



Development Services
Department
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www.gilbertaz.gov

Rezoning Application & Process Guide

Town of Gilbert
Planning Services Division

<http://www.gilbertaz.gov/departments/development-services/planning-development>

Rezoning Application Procedures

The following information is provided to assist in the preparation and submittal of an application for a Rezoning of a property within the Town of Gilbert. The rezoning request will be heard by the Planning Commission and the final decision will be made by the Town Council.

Pre-Application Review Process

Prior to filing an application for a Rezoning, the applicant must complete the Pre-Application review and Neighborhood Meeting process. Forms and instructions for the Pre-Application review and Neighborhood Meeting are available through the Development Services Department or on the following Town's website:

(<http://www.gilbertaz.gov/departments/development-services/planning-development>)

1. The Pre-Application process, including the Neighborhood meeting, takes approximately three weeks.

2. ***Application Completeness***

For an application to be accepted, the Applicant must provide all of the required information described on the submittal checklist, as incomplete applications **will be** rejected. Ensuring the accuracy of the application is the responsibility of the Applicant.

3. ***Forms/Review***

a. Administrative Completeness Review (see Planning Division Project Review Timelines): Staff will review the application to make sure all required documents and information have been included. If required information is missing, Applicant will be notified that the application has been rejected until all required information is submitted. If the application is rejected, upon resubmittal, a new Administrative Completeness Review will be required.

b. Substantive Review (see Planning Division Project Review Timelines): When complete, the application will be routed to Town staff and affected agencies for review and comment. After this review is completed, the comments are consolidated and returned to the Applicant. The Applicant is responsible for addressing staff comments, revising and amending the application as required, and submitting a complete set of revised plans for a second review to ensure all comments have been addressed to the satisfaction of the Town. If all comments have been adequately addressed, the legislative process will begin by scheduling the rezoning for a public hearing before the Planning Commission.

c. If all comments and issues identified in the Substantive Review have not been addressed to the satisfaction of Staff in the resubmission, the application will be denied. In lieu of denial, the Applicant may, either in writing or electronically, agree to allow Gilbert to submit supplemental requests for additional information. If Gilbert issues a comprehensive written or electronic request or a supplemental request, the Substantive Review timeframes are suspended until the additional information is submitted by the Applicant.



4. **Neighborhood Notice** – The Town will prepare the Notice of Public Hearing for the Rezoning and provide a copy to the applicant. For each required public hearing the applicant must mail the Notice of Public Hearing by first class-mail at least fifteen (15) calendar days prior to the date of the hearing to the following:
 - a. All property owners of record within three hundred (300) feet of the site, unless the site is located within the General Plan Santan Character Area, in which case property owners within six-hundred sixty (660) feet are to be notified;
 - b. All Homeowners Associations within one thousand (1,000) feet of the site registered with the Town of Gilbert Neighborhood Services Office, the Arizona Corporation Commission or identified on the Maricopa County Assessor’s website (www.maricopa.gov/assessor);
 - c. All neighborhoods within one thousand (1,000) feet of the site registered with the Town of Gilbert Neighborhood Services Office;
 - d. To the owner, if the application is initiated by a person other than the owner; and
 - e. Any person or group who has requested notice in writing.

The Planning Manager may expand the notification area set forth in this section if it is determined that the potential impact of the project extends beyond the required notification boundary. The applicant must submit a signed affidavit of mailing prior to public hearing. Failure of the applicant to provide evidence of mailing will result in a postponement of the public hearing item. The applicant may be charged a fee for the postponement.

5. **Property Posting (Sign)**

The Town will prepare the Notice of Public Hearing Sign Template for the Rezoning and provide a copy to the applicant. Signs must be posted at least fifteen (15) calendar days prior to the date of each public hearing. The applicant is responsible for posting the signs on the property, subject to the following specifications and requirements:

- a. Posting, maintenance, and removal of sign(s) are the responsibility of the applicant. The applicant must remove all sign(s) within ten (10) days following the public hearing. If the sign(s) is not removed on time, the Town will remove the signs and may charge the applicant a removal fee;
- b. The applicant must submit a signed and dated affidavit of posting, and color photos of the posted sign(s) prior to the public hearing; and
- c. Failure of the applicant to provide evidence of posting will result in a postponement of the public hearing. The applicant may be charged a fee for the postponement.

6. **Staff Reports**

After the staff comments have been addressed and the project has been scheduled for the public hearings, the Planning Division will prepare reports describing and evaluating the proposed project and making recommendations to the Planning Commission and Town Council. Copies of the staff reports will be made available to the public and sent to the applicant prior to each public hearing.

7. **Planning Commission Hearing**

The project may be scheduled for a Study Session with the Planning Commission the month before it is scheduled for a public hearing. Regular Planning Commission hearings occur on the first Wednesday of each month at 6:00 p.m. Regular meetings are held at the Municipal Center in the Council Chambers, 50 E. Civic Center Drive, although



special meetings may be held at a different location. The applicant or a project representative must be present at the hearing. The Commission will provide a recommendation to the Town Council.

8. Town Council Hearing

Town Council hearings occur on Thursdays of each month at 7:00 p.m. and are held at the Municipal Center in the Council Chambers, 50 E. Civic Center Drive. Please refer to the Town website www.gilbertaz.gov for published meeting dates. The applicant or project representative must be present at the hearing. The Town Council will make the final decision regarding the application. The Ordinance approving the project will become effective 30 days after the ordinance is signed by the Mayor, usually the day following the Council action.

9. Inactive Cases

All applications are required by the Land Development Code to be actively pursued to a decision. If no activity has occurred on an application for 180 days, the application will be determined to be inactive, deemed to be withdrawn and the file will be closed. The applicant may submit a written request that the application remain active, with an explanation for the inactivity. The Planning Manager may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period.

10. Notice that an applicant may receive a clarification from the municipality of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement as provided in Section 9-839.



Rezoning Application Requests

Rezoning

1. Project Narrative

- Description of proposed zoning districts and uses; and
- Information on how the project complies with the General Plan and any other adopted plans or zoning requirements.

2. Zoning Exhibit

- Legal Description;
- Vicinity Map;
- Scale, north arrow, and dimensions;
- Proposed zoning district boundaries;
- Adjacent rights-of-way and easements showing existing and future improvements;
- Location of public utilities;
- Adjacent zoning districts and adjoining lot lines within 300 feet;
- Uses and structures on adjacent parcels within 300 feet;
- Project Data Table:
 - Gross and net acres;
 - Current and proposed Zoning District(s) and General Plan Classification(s); and
 - Percent of total acreage in each zoning district (gross & net).

3. Development Phasing Plan (if applicable)

- Parcels designated with each phase;
- Off-site and On-site improvements with each phase; and
- Open space areas with each phase.

4. Traffic Impact Study (if applicable)

-OR-

Rezoning with PAD Overlay

1. Project Narrative

- Description of proposed zoning districts and uses;
- Justification for proposed zoning deviations and standards; and
- Information on how the project complies with the General Plan and any other adopted plans or zoning requirements.

2. Zoning Exhibit/Development Plan

- Legal Description;
- Vicinity Map;
- Scale, north arrow, and dimensions;
- Proposed zoning district boundaries;
- Adjacent rights-of-way and easements showing existing and future improvements;
- Location of proposed public and private streets;



- Location of public uses proposed, including schools, fire stations;
- Location of parks, playgrounds, trails, and other recreational facilities;
- Preliminary drainage;
- Location of public utilities;
- General layout of non-residential zoning districts;
- Layout and densities (based on gross acreage) for residential zoning districts;
- Adjacent zoning districts and adjoining lot lines within 300 feet;
- Uses and structures on adjacent parcels within 300 feet;
- Project Data Table:
 - Gross and net acres;
 - Current and proposed Zoning District(s) and General Plan Classification(s);
 - Percent of total acreage in each zoning category (gross & net);
 - Development standards (i.e. setbacks, height, lot coverage, lot dimensions) showing both proposed and existing standards;
 - Number of dwelling units (Residential only);
 - Approximate square footage of proposed non-residential uses; and
 - Open space/landscape retention areas and percentages.

3. Development Phasing Plan (if applicable)

- Parcels designated with each phase;
- Off-site and On-site improvements with each phase; and
- Open space areas with each phase.

4. Traffic Impact Study (if applicable)





Rezoning Application

Pre-Application # _____

Project Name: _____
(Submit Project Name Change form and fee for name change)

Address or Location: _____

Request: Conventional PAD Overlay PAD Amendment - Standards PAD Amendment - Other

Request Summary: _____

Current Zoning District: _____ Proposed Zoning District: _____

Tax Parcel Numbers: _____

Gross Acres: _____

General Plan Character Area: (if applicable) Santan Gateway Heritage District Morrison Ranch

Overlay Zoning District: Santan Freeway Corridor Phx/Mesa Gateway Airport Vertical

Property Owner: (Please print - all information must be provided)

Name (print): _____ E-mail: _____
Address: _____
City, Zip: _____
Phone: _____ Fax: _____
Signature*: _____ Date: _____

* A letter of authorization from the property owner is required if the application is not signed by the owner.

Applicant/Contact: (Please print - all information must be provided)

Company: _____
Contact Name: (print) _____ E-mail: _____
Address: _____
City, Zip: _____
Phone: _____ Fax: _____
Signature: _____ Date: _____

For Staff Use Only		
Submittal Date _____	Case Number _____	
Fee Paid _____	EDEN Permit Number _____	
Receipt Number _____	EDEN Permit Type	PZN





A.R.S. § 9-843. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.



Rezoning Checklist

Required Materials

Applicant
Checklist Staff
Verification

PDF copy on disk of ALL required items on checklist with images formatted no larger than **11" x 17"**, saved in a **single layer with no write protection**

Submit hard copy of ALL required items below:

Application.....

Fee (see Planning fee schedule).....

Project Narrative.....

Proposition 207 Waiver Form with required Exhibits:

- Exhibit A – Title Report.....
- Exhibit B – Legal Description & Map of Site.....
- Exhibit C – Requested action setting forth any modifications, changes, deletions, or additions

Pre-Application meeting comments.....

Response to Pre-Application meeting comments.....

Non-Per Capita Water Conservation Form.....

Traffic Impact Analysis (if required by Traffic Engineer).....

6 copies Neighborhood Environmental Design Analysis (Required for all noise sensitive uses located in the Santan Freeway Overlay District).....

Legal Description (Metes and bounds description required for unplatted property) including total gross acreage, sealed and signed by a registered engineer or surveyor (8.5" x 11") and on disk.....

Maricopa County Assessor Parcel Map (8.5" x 11") (Highlight project area and provide parcel numbers).....

Documentation of the Neighborhood Meeting including:

A typed listing of persons that attended the meeting including their names, addresses, and telephone numbers.....

Minutes of the meeting addressing neighborhood concerns, topics discussed, and how the applicant addressed such concerns.....

Copy of the letter notifying property owners of the meeting.....



ALTA Survey (Required for undeveloped properties):

1 copy (11" x 17") laser print copy to scale. ALTA Survey must be within last 12 months.....

Zoning Exhibit

1 copy (11" x 17") laser print copy to scale.....

Development Plan (Required for PAD Overlay only):

1 copy (11" x 17") laser print copy to scale.....

Phasing Plan (if applicable)

1 copy (11" x 17") laser print copy to scale.....

Neighborhood Notice

A parcel map highlighting properties within 300 feet, or 660 feet for properties in the Santan Character Area. Homeowners Associations and neighborhoods within 1,000 feet of the property of the site.....

Typed names and addresses of all property owners identified on highlighted parcel map.....



**TOWN OF GILBERT
NPCCP WATER CONSERVATION FORM
FOR
ALL REZONING APPLICATIONS**

In Accordance with the Town of Gilbert Code Ch. 66 Article VIII

Type of Rezoning: P.A.D. Conventional

Project Name: _____

Project Location: _____

1. Proposed development size: _____ acres

2. Proposed landscape watering sources:

RWCD SRP Potable

Reclaimed Water Other _____

3. Expected date construction of development to begin: _____

Contact Name: _____

(Please Print)

(Title)

Company: _____

Mailing Address: _____

Phone Number: _____

Today's Date: _____

**Additional information regarding water sources and water conservation will be required
throughout the planning process**

***SUBMIT THE COMPLETED FORMS ALONG WITH THE FORMAL APPLICATION
PACKET***

For questions contact Haley Paul, Water Resources Coordinator **480-503-6896**

FOR STAFF USE ONLY

Submittal Date _____	Case Number _____
EDEN Permit Number _____	

Project No. _____

TOWN OF GILBERT

AGREEMENT TO WAIVE CLAIMS FOR DIMINUTION IN VALUE

PURSUANT TO A.R.S. § 12-1134

I/We, _____, (“Owner”) am/are all of the owner(s) of real property (“Property”) generally located at _____, consisting of approximately ___ acres, as shown in the evidence of ownership (*Exhibit A*) and is legally described and shown on the map in *Exhibit B*, both of which are attached to this Agreement.

The Property is subject to the land use laws of the Town of Gilbert, Arizona. For purposes of this Waiver, “land use law” shall be defined as set forth in A.R.S. § 12-1136.

I/We have requested that the Town take/approve the land use action (“Requested Action”) as set forth in *Exhibit C*, which is attached to this Agreement.

I/We acknowledge that as the request is processed for approval, changes may be made to the details and requirements for approval of the request. Some of these changes may materially alter the request, so that the final approval may be substantially different than originally requested. I/We understand and agree that execution of an additional waiver will be required for approval if the request is altered.

I/We acknowledge that the Requested Action may alter my/our rights to use, divide, sell or possess our Property, and that, pursuant to A.R.S. § 12-1134, as the owner of property directly regulated by a land use law, I/we may be entitled to compensation from the Town for diminution of value in the property if the action I/we have requested from the Town reduces the fair market value of the above described property.

By signing this Agreement, I/we hereby agree to waive any and all claims for diminution in value for the Property which may arise pursuant to A.R.S. § 12-1134 as a result of the Town’s actions, including but not limited to approvals, denials or conditions of approvals with respect to the above-described Requested Action.

I/we hereby further understand that the Town is acting in reliance upon my/our representations in this waiver.



