### ORDINANCE NO. 1760

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, APPROVING THE DEVELOPMENT PLAN FOR THE GILBERT COMMUNITY CENTER PLANNED AREA DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF GILBERT BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONSISTING OF APPROXIMATELY 2.5 ACRES, LOCATED AT THE SOUTHWEST CORNER OF PARK AVENUE AND OAK STREET, IN ZONING CASE Z06-59 FROM TOWN OF GILBERT SINGLEFAMILY – 6 (SF-6) TO TOWN OF GILBERT PUBLIC FACILITY/INSTITUTIONAL (PF/I) WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES

WHEREAS, by adoption of this Ordinance, the Town Council desires to modify base zoning district regulations to implement policies in the General Plan and the Heritage District Plan to permit unique signage requirements for signs in the Heritage District consistent with the historic nature of the Gilbert Downtown area.

WHEREAS, all required public notice has been provided and all required public meetings and hearings have been held in accordance with applicable state and local laws; and

WHEREAS, the proposed amendment conforms with the Town of Gilbert General Plan, any applicable specific area plan, neighborhood, or other plan, and any overlay zoning district;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

#### Section I. In General.

- 1. The Gilbert Community Center Planned Area Development Plan, defined herein and attached hereto as Exhibit 1, is hereby approved.
- 2. The Official Zoning Map of the Town of Gilbert, Arizona, is hereby amended by changing the zoning classification of property consisting of approximately 2.5 acres located at the southwest corner of Park Avenue and Oak Street from Town of Gilbert Single Family Residential 6 (SF-6) to Town of Gilbert Public Facility/ Institutional (PF/I) with a Planned Area Development Overlay Zoning District, in accordance with the Development Plan, as defined in Paragraph 3 herein.

- 3. The following definitions shall apply:
  - a. "Project" shall mean the Gilbert Community Center PAD containing approximately 2.5 acres, located at the southwest corner of Park Avenue and Oak Street.
  - b. "Development Plan" shall mean that certain document submitted pursuant to Section 3.104 of the Land Development Code (LDC), as follows:
    - Exhibit 1: Zoning Exhibit of the Gilbert Community Center Planned Area Development, dated March 9, 2006, attached hereto.
- 4. The Property described in Paragraph 1 of this Section shall be developed n accordance with the Development Plan filed with the Town pursuant to Section 3.104 of the Land Development Code of the Town of Gilbert. Development of the Property shall be conditioned upon conformance with the Development Plan and shall be subject to the following conditions:
  - a. The Project shall be developed in conformance with the Town's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except development standards permitted as follows:

Development Standard:	Proposed Development with PAD:
Minimum Front Yard Building Setback (LDC – 2.703)	5-feet (East)
Minimum Front Yard Landscape Setback (LDC – 2.703)	5-feet (East)
Minimum Side Yard Building Setback (LDC – 2.703)	15-feet (North)
Minimum Side Yard Landscape Setback (LDC – 2.703)	10-feet (North)
8' High Solid Screen Wall Requirement (LDC – 4.109.D)	8' high solid screen fence between Public Facility/Institutional adjacent to a Single or Multi-family Residential Zoning District shall not be required.

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## Section II. <u>Providing for Repeal of Conflicting Ordinances.</u>

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 Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class 1 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 23rd day of May, 2006, by the following vote:

AYES: Berman, Crozier, Krueger	, Morrison, Presmyk, Skousen, Urie
NAYES: None	ABSENT: None
EXCUSED: None	ABSTAINED: None
APPROVED this 23 <sup>rd</sup> day of May 2006.	
ATTECT: 4	Steven M. Berman, Mayor
Catherine A. Templeton, Town Clerk	
APPROVED AS TO FORM:  Curtis, Goodwin, Sullivan, Udall, & Schwab,	P.L.C.
Town Attorneys By	
I CATHERINE A TEMPLETON TOWN (	T.ERK DO HEREBY CERTIFY THAT A TRUE

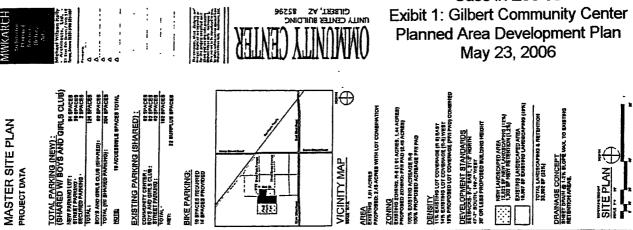
AND CORRECT COPY OF THE ORDINANCE NO. 1760 ADOPTED BY THE

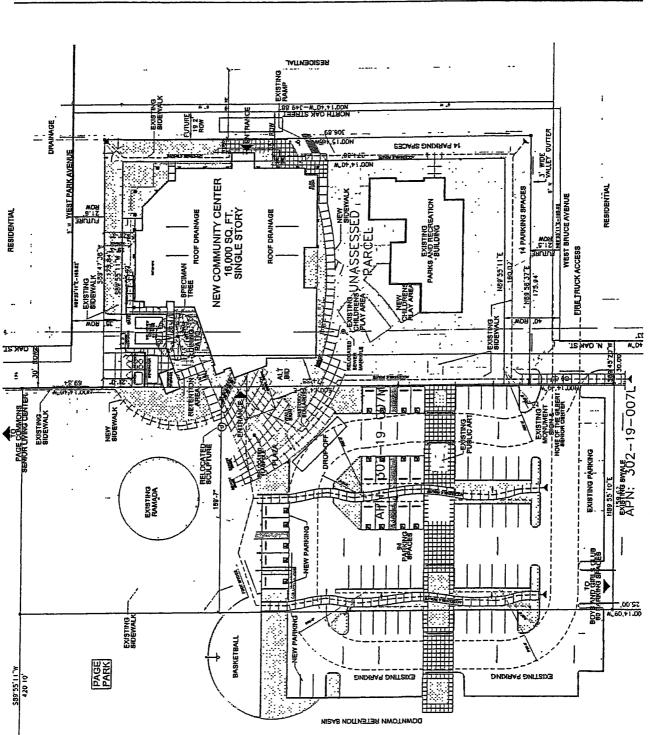
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COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 23<sup>rd</sup> DAY OF MAY 2006, WAS POSTED IN THREE PLACES ON THE 26<sup>th</sup> DAY OF May 2006.

Catherine A. Templeton, Town Clerk
F.\S78\-08 Zoning\Documents\Z06-59 Gilbert Community Center PAD Ordinance doc

**Exibit 1: Gilbert Community Center** Planned Area Development Plan





#### FINDINGS of FACT

## **Z06-59: GILBERT COMMUNITY CENTER PAD**

- 1) The proposed zoning amendment conforms to the General Plan, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district; and
- 2) The amendment will not be detrimental to public health, safety, and general welfare of persons living or working in the surrounding area or to the general welfare of the Town as a whole; and
- 3) All required public notice has been conducted in accordance with applicable state and local laws; and
- 4) All required public meetings and hearings have been held in accordance with applicable state and local laws.

When recorded mail to:

Town of Gilbert

Town Clerk

50 East Civic Center Drive

Gilbert AZ 85296

OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER HELEN PURCELL 20100169114 03/01/2010 02:26 N ELECTRONIC RECORDING Gilbert498-6-1-1--

This area reserved for County Recorder

# **CAPTION HEADING**

Ordinance Number 1760

Zoning Z06-59

## DO NOT REMOVE

This is part of the official document.

## Ordinance No. 1760

Exhibit 1 which was adopted with and is incorporated into Ordinance No. 1760 is available for viewing in the Office of the Town Clerk, Town of Gilbert, 50 East Civic Center Drive Gilbert AZ 85296.

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Exhibit 1 Zoning Exhibit