

## **Article 3.5: Vertical Development Overlay Zoning District**

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### **3.501 Purposes**

- A. The purposes of the Vertical Development Overlay Zoning District are to:
- B. Permit mid-rise buildings in the Town within a Vertical Development Overlay Zoning District.
- C. Provide development standards and requirements for mid-rise buildings up to 90' and/or 6 stories by right in Vertical Development Overlay Zoning Districts.
- C. Provide development standards and requirements for applications for mid-rise buildings up to 11 stories if approved by the Council.
- D. Support the vision, goals and policies of the Gilbert General Plan by directing development into identified growth areas and promoting compact development for more efficient use of land.
- E. Encourage a vertical mixture of uses, including complimentary retail, office, employment and residential loft units to create a vibrant urban and sustainable environment.
- F. Mitigate potential neighborhood safety, traffic, parking and resource impacts of taller buildings.

### **3.502 Applicability**

- A. Use and development of land within the Vertical Development Overlay Zoning Districts shall conform to the Base Zoning District regulations and other requirements of the Zoning Code, except as modified by the provisions set forth in this article 3.5 or by another applicable Overlay District.
  - 1. If the development standards of this article conflict with the provisions of a Planned Area Development Overlay District adopted by ordinance prior to September 2, 2008, the provisions of the Planned Area Development shall control.

2. Noise sensitive uses in the Santan Freeway Corridor Overlay District shall comply with Section 3.303 of this Code.
  - B. The boundaries of the Vertical Development Overlay Zoning Districts are set forth on the Official Zoning Map.
  - C. The provisions of this Article shall apply to projects on property located wholly or partially within a Vertical Development Overlay Zoning District. Only that portion of a project located within the Overlay District shall be subject to these standards.

### 3.503 Land Use and Development Regulations

**TABLE 3.503A. BUILDING HEIGHTS & SETBACKS – AREAS 1 & 5**

ZONING DISTRICT	BASE MAXIMUM BUILDING HEIGHT/STORIES	BONUS* MAXIMUM BUILDING HEIGHT/STORIES	BONUS* MAXIMUM BUILDING & LANDSCAPE SETBACK REDUCTIONS	ADDITIONAL REGULATIONS
RC	90’/6	150’/11	50% Of Req’d. In RC District	(A), (B), (C)
GO	90’/6	150’/11	50% Of Req’d. In GO District	(A), (B), (C)
BP	90’/6	150’/11	50% Of Req’d. In BP District	(A), (B), (C)
PF/I	90’/6	150’/11	50% Of Req’d. In PF/I District	(A), (B)

\* Bonus building heights and reduced setbacks may be approved by adoption of a PAD rezoning ordinance setting forth the bonus maximum heights and/or stories or setbacks. See Development/Bonus Matrix in Table 3.503D.

- (A) Base and bonus building heights and reduced setbacks only allowed 200’ or more from property designated for residential uses at less than 14 DU/Acre in the general plan.

- (B) Applications for building permits within Areas 1 and 5 shall include building coordinates and a Federal Aviation Administration determination letter if required per Federal Aviation Regulations Part 77.13 or its successor, if any.
- (C) Base and bonus building heights and reduced setbacks shall not apply to any residential uses within these zoning districts.

**TABLE 3.503B. BUILDING HEIGHTS & SETBACKS – AREA 3**

ZONING DISTRICT	BASE MAXIMUM BUILDING HEIGHT/ STORIES	BONUS* MAXIMUM BUILDING HEIGHT/ STORIES	BONUS* MAXIMUM BUILDING & LANDSCAPE SETBACK REDUCTIONS	ADDITIONAL REGULATIONS
MF/M	56’/4	84’/6	N/A	(A), (B), (D)
GO	90’/6	150’/11	50% OF Reqd. In Go District	(A), (D)
BP	60’/4	75’/5	50% Of Reqd. In BP District	(A), (D)
GVC	90’/6	150’/11		(D)
GBC	90’/6	150’/11		(C), (D)

\* Bonus building heights and reduced setbacks may be approved by adoption of a PAD rezoning ordinance setting forth the bonus maximum heights and/or stories or setbacks. See Development/Bonus Matrix In Table 3.503d. In no case shall any building be constructed such that its height is within 25 feet of or penetrate any airport protected surfaces as defined by Federal Aviation Regulation Part 77 or Aviation Industry Standard One Engine Inoperative (OEI) procedures.

- (A) Base and bonus building heights and reduced setbacks only allowed 200’ or more from property designated for residential uses at less than 14 DU/Acre in the General Plan.
- (B) Bonus building height does not require private or common open space set forth in Section 2.204.
- (C) Refer to Section 2.804B. for additional regulations.

- (D) Applications for building permits within Area 3 shall include building coordinates and a Federal Aviation Administration determination letter if required per Federal Aviation Regulations Part 77.13 or its successor, if any.

**TABLE 3.503C. BUILDING HEIGHTS & SETBACKS – AREAS 2 & 4**

ZONING DISTRICT	BASE MAXIMUM BUILDING HEIGHT/ STORIES	BONUS* MAXIMUM BUILDING HEIGHT/ STORIES	BONUS* MAXIMUM BUILDING & LANDSCAPE SETBACK REDUCTIONS	ADDITIONAL REGULATIONS
RC	75’/5	105’/7	50% Of Req’d. In RC District	(A), (B), (C)
GC	60/4	N/A		(A), (B), (C)
GO	75’/5	105’/7	50% Of Req’d. In GO District	(A), (B), (C)
BP	60’/4	N/A		(A), (B), (C)

\* Bonus building heights and reduced setbacks may be approved by adoption of a PAD rezoning ordinance setting forth the bonus maximum heights and/ or stories or setbacks. See Development/Bonus Matrix in Table 3.503D. In no case shall any building be constructed such that its height is within 25 feet of or penetrate any airport protected surfaces as defined by Federal Aviation Regulation Part 77 or Aviation Industry Standard One Engine Inoperative (OEI) procedures.

- (A) Base and bonus building heights and reduced setbacks only allowed 200’ or more from property designated for residential uses at less than 14 DU/Acre in the general plan.
- (B) Applications for building permits within Areas 2 and 4 shall include building coordinates and a Federal Aviation Administration determination letter if required per Federal Aviation Regulations Part 77.13 or its successor, if any
- (C) Base and bonus building heights and reduced setbacks shall not apply to any residential uses within these zoning districts.

**TABLE 3.503D. DEVELOPMENT/BONUS MATRIX**

Table 3.503D sets forth guidelines for evaluating applications for bonus height and reduced setbacks. The amenities described in the table below are not all-inclusive and are

not intended to permit uses not allowed in the base zoning district. Applicants should consider them as examples of the Town’s expectations. Bonus height and reduced setbacks may be approved when the project demonstrates in the opinion of the Town Council the best mix of uses, the most amenities and desired infrastructure improvements, for the Town.

DESIRED AMENITY	EXPLANATION/NOTES
<u>MIXTURE OF LAND USES</u>	
EATING & DRINKING ESTABLISHMENTS	Eating & drinking establishments are especially desirable when they will extend the hours of evening activities.
HOTELS AND COMMERCIAL LODGING	Hotels provide activity. Hotels with full service restaurants & conference and/or meeting rooms are especially desirable.
OFFICES, GENERAL	Offices shall be located above ground floor level.
RESIDENTIAL, PERMANENT LOFT UNITS	Residential lofts at densities greater than 25 DU/Acre are an especially desirable primary use. Density is calculated only on the residential portion of a mixed use project.
RETAIL SALES, GENERAL	Community-based retail, which serves the needs of the immediate community is a substantial asset and should constitute more than 50 percent of the ground floor level.
<u>URBAN FORM</u>	
SMALL PARCEL SIZE	5 acre maximum parcel size (Net) creates short blocks & greater lot coverage. Assists in integrating the street, lot, and building.
NEW PUBLIC OR PRIVATE STREET(S)	Multiple local streets create an intense & fine-grained network to mitigate traffic and integrate the street, lot, and building.
BELOW-GRADE PARKING STRUCTURE	Below-grade parking is especially desirable for intense employment uses.
<u>DESIGN FEATURES</u>	

GROUND LEVEL PUBLIC PEDESTRIAN PLAZA(S)	Significant, shaded public plazas with the ability to accommodate active uses are desirable. Shading should consist of permanent or solid structures, as well as landscape.
PEDESTRIAN-ORIENTED AMENITIES	Sidewalks and hardscape areas with decorative patterns; pedestrian scale lighting, outdoor seating, sidewalk cafes, planter pots or walls, fountains, tree grates, sculptures, arcades, artwork &/ or awnings.
“GREEN” BUILDING & SUSTAINABLE DESIGN FEATURES	Green buildings, LEED certified, including active and passive solar design, passive cooling, cool pavement and cool roofing are environmentally sound methods to achieve sustainable development.
BUILDINGS ARE ARTICULATED & DETAILED, WITH CHANGES IN MASSING	Design quality is highly desirable. Buildings must display vertical and/ or horizontal articulation and break down mass into human scale.
MINIMAL REFLECTIVITY & GLARE	Windows and other reflective elements on taller buildings should minimize the visual impact on nearby uses.
SOLAR SHADING	Staff may require submittal of a solar study showing that a building will not significantly increase solar shading of adjacent land.