

Land Development Code User's Guide

Introduction

The Town of Gilbert Land Development Code (LDC) contains the Town's zoning and subdivision regulations, design standards and guidelines. Together, these provisions comprise most of the Town's regulations and requirements for the development and use of private and public land, buildings, and structures within the Town. Annexation procedures are also established for bringing real property into the Town. The LDC has been separately adopted and is not physically part of the Gilbert Municipal Code, which includes additional requirements for building construction, and other aspects of development and land use.

The LDC is a regulatory document. Because it is not meant to be read from cover to cover, it is organized so that users can easily find the specific information needed. The list of chapters, divisions, articles, and sections in the table of contents is therefore very important, as are the section listings at the beginning of each article. Later portions of this guide describe two different methods for using the Development Code to find answers to commonly asked questions. Depending on the user's particular objectives, there are many other ways to use the LDC.

This User's Guide to the LDC is intended to provide a basic orientation in the organization and use of the Code and answer some likely questions. The User's Guide is not adopted as part of the LDC, so the information it provides does not supersede or replace any information in the Code itself. To find the Town's actual requirements for land use and development, it is necessary to consult the LDC and any other applicable provisions of the Engineering Standards and Details and the Gilbert Municipal Code.

Organization of the Land Development Code

The LDC contains 3 chapters. Chapter I: Zoning Regulations, Chapter II: Design Standards and Guidelines, and Chapter III: Subdivision Regulations. Within each chapter, the LDC groups together into divisions all of the regulations that cover related topics. These divisions are then grouped into articles. The following summaries describe the contents of each chapter of the LDC.

CHAPTER I: ZONING REGULATIONS

1. General Provisions

Division 1: General Provisions establishes the overall organization of the LDC; it also includes general rules that explain how the land use regulations and development standards apply to land

within the Town, rules for measurement, rules of transition, and rules for interpretation of the Zoning Code text and the Zoning Map.

2. Land Use Designations

Division 2: Land Use Designations includes use-based zoning districts (for example, single family residential, multi-family residential, commercial, office, heritage village center, employment and public facility/institutional districts). The provisions of Division 2 explain the purpose and permitted uses of property in each of the zoning districts. Tables enumerate the uses permitted and those permitted with an administrative, conditional, or special use permit, limitations on uses within a particular district. Lot development regulations include lot area, dimensions, building height, lot coverage, setbacks, and parking. Additional development regulations and additional use regulations are also included.

3. Overlay District Regulations

Division 3: Overlay District Regulations allows for creation of Planned Area Development (PAD) overlay districts to modify base district regulations, to permit unique or mixed-use development, to permit higher density needed for affordable or senior housing and congregate living facilities, to create a Protected Development Rights Plan, to modify zoning regulations for signs in the Heritage District and Gateway Character Area, or to modify building height regulations for noise sensitive uses in nonresidential areas. Division 3 also includes overlay districts which establish additional rules that apply only in critical areas identified in the General Plan. These include the Santan Freeway corridor and the Williams Gateway Airport Overflight Area.

4. General Regulations

Division 4: General Regulations contain provisions pertaining to site regulations, off-street parking and loading, landscape, signs, supplemental uses, non-conforming uses, parcels, structures and signs, wireless communication facilities, over-the-air reception devices, large satellite dishes, satellite earth stations, and amateur radio facilities. Specific rules are also included to regulate certain uses regardless of where they occur, such as drive-through businesses, religious assembly, and temporary uses.

5. Administration

Division 5: Administration provides for administration of the LDC. It sets forth the responsibilities of all of the bodies and officials who make land use decisions, including the Town Council, Planning Commission, Board of Adjustment, Director of Planning, Zoning Administrator, Zoning Hearing Officer, Design Review Board, Redevelopment Commission, Code Compliance Manager, and Civil Hearing Officer. It establishes detailed procedures for application for zoning changes, fees and fines, pre-application review, neighborhood meetings, notices of public hearings, public hearing procedures, findings required, administrative procedures, ex-parte communications, final decisions, and procedures for appeals of zoning

decisions. Specific procedures are also set forth for reviewing and acting on administrative, conditional and special use permits, conducting design review of buildings and sites, obtaining variances and other forms of relief from Zoning Code requirements, amending the General Plan, the text of the Zoning Code and the Official Zoning Map, annexing real property into the Town, appeals of decisions under the Code, and enforcement of Code requirements.

6. Use Definitions

Division 6: Use Definitions contain definitions of all uses regulated in the LDC.

CHAPTER II: DESIGN STANDARDS AND GUIDELINES

Unlike zoning regulations, design standards and guidelines express Town preferences for development, but may be applied to projects with greater flexibility than zoning regulations. Design standards and guidelines, which the Town has adopted, are used by Town officials and staff during the development review process as additional criteria for project review.

Design standards and guidelines may be applied to specific projects with some flexibility, because not all design criteria may be practical or appropriate for each project. In some circumstances, a guideline may be relaxed in order to accomplish another guideline that the Town determines is more appropriate in the specific case. The overall objective is to ensure that the intent and spirit of the design standards and guidelines are followed, and to attain the best possible design.

CHAPTER III: SUBDIVISION REGULATIONS

Chapter III: Subdivision Regulations establishes procedures in the regulation of land division within the Town including submittal and procedural requirements for subdivision approval and methods of assurances for subdivision improvements. Procedures are also included for the vacation of streets and easements where they are no longer needed, dedication of right-of-way and easements, appeal procedures, and improvement standards.

GLOSSARY OF GENERAL TERMS

The LDC has been written in "plain English" style and the meaning is intended to be clear as read. However, it is also a legal document and because of the need for technical terms with specific meanings, the LDC also provides guidance on how specific terms are used. The Glossary of General Terms defines words that have a specific meaning in the LDC. Article 1.1: Title and Purpose contains other information on how terms are used in the development code.

FORMAT OF THE LAND DEVELOPMENT CODE

Outline

The format of the LDC is similar to the layout of the Gilbert Municipal Code in that the article and section numbers use an expandable decimal numbering system. Each *chapter* of the LDC is divided into *divisions*, which are separated into *articles*. Articles divide into *sections* and *subsections*. The format of chapters in the LDC is shown in the following example.

Chapter I: Zoning

Division 1: Division

Article 1.1: Name

Section 1.101: Name

- A. Subsection
 - 1. Subsection
 - a. Paragraph
 - (1) Subparagraph
 - i Subparagraph

References, Citations

Provisions of the Land Development Code often include cross-references to other parts of the Code, other Town documents, and requirements of Arizona Revised Statutes (ARS) that relate to the particular Code section where the cross-reference appears. Cross-references and citations of other documents are handled as follows.

Outside of the Same Section. Cross-references include the applicable Chapter, Article, or Section number, followed by the name of the Chapter, Article, or Section (e.g. Article 2.1: Single Family Residential Districts). When a cross-reference is to text outside of the same section being referenced, the cross-reference starts with the Section number (e.g. 2.201) and continues to the appropriate level for the reference. For example, 2.201B.2a refers to Subsection B.2a of Section 2.201. References within the same Chapter only reference the Article and/or Section number while references to another Chapter include the Chapter and appropriate Article or Section number. The terms Chapter, Article, and Section are used if the reference is to an entire Chapter, Article, or Section.

External Documents. Provisions of State law that are cited in the LDC are referenced by either individual or multiple section numbers (e.g., "ARS Section (§) 9-463," etc.). The reference may include the abbreviation "et seq." (the Latin "et sequitur," which means "and following") when also referring to all following sections that are relevant to the reference. For example, "ARS § 9-463 et seq." refers to Section 9-463 of the Arizona Revised Statutes, and all the following sections of the Statute that relate to the same topic.

Availability of Cited Documents. Any external document referenced or cited in the Gilbert Land Development Code, including the Gilbert General Plan, Gilbert Municipal Code, Arizona Revised Statutes, and others, is available for review at the Gilbert Community Development offices.

Using the Development Code

This part of the User's Guide addresses two questions:

- How to determine the zoning regulations and standards for a specific site; and
- How to determine where a specific use may locate in the Town.

DETERMINING THE ZONING REGULATIONS FOR A SPECIFIC SITE

To determine the zoning regulations applicable to a specific property, the site must first be located on the Official Zoning Map. The Official Zoning Map, which is published separately, will show the zoning classification of the site, and whether the site is subject to any overlay zoning districts. After determining the zoning of the property, use the Land Development Code to look up all the corresponding requirements and regulations.

Permitted Uses and Development Standards.

Refer to Division 2: Land Use Designations under the applicable zoning district to determine which land uses are permitted on the property. Article 2.1 covers the single family residential zoning districts, Article 2.2 multi-family residential zoning districts, Article 2.3 commercial zoning districts, and so on. These zoning districts are referred to as base zoning districts.

Each article contains tables listing land uses permitted in each zoning district. Where the LDC provides unique standards and requirements for a particular land use (e.g., home occupations, residential day care, etc.), these tables also list the Code section where the additional development regulations can be found.

Additional tables describe the basic standards for development in each zoning district such as the minimum lot size, maximum site coverage, minimum setback requirements, and the maximum height for proposed structures. The tables also indicate where to look within the base district regulations or other parts of the LDC to find additional regulations that may apply to the proposed use. For example, someone looking for the requirements applicable to commercial

developments will find references to Article 4.2: Off-Street Parking and Loading Regulations and Article 4.3: Landscape Regulations.

In some cases, a property in a particular base zoning district may also have an overlay zoning district applied to the property that can limit the land uses or establish development regulations different from those normally permitted. For example, a site in the SF-7 (Single Family Residential) zoning district could also be designated within the Williams Gateway Airport Overlay District. The provisions of the overlay district apply in addition to those of the base zoning district.

Additional Development Standards.

It is also important to review Division 4: General Regulations to find the remaining development standards that apply to specific uses in addition to those established for each base zoning district in Division 2: Land Use Designations. Each article in Division 4: General Regulations applies to all development and new land uses within the Town, depending upon the specific land use proposed, the characteristics of the particular site and its location. The tables contained in the articles within Division 2: Land Use Designations will direct users to the particular articles in Division 4: General Regulations that may be applicable.

DETERMINING WHERE A SPECIFIC USE MAY LOCATE

Using the Tables. To find out in which base zoning districts a specific use may locate, first review the tables titled "Land Use Regulations" in the various base zoning district articles of Division 2: Land Use Designations. Use the tables by first finding the general type of land use in the left column, and then look down the alphabetical list of specific uses to find your use. If you do not readily find the proposed use, try to find a use that looks similar, or appears to generally describe your use, and then look up the use definition of the use in Article 6.1: Use Definitions. If your use is not listed in the tables for a particular zoning district, it is prohibited in that zoning district.

Each of the middle columns in the tables covers one zoning district, and the rows in the tables corresponding to each land use show whether a particular use may be permitted in the zoning district, and reference to any limitations for the use. A key at the bottom of each table explains the limitations for the use.

The right column of the tables shows whether any additional regulations apply to the particular land use and directs the user to other sections or articles of the Code where special requirements or standards are specified.

Using the Official Zoning Map. A user who has already identified a possible location for the proposed use should first consult the Official Zoning Map to find out the base zoning district that applies to the property and then look for the article that includes base district regulations for the specific residential, commercial, employment, or other zoning district that applies to the property.

Checking Overlay Zone Requirements. As previous mentioned, a property in a particular base or primary zoning district may also have an overlay zoning district applied to the property that can limit the land uses normally allowed. The provisions of the overlay district apply in addition to those of the base zoning district.

For more information, contact the Planning Department at 480-503-6701 or planning@gilbertaz.gov .