

Article 2.3 Commercial Districts

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2.301 Purposes

The purposes of commercial districts established in this article are to:

- A. Provide for a range of commercial uses at appropriate scales and locations;
- B. Encourage quality and variety in building and landscape design;
- C. Ensure land use compatibility with residential and other adjacent uses; and
- D. Provide for limited mixed commercial and residential uses.

2.302 Commercial Districts

The commercial districts are:

Neighborhood Commercial (NC). This district permits small-scale neighborhood retail, office, and service uses under 25,000 square feet per user or stand-alone building.

Community Commercial (CC). This district permits small- to medium-scale retail, office, service and entertainment uses under 50,000 square feet per user or stand-alone building.

Shopping Center (SC). This district permits the unified development of medium- scale retail, office, service and entertainment uses under 75,000 square feet per user or stand-alone building.

General Commercial (GC). This district permits a broad range of small- to large-scale retail, service, office, entertainment, and institutional uses of any size. Uses need not be developed under a unified plan.

Regional Commercial (RC). This district permits large-scale regional retail, commercial, office, recreation and entertainment, and cultural uses, developed under a unified plan.

2.303 Land Use Regulations

A. **Regulations.** Table 2.902: Use Regulations sets forth the land use regulations for commercial districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"L" designates uses that are permitted subject to certain limitations. Number designations refer to the limitations listed at the bottom of Table 2.902: Use Regulations.

"T" designates uses that are permitted to be conducted for a temporary period of time. Time limitations are listed in Table 4.5012: Temporary Uses.

"A" designates uses that require an Administrative Use Permit pursuant to Article 5.4: Use Permits.

"U" designates uses that require a Conditional Use Permit pursuant to Article 5.4: Use Permits.

"S" designates uses that require a Special Use Permit pursuant to Article 5.4: Use Permits.

B. **Unlisted Uses.** Uses are defined in Article 6.1: Use Definitions. If a proposed use is not listed in the Use Definitions, the Zoning Administrator shall determine if the proposed use is substantially similar to a permitted use; in that event, the Zoning Administrator shall assign the proposed use to a permitted use definition.

C. **Prohibited Uses.** Uses not listed in Table 2.902: Use Regulations or not assigned to a Use Definition pursuant to Section 2.303B: Unlisted Uses are prohibited.

D. **Additional Use Regulations.** Additional use regulations for commercial districts are set forth in Section 2.306: Additional Use Regulations.

2.304 Site Development Regulations

Table 2.304: Site Development Regulations – Commercial Districts sets forth the site development regulations for commercial districts, which are in addition to the development regulations set forth in Section 2.305: Additional Development Regulations and Division 4: General Regulations. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.304: Site Development Regulations.

Table 2.304: Site Development Regulations – Commercial Districts

| Standards | NC | CC | SC | GC | RC | Additional Regulations |
|---------------------------------------|-----------|-----------|-----------|-----------|-----------|-------------------------------|
| Maximum Size of Use or User (sq. ft.) | 25,000 | 50,000 | 75,000 | -- | -- | |

Table 2.304: Site Development Regulations – Commercial Districts

| Standards | NC | CC | SC | GC | RC | Additional Regulations |
|---|---|-----------|-----------|-----------|-----------|-------------------------------|
| Maximum Building Height (ft.) / (Stories) | 25/1 | 35/2 | 35/2 | 45 | 55 | |
| Building Step-back | No | No | No | Yes | Yes | (A) |
| Minimum Setbacks (ft.) | | | | | | (B) (E) |
| <i>Front</i> | 20 | 20 | 25 | 25 | 25 | |
| <i>Side (Street)</i> | 15 | 20 | 20 | 20 | 20 | |
| <i>Side (Residential)</i> | 15 | 30 | 75 | 75 | 75 | |
| <i>Side (Nonresidential)</i> | 10 | 15 | 15 | 20 | 20 | (E) |
| <i>Rear (Residential)</i> | 15 | 40 | 75 | 75 | 75 | |
| <i>Rear (Nonresidential)</i> | 15 | 15 | 15 | 20 | 20 | (E) |
| Separation between Buildings (ft.) | | | | | | |
| <i>Single story</i> | 10 | 15 | 15 | 15 | 15 | |
| <i>Multiple story</i> | -- | 20 | 20 | 20 | 20 | |
| Minimum Required Perimeter Landscape Area (ft.) | | | | | | |
| <i>Front</i> | 20 | 20 | 25 | 25 | 25 | (C) (D) (E) |
| <i>Side (Street)</i> | 15 | 20 | 20 | 20 | 20 | |
| <i>Side (Residential)</i> | 15 | 25 | 30 | 40 | 40 | |
| <i>Side (Nonresidential)</i> | 10 | 15 | 15 | 20 | 20 | (E) |
| <i>Rear (Residential)</i> | 15 | 30 | 35 | 40 | 40 | |
| <i>Rear (Nonresidential)</i> | 15 | 15 | 15 | 20 | 20 | (E) |
| Landscaping (% of net lot area) | 15 | 15 | 15 | 15 | 15 | See Article 4.3 |
| Building Setback to Parking (ft.) | See Section 4.203N: Separation from Buildings | | | | | |
| Off-Street Parking and Loading | See Article 4.2: Off-Street Parking and Loading Regulations | | | | | |
| Exterior Lighting Standards | See Section 4.103: Lighting Standards | | | | | |

- A. **Building Step-back.** Where a building in a GC or RC district is within 100 feet of property designated for residential use in the General Plan, a building step-back of one foot for every one foot of building height above 2 stories or 35 feet is required.
- B. **Commercial Uses Adjacent to Residential Districts.** Commercial activity occurring within 50 feet of property designated for residential use in the General Plan shall be conducted within an enclosed building.
- C. **Street Frontage Landscape.** Unless otherwise permitted by the Zoning Code, street frontage landscape areas shall not contain parking areas, buildings, fences, parking screen walls or other permanent improvements other than sidewalks, permitted signs and lighting.
- D. **Arterial/Arterial Intersection.** A minimum 50 foot wide landscape area shall be established and maintained along arterial street frontages within a distance of 250 feet of an arterial intersection as measured from the intersection of street lines. One driveway perpendicular to each street frontage is permitted within the 50 foot wide landscaped area established above if no other access is available.

- E. Building setbacks and landscape areas (internal to an approved Master Site Plan, commercial subdivision or Development Plan) may be reduced or eliminated, provided the project meets the Town of Gilbert Commercial Design Guidelines and pedestrian paths, vehicular connectivity, and shared parking are clearly depicted and duly recorded.

2.305 Additional Development Regulations

- A. **Accessory Structures.** Accessory structures shall be identified on an approved Final Design Review site plan and shall comply with the following regulations:
 - 1. **Establishment.** An accessory structure shall not be constructed prior to construction of a principal structure.
 - 2. **Location.** Accessory structures may be located:
 - a. Within the building envelope.
 - b. Within a required side or rear setback, but not within a required landscape area.
 - 3. **Maximum Height.** The maximum height shall be 15 feet.
 - 4. **Separation.** Accessory structures shall be separated from principal structures and other accessory structures by a minimum of 10 feet, measured from the exterior walls.
- B. **Gated Facility Entrances.** A minimum of 40 feet of vehicle queuing area shall be provided behind each security control point. The minimum width of the vehicular entry shall be 20 feet in width. A vehicular turn-around area shall be provided between the control point and the security gate. The vehicular turn-around area shall have a minimum interior turning radius of 35 feet and an exterior turning radius of 55 feet.
- C. **Drive-Through Facilities.** No portion of a drive-through facility's drive-through aisle shall be within 50 feet of property designated for residential use in the General Plan.
- D. **Vehicle and Equipment Sales, Leasing and Services.**
 - 1. **Fuel Canopy.**
 - a. The clear height of the canopy over fuel pumps shall be a minimum of 13'-6" and shall not exceed 14'-6". Clearance height shall be measured from finished grade to the bottom of the fuel canopy fascia.
 - b. The fuel pump canopy shall be a minimum of 200 feet from property designated for residential use in the General Plan.

2. *Service Bays.*

- a. No part of a building within 50 feet of property designated for residential use in the General Plan shall contain bay or roll-up doors, or similar service openings.
- b. Service bays located within 200 feet of property designated for residential use in the General Plan shall not face the adjacent residential property.
- c. All service activities shall be conducted within the service bays. No used or discarded vehicle parts, equipment, or disabled, junked, or wrecked vehicles may be located outside the service bays.

3. *Commercial Vehicle/Equipment Sales and Rental; New and Used.*

- a. Within the CC and SC Zoning Districts vehicles/equipment shall occupy no more than 2,000 square feet of area on the site.
- b. Within the CC and SC Zoning Districts vehicles/equipment display shall be setback in excess of 50 feet back from the street frontage property line.

2.306 Additional Use Regulations

A. ***Hours of Operation.*** In the NC District, the hours that a business may be open to the public are limited to between 6:00 a.m. and 11:00 p.m. Increased hours of operation may be permitted with approval of a Conditional Use Permit to insure that there will be no significant adverse impact on the nearby uses.

B. ***Outdoor Storage.*** In addition to the requirements set forth in Section 4.104: Outdoor Business Property Storage, outdoor storage areas shall comply with the following requirements. This section does not apply to Outdoor Personal Property Storage.

1. *Neighborhood Commercial.* Outdoor storage is prohibited.

2. *Community Commercial.*

- a. **Area.** A maximum of 5 percent of the Gross Floor Area (GFA) of the use.
- b. **Height of Fences.** Fences enclosing outdoor storage areas shall be 6 feet in height.
- c. **Location.** Outdoor storage areas shall not be located between the building and the street.
- d. **Stored Material.** Stored material shall not exceed the height of the fence.

3. *Shopping Center.*

- a. Area. A maximum of 5 percent of the GFA of the use.
- b. Height of Fences. Fences enclosing outdoor storage areas shall be a minimum of 6 feet and a maximum of 8 feet in height.
- c. Location. Outdoor storage areas shall not be located between the building and the street.
- d. Stored Material. Stored material shall not exceed the height of the fence.

4. *General Commercial.*

- a. Area. No maximum percentage.
- b. Height of Fences. Fences enclosing outdoor storage areas shall be a minimum of 6 feet and a maximum of 14 feet in height.

5. *Regional Commercial.*

- a. Area. No maximum percentage.
- b. Height of Fences. Fences enclosing outdoor storage areas shall be a minimum of 6 feet and a maximum of 14 feet in height.

C. ***Outdoor Retail Sales and Merchandise Display.*** Outdoor retail sales and merchandise displays shall be located and conducted in compliance with the following requirements. Garden Supply Stores and Plant Nurseries and uses that are permitted to be conducted for a temporary period of time as listed in Table 2.902: Use Regulations are not outdoor retail sales and merchandise display under this section.

- 1. *Location.* Outdoor retail sales and merchandise displays shall not obstruct ingress and egress to a building, obstruct fire lanes, interfere with vehicular circulation or sight distance, be located in landscaped areas, or extend into the right-of-way. Outdoor retail sales and merchandise display areas shall be adjacent to the structure containing the business selling the merchandise. Final Design Review plans shall designate permitted areas for outdoor retail sales and merchandise display. For Final Design Review plans approved prior to the effective date of the Zoning Code, the location of outdoor retail sales and merchandise display require Administrative Design Review approval.
- 2. *Maximum Area.* Other than New and Used Motor Vehicle Sales and Leasing, the maximum area of outdoor retail sales shall be the lesser of 5 percent of the GFA of the use or:
 - a. Neighborhood Commercial: 250 square feet for each use.

- b. Community Commercial: 500 square feet for each use.
 - c. Shopping Center: 750 square feet for each use.
 - d. General Commercial: 2,500 square feet for each use.
 - e. Regional Commercial: 2,500 square feet for each use.
3. *Height.* Display merchandise shall not exceed a height of 10 feet above finished grade. Construction equipment including fork lifts, boom trucks, cranes, bucket trucks and similar equipment shall be displayed in an un-extended position.
 4. *Temporary Use of Parking Area.* The temporary use of a parking area for sales and display is permitted pursuant to Section 4.203J: Temporary Use of Parking Area.
- D. ***Personal Property Storage.***
1. *Indoor.* Indoor Personal Property Storage units shall be used only for the storage of personal property. No residential or commercial use shall be conducted in a storage unit. No hazardous materials shall be stored in a storage unit.
 2. *Outdoor.* Outdoor Personal Property Storage shall be used only for the storage of personal property. No residential or commercial use shall be conducted in vehicles, trailers or other personal property stored in an outdoor personal property storage facility.
- E. ***Fueling Facility Abandonment.*** All Fueling Facility structures and tanks that are unused and/or vacant for 1 year or more are assumed to be abandoned. Abandoned structures and facilities shall be removed; and the fuel tanks shall be removed within 90 days from the date a notice of abandonment is mailed to the property owner. Underground tanks may be filled with an inert material in lieu of removal.
- F. ***Fueling Facility Reuse.*** Fueling Facility buildings that are occupied with a use that does not involve the dispensing of fuel shall remove all underground fuel tanks or fill them with an inert material prior to occupancy of the building. All pumps, pump islands, fuel dispensing equipment and price signs shall be removed prior to occupancy of the building.
- G. ***Access to Residential Property.*** Use of commercially zoned property to provide primary vehicular access to a residential use is prohibited.