limit hereinafter designated for the district in which such building is located, whether such height be designated in number of stories, number of feet, or otherwise.
- C. No building shall be erected, nor shall any open space surrounding any building or otherwise required by this Code be encroached upon or reduced in any manner, except in conformity to the yard, lot area, open space, building location, and off-street parking regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

1.2 Location and boundaries of districts: provision for Official Zoning Map.

1.21 Official Zoning Map.

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 this Code.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Clerk, together with the adoption approving the Zoning Map.

If, in accordance with the provisions of this Code, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Council and no amendment shall become effective until after such change and entry has been made on said map.

The Official Zoning Map of the Town shall be located in the Office of the Planning and Zoning Department and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town.

1.22 Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

- C. Boundaries indicated as approximately following platted Town limits shall be construed as following such Town limits;
- D. Boundaries indicated as following railroad lines or canals shall be construed to be midway between the main tracks;
- E. The Board of Adjustment shall interpret the locations of district boundary lines, in the event any disputes or questions arise.

1.3 Single Family Zoning Districts.

The following residential district classifications pertain to the preponderant land use type in the Town of Gilbert, single-family homes. As called for in the adopted General Plan, a variety of lot sizes and siting arrangement is determined to be necessary in fostering a positive neighborhood, family-living and community atmosphere for both existing and new residential areas.

The principal purpose of these zoning districts is to conserve and protect single-family residential developments that are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs and the availability of public utilities.

EXHIBIT A

TOWN OF GILBERT

**SUMMARY OF ZONING REGULATIONS
Single-Family Residence Districts**

Zone	Description	Permitted Uses	Minimum Lot Size		Yard Regulations			Minimum Lot Width	Minimum Lot Depth	Max. Height
			Sq. Ft.	Coverage	Front	Sides**	Rear			
AG	Single-family	Single-Family Dwellings, Crops, Animals, WCF*	10 Acres	15%	40'	40' x 40'	60'	400'		30' or 2 stories; 50' secondary structures
RI-43	Single Family	Single-Family Dwellings, Schools, Colleges, Churches, Public Utility Buildings, Parks, Playgrounds, Recreation Facilities, Home Occupations, WCF*	43,000	25%	40'	30' x 30'	40'	145'		30' or 2 stories
RI-35	Single Family		35,000	30%	40'	20' x 20'	40'	145'		30' or 2 stories
RI-20	Single Family		20,000	35%	35'	20' x 20'	35'	115'	120'	30' or 2 stories
RI-15	Single Family		15,000	35%	30'	15' x 15'	30'****	115'	120'	30' or 2 stories
RI-10	Single Family		10,000	40%	30'	10' X10'	30'****	90'	100'	30' or 2 stories
RI-8	Single Family		8,000	40%	20'-25'	10' x 10'	20'***	80' 1/3 oflots 75'	100'-110'	30' or 2 stories
RI-7	Single Family		7,000	40%	20'-25'	10' x 10'	20'***	70' 1/30flots 67'	100'-110'	30' or 2 stories
RI-6	Single Family		6,000	40%	20'	10' x 10'	20'***	60'	100'	30' or 2 stories
RI-5	Single Family		5,000	5,000	40%	20'	10' x 10'	20'***	50'	100'

*Wireless Communication facilities may be located on property owned by a governmental entity, including a school district or community college district, or by a church upon obtaining a permit as provided for in Article VIII.

** All sideyard setbacks are subject to clear space requirements of Ordinance 803 and any subsequent amendments thereto. Lots siding on arterial streets, commercial, industrial, or agriculturally zoned property shall be a minimum side yard setback of fifteen (15) feet.

***Rear yards adjacent to an arterial street or a property zoned for commercial, industrial or agriculture shall be a minimum setback of thirty-five (35) feet for two-story and twenty-five (25) feet for single-story residences.

****Rear yards adjacent to an arterial street or a property zoned for commercial, industrial or agriculture shall be a minimum setback of thirty-five (35) feet for two-story residences.

General Note: In all Districts, check applicable section for: uses requiring Use Permits, parking requirements, street side yards and sign regulations.

(Ord. No. 1146, § I, 2-2-98)

SUMMARY OF ZONING REGULATIONS
Multi-Family Residence Districts

Zone	Description	Permitted Uses	Minimum Lot Size		Yard Regulations			Minimum Lot Width	Minimum Lot Depth	Max. Height
			Sq. Ft.	Coverage	Front	Sides*	Rear			
R-2	Two-Family Duplex	Two-Family Dwellings, Home Occupations	3,000 / unit = 7,000	40%	20'-25'	5' and 10'	15'	70'	100'	30' or 2 stories
R-3	Multi-Family (18 D.U./Ac.)	Multi-Family Dwellings	20,000	N/A	25'-50'	20'	20'			36'
R-4	Multi-Family (22 D.U./Ac.)									36'
R-TH	Townhouse	Family Residential	3,600/unit		25'	7'-15'	30'			30' or 2 stories

* All sideyard setbacks are subject to clear space requirements of Ordinance 803 and any subsequent amendments thereto.

General Note: In all Districts, check applicable section for: uses requiring Use Permits, parking requirements, street side yards and sign regulations.

(Ord. No. 1071, § I, 12-09-97)

1.31 (AG) Agricultural Zoning District.

This Zoning District is intended to conserve and protect agricultural land and related activities in their present character and to prevent urban and agricultural land use conflicts. The General Plan land use classification for this District is Low Density Residential.

A. Permitted uses.

1. One (1) single-family dwelling unit on any lot or parcel (10 acre minimum).
2. Grazing and harvesting of field, tree, or bush crops including flowers.
3. Aviaries and apiaries; providing buildings, pens, or hives are not closer than two hundred (200) feet to any residential area.
4. Plant nurseries and greenhouses for the propagation, cultivation, and wholesale distribution of plants produced on the premises.
5. Dairies, poultry, bird, and egg farms, public stables; provided that pens, buildings, and enclosures other than open pasture are not closer than two hundred (200) feet to any property line, not closer than two hundred (200) feet to any street, highway, or residential district.
6. Commercial breeding, raising, training, and feeding principally by grazing of horses, cattle, sheep, and goats; provided that pens, buildings, corrals, and yards other than open pasture are not closer than two hundred (200) feet to any property line, nor closer than two hundred (200) feet to any street, highway, or residential district.
7. Home occupations.
8. Accessory uses and buildings customarily incidental to any use allowed in this Section; provided that if any necessary building contains sleeping quarters it shall maintain the side yards otherwise required.
9. Public utility buildings and facilities when necessary for serving the surrounding territory; provided, that no public business offices and no repair or storage facilities are maintained therein.
10. Golf courses.
11. Churches or similar places of worship.
12. Group homes for the handicapped, so long as the supplemental conditions of Section 2.67 are complied with.
13. Uses requiring Use Permits
 - a. Sales stands for the sale of farm or ranch products produced on the premises or items similar to these products, or related to the sale of these products.
 - b. Veterinary clinics, pounds, shelters and dog kennels.
 - c. Cemetery, crematory, and mausoleum
 - d. Extractive industries, including the removal of sand, rock, soil, and gravel

- e. Storage or maintenance installations for public utilities.
- f. Wireless communications facilities may be located on property owned by a governmental entity, including a school district or community college district, or by a church, upon obtaining a permit as provided for in Article VIII.
- g. Riding academies.
- h. Temporary outdoor events such as rodeos, circuses, dances, and auctions and other associated activities.

B. Height requirements.

The height of the primary buildings shall not exceed thirty (30) feet nor two (2) stories. Secondary buildings or structures incidental to agricultural operations shall be limited to fifty (50) feet.

C. Yard regulations.

1. *Front yard:* There shall be a front yard having a depth of not less than forty (40) feet. Where setback lines have been established on streets for ultimate street widening, the front yard shall be measured from said setback lines.
2. *Side yard:* There shall be one side yard of not less than forty (40) feet on one side of a dwelling. On a corner lot in this district, a side yard of not less than sixty (60) feet shall be maintained on the street side. The other side yard shall be thirty (30) feet.
3. *Rear yard:* There shall be a rear yard having a depth of not less than sixty (60) feet.

D. Intensity of use regulations.

1. *Lot area / width:* There shall be a lot area of not less than ten (10) acres for each single-family dwelling unit. No lot shall here after be subdivided to provide less than ten (10) acres (435,600 sq.ft.) nor have a width of less than four hundred (400) feet.
2. *Lot coverage:* The main buildings and accessory buildings on the lot shall not occupy more than fifteen (15) percent of the total area of the lot.

(Ord. No. 1051, § I, 7-29-97)

1.32 (RI-43) Rural Zoning District-One (1) acre per dwelling unit.

This Zoning District is intended to provide one-acre lots for farms and accessory uses. The General Plan land use classification for this District is Low Density Residential.

A. Permitted uses.

1. One (1) single-family dwelling unit on any lot or parcel.

2. Schools, colleges, and churches or similar places of worship including parish houses, parsonages, rectories, convents, and dormitories accessory thereto. Athletic activities in conjunction with a church or similar place of worship and on the same lot or contiguous lots may be permitted subject to a Use Permit.
3. Public utility buildings and facilities when necessary for serving the surrounding territory; provided that no public business offices and no repair or storage facilities are maintained therein.
4. Publicly owned and operated parks, playgrounds, and community buildings and other recreational uses.
5. Accessory uses and buildings customarily incidental to any use allowed in this Section provided that if any accessory building contains sleeping quarters or otherwise constitutes a guesthouse, it shall maintain the side yard otherwise required and shall not be closer than forty (40) feet to the rear lot line.
6. Grazing and harvesting of field, tree, or bush crops including flowers.
7. Sales stands for the sale of farm or ranch products produced on the premises or items similar to these products or related to the sale of these products subject to the securing of a Use Permit.
8. Public and private riding stables and boarding stables providing that the site contains at least ten (10) acres and that the building housing animals [shall be] set back from all lines a distance of not less than one hundred (100) feet.
9. Corrals for the keeping of horses and other livestock owned by the resident.
10. Temporary outdoor events such as rodeos, circuses, dances, and auctions and other associated activities are permitted subject to securing a Use Permit. (See Article VII, Subsection 7.15).
11. Bed and breakfast uses are permitted subject to securing a use permit (See Article VII, Subsection 7.15).
12. Group homes for the handicapped, so long as the supplemental conditions of Section 2.67 are complied with.
13. Wireless communications facilities may be located on property owned by a governmental entity, including a school district or community college district, or by a church, upon obtaining a permit as provided for in Article VIII.
14. Home occupations.

B. Height requirements.

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. Yard regulations.

1. *Front yard:* There shall be a front yard having a depth of not less than forty (40) feet. (See Article II, General Regulations, for through lots, corner lots)

2. *Side yard:* There shall be a side yard on each side of a building having a width of not less than thirty (30) feet.
3. *Rear yard:* There shall be a rear yard having a depth of not less than forty (40) feet.

D. Intensity of use regulations.

1. *Lot area:* Each lot shall have a minimum net lot area of one (1) acre.
2. *Lot width:* Each lot shall have a minimum width of one hundred forty-five (145) feet.
3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than twenty-five (25) percent of the area of a lot.

(Ord. No. 1051, § I, 7-29-97; Ord. No. 1100, §I, 4-14-98; Ord. No. 1101, § I, 4-14-98)

1.33 (RI-35) Single-family Residential Zoning District-35,000 square feet per dwelling unit.

This Zoning District is intended to conserve and protect estate-type homes, not contemplating agricultural/livestock uses, on minimum lots not less than thirty-five thousand (35,000) square feet in area. The General Plan land use classification for this District is Low Density Residential.

A. Permitted uses.

1. One (1) single-family dwelling unit on any lot or parcel.
2. Schools, colleges, and churches or similar places of worship including parish houses, parsonages, rectories, convents, and dormitories accessory thereto. Athletic activities in conjunction with a church or similar place of worship and on the same lot or contiguous lots may be permitted subject to a Use Permit.
3. Public utility buildings and facilities when necessary for serving the surrounding territory; providing that no public business offices and no repair or storage facilities are maintained therein.
4. Publicly owned and operated parks, playgrounds, and community buildings and other recreational uses.
5. Accessory uses and buildings customarily incidental to any use allowed in this Section provided that if any accessory building contains sleeping quarters or otherwise constitutes a guesthouse, it shall maintain the side yard otherwise required and shall not be closer than forty (40) feet to the rear lot line.
6. Home occupations.
7. Bed and breakfast uses are permitted subject to securing a use permit (See Article VII, Subsection 7.15).
8. Group homes for the handicapped, so long as the supplemental conditions of Section 2.67 are complied with.

9. Wireless communications facilities may be located on property owned by a governmental entity, including a school district or community college district, or by a church, upon obtaining a permit as provided for in Article VIII.

B. Height requirements.

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. Yard regulations.

1. *Front yard:* There shall be a front yard having a depth of not less than forty (40) feet. (See Article II, General Regulations for through lots, corner lots)
2. *Side yard:* There shall be a side yard on each side of a building having a width of not less than twenty (20) feet.
3. *Rear yard:* There shall be a rear yard having a depth of not less than forty (40) feet.

D. Intensity of use regulations.

1. *Lot area:* Each lot shall have a minimum net lot area of not less than thirty-five thousand (35,000) square feet.
2. *Lot width:* Each lot shall have a minimum width of one hundred fifteen (115) feet.
3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than thirty (30) percent of the area of a lot.

(Ord. No. 1051, § I, 7-29-97; Ord. No. 1100, § I, 4-14-98; Ord. No. 1101, § I, 4-14-98)

1.34 (RI-20) Single-family Residential Zoning District-20,000 square feet per dwelling unit.

This Zoning District is intended to conserve and protect amply-sized family homes on minimum lots not less than twenty thousand (20,000) square feet in area. The General Plan land use classification for this District is Low Density Residential.

A. Permitted uses.

Same as RI-35 with the following exception: Accessory uses and buildings customarily incidental to any use allowed in this Section provided that if any accessory building contains sleeping quarters, it shall maintain the side yard otherwise required and shall not be closer than twenty-five (25) feet to rear lot line.

B. Height requirements.

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. Yard regulations.

1. *Front yard:* There shall be a front yard having a depth not less than thirty-five (35) feet. (See Article II, General Regulations, for through lots, corner lots)
2. *Side yard:* There shall be two (2) side yards, each having a width of not less than twenty (20) feet, regardless of whether the lot is an interior lot or a corner lot.

3. *Rear yard:* There shall be a rear yard having a depth of not less than thirty-five (35) feet.

D. Intensity of use regulations.

1. *Lot area:* Each lot shall have a minimum net lot area of not less than twenty thousand (20,000) square feet.
2. *Lot width / depth:* Each lot shall have a minimum width of not less than one hundred fifteen (115) feet and a lot depth of not less than one hundred twenty (120) feet.
3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than thirty-five (35) percent of the area of a lot.
4. *Lot density:* No property shall here after be subdivided to create more than two (2) lots for each gross acre of land being subdivided for one family residence lots as measured to the center of all abutting streets and alleys.

(Ord. No. 1100, § I, 4-14-98)

1.35 (RI-15) Single-family Residential Zoning District-15,000 square feet per dwelling unit.

This Zoning District is intended to conserve and protect single-family residential development on minimum lots not less than fifteen thousand (15,000) square feet in area. The General Plan land use classification for this District is Low to Medium Density Residential.

A. Permitted uses.

Same as RI-35 with the following exception: Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building. Except as hereinafter provided, no accessory building shall be used for sleeping or living purposes.

B. Height requirements

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. Yard regulations.

1. *Front yard:* There shall be a front yard having a depth not less than thirty (30) feet in depth. (See Article II, General Regulations, for through lots, corner lots)
2. *Side yard:* There shall be two (2) side yards, each having a width of no less than fifteen (15) feet, regardless of whether the lot is an interior lot or a corner lot.
3. *Rear yard:* There shall be a rear yard having a depth of not less than thirty (30) feet, except when the rear yard of a two-story residence is adjacent to an arterial street or a property zoned for commercial, industrial or agricultural, in which case the minimum rear yard setback-for two-story residences shall be thirty-five (35) feet.

ZONES (DISTRICT CLASSIFICATIONS)

D. *Intensity of use regulations.*

1. *Lot area:* Each lot shall have a net lot area of not less than fifteen thousand (15,000) square feet.
 2. *Lot width/ depth:* Each lot shall have a minimum width of not less than one hundred fifteen (115) feet and a lot depth of not less than one hundred twenty (120) feet.
 3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than thirty-five (35) percent of the area of the lot.
 4. *Lot density:* No property shall here after be subdivided to create more than 2.4 lots for each gross acre of land being subdivided for one family residence lots as measured to the center of all abutting streets and alleys.
- (Ord. 'No. 1146, § I, 2-2-98)

1.36 (RI-I0) Single-family Residential Zoning District--10,000 square feet per dwelling unit.

This Zoning District is intended to provide minimum lots not less than ten thousand (10,000) square feet in area. The General Plan land use classification for this District is Low or Medium Density Residential.

A. *Permitted uses.*

Same as RI-15.

B. *Height requirements.*

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. *Yard regulations.*

1. *Front yard:* There shall be a front yard having a depth not less than thirty (30) feet. (See Article II, General Regulations, for through lots, comer lots)
2. *Side yard:* There shall be two (2) side yards, each having a width of no less than ten (10) feet, provided that on a comer lot the side yard on the street side of such lot shall be not less than fifteen (15) feet. A minimum of (15) foot side yard setback, exclusive of landscape tracts, where lots side on to an arterial street, or are adjacent to property zoned for a commercial or industrial use shall be required.
3. *Rear yard:* There shall be a rear yard having a depth of not less than thirty (30) feet, except when the rear yard of a two-story residence is adjacent to an arterial street or a property zoned for commercial, industrial or agricultural, in which case the minimum rear yard setback shall be thirty-five (35) feet.

D. *Intensity of use regulations.*

The Design Review Board shall review all standard house plans proposed on lots smaller than fifteen thousand (15,000) square feet.

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- 1. *Lot area:* Each lot shall have a net lot area of not less than ten thousand (10,000) square feet.
- 2. *Lot width/ depth:* Each lot shall have a minimum width of not less than ninety (90) feet and a lot depth of not less than one hundred (100) feet.
- 3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than forty (40) percent of the area of the lot.
- 4. *Lot density:* No property shall here after be subdivided to create more than 2.8 lots for each gross acre of land being subdivided for one family residence lots as measured to the center of all abutting streets and alleys.

(Ord. No. 1071, § I, 12-09-97; Ord. No. 1146, § I, 2-2-98; Ord. No. 1248, § I, 2-15-00)

1.37 (RI-8) Single-family Residential Zoning District--8,000 square feet per dwelling unit.

This Zoning District is intended to conserve and protect single-family residential development on minimum lots of not less than eight thousand (8,000) square feet in area. The General Plan land use classification for this District is Medium or Medium High Density Residential.

A. Permitted uses.

Same as RI-15.

B. Height requirements.

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. Yard regulations.

- 1. *Front yard:* The front yard setback shall be determined by the right-of-way width of the street on which the lot fronts, according to the following schedule:

<i>R/W Width</i>	<i>Front Yard</i>
50--60 feet	20 feet
61 feet and greater	25 feet

(See Article II, General Regulations, for through lots, comer lots)

- 2. *Side Yard:* There shall be two (2) side yards, each having a width of not less than ten (10) feet. A minimum of (15) foot side yard setback, exclusive of landscape tracts, where lots side on to an arterial street, or are adjacent to property zoned for a commercial or industrial use shall be required.
- 3. *Rear yard:* There shall be a rear yard having a depth of not less than twenty (20) feet, except when the rear yard is adjacent to an arterial street or a property zoned for commercial, industrial or agricultural, in which case the rear yard setback shall be thirty-five (35) feet for two-story and twenty-five (25) feet for single story residences.

ZONES (DISTRICT CLASSIFICATIONS)

D. *Intensity of use regulations.*

The Design Review Board shall review all standard house plans proposed on lots smaller than fifteen thousand (15,000) square feet.

1. *Lot area:* Each lot shall have a net lot area of not less than eight thousand (8,000) square feet.

2. *Lot width/depth:*

- a. Each lot shall have a minimum width of not less than eighty (80) feet and a lot depth of not less than one hundred (100) feet.
- b. All reverse frontage lots on arterial streets and freeways shall be a minimum of one hundred ten (110) feet in length.

3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than forty (40) percent of the area of the lot.

4. *Lot density:* No property shall here after be subdivided to create more than 3.35 lots for each gross acre of land being subdivided for one family residence lots as measured to the center of all abutting streets and alleys provided that in such subdivision, one-third (1/3) of the lots being created may have a lot width lower than the specified eighty-foot minimum width, but not less than seventy-five (75) feet if the lot area requirements are met for said lots.

(Ord. No. 1071, § I, 12-09-97; Ord. No. 1146, § I, 2-2-98; Ord. No. 1248, § I, 2-15-00)

1.38 (RI-7) Single-family Residential Zoning District--7,000 square feet per dwelling unit.

This Zoning District is intended to conserve and protect single-family residential development on minimum lots not less than seven thousand (7,000) square feet in area. The General Plan land use classification for this District is Medium High Density Residential.

A. *Permitted uses.*

Same as RI-15.

B. *Height requirement*

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. *Yard regulations*

1. *Front yard:* Same as RI-8.

2. *Sideyard:* There shall be two (2) side yards, each having a width of not less than ten (10) feet.

A minimum of (15) foot side yard setback, exclusive of landscape tracts, where lots side on to an arterial street, or are adjacent to property zoned for a commercial or industrial use shall be required.

3. *Rear yard:* There shall be a rear yard having a depth of not less than twenty (20) feet, except when the rear yard is adjacent to an arterial street or a property zoned for commercial, industrial or agricultural, in which case the rear yard setback shall be thirty-five (35) feet for

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two-story and twenty-five (25) feet for single story residences.

D. *Intensity of use regulations.*

The Design Review Board shall review all standard house plans proposed on lots smaller than fifteen thousand (15,000) square feet.

1. *Lot area:* Each lot shall have a net lot area of not less than seven thousand (7,000) square feet.

2. *Lot width/depth:*

- a. Each lot shall have a minimum width of not less than seventy (70) feet and a lot depth of not less than one hundred (100) feet.
- b. All reverse frontage lots on arterial streets and freeways shall be a minimum of one hundred ten (110) feet in length.

3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than forty (40) percent of the area of the lot.

4. *Lot density:* No property shall here after be subdivided to create more than 3.75 lots for each gross acre of land being subdivided for one family residence lots as measured to the center of all abutting streets and alleys provided that in such subdivision, one-third (1/3) of the lots being created may have a lot width lower than the specified minimum width, but not less than sixty-seven (67) feet if the lot area requirements are met for said lots.

(Ord. No. 1146, § I, 2-2-98; Ord. No. 1248, § I, 2-15-00)

1.38.1 (R1-6) Single-family Residential Zoning District--6,000 square feet per lot.

This Zoning District is intended to conserve and protect single-family residential development on lots not less than six thousand (6,000) square feet in area. The General Plan land use classification for this District is Medium and Medium High Residential.

A. *Permitted uses.*

Same as R1-15

B. *Height requirements*

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

c. *Yard regulations*

1. *Front yard:* The front yard setback shall not be less than twenty (20) feet. (See Article II, General Regulations, for through lots, comer lots.)
2. *Sidyard:* There shall be two (2) side yards, each having a width of not less than ten (10) feet. A minimum of (15) foot side yard setback, exclusive of landscape tracts, where lots side on to an arterial street, or are adjacent to property zoned for a commercial or industrial use shall be required.

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3. *Rear yard:* There shall be a rear yard having a depth of not less than twenty (20) feet, except when the rear yard is adjacent to an arterial street or a property zoned for commercial, industrial or agricultural, in which case the rear yard setback shall be thirty-five (35) feet for two-story and twenty-five (25) feet for single story residences.

D. *Intensify of use regulations.*

The Design Review Board shall review all standard house plans proposed on lots smaller than fifteen thousand (15,000) square feet.

1. *Lot area:* Each lot shall have a net lot area of not less than six thousand (6,000) square feet.

2. *Lot width I depth:*

- a. Each lot shall have a minimum width of not less than sixty (60) feet and a lot depth of not less than one hundred (100) feet.
- b. Adjacent lots which are less than seventy (70) feet in width shall have dissimilar garage designs.
- c. All reverse frontage lots on arterial streets and freeways shall be a minimum of one hundred ten (110) feet in length.

3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than forty (40) percent of the area of the lot.

(Ord. No. 1146, § I, 2-2-98; Ord. No. 1248, § I, 2-15-00)

1.39 (RI-5) Single-family Residential Zoning District--5,000 square feet per dwelling unit.

This Zoning District is intended to conserve and protect single-family residential development on minimum lots not less than five thousand (5,000) square feet in area. The General Plan land use classification for this District is Medium High Density Residential.

A. *Permitted uses.*

1. One (1) single-family dwelling unit on any lot or parcel.
2. Schools, colleges, and churches, or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories accessory thereto.
3. Public utility buildings and facilities when necessary for serving the surrounding area; provided that no business offices, open to the public and no repair or storage facilities are maintained therein.
4. Publicly or privately owned and operated parks, playgrounds and community buildings, and other recreational uses intended for use primarily by the residents of the neighborhood.
5. Other customary accessory uses and buildings provided such uses are incidental to the principal uses and do not include any activity commonly conducted as a business. No accessory building shall be used for sleeping or living purposes.
6. Uses permitted by Use Permit: Athletic facilities in conjunction with a private school or church or similar place of workshop.

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7. Group homes for the handicapped, so long as the supplemental conditions of Section 2.67 are complied with.
8. Wireless communications facilities may be located on property owned by a governmental entity, including a school district or community college district, or by a church, upon obtaining a permit as provided for in Article VIII.
9. Home occupations.

B. Height requirements.

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. Yard regulations.

1. *Front yard:* The front yard setback shall not be less than twenty (20) feet. (See Article II, General Regulations, for through lots, comer lots)
2. *Sideyard:* There shall be two (2) side yards, each having a width of not less than ten (10) feet. A minimum of (15) foot side yard setback, exclusive of landscape tracts, where lots side on to an arterial street, or are adjacent to property zoned for a commercial or industrial use shall be required.
3. *Rear yard:* There shall be a rear yard having a depth of not less than twenty (20) feet, except when the rear yard is adjacent to an arterial street or a property zoned for commercial, industrial or agricultural, in which case the rear yard setback shall be thirty-five (35) feet for two-story and twenty-five (25) feet for single story residences.

D. Intensity of use regulations.

The Design Review Board shall review all standard house plans proposed on lots smaller than fifteen thousand (15,000) square feet.

1. *Lot area:* Each lot shall have a net lot area of not less than five thousand (5,000) square feet.

2. *Lot width:*

- a. Each lot shall have a minimum width of lot at front and rear building setback of not less than forty (40) feet.
- b. Adjacent lots which are less than fifty (50) feet in width shall have dissimilar garage designs.

3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than forty (40) percent of the area of the lot. (For development policy, see Section 10.32 Subdivision Design Guidelines)

(Ord. No. 1051, § I, 7-29-97; Ord. No. 1071, § I, 12-09-97; Ord, No. 1146, § I, 2-2-98; Ord. No. 1248, § I, 2-15-00)

ZONES (DISTRICT CLASSIFICATIONS)

1.39A (R-CH) Single-family, Cluster Home.

This zoning district is intended to provide for efficient use of land and facilities by single-family detached dwellings taking into consideration existing conditions, including present use of land, future land use needs and the ability to adequately provide public services. Other considerations for the district should be:

- * Provision of attractive neighborhoods that maintain the rural character of Gilbert.
- * Provision of open space for private community services.
- * Provision of diversity in housing lifestyles.

The minimum lot area is two thousand (2,000) square feet. The principal land use classification on the General Plan for this district is Medium High Density Residential (4--8 *du/ac*, target 6 *du/ac*). It can also be used in Medium Density Residential (0--4 *du/ac*, target 3.5 *du/ac*). To qualify as an R-CH district in the Medium Density Residential district, the project must meet the following:

1. All units must be clustered in a designated development area on lot sizes specified in this section of the Code and cannot exceed a net development area density of eight (8) *du/ac*. The development area shall not exceed fifty (50) percent of the total site area and must be shown on a proposed development plan submitted for zoning approval. The balance of the area shall be developed as open space with specified passive or active amenities.
 - A. *Area configuration.* An R-CH shall not exceed sixty (60) percent of a designated MH land use category on the General Plan.
 - B. *Permitted uses.*
 1. Single-family dwellings.
 2. Accessory uses and buildings customarily incidental to single-family dwellings on the same lot, provided no accessory building shall be used for sleeping or living purposes.
 3. Home occupations.
 4. Schools, colleges, and churches, or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories accessory thereto.
 5. Public utility buildings and facilities when necessary for serving the surrounding area; provided that no business offices open to the public and no repair or storage facilities are maintained therein.
 6. Publicly or privately owned and operated parks, playgrounds and community buildings, and other recreational uses intended for use primarily by the residents of the subdivision.
 7. Group homes for the handicapped, so long as the supplemental conditions of Section 2.67 are complied with.
 8. Uses permitted by Use Permit: Temporary structures for use by private schools or churches or similar places of worship. Temporary structures may only be used during the term of the permit and there after shall be removed.

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- C. *Site plan.* The site plan shall be submitted for review by the Planning Commission, Design Review Board and Town Council and shall conform to Article IX, Site Plan Review. In addition, it shall address the following:
1. *The area and location of open space.* Open space should be provided as outlined in this section of the Code or an acceptable alternative amenity package combining open space with features such as swimming pools, community centers, community gardens, fitness centers or interpretive centers should be presented with the site plan. Golf courses, for purposes of this ordinance, will not be considered in an open space calculation, unless it is demonstrated that the course is dedicated for use and benefit by the project residents.
 2. Written designation of responsibility for ownership and maintenance of common driveways, open spaces and commonly owned areas associated with each clustered group of single family units.

D. *Height requirements.* The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

E. *Yard regulations.*

1. There shall be a minimum ten (10) foot separation between dwelling units in all directions.
2. Accessory structures shall be setback a minimum of five (5) feet from the side or rear property line. No accessory structures are allowed in the front yard.

F. *Intensity of use regulations.*

1. *Lot coverage:* The main building and accessory buildings on a lot shall not occupy more than:
 - A. Fifty (50) percent for two-story.
 - B. Sixty (60) percent for single-story.

2. Lot area: No lot shall have a net lot area less than two thousand (2,000) square feet. (Ord. No. 1171, § I, 5-11-99)

1.4 Multi-Family Zoning Districts.

Multi-family residential classifications are intended to increase the Town of Gilbert's variety of housing opportunities and their range of affordability. The use of land for accommodating more intense residential development, according to the adopted General Plan, accommodates individuals and families who do not require single-family, detached living arrangements.

Location of multi-family dwelling designations is determined by findings of adequate access, utility capacity and compatibility with adjacent land uses. These districts may act as transitional density areas between single-family residences and more intense, non-residential uses. Siting arrangements for multifamily developments shall include ample on-site open space and assurance that vehicular ingress and egress does not unduly impact traffic circulation in residential neighborhoods of lesser density. Opportunity for integration with pathway systems and close to major arterials for use of future mass transit facilities shall also be included in siting considerations.

ZONES (DISTRICT CLASSIFICATIONS)

1.41 (R-2) District, Duplex.

This Zoning District is intended to provide for efficient use of land and facilities by single-family attached or detached dwellings taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. The minimum lot required is seven thousand (7,000) square feet in area and the minimum lot area required for each dwelling unit is three-thousand (3,000) square feet. The General Plan land use classification for this District is High Density Residential.

A. Permitted uses.

1. All uses permitted in the R1-7 District and subject to all restrictions specified for said District, except as provided herein.
2. Two-family dwellings.
3. Not more than one (1) guest room per dwelling unit.
4. Accessory uses and buildings customarily incidental to the above uses and located on the same lot therewith.
5. Storage rooms which are incidental or auxiliary to the above uses.
6. Home occupations.

B. Height requirements.

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. Yard regulations.

1. *Front yard:* Same as R1-8.
2. *Sideyard:* Same as R1-8.
3. *Rear yard:* There shall be a rear yard having a depth of not less than fifteen (15) feet.

D. Intensity of use regulations.

1. *Lot area:* There shall be a lot area of not less than three-thousand (3,000) square feet for each dwelling unit.

2. *Lot width / depth:* Each lot shall have a minimum width of not less than seventy (70) feet and a lot depth of not less than one hundred (100) feet.
3. *Lot coverage:* The main building and all accessory buildings on a lot shall not occupy more than forty (40) percent of the area of the lot.
4. *Lot density:* No lot shall here after be subdivided to provide less than seven thousand (7,000) square feet of lot area. There shall be two (2) units or one (1) duplex only.

1.42 (R-3) District, Multi-family Residence.

This Zoning District is intended to provide for multiple-family residential developments. The maximum density in this Zoning District shall not exceed eighteen (18) units for each net acre of land. The General Plan land use classification for this District is High Density Residential.

A. Permitted uses.

1. All uses permitted in the R1-7 and R-2 Districts.
2. Multi-family dwellings.
3. Additional uses permitted in the R-3 District Subject to a Use Permit:
 - a. Boarding houses and rooming houses.
 - b. Hospitals or sanitariums for the treatment of human ailments; nursing or convalescent homes, orphanages and similar institutions for treatment of mentally handicapped, epileptic, drug or alcoholic patients.
 - c. Radio and television transmitting stations.
 - d. Mortuaries; funeral homes.
 - e. Nursery schools and day care centers.

B. Height requirements.

The height of buildings shall not exceed thirty-six (36) feet, measured at the finished ceiling line.

C. Yard regulations.

1. *Side and rear yard:* No building shall be placed closer than ten (10) feet to a side or rear lot line.
2. *Minimum yard dimension:* Where a lot is occupied by a group of two (2) or more related buildings, the minimum dimension of a yard for a multi-family building shall be according to the following schedule:

<i>Building Height</i>	<i>Minimum Yard Dimension</i>
1 story	Ten (10) feet
2 story	Twenty (20) feet
over 2 story	Thirty (30) feet

D. *Intensity of use.*

1. *Maximum density:* The maximum density in the R-3 District shall not exceed eighteen (18) units for each net acre of land.
2. *Minimum property size:* Each parcel or lot shall be a minimum net lot size of twenty thousand (20,000) square feet unless such a lot has been lawfully established and recorded prior to the adoption of this requirement.

E. *Specific requirements.*

1. *Approvals:*
 - a. Developments of one acre or greater in net site area within the R-3 district shall submit a site plan to the Town Council for approval prior to issuance of building permits.
 - b. Site Plans shall show all parking areas, loading and refuse areas, drives, access ways, locations and dimensions of buildings, elevations and floor plans of buildings, and landscaping.
 - c. If such site plans are accompanied by a request for a Use Permit, the application shall require a public hearing before the Planning Commission and the Town Council.
2. *Open space:* Open space is a major element in establishing the character of a development. The purpose of this section is to provide meaningful open space within the project as well as a landscaped setting along public streets.
 - a. The amount of common open space provided in a project shall equal or exceed the total "floor area" of all buildings up to a maximum of forty-five (45) percent of the net lot area. No provision in this section shall require more than forty-five (45) percent of the net lot area to be devoted to common open space although the Town encourages developers to exceed the maximum requirement.
 - b. "Common open space" is defined as that portion of a parcel not covered by buildings (included patios, balconies, or other private open space), parking areas, or driveways. Such areas shall be devoted to the purpose of outdoor living space for the residents and may include lawn areas, walkways, sitting areas, courtyards, and outdoor recreation facilities. Buildings, structures, or other impervious surfaces devoted to meaningful recreation or open space uses shall be considered as open space.
 - c. "Floor area" shall include all areas for residential use on all floors measured from the outside faces of exterior walls including balconies, entryways, stairwells, management offices, lobbies, patios and any other space used for habitation.
 - d. A minimum of forty (40) percent of the required common open space shall be provided along the public street frontage in the form of landscaping setback. Such areas shall not be required to exceed fifty (50) feet in width nor shall

be less than twenty-five (25) feet in width. In no case however shall the total amount of common open space in a project be less than that specified in subsection 2.a. above.

- e. Common open space within the site shall be the central focus of the project rather than the parking lot. Open space should flow through the site linking recreation facilities to dwellings with uninterrupted green belts. Residents should have direct access to open space without crossing vehicular circulation or parking areas.
 - f. Connect, where possible, to pedestrian network of trails, bikeways, canals, adjacent parks and joint-use recreational areas such as schools.
 - g. Where feasible, encourage use of open space to preserve or improve indigenous landscape or habitats.
3. *Recreation facilities:* Recreation facilities in the project shall provide for both passive and active recreation of the residents. Passive recreation includes such facilities as picnic tables and barbecue pits, sitting areas and pedestrian paths. Active recreation areas include such facilities as swimming pools, spa, sauna, clubhouse, racquetball courts, tennis courts, group recreation areas, children's play areas, etc.
- a. The number and size of recreation facilities shall be appropriate to serve the residents of the area. At minimum a swimming pool, children's play area (if children are expected to reside in the project), and passive recreation facilities shall be provided. Additional facilities shall be provided as warranted by the size of development and type of resident expected to reside in the project.
 - b. A minimum of four hundred (400) square feet or one percent of the required open space, whichever is greater, shall be reserved for a children's play area (if children are expected to reside in the project).
4. *Relationship of project to surrounding land uses:* The relationship between a multi-family project and adjacent uses shall take into account the type of adjacent uses, building scale, density and building heights. Particular sensitivity shall be displayed to the relationship between a multi-family project and adjacent residential uses of lesser density to minimize the impact on those less-dense areas.
- a. Multi-family buildings shall be limited to a height of one story within fifty (50) feet of a single-family residential area or zoning district. Multi-family buildings two (2) stories or greater in height shall not be placed within seventy-five (75) feet of a single-family residential area or zoning district.
 - b. Individual design situations may dictate additional conditions or considerations to minimize the impact of a multi-family development on adjacent

residential uses. The Town Council shall have the authority to mitigate those impacts by requiring conditions found to be potentially less detrimental, such as one or more of the following:

- (1) Use of one-story buildings;
 - (2) Additional landscaping to serve as buffer area;
 - (3) Wider setbacks from property line;
 - (4) Modifying the orientation of buildings and lighting;
 - (5) Modifying the orientation of windows and balconies;
 - (6) Providing screen walls;
 - (7) Modify access or circulation.
- c. Common or recreation facilities in a project shall be located to minimize the intrusion of noise into adjacent residential area.
 - d. Multi-family buildings shall be oriented to take advantage of pleasant off-site views and minimize or screen poor or obtrusive views.
 - e. Pedestrian and visual linkages shall be made between a project and off-site amenities.
 - f. The project shall be designed to minimize negative traffic impacts of the surrounding uses.
5. *Landscaping*: Minimum landscaping standards are outlined in Chapter II of this Code.
- a. In summary, the minimum tree planting requirement is as follows:
 - (1) Street trees: one tree for each twenty (20) feet of linear street frontage.
Minimum tree size is fifteen (15) gallons; fifty (50) percent of the required street trees must be twenty-four (24) inch box size. (Use District tree species.)
 - (2) Perimeter trees: along the sides and rear of the property, one tree every twenty (20) linear feet with a minimum size of fifteen (15) gallons.
 - (3) Parking lot landscaping: one (1) tree for every eight (8) parking spaces.
Minimum tree size is fifteen (15) gallons; fifty (50) percent of the required trees must be twenty-four (24) inch box size.
 - (4) Common area landscaping: two (2) trees per dwelling unit. Minimum tree size is fifteen (15) gallons; twenty-five (25) percent of the required trees must be twenty-four (24) inch box size.
 - b. Open space areas along public street frontages shall receive special landscaping treatment to provide a lush setting for both the residents of the project and the general public. The following standards shall apply to landscaping of public street frontages:
 - (1) Special entry features shall be provided at major entrances into a project to provide a sense of identification and uniqueness.

- (2) Walls, planters and earth berms shall be provided in the front yard to add variety to the landscape and to increase privacy for the residents.
 - (3) No more than fifty (50) percent of the required front yard landscaped area may be used for storm water retention purposes.
 - c. Foundation plantings should be utilized to complement building elevations, provide shade, and increase privacy.
 - d. Landscaping shall be used to shade common areas devoted to passive recreation such as sitting areas, walkways, picnic areas, etc.
 - e. Low maintenance plants should be utilized in low visibility areas.
 - f. Landscape shade shall be provided on the east, south and west side of the buildings.
6. *Circulation and parking:*
- a. A hierarchy of circulation in larger developments should be provided leading from public streets to private streets or access ways to parking areas. Avoid straight streets within the project.
 - b. Pedestrian circulation should minimize interaction with vehicular traffic.
 - c. Landscaping shall be utilized to break-up large expanses of asphalt and provide shading in accordance with Chapter II of this Code.
 - d. Parking areas shall be screened from street view in accordance with Chapter II of this Code.
 - e. One (1) covered parking space per unit shall be provided.
7. *Drainage:*
- a. Retention basins shall be utilized for open space and recreation. Depth of the basins shall be minimized to provide for use as open space or recreation areas. Side slopes shall not exceed 4:1 ratio.
 - b. Retention areas may be designed as greenbelts and combined with pedestrian linkages throughout the project.
 - c. No more than fifty (50) percent of street frontage landscaping areas shall be used for storm water retention.
 - d. Impervious surfaces in a site shall be kept to a minimum. It shall be a design goal that no more than sixty (60) percent of a site shall be covered by impervious surfaces.
8. *Building design standards:*
- a. Interior space.
 - (1) The minimum clear inside dimension of any bedroom shall be ten (10) feet.
 - (2) A minimum of twenty (20) square feet of storage area with a minimum height of seven (7) feet shall be provided for each unit. Such areas shall be free of encumbrances such as water heaters or other types of mechanical or electrical equipment.

- b. Private outdoor space.
 - (1) Private outdoor space shall be provided according to the following schedule:
 - (a) For units located on the first floor, the minimum size of private outdoor space shall be eighty (80) square feet or ten (10) percent of the "livable" floor area of the unit, whichever is larger. The minimum dimension of such space shall be eight (8) feet.
 - (b) For units located above the first floor, the minimum size of private outdoor space shall be sixty (60) square feet or five (5) percent of the "livable" floor area of the unit, whichever is larger. The minimum dimension of such space shall be six (6) feet.
 - (2) Private outdoor spaces shall be partially shaded and designed as an extension of the living unit. Spaces on ground level shall be screened by landscaping or fences to a height of four (4) feet above the patio floor.
 - (3) Where private outdoor space exceeds twenty (20) percent of the floor area on the first floor and ten (10) percent of the floor area above the first floor, the excess private space may apply towards the common open space requirement.
- c. Building elevations. Building design is often a matter of individual opinion and difficult to prescribe. The following elements of design shall be considered and encouraged in the architecture of multi-family buildings.
 - (1) The residential scale and character of a project shall be emphasized.

The mass of the building can be reduced by varying setbacks and building heights or by angular orientation of buildings.
 - (2) The use of balconies, overhangs, covered patios, and trellis' can provide relief and contrast to the building and assist in breaking-up large wall surfaces.
 - (3) Buildings shall be designed in concert with each other by carrying certain details and design elements throughout the project, but at the same time avoiding monotony.
 - (4) Roof lines shall be varied providing different heights or varying roof orientations. Parapet walls should be interrupted by pitched roofs to provide variety to the roof and building line.
 - (5) Pitched roofs shall be composed of mission tile, concrete tile, wood shake, or similar grade material.
 - (6) The architectural detailing and treatment of windows and doorways shall be strongly considered through the use of clerestory windows, arched shapes, bay windows, recessed windows, raised borders, awnings, shutters and trellis'.
 - (7) The individuality and privacy of units shall be emphasized through the use of private or semi-private entryways. Catwalks or long corridors lined with entrances to units shall be discouraged.

- (8) Entryways and stairwells shall be an integral part of the building design. Consideration should be given to partially screening stairwells or using unique architectural treatments so that they blend in with the overall building elevation.
- (9) Patio walls and fences shall be an integral part of building design and shall compliment the main building materials.
- (10) Mechanical equipment shall be screened from public view and be so located to be perceived as an integral part of the buildings.
- (11) Exterior perimeter walls of a project facing public streets shall be constructed of a slump block, brick, or masonry with a stucco finish to match the main building materials. Wrought iron and other materials, such as rock, can be used to compliment an established theme within the project.

(Ord. No. 1227, § I, 11-16-99)

1.43 (R-4) District, Multi-family Residence.

This Zoning District is intended to provide for multiple-family residential developments along with other types of high density residential developments. The maximum density in this Zoning District shall not exceed twenty-two (22) units for each net acre of land. The General Plan land use classification for this District is High Density Residential.

A. Permitted uses.

- 1. Same as in R-3 District.
- 2. Additional uses permitted in the R-4 District subject to a Use Permit:
 - a. Hotels; motels. The yard, height, and area requirements of Section 1.53, C-1 District shall serve as minimum development standards for this use.
 - b. Offices for professional, administrative, clerical or sales services. A pharmacy shall be permitted as an accessory use to a medical clinic in this district. The yard, height, and area requirements of Section 1.51, N-S District shall serve as minimum development standards for this use.

B. Height requirements.

The height of buildings shall not exceed thirty-six (36) feet, measured at the finished ceiling line.

C. Yard regulations.

Same as R-3 District.

D. Intensity of use.

- 1. The maximum density in the R-4 District shall not exceed twenty-two (22) units per net acre of land except as provided below.

2. A density bonus of up to three (3) additional dwelling units per acre may be granted upon the finding by the Town Council that:
 - a. The project significantly exceeds minimum design requirements contained in this section, and;
 - b. The project possesses exceptional environmental quality in the terms of building architecture, use of open space and provision of landscaping and recreational facilities.
3. The Town Council may use, but is not limited to, the following criteria in the determination of approval of a density bonus as defined above:
 - a. The building architecture is unique and distinguishes itself apart from other multi-family projects.
 - b. Landscaping in the project exceeds minimum requirements.
 - c. Unique environmental features such as fountains and water features, use of open space, etc., exceed minimum requirements.
 - d. Vehicular parking is provided within buildings, thus reducing the amount of paved surfaces.
 - e. Recreational facilities exceed that normally provided in a multi-family project.

E. Specific requirements.

Same as R-3 District with the following addition to Open space: The Town Council may reduce the amount of required open space in an R-4 District by up to twenty (20) percent upon making the finding that the project warrants a density bonus in accordance with Subsection D-2.

1.44 (R· TH) Townhouse Residential Zoning District.

This Zoning District is intended to provide for large scale development of subdivisions for buildings or dwelling groups containing individual units wherein said buildings or dwelling groups shall have individual ownership from party walls. The General Plan land use classification for this District is High Density Residential.

- A. *Permitted uses.* A building or premises shall be used only for the following purposes.
 1. Buildings or dwelling groups containing individual dwelling units of individual ownership.
 2. Accessory buildings and uses customarily incidental to the above uses, including private garages and storage areas.
 3. All other uses permitted in R1-7 District.
- B. *Height regulations.*

The height of buildings shall not exceed thirty (30) feet nor two (2) stories.

C. *Yard regulations.*

1. *Front yard:* A front yard, having a depth of not less than twenty-five (25) feet, shall be provided.
2. *Side yard:*
 - a. A side yard of not less than fifteen (15) feet is required on each corner lot.

- b. No side yards shall be required of interior lots having a common wall.
 - c. A side yard of not less than seven (7) feet shall be required on interior lots not having a common wall.
3. *Rear yard:* A rear yard, having a depth of not less than thirty (30) feet shall be provided.

D. Specific requirements.

- 1. There shall be a ratio of not less than four thousand five hundred (4,500) square feet of land area to each dwelling unit, inclusive of dedicated rights-of-way.
- 2. There shall be a minimum land area of three thousand six hundred (3,600) square feet for each parcel of land upon which a dwelling units may be erected.
- 3. The minimum gross area of property proposed for Townhouse development shall not be less than ten (10) acres.
- 4. Each individual dwelling unit must have one (1) or more party walls, there shall be not more than six (6) individual units within each building or dwelling group.
- 5. Development of property under the provisions of this district shall be considered a subdivision.

1.5 Commercial Zoning Districts.

Commercial district classifications provide for a range of business opportunities throughout the Town at appropriate scale and locations to afford retail and service convenience to residents and visitors. Designation of commercial districts are intended to conform with adopted General Plan principles regarding location, frequency, size and geographical distribution of business uses including such factors as traffic circulation, utility system capacity, public need for proposed goods or services and compatibility with adjacent land uses.

1.51 (N·S) Neighborhood Office/service Zoning District.

This Zoning District is intended to provide for well designed and attractive small scale office and service facilities. The General Plan land use classification for this District is Convenience Commercial.

A. Permitted uses.

- 1. Any use or similar use indicated as an allowed use in the N-S column of the "Table of Permitted Uses for Non-Residential Districts" shall be permitted. (See Section 1.7 for Tables)
- 2. Uses permitted by Use Permit:
 - a. Any use or similar use indicated as requiring a Use Permit under the N-S column of the "Table of Permitted Uses for Non-Residential Districts" shall require a Use Permit as outlined in Section 7.15.
 - b. Any uses similar to, and judged to be of equal or lesser impact than the uses permitted herein, as determined by the Zoning Administrator, may be permitted upon securing a Use Permit as outlined in Section 7.15.

B. *Approval process.*

Site Plan approval shall be required in accordance with Chapter II prior to construction.

C. *Performance standards.* Uses in this district shall be in full conformance with the standards of this and other applicable sections of this Code:

1. Hours of operation shall not extend beyond 8 a.m. to 10 p.m., Monday through Friday, with reduced hours on the weekend.

Longer hours of operation may be granted and extension of hours of operation may be allowed for special activities after approval of an Administrative Use Permit if there are findings which justify the extension will better serve, and not negatively impact the adjacent neighborhood.

2. All activity to be conducted within an enclosed building.
3. Principal vehicle access to and from the site shall be via a primary driveway.
4. All mechanical noise shall be muffled so as not to become objectionable to areas zoned for residential use due to intermittence, beat frequency or shrillness. Noise may equal but not exceed average street traffic noise. Measurement of noise levels shall be made at the zoning district boundary and shall not exceed the sound level of the abutting use district or the street abutting such use, whichever is greater.
5. See Section 1.65, Table of Bulk, Building and Landscape Setback Requirements for Non-Residential Districts, for the building and landscape setbacks, height, building coverage, and the minimum and maximum lot area.
6. The exterior design of any building shall be compatible with the design and character of residential buildings in an adjacent and/or surrounding residential district.
7. A phasing plan for the installation of utilities, stormwater retention, and landscaped setbacks is required at the time of site plan approval.

D. *Development policy.* The following are used as policy directions adopted by the Town to evaluate project quality within this district:

1. A direct pedestrian connection to the adjacent neighborhood and planned mass transit is preferred.
2. The project should be designed in such a way that it is interesting for the pedestrian. This shall be obtained through the creation of plazas, fountains, and building details provided at eye level. The parking lot shall not be the dominant design feature of the site plan.
3. To assure compatibility between commercial and residential land uses transitional zoning techniques may be required as outlined in the Bufferyard Policy contained in Chapter II.
4. Driveway locations and dimensions should meet the standards described in Appendix E, Standard Details.

5. The landscape design within the setbacks adjacent to arterial streets should be in conformance to the Street Theme District contained in Chapter II of this Code.

1.52 (NCC) Neighborhood Convenience Commercial.

This Zoning District is intended to provide for convenience shopping and easy access to basic services for the immediate neighborhood. This Zoning District is designed for application at minor arterial intersections. The General Plan land use classification for this District is Convenience Commercial.

A. Permitted uses.

1. Any use or similar use indicated as an allowed use in the NCC column of the "Table of Permitted Uses for Non-Residential Districts" shall be permitted. (See Section 1.7 for Tables)
2. Uses permitted by Use Permit:
 - a. Any use or similar use indicated as requiring a Use Permit under the NCC column of the "Table of Permitted Uses for Non-Residential Districts" shall require a Use Permit as outlined in Section 7.15.
 - b. Any uses similar to, and judged to be of equal or lesser impact than the uses permitted herein, as determined by the Zoning Administrator, may be permitted upon securing a Use Permit as outlined in Section 7.15.

B. Approval process.

Site Plan approval shall be required in accordance with Chapter II prior to construction.

C. Performance standards.

Same as N-S District with the following additions:

8. Uses within the NCC district shall not include automotive repair, automotive service stations, or drive-throughs.
9. Hours of operation will not extend beyond the hours of 8 a.m. to 10 p.m. Monday through Friday; and reduced hours on the weekend.

Longer hours of operation may be granted and extensions of hours of operation may be allowed for special activities after approval of an Administrative Use Permit if there are findings to provide the extension will better serve, and not negatively impact the adjacent neighborhood.

D. Development policy.

Same as N-S District with the following addition: D~6. An area should be provided for a recycling collection point within the parking lot of a retail establishment which sells recyclable materials.

1.53 (C-1) Neighborhood Commercial Zoning District.

This Zoning District is intended to provide for the sale of commodities and the performance of services and other activities in locations for which the market area extends beyond the

immediate residential neighborhoods. This district is generally characterized by a planned cluster of establishments served by a common parking lot. This Zoning District is designed for application at major and minor arterial intersections. The General Plan land use classifications for this District include: Community Center; Multi-Use Commercial and Multi-Use Employment.

A. *Permitted uses.*

1. Any use or similar use indicated as an allowed use in the C-1 column of the "Table of Permitted Uses for Non-Residential Districts" shall be permitted.
2. Uses permitted by Use Permit:
 - a. Any use or similar use indicated as requiring a Use Permit under the C-1 column of the "Table of Permitted Uses for Non-Residential Districts" shall require a Use Permit as outlined in Section 7.15.
 - b. Any uses similar to, and judged to be of equal or lesser impact than the uses permitted herein, as determined by the Zoning Administrator, may be permitted upon securing a Use Permit as outlined in Section 7.15.

B. *Approval process.* Application for C-1 use on any undeveloped area of one (1) acre or more shall be processed as both a zoning amendment and Site Plan.

1. The Planning Department shall include in its report to the Commission evaluations regarding Preliminary Site Plan submittal information as required by Article X, with due regard to the serviceability of the commercial facility and the protection and preservation of the character and value of adjacent and surrounding properties.
2. Site Plan approval shall be required in accordance with Chapter II prior to construction.

C. *Performance standards.* Uses in this district shall be in full conformance with the standards of this and other applicable sections of this Code:

1. Auto service uses shall be separated from any adjacent single-family district by a building, collector street, or two hundred (200) feet in distance. A Use Permit is required per Section 7.15.
2. Principal activities shall be conducted within an enclosed building, but accessory uses may be allowed outdoors if they do not exceed fifteen (15) percent of the gross floor area of the principal use and are oriented away from single-family districts. This requirement shall not pertain to day care centers, outdoor restaurant seating and retail plant nurseries.
3. Principal vehicle access to and from the site shall be via a primary driveway.
4. All mechanical noise shall be muffled so as not to become objectionable to areas zoned for residential use due to intermittence, beat frequency or shrillness. Noise may equal but not exceed average street traffic noise. Measurement of noise levels shall be made at the zoning district boundary and shall not exceed the sound level of the abutting use district or the street abutting such use, whichever is greater.

5. See Section 1.65, Table of Bulk, Building and Landscape Setback Requirements for Non-Residential Districts for the building and landscape setbacks, height, building coverage, and the minimum and maximum lot area.
6. All goods produced on the premises shall be sold at retail on the premises where produced. No wholesale businesses are allowed.

D. Development policy.

Same as NCC District with the following addition: D-7. The development of a site under the provisions of this zoning district shall be considered a form of subdivision; therefore; subject to requirements set forth in Article IX.

1.54 (C-2) General Commercial Zoning District.

This Zoning District is intended to provide for commercial uses concerned with wholesale or distribution activities in locations where there is adequate access to major arterials or highways. The General Plan land use classifications for this District include: Community Center; Multi-Use Commercial and Multi-Use Employment.

A. Permitted uses.

1. Any use or similar use indicated as an allowed use in the C-2 column of the "Table of Permitted Uses for Non-Residential Districts" shall be permitted.
2. Uses permitted by Use Permit:
 - a. Any use or similar use indicated as requiring a Use Permit under the C-2 column of the "Table of Permitted Uses for Non-Residential Districts" shall require a Use Permit as outlined in Section 7.15.
 - b. Any uses similar to, and judged to be of equal or lesser impact than the uses permitted herein, as determined by the Zoning Administrator, may be permitted upon securing a Use Permit as outlined in Section 7.15.

B. Approval process.

Same as C-1.

C. Performance standards. Same as C-1 except that:

2. Accessory uses may be allowed outdoors in the C-2 District if they do not exceed twenty-five (25) percent of the gross floor area of the principal use and are oriented away from single-family districts. This requirement shall not pertain to day care centers, outdoor restaurant seating and retail plant nurseries. Outdoor activities which exceed this requirement may be approved by a Use Permit as outlined in Section 7.15;
3. All business establishments shall be primarily retail or service establishments dealing directly with consumers. Wholesaling will be allowed to an extent no greater than twenty-five (25) percent of the total activity of an individual business.

7. A phasing plan for the installation of utilities, stormwater retention, and landscaped setbacks is required at the time of site plan approval.

D. *Development policy.* Same as C-1 District with the following addition:

- D-8. Automobile drive-throughs are to be screened with a landscaped buffer and should not directly face a public street or single-family residential neighborhood.

1.55 (PSC-1) Planned Neighborhood Shopping Center Zoning District.

This Zoning District was intended to provide for the development of planned neighborhood shopping facilities to offer maximum serviceability for the public, and, at the same time, to afford maximum protection and preservation of the character and value of adjacent and surrounding residential properties. Existing PSC-1 zoning shall conform with the permitted uses and requirements of the C-1 District. Future applications for community shopping center uses shall be sought through the C-1 classification. The General Plan land use classifications for this District are the same as the C-1 District.

1.56 (PSC-2) Planned Shopping Center Zoning District.

This Zoning District was intended to provide for the development of planned community shopping facilities to offer maximum serviceability for the public, and, at the same time, to afford maximum protection and preservation of the character and value of adjacent and surrounding residential properties. Existing PSC-2 zoning shall conform with the permitted uses and requirements of the C-2 District. Future applications for neighborhood shopping center uses shall be sought through the C-2 classification. The General Plan land use classifications for this District are the same as the C-2 District.

1.57 (E-R) Entertainment and Recreation Zoning District.

This district is intended to generally have within its boundaries regional tourist entertainment and recreation facilities. This district is designed to protect and encourage the creation and development of commercial recreation, motion picture/television/radio studios, tourist, vacation, hospitality, entertainment and leisure facilities and complexes, together with complementary and accessory support facilities, operations and services that are associated with the tourist, hospitality and entertainment industries. The district is specifically created in order to classify such commercial recreation, entertainment and related uses in a distinct zoning category that expressly encompasses such uses. It is a zoning classification intended to allow for a broad range of uses that will create a controlled, favorable environment for activities, including by way of example, theme parks, destination hospitality resorts, tourist attractions, motion picture/television studios, entertainment villages, and other recreation and leisure facilities. The district intends to promote an appropriate balancing of land uses that will encourage the development of a quality entertainment and recreation environment. The district is also intended as an overlay to other zoning classifications, when approved, under the specifications and requirements of this Code.

A. *Permitted uses.*

1. Commercial entertainment, amusement, recreation and show parks or complexes.

2. Themed attractions such as, but not limited to, music, marine and other wild life, water and other types of rides, and tour exhibitions.
3. Indoor theaters.
4. Concert and entertainment facilities.
5. Rehearsal and production facilities.
6. Open air theaters.
7. Amphitheaters and grandstand facilities.
8. Arboretums and botanical gardens.
9. Destination resorts.
10. Outdoor amusement facilities, such as, but not limited to, golf courses and club houses, miniature golf courses, golf driving ranges, parks, playgrounds and campgrounds, bicycle and motor scooter rental facilities, boat rental facilities, outdoor festivals, hiking trails, swimming pools, equestrian trails and sports facilities and stadiums.
11. Indoor amusement facilities, such as but not limited to, bowling alleys, arcades, skating rinks, recreation clubs, health clubs, and motion picture and virtual reality theaters.
12. Convention and meeting facilities.
13. Television, film and radio stations; recording production facilities, talent booking and entertainment management facilities.
14. Cultural, educational, governmental, and social facilities, including but not limited to, museums, libraries, auditoriums, and tourist information centers.
15. Accessory uses and facilities. The accessory uses and facilities incidental to the above described uses and directly related to the primary entertainment or recreation use include:
 - a. Merchandise buildings and facilities (indoor and outdoor).
 - b. Playground facilities.
 - c. Food and beverage buildings and facilities (indoor and outdoor).
 - d. Video arcades and games.
 - e. Picnic areas.
 - f. Wardrobe production and assembly facilities.
 - g. Laundry and cleaning facilities.
 - h. Salt water production and manufacturing facilities an related filtering, etc.
 - i. Craft shops.
 - j. Bakeries.
 - k. Horse stables and equestrian centers.
 - l. Animal shelters and care facilities.

- m. Hotels and other lodging facilities such as motels, motor inns, motor hotels and timeshare facilities.
 - n. Recreation vehicle parks and associated facilities.
 - o. Business commercial establishments selling merchandise, food and beverages.
 - p. Personal services, such as, but not limited to, barber shops, beauty salons, car rental agencies, travel agencies, and day care facilities.
 - q. Business, financial, governmental, medical and professional offices, agencies and studios.
 - r. Catering facilities.
 - s. Facilities for warehousing and distribution of foods, wares and other merchandise.
 - t. Transportation facilities, including bus, railroad and taxi stations and facilities; tram, monorail, skywalk and moving sidewalks, as well as other people moving facilities.
 - u. Wastewater facility or utility substation.
16. Uses permitted by Use Permit.
Any uses similar to, and judged to be of equal or lesser impact than the uses permitted herein, as determined by the Zoning Administrator, may be permitted upon securing a Use Permit as outlined in Section 7.15.
17. Wireless communications facilities may be located on property owned by a governmental entity, including a school district or community college district, or by a church, upon obtaining a permit as provided for in Article VIII.

B. Approval process.

Any undeveloped area or an area to be redeveloped shall not be authorized for the construction of any building or facility until a general development plan for the area is approved by the Planning Commission and Town Council. The general development plan shall be developed in accordance with the standards of Section 1.81, PAD, of the Code, and Chapter II, Article X, Site Design Standards. The general development plan and associated development guidelines will become an official exhibit of any requested E-R zoning district. In addition, a development agreement between the Town and the developer of an E- R district may be required by the Town to further define conditions of approval for an E-R district.

Time limits for development, including planned uses, infrastructure and development timing for each phase, shall be set as part of an overall development plan and/or agreement.

C. Performance standards.

Uses in this district shall be in full conformance with the standards of this and other applicable sections of this Code:

- 1. The height of buildings and other improvements shall not exceed fifty (50) feet at the required perimeter setbacks. Maximum height limits beyond the perimeter setback shall be set in the development guidelines and/or agreement.

2. No buildings or other structure, except streets and parking lots, shall be erected closer than the following setback lines measured along the perimeter of the district:
 - a. One hundred (100) feet when adjacent to any area developed or zoned as Agricultural or Single-Family Residential.
 - b. Sixty (60) feet when adjacent to any area developed or zoned as Townhouse or Multi-family Residential.
 - c. Twenty-five (25) feet when adjacent to any area developed or zoned as Non-Residential.
 3. Internal to this district there are no setback requirements.
 4. Parking shall be determined by use of Section IV of the Zoning Code and final determination by the Planning Director as to sufficient parking based on projected user activities.
 5. All noise shall be muffled so as to not become objectionable to areas zoned for residential use due to intermittence, beat frequency or shrillness. Noise may equal but not exceed average street traffic noise surrounding the district. Measurement of noise levels shall be made at the zoning district boundary.
- D. *Development policy.* The following are used as policy directions adopted by the Town to evaluate project quality within this district:
1. The project should be designed in such as way that it is interesting for the pedestrian. This shall be done through the creation of plazas, fountains, building details at eye level and other unique features.
 2. To assure compatibility between commercial and residential land uses, buffering techniques, outlined in the Buffer Policy, will be used.
 3. Streets, driveways, etc., shall meet the standards of design criteria established by the Public Works Design Manual, Town of Gilbert.
 4. Landscaping design within the setbacks adjacent to arterial streets shall be in conformance with all state and local plant themes.
 5. An area should be provided as a recycling collection point within each site selling or providing recyclable materials.
 6. Consideration for special events, such as light shows, fireworks, etc., shall be addressed through specific criteria incorporated into a development plan and/or agreement.

(Ord. No. 1051, § I, 7-29-97)

1.58 (PF/OS) Public Facilities and Open Space Zoning District.

This Zoning District is intended to provide a suitable classification for large public or quasi-public uses and sites designed for community-serving institutions, functions and open spaces.

The District affords the Planning and Zoning Commission and Town Council the opportunity to consider the most appropriate reclassification and use of a site following discontinuance of a large public or quasi-public use.

A. Permitted uses.

1. Any of the following uses or similar uses shall be permitted:
 - a. Parks and open spaces.
 - b. Public recreation facilities.
 - c. Universities, colleges, public schools and playgrounds.
 - d. Churches.
 - e. Governmental office buildings and grounds.
 - f. Museums, observatories, and similar quasi-public facilities.
 - g. Libraries.
 - h. Governmental service and maintenance facilities.
 - i. Municipal water production and storage facilities and sewage treatment facilities.
 - j. Public safety communications towers.
2. Uses permitted by Use Permit:
 - a. Public services, public and private utility company facilities.
 - b. Residences for caretakers and necessary employees and associates related to the permitted use.
3. Wireless communications facilities may be located on property owned by a governmental entity, including a school district or community college district, or by a church, upon obtaining a permit as provided for in Article VIII.

B. Approval process.

Site Plan approval shall be required in accordance with Chapter II prior to construction. All sites shall be subject to administrative review.

C. Performance standards. Uses in this district shall be in full conformance with the standards of this and other applicable sections of this Code:

1. Hours of operation shall not extend beyond 7 a.m. to 11 p.m., with longer hours of operation permitted at Town Council discretion at the time of rezoning or by Administrative Use Permit, subject to applicable conditions and findings which justify the extension will better serve, and not negatively impact, the adjacent neighborhood.
2. Principal vehicle access to and from the site shall be via a primary driveway.
3. See Section 1.65, Table of Bulk, Building and Landscape Setback Requirements for Non-Residential District, for the building and landscape setbacks, height, building coverage, and the minimum lot area.

4. The exterior design of any building shall be compatible with the design and character of buildings in an adjacent or surrounding district.
- D. *Development policy.* The following are used as policy directions adopted by the Town to evaluate project quality within the district:
1. The Site Plan is expected to make a positive contribution to General Plan implementation.
 2. Land use regulations may be modified through a Planned Overlay District if such modification would result in excellence in development quality, additional amenities for prospective users of the land and compatibility with surrounding development.
 3. The project should be designed in such as way that it is interesting for the pedestrian. This shall be obtained through the creation of plazas, fountains, and building details provided at eye level. A direct pedestrian connection to the adjacent neighborhood and planned mass transit is preferred. The parking lot shall not be the dominant design feature of the site plan.
 4. To assure compatibility between commercial and residential land uses transitional zoning techniques may be required as outlined in the Bufferyard Policy contained in Chapter II.
 5. Driveway locations and dimensions should meet the standards described in Appendix E, Standard Details
 6. The landscape design within the setbacks adjacent to arterial streets shall be in conformance to the Street Theme District contained in Chapter II of this Code.
- (Ord. No. 1051, § I, 7-29-97; Ord. No. 1157, § I, 3-16-99)

1.6 Industrial Zoning Districts.

The Industrial Districts are intended to establish a balance of employment within the Town of Gilbert in furtherance of General Plan goals such as economic development, municipal revenue enhancement and trip length reduction. Industrial uses are to be located in locations which are suitable and appropriate taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities. Particular attention is directed to mitigation of environmental and traffic impacts associated with industrial uses.

1.61 (I-B) Industrial Buffer Zoning District.

This Zoning District is intended to provide opportunities for certain types of businesses and manufacturing uses that are quiet, attractive and well designed to afford locations close to existing residential uses, so that people can live and work in the same neighborhood.

A. Permitted uses.

1. Any use indicated as an allowed use in the I-B column of Section 1.7, Table of Permitted Uses in Non-Residential Districts shall be permitted.

2. Retail commercial operations, when the product sold at retail is the product which is manufactured as the primary use, shall not exceed ten (10) percent of the gross floor area. A retail commercial operation is directly related to the primary industrial use when the product sold at retail is the product which is manufactured or stored as the primary use.
3. Uses permitted by Use Permit:
 - a. Retail commercial operations directly related to the primary industrial use, may exceed ten (10) percent of the gross floor area upon securing a Use Permit as outlined in Section 7.15.
 - b. Any use or similar use indicated as requiring a Use Permit under the I-B column of the Table of Permitted Uses for Non-Residential Districts shall require a Use Permit as outlined in Section 7.15.

B. Approval process.

Site Plan approval shall be required in accordance with Chapter II prior to construction.

C. Performance standards. Uses in this district shall be in full conformance with the standard of this and other applicable sections of this Code:

1. At least fifty (50) percent of the gross floor area shall be devoted to office or research. Not more than twenty-five (25) percent of the employees shall be engaged in manufacturing processing at anyone time.
2. All activity shall be conducted within a completely enclosed building.
3. Principal vehicle access to and from the site shall be via a primary driveway.
4. Noise emitted from the use shall not exceed the noise level of the abutting district or the street abutting the use, whichever is greater. Measurement of noise levels shall be made at the zoning district boundary.
5. See Section 1.65, Table of Bulk, Building and Landscape Setback Requirements for the building and landscape setbacks, height, building coverage requirements, and the minimum and maximum lot area.
6. Permitted uses shall not cause to be exhausted or emitted into the air beyond the industrial district wherein such use is located, smoke, soot, dust, fumes or other gases, vibration. No uses shall endanger surrounding neighborhoods through the risk of explosion or radiation.
7. All loading shall be from the rear side of the building, but not facing a public street or residential neighborhood. Loading on the side or front may be considered if access, safety and aesthetics are improved.
8. All buildings must be of reinforced concrete or masonry construction. Corrugated metal buildings shall not be permitted.

- D. *Development policy.* The following are used as policy direction adopted by the Town to evaluate project quality within this district:
1. All buildings should incorporate architectural elements to relieve long continuous flat appearances such as:
 - a. Variety of massing and height of buildings,
 - b. Primary architectural elements shall be included on all sides of the building to create four-sided architecture,
 - c. Provision of courts and plazas.
 2. The following site plan elements shall be promoted to create an office complex ambiance and appearance to the industrial development:
 - a. Loading courts which are not visible from any public street. Screening of these areas shall be by the principal building,
 - b. Entry courts and pedestrian plazas,
 - c. Unique landscape features such as berming, fountains, and sculpture gardens, particularly adjacent to the arterial street,
 - d. Covered or decked parking structures which appear as an integrated part of the industrial building,
 - e. Major entry features,
 - f. The majority of the parking shall not be located adjacent to the arterial street,
 - g. Rear lot lines will not be allowed adjacent to an arterial street.
 3. To assure compatibility between industrial and residential land uses transition zoning techniques may be required as outlined in the Bufferyard Policy contained in Chapter II.
 4. Driveway locations and dimensions should meet the standards described in Appendix E, Standard Details.
 5. The landscape design within the setbacks adjacent to arterial streets should be in conformance to the Street Theme Districts contained in Chapter II of this Code.
 6. Pedestrian connections to pathway systems are encouraged.

1.62 (I-I) Garden Industry Zoning District.

This Zoning District is intended to provide employment centers and production within a garden type planned development. The General Plan land use classifications for this District are noted in the Gilbert General Plan Section C.2.1 in the Table of Land Use Classification of Potential Zoning Districts.

A. Permitted uses.

1. Any use indicated as an allowed use in the I-I column of Section 1.7, Table of Permitted Uses in Non-Residential Districts shall be permitted.

2. Retail commercial operations directly related to the primary industrial use so long as the retail commercial operation does not exceed ten (10) percent of the gross floor area. A retail commercial operation is directly related to the primary industrial use when the product sold at retail is the product which is manufactured as the primary use.
3. Retail commercial uses which are not directly related to the primary industrial use, but which are complementary to the primary use, the other uses in the industrial park, or the other uses in the district. A retail commercial use is complementary to the primary use, other uses in the industrial park, or the other uses in the district if the Zoning Administrator finds the following:
 - a. The market area of the proposed retail commercial use is primarily directed toward the primary use, the other uses in the industrial park or other uses in the district; and
 - b. The retail commercial use takes place only during daylight hours; and
 - c. The retail commercial use meets one or more of the following standards:
 - (1) The use provides cultural or recreational opportunities for employees,
 - (2) The use provides day care or preschooling for the children of the employees,
 - (3) The use is a restaurant,
 - (4) The use sells at retail, products or services used by the primary use, the other uses in the industrial park or the other uses used in the district.

The Zoning Administrator shall have the authority to permit complementary uses described in this paragraph. Uses listed as requiring Use Permit approval in the "Table of Permitted Uses in Non-Residential Districts" shall not be deemed to be a complementary Use Permitted pursuant to this paragraph.

4. Uses permitted by Use Permit:
 - a. Retail commercial operations directly related to the primary industrial use, may exceed ten (10) percent of the gross floor area upon securing a Use Permit as outlined in Section 7.15.
 - b. Any use or similar use indicated as requiring a Use Permit under the 1-1 column of the Table of Permitted Uses for Non-Residential Districts: shall require a Use Permit as outlined in Section 7.15.
 - c. Retail commercial uses which are not directly related or complementary to the primary industrial use may be allowed as set forth in Section 7.15.

B. Approval process.

Site Plan approval shall be required in accordance with Chapter II prior to construction.

C. Performance standards.

Same as I-B district with the exception of 1.61-C-1 and the addition of: The principal industrial activity shall be conducted within a completely enclosed building. Outdoor storage shall be allowed as an accessory use only.

D. *Development policy.*

Same as the 1- B District.

1.63 (1-2) Light Industry Zoning District.

This Zoning District is intended to provide for light industrial uses. The General Plan land use classifications for this District are noted in the Gilbert General Plan Section C.2.1 in the Table of Land Use Classification of Potential Zoning Districts.

A. *Permitted uses.* Same as 1-1 with the addition of:

1. Any use indicated as an allowed use in the 1-2 column of Section 1.7, Table of Permitted Uses in Non-Residential Districts shall be permitted.

The Zoning Administrator shall have the authority to permit complementary uses described in this paragraph. If a use is listed as a use in the "Table of Permitted Uses in Non-Residential Districts" which is required to obtain a Use Permit, the use shall not be deemed to be a complementary Use Permitted pursuant to this paragraph.

2. Uses Permitted by Use Permit:
 - a. Retail commercial operations directly related to the primary industrial use, may exceed ten (10) percent of the gross floor area upon securing a Use Permit as outlined in Section 7.15.
 - b. Any use or similar use indicated as requiring a Use Permit under the 1-1 column of the Table of Permitted Uses for Non-Residential Districts: shall require a Use Permit as outlined in Section 7.15.
 - c. Retail commercial uses which are not directly related or complementary to the primary industrial use may be allowed as set forth in Section 7.15.

B. *Approval process.*

Site Plan approval shall be required in accordance with Chapter II prior to construction.

C. *Performance standards.* Uses in this district shall be in full conformance with the standards of this and other applicable sections of this Code:

1. Districts created after June 27, 1991 shall not be located closer than six-hundred sixty (660) feet from any section line or arterial street.
2. Principal vehicle access to and from the site shall be via a primary driveway.
3. Noise emitted from the use shall not exceed the noise level of the abutting district or the street abutting the use, whichever is greater. Measurement of noise levels shall be made at the zoning district boundary.
4. See Section 1.65, Table of Bulk, Building and Landscape Setback Requirements for the building and landscape setbacks, height, building coverage requirements, and the minimum and maximum lot area.

5. Permitted uses shall not cause to be exhausted or emitted into the air beyond the industrial district wherein such use is located, smoke, soot, dust, fumes or other gases, and vibration. No uses shall endanger surrounding neighborhoods through the risk of explosion or radiation.
6. All buildings must be of reinforced concrete or masonry construction. Corrugated metal buildings shall not be permitted.

D. Development policy.

Same as I-I, with the following exception: Site Plan, Section 1.61 D-2, is not required in this district.

1.64 (1-3) General Industry Zoning District.

This Zoning District is intended to provide for intensive industrial uses. The General Plan land use classifications for this District are noted in the Gilbert General Plan Section C.2.1 in the Table of Land Use Classification of Potential Zoning Districts.

A. Permitted uses.

1. Any use indicated as an allowed use in the 1-3 column of Section 1.7, Table of Permitted Uses in Non-Residential Districts shall be permitted.
2. Retail commercial operations directly related to the primary industrial use so long as the retail commercial operation does not exceed ten (10) percent of the gross floor area. A retail commercial operation is directly related to the primary industrial use when the product sold at retail is the product which is manufactured or stored as the primary use.
3. Uses permitted by Use Permit:
 - a. Retail commercial operations directly related to the primary industrial use, may exceed ten (10) percent of the gross floor area upon securing a Use Permit as outlined in Section 7.15.
 - b. Any use similar to, and judged to be of equal or lesser impact than the uses permitted as determined by the Zoning Administrator, and is not noted as an allowed use subject to a Use Permit in the "Table of Permitted Uses for Non-Residential Districts", may be allowed upon securing a Use Permit.

It is the intent of this paragraph to authorize Use Permits for uses which, while not listed in the Table of Permitted Uses, logically belong in the zoning district, considering the other uses permitted in the district. The Town Council shall find, prior to issuing the Use Permit under this paragraph, that the proposed use is consistent with, and judged to be of equal or lesser impact than, the other uses permitted in the Zoning District.
 - c. A mobile home or trailer as a residence for a caretaker or operator employed on the premises. The residence may include the family of the caretaker.

B. Approval process.

Site Plan approval shall be required in accordance with Chapter II prior to construction.

C. *Performance standards.*

Same as 1-2 District with the following exception: Districts created after June 27, 1991 shall not be located closer than one thousand three hundred twenty (1,320) feet from any section line or arterial street.

D. *Development policy.* The following are used as policy direction adopted by the Town to evaluate project quality within this district:

1. To assure compatibility between industrial and residential land uses transition zoning techniques may be required as outlined in the Bufferyard Policy contained in Chapter II.
2. Driveway locations and dimensions should meet the standards described in Appendix E, Standard Details.
3. The landscape design within the setbacks adjacent to arterial streets should be in conformance to the Street Theme Districts contained in Chapter II of this Code.

1.65 Bulk, Building and Landscape Setback Requirements for Non-residential Districts.

District	Lot Area Min./Max.	Landscape and Building Setbacks When Adjacent To: ¹								Maximum Coverage	Building Height	
		Non-Residential				Rural	Single-Family	Multi-Family	Arterial/ Arterial Intersection ⁴			Local/ Collector Streets
		Front	Rear	Sides 5' & 10'	Street Sides 10'	R1-43 R1-35 R1-20	R1-15 to R1-5	R-2 to R-TH				
PF / NS	1.0 ac. / >	25'	25'	25'	25'	25'	15'	10'	20' / 50'x250'	10'	0.30	Two stories 30' max. ³
N - S	0.5 / 5.0 ac.	25'	25'	5' & 10'	10' ²	25'	15'	10'	20' / 50'x250'	10'	0.40	One story 15' max.
NCC	0.5 / 5.0 ac.	20'	0	5' & 10'	10' ²	25'	15'	10'	20' / 50'x250'	10'	0.40	Two stories 30' max. ³
C-1	1.0 / 12.0 ac.	20'	0	0	10' ²	60'	60'	40'	20' / 50'x250'	10'	1.00	Two stories 30' max. ³
C-2	10.0 ac. / >	0	0	0	10' ²	75'	75'	40'	20' / 50'x250'	10'	1.00	Two stories 30' max. ³
PSC-1	← Same as C-1 →											
PSC-2	← Same as C-2 →											
E-R	N/A	25'	25'	25'	25'	100'	100'	60'	25' / 50'x250'	15'	*	50'
I-B	0.5 ac. / >	35'	0	0	35' ²	25'	15'	10'	35' / 50'x250'	35'	0.50	Two stories 30' max. ³
I-1	1.0 ac. / >	30'	0	0	30' ²	100'	75'	60'	30' / 50'x250'	30'	0.50	No maximum
I-2	1.0 ac. / >	25'	0	0	0	100'	100'	60'	25' / 50'x250'	25'	No maximum	No maximum
I-3	3.0 ac. / >	20'	0	0	0	150'	150'	60'	20' / 50'x250'	20'	No maximum	No maximum

	LANDSCAPE SETBACK A - 5 FL
	LANDSCAPE SETBACK B - 10 FL
	LANDSCAPE SETBACK C - 20 FL
	LANDSCAPE SETBACK D - 35 FL

Notes:

- 1 In no case shall the building setback be less than the landscape setback. Refer to Chapter II for landscape requirements.
- 2 Front and street side yards are to be entirely landscaped. The greater between this requirement and the arterial collector street shall apply.
- 3 Height may exceed 30 feet if approved in conjunction with Planned Area Developments per Section 1.8.
- 4 Bufferyard requirements require more stringent setback, height and other regulations when adjacent to certain residential areas. Refer to Chapter II.
- 5 Refer to Chapter II, Article IX (Site Design Standards).
- 6 Refer to Chapter I, Article I, Section 1.57 (E.R District).

ZONES (DISTRICT CLASSIFICATIONS)

1. 7 Table of Permitted Uses for Non-Residential Districts.

- A Approved use
- Ac Accessory use
- * Authorized use with standards-refer to appropriate section No
- Adt drive-through facilities allowed
- UP Use Permit required
- AUP Administrative Use Permit required
- Ax Allowed only upon compliance with Section 2.65, Sexually-Oriented Businesses

Uses	Districts										
	N-S	NCC	C-1	C-2	PSC-1	PSC-2	E-R	I-B	I-1	I-2	I-3
Accessory apartment			A	A	A	A					
Airport and related uses									UP	UP	A
Amateur communication tower	Ac	Ac	Ac	Ac	Ac	Ac		Ac	Ac	Ac	Ac
Automotive service, major				UP					A	A	A
Automotive service, minor			UP	UP					A	A	A
Bar, lounge or tavern with dancing, and/or live music				UP					UP	UP	UP
Bar, lounge or tavern without dancing, and/or live music			UP	UP					UP	UP	UP
Blood bank/plasma center				UP							
Boarding/rooming house, dormitory, fraternity or sorority house											
Business, trade or technical school				A		A			A	A	
Car wash			Ac	UP							
Carnival, temporary		AUP	AUP	AUP					AUP	AUP	AUP
Carry-out food service		Adt	A	A	A	A	Ac		A	A	
Cemeteries, crematories and mausoleums									UP	UP	UP
Cleaning or processing establishments		A	A	A	A	A			A	A	A
Clinics and health care facilities	A	A	A	A	A	A		A	A	A	
Colleges and universities				A		A			A	A	
Commercial amusement, indoor			UP	UP			A		A*	A*	
Commercial amusement, outdoor				UP			A		A*	A*	
Commercial parking lots	Ac	Ac	Ac	A	Ac	A	Ac	Ac	A	A	A
Commercial stables				UP			A		UP	UP	UP
Conference and banquet facilities			A	A	A	A	A		A	A	
Convenience retail centers		A	A	A	A	A	Ac				
Convenience storage				UP					A	A	A
Correctional facilities											UP
Custom manufacturing				A*		A*			A	A	A
Day care centers		A	A	A	A	A			A*	A*	
Funeral homes		A	A	A	A	A					
Game court, lighted				A*		A*	A		UP	UP	
Game court, unlighted			A	A	A	A	A		Ac	Ac	
Golf, tennis, swim/fitness clubs			UP	UP			A		A*	A*	
Helistop, heliport				UP					UP	UP	UP
Hospital				A		A					

Uses	Districts											
	N-S	NCC	C-1	C-2	PSC-1	PSC-2	E-R	I-B	1-1	1-2	1-3	
Home Occupation	A	A										
Hotels, motels, resorts				A		A	Ac					
Industrial park								A*	A*	A	A	
Industrial uses with high risk or hazardous materials												A
Industrial uses without high risk or hazardous materials				A*		A*		A*	A*	A	A	
Kennel				UP						A	A	
Kennel, limited			A	A	A	A			A	A	A	
Landfill												UP
Libraries and museums	A	A	A	A	A	A	A		A*	A*		
Liquor store			UP	UP	UP	UP						
Machinery and equipment storage, sales and repairs				UP					A*	A	A	
Medical or scientific laboratories			A	A	A	A		A	A	A		
Mobile office, temporary	AUP	AUP	AUP	AUP				AUP	AUP	AUP	AUP	
Nursing homes		UP	A	A	A	A			UP	UP		
Offices	A	A	A	A	A	A	Ac	A	A	Ac	Ac	
Outdoor event, temporary		AUP	AUP	AUP					AUP	AUP	AUP	
Outdoor restaurant seating		Ac	Ac	Ac	Ac	Ac	Ac		Ac	Ac		
Outdoor retail sales				A*		A*	Ac					
Outdoor storage				Ac*		Ac*			Ac	A	A	
Outdoor storage, nonvehicular				Ac"		Ac"			Ac	A	A	
Outdoor vehicle storage, parking		Ac	Ac	Ac	Ac	Ac			Ac	Ac	Ac	
Parking lots				A		A	Ac		A	A	A	
Parking structures				A		A	Ac		A	A	A	
Parks	A	A	A	A	A	A	A	A	A	A	A	
Pawn shops				UP								
Personal service establishments		A	A	A	A	A	Ac		A*	A*		
Places of public assembly, indoors				A		A	A	Ac	A*	A*		
Places of public assembly, outdoors				UP			A			UP		
Places of worship	A	A	A	A	A	A		UP	UP	UP		
Plant nurseries									UP	UP		
Plant nurseries, retail sales			A	A	A	A			UP	UP		
Printing services		A	A	A	A	A			A	A		
Public facilities	A	A	A	A	A	A	A	A	A	A	A	
Quarters for caretaker								Ac	Ac	Ac	Ac	
Recycling center										A	A	
Recycling collection point	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	
Rental yard, outdoor				UP					UP	UP		
Repair services		A	A	A	A	A			A*	A*		
Residential development			Ac	Ac	Ac	Ac						
Residential facility	A	A	A	A	A	A						
Residential hotels				A		A	Ac					
Resource extraction												UP
Restaurants		Adt	A	A	A	A	Ac		A*	A*		
Restaurants, drive-through			UP	UP	UP	UP						
Retail establishments		A	A	A	A	A	Ac		A*	A*	A*	
Roadside stands	AUP	AUP	AUP	AUP				AUP	AUP	AUP	AUP	
Satellite dish antennae	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	

ZONES (DISTRICT CLASSIFICATIONS)

1.81

Uses	Districts										
	N-S	NCC	C-1	C-2	PSC-1	PSC-2	E-R	[-B	[-1	1-2	1-3
Schools, public and private	A	A	A	A	A	A					
Scrap and salvage services											UP
Sexually oriented businesses				Ax					Ax	Ax	Ax
Signs	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
Swimming pool, private	Ac	Ac	Ac	Ac	Ac	Ac	A	Ac	Ac	Ac	Ac
Teen club				UP					UP	UP	
Tobacco/smoke shop			UP	UP	UP	UP					
Television, radio and film studio			A	A	A	A	A	A	A	A	
Transfer station, hazardous											UP
Transfer station, nonhazardous										UP	UP
Transit terminal	UP	UP	UP	UP			Ac	UP	UP	UP	UP
Transmitting facilities				UP					UP	UP	UP
Truck and multi-modal terminals									A	A	A
Utility facilities	A	A	A	A	A	A		A	A	A	A
Utility service yards	Ac	Ac	Ac	Ac	Ac	Ac		Ac	A	A	A
Vehicle and boat sales and rentals				UP			Ac		UP	UP	
Veterinary clinic			A	A	A	A			UP	UP	A
Veterinary hospital				A		A			UP	UP	A
Warehousing & distribution, general									A*	A	A
Warehousing, wholesale & distrib. limited							Ac		A*	A	A
Wireless Communication Facilities	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*

Note: Refer to section 1.57 for additional uses permitted in the E-R District.
 (Ord. No. 1051, § I, 7-29-97; Ord. No. 1071, § I, 12-09-97; Ord. No. 1227, § I, 11-16-99)

ZONES (DISTRICT CLASSIFICATIONS)

1.8 Overlay Zoning Districts.

Overlay Districts may be used to encourage desirable blending of uses or development types through integrated masterplans and to establish additional land use requirements and regulations applicable to all development within a designated area of the town. An Overlay District created for an integrated master plan may include one or more base zoning classifications or underlying district(s) and shall confer certain flexibilities of project design or adjustments to otherwise applicable district provisions and development standards, subject to site plan, development plan or preliminary plat approval.

1.81 (PAD) Planned Area Development Overlay Zoning District.

This Zoning District is intended to establish a basic set of conceptual parameters for the development and supporting infrastructure of tracts of land which are under unified ownership or control; or lands which (by reason of area, topography, proximity to large public facilities, or exceptional or unusual locational advantages) are appropriate to be implemented by precise plans at the time of actual development. Planned developments especially encourage give and take between landowners and the Town to accomplish better project results.

Conceptual plans for "PAD" Overlay development shall describe the general land use concept being proposed, along with information necessary to identify the nature, scale, intent and impact of development. The Town may impose additional standards, design approaches or other requirements. The landowners may suggest creative options for development which may include Town approval of a density bonus.

A. *Permitted uses.*

1. There may be provided within a PAD District a combination of land uses (including a variety of residential types, commercial, industrial, public, and semi-public areas) arranged and designed in accordance with modern land planning principles and development techniques; and in such a manner as to be properly related to each other, the surrounding community, the planned thoroughfare system, and other public facilities such as water and sewer systems, parks, schools, and utilities.
2. All land uses in a PAD District shall conform to the property development standards of the comparable zoning district except as expressly modified by the Town Council in a PAD rezoning ordinance. The Planning Director shall determine, primarily on the basis of proposed use and density, which of the districts of this Code are most closely comparable to the proposed development.

B. *Approval process.* A rezoning application requesting PAD District designation shall be accompanied by a preliminary Development Plan consistent with the requirements of Section 10.1 which may include recommendations as to desirable or compatible uses in the areas surrounding said development; and in addition, providing:

1. A map or maps drawn at 1" to 100' scale, showing at least the following:

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- a. A legal description of the proposed district boundary.
 - b. The proposed uses of the land, keyed to the comparable existing zoning districts.
 - c. The approximate location of all public streets.
 - d. Location of public uses proposed, such as schools, parks, playgrounds, trails, or other recreational facilities.
 - e. The approximate location and configuration of different types or densities of dwelling units, commercial and/or industrial uses.
2. A development program including:
- a. The area, nature and density of development proposed.
 - b. Lands proposed for public facilities.
 - c. The approximate area, in acres, and anticipated timing for development units proposed to be developed separately.
3. Property development renderings, proposed restrictive covenants, and standards modifications, if requested, accompanied by written terminology and graphic material to illustrate the conditions that the modified standards will produce, so as to enable the Planning and Zoning Commission and the Town Council to make the determination that the modification(s) will produce a living environment, landscape quality and lifestyle superior to that produced by the existing standards.
- C. *Performance standards.* Information shall be provided to establish the standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation (including the projected number of vehicular trips expected on weekdays at the AM and PM peak hours), off-street parking and loading, signs, and nuisance controls intended for the development, in addition to the following:
1. *Residential development:*
 - a. The approximate number of dwelling units proposed by type of dwelling and the density, i.e., the number of dwelling units proposed per gross acre of each type of use.
 2. *Commercial development:*
 - a. The approximate retail sales, office and storage floor area with total area proposed for commercial development.
 - b. The types of uses proposed to be included in the development, which uses to be consistent with comparable zoning district.
 3. *Industrial development:*
 - a. The approximate total area proposed for such use.
 - b. The types of uses to be included in the development. (Generally those industrial, office, laboratory, and manufacturing uses shall be allowed which do not create any danger to health and safety in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat, or glare and which by reason of high value in relation to size and weight of merchandise received and shipped, generate a minimum of truck traffic).

ZONES (DISTRICT CLASSIFICATIONS)

- c. The anticipated range of employment in the entire development and in each major section thereof.
 4. *Public facilities and open space, institutional, recreational, or other public or quasi-public development:*
 - a. General types of uses proposed in the entire development and each major section thereof.
 - b. Significant applicable information with respect to enrollment, attendance, or other social or economic characteristics of development.
 - c. Parks and recreation facilities that are in proportion to the size and characteristics population to be served.
- D. *Findings required.* Before approval of an application for a proposed PAD District, the Planning and Zoning Commission and the Town Council shall find that:
 1. The proposed development is in substantial harmony with the Town of Gilbert General Plan, and can be coordinated with existing and planned development of surrounding areas.
 2. The streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.
 3. The facts (studies, reports, feasibility studies, or assessments) submitted with the application, appropriate written acknowledgment from the school district, the Gilbert Parks and Recreation Board and any other responsible agency, and presented at the hearing establish:
 - a. Neighborhood meeting input has been sought prior to public hearings, in accord with Section 7.14.
 - b. Proposed residential developments will constitute a living environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding area; and that the sites proposed for public facilities, such as schools, playgrounds, and parks, are adequate to serve the anticipated population.
 - c. Proposed industrial or research uses will be appropriate in area, location and overall planning to the purpose intended; and that the design and development standards are such as to create an employment environment of sustained desirability and stability.
 - d. Proposed commercial, institutional, recreational and other non-residential uses will be appropriate in area, location and overall planning to the purpose intended; and that such development will be in harmony with the character of the surrounding areas ..
 4. All conditions agreed to by the applicant which are not included in the written documentation required under Subsections Band C of this Section; and all modifications, added requirements or exceptions which are allowed or required by the Town Council shall become a part of the approved Development Plan, as provided in Article X, a copy of which shall be kept on file by the Gilbert Planning

Department.

1.82 (TC-R) Town Center Redevelopment Overlay Zoning District.

[Reserved for future consideration.]

1.83 Santan Freeway Corridor Overlay District

The Santan Freeway Corridor Overlay District designates an area that is or will be impacted by noise generated by the Santan Freeway. The Santan Freeway Corridor Overlay District is established as set forth in the Santan Freeway Overlay Zoning District Map adopted and incorporated herein and includes 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.

A. Purpose

The Santan Freeway will provide transportation mobility to the current and future residents of the Town. The Santan Freeway will also offer many economic development opportunities for the community and plays an important role in the sustainability of the Town. At the same time, the Santan Freeway will have a permanent and significant impact on the surrounding area. Noise and traffic generated by the freeway will impact residential and other noise sensitive uses that may be constructed adjacent to the freeway.

It is the intent of the Town to ensure future freeway noise impacts are mitigated and to protect the public health, welfare and safety by establishing noise attenuation requirements applicable to future development of residential and other noise sensitive uses within the Santan Freeway Corridor Overlay District that include building height restrictions, creative site design, construction standards and the construction of noise barriers by developers to encourage compatibility.

B. Applicability

The provisions of this Section shall apply to development of noise sensitive uses located within the Santan Freeway Corridor Overlay District.

C. Definitions

For the purposes of this Section, the following words and terms shall have the meaning ascribed thereto:

1. "Barrier" shall mean a noise mitigation wall, an earth berm, or a noise mitigation wall in combination with an earth berm, that interrupts the path of sound from the sound source to the sound receiver.
2. "dBA" shall mean a weighting network using an electronic filter in a sound level meter that approximates the frequency response of the human ear.
3. "Ldn" shall mean 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 p.m. and 7 a.m.

ZONES (DISTRICT CLASSIFICATIONS)

4. "Leq" shall mean 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.
5. "Leq_(h)," shall mean the hourly value of Leq.
6. "Noise sensitive uses" shall mean single family and multifamily residential uses, hospitals, nursing homes, hotels, motels, places of worship, libraries, schools and daycare centers.

D. Neighborhood Environmental Design Analysis

Prior to submittal of a formal zoning request for a noise sensitive use in the Santan Freeway Corridor Overlay District, developers shall contact the Arizona Department of Transportation Environmental Planning Group to discuss the scope of the proposed project and receive input.

Concurrent with formal submittal of a zoning request, the developer shall submit a Neighborhood Environmental Design Analysis prepared by a registered architect, registered engineer or qualified professional transportation noise analyst certifying that the design of the proposed development complies with the requirements of Subsection E of this Section. Six (6) Copies of the Neighborhood Environmental Design Analysis shall be submitted to the Town.

The Town will forward a copy of the Neighborhood Environmental Design Analysis to the Arizona Department of Transportation. The Neighborhood Environmental Design Analysis shall include the following:

1. 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.
2. A general description of the construction techniques and materials to be employed to reduce interior noise levels to comply with Paragraph E6 of this Section.
3. A technical noise report prepared using the federal Transportation Noise Model (TNM), or approved standard federal transportation methodology, supporting the noise mitigation measures outlined in Paragraphs 1 and 2 of this Subsection and establishing the height of noise barriers required to meet the standards prescribed by Subsection E of this Section. The technical noise report shall evaluate and discuss exterior and interior noise separately and shall be based upon 20 year forecasted traffic volumes for that segment of the freeway.
4. Any comments received from the Arizona Department of Transportation Environmental Planning Group on the project.

Properties that have already received zoning approval prior to adoption of the Santan Freeway Corridor Overlay District may be required to comply with the provisions of this Section and meet the sound attenuation standards established by Subsection E of this Section. A Neighborhood Environmental Design Analysis may be required to be submitted with a Site Plan, Use Permit, Preliminary Plat, Final Plat or Design Review Board application for development of noise sensitive uses within the Santan Freeway Corridor Overlay District.

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The Town may require a neighborhood design analysis to be updated if construction of the project has not occurred within five years from the date of formal submittal to the town.

E. Development Standards within the Santan Freeway Corridor Overlay District

All development of noise sensitive uses within the Santan Freeway Corridor Overlay District shall comply with the following development standards.

1. The height of buildings on lots completely or partially located within 150 feet adjacent 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. The Council may approve a greater number of stories for noise sensitive uses other than single family residential if the Neighborhood Environmental Design Analysis demonstrates that site design elements of the project targeted at reducing noise impacts will achieve the same or greater effect on interior noise levels as the height restriction.
2. Developers shall provide noise barriers to mitigate the negative impacts of freeway noise. The height and design of the noise barriers shall achieve an exterior noise level reduction of at least 5 dBA Leq_(h) and meet the noise mitigation levels prescribed by the Arizona Department of Transportation's noise policy. The height and design of noise barriers shall be supported by an engineering or noise study and comply with structural standards adopted by the Arizona Department of Transportation. Prior to recordation of the final plat, the developer shall submit a statement signed by a licensed engineer or qualified professional transportation noise analyst certifying that the noise barriers will achieve the required noise attenuation. Design of the noise barriers shall include compatible design elements approved by the town.
3. Developers have the option to place on deposit with the town a sum equivalent to the cost of the noise mitigation barriers as determined by the town. This deposit shall be made prior to recordation of the final plat.
4. Developers may contract for additional landscaping to be provided at the developers' expense within or adjacent to the freeway right-of-way.
5. Barriers required pursuant to this section are exempt from the height limitations prescribed by Article 11, Section 2.4 of the Gilbert Unified Land Development Code.
6. Building construction shall achieve a maximum interior noise level of 45 dBA Ldn and meet the minimum standards for interior noise levels prescribed by the Federal Department of Housing and Urban Development. Prior to consideration by the Design Review Board, the developer shall submit a signed and sealed letter from a licensed architect, engineer or qualified transportation noise analyst certifying that construction materials, methods and design employed achieve the required noise attenuation. A copy of the certification shall also be submitted with the application for a building permit and shall be attested to on the plans.

ZONES (DISTRICT CLASSIFICATIONS)

7. Site design plans shall take into consideration design strategies and elements to minimize the impact of freeway noise, including building orientation and location, and open space use and location. Site features that are not noise sensitive such as parking lots should be placed between the freeway and buildings for noise sensitive uses. The Town may require open space to be located to serve as a noise buffer. Additional landscaping and trail connections may be required.

F. Notification Requirements

For all subdivisions and residential master plan communities completely or partially located within 1000 feet of the exterior edge of the right-of-way boundary on each side of the Santan Freeway alignment, developers shall provide the following notice to future occupants of noise sensitive uses:

1. Plats shall note the potential for objectionable freeway noise by including the following on the plat: "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. The public report shall include a statement disclosing the property's location relative to the freeway, and further include the following: "Due to this property's proximity to the Santan Freeway, it is likely to experience noise from the freeway, which could be on concern to some individuals."
3. Provide proper and timely notice to prospective buyers. Unless a different method of notice is approved by a rezoning ordinance, such notice shall consist of a sign at least 2' x 3' installed in a conspicuous place in the parking lot of the sales office at each model home complex stating the following: "This subdivision is located within the Gilbert Santan Freeway Corridor Notification Area. For additional information contact the Arizona Department of Transportation at: "*(Arizona Department of Transportation Community Relations Office telephone number)*":

The developer shall provide an affidavit to the Town evidencing compliance with the requirements of Subsection F, Paragraphs 1 through 3.
(Ord. No. 1250, § I, 02-29-00)

[The next page is: Ch. I, Pg. 101]

ARTICLE II. GENERAL REGULATIONS

The following supplementary provisions shall apply to all land use designations within the Town of Gilbert or to such uses or districts as expressly indicated:

2.1 Parcel requirements.

- 2.11 No person, firm, or corporation shall strip, excavate, or otherwise remove top soil for use other than on the premises from which the same shall be taken, except in connection with the construction or alternation of a building on such premises and excavation or grading incidental thereto.
- 2.12 Notwithstanding the other provisions of the Code, a one family dwelling may be erected on any legal lot of record or on any lot in a Final Subdivision plat or map approved by the Town Council prior to the adoption of this Code (except a lot in an Industrial District) which lot has an area, width, or depth smaller than the minimum prescribed by the Zoning District in which the lot is located.
- A. The yard requirements in effect for any legal lot of record or on any lot in a Final Subdivision plat or map approved by the Town Council prior to June 10, 1974 are hereby specifically authorized for such lots in lieu of those prescribed by this Code.
 - B. The Board of Adjustment may permit by variance in compliance with Section 7.32, a duplex or a multi-family dwelling on a legal lot of record in districts permitting such uses, even though the lot has an area, width, or depth smaller than the minimum lot prescribed by the Zoning Code, provided that this Section shall not authorize an increase in the number of dwelling units based on the area of the lot.
- 2.13 Every dwelling shall be located and maintained on a "lot" defined herein.
- A. No dwelling shall be erected in such a manner as to be unsafe.
 - B. No building which is accessory to any residence building shall be erected to a height greater than one story or fifteen (15) feet.
 - C. No accessory building nor group of accessory buildings in any residential zone, shall cover more than twenty-five (25) percent of the rear yard.
- 2.14 Where two (2) or more lots are used as a building site and where the main buildings cross lot lines, then the entire area shall be considered as one lot, except that front of the parcel shall be determined to be the front of the individual lots as originally platted or laid out.
- 2.15 In any district any parcel of land shown as a lot on the plat of a subdivision duly recorded in the Office of the County Recorder, and where the side boundary lines are not parallel, may have a frontage of less than sixty (60) feet otherwise required provided that the width of such parcel measured along a line at the right angles to the center axis thereof and at a distance from the front lot line equal to the required front yard measurement, shall not be less than sixty (60) feet.

- 2.16 No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Code for a lot or building may be sold or leased away from such lot or building.
- 2.17 No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot except by Permit of the Board of Adjustment.
- 2.18 A large lot or parcel of land may be subdivided into smaller lots provided such smaller lots conform to the lot size limitations of the district in which the lots are situated; however, if a parcel is divided into more than four (4) lots, the Building Inspector shall not issue permits for same unless a recorded plat of such subdivision shall be filed.
- A. No lot shall be divided in such a way that any division of such lot shall contain more dwelling units than are permitted by the Zoning Regulations of the district in which such lot is situated.
- B. If, after dividing the area of a lot by the zoning requirements for the district in which the lot is situated, there is a remainder which is less than that required for a unit but more than eighty-five (85) percent of that amount, then one additional dwelling unit may be built on such lot.

2.2 Buffering criteria.

- 2.21 In an NCC, C-1, C-2, 1-1, 1-2, or 1-3 District, property which is in common with or separated only by an alley, from any lot line in any Residence District, the developer shall construct a masonry wall, six (6) feet in height, (or other suitable divider to be approved by the Town Council) along the common lot line.
- 2.22 On an interior lot, in any Residence District, having no access to an alley and where the garage or carport is not attached to the main building, one side yard shall have a width of not less than eleven (11) feet.
- 2.23 The keeping of livestock in a residential subdivision is allowed only on lots of fifteen thousand (15,000) square feet or larger with at least six thousand (6,000) square feet of lot area for each animal. No livestock shall be corralled or stabled within seventy-five (75) feet of the residence of any person other than the owner nor shall such confinement facilities be located in the front or side yard. Grazing of livestock shall be limited to the side and rear yards.

2.3 Development siting dimensions.

2.31 Projections into required yards:

- A. A paved terrace shall not be considered in the determination of yard sizes or lot coverage, provided, however, that such terrace is unroofed and without walls, parapets, or other forms of enclosure. Such terrace, however, may have an open guard railing not over three (3) feet high and shall not project into any yard to a point closer than three (3) feet from any lot line.

- B. In all zones which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty-three (33) feet from the intersection of the street right-of-way lines.
- C. An enclosed, one-story porch, even though roofed over, may project into a required front yard a distance not to exceed six (6) feet, but shall not extend into any required side yard. Such porches shall be included in the determination of lot coverage.
- D. Any enclosed porch or one having a solid foundation and capable of being enclosed shall be considered a part of the main building in the determination of the size of yard or lot coverage.
- E. The space in any required yard shall be open and unobstructed, except for the ordinary projections of chimney flues, outside stairways and balconies, open lattice and other architectural features, provided such features shall not project further than three (3) feet into any required yard, and provided further that in no case shall such projections be nearer than five (5) feet to the property line. Window sills, belt courses, cornices, eaves and other architectural features which occur at least seven (7) feet above grade may encroach three (3) feet into side yards and in no case nearer than three (3) feet from the property line.
- F. Bay windows, including their cornices and eaves, may project into any required yard not more than three (3) feet, provided the sum of such projections on any wall does not exceed one-third (1/3) the length of the wall and provided further that in no case shall such projections be nearer than five (5) feet to the property line.
- G. Mechanical equipment, such as air conditioners, may be constructed within any yard in conformance with this Code, provided that in no case shall said mechanical equipment create an open side yard area of less than five (5) feet. This open clear area extends from the front of the structure to five (5) feet beyond the rear of the structure.

2.32 Projections above building height limits:

- A. The height limitations of this Code shall not apply to church spires, belfries, cupolas, penthouses and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, similar features and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.
- B. The provisions of this Code shall not apply to prevent the erection above the building height limit of a parapet wall or cornice (without windows) extending above such height limit not more than five (5) feet.
- C. The height limitations of this Code for buildings shall not apply to wireless communications facilities mounted on buildings as provided for in Article VIII.

(Ord. No. 1051, § I, 7-29-97)

2.33 Separation of buildings:

- A. Where district regulation permit, more than one (1) building for institutional, hotel, motel, or residential purposes may be located upon a lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
 - B. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for institutional, hotel, motel, or residential purposes, there may be more than one (1) main building on the lot; provided however, than open space between the buildings that are parallel, or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one-story building, thirty (30) feet for two-story buildings, and fifty (50) feet for buildings of greater height.
 - c. For purpose of the side yard regulations, a two-family or multi-family dwelling shall be considered as one (1) building, occupying one (1) lot.
 - D. Within any Multi-Family Residence District the least dimensions of a yard upon which the principal entrances or exits of a multi-family dwelling face shall be twenty (20) feet.
- 2.34 Attached carports and garages shall observe the same minimum yard requirements as the main building on the lot, except that one enclosed storage room may be erected within an open carport existing at the time of adoption of this Code, provided the side dimension of said storage room parallel or approximately parallel to a side lot line shall not exceed ten (10) feet and provided further, that there shall be no entrance between the storage room and the main building.

2.35 Detached accessory buildings in all Residence and C-I Districts shall be placed in the required rear yard and shall conform to the following:

- A. On a through lot, no detached accessory building or swimming pool shall be erected or altered so as to encroach upon the front yard required for the lot at the nearest street, nor shall such building be closer to a side line than that required for a main building in that district.
- B. On a corner lot contiguous to a key lot, no detached accessory building shall be erected or altered so as to come closer to the street side of the corner lot than the front yard required key lot, provided, however, such accessory building need not be farther from the street side property line than one-half the width of the corner lot.
- C. On any other corner lot, no detached accessory building shall be closer to the side street property line than a distance of fifteen (15) feet.
- D. No detached accessory building shall be nearer to the side line of the front half of any adjoining lot than a distance equal to the width of the side yard required on the lot on which such accessory building is located.
- E. No detached accessory building designed or used for sleeping or living purposes shall be closer to any line than is required for a dwelling unit on the same lot.

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- F. Notwithstanding any of the requirements of this Section, the foregoing regulations shall not require that any detached accessory building shall be more than seventy-five (15) feet from any street line bounding the lot.
- G. Any detached accessory building not in the rear one-third (1/3) of the lot shall maintain such yards as are required for a dwelling unit on the same lot.

2.36 *Courts and open spaces:* When a court or open space is more than fifty (50) percent surrounded by a building used for sleeping or living purposes, except a single-family dwelling, the minimum width of the court or open space shall be as follows:

Height of Building	Width of Court
One Story	20 feet
Two Stories	30 feet
Three Stories	40 feet
Four or More Stories	50 feet

2.4 Fencing.

2.41 The following fencing requirements shall apply to the various residential zoning districts and the C-1 neighborhood commercial district as shown below:

- A. *RI-20 through R-2 residential districts and C-1 commercial district.* Except as provided for herein, no fence or freestanding (not supporting a building or structure) wall within or bounding the front yard shall exceed a height of three (3) feet; and no side yard or rear yard shall exceed a height of six (6) feet; provided however, that in RI-20 through R-2 residential districts, the height of walls shall be varied from six (6) to (8) feet and the walls shall be staggered a minimum five (5) feet horizontally at points no longer than two-hundred and fifty (250) foot sections, upon arrival of the Building and Code Enforcement Department.
Open wire fences exceeding the above heights may be constructed around schools and other public or quasi-public institutions when necessary for the safety or the restraint of the occupants thereof.
- B. *Single lots in R143 and RI-35 residential districts.* Except as herein provided, for lots on the RI-43 and RI-35 residential districts, open fencing shall be allowed to a maximum height of six (6) feet across the frontage of the lot from lot line to lot line. Within the front yard of the lot for a distance equal to the minimum lot width, (said terms to be as defined in this Code) the maximum height shall be limited to three (3) feet. Further, for any fence greater than three (3) feet in height constructed within the required front yard setback, the minimum length of the fence as measured along the lot frontage shall be greater than twenty-five (25) feet.
- C. *Multiple lots under single ownership in the R 143, R 1-35 and RI-20 residential districts.* For one or more contiguous lots in the RI-43, RI-35 and RI-20 residential districts having the same owner or ownership, shall be allowed. Individual lot fencing shall be required before

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issuance of an occupancy permit for the dwelling unit.

- D. *Prohibitions.* In all residential zoning districts, the use of barbed wire or razor wire is prohibited in those areas which front onto Town streets or roads.
- E. *Landscaping Plan.* As a part of the landscaping plan, a master fencing schematic for the development shall be included. This will show the typical location of proposed fences on all interior, corner, and cul-de-sac lots within the development, as well as the various materials and designs that are to be used in the fence construction. A minimum of one elevation up to a maximum of three (3) elevations may be submitted for approval by the Planning Department. If more than one design and/ or type is desired, approval will be based on compatibility between the different types of fencing. At such time as building permits are required, the building Department shall make available copies of the fence location and type of materials and elevations to be used by the builders, as shown and approved on the landscaping plan. Upon completion of construction, final inspection shall take place.

(Ord. No. 1248, § 1,02-15-00)

- 2.42 Limited access gates may be permitted in the Town on non-public streets in accordance with Town policy. A fee, as indicated on the Fee Schedule posted in Town Hall, shall be paid at the time of application. No limited access gate shall be permitted without approval of the building official.

2.5 Swimming pools.

- 2.51 All swimming pools shall be enclosed by walls of a single-family residential building or by a solid wall or a chainlink or wrought iron fence not less than five (5) feet nor more than six (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 four (4) inches in diameter from passing through or under the fence or gate.

Exception: 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 eighteen (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.

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.

Exception: Double width gates which are not the sole means of ingress and egress shall not be required to be self-closing and self-latching but must be padlocked at all times when not being used.

- 2.52 In any residential district, private swimming pools shall be located in the side or rear yards and shall not be any closer than three (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 five (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 three (3) feet in the side or rear yard, or five (5) feet in the street side yard.

- 2.53 In any district other than those above, a private swimming pool or a semi-public swimming pool shall not be closer than seven (7) feet to any property line, except that in the case of a corner lot, a swimming pool shall not be closer than ten (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 fifty (50) percent surrounded by a building, the same shall be subject to the grant of a Use Permit as hereinafter provided.
- 2.54 No public swimming pool shall be located closer than twenty-five (25) feet to any lot line on the lot on which it is situated.
- 2.55 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 eighteen (18) inches.

2.6 Specified uses.

- 2.61 Automobile service stations shall be subject to the approval of a Use Permit. (See Section 10.23 for Service Station Design Standards.)

No Use Permit shall be required for existing stations; where existing stations are to be reconstructed, the Board of Adjustment may vary the specific requirements contained in Section 10.23 in the approval of the Use Permit. Installation of landscaping and relocation of driveways shall not constitute reconstruction.

- 2.62 Automatic full service carwashes shall be subject to the approval of a Use Permit by the Board of Adjustment with the following regulations:
- A. Said carwashes may be specifically authorized to sell gasoline at retail, to cars utilizing the carwash.
 - B. The gas pumps shall be screened from view from the abutting streets and alleys and from adjoining properties by a five-foot minimum height masonry wall and appropriate landscaping.
 - C. The locations of the driveways, walls, landscaping, and building shall be so arranged as to minimize traffic disruptions and to prohibit use of the pumps for cars not utilizing the carwash.
- 2.63 *Abandoned or junk vehicles:* All abandoned or junk vehicles, or vehicles while being repaired or restored, shall be stored in an enclosed area by the owner or occupant of the property upon which vehicle is located, in such a manner as to not be visible from any point lying without the property which abandoned or junk vehicle is stored or parked.

2.64 Temporary residential sales offices for the sale of homes being constructed on the premises are permitted for a period not exceeding twelve (12) months. Extensions of this time require approval by the Board of Adjustment. The residential sales office is subject to the following conditions:

- A. Prior to use of the premises as a temporary residential sales office, a temporary occupancy permit shall be obtained from the Building Inspection Director.
- B. Prior to the sale of any dwelling that has been used as a temporary residential sales office, the dwelling shall be restored to comply with all applicable Codes and Ordinances, and final approval obtained from the Building Inspections Department.

2.65 A Sexually-Oriented Business must comply with all of the following conditions:

- A. Sexually-oriented businesses shall be located only in the C-2, 1-1, 1-2 and 1-3 Zoning Districts.
- B. No sexually-oriented business shall be located within one thousand (1,000) feet of any other sexually-oriented business.
- C. No sexually-oriented business shall be located within five hundred (500) feet of an establishment having an Arizona Spirituous Liquor License with any of the following classifications; Bar License (Series #06), or Beer and Wine Bar License (Series #07), or the equivalent of any such license.
- D. No sexually-oriented business shall be located within one thousand (1,000) feet of a public or private school, public or private day care center, a church or a park used by the public for recreational purposes.
- E. No sexually-oriented business shall be located within five hundred (500) feet of a hotel, motel, or boarding house that has fewer than forty (40) sleeping rooms.
- F. No sexually-oriented business shall be located within one thousand (1,000) feet from the boundary of any residential zone, or within one thousand (1,000) feet from any single or multi-family dwelling.
- G. Sexually-oriented businesses must comply with Town Code Article 6-8 Sexually Oriented Businesses.

2.66 A mobile home shall not be considered a dwelling nor occupied as such unless located in a trailer park, mobile home park, or mobile home subdivision, except the Planning and Zoning Commission and Common Council may approve a Permit to authorize the use of a mobile home as a dwelling for a caretaker or watchman and his family employed on the premises in a commercial or an industrial zoning district. An unoccupied manufactured home may not be stored on any residential lot. The storage of any unoccupied recreational vehicle is allowed on a residential lot.

2.67 Group homes for the handicapped are permitted in all single-family zones (Zones AG, RI-43, RI-35, RI-20, RI-I5, RI-IO, RI-B, RI-7, RI-5) and multi-family zones (R-2,R-3, R-4, R-TH) and other zones as specified by the Unified Land Development Code, so long as such homes are in compliance with the following conditions:

- A. A maximum of ten (10) residents per home, not including staff.
- B. No sign, graphics, display or other visual means of identifying the group home shall be visible from a public street.
- C. Compliance with all applicable building and fire safety regulations. If a group home has one or more non-ambulatory residents, building code requirements apply in addition to those applicable to group homes with no non-ambulatory residents.
- D. A separation between such homes of a minimum of one-thousand two-hundred (1,200) feet for the purpose of main-streaming handicapped residents into the surrounding neighborhood.
- E. Evidence of any license, certifications, or registration required for the group home by a state or federal agency.
- F. Registration with the Gilbert Department of Community Development.
- G. Large and/or multiple trash receptacles not usually found in the residential area shall be blocked from public view.
- H. No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

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, or an adult care home pursuant to A.R.S. 36-448.09, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

ARTICLE III. SIGNS

3.1 Purpose and Intent

The purpose of the sign regulations is: to establish comprehensive provisions that will assure proper and efficient expression through visual communications involving signs compatible with the character and environment of the Town; to eliminate confusing, distracting, and unsafe signs; and to enhance the visual environment of the Town of Gilbert. The regulation of signs within the Town of Gilbert is necessary and in the public interest for the following reasons:

- A. To promote and aid the public and private sectors in the identification, location, and advertisement of goods and services
- B. To preserve the beauty and the unique character of the Town of Gilbert and to protect the Town against visual blight;
- C. To protect property values within the Town of Gilbert by assuring the compatibility of surrounding land uses;
- D. To promote general safety and protect the general public from damage or injury caused by, or partially attributed to, the distractions, hazards, and obstructions which result from improperly designed or located signs;
- E. To promote the general welfare and to provide a pleasing environmental setting and community appearance which is deemed vital to the continued economic development of the Town;
- F. To make signs compatible with the overall Town design objectives which are considered important in attracting new residents and business to the community;
- G. To make signs readable to the user in a clear, unambiguous, and concise manner;
- H. To ensure signs are clear and compatible with the planned character of the adjacent architecture and neighborhoods, and to provide the essential identity of, and direction to facilities in the community.

3.2 General Sign Regulations

3.21 Requirement of Permit:

It shall be unlawful 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 this Article. Signs shall remain in compliance with this Article and all applicable building codes and regulations. Where signs are illuminated electrically, a separate electrical permit shall be obtained.

3.22 Requirement of Conformity

No sign shall be installed, placed, or maintained in the Town except as provided by this Article. If provisions of this Article are in conflict with any other Town code, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this Article are declared to be nuisances, and

may be abated as provided by law.

3.23 Sign Permit Application

Application for a sign permit shall be made on forms provided by the Town. The application shall contain the location by street and number of the proposed signs, as well as the name and address of the business owner and/or the sign contractor. Two (2) copies of plans and specifications shall be submitted with the application for each sign. One (1) copy will be returned to the applicant at the time the permit is issued. The submitted plans and specifications shall include, at a minimum, the following information:

- A. A plot plan showing location of the sign on the premises and position of such sign and its relation to adjacent buildings or structures;
- B. A plan/ document depicting the design, size, material, and colors of the sign(s), method of support or attachments, method of illumination, and the location on the premises of such signs or sign structures, as well as the name and address of the persons or firm designing said sign;
- C. A plan depicting the size, dimension, and location of existing on-premise freestanding signs, as well as any existing permanent wall/window sign relating to the particular business making such application;
- D. A permit fee, as established by resolution of the Town Council; and such other information as the Planning Director, or Code Enforcement Administrator, or his/her designee may require showing full compliance with applicable provisions of this Article and all other related codes of the Town.

3.24 Signs Not Requiring a Sign Permit:

- A. Signs erected by governmental entities are exempt from provisions of this Article.
- B. The following signs may be erected, constructed, affixed, or placed without a sign permit upon compliance with the following requirements:
 - 1. One customary identification sign per building entrance not to exceed six (6) square feet, which indicates name, type of business, and/ or hours of operation, attached to or painted on a window, door, or building area next to the main entrance, or on a vehicle door;
 - 2. Residential real estate signs not to exceed six (6) square feet in area, nor six (6) feet in height. Signs are allowed only on the property offered for sale or lease with no more than one sign per street frontage. Said signs shall be removed from the site no later than five (5) days after the sale or lease of property;
 - 3. Political signs not to exceed sixteen (16) square feet on residential property and thirty two (32) square feet on non-residential properties. The height of the sign shall not exceed six (6) feet. No political sign shall be placed in the right-of-way or in any location or manner to block visibility to any roadway or property. Political signs shall be

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removed no later than ten (10) days following the election;

4. Ideological signs not to exceed twenty (20) square feet in area, nor six (6) feet in height;
 5. Garage and yard sales signs may only be used during the hours the sale is being conducted. Such signs shall not exceed six (6) square feet in area, nor six (6) feet in height. No more than three (3) off-site temporary signs may be erected. Signs shall only be placed on private property and shall not be placed on any right-of-way sign or fixed structures such as light poles, traffic signals, or any other roadside structures. The property owner shall be responsible for removal of signs at the end of the sale;
 6. Grand opening, quarterly, and seasonal sales signs or banners, subject to the issuance of an Administrative Use Permit. These signs shall only be indicative of the new business or service;
 7. Holiday signs for a period, thirty (30) days before Thanksgiving and no later than five (5) days after New Year's Day;
 8. Holiday decorations for commercial establishments, provided that such decorations are displayed for a period of no more than 45 consecutive days;
 9. Boutique signs, provided that no more than three (3) off-site temporary signs are used. Signs may only be used during the hours that the boutique is open. Placement criteria and all other applicable Sign Code restrictions shall apply;
 10. Interior signs inside a building displayed no closer than three (3) feet from the window area;
 11. Permanent off-site directional signs identifying the location of or direction to governmental facilities;
 12. Contractor, sub-contractor, or construction signs limited to one (1) sign no greater than thirty-two (32) square feet in area in commercial and industrial properties.
 13. Small portable signs are permitted in the Heritage District, subject to guidelines adopted by the Redevelopment Commission.
- C. Maintenance of legal signs with same material shall not require a permit. Maintenance shall be defined as the replacing or repairing of a part or portion of a sign, made unusable by ordinary wear, tear, or damage beyond the control of the owner, with the same material, color, and design. Maintenance of legal signs does not include changing the color, size, design, or style of signs.
- D. Flagpoles not to exceed one and one-half (1.5) times the allowed building height in any zone. A valid building permit shall be required for flagpoles. The sign provisions of this Article shall not apply to flags, or insignias of any nation, state, county, city, or other political unit.
- E. Bus Shelter Signage. Notwithstanding the provisions of Subsection 3.26E of this Article regarding signs in the public right-of-way, signing in conjunction with bus shelter facilities

as approved by the Town of Gilbert and 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 all bus shelter design requirements as specified by the Town Engineer, in coordination with the governmental agencies as appropriate.

3.25 Required Signs

Every residential dwelling unit, visible from streets, shall be identified by a street number. Also, every non-residential building or group of buildings shall be identified by a street number, visible from adjacent streets, not to exceed three (3) square feet in area. This sign shall not be counted as a part of the total sign area permitted for said building or groups of buildings and shall not require a sign permit.

3.26 Prohibited Signs

All signs not expressly permitted by this Article shall be prohibited, except signs that are less than six (6) square feet in area shall be exempt from the requirements of this provision:

- A. The parking of a vehicle, trailer or other device marked or unmarked which is parked in such a manner that it is used as a portable sign is prohibited.
- B. A flashing or animated sign or signs with an intermittent or varying intensity of artificial illumination is prohibited, whether deliberate or as a consequence of a defect in the sign or the illumination source. Except for limited non-commercial copy change signs such as time, date, and temperature.
- C. No sign shall be allowed which advertises activities that are illegal under Federal, State, or local laws, rules, or regulations.
- D. No sign shall be erected, attached, or painted upon fences, rocks, or natural features.
- E. With the exception of bus shelter signage, as provided in Section 3.24E of this Article, no sign shall be erected, attached, or painted upon any object within the right-of-way. This shall include all street signs, telephone poles, utilities and/or fences around utilities, and/or any other object or structure of this type.
- F. Murals, artistic statues, architectural features such as decorative awnings, and corporate color background shall be considered signage unless approved by the Design Review Board and/ or staff as part of an approved architectural design.
- G. Except as permitted in Section 3.24(B)(13), portable signs are prohibited. Such signs are subject to confiscation if placed in the right-of-way or on other Town property.
- H. Change panel signs are prohibited except for those signs as described in Sections 3.61A and 3.71D of this Article.
- I. Signs projecting above a roofline or mounted on a roof are prohibited.
- J. Billboards are prohibited.

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K. Wall-mounted cabinet signs exceeding six (6) square feet in area are prohibited, unless:

1. Such sign is approved by the Design Review Board as part of a sign package, and
2. Such sign does not exceed the permitted wall sign area, and
3. Such sign:
 - i. Utilizes a cabinet that is stylized in shape, rather than rectangular, to reflect the shape of the image printed on the sign face, or
 - ii. Utilizes a molded sign face, with embossed copy or sign copy or sign copy in relief, or
 - iii. Utilizes a nationally registered trademark with colored sign copy on a colored background.

L. Exposed raceways for individual letters are prohibited.

M. Pole signs are prohibited.

3.27 Non-Conforming Signs

Non-conforming signs may receive reasonable repairs and alteration to the face, color, letters, and frame of such signs. Nevertheless, if a non-conforming sign remains with or without copy, which no longer advertises a current use for a period of ninety (90) days, it shall be deemed abandoned, and shall be subject to removal by owner or responsible party after sufficient property owner notice. Additionally, if a non-conforming sign is changed structurally; or is damaged by fire, lack of maintenance, or other causes, to the extent of more than fifty-percent (50%) of its reproduction value; or is temporarily or permanently removed by any means, including "an act of God", then such sign shall be rebuilt or repaired only in conformity with the provisions of this Article.

In the event of a change or modification to the property that results in new or additional signage, all non-conforming signs shall be removed or rebuilt in conformity with the provisions of this Article. Nothing herein shall prevent the replacement of sign faces on a non-conforming Sign.

3.28 Special Districts

Special districts, as established by the General Plan, or a specific plan, or by ordinance now or in the future, may have specific requirements applicable to such districts, which are different from those set forth in this Article. Such specific requirements shall apply to all signs in such special districts. If the special district does not have specific requirements, the requirements of the general district outlined in this Article shall apply.

3.29 NO DISCRIMINATION AGAINST NON-COMMERCIAL SIGNS

Any permitted sign may contain a non-commercial message.

3.3 Sign Criteria

3.31 Design Of Signs

All signs shall be fully integrated with the design of the building and the site development, reflecting the architectural style, building materials and colors, and landscape elements of the project. Signs shall consist of durable materials resistant to the local elements and ambiance.

The means of integrating freestanding signs with the architecture of the building shall be achieved through replication of architectural features, colors, building materials, texture, and other elements found in the building design, as established by the Design Review Board and/or Staff.

Integration shall also include the use of graphics that are consistent in terms of lettering style, color, and method of attachment as used for wall-mounted signing found on the building.

In no case shall any such sign be secured with wires or strips of wood which are visible and not as an integral part of the sign. Nonstructural trim may be of wood, metal, approved plastic or any combination thereof.

3.32 Placement of Signs

- A. Signs are prohibited on public properties, including rights-of-way, and are subject to immediate removal. No person, firm, or corporation shall erect or cause to be erected any sign in such a manner that would project over any public sidewalk, street, alley, or public place without consent of the Town Council.
- B. No sign or structure shall be erected in such a manner that any portion of its surface or supports will obstruct any door, fire escape, stairway, or any opening, exit, or standpipes intended to provide ingress or egress to or from building or structure.
- C. The lowest portion of any sign, which extends over an area intended for pedestrian use shall not be less than eight (8) feet above the finished grade below the sign. The lowest point of any sign, which extends over an area intended for vehicular use shall not be less than fourteen (14) feet above the finished grade below the sign.
- D. A sign shall not be placed on any property without written consent of the owner or owner's authorized agent.
- E. No part of a sign may protrude into the specified sign setback.
- F. No sign shall obstruct traffic by obstructing the vision of motorists as determined by the Traffic Engineer.
- G. No sign shall be erected or attached to any vehicle except for signs painted directly on the surface of the vehicle. The primary use of such vehicles shall be in operation of the business and not advertising or identifying the business premises. Unless parked in a designated parking space, the vehicle shall not be parked in the right-of-way.

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3.33 Maintenance of Signs

Maintenance shall be defined as the replacement or repair of a part or portion of a sign, resulting from the ordinary wear, tear, or damage beyond the control of the owner, with the same material, color, and design. It shall be unlawful for any person to maintain or permit to be maintained on any premise owned or controlled by said person any sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety, or a visual blight. Any damaged, deteriorated, or weakened component, shall be promptly repaired or replaced. Surface materials shall be kept free of chipping, peeling, fading, or rusting detectable from beyond the lot boundaries. Components constructed of natural or artificial materials shall be free of cracks, holes, buckles, warps, and splinters detectable from beyond the lot boundaries. Maintenance requirements for electrical signs and electrical systems include, but are not limited to, prompt removal and replacement of all defective bulbs, fluorescent tubes, neon or other inert gas light segments, damaged or deteriorated electrical wiring, and malfunctioning control devices and related circuitry. Any sign in violation of this section shall be removed or repaired by the owner or lessee of the sign or the owner or lessee of the premises.

3.34 Lighting and Movement

Illumination of signs shall meet all requirements of the Unified Land Development Code Subsection 11.22A

Except for flags and copy change signs as allowed by this Article, any flashing, blinking, reflective, animated, or rotating lights, exposed neon or similar tube type illumination, bare incandescent, fluorescent, metal halide, or high or low-pressure sodium light bulbs, 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 either permanent or temporary signs. In no event shall mercury vapor light sources be used. Also, there shall be no movement of the sign body or any segment thereof.

In the Heritage District, signs with internal illumination box cabinet type signs shall be prohibited. Appropriately sized exposed neon tube type illumination may be considered within the Heritage District subject to the approval of the Redevelopment Commission and Design Review Board.

3.4 Real Estate Signs

Real estate signs (including for sale, for rent, or for lease) are allowed in any district, subject to the following requirements:

- A. Real estate signs are allowed only on the property which is offered for sale. Off-site real estate signs are not allowed (except those approved in residential builder sign packages and which have a valid Administrative Use Permit).
- B. Real Estate Signs of six (6) square feet and less than six (6) feet in height do not require a permit.
- C. Residential subdivisions and non-residential properties are allowed one on-premise sign per street frontage. Said sign shall be no larger than thirty-two (32) square feet in area. The highest portion of such sign shall not be greater than eight (8) feet above the finished grade. A sign setback of ten (10) feet behind the property line is required.
- D. Sign permits are valid for one year from the date of the issuance or the sale, rental, or lease of

given property, whichever is shorter.

- E. Residential real estate open house signs are allowed, up to three small off-site signs not to exceed six (6) square feet in size, and must be placed on private property. Placement of signs on public land, including rights-of-way is prohibited. Such signs shall be used only during the hours that a real estate agent is at the residence offered for sale.

3.5 Residential

The following regulations shall apply to the zoning districts of AG, RI-43, RI-35, RI-20, RI-10, RI-8, RI-7, RI-6, RI-5, R-2, R-3, R-4, R-TH, and R-CH. A sign package for a residential planned area development (pAD) or approved subdivision shall be required for review and approval by the Design Review Board prior to the issuance of a sign permit.

3.51 Permanent Signs

- A. Single-Family residences: For identification purposes, each residence is allowed only residential name and number plates identifying the residence address or its occupant, or both, not to exceed three (3) square feet in area.
- B. Residential Subdivision Entryway Signs: Driveway entrances to single-family and multi-family residential subdivisions may have a maximum of one (1) sign on each side of the entryway for a total of two (2) signs for each entryway, subject to the following regulations:
- C. The aggregate area of the signs shall be a maximum of fifty (50) square feet, not to exceed 25 square feet in area on each side entry. The signs shall not exceed six (6) feet in height, and shall not be located closer than three (3) feet behind the right-of-way line. Such signs may be incorporated into the design of the entry wall and shall be architecturally compatible with the entry wall and other prominent structures on the site. The area of the sign shall be calculated based on the aggregate area or size of the lettering for each sign.

Height (H) x Length (L) = 25 square feet (maximum sign area)



3.52 Temporary Signs

A builder's Sign Package shall be required for each subdivision within the Town of Gilbert. Builder's Sign Package shall conform with the following standards and requirements, and shall be subject to the approval of an Administrative Use Permit and issuance of a Sign Permit both of which may be valid for a period of one year from the date of the issuance. The builder's Sign Package is available only for homebuilders who are building within the current boundaries of the Town of Gilbert.

- A. On-Site signage: Each package allows a maximum of one hundred and fifty (150) square feet of on-site signage. This allotment covers all on-site signage including, but is not limited to the main builder identification sign, model complex signs, directional signs, welcome

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signs, real estate signs, banners, awnings, and flags, as well as other types of pennants and attention devices of any kind.

1. All on-site signs, twenty-four (24) square feet in area or larger, must have a setback of at least ten (10) feet from the right-of-way. Signs that are less than twenty-four (24) square feet in size must have a setback of at least five (5) feet from the property line. No signage or structure of any kind will be allowed in the right-of-way.
 2. Builder's Attention Flags are allowed. The total aggregate area of flags shall be subtracted from the allowed signage area. Flags shall not exceed fifteen (15) feet in height and shall maintain a minimum spacing of forty (40) feet between the flags. Flagpoles must have a minimum setback of five (5) feet behind the property line.
- B. **Off-Site Signage:** A maximum of two (2) off-site directional signs are allowed, not to exceed thirty-two (32) square feet in area nor eight (8) feet in height above grade, subject to the following requirements.
1. Signs may be located on undeveloped street intersections with a minimum spacing of fifty (50) feet between signs, regardless of the sign ownership;
 2. Signs must have a minimum setback of ten (10) feet behind the right-of-way;
 3. Written permission of the property owner is required for all sites prior to the issuance of a permit. Said permission shall indicate the time span of the permit;
 4. Signs must be maintained during the life of the permit. Any sign that is damaged in any manner including damage from storms, normal wear and tear, or incidental damage must be repaired, replaced, or removed;
 5. Signs must remain in the original condition as when the permit was issued. Standard upgrades or changes limited to prices and/or phone numbers will be allowed with an existing valid permit.
- C. **Weekend Directional Signs:** A total of fifteen (15) weekend directional signs, not to exceed three (3) square feet in size nor four (4) feet in height, may be installed subject to the following regulations and placement criteria.
1. An Administrative Use Permit shall be required for the display of weekend subdivision directional signs. Such Administrative Use Permit shall be valid for one (1) year or until all lots in the subdivision have been sold, whichever occurs first. The display of weekend subdivision directional signs in violation of these provisions shall result in immediate revocation of such Administrative Use Permit.
 2. Off-site Weekend Directional Signs shall be located within a two- (2) mile radius of the subdivision.
 3. Following the issuance of an Administrative Use Permit, signs shall be installed no earlier than 6:00 p.m. on Friday of each week and shall be removed no later than

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8:00 a.m, on the following Monday. Signs shall be installed no earlier than 6:00 p.m. preceding any commonly recognized U.S. holiday and shall be removed by 8:00 a.m. the day following the holiday or Monday if the holiday fell on a Friday.

4. Signs shall be constructed of heavy duty, weather-resistant material, such as laminated paper, plastic foam core, or other similar material. Placement stakes must be of wood and no larger than 1.5" x 1" in size.
5. No sign shall be allowed that by shape, color, or design mimic, copy, or could be construed to represent road signs, or any other traffic control signs. This includes stop signs, yield signs, turn arrows, barricades, and other similar devices.
6. The back of each individual sign must contain in clear, legible form the current Administrative Use Permit number, the builder's name, as well as the sign company's name and phone number in letters at least one (1) inch in height.
7. No sign shall be placed within the center median of any roadway or within ten (10) feet of the pavement edge of any roadway where no curb exists; or within two (2) feet of the curb edge where curbing exists.
8. No sign shall be attached to or placed closer than three (3) feet from any existing features, including fire hydrants, light and street poles, traffic signs, benches, trees, or any other existing features.
9. Individual signs for the same permit or builder shall be located a minimum of forty (40) feet from any other sign issued. No more than five (5) of these same signs shall be located within five hundred (500) linear feet on the same street in the same direction of traffic flow.
10. No signs, regardless of the ownership of subdivision or builder, shall be located within forty (40) feet of any other Weekend Directional Sign.
11. No weekend directional sign shall be placed on any property without the written permission of the owner or other persons in control of the property.
12. The use of weekend directional signs is prohibited for any builder, subdivision, or any other use not occurring within the current boundaries of the Town of Gilbert.

3.6 Public and Quasi-Public

A public or quasi-public use includes places of worship, schools, public utility companies, libraries, government buildings, parks, public golf courses, and similar entities. Quasi-public uses are allowed to display signs, subject to the following regulations. Quasi-public uses located in non-residential zoning districts are allowed to display signs in conformance with each zoning district's sign regulations and standards. The signage for quasi-public uses shall be reviewed and approved by the Design Review Board and/ or Staff prior to the issuance of a sign permit.

3.61 Permanent signs

- A. One (1) on-premise free standing monument sign per major street frontage. The monument sign

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shall not exceed forty (40) square feet in area nor six (6) feet in height, and shall maintain a set back of no less than three (3) feet from the right-of-way. For places of worship, the monument sign may include changeable panels.

- B. One (1) wall sign per street frontage or main entrance whose sign area shall not exceed twenty five (25) square feet.
- C. Interior directional signs shall not exceed three (3) square feet in area nor three (3) feet in height, and shall have a set back of no less than twenty-five (25) feet from the right-of-way.

3.62 Temporary signs

The following temporary signs are allowed subject to the issuance of an Administrative Use Permit:

- A. **Grand opening Banners and Non-Rigid Signs:** Canvas signs, banners, advertising flags, pennants, streamers, garlands, whirly-gigs and similar devices are permitted, up to thirty-two (32) square feet in area, only for the initial opening of a new use, new occupancy, or new proprietor or management. Temporary Use Permits shall be valid for a maximum period of sixty (60) consecutive days or until permanent signs are installed, whichever occurs first.

B. Other Signs:

1. Developed buildings and/or building pad uses are allowed up to thirty-two (32) square feet of sign area, not to exceed six (6) feet in height, and shall be displayed for a period not to exceed sixty (60) days per year.
2. Undeveloped sites are allowed up to thirty-two (32) square feet of sign area and no more than six (6) feet in height for temporary uses.

3.7 Commercial/Office

The following regulations shall apply to the following zoning districts: N-S, NCC, C-1, C-2, PSC-1, PSC-2, E-R A sign package for a commercial/ office complex with multiple tenants and/ or building pads shall be required to receive the Design Review Board approval for design and placement of signs prior to the issuance of any sign permit.

The signage for a commercial/office complex with a single tenant/use shall be reviewed and approved by the Planning Department prior to the issuance of a sign permit, unless the Planning Department, at its discretion, refers the application and sign plan to the Design Review Board for approval.

3.71 Permanent Signs

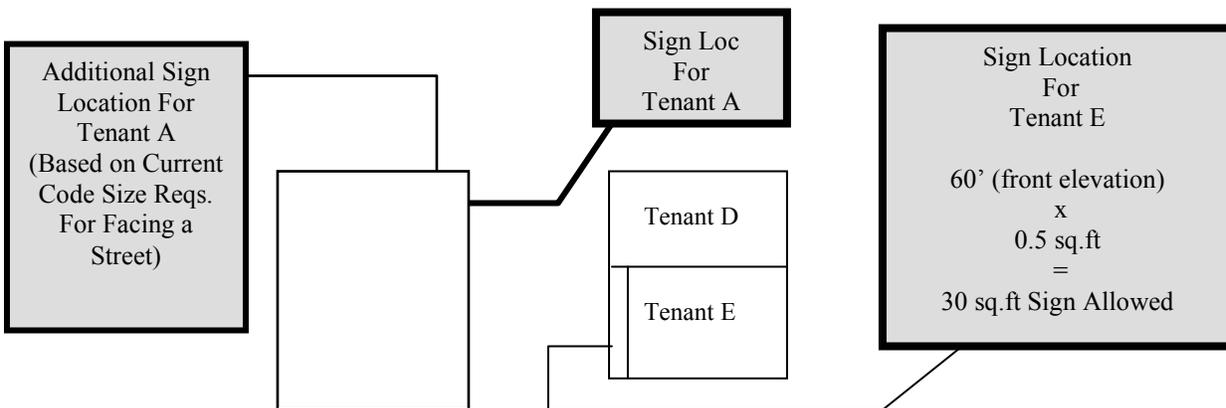
Signs shall comply with the approved sign package and shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project. Signs shall consist of durable materials resistant to the local elements and ambiance.

A. Wall Signs

1. One-half (.5) square feet of sign area shall be allowed for each linear foot of building street frontage unless the building setback is in excess of seventy-five (15) feet from the right-of-way line. For buildings whose minimum setback is more than seventy-five (15) feet from the right-of-way line, one and one-half (1.5) square feet of sign area for each linear foot of building street frontage.
2. The sign shall fit proportionally with the overall building mass and design, as well as the individual tenant's space. The length of the sign shall not exceed more than 80% of the individual business' front elevation.
3. Wall-mounted cabinet signs exceeding six (6) square feet in area are prohibited, except as provided in Section 3.26(K).
4. Individual pan-channel letters shall have bronze, black, or gold returns. Alternative style returns that coordinate with the sign design may be used subject to the approval of the Design Review Board
5. In a multi-tenant building or a building in a location where the front of the building does not face the public street, each tenant, suite, or building shall be allowed to display one-half (.5) square feet of sign area for each linear foot of the individual business' front elevation.
6. In a multi-tenant building or a building in a location where the front of the building does not face the public street, or the main public entrance is not facing the public street, but the side or rear of the building faces the public street, the tenant, suite, or building is permitted to display an additional sign along the building elevation that is facing the public street. The additional sign age shall adhere to the approved sign package and the size requirements of this Article for commercial uses facing a public street based on the setback of the building from the right-of-way line.

For example: Tenant "A": 40' (front elevation frontage) X .5 sq. ft. (signage allowed, per code) = 20 sq. ft. The sign shall be placed in front of each individual business' front elevation.

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B. Freestanding Signs

One (1) freestanding sign is allowed for up to the first three hundred (300) feet of street frontage. Additional signs may be allowed where a minimum separation of three hundred (300) feet between freestanding signs can be achieved regardless of the size of the signs or building setbacks, and regardless of whether the signs are on the same lot or on separate adjoining lots. Any deviation from the above-mentioned placement standard shall require the Design Review Board approval of an amended sign package.

1. Monument Signs

- a. For buildings whose minimum setback is less than seventy-five (15) feet from the right-of-way line, on-premise freestanding monument signs shall not exceed forty (40) square feet in area or six (6) feet in height. All freestanding signs shall be set back at least three (3) feet from any property line.
- b. For buildings whose minimum setback is at least seventy-five (15) feet from the right-of-way line, on-premise freestanding monument signs shall not exceed seventy-five (15) square feet in area or eight (8) feet in height. All freestanding signs shall be set back at least three (3) feet from any property line.

2. Tower Signs

In a commercial center, a tenant occupying one-hundred thousand (100,000) square feet or greater may have a tower sign as follows:

- a. Such sign shall identify the business and may be shared by other tenants in the center.
- b. Only one (1) sign per street frontage is allowed.
- c. The maximum area permitted for such a sign shall not exceed seventy-five (15) square feet.
- d. The maximum height of such sign shall be fifteen (15) feet.
- e. One-half (1/2) of such sign may be a change panel, subject to the Design Review Board approval.

The means of integrating freestanding signs with the architecture of the building shall be achieved through replication of architectural features, colors, building materials, texture, and other elements found in the building design, as established by the Design Review Board and/or Staff. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, color, and method of attachment as used for wall-mounted signing found on the building. In no case shall any such sign be secured with wires or strips of wood which are visible and not an integral part of the sign. Nonstructural trim may be of wood, metal, approved plastic or any combination thereof.

- C. Service Station Canopy Signs: Such sign may display only the company logo. The maximum number of signs per canopy shall be limited to two (2) signs, not to exceed six (6) square feet in area for each sign. No part of the sign shall project from a canopy wall a distance greater than

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five (5) inches. The sign shall be centered on the face of the canopy a minimum of three (3) inches from the top and three (3) inches from the bottom.

- D. Change Panel Signs: A change panel sign shall be used exclusively for the purpose of advertising dramatic or musical entertainment, motion pictures, special events, and convention activities which occur on the premises. Change panel price signs for gasoline stations or car wash facilities providing fuel shall only identify the current price(s) of fuel sold.
- E. Window Signs: In addition to the total sign entitlement, during the period of time that a sale of goods or services is being conducted, individual businesses may display a sale sign, without a sign permit, in a first floor window area or maximum six (6) feet behind the window area, provided that the area of such sign shall not exceed twenty-five (25) percent of the total window area. Permitted window signs shall be designed in terms of size, color, and format to inform pedestrian shoppers of temporary sales and other special events. Use of fluorescent and overly bright colors shall be prohibited.
- F. Directory Signs: One (1) sign for each five (5) tenants or uses shall be allowed, not to exceed forty (40) square feet in area nor eight (8) feet in height. All directory signs shall be set back at least twenty-five (25) feet from any right-of-way line. Such signs shall be used to guide pedestrians to individual businesses. Directory signs may be placed only on the premises. Such signs shall be erected only in internal pedestrian access areas, except for parking lots where they may be installed adjacent to vehicular access areas, provided their location has been approved by the Design Review Board or Planning Staff. Such signs shall be used only for the purposes of direction and identification. Directory signs may be non-illuminated, or illuminated internally or by indirect lighting.
- G. Interior Directional Signs: Such signs shall not exceed three (3) square feet in area nor three (3) feet in height and shall not include identification or advertising copy. The sign area for such signs shall not be included when calculating the sum total of sign area for a use. Such sign shall be limited to traffic directional arrow and copy to read "Enter" or "Exit" only. Such signs shall be located within the center or complex and shall not be placed in the required perimeter landscape setback.

3.72 Temporary signs:

The following temporary signs are allowed subject to the issuance of an Administrative Use Permit (see Article VII, Subsection 7.52):

- A. Grand Opening Banners and Non-Rigid Signs: Canvas signs, banners, advertising flags, pennants, streamers, garlands, wooly-gigs and similar devices are permitted, up to thirty-two (32) square feet in area, only for the initial opening of a new business, new occupancy, or new proprietor or management. Temporary banners and signs may be displayed for a period not to exceed sixty (60) consecutive days or until permanent signs are installed, whichever occurs first.
- B. Quarterly Sales Banners: Quarterly sales banners, such as special sales, lease/rental, now hiring are permitted, up to thirty two (32) square feet in area, for a period not to exceed thirty (30) consecutive days for every quarter. "Quarterly Sales" permits will be issued four (4) times per year with a sixty (60) day period between each event.

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- C. Seasonal Sales: Seasonal sales, which are related to a recognized or seasonal event, such as pumpkin and Christmas tree sales signs, are permitted, up to thirty-two (32) square feet in area, thirty (30) days prior to the holidays and shall be removed five (5) days after the holidays.

D. Other Signs:

1. Developed buildings and/or building pad uses are allowed up to thirty-two (32) square feet of sign area, not to exceed six (6) feet in height for temporary uses. The sign shall be displayed for a period not to exceed sixty (60) days per year.
2. Undeveloped sites are allowed up to thirty-two (32) square feet of sign area and no more than six (6) in height for temporary uses.

3.8 Industrial

The following regulations shall apply to the following zoning districts: I-B, 1-1, 1-2, 1-3. A sign package for an industrial/ office complex with multiple tenants and/or building pads shall be required to receive the Design Review Board approval for design and placement of signs prior to the issuance of any sign permit.

The signage for an industrial/ office complex with a single tenant/use shall be reviewed and approved by the Planning Department prior to the issuance of a sign permit, unless the Planning Department, at its discretion, refers the application and sign plan to the Design Review Board for approval.

3.81 Permanent signs:

Signs shall comply with the approved sign package and shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project. Signs shall consist of durable materials resistant to the local elements and ambiance.

- A. Wall/Window Signs: One half (.5) square foot of sign area per linear front foot of building. The sign must be placed on the side of the building from which the sign draws its allowed square footage.

The sign shall fit proportionally with the overall building mass and design, as well as the individual tenant's space. The length of the sign shall not exceed more than 80% of the individual business' front elevation.

In a multi-tenant building or a building in a location where the front of the building does not face the public street, each tenant, suite, or building shall be allowed to display one-half (.5) square feet of sign area for each linear foot of the individual business' front elevation. Each tenant or use is permitted a maximum of sixteen (16) square feet of sign area.

In a multi-tenant building or a building in a location where the front of the building does not face the public street, but the side or rear of the building faces the public street, the tenant, suite, or building is permitted to display an additional sign along the building elevation that is facing the public street. The additional signage shall adhere to the current size requirement of this Article for industrial uses facing a public street.

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Wall-mounted cabinet signs are prohibited, unless used as an accent and subordinate to the primary sign not to exceed six (6) square feet in area.

Individual pan-channel letters shall have bronze, black, or gold returns, or as approved by the Design Review Board.

- B. Freestanding Signs: One (1) on-premise freestanding monument sign is allowed per each street frontage, not to exceed fifty (50) square feet in area or eight (8) feet in height. All freestanding signs shall be set back at least three (3) feet from any right-of-way line.

The means of integrating freestanding signs with the architecture of the building shall be achieved through replication of architectural features, colors, building materials, texture, and other elements found in the building design, as established by the Design Review Board and/or Staff. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, color, and method of attachment as used for wall mounted signing found on the building. In no case shall any such sign be secured with wires or strips of wood which are visible and not as an integral part of the sign. Nonstructural trim may be of wood, metal, approved plastic or any combination thereof.

- C. Directory Signs: One (1) sign for each five (5) uses within a multi-tenant planned industrial development not to exceed forty (40) square feet in area or eight (8) feet in height. All directory signs shall be set back at least twenty-five (25) feet from any right-of-way.
- E. Interior Directional Signs: Such signs shall not exceed three (3) square feet in area nor three (3) feet in height, and shall not include identification or advertising copy. The sign area for such signs shall not be included when calculating the sum total of sign area for a use. Such sign shall be limited to traffic directional arrow and copy to read "Enter" or "Exit" only. Such signs shall not be placed within the required perimeter landscape setback.

3.82 Temporary signs:

The following temporary signs are allowed subject to the issuance of an Administrative Use Permit:

- A. Grand opening Banners and Non-Rigid Signs: Canvas signs, banners, advertising flags, pennants, streamers, garlands, wooly-gigs and similar devices are permitted, up to thirty-two (32) square feet in area, only for the initial opening of a new business, new occupancy, or new proprietor or management. Temporary Use Permits shall be valid for a maximum period of sixty (60) consecutive days or until permanent signs are installed, whichever occurs first.

B. Other Signs:

1. Developed buildings and/or building pad uses are allowed up to thirty-two (32) square feet of sign area not to exceed six (6) in height. The sign may be displayed for a period not to exceed sixty (60) days per year.
2. Undeveloped sites are allowed up to thirty-two (32) square feet of sign area and no more than six (6) in height for temporary uses.

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3.9 Appeals, Violations, Penalties and Enforcement

3.91 Appeals

Denial of a sign permit may be appealed to the Hearing Officer, appointed by the Town, by filing a written appeal within ten (10) days of denial of a sign permit. The Hearing Officer shall render his/her decision within fifteen (15) days of receipt of the written appeal.

3.92 Enforcement Officer

- A. *Authority.* The Code Enforcement Administrator is hereby authorized and directed to enforce all provisions of this Article in conformance with the regulations and procedures specified herein. The Code Enforcement Administrator or his/her designee shall have the authority to enforce violations of this Article and to make all inspections required ensuring such enforcement.
- B. *Board of Adjustment.* The Board of Adjustment shall provide for reasonable interpretation of the provisions of this Article

3.93 Civil Violations and Citation

Each day in which a violation of this Article continues, or the failure to perform any act or duty required by this Article or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

- A. A civil action for violations of this Article may be commenced by the issuance of a citation in the form approved by the Code Enforcement Administrator and filed in the Town of Gilbert Municipal Court. The citation shall direct the responsible party to pay a fine of \$50 within ten (10) days of the issuance of the citation, or to appear before the Town of Gilbert Municipal Court Judge.
- B. Any civil fine or judgment for civil sanctions taken pursuant to this Article shall constitute a lien against the real property of the responsible party that may be perfected by recording a copy of the judgment with the Maricopa County Recorder. Any judgment for civil fines or penalties pursuant to this Code may be collected as any other civil judgment.

3.94 Civil Penalties

Upon a finding that a person is responsible for a civil violation of this Article, a civil sanction of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each violation shall be imposed.

3.95 Habitual Offender

- A. A person who commits a violation of this Article after previously having been found responsible for committing three (3) or more civil violations of this Article within a twenty-four (24) month period-whether by admission, by payment of the fine, by default or by judgment after the hearing-shall be guilty of a Class 1 misdemeanor. The Gilbert Town Prosecutor is authorized to file a criminal misdemeanor complaint in the Gilbert Municipal Court against habitual offenders who violate this Article. For purposes of calculating the twenty-four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor.

- B. Upon conviction of a violation of this Section, the Court may impose a sentence pursuant to the terms set forth in the Arizona Revised Statutes Sections 13-707, 13-802, and 13-902. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of any sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.

3.96 Failure to Provide Evidence of Identity

A person who fails or refuses to provide evidence of his or her identity to a duly authorized agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of this Code, is guilty of a Class I misdemeanor. Evidence of identity under this Section shall consist of a person's full name, residence address, and date of birth.

3.97 Revocation of Permits

If actual work is not commenced under any permit issued under the provisions of this section within one-hundred and eighty (180) days from the date of such permit, or upon completion of building, such permit shall become null and void. If the building operations under any permit issued under this section are suspended for a period of sixty (60) days, such permit shall become null and void.

Additionally, the Code Enforcement Administrator shall have the authority to revoke any permit which has been granted when it has been determined that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.

- A. Notice of the Code Enforcement Administrator's decision to revoke a sign permit shall be served on the holder of the permit by:
1. Delivering a copy of the notice to the holder of the permit, mail return receipt requested, to the last-known post office address of the holder of the permit; and by
 2. Leaving a copy of the notice with any person in charge of the premises and a copy mailed to the property owner; or
 3. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at or near the entrance to the premises.
- B. The holder of the permit may appeal the decision of the Code Enforcement Administrator to the Board of Adjustment. This appeal must be made within fifteen (15) days from the date when the notice was served.
- C. If no appeal has been filed by the end of the fifteen-day appeal period, then the permit is revoked and the sign is illegal. The Code Enforcement Administrator shall then initiate the procedure for the removal of the sign.

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3.98 Removal of Signs

The Code Enforcement Administrator is hereby authorized to require removal of any illegal sign.

Before bringing an action to require removal of any illegal sign, the Code Enforcement Administrator or his/her designee shall give written notice to the owner or lessee of the sign or the owner or lessee of the premises on which such sign is located. The notice shall state the violation charged, and the reasons and grounds for removal, specifying the deficiencies or defects and what repairs, if any, will make the sign to conform to the requirements of this Article, and specify that the sign must be removed or made to conform with the provisions of this Article within the notice period provided below.

Service of notice shall be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified on the permit or the last known address.

The notice period for permanent signs shall be ten (10) calendar days and for temporary signs shall be two (2) calendar days. Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation.

If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the Code Enforcement Administrator that the sign has been removed or brought into compliance with the provisions of this Code by the end of the notice period, then the Code Enforcement Administrator or his/her designee shall issue a civil or criminal citation.

The Code Enforcement Administrator or his/her designee may remove any illegal temporary sign which is maintained or re-erected after the expiration of the notice period, if the owner or lessee of the premises has been issued a compliance notice at least once before for the same violation involving the same or a similar sign.

Notwithstanding the above, the Code Enforcement Administrator may cause the immediate removal or repair (without notice to the owner of the sign, or of the property on which the sign is located) of any unsafe or defective sign or signs that create an immediate hazard to persons or property.

The costs of removal or repair of a sign by the Town shall be borne by the owner or lessee of the sign and of the property on which the sign is located; and the Town Attorney thereof may bring an action for recovery.

3.99 Emergency Removal or Repair

The Code Enforcement Administrator is hereby authorized to cause the immediate removal or repair of any sign or signs found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property. Actual notice to the property owner or lessee shall not be required. The Code Enforcement Administrator shall make a reasonable effort to notify the property owner or lessee that the defective and unsafe sign must be removed or repaired immediately.

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All actual costs incurred by the Code Enforcement Administrator in the removal or repair of such sign shall be paid by the owner or lessee of the sign or the owner or lessee of the premises where the sign is located. The Town Attorney upon proper certification may bring action for recovery to him/her by the Planning Director or the Code Enforcement Administrator.

(Ord. No. 1286, § **1,07-11-00**)

ARTICLE IV. PARKING

The intent of this Article is to establish standards for the provisions of adequate off-street parking, loading and maneuvering spaces for the uses permitted by this Code in a manner which is safe, efficient, convenient and visually attractive.

4.1 General parking requirements.

4.11 Applicability.

Off-street parking and/or loading spaces shall be provided as prescribed herein at the time of:

- A. Construction of a new building.
- B. Any new uses of land.
- C. Enlargement or addition of any new nonresidential building or use of land.
- D. Creation of a new residential unit by adding to or subdividing an existing residential unit.

- E. Prior to the construction of any parking lot or the conversion of any land area for parking use, there shall be submitted to the Planning Department a Parking Plan geographically describing the location and size of all parking stalls, driveways, walkways, landscaped areas, retention basins, and other improvements. The Parking Plan may be submitted as part of the Site Plan requirement as outlined in Chapter II if the parking lot is proposed for construction in conjunction with a building.

4.12 Parking space location.

- A. All required spaces shall be located on the lot or a contiguous lot, upon which the use is located.
- B. Tandem arrangement of required parking spaces is prohibited.
- C. Motor vehicles may be parked in the front yard only when on an improved driveway leading to required off-street parking.

4.13 Access to parking.

- A. All required off-street parking spaces shall be connected with a public street by a paved driveway not less than twenty (20) feet in length within the property line.
- B. All commercial, industrial and multi-family uses are prohibited from using alleys as access points to parking areas where the alley is adjacent to a single-family residential district unless authorized by a Use Permit.
- C. All vehicular egress from parking lots to public right-of-way shall be by forward motion only, except in the case of single-family and two-family residences fronting on a local street or a primary or secondary street.

- D. Where access to a parking lot or space for uses other than single-family residential is provided by an alley, said alley shall be minimum twenty (20) feet wide and paved to the nearest intersecting street as required by Town standard.
- E. All parking spaces and driveways in non-residential districts shall have a surface of masonry, concrete or asphalt.
- F. Minimum driveway widths shall be twenty (20) feet for two-way drives and fourteen (14) feet for one-way drives.

4.14 Improvements.

- A. All off-street parking lots shall be screened from street view and landscaped in accordance with Chapter II of this Code, Site Plan Review.
 - B. Except where a wall is required, six (6) inch vertical concrete curbing shall be required around the perimeter of the parking area to protect landscaped areas and control vehicular circulation and the flow of storm water.
 - C. A two-foot wide landscape strip for vehicle overhang is permitted at the front of a parking space. Such landscape strip shall not count towards the minimum amount of landscaping required by this Code.
- (Ord. No. 1104, § I, 5-26-98; Ord. No. 1109, § I, 6-23-98)

4.2 Residential parking standards.

- 4.21 On residential lots one (1) acre in size or larger, one commercial vehicle of any size or manufacturer's rating may be parked thereon subject to the following conditions:
- A. The vehicle must be parked behind the rear wall of the main building on the property;
 - B. There must be ten (10) feet between the vehicle and any property line;
 - C. The vehicle must be screened from street view and the views from adjacent property by combinations of walls, shrubbery and tree plantings.
- 4.22 On residential lots less than one (1) acre in size, the parking of more than one commercial vehicle with a manufacturer's chassis rating not to exceed five (5) tons or less; or any commercial vehicle with a manufacturer's chassis rating exceeding five (5) tons shall be considered a commercial use and is prohibited. Said commercial vehicles shall not be parked in the required front or street side yard and shall be screened from street view.
- 4.23 Required covered parking spaces shall not occupy the required front or street side yard in residential districts.
- 4.24 Except as otherwise permitted in Paragraph 4.25, all parking spaces and driveways in a residential district shall have a surface of masonry, concrete or asphalt, except in the AG District where a dust free surface is permitted.
- 4.25 Additional parking space permitted in single-family residential districts.

A. An additional parking space may be constructed on lots in single-family residential districts in the following locations:

1. For any size lot: Adjacent to the driveway or carport and extending into the side yard of the lot, except a minimum three (3) foot setback from the neighboring property is required; or
2. No lot shall have more than one (1) additional parking space.

B. The additional parking space permitted by this subsection shall comply with the following standards, in addition to any other standards contained in this Code:

1. On corner lots, the parking space shall not be constructed in the side yard adjacent to street frontage.
2. The additional parking space shall have a surface of asphalt, concrete, cement or improved gravel.
 - a. The surface may consist of two (2) parallel concrete or cement strips of twenty-four (24) inches in width apiece, and placed at a distance of thirty-two (32) inches apart. The area between such parallel strips shall be covered with grass, cultivated vegetation, brick, or improved gravel of at least three (3) inches in thickness.
 - b. If the surface is of improved gravel, it shall be of at least three (3) inches in thickness, and be enclosed within a raised fixed border of block, wood or other non-putrescible border in such a manner that the gravel does not migrate beyond the border.
3. The additional parking space must be large enough so that a parked vehicle does not block a sidewalk.
4. The additional parking space shall be kept free of weeds and debris. No storage of materials or equipment shall be permitted on the additional parking space.
5. The additional parking space must be uncovered.
6. The additional parking space shall be constructed in such a manner that unrestricted parking and movement of a vehicle is allowed without impact to any landscaping material.
7. Access to the additional parking space must be obtained via a curb cut, rolled curb, or driveway.
8. No boats, trailers or motorized vehicles shall be parked in the front or side yard visible from the street, except on a driveway or on the additional parking space permitted in this section.

(Ord. No. 1104, § I, 5-26-98; Ord. No. 1109, § I, 6-23-98)

4.3 Required parking spaces by use type.

The number of parking spaces required to be provided for uses permitted in this Code are specified in the following table:

<i>Type</i>	<i>Required Parking</i>
<i>Residential Uses</i>	
Single- Family	2 covered spaces per unit (See subsection 4.25)
Two-Family	2 covered spaces per unit
¹ Multi-Family:	
Efficiency	1.5 spaces per unit per 3,000 square feet of GLA for a minimum of 3 and a max. of 10
^{2,3} Restaurant-Quality	1 space per 50 sq. ft. of GLA plus 1/4 GLA of outdoor serving or seating area; plus 1 bicycle space per 3,000 square feet of GLA for a min. of 3 and a max. of 10
^{2,3} Restaurant- Family	1 space per 80 sq. ft. of GLA plus 1/4 GLA of outdoor serving/seating area; plus 1 bicycle space per 3,000 square feet of GFA for a minimum of 3 and a max. of 10
^{2,3} Restaurant-Fast Food	1 space per 65 sq. ft. of GLA plus 1/4 GLA of outdoor serving/seating area; plus 1 bicycle space per 3,000 square feet of GLA for a minimum of 3 and a max. of 10
Bed and Breakfast	1.3 spaces per room
Retail Establishments	1 space per 300 square feet of GFA
Personal Service Establishments	1 space per 300 square feet of GFA; plus 1 bicycle space per 3,000 square feet of GFA for a minimum of 3 and a maximum of 10
Personal Service Establishment	1 space per 400 sq. ft. of GFA; plus 1 bicycle space per 3,000 square feet of GFA for a minimum of 3 and a maximum of 10
Shopping Centers (up to 400,000 sq. ft.)	1 space per 225 sq. ft. of GLA; plus 1 bicycle space per 3,000 square feet of GFA for a minimum of 3 and a maximum of 10
Shopping Centers (over 400,000 sq. ft.)	1 space per 275 sq. ft. of GLA; plus 1 bicycle space per 3,000 square feet of GFA for a minimum of 3 and a maximum of 10
Furniture and Appliance Stores	1 per 500 sq. ft. of GLA
Bulky Merchandise Sales, Nurseries, Building Materials, Equipment Rental	1 space per 300 square feet of GFA
Banks Branches with Drive-through and Walk-in Services	1 space per 175 square feet of GFA; plus 1 bicycle space per 3,000 square feet of GFA for a minimum of 3 and a maximum of 10
Financial Sales and Brokerage Houses	1 space per 250 square feet of GFA; plus 1 bicycle space per 3,000 square feet of GFA for a minimum of 3 and a maximum of 10

One (1) Bedroom	1.5 spaces per unit
Two-Bedroom	1.75 spaces Per unit
Three-Bedroom	2 spaces per unit
Townhouse	2 spacesper unit
¹ Plus: One (1) visitor space per ten (10) units must be provided. At least one spacer per multi-family unit must be covered and assigned to a unit.	
Institutional Uses	
Churches:	
Main Assembly building or area	1 space per 100 square feet of Gross Floor Area (GFA)
Classrooms and other buildings	1 space per 200 Square feet of GFA
Elementary and Junior High Schools	1 space per 600 sq. ft. of Gross Floor Area (GFA); plus 1 bicycle space per 3000 square feet of GFA
High Schools Trade Schools and Colleges	1 space per 200 SQuare feet of GFA
Hospitals	1 space per 600 sq. ft. of GFA; plus 1 bicycle space per 3000 square feet of GFA for a min. of 3 and a maximum of 10
Convalescent Home	250 square feet of GFA; plus 1 bicycle space per 300 GFA for a min. of 3 and a maximum of 10
Government Office	250 square feet of GFA; plus 1 bicycle space per 300 GFA for a min. of 3 and a maximum of 10
Commercial Uses	
² Commercial Amusement, Outdoor: Auditorium, Theater, Stadium or similar place of assembly	1 space per 4 seats; plus 1 bicycle space per 3000 square feetof GFA for a minimum of 3 and a maximum of 10
Private Clubs, Lodges (no overnight accommodations)	1 space per 200 square feet of GFA; plus 1 bicycle space per 3000 square feet of GFA for a minimum of 3 and a maximum of 10
Commercial Amusement, Indoor: Dance Halls, Skating Rinks, Amusement Centers, Recreation Centers	1 space per 200 square feet of GFA; plus 1 bicycle space per 3000 square feet of GFA for a minimum of 3 and a maximum of 10
Day Care Center	1 per 350 sq. ft of GFA
Funeral Homes	1 space per 300 sq. ft. of GFA
Medical and Dental Offices, Clinics	1 space per 175 square feet of Gross Lease able Area (GLA); plus 1 bicycle space per 3000 square feet of GFA for a minimum of 3 and a maximum of 10
Professional and Business Offices (Non-Retail)	1 space per 300 square feet of GLA
Hotels, Motels, Boarding Homes, Guest Homes, Bed and Breakfast	1.3 spaces per room
³ Bars and Cocktail Lounges	1 space per 75 square feet of GFA and outdoor serving and seating area; plus 1 bicycle space

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4.42

<i>Type</i>	<i>Required Parking</i>
Bowling Alleys	Five spaces per lane; plus 1 bicycle space per 3,000 square feet of GFA for a minimum of 3 and a maximum of 10
Tennis, Handball Courts	3 spaces per court
Golf Course	4.5 per "green"
Automobile Gas Station, Car Wash or Lubrication Center	1 space per 350 sq. ft. of GFA
Mini-Storage	1 space per 5,000 square feet of GFA
Convenience Store (Primarily Groceries, Snacks, Drinks, etc.)	1 space per 250 sq. ft. of GFA; plus 1 bicycle space per 3,000 square feet of GFA for a minimum of 3 and a maximum of 10
² For stand alone restaurant and bars use GLA equal to GFA	
³ For joint bar-restaurant uses, apply the bar and the restaurant rates proportionately to that percentage of the building and outdoor areas	
Industrial Uses	
Manufacturing	1 space per 500 square feet of GFA; plus 1 bicycle space per 5,000 square feet of GFA for a minimum of 3 and a maximum of 10
Warehouse	1 space per 800 square feet of GFA; plus 1 bicycle space per 5,000 square feet of GFA for a minimum of 3 and a maximum of 10

4.31 In the case of mixed uses, the total requirement for off-street parking space shall be the sum of the requirements of the various uses computed separately.

4.32 Cumulative parking space requirements for mixed-use occupancies may be reduced where it can be demonstrated that the peak requirements of the several occupancies occur at different times. Special exceptions to the total number of spaces required by the addition of all the uses shall be considered through the Use Permit procedure of this Code if supported by a parking demand study.

4.33 The number of parking spaces required for uses not listed shall be determined by a parking demand study and approved through the Use Permit procedure of this Code.

(Ord. No. 1098, § I, 4-14-98; Ord. No. 1104, § I, 5-26-98; Ord. No. 1109, § I, 6-23-98)

4.4 Parking space/maneuvering dimensions.

4.41 Parking space sizes.

- A. The standard parking space shall be eight and one-half (8¹/₂) feet wide by eighteen (18) feet long unless specified otherwise by this Code.
- B. Parking spaces within long term parking areas servicing offices or industry may be reduced in size to eight (8) feet by eighteen (18) feet, provided the spaces are "designated" for employee parking through markings on wheel stops or pavement, use of directional signage, and/or segregation by separate driveways.

4.42 Parking lot aisle widths shall be in accordance with the following schedule:

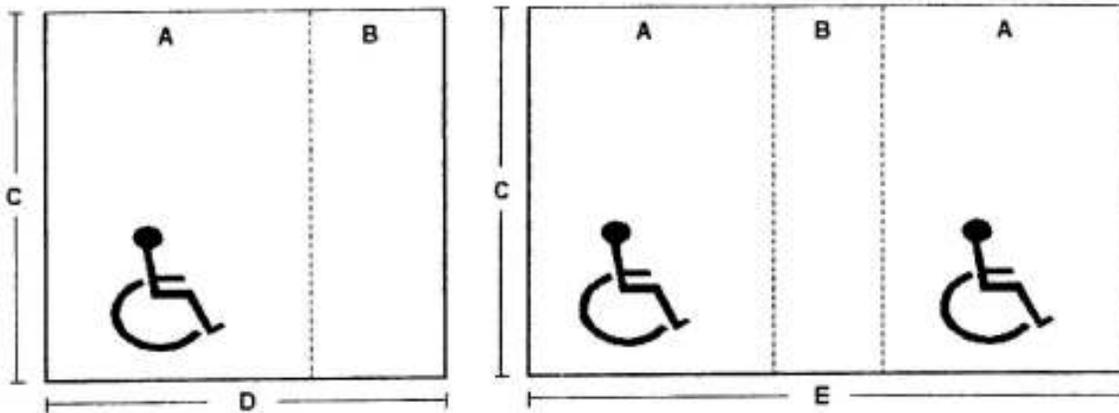
Angle of Parking

	<i>Parallel</i> *	30°	45°	60°	90°
One way aisle	12'	12'	13°	18'	24'
Two way aisle	18'	18'	18'	18'	24'

*Parallel parking spaces shall be twenty-two (22) feet long.

4.43 Handicapped parking space.

- A. Sixteen (16) feet by twenty (20) feet single space - eleven (11) feet width of space in addition to five (5) feet access aisle; or
- B. Twenty-seven (27) feet by twenty (20) feet double space - eleven (11) feet width for each space with five (5) feet access aisle between spaces.



- A. Width of Stall: Eleven feet
- B. Width of Access Aisle: Five feet (always on the right of a single space)
- C. Length of Stripe: Eighteen (18) feet
- D. Overall Width of Single Space: Sixteen (16) feet
- E. Overall Width of Double Space: Twenty-seven (27) feet *

* Measurements taken for a ninety degree angle of parking

ARTICLE V. NON-CONFORMING USES AND STRUCTURES

The lawful use of any land, building or structure existing at the time of the enactment of this Code may be continued even though such use does not conform with the provisions of this Code, or amendments thereto for the zoning district in which it is located.

5.1 Non-conforming uses.

5.11 Expansion.

A non-conforming use shall neither be expanded nor extended to displace a conforming use; but the extension of a lawful use to any portion of a non-conforming building which existed prior to the original enactment of this Code (June 10, 1974) shall not be deemed the extension of such non-conforming use.

5.12 Change.

- A. Once changed to a conforming use, no building or lands shall be permitted to revert to a non-conforming use.
- B. A non-conforming use may be changed to a use of the same or more restrictive classification, and when so changed to a more restrictive classification, such use there after shall not be changed to a less restrictive classification.
- C. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

5.13 Abandonment.

Whenever a non-conforming use has been discontinued for a period of three (3) months, such use shall not there after be re-established, and any further uses shall be in conformity with the provisions of this Code.

5.14 Prohibited uses.

Notwithstanding any other provisions of this Code, any automobile wrecking yard or other junk yard (or any billboard, non-conforming sign or advertising structure) in existence in any residence district at the date of original enactment of this Code (June 10, 1974) shall at the expiration of three (3) years from such date become a prohibited and unlawful use and shall be discontinued. (See ARS 9-462.02)

5.2 Non-conforming structures.

5.21 Reconstruction.

A non-conforming building may not be reconstructed or structurally altered to an extent exceeding fifty (50) percent of its cost to rebuild unless said building is changed to a conforming use.

- A. Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

- B. No building damaged by fire or other cause to the extent of more than fifty (50) percent of its reproduction value shall be repaired or rebuilt except in conformity with the regulation of this Code.
- 5.22 Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit including of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from date of this Code (June 10, 1974).

ARTICLE VI. ANNEXATION ZONING

Lands which, for reason of law, change in ownership or for any other reason, come under the authority of the Town of Gilbert after this Code becomes effective shall be subject to the following:

6.1 Effect of annexation.

All property annexed into the Town of Gilbert shall be zoned pursuant to the requirements of Arizona Revised Statutes Section 9-471-L.

- 6.11 Any use or activity conducted contrary to County zoning regulations at the effective date of annexation and not constituting a non-conforming use under the County zoning regulations shall not be considered a non-conforming use hereunder and the continuance thereof shall constitute a violation of this Zoning Code.
- 6.12 Any use, activity or structure that is existing at the effective date of annexation, under a Maricopa County Use Permit with a time limit imposed, shall not be a non-conforming use hereunder, but may continue for the extent of the time limits.
- 6.13 The physical plant, buildings and land, devoted to any use which is permitted under the terms of this Zoning Code, subject to the securing of a Use Permit, may be enlarged or extended only after securing a new Use Permit from the Town.

6.2 County permits.

Maricopa County Building or Use Permits, legally issued not more than sixty (60) days prior to the effective date of annexation, shall be honored by the Building Inspector within sixty (60) days after the effective date of annexation who shall issue a Town building permit when construction details conform to all pertinent Town construction codes and construction ordinances and pertinent County Zoning regulations in effect at the time the County Permit was issued. The amount of the fee paid for the County Permit shall apply on the Town Permit and the balance only must be paid before a Town Permit is issued.

- 6.21 Buildings legally under construction with a Building or Use Permit, issued by Maricopa County prior to the effective date of annexation, and the exterior walls of which have been completed to the plat line or beyond, shall not be required to secure a Town building permit but the Town shall require that buildings shall be structurally safe and conform to pertinent County Zoning regulations in effect at the time the County permit was issued.
- 6.22 Buildings under construction on the effective date of annexation which are completed to a lesser degree than above, shall be required to secure a Town building permit, and from the effective date of annexation, all construction shall conform to the pertinent Town construction ordinance, and conform to pertinent County Zoning regulations in effect at the time the permit was issued.

ARTICLE VII. LAND USE ADMINISTRATION

In its interpretation and application, the provisions of this Code shall be held to be minimum requirements adopted for the promotion of a General Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the health, safety, morals, or general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and to promote the public interest, health, comfort, convenience, safety and general welfare.

The roles of elected, appointed and Town staff officials are hereby established to implement and enforce this Code: Town Council through legislative acts; Planning and Zoning Commission as advisors to the Council; Board of Adjustment through appeals; Design Review Board maintaining community standards; and the Zoning Administrator as the enforcing officer of this Code.

7.1 Town council.

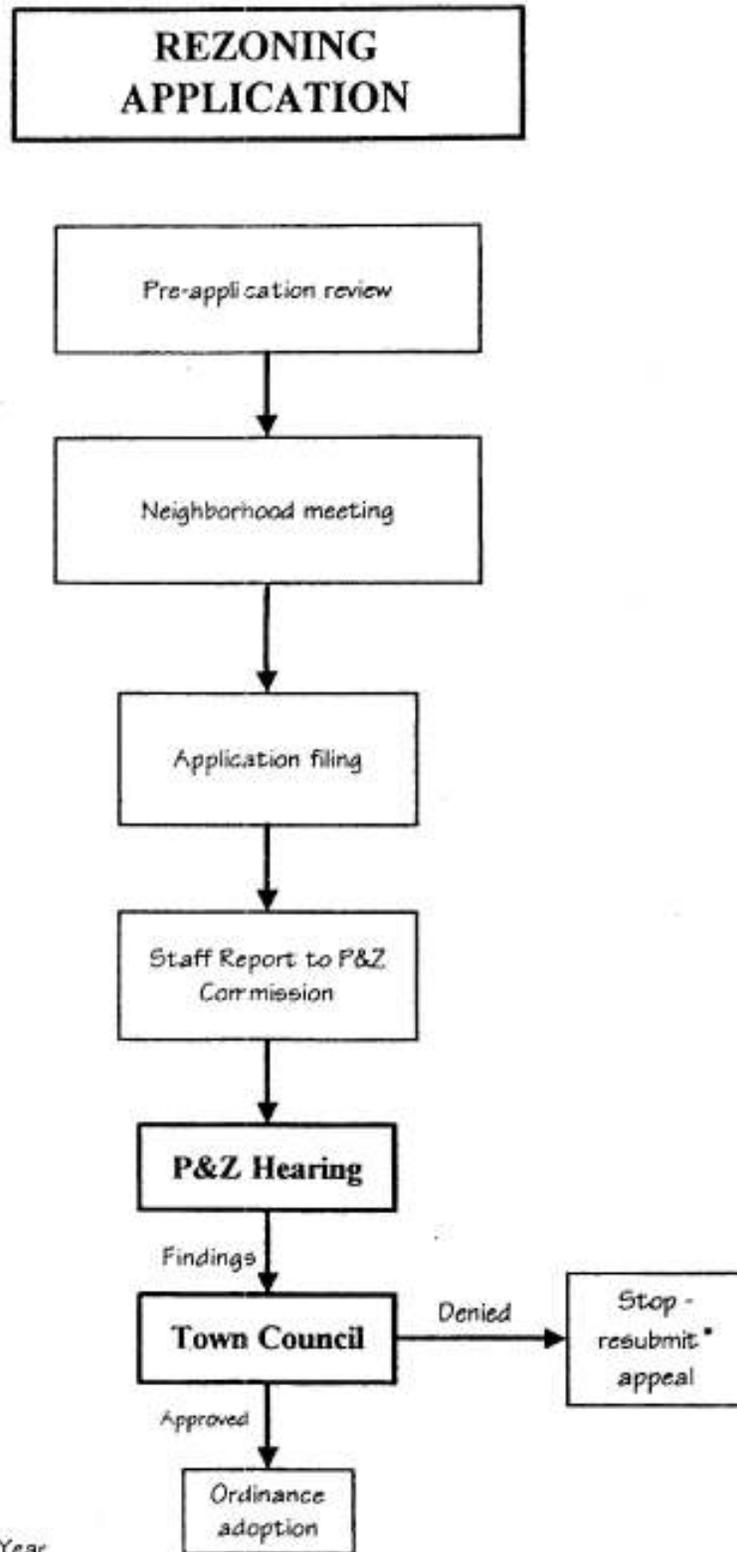
The Town Council may, upon the recommendation of the Planning and Zoning Commission, amend, supplement or change the zoning district boundaries or the regulations herein or subsequently established. No amendment to this Chapter I, whether to its text or affecting zoning district boundaries, shall be acted upon, however, until after a public hearing.

7.11 Code amendments.

The provisions of this Code may be amended, supplemented, modified or repealed. A request to amend the Code may be initiated by the Planning and Zoning Commission, the Town Council, or a real property owner in the area included in the proposed amendment. Applications for amendments shall be made in the office of the Planning and Zoning Department on a form provided therefor.

- A. The application for amendment shall be signed, by the agent or attorney for the owner of such property. The authority of an agent or an attorney for a real property owner-applicant shall be in writing and shall be presented at the time the application is filed.
- B. In the event that an application for amendment includes properties other than that owned by the applicant; then, before the application will be accepted for processing, the applicant shall file, on a form provided by the Planning Department, a petition in favor of the request signed by the real property owners, or their agents or attorneys, representing at least seventy-five (75) percent of the property owner's signatures and addresses, the legal description and the land area of each property represented on the petition and the total land area of individual properties included in the application.
- C. A copy of the proposed amendment shall be sent by certified mail to the last known address of the remaining twenty-five (25) percent of the property owners of the land area included in the application whose names are not on the petition.

- D. Planning and Zoning Commission and Town Council initiated applications to change the District Map shall conform to the General Plan but none of the requirements of this Section shall apply to amendments initiated by the Planning and Zoning Commission or Town Council.



*Resubmittal After One Year

7.12 Written protest by property owners.

If the owners of twenty (20) percent or more either of the area of the lots included in a proposed zoning change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against the proposed amendment, it shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Town Council.

- A. To be considered, all such protests must be filed with the Town Clerk at least five (5) days prior to the Town Council's public hearing on the proposed zoning change.
- B. If any members of the Town Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) of the remaining membership of the Town Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the Town Council.

7.13 Conditional zoning.

The Town Council may approve a zoning change containing conditions which must be met by the applicant and may specify a period of time for the applicant to meet said conditions.

- A. In the event that the time period expires and the conditions have not been met, the ordinance shall not become effective and the zoning shall revert to the former district.
- B. If the rezoning of property contains conditions and no time limit was specified, an automatic time period of one (1) year shall apply. If conditions are not met within that one (1) year, the zoning ordinance shall not become effective and the zoning shall revert to the AG District.

7.14 Pre-Application Process

All applications to amend, supplement, or change the zoning district boundaries, Planned Area Development boundaries or regulations, or regulations herein or subsequently established shall complete a Pre-Application review process. The Pre-Application Process shall consist of, at a minimum, the following:

- A twenty-one day pre-application review period by the Town
- A public neighborhood meeting attended by Town Staff and the applicant, or his / her representative
- Notification via mail of the public neighborhood meeting for all property owners within three hundred feet (300,) of the site, and all registered Home Owners Associations (HOAs) or registered neighborhoods with the Town of Gilbert within one thousand feet (1000') feet of the site.

LAND USE ADMINISTRATION

- Notification of the public neighborhood meeting by placement of a notice sign on-site a minimum of seven days prior to the date of the neighborhood meeting.
- A pre-application conference attended by Town Staff and the applicant, or his/her representative, to review cursory review comments provided by the Town.

(Ord. No. 1294, § 1,07-25-00)

7.15 Use permits.

The Planning and Zoning Commission may approve a Use Permit for those uses specifically designated as requiring a Use Permit in the "Table of Permitted Uses for Residential and Non-Residential Districts" only after a written application has been received, notice of hearings has been made and said hearings have been held in accordance with the Unified Land Development Code. The Commission may impose conditions on the Use Permit which will minimize the impact of the use on other properties in the district.

- A. *General compatibility standards:* Granting of a Use Permit must meet the following standards where applicable:
1. Adequate ingress and egress to property and proposed structures thereon. Automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophes shall be considered in determining whether ingress and egress is adequate.
 2. Adequate off-street parking, loading, refuse and service areas where required. The items in 1. above and the economic, noise, glare, dust or odor effects of the use on the adjoining properties and properties generally in the district shall be considered in determining whether areas are adequate.
 3. Available utility service.
 4. Adequate screening and buffering to minimize the impact of the use on surrounding uses.
 5. Signs, if any, and proposed exterior lighting shall be compatible and in harmony with other properties in the district.
 6. Hours of operation that will not impact nearby or adjacent residents (noise, traffic, rights, etc.)
- B. *Specific compatibility standards:* Approval of a Use Permit for non complementary retail uses, or retail uses not directly related to the primary use in an industrial park (See: Sections 1.62-B-4-c and 1.63-B-4-c) shall meet the following factors:
1. The noncomplementary use shall be located in an existing industrial park;
 2. The percentage of leased area within the industrial park does not exceed fifty (50) percent;
 3. There is adequate parking;
 4. There are no adjacent H-occupancies as defined by the Uniform Building Code.
- C. *Findings:* Use Permits may be granted by the Planning and Zoning Commission upon a finding that the request:
1. Is in conformance with the General Plan and its policies.
 2. Will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general. This determination shall be made based upon the Compatibility Standards stated above.
 3. Is in conformance with the conditions, requirements, or standards prescribed by this Code or higher authority.

- D. *Expiration of permits:* Use Permits shall expire automatically one (1) year after the date of approval of such permit if either of the following has occurred:
1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or
 2. Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permit had been completed on the site. With respect to phased development, this requirement shall only apply to the first phase.
- E. *Extensions:* Any Use Permit which would otherwise expire under paragraph D may be extended to a maximum of one year from the date of approval by the Commission or, if the decision of the Commission was appealed, within one year from the date of the decision of the Council upon consideration of a written request accompanied by the applicable fee. The applicant shall demonstrate that tangible progress is being made toward completion or that physical constraints have limited the applicant from completing the intended purpose.
- F. *Appeal:* The applicant, the Planning Director, the Town Manager, any member of the Town Council or an aggrieved person may appeal any decision of the Commission to the Town Council by filing written notice of the appeal to the Town Clerk within ten (10) calendar days from the date of the Commission's action. The Town Council shall have the authority to uphold, modify, or overrule the decision of the Commission. The decision of the Town Council shall be final.

(Ord. No. 1297, § I, 9-05-00)

7.16 General plan amendments.

Amendments to the General Plan will be considered every six (6) months. The filing deadline for each cycle is the close of regular business on the first Friday of January and June. Special amendment requests may be considered outside the regular amendment schedule. These may be submitted at any time. An amendment initiated by the municipality may take place at any time.

A. Amendment procedures.

1. All development requests will be referred to the Planning Director for review of the need to amend the General Plan. The Director has the responsibility to determine if a specific proposal represents a zoning change or a change to either the text or the land use map that requires an amendment to the General Plan. Some of the factors used to determine if an amendment is necessary may include: change of densities or specific land use, change of traffic volumes or transportation network, change of development standards, change of State law or change of special study areas.
2. If the applicant is in disagreement with the Planning Director's decision, a request for review can be made to an amendment review committee consisting of one Planning and Zoning Commissioner, one Council member and one citizen, appointed by the Council, familiar with the General Plan. The Planning Director may also refer requests to the review committee. This committee will review proposals using similar factors listed above.

3. After a determination is made that an amendment is necessary, the request will be scheduled for appropriate reviews and public hearings, consistent with State statute and current municipal codes and ordinances.
- B. Findings required.
1. That the amendment is not in conflict with any portion of the General Plan not being amended and is consistent with existing policy
 2. That the amendment constitutes a substantial benefit to the community and it not solely for the good or benefit of a particular landowner or owners at a particular point in time. A substantial community benefit may be established after examination of the following impacts:
 - a. Neighborhood.

The extent to which the proposed amendment impacts or is impacted by neighborhoods within an approximate half mile radius of the boundary of the property. If only a portion of a neighborhood is included in the half mile radius, the entire neighborhood should be considered as impacted. The applicant shall provide evidence of support or will address neighborhood concerns.
 - b. Municipal services.
 - 1) *Infrastructure*: The ability and capacity of the water and sewer system to provide for the needs of the proposed development without system extensions or improvements beyond those to be completed by the applicant. The applicant shall provide needed improvements to public streets and/or the transportation systems to meet projected travel demands.
 - 2) *Public safety*: The ability of police and fire department personnel to provide adequate emergency services according to acceptable response standards set by the community. The applicant shall provide adequate mitigation measures, if necessary, to meet acceptable response standards.
 - 3) *Leisure services*: The ability of the proposed public and private open space, recreation and park facilities to provide for the needs of the proposed development. The applicant shall provide adequate mitigation measures, if necessary to meet any needs beyond the scope of the community's open space, parks, library and recreation policies and programs.
 - 4) *Revenue*: The capacity of the community to absorb the proposed growth while receiving sufficient income to mitigate impacts of the development.
 - c. Public schools.

The capacity of the appropriate school district to accommodate the children expected within the proposed area. The applicant shall provide adequate mitigation measures, if necessary, to meet any needs for planned student populations and will consider all other development policies.

- d. Land use.
 - 1) *Harmony with land use goals:* The extent to which the proposed amendment is compatible with the land use goals of the General Plan and avoids creation of isolated uses that will cause incompatible community form and a burden on services.
 - 2) *Site design:* Contribution of the proposed amendment to the overall welfare of the immediate area as determined by the following indicators:
 - (a) Orientations and configuration of conceptual land uses; (b) Efficiency of traffic circulation in the area;
 - (c) Compliance with bufferyard standards; and
 - (d) Continuity of design with adjacent properties.
 - 3) *Environmental:* The ability of the community to sustain a balance of resources, including physical and cultural, to meet the demands of present and future residents. The applicant shall provide mitigation measures, when necessary, to address to development's impact on air, water, land and cultural resources. The applicant shall also evaluate off-site environmental impacts on the proposed development, as well as specific impacts the development may have on other sites within an approximate half-mile radius.

7.2 Planning and Zoning Commission.

The Planning and Zoning Commission is created to provide General Plan analysis and recommendations consistent therewith to the Council. Its purpose is to review all aspects of proposed rezoning, Code amendments and other development entitlement requests including, but not limited to, present and projected growth of the Town, and the relationship of the development to the surrounding environment and the community regarding land use and zoning.

7.21 Hearings by Planning and Zoning Commission on proposed amendments.

All applications for amendment of the Code shall first be submitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing in relation to the proposed amendment at which citizens shall have an opportunity to be heard. The Planning and Zoning Commission shall then make a recommendation to the Town Council and the Town Council may adopt the Planning and Zoning Commission's recommendation without holding a second public hearing unless:

- A. A member of the public objects to adoption of the Planning and Zoning Commission recommendation or requests a second public hearing prior to action on said application by the Town Council.
- B. A formal protest has been filed (See: Section 7.11-d) or, if, for any reason, the Town Council wishes to review the Commission's recommendation, a second hearing shall be held.

7.22 Notice of Planning and Zoning Commission and Town Council meetings shall be published and posted.

The date, time, and place of such Planning and Zoning Commission and Town Council meetings shall be published once in a newspaper of general circulation in the area of the Town of Gilbert, and shall be posted within the area included in the amendment. Both such publication and posting shall not be less than fifteen (15) days before the Planning and Zoning Commission meeting. It shall be the responsibility of the applicant to maintain the posting.

- A. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet: the word "zoning", the present zoning district classification, the proposed zoning district classification, the date and time of the hearing.
- B. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land. In addition to notice by publication, a municipality may give notice of the hearing in such other manner as it may deem necessary or desirable.
- C. In the event that requests for amendments to the general requirements and uses are made, no application or posting shall be required but all other requirements of this Section shall be adhered to.

7.23 Failure of Planning and Zoning Commission to report on amendment.

If the Planning and Zoning Commission fails to report on any text or zoning map amendment within sixty (60) days after the initial Planning and Zoning Commission hearing, such failure shall be deemed to constitute a recommendation of approval by the Planning and Zoning Commission.

7.24 Another application after denial or withdrawal.

In the event that an application for amendment is denied by the Town Council or that the application is withdrawn after the Planning and Zoning Commission hearing, the Planning and Zoning Commission shall have the authority to refuse to accept another application for the same amendment within a year of the date of the original hearing.

7.3 Board of Adjustment.

There is hereby created a "Board of Adjustment", which Board shall be the Planning and Zoning Commission of the Town of Gilbert. The word "Board" when used in this Code shall mean the Board of Adjustment. The Chair of the Board of Adjustment shall be the Chairman of the Planning and Zoning Commission or designee. The Executive Secretary of the Board of Adjustment shall be the Planning Director. The Board of Adjustment shall have the power and jurisdiction to hear those matters set forth in this zoning Code.

- A. All meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The chair, or in his/her absence the acting chair, may administer oaths and compel the attendance of witnesses in accordance with the laws of the State of Arizona.

- B. The Board may make and publish rules and regulations to govern its proceedings. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk and the minutes shall show the vote of each member and records of its examinations.

7.31 Appeals from decisions of the Zoning Administrator.

Appeals to the Board of Adjustment may be taken by persons aggrieved, or by any officer, department, board, or bureau of the municipality affected by a decision of the Zoning Administrator, within thirty (30) days, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall immediately transmit all records pertaining to the action appealed to the Board or the Zoning Hearing Officer. Said appeal shall be filed on a form provided by the Department of Community Development.

- A. An appeal to the Board stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Board that, in his/her opinion by the facts stated in the certificate, a stay would cause imminent peril to life or property. Upon such certification proceedings shall not be stayed, except by restraining order granted by the Board or by a court of record on application and notice to the Zoning Administrator.
- B. Proceedings shall not be stayed if the appeal requests relief which has previously been denied by the Board except pursuant to a special action in Superior Court filed within thirty (30) days after the Zoning Administrator has rendered his/her decision.
- C. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties in interest and the public, as specified in Section 7.34.

7.32 Duties of the Board of Adjustment.

The Board of Adjustment, or the Zoning Hearing Officer shall hear and decide applications for variances from the terms of the zoning ordinance. A variance from the provisions of this Code shall not be authorized unless the Board of Adjustment or a duly authorized hearing officer shall find upon sufficient evidence:

- A. That 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; and
- B. That such special circumstances were not created by the owner or applicants; and
- C. That 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.
- D. That the authorization of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

LAND USE ADMINISTRATION

1. Neither the Board nor the Zoning Administrator shall make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance provided the restriction in this Subparagraph shall not affect the authority to grant variances pursuant to this Section.
 2. The Board shall hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of this Code. The Board may reverse or affirm, wholly or partly, or modify the order, requirements, or decision of the Zoning Administrator appealed from, and make such order, requirement, decision or determination as necessary.
- E. 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. He shall file a written determination stating the reasons for referring the matter to the Board. Staff shall schedule the matter for hearing at the next available Board of Adjustment meeting.

7.33 Applications for variances.

Requests for variance from the terms of the zoning regulations shall be in the form of a written application filed with the Zoning Administrator, and shall be accompanied by:

- A. Plans and description sufficient to indicate the nature of the project involved and the proposed use with ground plans and elevation of all proposed buildings; together with estimate of cost.
- B. Data to indicate why, in the applicant's opinion, there are special circumstances applicable to this property, including its size, shape, topography, location or surroundings that in a strict application of the Code would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
- C. Data to indicate that the requested variance does not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and zone in which this property is located.
- D. Information to indicate that the special circumstances applicable to the property were or are not self-imposed by the property owner.
- E. Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six (6) months after issuance of the variance.
- F. A filing fee, as established by appropriate Council Resolution.
- G. From the time of filing until the time of such hearing, the application and all maps, plans, and other accompanying data shall be available for public inspection during office hours at the office of the Zoning Administrator.

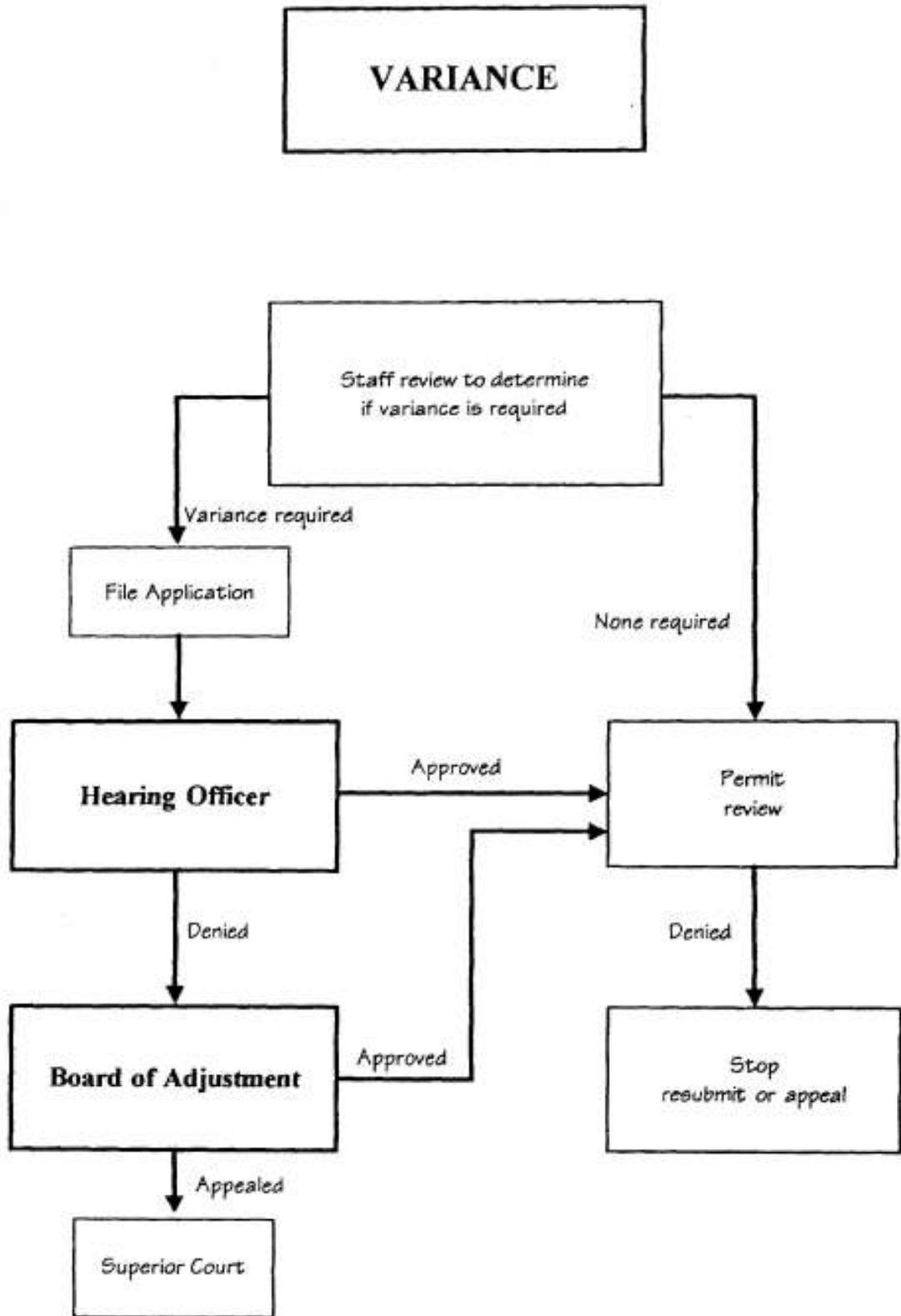
7.34 Notice of hearing.

Upon receipt in proper form of any application for variance, or on any appeal from a decision of the Zoning Hearing Officer, the Board shall set a public hearing upon said appeal or application not more than thirty (30) days, nor less than fifteen (15) days after such filing, at which time all persons shall be given an opportunity to be heard.

(Ord. 1298, § I, 09-05-00)

Notice of the time and place of said hearing, including a general explanation of the matter to be considered and including a general description of the area affected, shall be given at least fifteen (15) days before the hearing as follows:

- A. Notice shall be published at least once in a newspaper of general circulation published or circulated within the Town of Gilbert.
- B. Notice shall be posted on the subject property so that the words "Zoning Appeal" and the time and place of the hearing are visible from a distance of one hundred (100) feet.
- C. Copies of the Notice shall be posted in the three (3) public places within the Town designated by resolution for posting of public notices.
- D. Said notice, both as published and posted, shall state that any person wanting to protest may appear in person or by writing.



7.4 Design Review Board.

The purpose of the Design Review process is to evaluate all aspects of a proposed development pertaining to: site planning, the relationship of the project to the surrounding community, building design, landscaping and signage. Design Review is intended to encourage development which is attractive, in harmony with its surroundings, and safe for the residents of the community. The Town recognizes that a desirable and distinctive community character, founded on the principles of sound site planning and architecture, is a prime factor for a strong built environment and preservation of property values. Design Review is, therefore, considered to further the public health, safety and general welfare.

7.41 Creation of Design Review Board.

There is hereby created a Design Review Board composed of five (5) or seven (7) members appointed by the Town Council. Members need not be residents of the Town but shall exhibit a sincere interest in the well-being of the community and its future. Preference will be given to the appointment of residents from the Gilbert Planning Area.

- A. The terms of the members shall be two (2) years and shall be staggered so that the terms of at least two (2) members conclude in any given year.
- B. The Town Council shall have the authority to remove any member from the Board, with or without cause. Any vacancy shall be filled by the Council for the unexpired term.
- C. The Board may adopt rules and procedures necessary to perform its duties. Minutes of the Board's proceedings and actions shall be kept and filed with the Planning Department. Meetings shall be open to the public and shall be called by the chair as is necessary to conduct business.
- D. At least two (2) members of the Board shall be architects, landscape architects or otherwise qualified by design background. One member shall be a land developer, contractor or builder.

7.42 Administration.

Prior to the issuance of any building or sign permits for the development, construction, remodeling, changes or alterations of any proposed or existing project or building, the property owner or designated representative shall secure approval of the Design Review Board, except as exempted below. The Planning Department shall prescribe the form and content of the application and accompanying data.

- A. Sufficient detail shall be provided to review the site layout and design, building architecture, landscaping treatment and sign age of the project.
- B. All renderings submitted in conjunction with zoning changes, Use Permits, and development plans shall be realistic in nature depicting surrounding land uses, landscaping, and improvements one (1) month after project completion.

- C. Properties and uses exempted from Design Review are as follows:
1. Single-family detached dwelling units and related accessory buildings within the RI-20, RI-35, RI-43 residential districts and the Agricultural (AG) District.
(Ord. 1248, § I, 02-15-00)
 2. Special exemptions for residential units as determined by Town Council where lot size and type of residential units do not warrant review.
 3. Temporary sales or construction offices and temporary signs.
- D. The Planning Director shall have the same powers and duties as the Design Review Board in expressing the authority to approve the following without proceeding through Design Review. Any appeals of the Planning Director's decisions shall be referred to the Board for resolution.
1. Signs which are rectilinear in shape having no more than one (1) background color and one (1) letter color.
 2. Additions to buildings or structures or accessory buildings which do not-exceed one thousand (1,000) square feet in area where the addition or building does not alter the appearance of the site from off-site and is made to be compatible with the existing structure.
 3. Revisions to landscape plans which increase the amount, size and quality of plant material previously approved by the Design Review Board.
 4. Wireless communications facilities.

(Ord, No. 1051, § I, 7-29-97)

7.43 Powers and duties of Design Review Board.

The Design Review Board shall have the power to approve, conditionally approve or disapprove all applications or portions of applications for Design Review bearing its decision on the criteria set forth herein.

- A. It shall be the responsibility of the applicant to submit adequate material for the Board to make a decision and to prove that the intent and purpose of this Code is met.
- B. The Board, after hearing an application, shall impose such reasonable conditions as it may deem necessary to carry out the provisions and intent of this Code and the General Plan.
- C. The Board shall only grant approval of a project if said project conforms with all ordinances of the Town of Gilbert and, where applicable, the Town General Plan and development policies and standards of the Town. The Board shall not have the authority to grant variances from Town Code, ordinances, policies or standards.
- D. Approvals granted by the Board shall become effective immediately and shall be valid for a period of one (1) year. Applications disapproved by the Board may be reconsidered upon resubmittal of plans.

7.44 Criteria.

In considering an application for Design Review, the Board shall be guided by the following criteria:

- A. The project conforms to all ordinances, the General Plan and development policies and standards of the Town.
- B. The proposed development shall not have any detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood and shall not be detrimental or injurious to the neighborhood.
- C. The proposed development shall promote a desirable relationship of structure to one another, to open spaces and topography both on the site and in the surrounding neighborhood.
- D. The height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the development, the neighborhood and the community.
- E. Ingress, egress, internal traffic circulation, off-street parking facilities, -loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience while maintaining an attractive appearance through the use of landscaping and screening techniques.
- F. The architectural character of the proposed structure shall be in harmony with, and compatible to, those structures in the neighboring environment and the architectural character adopted for any given area, avoiding excessive variety or monotonous repetition.
- G. All mechanical equipment, appurtenances and utilities, shall be concealed from view and integral to the building design.
- H. The architectural character of a development shall take cognizance of the unique climatological and other environmental factors of this region.
- I. Large, massive structures shall be architecturally styled to achieve smaller scale. Large building walls shall be visually broken by design to reduce scale and provide variety to the streetscape.
- J. All buildings located within a larger, planned development, such as a shopping center, shall be architecturally styled to achieve harmony and continuity of design. The elevations of such buildings shall be coordinated with regard to color, texture, materials, finishes, and architectural form.
- K. Signs shall relate to the exterior architectural design of the building or structure and shall be compatible therewith. The intent of this subsection is that the sign shall compliment and "tie into" the project with regard to color, texture, materials, finishes, and architectural form.
- L. Landscaping shall be considered an integral part of the site design and building architecture. The Town encourages "lush" desert or drought-tolerant landscaping to enhance the appearance of buildings as well as to provide shade for persons and property. Projects shall comply with Street District Themes where applicable.

7.45 Appeal.

The applicant for Design Review, the Planning Director, the Town Manager, or any member of the Town Council, may appeal any decision of the Board to the Town Council by filing written notice of the appeal to the Town Clerk within ten (0) calendar days from the date of the Board's action. The Town Council shall have the authority to uphold, modify, or overrule the decision of the Board. The decision of the Town Council shall be final.

7.46 Enforcement.

- A. Prior to issuance of building permits, the Building Inspection Department shall ascertain that plans approved by the Design Review Board conform to those presented with the building permit application. The Building Department shall insure that a project is constructed in accordance with plans approved by the Board and is hereby authorized to cause to be stopped any work attempted to be done without or contrary to the approval of the Board.
- B. Any failure to comply with the provisions of this Code by any person shall be prohibited and unlawful and such person shall be deemed to be guilty of a misdemeanor punishable upon conviction in accordance with the penalty provisions of the Code of the Town of Gilbert.

7.5 Zoning Administrator.

7.51 There is hereby created an office of Zoning Administrator. The Zoning Administrator of the Town of Gilbert shall be a deputy of the Planning Director and shall be under his/her direction. The duties of the Zoning Administrator shall be performed as part of the normal duties of a member of the Planning staff. The Zoning Administrator shall:

- A. Enforce the provisions of this Code.
- B. Interpret the Code to members of the public and to other Town Departments.
- C. Refer the appeal to any of the matters on which he/she is authorized to rule to the Board of Adjustment for action.
- D. Hear applications for and make determinations regarding non-conforming uses.
- E. Report regularly to the Planning Director on the conduct of his/her office, including number of matters handled and their disposal, and make recommendations for changes and improvements in this Code and procedures.
- F. Receive, review and process applications for a variance or appeal of any action of the Zoning Administrator, including an interpretation of this Code, to be considered by the Board of Adjustment or Zoning Hearing Officer. The Zoning Administrator shall submit the petition for a variance or appeal with the staff's recommendation to the Board of Adjustment or Zoning Hearing Officer for placement on an agenda.
- G. Be responsible for preparing documents necessary for the efficient functioning of the Board of Adjustment. In this capacity, he/she shall:
 - 1. Accept for placement on the Board agenda and present the Town position on applications for variance, appeal or interpretation, prepared in accordance with the provisions of this Code, as applicable.

2. Prepare the notice of public hearing, where appropriate, for publication by the Town Clerk; coordinate with the Executive Secretary of the Board of Adjustment as to recording the minutes, preparing the findings of fact, and maintaining the record; and notify the applicant of the Board's decision.

7.52 *Administrative Use Permits*: The Zoning Administrator may approve those uses specifically designated as requiring an Administrative Use Permit in the "Table of Permitted Uses" Section 1.7 and other sections of this Code; temporary signs as defined in Article III, Sign Regulations; and the operation of permitted uses beyond the hours prescribed in Section 1.51, Neighborhood Service and Section 1.52, Neighborhood Convenience Commercial district after a written application has been received in accordance with procedures defined by the Zoning Administrator.

- A. *Compatibility standards*: Review and approval of an Administrative Use Permit shall include, but is not limited to, examination of the following factors where applicable:
 1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 2. Off-street parking, loading, refuse and service areas where required, with particular attention to the items in (1) above and the economic, noise, glare, dust or odor effects of the use on the adjoining properties and properties generally in the district;
 3. Utilities with reference to locations, availability and compatibility;
 4. Screening and buffering with reference to type, dimensions, and character;
 5. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- B. *Findings*: Administrative Use Permits may be granted by the Zoning Administrator upon findings that the request:
 1. Is in conformance with the General Plan and its policies.
 2. Will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general. This determination shall be made based upon the Compatibility Requirements stated above.
 3. Is in conformance with the conditions, requirements or standards prescribed by this Code or higher as may be deemed necessary by the Zoning Administrator in anyone situation.
 4. Does not include permanent structures or uses.
- C. *Expiration of permits*: Administrative Use Permits shall be effective for the term issued, but shall not exceed one (1) year. A permit issued for a wireless communications facility shall have a term often (10) years, but may expire or terminate as provided for under Article VIII.
- D. The Zoning Administrator may not make any changes in the uses permitted in any zoning classification or zoning district, or make any changes to the terms of this Code.

(Ord. No. 1051, § I, 7-29-97)

7.53 Persons aggrieved by or any officer, department, board, or bureau of the Town affected by a decision of the Zoning Administrator, may appeal such decision to the Board of Adjustment within thirty (30) days following the date of said decision, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof pursuant to Section 7.31.

7.6 Repeal, validity and saving clause.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

7.61 Validity.

Should any section or provisions of this Code be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

7.62 Saving clause.

The repeal of the Ordinance or parts thereof by this Code shall not: affect suits pending or rights existing immediately prior to the effective date of this Code; impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any such repealed ordinance or amendment thereto; or issued or sold in constituting a valid obligation of the issuing authority immediately prior to the effective date of this Code.

ARTICLE VIII. WIRELESS COMMUNICATIONS FACILITIES*

The purpose of this Article is to establish appropriate regulation of Wireless Communications Facilities within the Town. The regulations are intended to encourage competition in the telecommunications industry and remove regulatory barriers consistent with the Town's responsibility to protect the health, welfare and safety of its residents. It is further the purpose of this Article to preserve the Town's residential character and uncluttered appearance, ensure compliance with federal radio frequency emissions standards, provide for non-discriminatory treatment of substantially equivalent telecommunications providers and allow for the provision of telecommunications services within the Town.

8.1 Permitted locations of WCFs.

Wireless Communications Facilities (WCFs) are an allowed use upon obtaining an Administrative Use Permit or Use Permit as provided for in this Article, in the following locations. (Ord. No. 1051, § I, 7-29-97)

8.11 Monopoles.

- A. 1-1, 1-2 and 1-3 zoning districts.
- B. C-1, C-2, PSC-1 and PSC-2 zoning districts.
- C. Any zoning district, if the monopole is located on property operated as an electric substation site.

(Ord. No. 1051, § I, 7-29-97; Ord. No. 1059, § I, 9-16-97; Ord. No. 1064, § I, 10-14-97)

8.12 All WCFs other than monopoles and public safety communications towers.

- A. 1-1, 1-2, 1-3, C-1, C-2, PSC-1, and PSC-2 zoning districts; and
- B. Any zoning district, if the WCF is located on property owned by a governmental entity, including a school district or community college district, and used for its governmental purposes, or owned by a church and used for its worship or social purposes.

(Ord. No. 1051, § I, 7-29-97; Ord. No. 1157, § I, 3-16-99)

8.13 Public safety communications towers.

Public safety communications towers shall be located in public facilities and open space zoning districts (*PF/OS*).

(Ord. No. 1157, § I, 3-16-99)

8.2 WCFs permitted by Administrative Use Permit.

8.21 Support structures; Administrative Use Permit.

*Editor's note-Ordinance No. 1051, adopted July 29,1997, renumbered Articles VIII-XV as IX-XVI, and added a new Article VIII as herein set out. For further information, see Code Comparative Table.

The Zoning Administrator may issue an Administrative Use Permit for a WCF subject to all the conditions of this Article and Section 7.52 of the ULDC, if the facility is mounted on any one of the following support structures:

- A. Co-location of a WCF on an existing monopole or existing public safety communications tower;
 - B. A monopole located in an industrial zone, placed at a minimum distance of one thousand two-hundred (1,200) feet from any existing or approved monopole;
 - C. An existing building;
 - D. An existing structure;
 - E. An alternative tower structure.
 - F. A public safety communications tower
- (Ord. No. 1051, § I, 7-29-97; Ord. No. 1157, § I, 3-16-99)

8.22 The Zoning Administrator may issue an Administrative Use Permit allowing WCF's on two (2) or more sites (Master Administrative Use Permit).
(Ord. No. 1064, § I, 10-14-97)

8.23 The Zoning Administrator may issue an Administrative Use Permit allowing a temporary wireless communications facility site use.
(Ord. No. 1099, § I, 4-14-98)

8.24 The Zoning Administrator shall hold a public hearing at a council meeting prior to issuing an Administrative Use Permit for a public safety communications tower that will exceed sixty-five (65) feet in height.
(Ord. No. 1157, § I, 3-16-99)

8.3 WCFs permitted by Use Permit.

8.31 The Town Council may issue a Use Permit subject to all the conditions of this Article and Section 7.15 of the ULDC, for any WCF not covered by Paragraph 8.2. In granting a Use Permit, the Town Council may impose conditions to the extent it concludes such conditions are necessary to minimize any adverse effect of the proposed WCF on adjacent properties. The Town may consider the following additional criteria when issuing a Use Permit for a monopole:

- a. Whether the applicant has made good faith and reasonable efforts to locate a WCF on a support structure other than a monopole or to accomplish co-location.
- b. Whether co-location or location on another kind of structure within the needed service area is feasible.
- c. Whether the monopole would be placed adjacent to or near existing utility poles of similar height.

- d. Whether applicant is willing or able to reduce the visibility of a monopole by decreasing its height, increasing its setback, placing it strategically in relationship to other structures, using antennae designs which minimize horizontal projections, or by undertaking other measures.
- e. Whether the monopole provides an important link in applicant's service area build-out and in providing services to Town residents.

(Ord. No. 1051, § I, 7-29-97; Ord. No. 1064, § I, 10-14-97)

8.32 The Town Council may issue a Use Permit allowing WCF's on two (2) or more sites (Master Use Permit).

(Ord. No. 1064, § I, 10-14-97)

8.4 Site and construction standards.

8.41 Support structures.

Support structures for WCFs shall be any of the following:

- A. *Monopole* a single pole, usually sunk into the ground and/or attached to a foundation. Any new monopole must be constructed to allow for co-location of at least one (1) other similar wireless communications provider. A monopole may be mounted on a trailer or a portable foundation if the use is for a temporary wireless communications facility.
- B. *Building* as used in this Article, a building means an existing non-residential building.
- C. *An existing structure*: an existing structure including but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term does not include buildings. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.
- D. *An alternative tower structure*: clock tower, steeple, a functioning security light pole, a functioning recreational light pole, and any similar alternative-design support structure that conceals or camouflages the WCF. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.
- E. Public safety communications tower-A monopole or a lattice tower exceeding sixty-five (65) feet in height whose erection and height is required for the purposes of public safety communications of the town, a neighboring city, Maricopa County, or the State of Arizona.

(Ord. No. 1051, § I, 7-29-97; Ord. No. 1064, § I, 10-14-97; Ord. No. 1099, § I, 4-14-98; Ord. No. 1157, § I, 3-16-99)

8.42 Height regulations.

- A. Monopole-mounted WCFs in industrial zones shall be limited to seventy-five (75) feet in height above original grade, including the height of attached antennae. If less than seventy-five (75) feet in height, a monopole must have suitable footing and be capable of bolting an additional vertical section to a total height of seventy-five (75) feet.
 - B. Monopole-mounted WCFs in non-industrial zones shall be limited to sixty-five (65) feet in height above original grade, including the height of attached antennae. If less than sixty-five (65) feet in height, a monopole must have suitable footing and be capable of bolting an additional vertical section to a total height of sixty-five (65) feet.
 - C. Building-mounted WCFs shall not exceed a height often (10) feet measured from the top of the WCF to the point of attachment to the building.
 - D. Alternative tower structures, except as provided for in paragraph E. herein, shall be limited to forty (40) feet in height above original grade.
 - E. A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles, except WCF antennae may extend up to fifteen (15) feet above the lights array of a ball field light pole.
 - F. WCF antennae mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennae may extend up to fifteen (15) feet above the height of an electric utility pole.
 - G. Public safety communications towers shall not exceed two hundred fifty (250) feet in height above original grade, and shall not exceed the maximum height necessary for a public use.
- (Ord. No. 1051, § I, 7-29-97; Ord. No. 1059, § I, 9-16-97; Ord. No. 1064, § I, 10-14-97; Ord. No. 1157, § I, 3-16-99)

8.43 Setback regulations.

For the purpose of determining whether a WCF complies with setback requirements, the dimensions of the entire lot shall control, even though the WCF may be located on leased parcels within such lot. WCFs must comply with all of the following:

- A. For the purposes of determining whether a WCF complies with setback requirements, the dimensions of the entire lot shall control, even though the WCF may be located on leased parcels within such lot.
- B. Except as provided for in paragraphs C. and D. herein, WCF's shall be set back a minimum distance of seventy-five (75) feet from any residentially zoned property, and shall be set back from any adjacent property line a minimum distance of one-hundred ten (110) percent of the height of the WCF (including attached antennae) or a minimum distance equal to the building setback for the district in which it is located, whichever is greater.

- C. The Town Council may waive or reduce setback requirements for monopoles located on electric substation sites, subject to the following conditions:
1. Upon placement of a monopole on an electric substation site it shall be considered an industrial use and regardless of the underlying zoning the electric substation site shall meet the landscaping requirements of the ULDC Sections 11.11 C. and 11.11 D. 1., except the wall construction requirement thereunder shall be omitted and replaced with an additional landscaping requirement that three (3) shrubs or vines with a minimum size of five (5) gallons shall be planted per tree on such site, and the site shall meet maintenance standards of the ULDC Section 11.11 G. The costs of such improvements and maintenance shall not be charged against any municipal aesthetics program funding granted to the Town for improvement purposes. If the monopole is removed from the site, the requirements set forth herein will automatically cease.
 2. Monopoles are setback from adjacent residential properties to the maximum extent feasible.
- D. WCF antennae mounted on existing structures are exempt from setback requirements.
- E. Any equipment cabinet or building shall comply with the required setbacks for buildings of the zoning district in which it is located.
(Ord. No. 1051, § 1,7-29-97; Ord. No. 1064, § I, 10-14-97; Ord. No. 1157, § I, 3-16-99)

8.44 Screening/aesthetics.

- A. Building-mounted WCFs shall be screened from residential views and public rights of-way in a manner architecturally compatible with the building.
- B. WCFs mounted on an existing structure shall be camouflaged from residential views and public rights-of-way in a manner architecturally compatible with the structure.
- C. The design, screening or camouflaging, and location of WCFs mounted on an alternative tower structure shall be subject to review and approval by the Planning Director.
- D. All WCFs, including all components thereof, shall be painted when this would serve the purposes of architectural compatibility or camouflage. The Planning Director shall approve the paint colors, which must be non-reflective.
- E. 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, if the beam is directed downwards, shielded from adjacent properties and kept off when personnel are present at night.
- F. The design, screening, camouflaging, or landscaping of WCFs located in the Heritage District Redevelopment Area ("Heritage District") will be reviewed by the Redevelopment Commission and must be consistent with the Gilbert Redevelopment Plan.

- G. The Planning Director in approving design, screening, camouflaging, or landscaping requirements shall take into consideration the Design Review Board criteria found in Section 7.44 of this Code, and any other applicable design criteria of the ULDC, and any recommendations by the Redevelopment Commission.

(Ord. No. 1051, § I, 7-29-97)

8.45 Equipment cabinets and buildings.

- A. Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the Town. Any wall shall be architecturally compatible with the building or immediate surrounding area.
- B. An equipment cabinet shall not exceed eight (8) feet in height and a building shall not exceed one story. An equipment cabinet or building may contain an area of up to three hundred (300) square feet for a single provider or six hundred (600) square feet for multiple wireless providers. An equipment cabinet or building for servicing a public safety communications tower may exceed the size limitations set forth herein.

(Ord. No. 1051, § I, 7-29-97; Ord. No. 1157, § I, 3-16-99)

8.46 Security fencing; Anti-climbing features.

- A. Security fencing, if any, shall not exceed six (6) feet to ten (0) feet in height, consistent with fencing in the area. Fencing shall be no less than the above grade height of the equipment cabinet. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.
- B. Anti-climbing features shall be incorporated into the WCF, as needed, to reduce potential for trespass and injury.

(Ord. No. 1051, § I, 7-29-97; Ord. No. 1157, § I, 3-16-99)

8.4 7 Building codes; Safety standards.

All WCFs must be constructed and maintained in a structurally sound manner and comply with applicable local building codes and standards of the Electronic Industries Association. The Town may require a WCF to comply with any significant safety-related codes or standards enacted after a permit is issued to protect the public health, safety and welfare. If, upon inspection, the Town determines that a WCF fails to comply with said codes and standards, the Town shall provide a notice to the owner, and the owner shall have thirty (30) days to bring such facility into compliance. If the owner fails to bring the facility into compliance the Town may terminate the permit and remove the facility at the owner's expense.

(Ord. No. 1051, § I, 7-29-97)

8.48 Radio frequency standards; Interference; noise.

- A. The WCF shall comply with federal standards for radio frequency (RF) emissions. Failure to meet federal standards may result in termination or modification of the permit.

- B. The permittee shall ensure that the WCF will not cause interference with the reception of existing WCF devices, cable television, community antennae television systems, or satellite broadcast television systems. If at any time the Town finds that the WCF interferes with such reception, and if such interference is not cured within thirty (30) days, the Town may revoke or modify the permit.
 - C. A WCF and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of forty (40) decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of fifty (50) dBa during the hours of 7:00 a.m. to 10:00 p.m. and forty (40) dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes.
- (Ord. No. 1051, § I, 7-29-97)

8.5 Co-Location.

8.51 Applicants and permittees shall cooperate and exercise good faith in co-locating WCFs on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

(Ord. No. 1051, § I, 7-29-97)

8.52 In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Town may require the applicant to obtain a third party technical study at applicant's expense. The Town may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

(Ord. No. 1051, § I, 7-29-97)

8.53 No co-location may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunications facilities or failure of the existing WCFs to meet federal standards for emissions.

(Ord. No. 1051, § I, 7-29-97)

8.54 Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Article is grounds for denial of a permit request or revocation of an existing permit.

(Ord. No. 1051, § I, 7-29-97)

8.6 Applicant's submittal requirements.

An applicant shall submit the following items to the Planning and Zoning Department:

- A. *Inventory*: An inventory list and map of existing WCFs operated by the applicant within two (2) miles of the proposed site ("Service Area"). The inventory list must

include specific information as to location, height, and design of each facility. The Town may share such information with other applicants seeking to locate WCFs within the Service Area, in order to encourage co-location.

- B. *Report on alternatives:* A report explaining why the WCF is needed at the requested location. If applicant is seeking to construct a new monopole, applicant shall explain why co-location or location on another kind of support structure is not feasible, including efforts made to develop such an alternative. If the Town has requested that the applicant co-locate its WCF on a site, applicant shall explain why co-location is not feasible, including efforts made to develop such an alternative.
- C. *Plans for the WCF:* Plans should include a diagram of the proposed facility and antennae, including height, shape, size and nature of construction. The plans for a monopole must show that it is structurally able to accommodate the applicant and at least one (1) other similar telecommunications provider. The plans should include a diagram showing the separation between the proposed WCF and any existing WCF(s) on the same support structure or site, if co-location is planned.
- D. A site/landscaping plan showing the specific placement of the WCF on the site, including setbacks from adjacent property lines; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen WCF components and the proposed color(s) for the WCF.
- E. Photo-simulations of the view of the proposed facility from residential properties and public rights-of-way at varying distances.
- F. Applicant for a new monopole permit shall post a cash or surety bond with the Town Clerk in an amount determined by the Town to cover removal costs of the pole should the applicant/owner fail to remove the pole within thirty (30) days following termination or expiration of the permit. The cash or surety bond shall be released upon removal of the pole by the owner. A surety bond shall be limited to five (5) years, at which time the Town may require renewal for a period which extends at least sixty (60) days beyond the ending date of the permit term. The cash or surety bond shall be governed by a standardized agreement form provided by the Town and executed by the owner of the monopole. The Town in its discretion may require posting of a cash or surety bond, or other financial arrangements to ensure timely removal of a public safety communications tower following termination or expiration of the permit.
- G. Prior to submitting an application to the Planning Director for an administrative Use Permit, applicant shall provide written notice of the proposed WCF in a standardized form provided by the Planning Director by first class mail to all property owners within three-hundred (300) feet of the proposed WCF site. Applicant shall submit to the Planning Director a copy of the notice and a list of persons and addresses to whom it was mailed.

- H. Prior to beginning operations, the permittee shall submit a verified report which provides a calculation of its installed peak RF emissions capacity at the site, the cumulative installed peak RF emissions capacity at the site (including a description of any co-location providers), and compares the results with established federal standards.
 - I. Any other information required the Town for issuance of a Use Permit pursuant to Paragraph 7.15 of the Unified Land Development Code.
 - J. Applicants shall pay a permit fee as established by resolution of the Council, which fee shall include all consulting costs as may be required by the Town to review the application.
 - K. Applicant for an Administrative Use Permit for a temporary wireless communications facility shall submit all items, except for those listed in Paragraphs A, E, F, H, and I of this Section 8.6.
 - L. No application for a public safety communications tower may be brought by a person which is not a governmental entity, unless such application is filed jointly with a governmental entity. The applicant(s) shall explain why a public safety communications tower is needed, the tower height necessary for a public use, and why alternatives to such a tower are not feasible, including efforts made to develop such an alternative. Each of the alternatives shall include an analysis of financial impacts to taxpayers or the governmental budget(s).
- (Ord. No. 1051, § I, 7-29-97; Ord. No. 1099, § I, 4-14-98; Ord. No. 1157, § I, 3-16-99)

8.7 Approval process.

- 8.71 Procedures and appeals shall be governed by Section 7.52 for issuance of an Administrative Use Permit and by Section 7.15 for issuance of a Use Permit, except as may otherwise be provided by this Article.
- (Ord. No. 1051, § I, 7-29-97)
- 8.72 The Town shall act on any application for authorization to place, construct or modify a WCF within a reasonable period of time after such application is duly filed with the Town, taking into account the nature and scope of such request.
- (Ord. No. 1051, § I, 7-29-97)
- 8.73 Any decision made by the Planning Director regarding design, screening, camouflaging or landscaping requirements of a proposed WCF may be appealed to the Design Review Board by any aggrieved person, including the Town Manager or any member of the Town Council, by filing a written notice of the appeal to the Town Clerk within thirty (30) calendar days from the date of the Planning Director's decision. Such an appeal shall stay issuance of a permit until the Design Review Board renders a decision. Any Design Review Board decision may be further appealed pursuant to Section 7.45 of this Code.
- (Ord. No. 1051, § I, 7-29-97)

8.74 Any final decision to approve or deny a request shall be in writing and set forth the reasons and substantial evidence for the decision.

(ord. No. 1051, § I, 7-29-97)

8.8 Permit term and limitations.

8.81 An Administrative Use Permit or Use Permit for a WCF shall have a term of ten (10) years, except an Administrative Use Permit for a temporary wireless communications facility shall have a term of up to one hundred-twenty (120) days, subject to termination or expiration as provided for in this Article or under the specific conditions of the Permit.

(ord. No. 1051, § I, 7-29-97; Ord. No. 1099, § I, 4-14-98; ord. No. 1157, § I, 3-16-99)

8.82 Permittee may apply for a renewal permit under the Code as it may exist at such time within six (6) months prior to expiration of its existing permit, except no renewal of an Administrative Use Permit for a temporary wireless communications facility shall be allowed. Renewal of an administrative use permit for a public safety communications tower shall be granted in successive terms for up to thirty (30) years, where permittee demonstrates compliance with applicable rules and regulations, existing permit conditions, and continued need for the public use.

(ord. No. 1157, § I, 3-16-99)

8.83 The term of a Use Permit for a monopole with co-located facilities shall be extended to be concurrent with the term of a subsequently issued Administrative Use Permit for the co-located facilities.

(ord. No. 1157, § I, 3-16-99)

8.84 Any Administrative Use Permit or Use Permit issued pursuant to this Article shall expire automatically if the use is not commenced within one (1) year after the date of approval of such permit, under the circumstances set forth in Section 7.15 of this Code, provided however a Master Administrative Use Permit or Master Use Permit shall expire automatically three (3) years after the date of approval of such permit under the same circumstances set forth in Section 7.15.

(ord. No. 1051, § I, 7-29-97; ~~Ord.~~ No. 1064, § I, 10-14-97)

Editor's note - Ord. No. 1157, § I, adopted March 16, 1999, renumbered § 8.82 as 8.84 to read as herein set out. See the Code Comparative Table.

8.85 If use of the facility is discontinued for over ninety (90) days, the permit shall expire and permittee must remove the facility or the Town may cause the facility to be removed at the expense of the permittee/owner of the facility.

Ord. No. 1051, § I, 7-29-97)

Editor's note - Ord. No. 1157, § I, adopted March 16, 1999, renumbered § 8.83 as 8.85 to read as herein set out. See the Code Comparative Table.

8.86 Permittee shall maintain the WCF, including paint and landscaping, to standards imposed by the Town at the time of granting the permit. If the permittee fails to maintain the facility, the Town may undertake maintenance at the expense of the permittee or terminate the permit.

(Ord. No. 1051, § I, 7-29-97)

Editor's note-Ord. No. 1157, § I, adopted March 16, 1999, renumbered § 8.84 as 8.86 to read as herein set out. See the Code Comparative Table.

8.87 The applicant/permittee shall notify the Town in writing of all changes in ownership of the facility within sixty (60) days of the change.

(Ord. No. 1051, § I, 7-29-97)

Editor's note -Ord. No. 1157, § I, adopted March 16, 1999, renumbered § 8.85 as 8.87 to read as herein set out. See the Code Comparative Table.

8.9 Applicability; waiver of requirements.

8.91 The requirements of this Article apply to all new WCFs and the renewal, expansion and/or alteration of any existing WCFs; provided that an in-kind or smaller replacement of transmission equipment will only require a written notification to the Town.

(Ord. No. 1051, § I, 7-29-97)

8.92 The Town Council may waive or modify requirements of this Article upon finding that strict compliance would result in noncompliance with applicable federal or state law. (Ord. No. 1051, § I, 7-29-97)

Summary of requirements of proposed wireless

Wireless communication facilities	Zoning districts	Height	Setback from residential	Permits			
				Process	Review by: Appeal	*Use / Remove	
8A1.A. Mono-poles	I-I, 1-2, 1-3 C-1, C-2, PSC-1, PSC-2	75 feet 65 feet	110% of Height or ULDC Req.s; min. of 75 feet	AUP w/i 1,200' CUP	Staff PZ.RC.TC	DRB Courts	10 years /3 mos.
8A1.B. Building Mounted	I-I, 1-2, 1-3, C-1, C-2, PSC-1, PSC-2, govt. property and churches	Ten (10) feet above attach. to roof	110% of Height or ULDC Req.s; min. of 75 feet	AUP AUP w/ RC	Staff RC	DRB TC	10 years /3 mos.
8A1.C. Existing Structures	I-I, 1-2, 1-3, C-1, C-2, PSC-1, PSC-2, govt. property and churches	No greater than existing structure	110% of Height or ULDC Req.s; min. of 75 feet	AUP AUP w/RC	Staff RC	DRB TC	10 years /3 mos.
8A1.D. Alternative Tower Structure	I-I, 1-2, 1-3, C-1, C-2, PSC-1, PSC-2, govt. property and churches	40 Feet or > if approved by DRB	110% of Height or ULDC Req.s; min. of 75 feet	AUP AUP w/RC	Staff RC	DRB TC	10 years /3 mos.
Function Security or Recreational Light Poles	I-I, 1-2, 1-3, C-1, C-2, PSC-1, PSC-2, govt. property and churches	Antennae may extend up to 15 feet above lights array.	110% of Height or ULDC Req.s; min. of 75 feet	AUP AUP w/RC	Staff RC	DRB TC	10 years /3 mos.

<i>Wireless communication facilities</i>	<i>Zoning districts</i>	<i>Height</i>	<i>Setback from residential</i>	<i>Permits</i>			
				<i>Process</i>	<i>Review by:</i>	<i>Appeal</i>	<i>*Use / Remove</i>
8.21.A. Co-Location	I-I, 1-2, 1-3, C-1, C-2, PSC-1, PSC-2, govt. property and churches	No greater than existing structure	110% of Height or ULDC Req.s; min. of 75 feet	AUP AUPwIRC	Staff RC	DRB TC	10 years/3 mos.

*Must use issued permit in twelve months and remove facilities three months after abandonment. AUP =

Administrative Use Permit

CUP = Conditional Use Permit

DRB = Design Review Board

RC = Redevelopment Commission

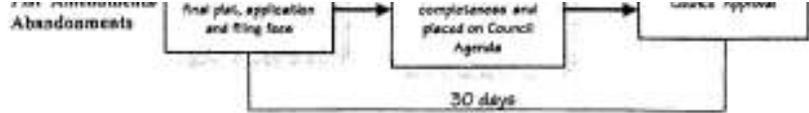
TC = Town Council

(Ord. No. 1059, 9-16-97)

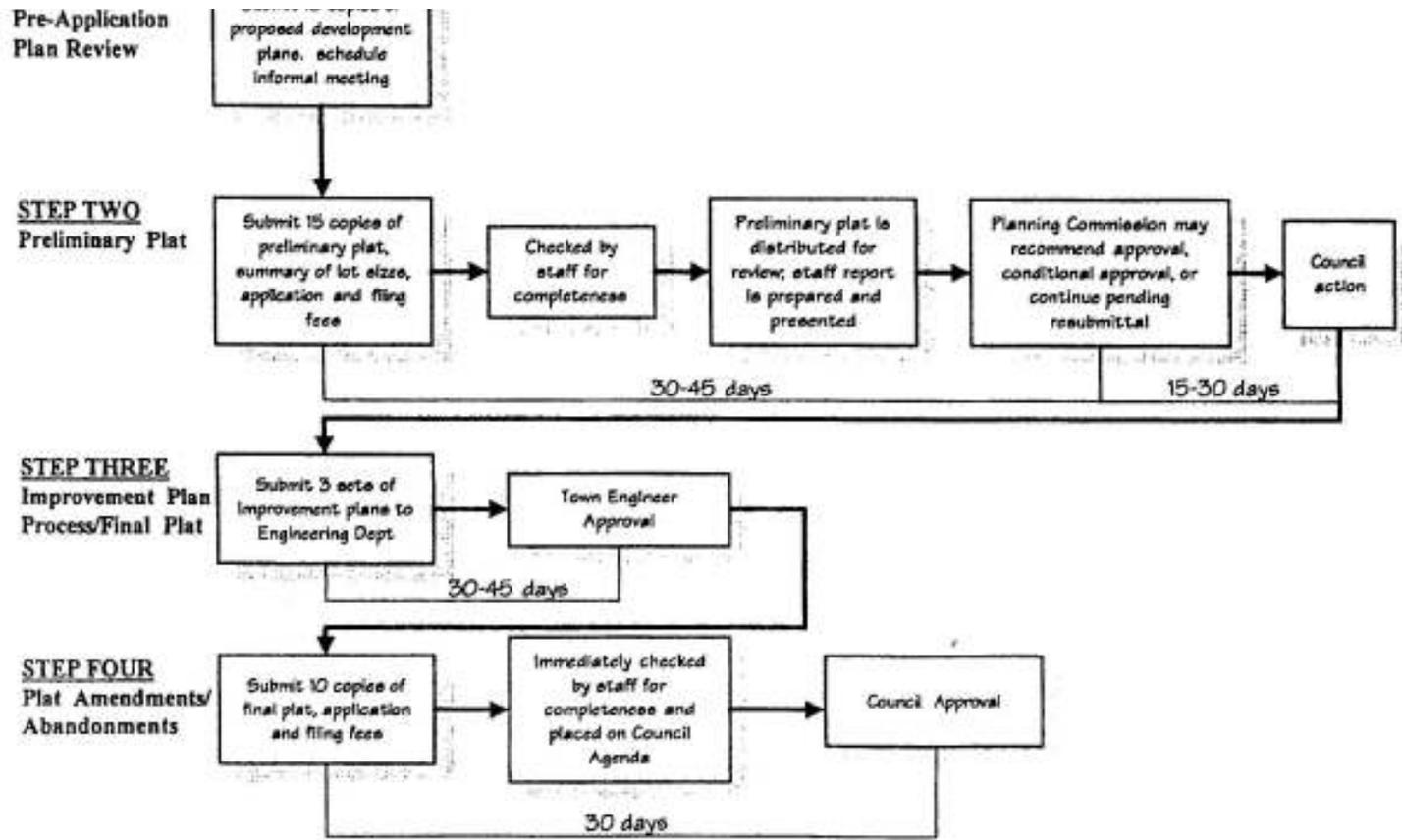
Chapter II

DEVELOPMENT STANDARDS

- Art. IX. Subdivision Regulations, §§ 9.1-9.57
- Art. X. Site Design Standards, §§ 10.1-10.31
- Art. XI. Landscape and Open Space Criteria, §§ 11.1-11.35



TOWN OF GILBERT SUBDIVISION PLAT PROCESSING

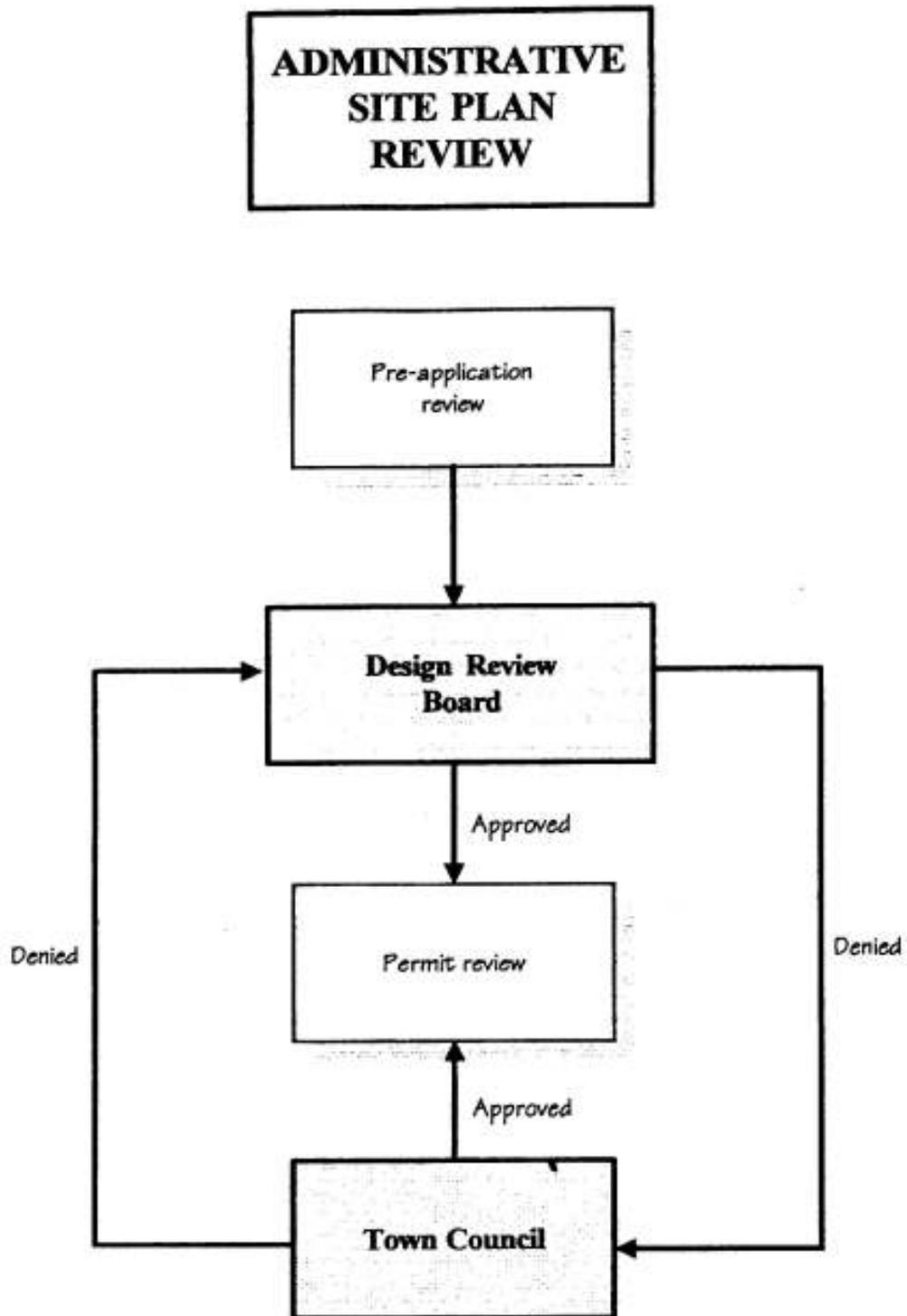


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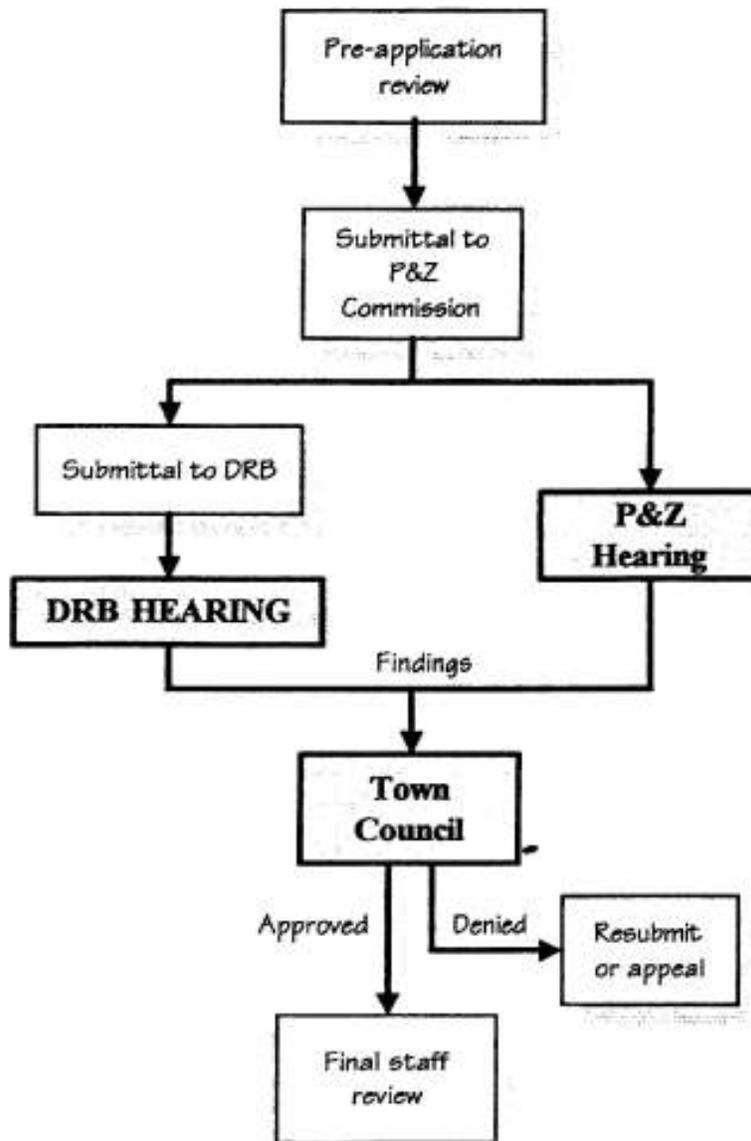
GILBERT UNIFIED LAND DEVELOPMENT CODE

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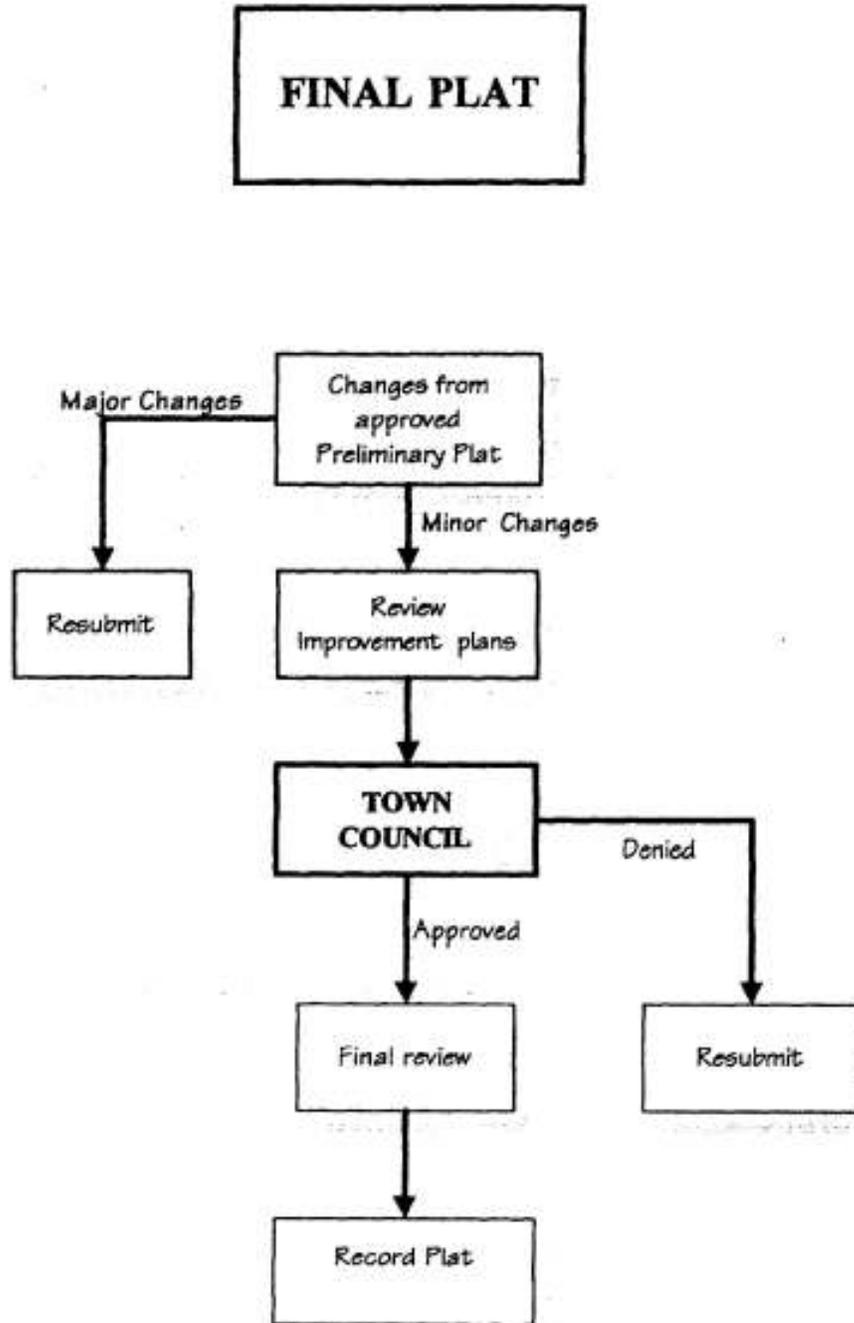
DEVELOPMENT STANDARDS



**PRELIMINARY PLAT;
PRELIMINARY OR FINAL
SITE PLAN**



DEVELOPMENT STANDARDS



GILBERT UNIFIED LAND DEVELOPMENT CODE

PREAMBLE

This Chapter focusses on criteria for delineating, engineering and improving individual parcels of real estate in the lbwn of Gilbert. Consistent with State law regarding private property rights and responsibilities, these directions are intended as further amplification of the adopted Gilbert General Plan's goals, objectives and policies. They act as a linkage between broad land use designations set forth in Chapter I and detailed technical specifications provided in Chapter III and this Code's Appendices.

Much of the Chapter's material is regulatory in nature, explicit requirements that are mandatory for a property owner or developer to meet to obtain construction permits. These are established as minimum standards for the use and enjoyment of property in Gilbert according to local citizens' General Plan vision. The Town, however, encourages and promotes more than minimum development quality in the construction and maintenance of real estate improvements. Accordingly, additional provisions outline these further expectations which should be met; and, in some instances, trade-off's that may be proffered in lieu of designated, desired enhancements.

Subdivision Regulations, Article IX, specify the lot engineering practices that are required by the Town and State in order to designate and improve individual lots or sites. Site Design Standards, Article X, cover the planning and engineering criteria that are reviewed for compliance with site development quality measures required of certain land use types as set forth in Chapter I. Article XI, Landscape and Open Space Criteria, provides regulations and guidelines for meeting Gilbert's General Plan emphasis on community appearance.

Development Standards are the Town of Gilbert's invitation to land developers and builders who wish to assist the community in realization of its fundamental, recorded principles for an orderly, attractive built environment. Alternative approaches that reflect creative land improvement are encouraged, and may be accepted if found to meet public safety concerns and the intent of this Code. The Town is fully committed to upholding these community standards for the preservation of health, safety, welfare and property values of all its citizens.

ARTICLE IX. SUBDIVISION REGULATIONS

9.1 Platting procedures and requirements.

The preparation, submittal, review and approval of all subdivision plats located inside the Town of Gilbert shall proceed through the following stages:

- Pre-Application Plan Review
- Preliminary Plat
- Record Plat

(Ord. No. 1051, § I, 7-29-97)

9.11 Pre-application plan review conference.

One requirement of subdivision review, and in some instances the most important step is the Pre-Application Plan Review stage. This stage is designed to give guidance to the applicant with regard to the critical design aspects of the plat or project.

These include general street patterns, possible need to rezone, availability of utilities and intersection conflicts and clarification of the intent and purpose of General Plan and Code goals, policies, standards and guidelines.

Failure to comply with this step may also cause additional delays in many instances.

- A. *Review process.* Prior to presentation of a preliminary plat, the subdivider may discuss with the Planning and Zoning Department any problem involved in the development of a particular tract of land and the requirements of the Zoning Code, the General Plan and these Subdivision Regulations as they apply to the subdivision. The subdivider may confer with the Town Engineer, Public Works Director and the County Health Department regarding matters of streets, drainage, flood control, sanitation and public health. To facilitate review, the applicant shall provide ten (10) copies containing, at a minimum, the following information:
 1. Legal description of the land to be divided.
 2. Sketch plans and ideas regarding land use, street and lot arrangement, tentative lot sizes.
 3. Tentative proposals regarding water supply, sewage disposal, surface drainage, street improvements, and treatment of environmental sensitivity issues.
- B. *Approval criteria.* The Pre-Application Plan Review Stage shall conclude with specific directions to the applicant for the further processing of the proposed subdivision.
 1. *Filing instructions.* The Department shall consolidate and record its comments and those of other departments or agencies which, in addition to the submittal requirements for processing preliminary plats, shall be addressed prior to the subdivision application being forwarded to Commission and Council.

*Editor's note-See Editor's Note, Article VIII.

2. *Site specific issues.* As a result of staff investigations, findings of unique or extreme site conditions shall be noted to the applicant, discussed with regard to possible mitigating techniques and cited as issues to be addressed in the preliminary plat submittal.

(Ord, No. 1051, § I, 7-29-97)

9.12 Preliminary plat.

The preliminary plat phase includes detailed planning, submittal, review, and approval of the preliminary plat. This stage is intended to resolve all major issues pertinent to the lands developability according to the Town's policies, standards and requirements. To avoid delay in processing the application, the subdivider shall provide the Department with all information needed to determine the character and general acceptability of the proposed development at least twenty-eight (28) days prior to the hearing date with the Planning and Zoning Commission.

- A. *Submittal requirements.* Following the pre-application plan review, the subdivider shall present to the Planning Department fifteen (15) copies of the preliminary plat, a summary of lot sizes together with a completed application form and the appropriate fee as noted on the Fee Schedule (See: Appendices).

The following materials, along with the necessary fee and any other required supporting data, (such as in the case of PAD's) must be submitted as a single package, not later than 5:00 p.m. on the deadline set by the Planning Department. The Planning and Zoning Commission meeting date is on the first Wednesday of each month. Failure to provide all the required materials shall be grounds for continuance to a later meeting.

Note: It is the applicant's responsibility to be sure their submittal is complete. The Town of Gilbert does not accept the burden of being the engineer's conscience or to constantly remind engineers of their duty to their clients.

"Special Handling" may be pursued to expedite a plat to other than the regular meeting date; however, this will require the engineer or developer to make special deliveries of materials to all reviewing agencies, other than Town departments. Special Handling will not be possible in every instance. The complexity of the project and the staffs schedule will determine the feasibility of special handling.

1. General submittal requirements:
 - a. Fifteen (15) copies of the preliminary plat and one (1) eight and one-half (8 1/2) inch by eleven (11) inch photo transparency (PMT) of the preliminary plat.
 - b. The Preliminary plat shall be drawn at a scale of not more than one hundred (100) feet equals one (1) inch or adjusted to produce an overall drawing of twenty-four (24) inch by thirty-six (36) inch. (Use more than one sheet, if necessary.)

SUBDIVISION REGULATIONS

- c. Submit a preliminary hydrology report in a separate bound folder. See Chapter III, Improvement Details.
 - d. If the developer is planning to phase the improvement of the subdivision, it must be so indicated on the preliminary plat when submitted for subdivision review. If the developer later decides to phase, it will be necessary to re-submit for a second review.
 - e. Submit a summary of lot sizes which either: indicate the size of lot within ranges; or states the square footage of each lot.
 - f. Fees as identified in the Appendix.
2. Submittal identification.
- a. Name, address and telephone number of subdivider.
 - b. Name, address the telephone number of engineer, surveyor, landscape architect or land planner preparing plat.
 - c. Proposed name of subdivision and its location by Section, Township and Range: referenced by dimension and bearing to two (2) section corners. Basis of bearings used must be stated on plat.
 - d. Scale, north point and date of preparation including dates of any subsequent revisions.
 - e. Location map with reference to main arterials, canals, railroads, etc.
 - f. Name, book and page number of any recorded and adjacent subdivision having common boundary with tract.
 - g. By note, existing zoning classification of subject and adjacent tracts.
 - h. Boundary closure and acreage .
 - i. Boundaries of tract to be subdivided shall be fully dimensioned.
3. Plat designated areas.
- a. Topography by contours and spot elevations related to N.G.V:D. or approved Town datum. Contour interval shall not exceed two (2) feet and shall adequately reflect character and drainage of land.
 - b. Location of fences, wells, lakes, ditches, power lines and trees.
 - c. Location and extent of areas subject to inundation and indicate frequency.
 - d. Location, widths and names of all platted streets, railroads and utility rights-of-way of public record. Permanent structures to remain, including water wells and utility lines within or adjacent to tract.
 - e. Show layout of proposed streets and alleys, giving widths, preliminary curve data and proposed names.
 - f. Show "scaled" typical lot dimensions, dimensions of all corner lots and lots on curvilinear sections of streets; number each lot individually and give total number of lots and area of each lot, parcel and tract.
 - g. Give designation of all land to be dedicated or reserved for public use, with the use indicated. Describe the use of all tracts.

- h. If multiple uses are planned, (multi-family, commercial, industrial) such areas shall be clearly designated together with existing zones and zoning changes, if any.
 - i. Show method of sewage disposal, a statement as to the type of facilities shall appear on the tentative plat. Also show the preliminary sewer layout, indicating grades, manhole locations, cleanouts, slopes, depths. See Chapter III, Improvement Details.
 - j. The preliminary layout of the water system shall be shown indicating fire hydrants, valves, meter vaults, water line sizes. See Chapter III, Improvement Details.
 - k. Denote refuse collection system.
- B. *Preliminary plat review.* Copies will be routed to the following agencies by the Town of Gilbert, where applicable, except as noted in the case of special handling:
1. Public works:
 - a. Traffic engineer
 - b. Property agent
 - c. Utilities
 - d. Street numbering
 2. Planning Department
 3. Building Department
 4. Parks and Recreation Department
 5. Gilbert Public Schools
 6. Public Safety Department
 7. United States Post Office
 8. Arizona Department of Health Services
 9. Maricopa County Health Department
 10. Gilbert Cable Vision
 11. Southern Pacific Railroad
 12. Maricopa County Flood Control
 13. Maricopa County Sheriff
 14. Arizona Department of Transportation
 15. City of Chandler
 16. City of Mesa
 17. Town of Queen Creek
 18. Roosevelt Water Conservation District (RWCD)
 19. Arizona Public Service

SUBDIVISION REGULATIONS

20. Salt River Project (power, water and land dept.)
21. Southwest Gas

Reviewing agencies shall be requested to transmit their recommendations to the Department in writing. The Department shall summarize the reviewing offices' recommendations, prepare a staff report regarding the project and present it to the Planning and Zoning Commission.

C. Preliminary plat approval.

The preliminary plat shall be submitted to the Planning and Zoning Commission, which shall hold a public hearing after notice as required in paragraph D below, at which time members of the public shall have an opportunity to be heard. Following action of the Commission, one (1) copy of the preliminary plat, together with a written report, shall be returned to the subdivider describing any recommended changes and stating the action of the Commission. A revised preliminary plat shall be submitted to the Planning staff incorporating the Commission's revisions, prior to scheduling a final plat for Town Council approval.

D. Notice.

Notice of such Planning and Zoning Commission public hearing shall be published once in a newspaper of general circulation in the Town of Gilbert, and shall be posted within the area included in the preliminary plat. Both such publication and posting shall not be less than fifteen (15) days before the Planning and Zoning Commission meeting. It shall be the responsibility of the applicant to maintain the posting. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet: The words "Preliminary Plat", the present zoning district classification, and the date and time of the hearing.

E. Appeal.

The applicant, the Planning Director, the Town Manager, any member of the Town Council or an aggrieved person may appeal any decision of the Commission to the Town Council by filing written notice of the appeal to the Town Clerk within ten (10) calendar days from the date of the Commission's action. The Town Council shall have the authority to uphold, modify, or overrule the decision of the Commission. The decision of the Town Council shall be final.

(Ord. No. 1051, § I, 7-29-97, Ord. No. 1300, § I, 9-05-00)

9.13 Final plat/recorded plat.

This stage includes the final design of the subdivision, with intended engineering improvements, and submittal of the plat and plans by the subdivider, for review and action by the Town Departments and Council, respectively. Refer to Chapter III for engineering specifications.

- A. *Submittal requirements.* The pre-final plat and three (3) prints thereof shall be submitted to the Engineering Department for consideration within one (1) year from date of Council action on the preliminary plat. Otherwise, preliminary approval shall become null and void unless an extension of time is applied for and granted by the Commission.

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The final plat shall contain a "Full Metes and Bounds" description, which shall include:

- 1) Description of all "U.S. Public Land Survey Corners" used in determining the location of the plat.
- 2) Description of all exterior corners set that locate the plat within the section.
- 3) Method of determining bearings and controlling corners used.
- 4) Total area of plat and a "Certificate of Dedication" for all public rights-of-ways, easements and tracts and areas of all tracts.

B. *Final plat review.* The approval of the final plat by the Town Engineer shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street, or other proposed public way or space shown on the plat.

C. *Final plat approval* A recommendation concerning approval shall be adopted and transmitted to the Council.

1. *Council approval* Upon Council approval of the plat, the Mayor may sign the plat after all the other required certifications have been duly signed.
2. *Certification.* When the certificate of approval by the Council has been transcribed on the plat, the Department shall retain the record copy until the Town Engineer certifies that the subdivision has been staked and the engineering plans, containing the seal of a registered land surveyor, have been approved.
 - a. The registered land surveyor shall certify that the plat is correct and accurate and that the lot corners will be set in accordance with the recorded plat within one year of the date of Council approval and prior to any lot sales.
 - b. Assurances of construction, per Section 9.34, shall be posted within one year of the date of Council approval and prior to the issuance of any grading, excavation, building or grubbing permits.

3. *Recordation.* The Department shall cause the final plat to be recorded in the office of the Recorder.

(Ord. No. 1051, § I, 7-29-97)

9.2 Subdivision design standards.

The operating principle upon which land areas are subdivided is maintaining compatibility between the Town's natural and built environments. Just as architectural creativity is encouraged for the design of structures, so is *site* engineering sensitivity expected for open space preservation as well as the placement of all human-made improvements.

(Ord. No. 1051, § I, 7-29-97)

SUBDIVISION REGULATIONS

9.21 General requirements.

- A. *Accommodation of natural conditions.* Land planning and individual lot designations within each subdivided tract shall be responsive to existing natural conditions and community character themes. Platting approach shall vary according to development type, required improvements, design themes or amenities and preferred siting arrangements.

- B. *Access and dedications.*
 - 1. All access to private property shall be from a dedicated public street or permanent private accessway or easement, properly recorded to substantiate its permanent nature. Private accessways shall meet all Town requirements concerning improvement of private driveways (see Appendix E, Standard Details).

 - 2. In conjunction with the development of any land which fronts onto an arterial street, whether for single-family uses or otherwise, the owner shall be required to make proper roadway dedications for the future improvement of the arterial. Zoning setbacks for building construction shall be from the newly dedicated right-of-way.

 - 3. In the case of a single-family home fronting on an arterial street, the owner/developer shall demonstrate that there is sufficient automobile maneuvering space provided on the property to allow vehicles to enter the arterial in a forward motion.

- C. *Dedication of parks and other public lands.* Any portion of the tract which contains land designated on the General Plan or recommended by the Commission for school, park, recreational trail corridor or other public purpose shall either be dedicated to the public or reserved for acquisition by the public within a specified period per A.R.S.

9-463.01.D.

(Ord. No. 1051, § I, 7-29-97)

9.22 Block design.

- A. *Block length.* No block shall be longer than one thousand five hundred (1,500) feet. Where a subdivision adjoins a major thoroughfare, the greater dimensions of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress or egress. When blocks are over one thousand (1,000) feet in length, a crosswalk easement not less than eight (8) feet wide shall be required if necessary to provide proper access to schools, playgrounds and other facilities.
- B. *Cul-de-sacs.* Maximum length of cul-de-sac streets shall be six hundred (600) feet, measured from the intersection of right-of-way lines to the center point of the turning circle along the street centerline.

(Ord. No. 1051, § I, 7-29-97)

9.23 Street designation.

The arrangement of streets in a new subdivision shall make provision for continuation of the principal existing streets in adjoining areas or their proper projection where adjoining land is not subdivided insofar as they may be deemed necessary for public requirements.

(Ord. No. 1051, § I, 7-29-97)

9.24 Lot planning.

No lot shall have less area or width than required by the Zoning Code regulations applying to the area in which it is located.

(Ord. No. 1051, § I, 7-29-97)

9.25 Open space/public use allocation.

The Council may require the reservation of land from a subdivider for one (1) year, or longer period if mutually agreed upon, after the date of recording of a final record plat if such land is reserved for parks, recreational facilities, school sites, and fire stations and if such reservation is in accordance with State law. Before the end of the one (1) year period, the Council 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 that one (1) year period, respectively, then the reservation of land shall terminate. In acquiring such land, the Council may use funds obtained through the residential development tax, or allow an off-set against that tax. The Planning and Zoning Commission is required to consider land reservation when reviewing a preliminary plat.

(Ord. No. 1051, § I, 7-29-97)

9.26 Utility planning.

Electrical service, gas mains, and other utilities shall be provided within each subdivision.

- A. *Water I sewer.* Each subdivision shall have an adequate water supply and distribution system provided by the subdivider.
1. Mains shall be not less than six (6) inches and shall be looped.
 2. No cesspools are allowed where sewer service can reasonable be provided.
 3. Sewer lines shall be installed and paid for by the subdivider, and in addition a connection fee as appropriate in the Fee Schedule (See Appendices) will be charged and paid at the time of connection. Commercial, industrial or residential developments will be considered individually in accordance with Town policy. Sewer lines shall conform to current Town standards.
- B. *Other utilities.* Telephone, cable and electrical lines may be required to be located underground. Private easements for utilities shall be provided as follows:
1. Where alleys are provided, four (4) feet for aerial overhang on each side of an alley may be provided by dedication but need not be delineated on the plat.
 2. Alongside lot lines, six (6) feet on each side of lot lines for distribution facilities and one (1) foot on each side of lot lines for street lighting as may be designated.
 3. Guy and anchor easements, one (1) foot wide on each side of a lot line and approximately thirty-five (35) feet in length measured from rear lot line as designated.
- C. *Street lights I traffic signals.*
1. Street lights shall be at every intersection and in no case spaced at intervals more than six hundred (600) feet.
 2. The subdivider shall pay a pro rata share of the cost of a traffic signal, if warranted. The estimated assessment shall be deposited with the Town prior to approval of the subdivision when subdivision approval is being required for a subdivision adjacent to the corner crossed by an arterial or collector street.

(Ord. No. 1051, § I, 7-29-97)

9.3 Required improvements.

It is the purpose of this section to establish the minimum acceptable standards for the improvement of streets and utilities; to define the responsibility of the subdivider in the planning, construction and financing of improvements; and to establish procedures for review and approval of engineering plans.

(Ord. No. 1051, § I, 7-29-97)

9.31 Improvement responsibility.

The costs of all improvements within and adjacent to new residential, commercial or industrial subdivisions or other areas to be developed within the Town shall be the full

responsibility of the subdivider/developer. These improvements shall include, but shall not be limited to: storm drainage, sanitary sewer disposal, effluent reuse facilities, water supply, streets and public easements, monuments, utilities, landscaping and street lighting.

(Ord. No. 1051, § I, 7-29-97)

9.32 Engineering plans.

It shall be the responsibility of the subdivider to have a registered engineer prepare a complete set of engineering plans for construction of all required improvements. Such plans shall be based on the approved preliminary plat, and the specifications contained in Chapter III and be submitted with the record plat.

A. Deferral of improvements.

If in the opinion of the Town Engineer, the installation of off site improvements would be a hardship on the Town or would not be feasible from an engineering standpoint, the installation of improvements could be temporarily deferred, provided a cash bond, irrevocable letter of credit, or similar instrument as approved by the Town Attorney, is deposited with the Town for the cost of improvements. Estimated costs of the improvements shall be established by the owner/developer's engineer and reviewed and approved by the Town Engineer.

B. Final approval of improvements.

The Division of Building Inspection shall not approve a certificate of occupancy for the building until the required off site improvements are completed and have been inspected and approved by the Town Engineer, unless a temporary deferment has been obtained as specified in Section A. above, or as exempted in the following paragraph.

In existing subdivisions developed without fully-improved streets, the improvement of local and arterial streets, prior to issuance of a certificate of occupancy for building, shall be waived. Owners of such property proposed for development shall, however, be required to make proper roadway dedications, if not yet done so, and agree to participate in an improvement district for arterial streets abutting the subdivision or within a defined benefit area, if such streets have not been improved.

(Ord. No. 1051, § I, 7-29-97)

9.33 Construction and inspection.

All improvements in public rights-of-way shall be constructed with the inspection and approval of the Town department having jurisdiction. All construction in public rights-of-way and private access ways shall require a Town permit. Construction shall not begin until a permit has been issued for such construction. If work has been discontinued for any reason, it shall not be resumed until after notifying the department having jurisdiction.

A. Construction permits.

No building permit shall be issued for any building or structure, including single-family residences, until off site improvements plans have been submitted in accordance with the subdivision regulations of this Code and the standards and policies required by the Town, except as exempted in Section 9.32-B.

B. Utility installation.

Utilities must be installed either in public rights-of-way or public utility easements or easements dedicated specifically by the land owner for such usage and maintenance. (Ord, No. 1051, § I, 7-29-97)

9.34 Assurances.

- A. *Agreements by the subdivider.* Upon approval by the Council of the final plat, the subdivider shall execute an agreement relating to the following:
1. *Phasing.* Subdivision improvements may be constructed in practical increments or lots as specified by the subdivider and subject to provisions for satisfactory drainage, traffic movements and other services as determined by the Town Engineer.
 - a. The improvements shall be constructed in accordance with plans approved by the Public Works Department for water and public sanitary sewer facilities, and by the Town Engineer for all other improvements.
 - b. The improvements shall be completed within an agreed specified time period for each increment; provided, that an extension of time may be granted under conditions specified therein.
 2. *Restriction on release of lots.* No lots shall be released from any approved increment of lots until an assurance of construction deposit or bond has been posted and accepted by the Town Engineer.
 3. *Inspection.* Construction of all improvements within streets and easements shall be subject to inspection by the Town Engineer and/or Public Works Director.
- B. *Assurance of construction.* The subdivider shall give adequate assurance of construction of each increment in accordance with subsections B, C or D of this Section.
1. *Deposit bond.* To insure construction of the required improvements, as above set forth in this Section, the subdivider shall deposit with the Town Engineer an amount in cash or a surety bond equal to the amount of the cost of the work of each recorded increment (as determined by the Town Engineer) guaranteeing that the work will be completed in accordance with Town details and specifications. The Town Engineer shall give the applicant his/her receipt for each deposit.
 2. *Surety bond.* The surety bond shall be executed by the subdivider, as principal, with a corporation duly authorized to transact surety business in the State of Arizona, as surety. The bond shall be in favor of the Town, shall be continuous in form, and shall be conditioned that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, irrespective of the number of years the bond is in force. The bond or cash shall be released upon satisfactory performance and acceptance of the work by the Town Engineer, or the bond may be canceled or the cash withdrawn by the subdivider provided, that other security satisfactory to the Town has been deposited which will cover the obligations of the subdivider which remain to be performed.

Progress payments may be made to the subdivider or his order from any cash deposit made pursuant to Section 9.34-C. Such progress payments shall be made in accordance with standards established by the Town Engineer.

Any work abandoned or not completed by the subdivider may be completed by the Town which shall recover such construction costs from the subdivider.

- C. *Assurance of construction through loan commitment.* In lieu of providing assurance of construction in the manner provided above in this Section, the subdivider may provide assurance of construction subdivision improvements of the recorded plat by delivering to the Town Engineer prior to the recording of said plat an appropriate agreement between an approved lending institution and the subdivider.
1. *Deposit.* The agreement shall state that funds sufficient to cover the entire cost of installing the subdivision 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 Engineer, have been deposited with such approved lending institution, or have been committed to be loaned by such lending institution to the subdivider. Such agreement shall provide that such funds in the stated amount are specifically allocated, and will be used by the subdivider or on his/her behalf, only for the purpose of installing the subdivision improvements.
 2. *Beneficiary.* The Town shall be the beneficiary of such agreement, or the subdivider's rights thereunder shall be assigned to the Town and the Town Engineer shall approve each disbursement of any conditions and provisions normally included by such lending institutions in loan commitment for construction funds, or as may be necessary to comply with Statutes and regulations applicable to such lending institutions.
- D. *Alternate method of assurance.* An alternate method of assurance may be accepted for subdivisions that require no water and sewer improvements outside property lines and no improvements are required to existing arterial or collector roadways.
1. A subdivider that meets the following criteria may be allowed to use the alternate method of assurance detailed in this subsection:
 - a. The subdivider has engaged in business in the Phoenix Metro area for a period of three (3) consecutive years prior to making request, and;
 - 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 City Engineer.
 2. The subdivider shall request in writing to the Town Engineer that as an alternative to the assurance provisions of subsections 9.34-B and C, the Town shall be authorized to withhold building permits or final building inspections until all required improvements set forth in this article are completed and the work is inspected and accepted by the Town Engineer.

3. The Building Safety Director shall deny final approval of any building permit or final building inspection for any structure located within a subdivision constructed under this subsection unless a written certification has been received from the Town Engineer that all required improvements set forth in this chapter are complete and the work has been inspected and accepted.
4. If the subdivider fails to complete all required improvements in accordance with the terms of the subdivision agreement, the Town Engineer may authorize the completion of the work. The Town shall be reimbursed the costs (as determined by the Town Engineer) of construction, installation, and dedication of the uncompleted portion of the required improvements. The Town may take such action as necessary to obtain reimbursements from the subdivider.

(Ord. No. 1051, § I, 7-29-97)

9.4 Administration.

The Town of Gilbert Planning and Zoning Commission is authorized to receive, process and otherwise act upon preliminary subdivision plats and development plans in accordance with these regulations. The Town Council shall have final jurisdiction over all matters pertaining to the subdivision of lands after they have received a recommendation from the Commission. All applications for action under this Land Development Code shall be filed with the Planning and Zoning Department for processing in accordance with these regulations.

(Ord. No. 1051, § I, 7-29-97)

9.41 Applicability.

Where applicable, this Chapter shall cover an area extending three (3) miles from the corporate limits of the Town, in accordance with Arizona Revised Statutes, Section 9-474. (Ord. No. 1051, § I, 7-29-97)

9.42 Land splits.

The Council is to approve or disallow land splits within the Town limits. This authority only applies to the determination of division lines or area and shape of the tracts or parcels and does not include authority to regulate the terms or conditions of the sale or lease of tracts or parcels not the result of a land split.

(Ord. No. 1051, § I, 7-29-97)

9.43 Additional fee responsibility.

If the Council finds it necessary to employ the services of a registered engineer in connection with the examination and approval of any subdivision, said services shall be paid for by the subdivider and no final plat shall be approved until satisfactory arrangements are made with the Town for payment of such services.

(Ord. No. 1051, § I, 7-29-97)

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9.44 Exceptions.

Where, in the opinion of the Council, there exist extraordinary conditions of topography, land ownership or adjacent development, or other circumstances not provided for in these regulations, the Council may modify the provisions of this Chapter in such manner and to such extent as it may deem appropriate to the public interest.

- A. In the case of a plan and program for a complete community, or a complete neighborhood, the Council may modify the provisions of this Chapter in such manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air and services needs of the tract when fully developed and populated, and may provide legal provisions that will assure conformity to an achievement of the plan.
- B. In modifying the standards or requirements of this Chapter, the Council may make such additional requirements as appear necessary, in its judgment, to secure substantially the objectives of the standards or requirements so modified.

(Ord. No. 1051, § I, 7-29-97)

9.45 Appeals.

Decisions made by the Department pursuant to this Code may be appealed within fifteen (15) days to the P&Z Commission for review, modification or reversal. Similarly, decisions of the P&Z Commission may be appealed within fifteen (15) days to the Town Council for review, modification or reversal.

(Ord. No. 1051, § I, 7-29-97)

9.5 Residential Subdivision Design and Development Guidelines for Low and Medium Density Subdivisions

The Residential Subdivision Design and Development Guidelines for Low and Medium Density Subdivisions attached, as Appendix F of this Code shall apply to residential subdivisions located in low and medium density areas in the General Plan of the Town of Gilbert. The design and development guidelines shall be used by the Planning Department, the Design Review Board and the Town Council as guidelines for the design and development of subdivisions in areas designated for low and medium density in the General Plan of the Town. The guidelines shall be applied with sufficient flexibility to allow for diversity in planning to avoid repetitious design and to assure quality development. Specific requirements of the design and development guidelines may be waived or modified by the Design Review Board or Town Council if such waiver or modification will improve the quality of the subdivision.

(Ord. No. 1248, § 1,02-15-00)

9.6. Medium High Density Framework Guidelines

The Medium High Density Framework Guidelines attached as Appendix G of this Code shall apply to medium high density development in the Town of Gilbert. The guidelines shall be used by the Planning Department, the Design Review Board and the Town Council as guidelines for the design and development of medium high density developments in areas designated for medium high density in the General Plan of the Town. The guidelines shall be applied with sufficient flexibility to allow for diversity in planning to avoid repetitious design and to assure quality development. Specific

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requirements of the guidelines may be modified by the Town Council if the quality of the subdivision will be improved by such waiver or modification.
(Ord. No. 1293, § 1,07-25-00)

[The next page is Ch II, Pg. 101]

ARTICLE X. SITE PLAN REVIEW*

10.1 Purpose.

This article is intended to provide for the detailed review of a Site Plan for new developments, expansion of existing developments, and redevelopment of property in the Town. This review is necessary to eliminate or minimize land use conflicts, to prevent incompatible relationships and uses and to assure compliance with the design guidelines of the Town.

10.11 Procedure.

Site Plan approval is required by this Code for all developments in the Town except for single family residential projects subject to the Town's Subdivision Plat approval process. The owner or owners of any tract of land shall submit to the Planning Department the following information:

- A. A Preliminary Site Plan drawn to scale and in such manner as to indicate clearly and precisely what is planned for the subject property.
- B. The Preliminary Site Plan shall include all of the following information:
 - 1. Lot dimensions and topography.
 - 2. All buildings and structures existing and proposed.
 - 3. Adjacent land uses, including existing buildings and structures, existing and proposed access points.
 - 4. Yards and space between buildings.
 - 5. Walls, fences and landscaping.
 - 6. Vehicular, pedestrian and service access.
 - 7. Off-street parking facilities including number of spaces and dimensions of parking area.
 - 8. Signs and lighting including location, size, height and method of illumination.
 - 9. Outdoor storage and activities.
 - 10. Drainage, grading and utility plans.
 - 11. Waste disposal facilities.
 - 12. Street dedications and improvements; on-site circulation plan for vehicles and pedestrians.
 - 13. Other such data as may be reasonably required by the Planning Director.

10.12 Review by Planning Director of small projects.

- A. The Planning Director or his authorized representatives, shall review applications for small projects. A "small project" is a project which is (1) an addition to an existing approved building of 1000 square feet or less; (2) minor revisions to an approved site plan; (3) a

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revision to an approved landscape plan; (4) minor changes to circulation plans; and (5) changes to approved colors and materials in an existing or approved project. The Planning Director may approve a Site Plan for a small project with stipulations necessary to protect the public interest or he may refer a small project to the Design Review Board for their review.

B. The Planning Director may find that special conditions require one or more of the following:

1. Limited vehicular access.
2. Walls, fences and screening devices.
3. Off-site improvements in public right-of-way adjacent to the subject property.

C. The Planning Director's decision shall be final unless the applicant files, in writing, within five (5) working days of the receipt of the decision a request that a public hearing be scheduled before the Design Review Board. Further appeal from the Design Review Board decision may be filed within ten (10) working days in accordance with Section 7.4.

For small projects, if no changes are required to be made to the Preliminary Site Plan, it may be approved as the Final Site Plan.

10.13 Review Design Review Board

A. Except for small projects approved pursuant to Section 10.12, the Design Review Board shall review applications for Site Plan approval in accordance with this Article and procedures set forth in paragraph 7.4.

1. The Design Review Board shall hold a noticed public hearing for site plan approvals.

2. The applicant, the Planning Director, the Town Manager, any member of the Town Council or an aggrieved person may appeal any decision of the Commission to the Town Council by filing written notice of the appeal to the Town Clerk within ten (10) calendar days from the date of the Commission's action. The Town Council shall have the authority to uphold, modify, or overrule the decision of the Commission. The decision of the Town Council shall be final.

B. The Design Review Board may find that special conditions require specific stipulations for approval. Stipulations approved by the Design Review Board shall be set forth in the minutes of the Board.

1. A Preliminary Site Plan shall be filed with the Planning Department. The Planning Department shall prepare recommendations for the Design Review Board. The Design Review Board shall review the Preliminary Site Plan for compliance with applicable ordinances and design requirements. The Design Review Board may, at its option, approve the Preliminary Site Plan as a Final Site Plan if all requirements of the Town are met. If modifications are required to be made prior to final approval, the applicant shall file its Final Site Plan with the Planning Department and the Design Review Board.

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will meet to consider approval of the Final Site Plan.

2. The approved Final Site Plan shall be forwarded to the Planning Department, Town Engineer, and a file copy retained in the office of the Town Clerk.
 - a. *Enforcement:* The approved Final Site Plan shall become part of the parcel's zoning requirements and shall be so enforced in accord with the provisions of this Code.
 - b. *Issuance of building permits:* Site boundaries shall be established upon approval by the Design Review Board of a Preliminary Site Plan; however, building permits may be issued, upon application, only after Final Site Plan approval for all or any portion of the development for which a building permit might be sought.

10.14 Revisions.

Revisions to an approved, Final Site Plan shall be made pursuant to the procedure prescribed herein. All copies of the approved revised Site Plan shall be dated and signed by the Planning Director.

10.2 Site organization and development.

The Site Organization and Development Section is intended to provide standards for organization and layout of buildings and parking areas so as to promote the general health, safety and welfare of residents of the community. This is accomplished, in part, by encouraging the creation of safe and attractive appearances to the public eye and minimizing views of unattractive uses or activities. Likewise, sound design principles can enhance the compatibility of dissimilar uses and provide for transitional or buffer zones between such uses. The standards set forth herein are recognized as assisting in promoting privacy and logical development and strengthening property values.

This Section establishes minimum standards for site organization and development. The Town encourages developers and landowners to exceed these minimums whenever possible.

10.21 Applicability.

- A. This Part shall apply to the following buildings and uses in all districts except single-family residential uses:
 1. All new buildings and uses of land.
 2. Substantial additions to or remodeling of existing buildings where there is a change in the distinguishing characteristics or primary features of the building or land or the use of the building or land.
- B. Any proposed building or use shall be shown on a Site Plan indicating the proposed location of buildings, parking areas, landscaping, and street improvements on the property. This Site Plan shall be submitted and reviewed in accordance with procedures set forth in this Article.
- C. All buildings, parking areas, and landscaping shall be constructed and installed in accordance with the approved Site Plan prior to issuance of a certificate of occupancy for the building

or use.

10.22 Screening standards.

- A. All outdoor storage areas for materials, trash, equipment, vehicles or similar items shall be screened from view along all street frontages by a six-foot wall constructed of slump block, brick or masonry with a stucco or mortar wash finish designed to match the main building on the site. Such a wall shall extend along the front and sides of the storage area for a sufficient distance to obstruct views into the yard from the public street. A six-foot wall or fence is permitted along the remainder of the perimeter of the site.
- B. All loading, delivery, and service bays shall be screened from street view by a six-foot wall, constructed of brick, slump block, or masonry with a stucco or mortar wash finished designed to match the main building on the site and appropriate landscaping, except in the 1-2 and 1-3 zones where these areas must be screened from arterial streets only.
- C. All loading, delivery, and service bays in the I-B and 1-1 zones shall not front on a public street.
- D. Dismantling, servicing and repairing of vehicles and/or equipment shall be within completely enclosed buildings or within an area enclosed by brick, block, or masonry walls as required by Section 10.22-A.
- E. Parking lots shall be screened from street view in accordance with Chapter II, Site Plan Review of this Code.
- F. Outside displays of cars, boats, trailers, trucks, and other vehicles shall meet the screening requirements for parking lots.
- G. Car wash service bays shall not face onto or be visible from any public street and are subject to the screening standards in Section 10.22-B above.

10.23 Service station design standards.

The following development standards are hereby established for the location, design, and operation of such stations in addition to any other requirements prescribed by this Code or other Ordinances:

- A. The service station site shall be located at the intersection of arterial streets.
- B. The service station site shall have a minimum width of one hundred fifty (150) feet and a minimum area of twenty-two thousand five hundred (22,500) square feet after dedication of all required street rights-of-way.
- C. Pump islands shall be located at least thirty (30) feet from the street right-of-way line.
- D. Service areas and bay doors shall not front onto or be visible from any public street and are subject to the screening standards in Section 10.22-B above.

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- E. Design of the station building and site shall be compatible with the type of development in or anticipated in the nearby areas. Special designs may be required if deemed necessary by the Design Review Board.
- F. Service stations which are situated within a larger commercial development shall be separated from adjacent property by a three-foot wall, landscaping, or curbing, except for necessary driveways, in order to control vehicular movements and circulation.
- G. Masonry walls, at least six (6) feet in height, shall be installed along the interior boundaries of the site where the site is adjacent to or across the alley from a residential district.
- H. The outside display of tires, oil or other sale items shall be located adjacent to the main building.
- I. Trash and refuse shall be stored in an enclosed or walled area and shall not be visible from the exterior boundaries of the property.
- J. Signs shall be limited to one major company identification sign for each street frontage and shall conform to the general sign regulations. (See Article III)
- K. Banners, flags, and other signs or attention attracting devices shall not be permitted except during the first month of opening of a new station.
- L. Lighting for service stations shall be directed toward the site and shall not cause undesirable glare to nearby residential properties or public roadways and shall comply with applicable Town ordinances and codes.
- M. Service stations shall be subject to all landscaping and design standards contained in this Section and Section 11.1, including screening of parking and maneuvering areas with walls and landscaping. Landscaping shall be installed in accordance with an approved plan and shall cover a minimum of five (5) percent of the net site area. Adequate and proper maintenance of the landscaping shall be the responsibility of the station operator.
- N. Accessory businesses involving the sale or rental of automobiles, trailers, motorcycles, boats, or other vehicles may be conducted on the service station site only if specifically authorized in the Use Permit, but are not permitted in the C-1 Commercial District. Such items must be screened by a five-foot high wall, except where deemed desirable, the Board of Adjustment may permit substitution of a screening fence or wall, or the entire elimination of the wall. One item of each category may be openly displayed or located at least forty (40) feet from the street right-of-way.
- O. Vehicles and other obstructions may not be parked on any corner lot within the triangular area formed by the street property lines and a line connecting them at points thirty-three (33) feet from the intersection of the street lines.
- P. The repair of motor vehicles shall not include painting, upholstering, body and fender work or major overhauling. Dismantling or minor overhauling of vehicles on service station sites shall be permitted only within enclosed buildings and only in zoning districts where otherwise permitted.

- Q. Service station buildings which are vacant for at least one (1) year shall be considered abandoned. Such abandoned buildings shall be removed and their underground fuel tanks shall be removed or filled with an inert material at no cost to the Town.

10.24 Miscellaneous design standards.

- A. No walls, buildings, or other obstructions to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the curb lines and a line connecting them at points thirty-three (33) feet from the intersection of the curb lines. Trees may be located within the triangle provided they are pruned high enough to permit unobstructed vision.
- B. All trash or refuse collection areas shall be enclosed by a six-foot masonry wall, styled to match the material of adjacent walls or the main building on the site.
- C. All outdoor lighting shall comply with applicable Town ordinances and codes.
- D. All undeveloped building pads within developed shopping centers or similar projects shall be either paved in asphalt or landscaped to control dust and erosion.
- E. Driveways shall not be located closer than fifty (50) feet to a street intersection.

10.3 Building design.

This Section is intended to establish standards to encourage the orderly and harmonious appearance of structures along the Town's thoroughfares.

10.31 General design guidelines.

- A. The Town encourages and expects high quality construction and design of buildings with respect to materials, colors, finishes, form and scale.
- B. All building facades shall be designed to continue the "small town" character of Gilbert. Large, massive structures shall be architecturally styled to achieve a smaller scale; large building walls shall be broken to reduce scale and provide variety to the streetscape.
- C. Buildings should be sited and designed to achieve an optimum level of energy efficiency with regard to solar orientation.
- D. Mechanical equipment, whether ground-level or roof-mounted, shall be screened from public view and be so located to be perceived as an integral part of the building.
- E. Accessory equipment capable of generating noise and vibrations shall be properly insulated and the noise and vibrations shall not be apparent from adjacent properties or the public right-of-way.
- F. All on-site electric utility, cable television lines and all other communication and utility lines

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for buildings shall be placed underground. Overhead wires are prohibited.

- G. Signage shall be considered an integral design element of any building and shall be compatible with the exterior architecture with regard to location, scale, color and lettering.
- H. The siting of metal or steel buildings along public streets shall be discouraged. Any such buildings shall be architecturally altered, through the construction of veneers, facades or other architectural details and facades shall be installed on all sides of the building visible by the public from a public street.
 - 1. All buildings located within a larger development, such as a shopping center, shall be architecturally styled to achieve harmony and continuity of design. The elevations of such buildings shall be coordinated with regard to color, texture, materials, finishes and architectural form.
- J. The architecture of buildings shall be in accordance with design guidelines adopted by the Town Council for buildings located outside the Heritage District. The architecture of buildings in the Heritage District shall be in accordance with the design guidelines adopted by the Redevelopment Commission. The architectural character of a proposed structure shall be in harmony with and compatible to those in the immediate proximity, but avoiding excessive variety or monotony.

(Ord. No. 1299, § I, 9-05-00)

[The next page is Ch. II, Pg 151]

ARTICLE XI. LANDSCAPE AND OPEN SPACE CRITERIA*

*Editor's note--See Editor's Note, Article VIII.

11.1 Landscaping standards.

This section is intended to provide standards for the installation of landscaping so as to promote the general welfare of the community by encouraging the creation of an attractive appearance along public streets, provide shade in pedestrian recreational areas, and by screening the view of those uses which may be unattractive to the public eye.

(ord. No. 1051, § I, 7-29-97)

11.11 General landscaping regulations.

A. Applicability.

This section shall apply to all new buildings, to all new uses of land, and to additions of at least twenty-five (25) percent to existing buildings and uses in all commercial districts and in industrial districts. If any other Section of the Code specifies a greater requirement as to landscaping requirements, that greater requirement shall prevail.

B. General requirements.

1. Landscaping may include trees, shrubs, ground cover, vines, walkways, ponds, fountains, benches, sculpture, and other organic materials used for creating an attractive appearance.
2. The minimum landscaping requirements for any parcel or site, exclusive of street right-of-way, shall be as follows:
 - a. *Industrial districts:* Ten (10) percent of gross ground floor area of buildings or five (5) percent of net land area, whichever is greater:
 - b. *All other districts except RI-20, RI-35 and R143:* Ten (10) percent of net land area (ord. No. 1248, § 1,02-15-00).
3. Landscaping shall be provided along the street frontage between the street or sidewalk and any buildings, parking areas, loading or storage areas in accordance with the following standards:
 - a. The intersections of arterial or section line streets in Gilbert are a dominant feature of the urban landscape, serving as major focal points of activity in the community. Because of the importance of these intersections, minimum fifty-foot wide landscaped area shall be established along the street frontage within a distance of two hundred fifty (250) feet of the arterial intersection as measured from the intersection of right-of-way lines. Said landscape area shall not be encumbered by parking areas, buildings, driveways or other improvements. One driveway perpendicular to the street frontage within the fifty-foot wide

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landscaped area established above. The design treatment of arterial intersections shall conform with Council policy which may be established or modified in the future. The Town Council shall have the authority to impose special conditions or guidelines on the development of property at arterial intersections which affect the following design elements in order to achieve the purposes of this section: (1) landscape architecture; (2) building architecture; (3) building orientation and site design; (4) vehicular ingress, egress and circulation; (5) walls and screening devices; (6) building setbacks.

- b. A minimum twenty-foot wide landscape strip shall be established along all major arterial streets, between the public right-of-way and any commercial or industrial buildings, parking lots, loading areas, or storage unless specified otherwise by this Code.
 - c. A minimum ten-foot wide landscaped strip shall be established along all other street frontages except arterial streets, between the public right-of-way and any buildings, parking lots, loading areas, or storage areas, unless specified otherwise by this Code. A minimum twenty-foot wide landscaped tract shall be established along all arterial streets between the right-of-way and the lots' property line in all residential neighborhoods (Ord. No. 1248, § 1,02-15-00).
 - d. Where existing buildings on nearby parcels are built to the street property line, landscaping shall be modified or located elsewhere on approval of the Planning Director.
4. Any part of a site not used for buildings, parking, driveways, or sidewalks shall be landscaped.
5. An automatic irrigation system shall be provided to all landscaped areas requiring water.
6. All landscaped areas adjacent to vehicular parking and access areas shall be protected by six (6) inch vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic.
7. Size and shape of trees:
- a. All trees required by this Part shall have a minimum trunk height of six (6) feet, with a minimum one and one-half-inch; caliper measured four (4) feet above the ground. Multi-trunk trees may have smaller average caliper measurements.
Palms shall have a minimum trunk height of five (5) feet. This size of tree is generally referred to as "15 gallons" in the landscaping industry; however, trees must meet the criteria specified herein for acceptance by the Town.
 - b. Mature trees as specified in this Part, are defined as fullbodied trees with a shape characteristic of the species and with a minimum size of ten (10) to twelve (12) feet in height, six (6) to eight (8) feet in width with a two (2) inch single trunk caliper or one (1) inch average trunk caliper for multiple trunk trees or an eight-foot trunk height for palms. This size of tree is generally

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referred to as "24 inch box" in the landscaping industry; however, trees must meet the criteria specified herein for acceptance by the Town.

8. Landscaping shall be installed in accordance with the approved final landscape plan prior to issuance of an occupancy permit for the building or use. A cash bond or surety bond in an amount to guarantee the installation of the landscaping within six (6) months may be permitted by the Building Department in lieu of immediate installation of plant materials.

C. *Streetscape standards.* The following landscaping shall be required along all streets:

1. Trees with a minimum size as specified in Section B.7 shall be planted at the rate of one tree per twenty (20) feet of lineal street frontage. A minimum of fifty (50) percent of the required trees shall be mature as defined in Section B.7
2. Shrubbery with a minimum size of five (5) gallons shall be planted in appropriate numbers to complement the placement of trees, but in no case shall be less than three (3) shrubs per twenty (20) feet of lineal feet frontage.
2. Clustering of trees and shrubbery shall be encouraged to accent focal points or landmarks and to provide variety to the streetscape. Contouring of the ground and placement of mounds and earth berms along streets shall be required.
4. A minimum six-foot and maximum eight-foot wall shall be required along the rear of reverse frontage single-family lots along all streets. Such walls shall be constructed of slump block, brick, or masonry with a stucco or mortar wash finish and decoratively designed with detail to provide variety to the streetscape. Long, straight, unbroken walls are hereby discouraged.
5. Street trees and shrubs shall be chosen from the "Street Tree and Shrub Selection List" in Chapter III and where maintained by the Town of Gilbert, shall be planted in accordance with the "Street Tree Planting Detail" in Chapter III.

D. *Landscaping design standards.*

1. *Transition/ separation:* Where industrial, commercial, or multi-family uses are located adjacent to or separated by an alley from any residential use or district, a five-foot wide landscaping strip, planted with one tree every twenty (20) linear feet, shall be required along the common property line. Trees may not be clustered and a six-foot slump block, brick, or masonry wall with stucco or mortar wash finish designed to match the main building on the site shall be required along the common property line. No vehicular access point to the property from the alley shall be permitted.

Where not visible from a public street or by the general public, tree wells may substitute for the landscaping strip upon approval of the Planning Director.

2. *Common Area landscaping:* In any multi-family project or district, a minimum of two

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(2) trees per dwelling unit shall be required, exclusive of street trees and perimeter landscaping. A minimum of twenty-five (25) percent of required trees shall be mature as defined in Section B.7

3. *Parking lot landscaping:*

- a. A minimum of five (5) of all parking lots shall be landscaped, exclusive of front yard or perimeter landscaping and street trees. Such landscaping shall consist of parking islands located within the perimeter of the parking lot. Landscaping adjacent to the building may, upon approval of the Planning Director, be counted as parking lot landscaping.
 - b. A minimum of one (1) tree shall be provided for every eight (8) parking spaces, exclusive of perimeter landscaping and street trees. Trees must be planted within the parking lot. A minimum of fifty (50) percent of the required trees shall be mature as defined in Section B.7 Shade canopy trees are encouraged wherever possible.
 - c. Parking islands or landscaped areas shall be installed at least every twelve (12) consecutive parking spaces; such islands shall be a minimum of five (5) feet wide and contain a minimum of fifty (50) square feet in area. This requirement may be modified upon approval of the Planning Director, where warranted by exceptional design of the parking lot and where the intent of the standard is met through alternate design schemes.
 - d. All parking lots shall be separated from adjacent residential uses or districts by a five-foot landscaped strip planted with a minimum of one tree every twenty (20) linear feet and a six-foot wall constructed of brick, slump block, or masonry with stucco or mortar wash finish.
 - e. All parking lots shall be screened from public streets by walls or earth berms or combination thereof, constructed at least three (3) feet above the grade of the parking lot or adjacent street, whichever is higher in elevation. Intermittent landscaping is permitted to substitute for the walls and berms for a maximum of twenty-five (25) percent of the parking lot frontage. Variety to the alignment and style of the walls is required. Such walls shall be decoratively designed to match the facade of any buildings and shall be constructed of slump block, brick, or masonry with a mortar wash or stucco finish.
 - f. Any landscaped area used for vehicular overhang shall not be counted towards the required landscaping.
- E. *Desert landscaping.* The Town encourages the installation of "lush" desert landscaping through the use of low water-consumptive plants indigenous to this region. In order to minimize the sparse appearance of desert landscaping the following standards will apply:
1. A minimum of twenty-five (25) percent of all frontage landscaped areas shall be covered with vegetative or organic ground cover consisting of grass or other living

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plant materials characterized by horizontal growth which generally do not exceed eighteen (18) inches in height.

2. Vegetative ground cover shall be so located to accentuate landmarks or focal points on a site and to create a "lush" appearance to the landscaped area from public streets and areas.
2. Inorganic ground cover, consisting of decomposed granite, crushed rock, gravel, river rock and/or boulders, shall be of sufficient variety in terms of color, texture, and materials to provide a pleasant and diverse appearance to the streetscape. Mounding and contouring of landscaped areas is required.

F. Retention basins.

1. All private retention basins in multi-family, commercial, or industrial projects shall be landscaped. Such basins may not occupy more than fifty (50) percent of any landscaped area fronting on a public street; except, where exceptional design or shallow depths are proposed for the retention basin, the Planning Director may permit a greater use of the frontage landscaped area.
2. Retention basins shall be contoured and designed as an integral part of any frontage landscaping and shall not take on the appearance of a ditch.

G. *Public Right-of Way.* The maintenance of landscaping in the public right-of-way shall be the responsibility of the adjacent property owner, whether an individual, corporation or homeowner's association (Ord. No. 1258, § I, 04-07-00)

H. *Type and size.* Plant materials shall be of a type and size to provide a reasonable amount of vegetation within two (2) years. Provision shall be made for water service to all landscaped areas requiring water.

(Ord. No. 1051, § I, 7-29-97)

11.12 Enforcement of Landscape Maintenance Requirements.

A. Commercial and Industrial Landscape Maintenance Enforcement.

1. The following standards shall be maintained for landscape in commercial and industrial developments:
 - a. Landscaped areas shall be reasonably maintained by the owner or lessor of the property as to pruning, trimming, watering, or other requirements to create an attractive appearance for the development.
 - b. The landscaping shall be maintained in a weed-free manner;
 - c. The irrigation sprinkler system shall be in good working condition;
 - d. The landscaped area shall be free of debris;

- e. The landscaping shall be maintained at the level shown on the original approved landscape plan; and
 - f. Amenities including but not limited to benches, pedestrian paths, and bicycle racks shall be maintained in good repair without chipping paint, missing parts, etc.
2. The procedure for enforcement of these standards shall be as follows:
- a. The Code Enforcement Officer for the Town shall be responsible for investigating complaints received for violations of these standards.
 - b. The Code Enforcement Officer will send notice of the violation to the commercial or industrial property owner(s) requiring the that property owner(s) to bring the landscaping into compliance within forty-five (45) days from the date of the notice. The Code Enforcement Officer may extend this forty-five (45) day time period one time for an additional forty-five (45) days if the property owner(s) is making reasonable efforts to bring the area into compliance with the landscape regulations.

B. Residential Landscape Maintenance Enforcement

1. The following standards shall be maintained for landscape in residential developments:
- a. Landscaped areas shall be reasonably maintained by the owner or lessor of the property as to pruning, trimming, watering, or other requirements to create an attractive appearance for the development.
 - b. The landscaping shall be maintained in a weed-free manner;
 - c. The irrigation sprinkler system shall be in good working condition; and
 - d. The landscaped area shall be free of debris.
2. A residential development shall be in violation of the requirements of this section if there are (i) large barren areas (consisting of 20 lineal feet or more) in areas which should contain developed landscaping according to the original approved plan; (ii) unmaintained areas, characterized by areas containing weeds, debris, sinkholes, lack of gravel, or similar conditions or (iii) amenities including but not limited to, bar-b-ques, tot lots, ramadas, picnic tables, ball courts, sidewalks, and pedestrian paths which are in disrepair or in need of paint or maintenance.
3. The procedure for enforcement of landscape maintenance standards in residential subdivisions shall be as follows:
- a. Upon receipt of a complaint of a violation of the landscape maintenance

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standards, the Planning Technician in charge of landscape plans shall review the approved landscape plans for the subdivision, inspect the area, and provide a written report to the Code Enforcement Officer regarding the original plan requirements and acceptable alternatives, if any.

(1) A complaint will be processed pursuant to §§ 2 and 3 of these procedures if the Code Enforcement Officer determines that a violation of the landscaping maintenance regulations exist.

(2) A violation will not be found to exist if plants have been removed for public 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.

(3) A violation will not be found to exist if the maturity of the landscape meets the intent of the original approved plans.

- b. 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 forty-five (45) days to bring the landscaping into compliance.

(1) Notice will be deemed given when done so in writing and mailed to the HOA address on file with the Arizona Corporation Commission.

(2) Within the forty-five (45) day period referenced above, the HOA may file an informal proposed addendum to the landscape plans if the HOA believes there are valid reasons for not maintaining the landscaping in accordance with the original approved plans. The addendum shall be reviewed and approved or denied by the Design Review Board. The time for compliance will be suspended after such a proposed addendum is filed until it is approved or denied by the Design Review Board.

(3) The Code Enforcement Officer may extend the forty-five (45) day time limit one time for an additional forty-five (45) days if the HOA is making reasonable efforts to bring the area into compliance with the landscape maintenance regulations.

(4) If the HOA fails to remedy the violations within the time

frames outlined above, a final notice shall be sent giving the HOA twenty (20) additional days to remedy the problem before a complaint is issued for prosecution.

- c. If an HOA has failed to remedy the violations, a citation shall be issued to the HOA and to the president or another officer of the HOA as the representative summoning that person to appear in court and respond to the charges.
- d. Pursuant to A.R.S. § 13-803(B), any fines assessed for violations of the landscape maintenance regulations shall constitute a lien against the HOA.

C. *Appeals.* Determinations by the Code Enforcement Officer that a violation of the landscape maintenance regulations exists may be appealed to the Town's Design Review Board within thirty (30) days of such determination by the Code Enforcement Officer by filing a Notice of Appeal with the Design Review Board.

- 1. Until a final determination is made by the Design Review Board, the time periods set forth in this section for bringing the landscape into compliance shall be suspended. Proceedings shall not be stayed if the appeal requests relief which has previously been denied by the Board.
- 2. Citations for violations shall not be prosecuted pending a determination of an appeal by the Design Review Board.

D. *Penalties.*

1. Civil fines and Penalties.

- a. The civil fine for violating any provision of this section shall not be less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- b. In addition to the amount of the fine imposed under subsection a above, there is imposed a default penalty in the amount of Fifty Dollars (\$50.00) if the defendant fails to appear and answer for a violation of this section within the time period stated on the citation or fails to appear at the time and place set by the court for a complaint filed under this section.
- c. The court may enforce collection of delinquent fines, fees, re-inspection fees, and penalties as may be provided by law. In addition, any judgment for a civil sanction imposed pursuant to this code shall constitute a lien against the real property of the owner of the property where the violation occurred. The lien may be perfected by recording a copy of the judgment under seal of the Town of Gilbert with the Maricopa County Recorder. Any judgment for civil sanction pursuant to this code may be collected as any other civil judgment.

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2. **Habitual Offender.** A person who commits a violation of this section after having previously been found responsible by the court on three separate" occasions for committing a civil violation of this chapter within a twenty-four (24) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be charged with a criminal misdemeanor pursuant to the general penalties provision of § 7.46(B). The Gilbert Town Prosecutor is authorized to file a criminal misdemeanor complaint in the Gilbert Municipal Court against habitual offenders who violate this section. In applying the twenty-four (24) month provision, the dates of the commission of the offense shall be the determining factor, irrespective of the sequence in which the offenses were committed.
3. Each day that a violation continues shall be a separate offense punishable as herein described.

(Ord. No. 1258, § I, 04-07-00)

11.2 Bufferyard standards.

The purpose of the requirements set forth herein is to enhance the quality of life and general welfare of the community and to promote compatibility of adjacent land uses by regulating setbacks, location, external effects, height, and size of buildings, size and use of lots, yards and open space, size and intensity of landscaped bufferyards, external noise, lighting, and aesthetics.

(Ord. No. 1051, § I, 7-29-97)

11.21 Scope and applicability.

The buffering and transition techniques required herein shall apply to all proposed and anticipated uses of property which contain, within a development, more than one zoning classification and to all uses of property which are adjacent to property with a different existing or anticipated zoning classification.

The requirements set forth herein shall not require revision of approved zoning, site plans or final plats unless said zoning, site plan or final plat is considered for amendment or requires additional review and approval by the Town Council or Design Review Board. These regulations shall apply to all site plans, zoning and plats which are processed for final approval by the Town as requested by other Sections of this Code.

(Ord. No. 1051, § I, 7-29-97)

11.22 Compatible design.

All proposed developments shall be designed to minimize conflicts, assure compatibility, and provide an appropriate transition in use, density, lifestyle and function through the application of design and performance standards, including but not limited to the following:

- A. *Light and glare.* To protect adjacent properties against glare and potential light spill-over the following design criteria shall apply.
 1. All outdoor or exterior lighting shall be directed down.
 2. Direct sources of light, including fixture lenses, shall be screened from view from the adjacent property.

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2. Use of fixtures with excessive candle power shall be avoided. The level of illumination as measured at the property line shall not exceed 0.25 candle power.
 3. Documentation of lighting levels shall be provided with submittal of Design Review Board plans and verified at the time of building permit application.
 4. No intermittent, flickering or flashing lights shall be permitted.
 5. All exterior lighting shall be shown on plans submitted and approved by the Town prior to installation or prior to modification.
 6. Light sources shall not be located within any required setback or bufferyard except for unobtrusive, low level lighting necessary for pedestrian walkways or similar facilities. All lighting within bufferyards or setbacks shall conform to items 1. Through 6. above.
- B. *Aesthetics*. The following aesthetic requirements will be applied to all uses in all zoning districts except where single-family residential developments which are not required to be reviewed by the Design Review Board.
1. Features such as bay doors, loading docks, storage areas, parking areas, refuse areas, and mechanical equipment, shall be screened from view of a person standing at any property line or at the outer boundary line of any bufferyard.
 2. All rear and side elevations of buildings should contain adequate detail to provide character and scale. Views of these elevations should add to, rather than detract from, the character of the adjacent uses.
 3. General architectural character of adjacent uses should be compatible, providing a smooth transition rather than a sharp contrast between uses. Design elements including but not limited to: roofing, siding, and other building materials; roof lines, architectural style and detailing; building color, scale and massing, shall be used to accomplish visual compatibility.

4. Uses proposed to be located adjacent to an existing use which offers an undesirable view, shall provide effective screening of the undesirable view from appropriate areas of the proposed use.
- C. *Noise.* Site design shall consider the noise level generated during normal use of proposed facilities and any existing noise impacts on the site. Measures which will be used to conform to the following regulations shall be addressed by the applicant at the time of request for zoning and/or prior to the issuance of a building permit as appropriate.
1. Land uses which generate continuous levels of noise exceeding forty (40) db between 10:00 p.m. and 7:00 a.m., or fifty (50) db between 7:00 a.m. and 10:00 p.m., shall not be located adjacent to residential uses.
 2. Land uses which generate noise levels greater than seventy (70) db at any time shall not be located adjacent to residential uses.
 3. Residential uses proposed to be located proximate to an existing land use known to generate high noise levels (e.g., airport, over flight areas, arterial streets, freeways) shall provide the means to attenuate existing noise to acceptable levels. Said levels will be consistent with the adopted Town, Arizona Department of Transportation, Chandler Regional Airport, and Williams Gateway Airport guidelines as applicable.
 4. Loading areas, heating and cooling equipment, high activity outdoor spaces, sports courts, and other common sources of noise shall be oriented away from residential development whenever possible, or shall be designed to minimize the transmission of noise into residential areas.
 5. Measurement of noise levels shall mean the ambient noise level as measured at the property line of any residential use located proximate to the proposed use.
- D. *Access.* The design of access patterns for any new land use shall utilize the following criteria:
1. Proposed land uses should not incorporate roadway patterns which significantly impact traffic conditions in existing residential areas. Adequate access may be maintained to provide for emergency vehicles, public services, school buses and normal residential traffic. (also see Section 11.24-D Compatible Subdivision Design.)
 2. Opportunities for non-motorized access (e.g., horse, pedestrian and bicycle) between adjacent land uses should be provided wherever appropriate.
- E. *Odors.* All uses shall take into consideration the effect of odors which might be generated during normal conditions. Development plans shall include provisions to minimize or eliminate their effects on adjacent properties through the measures listed below or other effective measures.
1. Exhaust vents shall be located as far from adjacent properties as practical and shall be directed up terminating above the roof line.

2. Noxious discernible odors shall be eliminated from exhaust to the extent practicable through the use of filters and/or other means in common use.
3. Refuse containers shall be located away from adjacent properties when such locations are practical.
4. Refuse which may emit odors shall be stored within air tight containers such as sealed plastic bags or other containers acceptable to the Town.

(Ord. No. 1051, § I, 7-29-97)

11.23 Building setbacks and height limits.

- A. To protect against the intrusion of privacy of residential uses from proposed new non-residential and new multi-family developments, including intrusion from upper levels; to assure adequate access to sunlight and open air; to allow for the provision of landscaped bufferyards, and to protect opportunities for solar access; all land uses located in non-residential and multi-family zoning districts which are adjacent to parcels zoned or designated in the General Plan for single-family or multi-family residential uses shall meet the building setbacks as described below.

<i>PROPOSED ZONING CLASSIFICATION</i>	<i>MINIMUM BUILDING SETBACK</i>	<i>MAXIMUM BUILDING HEIGHT</i>
N-S, Neighborhood Service	40 feet	15 feet
NCC, Neighborhood Convenience	40 feet	15 feet
C-1, Light Commercial*	100 feet	30 feet
C-2, General Commercial*	100 feet	30 feet
PSC-1, Planned Neighborhood Shopping Center*	100 feet	30 feet
PSC-2, Planned Shopping Center*	100 feet	30 feet
I-B, Industrial Buffer	75 feet	30 feet
I-I, Garden Industry	Not allowed adjacent to residential	
I-2, Light Industry	Not allowed adjacent to residential	
I-3, General Industry	Not allowed adjacent to residential	
R-2, Two-Family Duplex Residential	100 feet	36 feet
R-3, Multi-Family	100 feet	36 feet
R-4, Multi-Family	100 feet	36 feet
•Not allowed adjacent to R1-20 or larger lots		

- B. Parking areas are permitted within the building setback provided that they do not encroach into or reduce the required landscaped bufferyard except that in the NS and NCC districts parking areas shall not be allowed to encroach into the setback.
- C. If truck delivery or loading areas are planned between a proposed building and an existing or anticipated residential use, additional screening and noise mitigation shall be used adjacent to loading areas.
- D. Additional setbacks may be required for uses within the above zoning classification which require a Use Permit.

- E. Setbacks shall be measured from the contiguous property liners) between the residential and non-residential uses.
- F. When the setbacks of this section are in conflict with those allowed in the proposed zoning classification or elsewhere in the Town codes, the greater setback shall apply. (Ord. No. 1051, § I, 7-29-97)

11.24 Compatible subdivision design.

Residential developments proposed adjacent to existing residential subdivisions shall be planned in relation to the existing subdivision including but not limited to the following guidelines:

- A. To the greatest extent possible, minimize the number of parcels immediately adjacent to or across a local street from each existing lot. Proposed lots shall be aligned with the existing lots having the same rear corner points or be directly across from existing lots.

The above property line design requirements shall not be strictly enforced when meeting them would necessitate the creation of lots larger than those required by the transitional zoning guidelines. However some modification to proposed lots may be required by the Town to accommodate this guideline.

- B. Planned or approved open space links, bicycle/pedestrian paths, and equestrian trails shall be extended through new developments creating a continuous network as described in the General Plan. Existing or planned parks which have a common property line with the new development should be expanded in the new development when a larger park is appropriate.
- C. Planned or existing streets which provide direct access to residential lots shall not be used as a collector street for new development.
- D. The creation of double frontage lots between two (2) local access roads shall be avoided. Constructing a new collector or local access street at the rear of existing lots is discouraged. Fronting new lots onto an existing local access street, rather than backing lots to it, is strongly encouraged.
- E. Use of a hierarchy of streets and open space networks in which collector streets and open space links connect small coherent neighborhoods is strongly encouraged.
(Ord. No. 1051, § I, 7-29-97)

11.25 Transitional zoning between residential uses.

In order to provide a smooth transition in density and lifestyles between adjacent uses, the following transitional zoning guidelines shall apply to all proposed developments which contain residential uses.

A. Adjacent residential uses shall be allowed a change in density as follows:

<i>Existing Density</i>	<i>Adjacent Density Change</i>	<i>Allowed Density</i>
1/ac. or less	35,000 sf. req.	35,000 sf. net lot
1.01-6.5/ac.	+1.5 d.u./ac.	2.5-8.0 d.u./ac.
6.51-18.0/ac.	+6 d.u./ac.	12.5-24 d.u./ac.

1. Implementation of the density changes above shall be accomplished in a manner which results in the creation of cohesive neighborhoods. To create cohesive neighborhoods, densities must transition over an area of the development.
2. The allowed density change as described above shall apply to the actual density of the lot(s) which are immediately adjacent to the existing or proposed lots. Calculations shall not be based on average overall density of a project or of an area of a project.
3. When a vacant parcel is zoned Agricultural and is designated as 0-3 d.u./ac. or 0-4 d.u./ac. on the General Plan Land Use Map, the target density (i.e., 2 d.u./ac. and 3.5 d.u./ac., respectively), shall be used for the purpose of calculating allowed adjacent density.

EXAMPLE:

A development which is proposed adjacent to an existing subdivision or parcel zoned for 3.0 d.u./ac. would be allowed a maximum density of $3.0 + 1.5 = 4.5$ d.u./ac. on the lots immediately adjacent to the existing subdivision or zoned parcel.

- B. When an improved landscaped open space link or park will separate parcels, the adjacent density changes between the parcels shall be allowed an additional .01 d.u./ac. above that shown in the table in A) above, for each foot of width of the improved landscaped open space link or improved park, provided that:
 1. The landscaped open space link or park is a minimum of twenty-five (25) feet in width, is improved to Town standards, and serves the additional purpose of meeting the goals of the General Plan.
 2. Neither of the parcels involved has a density of less than 2 d.u./ac.
 3. Less than forty (40) percent of the landscaped open space will be used for storm water retention. However, these areas may be used to convey storm water to a retention basin.

EXAMPLE:

If a thirty-five-foot wide landscaped open space link is planned between two (2) parcels and one (1) parcel is zoned or planned for a density of 3.0 d.u./ac., the adjacent

density change allowed would be $3.0 + (.01 \times 35) = 4.85$ d.u./ac. on the lots adjacent to the improved park or open space link. For purposes of this calculation, the density shall be calculated exclusive of the open space.

- C. Physical separations such as arterial streets, canals, railroads, and transmission easements which have been or will be improved with landscaping shall have the effect of increasing the allowed adjacent density change as follows:

<i>Existing Density</i>	<i>Adjacent Density Change</i>	<i>Maximum Allowed Density</i>
1/ac. or less	3 d.u./ac.	
1.01-6.5/ac.	+2 d.u./ac.	3.0-8.0 d.u./ac.
6.51-18.0/ac.	+6 d.u./ac.	12.5-24 d.u./ac.

EXAMPLE:

A parcel across an arterial street from a subdivision or parcel planned or zoned for 3.0 d.u./ac. would be allowed a maximum density of $3.0 + 2 = 5.0$ d.u./ac. on the lots adjacent to the arterial street.

- D. When a collector street within a PAD is adjacent to parcels which have densities greater than 2 d.u./ac., the maximum density change across the collector street shall be as follows:

<i>Lower Density Adjacent to Collector</i>	<i>Density Change</i>	<i>Maximum Allowed Density</i>
2.01-8.5 d.u./ac.	+2 d.u./ac.	4.0-10.5 d.u./ac.
8.51-18.0 d.u./ac.	+6 d.u./ac.	14.5-24 d. u./ac.

EXAMPLE:

If a collector street will separate two (2) parcels of land within a PAD and one (1) of these parcels is planned for a density of 3.0 d.u./ac. the adjacent density change on the parcel across the collector street would be $3.0 + 2.0 = 5.0$ d.u./ac.

(Ord. No. 1051, § I, 7-29-97)

11.26 Transitional zoning between residential and non-residential uses.

To protect the health, safety and welfare of Town residents, and to assure compatibility between land uses:

- A. All Industrial zoning classifications except I-B, Industrial Buffer, shall be prohibited within three hundred (300) feet of areas which are zoned or designated on the General Plan for residential uses. Rights-of-way for streets, canals, railroads and transmission easements shall be included in this three hundred-foot measurement.
- B. The Industrial zoning classification I-B, Industrial Buffer shall be allowed adjacent to residential uses within the requirements of this Section and may be used as a transition to the more intense industrial zoning classifications.

- C. With the exception of property zoned commercial or industrial prior to March 29, 1988, there shall be a transitional residential zoning between existing or planned low density, (RI-43 thru RI-20), residential areas and any proposed commercial or industrial zoning.
(Ord. No. 1051, § I, 7-29-97)

11.27 Landscaped bufferyard requirements.

To provide adequate buffering and screening between uses, a landscaped bufferyard shall be provided as designated on the matrix of bufferyard requirements contained herein.

- A. To determine the landscaped bufferyard required between uses in two (2) different adjacent zoning districts, the following procedure shall be followed:
1. Locate the zoning categories of the proposed use and the adjacent existing use on the Landscaped Bufferyard Requirement Matrix.
 2. Follow the diagonal rows from the proposed and the existing uses to the point where they intersect. The letter located at the intersection of these rows indicates the Landscaped Bufferyard required between these two (2) uses. The landscape bufferyards are illustrated following Section 11.27.
 3. More stringent buffering standards may be required by the Town Council for uses which require a Use Permit.
- B. Landscaped bufferyard standards.
1. All trees used in the landscape bufferyard shall be non-deciduous with dense foliage and shall be placed and maintained to provide an effective visual screen throughout the year.
 2. All required trees within a bufferyard shall be a minimum of fifteen (15) gallon size as defined by American Nursery Association Standards.
 3. The required plant material required in each landscaped bufferyard indicated in the Matrix of Landscaped Bufferyard Requirements are defined and illustrated following Section 11.27.
- C. Landscape bufferyards may be provided within the required building setback. If the bufferyard requirements are greater than the required building setback and a portion of the bufferyard cannot be provided on the adjacent property, the building setback shall be increased to accommodate the full bufferyard required, except as noted in part 11.28-C below.
- D. All or part of a required Landscaped Bufferyard may be provided on residential properties adjacent to non-residential properties with the permission of the owner(s) of the residential property provided that items (1) thru (4) below are met. This alternative is encouraged by the Town within a PAD.
1. The landscape bufferyard is recorded with the title of the residential property as a landscaped bufferyard easement.

2. Provisions are made to assure that all required landscape materials shall be installed prior to issuance of a building permit for the non-residential use or prior to issuance of a certificate of occupancy for a dwelling on the residential parcel, whichever occurs first or as applicable.
3. All building setbacks and required yards on the residential property shall be met exclusive of the landscape easement.
4. Provisions are made through which the owner of the residential property agrees to accept responsibility for maintenance of the landscaped bufferyard.

LANDSCAPE SETBACK A

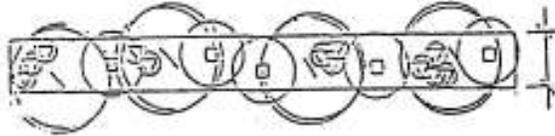


Width as indicated in Matrix

REQUIRED PLANT UNITS/100'

- 2 Canopy Trees 
- 4 Understory Trees 
- 15 Shrubs 
- 65% Groundcover 
Including: 5% Accents
Flowers
Vines

LANDSCAPE SETBACK B

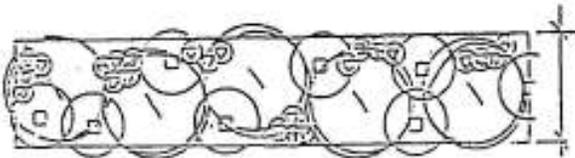


Width as indicated in Matrix

REQUIRED PLANT UNITS/100'

- 4 Canopy Trees 
- 5 Understory Trees 
- 12 Shrubs 
- Groundcover 
Including: Accents
Flowers
Vines

LANDSCAPE SETBACK C



Width as indicated in Matrix

REQUIRED PLANT UNITS/100'

- 5 Canopy Trees 
- 7.5 Understory Trees 
- 24 Shrubs 
- Groundcover 
Including: Accents
Flowers
Vines

LANDSCAPE SETBACK D



Width as indicated in Matrix

REQUIRED PLANT UNITS/100'

- 6 Canopy Trees 
- 6 Understory Trees 
- 24 Shrubs 
- 50% Groundcover 
Including: Accents
Flowers
Vines

- E. The following shall guide the use of bufferyard area in the calculation of residential density and commercial area.
1. Improved landscaped bufferyards which are at least twenty-five (25) feet wide and which serve the additional purpose of providing useable open space in the form of parks or bicycle/pedestrian paths per the goals of the General Plan shall be counted as open space in the calculation of residential density.
 2. Landscaped bufferyards which serve only as landscape screens on commercial lots shall not be counted in the calculation of residential density.
 3. Landscaped bufferyards which are a part of a residential lot shall be counted as residential area in the calculation of density. However, it shall not be considered as open space.

(Ord, No. 1051, § I, 7-29-97)

11.28 Implementation of required landscape bufferyard requirements.

- A. When a use is proposed to develop adjacent to a vacant parcel which does not have an approved site plan; is not a part of a residential subdivision; nor is zoned Agricultural (AG), this proposed use shall, at the time it develops, provide half the required landscape bufferyard based on the land use which is designated or anticipated in the General Plan.
- B. When a use is proposed to be developed adjacent to an existing or approved use, the proposed use shall, at the time it develops, provide any additional plant material and land necessary to create the complete landscape bufferyard required between those two (2) uses.
- C. When provision of the full bufferyard will be required of one property because the existing adjacent use was approved, platted, and/or constructed prior to the adoption of this ordinance and provision of a portion of the required bufferyard is not reasonable possible on the adjacent property; the Town Council may allow the use of alternate methods of screening and landscape buffering, which meet or exceed the intent of the bufferyard required by this ordinance, through use of the procedures outlined in E. below.
- D. Where the landscaped bufferyard or building setback originally required between a land use and vacant land is greater than the bufferyard required between the first use and a use proposed on the vacant parcel, the following options apply:
1. Half the required landscape bufferyard as indicated in the matrix of Landscaped Bufferyard Requirements shall be provided by the proposed use and existing use may expand into the excess bufferyard area previously created, provided that the resulting total bufferyard between the two (2) uses meets the landscaped bufferyard requirements.
 2. The owners of the proposed use may enter into agreements with the owners of the existing use to allow the existing bufferyard to be contributed toward meeting the

landscaped bufferyard required between the two (2) uses. Said agreement shall be filed as a covenant with the titles of the properties; be subject to the approval of the Town; the resulting landscape bufferyard provided shall equal or exceed the requirements of this Section. Nonconforming uses and plats shall not be created, expanded or allowed by the option, nor shall designated open space be diminished.

- E. When the owners of an existing use and the developer of a proposed use on an adjacent parcel agree on a landscape buffering technique which is not specified in this Section, the agreed upon buffer shall be considered as a viable alternative in satisfying the landscaped bufferyard requirements. The alternative buffering technique shall be specified within the approval of zoning ordinance or site plan by the Town Council. Use of alternate buffering techniques shall vary from the requirements of this Section only to the extent is specified and approved and provided that:
1. The proposed alternate buffer does not endanger the health, safety or welfare of community residents.
 2. Violations to other sections of this Code or to other Town Codes are not created.
 3. The alternate does not create non-conforming lots.
 4. Prior to the Planning and Zoning Commission recommendation on the use of alternate buffering techniques, the Town planning staff shall facilitate a meeting between the owners of the parcels involved to clearly explain the Code requirements and public hearing process. If an alternate buffering technique is agreed upon at this meeting, the staff shall draft a description of the agreed upon buffer in letter form and circulate it with the notice of the public hearing of the Planning and Zoning Commission and Town Council. Said hearing may be held simultaneously with the hearing(s) required for site plan or zoning approval.

(Ord. No. 1051, § I, 7-29-97)

11.29 Use of bufferyards.

- A. Landscape bufferyards are adjacent and in addition to the required yard of residential lots. Measurement of required yard dimensions on lots which contain a bufferyard shall be taken from the bufferyard rather than from the property line. The construction of any building or placement of any mechanical equipment within the landscape bufferyard shall not be permitted except for equipment necessary for the provision of utilities.
- B. A bufferyard may be used for passive recreation. It may contain sculpture, outdoor furniture, picnic areas; pedestrian, bike or equestrian trails; par courses, stormwater retention basins; park and open space provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the bufferyard is maintained, and all other requirements of this Section are met.
- C. Playgrounds, sports fields, swimming pools, racquetball and tennis courts, tot lots, and other active recreational uses may be permitted in bufferyards by agreement of the

adjacent property owners and subject to approval by the Town. It must be determined by the Town staff that: the uses will not become an annoyance to adjacent land users; the proposed location is the most convenient location for the proposed users of the facilities; and all other provisions of this Section and the Gilbert Unified Land Development Code are met.

(Ord. No. 1051, § I, 7-29-97)

11.3 Streetscape design standards.

This section is intended to promote a distinct image for the Town and create a unique character for various areas within it through the design of streetscape elements.

(Ord. No. 1051, § I, 7-29-97)

11.31 Applicability.

These guidelines shall apply in the development of the following elements:

- A. Major arterial streets and parkways.
- B. Major gateways into the Town.
- C. Transmission line corridors.
- D. Canal corridors.
- E. Railroad corridors.
- F. Bikeways.

All landscape improvements within the above elements shall be reviewed and approved by the Gilbert Design Review Board prior to installation. Existing landscapes and landscape plans previously approved by the Town shall not be required to comply with these guidelines unless a proposal is made to either renovate an existing landscape or to modify approved plans to an extent which requires review by the Design Review Board. In which case, the Design Review Board shall determine on a case by case basis the extent to which the guidelines shall apply.

(Ord, No. 1051, § I, 7-29-97)

11.32 Gateway entries.

- A. Location.
 - 1. All arterial street intersections located at the Town Limits of Gilbert are designated "Gateway Entrances".
 - 2. Gateway Landscaping and Entry Signs as described below shall be used at all gateway entrances to create a strong sense of arrival and to promote community identity.
- B. Entry signs.
 - 1. All corners on the inbound side of each gateway intersection shall have a monument entry sign that states "WELCOME TO GILBERT".

2. Entry signs may be unique in design and should be sensitive to the adjacent architecture and landscape features.
 3. Entry signs shall be installed by the developer along with or prior to the project landscaping.
 - a. Plans for entry signs shall be submitted to the Design Review Board for approval along with landscape plans required for project approval.
 - b. When arterial landscaping is installed, entry monuments shall be landscaped with accent trees, flowering shrubs and ground covers which provide strong seasonal color and complement the entry monument sign.
 - c. The landscaping at the base of the monument sign shall be maintained by the property owner of the site where the sign is located.
 4. Entry signs shall be located approximately two hundred (200) feet from the gateway entry intersection and thirty (30) feet from the arterial street curb. Other sign age and landscaping shall be placed in a manner which does not detract from or block the view of the entry sign from inbound traffic.
- C. Gateway landscaping.
1. A formal pattern of Date Palms on both sides of the gateway intersection shall be used to add prominence to the entrances of the Town and to create a strong sense of arrival.
 - a. The theme tree for all gateways shall be the Phoenix Date Palm (*Phoenix dactylifera*) which shall be planted in a grid in the location indicated in the figure following Article XI.
 - b. The Palms shall have a uniform trunk height of not less than fifteen (15) feet unless existing Date Palms in the same intersection are taller, in which case the height of new Date Palms shall match the height of the existing Date Palms.
 2. A lush under story or ornamental or accent trees, flowering shrubs and ground covers selected from the plant palette of the "Street Theme District" (See Appendices), in which the entry intersection is located, shall be used to provide seasonal color.
 3. Additional plant materials which are compatible with the theme of the district and extend the seasonal color may also be used as accents within the arterial right-of-way at the Gateway entries. Any plant material used in the arterial right-of-way must be on the plant list adopted by the Arizona Department of Water Resources Management Plan for the Phoenix Active Management Area (*AMA*). (See Appendix C).
 4. Shrubs and ground covers shall provide cover over the fifty-foot by two-hundred fifty-foot landscape area at gateway entries.
 5. Shrubs, trees, and ground covers used on both sides of the Gateway Intersection shall be the same varieties to create a gateway entry effect. If both corners of an

entry intersection are not developed at the same time, the plant palette of the first comer approved by the Design Review Board shall set the basic plant palette for the second comer.

6. Storm water retention within seventy-five (75) feet radius of gateway entry intersections shall not exceed a depth of one (1) foot below the adjacent curb.
7. Water features and/or sculpture/outdoor art is encouraged.

(Ord. No. 1051, § I, 7-29-97)

11.33 Street theme districts.

The major goal of the Gilbert's Streetscape Guidelines is to establish areas within the Town that convey a distinct character unique to that area. To that effect, nine (9) "Street Theme Districts" and two (2) special districts are designated on the map on following Article XI. A distinct image shall be created within each street theme district by using the design concepts and the plant palettes designated for each district. The "Street Theme Districts" boundaries were established by the land use pattern set by the General Plan. Other criteria considered in the layout of the districts and selection of plant material are plant palette in already existing developments and promotion of the use of low water use landscaping.

A. *Landscape design concept.*

1. Arterial rights-of-way shall be landscaped using plant materials selected from the plant palette designated for the Street Theme District in which they are located.
2. Landscape design shall be consistent with the following:
 - a. *Theme tree:* Shall be used as a dominant tree specie selected to establish a framework and continuity for each "Street Theme District". It shall be used for fifty (50) percent of the total of trees required and planted preferably in groupings of two (2) or three (3) specimens.
 - b. *Secondary trees:* Several tree species from the list shall be used to complement and harmonize with the theme tree and help to create the special character of the district.
 - c. *Accent trees:* Tree species which will stand out from the others shall be used to add seasonal color to the landscape. Accent trees could be used to demarcate entrances to individual projects, give special emphasis to arterial intersections and other traffic nodes and to highlight gateway entry signs and areas of special interest.
 - d. *Shrubs and ground covers:* Shrubs and ground covers designated for each theme district shall be used to complement the theme, and to further define the district's character. Other shrubs and ground covers may also be used if they complement the distinct color palettes that dominate the district's landscape at different times during the year. (e.g., arid, lush, etc.)

- e. *Annuals and vines:* Annuals or vines shall be used to enhance the landscape with strong swaths or splashes of color at entrances, along walls and walkways, and with flower beds.
- B. *Determining appropriate landscape materials.* To determine appropriate materials to be used within arterial rights-of-way for any project:
- 1. Locate the project on the Street Theme District Map to determine which "Street Theme District" the project is in.
 - 2. See appropriate "Street Theme District Plant Palette" in Appendix C to determine the plant palette which may be used within the arterial right-of-way adjacent to the project.
- C. *Substitution of plant materials.* Alternate plants can be substituted for those listed for any given are to the following extent:
- 1. Theme trees may not be substituted.
 - 2. In no case shall a theme tree from another "Street Theme District" be used in any manner that would detract from the dominance of the theme of the area.
 - 3. Secondary trees may not be substituted.
 - 4. Shrubs and ground covers assigned to the district shall make up a minimum of fifty (50) percent of the shrubs and ground cover plant palette of the project. Other shrubs and ground covers that complement the seasonal color of the assignment plants and are contained within the list of plant materials adopted by the Arizona Department of Water Resources may be used.
5. All planting within rights-of-way must conform to the Arizona Department of Water Resources Management Plan for the Phoenix AMA. (See Appendix C.) Plants which are not on this list cannot be used in the right-of-way or medians. (Ord. No. 1051, § I, 7-29-97)

11.34 Intensity of landscape materials.

The minimum quantity and distribution of each plant type required for the landscaped area shall be as follows:

A. *Quantity.*

One (1) tree and three (3) shrubs per twenty (20) feet of linear frontage. A minimum of twenty-five (25) percent of all frontage landscape shall be covered with vegetative or organic ground cover from the district palette.

B. *Distribution.*

- 1. Theme trees-Fifty (50) percent of total number of trees required.
- 2. Secondary trees-Thirty (30) percent of total number of trees required.
- 3. Accent trees-Twenty (20) percent of total number of trees required (Minimum one (1) per site).

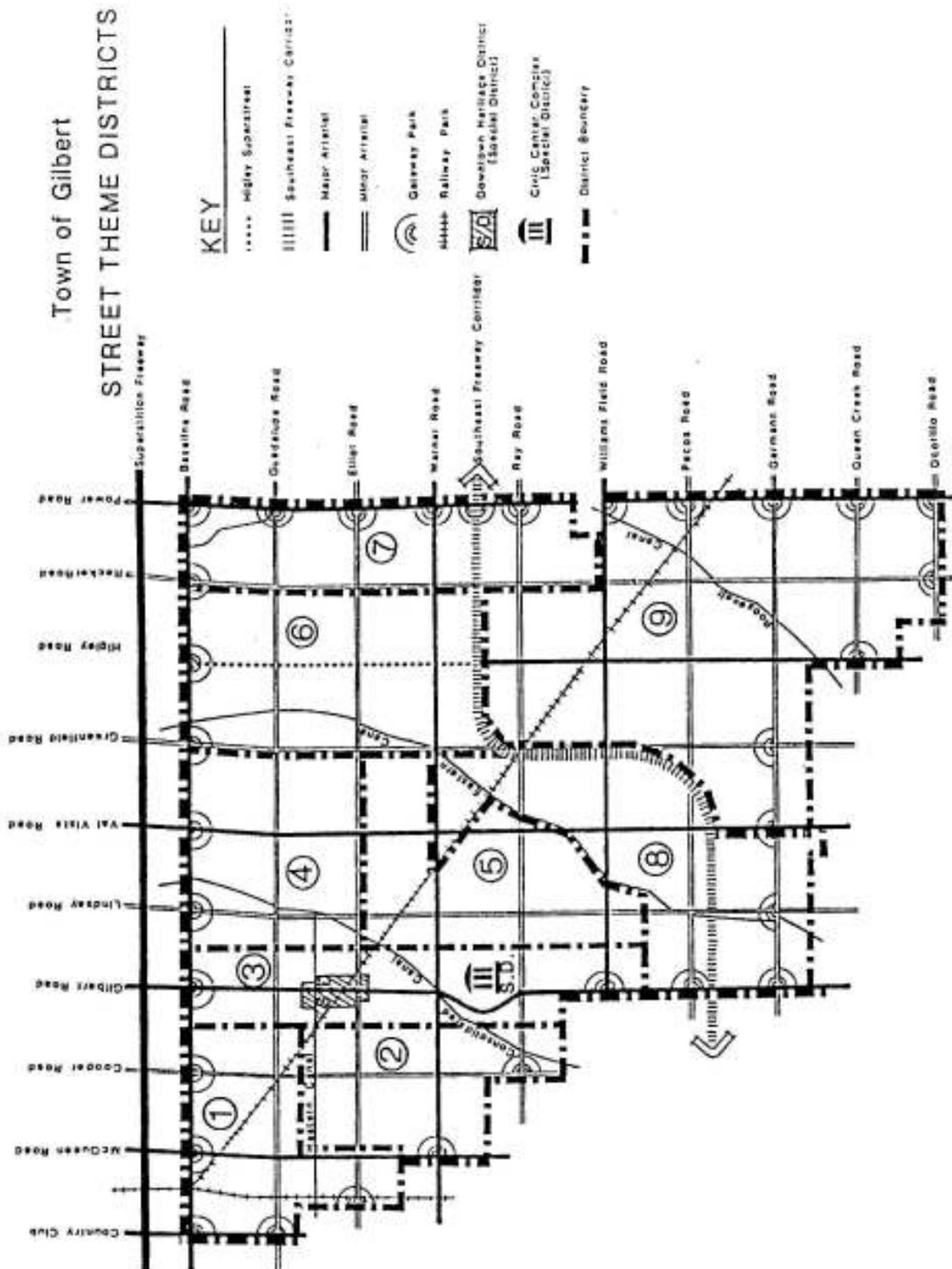
Trees, shrubs and ground covers may be located anywhere in the landscaped area. They should be used preferably in small clusters.

(Ord, No. 1051, § I, 7-29-97)

11.35 Minimum plant size.

1. Street trees shall be sizes at a minimum of fifteen (15) gallon. At least half of the total number of trees within the right-of-way shall be twenty-four (24) inch box size.
2. All shrubs shall be a minimum of five (5) gallon in size.
3. Ground covers may be one (1) gallon size or flat depending on the planting spacing.

(Ord. No. 1051, § I, 7-29-97)



GLOSSARY

For the purpose of this Code, the following words and terms are hereby defined as follows:

AASHTO: American Association of State Highway and Transportation Officials.

ABUT: Having property or District lines in common.

ACCESSORY APARTMENT: A supplementary, secondary dwelling unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure.

ACCESSORY BUILDING OR STRUCTURE: An accessory building or structure is one which:

1. Is subordinate to and serves a principal building or principal use; and
2. Is subordinate in building area, intensity of use, or purpose to the principal building or principal use served; and
3. Contributes to the comfort, convenience, and necessity of the occupants of the principal building or principal use served; and
4. Is located on the same zoning lot as the principal building or principal use served, with the single exception of accessory off-street parking facilities that are permitted to be located elsewhere; and
5. Is prohibited prior to the establishment of the primary use except where authorized by the zoning administrator.

ACCESSORY USE: A subordinate use of a building, other structure, or use of land which is:

1. Clearly incidental to the use of the main building, other structure, or use of land; and
2. Customarily in connection with the main building, other structure, or use of land; and
3. Located on the same lot with the main building, other structure, or use of land.

ADJACENT: Nearby, but not necessarily touching or abutting.

ADJOIN: Touching at some point.

ADULT BOOKSTORE: Any commercial establishment having as a substantial or significant portion of its stock in trade, whether for sale, display, rent, lease, or other use, books, magazines, other periodicals, motion pictures, paintings, photographs, pictures, laser discs, software, video cassettes or other depictions that are distinguished or characterized by their emphasis on matter depicting, describing or relating to actual or simulated specified sexual activities or specified anatomical areas, as defined in this Glossary, or an establishment with a segment or section of the premises, containing a minimum of twenty

GILBERT UNIFIED LAND DEVELOPMENT CODE

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(20) different items or titles, devoted to the sale, display, rental, lease, or other use of such material. For purposes of this definition, duplicate copies of the same item or title shall be counted as one item or title.

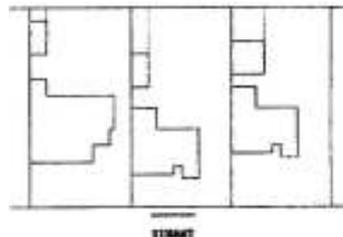
ADULT SHOWS: Any commercial establishment regularly used for the presentation of shows where persons display specified anatomical areas, as defined in this Glossary, or where persons perform acts of or acts which simulate specified sexual activities, as defined in this Glossary.

ADULT THEATERS: Any commercial establishment, whether located in an enclosed building or open-air drive-in theater, regularly used for presenting for observation by patrons therein any film or plate negative, film or plate positive, film or tape, painting, photograph, picture, laser disc, software, or other depiction designed to be depicted, displayed, or projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, and which are designed for display, depiction, exhibition, or projection on a screen or monitor, or in any type of viewing booth, that is distinguished or characterized by an emphasis on matter depicting, describing, simulating or relating to specified sexual activities or specified anatomical areas, as defined in this Glossary.

AERIAL EASEMENT: A grant by a property owner for the use of a strip of land at least four (4) feet wide for the specific purpose of extending wires for street lighting.

AIRPORT AND RELATED USES: Any public or private airport, including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

ALLEY: A public passageway affording a secondary means of access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this Code related to frontage on a dedicated street.



ALLEY

ANTENNA: The specific device used to receive or transmit radio signals.
(Ord, No. 1051, § I, 7-29-97)

ART, MUSIC, DANCE SCHOOL: See "Personal Service Establishment".

GLOSSARY

AUDITORIUM: A room, hall, or building, that is a part of a church, theatre, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly".

AUTOMOBILE SALES AND RENTAL: See "Vehicle and Boat Sales and Rental".

AUTOMOTWE REPAIR, MAJOR: Engine rebuilding or major reconditioning (The removal from any vehicle or a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan.), worn or damaged motor vehicles or trailer collision service, including body, frame or fender straightening or repair, and/or painting of vehicles.

AUTOMOTWE REPAIR, MINOR: The sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, but not including any operation specified under "Automotive Repair, Major".

AWNING: Roof like cover entirely supported by and extending from a building for the purpose of protecting openings therein, from the elements.



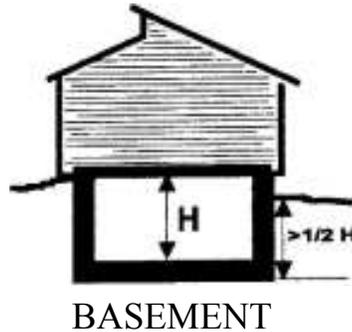
AWNING

BAR, LOUNGE, OR TAVERN, WITH DANCING, AND/OR LIVE MUSIC: An establishment primarily offering the sale of alcoholic beverages by the drink for on-premises consumption, with the preparation and sale of food and other beverages as an incidental use, at which dancing, live music or other similar live entertainment may be offered, but not including adult uses.

BAR, LOUNGE, OR TAVERN, WITHOUT DANCING, LIVE MUSIC, OR SOCIAL GAMBLING: An establishment primarily offering the sale of alcoholic beverages by the drink for on-premises consumption, with the preparation and sale of food and other beverages as an incidental use.

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BASEMENT: A story having more than one-half ($1/2$) of its height below the curb level or below the average grade of the adjoining ground. A basement shall not be counted as a story for the purpose of height measurement.



BED AND BREAKFAST: A dwelling, with a host or host family residing therein, which does not have more rooms available for rent than are permitted in the zoning district in which the dwelling is located, where guests are lodged for compensation, with a morning meal provided as part of the normal charge for said room.

BERM: An earthen mound utilized for buffer, landscape and aesthetic purposes.

BICYCLE (A.R.S. 28-101): Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen (16) inches in diameter or having three wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

BICYCLE FACILITIES: A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

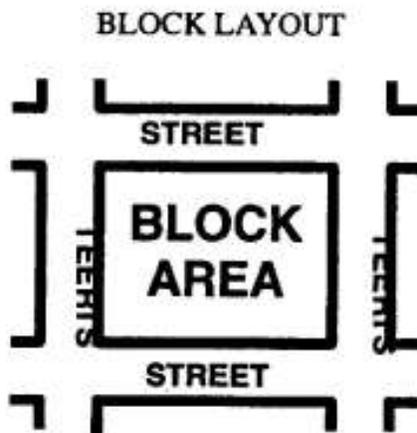
BICYCLE LANE (BIKE LANE): A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH: See "Path, Bicycle".

BIKEWAY: Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

GLOSSARY

BLOCK: That property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided acreage, waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.



BLOOD BANK OR PLASMA CENTER: A facility at which an individual may donate or sell blood, but which offers no other medical treatment or services.

BOARDING / ROOMING HOUSE, DORMITORY, FRATERNITY OR SORORITY HOUSE:
A private establishment that provides sleeping rooms for rent for set terms, generally by the week or month, in which meals may be provided on a communal basis, but in which cooking is prohibited in individual sleeping rooms.

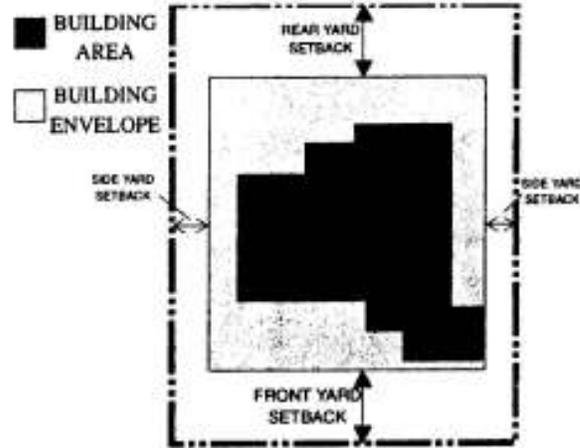
BUFFER: The use of structures (such as walls), landscaping, building setbacks or land uses to form a visual, sound, or land use separation between dissimilar uses.

BUILDABLE AREA: That area remaining on a lot or parcel after subtracting all required yards. Such remaining area may be built upon provided it meets all applicable requirements.

BUILDING: A structure having a roof supported by columns or walls for the shelter, support, or enclosures of persons, animals, or chattel.

GILBERT UNIFIED LAND DEVELOPMENT CODE

BUILDING AREA: The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.



BUILDING AREA AND ENVELOPE

BUILDING ENVELOPE: An area that encompasses all structures on a lot or parcel of common ownership.

BUILDING HEIGHT: See "Height".

BUILDING LINE: A line between which line and street line no building or structure or portion thereof may be erected, constructed or established.

BUILDING, MAIN OR PRINCIPAL: A building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any residential district, any dwelling shall be deemed to be the main building of the lot on which it is situated.

BUILDING PERMIT: An authorization to construct a structure as issued by the Building Department.

BUILDING TEMPORARY: A structure designed, built, created or occupied short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheel or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

BUSINESS OR TRADE SCHOOL: See "School, Business, Technical or Trade".

BUSINESSES, SEXUALLY-ORIENTED: Adult bookstores, Adult shows and Adult theaters.

GLOSSARY

CANOPY: See "Awning".

CARNIVAL: See "Outdoor Event, Temporary".

CARPORT: A building used solely for the storage of motor vehicles and containing no enclosing walls, screens, lattice or other material other than the wall or walls of the building to which it attaches. The area of supporting columns or wall sections of anyone side other than the wall or walls of the building to which it attaches or other than a storage room shall not exceed fifty (50%) percent of that side. Screen, lattice, grillwork, or other materials which has a net often (10%) percent closed area may be permitted provided the maximum area of fifty (50%) percent is not exceeded.

CAR WASH: An establishment that provides washing and cleaning of passenger or recreational vehicles by hand, by use of automated equipment operated by one (1) or more attendants, or by self-service facilities.

CARRY-OUT FOOD SERVICE: A business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

CEMETERY: A parcel of land or structure dedicated to and at least a portion of which is being used for the interment of human or animal remains. A cemetery may include crematories, mausoleums, and columbaria.

CERTIFICATE OF OCCUPANCY: An official authorization to occupy a structure as issued by the Building Department.

CHICANE: A traffic calming technique where physical obstacles or barriers are placed in the street which require drivers to slow down and drive around them.

CHURCH: See "Places of Worship".

CLEANING OR PROCESSING ESTABLISHMENT: A business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to carpet cleaners, dry-cleaning plants, self-service or full-service laundries, exterminating services, and taxidermists.

CLINIC OR HEALTH CARE FACILITY: A building containing an association or group of physicians, dentists, clinical psychologists, and similar professional health care practitioners, including allied professional assistants who are assembled for the purpose of carrying on their professions. The health care facility may include apothecary, dental and medical laboratories, tissue labs, and/or X-ray facilities, but shall not include inpatient care or operating rooms for major surgery.

CO-LOCATION: The use of a single support structure and/or site by more than one telecommunications provider.

(Ord. No. 1051, § I, 7-29-97)

COLLEGE OR UNIVERSITY: An institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

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COMMERCIAL AMUSEMENT, INDOOR: An establishment offering sports, game playing or similar amusements to the public, including, but not limited to: skating rinks, bowling alleys, billiards, ping pong, mechanical or electronic games, but not gambling or card playing, within a fully enclosed structure. Indoor commercial amusement does not include non-commercial or charitable events.

COMMERCIAL AMUSEMENT, OUTDOOR: An establishment that offers games, rides, or other similar activities on a commercial basis in a fixed location, including but not limited to: miniature golf, amusement parks, water slides, amphitheaters, stadia, tracks, and drive-in theaters.

COMMERCIAL PARKING LOT: See "Parking Lot".

COMMERCIAL PARKING STRUCTURE: See "Parking Structure".

COMMERCIAL RANCH: A ranch where animal or crop production take place, which may or may not be owner-occupied but which utilizes two (2) or more full-time employees who are not owners or family of the owners, and may including residential facilities for employees.

COMMERCIAL STABLE: See "Stable, Commercial".

COMMERCIAL USE: A use operated for profit or compensation.

COMMERCIAL VEHICLE: See "Vehicle, Commercial".

CONFERENCE AND BANQUET FACILITIES: See "Places of Public Assembly, Indoors".

CONTIGUOUS: In contact with one or more sides.

CONVENIENCE RETAIL CENTER: A neighborhood oriented shopping center or free-standing enterprise designed to serve patrons on a short term drop-in-basis, typically containing, but not limited to, a small food and sundries store, drug store, carry-out food service, hairdresser, or barber, or dry cleaning pick-up store. Liquor sales and gasoline sales are expressly prohibited.

CONVENIENCE STORAGE FACILITY: A storage service, located within an enclosed structure, primarily for personal effects and household goods having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activities. Typical convenience storage uses include mini-warehousing.

CORRAL: A fenced, unfoliated area for the keeping of livestock.

GLOSSARY

COURT: Any space other than a yard on the same lot with a building or group of buildings, and which is unobstructed and open to the sky above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.



COURT

CROSSWALK: A public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

CUL-DEL-SAC: A short minor street having but one end open for motor traffic, the other being terminated by a vehicular turnaround.

CUSTOM MANUFACTURING: An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

DAY CARE, ADULT: The care, supervision and guidance of an adult, or adults, over the age of eighteen; unaccompanied by guardian or custodian, for periods of less than twenty-four hours per day, in a place other than the adult's or adults' own home or homes.

DAY CARE, CHILD: The care, supervision, and guidance of a child or children through the age of fourteen (14) years; unaccompanied by parent, guardian or custodian, for periods of less than twenty-four (24) hours per day, in a place other than the child's or the children's own home or homes.

(Ord. No. 1101, § I, 4-14-98)

DAY CARE, HOME OCCUPATION: Child day care provided for four (4) or fewer children or adult day care provided for four (4) or fewer adults, provided as and subject to the general restrictions of a home occupation.

(Ord. No. 1101, § I, 4-14-98)

GILBERT UNIFIED LAND DEVELOPMENT CODE

DAY CARE CENTER: Any facility or building in which day care is provided for more than eight (8) hours per week for compensation for five (5) or more children not related to the proprietor or caretaker. Even though some instruction may be offered in connection with such care, the use shall not be considered with such care, the use shall not be considered a "school" within the meaning of this Code. Any day care center existing in the Town of Gilbert must at all times be licensed by the State of Arizona, Department of Health Services.

DENSITY: The number of dwelling units divided by the gross area.

DENSITY BONUS: Additional dwelling units, not inconsistent with the General Plan, which may be approved in exchange for development amenities in excess of those required.

DENSITY, NET: The number of dwelling units divided by the net acreage remaining after required granting of all perimeter streets, alleys and other public rights-of-way by deed.

DEVELOPMENT: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. The following activities or uses shall be taken for the purposes of these regulations to involve "development".

1. A reconstruction, alteration of or material change in the external appearance of a structure on land or water.
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the number of businesses, manufacturing establishments, or offices.
3. Alteration of a shore or bank of a pond, river, stream, lake, or other waterway.
4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.
5. Demolition of a structure.
6. Clearing of land as an adjunct of construction, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation.
7. Deposit of refuse, solid, or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of this Code to involve "development".

1. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
2. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like.

GLOSSARY

3. Work for the maintenance, renewal, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
5. A change in the ownership or form of ownership of any parcel or structure.
6. Work involving the landscaping of a detached dwelling.
7. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planting areas.

"Development" includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development within the Town. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

DEVELOPMENTALLY DISABLED: A person who has autism, cerebral palsy, epilepsy or mental retardation, as provided for by A.R.S. § 36-581.

DRNE-THROUGH COMMERCIAL ESTABLISHMENT: A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to financial institutions and dry cleaning stores. Such establishments do not include restaurants.
(Ord. No. 1227, § I, 11-16-99)

DRNEWAY: A private, vehicular access connecting a house, carport, parking area, . garage, or other buildings with the street.

DRNEWAY, PRIMARY: The driveway, which by virtue of its width and location, carries the majority of ingress and egress vehicular trips between a parking lot or structure, and the frontage street which is not a local residential street.

DUST-FREE: Property that is paved in one of the following methods: (1) asphaltic concrete, (2) cement concrete, (3) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate or (4) the equivalent of the above.

DWELLING: A building, or portion thereof, designed or used exclusively for residential occupancy, not including off-site constructed housing.

DWELLING, ATTACHED: A building containing two (2) or more residential units, attached along and sharing one (1) or more common walls between any two (2) units or stacked one (1) above the other, or attached to a non-residential use.

GILBERT UNIFIED LAND DEVELOPMENT CODE

EASEMENT: A grant by a property owner of the use of a strip of land for a specific purpose or purposes by the general public, a corporation or a certain person or persons.

EQUESTRIAN TRAIL: A natural surfaced path for equestrian use designed in accordance with standards on file with the Planning Department.

EQUIPMENT CABINET: A small structure used to house and protect the equipment necessary for processing telecommunications signals.
(Ord. No. 1051, § I, 7-29-97)

FAMILY: A family is:

1. An individual or two (2) or more persons related by blood, marriage, or adoption, and usual servants, living together as a single housekeeping unit in a dwelling unit or,
2. A group of not more than five (5) persons, who need not be related, living together as a single housekeeping unit in a dwelling unit.

FENCE: A freestanding structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FENCE, LIVING: A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

FENCING, OPEN: A fence constructed of material which does not interrupt the line of sight, such as split rail, pipe or chainlink fencing and shall not include a living fence.

FITNESS CLUB: See "Golf, Tennis, Swim/Fitness Club".

FLOOR AREA, GROSS: The sum total of the areas of the floors of a building measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings; but not including underground parking spaces, uncovered steps, exterior balconies and exterior walkways.

FLOOD PLAIN: A portion of property or properties, susceptible to inundation, as defined by the Maricopa County Flood Control District.

FRONT: Any public street frontage, not including alleys.

GLOSSARY

FRONTAGE: All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if deadened [deadended], then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.



FRONTAGE AND DOUBLE FRONTAGE

FRONTAGE, DOUBLE: A lot which extends from one street to another or to a proposed street.

FUNERAL HOME: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

GOLF, TENNIS, SWIM/FITNESS CLUB: A private club, including country clubs, that provides one (1) or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

GROSS AREA: The area of a lot or parcel, including all proposed or dedicated streets, alleys, private accessways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

GROSS FLOOR AREA: The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two (2) buildings. Gross floor area shall not include: underground or covered parking spaces; uncovered steps and exterior balconies.
(Ord. No. 1098, § I, 4-14-98)

GILBERT UNIFIED LAND DEVELOPMENT CODE

GROSS LEASABLE AREA: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, or upper floors, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

GROUP HOME: A residential facility for six (6) or more unrelated persons providing living facilities, sleeping rooms, and meals and which shall have a permit issued by the Maricopa County Health Department as a boarding home.

GROUP HOME FOR THE HANDICAPPED: A dwelling shared by handicapped persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from one or more staff persons. This definition shall include adult care homes, homes for the mentally ill, group care agencies and similar residential living arrangements for handicapped persons, but shall not include boarding houses, nursing homes, or substance abuse treatment facilities.

GUEST HOUSE: A separate living unit, not including kitchen facilities, for the temporary housing of the principal residents' non-paying guests.

GUEST ROOM: A single room within a dwelling unit which may be occupied by no more than two (2) persons and who are not members of a family, and which does not contain any cooking facilities.

HALFWAY HOUSE: A group home for supervised, residential living by persons not requiring institutional treatment which may include, but is not limited to, individuals with common needs for treatment or rehabilitation with respect to mental or physical challenges, substances abuse rehabilitation or alternatives to judicial system incarceration.

HANDICAPPED: A person who:

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

However, "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]).

HEIGHT: The vertical distance measured from the minimum finished floor grade level established by the Town Engineer pursuant to the Town's regulations to the highest level of the roof surface of flat roofs, or to the mean height between eaves and ridges of gable, gambrel, or hip roofs.

HELIPORT: A helistop that also includes all necessary passenger and cargo facilities, helicopter maintenance and overhaul, fueling service, storage, tiedown areas, hangars, and other necessary buildings and open spaces. Heliports include any of the uses of helistops.

GLOSSARY

HELISTOP: A designated landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo, not including fueling or service facilities.

HIGHWAY: A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way.

HOME OCCUPATION: A "home occupation" is an occupation or a profession which:

1. Is customarily carried on in a dwelling unit, or in an attached building;
2. Is carried on by a member or members of the family residing in the dwelling unit, and
3. Is clearly incidental and secondary to the use of the dwelling unit for residential purpose, and
4. Conforms to the following additional conditions:
 - a. The occupations or profession shall be carried on wholly within the principal building or within an attached building.
 - b. No one outside of the family shall be employed in a "home occupation".
 - c. There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the "home occupation" or variation from the residential character of the principal building.
 - d. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.
 - e. The activity shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

A home occupation shall not include, among others the following: barber shops and beauty parlors; commercial stables, veterinary offices, hospitals, and kennels; real estate offices; restaurants. A home occupation may include, among others the following: child day care or adult day care, but shall not include a day care center.

(Ord. No. 1101, § I, 4-14-98)

HOSPITAL: An institution, place, building, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two (2) or more unrelated persons admitted for overnight stay or longer in order to obtain medical treatment, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity. The term "hospital" also includes:

1. Any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of two (2) or more unrelated persons suffering from emotional or nervous disease; and
2. All places where pregnant women are received, cared for, or treated during delivery, irrespective of the number of patients received.

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The term "hospital" also includes general and specialized hospitals, tuberculosis sanitarium, mental or psychiatric hospitals and sanitarium, and includes maternity homes, lying-in-homes, and homes for unwed mothers in which aid is given during delivery.

HOTEL, MOTEL, OR RESORT: An establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, and restaurants, including the sale of alcoholic beverages.

IMPROVEMENT, OFFSITE: Any physical improvements, above or below ground, including landscaping, required by the Town to an alley, street or other public right-of-way adjacent to the property for which a building permit is being sought for purposes of development.

IMPROVEMENT, PUBLIC: Roadway pavement, curbs, gutters, sidewalks, crosswalks, street lights, water mains, sanitary and storm sewers, and other appurtenant construction as related to a subdivision preliminary plan.

INDUSTRIAL PARK: An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable masterplan and/or covenants, conditions, and restrictions. The development may be on one parcel, may be subdivided, may have condominium ownerships, or a combination of these types.

INDUSTRIAL USE, HIGH RISK OR HAZARDOUS: A business or government agency operation whose primary purpose is the assembly, fabrication, or processing of goods and materials into other finished products whose operation may include the production, storage, or use of radioactive materials, highly toxic chemicals or substances, highly combustible or explosive materials, or other materials or substances of a noxious nature. Such uses include, but are not limited to: foundries, grain milling or processing, smelting, or alloying; petroleum product refining; slaughtering of animals; wood or lumber processing; concrete batch plant.

INDUSTRIAL USE, NON-HIGH RISK OR NON-HAZARDOUS: A business or government agency operation whose primary purpose is the assembly, fabrication, or processing of goods and materials predominantly from previously prepared materials into other finished products, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.

KENNEL: Any premises used for the commercial breeding, boarding, grooming, or bathing of dogs, cats, and/or other small domesticated household pets (not farm animals), or for the breeding or keeping of dogs for racing purposes.

KENNEL, LIMITED: A kennel that is located within a convenience retail center, in compliance with regulations contained in Section 1.52 Neighborhood Convenience Commercial of this Code.

LABORATORY, MEDICAL OR SCIENTIFIC: A building or group of buildings in which facilities for medical or scientific research, investigation, testing or experimentation are

GLOSSARY

located, and in which no more than fifteen (15%) percent of a building so occupied may be used for ancillary manufacturing, fabricating, processing, assembly, storage, repair, or service facilities.

LANDFILL: See "Sanitary Landfill".

LAND SPLIT: The division of improved or unimproved land whose area is two and one-half (2¹/₂) acres or less into two (2) or more tracts or parcels of land for the purpose of sale or lease.

GLOSSARY

LAUNDRY, SELF-SERVICE: A building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their own laundry.

LIBRARY OR MUSEUM: A room or building for exhibiting, or an institution in charge of a collection of books; artistic, historical or scientific objects.

LIQUOR STORE: A retail establishment at which the sale of packaged alcoholic beverages comprises not less than sixty (60%) percent of the gross revenue for the establishment, but which does not include consumption of alcoholic beverages on the premises.

LIVESTOCK' Cattle, oxen, horses, mules, donkeys, pigs, sheep and goats.

LOT: A parcel of land, or two or more contiguous parcels to be used as a unit under the provisions of this ordinance, as shown in the records or the Maricopa County Assessor's Office, and having its principal frontage on a street. In any district where a half-street has been dedicated not less than twenty-five (25) feet in width, lots facing on such half-street shall be deemed to have frontage on a street.

LOT: A portion of a subdivision or other parcel of land having frontage on a street and intended for transfer of ownership or intended or used for building development.

LOT AREA: The total area within the boundary lines of a lot.

LOT, CORNER: A lot abutting on two or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. A corner lot shall be considered to be in that block in which the lot fronts.

LOT COVERAGE: That portion of the lot that is covered by buildings and structures. *LOT,*

INTERIOR: A lot having but one side abutting on a street.

LOT, KEY: An interior lot, one side of which is contiguous to the rear line of a corner lot.

LOT, THROUGH: A lot abutting two parallel or approximately parallel streets.

LOT LINE:

1. **FRONT:** The front property line of a lot shall be determined as follows:
 - a. **Corner Lot:** The front property line of a corner lot shall be as originally platted or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the blocks. If such front is not evident, then either may be considered the front of the lot but not both.
 - b. **Interior Lot:** The front property line of an interior lot shall be the line coterminal with the street frontage.
 - c. **Through Lot:** The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously

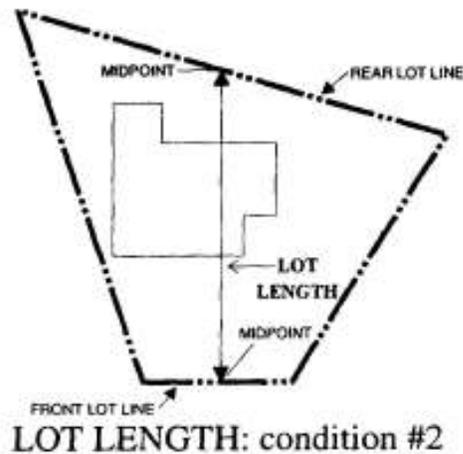
GILBERT UNIFIED LAND DEVELOPMENT CODE

evident, the Board of Adjustment shall determine the front property line. Such a lot over two hundred (200) feet deep may be considered for the purposes of this definition, as two lots each with its own frontage.

- Z. **REAR:** The rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point the rear property line shall be assumed to be a lot line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.
- 3. **SIDE:** The side property lines of a lot area are those lot lines connecting the front and rear property lines of a lot.

LOT LENGTH: The length (or depth) of a lot shall be:

- 1. If the front and rear lines are parallel, the shortest distance between such lines.
- 2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- 3. If the lot is triangular, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten feet long lying wholly within the lot.



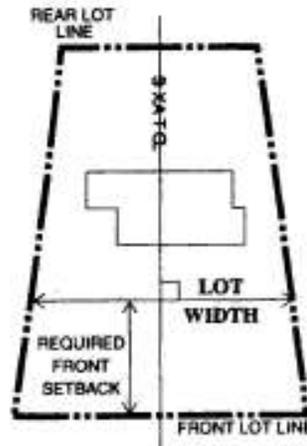
LOT WIDTH: The width of a lot shall be:

- 1. If the side property lines are parallel, the shortest distance between these side lines.

GLOSSARY

2. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

Q.



LOT WIDTH: condition #2

LOT, ZONING: A single tract of land, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Zoning lot lines shall not cross zoning district boundary lines unless otherwise permitted in these regulations. Therefore, a "zoning lot or lots" may not coincide with a "lot of record".

MACHINERY AND EQUIPMENT SALES, STORAGE AND REPAIR: An indoor or outdoor establishment primarily engaged in the cleaning, repair, painting, reconstruction, storage or other similar process of heavy machinery, equipment, and vehicles, including vehicle body work.

MAINTENANCE: The replacing or repairing of a minor part or minor parts, parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for human occupancy as a residence; with or without a permanent foundation when connected to the required utilities, but not including recreational vehicles.

MASTER PLAN: The comprehensive plan or parts thereof adopted by the Council indicating the general locations, recommended for streets and highways, parks, playgrounds, schools, public building sites and other physical improvements.

MOBILE HOME: See "Manufactured Home".

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MOTOR VEHICLE: See "Vehicle, Motor".

NET AREA: The area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

NONCONFORMING USE: A use lawfully established prior to and being conducted on the effective date of this Code, or any amendment hereto which renders the use nonconforming, which does not conform to the requirements of these regulations for the zoning district in which it is located.

NURSERY SCHOOL: See "Day Care Center".

NURSING HOME: A health care institution other than a hospital or personal care home which is licensed by the Arizona State Department of Health Services as a skilled nursing facility for two (2) or more unrelated persons.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open spaces.

OUTDOOR EVENT, TEMPORARY: A temporary commercial amusement activity such as a carnival, circus, rodeo or auction.

OUTDOOR RENTAL YARD: An establishment, located fully or partially outside of an enclosed structure, that offers goods for rent primarily for outdoor use.

OUTDOOR RETAIL SALES: An establishment, located fully or partially outside of an enclosed structure, that offers goods for sale primarily for outdoor use, including, but not limited to home improvement and building materials, statuary, garden equipment, and plants, but not including vehicle and boat sales or machinery and equipment sales.

OUTDOOR STORAGE, NON-VEHICULAR: An establishment that provides for outdoor storage of machinery and equipment, not including vehicles.

PARK: Any public or private land available for recreational, educational, cultural, or aesthetic use.

PATH, BICYCLE (BIKE PATH): A hard surfaced path for bicycles designed in accordance with standards established in Section 10.4, Bikeway Design Guidelines. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right-of-way or within an independent right-of-way.

PATH, MULTI- USE: A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Multi-use path activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

GLOSSARY

PARKING SPACE: A space for the parking of a motor vehicle within a public or private parking area.

PARKING SPACE, OFF-STREET: A paved and properly drained area, enclosed or unenclosed, required by this Code to be permanently reserved for parking one motor vehicle. The size of such space shall be in accordance with Article IV, PARKING, of this Code.

PARKING STRUCTURE: A facility, partially or fully above ground, accessory to another facility or a primary use, at which a fee may be charged for the temporary storage of passenger vehicles.

PARKING LOT: An improved surface upon which passenger vehicles are parked, and at which a fee may be charged.

PAWN SHOP: An establishment at which money is lent on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

PERMIT: For the purpose of this Code, the term "Permit" shall mean Use Permit, except in those areas referring to building, construction, or offsite improvement permits.

PERSONAL SERVICE ESTABLISHMENT: A business that provides personal services directly to customers at the site of the business, or which received goods from or returns good to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to: travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop-off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools.

PLACES OF PUBLIC ASSEMBLY, INDOORS: Buildings or indoor facilities for the purpose of meetings, exhibitions, entertainment, cultural or educational presentations and the like, including, but not limited to banquet halls, auditoria, private clubs and lodges, conference centers, and theaters, including kitchens for the preparation of food to be consumed at the premises.

PLACES OF PUBLIC ASSEMBLY, OUTDOOR: Open grounds, with or without accessory structures for seating, food service, retail and public convenience uses, at which exhibitions, events, meetings and various forms of public gathering are held. (See, also, "Commercial Amusement, Outdoor".)

PLACES OF WORSHIP: *Buildings facilities used for public worship and related educational, cultural, and social activities.*

PLANNED DEVELOPMENT: A parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with the adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned

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development may be granted relief from specific land-use regulations and design standards in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

PLANT NURSERY: The use of land buildings, or structures for the growth and production of plant materials for sale.

PLANT NURSERY, RETAIL SALES: The use of land, buildings, or structures for the sales of plant materials, landscape materials, and fertilizer, excluding production of plant materials.

PLAT, FINAL: A plat drawn in ink upon tracing cloth and conforming to the requirements of this Code, approved by the Council and filed for record with the Maricopa County Recorder's Office.

PLAT, PRELIMINARY: A preliminary plat of the layout of a proposed subdivision.

PRINTING SERVICES: An establishment that provides blueprinting, lithography; or other commercial printing service, but not including photocopy centers.

PRNATE CLUBS, LODGES: See "Places of Public Assembly, Indoors".

PRNATE USE: One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PUBLIC FACILITIES: Buildings, structures, or land used by a governmental agency to provide protective or administrative source to the public, including but not limited to police and fire stations, municipal or other governmental offices, but not including schools, libraries, museums, or the use of public land or buildings solely for the storage and maintenance of equipment and materials.

RAILROAD SWITCHING YARD: A facility that provides terminal facilities for rail traffic of railroad cars between terminal yards and similar facilities.

RECREATIONAL VEHICLE: A recreational vehicle is a vehicle that combines transportation and temporary living quarters for travel, recreation and camping. Recreational vehicles may be either motorized or towable units.

RECREATIONAL VEHICLE PARK' Any parcel of land upon which two (2) or more recreational vehicles for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

RECYCLING CENTER: See "Scrap and Salvage Services".

RECYCLING COLLECTION POINT: An incidental use that serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items would be allowed.

GLOSSARY

REPAIR SERVICES, SMALL APPLIANCE AND EQUIPMENT: An establishment located within a fully enclosed facility that offers repair services for small appliances and equipment, including, but not necessarily limited to: electronics, computers, stereos, and home appliances, but not including vehicles and vehicle parts.

RESIDENTIAL HOTEL: A private establishment that provides sleeping rooms for rent by the night, week, or month, which may include limited cooking facilities, but not including stoves and accessory uses within individual rooms or for groups of rooms and which contains not more than one hundred (100) sleeping rooms.

RESIDENTIAL RANCH: A residence that may include animal or crop production, but does not include residential facilities for employees.

RESIDENTIAL USE: Includes single and multiple dwellings, hotels, motels, dormitories, and mobile homes.

RESOURCE EXTRACTION: The on-site extraction of surface or sub-surface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

RESTAURANT: A business whose principal purpose is the sale and on-site consumption of food or beverages and which may include carry-out food service. This shall not include establishments that offer only carry-out food service or drive-through commercial establishments.

RESTAURANT, DRIVE-THROUGH: A restaurant intended to enable a customer to receive service either from a vehicle or on foot without entering the restaurant.
(Ord. No. 1227; § I, 11-16-99)

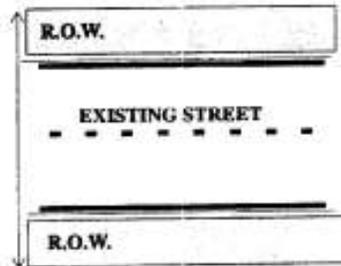
RETAIL ESTABLISHMENT: A building, property, or activity the principal use of purpose of which is the sales of goods, products, or materials directly to the consumer. This includes, but is not limited to: buying clubs, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, indoor tool and equipment rental, and variety stores. It does not include restaurants, personal service establishments, commercial amusements, or cleaning or processing establishments.

RIGHT-OF- WAY:

1. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes;

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2. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian.



RIGHT-OF-WAY

ROADSIDE STAND: An accessory structure for the seasonal retail sale of grown or produced food products on the lot. \

ROADWAY: The portion of the highway including shoulders, for vehicle use.

ROADWAY; SHARED: Any roadway upon which a bicycle lane is not designated and which may be legally used by bicycles regardless of whether such facility is specifically designated as a bikeway.

SANITARY LANDFILL: A site used for the disposal of refuse from more than one (1) residential premise, and/or by one (1) or more commercial, industrial, manufacturing or municipal operations.

SATELLITE DISH ANTENNAE: A parabolic antennae designed to receive electromagnetic transmissions from a satellite.

SCHOOL: A privately or publicly owned place of learning, including, but not limited to: nursery or pre-schools, elementary schools, middle-schools, junior high schools, or high schools, which do not provide lodging for students or faculty.

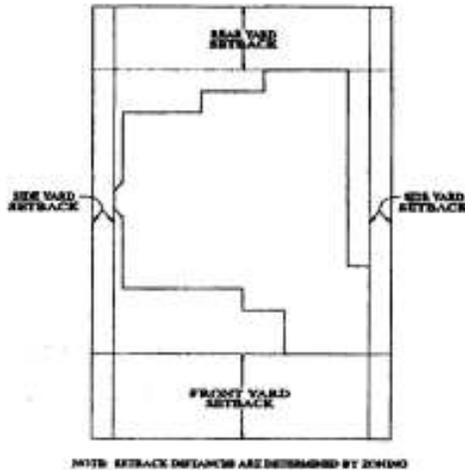
SCHOOL, BOARDING: An elementary school, middle-school, junior high school, or high school which provides lodging or dwelling for students or faculty on the same property.

SCHOOL, BUSINESS, TECHNICAL OR TRADE: A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty.

SCRAP AND SALVAGE SERVICES: An establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for re-use in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

GLOSSARY

SETBACK: A line parallel to the dedicated right-of-way line, or parallel to the private street edge of pavement, at a distance specified by these regulations, and over which no part of any building may extend.



SETBACKS

SHOPPING CENTER: A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

SIDEWALK: The portion of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.

GLOSSARY

SIGN CODE: The following definitions shall apply when used in the Gilbert Sign Code:

Administrative Use Permit. A written authorization issued by the Code Enforcement Administrator upon a finding that the proposed activity permitted by the Administrative Use Permit is in conformance with this Article. Such Administrative Use Permits shall be limited to a specific period of time.

Animation. 1) The movement of any illumination or the flashing or varying of light intensity of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously; or 2), The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, the automatic changing of all or any part of the facing of a sign; or 3) The movement of a sign set in motion by the atmosphere. Time and temperature devices are animated signs. Banners and flags are not animations.

Applicant. A person or entity who applies for a sign permit in accordance with the provisions of this Article.

Awning or canopy. A material or structure mounted on the exterior of a building intended to provide protection from the weather.

Balloon. Any lighter than air or gas filled inflatable object attached by a tether to a fixed place.

Banner. A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame, and which is suspended, mounted, or attached to buildings or poles at two (2) ends or continuously across its longest side so as to allow movements of the sign by atmospheric conditions.

Banner, decorative. A banner which contains no text.

Banner, public information. A banner which displays graphics and limited text regarding a special event.

Billboard. A sign or structure, other than temporary signs as defined in this Article, portraying information or directing attention to a business, activity, commodity service, entertainment, or communication which 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.

Building. Any structure used or intended for supporting or sheltering any use or occupancy, which is enclosed on at least three (3) sides.

Building identification. The name of a building or of a tenant or occupants of the building.

Building Wall. The exterior of any side of a building.

Business entrance identification. A sign adjacent to, or on the entrance door of, a business containing the business name and such other appropriate information as store hours and telephone numbers.

GLOSSARY

Business frontage facing a street. The maximum lineal dimension of the projected building elevation, excluding canopies and projections, measured on a straight line parallel to the street if the building is visible from the street or a straight line parallel to the face of the building which has the primary entrance.

Business frontage not facing a street. The lineal distance of the building facade occupied by the particular business measured on a straight line parallel to the primary entrance. Where a business does not parallel a street, the business footage shall be measured along the exterior of the building facade where the primary entrance is located.

Business name. The name by which a business is commonly recognized and used by the applicant. Slogans or product information shall not be considered as the business name.

Cabinet. A three-dimensional structure which includes a frame, borders and sign panel face and may include intemallighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

Canopy. See Awning.

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

Commercial building, multiple tenant. A commercial building in which there exists two or more separate commercial activities, in which there are appurtenant shared facilities such as parking or pedestrian mall, and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple-occupant commercial use of a single structure.

Common building entrance. In a multi-tenant building, an entrance leading to a common lobby, atrium, patio and/or elevator foyer.

Curbline. The line at the face of the curb nearest the street or roadway. In the absence of a curb, the Town Engineer shall determine the curbline.

Embellishment. Structural or decorative elements of a sign incorporating representations of the significant architectural features of the associated building or development. Embellishment does not include letters, numerals, figures, emblems, logos, colored bands or other features conveying a commercial advertising message.

Flag. A fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end.

flag, Builder's Attention. Residential subdivision temporary flags displaying the builder's company logo or name.

GLOSSARY

Freeway. A controlled access highway as defined in Arizona Revised Statutes, and all rights-of-way associated therewith.

Governmental entity. A political subdivision when carrying out its governmental functions. *Ground level* The finished grade of existing sidewalk; or where there is no sidewalk, the finished grade of the adjacent street curb. Where there is no street curb, six (6) inches above street grade shall be the established ground level.

Indirect lighting. A source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk, or adjacent property.

Individual letters. A cutout or etched letter or logo which is individually placed on a landscape, screen wall, building wall, or ground sign.

Internal illumination. A source of illumination entirely within the sign which makes the sign content visible at night by means of the light being transmitted through a translucent material, but wherein the source of the illumination is not visible.

Internal indirect lighting. A source of illumination entirely within an individual letter, cabinet, or structure which makes the sign visible at night by means of lighting the background upon which the individual letter is mounted. The letters shall be opaque, and thus will be silhouetted against the background. The source of illumination shall not be visible.

logo. A graphic symbol representing an activity, use or business.

Maintenance. The replacement, repair, or alteration of a part or portion of individual sign components, including but not limited to paper, fabric or plastic copy panels; electrical wiring and bulbs; or paint, stucco, made unusable or damaged by ordinary wear or tear.

Mural An artistic rendering on a building which does not promote a particular business, service or product.

Occupancy. A purpose for which a building, or part thereof, is used or intended to be used.

Off-site signage. A temporary sign, which directs attention to a residential subdivision or a housing product, not related to the uses existing on the parcel upon which the sign is located. *On-site signage.* An attached or a free standing sign, which correctly identifies a business, commodity, service, or product conducted, sold or offered on the same premises as those upon which the sign is located.

Outdoor business area. A business in which all or most of the business is conducted or items displayed in an open area subject to the Zoning Code of the Town of Gilbert.

Panel, background A two dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos is placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logo.

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Pan-channel letter. An individual letter which is three-dimensional and is constructed by means of a three-sided metal channel.

Parapet wall. The vertical extension of a building exterior wall projecting above the plate line of the building.

Parcel. A unit of land shown on a subdivision map, record of survey map, parcel map, or a lot described by metes and bounds, which constitutes a development site whether composed of a single unit of land or contiguous units under common ownership or development.

Plate line. The point at which any part of the roof structure first touches or bears upon an external wall.

Public Property. Public property means a parcel over which the Town or other governmental entity has or may exercise control, whether or not the Town or public entity owns the property in fee and it includes, but is not limited to public buildings, public streets, alleys, sidewalks, rights-of-way and improved or unimproved land of any kind and all property appurtenant to it.

Required landscape setback. The specific area of a parcel required to be landscaped at the base of the freestanding sign.

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 flat roofs.

Sign. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization, and further, not including any item of merchandise normally displayed within a show window of a merchant. The term "sign" shall mean and include any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement or anything in part or in combination by any means whereby the same are made visible to the eye and for the purpose of attracting attention outdoors to make anything known, whether such display be made on, attached to, or as part of any other structure, surface, or thing including, but not limited to, the ground or any rock, tree, or other natural object, when display is visible beyond the boundaries of the parcel on or over which the same is made.

Sign, abandoned A sign located on a parcel which is vacant and unoccupied for a period of ninety (90) days, or a sign which is damaged, in disrepair, or vandalized and not repaired within thirty (30) days of the date of the damaging event, which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, activity conducted or product available on the parcel where such sign is displayed.

Sign, architectural. A sign incorporated into an architectural element of a building such as an archway, fountain or sculptured garden, and which is integrated with, but subordinate to, the overall architectural element.

Sign area. The area of a sign is the entire face of the sign and any art work and insignia within a single continuous perimeter, including any spacing between letters, figures, designs, base, and structure of the sign, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background

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against which it is placed. For a freestanding sign, the definition of sign area also includes the entire base of the sign above the ground level, but does not include the perimeter architectural embellishments and details such as decorative columns and caps. When the sign only consists of letters, designs, or figures engraved, painted, projected, or fixed on a building or perimeter wall, the total area of the sign shall be the area of the smallest rectangle within which the entire fixed lettering and/or artwork is inscribed. All sides of a sign visible from anyone (1) location shall be measured in determining the area of the sign, except that only one (1) side of a sign shall be measured if the two (2) sides are back to back or separated by an angle of forty-five (45) degrees or less. If the two (2) sides are not of equal size, the larger side shall be measured. A back to back sign shall have parallel faces, separated by not more than two (2) feet.

Sign area, sum total Aggregate area of all signs for any individual use (excluding traffic directional signs). In every event, computation of allowable sign area includes all existing signs on the premises, whether such signs are conforming or non-conforming unless specifically excepted by the terms of this Article.

Sign, attached. Any sign, which is attached, fastened, connected or supported in whole or in part by a building or structure other than a sign structure, which is supported wholly by the ground.

Sign, automated teller machine directional A traffic directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

Sign, awning. Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior of a building.

Sign, boutique. A temporary sign intended to advertise the location of the boutique sale from a residential use.

Sign, change panel or copy change. A sign designed to permit immediate change of copy, which may be other than the name of the business, i.e. message, time, special event, date, and temperature, or a change panel message reader.

Sign, contractor or subcontractor. The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a parcel.

Sign, construction. A temporary sign erected on the parcel on which construction is taking place, or will take place within one year, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supports, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, detached. Any sign supported wholly by the ground or a fence.

Sign, directional A sign limited to directional messages such as entrance/exit or direction instruction to direct on-site traffic circulation. Directional signs intended for residential planned developments may be on or off premise such as model home complex signs.

Sign, directory. A sign intended to show the relative locations of or direction to the several commercial or industrial activities within a shopping center or multiple use industrial or business park, or multiple building residential complex.

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Sign, district. A group of businesses in a specified area in the Town, which have been organized into a coordinated group for the purpose of common signage and signage control.

Sign, freestanding. A non-moveable sign that is not affixed to a building, wall or fence and is supported by one (1) or more uprights or poles, and braced in or upon the ground.

Sign, garage sale or yard sale. A temporary sign intended to advertise the location of the sale of goods from a residential use.

Sign, grand opening. A temporary sign for introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business or the changing of ownership. A business may have a grand opening sign when it has been closed to the public for a period of thirty (30) days (as indicated on a new Gilbert Business License) and is re-opened.

Sign, height. The vertical distance measured from the adjacent ground level, or upper surface of the nearest sidewalk, whichever permits the greatest height, to the highest point of said sign.

Sign, holiday. A temporary sign, for non-commercial purposes, communicating only holiday's name and event.

Sign, identification. A permanent sign identifying name, type of business, and/or hours of operation, attached to or painted on a window, door, or building area next to the main entrance, or on a vehicle door.

Sign, ideological. A temporary sign communicating a message or ideas for non-commercial purposes, and which does not constitute, among others, any of the following: construction sign, directional sign, billboard, on-premise sign, real estate sign, political sign, model complex sign, garage sale sign or banner.

Sign, illegal. Any sign erected in violation of this Article.

Sign, landscape wall. A freestanding sign architecturally integrated with the building, mounted on a screen or perimeter wall and having individual letters. The sign is mounted on, or to, a wall, pole or base, which may or may not be an attachment or extension of a building wall.

Sign, menu. A sign used to inform the public of the list of dishes, foods or entrees available in a restaurant and may include the corresponding prices.

Sign, model home complex. A temporary sign indicating the name and location of a model home complex within a project.

Sign, monument. A freestanding permanent sign, which is detached from any building and generally intended to identify the name of a center, addresses and/or major tenants.

Sign, non-conforming. Any sign which does not conform to the provisions of this Article at the time of its enactment, which, when first constructed, was legally allowed by the Town of Gilbert or the political subdivision then having the control and regulation over construction of signs. Illegal signs are not non-conforming.

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Sign package. A specific set of design standards established for the purpose of unifying a variety of signs associated with a multi-tenant or multi-use building or complex of buildings. The design standards will include, but are not limited to, letter and logo sizes, letter style, colors, texture, placement, lighting methods, sign type, and architectural features. The purpose of the program is to provide design compatibility for all signs and to integrate the signs with the architectural features of the building(s) being signed.

Sign, pennant. Any flag intended to draw attention to a particular use or service on the site where the pennant is located. Local, state, and national flags are exempt from the requirements of this Article unless intended to act as a pennant.

Sign, permanent. Any sign which is intended to be, and is so constructed as to be a lasting and enduring condition remaining unchanged in character, condition beyond normal wear and tear, and in a permanent manner affixed to the ground, wall, or building; provided the sign is permitted by this Article.

Sign plan. A plan required to be submitted with an application for a sign permit. The plan may show a single sign or multiple signs for a planned area development.

Sign, political. A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections relating to any national, state or local election.

Sign, portable. A temporary sign that is not permanently affixed to a building, structure, or the ground.

Sign, real estate. A temporary sign advertising the development, sale, transfer, lease, exchange or rent of real property or properties.

Sign, residential subdivision entry. A sign placed at the entrance to a multifamily or duplex development, or single-family development only in order to identify the name of the development.

Sign, roof. An attached sign extending above the plate line of a building or structure.

Sign, sales, lease, and rent. Temporary signs, which indicate that a parcel or building is currently for sale, lease or rent.

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

Sign, subdivision entry. A sign which is placed on the perimeter of a recorded subdivision, townhouse project, commercial district, master planned community, hotel, motel or guest ranch at a major street or driveway entrance to identify the name of the interior project, Such signs may flank both sides of the entrance and may include ground or landscape wall sign types.

Sign, subdivision directional; A temporary sign intended to convey the location of an approved subdivision.

Sign, suspended. A sign suspended from a roof overhang of a covered porch or walkway, which

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identifies the tenant of the adjoining space.

Sign, temporary. Any type of sign not permanently attached to the ground, wall or building, intended to be displayed only for a specified period of time.

Sign, tower. A freestanding cabinet or panel sign architecturally integrated with the building having a height of minimum ten (10) feet and maximum fifteen (15) feet from the top of the sign to the bottom of the sign. The sign base shall be constructed not to exceed fifty (50) percent of the open space beneath the cabinet or panel.

Sign, traffic direction. Signs used at driveways to improve public safety and to enhance public access to the site from public streets. This sign provides information, which will assist the operators of vehicles in the flow of traffic. Such signs may use names, logos, or symbols of buildings, businesses, activities, uses or places as a means of direction.

Sign, V-shaped or A-frame. Signs erected upon common or separate structure which present a Vshape appearance and having an exterior angle between faces of not more than forty-five (45) degrees with distance between faces of such signs at their closest point not exceeding two (2) feet.

Sign, vehicle. A sign mounted, pointed or otherwise placed on a trailer, truck, automobile or other vehicle so parked or placed so that the sign thereon is visible from a public street or right-of-way and is so parked primarily for the purpose of displaying advertising signage.

Sign, wall A sign fastened to or painted on the wall or parapet of a building or structure in such a manner that the wall becomes the supporting structure form or forms, the background surface of the sign and which does not project more than fifteen (15) inches from such building or structure.

Sign, window. A sign that is applied, attached or within six (6) feet of the interior of a first floor window area and is displayed so as to attract attention of persons outside to a produce or service offered inside the building. Window signs do not include merchandise or models of products incorporated in a window display. The intent of the window signs is to inform pedestrian shoppers of temporary sales and other special events, and not services normally available.

Sign, yard sale. See sign, garage sale.

Special event. A promotional event such as bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors, and is transferred from indoors to outdoor for sale.

Structure. Anything which is built or constructed or any piece of work artificially built up or composed of parts, including, but not limited to, buildings, fences, towers, overhead transmission lines and mechanical equipment.

Time and temperature unit. A sign or portion of a sign displaying only current time and temperature in an electronic, digital fashion.

(Ord. No. 1286, § 1,07-11-00)

GLOSSARY

SITE PLAN: A plan prepared to scale showing accurately and with complete dimensioning, the boundaries of a site and the locations of all buildings, structures, circulation, landscaping and open space areas.

SPECIFIED ANATOMICAL AREAS:

1. Less than completely and opaquely covered: Human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTNITIES: To the extent that such acts are not already prohibited by Title 13 Chapter 15 of the Arizona Revised statutes or to the extent that the depictions of such acts are not obscene or do not isolate the provisions of Title 13, Chapter 35 of the Arizona Revised Statutes, specific sexual activities shall mean any of the following:

1. Human genitals in a state of or simulating sexual stimulation or arousal;
2. Actual or simulated acts of human masturbation, sexual intercourse, oral copulation, sodomy or bestiality; and
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
4. Excretory functions as a part of or in connection with any of the activities set forth in subdivisions (1), (2), or (3) of this definition.

STABLE, COMMERCIAL: A stable for horses, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands.

STABLE, PRIVATE: A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

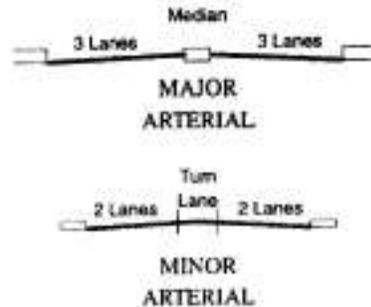
STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, the ceiling of which is less than four (4) feet six (6) inches above the natural grade, shall not be considered a story. A mezzanine floor shall not be considered a story if it is less than thirty-three and one-third ($33\frac{1}{3}$) percent of the area of the floor next below it in a non-residential structure. A mezzanine shall be considered a story when located in a residential structure.

STREET: Road, highway, drive, lane, avenue, boulevard easement for access, right-of-way, parking or any other way whether public or private, which affords the principal means of access to abutting property.

1. **ARTERIAL, MAJOR OR MINOR:** A general term designating streets in the community which are designed to carry substantial volumes of traffic. Such street

GILBERT UNIFIED LAND DEVELOPMENT CODE

shall include all section line roads. The location of major and minor arterials in the community are as designated in the Gilbert General Plan.



ARTERIALS

- a. Major arterials typically consist of six vehicular lanes and a raised median.
 - b. Minor arterials will consist of four vehicular lanes with a center left turn lane.
2. **COLLECTOR STREET:** A dedicated public right-of-way which dedication shall be in accordance with the standards of the adopted map. Collector streets provide direct service to residential areas from major streets, for traffic movement within neighborhoods of the Town and for direct access to abutting property. Collector streets collect local traffic from the neighborhoods and deliver it to the nearest major street.
 3. **LOCAL STREET:** A dedicated public right-of-way which dedication shall be in accordance with standards of the adopted minimum right-of-way details. Local streets provide for direct access to residential, commercial, industrial, or other abutting land, and for local traffic movements and connect to collector and/or major streets.

STRUCTURE, MAIN OR PRINCIPAL: See "Building, Main or Principal".

STRUCTURE, PERMANENT: Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STRUCTURE, TEMPORARY: A moveable structure not designed for human occupancy or for the protection of goods or chattel, and not forming an enclosure.

SUBDNIDER: The individual, firm, corporation, partnership, association, syndication, trust or other legal entity that files the application and initiates proceedings for the

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subdivision of land in accordance with the provisions of this Chapter, but a subdivider need not be the person or persons holding deed to land, or holding title as vendees under land contract, or holding any other title of record.

SUBDIVISION: The division for lease or sale to the public of a tract or parcel of land into four (4) or more lots, tract or parcels of land, or if a new street is involved, any division of a parcel of land, or the division of any residential lot, the boundaries of which have been fixed by a recorded plat; provided, that a partitioning or division of land into tracts or parcels of land of four (4) acres or more and not involving a new street, or the sale or exchange of parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots, shall not be deemed a subdivision, and the partitioning of land in accordance with State law regulating the partitioning of land held in common ownership shall not be deemed a subdivision.

SUPPORT STRUCTURE: The structure to which antennae and other hardware is mounted for the purposes of a Wireless Communications Facility.
(Ord. No. 1051, § I, 7-29-97)

SURFACE, IMPERVIOUS: That land area covered by building roofs (including patios, balconies and entryways) and asphalt or other surface devoted to parking spaces and driveways.

SWIMMING POOL, PRIVATE: A pool established or maintained on any premises by an individual for his/her or his/her family's use or for guests of his/her household.

TEEN CLUB: An enclosed or unenclosed structure which is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which music is furnished for the purpose of social dancing, and at which a person fifteen (15) through twenty (20) years of age pays an admission, membership dues, or a minimum fee or cover charge, whether or not admission is limited to members only. "Teen dance center" shall include the enclosed or unenclosed structure and the surrounding premises used for parking and any activity related to the dancing operation.

TELEVISION, RADIO AND FILM STUDIO: A facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

TOBACCO / SMOKE SHOP: A retail establishment at which the sale of cigarettes, cigars, tobacco, pipes and/or chewing tobacco comprises not less than sixty (60) percent of the gross revenue for the establishment.
(Ord. No. 1227, § I, 11-16-99)

TRANSFER STATION, HAZARDOUS: A facility used for storage of non-hazardous waste for a period of less than ninety (90) days.

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TRANSIT TERMINAL: A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

TRANSMITTING FACILITIES: Buildings, structures, or land used for the above-ground transmission or reception of airborne radio or television signals include all transmitting or receiving towers, dishes, and antennae, but not including accessory antennae or dishes. "Transmitting Facilities" shall not include wireless communications facilities.
(Ord. No. 1051, § I, 7-29-97)

TRUCK AND MULTI-MODAL TERMINAL: A facility for truck loading and unloading and cargo storage.

UNDERLYING DISTRICT: A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superceded by overlay district provisions.

USE, APPROVED: Any use that is or may be lawfully established in a particular district or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE, CONDITIONAL: A use that has operational, physical and other characteristics that may be different from those of the predominant authorized uses in a district, but which is a use that complements or is otherwise compatible with the intended overall development within a district, provided that specified standards are met. A use is classified "conditional" due to its unique, known, and/or potential impacts to adjacent properties or persons, surrounding area, and /or community at large.

USE, PRINCIPAL: The primary or predominant use of a site or structure.

USE, QUASI-PUBLIC: Uses which are considered to be dedicated to public service or to culture. These uses include, for the purposes of this Code, public, schools, hospitals, universities and churches.

USE, TEMPORARY: A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure.

UTILITY FACILITIES: Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials. "Utility facilities" shall not include wireless communication facilities.
(Ord. No. 1051, § I, 7-29-97)

GLOSSARY

UTILITY SERVICE YARDS: Buildings, structures or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.

GLOSSARY

VARIANCE: A deviation from any term or standard contained in these regulations and authorized according to the procedures set forth in Section VII, LAND USE ADMINISTRATION of this Code.

VEHICLE: Any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ABANDONED OR JUNK: A vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

VEHICLE, COMMERCIAL: Any motor vehicle with a manufacturer's chassis rating greater than one ton.

VEHICLE, MOTOR: A device, in, upon or by which any person or property is or may be transported or drawn upon a road of highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles. For the purpose of these regulations "motor vehicles" are divided into two (2) divisions:

First Division: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.

Second Division: Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second, and those motor vehicles of the first division used and registered as school buses. All trucks shall be classified as motor vehicles of the second division.

VETERINARY CLINIC: A facility rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be allowed in a veterinary clinic. Boarding of small animals is allowed if housed within an enclosed soundproof structure.

VETERINARY HOSPITAL: A facility rendering surgical and medical treatment to animals, having no limitation to overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital. For the purpose of these regulations, where a veterinary hospital is permitted, a veterinary clinic shall also be permitted.

WAREHOUSING AND DISTRIBUTION, GENERAL: An establishment offering indoor or open-air storage and distribution and handling of materials and equipment, such as vehicle storage, monument or stone yards, grain elevators, or open storage yards.

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WAREHOUSING, WHOLESALE, AND DISTRIBUTION, LIMITED: An establishment offering wholesaling, storage and warehousing services within a completely enclosed building, such as wholesale distributors, storage warehouses, and moving and storage companies.

WIRELESS COMMUNICATIONS FACILITY: An unstaffed facility for the transmission and reception of personal wireless services radio or microwave signals. Personal wireless services includes commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services, but not direct-to-home satellite services. Wireless Communications Facilities are composed of two or more of the following components:

- a. Antennae.
- b. Support structure.
- c. Equipment cabinet or building.
- d. Security fencing.

(Ord, No. 1051, § I, 7-29-97)

YARD: A required space other than a court on any lot, unoccupied by a structure and unobstructed from the ground upward (except as otherwise provided herein), and measured as the minimum horizontal distance from a building or structure, excluding carports, porches and other permitted projections, to the property line opposite such building line.



YARD LOCATIONS

YARD, FRONT: The entire space extending the full width across a lot, other than a courtyard, which is open and unobstructed skyward (except as otherwise provided herein) measured from the front property line inward to the required setback specified herein for each zoning district.

GLOSSARY

YARD, REAR: A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies, or unenclosed porches. On corner lots and interior lots the rear yard is, in all cases, at the opposite end of the lot from the front yard.

YARD, SIDE: That portion of a zoning lot lying between the side line of the lot and a line drawn through the nearest point of a main building extended from the front yard to the rear yard, or in absence of either of said yards from the front to the rear lots respectively.

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REVISIONS

AS OF SEPTEMBER 8, 2004

TOWN OF GILBERT, ARIZONA
UNIFIED LAND DEVELOPMENT CODE



CODIFIED THROUGH ORDINANCE NO. 1592, APPROVED SEPTEMBER 7, 2004

ORDINANCE NO. 1308

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, ARIZONA BY AMENDING THE ZONING ORDINANCE FOR THE TOWN OF GILBERT, ARIZONA BY CREATING A ZONING OVERLAY DISTRICT PURSUANT TO A.R.S. § 9462.01(D) AND AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER I, ARTICLE I ZONES, SECTION 1.82 REDEVELOPMENT OVERLAY ZONING DISTRICT BY RETITLING AND ADOPTING NEW SECTION 1.82 HERITAGE DISTRICT OVERLAY ZONING DISTRICT FOR THE PURPOSE OF ESTABLISHING AN OVERLAY ZONING DISTRICT WITHIN THE TOWN OF GILBERT; SETTING FORTH A PROCESS FOR ADOPTING HERITAGE *DISTRICT* DESIGN GUIDELINES RELATED TO ARCHITECTURAL DESIGN GUIDELINES FOR RESIDENTIAL AND COMMERCIAL USES AND STRUCTURES IN THE HERITAGE DISTRICT OVERLAY ZONING DISTRICT, AND LANDSCAPING DESIGN AND REQUIREMENTS FOR THE HERITAGE DISTRICT OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING PENALTIES.

WHEREAS, the Town of Gilbert has previously declared an area in the Town to be a slum and blighted area and has adopted a Redevelopment Plan for the area known as the Heritage District; and

WHEREAS, A.R.S. § 9-462.01 (D) authorizes a municipality to adopt overlay zoning districts and regulations applicable to particular buildings, structures and land within individual zones; and

WHEREAS, the Town Council finds that the existing architecture of the Heritage District is an important element of the preservation and development of the properties located in the Heritage District; and

WHEREAS, the Town Council finds it is in the best interest of the Town in order to preserve and redevelop the Heritage District to create an Overlay Zoning District for the area.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA:

Section I. In General.

1. The Unified Land Development Code of the Town of Gilbert, Arizona is hereby amended by amending the Zoning Map by adopting the Heritage District Overlay Zoning District to include the land set forth in Exhibit A attached hereto and incorporated herein by this reference. The underlying zoning districts previously established shall remain unchanged by the creation of the Overlay Zoning District.

2. The Unified Land Development Code of Gilbert, Arizona, Chapter It Article I Zone, Section 1.82 Town Center Redevelopment Overlay Zoning District is hereby amended by re-titling and adopting new Section 1.82, Heritage District Overlay Zoning District to read as follows:

Section 1.82. Heritage District Overlay Zoning District

This zoning district is intended to establish regulations and requirements for uses permitted in the Heritage District Overlay Zoning District, The boundaries of the District are set forth in Exhibit A. The purpose of the Heritage District Overlay Zoning District is to protect the existing unique character of the old downtown area and promote continuity of the historic character in new development. strengthen pedestrian character and create new pedestrian linkages. create a compact downtown with an intensified and diverse mix of activities" create a high level of expectation in the quality of downtown architecture, create a distinct downtown landscape character" continue and expand the tradition of covered walkways and store entrances facing Gilbert Road or facing other roadways, create coherent and consistent street spaces, improve and develop off-street downtown parking adjacent to, and to the rear of, existing commercial buildings.

1. *Heritage District Design Guidelines.* Development within the Heritage District Overlay Zoning District shall be compatible with the Heritage District Design Guidelines.

A. The Gilbert Town Council shall adopt Heritage District Design Guidelines, following notice and a public hearing. Notice shall be given pursuant to A.R.S. § 9-462.04. Any amendments to the Heritage District Design Guidelines shall be considered and adopted in the same manner. Prior to adoption of the Heritage District Design Guidelines, or amendments, the Design Review Board and Redevelopment Commission shall provide a written recommendation to the Town Council.

B. All proposed development within the Heritage District Overlay Zoning District shall be consistent with the Heritage District Design Guidelines. The Design Review Board shall review applications for development. The Design Review Board shall forward its written recommendation to the Redevelopment Commission for final approval. An applicant may appeal a decision of the Redevelopment Commission to the Town Council by filing a written appeal with the Town Clerk within ten (10) working days of the decision of the Redevelopment Commission.

C. The Heritage District Design Guidelines shall be used by Town staff, the Design Review Board, the Redevelopment Commission, and the Town Council as guidelines for the design and development of properties in the Heritage District Overlay Zoning District.

D. The Heritage District Design Guidelines shall be applied with sufficient flexibility to allow for harmony in design and to assure quality development.

2. *Enforcement.* Failure to comply with the requirements set forth in this Section shall result in a denial of building permits by the Town of Gilbert, Arizona.

Section II. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 17th day of October _____, 2000, by the following vote:

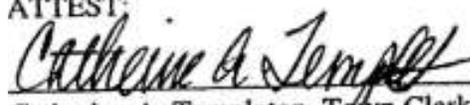
AlLES: Dunham, Crozier, Cathey, Evans, Morrison, Presmyk, Urie 3.

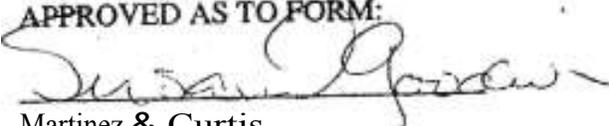
NA YES: _____ None ABSENT: _____ None

EXCUSED: _____ None O----- ABSTAINED: _____ None

APPROVED this ~ day of October _____, 2000.


Cynthia L. Dunham, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

Martinez & Curtis,
P.C. Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF FINE ORDINANCE NO. 1308 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 17th DAY OF October _____ 2000 WAS POSTED IN THREE PLACES ON THE 27th DAY OF October _____, 2000.

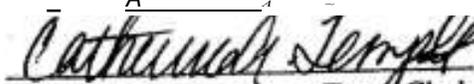
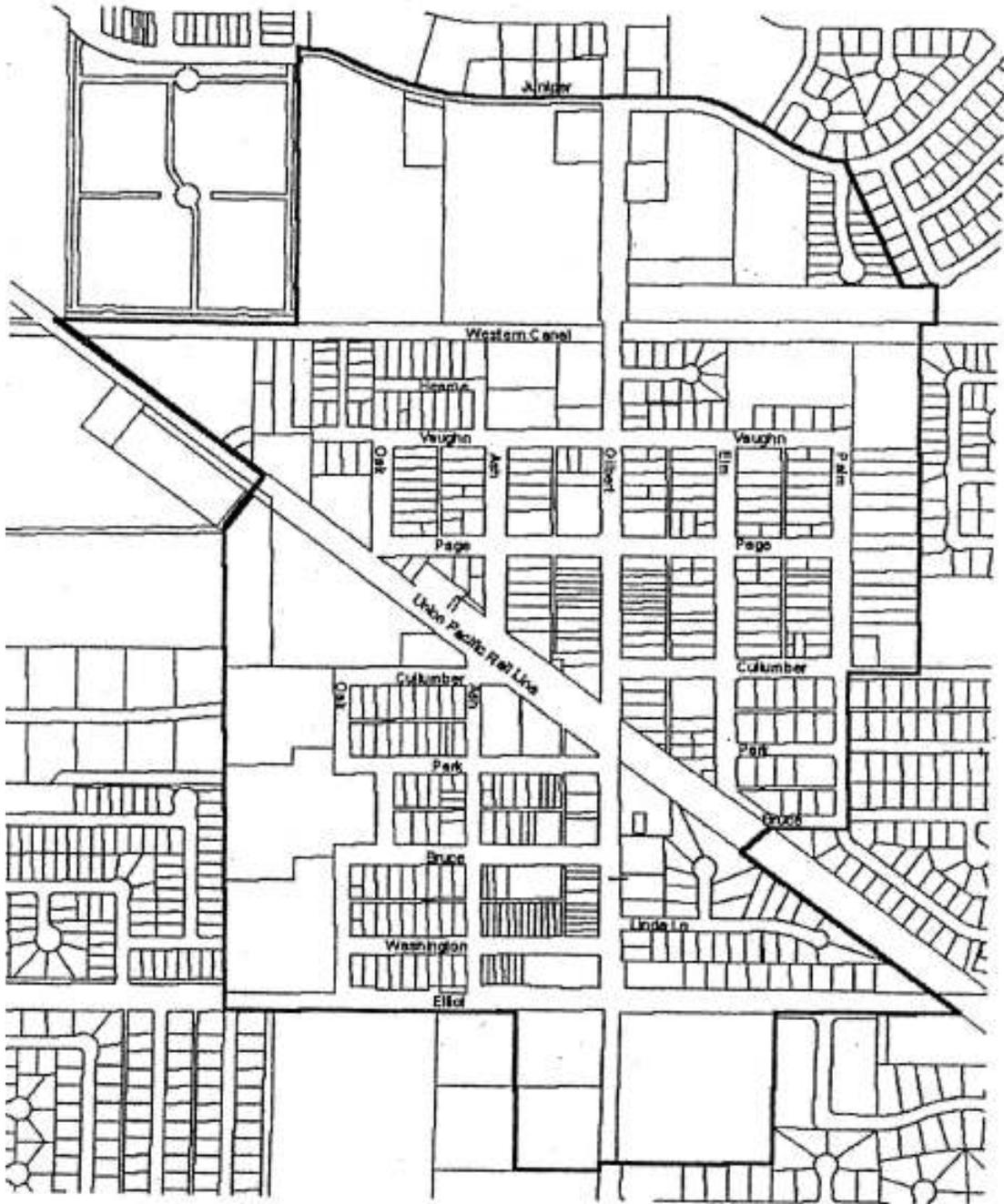

Catherine A. Templeton, Town Clerk

EXHIBIT A

HERITAGE DISTRICT OVERLAY ZONING DISTRICT



ORDINANCE NO. 1315

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF GILBERT, ARIZONA, CHAPTER II DEVELOPMENT STANDARDS, ARTICLE XI LANDSCAPE AND OPEN SPACE CRITERIA, SECTION 11.22 COMPATIBLE DESIGN, BY REPEALING SUBSECTION A LIGHT AND GLARE AND ADOPTING NEW SUBSECTION A LIGHT AND GLARE RELATED TO THE REGULATION OF EXTERIOR LIGHTING IN THE TOWN AND ESTABLISHING STANDARDS FOR OUTDOOR LIGHT FIXTURES AND THE PROTECTION OF ADJACENT PROPERTIES, PROHIBITING CERTAIN OUTDOOR LIGHT FIXTURES, ESTABLISHING EXEMPTIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, excess light from outdoor light fixtures can constitute light trespass when it extends beyond the boundaries of the property on which the outdoor light fixture is located; and

WHEREAS, such light trespass can and does interfere with the use and enjoyment of adjacent properties and constitutes a nuisance; and

WHEREAS, light trespass can cause glare which interferes with the ability of drivers to perceive objects or obstructions clearly; and

WHEREAS, excess light causes light pollution, interfering with astronomical observations; and

WHEREAS, that certain document entitled "The Unified Land Development Code of Town of Gilbert, Arizona, Chapter II, Article XI, Section 11.22(A) Light and Glare," three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona; as follows:

Section 1. In General.

The Unified Land Development Code of the Town of Gilbert, Arizona, Chapter II Development Standards, Article XI Landscape and Open Space Criteria, Section 11.22 Compatible Design, is hereby amended by repealing Subsection A Light and Glare and adopting new Subsection A Light and Glare, as set forth in that public record entitled "The Unified Land

Development Code of Town of Gilbert, Arizona, Chapter II Article XI, Section 11.22(A) Light and Glare," and, as such, that public record entitled "The Unified Land Development Code of Town of Gilbert, Arizona, Chapter II, Article XI, Section 11.22(A) Light and Glare," is hereby referred to, adopted and made a part hereof as though fully set forth in this Ordinance.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

a. Civil Penalties. Upon a finding that a person is responsible for a civil violation of this subsection, a civil sanction of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation shall be imposed.

b. Each Day Separate Violation. Each day in which a violation of this subsection continues or the failure to perform any act or duty required by this subsection or by the code enforcement officer in accordance with this subsection continues shall constitute a separate civil offense.

c. Habitual Offender. A person who commits a violation of this subsection after previously having been found responsible for committing three (3) or more civil violations of this subsection within a twenty-four (24) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a Class 1 misdemeanor. The Gilbert town prosecutor is authorized to file a criminal misdemeanor complaint in the Town Court against habitual offenders who violate this subsection. For purposes of calculating the twenty-four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 24th day of October, 2000, by the following vote:

AYES: Dunham, Crozier, Cathey, Evans, Morrison, Presmyk, Uria

NAYES: None

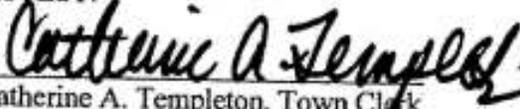
ABSENT: None

EXCUSED: _____ None _____ -- ABSTAINED: _____ None _____

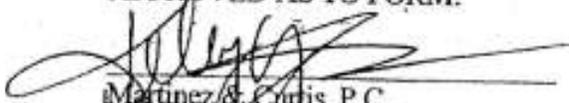
APPROVED this 24th day of October, 2000.


Cynthia L. Dunham, Mayor

ATTEST:


Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:


Martinez & Curtis, P.C.
Town Attorneys
By Kelly V. Schwab

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 1315 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 24th DAY OF October, 2000, WAS POSTED IN THREE PLACES ON THE 3rd DAY OF November, 2000.


Catherine A. Templeton, Town Clerk

The Unified Land Development Code
of the Town of Gilbert, Arizona, Chapter II, Article XI,
Section 11.22(A) Light and Glare

Section 11.22 Compatible Design.

A. *Light and glare.*

1. Purpose; Findings. The Town Council finds that excess light can and does interfere with the private enjoyment of property, causes safety hazards to the driving public which can result in accidents and injury, and interferes with astronomical observations. The Council further finds that excess light and light trespass constitute nuisances. The elimination of excess light is in furtherance of the health, welfare and safety of the residents and driving public of the Town of Gilbert.

2. General. Outdoor lighting shall be required for safety and personal security in areas of public assembly and traverse for multi-family developments, as well as municipal, commercial, industrial, and institutional uses where there is outdoor public activity during hours of darkness. Glare and light trespass control shall be required to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties. Light pollution control shall be required to minimize the negative effect of misdirected upward light. The glare, light trespasses and light pollution requirements of this ordinance shall apply to all uses, including residential. These standards implement the Town's general plan.

6. Outdoor lighting shall be designed so as to meet the following goals:
 - a. Reduce impact of outdoor lighting on residential neighborhoods.
 - b. Provide minimal spill light in the nighttime sky.
 - c. Encourage the use of energy efficient lighting systems.
 - d. Provide a framework for lighting practices as recommended by the Illuminating Engineering Society of North America.

4. Definitions. The following words, terms and phrases, when used in this subsection, shall have the following meanings ascribed to them unless the context clearly indicates a different meaning:

- a. *FILTERED*: The use of an outer lens, which serves to control the spectral distribution from a light source. The outer lens shall be glass, acrylic or some other translucent enclosure. Quartz glass does not comply with this requirement.
 - b. *FULL CUTOFF*: Fixtures that are constructed in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
 - c. *FULLY SHIELDED*: Refers to providing internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors, and lenses from causing glare at normal viewing angles.
 - d. *GLARE*: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. Note: the magnitude of the sensation of glare depends upon such factors as the size, position, and luminance of the source and the luminance to which the eyes are adapted.
 - e. *INSTALLED*: The installation of outdoor light fixtures.
 - f. *LOW WATTAGE*: If from an incandescent fixture, 150 watts or less. If from other sources, 70 watts or less.
 - g. *OUTDOOR LIGHT FIXTURES*: Outdoor artificial illuminating devices, lamps and other devices" permanent or portable, used for illumination or advertisement. Such devices shall include, but shall not be limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.
 - h. *SEMI CUTOFF*: Fixtures that are constructed in such a manner that the bottom edge of the lens extends below the bottom plane of the fixture allowing minimal light.
5. Procedures for Compliance.
- a. All outdoor light fixtures shall comply with the requirements of this subsection. An applicant for a building, electrical or sign permit which involves the installation of an outdoor

light fixture shall include in the application evidence sufficient to demonstrate that the proposed work will comply with this subsection. All other persons intending to install outdoor light fixtures shall submit an application to the Building and Code Enforcement Department which demonstrates that the proposed work will comply with this subsection.

- b. Contents of Application. In addition to other requirements of applicable codes, the application shall contain, but shall not necessarily be limited to, the following:
 - i. Plans indicating the location on the premises, and the type of outdoor light fixture proposed to be installed. A
 - ii. description of the outdoor light fixture, including supports and other appurtenant devices. This description must include manufacturers' catalog cuts and drawings.
 - iii. Photometric data and a point-by-point of the illuminated area.
 - iv. The plans and descriptions shall be sufficiently complete to enable the Town to determine whether compliance with the requirements of this subsection will be met. If the Town is unable to make such a determination from the plans and descriptions, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing laboratory. All test reports shall comply with procedures established by the American National Standards Institute (ANSI) and the Illuminating Engineering Society of North America (IES) for testing of outdoor light fixtures.
- c. Issuance of Permit. Upon compliance with the requirements of this subsection, the Building and Code Enforcement Department shall issue a permit for installation of the outdoor light fixtures, to be installed as in the approved application. In the event the application is part of a building permit application, the issuance of the building permit will be made if the applicant is in compliance with this subsection as well as other applicable laws, regulations, and codes.
- d. Amendment to Permit. If the applicant desires to substitute outdoor light fixtures after a permit has been issued, the applicant must submit all changes to the Building and Code Enforcement Department for approval) with information as

outlined in Paragraphs (b)(i), (b)(ii), and (b)(iii) and (b)(iv) above.

6. General Requirements for Shielding and Filtration. All outdoor light fixtures, except those exempt from this section, shall be shielded as set forth below:
 - a. Low and high pressure sodium, metal halide, fluorescent, tungsten halogen, incandescent type lamp fixtures for the purpose of flood lighting, architectural and site lighting and sports lighting shall be fully shielded.
 - b. Fluorescent type lamp fixtures used to illuminate outdoor advertising signs shall be mounted at the top of the sign structure and shall be fully shielded.
 - c. A filter shall be used for all metal halide and fluorescent upright type fixtures.
 - d. Other types of outdoor light fixtures not specified in this subsection, and not specifically exempt from this subsection shall be shielded and/or filtered as determined by the Code Enforcement Officer.

7. Protection of Adjacent Properties. All outdoor light fixtures shall be designed to minimize spillage of light onto adjacent properties and to limit glare seen from adjacent properties.
 - a. No outdoor lighting fixture shall produce a level of illuminance at the property line which exceeds .3 foot-candles until one (1) hour after close of business, at which time shall not produce a level of illuminance which exceeds .1 foot-candles. This curfew does not apply to lighting required for public safety and security. The illuminance level shall be determined at a height of five feet above ground level, with the illuminance meter aimed towards the outdoor light fixture.
 - b. No intermittent, flickering or flashing lights shall be permitted,
 - c. All outdoor fixtures shall be set back from the nearest property line a minimum of ten (10) feet or a distance equal to or greater than the height of the device above natural or excavated grade, whichever is greater, unless such fixture is

shielded to meet/comply with requirements as set forth in paragraph 5(a).

8. Restrictions and Prohibitions on Use of Specific Outdoor Light Fixtures.
 - a. Except for emergency purposes, no person shall operate a searchlight within the Town without obtaining a special event license. No searchlight shall be operated between the hours of 11 :00 pm., and sunrise.
 - b. Illumination devices which are directed upward shall be fully shielded to prevent glare and shall not be illuminated after 11:00 p.m.
 - f. No outdoor recreational facility) public or private, shall be illuminated after 11 :00 p.m. by outdoor light fixtures that do not comply with the provisions of this subsection, except to conclude a recreational or sporting event or other activity in progress prior to 11 :00 p.m.
 - d. Building and pole mounted flood and spotlights shall be aimed so that the direction of the main beam is aimed at less than 45 degrees below horizontal and the level of illuminance at the property line does not exceed .3 foot-candles. The illuminance level shall be determined at a height of five feet above ground level, with the illuminance meter aimed towards the outdoor light fixture.
 - e. Parking lot and security lighting shall not exceed a maximum mounting height of fourteen (14) feet within one hundred (100) feet of a residential district and a maximum of twenty-five (25) feet all other areas.
 - f. All wall-mounted fixtures for the purpose of area/security lighting shall be mounted at a maximum of fourteen (14) feet above finish grade and shall be of the full cutoff type fixtures.
 - g. All pole mounted semi-cutoff fixtures shall be mounted at a maximum of fourteen (14) feet.
9. Exemptions. The shielding and filtration requirements set forth in this subsection shall not apply to the following:

- a. Fossil fuel light, produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
 - b. Low wattage fixtures. Tungsten halogen lamps are not low wattage fixtures for purposes of this exemption. This device shall not provide illumination in excess of .25 foot candles at the property line.
 - c. Airport navigational lighting systems.
 - d. Outdoor advertising signs of the type constructed of translucent material and wholly illuminated from within (with sign permit).
 - e. Town Streetlights and Downtown Gilbert ornamental lighting. Streetlight and Heritage District street lighting for the downtown business district are exempt from the provisions of this subsection.
 - f. Construction and emergency lighting. Lighting necessary for construction occurring at night with a valid permit from the Town or emergencies is exempt from the provisions of this article, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
10. Special Conditions. The Building and Code Enforcement Director may grant an exemption to the requirements of this subsection upon a written finding that there are extraordinary circumstances warranting such exemption and a finding that there are no conforming outdoor light fixtures that would suffice.
11. Non-Conforming Outdoor Light Fixtures. This subsection shall not apply to outdoor light fixtures installed prior to the effective date of this subsection; however, such non-conforming outdoor light fixtures shall be extinguished, either automatically or manually, between 11:00 p.m., and sunrise. Non-conforming outdoor light fixtures shall not be altered, replaced, relocated or recreated unless brought into compliance with this section. This provision shall not apply to reasonable and normal repairs and maintenance to the fixtures that are necessitated by ordinary wear, weather or accident. Any change in use, replacement, structural alteration or restoration shall not be permitted for any fixture that has not been used for a period of twelve consecutive months, unless it is brought into compliance with this section. This provision shall not affect the

ability of the Town to abate a nuisance caused by light trespass pursuant to the Gilbert Municipal Code.

12. Penalties.

- a. **Civil Penalties.** Upon a finding that a person is responsible for a civil violation of this subsection, a civil sanction of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each violation shall be imposed.

Each Day Separate Violation. Each day in which a violation of this subsection continues or the failure to perform any act or duty required by this subsection or by the code enforcement officer in accordance with this subsection continues shall constitute a separate civil offense.

- c. **Habitual Offender.** A person who commits a violation of this subsection after previously having been found responsible for committing three (3) or more civil violations of this subsection within a twenty-four (24) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a Class 1 misdemeanor. The Gilbert town prosecutor is authorized to file a criminal misdemeanor complaint in the Town Court against habitual offenders who violate this subsection. For purposes of calculating the twenty-four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor-

ORDINANCE NO. 1340

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, BY AMENDING THE GILBERT UNIFIED LAND DEVELOPMENT CODE, GLOSSARY SECTION BY PROVIDING NEW DEFINITIONS FOR FUELING FACILITIES, AND AMENDING CHAPTER I, SECTION 1.7 TABLE OF PERMITTED USES FOR NON-RESIDENTIAL DISTRICTS BY IDENTIFYING PERMITTED ZONING DISTRICTS FOR FUELING FACILITIES, AND AMENDING CHAPTER II, SECTION 10.23 SERVICE STATION DESIGN STANDARDS, AMENDING THE DEVELOPMENT CRITERIA FOR FUELING FACILITIES, AND ADDING SECTION 10.234 ANCILLARY FUELING FACILITIES, ADDING DEVELOPMENT CRITERIA FOR ANCILLARY FUELING FACILITIES, AND ADDING SECTION 10.238 SAFETY AND ENVIRONMENTAL HAZARD PLANS, BY PROVIDING REQUIREMENTS FOR THE SUBMISSION OF SAFETY AND ENVIRONMENTAL HAZARD PLANS FOR ALL FUELING FACILITIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, there is a need for consistent nomenclature in the definitions and regulation of fueling facilities; and

WHEREAS, the present definitions and development criteria for fueling facilities date back to August 1983 and are in need of revision to reflect new technologies in the fueling industry; and

WHEREAS, there is a need to provide appropriate regulations for future ancillary fueling facilities built in conjunction with a major big box retailers; and

WHEREAS, the Town Council finds that the definitions and development standards set forth in this ordinance for fuel facilities are in the best interest of the Town and its residents.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section 1. In General

1. The Unified Land Development Code of Gilbert, Arizona, Glossary Section is hereby amended by adding new definitions for the following:

Fueling Facility:	Retail vehicular fuel sales with convenience store, retail vehicular fuel sales with subordinate automated car wash, retail vehicular fuel sales with minor automotive service and retail vehicular fuel sales operated as a convenience gas station. An alternative fuel facility may be an accessory use to a fueling facility.
Fueling Facility, Alternative:	Commercial sale of propane, natural gas, electric, or other alternative fuels to be used in vehicles.
Fueling Facility, Ancillary:	Retail vehicular fuel sales in conjunction with a major retailing establishment greater than 100,000 square feet or subordinate retail fuel sales in conjunction with a full service car wash.
Fueling Facility, Fleet:	Fuel dispensing limited to fleet vehicles such as delivery trucks, school buses, and municipal vehicles where no retail sales are conducted.
Fueling Facility Unattended:	Vehicular fuel dispensing where an attendant or supervising employee is not located within one hundred (100') of the closest fuel dispenser at all times during business hours.
Car Wash, Automated or Self-Service:	A car wash providing self-service or automated car washing but requiring vacuuming, final drying or final finishing from vehicle operators.

2. The Unified Land Development Code of Gilbert, Arizona, Glossary Section is hereby amended by revising existing definitions to read as following:

Automotive Repair, Minor:	Vehicular repair services generally consistent with battery, tire, brake, tune-up, air conditioning, window tinting, upholstery, muffler replacement, and lubrication services, but not including any operation specified under "Automotive Repair, Major".
Car Wash, Full Service:	All establishment that provides complete vehicle cleaning from carwash employees or from a combination of car wash employees and an automated facility

3. The Unified Land Development Code of Gilbert, Arizona, Chapter I Land Use Designation, Section 1.7 Table of Permitted Uses for Non-Residential Districts is hereby amended to include the following:

Use:	Zoning District:							
	C-1	C-2	PSC-1	PSC-2	I-I	1-2	1-3	PS/ OS
Fueling Facility (subject to locational criteria in section 10.23):	UP	UP	UP	UP				
Fueling Facility, Alternative:	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP
Fueling Facility, Ancillary:		UP		UP				
Fueling Facility, Fleet:					AUP	AUP	AUP	AUP
Car Wash, Full Service		UP		UP				
Car Wash, Automated or Self-Service	Ac	UP	Ac	UP				

- UP - Use Permit
- AUP - Administrative Use Permit
- Ac - Accessory use

4. The Unified Land Development Code, of Gilbert, Arizona, Chapter II Development Standards, Section 10.23 Service Station Design Standards is hereby amended to read as follows:

Section 10.23: Fuel Facility Development Standards

- A. Fueling facilities shall be contiguous to both right-of-ways at the intersection of two arterial streets.
- B. Fueling facilities shall have minimum site width of 150' and a minimum lot area of 43,560 square feet
- C. - Q. Subsections C - Q remain unchanged.

5. The Unified Land Development Code, of Gilbert, Arizona, Chapter Development Standards is hereby amended; by adding Section 10.234 Ancillary Fueling Facilities to read as follows:

Section 10.234 Ancillary Fueling Facilities Development Standards

- A. Ancillary fueling facilities shall be subject to the requirements of Article X, section 10.23, but not subject to the locational requirements of section 10.23. (A).
 - B. An ancillary fueling facility subordinate to a major retailer shall not contain additional convenience uses such as a convenience store or automated car wash.
 - C. Ancillary fueling facilities shall be located on the same parcel or a parcel contiguous to the principal use.
 - D. Sufficient on-site vehicular stacking to assure safe internal circulation shall be provided in conformance with a traffic impact analysis submitted by a registered traffic engineer and approved by the Town of Gilbert Traffic Engineering Department.
 - E. The ancillary fueling facility must be located at an appropriate distance from the site vehicular ingress and egress locations to assure that no vehicular stacking will occur into adjacent public streets, as determined by a traffic impact analysis submitted by a registered traffic engineer and approved by the Town of Gilbert Traffic Engineering Department.
 - F. The traffic generation and circulation impacts to nearby residential developments shall be identified by a traffic impact analysis reviewed and approved by the Town of Gilbert Traffic Engineering Department. The traffic impact analysis shall include a traffic mitigation plan that shall also be approved by the Town of Gilbert Traffic Engineering Department,
6. The Unified Land Development Code, of Gilbert, Arizona, Chapter n Development Standards is hereby amended by adding Section 10.238 Safety and Environmental Hazard Plans to read as follows:

Section 10.238 Safety and Environmental Hazard Plans:

- A. An fueling facilities, alternative fueling facilities) ancillary fuelling facilities and fleet fueling facilities shall file and receive approval of a safety plan and environmental hazard plan by the Fire, Building Safety, Engineering and Planning Departments prior to. the approval of a use permit or administrative use permit.
 - 1. The required safety plan must contain a detailed site plan and narrative signed by the operating agency, which addresses the following items: 1) the location of the emergency fuel shut-off switch; 2) the location of an emergency petroleum fire extinguisher; 3) the location of an emergency phone for 911 calls; 4) the location and size of customer safety signage including no smoking, shut off engine, and static electricity warning signs; 5) the location of fuel dispensers within raised curbs and steel bollards to prevent minor collisions with fuel dispensers; 6) the incorporation of shear valves to prevent the flow of fuel in either direction in the

event of a major collision; 7) the incorporation of break-away technology that allows the fuel dispenser to break off cleanly in the event that a customer drives away with a dispenser handle in their vehicle; 8) the incorporation of an emergency alarm system; 9) the location of emergency fire lanes and the method used to designate fire lanes; 10) the frequency and scope of routine equipment maintenance and inspections; 11) the method of detecting spills that require immediate clean up; and 12) other means used to further the objective of a safe operation.

2. The environmental hazard plan must contain a detailed site plan and narrative signed by the operating agency, which addresses the following items: 1) a detailed emergency response plan which addresses responses to fuel spills under various circumstances; 2) discussion of systems to prevent the contamination of stormwater drywells in the event of a fuel spill; 3) discussion of systems to prevent the contamination of storm drains in the event of a fuel spill; and 4) discussion of systems to prevent the contamination of adjacent soils in the event of a fuel spill,

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

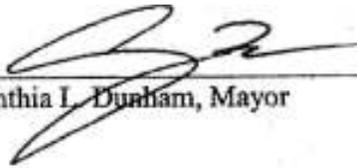
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 1st day of May, 2001, by the following vote:

AYES: DUNHAM, CROZIER, CATHEY, PRESMYK, URIE

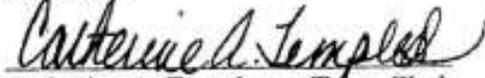
NAYES: EVANS, MORRISON ABSENT: NONE

EXCUSED: NONE ABSTAINED: NONE

APPROVED this 1st day of May, 2001,


Cynthia L. Dunham, Mayor

ATTEST:


Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:


Martinez & Curtis, P.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO, 1340 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 1st DAY OF May May, 2001, WAS POSTED IN THREE PLACES ON THE 11th DAY OF May ., - .2001. --


Catherine A. Templeton, Town Clerk

ORDINANCE NO. 1465

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER II DEVELOPMENT STANDARDS BY ADOPTING NEW ARTICLE XI-A COMMERCIAL DESIGN GUIDELINES RELATED TO SITE PLANNING, BUILDING ORIENTATION, PEDESTRIAN AMENITIES, CIRCULATION, PARKING, LANDSCAPING, SIGNAGE, LIGHTING, RELATION TO ADJACENT RESIDENTIAL, BUILDING DESIGN, MASSING, FREESTANDING STRUCTURES, ARCHITECTURAL CHARACTER AND ENVIRONMENTAL SENSITIVITY OF COMMERCIAL DEVELOPMENT PROPOSED WITHIN THE TOWN OF GILBERT AND BY ADOPTING BY REFERENCE THAT DOCUMENT ENTITLED "COMMERCIAL DESIGN GUIDELINES" DATED APRIL 15, 2003; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, that certain document "Commercial Design Guidelines" dated April 15, 2003, three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk; and

WHEREAS, the Town has the authority to regulate aesthetics by virtue of its zoning powers; and

WHEREAS, the Town Council directed staff to prepare Commercial Design Guidelines to be used when reviewing commercial development proposals within the Town; and

WHEREAS, the staff worked closely with many members and organizations within the development community to create the Commercial Design Guidelines; and

WHEREAS, the Commercial Design Guidelines (1) provide notice to the development community of the minimum design the Town expects and will approve for commercial developments, (2) establish guidelines for use by the Design Review Board when reviewing applications for design review for commercial developments, (3) provide direction to Town staff in the review and processing of applications for design review for commercial developments and (4) encourage flexibility in design to assure quality and diversity in design in the Town; and

WHEREAS, the Council determines that the adoption of the "Commercial Design Guidelines" will greatly assist in the orderly development of commercial development within the Town and is in the Town's best interest so long as the needed flexibility is retained.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

1. Unified Land Development Code, Chapter 11 Development Standards shall be amended by adding new Article to read as follows:

ARTICLE XI-A. COMMIERCIAL DESIGN GUIDELINES

11.1 Purpose

This article is intended to (1) provide notice to the development community of the minimum design the Town expects and will approve for commercial developments, (2) establish guidelines for use by the Design Review Board when reviewing applications for design review for commercial developments) (3) provide direction to Town staff in the review and processing of applications for design review for commercial developments, and (4) encourage flexibility in design to assure quality and diversity in design in the Town

11.2 Commercial Design Guidelines

The Commercial Design Guidelines attached as Appendix H of this Code shall apply to new commercial retail and office development and their substantial alterations. The guidelines shall be used by the Design Review Board and staff for review of commercial development proposals within the Town. While the guidelines encourage flexibility for diversity in design, the guidelines set forth the minimum level of design quality expected by the Town and relate to such items as site planning: relationship to adjacent residential developments, building orientation, pedestrian amenities, vehicular circulation, parking, loading areas, accessory equipment, signage, landscaping, and lighting; building design: massing, architectural design and freestanding accessory structures; and environmental sensitivity.

2. The Unified Land Development Code of Gilbert) Arizona is further amended by adding Appendix H and adopting as such that public record known as "Commercial Design Guidelines" dated April 15, 2003, which is hereby referred to, adopted and made a part hereof as though fully set forth in this Ordinance.

Section II. Providing of Repeal of Conflicting Ordinances.

All ordinances and part of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing of severability

If any section, subsection) sentence} clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert,

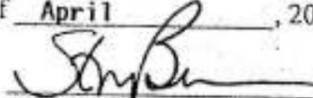
Alizona, this 15th day of April 2003) by the following vote:

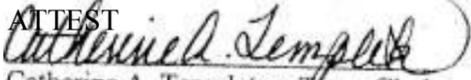
AYES: **Berman, Urie, Crozier, Petersen, Presmyk, Skousen**

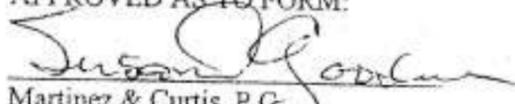
NAYES: **None** ABSENT: **Morrison**

EXCUSED: **None** ABSTAINED: **None**

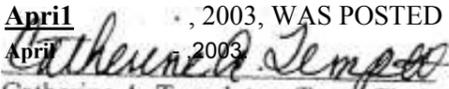
APPROVED this 15th day of April, 2003.


Steven M. Berman, Mayor

ATTEST

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

Martinez & Curtis, P.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 1465 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 15th DAY OF

April, 2003, WAS POSTED IN THREE PLACES ON THE 18th DAY OF April, 2003.

Catherine A. Templeton, Town Clerk

Commercial Design Guidelines

Mayor

Steven M. Berman

Vice Mayor

Steve Urie

Council

Dave Petersen, Les Presmyk,
Don Skousen, Dave Crozier

Design Review Board Planning and Zoning Commission

Darrell Truitt, Chairman	Joan Krueger, Chairman
Gary Petterson, Vice chair	Brigette Peterson, Vice Chair
Bob Deardorff	James Beene
David Gibson	Daniel Dodge
Chris Lindahl	Karl Kohlhoff
Robin Schneider	Shane Leonard
John Tomasson	Michael Monroe
Jackie Cole	Jayne Abraham, Alternate

Town Staff

George Pettit: Town Manager
Jerry H. Swanson: Planning Director
Maria Cadavid: Planning Manager
Jim Cronk: Senior Planner

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A. INTRODUCTION:

Purpose: The purpose of this document is to:

- Communicate with the development community in advance, the design expectations for commercial projects to facilitate the review process that results in quality development.
- Assure the fair and consistent application of design objectives.
- Protect investment in the community by encouraging consistently high quality development.
- Foster a sense of community and encourage pride of ownership.
- Insure safe, functional and attractive development.
- Encourage projects appropriate to the context of this southwest environment.
- Promote the development of a livable community designed for people.
- Insure an accessible and safe community.
- Reduce the "heat island" effect, by increasing shaded areas and designing hard surface areas such as parking fields to mitigate warming effects.
- Encourage project identity and visual interest through elements such as distinctive structures, water features, landscape features, plazas, art, etc.
- Encourage environmentally sensitive site and building design to reduce negative impacts and conserve energy.

Applicability: To achieve these Purposes, the Guidelines apply to all new commercial and office developments and their substantial alterations that require approval by the Design Review Board or planning staff. They are also intended for use by staff when Maricopa County requests input on commercial proposals within unincorporated parts of Gilbert's planning area. The guidelines do not apply to industrial sites.

These guidelines should be used by developers when designing projects, referenced by the Design Review Board when reviewing projects and by the Town Council when hearing appeals of Design Review Board decisions. These guidelines are also applicable for staff review.

Use of Guidelines: The provisions set forth in this document identify the minimum level of design quality for commercial development. However, flexibility is encouraged to achieve excellent designs. To that end, the use of the words shall and must have been purposely avoided within the specific guidelines. Each application for commercial development, however, should demonstrate to what extent it incorporates these guidelines.

Applications that do not meet specific guidelines applicable to that project will need to be justified as to how the proposed design will improve the project by better meeting the intent of the General Plan, LDC and these Guidelines. The determination as to whether a project provides an improved design will be made through the design review findings required by the Land Development Code as determined by the Design Review Board.

Relationship between the General Plan, Land Development Code and Commercial Design Guidelines: The approval process for commercial development is guided by the General Plan, the Land Development Code and the Commercial Design Guidelines.

General Plan: An umbrella document that sets the development vision of the community. It provides policy direction for land use, vehicular and bicycle circulation, water and environmental issues, open space and recreation, community growth, housing, and cost of development.

Land Development Code: An ordinance that implements the General Plan by establishing land use and development requirements in zoning districts. The *Land Development Code* (LDC) provides specific minimum development criteria.

Commercial Design Guidelines: Establishes Town of Gilbert minimum principles for designing quality commercial development. Certain items apply to site planning and others to building aesthetics.

Organization: The guidelines are divided into three sections: Site Planning, Building Design and Environmental Sensitivity. Within each section are a number of design principles and measures that address the different elements of site and building design and environmental sensitivity.



Large scale retail use with pedestrian amenities

B. SITE PLANNING

Planning for development on a site encompasses items such as its relationship to surrounding uses, building orientation on the site, pedestrian and vehicular circulation, efficiency of parking areas, screening of loading and utility areas, and the design of landscaping, signage and lighting.

1. Contextual Relationship to Residential:

a. Commercial developments adjacent to existing and future residential developments should be of an appropriate scale, set back and building height. Multi-story commercial buildings should incorporate lower scale, single-story elements and/or greater setbacks adjacent to existing and future single-family development.

b. Orient support uses such as trash enclosures, compactors, truck loading areas and outdoor storage away from residential uses to the extent practical.

c. Locate drive-through lanes away from adjoining single-family and multi-family developments. Locate speakers and menu boards so that noise is not directed toward residential uses and incorporate a screen wall and landscaping to mitigate noise.

d. If an existing masonry wall separates a residential development from a proposed commercial development, plant large evergreen trees in an expanded landscape planting area to buffer the residential use.

2. Building Orientation:

a. Locate pad buildings closer to arterial intersections to provide a strong visual and pedestrian relationship to the street while taking in to account the queuing requirements of the ULDC and in section B.4.f. of these Guidelines. When practical, locate some parking and service functions behind the building.

b. Orient gas canopies, drive-through lanes, service functions and accessory structures away from the intersection of arterial roadways.

c. Develop distinctive architectural forms or landscape, art, or historical features at the terminus of major project entrances.

d. Frame major project entries with structures, oversized landscaping or distinctive entry features.

e. In large multi-building projects, organize the site layout to provide functional pedestrian spaces, plazas and amenities between or in front of buildings.

f. Provide weather and sun protection, such as overhangs, awnings, canopies, etc. to mitigate climatic and solar conditions.

3. Pedestrian Amenities and Hardscape:

a. Design convenient pedestrian and bicycle access to all adjacent streets.

b. Pedestrian focal points should have enhanced pedestrian paving such as decorative scored concrete, stained concrete, exposed aggregate, integral colored or textured concrete.

c. Design sites to minimize pedestrian and vehicular conflicts. Where pedestrian circulation paths cross vehicular routes, provide a change in paving materials, textures or colors to emphasize the conflict point, use decorative bollards, to increase visibility, improve safety and enhance aesthetic appeal.

d. For commercial developments over 5 acres, provide direct pedestrian and bike paths onsite to match those in approved or built adjacent developments.

e. Accessible parking spaces should be convenient to building entries.

f. For commercial development over 10 acres, design pedestrian amenities that allow for use and enjoyment of outdoor areas as a development focal point or centralized amenity. These

should include a mix of pedestrian scaled lighting, tables, drinking fountains, benches, seating walls, shade trees, raised landscape planters, berms, clock towers, water features, specimen trees, potted plants, information kiosks, botanical exhibits or art features.

g. Within commercial shopping centers over 10 acres, provide convenient pedestrian access to transit stops and outlying parking areas.

h. Design sites to accommodate bus stops in the development of shopping centers on arterial streets where future transit service is planned.

i. Provide convenient bicycle parking in locations that do not interfere with pedestrian circulation. Disperse bicycle parking facilities throughout larger sites and locate them in convenient and visible areas.

j. Provide for a continuation of pedestrian access when commercial developments are located adjacent to existing or planned open space.

k. Allow for outdoor dining and/or other amenities to enliven plazas and open space areas. Outdoor dining and pedestrian amenities should be separated or screened from residential areas and from vehicular traffic.



Pedestrian area with decorative paving, seating, pedestrian scaled lighting, potted plants and landscape planters

l. Use functional colonnades in shopping centers to provide sheltered areas for outside dining or other activities in designated areas.

m. Design pedestrian areas to incorporate a mix of structures such as colonnades, canopies, or trellis structures in combination with canopy shade trees.

n. On west and south exposures, design plazas, patios and pedestrian areas with architectural and landscape shade elements.

4. Vehicular Circulation and Parking:

a. Provide special paving treatments at site entrances.

- b. To promote safe pedestrian access, provide sidewalks and not head-in parking spaces directly in front of large individual retail tenants over 30,000 square feet (with the possible exception of accessible spaces).
- c. Strive to minimize driveway cuts on arterial streets by providing vehicular cross-access easements and shared access driveways between adjacent commercial projects.
- d. Provide an unobstructed pedestrian walkway shaded with trees through large parking areas in projects over 10 acres.
- e. Traffic calming devices are encouraged in the interior of a site to enhance safety.
- f. High volume drive-through uses should incorporate adequate stacking for the intended uses.
- g. For parking and utility screen walls, use the design pattern of the principal building's architectural theme. Articulate walls by using decorative columns and diversity in texture, material and alignment. Provide the decorative finish on both sides if visible to the general public.



Unfavorable: Use material for shopping cart corrals and locate adjacent to landscape islands and integrate materials and colors from the building design theme,



Favorable: Place shopping cart corrals adjacent to landscape island with decorative finished materials

h. Provide long-term storage of shopping carts either within the tenant space or adjacent to it, behind a decorative screening wall exceeding the height of the carts. Shopping cart storage may not encroach into accessible pathways.

i. For establishments that use parking lot shopping cart corrals, design corrals built with durable decorative materials complimenting the building design.

j. Use canopy trees in parking lots to break up the scale of large parking lots and provide additional shading.

k. In commercial developments larger than 15 acres, use an outer drive aisle to move vehicular traffic away from the aisle or aisles in front of store areas.

5. Loading Areas and Accessory Equipment:

a. Design trash enclosures with decorative masonry walls and sight-tight gates to match design features of the commercial development.

b. To the extent possible, locate trash facilities, service and loading areas away from single-family residential uses, project entrances and major circulation aisles.

c. Locate parking lot and drive aisle light poles in landscaped areas. Demonstrate the avoidance of a conflict between lighting and landscaping. Paint concrete light pole bases to match the primary color of the building or finish the bases to match parking screen walls.

d. Recess service electrical system (S.E.S.) panels into the building elevation and screen with doors, screen with landscaping or a solid wall (with landscaping) built of similar building materials and colors of the main development and equal to or exceeding the height of the S.E.S. panel.

e. Strive to locate ground-mounted utility cabinets where they do not conflict with prominent site views and can be screened from major streets and public areas. Paint cabinets and screen walls to match the principal structure. Where space allows, provide landscaping in front of screening walls.

f. Strive to ensure that ground-mounted utility equipment and cabinets are level and at the grade of the surrounding area.

g. On final site plans identify the location of all proposed outdoor display and sales areas, including propane sales, vending machines, amusements and seasonal sales. Their location should not displace required parking and pedestrian or landscaping areas.

h. Finish or paint all exterior metal to match approved project colors.

6. Signage:

a. Locate freestanding signs on low planter walls or design monument signs to incorporate distinctive elements of the architectural style or theme of the development

b. Design directional signs with similar design elements as the project freestanding signs.

c. Design and locate signage to be visible from both pedestrian and vehicular areas.

- d. Provide building signage that is proportional to the scale of the tenant façade. All building and freestanding signs should be designed to further the design theme of the building and be consistent with any sign package.
- e. Illuminate letters, not sign backgrounds for freestanding signs.
- f. Paint sign backgrounds and sign cabinets to complement building colors.
- g. The use of reverse pan channel (halo) copy and pan channel copy is encouraged for building signage.



Freestanding sign with poor design and poor quality materials

- h. Generally, freestanding signage should use light copy with dark background.
- i. Prominent color bands, painted accents, and striped awnings should complement and not dominate the architectural theme of the building.

7. Landscaping and Grading:

- a. Design the project landscape theme to complement and enhance project architecture.
- b. Incorporate street frontage landscaping consistent with the adopted streetscape districts and General Plan Character Areas.
- c. Design arterial street intersection frontage with substantial hardscape features, creative grading design, fountains, seasonal color, art and/or vertical landscape focal points. Incorporate "Welcome to Gilbert" features at designated entrances to the Town. (This does not count against project signage.)
- d. For projects over 15 acres, provide a raised landscaped median at major entrances from arterial streets to separate ingress lanes from egress lanes.
- e. For projects over 10 acres, create prominent focal points. Architectural structures, art, historical and/or landscape features should be located at the terminus of major project entry drives.

- f. For projects over 10 acres, incorporate prominent entry features, vertical landscape forms and/or seasonal color at both vehicular and pedestrian project entrances.
- g. Incorporate canopy shade trees, landscape features and seating or other pedestrian amenities near colonnades, storefronts and pedestrian routes.
- h. Provide significant foundation and/or accent plantings, including trees, around buildings to accentuate or screen building features.
- i. Provide low-profile accent plantings at the base of monument signs.
- j. Use lush but low water consumption ground cover in areas near pedestrian amenities and prominent entrance features.



Focal entrance to Gilbert with vertical landscape forms and water features

- k. In highly visible areas, use taller and larger caliper trees.
- l. Use predominately deciduous trees to shade western, southern and southwestern exposures in the summer.
- m. For the overall site, use a mixture of deciduous and evergreen trees.
- n. If retaining walls in retention basins are necessary, they should be terraced and landscaped to reduce their visual scale.
- o. Design retention basins that are visible from public streets and common open spaces to avoid a "bathtub" or linear channel appearance. Highly visible retention basins should be contoured using berms and curvilinear design.



Boulevard landscape project entrance with landscaped median

- p. Screen restaurant menu boards from adjacent public rights-of-way and off-site uses.
- q. Coordinate landscaping plans with above and below ground utility location needs.
- r. Screen the paved area of auto intense uses, such as service stations and convenience stores, from streets and major public use areas with a 3-foot wall or a dense vegetative buffer.

8. Lighting:

- a. Provide pedestrian scale lighting fixtures in areas designed for pedestrian activity such as plazas, courtyards, pathways and seating areas but excluding parking only areas. Select lighting fixtures that complement the general architectural style of the development.
- b. Highlighting of unique or special features of the site, such as architectural features, specimen trees and artwork with accent lighting should be considered.
- c. Use decorative wall-mounted sconces or light fixtures when building lighting is proposed on elevations away from residential uses.

C. BUILDING DESIGN:

1. Massing: The visual impact of a building depends not only on its size, but also on the relationship between its length, width and height. Also, such features as prominent entries, windows, color and materials are factors in the visual impression of a building.

- a. Building mass should be broken into smaller elements, consistent with the proportions of the architectural style selected and surrounding uses.
- b. In large multi-building projects, vary the size, massing and height of the buildings in relation to each other.
- c. Reduction of building mass may be achieved by using a combination of the following techniques:

- Variation in the rooflines and form.

- Use of ground level arcades and covered areas.
- Use of protected and recessed entries.
- Use of vertical elements on or in front of expansive blank walls.
- Use of pronounced wall plane offsets and projections.
- Use of focal points and vertical accents.
- Inclusion of windows on elevations facing streets and pedestrian areas.
- Retaining a clear distinction between roof, body and base of a building.

2. Design:

Articulate facades to provide a visual effect that is consistent with the community's character and scale.

- a. All facades, including back and side elevations of a building generally visible from public view or adjacent to residential areas, should be architecturally treated and relate to but not overwhelm the neighborhood. All elevations generally visible from public view should reflect the overall design, colors and textures used on the front façade.
- b. Design multi-building projects to include consistent design elements throughout the project.
- c. Building elevations should incorporate architectural features and patterns that include a pedestrian scale.
- d. Internalize or underground any vacuum tubes.
- e. Utilize architectural features, screen walls, landscaping and canopies to integrate drive-throughs into the overall building design.
- f. Fully screen roof mounted mechanical equipment.
- g. Internalize roof drain elements within the building or an architectural feature such as columns (excepting at-grade discharge).
- h. For all buildings at least two of these elements should repeat horizontally. Buildings with facades greater than 100 feet in length should include several of the elements listed below, repeated at appropriate intervals, either horizontally or vertically:
 - Color change. Recognizable, but not strongly contrasting.
 - Texture change.
 - Material change.
 - Architectural variety and interest through a change in plane such as offsets, reveals, archways or projecting ribs.
 - Wall plane projections or recesses.
- i. Wall elevations should terminate at a logical point such as a column or tower element.
- j. Service and exit doors should be integrated into the architecture of publicly visible elevations.

k. Variations in rooflines or parapets should be used to reduce the scale of commercial buildings. Roof size, shape, material, color and slope should be coordinated with the scale and theme of the building.

- Parapets for concealing flat roofs should feature three dimensional cornice treatments when at the ends or corners of buildings. Where not used in conjunction with other roof elements, parapets should vary in height and have a finished depth at building corners.

The size of all roof elements should be appropriate to the size and scale of roofing materials used.

- Buildings with sloping roofs should include multiple planes.

l. Solid and Soft or Open areas of the façade should be arranged to create a relationship that complements the architectural style of the structure. Soft or open building elements include windows, entryways, arbors, porches, arcades, etc.

m. Predominant exterior building materials should be of high quality and durable. These include, but are not limited to:

- Brick.
- Stone, natural or faux.
- Integral color, sand blasted or stained textured masonry.
- Split-face or scored concrete masonry units.
- Textured tilt-up concrete panels.
- Stucco/EFIS.
- Metal roofs.
- Concrete and clay tile roofs.
- Clear and tinted glass.
- Architectural metal.

n. Predominant exterior building materials should not include the following:

- Un-textured tilt-up concrete panels.
- Pre-fabricated steel panels.
- Corrugated metal.
- Asphalt shingle roofs, except for period architecture.
- Highly reflective glass.
- Wood.

o. Predominant facade colors should possess low reflectivity characteristics, and respect the diversity of color in the southwest. The use of bright color schemes should be justified by the overall design, and may not be appropriate in many contexts.

p. Building trim and accent areas may feature different building materials and different colors than the building field color, including use of primary colors, if compatible with the architectural design.

q. Buildings should have clearly defined customer entrance(s) incorporating elements such as:

- Canopies or porticos.
- Overhangs.
- Recesses/projections.
- Arcades.
- Raised corniced parapets over the door.
- Peaked roof forms.
- Arches.
- Entrance framed by outdoor pedestrian features or enhanced landscaping.
- Architectural details such as tile work and moldings integrated into the building structure to frame the entryway.
- Integral planters or wing walls that incorporate landscaped areas and/or sitting areas.
- Enhanced pedestrian surfaces.

3. Freestanding Accessory Structures: Enclosed service/refuse areas and covered parking should be designed to be an integral part of the building architecture. The forms, colors, textures and materials used on the main building should be applied to all sides of these structures generally visible to the public.

D. ENVIRONMENTAL SENSITIVITY:

While not specifically guideline items, the following measures that promote environmental sensitivity are offered for consideration by the development community:

- Orient and design new structures and additions for minimum solar gain, reflectivity and glare.
- Shelter entries and windows and use architectural shading devices and landscaping to minimize cooling losses.
- Use energy efficient materials in doors and windows.
- Use energy efficient lighting.
- Mitigate urban heat island effects.
- Reference national programs for environmentally sensitive development methods such as Leadership in Energy & Environmental Design (LEED), Int'l. Energy Conservation Code (IECC) and Energy Star Labeled Buildings.

ORDINANCE NO. 1475

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, BY AMENDING CHAPTER I LAND USE DESIGNATION, ARTICLE I ZONES, SECTION 1.81 (PAD) PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT, BY PROHIBITING THE USE OF A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICTS TO MODIFY THE ZONING REGULATIONS FOR SIGNS IN ZONING DISTRICTS EXCEPT FOR SIGNS WITHIN THE GATEWAY AREA AND HERITAGE DISTRICT CHARACTER AREA; AMENDING ARTICLE III SIGNS, BY ADOPTING BY REFERENCE THOSE CERTAIN DOCUMENTS ENTITLED "2003 AMENDMENTS TO THE GILBERT SIGN CODE" AND AMENDMENTS TO DEFINITIONS IN GLOSSARY," ESTABLISHING REQUIREMENTS FOR TEMPORARY SIGNAGE UNDER CERTAIN CIRCUMSTANCES, AMENDING REQUIREMENTS FOR EXPOSED RACEWAY SIGNS, INCREASING TENANT WALL SIGN AREA, INCREASING ALLOWABLE HEIGHT FOR MONUMENT SIGNS AND FREESTANDING SIGNS UNDER CERTAIN CIRCUMSTANCES) ESTABLISHING REQUIREMENTS FOR IDENTIFICATION WALL SIGNS, ESTABLISHING CRITERIA FOR FREEWAY SIGNS, ALLOWING PEDESTRIAN ORIENTED SIGNS, ESTABLISHING REQUIREMENTS FOR DRIVE-THROUGH MENU BOARDS, ESTABLISHING CRITERIA FOR MASTER SIGN PROGRAM, ALLOWING CHANGEABLE MESSAGE PANELS ON MONUMENT SIGNS, INCREASING THE ALLOWABLE NUMBER OF REAL ESTATE OPEN HOUSE SIGNS, AND PROHIBITING HUMAN SIGN CARRIERS AND VEHICLE MOUNTED OFF-SITE ADVERTISING; AMENDING THE GLOSSARY OF THE 'UNIFIED LAND DEVELOPMENT CODE BY ADDING NEW DEFINITIONS APPLICABLE TO THE AMENDMENTS IN THE SIGN CODE, CALCULATION OF SIGN HEIGHT, AND AMENDING DEFINITIONS FOR SIGN AREA; REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENAL TIES.

WHEREAS, those certain documents entitled "2003 Amendments to the Gilbert Sign Code" dated, May 7, 2003 and "Amendments to Definitions in Glossary" dated May 7, 2003, three copies of which are on file in the office of the Town Clerk, are hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

NOV THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA:

Section 1. In General.

1. The Unified Land Development Code of Gilbert, Arizona, Chapter 1 Land Use Designation, Article I Zones, Section L81 (Pad) Planned Area Development Overlay Zoning district, Section C, is hereby amended is hereby as follows (additions shown in ALL CAPS, deletions shown in ~~strikeout~~)

C. *Performance standards.* Information shall be provided to establish the standards of height, open space, buffering, landscaping, pedestrian and vehicular circulation (including the projected number of vehicular trips expected on weekdays at the AM and PM peak hours), off-street parking and loading, signs, and nuisance controls intended for the development, in addition to the following:

1. *Residential development:*

a. The approximate number of dwelling units proposed by type of dwelling and the density, i.e., the number of dwelling units proposed per gross acre of each type of use.

2., *Commercial development:*

a. The approximate retail sales, office and storage floor area with total area proposed for commercial development.

b. The types of uses proposed to be included in the development, which uses to be consistent with comparable zoning district

3. *Industrial development:*

u. The approximate total area proposed for such use.

b. The types of uses to be included in the development. (Generally those industrial, office, laboratory, and manufacturing uses shall be allowed which do not create any danger to health and safety in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat, or glare and which by reason of high value in relation to size and weight of merchandise received and shipped, generate a minimum of truck traffic).

c. The anticipated range of employment in the entire development and in each major section thereof.

4. *Public facilities and open space. institutional, recreational, or other public or quasi-public development:*

a. General types of uses proposed in the entire development and each major section thereof.

- b. Significant applicable information with respect to enrollment, attendance, or other social or economic characteristics of development.
 - c. Parks and recreation facilities that are in proportion to the size and characteristics population to be served.
5. *GATEWAY AREA AND HERITAGE DISTRICT CHARACTER AREAS SIGN DEVELOPMENT-*
- a. A P AD MAY BE UTILIZED FOR THE DEVELOPMENT OF SIGN REGULATIONS WHICH COMPLEMENT THE UNIQUE CHARACTER AND DESIGN OF USES FOR A PAD LOCATED WITHIN THE GATEWAY AREA AND HERITAGE DISTRICT CHARACTER AREAS.
 - b. A PAD MAY NOT BE USED TO MODIFY THE ZONING REGULATIONS FOR SIGNS IN ZONING DISTRICTS AND AREAS OTHER THAN THE GATEWAY AREA AND HERITAGE DISTRICT CHARACTER AREAS.

2. The Unified Land Development Code of Gilbert, Arizona, Chapter 1 Land Use Designation~ Article III Signs is hereby amended by adopting the "2003 Amendments to the Gilbert Sign Code" dated May 7, 2003, by reference; further repealing those provisions in Article III Signs which are inconsistent with the amended provisions set forth in the "2003 Amendments to the Gilbert Sign Code."

3. The Unified Land Development Code of Gilbert, Arizona, Glossary is hereby amended by adopting the definitions set forth in the "Amendments to Definitions in Glossary" dated May 7, 2003, by reference; further repealing those terms in the Glossary which are inconsistent with the definitions set forth in the "Amendments to Definitions in Glossary."

Section II. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

3.93 Civil Violations and Citation

Each day in which a violation of this Article continues, or the failure to perform any act or duty required by this Article or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

A. A civil action for violations of this Article may be commenced by the issuance of a citation in the form approved by the Code Enforcement Administrator and filed in the Town of Gilbert Municipal Court. The citation shall direct the responsible party to pay a fine of \$50 within ten (10) days of the issuance of the citation, or to appear before the Town of Gilbert Municipal Court Judge.

B. Any civil fine or judgment for civil sanctions taken pursuant to this Article shall constitute a lien against the real property of the responsible party that may be perfected by recording a copy of the judgment with the Maricopa County Recorder. Any judgment for civil fines or penalties pursuant to this Code may be collected as any other civil judgment.

3.94 Civil Penalties

Upon a finding that a person is responsible for a civil violation of this Article, a civil sanction of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each violation shall be imposed.

3.95 Habitual Offender

A. A person who commits a violation of this Article after previously having been found responsible for committing three (3) or more civil violations of this Article within a twenty-four (24) month period-whether by admission, by payment of the fine) by default or by judgment after the hearing-s-shall be guilty of a Class 1 misdemeanor. The Gilbert Town Prosecutor is authorized to file a criminal misdemeanor complaint in the Gilbert Municipal Court against habitual offenders who violate this Article. For purposes of calculating the twenty four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor.

B. Upon conviction of a violation of this Section, the Court may impose a sentence pursuant to the terms set forth in the Arizona Revised Statutes Sections 13-707, 13-802, and 13-902. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of any sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert,
Arizona, this 13th day of May, 2003, by the following vote:

AYES: Berman, Urie, Crozier, Petersen, Presmyk, Skousen

NAYES: None ABSENT: Morrison

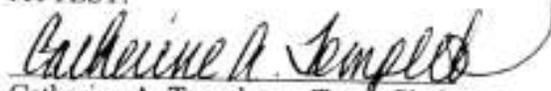
EXCUSED: None ABSTAINED: None

APPROVED this 13th day of May, 2003.



Steven M. Berman, Mayor

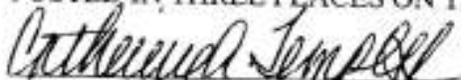
ATTEST:


Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:


Martinez & Curtis, P.C.
Town Attorneys
By _____

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE
AND CORRECT COPY OF THE ORDINANCE NO. 1475 ADOPTED BY THE COMMON
COUNCIL OF THE TOWN OF GILBERT ON THE 13th DAY OF May, 2003, WAS
POSTED IN THREE PLACES ON THE 16th DAY OF May, 2003.


Catherine A. Templeton, Town Clerk

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Amendments to Definitions in Glossary ~ May 7, 2003

SIGN CODE: The following definitions shall apply when used in the Gilbert Sign Code:

Accessory Entry Monument. An architectural structure approved by the Design Review Board to signify and mark the major arrival point to a multiple-tenant commercial or industrial development.

Animation The movement of any illumination or the flashing or varying of light intensity of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously; or 2), The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, the automatic changing of all or any part of the facing of a sign; or 3) The movement of a sign set in motion by the atmosphere. Tune and temperature devices are animated signs. Banners and flags are not animations.

Applicant. A person or entry who applies for a sign permit in accordance with the provisions of this Article.

Awning or Canopy A material or structure mounted on the exterior of a building intended to provide protection from the weather.

Balloon: Any lighter than air or gas filled inflatable object attached by a tether to a fixed place.

Banner: A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame, and which is suspended, mounted, or attached to a building or structure,

Banner; decorative A banner which contains no text.

Banner; public information. A banner which displays graphics and limited text regarding a special event.

Billboard. A sign or structure, other than temporary signs as defined in this Article, portraying information or directing attention to a business, activity, commodity service, entertainment, or communication which 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.

Building: Any structure used or intended for supporting or sheltering any use or occupancy, which is enclosed on at least three (3) sides.

Building identification. Tile name of a building or of a tenant or occupants of the building.

Builder/Real Estate sign: A graphic that provides information about the builder, name of the development, and marketing information of the project on which the graphic is located.

Building Official The Director of Building and Code Compliance.

Building wall: The exterior of any side of a building.

Business entrance: identification. A sign adjacent to, or on the entrance door of, a business containing

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the business name and such other appropriate information as store hours and telephone numbers.

Building Street Frontage: *If* The maximum linear dimension of the projected building elevation, excluding canopies and projections, measured on a straight line parallel to the street if the building is visible from the street or a straight line parallel to the face of the building which has the primary entrance.

Business frontage: not facing a street. The linear distance of the building facade occupied by the particular business measured on a straight line parallel to the primary entrance. Where a business does not parallel a street, the business footage shall be measured along the exterior of the building facade where the primary entrance is located.

Business name: The name by which a business is commonly recognized and used by the applicant. Slogans or product intonation shall not be considered as the business name.

Cabinet. A three-dimensional structure which includes a frame, borders and sign panel face and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

Canopy. See Awning.

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

Commercial building multiple tenant. A commercial building in which there exists two or more separate commercial activities, in which there are appurtenant shared facilities such as parking or pedestrian mall, and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may; but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple-occupant commercial use of a single Structure.

Commercial building entrance: In a multi-tenant building, an entrance leading to a common lobby, atrium, patio and/or elevator foyer.

Curb line The line at the face of the curb nearest the street or roadway, In the absence of a curb, the Town Engineer shall determine the curb line.

Embellishment. Structural or decorative elements of a sign incorporating representations of the significant architectural features of the associated building or development. Embellishment does not include letters, numerals, figures, emblems, logos, colored bands or other features conveying a commercial advertising message.

Flag A fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end.

Flag, Builders Attention. Residential subdivision temporary flags displaying the builder's company logo or name.

Flag decorative: A flag which contains no text or graphics.

Freeway. A controlled access highways defined in Arizona Revised Statutes, and all rights-of-

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way associated therewith.

Govronmental1 entity. A political subdivision when carrying out its governmental functions.

Grand level 'The finished grade of existing sidewalk; or where there is no sidewalk, the finished grade of the adjacent street curb. Where there is no street curb, (6) inches above street grade shall be the established ground level.

Indirect lighting. A source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk, or adjacent property.

Individual letters. A cutout or etched letter or logo which is individually placed on a landscape) screen wall, building wall, or ground sign.

Internal illumination. A source of illumination entirely within the sign which makes the sign content visible at night by means of the light being transmitted through a translucent material, but wherein the source of the illumination is not visible.

Internal indirect lighting; A source of illumination entirely 'Within an individual letter, cabinet, or structure which makes the sign visible at night by means of lighting the background upon which the individual letter is mounted. The letters shall opaque, and thus ""ill be silhouetted against the background. The source of illumination shall not be visible.

Logo A graphic symbol representing an activity) use or business.

Maintenance: The replacement, repair, or alteration of a part or portion of individual sign components, including but not limited to paper, fabric or plastic copy panels; electrical wiring and bulbs; or paint, stucco, made unusable or damaged by ordinary wear or tear.

Mural An artistic rendering on a building which does not promote a particular business, service or product.

Occupancy. A purpose for which a building, or part thereof, is used or intended to be used.

Off-site signage- A temporary sign, which directs attention to a residential subdivision or a housing product, not related to the uses existing on the parcel upon which the sign is located.

On-site signage: An attached or a free standing sign, which correctly identifies a business, commodity, service, or product conducted, sold or offered on the same premises as those upon which the sign is located.

Oriental to' For the purposes of Section 3.71(B)(3), a sign shall be considered oriented to a freeway where the sign face makes an interior angle of more man thirty (30) degrees to the freeway

Outdoor business area.. A business in which all or most of the business is conducted or items displayed in an open area subject to the Zoning Code of the Town of Gilbert.

Panel background A two dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos is placed by the presence of a border, different colors, different materials, or other technique of visual framing

around the letters or logo.

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

Parapet wall. The vertical extension of a building exterior wall projecting above the plate line of the building.

Parcel. A unit of land shown on a subdivision map, record of survey map, parcel map, or a lot described by metes and bounds, which constitutes a development site whether composed of a single unit of land or contiguous units under common ownership or development.

Pennant: Any pieces of lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, displayed in series and capable of movement in the wind.

Perimeter Property Lire: The exterior property boundaries for any platted lot or separate parcel described by a metes and bounds description, or combination of such platted lots or separate parcels, that function together as an integral unit, sharing access, parking or common areas, such as a shopping center, office complex or industrial park

Plate line The point at which any part of the roof structure first touches or bears upon an external wall.

Public property. Public property means a parcel over which the Town or other governmental entity has or may exercise control, whether or not the Town or public entity owns the property in fee and it includes, but is not limited to public buildings, public streets, alleys, sidewalks, rights-of-way and improved or unimproved land of any kind and all property appurtenant to it.

Pump-Topper Sign or Spanner A sign which is affixed to the top or side of an operable, fuel dispensing pump.

Raceway. A structure used in connection with wall-mounted signage composed of an assemblage of individual letters or characters, located upon the exterior wall surface and attached between the wall and the letters or sign characters, in which wiring, conduit, tram formers, or other electrical components may be shielded from view.

Required landscape setback. The specific area of a parcel required to be landscaped at the base of the freestanding sign.

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 flat roofs.

Residential Community Facility A private establishment such as a club house that provides recreation and convenience services such as pools, ball courts, meeting rooms, ball rooms, fitness facilities etc. associated with the residential development in which it is located.

Sign Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization, and further, not including any item of merchandise normally displayed within a show window of a merchant. The term "sign" shall mean and include any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement or anything in part or in combination by any means whereby the same are made visible to the

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eye and for the purpose of attracting attention outdoors to make anything known, whether such display be made on, attached to, or as part of any other structure, surface, or thing including, but not limited to, the ground or any rock, tree, or other natural object, when display is visible beyond the boundaries of the parcel on or over which the same is made. Murals, artistic statues, architectural features such as decorative awnings, and corporate color background shall be considered signage where they are integral to the conveyance of a commercial message, except where determined by the Design Review Board and/or staff to be architectural, rather than communicative, in nature.

Sign; abandoned A sign located on a parcel which is vacant and unoccupied for a period of ninety (90) days, or a sign which is damaged, in disrepair, or vandalized and not repaired within thirty (30) days of the date of the damaging event, which no longer correctly directs or exhorts any person, advertises a bona fide business) lessor, owner, product, activity conducted or product available on the parcel where such sign is displayed.

Sign, Architectural. A sign incorporated into an architectural element of a building such as an archway, fountain or sculptured garden, and which is integrated with, but subordinate to, the overall architectural element.

Sign area The area of the smallest rectangle, or combination of rectangles, which comprises the sign face or encompasses the sign copy. The area of a sign is the entire face of the sign and shall include any art work and insignia within a single continuous perimeter, including any spacing between letters, figures, designs, and structure of the sign other than the sign base, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed. For a freestanding sign, the definition of sign area does not include the perimeter architectural embellishments, base structure, and details such as decorative columns and caps. When the sign only consists of letters, designs, or figures engraved, painted, projected, or fixed on a building or perimeter wall, the total area of the sign shall be the area of the smallest rectangle, or combination of rectangles, within which the entire fixed lettering and! or artwork is inscribed. The sign area for a pennant shall include the sum of the area of the rectangles surrounding each piece of material strung on the pennant. All sides a sign visible from anyone (1) location shall be measured in determining the area of the sign, except that only one (1) side of a sign shall be measured if the two (2) sides are back- to- back or separated by an interior angle of forty> five (45) degrees or less. If the two (2) sides are not of equal size, the larger side shall be measured. A back-to-back sign shall have parallel faces, separated by not more than two (2) feet.

Sign area sumtotal. Aggregate area of all signs for any individual use (excluding traffic directional signs). In every event) computation of allowable sign area includes all existing signs on the premises) whether such signs are conforming or non-conforming unless specifically excepted by the terms of this Article.

Sign attached: Any sign, which is attached, fastened, connected or supported in whole or in part by a building or structure other than a sign structure, which is supported wholly by the ground.

Sign, automatic teller machine directional: A traffic directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

Sign Awning: which are placed on or integrated into fabric or other material canopies which are mounted on the exterior of a building.

Sign, boutique A temporary sign intended to advertise the location of the boutique sale from a

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residential use.

Sign, Changeable Message. A sign designed to permit change of copy mechanically or electronically, including such signs where the change of copy is by remote or automatic means. Such signs which are changed by electronic means include the following levels of operations:

Level (Static) - Signs which include no animation or effects simulating animation 'While the sign is in operation, and where each message displayed on the sign is displayed for the minimum time frame specified by the Design Review Board in connection with approval of the sign. Changes in sign copy occur only in connection with the operation of turning the sign off and on, within the time frames specified by the Design Review Board, or instantly.

Level 2 (Fade/Dissolve) - Signs which include static messages changed by means of varying light intensity, limited to message changes where the first message gradually disappears simultaneous to the gradual appearance of the second message (dissolve), or message changes where the first message gradually disappears before the second message gradually appears (fade), 'With each message appearing static with no animation effects for the minimum time frame specified by the Design Review Board in connection with approval of the sign.

Level 3 (Travel/Scroll) - Signs which include messages changed by means of the appearance of movement of the graphic elements of the sign message across the display surface, limited to messages appearing to have such movement horizontally (traveling) or vertically (scrolling). Such signs include static messages, displayed for the minimum time frames specified by the Design Review Board in connection with approval of the sign before the change sequence occurs through traveling or scrolling, and signs that utilize continuous traveling or scrolling.

Level 4 (Animation) - Signs which include messages changed by means of varying light intensity or the appearance of movement of the graphic elements of the sign message across the display surface.

Sign, Contractor or Subcontractor. The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a parcel,

Sign, construction A temporary sign erected on the parcel on which construction is taking place, or will take place within one year, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supports, *sponsors*, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, detached: Any sign supported wholly by the ground or a fence.

Sign, directional: A sign limited to directional messages such as entrance/exit -or direction instruction to direct on-site traffic circulation. Directional signs intended for residential planned developments may be on or off premise such as model home complex signs.

Sign, Directory . A sign intended to show the relative locations of or direction to the several commercial or industrial activities within a shopping center or multiple use industrial or business park, or multiple building residential complex.

Sign, district. A group of businesses in a specified area in the Town, which have been organized into a coordinated group for the purpose of common signage and signage control.

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

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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 Freestanding: A non-moveable sign that is not affixed to a building, -wall or fence and is supported by one (1) or more uprights or poles, and braced in or upon the ground.

Sign, garage sale or yard sale: A temporary sign intended to advertise the location of the sale of goods from a residential use.

Sign, grand opening: A temporary sign for introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business or the changing of ownership. A business may have a grand opening sign when it has been closed to the public for a period of thirty (30) days (as indicated on a new Gilbert Business License) and is re-opened.

Sign, height The vertical distance measured from the adjacent ground level, or upper surface of the nearest sidewalk, whichever permits the greatest height, to the highest point of the sign face of said sign.

Sign, Holyday . A temporary sign, for non-commercial purposes, communicating only holidays name and event.

Sign identification. A permanent sign identifying name, type of business, and/or hours of operation, attached to or painted on a window, door, or building area next to the main entrance, or on a vehicle door.

Sign, ideological A temporary sign communicating a message or ideas for non-commercial purposes, and which does not constitute, among others, any of the following: construction sign, directional sign, billboard, on-premise sign, real estate sign, political sign} model complex sign, garage sale sign or banner.

Sign illegal. Any sign erected in violation of this Article.

Sign, landscape wall A freestanding sign architecturally integrated with the building, mounted on a screen or perimeter wall and having individual letters. The sign is mounted on, or to, a wall, pole or base, which mayor may not be an attachment or extension of a building wall,

Sign, menu: A sign used to inform the public of the list of dishes} foods or entrees available in a restaurant and may include the corresponding prices.

Sign, model home complex. A temporary sign indicating the name and location of a model home complex within a project,

Sign, monument: A freestanding permanent sign not greater than eight (8) feet in height.

Sign, non-conforming which does not conform to the provisions of this Article at the time of its enactment, which, when first constructed, was legally allowed by-the Town of Gilbert or the political subdivision then having the control and regulation over construction of signs. Illegal signs are not non-conforming,

Sign program A specific set of design standards established for the purpose of unifying a variety

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of signs associated with a multi-tenant or multi-use building or complex of buildings.

Sign, pennant Any flag intended to draw attention to a particular use or service on the site where the pennant is located. Local, state, and national flags are exempt from the requirements of this Article unless intended to act as a pennant.

Sign, permanent. Any sign which is intended to be, and is so constructed as to be a lasting and enduring condition remaining unchanged in character) condition beyond normal wear and tear, and in a permanent manner affixed to the ground, wall, or building; provided the sign is permitted by this Article.

Sign, plan A plan required to be submitted with an application for a sign permit. The plan may show a single sign or multiple signs for a planned area development.

Sign, pole A permanent freestanding sign supported by a single column, upright, pole or post which is not designed to comply with the design guidelines for freestanding signs specified in Section 3.31.

Sign, political A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections relating to any national, state or local election.

Sign, portable. A temporary sign that is not permanently affixed to a building, structure, or the ground, including such commercial signs carried by people or otherwise set in motion and visible from the right-of-way.

Sign, real estate A temporary sign advertising the development, sale, transfer, lease, exchange or rent of real property or properties.

Sign residential subdivision entry . A sign placed at the entrance to a multifamily or duplex development, or single-family development only in order to identify the name of the development.

Sign roof An attached sign extending above the plate line of a building or structure,

Sign, sales lease and rent ¹¹¹ Temporary signs, which indicate that a parcel or building is currently for sale, lease or rent.

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

Sign, subdivision entry A sign which is placed on the perimeter of a recorded subdivision, townhouse project, commercial district, master planned community, hotel, motel or guest ranch at a major street or driveway entrance to identify the name of the interior project. Such signs may flank both sides of the entrance and may include ground or landscape wall sign types.

Sign, subdivision directional A temporary sign intended to convey the location of an approved subdivision.

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

Sign, temporary . Any type of sign not permanently attached to the ground, wall or building, intended to be displayed only for a specified period of time.

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Sign tower A freestanding sign greater than eight (8) feet and not more than fifteen (15) feet in height.

Sign, traffic direction . Signs used at driveways to improve public safety and to enhance public access to the site from public streets. This sign provides information, which will assist the operators of vehicles in the flow of traffic. Such signs may use names, logos, or symbols of buildings, businesses, activities, uses or places as a means of direction.

Sign, V-shape or A frame:. Signs erected upon common or separate structure which present a V-shape appearance and having an exterior angle between faces of not more than forty-five (45) degrees with distance between faces of such signs at their closest point not exceeding two (2)

Sign, vehicle: A sign mounted, pointed or otherwise placed on a trailer) truck, automobile or other vehicle so parked or placed so that the sign thereon is visible from a public street or right-of- way and is so parked primarily for the purpose of displaying advertising signage.

Sign, wall. A sign fastened to or painted on the wall or parapet of a building, structure or accessory entry monument in such a manner that the wall or vertical surface of the structure becomes the supporting structure form or forms, and the background surface of the sign

Sign, window A sign that is applied, attached or within SIX (6) feet of the interior of a first floor window area and is displayed so as to attract attention of persons outside to a produce or service offered inside the building. Window signs do not include merchandise or models of products incorporated in a window display.

Sign, yard sale: See sign, garage sale.

Special event A promotional event such as bazaars, street fairs, shows, exhibitions, sporting events, runs, building events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors, and is transferred from indoors to outdoor for sale.

Structure Anything which is built or constructed or any piece of work artificially built up or composed of parts, including, but not limited to, buildings, fences, towers, overhead transmission lines and mechanical equipment.

Time and temperature unit: A sign or portion of a sign displaying only current time and temperature in an electronic, digital fashion.

ARTICLE III. SIGNS

3.1 Purpose and Intent

The purpose of the sign regulations is: to establish comprehensive provisions that will assure proper and efficient expression through visual communications involving signs compatible with the character and environment of the Town of Gilbert; to eliminate (confusing) (distracting) and unsafe signs; and to enhance the visual environment of the Town of Gilbert. The regulation of signs within the Town of Gilbert is necessary and in the public interest for the following reasons:

- A. To promote and aid the public and private sectors in the identification, location, and advertisement of goods and services
- B. To preserve the beauty and the unique character of the Town of Gilbert and to protect the Town against visual blight;
- C. To protect property values within the Town of Gilbert by assuring the compatibility of surrounding land uses;
- D. To promote general safety and protect the general public from damage or injury caused by, or partially attributed to, the distractions, hazards, and obstructions which result from improperly designed or located signs;
- E. To promote the general welfare and to provide a pleasing environmental setting and community appearance which is deemed vital to the continued economic development of the Town;
- F. To make signs compatible with the overall Town design objectives "Which are considered important in attracting new residents and business to the community;
- G. To make signs readable to the user in a clear, unambiguous, and concise manner;
- H. To ensure signs are clear and compatible with the planned character of the adjacent architecture and neighborhoods, and to provide the essential identity of, and direction to facilities in the community.

3.2 General Sign Regulations

3.21 Requirement of Permit:

Except as provided herein, it shall be unlawful 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 this Article. Signs shall remain in compliance with this Article and all applicable building codes and regulations. "Where signs are illuminated electrically, a separate electrical permit shall be obtained.

3.22 Requirement of Conformity

No sign shall be installed, placed, or maintained in the Town except as provided by this Article. If provisions of this Article are in conflict with any other Town code, the more restrictive

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requirements shall apply. Signs maintained contrary to the provisions of this Article are declared to be nuisances, and may be abated as provided by law.

3.23 Sign Permit Application

Application for a sign permit shall be made on forms provided by the Town. The application shall contain the location by street and number of the proposed signs, as well as the name and address of the business owner and/ or the sign contractor. Two (2) copies of plans and specifications shall be submitted with the application for each sign. One (1) copy will be returned to the applicant at the time the permit is issued. The submitted plans and specifications shall include, at a minimum, the following information:

- A. A plot plan showing location of the sign on the premises and position of such sign and its relation to adjacent buildings or structures;
- B. A plan/ document depicting the design, size, material, and colors of the sign(s), method of support or attachments, method of illumination, and the location on the premises of such signs or sign structures, as well as the name and address of the persons or firm designing said sign;
- C. A plan depicting the size, dimension, and location of existing on-premise freestanding signs, as well as any existing permanent wall/ window sign relating to the particular business making such application;
- D. A permit fee, as established by resolution of the Town Council; and such other information as the Planning Director, or Building Official, or his/her designee may require showing full compliance with applicable provisions of this Article and all other related codes of the Town.

3.24 Signs Not Requiring a Sign Permit;

- A. Signs erected by governmental entities are exempt from provisions of this Article.
- B. The following signs may be erected, constructed, affixed, or placed "Without a sign permit upon compliance with the following requirements:
 1. One customary identification sign per building entrance not to exceed six (6) square feet, which indicates name, type of business, and/or hours of operation) attached to or painted on a window, door, or building area next to the main entrance, or on a vehicle door;
 2. Non-portable regulatory and parking signs, not to exceed six (6) square feet in area or six (6) feet in height, and non-portable building-mounted signs of an informational nature and not including business identification copy, such as signs identifying service or delivery entrances, not to exceed six (6) square feet in area.
 3. Residential real estate signs not to exceed six (6) square feet in area, or six (6) feet in height. Signs are allowed only on the property offered for sale or lease with no more than one sign per street frontage. Said signs shall be removed from the site no later than five (5) days after the sale or lease of property;
 4. Political signs not to exceed sixteen (16) square feet on residential property and thirty

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two (32) square feet on non- residential properties. The height of the sign shall not exceed six (6) feet. No political sign shall be placed in the public right- of- way, or in any location or manner to block visibility to any roadway or property: Political signs may be posted on property owned by the Town of Gilbert, if such signs comply with all of the following: (a) the property is being used as a polling place, (b) the sign is posted only during early voting or on the date of an election, (c) the sign is located outside the 75 foot limit, and (d) the sign is removed from the polling places by 11:59 pm on the date of the election. All other political signs shall be removed no later than ten (10) days following the election;

5. Ideological signs not to exceed twenty (20) square feet in area, nor six (6) feet in height;
6. Garage and yard sales signs, during the hours the sale is being conducted. Such signs shall not exceed six (6) square feet in area, or six (6) feet in height. No more than three (3) off-site temporary signs may be erected. Signs shall only be placed on private property and shall not be placed on any right-of-way sign or fixed structures such as light poles, traffic signals, or any other roadside structures. The person or persons who erected the sign, and if unknown, the property owner, shall be responsible for removal of signs at the end of the sale;
7. Non- Rigid signs identifying an existing business, during construction by a public entity or utility on a roadway immediately fronting the business premises, from the start of construction to the end of construction, where access to the premises is impaired by said construction or traffic barriers are placed in the right-of-way and provide a visual distraction from business signage. Such signs shall not exceed eighteen (18) square feet in area or eight (8) feet in height, and must be attached to poles or posts fixed to the ground, or on parking or site screen walls, and not supported by landscaping or other permanent structures. Such signs shall not be permitted in the right-of-way;
8. Non-Rigid signs identifying a business, from the date of the issuance of a certificate of occupancy for the business until the date of installation of permanent signage, provided the applicant has a pending sign permit application for permanent signage and is diligently pursuing the manufacture and installation of such signage. Such signs shall be placed upon the building wall of the business to which the sign is appurtenant. Such signs shall not exceed the sign area permitted for permanent wall signs for the use, and shall not be displayed for a period exceeding ninety (90) days;
9. Holiday signs for a period, thirty (30) days before Thanks giving and no later than five (5) days after New Year's Day;
10. Holiday decorations for commercial establishments, provided that such decorations are displayed for a period of no more than 45 consecutive days;
11. Boutique signs provided that no more than three (3) off-site temporary signs are used. Signs may only be used during the hours that the boutique is open. Signs shall *only* be placed on private property and shall not be placed on any right-of-way sign or fixed structures such as light poles, traffic signals, or any other roadside structures. The person or persons who erected the sign, and if unknown, the property owner, shall be responsible for removal of signs at the end of the sale;
12. Interior signs inside a building displayed no closer than three (3) feet from the window area;

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13. Permanent off-site directional signs identifying the location of or direction to governmental facilities;
 14. Contractor sub-contractor, or construction signs limited to one (1) sign no greater than thirty-two (32) square feet in area in commercial and industrial properties;
 15. Small portable signs are permitted in the Heritage District, subject to guidelines adopted by the Redevelopment Commission.
 16. Restaurant menus, not including drive-through menu boards, displayed such that the copy on the menu is not legible from public streets adjacent to the premises.
- C Maintenance of legal signs with same material shall not require a permit. Maintenance shall be defined as the replacing or repairing of a part or portion of a sign) made unusable by ordinary wear, tear, or damage beyond the control of the owner, with the same material, color, and design. Maintenance of legal signs does not include changing the color, size, design, or style of signs.
- D Replacement of a sign panel on an approved sign structure with removable panels shall not require a permit.
- E Flagpoles depicted on plans approved by the Design Review Board) not to exceed one and one-half (1.5) times the allowed building height in any zone, but in any event not exceeding a height of fifty (50) feet. A valid building permit shall be required for flagpoles. A sign permit shall not be required for flags, or insignias of any nation, state, county, city or other political unit.
- F Bus Shelter Signage. Notwithstanding the provisions of Subsection 326E of this Article regarding signs in the public right-of-way, signing in conjunction with bus shelter facilities as approved by the Town of Gilbert and 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 all bus shelter design requirements as specified by the Town Engineer, in coordination "With the governmental agencies as appropriate.
- G All signs required by other governmental and quasi-governmental agencies such as dust control environmental signs.

3.25 Required Signs

Every residential dwelling unit, visible from streets, shall be identified by a street number. Also, every non-residential building or group of buildings shall be identified by a street number, visible from adjacent streets, not to exceed three (3) square feet in area. This sign shall not be counted as a part of the total sign area permitted for said building or groups of buildings and shall not require a sign permit,

3.26 Prohibited Signs

All signs not expressly permitted by this Article shall be prohibited. Additionally, the following shall apply;

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- A. 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 principally as a portable sign is prohibited.
- B. Except as provided herein for changeable message signs, and time and temperature displays, flashing or animated signs, including signs with an intermittent or varying color or intensity of artificial illumination are prohibited, whether deliberate or as a consequence of a defect in the sign or the illumination source.
- C. No sign shall be allowed which advertises activities that are illegal under Federal, State, or local laws, rules, or regulations.
- D. No sign shall be erected, attached, or painted upon fences, rocks, or natural features.
- E. With the exception of bus shelter signage, as provided in Section 3.24E of this Article, no sign shall be erected, attached, or painted upon any object within the right-of-way. This shall include all street signs, telephone poles) utilities and / or fences around utilities, and! or any other object or structure of this type.
- F. Except as provided in Sections 3.24,3.35,3.52,3.53,3.62,3.72 and 3.82 for temporary signs and non-rigid signs, banners, pennants, and balloons on nonresidential and multi-family residential property are prohibited.
- G. Except as permitted in Section 3.24(B)(15) and 3.62(0» portable signs are prohibited. Such signs are subject to confiscation if placed in the right-of-way or on other Town property.
- H. Change panel signs are prohibited except as provided otherwise in this Article.
- I. Signs projecting above a roofline or mounted on a roof are prohibited.
- J. Billboards, other than off-site signs expressly permitted by this Article, are prohibited.
- K. Wall-mounted cabinet signs exceeding six (6) square feet in area are prohibited, unless:
 - 1. Such sign is approved by the Design Review Board as part of a sign package, and
 - 2. Such sign does not exceed the permitted wall sign area, and
 - 3. Such sign:
 - i. Utilizes a cabinet that is stylized in shape, rather than rectangular, to reflect the shape of the image printed on the sign face, or
 - ii. utilizes a molded sign face, with embossed copy or sign copy or sign copy in relief, or
 - iii. Utilizes a nationally registered trademark with colored sign copy on a colored background. L Exposed raceways for individual letters are prohibited, where it is not structurally feasible to erect such signs without an exposed raceway;
- M. Pole signs are prohibited.

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3.27 Non-Conforming Signs

Non-conforming signs may receive reasonable repairs and alteration to the face, color, letters, and frame of such signs. Nevertheless, if a non-conforming sign remains with or without copy, which no longer advertises a current use for a period of ninety (90) days, it shall be presumed abandoned, and shall be subject to removal by owner or responsible party after sufficient property owner notice, unless the property or business owner establishes facts sufficient to rebut the presumption of abandonment. Additionally, if a non-conforming sign is changed structurally; or is damaged by fire, lack of maintenance, or other causes, to the extent of more than fifty percent (50%) of its reproduction value; or is temporarily or permanently removed by any means, including "an act of God", then such sign shall be rebuilt or repaired only in conformity with the provisions of this Article,

In the event of a change or modification to the property that results in new or additional signage, all non-conforming signs shall be removed or rebuilt in conformity with the provisions of this Article. Nothing herein shall prevent the replacement of sign faces on a non-conforming 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 currently required by this ordinance is not structurally feasible.

3.28 Special Districts

Special districts, as established by the General Plan, or a specific plan, or by ordinance now or in the future, may have specific requirements applicable to such districts, which are different from those, set forth in this Article. Such specific requirements shall apply to all signs in such special districts. If the special district does not have specific requirements, the requirements of the general district outlined in this Article shall apply.

3.29 No Discrimination Against Non-commercial Signs

Any permitted sign may contain a non-commercial message.

3.3 Sign Criteria

3.31 Design of Signs

All signs shall be fully integrated with the design of the building and the site development, reflecting the architectural style, building materials and colors, and landscape elements of the project. Signs shall consist of durable materials resistant to the local elements and ambiance.

A sign program shall be required for all projects and sites consisting of multi-tenant or multi-use buildings, or complexes with multiple buildings. The purpose for such program is to provide design compatibility for all signs and to integrate the signs with the architectural features of the building(s) being signed. The sign program shall set forth a set of design standards, including, but not limited to, sign types, sign placement, size, free standing sign design (including colors and textures for the sign structure), materials, textures and lighting methods.

The means of integrating freestanding signs with the architecture of the building shall be achieved through replication of architectural features, colors, building materials, texture, and

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other elements found in the building design, as established by the Design Review Board and/or Staff. Integration shall also include the use of graphics that are consistent in terms of lettering style, color, and method of attachment as used for wall-mounted signing found on the building.

In no case shall any such sign be secured with wires or strips of wood which are visible and not as an integral part of the sign. Nonstructural trim may be of wood, metal, approved plastic or any combination thereof.

3.32 Placement of Signs

- A. Except as provided herein, signs are prohibited on public properties, including rights-of-way; and are subject to immediate removal. No person, firm, or corporation shall erect or cause to be erected any sign in such a manner that would project over any public sidewalk, street, alley, or public place without consent of the Town Council,
- B. No sign or structure shall be erected in such a manner that any portion of its surface or supports will obstruct any door, fire escape, stairway, or any opening, exit, or standpipes intended to provide ingress or egress to or from building or structure.
- C. The lowest portion of any sign, which extends over an area intended for pedestrian use shall not be less than eight (8) feet above the finished grade below the sign. The lowest point of any sign which extends over an area intended for vehicular use shall not be less than fourteen (14) feet above the finished grade below the sign.
- D. A sign shall not be placed on any property without written consent of the owner or owner's authorized agent.
- E. No part of a sign may protrude into the specified sign setback
- F. No sign shall obstruct traffic by obstructing the vision of motorists as determined by the Traffic Engineer.
- G. No sign shall be erected or attached to any vehicle except for signs painted directly on the surface of the vehicle. The primary use of such vehicles shall be in operation of the business and not advertising or identifying the business premises. Unless parked in a designated parking space, the vehicle shall not be parked in the right-of-way;

3.33 Maintenance of Signs

Maintenance shall be defined as the replacement or repair of a part or portion of a sign, resulting from the ordinary wear, tear, or damage beyond the control of the owner, with the same material, color, and design. It shall be unlawful for any person to maintain or permit to be maintained on any premise owned or controlled by said person any sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety, or a visual blight. Any damaged, deteriorated, or weakened component, shall be promptly repaired or replaced. Surface materials shall be kept free of chipping, peeling, fading, or rusting detectable from beyond the lot boundaries. Components constructed of natural or artificial materials shall be free of cracks, holes, buckles, warps, and splinters detectable from beyond the lot boundaries. Maintenance requirements for electrical signs and electrical systems include, but are not limited to, prompt removal and replacement of all defective bulbs, fluorescent tubes, neon or other inert gas light segments, damaged or deteriorated electrical wiring, and malfunctioning control devices and related circuitry. Any sign in violation of this section shall be removed or repaired by the owner or lessee of the sign or the owner or lessee of the premises.

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3.34 Lighting and Movement

Illumination of signs shall meet all requirements of the Unified Land Development Code Subsection 11.22A

Except for flags and copy change signs as allowed by this Article, 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 either permanent or temporary signs. In no event shall bare incandescent, fluorescent, metal halide, high or low sodium light bulbs, or mercury vapor light sources be used as a source of exposed illumination. All exposed light sources shall be shielded to prevent illumination spillage on properties other than where the light source is located. Also, there shall be no movement of the sign body or any segment thereof.

In the Heritage District, signs with internal illumination box cabinet type signs shall be prohibited, with the exception of projecting signs for commercial uses approved by the Redevelopment Commission and the Design Review Board. Any such projecting signs that project over the right-of-way shall maintain a minimum clearance of ten (10) feet under the sign, and shall require an encroachment permit. Appropriately sized exposed neon tube type illumination may be considered within the Heritage District subject to the approval of the Redevelopment Commission and Design Review Board,

3.35 Master Sign Plans

The Design Review Board may approve a Master Sign Plan for multiple-tenant commercial or industrial buildings, or for a multiple-building complex for a single commercial or industrial use, in a project exceeding forty (40) net acres, and for auto malls, hospitals, or enclosed regional retail shopping malls. The Master Sign Plan is intended to encourage a procedure with flexibility in the development standards applicable under Sections 3.6, 3.7 and 3.8, to allow signage which is appropriate to the character of the development and which provides adequate identification and information, provides a good visual environment, promotes traffic safety and which is regulated to the extent necessary-to be consistent with the purpose and intent of this ordinance as specified in Section 3.1.

- A. The Design Review Board may, in connection with the approval of any Master Sign Plan, attach such conditions, requirements or standards as may be required to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity, or to the public welfare in general
- B. Evaluation Criteria, Master Sign Plans approved under this section shall be evaluated based on the following criteria:
 - L. Placement. All signs shall be placed where they are sufficiently visible and readable for the intended function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures, and sign orientation relative to viewing distances and viewing angles. In commercial centers in which some tenants are in locations having little or no street visibility, in order to provide identification, wall signs may be approved on building walls other than the wall of the space occupied by the tenant.
 - 2. Quantity. The number of signs that may be approved within any development shall be sufficient to provide project identification and to facilitate internal

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circulation and way finding. Factors to be considered shall include the size of the development) the number of development sub-areas, and the division or integration of sign functions.

3. Size. All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume and speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display, lettering style and the presence of distracting influences. In no event shall a plan contain a freestanding or wall sign that exceeds by more than fifty (50) percent any maximum height standard or by twenty-five (25) percent any maximum area standard allowed on the site by this ordinance. There shall be no prescribed limit on the percentage by which a Master Sign Plan may allow a directional sign) or a freestanding or wall sign that is placed or oriented to have impacts only internal to the development, to exceed the height or area restrictions permitted on the site.
4. Design Features and Materials. Sign design themes and materials shall be compatible with the architectural design features and materials of the project, as approved by the Design Review Board.
5. Technical Requirements and Development Standards. All signs approved as part of a Master Sign Plan shall comply with the requirements of Sections 3.23, 3.33 and 3.34, and all applicable building codes and regulations. Except as provided for herein, the Design Review Board may not reduce any development standard expressed in this Chapter as a minimum requirement to less than fifty percent (50%) of that standard, nor increase any development standard expressed in this Chapter as a maximum allowance by more than one hundred percent (100%) of that standard.
6. Amendments. The Planning Director may approve minor amendments to a Master Sign Plan, without a hearing, where such changes are determined by the Planning Director to have little or no public impact and consistent with the intent of the original approval by the Design Review Board. The Design Review Board shall process all other amendments for review in the same manner as the original application.

3.4 Real Estate Signs

Real estate signs (including for sale, for rent, or for lease) are allowed in any district, subject to the following requirements:

- A. Real estate signs are allowed only on the property which is offered for sale. Off-site real estate signs are not allowed (except those approved in residential builder sign packages and which have a valid Administrative Use Permit).
- B. Real Estate Signs of six (6) square feet and less than six (6) feet in height do not require a permit,
- C. Residential subdivisions and non-residential properties are allowed one on-premise sign per street frontage. Said sign shall be no larger than thirty-two (32) square feet in area. The highest portion of such sign shall not be greater than eight (8) feet above the finished grade. A sign setback of ten (10) feet behind the property line is required.

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- D. Sign permits are valid for one year from the date of the issuance or the sale, rental, or lease of given property, whichever is shorter,
- E. Residential real estate open house signs are allowed, up to six small off-site signs not to exceed six (6) square feet in size, and must be placed on private property. Placement of signs on public land, including rights-of-way is prohibited. Such signs shall be used only during the hours that a real estate agent *is* at the residence offered for sale.

3.5 Residential

The following regulations shall apply to the zoning districts of AG, R1-43, R1-35, R1-20, R1-10, R1-8, R1-7, R1-6, R1-5, R-2, R-3, R-4, R-TI-I, and R-III A sign package for a residential planned area development (PAD) or approved subdivision shall be required for review and approval by the Design Review Board prior to the issuance of a sign permit.

3.51 Permanent Signs

- A. Single-Family residences: For identification purposes, each residence is allowed only residential name and number plates identifying the residence address or its occupant, or both, not to exceed three (3) square feet in area.
- B. Residential Subdivision Entry way Signs: Driveway entrances to single-family and multifamily residential subdivisions may have a maximum of one (1) sign on each side of the entryway for a total of two (2) signs for each entryway, subject to the following regulations:

The aggregate area of the signs shall be a maximum of fifty (50) square feet, not to exceed 25 square feet in area on each side entry. The signs shall not exceed six (6) feet in height, and shall not be located closer than three (3) feet behind the right-of-way line. Such signs may be incorporated into the design the entry wall and shall be architecturally compatible with the entry wall and other prominent structures on the site. The area of the sign shall be calculated based on aggregate area or size of the lettering for each sign,

Height (H) x Length (L) = 25 square feet (maximum sign area)

3.52 Temporary Signs

- A. Builder's Sign Package. A Builder's Sign Package shall be required for each residential development within the Town of Gilbert. Builder's Sign Package shall conform with the following standards and requirements, and shall be subject to the approval by the Building Official prior to displaying any temporary signs. The Builder's Sign Package shall be valid for a period of one year from the date of the issuance. It may be renewed annually upon payment of a new fee. The Builder's Sign Package is available only for homebuilders who are building within the current boundaries of the Town of Gilbert, and only while the model home complex is operating. The following requirements and limitations shall apply:

Each Builder's Sign Package allows a maximum of two hundred and forty (240) square feet of on-site signage per builder per recorded subdivision. This allotment covers all on-site signage including, but is not limited to the builder/ real estate signs, model complex signs,

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directional signs other than weekend directional signs, welcome signs, banners, awnings, and attention flags. On-site signage, and off-site signage other than weekend directional signs, shall be subject to the following:

1. On-site Signage: Builder/real estate sign(s) shall be allowed as follows: 32 square feet of sign area for the first acre, plus four (4) square feet of sign area for every acre above one (1) acre (Maximum 160 square feet), and twelve (12) feet in height above finished grade of the adjacent right-of-way to the highest point of the sign. The total square feet of *sign* area allowed may be displayed as one or more signs as selected by the applicant.
 - a. All on-site signs, thirty-two (32) square feet in area or larger, must have a setback of at least ten (10) feet from the right-of-way: Signs that are *less* than thirty-two (32) square feet in size must have a setback of at least five (5) feet from the property line. No signage or structure of any kind will be allowed in the right-of-way.
 - b. Builder's Attention flags may be allowed. The total aggregate area of flags shall be subtracted from the total allowance of allowed area. Flags shall not exceed twelve (12) feet in height from finished grade and shall maintain a minimum spacing of forty (40) feet between the flags. Flagpoles must have a minimum setback of five (5) feet behind the property line.
 2. Off-Site Signage: A maximum of two (2) off-site directional signs may be allowed, not to exceed thirty-two (32) square feet in area and eight (8) feet in height above grade, subject to the following requirements.
 - a. Signs may be located on undeveloped street intersections with a minimum spacing of fifty (50) feet between signs, regardless of the sign ownership;
 - b. Signs must have a minimum setback of ten (10) feet behind the right of-way;
 - c. Written permission of the property owner is required for all sites prior to the issuance of a permit. Said permission shall indicate the time span of the permit,
 3. All temporary signs must be maintained in good condition and repair during the life of the permit. Any sign that is damaged in any manner including damage from storms, normal wear and tear, or incidental damage must be repaired, replaced, or removed.
 4. Upon the sale of the last home within the model home complex, all temporary signs shall be removed within thirty (30) days.
- B. Weekend Directional Signs: A total of fifteen (15) weekend directional signs, not to exceed three (3) square feet in size nor four (4) feet in height, may be installed per model complex subject to the following regulations and placement criteria:
1. Approval of the Building Official shall be required for the display of weekend subdivision directional signs. Such approval shall be valid for one (1) year or Ch. I, Pg. 161

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until all lots in the subdivision have been sold) whichever occurs first. The display of weekend subdivision directional signs other than as provided in the Section shall constitute a violation of this code.

2. Off-site Weekend Directional Sign) shall be located within a two- (2) mile radius of the subdivision. .'
3. Following the approval by the Building Official, signs shall be installed no earlier than 6:00 p.m. on Friday of each week and shall be removed no later than 8:00 a.m., on the following Monday. Signs shall be installed no earlier than 6:00 p.m. preceding any commonly recognized U.S. holiday and shall be removed by 8:00 the day fan owing the holiday or Monday if the holiday fell on a Friday.
4. Signs shall be constructed of heavy duty, weather- resistant material, such as laminated paper, plastic foam core, or other similar material, Placement stakes must be of wood or wire.
5. No sign shall be allowed that by shape, color, or design mimic, copy, or could be construed to represent road signs, or any other traffic control signs. 'Ibis includes stop signs, yield signs, turn arrows, barricades, and other similar devices.
6. The back of each individual sign must contain in dear, legible form, the current Building Official's approval number, the builder's name, as well as the sign company's name and phone number in letters at least one (1) inch in height.
7. No sign shall be placed within the center median of any roadway or within ten (10) feet of the pavement edge of any road way where no curb exists; or within two (2) feet of the curb edge where curbing exists.
8. No sign shall be attached to or placed closer than three (3) feet from any existing features, including fire hydrants, light and street poles, traffic signs, benches, trees, or any other existing features.
9. Individual signs for the same permit or builder shall be located a minimum of forty (40) feet from any other sign issued. No more than five (5) of these same signs shall be located within five hundred (500) linear feet on the same street in the same direction of traffic flow.
10. No signs, regardless of the ownership of subdivision or builder, shall be located within forty (40) feet of any other Weekend Directional Sign.
11. No weekend directional sign shall be placed on any property without the 'Written permission of the OVv11er or other persons in control of the property.
12. The use of weekend directional signs is prohibited for any builder, subdivision, or any other use not occurring within the current boundaries of the TOVITI of Gilbert,

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3.53 Residential Community Facilities Temporary Signs

A sign permit shall be required for the installation of temporary signs such as banners and directional signs that display information concerning seasonal or temporary events occurring in community facilities such as clubhouses of a residential development. Allocation of sign area, timing, and placement for this type of sign shall be as follows:

- A. A maximum of eighty (80) square feet of graphics shall be allowed for temporary signs for residential community facilities. Said signs shall be installed within the limits of the residential community
- B. Signs as permitted above *shall* be installed no earlier than thirty (30) days prior to the date of the event, and shall be removed within 48 hours of completion of the event.
- C. Signs shall be constructed of lightweight and durable materials and shall be installed in a manner that resists the effects of the wind, sun and rain.

3.6 Public and Quasi- Public

A public or quasi-public use includes places of worship, schools, public utility companies, libraries, government buildings, parks, public golf courses, and similar entities. Quasi-public uses are allowed to display signs, subject to the following regulations. Quasi-public uses located in non-residential zoning districts are allowed to display signs in conformance with each zoning district's sign regulations and standards. The signage for quasi-public uses shall be reviewed and approved by the Design Review Board and/or Staff prior to the issuance of a sign permit. Nothing herein shall be construed or applied in such a manner as to regulate signs for religious uses more restrictively than signs for non-religious uses in the same zoning district.

3.61 Permanent signs

- A. One (1) on-premise freestanding monument sign is allowed for up to the first three hundred (300) feet of street frontage. Additional signs may be allowed where a minimum separation of three hundred (300) feet between freestanding signs can be achieved. The monument sign shall not exceed thirty-two (32) square feet in area or eight (8) feet in sign height, and shall maintain a setback of no less than three (3) feet from the right-of- way and shall not interfere with required vehicular sight distances. For places of worship, the monument sign may include changeable message sign panels.
- B. Wall signs for each tenant or user are allowed at a rate of one (1.0) square foot of sign area for each lineal foot of the building elevation adjacent to the tenant's or user's suite.
For buildings set back in excess of seventy-five (75) feet from the street right-of-way line, one and one-half (1.5) square feet of sign area shall be allowed for each lineal foot of building elevation adjacent to the tenant's or user's suite .. Wall signs maybe placed on any exterior wall of the suite, subject to the area allowances for that building elevation.
- C. The sign(s) shall complement the architecture of the building and shall be placed on an area that is free of architectural details on the facade. The sign shall fit proportionally "With the overall building mass and design, as well as the architectural features of the building elevation adjacent to the individual user's space. Notwithstanding the permitted sign area, the length of the sign shall not exceed eighty percent (80%) of the

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horizontal length of the building elevation on the exterior of the individual tenant's or user's suite, nor shall the vertical dimension of the sign exceed eighty percent (80%) of the vertical dimension of the sign band or wall space on which the sign is placed. No sign shall be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character of the sign, except as otherwise approved by the Design Review Board upon a finding that such sign placement does not visually crowd the top of the wall, or as approved by staff upon a finding that the area of the sign copy encroaching into this area does not exceed ten percent (10%) of the area of the sign.

Interior directional signs shall not exceed three (3) square feet in area or three (3) feet in height, and shall have a setback of no less than twenty-five (25) feet from the right-of way.

3.62 Temporary signs

The following temporary signs are allowed subject to the issuance of a sign permit:

- A. Initial Display of Banners and Non-Rigid Signs: Non-rigid signs, banners, displays and advertising flags, shall be permitted on a one-time basis during the first year of operation of a use, for a period not to exceed ninety (90) consecutive calendar days and commencing not earlier than thirty (30) days prior to the first day of operation of the use. Such signs, banners, displays and flags shall not exceed a sign area, in the aggregate at any one time, up to thirty-two (32) square feet of sign area for occupancies of 0 to 5,000 square feet; eighty (80) square feet in area, for occupancies greater than 5,000 square feet up to 15,000 square feet; one hundred- and twenty (120) square feet of sign area, for occupancies greater than 15,000 up to 50,000 square feet, and a maximum of one hundred-and-sixty (160) square feet of sign area, for occupancies greater than 50,000 square feet. Such signs shall be located on the exterior building wall of the suite to which they are appurtenant.
- B. Periodic Display of Banners and Non-Rigid Signs: Non-rigid signs, banners, displays and advertising flags are permitted to be displayed for a period not to exceed thirty (30) consecutive days per calendar quarter. Such signs, banners, displays and flags shall not exceed a sign area; in the aggregate at anyone time, up to thirty-two (32) square feet of sign area for occupancies of 0 to 5,000 square feet; eighty (80) square feet in area, for occupancies greater than 5,000 square feet up to 15,000 square feet; one hundred- and twenty (120) square feet of sign area, for occupancies greater than 15,000 up to 50,000 square feet, and a maximum of one hundred-and-sixty (160) square feet of sign area, for occupancies greater than 50,000 square feet. Such signs shall be located on the exterior building wall of the suite to which they are appurtenant.
- C. Other Signs (Real Estate Signs): Undeveloped sites are allowed to display real estate Signs or construction signs up to thirty-two (32) square feet of sign area for the first ten (10) acres; eighty (80) square feet of sign for sites greater than ten (10) acres up to twenty (20) acres; and one- hundred and sixty (160) square feet of sign area for sites greater than 20 acres. The maximum height shall be twelve (12) feet from adjacent grade. Signs may be installed up to one year prior to the development of the site.
- D. Religious Institution Temporary Directional Signs: Temporary-directional signs for religious institutions shall be permitted, to be displayed not more than two hours before and one hour after a religious service. Not more than two such signs shall be displayed on one property at any time. Such signs shall be limited to six (6) square feet in sign area and a

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height of three (3) feet. Such signs shall be constructed of durable and weather-resistant materials, and shall be anchored or weighted down to the ground sufficient to avoid being displaced in windy or other conditions, or otherwise be a safety hazard to the public. Such signs shall be placed only with the permission of the owner of the property on which they are placed, and shall not be permitted in the public right-of-way.

3.7 Commercial/ Office

The following regulations shall apply to the following zoning districts: N-S,NGC, G 1, G2, PSG 1, PSC 2, E-R A sign package for a commercial / office complex with multiple tenants and/or buildings must receive the Design Review Board approval for design and placement of signs prior to the issuance of any sign permit.

The signage for a commercial/ office building with a single tenant use and a single building shall be reviewed and approved by the Planning Department prior to the issuance of a sign permit, unless the Planning Director refers the application and sign plan to the Design Review Board for approval.

3.71 Permanent Signs

Signs shall comply with the approved *sign* package and shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and colors used on the project. Signs shall consist of durable materials resistant to local elements.

A Wall Signs

1. Aggregate Area Allowance ~ for each business, the maximum area permitted for all wall signs shall be the greater of: a) the sign area permitted under section 3.71 (A)(2) for the longest frontage of the tenant/user suite facing the street, if any, or b) the sign area permitted under Section 3.71 (A) (2) for the length of the tenant user suite in which the principal entrance to the business is located. Except as provided in Section 3.71 (A) (4), a minimum of thirty-two (32) square feet in wall sign area shall be allowed per tenant user.
2. Area allowed per building elevation - the maximum area permitted for any building elevation for the business shall be one (1.0) square foot of sign area for each linear foot of the building elevation adjacent to the tenant's or user's suite. For buildings set back in excess of seventy five (75) feet from the street right-of-way line, one and one half (1.5) square feet of sign area shall be allowed for each linear foot of building elevation adjacent to the tenant's or user's suite.
3. Signs on Accessory Entry Monuments - wall signs for center or project identification shall be permitted on Accessory Entry Monuments for multiple tenant projects exceeding forty (40) net acres, subject to Design Review Board approval as part of a sign program. Such signs shall not occupy more than fifty percent (50%) of the area of the structure. Such signs shall be located no closer than one hundred (100) feet from any other Accessory Entry Monument sign.
4. Wall Sign Placement - wall signs may be placed on any exterior wall of the business suite, subject to the area allowances for that building elevation and subject to the aggregate area allowances for all wall signs for the business. For buildings in which a customer entrance is located on a wall that faces abutting residentially zoned property, signs placed on such a wall shall be non-illuminated, not to exceed sixteen (16) square

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feet in sign area and installed no higher than fourteen (14) feet above finished grade. Otherwise, no wall signs shall face abutting residentially-zoned property. Such signs shall not be located closer to the top of a parapet wall, or the top or side of an Accessory Entry Monument structure, than one-half (1/2) the height or width, as applicable, of the largest individual letter or other element of the sign copy, except as otherwise approved by the Design Review Board upon a finding that such sign placement does not visually crowd the top or side of the wall, or as approved by staff upon a finding that the area of the sign copy encroaching into this area does not exceed ten percent (10%) of the area of the sign.

5. Wall signs shall complement the architecture of the building and shall be placed on an area that is free of architectural details on the facade. The sign shall fit proportionally with the overall building mass and design, as well as the architectural features of the building elevation adjacent to the individual tenants' or user's suite. Notwithstanding the permitted sign area, the length of the sign shall not exceed eighty percent (80%) of the elevation of the tenant/ user's suite on which the sign is placed, nor shall the vertical dimension of the sign exceed eighty percent (80%) of the vertical dimension of the sign band or wall space on which the sign is placed.
6. Wall-mounted cabinet signs exceeding six (6) square feet in area are prohibited, except as provided in Section 3.26(K).

B. Freestanding Signs

1. Monument Signs

- a. Number of Signs Permitted: A minimum of one sign shall be permitted, for sites with up to three hundred (300) feet of street frontage. One additional sign shall be permitted for each three hundred (300) feet of additional street frontage.
- b. Height: A maximum sign height of eight (8) feet shall be permitted.
- c. Area: For buildings whose minimum setback is less than seventy-five (75) feet from the right-of-way line, the area of such signs shall not exceed thirty-two (32) square feet. For buildings whose minimum setbacks at least seventy-five (75) feet from the right-of-way line, the area of such signs shall not exceed sixty (60) square feet.
- d. Setback: All freestanding signs shall be set back at least three (3) feet from any property line and shall not interfere with required vehicular sight distances.
- e. Spacing: Monument signs shall maintain a minimum spacing of one hundred (100) feet from any other low-profile freestanding sign on the same street frontage of the premises.
- L. Changeable Message Panels: One-half (1/2) of such sign may be a changeable message sign, subject to Design Review Board approval.

2. Tower Signs

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In a commercial center exceeding forty (40) net acres, Tower Signs shall be permitted as follows;

- a. Number of Signs; One such sign shall be permitted per five hundred (500) feet of street frontage, provided the total number of all freestanding signs, including Monument Signs, shall not exceed one sign per three hundred (300) feet of street frontage.
- b. Height; The maximum sign height shall be fifteen (15) feet.
- c. Area: The maximum area permitted for such a sign shall be eighty (80) square feet. The area of such a sign may be increased by an additional twenty (20) square feet for the identification of tenants or occupants of suites five thousand (5,000) square feet or less in area.
- d. Setback: All freestanding signs shall be set back at least three (3) feet from any property line and shall not interfere with required sight distances.
- e. Spacing: Such signs shall maintain a minimum spacing of three hundred (300) feet from any other freestanding signs on the same street frontage of the premises, except that the Design Review Board may approve a spacing less than three hundred (300) feet and not less than one hundred (100) feet in connection with approval of a sign package, upon a finding that, given the conditions of the development of the site, the spacing will not result in an appearance of sign clutter.
- f. One-half (1/2) of such sign maybe a changeable message sign.

3. Freeway Signs

Properties exceeding fifteen (15) net acres and abutting a freeway identified in the circulation element of the General Plan may have freeway-oriented signage as follows:

- a. Number of Signs; One such sign shall be permitted per four hundred (400) feet of freeway frontage.
- b. Location, Orientation and Spacing: Each such sign shall be located within one hundred (100) feet of the freeway right of-way and oriented to the freeway. 111e location of all such signs shall be approved by the Design Review Board as part of a sign package. Each such sign shall be spaced no closer than four hundred (400) feet from any other freeway sign on the same property.
- c. Height: The maximum sign height shall be the greater of *sixty* (60) feet from finished grade or thirty (30) feet from the grade of the nearest lanes of the freeway main traveled Way.
- d. Area: The maximum sign area permitted for such a sign shall not exceed five hundred (500) square feet exclusive of sign area used to identify the name of the center, which shall not exceed twenty percent (20%) of the original sign area.
- e. Setback: The minimum setback of such signs from a public street right-of-way, or a side property line adjacent to property zoned for commercial retail or residential use, shall be one hundred fifty(150) feet. The minimum setback of such signs from

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a side property line adjacent to property zoned for other than commercial retail or residential use shall be equal to the height of the sign.

- f. Such signs may include changeable message sign panels.
4. Architectural Integration. The means of integrating freestanding signs with the architecture of the building shall be achieved through replication of architectural features, colors, building materials, texture, and other elements found in the building design, as determined by the Design Review Board. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, color, and method of attachment as used for wall-mounted signing found on the building. In no case shall any such sign be secured with wires or strips of wood, which are visible, and not an integral part of the sign. Nonstructural trim may be of wood, metal, approved plastic or any combination thereof.
- C. Service Station Canopy Signs: Such sign may display only the company logo. The maximum number of signs attached to a canopy shall be limited to two (2) signs, not to exceed six (6) square feet in area for each sign. No part of the sign shall project from a canopy wall a distance greater than two (2) inches. The sign shall be centered on the face of the canopy minimum of three (3) inches from the top and three (3) inches from the bottom.
- D. Changeable Message Signs: Subject to the limitations stated herein for specific sign types, the Design Review Board may approve a changeable message sign, including such signs changed by electronic means, as part of any freestanding sign type permitted by this ordinance, and subject to such operational restrictions as the Design Review Board may determine are appropriate, including frequency of message change. In determining the appropriateness of such operational restrictions, the Design Review Board shall consider the nature and character of themes surrounding the sign location, and traffic volume and speed within the area that the sign would be visible. Electronic changeable message signs shall not be permitted in the Santan Character Area, except for theaters and gasoline stations, and shall not be permitted in the Heritage District unless approved by the Redevelopment Commission,
- E. Window Signs: In addition to the total sign entitlement, during the period that sale of goods or services is being conducted, individual businesses may display signs, without a sign permit, in a first floor window area or maximum six (6) feet behind the window area, provided that the area of such signs shall not exceed twenty five (25) percent of the total window area.
- P Directory Signs: One (1) sign for each five (5) tenants or uses shall be allowed) not to exceed forty (40) square feet in area or eight (8) feet in height. All directory signs shall be set back at least seventy-five (75) feet from any perimeter property line, except where such property line abuts other commercial or industrial development and there is a cross-access between the commercial or industrial properties. Such signs shall be installed on-site in landscaped or pedestrian areas only, and used to guide pedestrians or vehicles to individual businesses within the site. Such Signs shall be used to guide pedestrians to individual businesses. Their location(s) shall be approved by the Design Review Board or Planning Staff.
- G. Directional Signs: Such signs shall not exceed three (3) square feet in area nor three (3) feet in height. The sign area for such signs shall not be included when calculating the sum total of sign area for a use. Such sign shall be limited to traffic directional arrow and copy to read "Enter" or "Exit" only, except that graphics may be included limited to a single business logo, and occupying no more than twenty-five (25) percent of the sign area. Such signs shall be located

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within the center or complex and shall not be placed in the required perimeter landscape setback

- H. Commercial Center Interior Pedestrian Advertising Signs: Such signs shall not exceed six (6) feet in height nor twenty-four (24) square feet in sign area per sign face, and shall not be located closer than seventy-five (75) feet from a public street right-of-way line. Pedestrian advertising signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs. Such signs shall be on-site signage, and subject to the prohibitions of Section 3.260).
- I. Pump- Topper or Spanner Signs: Signs affixed to the top or sides of an operable fuel dispensing pump must be approved by the Design Review Board as part of the sign package for the service station. Colors, materials and dimensions shall be regulated by the Board and shall complement the design and the scale of the canopy structure and the main building.
- J. Drive- Through Restaurant Menu Signs: Such signs shall not exceed seven (7) feet in height or fifty (50) square feet in sign area, and shall be limited to two (2) such signs per drive- through lane. Such signs shall be constructed with a solid base or decorative pole cover to conceal any exposed pole supports. The location and design of such signs shall be approved as part of the sign package for the restaurant.

3.72 Temporary signs:

The following temporary signs are allowed subject to the issuance of a sign permit,

A Initial Display of Banners and Non- Rigid Signs: Non-Rigid signs, banners, displays

and advertising flags, shall be permitted on a one-time basis during the first year of operation of a business, for a period of ninety (90) consecutive calendar days and commencing not earlier than thirty (30) days prior to the first day of operation of the business. Such signs, banners, displays and flags shall not exceed a sign area, in the aggregate at anyone time, up to thirty- two (32) square feet of sign area for occupancies of 0 to 5,000 square feet; eighty (80) square feet in area, for occupancies greater than 5,000 square feet up to 15,000 square feet; one hundred- and-twenty (120) square feet of sign area, for occupancies greater than 15,000 up to 50,000 square feet, and a maximum of one hundred-and-sixty square feet (160) of sign area, for occupancies greater than 50,000 square feet. Such signs shall be placed upon the exterior building 'wall of the suite to which the signs are appurtenant.

- B. Periodic Display of Banners and Non-rigid Signs: Non-rigid signs, banners, displays and advertising flags are permitted to be displayed for a period not to exceed thirty (30) consecutive days per calendar quarter, Such signs, banners, displays and flags *shall* not exceed an aggregate sign area, at anyone time, up to thirty-two (32) square feet of sign area for occupancies of 0 to 5,000 square feet; eighty (80) square feet in area, for occupancies greater than 5,000 square feet up to 15,000 square feet; one hood red- and twenty (120) square feet of sign area, for occupancies greater than 15,000 up to 50,000 square feet, and a maximum of one hundred-and-sixty square feet (160) of sign area, for occupancies greater than 50,000 square feet. Such signs shall be placed upon the exterior building wall of the *suite* to which the signs are appurtenant.

C. Other Signs (Real Estate or Development Signs):

Undeveloped *sites* are allowed to display real estate signs, coming soon, future

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development, or construction signs as follows: 0 to 5 acres, up to thirty-two (32) square feet of sign area; greater than five (5) acres up to twenty (20) acres, eighty (80) square feet of sign area; greater than twenty (20) acres up to sixty (60) acres one hundred and twenty (120) square feet of sign area; and for sites greater than sixty (60) acres, one hundred and eighty (180) square feet of sign area. All signs shall be limited to twelve (12) feet in height from finished grade, and shall be installed at a minimum distance of ten (10) feet from the property line.

3.8 Industrial

The following regulations shall apply to the following zoning districts: I-B, 1-1, 1-2, 1-3. A sign package for an industrial office complex with multiple tenants and/or building pads shall be required to receive the Design Review Board approval for design and placement of signs prior to the issuance of any sign permit,

The signage for an industrial office complex with a single tenant use shall be reviewed and approved by the Planning Department prior to the issuance of a sign permit, unless the Planning Director refers the application and sign plan to the Design Review Board for approval

3.81 Permanent signs:

Signs shall comply with the approved sign package and shall be fully integrated with the design of the building and the site development, reflecting the architecture, and building materials. Signs shall consist of durable materials resistant to local elements.

A. **Wall Signs**

1. Aggregate Area Allowed - for each business, the maximum area permitted for all wall signs shall be the greater of: a) the sign area permitted under section 3.81 (A)(2) for the longest frontage of the tenant user suite facing the street, if any, or b) the sign area permitted under Section 3.81(A) (2) for the length of the tenant/user suite in which the principal entrance to the business is located. Except as provided in Section 3.81 (A)(3), a minimum of thirty-two (32) square feet in wall sign area shall be <allowed per tenant /user.

Signs on Accessory Entry Monuments - wall signs for center or project identification shall be permitted on Accessory Entry Monuments for multiple-tenant projects exceeding forty (40) net acres, subject to Design Review Board approval as part of a sign program.. Such signs shall not occupy more than fifty percent (50%) of the area of the structure. Such signs shall be located no closer than one hundred (100) feet from any other Accessory Entry Monument sign.

- 2< Area allowed per building elevation - The maximum area permitted for any building elevation for the business shall be one (1.0) square foot of sign area for each linear foot of the building elevation adjacent to the tenant's or users suite.
3. Wall Sign Placement - wall signs may be placed on any exterior wall of the business suite, subject to the area allowances for that building elevation and subject to the aggregate area allowances for all wall signs for the business. For buildings in which a customer entrance is located on a wall that faces burring residentially-zoned property, signs placed on such a wall shall be non-illuminated, not to exceed sixteen (16) square

SIGNS

feet in sign area or fourteen (14) feet in height above finished grade. Otherwise, no wall signs shall face abutting residentially-zoned property.

4. Wall signs shall be complementary to the architecture of the building and shall be placed on an area that is free of architectural details on the facade. The sign shall fit proportionally with the overall building mass and design, as well as the architectural features of the building elevation adjacent to the individual tenants' or user's suite. Notwithstanding the permitted sign area the length of the sign shall not exceed eighty percent (80%) of the elevation of the tenant's suite on which the sign is placed, nor shall the vertical dimension of the sign exceed eighty percent (80%) of the vertical dimension of the sign band or wall space on which the sign is placed. No sign shall be located closer to the top of a parapet-wall than one-half the vertical dimension of the largest letter or character of the sign, or otherwise as approved by the Design Review Board upon a finding that such sign placement does not visually crowd the top or side of the wall, or as approved by staff upon a finding that the area of the sign copy encroaching into this area does not exceed ten percent (10%) of the area of the sign.

5. Wall-mounted cabinet signs are prohibited, except as provided in Section 3.26 (K).

- B. Freestanding Signs: One (1) on-premise freestanding monument sign is allowed for up to the first three hundred (300) feet of street frontage) not to exceed forty (40) square feet in area or eight (8) feet in sign height. One additional sign is permitted for each three hundred (300) feet of additional street frontage. A minimum spacing of one hundred (100) feet shall be maintained between monument signs on the same street frontage of the premises. All freestanding signs shall be set back at least three (3) feet from any right-of-way line and shall not interfere with required vehicular sight distances.

The means of integrating freestanding signs with the architecture of the building shall be achieved through replication of architectural features, colors, building materials, texture, and other elements found in the building design, as determined by the Design Review Board. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, color, and method of attachment as used for wall-mounted signing found on the building. In no case shall any such sign be secured with wires or strips of wood, which are visible, and not as an integral part of the sign. Nonstructural trim may be of wood, metal, approved plastic or any combination thereof.

- C. Directory Signs: One (1) sign for each five (5) uses within a multi-tenant planned industrial development not to exceed forty (40) square feet in area or eight (8) feet in height. All directory signs shall be set back at least seventy-five (75) feet from any perimeter property line, except where such property line abuts other commercial or industrial development and there is cross-access between the commercial or industrial properties. Such signs shall be installed on-site in landscaped or pedestrian areas only, and used to guide pedestrians or vehicles to individual businesses within the site. Their location(s) shall be approved by the Design Review Board or Planning Staff. Such signs shall be used only for the purposes of direction and identification.
- D. Interior Directional Signs: Such signs shall not exceed three (3) square feet in area nor three (3) feet in height. The sign area for such signs shall not be included when calculating the total of sign area for a use. Such sign shall be limited to traffic directional arrow and copy to read "Enter" or "Exit" only, except that graphics may be



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included limited to a single business logo and occupying no more than twenty- five (25) percent of the sign area. Such signs shall be located within the industrial complex and shall not be placed in the required perimeter landscape setback

3.82 Temporary signs:

The following temporary signs are allowed subject to the issuance of a sign permit:

- A. Initial Display of Banners and Non-Rigid Signs: Non-Rigid signs, banners, displays and advertising flags, shall be permitted on a one-time bases during the first year of operation of a business, for a period not to exceed ninety (90) consecutive calendar days and commencing not earlier than thirty (30) days prior to the first day of operation of the business. Such signs, banners, displays and flags shall not exceed a sign area, in the aggregate at anyone time, up to thirty-two (32) square feet of sign area for the first five thousand (5,000) square feet of building; eighty (80) square feet in area, for occupancies greater than 5000 square feet up to 20,000 square feet; one hundred and-twenty (120) square feet, for occupancies greater than 20,000, up to 60,000 square feet, with a maximum of one hundred-and-sixty square feet (160) of sign area, for occupancies greater than 60,000 square feet. Such signs shall be placed upon the exterior building wall of the suite to which the signs are appurtenant

- B. Periodic Display of Banners and Non-Rigid Signs: Non-rigid signs, banners, displays and advertising flags are permitted to be displayed for a period not to exceed thirty (30) consecutive calendar days per calendar quarter. Such signs, banners, displays and flags shall not exceed a sign area, in the aggregate at anyone time, up to thirty-two (32) square feet of sign area for the first five thousand (5,000) square feet of building; eighty (80) square feet in area, for occupancies greater than 5000 square feet up to 20,000 square feet; one hundred-and-twenty(120) square feet, for occupancies greater than 20,000, up to 60,000 square feet, with a maximum of one hundred-and-sixty square feet (160) of sign area, for occupancies greater than 60,000 square feet. Such signs shall be placed upon the exterior building wall of the suite to which the signs are appurtenant.

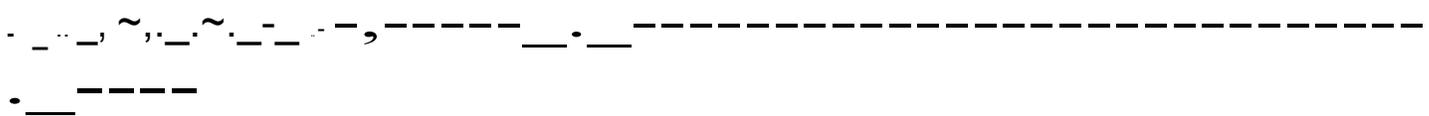
Other Signs:

Undeveloped sites are allowed to display real estate, coming soon, or construction signs as follows: up to thirty-two (32) square feet of sign area for 0 to five (5) acres of industrial use; greater than five (5) acres, up to twenty(20) acres, eighty (80) square feet of sign area; greater than twenty (20) acres up to sixty (60) acres, one- hundred and twenty (120) square feet of sign area; and for sites greater than sixty (60) acres, one hundred and eighty (180) square feet of sign area. All signs shall be limited to twelve (12) feet in height from finished grade, and shall be installed at a minimum distance of ten (10) feet from the property line.

3.9 Appeals, Violations, Penalties and Enforcement

3.91 Appeals

Denial of a sign permit maybe appealed to the Hearing Officer, appointed by the Town) by filing a written appeal within ten (10) days of denial of a sign permit, The Hearing Officer shall render his/her decision within fifteen (15) days of receipt of the written appeal,



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3.92 Enforcement and Interpretation

- A. Authority. The Building Official is hereby authorized and directed to enforce all provisions of this Article in conformance with the regulations and procedures specified herein. The Building Official or his/her designee shall have the authority to enforce violations of this Article and to make all inspections required ensuring such enforcement.
- B. Zoning Administrator. The Zoning Administrator shall interpret the provisions of this Article

3.93 Civil Violations and Citation

Each day in which a violation of this Article continues, or the failure to perform any act or duty required by this Article or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

- A. A civil action for violations of this Article may be commenced by the issuance of a citation in the form approved by the Building Official and filed in the Town of Gilbert Municipal Court. The citation shall direct the responsible party to pay a fine of \$50 within ten (10) days of the issuance of the citation, or to appear before the Town TI of Gilbert Municipal Court Judge.
- B. Any civil fine or judgment for civil sanctions taken pursuant to this Article shall constitute a lien against the real property of the responsible party that may be perfected by recording a copy of the judgment with the Maricopa County Recorder. Any judgment for civil fines or penalties pursuant to this Code may be collected as any other civil judgment.

3.94 Civil Penalties

Upon a finding that a person is responsible for a civil violation of this Article, a civil sanction of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each violation shall be imposed.

3.95 Habitual Offender

- A. A person who commits a violation of this Article after previously having been found responsible for committing three (3) or more civil violations of this Article 'Within a twenty-four (24) month period- whether by admission, by payment of the fine, by default or by judgment after the hearing- shall be guilty of a Class 1 misdemeanor. The Gilbert Town Prosecutor is authorized to file a criminal misdemeanor complaint in the Gilbert Municipal Court against habitual offenders who violate this Article. For purposes of calculating the twenty- four (24) month period under this paragraph, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Section, the Court may impose a sentence pursuant to the terms set forth in the Arizona Revised Statutes Sections 13-707, 13-802, and 13-902. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of

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the imposition or execution of any sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.

3.96 Failure to Provide Evidence of Identity

A person who fails or refuses to provide evidence of his or her identity to a duly authorized agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of this Code, is guilty of a Class 1 misdemeanor. Evidence of identity under this Section shall consist of a person's full name; residence address and date of birth.

3.97 Revocation of Permits

If actual work is not commenced under any permit issued under the provisions of this section within one hundred and eighty (180) days from the date of such permit, or upon completion of building, such permit shall become null and void. If the building operations under any permit issued under this section are suspended for a period of sixty (60) days, such permit shall become null and void.

Additionally, the Building Official shall have the authority to revoke any permit which has been granted when it has been determined that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.

- A. Notice of the Building Official's decision to revoke a sign permit shall be served on the holder of the permit by:
 - 1. Delivering a copy of the notice to the holder of the permit and the property owner, mail return receipt requested, to their last-known post office address; and by either:
 - 2. Leaving a copy of the notice with any person in charge of the premises; or
 - 3. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at or near the entrance to the premises.
- it The holder of the permit may appeal the decision of the Building Official to the Board of Adjustment. This appeal must be made within fifteen (15) days from the date when the notice was served.
- C. If no appeal has been filed by the end of the fifteen-day appeal period, then the permit is revoked. The Building Official shall then initiate the procedure for the removal of the Sign.

3.98 Removal of Signs

The Building Official is hereby authorized to require removal of any illegal sign.

Before bringing an action to require removal of any illegal sign, the Building Official or his/her designee shall give written notice to the owner or lessee of the sign or the owner or lessee of the premises on which such sign is located. The notice shall state the violation charged, and the reasons and grounds for removal, specifying the deficiencies or defects and what repairs, if any, will make the sign to conform to the requirements of this Article, and specify that the sign must be removed or made to conform with the provisions of this Article within the notice period provided below.

SIGNS

Service of notice *shall* be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified on the permit or the last known address.

The notice period for permanent signs shall be ten (10) calendar days and for temporary signs shall be two (2) calendar days. Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation.

If the owner *or* lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the Building Official that the sign has been removed or brought into compliance with the *provisions* of this Code by the end of the notice period, then the Code Enforcement Administrator: or his/her designee shall issue a civil or criminal citation.

The Building Official or his/her designee may remove any illegal temporary sign which is maintained or re-erected after the expiration of the notice period, if the owner-or lessee of the premises has been issued a compliance notice at least once before for the same violation involving the same or a similar Sign.

Notwithstanding. the above, the Building Official may cause the immediate removal or repair (without notice to the owner of the sign, or of the property on which the sign is located) of any unsafe or defective sign or signs that create an immediate hazard to persons or property.

The costs of removal or repair of a sign by the T own shall be borne *by* the person or persons who erected the sign, and if unknown, the owner or lessee of the sign and of the property on which the sign *is* located; and the Town Attorney thereof may bring an action for recovery.

3.99 Emergency Removal or Repair

The Building Official *is* hereby authorized to cause the immediate removal or repair of any sign or signs found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property. Actual notice to the property owner or lessee shall not be required. The Building Official shall make a reasonable effort to notify the property owner or lessee that the defective and unsafe sign must be removed or repaired immediately.

All actual *costs* incurred by the Building Official in the removal or repair of such sign shall be paid by the owner or lessee of the sign or the owner or lessee of the premises where the sign is located. The Town Attorney upon proper certification may bring action for recovery to him / her by the Planning Director or the Building Official.

ORDINANCE NO. 1513

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT! ARIZONA, AMENDING THE GILBERT UNIFIED LAND DEVELOPMENT CODE, CHAPTER I LAND USE DESIGNATION, ARTICLE I ZONES (DISTRICT CLASSIFICATIONS), BY AMENDING SECTION 1.8 OVERLAY ZONING DISTRICTS, BY ADDING NEW SUBSECTION 1.84 WILLIAMS GATEWAY AIRPORT OVERLAY DISTRICT TO ESTABLISH AN AREA AFFECTED BY AIRPORT OVERFLIGHTS AS THE WILLIAMS GATEWAY AIRPORT OVERLAY DISTRICT AND TO ADOPT NOTIFICATION AND NOISE MITIGATION REQUIREMENTS FOR NOISE SENSITIVE USES IN NEW PROJECTS LOCATED WHOLLY OR PARTIALLY IN THE WILLIAMS GATEWAY AIRPORT OVERLAY DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, ARS Section 9-462.01D permits municipalities to adopt overlay zoning districts which modify the requirements of underlying zoning districts; and

WHEREAS, the Williams Air Force Base operated in the East Valley from 1942 until September 1993; and

WHEREAS, the Williams Gateway Airport opened in March 1994 and has continued operations to the present; and

WHEREAS, noise contours emanating from airport operations at the Williams Air Force Base or Williams Gateway Airport have been depicted on the Town's General Plan since 1986; and

WHEREAS, the 1996 Williams Regional Planning Study and the Williams Gateway Airport F.A.R. Part 150 Noise Compatibility Study approved by the Williams Gateway Airport Authority Board on November 16, 2000 have identified three (3) overflight areas that may be affected by aircraft using the Williams Gateway Airport; and

WHEREAS, the Town has prepared a Williams Gateway Airport Overlay District Map identifying three (3) overflight areas based on the foregoing Studies; and

WHEREAS, an owner of land located in close proximity to or affected by overflights of aircraft using the Williams Gateway Airport may choose to develop such land for a noise sensitive use; and

WHEREAS, the Town Council believes it is the responsibility of the developer desiring to develop noise sensitive uses in overflight areas to mitigate noise impacts from airport operations on the ultimate owners and occupants of land in overflight areas; and

WHEREAS, the Town Council desires to promote the Williams Gateway Airport and its potential for economic development by the measures described in this ordinance; and

WHEREAS, the Town Council finds that the procedures and requirements set forth in this ordinance for development and construction on lands in the Williams Gateway Airport Overlay District are reasonable, are proportional to the impact of development of noise sensitive uses in the District on ultimate owners and occupants, and are in the best interest of the Town and its residents.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona) as follows:

Section 1. In General.

The Unified Land Development Code of Gilbert, Arizona, Chapter I Land Use Designation, Article I Zones (District Classifications), Section 1.8 Overlay Zoning Districts is hereby amended by adding new Subsection 1.84 Williams Gateway Airport Overlay District to read as follows:

1.84 Williams Gateway Airport Overlay District

The Williams Gateway Airport Overlay District designates an area in the Town that is or may be impacted by noise generated by aircraft using the Williams Gateway Airport. The Williams Gateway Airport Overlay District is established as set forth in the Williams Gateway Airport Overlay District Map adopted and incorporated herein as Appendix A, and includes all property completely or partially located within,

A. Purpose

The Williams Gateway Airport provides transportation to current and future residents of the Town and East Valley. The Williams Gateway Airport also offers many economic development opportunities for the community and plays an important role in the sustainability of the Town and East Valley. At the same time, the Airport will have a permanent and significant impact on the surrounding area. Noise generated by aircraft using the Williams Gateway Airport may impact noise sensitive uses constructed near the Airport. It is the intent of the Town to mitigate the effects of aircraft noise on the public health, welfare and safety by prohibiting noise sensitive uses in new projects in Overflight Area 1, by

establishing noise attenuation requirements applicable to noise sensitive uses in new projects in Overflight Area 2, and by requiring notification to future owners and occupants of possible noise impacts on noise sensitive uses in new projects in Overflight Areas 2 and 3 of the Williams Gateway Airport Overlay District.

B. Definitions

For the purposes of this section, the following words and terms shall have the following meanings:

1. "Airport" means the Williams Gateway Airport owned and operated by the Williams Gateway Airport Authority.
2. "DNL" means 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 p.m. and 7 a.m. as averaged over a span of one year. It is the FAA standard metric for determining the cumulative exposure of individuals to noise.
3. "New project" means a project with the following status of development as of October 16, 2003 (the effective date of this ordinance): 1) no preliminary plat has been approved; or 2) a preliminary plat has expired; or 3) no preliminary design review site plan has been approved; or 4) a preliminary design review site plan has expired.
4. "Noise sensitive uses" means single family or multifamily residential uses, hospitals, nursing homes, places of worship, libraries, public and private schools, and daycare centers.
5. "Overflight Areas" means those areas designated on the Williams Gateway Airport Overlay District Map as overflight areas. Overflight areas are divided into Overflight Areas 1, 2 and 3.
6. "Project" means either, as applicable, a subdivision with boundaries that have been or will be established by a final subdivision plat or a site with boundaries depicted on a site plan.
7. "Williams Gateway Airport Overlay District" means the area designated within the boundary of the Williams Gateway Airport Overlay District Map as the Williams Gateway Airport Overlay District.

8. "Williams Gateway Airport Overlay District Map" means the map set forth in Appendix A attached to this ordinance.

C. Applicability

1. The provisions of this section shall apply only to noise sensitive uses in new projects located wholly or partially within the Williams Gateway Airport Overlay District.

If a new 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.

- 3 .. If a new 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 new project.

D. Development and Notification Requirements within the Williams Gateway Airport Overlay District

1. Overflight Area 1:

No noise sensitive use shall be permitted in a new project on a lot that is located wholly or partially in Overflight Area 1.

2. Overflight Area 2:

New projects located within Overflight Area 2 that include a noise sensitive use shall comply with the following:

- a. . Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following: "This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."
- b. Sales offices for new single-family residential projects shall provide notice to prospective buyers that the project is located within an Overflight Area. Such notice shall consist of a sign at least 2' x 3' installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement

of sales and shall not be removed until either the sales office is permanently closed. The sign shall state the following in letters of at least one inch (1") in height: "This subdivision is located within the Williams Gateway Airport Overlay District Overflight Area 2. For additional information contact the Arizona Department of Real Estate at: *(INSERT CURRNT TELEPHONE NUMBER)* or Williams Gateway Airport Public Relations Office at: *(INSERT CURRENT TELEPHONE NUMBER)*."

- c. Leasing offices for new multi-family residential projects shall provide notice to prospective lessees that the project is located within an Overflight Area. Such notice shall consist of a sign at least 2' x 3' installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of leases and shall not be removed until the leasing office no longer leases units in the new project. The sign shall state the following in letters of at least one inch (1") in height: "This subdivision is located within the Williams Gateway Airport Overlay District Overflight Area 2. For additional information please contact the Williams Gateway Airport Public Relations Office at: *(INSERT CURRENT TELEPHONE NUMBER)*."
- d. Public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report: "This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals,"
- e. The construction, alteration, moving, and substantial repair of any building or structure in the new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. The developer shall submit a signed and sealed letter from a registered architect or engineer certifying that construction materials, methods and design employed achieve the required noise reduction. A copy of the certification shall be submitted with the application for a building permit.
- f. The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an aviation easement prior to or concurrently with the recordation of any final plat or

approval of a final site plan for the new project The easement shall be in a form approved by the Planning Director.

3. Overflight Area 3:

New projects located within Overflight Area 3 that include a noise sensitive use shall comply with the following:

- a. Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following: "This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."
- b. Sales offices for new single-family residential projects shall provide notice to prospective buyers that the project is located within an Overflight Area. Such notice shall consist of a sign at least 2' x 3' installed at the entrance to the sales office or leasing office at the residential project. The sign shall be installed prior to commencement of sales and shall not be removed until the sales office is permanently closed. The sign shall state the following in letters of at least one inch (1") in height: "This subdivision is located within the Williams Gateway Airport Overlay District Overflight Area 3. For additional information contact the Arizona Department of Real Estate at: *(INSERT CURRENT TELEPHONE NUMBER)* or Williams Gateway Airport Public Relations Office at: *(INSERT CURRENT TELEPHONE NUMBER)*."
- c. Leasing offices for new multi-family residential projects shall provide notice to prospective lessees that the project is located within an Overflight Area. Such notice shall consist of a sign at least 2' x 3' installed at the entrance to the sales office or leasing office at each residential project. The sign shall be installed prior to commencement of leases and shall not be removed until the leasing office no longer teases units in the new project. The sign shall state the following in letters of at least one inch (1") in height: "This property is located within the Williams Gateway Airport Overlay District Overflight Area 3. For additional information please contact the Williams Gateway Airport Public Relations Office at: *(INSERT CURRENT TELEPHONE NUMBER)*."

- d. Public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report: "This property, due to its proximity to Williams Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."
- e. The construction, alteration, moving, and substantial repair of any building or structure in the new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 20 decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. The developer shall submit a signed and sealed letter from a registered architect or engineer certifying that construction materials, methods and design employed achieve the required noise reduction. A copy of the certification shall be submitted with the application for a building permit,
- f. The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an aviation easement prior to or concurrently with "the recordation of any final plat or approval of a final site plan for the new project. The easement shall be in a form approved by the Planning Director.

Section n. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed. Nothing herein modifies or amends a recorded final plat.

Section m. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof,

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six

9.

(6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of
Gilbert,

Arizona, this 16th day of September, 2003, by the following vote:

AYES: Berman. Morrison. Presmyk. Crozier. Skousen

NAYES: Petersen ABSENT: Urie

EXCUSED: None ABS~AINED: None

APPROVED this 16.th day of September, 2003.



Steven M. Berman, Mayor

ATTEST:


Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:


Martinez & Curtis, P.C. (
Town Attorneys. -.

I, CATHE~ A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. 1513 ADOPTED BY THE COMMON COUNCIL
OF THE TOWN OF GILBERT ON THE 16th DAY OF
September 2003, WAS POSTED IN THREE PLACES ON THE 26th DAY OF
September: 2003.


Catherine A. Templeton, Town Clerk
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ORDINANCE NO. 1521

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF GILBERT, ARIZONA, BY AMENDING CHAPTER II DEVELOPMENT STANDARDS, ARTICLE XI LANDSCAPE AND OPEN SPACE CRITERIA SECTION 11.22 COMPATIBLE DESIGN, SUBSECTION (A) LIGHT AND GLARE, SUB-SUBSECTION (6) GENERAL REQUIREMENTS FOR SHIELDING AND FILTRATION, SUB-SUBSECTION 8 RESTRICTIONS AND PROHIBITIONS ON USE OF SPECIFIC OUTDOOR LIGHT FIXTURES; AND SUB-SUBSECTION (9) EXEMPTIONS RELATED TO THE REGULATION OF OUTDOOR LIGHTING IN THE TOWN TO EXEMPT OUTDOOR RECREATIONAL LIGHTING FROM THE SHIELDING AND FILTRATION REQUIREMENTS IF STANDARDS ARE MET; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

WHEREAS, the Mayor and Town Council previously adopted Chapter II, Article XI, Section 11.22(A) Light and Glare of the Unified Land Development Code to regulate the use of outdoor lighting within the Town of Gilbert;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section 1. In General.

The Unified Land Development Code of the Town of Gilbert, Arizona, Chapter II Development Standards, Article XI Landscape and Open Space Criteria, Section 11.22 Compatible Design, Subsection (A) Light and Glare, Sub-subsection (6) General Requirements for Shielding and Filtration; Sub-subsection (8) Restrictions and Prohibitions on Use of Specific Outdoor Light Fixtures; and Sub-subsection (9) Exemptions are hereby amended to read as follows (Additions shown in ALL CAPS; deletions shown in strikeout)

6. General Requirements for Shielding and Filtration. All outdoor light fixtures, except those exempt from this section, shall be shielded as set forth below:
 - a. Low and high pressure sodium, ~~metal~~ halide, fluorescent, tungsten halogen, incandescent type lamp fixtures for the purpose of flood lighting, AND architectural and site lighting and sports lighting shall be fully shielded.
 - b. Fluorescent type lamp fixtures used to illuminate outdoor advertising signs shall be mounted at the top of the sign structure and shall be fully shielded.

- c. A filter shall be used for all metal halide and fluorescent uplight type fixtures.
- d. Other types of outdoor light fixtures not specified in this subsection, and not specifically exempt from this subsection shall be shielded and/or filtered as determined by the Code Enforcement Officer.

8. Restrictions and Prohibitions on Use of Specific Outdoor Light Fixtures.

- a. Except for emergency purposes, no person shall operate a searchlight within the Town without obtaining a special event license. No searchlight shall be operated between the hours of 11 :00 p.m, and sunrise.
- b. Illumination devices which are directed upward shall be fully shielded to prevent glare and shall not be illuminated after 11 :00 p.m.
- ~~c. No outdoor recreational facility public or private shall be illuminated after 11:00 p.m. by outdoor light fixture that do not comply with the provisions of this subsection except to conclude a recreational or sporting event or other activity in progress prior to 11:00 p.m.~~
- ~~d. c.~~ Building and pole mounted flood and spotlights shall be aimed so that the direction of the main beam is aimed at less than 45 degrees below horizontal and the level of illuminance at the property line does not exceed .3 foot-candles. The illuminance level shall be determined at a height of five feet above ground level, with the illuminance meter aimed towards the outdoor light fixture.
- ~~e. d.~~ Parking lot and security lighting shall not exceed a maximum mounting height of fourteen (14) feet within one hundred (100) feet of a residential district and a maximum of twenty-five (7S) feet OF all other areas.
- ~~f. e.~~ All wall-mounted fixtures for the purpose of area/security lighting shall be mounted at a maximum of fourteen (14) feet above finish grade and shall be of the full cutoff type fixtures.
- ~~g. f.~~ All pole mounted semi-cutoff fixtures shall be mounted at a maximum of fourteen (14) feet.

9. Exemptions. The shielding and filtration requirements set forth in this subsection shall not apply to the following:

- a. Fossil fuel light, produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
- b. Low wattage fixtures. Tungsten halogen lamps are not low wattage' fixtures for purposes of this exemption. This device shall not provide illumination in excess of .25 foot candles at the property line.
- c. Airport navigational lighting systems.
- d. Outdoor advertising signs of the type constructed of translucent material and wholly illuminated from within (with sign permit).
- e. Town Streetlights and Downtown Gilbert ornamental lighting. Streetlight and Heritage District street lighting for the downtown business district are exempt from the provision of this subsection.
- f. Construction and emergency lighting. Lighting necessary for construction occurring at night with a valid permit from the Town or emergencies is exempt from the provisions of this article, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
- g. **OUTDOOR RECREATIONAL FACILITY LIGHTING. OUTDOOR RECREATIONAL FACILITIES SHALL INCLUDE, BUT NOT BE LIMITED TO BALL FIELDS, OUTDOOR AMPHITHEATERS, OUTDOOR ARENAS, DRIVING RANGES, TENNIS COURTS, OR SIMILAR FACILITIES. OUTDOOR RECREATIONAL FACILITY LIGHTING IS EXEMPT FROM THE PROVISIONS OF THIS ARTICLE IF IT IS:**
 - (i) **NOT ILLUMINATED AFTER 10:00 P.M., EXCEPT TO CONCLUDE A RECREATIONAL OR SPORTING EVENT OR OTHER ACTIVITY IN PROGRESS PRIOR TO 10:00 P.M.; AND**
 - (ii) **SHIELDED OR DESIGNED TO 'MINIMIZEUP-LIGHT, SPILL LIGHT AND GLARE .**

SPILL LIGHT AND GLARE.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

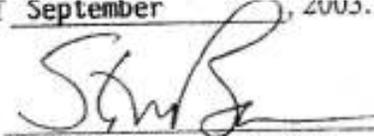
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this .. 3..Ot.tL day of September __ , 2003, by the following vote:

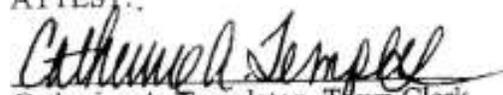
AYES: Berman, Crozier, Petersen, Presmyk, Skousen, Urie

NAYES: None ABSENT: Morrison

EXCUSED: None ABSTAINED: None

APPROVED this 30th day of September, 2003.


Steven M. Berman, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:



Martinez & Curtis, P.C.

Town Attorneys

By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 1521 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 30th DAY OF SEPTEMBER, 2003, WAS POSTED IN THREE PLACES ON THE 3rd DAY OF OCTOBER, 2003.



Catherine A. Templeton, Town Clerk

ORDINANCE NO. 1535

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF GILBERT, ARIZONA, BY AMENDING CHAPTER II DEVELOPMENT STANDARDS, ARTICLE VII LAND USE ADMINISTRATION, SECTION 7.11 CODE AMENDMENTS, RELATED TO PUBLIC NOTIFICATION REZONING OF PROPERTY, ADOPTION OF SPECIFIC PLANS AND ADOPTION OF TEXT AMENDMENTS TO THE ZONING CODE AND PUBLIC PARTICIPATION PRIOR TO HEARING ON THE TEXT AMENDMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

WHEREAS, the Mayor and Town Council previously adopted Chapter II, Article VII, Section 7.11. Code Amendments to require notification to the public prior to a public hearing on applications to rezone property;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section 1. In General.

The Unified Land Development Code of the Town of Gilbert, Arizona, Chapter II Development Standards, Article VII Land Use Administration, Section 7.1 Town Council are hereby amended to read as follows:

7.1 Town Council.

A. The Town Council may, upon the recommendation of the Planning and Zoning Commission, amend, supplement or change the zoning district boundaries or the regulations herein or subsequently established. No amendment to this Chapter I, whether to its text or affecting zoning district boundaries, shall be acted upon, however, until after a public hearing. PRIOR TO A PUBLIC HEARING ON ANY APPLICATION FOR A REZONING OF PROPERTY, A SPECIFIC PLAN AMENDMENT OR A TEXT AMENDMENT, A CITIZEN REVIEW PROCESS SHALL BE CONDUCTED. THE PURPOSE OF THE CITIZEN REVIEW PROCESS IS TO PROVIDE AN OPPORTUNITY FOR CITIZEN INVOLVEMENT AND PUBLIC AWARENESS OF APPLICATIONS FOR REZONING OF PROPERTY, ADOPTION OF SPECIFIC PLANS AND ADOPTION OF ZONING CODE TEXT AMENDMENTS.

B. APPLICATIONS FOR REZONING AND SPECIFIC PLANS.

1. THE APPLICANT, IN COORDINATION WITH THE PLANNING DEPARTMENT AND IN CONFORMANCE WITH ORDINANCE NO. 1294 SHALL ESTABLISH A TIME, DATE, AND PLACE FOR A CITIZEN REVIEW SESSION TO PROVIDE A REASONABLE OPPORTUNITY FOR THE APPLICANT) ADJACENT LANDOWNERS, AND OTHER POTENTIALL Y AFFECTED CITIZENS TO DISCUSS ISSUES OR CONCERNS THEY MAY HA VB WITH THE APPLICATION PROPOSED BY THE APPLICANT.

2. THE PLANNING DIRECTOR MAY ESTABLISH ADDITIONAL PROCEDURES FOR THE CITIZEN REVIEW PROCESS AS IS DEEMED NECESSARY.

C. TEXT AMENDMENTS TO THE ZONING CODE.

1. A CITIZEN REVIEW SESSION SHALL BE HELD AT A WORK-STUDY SESSION OF THE PLANNING COMMISSION SCHEDULED AT LEAST 5 DAYS PRIOR TO THE PUBLIC HEARING AT THE PLANNING AND ZONING COMMISSION FOR THE CONSIDERATION OF THE PROPOSED TEXT AMENDMENT. LANDOWNERS AND OTHER CITIZENS POTENTIALL Y AFFECTED BY THE PROPOSED TEXT AMENDMENTS WILL BE INVITED TO GATHER FURTHER INFORMATION REGARDING THE PROPOSED TEXT .AMENDMENT AT THE CITIZEN REVIEW SESSION AND TO EXPRESS ANY ISSUES OR CONCERNS THEY MAY HAVE WITH THE PROPOSED TEXT AMENDMENT.

2. NOTICE OF THE CITIZEN REVIEW SESSION SHALL BE GIVEN TO LANDOWNERS AND OTHER CITIZENS POTENTIALL Y AFFECTED BY THE PROPOSED TEXT AMENDMENTS AT LEAST 10 DAYS PR10R TO THE PLMTNING COMMISSION WORK-STUDY SESSION SCHEDULED FOR THE CITIZEN REVIEW OF THE PROPOSED TEXT AMENDMENTS. THIS NOTICE SHALL STATE THE DATE, TIME, AND PLACE OF THE CITIZEN REVIEW SESSION AND SHALL INCLUDE A GENERAL EXPLANATION OF THE SUBSTANCE OF THE PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE. THE FORM OF NOTICE TO BE USED WILL VARY ACCORDING TO THE TYPE OF TEXT AMENDMENT PROPOSED, AND ANY MEANS DEEMED BY THE PLANNING DIRECTOR TO PROVIDE THE APPROPRIATE METHOD OF NOTICE FOR THE PROPOSED TEXT AMENDMENT SHALL BE CONSIDERED SUFFICIENT. THE

FORM OF NOTICE GIVEN MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

(a) PUBLICATION IN A LOCAL NEWSPAPER OF GENERAL CIRCULATION DISTRIBUTED TO RESIDENTS LIVING WITHIN THE TOWN.

(b) POSTING AT OFFICIAL TOWN POSTING LOCATIONS.

(c) POSTING ON THE TOWN'S WEB SITE.

3. AFTER THE CITIZEN REVIEW SESSION, THE PLANNING COMMISSION MAY TAKE ALL ISSUES AND CONCERNS RAISED BY LANDOWNERS AND OTHER CITIZENS POTENTIALLY AFFECTED BY THE PROPOSED TEXT AMENDMENTS AT SUCH SESSION INTO ACCOUNT WHEN IT CONSIDERS ITS RECOMMENDATION TO THE TOWN COUNCIL ON THE PROPOSED TEXT AMENDMENT AND SHALL, PRIOR TO THE COUNCIL'S PUBLIC HEARING ON THE PROPOSED TEXT AMENDMENT, REPORT TO THE COUNCIL THE ISSUES AND CONCERNS RAISED DURING THE CITIZEN REVIEW INPUT AND DISCUSSION SESSION.

4. THE PLANNING DIRECTOR MAY ESTABLISH ADDITIONAL PROCEDURES FOR THE CITIZEN REVIEW PROCESS AS IS DEEMED NECESSARY.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

ORDINANCE NO. 1553

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF GILBERT, ARIZONA. BY AMENDING GLOSSARY BY ADDING A DEFINITION FOR A-FRAME SIGNS AND AMENDING THE DEFINITION OF SIGN, V-SHAPED AND A-FRAME AND CHAPTER I LAND USE DESIGNATION, ARTICLE III SIGNS, SECTION 3.24 SIGNS NOT REQUIRING A PERMIT, BY ADDING NEW SUBSECTION B(17) ALLOWING FOR THE PLACEMENT OF TEMPORARY A-FRAME SIGNS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Mayor and Town Council previously adopted Unified Land Development Code Chapter I, Article III, Section 3.24 Signs Not Requiring a Permit; and

WHEREAS, the Mayor and Town Council have determined that it is in the best interests of the Town and its businesses to allow for the placement of temporary A-Frame Signs subject to certain restrictions.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section 1. In General.

The Unified Land Development Code of the Town of Gilbert, Arizona, Glossary is hereby amended to read as follows (additions shown in ALL CAPS, deletions shown in ~~strikeout~~)

SIGN, A-FRAME. A PORTABLE, STANDALONE 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.

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

The Unified Land Development Code of the Town of Gilbert, Arizona, Chapter I Land Use Designation, Article III SigNS, Section 3.24 SigNS Not Requiring a Permit, Subsection

B is hereby further amended to read as follows (additions shown in ALL CAPS, deletions shown in ~~strikeout~~):

3.24. Signs Not **Requiring a Sign Permit**

- B. The following signs may be erected, constructed, affixed, or placed without a sign permit upon compliance with the following requirements:

~~A-FRAME~~ **A-FRAME** SIGNS RELATING TO AN EXISTING BUSINESS WHICH ARE NO LARGER THAN TWO (2) FEET IN WIDTH AND THREE (3) FEET IN HEIGHT MAYBE ERECTED IN PUBLIC FACILITIES/OPEN SPACES, INDUSTRIAL AND COMMERCIAL ZONING DISTRICTS DURING THE HOURS THE BUSINESS IS OPEN TO CONDUCT BUSINESS AND ON OR ADJACENT TO APARTMENT COMPLEXES DURING THE HOURS THE RENTAL OFFICE IS OPEN TO CONDUCT BUSINESS, SUBJECT TO THE FOLLOWING REQUIREMENTS:

- a. ONE A-FRAME SIGN PER BUSINESS SHALL BE PERMITTED. AS USED IN THIS SECTION, A BUSINESS IS DEFINED AS ONE ENTITY PER BUILDING OR SUITE OF 10,000 SQUARE FEET OF LESS;
- b. A-FRAME SIGNS MAY BE PLACED IN THE RIGHT-OF WAY BUT SHALL BE LOCATED AT LEAST TWO (2) FEET FROM BACK OF CURB AWAY FROM ROADWAY AND NO SIGNS SHALL BE LOCATED IN MEDIANS, DRIVING LANES, PARKING AISLES OR STALLS;
- c. A-FRAME SIGNS SHALL BE PLACED A MINIMUM OF TWENTY (20) FEET FROM ANY OTHER A-FRAME SIGN AND SHALL BE LOCATED A MINIMUM OF THIRTY (30) FEET FROM AN ACCESS DRIVE OR STREET INTERSECTION;
- d. A-FRAME SIGNS SHALL BE LOCATED ADJACENT TO THE BUSINESS BEING ADVERTISED AS FOLLOWS:
 - L **FOR STAND-ALONE SINGLE BUSINESSES, THE SIGN SHALL BE PLACED ON THE BUSINESS PROPERTY BEING ADVERTISED OR IN THE RIGHT-OF-WAY NEXT TO THE BUSINESS PROPERTY IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THIS SECTION;**

11. FOR BUSINESSES LOCATED WITHIN SHOPPING CENTERS OR INDUSTRIAL PARKS, THE SIGN MAY BE PLACED WITHIN OR AT THE PERIMETER OF THE SHOPPING CENTER OR INDUSTRIAL PARK OR IN THE RIGHT-OF-WAY ADJACENT TO THE SHOPPING CENTER OR INDUSTRIAL PARK IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION;

- iii. NO SIGNS SHALL BE PLACED IN THE RIGHT-OF-WAY OR ON PROPERTY ACROSS A PUBLIC OR PRIVATE STREET FROM THE BUSINESS.

- e. A-FRAME SIGNS SHALL NOT BE PERMITTED IN MEDIANS, DRIVING LANES, PARKING AISLES OR STALLS, EQUESTRIAN OR MULTI-USE TRAILS OR ONSITE WHERE PROHIBITED BY THE PROPERTY OWNER OR COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING THE PROPERTY;

- f. A-FRAME SIGNS SHALL BE PLACED SO THAT A MINIMUM FOUR (4) FEET IS CLEAR FOR PEDESTRIAN PASSAGE ON ALL SIDEWALKS AND WALKWAYS;

- g. A-FRAME SIGNS SHALL ONLY BE PLACED AT GRADE LEVEL AND SHALL NOT BE PLACED ON WALLS, BOULDERS, PLANTERS, OTHER SIGNS, VEHICLES OR ANY OTHER TYPE OF STRUCTURES;

- h. SIGNS SHALL BE A-FRAME AS DEFINED IN THE GLOSSARY AND SHALL BE CONSTRUCTED OUT OF ONE-HALF INCH HIGH DENSITY EXTERIOR GRADE COMPRESSED WOOD SUCH AS OMEGA OR MOO BOARD WITH A PROTECTIVE, WATER RESISTANT COATING WHICH IS IMPERVIOUS TO WEATHER CONDITIONS, WITH CUT VINYL GRAPHICS AND OF SUFFICIENT WEIGHT AND DURABILITY TO WITHSTAND WIND GUSTS, STORMS, ETC.; ZIP TRACKS FOR CHANGING OF CUT VINYL GRAPHICS SHALL BE ALLOWED;

1. SIGNS SHALL BE MAINTAINED IN A PROFESSIONAL MANNER FREE FROM CHIPPING PAINT, CRACKS, GOUGES, LOSS OF LETTERS, ETC. AND SHALL NOT BE PLACED SO AS TO CAUSE A HAZARD TO PEDESTRIAN TRAFFIC.

J. THE FOLLOWING SHALL BE PROHIBITED ON A-FRAME SIGNS:

- l. ANY FORM OF ILLUMINATION;
FLASHING, BLINKING, OR ROTATING LIGHTS;
ANIMATION;
REFLECTIVE MATERIALS;
- v. ATTACHMENTS, INCLUDING, BUT NOT LIMITED TO, BALLOONS, RIBBONS, SPEAKERS, ETC.

k. VIOLATIONS

FIRST OFFENSE: THE FIRST TIME A SIGN IS FOUND BY THE CODE COMPLIANCE OFFICER TO BE IN VIOLATION OF THE PROVISIONS OF THIS SECTION, SUCH SIGN SHALL BE SUBJECT TO CONFISCATION. BEFORE THE CONFISCATION OF THE SIGN, THE CODE COMPLIANCE OFFICER SHALL GIVE A WRITTEN NOTICE OF THE VIOLATION 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 SUBSECTION c ABOVE, A WRITTEN NOTICE SHALL BE GIVEN TO ALL OWNERS OR LESSEES OF BUSINESSES TO WHICH THE SIGNS RELATE. THE NOTICE SHALL STATE THE VIOLATION CHARGED, THE REASONS AND GROUNDS FOR REMOVAL, AND A STATEMENT SETTING FORTH WHAT IS REQUIRED TO BRING THE SIGN INTO CONFORMANCE WITH THE REQUIREMENTS OF THIS SECTION. ALL SIGNS IN VIOLATION OF SUBSECTION C SHALL BE SUBJECT TO CONFISCATION AND DISPOSAL REGARDLESS OF WHICH SIGN WAS PLACED FIRST. UPON RECEIPT OF THE NOTICE, THE OWNER OR LESSEE OF THE BUSINESS OR BUSINESSES TO WHICH THE SIGN(S) RELATE SHALL REMOVE THE SIGN UNTIL IT IS BROUGHT INTO CONFORMANCE WITH THIS SECTION.

SECOND OFFENSE: THE SECOND TIME A SIGN AT THE BUSINESS IS FOUND BY THE CODE COMPLIANCE OFFICER TO BE IN VIOLATION- OF THE PROVISIONS OF THIS SECTION IN ANY TWENTY-FOUR MONTH PERIOD, SUCH SIGN SHALL BE SUBJECT TO CONFISCATION. IF SUCH VIOLATION RELATES TO THE SPACING

REQUIREMENTS SET FORTH IN SUBSECTION c ABOVE, ALL SIGNS IN VIOLATION SHALL BE SUBJECT TO CONFISCATION REGARDLESS OF WHICH SIGN WAS PLACED FIRST. FOR PURPOSES OF CALCULATING THE TWENTY -FOUR MONTH PERIOD, THE DATE OF THE COMMISSION OF THE OFFENSE IS THE DETERMINING FACTOR. THE CODE COMPLIANCE OFFICER SHALL GIVE NOTICE TO THE BUSINESS BEING ADVERTISED BY THE A-FRAME SIGN THAT IF THE SIGN IS NOT CLAIMED \WITHIN FIVE DAYS FROM THE DATE OF THE NOTICE, THE A-FRAME SIGN SHALL BE DISPOSED OF. IF THE SIGN IS CLAIMED WITHIN SUCH FIVE DAYS, A STORAGE FEE AS SET BY RESOLUTION OF THE COUNCIL SHALL BE PAID TO THE TOWN PRIOR TO RELEASE OF THE SIGN TO THE BUSINESS.

THIRD OFFENSE: THE THIRD TIME A SIGN AT THE BUSINESS IS FOUND BY THE CODE COMPLIANCE OFFICER TO BE IN VIOLATION OF THIS SECTION WITHIN ANY TWENTY-FOUR MONTH PERIOD, SUCH SIGN SHALL BE CONFISCATED BY THE CODE COMPLIANCE OFFICER. THEREAFTER, NO A-FRAME SIGNS SHALL BE ERECTED RELATED TO THE BUSINESS. FOR PURPOSES OF CALCULATING THE TWENTY-FOUR MONTH PERIOD, THE DATE OF THE COMMISSION OF THE OFFENSE IS THE DETERMINING FACTOR.

FOURTH OFFENSE: THE FOURTH TIME A SIGN IS FOUND AT THE BUSINESS BY THE CODE COMPLIANCE OFFICER TO BE IN VIOLATION OF THIS SECTION IN ANY TWENTYFOUR MONTH PERIOD, SUCH PERSON SHALL BE GUILTY OF A CLASS 1 MISDEMEANOR AND THE GILBERT TOWN PROSECUTOR IS AUTHORIZED TO FILE A CRIMINAL MISDEMEANOR COMPLAINT IN THE GILBERT MUNICIPAL COURT. FOR PURPOSES OF CALCULATING THE TWENTY-FOUR MONTH PERIOD, THE DATE OF THE COIVIMISSION OF THE OFFENSE IS THE DETERMINING FACTOR. UPON CONVICTION OF A VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A SENTENCE PURSUANT TO THE TERMS SET FORTH IN THE ARIZONA REVISED STATUTES SECTIONS 13-707, 13-802, AND 13-902. THE COURT SHALL ORDER A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF THE SECTION TO PAY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH COUNT UPON WHICH A CONVICTION HAS BEEN OBTAINED. A JUDGE SHALL NOT GRANT PROBATION TO OR SUSPEND ANY PART OR ALL OF THE

POSITION OR EXECUTION OF ANY SENTENCE
REQUIRED BY THIS PARAGRAPH EXCEPT ON THE
CONDITION THAT THE PERSON PAY THE MANDATORY
MINIMUM FINES AS PROVIDED IN THIS PARAGRAPH.

L NOTWITHSTANDING THE PROVISIONS OF ARTICLE V OF THIS
CODE, THE COUNCIL FINDS THAT THE PURCHASE AND
PLACEMENT OF A-FRAME SIGNS IS NOT A SUBSTANTIAL
CAPITAL INVESTMENT IN THE BUSINESS BEING
ADVERTISED BY THE A-FRAME SIGN. UPON REPEAL OF
THIS PARAGRAPH 17 OR UPON MODIFICATION OF THE
REGULATIONS SET FORTH IN THIS PARAGRAPH 17 THAT
RESULTS IN RESTRICTING OR PROHIBITING A-FRAME
SIGNS, A-FRAME SIGNS SHALL NOT BECOME LEGAL NON-
CONFORMING USES OR STRUCTURES AND SUCH SIGNS SHALL
CONFORM TO ANY SUCH REPEAL OR MODIFICATION.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this
Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or
any part of the Code adopted herein by reference, is for any reason held to be invalid or
unconstitutional by the decision of any court of competent jurisdiction, such decision shall
not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert,
Arizona, this 13th day of April 2004, by the following vote:

AYES: Berman, Morrison, Crozier, Petersen, Presmyk, Skousen, Urie

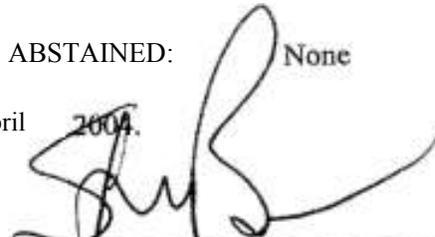
NAVES: None

ABSENT: None

EXCUSED: None

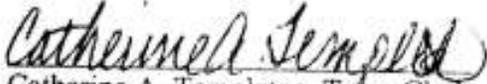
ABSTAINED: None

APPROVED this 13th day of April 2004.



Steven M. Berman, Mayor

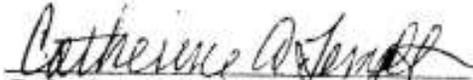
ATTEST:


Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:


Martinez & Curtis, P.C.
Town Attorneys
By _____

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 1553 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 13TH DAY OF APRIL 2004, WAS POSTED IN THREE PLACES ON THE 22ND DAY OF April, 2004.


Catherine A. Templeton, Town Clerk

ORDINANCE NO. 1558

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER II DEVELOPMENT STANDARDS BY ADDING ARTICLE XI-B GATEWAY AREA-TRADITIONAL NEIGHBORHOOD DESIGN GUIDELINES, (GENERAL) AND (SINGLE-FAMILY) RELATED TO SITE PLANNING, PEDESTRIAN ACCESSIBILITY, CIRCULATION, AND ARCHITECTURAL CHARACTER IN GENERAL FOR ALL DEVELOPMENT AND IN DETAIL FOR SINGLE-FAMILY DEVELOPMENT WITHIN THE GATEWAY CHARACTER AREA IN THE TOWN OF GILBERT AND BY ADOPTING BY REFERENCE THAT DOCUMENT ENTITLED "GATEWAY AREA TRADITIONAL NEIGHBORHOOD DESIGN GUIDELINES, GENERAL AND SINGLE-FAMILY" DATED APRIL 27, 2004; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, that certain document "Gateway Area-Traditional Neighborhood Design Guidelines, General and Single-Family" dated April 27, 2004, three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk; and

WHEREAS, the Town has the authority to regulate aesthetics by virtue of its zoning powers; and

WHEREAS, the Town Council directed staff to prepare Gateway Area Traditional Neighborhood Design Guidelines to be used when reviewing development proposals within the Gateway Area of the Town; and

WHEREAS, the staff worked closely with many members and organizations within the development community to create the Gateway Area-Traditional Neighborhood Design Guidelines; and

WHEREAS, the Gateway Area-Traditional Neighborhood Design Guidelines (1) provide notice to the development community of the minimum design the Town expects and will approve for Gateway Area developments, (2) establish guidelines for use by the Planning and Zoning Commission and Design Review Board when reviewing applications for Gateway Area developments, (3) provide direction to Town staff in the review and processing of applications for Gateway Area developments, and (4) encourage flexibility in design to assure quality and diversity in design as contained in the Character Area section of the General Plan for the Town; and

WHEREAS, the Council determines that the adoption of the "Gateway Area Traditional Neighborhood Design Guidelines, General and Single-Family" will greatly assist in orderly development within the Gateway Area of the Town and is in the Town's best interest;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

1, The Town of Gilbert, Arizona, Unified Land Development Code, Chapter II Development Standards, shall be amended by adding Article XI - B Gateway Area - Traditional Neighborhood Design Guidelines, to read as follows:

ARTICLE XI-B. GATEWAY AREA-TRADITIONAL NEIGHBORHOOD DESIGN GUIDELINES.

1113.1 PURPOSE

THESE GUIDELINES ARE INTENDED TO PROVIDE NOTICE TO THE DEVELOPMENT COMMUNITY OF THE DESIGN ATTRIBUTES THE TOWN EXPECTS AND WILL APPROVE FOR DEVELOPMENT WITHIN THE GATEWAY CHARACTER AREA. THE GUIDELINES SHALL BE USED BY THE PLANNING AND ZONING COMMISSION, DESIGN REVIEW BOARD AND STAFF FOR REVIEW OF DEVELOPMENT PROPOSALS WITHIN THE GATEWAY CHARACTER AREA. THE GUIDELINES ENCOURAGE FLEXIBILITY IN DESIGN TO ASSURE QUALITY AND DIVERSITY IN DESIGN IN THE TOWN. THE GUIDELINES ALLOW FOR FLEXIBILITY OF DESIGN AND SET FORTH DESIGN QUALITIES INTENDED TO ACHIEVE THE TOWN'S PURPOSE TO CREATE A TRADITIONAL NEIGHBORHOOD ATMOSPHERE IN THE GATEWAY CHARACTER AREA.

1113.2 GENERAL.

THE GATEWAY AREA GENERAL TRADITIONAL NEIGHBORHOOD DESIGN GUIDELINES, AS SET FORTH IN APPENDIX 1 TO THE UNIFIED LAND DEVELOPMENT CODE, SHALL APPLY TO ALL NEW DEVELOPMENTS IN THE GATEWAY CHARACTER AREA. THE GUIDELINES ADDRESS THE FOLLOWING ASPECTS OF

DEVELOPMENT:

A. NEIGHBORHOOD DESIGN:

1. STREETS, ALLEYS AND PEDESTRIAN ACCESS

2. DESIGN FEATURES AND AMENITIES
3. RESIDENTIAL DESIGN

B COMMERCIAL DESIGN

1. LOCATION AND ORIENTATION OF BUILDINGS AND PARKING
2. PEDESTRIAN ACCESS
3. VILLAGE CENTER
 - a. ARCHITECTURAL STYLE
 - b. STRUCTURED PARKING

11B.3 SINGLE-FAMILY.

THE GATEWAY AREA TRADITIONAL NEIGHBORHOOD DESIGN GUIDELINES (SINGLE-FAMILY), AS SET FORTH IN APPENDIX I TO THE UNIFIED LAND DEVELOPMENT CODE, SHALL APPLY TO ALL SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS IN THE GATEWAY CHARACTER AREA AND ARE INTENDED TO BE APPLIED BY THE PLANNING AND ZONING COMMISSION, DESIGN REVIEW BOARD AND STAFF IN THE SAME MANNER AS THE GENERAL GUIDELINES. THE SINGLE-FAMILY GUIDELINES ADDRESS THE FOLLOWING ASPECTS OF DEVELOPMENT:

- A. ACCESS
- B. FRONT PORCH OR BALCONY
- C. SIDEWALKS
- D. FRONT YARD WALLS AND / OR FENCES
- E. PRIVACY WALLS
- F. CUL DE SACS
- G. ENTRYWAYS

13.

- I-L PARKING
- L SETBACKS
- r. HOUSE/LOT TYPE SERIES MIX

- K. REAR FACADE

2.. The Unified Land Development Code of Gilbert, Arizona is further amended by adding Appendix I and adopting as such that public record known as "Gateway Area-Traditional Neighborhood Design Guidelines, General and Single-Family" dated April 27, 2004, which is hereby referred to, adopted and made a part hereof as though fully set forth in this Ordinance.

Section II. Providing for Repeal of Conflicting Ordinances.

ordinances and parts of ordinances in conflict with the provisions of this part of the Code adopted herein by reference, are hereby repealed.

Ordinance OR

Section III. providing for Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 27th day of April, 2004, by the following vote:

AYES: Berman, Morrison, Crozier, Petersen t Presmyk, Uria

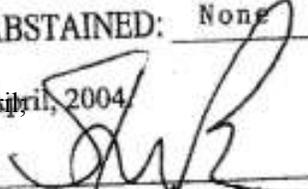
ABSENT: Skousen

NAYES: None

EXCUSED: None

ABSTAINED: None

"APPROVED this 27th day of April, 2004


Steven M. Berman, Mayor

ATTEST:


Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:



Martinez & Curtis, P.C.

Town Attorneys

By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 1558 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 27th DAY OF April, 2004, WAS POSTED IN THREE PLACES ON THE 27th DAY OF April, 2004.


Catherine A. Templeton, Town Clerk

F:\578\08 Zoning\Documents\Gateway\Area Design Guidelines Ordinance.doc

Gateway Area Traditional Neighborhood Design Guidelines

Town of Gilbert Gateway Area

Traditional Neighborhood Design Guidelines (Single-Family)

ADOPTED
April 27, 2004

TRADITIONAL NEIGHBORHOOD DESIGN GUIDELINES SINGLE-FAMILY)

See: <http://www.ci.gilbert.az.us/planning/gwneighborhood.cfm>

The design purpose of the Gateway Character Area as defined in the Gilbert General Plan is as follows: The Gateway Character Area describes desirable physical characteristics that will enhance Gilbert's unique identity and bring back traditional neighborhoods. It provides for traditional village/neighborhood design concepts in exchange for higher densities. It promotes pedestrian/ bicycle/ transit-oriented design, and integrates residential, commercial, employment, schools, places of worship, and parks with rail and bus transit, bikeways, and pedestrian paths. It affords an opportunity for small-scale urban agriculture.

Applicability and Use of Guidelines: These Guidelines are for the use by the development community when designing a project in the Gateway Character Area. The Planning & Zoning Commission, Design Review Board and staff will use the Guidelines to implement the LDC and General Plan in their review. These Guidelines set forth the expected design needed to meet the General Plan goals for projects in the Gateway Character Area. However, flexibility and innovation are strongly encouraged. To that end, the use of the words shall and must have been purposely avoided. Each application should demonstrate to what extent it incorporates these Guidelines. Applications that do not meet specific applicable guidelines will need to justify how their proposed design will improve the project by better meeting the intent of the General Plan, LDC, and these Guidelines. All applications for zoning in the Gateway Area should utilize the PAD process.

DEFINITIONS:

1. ROW - Local Streets--Back of curb; Arterials and Collectors—Follow LDC.

2. House/Lot Type - House/lot types are defined as those that differ significantly from one another. Some examples are provided below:

A. Point of access: rear; front recessed garage; side entry garage;

B. Number of stories;

C. Z-lot: 3-pack or 2-pack;

D. Lot size variations of 20' (width) or more;

E. House size variations of 1,000 square feet or more;

F. Significant architectural variation by including distinctive themes roof line variation and massing; and

G. Attached or detached units.

GUIDELINES:

1. Access:

- INTENT: De-emphasize front load garages.
- GUIDELINE: A. below should be utilized for 50% of the units (PAD proposals under 20 acres are exempt from this requirement). Options A, B, C, D & E below may be used for the remaining 50% of the units.

A. Rear garage with alley access;

B. Garage 18 feet behind living space with front access;

C. Side loaded garage with front access;

D. Front load garages recessed between 18 feet and a minimum of 6' for a maximum of 20% of the PAD; and

E. "3-pack or two-pack" designs that de-emphasize garages through one of the following:

- 2 car tandem garage.
- Architectural features such as single-bay doors, recessed doors and detailing around opening.

2. Front Porch or Balcony:

- INTENT: Create diversity of product and traditional design that enhances social interaction and invites people to the front of their homes.
- GUIDELINE: All units should have at least one of the following:

A. Front Porch (Encouraged on at least 50% of all units. Should be a minimum useable size of 48 square feet with a minimum clear interior dimension of 6 feet and enclosed with a low wall or fence.);

B. Balcony (With a minimum clear interior dimension of 4 feet and 24 square feet.); and

C. Other similar features that accomplish the intent.

3. Sidewalk:

- INTENT: Pedestrian friendly location to encourage walking along streets.
- GUIDELINE: Utilize detached sidewalks on all street frontages and pedestrian plazas except at intersections where two ramps should be used and on corner lots on side street.

4. Front Yard Walls/Fences:

- INTENT: Allow fencing in traditional front yard areas.
- GUIDELINE: walls/fences of 24" – 36", 2' behind sidewalk.

5. Privacy Walls (6'):

- INTENT: Increase openness of front yard areas.
- GUIDELINE: No privacy walls should be placed within 5 feet of the front façade except under unique situations.

6. Cul-de-sacs:

- INTENT: Use a grid street system for maximum connectivity.
- GUIDELINE: Design site using a grid street network unless use of a cul-de-sac is unavoidable and then only with a focal point at the end.

7. Entryway:

- INTENT: Accentuate entryways
- GUIDELINE: Entryway 100% visible, oriented to and accessible from street/pedestrian plaza/parks.

8. Parking:

- INTENT: Provide for guest parking.
- GUIDELINE: If on-street is restricted and required parking minimums are not met, provide guest parking areas within 350' with maximum of 8 spaces in a group.

9. Setbacks, Front:

- INTENT: Bring homes and porches closer to sidewalks by allowing a smaller setback from the right-of-way line.
- GUIDELINE:

A. Living Area = Rear access – 16' (10' from center line of pedestrian parkway for interior alley court); Front access – 18';

B. Porches = Rear access – 14' (10' from center line of pedestrian parkway for interior alley courts); Front access – 16';

C. Garage, front = 18' behind front of structure; 6' behind front of structure if part of a "3-pack or 2-pack"; and

D. Garage, side entry = 16'.

10. House/Lot Type Series Mix:

- INTENT: Encourage a wide mixture of house/lot types
- GUIDELINE:

A. If over 200 units in PAD, minimum 2 house lot type (no more than 55% of any one series);

B. If over 300 units in PAD, minimum 3 house lot type (no more than 45% of any one series); and

C. If over 400 units in PAD, minimum 4 house lot type (no more than 35% of any one series).

11. Rear Façade:

- INTENT: Create design variety and interest along alleys.
- GUIDELINE: Visually diversify rear façades by using architectural/design/structural features such as:

A. An offset between floors on two -story units of 3- feet for a minimum of 50% of the width of the rear elevation is strongly encouraged;

B. Enhance a portion of the rear façade to prevent a "single" or "flat" plane; and

C. Other similar features that accomplish the intent.

ORDINANCE NO. 1592

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF GILBERT, ARIZONA, BY AMENDING THE GLOSSARY TO REVISE THE DEFINITIONS OF "DAY CARE, CHILD" AND "DAY CARE, HOME OCCUPATION" AND ADD A DEFINITION FOR "DAY CARE, RESIDENTIAL"; AND AMENDING CHAPTER I LAND USE DESIGNATION, ARTICLE I ZONES (DISTRICT CLASSIFICATIONS), SECTION 1.32 (RI-43) RURAL ZONING DISTRICT - ONE ACRE PER DWELLING UNIT; SECTION 1.33 (RI-35) SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT 35,000 SQUARE FEET PER DWELLING UNIT; SECTION 1.39 (RI-5) SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT 5,000 SQUARE FEET PER DWELLING UNIT; AMENDING ARTICLE II GENERAL REGULATIONS, SECTION 2.6 SPECIFIED USES, BY ADDING NEW SUBSECTION 2.67 RESIDENTIAL DAY CARE, ALL RELATED TO ADDING RESIDENTIAL DAY CARE AS A PERMITTED USE IN SINGLE-FAMILY RESIDENTIAL DISTRICTS, DEFINING RESIDENTIAL DAY CARE AS CARE FOR SIX TO TEN CHILDREN OR ADULTS, AND SETTING FORTH REQUIREMENTS FOR OPERATION OF A RESIDENTIAL DAY CARE USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section 1. In General.

The Unified Land Development Code of the Town of Gilbert, Arizona, Glossary is hereby amended to read as follows (deletions in strikeout, additions in ALL CAPS):

GLOSSARY

For the purpose ~~is~~ OF this Code, the following words and terms are hereby defined as follows:

DAY CARE, CHILD: The care, supervision, and guidance of a child or children through the age of ~~fourteen (14)~~ TWELVE (12) years; unaccompanied by parent, guardian or custodian, for periods of less than

twenty-four hours per day, in a place other than the child's or the children's own home or homes.

DAY CARE, HOME OCCUPATION: Child day care provided for ~~four (4)~~ FIVE (5) or fewer children or adult day care provided for ~~four (4)~~ FIVE or fewer adults, ~~provided as and~~ WHETHER OR NOT FOR COMPENSATION, subject to the general restrictions of a home occupation.

DAY CARE, 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 ADULTS.

The Unified Land Development Code of the Town of Gilbert, Arizona, is hereby further amended by amending Chapter 1 Land Use Designation, Article I Zones (District Classifications), Section 1.32 (R1-43) Rural Zoning District - One acre per dwelling unit, to read as follows:

Sec. 1.32 (R1-43) Rural Zoning District--- One (1) acre per dwelling unit.

This Zoning District is intended to provide one-acre lots for farms and accessory uses. The General Plan land use classification for this District is Low Density Residential.

A. *Permitted Uses:*

15. RESIDENTIAL DAY CARE, SUBJECT TO THE RESTRICTIONS SET FORTH IN SUBSECTION 2.67 (RESIDENTIAL DAY CARE).

The Unified Land Development Code of the Town of Gilbert, Arizona, is hereby further amended by amending Chapter 1 Land Use Designation, Article I Zones (District Classifications), Section 1.33 (R1-35) Single-family Residential Zoning District - 35,000 square feet per dwelling unit, to read as follows:

Sec. 1.33 (RI-35) Single-family Residential Zoning District - 35,000 square feet per dwelling unit.

A. *Permitted Uses:*

10. RESIDENTIAL DAY CARE, SUBJECT TO THE RESTRICTIONS SET FORTH IN SUBSECTION 2.67 (RESIDENTIAL DAY CARE).

The Unified Land Development Code of the Town of Gilbert, Arizona, is hereby further amended by amending Chapter 1 Land Use Designation, Article I Zones (District Classifications), Section 1.39 (R1-5) Single-family Residential Zoning District - 5,000 square feet per Dwelling Unit, to read as follows:

Sec. 1.39 (R1-5) Single-family Residential Zoning District - 5,000 square feet per dwelling unit.

* * *

A. *Permitted Uses:*

10. RESIDENTIAL DAY CARE, SUBJECT TO THE RESTRICTIONS SET FORTH IN SUBSECTION 2.67 (RESIDENTIAL DAY CARE).

The Unified Land Development Code of the Town of Gilbert, Arizona, is hereby further amended by amending Chapter 1 Land Use Designation, Article II General Regulations Section 2.6 Specified Uses, by adding new Subsection 2.67 Residential Day Care, to read as follows:

2.67 Residential Day Care

RESIDENTIAL DAY CARE USES SHALL COMPLY WITH THE REQUIREMENTS FOR HOME OCCUPATIONS, EXCEPT AS MODIFIED BY THIS SUBSECTION.

- A. THE RESIDENTIAL DAY CARE USE SHALL NOT CHANGE THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD.
- B. THE RESIDENTIAL DAY CARE USE SHALL COMPLY WITH APPLICABLE STATE OF ARIZONA, DEPARTMENT OF HEALTH SERVICES LICENSING REQUIREMENTS.
- C. ONE EMPLOYEE NOT RESIDING IN THE DWELLING UNIT IS PERMITTED AT ANY ONE TIME.
- D. NO IDENTIFICATION FROM A PUBLIC STREET BY SIGNAGE, GRAPHICS, DISPLAY OR OTHER VISUAL MEANS IS PERMITTED EXCEPT AS PROVIDED IN SECTION 3.5 OF THIS CODE.

ALL OUTDOOR RECREATION AREAS SHALL BE COMPLETELY SCREENED AND ENCLOSED BY A SIX-FOOT HIGH SOLID MASONRY WALL WITH SOLID SELF-CLOSING AND SELF-LATCHING GATES.

- F. NO EXISTING GARAGE, CARPORT STRUCTURE, OR DRIVEWAY SHALL BE EXPANDED, ENCLOSED, DISPLACED, OR OTHERWISE MODIFIED FOR THE PURPOSE OF ACCOMMODATING THE RESIDENTIAL DAY CARE USE.
- G. ANY 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.
- H. NO RESIDENTIAL DAY CARE USE SHALL BE CONDUCTED ON THE SAME STREET WITHIN

14. THREE HUNDRED (300) FEET OF ANOTHER
RESIDENTIAL DAY CARE USE, MEASURED FROM
THE NEAREST PROPERTY LINES OF THE
RESIDENTIAL DAY CARE USES;

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 7th day of September 2004, by the following vote:

AYES: Berman, Skousen, Crozier, Morrison, Petersen, Presmyk, Urie

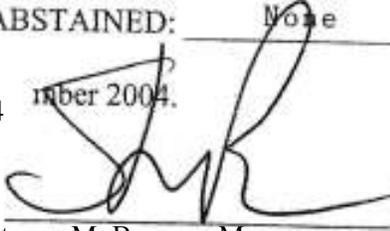
NAYES: _____None_____

ABSENT: _____None_____

EXCUSED: None

ABSTAINED: None

APPROVED this 7th day of September, 2004

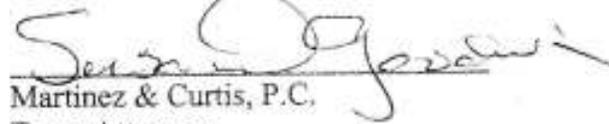
September 2004.


Steven M. Berman, Mayor

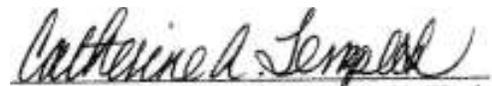
ATTEST:


Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:


Martinez & Curtis, P.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 1592 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 7TH DAY OF SEPTEMBER 2004, WAS POSTED IN THREE PLACES ON THE 10TH DAY OF SEPTEMBER 2004.


Catherine A. Templeton, Town Clerk

ORDINANCE NO. 1499

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF GILBERT ARIZONA, AMENDING CHAPTER II DEVELOPMENT STANDARDS BY ADOPTING NEW ARTICLE XI-B GATEWAY AREA RIGHT -OF- WAY IMPROVEMENT STANDARDS AND STREETS CAPE DESIGN GUIDELINES RELATED TO STREET RIGHTS-OF-WAY, INTERSECTIONS, LANDSCAPE BUFFER EASEMENTS AND STREETScape ELEMENTS FOR DEVELOPMENT PROPOSED WITHIN THE TOWN OF GILBERT GATEWAY AREA AND BY ADOPTING BY REFERENCE THAT DOCUMENT ENTITLED "GATEWAY AREA RIGHT-OF-WAY IMPROVEMENT STANDARDS AND STREETScape DESIGN GUIDELINES" DATED JULY 18,2003; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, that certain document "Gateway Area Right-of-Way Improvement Standards and Streetscape Design Guidelines" dated July 18,2003, three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk; and

WHEREAS, the Town has the authority to regulate aesthetics by virtue of its zoning powers; and

WHEREAS, the Town Council, by adoption of the General Plan, directed staff to develop a streetscape theme emphasizing Gilbert's agricultural heritage to be used when reviewing development proposals within the Gateway Area; and

WHEREAS, the staff worked closely with major land owners within the Gateway Area and members within the development community to create the Gateway Area Right-of Way Improvement Standards and Streets cape Design Guidelines; and

WHEREAS, the Gateway Area Right-of-Way Improvement Standards and Streetscape Design Guidelines (1) provide notice to the development community of the minimum level of design quality the Town expects and will approve for developments within the Gateway Area, (2) establish standards and guidelines for use by the Town when reviewing applications for developments within the Gateway Area, (3) provide direction to Town staff in the review and processing of applications for projects within the Gateway Area, and (4) develop a Gateway Area streetscape theme to emphasize Gilbert's agricultural heritage; and

WHEREAS, the Council determines that the adoption of the "Gateway Right-of Way Improvement Standards and Streetscape Design Guidelines" will greatly assist in the orderly development and thematic continuity within the Town of Gilbert Gateway Area and is in the Town's best interest.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

1. Unified Land Development Code, Chapter II Development Standards shall be amended by adding new Article XI-B to read as follows:

ARTICLE XI-B. GATEWAY AREA RIGHT-OF-WAY IMPROVEMENT
STANDARDS AND STREETScape DESIGN GUIDELINES

11.1 Purpose

This article is intended to (1) provide notice to the development community of the minimum design standards and guidelines the Town expects and will approve for developments within the Gateway Area, (2) establish standards and guidelines for use by the Town when reviewing applications for developments within the Gateway Area, (3) provide direction to Town staff in the review and processing of applications for projects within the Gateway Area, and (4) develop a Gateway Area streetscape theme to emphasize Gilbert's agricultural heritage.

11.2 Right-of-Way Improvement Standards and Streetscape Design
Guidelines

The Gateway Area Right-of-Way Improvement Standards and Streetscape Design Guidelines attached as Appendix I of this Code shall apply to all development within the Gateway Area. The standards and guidelines shall be used by the Town for review of all development proposals within the Town of Gilbert Gateway Area. The Standards and Guidelines set forth the minimum level of design quality for street rights-of-way, intersections, landscape buffer easements and streetscape elements for arterial, collector and local streets within the Gateway Area. Developments within the Gateway Area are required to comply with these Standards and Guidelines or demonstrate how any proposed deviation will result in an improved design that is beneficial to the citizens of the Town.

2. The Unified Land Development Code of Gilbert, Arizona is further amended by adding Appendix I and adopting as such that public record known as "Gateway Area Right-of-Way Improvement Standards and Streetscape Design Guidelines" dated July 18, 2003, which is hereby referred to, adopted and made a part hereof as though fully set forth in this Ordinance.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.
Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 22nd day of July 2003, by the following vote:

AYES: Berman, Morrison, Crozier, Presmyk, Skousen

NAYES: None 16.

ABSENT: Petersen, Urie

EXCUSED: None

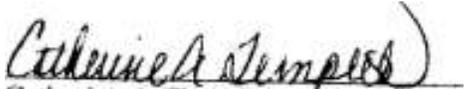
ABSTAINED: None

APPROVED this 22nd day of J

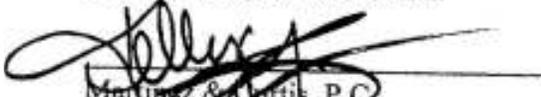
uly 2003.

Steven M. Berman, Mayor

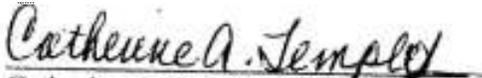
ATTEST:


Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:


Martinez & Curtis, P.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 1499 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 22ND DAY OF JULY 2003, WAS POSTED IN THREE PLACES ON THE 25TH DAY OF JULY 2003 .


Catherine A. Templeton, Town Clerk

