

Article 5.6 Design Review

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5.601 Purpose and Applicability

- A. **Purpose.** The purpose of design review is to protect public health, safety, and general welfare, and to preserve and enhance property values by promoting and maintaining a functional and aesthetic community character founded on the principles of sound site planning, urban design, architecture, landscape design, and energy efficiency, sensitive to the desert environment, consistent with the policies and guidelines of the General Plan and adopted Design Guidelines. More specifically, design review is intended to ensure that:
1. Adopted Design Guidelines are applied consistently to developments subject to design review in the Town;
 2. Siting and architectural design of structures harmonize visually with surrounding development and creates a built environment that is safe and aesthetically pleasing;
 3. The arrangement of buildings, parking areas, drive aisles, storm water retention areas, pedestrian ways and other features of the site combine to create a functional project that is convenient for users of the property;
 4. Unsightly uses, features or activities are screened from public view and from adjacent property, and dissimilar uses are separated by buffers to prevent conflicts, promote privacy, and maintain property values;
 5. Landscaping provides a visually pleasing setting for structures on the site, complements the architecture of the project, mitigates the heat island effect, blends harmoniously with the natural landscape, conserves water, does not conflict with public or private utilities, and is suited to the site and the area's climatic conditions;
 6. Project materials and colors are appropriate to the architectural style of the structures, suited to the desert climate, complement neighboring properties and project a high quality image; and

7. Signage, building graphics, exterior lighting, and other decorative structures and features are compatible with the design of the structure(s) and with the architectural character of the surrounding area.
- B. **Applicability.** Design review is required for all new construction, exterior site and structure alterations, signs, and subdivision plats prior to issuance of a building permit, including Town facilities, with the following exceptions:
1. All single family detached dwelling units and related accessory structures buildings within the SF-35 district.
 2. Accessory structures within all single family districts.
 3. Individual single family units on separate single family zoned parcels including any unit that is designed and built by the owner of an individual lot in an approved subdivision.
 4. Minor exterior site and structure alterations. A minor exterior alteration means an alteration that does not materially affect the design concept or function of the site or structure.
 5. Repairs that do not alter the exterior design of a structure.
 6. Approved temporary construction offices.
 7. Approved Farm Stands.
 8. Changes to the face of an existing approved sign.
 9. Signs consistent with an approved Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan, or Gateway Sign Plan.
 10. Individual tenant signs in centers constructed before November 27, 1984 and not subject to the requirement for a Comprehensive Sign Program.

5.602 Procedures and Responsibility

- A. **Procedures.** The following procedures shall apply to applications for preliminary and final design review, residential standard plans, and subdivision open space plan:
1. **Pre-Application Review.** Pre-application review shall be as required subject to procedures set forth in Article 5.2: Common Procedures.

2. *Applications.* Applications for design review approval or amendments to an existing approval shall be filed in accordance with the application procedures set forth in Article 5.2: Common Procedures. Applications may be filed for preliminary design review approval, final design review approval, or concurrent preliminary and final design review approval.
 - a. *Preliminary Design Review.* Prior to receiving final design review approval for any site, preliminary design review approval shall be obtained. Preliminary design review shall encompass all of a proposed phased or multiple building project. Preliminary design review establishes the overall organization of the project and the relationship between structures, vehicular and pedestrian access, landscape design concepts, preliminary grading and drainage, and any other significant improvements, both on-site and off-site. Preliminary design review for phased projects shall include approval of design guidelines for architecture and landscaping. Preliminary design review may include building elevations and signage.
 - b. *Final Design Review.* Final design review approval is required before a project may be submitted for building permit review. Final design review approval establishes a site plan, landscape plan, building elevations, materials and colors, exterior lighting, signage, and preliminary grading and drainage. Final design review may encompass all or part of the property covered by a preliminary design review approval and must be consistent with that approval. Final design review will serve as both preliminary and final approval when the area encompassed by the final application is the same area as that required for preliminary design review.
 - c. *Concurrent Review.* Preliminary and final design review applications may be processed concurrently when the final design review application area covers only a portion of the preliminary application area.
 - d. *Residential Standard Plans.* Residential standard plan approval is required before any plans may be submitted for building permit review.
 - e. *Subdivision Open Space Plan.* Subdivision open space shall be reviewed and a recommendation provided by the Design Review Board prior to preliminary plat approval by the Planning Commission.
3. *Public Notice.* Public notice shall be provided in compliance with Section 5.205: Notice of Public Hearings. The following applications do not require public notice or a public hearing by the Design Review Board or Redevelopment Commission:
 - a. Residential standard plans;

- b. Commercial, office, and employment buildings on sites, lots, or parcels of less than 5 acres within an approved nonresidential subdivision or preliminary site plan;
 - c. Subdivision Open Space Plans;
 - d. Individual signs; and
 - e. Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan and Gateway Sign Plan.
4. *Notice to Adjacent Jurisdictions.* When the application involves development of land that abuts other municipalities or unincorporated areas of Maricopa County or a combination thereof, the Department shall send a copy of the Notice of Public Hearing to the planning agency of the adjacent governmental unit. Applications listed in Section 5.602A.3: Public Notice, do not require notice to adjacent jurisdictions.
 5. *Staff Report.* The Director of Planning shall prepare and transmit a staff report to the Design Review Board or Redevelopment Commission. A copy of the staff report shall be made available to the public and the applicant prior to the public hearing.
 6. *Hearing.* The Design Review Board and the Redevelopment Commission shall conduct a public hearing for all items except for applications listed in Section 5.602A.3: Public Notice, not requiring public notice and administrative matters.
 7. *Action.* The Design Review Board or the Redevelopment Commission may approve, approve with modifications and/or conditions, or deny the proposal. The Redevelopment Commission shall render decisions on signs located within the Heritage District Overlay Zoning District.
 8. *Conditions of Approval.* The approval of a design review application may include conditions necessary to:
 - a. Ensure conformance with the General Plan, and Redevelopment Plan if applicable, consistent with the purposes of this article.
 - b. Implement applicable design guidelines.
 - c. Ensure compatibility with adjacent and nearby development.
 - d. Provide for a functional, energy efficient, aesthetic, and safe project design.

B. ***Administrative Design Review.*** Administrative design review shall be conducted by the Director. The Director may refer any application for administrative design review to the Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission for action.

1. *Scope of Administrative Design Review Authority.* The Director shall conduct administrative design review of applications for:
 - a. Within a previously approved site plan, new structures of 5,000 square feet or less, and additions of 5,000 square feet or less to an existing or approved building;
 - b. For Employment zoning districts, additions to an existing or approved building within a previously approved site plan that are less than 50 percent of the gross floor area;
 - c. Minor revisions to approved Final Design Review plans that meet the standards of the Zoning Code, will not expand, intensify, or substantially change any approved site plan, landscape plan, or structure, and are consistent with the intent of the original approval;
 - d. Changes to colors and materials in an existing or approved project that do not substantially change the appearance of the site or its structure;
 - e. The addition of 2 residential standard plans to an approved standard plan application;
 - f. Residential standard plan transfers in accordance with policies adopted by the Design Review Board;
 - g. Locations of outdoor retail sales and merchandise displays not designated on a Final Design Review plan;
 - h. Signs that are not part of an approved Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan, Gateway Sign Plan, or Final Design Review;
 - i. Minor amendments to a Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan, or Gateway Sign Plan, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval;
 - j. Comprehensive Sign Programs, Heritage Sign Plans, or Gateway Sign Plans that comply with the requirements of Article 4.4;

- k. Open Space Plans for a subdivision less than 20 acres as part of the Preliminary Plat review;
 - l. Model Home Complex;
 - m. Projects that do not require public notice yet require approval by the Design Review Board or the Redevelopment Commission may be approved administratively after the project is discussed by the Design Review Board or the Redevelopment Commission at a Study Session and final exhibits meet review comments for code requirements; and
 - n. Category 1 Wireless Communication Facilities as set forth in Section 4.702..
2. *Applications for Administrative Design Review.* Applications for administrative design review approval or amendments to an existing administrative approval shall be filed in accordance with the application procedures set forth in Article 5.2: Common Procedures.
3. *Public Notice and Hearing.* No public notice or hearing is required for administrative design review applications.
4. *Director Action.* The Director may approve, approve with modifications and/or conditions, or deny the application. The decision of the Director shall be on a Notice of Decision, and a copy shall be mailed to the applicant.
5. *Conditions of Approval.* In approving an administrative design review application, the Director may impose conditions necessary to:
- a. Ensure conformance with the General Plan, and Redevelopment Plan if applicable, consistent with the purposes of this Article.
 - b. Implement applicable design guidelines.
 - c. Ensure compatibility with adjacent and nearby development.
 - d. Ensure safe and efficient provision of public services.
 - e. Provide for a functional, energy efficient, aesthetic, and safe project design.
6. *Modifications to Wireless Communication Facilities.* No change is permitted to the use or structure of a Wireless Communication Facility for which an Administrative Design Review approval has been issued except as follows:
- a. Subject to Section 4.702.B, minor modifications to Administrative Design Review approvals for Wireless Communication Facilities (WCF) may be

approved by the Zoning Administrator upon a finding that the change does not substantially alter the original approval or any condition of approval. The Zoning Administrator shall provide written records of the WCF decision and supportive findings.

- C. ***Building and Construction Regulations Code Board of Appeals.*** In order to hear and decide appeals of orders, decisions, and determinations made by the Building Official or the Fire Chief relative to the application and interpretation of the Building and Construction Regulations Code of the Town of Gilbert and amendments thereto, or suitability of alternative materials and types of construction, the Design Review Board shall serve as the Building and Construction Regulations Code Board of Appeals.

5.603 Design Review Approval

- A. ***Action.*** The Design Review Board, Redevelopment Commission for projects in the Heritage District Overlay Zoning District, or the Director as appropriate shall approve, approve with modifications and/or conditions, or deny an application for Design Review subject to the requirements of the Zoning Code and based on compliance with approved design guidelines. An action of the Board and the Redevelopment Commission shall be accompanied by findings of fact giving the reasons for the action. If the Design Review Board or Redevelopment Commission fails to take action within 90 days after closing the public hearing, the application shall be deemed to have been denied.
- B. ***Findings for Approval.*** The following findings shall be made prior to approval of a Design Review application:
1. The project is consistent with applicable design guidelines;
 2. The project conforms to the General Plan, and specifically to the Land Use, Community Design, and Environmental Planning Elements;
 3. The project is consistent with all applicable provisions of the Zoning Code;
 4. The project is compatible with adjacent and nearby development; and
 5. The project design provides for safe and efficient provision of public services.
- C. ***Heritage District Overlay Zoning District Projects.*** The design of projects in the Heritage District Overlay Zoning District shall comply with the design guidelines of the Heritage District Redevelopment Plan and any design guidelines adopted pursuant to Article 3.4: Heritage District Overlay Zoning District. Such design shall be compatible with and not detract from the pedestrian orientation of the District. Where feasible, new development shall complement the historical character of the District and avoid repetitious or monotonous design.

5.604 Appeals of Decisions of the Design Review Board, Redevelopment Commission and Director of Planning

- A. Final decisions of the Design Review Board and Redevelopment Commission may be appealed to the Town Council pursuant to the procedures set forth in Section 5.2011: Procedures for Appeals. The Town Council shall have the authority to uphold, modify, or reverse the decision of the Design Review Board or Redevelopment Commission. The decision of the Town Council shall be final, except as set forth in Article 5.10: Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions.
- B. A decision of the Director of Planning may be appealed to the Design Review Board or the Redevelopment Commission for properties located in the Heritage District Overlay Zoning District pursuant to the procedures set forth in Section 5.2011: Procedures for Appeals. The Design Review Board and the Redevelopment Commission shall have the authority to uphold, modify, or reverse the decision of the Director of Planning. The decision of the Design Review Board and the Redevelopment Commission on appeals from a decision of the Director of Planning shall be final.
- C. Appeals of decisions of the Design Review Board, Redevelopment Commission, or Director shall be based on design issues that are within the scope of authority of the Design Review Board, Redevelopment Commission, or the Director.

5.605 Effective Date and Expiration Date

- A. **Effective Date.** The effective date of the final design review decision shall be the 11th day after approval, if no appeal has been filed. No building, grading, or construction permit shall be issued until the final design review decision becomes effective.
- B. **Expiration Date.** Design Review approval shall expire automatically 3 years after the effective date unless a building permit has been issued and work authorized by such permit has commenced.

5.606 Enforcement

No building or grading permit shall be issued until the Applicant submits a Final Design Review Plan showing any changes required as a condition of Design Review approval. All future development shall conform to the approved Final Design Review Plan unless modifications or changes are approved pursuant to the requirements of the Zoning Code.