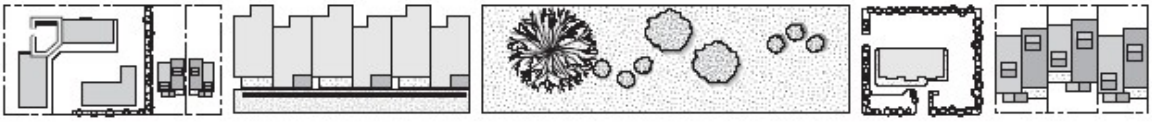
Town of Gilbert

LAND DEVELOPMENT CODE

Town of Gilbert
Planning Department

Adopted: February 1, 2005
Effective: March 3, 2005, Ordinance No. 1625
Latest Revision: November 10, 2016



Town of Gilbert Land Development Code | Summary of Amendments

Adopted: February 1, 2005

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Revised: November 10, 2016

Amendments	*Article / Section No. and Title*	*Effective Date*	*Ordinance No.*
Consent Agenda – Addition of Language Concerning Consent Items. (Z05-17)	Section 5.206C: Approval of Items by Consent.	12-30-05	1693
Single Family-43 (SF-43)-Addition of New District. (Z05-29)	Article 1.1: Title and Purpose Article 2.1: Single Family Residential Districts	4-28-06	1718
Parking Space Dimensions – Modified Parking Space Dimensions for Parking Structures. (Z06-53)	Section 4.206D: Spaces in Parking Structures Section 4.206J: Angle Parking Less Than 90 Degrees in Parking Structures.	6-23-06	1761
Wall Mounted Lights – Modified Height Regulations for Nonresidential Districts. (Z06-81)	Section 4.103: Lighting Standards Glossary of General Terms	9-29-06	1816
Separation Fences – Modified Separation Fence Requirements for Residential and Nonresidential Uses. (Z05-20A)	Section 4.109: Fences Section 5.102: Town Council Section 5.103: Planning Commission Section 5.106: Zoning Administrator	11-24-06	1859

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Heritage Village Center – Addition of New Sign Regulations. (Z06-118)	Article 2.4: Heritage Village Center Zoning District Article 3.1: Planned Area Development Overlay Zoning District Article 4.4: Sign Regulations Article 5.1: Planning Administration Article 5.6: Design Review Article 5.12: Enforcement Glossary of General Terms	4-20-07	1922
Screening Of Mechanical Equipment – Modified Applicability of Measures to Screen and Secure Backflow Prevention Devices and Requirements to Secure These Devices. (Z07-03)	Section 4.105: Screening of Mechanical and Electrical Equipment	5-18-07	1928
Sign Regulations – Modified Sign Regulations for Multi-Story Buildings. (Z06-54)	Section 4.402: General Sign Regulations, Subsection Q Address Signs Section 4.403: Sign Criteria Section 4.407: Commercial Section 4.409: Office/Employment Section 4.4010: Public Facility/Institutional Glossary of General Terms	5-24-2007	1929
Claim For Diminution In Value – A.R.S. § 12-1134 And § 12-1136 (Proposition 207). (Z07-25)	Section 5.201: Application Process Article 5.10 – Rename Section Title to: Appeals Of Dedications, Exactions And Zoning Regulations, Reconsideration Of Certain Decisions, And Claims For Diminution In Value Section 5.1004: Procedure for Response To Claim For Diminution In Value Pursuant To A.R.S. § 12-1134 Glossary of General Terms	6-22-07	1950

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Screening Of Mechanical Equipment – Modified Applicability of Measures to Screen and Secure Backflow Prevention Devices and Requirements to Secure These Devices {Clarification of Ordinance No. 1928}. (Z07-03)	Section 4.105: Screening of Mechanical and Electrical Equipment	9-21-07	2011
Office Zoning Districts – Addition of New Uses in Support of Principal Office and Other Permitted Uses. (Z07-67)	Article 2.5: Office Districts	9-21-07	2014
Heritage Village Center – Permit Existing Single Family Uses in Multi-Family Zoned Areas to Improve and Expand the Existing Use. (Z07-77)	Article 2.2: Multi-Family Residential Districts Article 4.6: Non-Conforming Uses, Lots, Parcels, Structures and Signs	9-21-07	2015
Wireless Communication Facilities – Clarification of Regulation to Address Miscellaneous Inconsistencies with the WCF Provisions. (Z07-94)	Article 2.3: Commercial Districts Article 2.5: Office Districts Article 2.6: Employment Districts Article 2.7: Public Facility/Institutional District Article 4.7: Wireless Communication Facilities Glossary of General Terms	10-26-07	2063
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Establishing a New Definition for Place of Worship. (Z10-05)	Article 2.1 Single Family Residential Districts Article 2.2 Multi-Family Residential Districts Article 2.3 Commercial Districts Article 2.4 Heritage Village Center Zoning District Article 2.7 Public Facility/Institutional District Article 2.8 Gateway Districts Article 3.2 Phoenix- Mesa Gateway Airport Overlay District Article 4.1 Site Regulations Article 4.2 Off- Street Parking and Loading Regulations Article 4.5 Supplemental Use Regulations Article 4.7 Wireless Communication Facilities Article 5.1 Planning Administration Article 6.1 Use Definitions	6-04-10	2284
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Amending the Common Procedures to Increase the # of Public Posting Locations. (Z09-22)	Article 5.2 Common Procedures Article 5.4 Use Permits Article 5.7 Amendments to Zoning Code Text Article 5.8 Amendments to General Plan Article 5.9 Protected Development Right Plan	3-26-10	2277
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Revising Design Review Board Procedures & Responsibilities. (Z10-13)	Article 5.6 Design Review	11-21-10	2305
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Amending Wireless Communication Facilities Regulations. (Z10-17)	Article 2.1 Single Family Residential Districts Article 2.2 Multi-Family Residential Districts Article 2.3 Commercial Districts Article 2.4 Heritage Village Center Zoning District Article 2.5 Office Districts Article 2.6 Employment Districts	~~5-8-11~~ 4-27-14	2322

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Amending Wireless Communication Facilities Regulations. (continued)	Article 2.7 Public Facility/ Institutional District Article 2.8 Gateway Districts Article 4.7 Wireless Communication Facilities Article 5.2 Common Procedures		
Adding Medical Marijuana Designated Caregiver Cultivation Location. (Z11-05)	Article 2.6 Employment Districts Article 4.5 Supplemental Use Regulations Article 6.1 Use Definitions	9-28-11	2336
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Adding “Private and Public Park” terms to the Glossary. (Z11-14)	Glossary of General Terms	12-16-12	2400
Amending Heritage Village Center Drive-Through regulations. (Z12-21)	Article 2.4 Heritage Village Center District Glossary of General Terms	2-17-13	2414

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Amending Common Procedures and Enforcement for Appeals and Abatement. (Z12-14)	Article 5.2 Common Procedures Article 5.12 Enforcement	4-07-13	2420
Amending Schools definition. (Z12-19)	Article 6.1 Use Definitions	4-07-13	2421
Adding Appendix 1, LDC Graphics and references throughout the Code. (Z12-25)	Article 2.1 Single Family Districts Article 2.4 Heritage Village Center District Article 4.1 Site Regulations Article 4.2 Off-Street Parking and Loading Regulations Article 4.3 Landscape Regulations Article 4.4 Sign Regulations Glossary of General Terms Appendix 1: Graphics	5-05-13	2423
Amending Article 2.1 to allow extra lot coverage for Open Air/Open Roof Structures.(Z12-23)	Article 2.1 Single Family Residential Districts Glossary of General Terms	7-07-13	2433
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Amending Chp. III Subdivision Regulations.	Article 1.4 Penalties and Enforcement	10-18-13	2449
Amending Political Sign definition. (Z12-12)	Glossary of General Terms	11-24-13	2455
Adding Colleges, Public and Private as a permitted use in HVC, GVC, and GBC. (Z13-31)	Article 2.4 Heritage Village Center Zoning District Article 2.8 Gateway District	2-16-14	2469

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Permitting Recovery Residence Uses in certain Single-Family and Multi-Family Residential Zoning Districts. (Z13-02)	Article 2.1 Single Family Residential Districts Article 2.2 Multi-Family Residential Districts Article 4.5 Supplemental Use Regulations Article 6.1 Use Definitions Glossary of General Terms	4-27-14	2479
Keeping of Fowl in Single Family Residential Zoning Districts. (Z13-30)	Article 2.1 Single Family Residential Districts	4-27-14	2480
Authorizing the Zoning Administrator to approve minor modifications to CUPs for WCFs. (Z13-36)	Article 5.4 Use Permits	5-18-14	2484
Adding Findings for Mixed Use Developments in Regional Commercial. (Z13-04)	Article 2.3 Commercial Districts Glossary of General Terms	6-01-14	2487
Clarifies setbacks required for a drive-through aisle; clarifies when a Minor Land Division or Minor Subdivision approval automatically expires; increases the amount of incidental retail use allowed; reduces the minimum wall height requirement for multi-family private open space; clarifies the definition of a detached building; increases the allowed height for single family guest quarters; increases the allowed area for certain accessory structures; allows for additional parking in the side-yard of a single family residential lot; and allows tower and freeway signs in certain zones. (Z14-15A)	Article 2.1 Single Family Residential Districts Article 2.2 Multi-Family Residential Districts Article 2.3 Commercial Districts Article 2.6 Employment Districts Article 4.2 Off-Street Parking and Loading Regulations Article 4.4 Sign Regulations Article 4.5 Supplemental Use Regulations Chp. III Article 1.2 Minor Land Division and Minor Subdivision	11-16-14	2502
Provides for the keeping of certain animals in Stables, Residential regardless of animal ownership; increases the setbacks for animal exercise areas; and allows corporate flags in certain zones. (Z14-15B)	Article 4.4 Sign Regulations Article 4.5 Supplemental Use Regulations Article 6.1 Use Definitions	11-30-14	2505

Amendments	***Article / Section No. and Title***	***Effective Date***	***Ordinance No.***
Increases guest parking requirements and requires Parking Plan review for certain single family development. (Z14-15C)	Article 4.2 Off-Street Parking and Loading Regulations	02/15/2015	2519
Allows for multiple storage containers in employment and public facility/institutional zones; removes prohibitions on metal buildings in employment zones; defines and regulates facility manager dwelling units and gatehouses; clarifies administrative design review for building expansion. (Z14-15D)	Article 2.6 Employment Districts Article 4.5 Supplemental Use Regulations Article 5.6 Design Review Glossary of Terms	04/05/2015	2524
Design Review Board membership requirement and Administrative Design Review for building expansions and subdivision open space plans (Z14-15E)	Article 5.1 Planning Administration Article 5.6 Design Review	06/14/2015	2533
Provide regulation of certain behavioral health treatment activity and revise definition of hospital (Z13-11)	Article 4.5 Supplemental Use Regulations Article 6.1 Use Definition	7/5/2015	2534
Amend the General Sign Regulations related to Message Substitution (Z15-05)	Article 4.4 Sign Regulations	3/3/2016	2571
Limit the number of Medical Marijuana Facilities (Z16-04)	Article 4.5 Supplemental Use Regulations	5/5/2016	2577
Amend the permitted uses for Facility Manager Dwelling Unit (Z16-06A)	Article 4.5 Supplemental Use Regulations	7/10/2016	2580
Provide definition to include Teletrak Wagering Establishment and Glossary of Terms related to Teletrak Wagering Establishment (Z16-06A)	Article 6.1 Use Definition Glossary of Terms	09/01/2016	2580

Amendments	***Article / Section No. and Title***	***Effective Date***	***Ordinance No.***
Amend Secondary Dwelling Units in Single Family Residential, Wireless Communication Facilities and Planning Administrative related to the Planning Commission and Design Review Board Membership (Z16-05)	Article 2.1 Single Family Residential Districts Article 4.7 Wireless Communication Facilities Article 5.1 Planning Administration Article 5.6 Design Review Board	8/28/2016	2583
Addition of Crematorium and Funeral and Undertaking Services as permitted uses (Z16-09)	Article 2.7 Public Facility/Institutional District	08/28/2016	2584
Delete the Land Use Regulations tables within each section and create a comprehensive Land Use Table; Replacement of the term Religious Assembly with Place of Worship; Replacement of the term Clubs and Lodges with Civic Social and Fraternal Organizations and addition of the term University to the Colleges, Public or Private Use; Repair or rebuilding of a damaged structure related to updating the section reference for the Land Use Table; and additions, deletions and updates to Use Definitions and Glossary of Terms (Z16-06-B)	Article 2.1 Single Family Residential Districts Article 2.2 Multi Family Residential Districts Article 2.3 Commercial Districts Article 2.4 Heritage Village Center Zoning District Article 2.5 Office Districts Article 2.6 Employment Districts Article 2.7 Public Facility/Institutional District Article 2.8 Gateway Districts Article 2.9 Use Regulations Article 3.3 Santa Freeway Corridor Overlay District Article 4.2 Off Street Parking and Loading Regulations Article 4.6 Non-Conforming Uses, Lots, Parcels, Structures and Signs Article 4.7 Wireless Communication Facilities Article 6.1 Use Definitions Glossary of General Terms	11/20/2016	2594
Deletion of Bed and Breakfast Homes and addition Vacation or Short-Term Rentals and additions, deletions and updates to Use Definitions and Glossary of Terms (Z16-12)	Article 2.9 Use Regulations Article 4.5 Supplemental Use Regulations Article 6.1 Use Definitions Glossary of General Terms	12/10/2016	2597

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Separation Requirements between Medical Marijuana dispensaries (Z16-13)	Article 4.5 Supplemental Use Regulations	12/10/2016	2598

This Summary of Amendments is established as a reference guide to the Gilbert Land Development Code only and is not an integral part thereof.

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Glossary of General Terms

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Gilbert Land Development Code

Town of Gilbert, Arizona

Town Council

Jenn Daniels, Mayor
Victor Petersen
Eddie Cook
Scott Anderson
Jared Taylor, Vice Mayor
Brigette Peterson
Jordan Ray

Planning Commission

Kristofer Sippel, Chairman
Carl Bloomfield
Greg Froehlich
Joshua Oehler
David Cavenee
Brian Andersen, Vice Chairman
Brian Johns
Seth Banda (Alternate)
Mary Harris (Alternate)

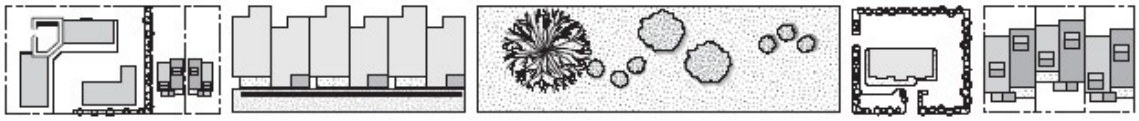
Town Manager
Patrick Banger

Planning Manager
Linda M. Edwards, AICP

Zoning Administrator
Catherine Lorbeer, AICP

Town Attorney
Michael Hamblin

As of 01-17-17



Division 1 General Provisions

Article 1.1 Title and Purpose

Article 1.1: Title and Purpose

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1.102 Purposes
1.103 Organization of Zoning Code
1.104 Applicability
1.105 General Rules for Applicability of Land Use and Development Regulations
1.106 Official Zoning Map
1.107 Rules for Construction of Language
1.108 Rules of Transition
1.109 Rules for Interpretation

1.101 Title and Authority

Chapter I of the Land Development Code shall be known and cited as the "Gilbert Zoning Code" or "Zoning Code".

The authority for the Gilbert Zoning Code is Arizona Revised Statutes (ARS) § 9-462 et seq., which provides for the regulation of land and land use by municipalities in Arizona.

1.102 Purposes

The broad purpose of the Zoning Code is to implement the General Plan, to promote and protect the public health, safety, comfort, and general welfare of the residents of the Town of Gilbert. Generally, the Zoning Code is intended to:

A. Direct growth with priority to those areas where infrastructure and urban services can be economically provided;

B. Ensure consistency and conformity among the General Plan, zoning districts, and zoning ordinances;

C. Maintain and enhance the appearance and function of both new and existing development;

D. Promote an efficient use of land resources;

E. Ensure compatibility among land uses;

F. Ensure the provision of adequate open space for light, air, and fire safety;

G. Ensure that service demands of new development will not exceed the capacities of existing or planned streets, utilities, or public services;

H. Conserve the natural environment, protect environmentally sensitive areas, and enhance the quality of the built environment;

I. Promote energy and water conservation through project design;

J. Establish consistent standards regulating the use and physical development of land; and

K. Preserve and enhance property values.

1.103 Organization of Zoning Code

A. ***Structure of Zoning Code.*** The Zoning Code consists of the following six divisions, a glossary of general terms, and the Official Zoning Map:

Division 1: General Provisions

Division 2: Land Use Designations

Division 3: Overlay District Regulations

Division 4: General Regulations

Division 5: Administration

Division 6: Use Definitions

Glossary of General Terms

B. ***Graphic Illustrations.*** Illustrations are included for the purposes of example, explanation, and clarification. Where a graphic is in conflict with the text of the Zoning Code, the text shall govern.

1.104 Applicability

All uses and development of land shall comply with the zoning regulations of the Zoning Code.

A. ***Applicability to Property.*** Zoning regulations shall apply to all land within the Town of Gilbert, including land owned by the Town of Gilbert and other local, State, or Federal agencies to the extent allowed by law.

B. ***Applicability to Streets and Rights-of-Way.*** Streets, easements, and rights-of-way shall be in the same zoning district as contiguous property. Where contiguous properties are in different zoning districts, the centerline of the street shall be the district boundary unless otherwise depicted on the Official Zoning Map.

C. ***Compliance with Regulations.*** No land shall be used and no structure shall be constructed, occupied, enlarged, or altered in any zoning district except in compliance with the Zoning Code.

D. ***Substandard Lot.*** As permitted in Section 4.603D: Non-Conforming or Substandard Lot or Parcel, an existing, legally created lot as of the effective date of the Zoning Code having a width or area less than that required for the base district in which it is located may be occupied by a permitted use or use requiring approval of a Use Permit. However, no substandard lot may be further reduced in area or width and no substandard lot will be exempt from the setback requirements of the district. A substandard lot shall be considered a non-conforming lot in accordance with Section 4.602B: Non-Conforming Lot or Parcel.

E. ***Lots or Parcels Divided by District Boundaries.*** The regulations applicable to each district shall be applied to the entire area within that district, and no use other than parking serving a principal use on the lot or parcel may be located in a district in which it is not a permitted use or use approved by a Use Permit.

F. ***Public Nuisance.*** Neither the provisions of the Zoning Code nor the approval of any permit authorized by the Zoning Code shall authorize the maintenance of any public nuisance.

G. ***Conflict with Other Regulations.*** Where there is a conflict between the provisions of the Zoning Code, or between the provisions of the Zoning Code and any other Town code, the more restrictive provision shall control unless otherwise set forth in the Zoning Code. The modifications to base district zoning regulations contained in an approved Planned Area Development Overlay district are not amended by amendments to the Zoning Code.

H. ***Relation to Prior Zoning Code.*** No provision of the Zoning Code shall validate any use or structure established, constructed, or maintained in violation of any prior zoning code, except as may be specifically authorized by the Zoning Code.

I. ***Extension of Time for Holidays and Weekends.*** If a deadline for an act required by the Zoning Code falls on a weekend or a Town holiday, the time for performing such an act shall be extended to the next working day.

1.105 General Rules for Applicability of Land Use and Development Regulations

A. ***Establishment of Base Zoning Districts.*** The Town is divided into the following base zoning districts:

Table 1.105: Establishment of Zoning Districts

Base Districts and Article Reference	*District Name*
Article 2.1: Single Family Residential Districts	Single Family-43 (SF-43) Single Family-35 (SF-35) Single Family-15 (SF-15) Single Family-10 (SF-10) Single Family-8 (SF-8) Single Family-7 (SF-7) Single Family-6 (SF-6) Single Family Detached (SF-D) Single Family Attached (SF-A)
Article 2.2: Multi-Family Residential Districts	Multi-Family/Low Density (MF/L) Multi-Family/Medium Density (MF/M)
Article 2.3 - Commercial Districts	Neighborhood Commercial (NC) Community Commercial (CC) Shopping Center (SC) General Commercial (GC) Regional Commercial (RC)
Article 2.4: Heritage Village Center Zoning District	Heritage Village Center District (HVC)
Article 2.5: Office Districts	Neighborhood Office (NO) General Office (GO)
Article 2.6: Employment Districts	Business Park (BP) Light Industrial (LI) General Industrial (GI)
Article 2.7: Public Facility/Institutional District	Public Facility/Institutional (PF/I)
Article 2.8: Gateway Districts	Gateway Village Center (GVC) Gateway Business Center (GBC)

B. ***Establishment of Overlay Zoning Districts.*** Overlay zoning districts, one or more of which shall overlay a base district, are designated as follows:

Planned Area Development Overlay Zoning District (PAD)

Phoenix-Mesa Gateway Airport Overlay Zoning District

Santan Freeway Corridor Overlay Zoning District

Heritage District Overlay Zoning District

Vertical Development Overlay Zoning District

1.106 Official Zoning Map

A. ***Adoption.*** The Town is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of the Zoning Code.

B. ***District Boundary or Classification Changes.*** If, in accordance with the provisions of the Zoning Code, changes are made in district boundaries, district classifications, or other matter set forth on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within 15 days following the effective date of the Ordinance adopting the change.

C. ***Maintenance of Official Zoning Map.*** The Official Zoning Map shall be maintained in electronic format by the Technology Services department, as authorized by the Director of Planning.

D. ***Copies of the Official Zoning Map.*** Paper copies of the Official Zoning Map shall be certified as true and correct by the director of the Technology Services department authorized by the Director of Planning. Electronic copies of the Official Zoning Map shall not be certified as true and correct.

1.107 Rules for Construction of Language

In addition to the general provisions of the Zoning Code, the following rules of construction shall apply:

A. The particular controls the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.

2. "Or" indicates that the connected words or provisions may apply singly or in any combination.

3. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.

C. References to departments, commissions, boards, or other offices are to those of the Town of Gilbert unless otherwise indicated.

D. References to a public official in the Town are to that person who performs the function referred to and includes a designee of such official.

E. All references to days are to calendar days unless otherwise indicated.

F. All references to measurements are in feet unless otherwise indicated.

G. The words "activities" and "facilities" include any part thereof.

1.108 Rules of Transition

The following rules shall apply to all properties in the Town on the effective date of the Zoning Code:

A. ***Violations Continue.*** Any violation of the Zoning Code previously in effect (Unified Land Development Code) will continue to be a violation under the Zoning Code and shall be subject to penalties and enforcement under Article 5.12: Enforcement, unless the use, development, construction or other activity complies with the provisions of the Zoning Code.

B. ***Projects with Approvals or Permits.***

1. *Building Permit Issued Prior to Effective Date of the Zoning Code*. Any building, structure, or sign for which a lawful building permit is issued prior to the effective date of the Zoning Code may be completed in conformance with the permit and other applicable permits and conditions, even if such building, structure or sign does not fully comply with the Zoning Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign is not completed in conformance with the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the Zoning Code.

2. *Building Permit Application Filed Prior to Effective Date of the Zoning Code*. Any building, structure, or sign for which a completed building permit application is filed prior to the effective date of the Zoning Code may be issued a building permit and may be constructed in compliance with the building permit and other applicable approvals, permits and

conditions, even if such building, structure or sign does not fully comply with the Zoning Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the building code. If the building, structure, or sign is not completed pursuant to the building permit and any extension thereof, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with the Zoning Code.

3. *Final Design Review Approved Prior to Effective Date of the Zoning Code*. A project which has received Final Design Review approval prior to the effective date of the Zoning Code may file an application for a building permit in compliance with the Final Design Review plan and conditions of approval, even if the project does not comply with the provisions of the Zoning Code. Upon approval of the construction plans, a building permit may be issued. The Final Design Review approval for projects approved prior to the effective date of the Zoning Code shall be valid for 1 year from the date of approval by the Design Review Board. No time extensions shall be permitted.

4. *Preliminary Subdivision Plat Approved Prior to Effective Date of the Zoning Code*. A project which has a preliminary plat approved prior to the effective date of the Zoning Code may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provision of the Zoning Code. If a final plat application is not filed within 1 year of the date of preliminary plat approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with the Zoning Code.

5. *Use Permit Approved Prior to Effective Date of the Zoning Code, No Design Review Required.* A project which has received a use permit prior to the effective date of the Zoning Code may file an application for a building permit, even if the project does not fully comply with the provision of the Zoning Code. If a building permit application is not filed within 1 year of the date of use permit approval, the use permit shall expire. No time extensions shall be permitted.

6. *Use Permit Approved Prior to Effective Date of the Zoning Code, Design Review Required.* A project which has an approved use permit may file an application for design review even if the use does not fully comply with the provisions of the Zoning Code. If a design review application is not filed within 1 year of the date of use permit approval, the use permit shall expire. No time extensions shall be permitted. Subsequent applications for design review shall comply with the Zoning Code.

C. ***Planning Applications Filed Prior to the Effective Date of the Zoning Code.***

1. *Applications for Design Review, Use Permits, and Preliminary Plats Submitted Prior to the Effective Date of the Zoning Code*. Complete applications filed prior to the effective date of the Zoning Code may be approved under the provisions of the Unified Land Development Code (ULDC). Applicants may elect to develop under the provisions of the Zoning Code, but in that case shall comply with all provisions of the Zoning Code. If a building permit application is not filed within 1 year of the date of approval of the design review, use permit, or preliminary plat, the approval shall expire. No time extensions shall be permitted.

2. *Applications for Rezoning Filed Prior to the Effective Date of the Zoning Code.* Rezoning applications filed prior to the effective date of the Zoning Code shall be governed by the provisions of the ULDC unless the applicant elects to comply with the Zoning Code.

D. ***Development of Projects with an Existing Planned Area Development Overlay Zoning District.*** A lot or parcel zoned with a Planned Area Development (PAD) overlay zoning district subject to a preliminary development plan, standards, and conditions of approval prior to the effective date of the Zoning Code shall be developed in accordance with the approved preliminary development plan, standards, and conditions of approval. The development standards and requirements of the Zoning Code shall apply if not specifically modified by the PAD ordinance.

E. ***Planning Applications Filed After the Effective Date of the Zoning Code.*** All applications for rezoning, design review, use permits, and preliminary subdivision plats filed after the effective date of the Zoning Code, including modifications and amendments, shall conform to the provisions of the Zoning Code.

1.109 Rules for Interpretation

A. ***Zoning Land Use Regulations.*** Where uncertainty exists regarding the interpretation of any provision of the Zoning Code or its application to a specific site, the Zoning Administrator shall determine the intent of the provision. The determination of the Zoning Administrator may be appealed in accordance with the provisions of Section 5.2011: Procedures for Appeals.

B. ***Official Zoning Map.*** Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:

1. District boundaries shown as approximately following the property line of a lot or parcel shall be construed to follow such property line.

2. Where a district boundary divides a lot or parcel, the location of the district boundary shall be determined by the Zoning Administrator using the scale appearing on the Official Zoning Map.

3. District boundaries shown as approximately following right-of-way lines of freeways, streets, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.

4. District boundaries shown as lying within right-of-way lines of freeways, streets, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.

5. District boundaries shown as lying at the edge of a canal or drainage channel shall be construed to follow the centerline of the canal or drainage channel.

6. If any uncertainty remains as to the location of a district boundary or other feature shown on the Official Zoning Map, the location shall be determined by the Zoning Administrator.

C. ***Record of Interpretation.*** The Zoning Administrator shall keep a record of interpretations made pursuant to this section. The record of interpretations shall be available to the public.

Division 2 Land Use Designations

Article 2.1 Single Family Residential Districts

Article 2.2 Multi-Family Residential Districts

Article 2.3 Commercial Districts

Article 2.4 Heritage Village Center Zoning District

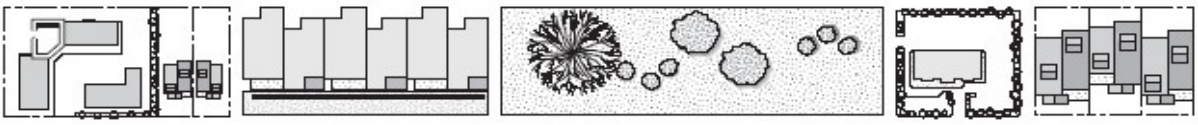
Article 2.5 Office Districts

Article 2.6 Employment Districts

Article 2.7 Public Facility/Institutional District

Article 2.8 Gateway Districts

Article 2.9 Use Regulations



Article 2.1 Single Family Residential Districts

Sections

2.101 Purposes
2.102 Single Family Residential Districts
2.103 Land Use Regulations
2.104 Lot Development Regulations
2.105 Site Development Regulations, Nonresidential Uses in Residential Districts
2.106 Additional Development Regulations
2.107 Additional Use Regulations

2.101 Purposes

The purposes of single family residential districts established in this article are to:

A. Provide for single family residential uses in appropriate locations;

B. Provide for a variety of single family residential densities;

C. Establish reasonable regulations to create and preserve livable neighborhood; and

D. Provide for appropriate transitions to other residential and nonresidential uses.

2.102 Single Family Residential Districts

The single family residential districts are:

Single Family-43 (SF-43). This district permits single family housing on lots of at least 43,000 net square feet.

Single Family-35 (SF-35). This district permits single family housing on lots of at least 35,000 net square feet.

Single Family-15 (SF-15). This district permits single family housing on lots of at least 15,000 net square feet.

Single Family-10 (SF-10). This district permits single family housing on lots of at least 10,000 net square feet.

Single Family-8 (SF-8). This district permits single family housing on lots of at least 8,000 net square feet.

Single Family-7 (SF-7). This district permits single family housing on lots of at least 7,000 net square feet.

Single Family-6 (SF-6). This district permits single family housing on lots of at least 6,000 net square feet.

Single Family Detached (SF-D). This district permits single family, detached housing on lots of at least 3,000 net square feet.

Single Family Attached (SF-A). This district permits single family, attached housing where each dwelling unit is on a lot of at least 2,000 net square feet.

2.103 Land Use Regulations

A. ***Regulations.*** Table 2.902 – Use Regulations sets forth the land use regulations for single family residential 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 2.103B: Unlisted Uses are prohibited.

D. ***Additional Use Regulations***. Additional use regulations for single family residential districts are set forth in Section 2.107: Additional Use Regulations.

2.104 Lot Development Regulations

(See Table 2.105 for Non-Residential Uses)

Table 2.104: Lot Development Regulations – Single Family Residential Districts sets forth the development regulations for single family uses in single family residential districts, and are in addition to the development regulations set forth in Section 2.106: Additional Development Regulations and Division 4: General Regulations. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.104: Lot Development Regulations – Single Family Residential Districts.

Table 2.104: Lot Development Regulations – Single Family Residential Districts (See Table 2.105 for Non-Residential Uses)

Standards	***SF-43***	***SF-35***	***SF-15***	***SF-10***	***SF-8***	***SF-7***	***SF-6***	***SF-D***	***SF-A***	***Additional Regulations***
Minimum Lot Area (sq.ft. per d.u.)	43,000	35,000	15,000	10,000	8,000	7,000	6,000	3,000	2,000	
Minimum Lot Dimensions (ft.)										
Width	145	140	110	85	75	65	55			
Depth	150	150	120	110	100	100	100	N/A	N/A	(A)
Maximum Height (ft.)/Stories	35/2	35/2	30/2	30/2	30/2	30/2	30/2	36/3	36/3	(B)
Minimum Building Setbacks (ft.)										
Front	40	40	30	25	20	20	20	10	10	(C)
Side	30	20	15	10	10	5&10	5&10	0 or 5	0	(D)
Rear	40	40	30	30	25	20	20	10	10	(E)
Maximum Lot Coverage (%)										
One Story	30	30	35	45	45	45	45	60	65	(F)
Two/Three Story	30	30	35	40	40	40	40	50	55	(F)
Street Frontage Landscaping	See Article 4.3 Landscape Regulations									
Off-Street Parking and Loading	See Article 4.2 Off-Street Parking and Loading Regulations									
Exterior Lighting Standards for common open space areas and non-residential uses	See Section 4.103 Lighting Standards									

A. ***Lot Depth for Double Frontage Lots on Arterial Streets***. In the SF-8, SF-7, and SF-6 districts lots backing onto arterial streets with a street landscape area of less than 35 feet in width behind the right-of-way shall have a minimum depth of 110 feet.

B. ***Height.*** Dwelling units on lots where any portion of the lot backs or sides onto parcels designated on the General Plan land use map as Residential > 14 – 25 DU/Acre, or nonresidential, other than Neighborhood Office, shall be limited in height to one story.

C. ***Front Setback.***

1. In the SF-10 district, a minimum front setback of 20 feet is permitted for:

   a. Side entry garages;

   b. Livable areas of dwelling units with detached garages; or

   c. Dwelling units with front-facing garages that are recessed by 20 feet or more from the front plane of the livable area.

2. In the SF-8, SF-7, and SF-6 districts, a minimum front setback of 15 feet is permitted for:

   a. Side entry garages;

   b. Livable areas of dwelling units with detached garages; or

   c. Dwelling units with front-facing garages that are recessed by 20 feet or more from the front plane of the livable area.

3. *Staggering.* In the SF-10, SF-8, SF-7, and SF-6 districts, front setbacks shall be staggered, such that no more than 2 adjacent lots have the same setback. A minimum of a 3 foot variation is required.

D. ***Side Setback.***

1. In the SF-10, SF-8, SF-7, and SF-6 districts the minimum side setback shall be 15 feet where the side setback area abuts:

   a. Parcels designated on the General Plan land use map as Residential > 8 – 14 DU/Acre, Residential > 14 – 25 DU/Acre, or nonresidential;

   b. An arterial or collector street; or

   c. An arterial street landscape area of less than 35 feet in width behind the right-of-way.

2. In the SF-D district, a minimum of 10 feet shall be provided between dwelling units, measured from the exterior walls of the units.

3. In the SF-A district, a minimum of 15 feet shall be provided between structures, excluding detached garages.

4. *Side Clear Area*. A minimum 5 foot side clear area shall be maintained on both sides of all single family lots, except for the common wall property line of attached dwellings in the SF-A district. The minimum 5 foot side clear area in the SF-D district may extend onto the adjacent lot. This clear area extends along the entire length of both side elevations to a point 5 feet behind the rear wall plane. (SEE APPENDIX 1, FIGURE 1) This area shall be free of permanent obstructions, including covered structures such as patios or porches, mechanical equipment, permanent outdoor fireplaces and barbeques, walls, fences, accessory structures, *OTARDs, Large Satellite Dish Antennas, Amateur Radio Facilities* including support structures and cables, swimming pool equipment, and other similar permanent obstructions. The clear area shall extend from the ground to a point 7 feet above ground. The only permanent obstructions permitted are:

   a. Return walls, provided that one side return wall shall contain a minimum 36 inch wide gate;

   b. Architectural building elements extending no more than 6 inches from the wall plane;

   c. Gas, electric and other utility meters and equipment;

   d. Landscape irrigation valves and control boxes; and

   e. Window wells, provided that they are at grade and covered with grills, covers, screens or similar devices.

E. ***Rear Setback***.

1. In the SF-10 and SF-8 districts the minimum rear setback shall be 30 feet for single-story and 35 feet for two-story units where the rear setback area abuts:

   a. A parcel designated on the General Plan land use map as Residential > 8 – 14 DU/Acre, Residential > 14 – 25 DU/Acre, or nonresidential;

   b. An arterial or collector street; or

   c. An arterial street landscape area of less than 35 feet in width behind the right-of-way.

2. In the SF-7 and SF-6 districts the minimum rear setback shall be 25 feet for single-story units and 30 feet for two-story units where the rear setback area abuts:

   a. A parcel designated on the General Plan land use map as Residential > 8 – 14 DU/Acre, Residential > 14 – 25 DU/Acre, or nonresidential;

   b. An arterial or collector street; or

c. An arterial street landscape area of less than 35 feet in width behind the right-of-way.

F. ***Additional Lot Coverage***. In the SF-6 through SF-43 districts 5% additional lot coverage in excess of the LDC standard for the base zoning district is permitted for open air accessory structures, open air attached patios and open air porches.

2.105 Site Development Regulations, Nonresidential Uses in Residential Districts

Table 2.105: Site Development Regulations – Nonresidential Uses in Residential Districts sets forth the development regulations for nonresidential uses in single family residential districts, and are in addition to the development regulations set forth in Section 2.106: Additional Development Regulations and Division 4: General Regulations. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.105: Site Development Regulations – Nonresidential Uses in Residential Districts.

Table 2.105: Site Development Regulations – Nonresidential Uses in Residential Districts

Standards	***Use under 25,000 sq. ft.***	***Use 25,000 to 50,000 sq. ft.***	***Use 50,000 to 75,000 sq. ft.***	***Use over 75,000 sq. ft.***	***Additional Regulations***
Minimum Lot Area	Same as base district regulations set forth in Table 2.104: Lot Development Regulations – Single Family Residential Districts				
Minimum Lot Dimensions	Same as base district regulations set forth in Table 2.104: Lot Development Regulations – Single Family Residential Districts				
Maximum Building Height (ft.)	30	35	35	45	
Building Step-back	No	No	No	Yes	(A)
Minimum Building Setbacks (ft.) *Front*	Same as base district regulations set forth in Table 2.104: Lot Development Regulations – Single Family Residential Districts				
Side (Street)	20	20	25	30	
Side (Residential)	20	25	35	50	
Side (Nonresidential)	15	15	15	20	
Rear (Residential)	40	40	40	50	
Rear (Nonresidential)	15	15	15	20	
Separation between Buildings (ft.) *Single story*	10	15	15	15	
Multiple story	20	20	20	20	
Maximum Lot Coverage (%)	Same as base district regulations set forth in Table 2.104: Lot Development Regulations – Single Family Residential Districts				
Minimum Required Perimeter Landscape Area (ft.) *Front*	20	25	30	35	(B)
Side (Street)	20	20	25	30	
Side (Residential)	20	25	35	35	

Table 2.105: Site Development Regulations – Nonresidential Uses in Residential Districts

Standards	***Use under 25,000 sq. ft.***	***Use 25,000 to 50,000 sq. ft.***	***Use 50,000 to 75,000 sq. ft.***	***Use over 75,000 sq. ft.***	***Additional Regulations***
Side (Nonresidential)	15	15	15	20	
Rear (Residential)	20	25	35	35	
Rear (Nonresidential)	15	15	15	20	
Landscaping (% of net lot area)	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.*** A building step-back of 10 feet at the third floor is required for all nonresidential structures in residential districts.

B. ***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.

2.106 Additional Development Regulations

In addition to the requirements set forth in Article 4.1: Site Regulations, the following regulations shall apply:

A. ***Residential Design Guidelines***. Design Guidelines for single family residential dwellings are set forth in Chapter II: Design Standards and Guidelines.

B. ***Accessory Structures.*** Accessory structures requiring a building permit (larger than 200 square feet) shall comply with the following regulations:

1. *Establishment.* An accessory structure shall not be constructed prior to construction of the principal structure.

2. *Location:*

   a. The structure shall be located within the building envelope or the rear one-half of the lot.

   b. For single family uses, the structure may be located outside the building envelope provided it complies with the following additional regulations:

(1) Except for swimming pools, for structures 6 feet in height or less, the side and rear setbacks shall be 5 feet. For structures greater than 6 feet in height, there shall be an additional 1 foot setback for each additional 1 foot in height.

(2) Tennis or sport courts on individual lots shall be set back a minimum of 10 feet from side and rear property lines.

(3) Location of swimming pools is regulated under Section 4.107: Swimming Pools.

3. *Maximum Height*. The maximum height shall be 20 feet in all districts except in SF-43 and SF-35. In the SF-43 and SF-35 districts, the maximum height shall be 30 feet.

C. ***Guest Quarters.*** Guest Quarters shall comply with the following regulations:

1. *Establishment.* Guest Quarters shall not be constructed prior to construction of the dwelling unit.

2. *Number*. One Guest Quarters is permitted on a lot or parcel.

3. *Location.* Guest Quarters shall be located within the building envelope.

4. *Additional Standards.*

a. Guest Quarters may be attached to the principal dwelling;

b. Guest Quarters shall use utility service provided to the principal dwelling;

c. Ranges, ovens, and built-in cooking facilities are prohibited;

d. Separate renting or leasing from the principal dwelling is prohibited;

e. Guest Quarters shall be a single floor and not exceed the principal structure maximum height requirement of the base zoning district, and may be located above an attached or detached garage; and

f. Design of Guest Quarters shall be compatible with the design of the principal dwelling in materials, colors and architectural style.

D. ***Secondary Dwellings***. Secondary Dwellings shall comply with the following regulations:

1. *Establishment.* Secondary Dwellings shall not be constructed prior to construction of the dwelling unit.

2. *Number*. Only 1 Secondary Dwelling unit is permitted on a lot or parcel.

3. *Location.*

   a. Except for Secondary Dwellings constructed over a detached garage, Secondary Dwellings shall be located within the building envelope.

   b. A Secondary Dwelling constructed over a detached garage shall not exceed the height of the principal dwelling.

4. *Additional Standards.*

   a. The entrance to the Secondary Dwelling shall not be visible from the public or private street on which the principal dwelling fronts;

   b. The Secondary Dwelling shall use utility service provided to the principal dwelling;

   c. The Secondary Dwelling shall provide one additional off-street parking space in conformance with Section 4.203X: Parking on Single Family Residential Lots. The space may be enclosed or unenclosed;

   d. The Secondary Dwelling shall not have internal access to the principal dwelling;

   e. Rentals of Secondary Dwellings are permitted;

   f. A full kitchen is permitted in a Secondary Dwelling; and

   g. The design of the Secondary Dwelling unit shall be compatible with the design of the principal dwelling in materials, colors and architectural style.

E. ***Covered Patios***.

1. New single family dwellings in the SF-43, SF-35, SF-15, SF-10, SF-8, SF-7, and SF-6 districts shall have a covered patio of at least 80 square feet. No dimension shall be less than 6 feet.

2. New single family dwellings within the SF-D and SF-A districts shall have a covered patio of at least 60 square feet. No dimension shall be less than 6 feet.

F. ***Porches.*** Where new porches are provided, they shall be at least 6 feet in depth as measured from the dwelling façade to the interior edge of the supporting post.

G. ***Access to Nonresidential Property***. Use of a property to provide primary vehicular access to a nonresidential use is prohibited.

H. ***Model Home Complexes.*** Model home complexes are permitted for the initial sale of homes within a recorded subdivision or residential condominium development.

1. *Location.* The model home complex shall be located within a subdivision where the model homes are currently being constructed. The model home complex may be used to market homes for sale within the same Planned Area Development, subject to approval by the Director of Planning.

2. *Design Review Required.* All model home complexes shall obtain administrative design review approval prior to issuance of a Certificate of Occupancy for any unit within the complex.

3. *Opening.* An approved model home complex may be open for use when all required improvements have been installed or constructed, inspected, and a Certificate of Occupancy issued.

4. *Termination.* The sales office use shall be terminated, all model home complex units converted to residential occupancy standards, all exterior improvements unique to the complex removed, all signage removed and a final inspection completed on all model complex units prior to residential occupancy of the sales office unit.

5. *Parking.* The model home complex parking area shall be constructed of concrete, masonry, asphalt, compacted decomposed granite, or other approved dust free surface. Accessible parking shall meet all accessibility requirements, including a paved surface, signage and connection to the model complex by a compliant pathway.

6. *Signage.* Signage shall comply with the requirements of Article 4.4: Sign Regulations.

7. *Residential Occupancy Prohibited.* Any unit in a model home complex shall not be occupied as a residential unit until fully converted to residential occupancy standards and a certificate of occupancy has been issued by the Town.

8. *Improvements Required.* All model home complex sales offices and parking areas shall have access from a paved street. Pedestrian ways shall be paved.

I. ***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 permitted signs and lighting.

1. *Arterial Streets.* A landscape area adjacent and parallel to the street with a minimum width of 20 feet is required.

2. *Arterial/Arterial Intersection.* A minimum 50 foot wide landscape area shall be established and maintained along the street frontage within a distance of 250 feet of the arterial intersection as measured from the intersection of street lines. One driveway perpendicular to each street frontage within the 50 foot wide landscaped area established above is permitted if no other access is available.

3. *Collector Streets.* A landscape area adjacent and parallel to the street with a minimum width of 10 feet is required.

2.107 Additional Use Regulations

A. ***Animals***. In addition to the regulations set forth in Chapter 6 of the Municipal Code and Section 2.103: Land Use Regulations, the following regulations shall apply:

1. *Rodents and Fowl.*

   a. On each lot that is at least 6,000 square feet and less than 8,000 square feet in area, any combination of rodents and fowl not to exceed 5 total animals is permitted.

   b. On each lot that is at least 8,000 square feet and less than 10,000 square feet in area, any combination of up to 10 rodents and fowl is permitted.

   c. On each lot that is at least 10,000 square feet and less than 20,000 square feet in area, any combination of up to 25 rodents and fowl is permitted. For each additional 10,000 square feet of lot area, an additional 12 rodents or fowl are permitted.

   d. Aviaries shall be located within the building envelope or the rear one-half of the lot. If located within the rear one-half of the lot, the aviary shall be a minimum of 5 feet from any property line.

   e. One (1) rooster over four months in age shall be permitted for each 20,000 square feet of lot area with the exception of those kept for "Crop and Animal Raising, Commercial", provided that the rooster is controlled or contained in such a manner to comply with Municipal Code Chapter 6, Section 6.2 (Noisy Animals).

2. *Livestock*. Large and small livestock animals are permitted on lots of 15,000 net square feet and larger. The number of livestock are determined as follows:

   a. One large livestock animal is permitted for each 10,000 square feet of net lot area.

   b. One small livestock animal is permitted for each 5,000 square feet of net lot area.

   c. Where both large and small livestock animals are kept, the minimum required lot area shall be cumulative.

3. *Apiaries (Beehives)*. Apiaries shall be located at least 100 feet from any property line.

B. ***Stables, Commercial***.

1. *Minimum Net Lot Area.* 10 acres.

2. *Structures.* Any structure housing animals shall be set back at least 100 feet from all property lines.

C. ***Equestrian Arenas***.

1. *Minimum Net Lot Area:* 10 acres.

2. *Structures*.

   a. Any structure housing animals overnight shall be set back at least 100 feet from all property lines.

   b. Any structure housing animals other than overnight shall be set back at least 50 feet from all property lines.

   c. The location and operation of any arena shall be as set forth in the Use Permit. Conditions may be imposed to minimize noise, dust, light, odors, and other negative impacts on adjacent uses.

D. ***Stables, Residential***. Any structure housing animals is an accessory structure subject to the requirements of Section 2.106B: Accessory Structures, except that such structure shall be set back at least 20 feet from all property lines.

E. ***Recreational Vehicle Storage on Residential Lots.*** The storage of unoccupied personal recreational vehicles owned by the occupant is permitted on a developed residential lot or parcel, outside of the required front or street side setback. Only recreational vehicles parked on a driveway or additional parking space as permitted in Section 4.203X may be stored within the required front or street side setback.

Article 2.2 Multi-Family Residential Districts

Sections

2.201 Purposes
2.202 Multi-Family Residential Districts
2.203 Land Use Regulations
2.204 Site Development Regulations
2.205 Additional Use Regulations

2.201 Purposes

The purposes of multi-family residential districts established in this article are to:

A. Provide for multi-family residential uses in appropriate locations;

B. Provide for a variety of housing opportunities;

C. Establish reasonable regulations to create and preserve quality higher density living environments; and

D. Provide for appropriate transitions to other residential and nonresidential uses.

2.202 Multi-Family Residential Districts

The multi-family residential districts are:

Multi-Family/Low (MF/L). This district permits multi-family housing at densities of 8-14 dwelling units per gross acre.

Multi-Family/Medium (MF/M). This district permits multi-family housing at densities of 14-25 dwelling units per gross acre.

2.203 Land Use Regulations

A. ***Regulations.*** Table 2.902: Use Regulations sets forth the land use regulations for multi-family residential 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 2.203B: Unlisted Uses are prohibited.

D. ***Additional Use Regulations.*** Additional use regulations for multi-family residential districts are set forth in Section 2.205: Additional Use Regulations.

2.204 Site Development Regulations

Table 2.204: Site Development Regulations – Multi-Family Residential Districts sets forth the development regulations for multi-family residential districts, which are in addition to the regulations set forth in Section 2.205: Additional Use Regulations and Division 4: General Regulations. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.204: Site Development Regulations.

Table 2.204: Site Development Regulations – Multi-Family Residential Districts

Standards	***MF-L***	***MF-M***	***Additional Regulations***
Minimum Parcel Area (sq. ft.)	20,000	20,000	
Minimum Net Land Area per Unit (sq. ft.)	3,100	1,750	
Maximum Net Land Area per Unit (sq. ft.)	5,450	3,100	
Maximum Height (ft.)	36	40	
Building Step-back	10' at 3rd floor	10' at 3rd floor	(A)
Minimum Perimeter Building Setbacks (ft.) *Front*	25	30	
Side (Street)	25	30	
Side (Residential)	25	30	
Side (Nonresidential)	20	20	
Rear (Residential)	25	30	

Table 2.204: Site Development Regulations – Multi-Family Residential Districts

Standards	***MF-L***	***MF-M***	***Additional Regulations***
Rear (Nonresidential)	20	20	
Minimum Perimeter Landscape Area (depth in ft.) *Front*	20	20	
Side (Street)	20	20	
Side (Single Family Residential)	20	20	
Side (Multi-Family Residential)	15	15	
Side (Nonresidential)	20	20	
Rear (Residential)	20	20	
Rear (Nonresidential)	20	20	
Separation between Buildings (ft.) *Single or two story*	20	20	
Three story	30	20	
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		
Private Open Space (sq. ft.)	60	60	(B)
Common Open Space (minimum)	45% of net site	40% of net site	(C)
Common Open Space Landscaping	1 tree/unit	1 tree/unit	(C)
Landscaping (Perimeter & Public Street Frontages)	Perimeter & Public Street Frontages: 1 tree/20 linear ft.	Perimeter & Public Street Frontages: 1 tree/20 linear ft.	(D) See Section 2.204D
Exterior Lighting Standards	See Section 4.103: Lighting Standards		

A. ***Building Step-back***.

1. A building step-back of 10 feet at the third floor is required for all development within the MF-L District.

2. Where development in the MF-M District abuts an existing single family residential district or property designated for residential use in the General Plan, a building step-back of 10 feet at the third floor is required.

B. ***Private Open Space***. Each unit shall contain an exterior private open space. No dimension of private open space shall be less than 6 feet. Private open space shall be covered and screened by a wall of 4 feet in height. Ground floor private open space may be screened by a wall no less than 3 feet, but no more than 8 feet in height.

C. ***Common Open Space Amenities***. Common open space shall contain the following amenities:

1. One swimming pool with a minimum 600 sq. ft. surface area for developments of 50 units or more;

2. One enclosed community facility of at least 1,000 square feet for developments of 100 units or more;

3. A minimum of 1 tree per dwelling unit, exclusive of trees within the right- of-way. A minimum 25 percent of the required trees shall be 24 inch box in size; and

4. One children's play area of at least 400 square feet with play equipment.

D. ***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.

1. *Arterial Streets*. A landscape area adjacent and parallel to the street with a minimum width of 25 feet is required.

2. *Arterial/Arterial Intersection*. A minimum 50 foot wide landscape area shall be established and maintained along the street frontage within a distance of 250 feet of the arterial intersection as measured from the intersection of street lines. One driveway perpendicular to each street frontage within the 50 foot wide landscaped area established above is permitted if no other access is available.

3. *Other Streets*. Along other streets, a landscape area adjacent and parallel to the street with a minimum width of 20 feet is required.

2.205 Additional Use Regulations

A. ***Accessory Structures***. Accessory structures shall comply with the following regulations:

1. *Location.*

a. Accessory structures may be located anywhere within the building envelope.

b. Parking canopies and garages shall be set back a minimum of 10 feet from nonresidential and multi-family residential zoning districts or properties designated as nonresidential or multi-family in the General Plan.

c. Parking canopies and garages shall be set back a minimum of 20 feet from single family residential zoning districts or properties designated as single family residential in the General Plan.

2. *Maximum Height.* The maximum height shall be 15 feet.

B. ***Multi-Family Design Guidelines***. Design Guidelines for multi-family residential dwellings are set forth in Chapter II: Design Standards and Guidelines.

C. ***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.

D. ***Recreational Vehicle Storage***. The storage of unoccupied personal recreational vehicles is permitted on a developed residential lot or parcel, outside of the required front or street side setback.

E. ***Access to Nonresidential Property***. Use of multi-family zoned property to provide primary vehicular access to a nonresidential use is prohibited.

Article 2.3 Commercial Districts

Sections

2.301 Purposes
2.302 Commercial Districts
2.303 Land Use Regulations
2.304 Site Development Regulations
2.305 Additional Development Regulations
2.306 Additional Use Regulations

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	--	--	
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.) *Front*	20	20	25	25	25	(B)
Side (Street)	15	20	20	20	20	
Side (Residential)	15	30	75	75	75	
Side (Nonresidential)	10	15	15	20	20	
Rear (Residential)	15	40	75	75	75	
Rear (Nonresidential)	15	15	15	20	20	
Separation between Buildings (ft.) *Single story*	10	15	15	15	15	
Multiple story	--	20	20	20	20	
Minimum Required Perimeter Landscape Area (ft.) *Front*	20	20	25	25	25	(C, D)
Side (Street)	15	20	20	20	20	
Side (Residential)	15	25	30	40	40	
Side (Nonresidential)	10	15	15	20	20	
Rear (Residential)	15	30	35	40	40	
Rear (Nonresidential)	15	15	15	20	20	
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.

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.

H. ***Multi-Family Use in Regional Commercial District.*** In addition to the findings required in Section 5.403: Required Findings, the Planning Commission shall approve, approve with modifications and/or conditions, or deny a use permit for a multi-family use in a Regional Commercial district only after making the following additional Findings of Fact. Methods to achieve these findings can be found in the Land Development Code, Chapter II: Design Standards and Guidelines.

1. *Mixed Land Uses*. The project is a mixed-use development where land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned). A mixed-use development is an efficient integration (horizontally or vertically) of non-residential and residential uses that cultivates a sense of community in a live, work, and play environment.

2. *Sustainability through Compact Des*ign. Site layout is compact and configures buildings, parking areas, streets, driveways and gathering places in a way that lessens dependence on automobiles, and reduces impacts on the natural environment. Parking for the multi-family residential component meets multi-family residential parking requirements or an approved "shared-parking" model.

3. *Pedestrian Scale and Orientation*. All portions of the development are accessible by a direct, convenient, and safe system of pedestrian facilities and pedestrian amenities, and gathering places are appropriate scaled for the project.

4. *Transportation and Connectivity*. The development provides appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles.

Article 2.4 Heritage Village Center Zoning District

Sections

2.401 Purposes
2.402 Land Use Regulations
2.403 Site Development Regulations
2.404 Additional Development Regulations
2.405 Additional Use Regulations

2.401 Purposes

The Heritage Village Center (HVC) zoning district is intended to foster small-scale, pedestrian-oriented mixed-use development, consistent with the Heritage District Redevelopment Plan and General Plan. The district encourages a mixture of uses, including complementary high-density residential, retail, service, office, lodging, entertainment, public and quasi-public and cultural uses.

The additional purposes of the HVC district established in this article are to:

A. Encourage quality and variety in building, landscape, and signage design;

B. Insure historic compatibility in land use and building form;

C. Support mixed commercial and residential uses;

D. Reinforce the historic character of the downtown; and

E. Attract active uses that will enhance the pedestrian ambiance of the downtown.

2.402 Land Use Regulations

A. ***Regulations.*** Table 2.902: Use Regulations sets forth the land use regulations for the Heritage Village Center zoning district. The regulations 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 2.402B: Unlisted Uses are prohibited.

D. ***Additional Use Regulations***. Additional use regulations for the Heritage Village Center District are set forth in Section 2.405: Additional Use Regulations.

2.403 Site Development Regulations

Table 2.403: Site Development Regulations – Heritage Village Center District sets forth the site development regulations for the Heritage Village Center district, which are in addition to the development regulations set forth in Section 2.404: Additional Development Regulations and Division 4: General Regulations. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.403.

Table 2.403: Site Development Regulations – Heritage Village Center District

Standards	***HVC***	***Additional Regulations***
Minimum Floor Area Ratio (FAR) (%)	25	
Minimum Building Height (ft.) / (Stories)	35/2	(A)
Maximum Building Height (ft.) / (Stories)	55/4	(B)
Minimum Building Setback (ft.) *Front*	0	
Side (Street)	0	
Side (Residential)	10	
Side (Non-residential)	0	
Rear (Residential)	20	
Rear (Non-residential)	0	

Table 2.403: Site Development Regulations – Heritage Village Center District

Standards	***HVC***	***Additional Regulations***
Build-to Line (ft.) *Front*	10	(C)
Side (Street)	10	
Storefronts and Access	Yes	(D)
Building Transparency	Yes	(E)
Driveway Restrictions	Yes	(F)
Parking Setback	Yes	(G)
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; (H)	

A. ***Minimum Building Height***. Single story buildings may be approved by the Redevelopment Commission upon finding that the character of the Heritage Village Center will be maintained.

B. ***Maximum Building Height***. Building height above 2 stories or 35 feet up to a maximum of 4 stories or 55 feet may be approved by the Redevelopment Commission upon a finding of consistency with the Redevelopment Plan, and finding that the character of the Heritage Village Center will be maintained.

C. ***Build-To Lines.***

1. *Ground Floor*. A minimum of 50 percent of the ground floor building facades or defined permanent outdoor dining area shall be within 10 feet of the property line abutting a street.

2. *Second Floor*. All second floor building street facades shall be within 10 feet of the property line abutting a street. Permanent outdoor dining may substitute for a portion of the building facade abutting a street.

D. ***Storefronts and Access***.

1. A minimum 75 percent of ground floor building length or width along the front of the building shall consist of windows, window displays, doors, or a combination thereof.

2. Pedestrian access to ground floor uses shall be provided a minimum of every 50 feet along a principal building frontage. (SEE APPENDIX 1, FIGURE 2).

E. ***Transparency.***

1. *Ground Floor*. View windows, window displays, or doors shall be provided in a zone between 2 and 8 feet above grade adjacent to the principal building frontage.

2. *Upper Floors*. A minimum of 25 percent of a building's upper floor elevations along streets shall have view windows with non-reflective glass. (SEE APPENDIX 1, FIGURE 3)

F. ***Driveway Restrictions.*** Vehicular access shall be from a non-arterial street or alley.

G. ***Parking Setback.*** Parking areas shall be set back a minimum of 25 feet from an arterial street.

H. ***Lighting.*** All lighting fixtures shall conform to standards set forth in the Heritage District Redevelopment Plan.

2.404 Additional Development Regulations

A. ***Accessory Structures***. Accessory structures shall be identified on an approved Final Design Review site plan and shall conform to the following regulations:

1. *Establishment.* An accessory structure shall not be constructed prior to construction of a principal structure.

2. *Location*. Accessory structures shall be located within the building envelope.

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.

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.

2.405 Additional Use Regulations

A. ***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. *Area*. 5 percent of the Gross Floor Area (GFA) of the use or 200 square feet, whichever is less.

2. *Height of Fences.* Fences enclosing outdoor storage areas shall be 6 feet in height.

3. *Location.* Outdoor storage areas shall not be located between the building and the street.

4. *Stored Material*. Stored material shall not exceed the height of the fence.

B. ***Outdoor Retail Sales and Merchandise Display***. Outdoor retail sales and merchandise displays shall be located and conducted in compliance with the following requirements. 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, or be located in landscaped areas. 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*. 5 percent of the GFA of the use or 200 square feet, whichever is less.

3. *Height.* Display merchandise shall not exceed a height of 6 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.

C. ***Fueling Facility Abandonment***. All types of Fueling Facility structures and tanks that are unused and/or vacant for at least 1 year 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.

D. ***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.

Article 2.5 Office Districts

Sections

2.501 Purposes
2.502 Office Districts
2.503 Land Use Regulations
2.504 Site Development Regulations
2.505 Additional Development Regulations
2.506 Additional Use Regulations

2.501 Purposes

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

A. Provide for a range of office uses at appropriate scales and locations;

B. Ensure land use compatibility with residential and other adjacent uses; and

C. Encourage quality and variety in building and landscape design.

2.502 Office Districts

The office districts are:

Neighborhood Office (NO). This district permits small residential scale office and office service uses that serve as a transition between residential neighborhoods and more intense uses.

General Office (GO). This district permits medium to large-scale, single- or multi-story medical, professional, and service-type office uses. Development standards ensure compatibility with adjacent uses**.**

2.503 Land Use Regulations

A. ***Regulations***. Table 2.902: Use Regulations sets forth the land use regulations for office 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 Table2.902: 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 2.503B: Unlisted Uses are prohibited.

D. ***Additional Use Regulations***. Additional use regulations for office districts are set forth in Section 2.506: Additional Use Regulations.

2.504 Site Development Regulations

Table 2.504: Site Development Regulations – Office Districts sets forth the site development regulations for office districts, which are in addition to the development regulations set forth in Section 2.505: Additional Development Regulations and Division 4: General Regulations. Letter designations in the Additional Regulations column refer to regulations that follow Table 2.504: Site Development Regulations.

Table 2.504: Site Development Regulations – Office Districts

Standards	*NO*	*GO*	*Additional Regulations*
Maximum Building Height (ft.) / (Stories)	25/1	55/3	
Building Step-back	No	Yes	(A)
Minimum Building Setback (ft.) *Front*	20	25	
Side (Arterial)	20	20	

Table 2.504: Site Development Regulations – Office Districts

Standards	***NO***	***GO***	***Additional Regulations***
Side (Collector or local)	15	20	
Side (Residential)	15	30	
Side (Nonresidential)	10	15	
Rear (Residential)	15	30	
Rear (Nonresidential)	10	20	
Separation between Buildings (ft.) *Single story*	15	15	
Multiple story	--	20	
Minimum Required Perimeter Landscape Area (ft.) *Front*	20	25	(B C)
Side (Arterial)	20	20	
Side (Collector or local)	15	20	
Side (Residential)	15	30	
Side (Nonresidential)	10	15	
Rear (Residential)	15	30	
Rear (Nonresidential)	10	20	
Landscaping (% of net lot area)	15	15	See Article 4.3: Landscape Regulations
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 the GO 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. ***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.

C. ***Arterial/Arterial Intersection***. A minimum 50 foot wide landscape area shall be established and maintained along the street frontage within a distance of 250 feet of the arterial intersection as measured from the intersection of street lines. One driveway perpendicular to each street frontage within the 50 foot wide landscaped area established above is permitted if no other access is available.

2.505 Additional Development Regulations

A. ***Accessory Structures***. Accessory structures shall be identified on an approved Final Design Review site plan and shall conform to 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.

2.506 Additional Use Regulations

A. ***Hours of Operation***. In the NO District, the hours that a business may be open to the public are limited to 6:00 a.m. to 11:00 p.m. Increased hours of operation may be permitted with approval of a Conditional Use Permit, provided that the increased hours will not adversely impact the adjacent neighborhood.

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 Office*. Outdoor storage is prohibited.

2. *General Office*.

   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.

C. ***Temporary Use of Parking Areas***. The temporary use of parking areas for non- parking activities is prohibited.

D. ***Access to Residential Property***. Use of property to provide primary vehicular access to a residential use is prohibited.

E. ***Limited Floor Area***. In the GO district, Day Care Centers, Dry Cleaning and Laundry Outlets, Restaurants, Entertainment and Recreation Uses, Personal Services and Retail Sales uses shall be permitted with a limitation on combined floor area. Any combination of these uses' square footage shall not exceed 15 percent of the building's gross floor area. Dry Cleaning and Laundry Outlets are limited to drop-off and pick-up services only.

Article 2.6 Employment Districts

Sections

2.601 Purposes
2.602 Employment Districts
2.603 Land Use Regulations
2.604 Site Development Regulations
2.605 Additional Development Regulations
2.606 Additional Use Regulations

2.601 Purposes

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

A. Provide for a range of employment uses at appropriate intensities and locations;

B. Identify areas of the Town for the location of employment uses and protect such areas from incompatible uses;

C. Protect adjacent uses from potential adverse impacts of employment uses by setting forth standards for compatibility; and

D. Encourage quality and variety in building and landscape design.

2.602 Employment Districts

The employment districts are:

Business Park (BP). This district permits integrated campus-style office development serving high technology, research and development, office, service and light industrial uses. Limited business service uses serving the development may be permitted. Development will include buildings of quality design in a landscaped setting.

Light Industrial (LI). This district permits employment uses of moderate intensity such as assembly, light manufacturing, processing, vehicle and equipment service, research and development, general offices, storage and distribution.

General Industrial (GI). This district permits more intense employment uses that may not occur in buildings and that require access for heavy trucks, such as manufacturing, food and materials processing and packaging, warehousing and storage, waste management, motor vehicle and heavy equipment storage and repair, utilities and freight/truck terminals.

2.603 Land Use Regulations

A. ***Regulations*** Table 2.902: Use Regulations sets forth the land use regulations for employment 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 2.603B: Unlisted Uses are prohibited.

D. ***Additional Use Regulations***. Additional use regulations for employment districts are set forth in Section 2.606: Additional Use Regulations.

2.604 Site Development Regulations

Table 2.604: Site Development Regulations – Employment Districts sets forth the site development regulations for employment districts, which are in addition to the development regulations set forth in Section 2.605: Additional Development Regulations and Division 4: General Regulations. Letter designations in the Additional Regulations column refer to regulations that follow Table 2.604: Site Development Regulations.

Table 2.604: Site Development Regulations – Employment District

Standards	***BP***	***LI***	***GI***	***Additional Regulations***
Maximum Building Height (ft.) / (Stories)	35/2	55/3	--	
Building Step-back	No	Yes	No	(A)
Minimum Building Setback (ft.)				(B)
Front (Arterial)	25	30	35	
Front (Collector or local)	20	25	30	
Side (Street)	20	20	25	
Side (Residential)	25	75	100	
Side (Commercial/Office/ Public Facility/ Institutional)	15	15	20	
Side (Employment)	0	0	0	
Rear (Residential)	25	75	100	
Rear (Commercial/Office/ Public Facility/Institutional)	15	15	15	
Rear (Employment)	0	0	0	
Separation between Buildings (ft.) *Single story*	15	15	15	
Multiple story	20	20	20	
Minimum Required Perimeter Landscape Area (ft.) *Front (Arterial)*	25	25	25	(C, D)
Front (Collector or local)	20	20	25	(C)
Side (Street)	20	20	25	(C)
Side (Residential)	20	25	30	
Side (Commercial/Office/ Public Facility/Institutional)	15	15	20	
Side (Employment)	5	5	5	(E)
Rear (Residential)	20	30	35	
Rear (Commercial/Office/ Public Facility/Institutional)	15	15	15	
Rear (Employment)	5	5	5	(E)
Landscaping (% of net lot area)	15	--	--	See Article 4.3: Landscape Regulations
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 the LI 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. ***Employment Uses Adjacent to Residential Districts***. Employment activity occurring within 50 feet of property designated for residential use in the General Plan shall be conducted within an enclosed building. No part of the building within 50 feet of the residentially classified property shall contain bay or roll-up doors or similar service openings.

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. ***Zero Lot Line Landscape Requirements***. Where a building is constructed on the property line, landscaping is required adjacent to that portion of the side or rear property line not occupied by the building.

2.605 Additional Development Regulations

A. ***Secure Vehicle Access Points***. Each secure vehicle access point to a parking or storage area shall be set back a minimum of 50 feet from the right-of-way.

B. ***Service Bay Doors***.

1. 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.

2. Service bays located within 200 feet of property designated for residential use in the General Plan shall not face the adjacent residential property.

3. 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.

2.606 Additional Use Regulations

A. ***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. *Business Park*. Outdoor storage is prohibited.

2. *Light Industrial*.

   a. Area. No maximum.

b. Height of Fences. Fences enclosing outdoor storage areas shall be a minimum of 8 feet.

c. Location. Outdoor storage areas shall not be located between the front of the building and the street.

3. *General Industrial*.

a. Area. No maximum.

b. Height of Fences. Fences enclosing outdoor storage areas shall be a minimum of 8 feet.

c. Location. No limitation.

B. ***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.

C. ***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.

D. ***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.

E. ***Access to Residential Property***. Use of employment zoned property to provide primary vehicular access to a residential use is prohibited.

Article 2.7 Public Facility/Institutional District

Sections

2.701 Purpose
2.702 Land Use Regulations
2.703 Site Development Regulations
2.704 Additional Development Regulations
2.705 Additional Use Regulations

2.701 Purpose

The purpose of the Public Facility/Institutional District is to provide for utilities and public and quasi-public uses such as schools, hospitals, libraries, recreation centers, golf courses, and parks.

2.702 Land Use Regulations

A. ***Regulations***. Table 2.902: Use Regulations sets forth the land use regulations for the Public Facility/Institutional district. The regulations for the 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 2.702B: Unlisted Uses are prohibited.

D. ***Additional Use Regulations***. Additional use regulations for the Public Facility/Institutional District are set forth in Section 2.705: Additional Use Regulations.

2.703 Site Development Regulations

Table 2.703: Site Development Regulations – Public Facility/Institutional District sets forth the site development regulations for the Public Facility/Institutional District, which are in addition to the development regulations set forth in Section 2.704: Additional Development Regulations and Division 4: General Regulations. Letter designations in the Additional Regulations column refer to regulations that follow Table 2.703: Site Development Regulations.

Table 2.703: Site Development Regulations – Public Facility/Institutional District

Standards	***PF/I***	***Additional Regulations***
Maximum Building Height (ft.)	55	
Minimum Building Setback (ft.) *Front*	25	(A)
Side (Street)	25	
Side (Residential)	25	
Side (Nonresidential)	15	
Rear (Residential)	20	
Rear (Nonresidential)	15	
Separation between Buildings (ft.) *Single story*	15	
Multiple story	20	
Minimum Required Perimeter Landscape Area (ft.) *Front*	20	(B, C)
Side (Collector or local street)	15	(B)
Side (Residential)	15	
Side (Nonresidential)	15	
Rear (Residential)	20	
Rear (Nonresidential)	15	
Landscaping (% of net lot area)	15	See Article 4.3: Landscape Regulations
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. ***Public Facility/Institutional*** Uses Adjacent to Residential Districts. Public facility/institutional uses located within 50 feet of an existing residential district designated for residential use in the General Plan shall be conducted within an enclosed building. No part of the building within 50 feet of the residential district shall contain bay or roll-up doors, car wash entry or exit points or similar service openings.

B. ***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.

C. ***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 may be permitted within the 50 foot wide landscaped area established above if no other access is available.

2.704 Additional Development Regulations

A. ***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.

2.705 Additional Use Regulations

A. ***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. *Area*. No maximum.

2. *Height of Fences*. Fences enclosing outdoor storage areas shall be a minimum of 6 feet and a maximum of 8 feet.

3. *Location*. Outdoor storage areas shall not be located between the front of the building and the street.

B. ***Stables, Commercial***.

1. *Minimum Lot Area*. 10 acres.

2. *Structures*.

   a. Any structure housing animals shall be set back at least 100 feet from all property lines.

   b. The location and operation of any arena shall be as set forth in the Use Permit. Conditions may be imposed to minimize noise, dust, light, odors, and other negative impacts on adjacent uses.

C. ***Equestrian Arenas***.

1. *Minimum Lot Area*. 10 acres.

2. *Structures*.

   a. Any structure housing animals overnight shall be set back at least 100 feet from all property lines.

   b. Any structure housing animals other than overnight shall be set back at least 50 feet from all property lines.

   c. The location and operation of any arena shall be as set forth in the Use Permit. Conditions may be imposed to minimize noise, dust, light, odors, and other negative impacts on adjacent uses.

D. ***Fueling Facility Abandonment***. All types of Fueling Facility structures and tanks that are unused and/or vacant for at least 1 year 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.

E. ***Access to Residential Property***. Use of property to provide primary vehicular access to a residential use is prohibited.

Article 2.8 Gateway Districts

Sections

2.801 Purposes
2.802 Gateway Districts
2.803 Land Use Regulations
2.804 Site Development Regulations
2.805 Additional Use Regulations

2.801 Purposes

The purposes of the Gateway Districts are to:

A. Implement the Gateway Character Area goals and policies of the General Plan, and the Gateway Area Right-Of-Way Improvement Standards and Streetscape Design Guidelines by creating a new urban core serving, commercial retail, employment, high density residential, governmental, institutional, and civic purposes of the community.

B. Encourage quality and variety in building and landscape design to create a vibrant pedestrian environment.

C. Provide for the location of employment uses and protect such areas from incompatible uses.

D. Encourage opportunities for mass transit services.

E. In the Gateway Village Center zoning district, encourage a mixture of uses, including complementary high density multi-family residential and loft units, retail service, office, lodging, entertainment and cultural uses and create a vibrant pedestrian/transit oriented environment to promote pedestrian activity.

F. In the Gateway Business Center zoning district, provide for a range of employment uses at appropriate intensities and locations, support the integration of living and working uses, and support commuter rail and other mass transit services.

2.802 Gateway Districts

The Gateway Districts are:

Gateway Village Center (GVC). This district permits pedestrian oriented retail service, office, lodging, educational, entertainment and cultural uses, and high density multi-family residential and loft units that are complementary.

Gateway Business Center (GBC). This district permits complementary retail service, office, lodging, educational, and entertainment uses, and high density multi-family residential and loft units.

2.803 Land Use Regulations

A. ***Regulations.*** Table 2.902: Use Regulations sets forth the land use regulations for Gateway Village Center (GVC) and Gateway Business Center (GBC) 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 2.803B: Unlisted Uses are prohibited.

D. ***Additional Use Regulations.*** Additional use regulations for the Gateway Districts are set forth in Section 2.805: Additional Use Regulations and in the Gateway Character goals and policies of the General Plan, and the Gateway Area Right-Of- Way Improvement Standards and Streetscape Design Guidelines.

2.804 Site Development Regulations

Table 2.804: Site Development Regulations – Gateway Districts sets forth the site development regulations for the Gateway Village Center and Gateway Business Center districts, which are in

addition to the development regulations set forth in Section 2.805: Additional Use Regulations and Division 4: General Regulations. Letter designations in the *Additional Regulations* column refer to regulations that follow table 2.804: Site Development Regulations – Gateway Districts. The intent of these regulations is to promote vertical mixed use development in a pedestrian–oriented environment. These regulations are designed to create a street wall retail experience while incorporating height and density to create critical mass in a live, work and play experience.

Table 2.804: Site Development Regulations – Gateway Districts

Standards	***GVC***	***GBC***	***Additional Regulations***
Floor Area Ratio	0.10 – 0.75*	No	
Minimum Building Height (ft.) / (Stories)	15/1	15/1	(A)
Maximum Building Height (ft.) / (Stories)	90/6	90/6	(B)
Minimum Building Setback (ft.) *Front*	0	0	(C)
Side (Street)	0	0	
Side (Residential)	0	0	
Side (Nonresidential)	0	0	
Rear (Residential)	20	20	
Rear (Nonresidential)	0	0	
Build-to Line (ft.) *Front*	0	0	(C)
Side (Street)	0	0	
Storefronts and Access	Yes	No	(D)
Building Transparency	Yes	No	(E)
Driveway Restrictions	Yes	Yes	(F)
Parking Setback	Yes	No	(G)
Pedestrian, Sidewalk, & Landscape Tract	Yes	Yes	(H)
Building Setback to Parking (ft.)	See Section 4.203N: Separation from Buildings		
Off-Street Parking and Loading	See Section 4.203I: Off-Site Parking in the Heritage Village Center Zoning District and Gateway Districts, and Section 4.204: Number of Parking Spaces Required		
Exterior Lighting Standards	See Section 4.103: Lighting Standards		(I)
Landscape – Right-of-Way	See Gateway Area Right-of-Way Improvement Standards and Streetscape Design Guidelines		
Landscape – On-Site	Minimum of 5 percent of net lot area		
Signage	Sign Program Required		

* Minimum at build-out

A. ***Minimum Building Height***. Single story buildings permitted up to 30 percent lot coverage.

B. ***Maximum Building Height***.

1. *GVC*. Building heights permitted up to 90 feet/6 stories.

2. *GBC*. Building heights permitted up to 90 feet/6 stories when the first two levels are commercial and/or office use at the street level. Building heights are reduced to 60'/4 stories for any building within 75 feet of a single-family zoning district.

C. ***Set Backs and Build-To Lines.***

1. *Set Backs and Build-To Lines Measurements*. Set backs and build-to lines shall be measured from the property line of the Pedestrian, Sidewalk and Landscape Tract.

2. *Ground Floor*. 75 percent of ground floor building facades shall be located at the build-to line when the building fronts on an arterial or collector street. Permanent shade structures such as canopies and arcades may encroach up to 10 feet within the Pedestrian, Sidewalk and Landscape Tract when abutting an arterial or collector street and shall maintain a vertical clearance of at least 10 feet above finished grade.

3. *Outdoor Dining Area*. When adjacent to a public street, outdoor dining areas shall provide a minimum of 6 feet of unobstructed pedestrian circulation.

4. *Second Floor and Above*. Building street facades may encroach into the Pedestrian, Sidewalk and Landscape Tract no more than 10 feet.

D. ***Storefronts and Access***. A minimum 75 percent of ground floor building length or width of the principal building frontage shall consist of windows, window displays, doors, or a combination thereof.

E. ***Transparency.***

1. *Ground Floor*. View windows, window displays, or doors shall be provided between 2 and 8 feet above grade adjacent to the principal building frontage.

2. *Upper Floors*. A minimum of 25 percent of a building's upper floor elevations along streets shall have view windows with non-reflective glass.

F. ***Driveway Restrictions***. Vehicular access shall be from a secondary street or alley.

G. ***Parking.***

1. Street level, surface parking shall be located behind or adjacent to buildings. Parking shall not be permitted within the build-to lines.

2. Parking may be shared parking pursuant to Section 4.203G: Shared Parking and in compliance with the requirements set forth therein.

H. ***Pedestrian, Sidewalk and Landscape Tract.***

1. The tract shall be shown on the final plat as designated for use by the public and shall be owned and maintained by the property owner or property owners association.

2. The tract shall conform to standards set forth in the Gateway Area Right-of-Way Improvement Standards and Streetscape Design Guidelines and may consist of a combination of pedestrian-oriented amenities and facilities including, but not limited to, the following: sidewalks and hardscape areas with decorative patterns, pedestrian scale lighting, benches, outdoor seating areas, sidewalk cafes, planter pots or hanging baskets, planter walls, fountains, tree grates, water features, sculptures, arcades, awnings, low walls or open fencing to create semi-enclosed spaces to buffer and separate the tract from adjoining parking areas.

I. ***Lighting.*** All lighting fixtures within the public right-of-way shall conform to standards set forth in the Gateway Area Right-of-Way Improvement Standards and Streetscape Design Guidelines.

2.805 Additional Use Regulations

A. ***Outdoor Storage***. Outdoor storage is prohibited.

B. ***Outdoor Retail Sales and Merchandise Display***. GVC only - Outdoor retail sales and merchandise displays shall be located and conducted in compliance with the following requirements: uses that are permitted to be conducted for a temporary period of time as listed in Table 2.902: Use Regulations, are not considered 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, or be located in landscaped areas. Outdoor retail sales and merchandise display areas shall be adjacent to the structure containing the business selling the merchandise. In the GVC district, outdoor retail sales and merchandise displays shall be limited to the first 5 feet adjacent to the building, unless otherwise restricted. Final Design Review plans shall designate permitted areas for outdoor retail sales and merchandise display.

2. *Maximum Area*. 5 percent of the GFA of the use or 200 square feet, whichever is less.

3. *Height*. Display merchandise shall not exceed a height of 6 feet above finished grade.

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.

Article 2.9 Use Regulations

Sections

2.901 Purpose
2.902 Use Regulations

2.901 Purposes

The purposes of the Land Use Regulations Table established in this article is to

A. Provide for single family residential, multi-family residential, commercial, office, employment, and public facility/institutional uses in appropriate locations.

B. Ensure compatibility among land uses

2.902 Use Regulations

A. *Regulations.* Table 2.902: Use Regulations sets forth the land use regulations for all zoning 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.

“I” designates uses that are permitted only as incidental to the principal use of the property.

"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 below or not assigned to a Use Definition pursuant to Section 2.902B: Unlisted Uses are prohibited.

D. *Additional Use Regulations*. Additional use regulations are set forth in Sections 2.107, 2.205, 2.306, 2.405, 2.506, 2.606, 2.705, and 2.805: Additional Use Regulations.

Table 2.902 Use Regulations (Page 1 of 7)

Use Category	Residential											Mixed Use and Non-Residential														Additional Standards
Subcategory	**SF-43**	**SF-35**	**SF-15**	**SF-10**	**SF-8**	**SF-7**	**SF-6**	**SF-D**	**SF-A**	**MF-L**	**MF-M**	**NC**	**CC**	**SC**	**GC**	**RC**	**HVC**	**NO**	**GO**	**BP**	**LI**	**GI**	**PF/I**	**GVC**	**GBC**	
Specific Use Type																										
Residential																										
Household Living																										
Guest Quarters	I	I	I	I	I	I	I																			See Section 2.106
Residential, permanent																										
Loft Unit													P	P	P	P	L1		P	P				L1	L1 L2	
Single Family	P	P	P	P	P	P	P	P	P	L3										L4						See Section 4.603C & 4.605B
Multi-Family										P	P					L5	L6							L6	L6 L2	See Section 2.306
Secondary Dwelling	A	A	A	A	A	A	A																			See Section 2.106
Model Home Complex	P	P	P	P	P	P	P	P	P																	See Section 2.106
Group Living																										
Congregate Living Facility	U	U								U	U		U	U	P	P	U		U							
Group Homes for the Handicapped	P	P	P	P	P	P	P	P	P	P	P													L1 L2		See Section 4.504
Shelter Care Facility																										
Small-Scale	P	P	P	P	P	P	P																			
Large-Scale										U	U	U	U	U	P	P							P			
Homeless															U								U			
Recovery Residence	P	P	P	P	P	P	P	P	P	P	P															See Section 4.5015
Senior Housing										P	P															
Civic and Institutional																										
Community Services																										
Arboretum Or Botanical Garden	P	P										P	P	P	P	P	P						P	P		
Cemetery	U	U	U	U	U	U	U																P			See Section 4.509
Cemetery, Pet	U	U																					P			
Civic Social And Fraternal Organizations													L7	L7	L7		P		L7				L7			
Cultural Institutions												P	P	P	P	P	P		P				P			
Daycare Center										L8		P	P	P	P	P			L9	I L10	I L10	I L10	I L10	P	P	See section 2.506
Daycare, Home Occupation	I	I	I	I	I	I	I	I	I	I	I						I									See Section 4.502
Daycare, Residential	I	I	I	I	I	I	I	I	I	I	I						I									See Section 4.503
Homeowners Association Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Place of Worship																										
Large-Scale	U	U	U	U	U	U	U								U								L7 L11			See Section 4.505
Small-Scale	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13			L7 L11 L14	L7 L11 L14	L7 L13	L7 L13	L7 L13	L7 L13		P		L7 L11 L12				L7 L11		U, I	See Section 4.505

Table 2.902 Use Regulations (Page 2 of 7)

Use Category	**Residential**											**Mixed Use and Non-Residential**														**Additional Standards**
Subcategory	**SF-43**	**SF-35**	**SF-15**	**SF-10**	**SF-8**	**SF-7**	**SF-6**	**SF-D**	**SF-A**	**MF-L**	**MF-M**	**NC**	**CC**	**SC**	**GC**	**RC**	**HVC**	**NO**	**GO**	**BP**	**LI**	**GI**	**PF/I**	**GVC**	**GBC**	
Specific Use Type																										
Public Safety Facility																										
Large Scale	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P			P	P	P		P			
Small Scale												P	P	P	P	P	P	P	P	P	P		P	P	P	
Recreational Vehicle Storage, Residential Association	P	P	P	P	P	P	P	P	P																	
Educational Facilities																										
Colleges, or Universities, Public or Private													P	P	P	P	P	U	P	P	P		P	P	P	
Instructional Services, Specialized												P	P	P	P	P	p	P	P					U	P	
Schools, Public Or Private																										
Large-Scale	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13					U	U	U	U								L7 L11			
Small-Scale	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13	L7 L11 L13			L7 L8 L14	L7 L8 L14	L7 L11	L7 L11	L7 L11	L7 L11		L15	L7 L11	L7 L11				L7 L11	L2	L6	
School, Vocational – Technical and Trade													P	P	P	P	P	U	P	P	P		P	P	P	
Health Care Facilities																										
Health Care Facilities																										
Hospital															P	P			U	U			P			
Urgent Care Facility												P	P	P	P	P	P	U	P				P		P	
Medical Offices and Clinics												P	P	P	P	P	L6	P	P	P			P	L1	p	
Nursing Home														U	P	P		U	P							
Transportation																										
Airfield, Private	U	U																								
Ambulance Services														P	P	P			P	P	P				P	
Heliport/Helipad	U	U													U	U			U	U	U	U	U			
Park and Ride Lot													P	P	P	P	U		U	U	U	U	U		P	
Parking Facilities															U	U	U							U	U	
Transportation Passenger Terminals															P	P	U			U	P		U	U	U	
Utility																										
Amateur Radio Facility	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I			See Article 4.8
Over-The-Air Reception Device	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		I	P	I	I	I	I			See Article 4.8
Satellite Dish Antenna																										
Large	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I		I	I	I	I	I	I			See Article 4.8
Satellite Earth Station																										
Large-Scale																				U	P	P				See Article 4.8
Small-Scale												P	P	P	P	P				P	P	P				See Article 4.8
Utilities																										
Facilities, Large Scale	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Facilities, Small Scale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Service Yard																					P	P	U			

Table 2.902 Use Regulations (Page 3 of 7)

Use Category	Residential											Mixed Use and Non-Residential														Additional Standards
Subcategory	**SF-43**	**SF-35**	**SF-15**	**SF-10**	**SF-8**	**SF-7**	**SF-6**	**SF-D**	**SF-A**	**MF-L**	**MF-M**	**NC**	**CC**	**SC**	**GC**	**RC**	**HVC**	**NO**	**GO**	**BP**	**LI**	**GI**	**PF/I**	**GVC**	**GBC**	
Specific Use Type																										
Well Site	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Wireless Communication Facilities																										
Alternative Light Poles	L16	L16	L16	L16	L16	L16	L16	L16	L16	L16	L16		U	U	U	U	U		U	U	U	U		U	U	See Article 4.7
Monopoles																				U	U	U	U			See Article 4.7
Public Safety Communication Facility																							A,U			See Article 4.7
Support Structures Other Than Those Listed Above	A	A	A	A	A	A	A	A	A	A	A	A L17	A	A	A	A	A		A	A	A	A	A	U	U	See Article 4.7
Alternative WCF Light Poles:																										See Article 4.7
Place of Worship																							U			See Article 4.7
Schools-Elementary, Middle School																							U			See Article 4.7
Public Park																							U			See Article 4.7
Commercial																										
Commercial Services																										
Automated Teller Machine												I	I	I	I	I	I L18	I	P				I	I L18	I L18	
Automated Teller Machine, Remote												U	A	A	A	A	A L18		P					A L18	A L18	
Banks and Other Financial Institutions												U	P	P	P	P	L18	L18	P					L18	L18	
Banquet Facility	U	U										U	P	P	P	P										
Building Maintenance Services													P	P	P	P				P	P	p				
Business Services												P	P	P	P	P	P	P	P	I			I	P	P	
Eating and Drinking Establishments																										
Bars/Nightclub/ Lounges/Dance Halls												U	P	P	P	P	P							U		
Brewery, Distillery or Winery												U	P	P	P	P	P			U	P	P		P	P	
Restaurants, Beverage Service												P	P	P	P	P	L19			L18 L10	L18 L10		L18 L10	L18	L18	
Restaurants, Full Service												P	P	P	P	P	P		L18 L9	L18 L10	L18 L10			L18	L18	See Section 2.506
Restaurants, Limited Service												U	P	P	P	P	L19		L18 L9	L18 L10	L18 L10			L18	L18	
Food Preparation																										
Large-scale																				U	P	P				
Small-Scale												P	P	P	P	P				P	P			I	P	
Funeral and Undertaking Services												P	P	P	P	P	U	P	P				P			
Home Occupation	I	I	I	I	I	I	I	I	I	I	I		P	P	P	P	I							P	P	See Section 4.502
Maintenance and Repair Services												L20	P	P	P	P	P			P	P				P	
Non-Chartered Financial Institution													U	U	U	U	U									See Section 4.5010
Sexually Oriented Business															U						U	U				See Section 4.5011

Table 2.902 Use Regulations (Page 4 of 7)

Use Category	Residential											Mixed Use and Non-Residential														Additional Standards
Subcategory	SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF-L	MF-M	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	
Specific Use Type																										
Stand-alone Smoking Lounge													U	U	U	U	U									See Section 4.5010
Storage, Personal Property																										
Indoor													P	P	P	P				U	U					
Outdoor													U	U	P	P					U	P				
Tattoo / Piercing Studio													U	U	U	U	U									See Section 4.5010
Vehicle and Equipment Sales, Leasing and Services																										
Car Wash, Automated or Self-Service												U	P	P	P	P										See Section: 2.305
Car Wash, Full Service													U	P	P	P										
Commercial Vehicle/Equipment Sales and Rental; New and Used													I U	I U	U	U					P	P				See Section 2.305D.3
Fueling Facility												U	P	P	P	P										
Fueling Facility, Alternative												A	P	P	P	P				A	P	P	P			
Fueling Facility, Fleet															A	A			A	A	A	A	P			
Motor Vehicle Sales and Leasing, New and Used															P	P					L21					
Non-Commercial Vehicle Rental													A	A	P	P			P	P	P					
Tent Sale															T	T										See Section: 4.5012
Vehicle Services, Heavy															U	U					P	P	P			
Vehicle Services, Light												U	P	P	P	P				U	P		P			
Entertainment and Recreation																										
Carnival,																										
Large-Scale													T	T	T	T										See Section 4.5012
Non-commercial																	T									See Section 4.5012
Small-Scale	T	T	T	T	T	T	T			T	T	T	T	T	T	T		T	T				T			See Section 4.5012
Entertainment & Recreation, Indoor																										
Large-Scale													P	P	P	P	U						U	U	U	
Small-Scale												P	P	P	P	P	U		L9	p			P	U	U	
Entertainment and Recreation, Outdoor	I	I	I	I	I	I	I	I	I	I	I		U	U	P	P	U			U			P			
Equestrian Arena	U	U																					U			See Section 2.705
Golf Course	U	U	U	U	U	U	U	U	U	U	U									U			U			
Haunted House	T	T	T	T	T	T	T			T	T	T	T	T	T	T	T									See Section 4.2012
Special Events																								T	T	See Municipal Code Chapter 15, Special Events
Teen Nightclub												U	P	P	P	P	P									
Office																										
Call Center														U	U	U			P	P	P				P	
Government Offices and Facilities																										
Large-Scale													P	P	P	P			P	P	P		P	U L1	P	
Small-Scale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	L1	P	
Offices, General												P	P	P	P	P	L6	P	P	P	P			L6	P	

Table 2.902 Use Regulations (Page 5 of 7)

Use Category	Residential											Mixed Use and Non-Residential														Additional Standards
Subcategory	SF-43	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF-L	MF-M	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	
Specific Use Type																										
Retail Sales and Services																										
Animal Services																										
Animal Grooming												P	P	P	P	P	P									See Section 4.508
Animal Shelter															U						P		U			
Kennel													U	U	P	P					P					See Section 4.508
Large Animal Hospitals															P	U										
Small Animal Clinics												P	P	P	P	P	P									
Building Material and Home Improvement Sales and Service, Retail																										
Large-Scale													U	U	P	P										
Small- Scale												P	P	P	P	P	U									
Building Material and Home Improvement Sales and Service, Wholesale																					P	P				
Dry Cleaning and Laundry Central Plant																					P	P				
Dry Cleaning and Laundry Outlet												P	P	P	P	P	L18	L1	L9 L18					L18	P	See Section 2.506
Garden Supply Stores and Plant Nurseries														P	P	P										
Health Resort/Spa														P	P	P	U			P				P	P	
Laundry Services										I	I	P	P	P	P	P	P							U	P	
Medical Marijuana Dispensary																					U	U				See Section 4.5014
Pawn Shop													U L22	U L22	U L22	U L22	U									See Section 4.5010
Personal Services												L23	L23	L23	L23	L23	P	I L23	L9 L23					P	P	See Section 2.506
Retail Sales, Convenience												U	P	P	P	P			L9 L18							
Retail Sales, Furniture																										
Large-Scale												U	P	P	P	P	U									
Small-Scale												P	P	P	P	P	P									
Retail Sales, General												P	P	P	P	P	L18		L9 L18	L18 L24	L18 L24	L18 L25		L18	I L26	
Seasonal Sales												T	T	T	T	T	T	T	T				T	A		See Section 4.5012
Swap Meet and Auction, Single Event																										
Indoor													T	T	T	T										See Section 4.5012
Outdoor															T	T										See Section 4.5012
Swap Meet and Auction, Recurring																										
Indoor													U	U	P	U										
Outdoor															U											
Visitor Accommodation																										
Convention Center														U	U	U							U			

Table 2.902 Use Regulations (Page 6 of 7)

Use Category	Residential											Mixed Use and Non-Residential														Additional Standards
Subcategory	**SF-43**	**SF-35**	**SF-15**	**SF-10**	**SF-8**	**SF-7**	**SF-6**	**SF-D**	**SF-A**	**MF-L**	**MF-M**	**NC**	**CC**	**SC**	**GC**	**RC**	**HVC**	**NO**	**GO**	**BP**	**LI**	**GI**	**PF/I**	**GVC**	**GBC**	
Specific Use Type																										
Hotels and Commercial Lodging															P	P	U			P				P	P	
Recreational Vehicle Park															P	P										
Vacation or Short-Term Rentals	P	P	P	P	P	P	P	P	P	P	P		L31	L31	L31	L31	L31		L31	L31				L31	L31	See Section 4.506
Industrial																										
Industrial Service																										
Crematorium																					P	P	P			
Data Center																				U	U					
Digital Production												P	P	P	P	P	L6	P	P	P	P			L6	P	
Laboratories, Commercial												P	P	P	P	P		P	P							
Laboratories, Industrial																				P	P	P				
Mining and Quarrying																						U				
Research and Development																			P	P	P	P			P	
Manufacturing and Assembly																										
Manufacturing and Assembly																										
Artisan												P	P	P	P	P	P			P	P	P			U	
Light																				P	P	P				
General																					L27	P				
Heavy																						P				
Warehousing, Storage, & Distribution																										
Contractor's Yard																					P	P				
Warehousing:																										
Freight/Truck Terminal and Warehouse																					P	P				
Petroleum and Gas Storage																						U				
Vehicle Towing Service Storage Yard; Impound Lot																					P	P	P			
Wholesale Sales and Distribution																					P	P				
Waste and Salvage																										
Waste Management																										
Hazardous Waste Collection and Transfer Facility																						U				
Hazardous Waste Disposal Facility																						U				
Non-Hazardous Waste Collection and Transfer Facility																						U	U			
Non-Hazardous Waste Disposal Facility																						U				
Non-Hazardous Material Recycling Collection Facility																										
Large-Scale																						U	U			
Small-Scale	L28	L28	L28	L28	L28	L28	L28			L28	L28	A	A	A	A	A	A	A	A				P			
Salvage Yards or Junkyards																						U, L22				
Agricultural																										
Agritainment	S	S	S	S	S	S	S			S	S	S	S	S	S	S		S	S	S	S	S	S			
Animal Raising, Non-Commercial	P	P	P	P	P	L29 L30	L29 L30	L29 L30																		

Table 2.902 Use Regulations (Page 7 of 7)

Use Category	Residential											Mixed Use and Non-Residential														Additional Standards
Subcategory	**SF-43**	**SF-35**	**SF-15**	**SF-10**	**SF-8**	**SF-7**	**SF-6**	**SF-D**	**SF-A**	**MF-L**	**MF-M**	**NC**	**CC**	**SC**	**GC**	**RC**	**HVC**	**NO**	**GO**	**BP**	**LI**	**GI**	**PF/I**	**GVC**	**GBC**	
Specific Use Type																										
Crop and Animal Raising, Commercial	P	P																								See Section 2.107
Crop Raising, Non-Commercial	P	P	P	P	P	P	P	P	P	P	P												P			
Farm Stand	P	P											A	A	A	A										See Section 4.507
Farmers' Market													A	A	A	A	A		A				A	A	T	
Feed and Tack Sales													U	U	U	U										
Feed Lot	U	U																								
Medical Marijuana Facilities:																										
Medical Marijuana Designated Caregiver Cultivation Location																					P					See Section 4.5014
Medical Marijuana Offsite Cultivation Site																					U	U				See Section 4.5014
Stables, Commercial	U	U																					I			See Section 2.107
Stables, Non-Commercial	I	I	I	I	I																					See Section 2.107

L1	Permitted only above the ground floor of a mixed-use building
L2	Permitted only above the ground floor of a mixed-use building within 300' of Recker Road or Williams Field Road; permitted use in other locations
L3	Legal non-conforming single family uses existing prior to March 3, 2005 may be expanded and/or repaired without limitation on valuation in conformance with site development regulations applicable to the Single Family Detached (SF-D) zoning district as set forth in Table 2.104: Lot Development Regulations – Single Family Residential Districts
L4	Existing single family uses may be continued, expanded, and repaired without limitation on valuation. Site development regulations and accessory uses of the Single Family-43 (SF-43) zoning district apply and are shown in Table 2.104: Lot Development Regulations – Single Family Residential Districts.
L5	Only permitted as part of an integrated, mixed-use plan. Conditional Use Permit required, subject to the additional findings required pursuant to Section 2.306(H).
L6	Use permit required for ground floor location
L7	Civic Social and Fraternal Organizations, Public and Private Schools, and Place of Worship uses shall be located on collector or arterial streets. Conditional Use Permit approval is required for any other location.
L8	Day Care Centers, Public and Private Schools, and Place of Worship uses shall be located on collector or arterial streets. Conditional Use Permit approval is required for any other location.
L9	Uses shall not be permitted as stand-alone businesses; limitation on square footage of combined uses. See Section 2.506E: Limited Floor Area
L10	Shall not front onto arterial street.
L11	Unlighted Outdoor Entertainment and Recreation uses are permitted in conjunction with Public and Private Schools and Place of Worship uses; lighted Outdoor Entertainment and Recreation uses in conjunction with Public and Private Schools and Place of Worship uses require a Conditional Use Permit.
L12	20,000 s.f. or greater requires a Conditional Use Permit.
L13	Public and Private Schools and Place of Worship uses are not permitted in single family residential structures.
L14	Civic Social and Fraternal Organizations, Community Service Facilities, Public and Private Schools, and Place of Worship uses are not permitted in multi-family residential structures.
L15	Permitted only above the ground floor of a mixed-use building within 300' of Gilbert Road; permitted use in other locations.
L16	Alternative Light Poles may be located on property zoned residential and operated as an electric substation, Public and Private School, public park, or Place of Worship. Conditional Use Permit is required.
L17	Maximum height of alternative WCF structures is 40'.
L18	Drive-through facilities prohibited
L19	Existing drive-through facilities located north of the Western Canal may continue to operate as drive-through facilities until the drive-through facility is removed or converted to be part of the structure. Existing Service Bay facilities located north of the Western Canal may convert to a drive-through facility only for the Restaurants, Beverage Service or Restaurants, Limited Service uses and only until the drive-through facility is removed or converted to be part of the structure. A Use Permit is required
L20	Maximum gross floor area permitted: 2,000 sq. ft
L21	Only as an incidental use to Vehicle Services Light and Vehicle Services Heavy. Motor Vehicle Sales and Leasing shall be conducted indoors and limited to 10 percent of the GFA of the principal use.
L22	See Gilbert Municipal Code Chapter 14, Article VII for additional regulations.
L23	Permitted use. See Gilbert Municipal Code Chapter 14, Article XI for additional regulations regarding massage establishments and therapists.
L24	Only as a use incidental to the principal use of the property. Retail uses shall not exceed 20 percent of the principal use Gross Floor Area (GFA).
L25	Only as a use incidental to the principal use of the property. Retail uses shall not exceed 10 percent of the principal use Gross Floor Area (GFA).
L26	Outdoor merchandizing or display prohibited.
L27	For General Manufacturing and Assembly Uses involving highly toxic materials or chemicals, highly combustible or explosive materials, or other materials and substances of a noxious nature in the manufacturing process, the Zoning Administrator may require a conditional use permit to ensure compatibility with adjacent uses.
L28	Limited to parcels containing Schools and Place of Worship uses. Administrative Use Permit is required.

L29	Only permitted in this zoning district where the lot size is at least 6,000 square feet.
L30	Peacock not permitted in this zoning district.
L31	Must meet all required limitations of the zoning district under the “Residential, Permanent” Use Category

Division 3 Overlay District Regulations

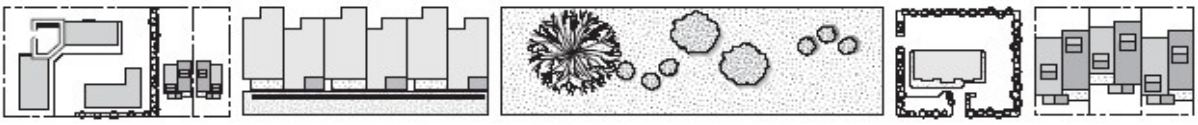
Article 3.1 Planned Area Development Overlay Zoning District

Article 3.2 Phoenix-Mesa Gateway Airport Overlay District

Article 3.3 Santan Freeway Corridor Overlay District

Article 3.4 Heritage District Overlay Zoning District

Article 3.5 Vertical Development Overlay Zoning District



Article 3.1: Planned Area Development Overlay Zoning District

Sections:

3.101 Purposes
3.102 Use of a Planned Area Development Overlay Zoning District
3.103 Land Use and Development Regulations
3.104 Approval

3.101 Purposes

The purposes of the Planned Area Development Overlay Zoning District (PAD) are to:

A. Modify base district regulations.

B. Provide opportunities for unique or mixed-use development.

C. Provide opportunities for development intensity greater than permitted by base district regulations for affordable housing, senior housing, and congregate living facilities.

D. Provide opportunities for increased building height in the General Commercial, Regional Commercial, General Office, Business Park, Light Industrial and Public Facility/Institutional base zoning districts outside the boundaries of the Vertical Development Overlay zoning district set forth in the Official Zoning Map.

E. Provide a mechanism for establishment of a Protected Development Right Plan as required by state law.

F. Implement design and planning policies for development in the Gateway Character Area.

G. Allow for modification of the zoning regulations for signs in the Gateway Character Area.

3.102 Use of a Planned Area Development Overlay Zoning District

A. Planned Area Development Overlay Zoning District (PAD) may overlay any base district or contiguous districts. Base district regulations shall apply except to the extent modified by an overlay district. The Official Zoning Map shall identify the area covered by each PAD.

B. A PAD may only be adopted for the following:

1. To modify base district regulations to implement policies in the General Plan.

2. To permit unique or mixed-use development.

3. To permit development intensity greater than permitted by base district regulations for affordable housing, senior housing, and congregate living facilities.

4. To increase building height in the General Commercial, Regional Commercial, General Office, Business Park, Light Industrial and Public Facility/Institutional base zoning districts outside the Vertical Development Overlay zoning district.

5. To create a Protected Development Right Plan pursuant to Article 5.9: Protected Development Right Plan.

6. To modify the zoning regulations for signs in the Gateway Character Area.

7. To permit a concurrent review of housing product and neighborhood design, including lotting pattern, for development in the Gateway Character Area.

8. To modify the building height regulations for non-residential noise sensitive uses pursuant to Section 3.303B.1: Building Height.

C. Use of the PAD.

1. A PAD shall not be used to modify sign regulations other than as permitted in Paragraph 3.102B.5 above.

2. A PAD shall not be used to add, eliminate, or restrict uses permitted in the base district regulations.

3. A PAD shall be applied only to contiguous property so as to create a unified and cohesive development.

3.103 Land Use and Development Regulations

Use and development of land within a PAD shall conform to the base zoning district regulations and other requirements of the Zoning Code, except as modified by the PAD zoning ordinance.

3.104 Approval

A. ***Development Plan*.** A PAD shall include a development plan consisting of a site plan, preliminary landscape plan, building elevations, building height, design guidelines, residential lot layout, open space plan, or other plan applicable to the project. The use and development of the property in a PAD shall substantially conform to the development plan approved by the Town Council as an exhibit to the PAD zoning ordinance.

B. ***Conditions.*** The Planning Commission may recommend, and the Town Council may impose, conditions of approval including, but not limited to, the following:

1. Timing or phasing of development;
2. Off-site and on-site improvements;
3. Development standards;
4. Design guidelines;
5. Conditions of use;
6. Dedication of land for public purposes;
7. Granting of utility easements;
8. Granting of easements for public use of trails and open space areas;
9. Requirements for establishment of a homeowners or property owners associations or other mechanism to assure continued maintenance of commonly owned land and facilities; and
10. Reservation of land for future public acquisition.

Article 3.2: Phoenix-Mesa Gateway Airport Overlay District

Sections:

3.201 Purposes
3.202 Applicability
3.203 Development and Notification Requirements within the Phoenix-Mesa Gateway Airport Overlay District

3.201 Purposes

The purposes of the Phoenix-Mesa Gateway Airport Overlay District are to:

A. Designate an area in the Town that is or may be impacted by noise generated by aircraft using the Phoenix-Mesa Gateway Airport; and

B. Mitigate the effects of aircraft noise on the public health, welfare and safety by prohibiting noise sensitive uses in new projects in Overflight Area 1, by establishing noise attenuation requirements applicable to noise sensitive uses in new projects in Overflight Area 2, and by requiring notification to future owners and occupants of possible noise impacts on noise sensitive uses in new projects in Overflight Areas 2 and 3 of the Phoenix-Mesa Gateway Airport Overlay District.

3.202 Applicability

Base zoning district regulations shall apply except to the extent modified by an overlay district. The Official Zoning Map shall identify each Overflight Area within the Phoenix-Mesa Gateway Airport Overlay District.

A. The provisions of this Article shall apply only to noise sensitive uses in new projects located wholly or partially within the Phoenix-Mesa Gateway Airport Overlay District.

B. If a new project is located partially within Overflight Areas 2 and 3, then the development and notification requirements for Overflight Area 2 shall apply to noise sensitive uses in the entire new project.

C. If a new project is located partially within Overflight Area 3 and partially outside of any overflight area, then the development and notification requirements for Overflight Area 3 shall apply to noise sensitive uses in the entire new project.

D. For the purposes of this Article, the following words and terms shall have the following meanings:

1. "Airport" means the Phoenix-Mesa Gateway Airport owned and operated by the Phoenix-Mesa Gateway Airport Authority.

2. "New Project" means a project with the following status of development as of October 17, 2003:

   a. No preliminary plat has been approved; or

   b. A preliminary plat has expired; or

   c. No preliminary design review site plan has been approved; or

   d. A preliminary design review site plan has expired.

3. "Noise Sensitive Uses" means Single Family and Multi-Family residential uses, Hospitals, Nursing Homes, Place of Worship, Libraries, Schools, and Day Care Centers.

4. "Overflight Areas" means those areas designated on the Official Zoning Map as overflight areas. Overflight areas are divided into Overflight Areas 1, 2 and 3.

5. "Project" means a subdivision with boundaries established by a recorded plat, or a site with boundaries depicted on an approved final Design Review plan.

6. "Phoenix-Mesa Gateway Airport Overlay District" means that area so designated on the Official Zoning Map.

3.203 Development and Notification Requirements within the Phoenix-Mesa Gateway Airport Overlay District

Use and development of land within the Phoenix-Mesa Gateway Airport Overlay District shall conform to the base zoning district regulations and other requirements of the Zoning Code, except as modified by a Development Plan for a Planned Area Development overlay zoning ordinance.

A. ***Overflight Area 1.*** Noise sensitive uses shall be prohibited in a new project on a lot that is located wholly or partially in Overflight Area 1.

B. ***Overflight Area 2.*** New projects located within Overflight Area 2 that include a noise sensitive use shall comply with the following:

   1. *Final Plats.* Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following language: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, is likely

to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."

2. *Sales and Leasing Office Signs.* Sales and leasing offices for residential developments shall provide notice to prospective buyers and tenants that the project is located within Overflight Area 2. The notice shall consist of a freestanding sign:

   a. Measuring at least 4 feet by 4 feet;

   b. Installed at the entrance to each sales or leasing office;

   c. Installed prior to commencement of sales, including pre-sales, or leasing and shall remain in place until the sales or leasing office is permanently closed.

   d. Including the following language in letters of at least 1 inch in height: "This subdivision is located within the Phoenix-Mesa Gateway Airport Overlay District Overflight Area 2. For additional information contact the Arizona Department of Real Estate at: *(INSERT CURRENT TELEPHONE NUMBER)* or Phoenix-Mesa Gateway Airport Public Relations Office at: *(INSERT CURRENT TELEPHONE NUMBER)."*

   e. With lettering a minimum of 30 inches above grade.

3. *Subdivision Public Reports.* Subdivision public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."

4. *Interior Noise Level Reduction.* All building construction in a new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 25 decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. As part of an application for Design Review, the developer shall submit a sealed letter from a registered architect or engineer certifying that the construction materials, methods, and design employed will achieve the required noise reduction. A copy of the certification shall also be submitted with each application for a building permit and shall be noted on the construction plans.

5. *Avigation Easement.* The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an

avigation easement prior to or concurrently with the recordation of any final plat or approval of a final Design Review plan for the new project. The easement shall be in a form approved by the Town Attorney.

C. ***Overflight Area 3.*** New projects located within Overflight Area 3 that include a noise sensitive use shall comply with the following:

1. *Final Plats.* Final plats shall note the potential for objectionable aircraft noise. Specifically, the plat shall note the following language: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."

2. *Sales and Leasing Office Signs.* Sales and leasing offices for residential developments shall provide notice to prospective buyers and tenants that the project is located within Overflight Area 3. The notice shall consist of a freestanding sign:

   a. Measuring at least 4 feet by 4 feet;

   b. Installed at the entrance to each sales or leasing office;

   c. Installed prior to commencement of sales, including pre-sales, or leasing and shall remain in place until the sales or leasing office is permanently closed.

   d. Including the following language in letters of at least 1 inch in height: "This subdivision is located within the Phoenix-Mesa Gateway Airport Overlay District Overflight Area 3. For additional information contact the Arizona Department of Real Estate at: *(INSERT CURRENT TELEPHONE NUMBER)* or Phoenix-Mesa Gateway Airport Public Relations Office at: *(INSERT CURRENT TELEPHONE NUMBER)."*

   e. With lettering a minimum of 30 inches above grade.

3. *Subdivision Public Reports.* Subdivision public reports filed with the Arizona Department of Real Estate shall disclose the location of the Airport and potential aircraft overflights. The following statement shall be included in the public report: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, is likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals."

4. *Interior Noise Level Reduction.* All building construction in a new project shall achieve an exterior to interior Noise Level Reduction (NLR) of 20

decibels (dB) or an exterior to interior NLR that results in an interior noise level of 45 DNL or less. As part of an application for Design Review, the developer shall submit a sealed letter from a registered architect or engineer certifying that the construction materials, methods, and design employed will achieve the required noise reduction. A copy of the certification shall also be submitted with each application for a building permit and shall be noted on the construction plans.

5. *Avigation Easement.* The owners of the new project, including mortgagees, other lien holders and easement holders, shall execute an avigation easement prior to or concurrently with the recordation of any final plat or approval of a final Design Review plan for the new project. The easement shall be in a form approved by the Town Attorney.

Article 3.3 Santan Freeway Corridor Overlay District

Sections

3.301 Purposes
3.302 Applicability
3.303 Development and Notification Requirements within the Santan Freeway Corridor Overlay District

3.301 Purposes

The purposes of the Santan Freeway Corridor Overlay District are to:

A. Designate an area in the Town that is or may be impacted by freeway noise impacts.

B. Mitigate the effects of freeway noise impacts on noise sensitive uses, and protect the public health, welfare, and safety by establishing noise reduction requirements applicable to development of noise sensitive uses within the Santan Freeway Corridor Overlay District.

C. Ensure compatibility of noise sensitive uses proposed in the Santan Freeway Corridor Overlay District.

3.302 Applicability

Base zoning district regulations shall apply except to the extent modified by an overlay district. The Official Zoning Map shall identify the Santan Freeway Corridor Overlay District boundaries.

A. The provisions of this article shall apply to development of noise sensitive uses located on all property and lots completely or partially located within 300 feet of the exterior edge of the right-of-way boundary on each side of the Santan Freeway alignment.

B. Properties that have received zoning approval prior to the effective date of the Santan Freeway Corridor Overlay District on March 30, 2000, shall be required to comply with the provisions of this article and meet the sound attenuation standards set forth in Section 3.303: Development and Notification Requirements within the Santan Freeway Corridor Overlay District.

C. For the purposes of this article, the following words and terms shall have the following meanings:

1. "Freeway" shall mean a controlled access, divided, grade-separated highway, and all associated rights-of-way, exclusive of retention basins in excess of 1 acre.

2. "Noise Barrier" shall mean a noise mitigation wall, an earth berm, or a noise mitigation wall in combination with an earth berm that interrupts the path of sound from the sound source to the sound receiver.

3. "Noise Sensitive Uses" shall mean Single Family and Multi-Family residential uses, Hospitals, Nursing Homes, Place of Worship, libraries, Schools, and Day Care Centers.

3.303 Development and Notification Requirements within the Santan Freeway Corridor Overlay District

A. ***Neighborhood Environmental Design Analysis***.

1. *Contact with ADOT*. Prior to submittal of an application for a Rezoning, Use Permit, Preliminary Plat, Final Plat, or Design Review for a noise sensitive use in the Santan Freeway Corridor Overlay District, the applicant shall contact the Arizona Department of Transportation Environmental Planning Group to discuss the scope of the proposed project and receive input.

2. *Application Requirement*. A Neighborhood Environmental Design Analysis shall be submitted with applications for Rezoning, Use Permit, Preliminary Plat, Final Plat, or Design Review for development of noise sensitive uses within the Santan Freeway Corridor Overlay District. 6 copies of the report shall be submitted with the application. The Director of Planning may waive this requirement where he determines that the application is not relevant to the purposes of this Article.

3. *Report Certification*. The Neighborhood Environmental Noise Analysis shall be sealed by a registered engineer or other qualified professional transportation noise analyst. The certifying professional shall certify that the design of the proposed development complies with the requirements set forth in Section 3.303B: Development Standards. The Town shall forward a copy of the Neighborhood Environmental Design Analysis to the Arizona Department of Transportation.

4. *Content.* The Neighborhood Environmental Design Analysis shall include the following:

a. Site and building design strategies to be employed in the project to minimize the effects of freeway noise. Strategies shall include elements targeted at reducing both interior and exterior noise levels.

b. A description of the construction techniques and materials to be employed to reduce interior noise levels to comply with Section 3.303B.8: Interior Noise Level.

c. A technical noise report prepared using the federal Traffic Noise Model (TNM), or approved standard federal transportation methodology, supporting the noise mitigation measures outlined in Sections 3.303A.4a and 3.303A.4b. The technical noise report shall establish the height of noise barriers required to meet the standards prescribed by Section 3.303B: Development Standards. The technical noise report shall separately evaluate and discuss exterior and interior noise, and shall be based upon a level of service (LOS) "C" at 70 miles per hour for the adjacent segment of the freeway.

d. Any preliminary comments received from the Arizona Department of Transportation Environmental Planning Group on the project.

5. *Updating*. The Neighborhood Environmental Design Analysis shall be updated if construction of the development has not occurred within 5 years from the date the final Neighborhood Environmental Design Analysis is submitted to the Town.

B. ***Development Standards***. Development of noise sensitive uses within the Santan Freeway Corridor Overlay District shall comply with the following development standards:

1. *Building Height*.

a. The height of buildings on lots completely or partially located within 150 feet adjacent to the exterior edge of the right-of-way boundary on each side of the Santan Freeway alignment shall be limited to a single story.

b. The Town Council may approve a greater number of stories for non-residential noise sensitive uses if the Neighborhood Environmental Design Analysis demonstrates that the site design of the project will achieve the same or greater reduction of interior noise levels as the height restriction. Modification of the building height regulations of this Section shall be through a Planned Area Development Overlay District pursuant to Article 5.7: Amendments to the Zoning Code Text or Map.

2. *Noise Barriers*. Developers of all noise sensitive uses in the Santan Freeway Corridor Overlay District shall provide noise barriers. In no event shall a noise barrier be less than 8 feet in height. The noise barriers shall:

a. Achieve an exterior noise level reduction of at least 5 dBA Leq(h) from the levels predicted in the Neighborhood Environmental Design Analysis; and

b. Meet the noise mitigation levels prescribed by Arizona Department of Transportation noise policy.

The height and design of noise barriers shall be set forth in the Neighborhood Environmental Design Analysis and shall comply with structural standards of the Arizona Department of Transportation.

3. *Deposit of Funds with the Town*. Prior to recordation of a final plat or issuance of a building permit for any portion of a development, the developer shall enter into an agreement with the Town for deposit with the Town of an amount equal to the estimated cost for construction of the noise barrier by the Arizona Department of Transportation.

4. *Developer Construction of Noise Barrier*. The Town may, at its discretion, enter into an agreement with a Developer to permit construction by the Developer of the noise barrier meeting the above requirements on the developer's property. Any such agreement shall provide that:

   a. Prior to recordation of a final plat or issuance of a building permit for any portion of the development, the developer deposit with the Town a bond in an amount equal to the estimated cost of the noise barrier specified by the Neighborhood Environmental Design Analysis. The cost of the barrier shall be determined by the Town.

   b. Construction of the noise barrier for the entire project shall be complete prior to issuance of a Certificate of Occupancy for any noise sensitive use, including a model home complex, in the development.

   c. The agreement binds the property owner, homeowners, or property owners association, to maintain the noise barrier in perpetuity. The estimated costs for 10 years of maintenance expense, as determined by the Town, shall be deposited in a dedicated maintenance reserve account.

5. *Noise Barrier Design*. The noise barrier is subject to Design Review Board approval. The noise barrier shall be designed in accordance with ADOT freeway noise wall standards on the freeway side, and shall be compatible with project design elements on the exterior side.

6. *Noise Barrier Height*. Barriers required pursuant to this section are exempt from the height limitations prescribed by Section 4.109: Fences.

7. *Landscaping*. A developer may contract for additional landscaping to be provided at the developer's expense within or adjacent to the freeway right-of-way.

8. *Interior Noise Level*. All building construction for noise sensitive uses shall achieve a maximum interior noise level of 43 dBA Ldn. In addition, residential uses shall adhere to the minimum standards for interior noise levels prescribed by the U.S. Department of Housing and Urban Development (HUD). As part of an application for Design Review, the developer shall submit a sealed letter from a registered architect, engineer, or qualified transportation noise analyst certifying that the construction materials, methods, and design employed will achieve the required noise reduction. A copy of the certification shall also be submitted with each application for a building permit and shall be noted on the construction plans.

9. *Site Design*. Final Design Review plans and preliminary plats shall employ design strategies to minimize the impact of freeway noise. Strategies shall include building orientation and location, the placement of open space, and trails. Site features that are not noise sensitive, such as parking lots and storm water retention areas, should be placed between the freeway and buildings.

C. ***Public Notification***. For all residential developments completely or partially located within 1,000 feet of the exterior edge of the right-of-way boundary of the Santan Freeway alignment, developers shall provide the following notice to buyers and tenants:

1. *Final Plats*. Final Plats shall note the following language: "This property, due to its proximity to the Santan Freeway, is likely to experience noise from the freeway, which could be of concern to some individuals."

2. *Subdivision Public Report*. The subdivision public report filed with the Arizona Department of Real Estate shall include a statement disclosing the property's location relative to the freeway, and further include the following language: "Due to this property's proximity to the Santan Freeway, it is likely to experience noise from the freeway, which could be of concern to some individuals." Prior to the commencement of sales the developer shall provide an affidavit to the Town evidencing compliance with this paragraph.

3. *Sales and Leasing Office Signs*. Sales and leasing offices for residential developments shall provide notice to prospective buyers or tenants that the development is located within the Santan Freeway Corridor Notification Area. Such notice shall consist of a freestanding sign:

   a. Measuring at least 4 feet by 4 feet;

   b. Installed at the entrance to each sales or leasing office;

   c. Installed prior to commencement of sales, including pre-sales, or leasing and shall remain in place until the sales or leasing office is permanently closed;

d. Including the following language in letters of at least 1 inch in height: "This development is located within the Santan Freeway Corridor Notification Area. For additional information contact the Arizona Department of Transportation at: "(*Arizona Department of Transportation Community Relations Office telephone number)*"; and

e. With lettering a minimum of 30 inches above grade.

Article 3.4: Heritage District Overlay Zoning District

Sections:

3.401 Purposes
3.402 Applicability
3.403 Development within the Heritage District Overlay District

3.401 Purposes

The purposes of the Heritage District Overlay Zoning District are to:

A. Provide for the adoption of Heritage District Design Guidelines for residential and nonresidential development in the Heritage District Overlay Zoning District.

B. Protect the historic character of the downtown area and promote continuity of that character in new development.

C. Strengthen pedestrian environment of the downtown area.

D. Create a compact and diverse downtown.

E. Establish high quality architecture in new development and redevelopment.

F. Create a distinct downtown landscape character.

G. Create coherent and consistent street spaces.

H. Insure that downtown off-street parking enhances the historic character of the area.

3.402 Applicability

Base zoning district regulations shall apply except to the extent modified by an overlay district. The Official Zoning Map shall identify the boundaries of the Heritage District Overlay Zoning District.

The provisions of this Article shall apply to new projects located wholly or partially within the Heritage District Overlay Zoning District.

3.403 Development within the Heritage District Overlay District

A. The Redevelopment Commission, Planning Commission and Design Review Board shall recommend adoption of Heritage District Design Guidelines to the

Town Council. The Town Council may adopt Heritage District Design Guidelines.

B. All development within the Heritage District Overlay Zoning District shall be consistent with the Heritage District Design Guidelines.

Article 3.5: Vertical Development Overlay Zoning District

Sections:

3.501 Purposes
3.502 Applicability
3.503 Land Use and Development Regulations

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 Reqd. In RC District	(A), (B), (C)
GO	90’/6	150’/11	50% Of Reqd. In GO District	(A), (B), (C)
BP	90’/6	150’/11	50% Of Reqd. In BP District	(A), (B), (C)
PF/I	90’/6	150’/11	50% Of Reqd. 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 Reqd. In RC District	(A), (B), (C)
GC	60/4	N/A		(A), (B), (C)
GO	75'/5	105'/7	50% Of Reqd. 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
MIXTURE OF LAND USES	
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.
URBAN FORM	
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.
DESIGN FEATURES	

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.

Division 4 General Regulations

Article 4.1 Site Regulations

Article 4.2 Off-Street Parking and Loading Regulations

Article 4.3 Landscape Regulations

Article 4.4 Sign Regulations

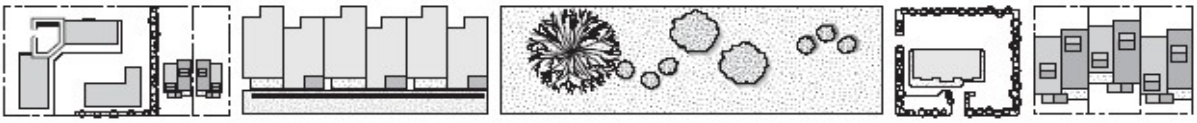
Article 4.5 Supplemental Use Regulations

Article 4.6 Non-Conforming Uses, Lots, Parcels, Structures and Signs

Article 4.7 Wireless Communication Facilities

Article 4.8 Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities

Article 4.9 Common Area Ownership and Maintenance



Article 4.1: Site Regulations

Sections:

4.101 Encroachments into Building Setback and Interior Building Separation Areas
4.102 Projections above Height Limits
4.103 Lighting Standards
4.104 Outdoor Business Property Storage
4.105 Screening of Mechanical and Electrical Equipment
4.106 Refuse and Recycling Enclosures
4.107 Swimming Pools
4.108 Underground Utilities
4.109 Fences

4.101 Encroachments into Building Setback and Interior Building Separation Areas

A. The building setback areas in all districts shall remain unobstructed except where permitted by this Section.

B. For single family uses in single family residential districts, these regulations are in addition to those set forth in Article 2.1: Single Family Residential Districts.

C. For single family uses in single family residential districts, permitted encroachments into the required side clear area are set forth in Section 2.104D.4: Side Clear Area.

D. For all uses in single family residential districts, balconies, stairs, chimneys, canopies, decks, covered patios, and awnings may encroach no more than 3 feet into any required building setback area.

E. In multi-family and nonresidential districts, canopies and awnings may encroach no more than 3 feet into any required building setback or interior building separation area.

F. For single family uses in single family residential districts, bay windows may encroach no more than 3 feet into any required building setback area. A bay window encroachment shall not exceed 1/3 the length of the wall plane upon which it is located.

G. Belt courses, cornices, window sills, pop-outs, quoins, and similar decorative architectural features may encroach no more than 18 inches into any required building setback or interior building separation area.

H. Roof overhangs may encroach no more than 5 feet into a required side building setback or interior building separation area, but shall not be closer than 3 feet from a side property line.

I. In single family residential districts except SF-D and SF-A districts, roof overhangs may encroach no more than 18 inches into a required rear building setback area.

J. For single family uses in single family residential districts, covered porches may project up to 6 feet into the required front building setback area. In no case shall the front building setback be less than 10 feet.

K. Separation fences, located on a side or rear property line, may encroach into any required side and rear building setback area.

L. Freestanding signs may encroach into required building setback areas, pursuant to Article 4.4: Sign Regulations.

M. Accessory structures may encroach into required side and rear building setback areas, pursuant to Section 2.106B: Accessory Structures; Section 2.205A: Accessory Structures; Section 2.305A: Accessory Structures; and Section 2.505A: Accessory Structures.

N. Outdoor lighting fixtures may encroach into required building setback areas, pursuant to Section 4.103: Lighting Standards.

4.102 Projections above Height Limits

The following projections above base district height limits are permitted:

A. Belfries, domes, chimneys, cupolas, skylights, clock towers and other similar structural elements not used for human occupancy, may project above the base district height limit, provided that they do not cover more than 20 percent of the roof area.

B. Mechanical equipment and enclosures, elevator penthouses, ventilators, and other similar equipment, may project up to 5 feet above the base district height limit, but may not exceed the height of parapet walls.

C. Parapet walls or cornices may project up to 5 feet above the base district height limit.

D. Theater scenery lofts only to the height necessary to accomplish their purpose.

E. Church steeples, religious symbols, or similar elements on Places of Worship.

F. Signs, pursuant to Article 4.4: Sign Regulations.

G. Flagpoles, pursuant to Section 4.402G: Flagpoles.

H. Wireless communications facilities, pursuant to Article 4.7: Wireless Communication Facilities.

I. Over-the-Air Reception Devices, Large Satellite Dish Antennas, Satellite Earth Stations, and Amateur Radio Facilities pursuant to Article 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

4.103 Lighting Standards

A. ***Applicability.*** Parking lot, security, common open space, and wall mounted lighting, other than on single family residences, shall be located, developed, and operated in compliance with the following regulations:

1. All outdoor fixtures, other than bollard lighting, not shielded as set forth in the Gilbert Municipal Code, Chapter 42, Article II, Section 42-34 shall be set back from all property lines by a minimum of:

   a. 10 feet; or

   b. A distance equal to the height of the fixture.

2. As set forth in Section 4.303P.4, the only permitted outdoor light fixtures within required perimeter landscape areas separating nonresidential uses from residential uses and separating multi-family residential uses from single family residential uses shall be bollard lighting.

3. Parking lot and pole mounted security lighting shall not exceed a maximum mounting height of 14 feet within:

   a. 100 feet of a residential district boundary; or

   b. 100 feet of land designated for residential use in the General Plan.

   In all other areas, parking lot and security lighting shall not exceed a maximum mounting height of 25 feet.

4. Wall-mounted fixtures shall be a maximum height of 14 feet above grade, measured to the bottom of the light source. Wall-mounted fixtures shall be full cutoff type.

5. Wall-, soffit- mount, and similar exterior building light fixtures in excess of 14 feet above grade may be approved by the Design Review Board. In addition to the findings required for approval of a project in Section 5.603B: *Findings for Approval*, the design review board shall establish

the following findings:

a. The fixtures are used for the purpose of: accentuating architectural features of the building, accentuating signage, accentuating landscape or hardscape features, security, or for service areas; and

b. The fixtures are located on building elevations that do not side onto property designated for residential use in the General Plan.

6. Pole-mounted fixtures shall be full- or semi-cutoff type only. Semi-cutoff pole-mounted fixtures are limited to a maximum height of 14 feet above grade, measured to the bottom of the light source.

7. All lighting under fueling facility canopies, drive-through canopies, customer loading canopies, and similar structures shall be fully recessed. No portion of the fixture shall project below the ceiling of the canopy structure.

B. ***Municipal Code Compliance.*** Additional light and glare regulations are set forth in Gilbert Municipal Code Chapter 42, Article II, Section 42-34.

4.104 Outdoor Business Property Storage

The purpose of this section is to regulate outdoor storage of business property. This section does not apply to Outdoor Personal Property Storage. Unless otherwise provided for in a specific base zoning district, outdoor storage shall comply with the following requirements:

A. Business property storage shall be limited to inventory, stock, supplies, equipment, and similar material not displayed for sale, rental, or lease;

B. The maximum percentage of a lot that may be used for outdoor storage is set forth in each base zoning district;

C. Outdoor storage areas shall be enclosed by a solid fence;

D. The height of the fence is set forth in each base zoning district;

E. Stored materials shall not exceed the height of the fence, except in the General Industrial and Public Facilities/Institutional zoning districts;

F. Outdoor storage areas in all districts shall not be located in a required landscape area;

G. Outdoor storage areas are prohibited in building setback areas in all zoning districts, except in the Light Industrial and General Industrial districts;

H. Outdoor storage areas shall be surfaced with concrete, asphalt, decomposed

granite, or other approved dust free surface;

I. Unless otherwise required by the Fire Marshal, access aisles to outdoor storage areas shall be surfaced with a minimum of a 4-inch-thick road base on compacted soil with dust palliative to support emergency apparatus and to reduce particulate matter; and

J. All driveways accessing outdoor storage areas shall be paved with asphalt or concrete within 50 feet of a street or alley.

4.105 Screening of Mechanical and Electrical Equipment

A. ***Applicability.*** This section applies to:

1. All nonresidential uses.

2. Residential uses in single family districts.

3. Multi-family residential uses.

4. Subdivision common area facilities.

5. Public facility and institutional uses.

B. ***Equipment Subject to Screening Requirements.***

1. *Nonresidential Uses.*

a. The following equipment shall be fully screened in accordance with this section: Ground-, building- and roof-mounted mechanical and utility equipment. Such equipment includes, but is not limited to, heating and air conditioning equipment, refrigeration equipment, electrical equipment and meters, storage tanks, transformers, backflow prevention devices, exhaust fans, and vents. Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities are regulated by Article 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

b. Mechanical and electrical equipment listed in Section 4.105B.1a. shall be fully screened from view from public and private streets, areas accessible to the general public, and from areas shown for residential use in the General Plan. If the Design Review Board, or for Administrative Design Review, the Director of Planning, determines that the equipment will only be visible from permanently unoccupied areas, the screening requirement may be waived or modified. The screening method shall be depicted on

plans submitted with applications for design review and building permits. (SEE APPENDIX 1, FIGURE 4)

c. Roof-mounted mechanical equipment shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the mechanical units. These building elements shall be an integral part of the building design. Separate mechanical equipment screen enclosures or fences are prohibited.

d. Utility equipment such as electric and gas meters, junction boxes, and similar equipment shall be screened using architecturally compatible fences or landscaping. Service entrance section (SES) panels shall be fully recessed into the building elevation and enclosed by lockable exterior doors, or shall be screened by a decorative fence equal to or exceeding the height of the SES panel.

e. Utility transformers, backflow prevention devices over 2 inches in diameter, and similar equipment shall be located to minimize their view from public streets, walkways, public and private parks, plazas, etc. These devices shall be located in areas that are not immediately adjacent to streets, driveways, parking lots, or public gathering areas. Where visible from these areas, the equipment shall be oriented so that it can be screened with berms, fences, landscaping, or a combination thereof, while maintaining required access to the equipment.

f. All backflow prevention devices larger than 2 inches shall be screened with landscaping located within a six 6 foot radius of the device. All devices 2 inches or smaller shall be placed in a locked wire mesh cage painted to match the color of the primary building or adjacent fence.

2. *Residential Uses in Single Family Districts*.

a. Roof-mounted mechanical equipment is prohibited. Ground mounted mechanical equipment shall be screened from public view by a minimum of a 4 foot high fence.

b. All backflow prevention devices larger than 2 inches shall be screened with landscaping located within a 6 foot radius of the device. All devices 2 inches or smaller shall be placed in a locked wire mesh cage painted to match the color of the primary building or adjacent fence.

3. *Multi-Family Residential Uses*.

a. Roof-mounted mechanical equipment shall be fully screened by a parapet wall or other building elements equal to or exceeding the

height of the mechanical units. These building elements shall be an integral part of the building design. Separate mechanical equipment screen enclosures or fences are prohibited.

b. Ground mounted mechanical equipment shall be screened from public and common area view by a decorative screen fence. The fence shall exceed the height of the equipment by at least 1 foot.

c. All backflow prevention devices larger than 2 inches shall be screened with landscaping located within a 6 foot radius of the backflow device. All devices 2 inches or smaller shall be placed in a locked wire mesh cage painted to match color of the primary building or adjacent fence.

4.106 Refuse and Recycling Enclosures

A. ***Applicability.*** Enclosures for refuse and recycling container storage are required for all multi-family residential and all nonresidential developments, except as otherwise provided in the Gilbert Municipal Code. The Public Works Director may authorize the use of refuse and recycling container enclosures in high density single family residential developments.

B. ***Standards.*** Refuse and recycling enclosures shall comply with the following requirements:

1. Refuse and recycling enclosures shall not be located in any required perimeter landscape area.

2. Refuse and recycling enclosures shall be set back a minimum of 3 feet from any access aisles, driveways, and travel ways.

3. Enclosure gates shall not open into any access aisles, driveways, travel ways, parking space, or landscape area.

4. Refuse and recycling enclosures shall be a minimum height of 6 feet and shall fully screen containers, compactors, and similar equipment from view.

5. The Design Review Board may waive enclosures for refuse and recycling containers within the Light Industrial and General Industrial districts when located within a gated, fenced area and screened from view.

C. ***Materials and Design.*** Refuse and recycling storage areas shall be constructed and maintained as follows:

1. Enclosures shall be constructed of solid masonry or concrete with a decorative exterior.

2. Gates shall be constructed of solid heavy gauge metal or a heavy gauge metal frame with an opaque covering. Chain link gates are prohibited.

3. Enclosures shall be protected from adjacent vehicle parking and driveways by a 6-inch, poured-in-place concrete curb or other approved material. The curbing design shall meet the minimum requirements set forth in Maricopa Association of Governments Standard Detail No. 222 for single curbs.

4.107 Swimming Pools

A. ***Location.***

1. *Residential Districts*. In any residential district, private swimming pools shall be located in the side or rear yards and shall not be any closer than 3 feet from any property line and may not be located within any recorded easement except with a written approval of the easement holder. In case of a corner lot, a pool may not be located closer than 5 feet to the street side property line. Minimum width of yards for pools adjacent to an alley, an alley easement, a street, or an existing building shall not be less than the depth of the pool adjacent thereto unless approved in writing by the Building Inspections Department and in no case shall the yards be reduced to less than 3 feet in the side or rear yard, or 3 feet in the street side yard.

2. *Nonresidential Districts*. In any district other than those above, a private swimming pool or a semi-public swimming pool shall not be closer than 7 feet to any property line, except that in the case of a corner lot, a swimming pool shall not be closer than 10 feet to the side property line on the street side; and if located in other than the side yard, rear yard, or in a court or other open space which is more than 50 percent surrounded by a building, the same shall be subject to the grant of a use permit as hereinafter provided.

3. *Public Swimming Pools*. No public swimming pool shall be located closer than 25 feet to any lot line on the lot on which it is situated.

B. ***Enclosures and Gates.***

1. *Enclosures*. All swimming pools shall be enclosed by walls of a single family residential building or by a solid wall or a chain link or wrought iron fence not less than 5 feet nor more than 6 feet in height. If the design or the material of the fence or gate is such that there are openings, such openings shall be of a size to prohibit a spherical object 4 inches in diameter from passing through or under the fence or gate.

2. *Gates.* All gates shall be substantially the same height as the wall or the fence and shall be self-closing and self-latching and be constructed in such

a manner as to prevent uninvited access.

C. ***Exceptions.***

1. The above regulations shall not apply to non-permanent wading pools made of rubber, plastic or similar materials and containing water up to a maximum depth of not more than 18 inches.

2. Where the premises upon which the pool is located abuts a body of water in an approved Planned Area Development, the fence enclosure parallel to the water shall not be required provided that the abutting enclosure extends horizontally 18 inches beyond the lake bank. For purposes of this exception, the word "abutting" shall mean terminating at the point of contact with the lakeside edge of the bank.

3. Double width gates which are not the sole means of ingress and egress shall not be required to be self-closing and self-latching but must be padlocked at all times when not being used.

4.108 Underground Utilities

On-site electric utility, cable television, and all other communication and utility distribution lines providing direct service to a development shall be placed underground. Overhead wires are prohibited.

4.109 Fences

These fence regulations are in addition to the requirements of Section 4.104: Outdoor Business Property Storage and Article 4.2: Off-Street Parking and Loading Regulations.

A. ***Residential Districts.***

1. *Single Family Residential Districts*.

a. In all single family residential districts, except SF-43 and SF-35, fences within the required front setback area shall not exceed a height of 3 feet. Any fence located in the side or rear setback area shall not exceed a height of 8 feet. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence.

b. In SF-43 and SF-35 residential districts, other than open fencing, fences within the required front setback shall not exceed a height of 3 feet. Open fencing within the required front setback area shall not exceed a height of 6 feet. Any fence located in the side or rear setback area shall not exceed a height of 8 feet. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. (SEE

APPENDIX 1, FIGURE 5)

c. A separation fence is required when a single family residential use is adjacent to an arterial street, a multi-family district or use, or a nonresidential district or use. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. The Planning Commission may modify these requirements pursuant to Section 4.109G: Modification of Separation Fence Requirements.

d. Golf ball safety nets and associated poles are permitted in the side and rear setback area of lots adjacent to a golf course or driving range.

e. Chain link or woven wire tennis and sport court fencing is permitted within the building envelope.

2. *Multi-Family Residential Districts*.

a. In multi-family residential districts no fence is permitted in the required front setback area. No fence shall exceed a height of 8 feet. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence.

b. A separation fence is required when a multi-family residential use is adjacent to a single family residential district or use or a nonresidential district or use. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. The Planning Commission may modify these requirements pursuant to Section 4.109G: Modification of Separation Fence Requirements.

c. Golf ball safety nets and associated poles are permitted in the side and rear setback area of lots adjacent to a golf course or driving range.

d. Chain link or woven wire tennis and sport court fencing is permitted in the building envelope.

3. *Temporary Fencing.* Temporary fencing is permitted in conjunction with:

a. Construction sites.

b. Temporary uses pursuant to Section 4.5012: Temporary Uses.

c. Special events, pursuant to a Special Event permit.

4. *Prohibitions*.

a. Barbed wire, razor wire, and electric fences are prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.

b. Except at recreation facilities, the use of permanent chain link, woven wire, and similar fence material is prohibited.

c. Except as permitted in Sections 4.107B: Enclosures and Gates, 4.109A.1e, 4.109A2.d., the use of permanent chain link fence material is prohibited.

B. ***Commercial and Office Districts and Uses.***

1. *Requirement*. A solid separation fence is required when a commercial or office district or use is adjacent to a single family residential or multi-family residential district or use or adjacent to a Light Industrial or General Industrial district. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. The Planning Commission may modify these requirements pursuant to Section 4.109G: Modification of Separation Fence Requirements.

2. *Temporary Fencing*. Temporary fencing is permitted in conjunction with:

a. Construction sites.

b. Temporary uses pursuant to Section 4.5012: Temporary Uses.

c. Special events, pursuant to a Special Event permit.

3. *Prohibitions*.

a. Barbed wire, razor wire, and electric fences are prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.

b. Except at recreation facilities, the use of chain link, woven wire, and similar fence material is prohibited.

c. Except as permitted in Section 4.107B: Enclosures and Gates, the use of permanent chain link is prohibited.

C. ***Employment Districts.***

1. *Business Park*. A solid separation fence is required when a Business Park district is adjacent to a single family residential or multi-family residential district or use or adjacent to a General Industrial district. The fence shall

be 8 feet in height and located on a property line and outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence.

2. *Light Industrial*. A solid separation fence is required when a Light Industrial district is adjacent to a single family residential or multi-family residential district or use or adjacent to a General Industrial district. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. Permanent chain link, woven wire, and similar fence material is permitted in areas not visible from streets. Such fences shall not exceed the height of the separation fence.

3. *General Industrial*. A solid separation fence is required when a General Industrial district is adjacent to a single family residential or multi-family residential district, commercial or office district or use, or adjacent to a Business Park or Light Industrial district. The fence shall be 8 feet in height and located on a property line and outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. Permanent chain link, woven wire, and similar fence material is permitted in areas not visible from streets. Such fences shall not exceed the height of the separation fence.

4. *Temporary Fencing.* Temporary fencing is permitted in conjunction with:

   a. Construction sites.

   b. Temporary uses pursuant to Section 4.5012: Temporary Uses.

   c. Special events, pursuant to a Special Event permit.

5. *Prohibitions*.

   a. Barbed wire, razor wire, and electric fences are prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.

   b. Except as permitted in Section 4.107B: Enclosures and Gates, permanent chain link, woven wire, and similar fence material is prohibited in Light and General Industrial districts in locations visible from streets.

D. ***Public Facility/Institutional District.***

1. *Requirement*.

   a. A solid separation fence is required when a Public Facility/Institutional district is adjacent to a single family residential or multi-family residential district or use or as otherwise required by the Planning Commission of Zoning Administrator as a condition of a use permit approval.

   b. The fence shall be 8 feet in height and located on a property line or outside of any required landscape area. A fence constructed on a side or rear property line shall not exceed a height of 8 feet from finished grade on either side of the fence. Except as required by the Planning Commission or Zoning Administrator as a condition of use permit approval, the Planning Commission may modify these requirements pursuant to Section 4.109G: Modification of Separation Fence Requirements.

2. *Temporary Fencing.* Temporary fencing is permitted in conjunction with:

   a. Construction sites.

   b. Temporary uses pursuant to Section 4.5012: Temporary Uses.

   c. Special events, pursuant to a Special Event permit

3. *Prohibitions*.

   a. The use of barbed wire, razor wire, and electric fences are prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.

   b. Except at recreation facilities, the use of chain link, woven wire, and similar fence material is prohibited in locations visible from streets.

   c. Except as permitted in Section 4.107B: Enclosures and Gates, the use of permanent chain link is prohibited.

E. ***Construction Standards.*** All fences, except those on single family residential lots, shall be constructed of a minimum of 8 inch wide concrete block, exclusive of decorative elements.

F. ***Maintenance***. All fences shall be permanently maintained in good condition and repaired or replaced when necessary to ensure continued compliance with the requirements of this section.

G. ***Modification of Separation Fence Requirements***. The Planning Commission may approve modifications to the requirement for separation fences between

single family and multi-family residential districts or uses; single family residential uses adjacent to an arterial street; residential and nonresidential districts or uses; commercial and office districts or uses adjacent to a Light Industrial or General Industrial district; and Public Facility/Institutional district adjacent to a single family residential or multi-family residential district or use.

1. *Application.* An application for Modification of Separation Fence Requirements shall be filed with the Development Services division in accordance with the procedure and provisions for application, public notice, staff report, and public hearing set forth in Section 5.402B: Conditional and Special Use Permits.

2. *Action.* The Planning Commission shall approve, approve with modifications and/or conditions, or deny the proposed modification to the separation fence requirements. If the Planning Commission fails to take action within 90 days after closing the public hearing, the Planning Commission shall be deemed to have denied the application.

3. *Findings*. The Planning Commission may approve the proposed modification of separation fence requirements or may approve the proposal with modifications and/or conditions only after making the following findings of fact:

    a. The proposed modification will not be detrimental to health, safety, or general welfare of persons living or working in the surrounding area, to adjacent property, to the neighborhood, or to the general welfare of the town as a whole;

    b. The proposed modification conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;

    c. The proposed modification conforms with all other conditions, requirements, or standards required by the Zoning Code and any other applicable local, state, or federal requirements;

    d. The project is compatible with adjacent and nearby development;

    e. The owners of a majority of all real, contiguous property that are subject to the separation fence requirements have approved modification of the separation fence requirements by submitting a notarized letter of approval, along with a site plan depicting the location of the separation fence to be modified, to the Director of Planning; and

f. The separation fence is not a condition of a Final Design Review or a use permit approval as set forth in Section 4.109D.1: Requirement.

4. *Revocation.* Modification to separation fence requirements may be revoked by the Planning Commission following a public hearing if the uses or districts change, should the uses become incompatible, or because of failure to comply with the conditions of the approval.

a. Initiation of Revocation. Proceedings for the revocation may be initiated by the Zoning Administrator. The Zoning Administrator shall prepare a written report to the Planning Commission that contains the following information:

(1) The separation fence modification to be revoked;

(2) The property to which the modification applies; and

(3) The reason or reasons for the proposed revocation.

b. Notice of Revocation Hearing. Notice of a revocation hearing shall be given by first class mail at least 15 days prior to the hearing as follows:

(1) To the property owner(s) of record;

(2) To the property address; and

(3) To the business address.

Notice of the public hearing shall be published at least 15 days prior to the date of the hearing at least once in a newspaper of general circulation published or circulated within the Town of Gilbert.

Notice shall be posted at least 15 days prior to the date of the hearing at 3 public places within the town designated by Town Council resolution for posting of public notices.

c. Hearing. The revocation hearing shall be held in accordance with the procedures for public hearing set forth in section 5.206: Public Hearing Procedures.

d. Required Findings. In order to revoke the modification to separation fence requirements, the Planning Commission shall make one or more of the following findings:

(1) One or more of the terms of conditions of the modification

have been violated or there has been a violation of other applicable laws or regulations;

(2) The neighboring uses or zoning districts have changed; or

(3) The neighboring uses have become incompatible.

e. Action. Upon revocation, the Zoning Administrator shall set forth the decision in a Notice of Decision describing the Planning Commission's action, with its findings. The Notice of Decision shall be sent via first class mail to:

(1) To the property owner of record;

(2) To the property address; and

(3) To the business address.

5. *Appeals*. Any decision to modify the separation fence requirements may be appealed to the Town Council pursuant to Section 5.2011: Procedures for Appeals.

Article 4.2 Off-Street Parking and Loading Regulations

Sections

4.201 Purposes
4.202 Applicability
4.203 General Provisions
4.204 Number of Parking Spaces Required
4.205 Number of Parking Spaces Required for Shopping Center and Regional Commercial
4.206 Dimensions for Parking Spaces and Aisles
4.207 Parking Access
4.208 Driveway Widths
4.209 Surfacing
4.2010 Drive-Through and Take-Out Facilities
4.2011 Passenger Loading Areas
4.2012 Screening, Landscaping and Lighting
4.2013 Parking Space and Aisle Setbacks at Arterial Driveway Entrances
4.2014 Parking for Persons with Disabilities
4.2015 Off-Street Loading
4.2016 Bicycle Parking

4.201 Purposes

The purposes of the off-street parking and loading regulations are to:

A. Ensure that adequate but not excessive parking is provided for new land uses and major alterations to existing uses to meet the parking needs created by such uses.

B. Establish regulations for new uses, new or relocated buildings and buildings that have been altered or expanded.

C. Ensure that off-street parking and loading areas are designed and located to protect the public safety, minimize congestion, reduce solar heat gain for unshaded parking areas, minimize traffic conflicts and congestion on parking aisles and public streets, and buffer surrounding land uses and public areas from visual and noise impacts.

D. Ensure pedestrian-friendly parking areas by providing for safe pedestrian routes, parking lot lighting, parking spaces sized for contemporary vehicles, and trees for shade.

E. Provide for the accessibility needs and requirements of disabled and elderly persons.

4.202 Applicability

These regulations apply to new uses and expansion of existing uses.

4.203 General Provisions

A. ***Required Parking***. All required parking shall be provided on site, except as provided in Section 4.203G: Shared Parking and Section 4.203I: Off-Site Parking in the Heritage Village Center Zoning District. The number of parking spaces required for individual uses in the Zoning Code is set forth in Section 4.204: Number of Parking Spaces Required. The number of parking spaces required for uses in Shopping Center and Regional Commercial districts is set forth in Section 4.205: Number of Parking Spaces Required for Shopping Center and Regional Commercial.

B. ***Required Parking and Parking Lot Landscaping for Structures that are Altered***. The parking and parking lot landscaping requirements of this article shall apply when an existing structure is altered. When a nonconforming structure is altered, the non-conforming parking and landscaping shall be modified to reduce or eliminate the non-conformity. The percentage of the parking and landscaping that is permitted to remain non-conforming shall be determined by the Director of Planning for Administrative Design Review and the Design Review Board for Design Review applications.

C. ***Uses Not Mentioned***. Parking requirements for a use not identified in this article shall be determined by the Zoning Administrator based on parking requirements for the most similar use listed in Article 6.1: Use Definitions. The Zoning Administrator may require submission of a parking study prepared by a person licensed to prepare such study.

D. ***Fractional Spaces***. If the number of parking spaces required in this article results in a fraction, the required number shall be rounded to the nearest whole number. For example, if the computed requirement equals 9.5 spaces, 10 spaces are required. If the computed requirement equals 9.4 spaces, 9 spaces are required.

E. ***Computation of Required Parking for Residential Use***. Residential parking for multi-family uses shall be based on the number of bedrooms. Any rooms defined as bedrooms by the Town of Gilbert building code shall be counted as a bedroom for the purpose of determining off-street parking requirements.

F. ***Visitor Parking***. On-street parking may be counted toward the visitor parking requirement for developments in the Single Family Detached (SF-D), Single Family Attached (SF-A), Multi-Family/Low (MF/L), and Multi-Family/Medium (MF/M) zoning districts provided that the street has a minimum 8.5 foot wide legal parking area exclusive of travel lanes. To qualify as one visitor parking space, there shall be an uninterrupted 22 foot long space and a sidewalk adjacent to the parking side of the street. The Town may require on-street visitor parking spaces to be striped.

G. ***Shared Parking***. Where a use generates parking demand primarily during hours when an adjacent use or uses are not in operation or generate shared trips, a reduction of up to 50 percent of the required parking may be approved by an Administrative Use Permit. The Administrative Use Permit shall terminate if the use changes. The application shall include:

1. Submission of a parking study prepared by a person licensed to prepare such study;

2. Proposed documents for recordation of cross-easements for parking purposes satisfactory to the Town Attorney; and

3. Proposed documents satisfactory to the Town Attorney to ensure maintenance of the shared parking spaces.

H. ***Deferred Parking for Unique Uses***. Where a business has or will have a unique parking demand, a deferral of up to 50 percent of the required parking may be approved by an Administrative Use Permit. The Administrative Use Permit shall terminate if the use changes. The application shall include:

1. A parking study prepared by a person licensed to prepare such study; and

2. A site plan showing all required parking areas and parking areas proposed to be deferred.

I. ***Off-Site Parking in the Heritage Village Center Zoning District and Gateway Districts***. Where a nonresidential use in the Heritage Village Center or Gateway zoning districts cannot provide all the required parking spaces on site, off-site parking may be approved by an Administrative Use Permit. The Administrative Use Permit shall terminate if the use changes. The application shall demonstrate that:

1. The off-site parking spaces shall be located within 1,000 feet of the use;

2. The off-site parking spaces shall be improved to the standards set forth in this article;

3. Cross-easements for parking shall be recorded in a form satisfactory to the Town Attorney, or evidence provided of adequate public parking; and

4. All state and federal accessibility requirements shall be met.

The Administrative Use Permit may require the provision of a minimum number of on-site parking and loading spaces.

J. ***Temporary Use of Parking Area***. Unless otherwise prohibited by the Zoning Code, the temporary use of parking areas for uses other than parking is permitted provided that:

1. The non-parking use complies with all license requirements;

2. The use does not occupy any parking spaces required by Tables 4.204: Off-Street Parking Requirements or 4.205: Off-Street Parking Requirements for Shopping Center and Regional Commercial districts of this Article;

3. The use does not interfere with fire or emergency vehicle access;

4. The use does not create a traffic hazard or interfere with vehicular or pedestrian circulation on the site;

5. The use provides accessible parking in accordance with applicable laws; and

6. The non-parking use is conducted with written property owner authorization.

K. ***Parking for Age Restricted Uses or to Comply with the Americans with Disabilities Act***. A reduction in parking requirements for a multi-family age restricted use may be approved by an Administrative Use Permit where the project is restricted by covenant or deed restriction to an age restricted use. Any such approval shall be based on a parking study or other acceptable evidence that supports the requested parking reduction. In no event shall required parking be reduced below 0.5 parking spaces per dwelling unit. Parking requirements for the multi-family use shall revert to those specified in this article if age restrictions are no longer in effect.

L. ***Restrictions on Parking in Commercial and Office Districts***.

1. Recreational vehicles, trailers, commercial vehicles or combinations of vehicles exceeding 21 feet in length, not owned or operated by a business on the property, shall not be parked within any commercial zoned property, except for the purpose of loading, unloading, service, or patronizing a commercial use on the site; and

2. In commercial districts, no vehicle shall be parked overnight and used for permanent or temporary habitation.

M. ***Prohibited Parking***. Parking shall be prohibited in the following locations:

1. Fire lanes;

2. Required landscape areas;

3. Unimproved properties or portions of properties in nonresidential and multi-family districts; and

4. Outside areas not designated for parking on an approved Final Design Review plan.

N. ***Separation from Buildings***. Parking spaces shall be separated from a nonresidential or multi-family building by:

1. A raised walkway of at least 4 feet in width exclusive of any overhang permitted in Section 4.203O: Parking Overhang, or;

2. A raised landscape planter of at least 5 feet in width exclusive of any overhang permitted in Section 4.203O: Parking Overhang. (SEE APPENDIX 1, FIGURE 6).

O. ***Parking Overhang***. Vehicles may overhang landscape areas or sidewalks by 30 inches provided that:

1. The overhang does not interfere with the base of any structure, raised planter, seating bench, fence, utility equipment, light pole or base, or trunk of any tree;

2. The unobstructed width of the sidewalk, exclusive of the 30 inch over overhang, is not less than 4 feet (SEE APPENDIX 1, FIGURE 7);

3. The allowable overhang does not reduce any landscape planter width below 5 feet; and

4. No part of any parked vehicle extends into any required landscape area or beyond any property line.

P. ***Opposing Overhangs***. Where parking spaces are on opposite sides of a landscape area or sidewalk or combination thereof, the landscape area or sidewalk shall be at least 9 feet in width. This provision does not apply to landscape diamond planter areas.

Q. ***Parking Wheel Stops***. Concrete or metal parking wheel stops held in place by steel posts or placed directly on the parking surface are prohibited.

R. ***Side Clearance***. Each parking space located at the end of a row of spaces shall provide a 3 foot wide area clear of vertical obstructions more than 6 inches in height, exclusive of landscaping, next to the side of the space.

S. ***Tandem Parking, Nonresidential***. Tandem parking spaces shall only be approved for full-time valet or attended parking. Tandem parking spaces may be used to satisfy a portion of the parking requirement for nonresidential uses, subject to the approval of an Administrative Use Permit. The Administrative Use Permit shall terminate if the use changes.

T. ***Pull-Through Parking Spaces***. Single car pull-through spaces are prohibited.

U. ***Striping***. One or more 4-inch wide lines of white or other contrasting color paint shall delineate all nonresidential and multi-family parking spaces. Such lines shall be maintained to clearly identify each space.

V. ***Pavement Edge Protection***. All permanent uses other than individual single family residential lots shall provide a 6-inch, poured-in-place concrete curb or other approved material for all parking areas and drive aisles abutting landscaped areas. The curbing design shall meet the minimum requirements set forth in Maricopa Association of Governments Standard Detail No. 222 for single curbs.

W. ***Commercial Vehicle Parking in Residential Districts***.

1. One commercial vehicle with a manufacturer's gross vehicle weight rating of more than 5 tons may be parked on residential lots or parcels 1 acre or larger, subject to the following conditions:

    a. The vehicle shall be parked behind the rear wall plane of the main building on the lot or parcel;

    b. The vehicle shall be parked no closer than 10 feet from any property line; and

    c. The vehicle shall be screened from view from streets and abutting property by a solid fence or landscaping.

2. One commercial vehicle with a manufacturer's gross vehicle weight rating of 5 tons or less may be parked on residential lots or parcels less than 1 acre, subject to the following conditions:

    a. The vehicle shall not be parked in the required front or street side setback area; and

    b. The vehicle shall be screened from view from streets and abutting property by a solid fence or landscaping.

X. ***Additional Parking on Single Family Residential Lots***.

1. One additional uncovered parking space may be constructed next to the driveway or adjacent to a garage or carport. On corner lots, the parking space shall not be constructed in the street side setback area. On interior and flag lots, the parking space may be constructed in the required side yard building setback.

2. The additional parking space permitted by this section shall comply with the following standards:

   a. The parking space shall have a surface of asphalt, concrete, decomposed granite or gravel.

   b. The surface may consist of 2 parallel concrete or cement strips. The area between such parallel strips shall be landscaped with vegetative or non-vegetative ground cover.

   c. No parked vehicle may obstruct or encroach on a sidewalk.

   d. Access to the parking space shall be via a curb cut, rolled curb, or driveway.

3. No motor vehicle, recreational vehicle or trailer shall be parked in the front or side setback visible from the street, except on a driveway or additional parking space permitted in this section.

4.204 Number of Parking Spaces Required

This Section sets forth parking space requirements for all uses except uses in Shopping Center and Regional Commercial districts. Unless otherwise approved pursuant to Subsections 4.203H: Deferred Parking for Unique Uses or 4.203I: Off-Site Parking in the Heritage Village Center Zoning District and Gateway Districts, required parking spaces shall be located on the same building site as the use or building they serve, unless cross-access and cross-parking agreements are in effect. Parking on public or private streets shall not be used to satisfy the off-street parking requirement.

Table 4.204: Off-Street Parking Requirements

Use Classification	*Requirement (Gross Floor Area)*
Agritainment	Determined by Zoning Administrator
Ambulance Services	1 space per 250 sq. ft.
Animal Services *Animal Grooming*	1 space per 250 sq. ft.
Animal Shelter	1 space per 250 sq. ft.
Feed and Tack Sales	1 space per 350 sq. ft.
Kennel	1 space per 250 sq. ft.
Large Animal Hospitals	1 space per 300 sq. ft.
Small Animal Clinics	1 space per 250 sq. ft.
Automated Teller Machine	None required
Automated Teller Machine, Remote	2 spaces per machine
Banks and Other Financial Institutions	1 space per 200 sq. ft.
Banquet Facility	Determined by Zoning Administrator
Bed and Breakfast Homes	2 enclosed spaces; plus 1 space per guest room
Building Maintenance Services	1 space per 300 sq. ft.

Table 4.204: Off-Street Parking Requirements

Use Classification	*Requirement (Gross Floor Area)*
Building Material and Home Improvement Sales and Service, Retail	1 space per 250 sq. ft.
Building Material and Home Improvement Sales and Service, Wholesale	1 space per 800 sq. ft.
Business Services	1 space per 250 sq. ft.
Call Center	1 space per 150 sq. ft.
Cemetery	None required
Cemetery, Pet	None required
Civic, Social and Fraternal Organizations	1 space per 200 sq. ft. or 1 space per 4 fixed seats, whichever is greater
Colleges or Universities, Public Or Private	1 space per 200 sq. ft. of classroom and office area
Congregate Living Facility	0.5 spaces per unit
Contractor's yard	1 space per 250 sq. ft. of office area
Convention Center	1 space per 200 sq. ft. or 1 space per 4 fixed seats, whichever is greater
Crematorium	1 space per 300 sq. ft.
Crop and Animal Raising, Commercial	None required
Crop Raising, Non-Commercial	None required
Cultural Institutions	1 space per 200 sq. ft. or 1 space per 4 fixed seats, whichever is greater
Day Care Centers	1 space per 300 sq. ft.
Day Care Homes	No additional spaces required
Day Care , Residential	No additional spaces required
Dry Cleaning and Laundry Outlet	1 space per 250 sq. ft.
Dry Cleaning and Laundry Central Plant	1 space per 300 sq. ft.
Eating and Drinking Establishments *Bars/Night Clubs/Lounges/Dance Halls*	1 space per 100 sq. ft.; plus 1 space per 400 sq. ft. of outdoor dining area
Restaurants, Beverage Service	1 space per 75 sq. ft.; plus 1 space per 400 sq. ft. of outdoor dining area
Restaurants, Full Service	1 space per 100 sq. ft.; plus 1 space per 400 sq. ft. of outdoor dining area
Restaurants, Limited Service	1 space per 100 sq. ft.; plus 1 space per 400 sq. ft. of outdoor dining area
Entertainment and Recreation, Indoor	1 space per 150 sq. ft. of indoor area
Entertainment and Recreation, Outdoor	2 spaces per court; 45 spaces per soccer field; 35 spaces per baseball or softball field; 1 space per batting cage; 2 spaces per miniature golf hole
Farm Stand	1 space per 50 sq. ft. of sales area
Farmers' Market	1 space per 50 sq. ft. of sales area
Food Preparation *Large-Scale*	1 space per 300 sq. ft.
Small Scale	1 space per 250 sq. ft.
Funeral and Undertaking Services	1 space per 100 sq. ft. of assembly area; plus 1 space per 200 sq. ft. of office area
Garden Supply Store and Plant Nurseries	1 space per 400 sq. ft. of sales and display area

Table 4.204: Off-Street Parking Requirements

Use Classification	*Requirement (Gross Floor Area)*
Golf Course	5 spaces per hole
Government Offices and Facilities	1 space per 200 sq. ft.
Group Homes For The Handicapped	No additional spaces required
Haunted House	1 space per 100 sq. ft.
Health Care Facilities *Hospital*	1.5 spaces per bed
Urgent Care Facility	1 space per 100 sq. ft.
Medical Offices and Clinics	1 space per 150 sq. ft.
Home Occupation	No additional parking required
Homeowners Association Facilities	1 space per 250 sq. ft. building area
Hotels and Commercial Lodging	1.1 spaces per guest room, suite or unit; public eating and drinking establishments calculated separately
Instruction Services, Specialized	1 space per 200 sq. ft. of instructional area
Laboratories, Commercial	1 space per 150 sq. ft.
Laundry Services	1 space per 250 sq. ft.
Loft Unit	1.5 spaces per unit
Maintenance and Repair Services	1 space per 300 sq. ft.
Manufacturing and Assembly *Artisan*	1 space per 500 sq. ft.
Light	1 space per 500 sq. ft.
General	1 space per 500 sq. ft.
Heavy	1 space per 1,000 sq. ft.
Mining and Quarrying	1 space per 250 sq. ft. of office area
Nursing Home	0.5 spaces per bed
Offices, General	1 space per 250 sq. ft.
Pawn Shop	1 space per 250 sq. ft.
Personal Services	1 space per 200 sq. ft.
Public Safety Facilities	1 space per 250 sq. ft.
Recreational Vehicle Park	1 space per 100 sq. ft. of office area, plus 2 spaces per permanent residential unit
Place of Worship	1 space per 100 sq. ft. of assembly area, plus 1 space per 200 sq. ft. of other indoor area
Research and Development	1 space per 200 sq. ft.
Residential, Permanent *Single Family (on-street parking permitted)*	2 enclosed spaces per unit. Residential uses in the Heritage District may provide 2 unenclosed spaces on site
Single Family (no on-street parking)	2 enclosed spaces per unit; plus .25 guest spaces per unit; plus 6 guest spaces at the primary active open space and 3 guest spaces at each secondary active open space. Residential uses in the Heritage District may provide 2 unenclosed spaces on site.

Table 4.204: Off-Street Parking Requirements

Use Classification	*Requirement (Gross Floor Area)*
Single Family, Lot Width is less than 55' *or* *Single Family, Lot Driveway length is less than 20'*	2 enclosed spaces per unit; plus 0.5 guest parking spaces per unit; plus 0.5 guest parking spaces per unit that does not provide a minimum of 80 square feet of additional enclosed parking area; plus 6 guest spaces at the primary active open space and 3 guest spaces at each secondary active open space. All required guest parking spaces must be striped and equally distributed throughout the development, as approved on the parking plan; required dwelling unit guest parking spaces shall be located within 250' of the dwelling unit's front lot line, as measured by the pedestrian route. Parking plan design review approval required.
Multi-Family	1 space per 1-bedroom/studio unit. 2 spaces per 2 or more bedroom units; all plus .25 guest spaces per unit. 1 space per unit shall be covered, of which 25% shall be enclosed
Secondary Dwelling	1 additional space
Retail Sales, Convenience	1 space per 100 sq. ft.
Retail Sales, Furniture	1 space per 500 sq. ft.
Retail Sales, General	1 space per 250 sq. ft.
Sexually-Oriented Business	1 space per 250 sq. ft.
Schools, Public or Private	Elementary: 2 spaces per classroom Junior High: 2 spaces per classroom High: 7 spaces per classroom
Special Assistance Shelters	1 space per 500 sq. ft.
Stables, Commercial	1 space per 2 horse stalls
Storage, Personal Property *Indoor*	8 spaces plus 2 covered spaces per dwelling unit
Outdoor	2 covered spaces per dwelling unit
Swap Meet and Auction, Indoor	1 space per 200 sq. ft.
Swap Meet and Auction, Outdoor	1 space per 200 sq. ft. of sales area
Teen Nightclub	1 space per 200 sq. ft.
Transportation Passenger Terminals	Determined by Zoning Administrator
Utilities *Facilities*	1 space per 250 sq. ft. of office area
Service Yards	1 space per 250 sq. ft. of office area
Well Site	No additional spaces required
Vehicle Equipment Sales, Leasing and Services *Car Wash, Automated or Self-Service*	2 spaces minimum
Car Wash, Full Service	10 spaces minimum
Commercial Vehicle/Equipment Sales and Rental; New and Used	1 space per 250 sq. ft. of indoor area
Fueling Facility	1 space per 100 sq. ft. of convenience retail sales, plus 2 spaces per service bay
Fueling Facility, Alternative	1 space per fueling station

Table 4.204: Off-Street Parking Requirements

Use Classification	*Requirement (Gross Floor Area)*
Vehicle Equipment Sales, Leasing and Services(continued) *Fueling Facility, Fleet*	None required
Motor Vehicle Sales and Leasing, New and Used	1 space per 250 sq. ft. of interior display space; plus 1 space per 3 service bays; plus 1 space per 25 vehicles displayed outdoors
Non-Commercial Vehicle Rental	1 space per 100 sq. ft.
Vehicle Services, Light and Heavy	3 spaces per service bay plus 1 space per 100 sq. ft. of office and sales area
Warehousing *Freight/Truck Terminal and Warehouse*	1 space per 1000 sq. ft. plus 1 space per 250 sq. ft. office area
Petroleum and Gas Storage	1 space per 250 sq. ft. of office area
Salvage or Junkyards	1 space per 200 sq. ft. of office area
Waste Management *Hazardous Waste Collection and Transfer Facility*	1 space per 250 sq. ft. of office area
Hazardous Waste Disposal Facility	1 space per 250 sq. ft. of office area
Non-Hazardous Waste Collection Transfer Facility	1 space per 250 sq. ft. of office area
Non-Hazardous Waste Disposal Facility	1 space per 250 sq. ft. of office area
Non-Hazardous Material Recycling Collection Facility *Large Scale*	1 space per 250 sq. ft. of office area
Small Scale	None required
Wireless Communication Facilities	None required

4.205 Number of Parking Spaces Required for Shopping Center and Regional Commercial

This section sets forth parking space requirements for uses in the Shopping Center and Regional Commercial districts. Required parking spaces shall be located on the same building site as the use or building they are intended to serve, unless cross-access and cross-parking agreements are in effect. Parking on public or private streets shall not be used to satisfy the off-street parking requirement.

Table 4.205: Off-Street Parking Requirements for Shopping Center and Regional Commercial Districts

Use Classification	*Requirement (Gross Floor Area)*
Shopping Center	1 space per 250 sq. ft.
Regional Commercial	1 space per 200 sq. ft.

4.206 Dimensions for Parking Spaces and Aisles

A. ***General***. This section sets forth dimensional requirements for open parking spaces, covered parking spaces, and spaces in parking structures.

B. ***Open Parking Spaces***. The minimum dimensions of open parking spaces and parking aisles are set forth in Tables 4.206A: Parking Space and Aisle Dimensions for Parking Angles Less Than 90 Degrees and 4.206B: Parking Space and Aisle Dimensions for Perpendicular Parking Angles. For high turnover uses and uses utilizing shopping carts, space width shall be increased by 6 inches for 50 percent of the required parking spaces closest to the building entrances.

C. ***Unenclosed Covered Parking Spaces***. Each unenclosed covered parking space shall measure at least 9 feet in width and 19 feet in depth of unobstructed area. These measurements shall not include the exterior walls or supports of the structure. An unenclosed covered parking space shall have an unobstructed back- up area of not less than 25 feet.

D. ***Spaces in Parking Structures***. Each parking space in a parking structure shall measure at least 9 feet in width and 18 feet in depth, and have an unobstructed back-up area of not less than 24 feet.

E. ***Vertical Clearance for Unenclosed Covered Spaces and Parking Structures***. Covered parking and parking structures shall have a minimum vertical clearance of 8 feet.

F. ***Compact Parking Spaces***. Parking spaces that front on a landscape planter that is a minimum size of 6 feet wide and 6 feet long may be restricted to parking for compact cars by clearly marking the pavement surface. Such compact spaces shall be at least 9 feet in width and 16 feet in length. No more than 4 compact parking spaces shall be located in one grouping.

G. ***Residential Garages***. No minimum dimensional requirements.

H. ***Angle Parking Less Than 90 Degrees***. The following dimensions shall apply to all uses other than high turnover uses and those uses utilizing shopping carts. (SEE APPENDIX 1, FIGURES 8A & 8B)

Table 4.206A: Parking Space and Aisle Dimensions for Parking Angles Less Than 90 Degrees (feet)

Space Angle	*Aisle Width*	*Space Width*	*Space Length*
One-way			
0 degrees	14.0	10.0	22.0
30 degrees	15.0	9.0	19.0
45 degrees	16.0	9.0	19.0
60 degrees	17.0	9.0	19.0

Table 4.206A: Parking Space and Aisle Dimensions for Parking Angles Less Than 90 Degrees (feet)

Space Angle	*Aisle Width*	*Space Width*	*Space Length*
Two Way			
0 degrees	20.0	10.0	22.0
30 degrees	20.0	9.0	19.0
45 degrees	22.0	9.0	19.0
60 degrees	24.0	9.0	19.0

I. ***Perpendicular Parking***. The following dimensions shall apply to all uses other than high turnover uses and those uses utilizing shopping carts.

Table 4.206B: Parking Space and Aisle Dimensions for Perpendicular Parking Angles (feet)

Space Angle	*Aisle Width*	*Space Width*	*Space Length*
90 degrees	25.0	9.0	19.0
90 degrees	24.0	9.5	19.0

J. ***Angle Parking Less Than 90 Degrees in Parking Structures***. The following dimensions shall apply to all uses other than high turnover uses and those uses utilizing shopping carts.

Table 4.206C: Parking Space and One-way Aisle Dimensions for Parking Angles Less Than 90 Degrees within Parking Structures (feet)

Space Angle	*Aisle Width*	*Space Width*	*Space Length*
45 degrees	12.67 (12’ – 8”)	9.0	17.67 (17’ – 8”)
60 degrees	14.5	9.0	19.0

4.207 Parking Access

A. ***Nonresidential and Multi-Family Uses***.

1. *Ingress and Egress*. Each parking area shall have a driveway or driveways providing ingress to and egress from a public street. Parking in Heritage Village Center district may be directly accessed from an alley.

2. *Parking Area Egress Aisles*. Parking area egress aisles shall be perpendicular to the public street and level for a distance of at least 20 feet behind the sidewalk or pedestrian crossing.

B. ***Residential Uses***.

1. On public or private streets where a residential garage or carport is directly accessible from the street, it shall have a paved driveway not less than 20 feet in length, measured from the back of sidewalk. If no sidewalk exists, the driveway length shall be measured from the back of curb. This provision does not apply to side entry garages.

2. Where a residential garage or carport is directly accessible from an alley, it shall have a minimum paved driveway not less than 3 feet in length.

4.208 Driveway Widths

A. ***Single Family Residential***. No minimum driveway width is required.

B. ***Other than Single Family Residential***. Driveways shall have a minimum width of 14 feet for one-way traffic and 20 feet for 2-way traffic. One-way driveways shall be clearly identified.

4.209 Surfacing

Except as otherwise provided in this section, parking areas and spaces, access points, aisles, driveways, and travel ways shall be paved with masonry, asphalt, or concrete. All paved areas shall be maintained to provide a surface free from cracks, holes, and pavement deterioration. All required pavement marking shall remain visible.

A. ***Single Family Residential Driveways - 50 feet or less***. That portion of a driveway within 50 feet of a right-of-way shall be improved with a concrete or masonry surface.

B. ***Single Family Residential Driveways - Greater than 50 feet***. That portion of a driveway within 50 feet of the right-of-way shall be improved with a concrete or masonry surface. The remainder of the driveway may be constructed of concrete, masonry, asphalt, compacted decomposed granite, or other approved dust free surface.

C. ***Alternative Paving Surface***. The Director may approve an alternative surface material for facilities that have limited or infrequent use.

4.2010 Drive-Through and Take-Out Facilities

A. ***Drive-Through Facilities***.

1. *General*. Drive-through facilities shall provide safe, unimpeded movement of vehicles at street access points, in travel aisles and parking areas. Drive-through

aisles shall be a minimum of 12 feet in width and 20 feet in length. Drive-through aisle shall have a minimum interior turning radius of 15 feet and an exterior turning radius of 30 feet (SEE APPENDIX 1, FIGURE 9).

2. *Screening*. Drive-through aisles shall be screened from view from public and private streets, areas accessible to the general public, and from areas shown for residential use in the General Plan by:

   a. A decorative masonry fence a minimum of 36 inches in height measured from the grade of the aisle; or

   b. A continuous evergreen landscape planter a minimum of 6 feet in width; or

   c. A combination of a masonry fence and landscape planter.

3. *Stacking*. Vehicular stacking areas shall be provided in accordance with Table 4.2010: Drive-Through Facility Stacking Space Requirements.

Table 4.2010: Drive-Through Facility Stacking Space Requirements

Use Classification	***Stacking Space Requirement***
Banks and Other Financial Institutions	5 spaces per teller or ATM drive-through
Eating and Drinking Establishments *Restaurants, Beverage Service*	3 spaces per window
Restaurants, Limited Service	4 spaces
Retail Sales, General *Dry Cleaning*	2 spaces per window
Pharmacy	2 spaces per aisle
Photo drop	1 space per window
Vehicle Equipment Sales, Leasing and Services *Car Wash, Automated or Self-service*	2 space per bay
Car Wash, Full Service	8 spaces minimum
Fueling Facility	1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island.)
Fueling Facility, Alternative	1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island.)
Vehicle Services, Heavy	1 space per service bay
Vehicle Services, Light	1 space per service bay

B. ***Take-Out Facilities***. Eating and Drinking Establishments providing a designated take-out counter or window shall identify one or more parking spaces adjacent to the take-out entrance for exclusive use by take-out customers.

4.2011 Passenger Loading Areas

A. ***General***. Passenger loading areas shall be provided adjacent to the principal facility entrance or entrances and shall consist of vehicle turnout lanes located outside access aisles. Passenger loading areas shall be identified exclusively for this use.

B. ***Loading Area Requirements***. Passenger loading shall be provided in accordance with Table 4.2011: Passenger Loading Area Requirements.

Table 4.2011: Passenger Loading Area Requirements[1]

Use Classification	*Requirement*
Civic, Social and Fraternal Organizations	1 space
Congregate Living Facility	1 space
Convention Center	5 spaces
Cultural Institutions	1 space
Day Care Centers	3 spaces
Entertainment and Recreation, Indoor	3 spaces per skating rink 2 spaces per swimming pool 1 space per performing arts facility 1 space per 3 theatre screens
Entertainment and Recreation, Outdoor	2 spaces per swimming pool 1 space per sports field or court 3 spaces per amphitheatre
Government Office and Facilities *Large Scale*	2 spaces
Health Care Facilities *Hospitals*	2 spaces
Urgent Care Facility	1 space
Medical Offices and Clinics (greater than 5,000 sq. ft.)	1 space per 5,000 sq. ft.
Hotels and Commercial Lodging	3 spaces
Nursing Home	1 space
Place of Worship *Large Scale*	4 spaces
Small Scale	1 space
Schools, Public or Private	3 spaces
Transportation, Passenger Terminals	5 spaces

[1] A passenger loading space is the area a vehicle occupies while loading or unloading passengers. A passenger loading space shall be a minimum of 12 feet in width and 20 feet in length.

4.2012 Screening, Landscaping and Lighting

A. ***Screening***. Parking areas, automotive fuel pump islands, and parking access aisles parallel to and within 75 feet of rights-of-way shall be screened from view from those rights-of-way, public parks and public buildings by fences. Landscaping or berming may substitute for fences up to a maximum of 25 percent of the length of the fence.

1. *Parking Screen Walls*.

   a. Height. Walls shall be not less than 3 feet nor more than 4 feet, measured from finish grade of the parking lot.

   b. Location. Parking screen walls shall not be located in public rights-of-way, street frontage landscape areas, or on top of any retaining walls.

   c. Alignment. Walls shall be horizontally staggered a minimum of 1 foot for every 100 linear feet.

   d. Clearance. Walls shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle, as measured from the back of curb.

   e. Materials and Finish. Walls shall be constructed of decorative block, brick, stone, or similar materials and finished on both the interior and the exterior elevations.

2. *Landscape Screening*.

   a. Height. Where landscaping is used as a substitute screening method, it shall be planted and maintained as a continuous landscape hedge not less than 3 feet or more than 4 feet in height, measured from finish grade of the parking lot.

   b. Location. The landscape hedge shall not be located in public rights-of-way.

   c. Clearance. The landscape hedge shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.

   d. Plant Materials. Plant materials shall be an evergreen species.

   e. Sight Distance Triangle. Ground covers and shrubs planted within sight distance triangles shall not exceed a height of 24 inches at maturity.

3. *Berms.*

   a. Height. Where a berm is used as a substitute screening method, it shall measure not less than 3 feet nor more than 4 feet in height from finish grade of the parking lot.

   b. Location. The berm shall not be located in public rights-of-way.

c. Clearance. The toe of the berm shall be set back a minimum of 3 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.

d. Slope. The maximum slope of the berm shall not exceed 4:1.

4. *Exceptions.*

a. A new wall shall not be required where an existing wall complies with the requirements of this section. The existing wall may be located either on the common property line or within 10 feet of the common property line. However, if the existing wall is removed, a replacement wall will be required to be constructed by the owner of the parking facility. Nothing herein shall affect any legal non- conforming rights.

b. A new wall shall not be required to screen outdoor display of new or used motor vehicles for sale or lease when such display area is identified on an approved Final Design Review site plan. Required parking for these uses shall comply with the screening requirements of this section.

B. ***Parking Lot Landscaping and Lighting***.

1. *Shade Trees*.

a. Shade trees shall be planted in the parking lot at a ratio of 1 tree for every 8 spaces. Trees shall be located throughout the parking lot to maximize the shading effect on parking spaces and to reduce solar heat gain. These trees are exclusive of trees planted around the perimeter of the parking lot (SEE APPENDIX 1, FIGURE 10).

b. The landscape planter, other than a landscape diamond planter, for any parking lot tree shall have a minimum area of 54 square feet and a minimum interior width of 5 feet.

c. Landscape diamond planters shall have a minimum area of 36 square feet.

d. The minimum trunk size of parking lot trees shall have a minimum trunk height of 6 feet and a minimum of a 2 inch single trunk caliper measurement or a 1.5 inch average trunk caliper measurement for multiple trunk trees when planted, measured 4 feet above grade. This size of tree is generally referred to as 24 inch box.

e. The minimum trunk height of parking lot trees shall be 6 feet.

2. *Interior Landscaping*.

   a. A minimum of 10 percent of the interior of all parking lots shall be landscaped, which percentage may include shade tree planters.

   b. Required interior landscape areas shall be evenly distributed throughout the parking lot. No more than 8 consecutive parking spaces shall be constructed without a landscape planter.

   c. The end spaces in a row of parking spaces shall be separated from drive aisles by landscape islands or peninsulas that are a minimum width of 6 feet.

3. *Light Poles*. Parking lot light poles shall be located in a landscape planter or incorporated into a walkway or other pedestrian area. Concrete bases for light poles shall not exceed a height of 30 inches from finished grade.

4.2013 Parking Space and Aisle Setbacks at Arterial Driveway Entrances

A. ***Parking Setbacks, Inbound Left Turns Permitted***. Parking spaces directly served by a driveway accessed from an arterial street where inbound left turns are permitted shall be set back:

   1. *NO (Neighborhood Office), GC (General Commercial), HVC (Heritage Village Center), PF/I (Public Facility/Institutional) and all Employment Districts*. A minimum of 60 feet from the arterial right-of-way.

   2. *All Other Nonresidential and Multi-Family Districts*. A minimum of 80 feet from the arterial right-of-way. (SEE APPENDIX 1, FIGURE 11)

B. ***Parking Setbacks, Inbound Left Turns Not Permitted***. Parking spaces directly served by a driveway accessed from an arterial street where inbound left turns are not permitted shall be set back:

   1. *NO (Neighborhood Office), GC (General Commercial), and HVC (Heritage Village Center) Districts*. A minimum of 40 feet from the arterial right-of-way.

   2. *NC (Neighborhood Commercial), GO (General Office), PF/I (Public Facility/Institutional), and all Employment Districts.* A minimum of 60 feet from the arterial right-of-way.

   3. *CC (Community Commercial), SC (Shopping Center), RC (Regional Commercial), and Multi-Family Residential Districts*. A minimum of 80 feet from the arterial right-of-way.

C. ***Drive Aisle Setbacks***. Parking drive aisles intersecting and crossing a major driveway accessed from an arterial street shall be set back (SEE APPENDIX 1, FIGURE 12):

1. *NO (Neighborhood Office).* A minimum of 20 feet from the arterial right- of-way.

2. *NC (Neighborhood Commercial), GC (General Commercial), and all Employment Districts*. A minimum of 40 feet from the arterial right-of- way.

3. *CC (Community Commercial), SC (Shopping Center), GO (General Office), PF/I (Public Facility/Institutional), and Multi-Family Residential Districts*. A minimum of 60 feet from the arterial right-of-way.

4. *RC (Regional Commercial) District*. A minimum of 80 feet from the arterial right-of-way.

5. *Convenience Retail, Fueling Facility, and Limited Service Restaurant Uses in any District.* A minimum of 60 feet from the arterial right-of-way.

Minimum drive aisle setback requirements in the NO, NC, GC, BP, LI, and GI districts may be modified by the Town Traffic Engineer. A Traffic Study is required to be submitted and approved by the Town Traffic Engineer to establish findings that more or less vehicle storage length is required to serve the development.

The Director shall determine which driveways are major driveways.

4.2014 Parking for Persons with Disabilities

Parking for persons with disabilities shall comply with the Town building code.

4.2015 Off-Street Loading

A. ***Commercial and Employment Districts***.

1. *Applicability*. This Section applies to any use having a gross floor area of 10,000 square feet or more requiring the delivery or distribution of material or merchandise by trucks measuring 36 feet or more, including cab and trailer.

2. *Requirement*. At least 1 off-street loading space shall be provided. One additional loading space shall be provided for each additional 40,000 square feet of gross floor area over 10,000 square feet. Required loading spaces shall be maintained during the existence of the use.

3. *Standards.*

   a. Location. Loading spaces shall not be closer than 100 feet to any land designated for residential use on the General Plan, or within 100 feet of land zoned for residential use, unless such loading spaces are within an enclosed building.

   b. Dimensions. Each required off-street loading space shall be not less than 12 feet wide and 45 feet long.

   c. Clear Height. Each required off-street loading space shall have a minimum clear height of 14 feet.

   d. Screening. Each off-street loading space visible from a public street, within 200 feet of land designated for residential use on the General Plan, or within 200 feet of land zoned for residential use shall be enclosed on three sides by a solid fence not less than 14 feet in height.

   e. Maneuvering. Truck-maneuvering areas shall not encroach into required parking spaces or rights-of-way.

B. ***Customer Loading Zones***.

1. Applicability. This Section applies to retail uses where customers take delivery of goods in non-commercial vehicles other than in designated parking spaces. Such uses are characterized by the sale of large or bulky items. Uses include home improvement, appliance, furniture, grocery, retail warehouse, and electronics stores.

2. *Requirement*. A customer loading zone shall be provided for any use listed in Section 4.2015B.1: Applicability and having a gross floor area of 25,000 square feet.

3. *Standards*.

   a. Location. The loading zone shall be located within 50 feet of the primary exit or merchandise pick-up location. Customer loading is prohibited in designated fire lanes.

   b. Dimensions. A loading zone shall be a minimum width of 10 feet and a minimum length of 30 feet.

   c. Clear Height. The loading zone shall have a minimum clear height of 14 feet.

4.2016 Bicycle Parking

A. ***Requirement***.

1. *Minimum Requirement, All Uses*. Uses of land which are required to provide at least 40 vehicle parking spaces shall be required to provide bicycle parking spaces and facilities at a rate of 1 for every 10 required vehicle parking spaces.

2. *Minimum Requirement, Uses with less than 40 Vehicle Parking Spaces*. A minimum of 4 spaces shall be provided for all uses, with the following exceptions:

   a. Single family residential uses.

   b. Personal Property Storage, Indoor and Outdoor

   c. Other uses as determined by the Director of Planning.

3. *Minimum Requirement, Uses in SC and RC Districts*. Bicycle parking for uses in the SC and RC zoning districts shall be distributed throughout a project. Common or shared bicycle parking facilities may be provided for attached or in-line uses. Individual uses on separate pads shall provide bicycle parking facilities in accordance with Section 4.2016A.1: Minimum Requirement, All Uses and Section 4.2016A.2: Minimum Requirement, Uses with less than 40 Vehicle Parking Spaces.

4. *Maximum Requirement*. In no event shall any use be required to provide more than 100 bicycle parking spaces.

B. ***Standards***.

1. *Location*. Bicycle parking spaces shall be located on a paved surface within 50 feet of the primary building entrance. Bicycle parking spaces shall not encroach into any required landscaping or pedestrian access areas.

2. Dimensions. Bicycle parking spaces shall measure 2 feet by 6 feet per space. A pre-manufactured bicycle rack or locker which differs from these dimensions may be approved by the Director of Planning.

3. *Parking Facilities*. The bicycle parking facility shall be a stationary object permanently affixed to the ground or a structure to which the operator can lock the bicycle frame and wheels to the object. Bicycle lockers may be used.

Article 4.3: Landscape Regulations

Sections:

4.301 Purposes
4.302 Applicability
4.303 General Provisions
4.304 Gateway Entries
4.305 Streetscape Theme Trees
4.306 Landscape Maintenance and Enforcement

4.301 Purposes

The purposes of these regulations are to:

A. Promote attractive development;

B. Improve the appearance and character of areas surrounding new development;

C. Minimize heat gain created by unshaded areas;

D. Conserve energy by shading buildings from exposure to the sun;

E. Minimize conflicts between potentially incompatible permitted land uses on adjoining lots or parcels;

F. Provide consistent landscape requirements for similarly situated properties; and

G. Promote the conservation of water through the design of landscape areas and the selection of plant materials.

4.302 Applicability

These regulations apply to:

A. All new residential and nonresidential subdivisions;

B. All new construction other than individual single family residences;

C. Additions of 25 percent or more to existing buildings and uses in all nonresidential and multi-family residential districts; and

D. New construction and expansion by 25 percent or more of all existing permanent nonresidential uses in residential districts.

4.303 General Provisions

A. ***Landscaping Components***. Landscaping may include trees, shrubs, ground cover, vines, walkways, ponds, fountains, benches, sculpture, shade structures, and other materials used for enhancing the exterior appearance of a development or parking area.

B. ***Installation per Approved Plans.*** All required landscaping shall be installed in accordance with the approved final landscape plan prior to issuance of a final Certificate of Occupancy. Plant materials shall be of the type and size specified on the approved final landscape plan.

C. ***Minimum Area Requirements***. The minimum landscaping area requirements for any nonresidential or multi-family lot or parcel, nonresidential subdivision, or nonresidential use in a residential district, exclusive of streets, are set forth in the development regulations for each base zoning district. Minimum landscaping area requirements for single family residential subdivisions are set forth in Chapter III: Subdivision Regulations.

D. ***Street Frontage and Perimeter Landscape Requirements***. The minimum street frontage and perimeter landscaping area requirements for any nonresidential or multi-family lot or parcel, residential or nonresidential subdivision, or nonresidential use in a residential district, exclusive of streets, are set forth in the development regulations for each base zoning district.

E. ***Parking Overhang.*** Any landscaped area used for parking overhang as set forth in Section 4.203: General Provisions shall not be calculated towards the required landscaping area.

F. ***Undeveloped Areas in Approved Design Review Plans***. Any portion of a lot or parcel not shown on an approved Final Design Review site plan for buildings, parking, driveways or sidewalks shall be landscaped. Areas shown on an approved preliminary Design Review Plan for future development shall be protected from unauthorized vehicular access.

G. ***Irrigation***. A programmable automatic irrigation system shall be provided to all landscaped areas requiring water. Water conservation fixtures shall be used in accordance with applicable Town requirements.

H. ***Pavement Edge and Planter Protection.*** All permanent uses other than individual single family residential lots shall provide a 6-inch, poured-in-place concrete curb or other approved material for all parking areas and drive aisles adjacent to landscaped areas. The curbing design shall meet the minimum requirements set forth in Maricopa Association of Governments Standard Detail No. 222 for single curbs.

I. ***Turf Area Border.*** Turf areas shall be separated from other landscape areas by a 6-inch wide concrete curb or other approved material. Curbing manufactured from metal or similar materials are prohibited.

J. ***Minimum Tree Size.*** All trees planted pursuant to these regulations shall have a minimum size as follows:

1. Tree height: 6 feet.

2. Trunk height, palm tree species: 5 feet.

3. Trunk caliper, single trunk: .75 inches, measured 4 inches above the soil line.

4. Trunk caliper, multiple trunks: .75 inches (average of the 2 largest trunks), measured 4 inches above the soil line.

5. All trees planted within the sight distances for controlled and uncontrolled intersections shall adhere to the trunk height requirements set forth in the Town of Gilbert Standard Details.

K. ***Tree Planting.*** All trees shall be planted and staked in accordance with the Arizona Nursery Association standards.

L. ***Inorganic Ground Cover.*** All landscape areas not covered by turf, sidewalks, play equipment, lakes, or ponds, or hardscape features shall be covered by an approved inorganic ground cover such as decomposed granite, crushed rock, gravel, river rock, and/or boulders. The depth of coverage shall be specified on the approved final landscape plan.

M. ***Arterial and Collector Street Right-of-Way and Landscape Area Planting Standards***. The following landscaping is required between the curb and the property line and behind the right-of-way along all arterial and collector streets, other than those within the Heritage District Redevelopment Area and the General Plan Gateway Character Area:

1. Trees with a minimum size specified in Section 4.303J: Minimum Tree Size shall be planted in the quantity of 1 tree per 25 feet of lineal street frontage, exclusive of driveways. Trees shall be located as shown on an approved final landscape plan. At least 50 percent of the required trees shall be 24 inch box size or larger.

2. A minimum of 50 percent of the arterial street trees in the landscape area shall be the designated theme tree as set forth in Section 4.305: Streetscape Theme Trees. Where 2 different tree species are designated as

the theme tree, a minimum of 25 percent of each designated theme tree shall be used.

3. Shrubs with a minimum size of 5 gallons shall be planted to complement the placement of trees. Shrubs shall be planted at a minimum rate of 3 shrubs per tree.

4. Shrubs and vegetative groundcovers shall be planted to cover a minimum of 25 percent of the landscape area.

5. All shrubs and ground covers planted within the sight distances for controlled and uncontrolled intersections shall adhere to the height requirements set forth in the Town of Gilbert Standard Details.

6. Street trees, shrubs, accent plants, and ground covers planted in the right-of-way shall be selected from the Arizona Department of Water Resources Low Water Use / Drought Tolerant Plant List for the Phoenix Active Management Area.

7. Streetscape areas shall be naturally contoured.

8. Stormwater retention areas shall not exceed 50 percent of the right-of-way landscape area behind the curb line and street side landscape area, exclusive of driveways.

9. Trees planted within utility easements shall comply with requirements established by that utility company. Where utility easements prevent the planting of trees required by this section, the landscape area shall be increased in width by the amount affected by the easement.

N. ***Raised Median Planting Standards.*** The following landscaping is required in raised street medians, other than those within the Heritage District Redevelopment Area and the General Plan Gateway Character Area:

1. Landscaping shall be installed at the time of raised median construction. Landscaping installation shall be the responsibility of the entity constructing the raised median.

2. All trees shall be 24 inch box size or larger.

3. All trees planted within the raised median shall be the designated theme tree as set forth in Section 4.305: Streetscape Theme Trees. Where 2 different tree species are designated as the theme tree, a minimum of 25 percent of each designated theme tree shall be used.

4. Accent plants a minimum size of 5 gallons shall be planted to complement the placement of trees at a minimum rate of 3 per tree. Shrubs are not permitted in street medians.

5. Vegetative groundcovers shall be planted to cover a minimum of 25 percent of the median landscape area.

6. All landscaping within the sight distances established for raised medians shall adhere to the height requirements set forth in the Town of Gilbert Standard Details.

7. Street trees, shrubs, accent plants, and ground covers planted in the right-of-way shall be selected from the Arizona Department of Water Resources Low Water Use / Drought Tolerant Plant List for the Phoenix Active Management Area.

O. ***Traffic Circles, Roundabouts, and Cul-de-Sac Islands.*** Landscaping shall be installed at the time of street construction in accordance with an approved landscape plan.

P. ***Side and Rear Perimeter Landscape Areas.***

1. Required side and rear perimeter landscape areas extend inward from the property line of the development site by a distance specified in the development regulations of each base zoning district.

2. Table 4.303: Side and Rear Perimeter Area Landscaping Requirements sets forth the standards for planting in side and rear perimeter landscape areas. These standards are illustrated in APPENDIX 1, Figure 13.

Table 4.303: Side and Rear Perimeter Landscape Area Requirements

Landscape Material	*Density*	*Minimum Size at Planting*
Evergreen Trees	3 per 1000 sq. ft.	24 inch box
Shrubs	5 per 1000 sq. ft.	5 gallon
Vegetative Groundcover	20% of area	1 gallon
Inorganic Groundcover	100% of area	N/A

3. All trees planted in a required side and rear perimeter landscape area shall be evergreen or semi-evergreen, located and maintained to provide an effective visual screen from adjacent uses.

4. Required perimeter landscape areas separating nonresidential uses from residential uses and multi-family residential uses from single family residential uses shall only be used as open space or for the following

passive uses that do not interfere with their effectiveness as a visual screen and separation between uses:

a. Electrical equipment, including transformers, cable television and telephone equipment, but excluding generators.

b. Trails.

c. Bollard lighting.

d. Stormwater retention.

Q. ***Parking Area Landscaping.*** Landscaping requirements for parking areas are set forth in Section 4.2012B: Parking Lot Landscaping and Lighting.

R. ***Retention Basins.*** Retention basins shall be completely landscaped.

1. Retention basins located along street frontages shall be designed as an integral part of any frontage landscape area.

2. Retention basins shall be contoured to create a natural appearance. Slopes shall not exceed a 4:1 ratio.

3. Retaining walls shall not be located within right-of-way or required street landscape areas.

4. Retention basins shall not exceed a maximum depth of 2½ feet, measured from the adjacent street grade. If there is no street in proximity to the basin, the depth shall not exceed 2½ feet below the finished grade of any adjacent sidewalk, drive aisle, parking area, landscape area, or structure.

5. Retention basins shall be constructed in accordance with plans approved by the Town Engineer and shall conform to final grading and landscape plans approved by the Design Review Board.

S. ***Heritage District Redevelopment Area Landscape Standards.*** Landscaping requirements for parcels in the Heritage District Redevelopment Area shall comply with the design guidelines of the Heritage District Redevelopment Plan and design guidelines adopted pursuant to Article 3.4: Heritage District Overlay District.

T. ***General Plan Gateway Character Area Landscape Standards.*** Landscaping requirements for parcels in the General Plan Gateway Character Area are set forth in Chapter II: Design Standards and Guidelines.

4.304 Gateway Entries

A. ***Purpose and Applicability.***

1. Arterial street intersections designated as Gateway Entries in APPENDIX 1, Figure 13 shall be designed and constructed in accordance with the following requirements.

2. Gateway Entry Landscaping and Entry Signs shall be used at all Gateway Entrances to create a strong sense of arrival and to promote community identity.

B. ***Gateway Entry Landscaping.***

1. A formal pattern of Phoenix Date Palms (*Phoenix dactylifera*) shall be installed on both Gilbert corners of the Gateway Entry.

    a. A minimum of 7 Phoenix Date Palms shall be planted within a 100 foot radius of the point of the intersection of right-of-way lines.

    b. The palms shall have a uniform trunk height of not less than 15 feet. If existing date palms in the same intersection are taller, the height of new trees shall match the height of the existing trees.

2. Accent trees, flowering shrubs, and vegetative ground covers shall be used to provide seasonal color.

3. Shrubs, trees, and ground covers used on both corners of the Gateway Entry shall be the same varieties.

4. Stormwater retention basins within a 100 foot radius of Gateway Entry intersections, measured from the point of intersection of right-of-way lines, shall not exceed a depth of 1 foot below top of the adjacent curb.

5. Water features, sculpture, or outdoor art may be incorporated in Gateway Entry Landscaping.

6. Gateway Entry Landscaping shall be installed by the developer along with or prior to the project landscaping.

    a. Plans for Gateway Entry Landscaping shall be submitted to the Design Review Board for approval along with final landscape plans.

    b. Gateway Entry Landscaping shall be maintained by the property owner of the adjacent site or subdivision. Maintenance shall include provision of power and water, replacement of dead or

damaged plant material, repair of vandalism or accident damage, replacement of seasonal vegetation, and general upkeep.

7. The Design Review Board shall have the authority to approve an alternative Gateway Entry Landscape design where it finds that the proposed design is superior to the required design, and that it is necessary to complement the adjacent development.

C. ***Entry Signs.***

1. An Entry Sign shall be installed at the inbound corner of all Gateway Entries.

2. The Entry Sign shall be either a freestanding monument sign, lettering on the wall of a landscape planter, or other design approved by the Design Review Board.

3. The text of the Entry Sign shall read "Welcome to Gilbert."

4. Entry Signs shall incorporate design elements from the adjacent development.

5. Entry Signs shall consist of the official Town of Gilbert logo, lettering, and colors. Specifications for the logo, lettering style and colors are outlined in the Town of Gilbert Graphic Standards Manual.

6. The Entry Sign lettering shall be internally, indirectly illuminated.

7. Lettering on Entry Signs shall be a minimum of 30 inches above the highest point of the finished grade between the adjacent arterial streets and the sign.

8. Lettering on Entry Signs shall be a minimum of 24 inches in height.

9. Entry signs shall be installed by the developer along with or prior to the project landscaping.

   a. Plans for entry signs shall be submitted to the Design Review Board for approval along with final landscape plans.

   b. The Entry Sign shall be maintained by the property owner of the adjacent site or subdivision. Maintenance shall include provision of power and water, replacement of dead or damaged plant material, repair of vandalism or accident damage, replacement of seasonal vegetation, and general upkeep.

10. Entry signs shall be located no more than 200 feet from the arterial intersection, and shall be set back a minimum of 25 feet from the arterial street curb.

11. Other signage and landscaping shall be placed in a manner that does not obstruct visibility of the Entry Sign from inbound traffic.

4.305 Streetscape Theme Trees

A. ***Purpose and Applicability.***

1. Create a distinct image for various districts within the Town by use of a uniform streetscape theme tree in each district.

2. Streetscape Theme Tree Districts are identified in APPENDIX 1, Figure 15.

B. ***Streetscape Theme Trees.***

District 1:	Mondel Pine (*Pinus eldarica*)
District 2:	Evergreen Elm (*Ulmus parvifolia*)
District 3:	Mexican Fan Palm (*Washingtonia robusta*)
District 4:	Bottle Tree (*Brachychiton populneus*)
	Brazilian Pepper Tree (*Schinus terebinthifolius*)
District 5:	Chinese Pistache (*Pistacia chinensis*)
District 6:	Fruitless Olive (*Olea europaea* ’Swan Hill’)
District 7:	Mondel Pine (*Pinus eldarica*)
	Coolibah Tree (*Eucalyptus microtheca*)
District 8:	Blue Palo Verde (*Cercidium floridum*)
District 9:	Chilean Mesquite (*Prosopis chilensis*)
	Palo Brea (*Cercidium praecox*)
District 10:	Pecan (*Carya illinoensis*)
	Chinese Pistache (*Pistacia chinensis*)

District 11: Native Mesquite (*Prososopis velutina*)

Sissoo Tree (*Dalbergia sissoo*)

District 12: Chinese Pistache (*Pistacia chinensis*)

Evergreen Elm (*Ulmus parvifolia*)

District 13: Blue Palo Verde (*Cercidium floridum*)

Evergreen Elm (*Ulmus parvifolia*)

District 14: Sissoo Tree (*Dalbergia sissoo*)

Sweet Acacia (*Acacia farnesiana*)

District 15: Mesquite (*Prososopis* species)

District 16: Sonoran Emerald Palo Verde (*Cercidium* hybrid 'Sonoran Emerald')

Palo Brea (*Cercidium praecox*)

C. ***Alternative Theme Trees.*** The Design Review Board shall have the authority to approve an alternative streetscape theme tree where it finds that the proposed tree species is superior to the required theme tree, and that it is necessary to complement the landscape design of the adjacent development.

4.306 Landscape Maintenance and Enforcement

A. ***Landscape Maintenance during Construction***. Existing plant material damaged during construction shall be replaced with comparable species and size prior to the final inspection or issuance of a Certificate of Occupancy. Existing plant material may only be removed pursuant to Sections 4.306C.3a, 4.306D.3a, or unless identified for removal on the approved final design review landscape plan.

B. ***Right-of-Way Landscape Maintenance***. Maintenance of landscaping in the right-of-way shall be the responsibility of the adjacent property owner, whether an individual, corporation, property owners association or homeowners association. Landscape maintenance for properties developed under a unified landscape plan shall be conducted in a uniform manner.

C. ***Maintenance and Enforcement of Landscaping for Multi-Family Residential and Nonresidential Developments.***

1. *Maintenance*. The following standards shall be maintained for landscaping in multi-family residential and nonresidential developments:

    a. Landscaped areas shall be maintained by the owner or lessor of the property. Maintenance shall include pruning, trimming, watering, removal and replacement of dead plant material, or other required improvements;

    b. The landscaping shall be maintained in a weed-free manner;

    c. The irrigation system shall be in good working condition, and shall be programmed in accordance with seasonal irrigation requirements. Broken, leaking, or damaged irrigation systems shall be repaired within 24 hours;

    d. The landscaped area shall be maintained free of debris;

    e. Landscaping shall be maintained at the level shown on the original approved landscape plan;

    f. Amenities shown on the approved landscape plan shall be maintained in good repair; and

    g. Common area fences and the exterior face of property line fences shall be maintained by the owner or lessor of the property or common area.

2. *Determination of Violation*. A multi-family residential or nonresidential development shall be in violation of the requirements of this section if there are:

    a. Un-maintained areas containing weeds, debris, sinkholes, lack of inorganic ground cover, or similar conditions; or

    b. Missing, dead or un-maintained trees, shrubs or other required landscaping; or

    c. Amenities, including but not limited to, barbeques, tot lots, ramadas, picnic tables, ball fields, courts, pools, lakes, lighting, sidewalks, trails, fences, gates, refuse enclosures, and other common area amenities or homeowners association facilities which are missing, in disrepair or in need of paint or maintenance.

3. *Determination of No Violation*. A multi-family residential or nonresidential development shall not be in violation of the requirements of this section if:

a. Trees or shrubs have been removed for safety reasons, such as maintaining traffic visibility or preventing interference with utility poles and/or lines, and if such removal has been authorized by the Town or serving utility.

b. The existing landscaping meets the intent of the original approved plans.

c. If there is no approved landscape plan or other relevant document on file with the Town, a violation of this section shall only be found to exist for dead plant material, parking lot planter islands where trees have been removed or are missing, damaged irrigation systems, debris, erosion, failure to control dust and where existing amenities are in disrepair. Amenities in disrepair shall be repaired or removed.

d. Other than for streetscape theme trees, where trees or other plant material have been replaced with alternative plants similar in size and appearance.

4. *Enforcement Procedures*. The procedures for enforcement of landscaping maintenance standards in multi-family residential and nonresidential developments are in addition to those regulations and procedures set forth in Article 5.12: Enforcement.

a. Upon notification of a complaint of a violation of the landscaping maintenance standards by the Code Compliance Manager, the Director of Planning shall review the approved landscape plans for the development, inspect the area, and provide a written report to the Code Compliance Manager regarding the original plan requirements and acceptable alternatives, if any.

b. Upon a determination that a violation exists, a notice shall be sent to the multi-family residential or nonresidential property owner, outlining the violation and requiring that the property owner bring the landscaping into compliance within 45 days from the date of the notice.

c. Notice will be deemed given when done so in writing and mailed to the property owner address on file with the Maricopa County Assessor's office.

d. Within the above 45 day period the property owner may file an amendment to the approved landscape plans reflecting existing conditions. The amendment shall be reviewed and approved, approved with modifications and/or conditions, or denied by the

Design Review Board, or the Director of Planning as appropriate. The time for compliance is stayed from the time the proposed amendment is filed until action is taken by the Design Review Board or the Director of Planning as appropriate.

e. The Code Compliance Manager may extend this 45 day time period one time for an additional 45 days if the property owner is making reasonable efforts to bring the area into compliance.

f. If the property owner fails to comply, a citation shall be issued to the property owner in accordance with Section 5.1203: Violation; Notice and Opportunity to Correct, outlining the violation and summoning that person to appear in court and respond to the charges.

D. ***Maintenance and Enforcement of Landscaping for Single Family Residential Subdivisions.***

1. *Maintenance*. The following standards shall be maintained for landscaping in single family residential subdivisions:

a. Landscaped areas shall be maintained by the owner of the property, unless the common area is maintained by a parkway maintenance improvement district (PKID). Maintenance shall include pruning, trimming, watering, removal and replacement of dead plant material, or other required improvements;

b. The landscaping shall be maintained in a weed-free manner;

c. The irrigation system shall be in good working condition, and shall be programmed in accordance with seasonal irrigation requirements. Broken, leaking, or damaged irrigation systems shall be repaired within 24 hours;

d. The landscaped area shall be maintained free of debris;

e. The landscaping shall be maintained at the level shown on the original approved landscape plan;

f. Amenities, including but not limited to, barbeques, tot lots, ramadas, picnic tables, ball fields, courts, pools, lakes, lighting, sidewalks, trails, and other common area amenities shall be maintained in good repair; and

g. Common area fences and the exterior face of property line fences shall be maintained by the owner of the common area, unless the common area is maintained by a PKID.

2. *Determination of Violation*. A single family residential subdivision shall be in violation of the requirements of this section if there are:

   a. Barren areas of 20 lineal feet or more in areas shown as landscaped on the approved landscape plan;

   b. Un-maintained areas containing weeds, debris, sinkholes, lack of inorganic ground cover, or similar conditions; or

   c. Amenities, including but not limited to, barbeques, tot lots, ramadas, picnic tables, ball fields, courts, pools, lakes, lighting, sidewalks, trails, and other common area amenities which are in disrepair or in need of paint or maintenance.

3. *Determination of No Violation*. A single family residential subdivision shall not be in violation of the requirements of this section if:

   a. Trees or shrubs have been removed for safety reasons, such as maintaining traffic visibility or preventing interference with utility poles and/or lines, and if such removal has been authorized by the Town or serving utility.

   b. The existing landscaping meets the intent of the original approved plans.

   c. If there is no approved landscape plan or other relevant document on file with the Town, a violation of this section shall only be found to exist for dead plant material, parking lot planter islands where trees have been removed or are missing, damaged irrigation systems, debris, erosion, failure to control dust and where existing amenities are in disrepair. Amenities in disrepair shall be repaired or removed.

   d. Other than for streetscape theme trees, where trees or other plant material have been replaced with alternative plants similar in size and appearance.

4. *Enforcement Procedures*. The procedures for enforcement of landscaping maintenance standards in single family residential subdivisions are in addition to those regulations and procedures set forth in Article 5.12: Enforcement.

a. Upon notification of a complaint of a violation of the landscaping maintenance standards by the Code Compliance Manager, the Director of Planning shall review the approved landscape plans for the subdivision, inspect the area, and provide a written report to the Code Compliance Manager regarding the original plan requirements and acceptable alternatives, if any.

b. Upon a determination that a violation exists, a notice shall be sent to the homeowners association (HOA) president and board, with a copy to the HOA management company, if one is known to the Town, outlining the violation and providing the HOA with 45 days to bring the landscaping into compliance.

c. Notice will be deemed given when done so in writing and mailed to the HOA address on file with the Arizona Corporation Commission.

d. Within the above 45 day period the HOA may file an amendment to the approved landscape plans reflecting existing conditions. The amendment shall be reviewed and approved, approved with modifications and/or conditions, or denied by the Design Review Board, or the Director of Planning as appropriate. The time for compliance is stayed from the time the proposed amendment is filed until action is taken by the Design Review Board, or the Director of Planning as appropriate.

e. The Code Compliance Manager may extend the 45 day compliance period for an additional 45 days if he finds that the HOA is making reasonable efforts to bring the area into compliance.

f. If the HOA fails to remedy the violation within the time period outlined above, the Code Compliance Manager shall send a final notice giving the HOA 20 additional days to comply.

g. If the HOA has failed to comply, a citation shall be issued to the HOA president, with a copy to the HOA board and management company, if one is known to the Town, in accordance with Section 5.1203: Violation; Notice and Opportunity to Correct, outlining the violation and summoning that person to appear in court and respond to the charges.

E. ***Appeals***. Appeals may be filed in accordance with the procedures set forth in Section 5.604: Appeals of Decisions of the Design Review Board, Redevelopment Commission, and Director of Planning.

Article 4.4 Sign Regulations

Sections

4.401 Purposes
4.402 General Sign Regulations
4.403 Sign Criteria
4.404 Real Estate Signs and Development Signs
4.405 Residential
4.406 Nonresidential Uses in Residential Zoning Districts
4.407 Commercial
4.408 Heritage Village Center
4.409 Office/Employment
4.4010 Public Facility/Institutional
4.4011 Notice of Violation
4.4012 Removal
4.4013 Violations, A-Frame Signs

4.401 Purposes

The purposes of the sign regulations are: to promote optimum conditions for serving sign owners' needs and respecting their rights to identification while balancing the aesthetic interests of the community. The regulation of signs within the Town of Gilbert is necessary and in the public interest for the following reasons:

A. To promote and aid the public and private sectors in the identification, location, and advertisement of goods and services.

B. To enhance the beauty, unique character, and quality of the Town of Gilbert, which will attract commerce, businesses, residents and visitors.

C. To promote economic development and the value of commercial properties, be sensitive to surrounding land uses and maintain an attractive community appearance.

D. To promote general safety by ensuring properly designed and located signs.

E. To encourage signs that are clear and legible to the user.

F. To emphasize small town historical character by promoting pedestrian oriented and appropriately scaled signage in the Heritage Village Center zoning district.

4.402 General Sign Regulations

A. ***Requirement of Permit***. Except as provided in Section 4.402D: Signs Not Requiring a Sign Permit, it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any sign in the Town without first obtaining a sign permit in accordance with this article.

B. ***Requirement of Conformity***. Signs shall not be installed, placed, or maintained in the Town except in conformance with this Article. If provisions of this Article are in conflict with any other Town code, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this article are declared to be nuisances and may be abated as provided by law.

C. ***Sign Permit Application***. Application for a sign permit shall be made on forms provided by the Development Services Manager.

D. ***Signs Not Requiring a Sign Permit***.

1. Signs installed by governmental jurisdictions when acting in their governmental capacity.

2. One Identification Sign per building entrance 6 square feet or less in area.

3. Permanent regulatory and parking signs 6 square feet or less in area and a maximum of 6 feet in height.

4. Permanent Wall Signs of an informational nature, not including business Identification Signs, such as signs identifying service or delivery entrances, 6 square feet or less in area.

5. Real Estate Signs 6 square feet or less in area and a maximum of 6 feet in height, in compliance with Section 4.404: Real Estate Signs.

6. Residential Open House Signs.

7. Political Signs, in compliance with Section 4.402I: Political Signs.

8. Ideological Signs, in compliance with Section 4.402J: Ideological Signs.

9. Garage Sale Signs, in compliance with Section 4.402K: Garage Sale Signs.

10. Business identification banners during street construction, in compliance with Table 4.402: Temporary Banner Regulations.

11. Interim business identification banners, in compliance with Table 4.402: Temporary Banner Regulations.

12. Bazaar Signs, in compliance with Section 4.402O: Bazaar Signs.

13. Window Signs.

14. A-Frame Signs, in compliance with Section 4.402N: A-Frame Signs.

15. Temporary Directional Signs Relating to a Qualifying Event, in compliance with Section 4.402P: Temporary Directional Signs Relating to a Qualifying Event.

16. Temporary Uses and Special Events Signs, in compliance with section 4.402Y: Temporary Uses and Special Events Signs.

17. Construction Signs, in compliance with Section 4.404H: Construction Signs.

18. Suspended Signs 6 square feet or less in area in commercial projects and in the Heritage Village Center zoning district.

19. Umbrella Signs in the Heritage Village Center zoning district.

20. Historic Markers 6 square feet or less in area.

21. Restaurant Menu Signs 6 square feet or less in area, not including Drive-Through Restaurant Menu Signs, displayed within 10 feet of the business entry.

22. Required street addresses or address directory signs.

23. Sign walkers, in compliance with Section 4.402W.

24. Short-Term Display of Banners and Flags, provided that prior written notification of the sign type, size, placement and dates of proposed display is provided to the Code Compliance Administrator.

E. ***Maintenance of Legal Signs***. Maintenance of legal signs shall not require a permit. Sign maintenance is the replacement or repair of a part or portion of a sign required by ordinary wear, tear, or damage, with like material, color, and design. Maintenance of legal signs does not include changing the color, size, design, or style of signs.

F. ***Tenant Sign Panel and Wall Sign Band Replacement***. Replacement of a panel containing the same color, size, design, and style as the original on an approved sign structure with removable panels shall not require a permit.

1. *Monument Sign Tenant Sign Panel Replacement*. Individual tenant panels that are vacant or missing shall be replaced within 15 days.

2. *Wall Sign Fascia Repair*. Where a tenant has vacated a tenant or user suite, the fascia of the wall sign band shall be repaired to its surrounding texture and color within 45 days of the business sign being removed.

G. ***Flagpoles***.

1. *Location.* Flagpoles shall be depicted on Final Design Review plans.

2. *Height*. Flagpoles shall not exceed 1.5 times the allowed building height for the district in which it is located, but in no event shall a flagpole exceed a height of 50 feet.

3. A building permit shall be required for flagpoles.

4. A sign permit is not required for flags or insignias of any nation, state, county, city or other political unit.

H. ***Bus Shelter Signage***. Notwithstanding the provisions of Section 4.402R.7, signs in conjunction with bus shelter facilities approved by the Town or other governmental agencies shall be permitted. Development standards, including but not limited to sign face area, height, location, etc., shall be determined in accordance with bus shelter design requirements established by the Town Engineer.

I. ***Political Signs***. Political Signs up to 16 square feet in area are permitted on property zoned for residential use. Political Signs up to 32 square feet in area are permitted on property zoned for nonresidential use, undeveloped Town property, and Town rights-of-way. Political signs placed within the right-of-way shall contain the name and telephone number of the candidate or campaign committee contact person. Political Signs may be placed in Town rights-of-way and on Town property no more than 60 days before a primary election and shall be removed no later than 15 days following the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election unless otherwise set forth in this article. Political Signs shall not exceed 6 feet in height. Political Signs may be placed in Town rights-of-way and on Town property used as a polling place, only in compliance with the following requirements:

1. Political Signs placed in the right-of-way shall not:

   a. Obstruct clear vision to any roadway or property. A Political Sign located within 15 feet of back of curb, or edge of pavement if there is no curb, shall be presumed to obstruct clear vision.

b. Interfere with the requirements of the Americans with Disabilities Act, 42 USC §§ 12101 through 12213 and 47 USC §§ 225 and 611.

2. Political Signs posted on property owned by the Town of Gilbert, which is used as a polling place, shall be:

   a. Limited to a single sign not exceeding 4 square feet for each candidate or ballot question.

   b. Posted only during the early voting period or on the date of an election.

   c. Located outside the 75 foot limit.

   d. Removed from the property by 11:59 pm on the date of completion of the early voting period or the date of the election.

3. A Political Sign placed in the right-of-way that obstructs clear vision or interferes with the requirements of the Americans with Disabilities Act or otherwise presents a dangerous situation at the discretion of the Code Compliance Administrator shall be deemed to constitute an emergency and, pursuant to A.R.S. section 16-1019, may be immediately relocated or removed by a Town Peace Officer or Code Compliance Inspector. If a sign is relocated or removed under these circumstances, the candidate or campaign committee that placed the sign shall be notified within 24 hours after the removal or relocation.

4. If a Political Sign is placed in violation of these requirements but does not constitute an emergency, the town may notify the candidate or campaign committee that placed the sign of the violation and require the sign to be relocated. If the sign is not relocated and remains in violation for more than 24 hours after the candidate or campaign committee was notified, the Town may remove the sign. The Town shall contact the candidate or campaign committee and shall retain the removed signs for at least 10 business days to allow the candidate or campaign committee to retrieve the sign without penalty.

J. ***Ideological Signs***. Ideological Signs are permitted in all zoning districts. Signs shall be no greater than 20 square feet in area and 6 feet in height.

K. ***Garage Sale Signs***. Garage Sale Signs are permitted only during the hours the sale is being conducted. The signs shall not be greater than 6 square feet in area and 6 feet in height. No more than 3 Garage Sale Signs may be displayed. Signs shall only be placed on private property and shall not be placed on any sign, tree, light pole, traffic signal or controller, utility box or other structure within the right-of-way. The person who installed the signs shall remove all signs at the end of the sale. If the person installing the signs is unknown, the property owner shall be responsible for removal.

L. ***Business Identification Banners during Street Construction***. Banners identifying an existing business are permitted during construction by a public entity or utility on a roadway immediately fronting the business premises, subject to the regulations contained in Table 4.402.

M. ***Interim Business Identification Banners***. Interim Banners are permitted in conformance with regulations contained in Table 4.402. Interim Banners shall not exceed the sign area permitted for temporary Wall Signs for the use.

N. ***A-Frame Signs***. A-Frame Signs shall be permitted for apartment complexes and businesses in the Commercial, Heritage Village Center, Office, Employment, and Public Facility/Institutional zoning districts, subject to the following regulations:

1. *Size*. Signs shall be no greater than 31 inches in width and 45 inches in height.

2. *Number*. Up to three A-Frame Signs shall be permitted per apartment complex or per business. Only one sign per apartment complex or business shall be permitted to be placed on any one adjacent street frontage. In no event shall the combined number of A-Frame signs and Flying Banners exceed three per apartment complex or business. For the purposes of this section, a business is defined as one entity per building or suite of 10,000 square feet or less if located in the Commercial, Heritage Village Center, and Office Zoning Districts and up to 30,000 square feet if located in the Employment and Public Facility/Institutional Zoning Districts.

3. *Display*. Signs shall be displayed only:

   a. During the hours the business is open to conduct business; or

   b. During the hours an apartment complex rental office is open to conduct business.

4. *Location*. A-Frame Signs shall be located only:

   a. At grade level.

   b. On-site or adjacent to apartment buildings.

   c. Adjacent to the business being advertised, as follows:

      (1) For stand-alone single businesses, the signs shall be placed on the business property being advertised or in the right-of- way adjacent to the business property.

      (2) For businesses located in a commercial/office complex with multiple tenants and/or buildings, or in employment parks, the signs may be placed within or at the perimeter of the complex or employment park, or in the abutting right- of-way.

5. *Prohibited Locations*. A-Frame Signs shall not be located (SEE APPENDIX 1, FIGURE 16):

    a. In raised or painted medians.

    b. Across any street from the business being advertised.

    c. In parking aisles or stalls.

    d. In driving lanes.

    e. On equestrian or multi-use trails.

    f. So that less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.

    g. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.

    h. Within a minimum distance of 20 feet from any other A- Frame Sign or Flying Banner.

    i. Within a minimum distance of 30 feet from an access drive or street intersection.

6. *Right-of-Way Placement*. Signs may be placed in the right-of-way, a minimum of 2 feet from back of curb.

7. *Construction and Maintenance*. Signs shall be:

    a. Constructed with a protective, water resistant coating which is impervious to weather conditions;

    b. Constructed with a cut vinyl or other weather resistant graphics and may contain zip tacks or Velcro for changing of cut vinyl graphics.

    c. Of sufficient weight and durability to withstand wind gusts, storms, etc.; and

    d. Maintained in a professional manner free from chipping paint, cracks, gouges, loss of letters, etc.

8. *Elements Prohibited on A-Frame Signs Along Street Frontages*. The following shall be prohibited on A-Frame Signs along street frontages:

    a. Any form of illumination, including flashing, blinking, or rotating lights;

b. Animation;

c. Reflective materials;

d. Attachments, including, but not limited to, balloons, ribbons, speakers, etc.

O. ***Bazaar Signs***. Up to 3 off-site Temporary Signs advertising a bazaar may be displayed. Bazaar Signs shall not exceed 6 square feet in area and 6 feet in height. Bazaar Signs shall only be displayed during the hours that the boutique is open. Bazaar Signs are prohibited on public property, including rights-of-way, and shall not be placed on any other sign or fixed structure. The person who installed the Bazaar Signs shall remove all signs at the end of the sale. If the person installing the signs is unknown, the property owner shall be responsible for removal.

P. ***Temporary Directional Signs Relating to a Qualifying Event***. Temporary Directional Signs Relating to a Qualifying Event shall be permitted subject to the following regulations:

1. *Size.* Signs shall be no greater than 6 feet in height and 6 square feet in area.

2. *Number*. No more than 4 signs shall be displayed on a single property at any time.

3. *Display.* Signs shall only be displayed up to 12 hours before, during, and 1 hour after the qualifying event ends. The person who installed the signs shall be responsible for removal. If the person installing the signs is unknown, the property owner shall be responsible.

4. *Location*. Temporary Directional Signs Relating to a Qualifying Event may be located off-site and shall be placed at grade level. Signs may be placed in the right-of-way or, with permission of the private property owner, on private property. Signs shall relate only to events occurring within the Town.

5. *Prohibited Locations*. Temporary Directional Signs Relating to a Qualifying Event shall not be located:

   a. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.

6. *Construction*. Signs shall be:

   a. Constructed of durable and weather-resistant materials.

   b. Anchored or weighted down to avoid being displaced in windy conditions, or otherwise be a safety hazard to the public.

Q. ***Address Signs***. Each dwelling unit shall be clearly identified by a street or unit number. Each nonresidential building or group of buildings shall be identified by a street number, visible from adjacent streets, not to exceed 6 square feet in area. Required address signage is not counted as a part of the total sign area permitted for a building or group of buildings. See section 4.405A for multi-family address directory signs.

R. ***Prohibited Signs***. All signs not expressly permitted by this Article shall be prohibited, including but not limited to:

1. Vehicle Signs and signs attached to any vehicle, except for magnetic signs and signs painted or wrapped on the surface of the vehicle. The primary use of such vehicles shall be in operation of the business and not advertising or identifying the business premises. Unless parked in a lawful parking space, the vehicle shall not be parked in the right-of-way.

2. Flashing, blinking, reflective, or animated signs, including signs with an intermittent or varying color or intensity of artificial illumination, whether deliberate or as a consequence of a defect in the sign or the illumination source, except as permitted in Section 4.408: Heritage Village Center. Changeable Message Signs and time and temperature displays are not flashing or animated signs.

3. Moving signs, including the sign body or any segment thereof.

4. Signs that by shape, color, design, and placement are likely to be confused with a road sign, or any other traffic control sign or device.

5. Signs which advertise activities illegal under Federal, State, or local laws, rules, or regulations.

6. Signs installed attached, or painted on fences, rocks, trees, or natural features, except as permitted in Section 4.404C: Nonresidential Real Estate Signs and Development Signs, and Section 4.404D: Construction Signs.

7. Signs installed, attached, or painted on any object within the right- of-way. Bus Shelter Signage may be permitted as provided for in Section 4.402H: Bus Shelter Signage and Section 4.408: Heritage Village Center.

8. Balloons and inflatable objects.

9. Portable Signs, except A-Frame Signs and Flying Banners.

10. Signs projecting above a roofline or mounted on a roof, except as permitted in Section 4.408: Heritage Village Center.

11. Billboards.

12. Wall-mounted Cabinet Signs and logos, unless:

    a. Such sign is approved by the Design Review Board as part of a Master Sign Plan; or by the Redevelopment Commission as part of a Heritage Sign Plan for properties located in the Heritage Village Center zoning district; or by the Director of Planning, as set forth in Section 5.602.B.1, Administrative Design Review; and

    b. Such sign does not exceed the permitted total business sign area in the Heritage Village Center zoning district and Wall Sign Area in the NC, CC, SC, GC, RC, NO, GO, BP, LI, GI, and PF/I zoning districts; and

    c. Such sign has a:

        (1) Cabinet that is stylized in shape, rather than rectangular, to reflect the shape of the image printed on the sign face; or

        (2) Molded sign face, with embossed copy or sign copy or sign copy in relief; or

        (3) Nationally registered trademark or logo that is no more than 50 percent of the total permitted wall sign area. Larger logos may only be approved by the Design Review Board. This provision does not apply to Service Station Canopy Signs regulated in Section 4.407.C.4.

13. Signs with exposed raceways, except where it is determined by the Zoning Administrator that it is not structurally feasible to install a sign in an otherwise permitted location without using an exposed raceway.

14. Pole Signs.

15. Signs installed, attached, or painted on bicycle racks or seating benches in the Heritage Village Center zoning district.

S. ***Non-Conforming Signs***.

1. Non-conforming signs may receive reasonable repairs or alterations to the face, letters, and frame.

2. If a non-conforming sign is structurally changed or is damaged by fire, lack of maintenance, or other causes by more than 50 percent of its reproduction value, or is temporarily or permanently removed by any means, including "an act of God," then such sign shall be rebuilt, repaired, or replaced only in conformance with the provisions of this article.

3. If a non-conforming sign which no longer advertises a current use remains, with or without copy, for a period of 90 days, it shall be presumed abandoned, and shall be removed after notice to the property owner, unless the property owner establishes facts sufficient to rebut the presumption of abandonment.

4. If a property or development is expanded or modified to add new signage, all non-conforming signs shall be removed or rebuilt to comply with the provisions of this article.

5. Sign faces may be replaced on non-conforming signs.

6. Any change to a property that adds to or changes existing signage shall be prohibited until all non-conforming signs are removed or rebuilt in conformance with of this article. Nothing herein shall prevent the replacement of sign faces on a non-conforming sign. Nothing herein shall require that existing signage which does not conform to the restrictions on cabinet signs or raceways be brought into conformance where it is demonstrated to the Zoning Administrator that the type of signage permitted by this article is not structurally feasible.

7. The purchase and placement of A-Frame Signs is not a substantial capital investment in the business being advertised. Upon repeal or modification of the regulations pertaining to A-Frame Signs that results in further restricting or prohibiting A-Frame Signs, such signs shall not be legal non-conforming signs and A-Frame Signs shall comply with all current regulations.

T. ***Abandoned Signs***. Sign copy on abandoned signs shall be removed within 30 days of abandonment.

U. ***Special Sign Districts***. Special sign districts established by a specific plan or by ordinance may have unique regulations applicable to such districts, which differ from those set forth in this article. Such specific regulations shall apply to all signs in the district. If the special district does not have specific regulations, the regulations of this article shall apply.

V. ***Message Substitutions***. Substitution of non-commercial messages for commercial messages or any legal non-commercial message on any legally compliant sign structure or mounting device is allowed.

W. ***Sign Walkers***. Sign walkers shall be permitted, subject to the following regulations:

1. *Location*: sign walkers shall be located only:

   a. 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.

   b. 5 feet from the street measured from the back of curb or edge of pavement if no curb exists.

c. Sign walkers shall yield right-of-way to pedestrians, bicycles and all others traveling or located on the sidewalks.

d. At grade level.

2. *Prohibited locations*: sign walkers shall not be located:

a. In raised or painted medians.

b. In parking aisles or stalls.

c. In driving lanes or driveways.

d. On equestrian or multi-use trails.

e. So that less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.

f. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.

g. Within a minimum distance of 20 feet from any other sign walker.

h. In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.

3. *Display*. Signs shall be:

a. Displayed only during the hours the business is open to conduct business.

b. Held, worn or balanced at all times.

4. *Elements prohibited*. The following shall be prohibited:

a. Any form of illumination, including flashing, blinking, or rotating lights;

b. Animation on the sign itself;

c. Mirrors or other reflective materials;

d. Attachments, including, but not limited to, balloons, ribbons, speakers.

X. ***Flying Banners***. Flying Banners shall be permitted for apartment complexes and businesses in the Commercial, Heritage Village Center, Office, Employment and Public Facility/Institutional Zoning Districts, subject to the following regulations:

1. *Size*. Signs shall be no greater than 15 feet in height.

2. *Number*. Up to three Flying Banners shall be permitted per apartment complex or per business. One sign per individual business shall be permitted to be placed on any one adjacent street frontage. In no event shall the combined number of Flying Banners and A-Frame Signs exceed three per apartment complex or business. For the purposes of this section, a business is defined as one entity per building or suite of 10,000 square feet or less if located in the Commercial, Heritage Village Center, and Office Zoning Districts and up to 30,000 square feet if located in the Employment and Public Facility/Institutional Zoning Districts.

3. *Display*. Flying Banners shall be displayed only:

    a. During the hours the business is open to conduct business; or

    b. During the hours an apartment complex rental office is open to conduct business.

4. *Location*. Flying Banners shall be located only:

    a. With a base at grade level.

    b. On-site or adjacent to apartment buildings.

    c. At a distance from a street frontage curb that is at least equal to the height of the Flying Banner.

    d. Adjacent to the business being advertised, as follows:

        (1) For stand-alone single businesses, the flying banners shall be placed on the business property being advertised or in the right-of-way adjacent to the business property.

        (2) For businesses located in a commercial/office complex with multiple tenants and/or buildings, or in employment parks, the flying banner may be placed within or at the perimeter of the complex or employment park, or in the abutting right-of-way.

5. *Prohibited Locations*. Flying Banners shall not be located:

    a. In raised or painted medians.

    b. With stakes fastened to or driven into concrete.

    c. Across any street from the business being advertised.

d. In parking aisles or stalls.

e. On equestrian or multi-use trails.

f. So that less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.

g. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.

h. Within a minimum distance of 20 feet from any other Flying Banner or A-Frame sign.

i. Within a minimum distance of 30 feet from an access drive or street intersection.

6. *Construction and Maintenance*. Flying Banner signs shall be:

a. Supported by a base of a sufficient weight and durability to withstand wind gusts, storms, etc.; and

b. Maintained in a professional manner free from fading, tearing, etc.

Y. ***Temporary Uses and Special Event Signs***. Temporary uses and special events listed in section 4.5012 Temporary Uses, located in the Commercial, Heritage Village Center, Office, Employment, Gateway and Public Facility/ Institutional Zoning Districts shall be permitted up to three (3) on-site banner signs and up to four (4) off-premise traffic directional signs, subject to the following regulations:

1. *On-Site Banner Signs*. Three banner signs, each no greater than 40 square feet in area may be placed on the site of the temporary use or special event.

2. *Off-Premise Traffic Directional Signs*. Up to four (4) off-premise traffic directional signs are permitted, subject to the following regulations:

a. Type/Size. A-Frame Signs no greater than 31 inches in width and 45 inches in height.

b. Display. Signs shall be displayed up to 24 hours in advance of the event and on the day(s) the event is permitted to take place.

c. Location. Signs may be placed in the right-of way subject to Traffic Engineer and Zoning Administrator approval to ensure signage does not interfere with traffic safety and pedestrian circulation or on private property with written permission of the property owner.

Z. ***Street Pole Banners***. Street Pole Banners of a decorative nature may be mounted to poles in commercial parking areas as described in subsection 1 below. Street Pole Banners in the Heritage District are permitted as described in subsection 2 below.

1. Decorative street pole banners may be used within private commercial parking lots subject to administrative approval. Such banners may be used to bring attention to or promote a celebration or holiday and shall be limited to non-commercial messages.

2. Within the Heritage District, street pole banners in conformance with the criteria set forth in Policy Statement No. 2011-02 are permitted on designated street banner poles for the following users:

   a. Town of Gilbert with scheduled annual blackout dates;

   b. Heritage District merchants;

   c. School events held within the Town of Gilbert by Gilbert Unified, Higley Unified, and Chandler Unified school districts, and charter schools;

   d. Gilbert-based community and civic groups, other non-profit charitable groups, and civic organizations affiliated with the community.

Table 4.402. Temporary Banner Regulations

Banner Type	*Allowable Height/Area*	*Time Limits*	*Maximum No.*	*Mounting Location*	*Prohibited Locations*
Identification Banner-Street Construction	8 Ft/18 Sq. Ft.	Start of street construction to end of construction	1	Ground-Fixed poles or posts or parking screen walls	Public Right-of-Way or on Landscaping, Vehicles, Utility Facilities, or any other Structure
Interim Business Identification Banner	See Criteria A	From date of application for Certificate of Occupancy until permanent signage installation** Not to exceed 120 days	1	Exterior building wall of business	--
Initial Display Banner	See Criteria A	Period not to exceed 120 calendar days. Not > 90 days prior to 1st day use operates	--	Exterior building wall of business	--
Periodic Display Banners	See Criteria A	Period not to exceed 180 cumulative days per 12 month period	1	Exterior building wall of business	--

Table 4.402. Temporary Banner Regulations

Banner Type	*Allowable Height/Area*	*Time Limits*	*Maximum No.*	*Mounting Location*	*Prohibited Locations*
Short-Term Display Banners	See Criteria A	Up to 8 days per month for a maximum of 4 consecutive days	1	Ground-Fixed poles or posts or parking screen walls	Public Right-of-Way or on Landscaping, Vehicles, Utility Facilities, or any other Structure

Criteria A:

1. 40 square feet for occupancies up to 5,000 square feet;
2. 80 square feet for occupancies greater than 5,000 square feet up to 15,000 square feet;
3. 120 square feet for occupancies greater than 15,000 square feet up to 50,000 square feet; or
4. 180 square feet for occupancies greater than 50,000 square feet.

*banners identifying an existing business are permitted during construction by a public entity or utility on a roadway immediately fronting the business premises.

**applicant must furnish pending sign permit application for permanent signage and be diligently pursuing the manufacture and installation of such signage.

4.403 Sign Criteria

A. ***Design of Permanent Signs.*** All permanent signs shall be compatible with the design of buildings and sites, reflecting the architectural style, building materials, textures, colors, and landscape elements of the project.

B. ***Permanent Sign Construction***. Permanent signs shall be constructed of durable materials. In no case shall any permanent sign be secured with wires or strips of wood which are visible and not an integral part of the sign. Nonstructural trim may be of wood, metal, approved plastic or any combination thereof.

C. ***Placement of Signs***.

1. Permanent signs shall not project into or over the public right-of- way without first obtaining a license from the Town.

2. Signs or support structures shall not be located in such a manner that obstructs any door, fire escape, stairway, or any opening, exit, walkway, utility access or Fire Department connection.

3. The lowest portion of any sign which extends over an area intended for pedestrian use shall not be less than 8 feet above finished grade. The lowest portion of any sign which extends over an area intended for vehicular use shall not be less than 14 feet above the finished grade.

4. Unless otherwise specifically authorized by the article, no sign shall be placed on any property without written consent of the owner or owner's authorized agent.

5. Notwithstanding other provisions of this article, no sign shall create a hazard to the safe movement of traffic by obstructing the vision of motorists, as determined by the Traffic Engineer.

6. Projecting Signs for commercial uses shall be approved by the Design Review Board through either a Comprehensive Sign Program or Master Sign Plan and may only be located on the ground floor and second floor of the building.

D. ***Maintenance of Signs***. Any sign or component of a sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety, or a visual blight shall be promptly repaired or replaced. Surface materials and components shall be kept free of chipping, peeling, fading, cracks, holes, buckles, warps, splinters, or rusting visible from an adjacent property or street. Illuminated signs shall be maintained in good operating condition including prompt removal and replacement of all defective bulbs, light emitting diodes, fluorescent tubes, neon or other inert gas light segments, damaged or deteriorated electrical wiring, and malfunctioning control devices and related circuitry.

E. ***Lighting***. Illumination of signs shall meet all regulations as set forth in the Gilbert Municipal Code, Chapter 42, Article II, Section 42-34.

1. Except for Changeable Message Signs and specified signs permitted in Section 4.408: Heritage Village Center, any flashing, blinking, reflective, animated, or rotating lights, or signs with an intermittent or varying intensity of artificial illumination, whether deliberate or as a consequence of a defect in the sign or the illumination source, shall be prohibited for either permanent or Temporary Signs.

2. Exposed incandescent, fluorescent, metal halide, high- or low- sodium bulbs, or mercury vapor light sources shall not be used as a source of illumination. All light sources shall be shielded to prevent illumination trespass onto properties other than where the light source is located. In the Heritage Village Center zoning district, internally illuminated Cabinet Signs shall be prohibited, with the exception of Projecting Signs and Projecting Roof Signs for commercial uses, subject to approval by the Redevelopment Commission.

3. Appropriately sized exposed neon tube type illumination may be used for commercial uses in the Heritage Village Center zoning district, subject to administrative approval of a Heritage Sign Plan, as set forth in Section 5.602B.1 Administrative Design Review.

F. ***Movement***. Except for flags and pennants permitted pursuant to Section 4.405B.1d.(2), Section 4.406C.1: Initial Display of Banners and Advertising Flags, 4.407 D: Temporary Signs, 4.408D: Temporary Signs, 4.409D: Temporary Signs, and 4.4010D: Temporary Signs, there shall be no movement of the sign or any component thereof.

G. ***Changeable Message Signs***.

1. *Manual Changeable Message Signs*. One-half (1/2) of a monument sign may be a changeable message sign, subject to administrative approval.

2. *Electronic Changeable Message Signs*. The entire freestanding monument sign area may be an electronic changeable message display, subject to administrative approval and the following operational limitations:

   a. Display: Displays may be full color. When visible from public rights-of-way, displays shall be static messages. Flashing or animated signs are limited to interior project locations and shall not be visible from public rights-of-way.

   b. Minimum Display Time: The digital message shall not change more than once every eight (8) seconds.

   c. Transition Method: Shall be by instant change method.

   d. Illumination Levels: Shall incorporate photocell/ light sensors, with automatic dimming technology that appropriately adjusts to ambient light conditions. Displays shall have a brightness level of no greater than 0.3 foot candles above ambient light conditions as measured by foot candle meter.

   e. Maintenance: Any permitted electronic changeable message sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within forty-eight (48) hours by the owner or operator of such sign.

H. ***Comprehensive Sign Program***. A Comprehensive Sign Program shall be required for all projects not located within the Heritage Village Center zoning district and consisting of multi-tenant buildings, nonresidential complexes with multiple buildings, or large-scale mixed-use developments. A Comprehensive Sign Program provides design compatibility for all signs and integrates sign design with the architecture of the buildings. The Comprehensive Sign Program shall set forth design standards including, but not limited to sign types, placement, size, design, colors, materials, textures, and method of illumination. If a Comprehensive Sign Program complies with all of the requirements of Article 4.4, it may be approved administratively by the Director of Planning, as set forth in Section 5.602B.1 Administrative Design Review.

I. ***Master Sign Plan***.

1. *Applicability*: The Design Review Board may approve a Master Sign Plan for properties not located within the Heritage Village Center zoning district for the following uses and developments:

   a. Multiple-tenant commercial, office, or employment uses.

b. A multiple-building complex for a single commercial or employment use, in a project exceeding 40 net acres.

c. Stand-alone office/employment buildings exceeding 100,000 square feet.

d. Indoor or Outdoor Entertainment and Recreation uses.

e. Auto malls.

f. Hospitals.

g. Hotels and Commercial Lodging having at least 150 guest rooms and a Full Service Restaurant or conference and meeting rooms.

h. Regional retail shopping malls.

2. *Conditions*. The Design Review Board may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity, or to the public welfare in general.

3. *Evaluation Criteria*. Master Sign Plans shall be evaluated based on the following criteria:

a. Placement. All signs shall be placed where they are visible and legible for their intended function. Factors to be considered include the purpose of the sign, its location relative to traffic movement and access points, site features, structures, and orientation relative to viewing distances and viewing angles. In commercial centers in which some tenants have little or no visibility from the street, Wall Signs may be approved on building walls other than the wall of the space occupied by the tenant.

b. Quantity. The number of signs that may be approved within any development shall be sufficient to provide project identification and to facilitate internal circulation and way finding. Factors to be considered shall include the size of the development, the number of development sub-areas, and the division or integration of sign functions.

c. Size. All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, amount of sign copy, placement of display, lettering style and the environment in which the signs are placed. In no event shall a Master Sign Plan contain a Freestanding or Wall Sign that exceeds by more than 50 percent any

maximum height standard or by 25 percent any maximum area standard permitted by this article. There shall be no limit on the amount by which a Master Sign Plan may allow a directional, freestanding or Wall Sign to exceed the height or area restrictions permitted on the site, when such signs are placed or oriented to be visible only internally to the development.

d. Design Features and Materials. Sign design themes and materials shall be compatible with the architecture, colors, and materials of the project.

e. Development Standards. Except as provided for in Section 4.403I: Master Sign Plan, the Design Review Board may not reduce any sign development standard to less than 50 percent of any minimum standard, nor increase any sign development standard by more than 100 percent of the maximum standard.

f. Amendments. The Director of Planning may administratively approve minor amendments to a Master 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. ***Heritage Sign Plan***. A Heritage Sign Plan for single or multiple-tenant commercial or office uses; or for a multiple-building complex for a single commercial use as an alternative to the requirements set forth in Section 4.408: Heritage Village Center may be administratively approved if requested by the applicant if the plan complies with all of the requirements set forth in Article 4.4 Sign Regulations.

1. *Conditions*. The Director of Planning may attach conditions, requirements, or standards necessary to assure that the signs covered by the Heritage Sign Plan will not be materially detrimental to persons or property in the vicinity, or to the public welfare in general.

2. *Evaluation Criteria*. Heritage Sign Plans shall be evaluated based on the following criteria:

a. Placement. All signs shall be placed where they are visible and legible for their intended function. Factors to be considered include the purpose of the sign, its location relative to pedestrian movement, traffic movement and access points, site features, structures, and orientation relative to viewing distances and viewing angles.

b. Quantity. The number of signs that may be approved within any structure shall be sufficient for business identification. Factors to be considered shall include the size of the structure, the number of suites, and the division or integration of sign functions.

c. Size. All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography,

volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, amount of sign copy, placement of display, lettering style and the environment in which the signs are placed. In no event shall a Heritage Sign Plan contain a total business sign area that exceeds by more than 25 percent any maximum area standard permitted by this article.

d. Design Features and Materials. Sign design themes and materials shall be compatible with the architecture, colors, and materials of the structure(s).

e. Amendments. The Director of Planning may administratively approve minor amendments to a Heritage Sign Plan, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.

4.404 Real Estate Signs and Development Signs

Real Estate Signs and Development Signs are permitted in any zoning district, subject to the following regulations:

A. ***Off-Site Real Estate Signs***. Off-site Real Estate Signs are prohibited, except Residential Open House Signs and signs approved as a part of a Residential Builder Sign Package.

B. ***Residential Real Estate Signs***.

1. *General Standards*. Real Estate Signs are permitted only on the property which is offered for sale or lease. One Real Estate Sign is permitted per street frontage. Real Estate Signs shall not exceed 6 square feet in area and 6 feet in height. Real Estate Signs shall not be located on public property, including rights-of-way.

2. *Removal*. Real Estate Signs shall be removed from the site no later than 5 days after sale or lease of the property.

3. *Residential Open House Signs*. Up to 6 temporary Off-Site Residential Open House Signs, not exceeding 6 square feet in area per sign, are permitted for each open house. Residential Open House Signs shall be displayed only during the hours that a property is open for inspection.

C. ***Nonresidential Real Estate Signs and Development Signs***.

1. *General Standards*. Nonresidential Real Estate Signs and Development Signs are permitted on developed and undeveloped property zoned for nonresidential uses; and for nonresidential uses in the Heritage Village Center and Gateway zoning districts, in accordance with this section.

2. *Term*. A sign permit for a Real Estate Sign or Development Sign is valid for 1 year from the date of issuance. A Real Estate Sign and Development Sign permit may be renewed annually.

3. *Removal*. All signs installed pursuant to a Real Estate Sign or Development Sign permit shall be removed prior to the issuance of a Certificate of Occupancy for the business to which the sign pertains. In the case of a Real Estate Sign or Development Sign advertising more than one business in a development, the sign shall be removed upon issuance of Certificates of Occupancy for the entire development.

4. *Placement*. Nonresidential Real Estate Signs and Development Signs are permitted only on the property which is being developed, remodeled, or offered for sale or lease. Signs shall be affixed to temporary construction fences, exterior building walls of the suite to which they pertain, or shall be temporary Freestanding Signs.

5. *Number*.

    a. Real Estate Signs on Developed Property. One on-site nonresidential Real Estate Sign is permitted per building frontage; and

    b. Real Estate Signs on Undeveloped Property. One on-site nonresidential Real Estate Sign is permitted per street frontage.

    c. Development Signs.

        (1) One nonresidential Development Sign is permitted per building frontage, per tenant/user suite; and

        (2) One nonresidential Development Sign is permitted per frontage of the development site.

6. *Size*.

    a. Nonresidential Real Estate Signs shall not exceed a total sign area of:

        (1) 32 square feet per building frontage for developed properties. Freestanding Signs shall not be more than 8 feet in height.

        (2) 32 square feet per street frontage for undeveloped properties. Freestanding Signs shall not be more than 8 feet in height.

    b. There shall be no maximum sign area for signs affixed to temporary construction fences, except that such signs shall not exceed the height and width of the temporary construction fence.

c. Nonresidential Development Signs shall not exceed a total area of:

(1) For occupancies of up to 5,000 square feet: 32 square feet of sign area and no more than 8 feet in height for Freestanding Signs;

(2) For occupancies greater than 5,000 square feet and no more than 15,000 square feet: 80 square feet of sign area and no more than 8 feet in height for Freestanding Signs;

(3) For occupancies greater than 15,000 square feet and no more than 50,000 square feet: 120 square feet of sign area and no more than 10 feet in height for Freestanding Signs; and

(4) For occupancies greater than 50,000 square feet: 180 square feet of sign area and no more than 12 feet in height for Freestanding Signs.

7. *Setback*. Except for signs affixed to a temporary construction fence or building wall, all nonresidential Real Estate Signs and Development Signs shall be set back a minimum distance of 10 feet from property lines.

8. *Illumination*. Signs shall not be directly or indirectly illuminated.

9. *Materials*. Signs shall be constructed of heavy duty, weather-resistant materials such as wood, laminated paper, plastic, or similar material. Signs attached to temporary construction fences shall be constructed to allow for wind to pass through the sign without damaging the fence.

D. ***Construction Signs***. Construction Signs are permitted on properties in conjunction with a valid building permit. Construction Signs shall not exceed 32 square feet in area and 8 feet in height and shall be set back a minimum distance of 10 feet from the property lines. An additional 32 square feet in Construction Sign area is permitted for sites over 5 acres with more than 1 exterior street frontage.

4.405 Residential

The following regulations shall apply to all single family and multi-family residential zoning districts.

A. ***Permanent Signs***.

1. *Single Family Dwelling Units*. Other than the address sign required pursuant to Section 4.402Q: Address Signs, each single family dwelling unit may have only 1 residential name sign identifying the occupant, not to exceed 3 square feet in area.

2. *Multi-Family Dwelling Units*. Other than the unit number required pursuant to Section 4.402Q: Address Signs, each multi-family dwelling unit may have only 1 residential name sign identifying the occupant, not to exceed 3 square feet in area.

3. *Subdivision Entry Signs*. Major entries to residential subdivisions may have 1 entry sign on each side of the street, subject to the following:

   a. Size. Signs shall be no greater than 6 feet in height and 25 square feet in area;

   b. Setback. Signs shall be set back a minimum of 3 feet behind the right-of-way;

   c. Design. Signs shall be incorporated into the design of an entry wall, which shall be architecturally compatible with other subdivision improvements; and

   d. Approval. Subdivision entry signs require approval by the Design Review Board as part of the subdivision open space plan. Entry signs added following the initial development of the subdivision require Administrative Design Review approval.

4. *Multi-Family Complex Address and Entry Signs*.

   a. Address Directory. An administratively approved address directory shall be provided at properties that have more than eight (8) buildings or when in the opinion of the fire marshal, emergency response may be delayed due to the physical layout of the complex, pursuant to Gilbert Fire Department regulation #2006-006.

   b. Multi-Family Complex Entry Signs. Major entries to multi-family residential complexes may have 1 entry sign on each side of the street or entry driveway, subject to the following:

      (1) Size. Signs shall be no greater than 8 feet in height and 32 square feet in area;

      (2) Setback. Signs shall be set back a minimum of 3 feet behind the right-of-way;

      (3) Design and Approval. Signs shall be architecturally compatible with the complex and approved administratively.

B. ***Temporary Signs***.

1. *Builder's Sign Package*. A Builder's Sign Package is required for each residential development prior to the installation of any Temporary Signs. The Builder's Sign Package shall comply with the following regulations:

a. Applicability. A Builder's Sign Package may be approved only for developments within the Town.

b. Term. A sign permit for a Builder's Sign Package is valid for 3 years from the date of issuance. Any plan change to a Builder's Sign Package shall require a new permit.

c. Removal. All Temporary Signs installed pursuant to a Builder's Sign Package shall be removed when the model home complex is permanently closed.

d. On-Site Signage. A maximum of 240 square feet of on-site signage is permitted for each builder in a recorded subdivision plat. This sign area includes all on-site signage including Builder/Real Estate Signs, model complex signs, welcome signs, Banners, awnings, Residential Builder Attention Flags, and Directional Signs other than Weekend Directional Signs. Signs 32 square feet or larger shall be set back a minimum of 10 feet behind the right- of-way. Signs less than 32 square feet shall be set back a minimum of 5 feet from the right-of-way.

(1) Builder/Real Estate Signs are permitted 32 square feet of sign area for the first acre, plus 4 square feet of sign area for every acre above 1, up to a maximum of 160 square feet. Builder/Real Estate Signs shall be limited to 12 feet in height. The total sign area may be displayed as 1 or more signs.

(2) Residential Builder Attention Flags are permitted, not to exceed 12 feet in height. Flags shall be spaced a minimum of 40 feet apart and shall be set back a minimum of 5 feet behind the right-of-way.

e. Off-Site Signage. Four off-site Directional Signs are permitted. Signs shall not exceed 32 square feet in area and 8 feet in height, and are subject to the following regulations:

(1) Signs shall be located on unimproved lots or parcels;

(2) Signs shall be spaced a minimum of 50 feet apart, regardless of the sign ownership;

(3) Signs shall be set back a minimum of 10 feet behind the right-of-way; and

(4) Written permission of the property owner is required for the time period of the permit.

2. *Weekend Directional Signs*. Weekend Directional Signs shall comply with the following regulations:

   a. Applicability. Weekend Directional Signs shall only be approved for new construction in a residential subdivision within the Town.

   b. Term. A sign permit for Weekend Directional Signs is valid for 1 year from the date of issuance or until the model home complex is permanently closed, whichever occurs first. The sign permit may be renewed annually.

   c. Quantity. A total of 15 Weekend Directional Signs may be permitted for each recorded subdivision plat.

   d. Size. Signs shall be no greater than 4 feet in height and 3 square feet in area.

   e. Location. Weekend Directional Signs shall be located within a 2 mile radius of the subdivision perimeter.

   f. Installation and Removal. Weekend Directional Signs shall be installed no earlier than 4:00 p.m. on Friday of each week and shall be removed no later than 8:00 a.m. on the following Monday. Signs shall be installed no earlier than 4:00 p.m. preceding any official U.S. holiday and shall be removed by 8:00 a.m. the day following the holiday, or Monday if the holiday occurs on Friday.

   g. Spacing. Individual signs shall be located a minimum of 40 feet from any other Weekend Direction Sign, regardless of the builder. No more than 5 Weekend Directional Signs shall be located within any 500 foot length on the same side of a street, regardless of the builder.

   h. Material. Signs shall be constructed of heavy duty, weather- resistant material, such as laminated paper, plastic foam core, or similar material. Placement stakes shall be wood or heavy gauge wire.

   i. Label. The back of each individual sign shall contain in clear, legible form the current sign permit number, the builder's name, and the sign company's name and phone number in letters at least 1 inch in height.

   j. Prohibited Locations. Weekend Directional Signs shall not be placed:

      (1) In the center median of any street; or

      (2) Within 10 feet of the pavement edge of any street where no curb exists; or

      (3) Within 2 feet of the face of curb where a curb exists; or

(4) On or closer than 3 feet from any vehicle, fire hydrant, light or traffic signal pole, traffic sign, bench, bus stop, tree, utility box, or any similar feature.

(5) On any property without written permission of the owner or person in control of the property.

4.406 Nonresidential Uses in Residential Zoning Districts

A. ***Applicability***. These regulations shall apply to nonresidential uses permitted in residential zoning districts by the Zoning Code. Nothing herein shall be construed or applied in such a manner as to regulate signs for religious uses more restrictively than signs for non-religious uses in the same zoning district.

B. ***Permanent Signs***.

1. *Approval*. All permanent signs except those subject to administrative approval by the Planning Director as set forth in Section 5.602B.1 Administrative Design Review shall be approved by the Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission, prior to application for a sign permit. Sign approval may be by:

   a. A Comprehensive Sign Program; or

   b. Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission, for approval of a single use on a lot or parcel, including signs; or

   c. Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission approval of signs for a single use on a lot or parcel, where prior approval for the project without signs has occurred; or

   d. By the Director of Planning as a separate Administrative Design Review application.

2. *Wall Signs*.

   a. Applicability. Wall Signs are permitted on any exterior wall of the tenant or user suite.

   b. Total Business Sign Area. Each business shall be permitted a minimum Wall Sign area of 32 square feet. The maximum Wall Sign area permitted for a business shall be the greater of:

(1) The sign area calculated pursuant to Section 4.406B.2c: Sign Area Allowances per Building Elevation for the longest building elevation of the tenant/user suite facing the street; or

(2) The sign area calculated pursuant to Section 4.406B.2c: Sign Area Allowances per Building Elevation for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.

c. Sign Area Allowances per Building Elevation. Wall Signs are permitted at a rate of 1 square foot of sign area for each 1 foot of the building elevation adjacent to the suite. For buildings set back more than 75 feet from the right-of-way, 1.5 square feet of sign area is permitted for each 1 foot of building elevation adjacent to the suite.

d. Multi-Story Buildings. Wall Signs shall only be located on one floor of a multi-story building.

e. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.

f. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.

g. Placement and Scale. Wall Signs shall be placed in an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall.

h. Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:

(1) Not be illuminated;

(2) Not exceed 16 square feet in area; and

(3) Be installed no higher than 14 feet above grade.

3. *Freestanding Monument Signs*.

   a. Number. One on-site Freestanding Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One additional Freestanding Monument Sign is permitted for each additional 300 feet of street frontage over 100 feet.

   b. Size. Signs shall be no greater than 32 square feet in area and 8 feet in height.

   c. Setback. Signs shall be set back a minimum of 3 feet from the right-of-way.

   d. Changeable Message Signs. One-half (1/2) of a Monument Sign area may be a Changeable Message Sign, subject to administrative approval.

4. *Directional Signs*.

   a. Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.

   b. Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.

C. ***Temporary Signs***. Temporary Signs shall comply with the regulations contained in Table 4.402 and the following regulations:

1. *Homeowners Association Facilities Temporary Signs*. Temporary Signs for Homeowners Association Facilities shall comply with the following regulations:

   a. Applicability. Banners and Directional Signs for Homeowners Association Facilities are permitted that display information concerning seasonal or temporary events occurring in the development.

   b. Sign Area and Location. A maximum of 80 square feet of sign area is permitted within the limits of the residential community.

   c. Installation and Removal. Signs shall be installed no earlier than 30 days prior to the date of an event and shall be removed within 48 hours of completion of the event.

   d. Materials. Signs shall be constructed of lightweight, weather-resistant material.

   e. Placement. The regulations of Section 4.402: General Sign Regulations and Section 4.403.C: Placement of Signs shall apply.

4.407 Commercial

A. ***Applicability.*** The following regulations shall apply to the following zoning districts: NC, CC, SC, GC, and RC.

B. ***Approval***.

1. *Multi-Tenant Building or Complex*. Prior to the issuance of a sign permit, a commercial complex with multiple tenants and/or buildings shall receive Design Review Board approval of a Master Sign Plan or administrative approval of a Comprehensive Sign Program that complies with all of the requirements of Article 4.4 as set forth in Section 5.602B.1.

2. *Single-Building Projects*. Prior to the issuance of a sign permit, signage for single commercial buildings shall be approved:

   a. By the Design Review Board as part of a Design Review application; or

   b. By the Director of Planning as a separate Comprehensive Sign Program or Administrative Design Review application.

C. ***Permanent Signs***. Signs shall comply with the approved Comprehensive Sign Program, Master Sign Plan, Final Design Review, or Administrative Design Review subject to the following regulations:

1. *Wall Signs*.

   a. Applicability. Wall Signs are permitted on any exterior wall of the tenant or user suite.

   b. Total Business Sign Area. Each business shall be permitted a minimum Wall Sign area of 32 square feet. For businesses with double frontage the maximum wall sign area as calculated below shall be permitted on two building elevations. Reduced area shall be permitted on additional elevations. The maximum Wall Sign area permitted for a business shall be the greater of:

      (1) The sign area calculated pursuant to Section 4.407C.1c for the longest building elevation of the tenant/user suite facing the street; or

      (2) The sign area calculated pursuant to Section 4.407C.1c for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located. (SEE APPENDIX 1, FIGURE 17)

c. Sign Area Allowances. Wall Signs are permitted at a rate of 1 square foot of sign area for each 1 lineal foot of the building elevation adjacent to the suite. For buildings set back more than 75 feet from the right-of-way, 1.5 square feet of sign area is permitted for each 1 lineal foot of building elevation adjacent to the suite. (SEE APPENDIX 1, FIGURE 17B)

d. Multi-Story Buildings. Wall Signs on multiple floors of a multi- story building shall be approved by the Design Review Board through either a Comprehensive Sign Program or a Master Sign Plan and shall conform to the multi-story signage design criteria set forth below.

Wall Signs shall be allowed as follows:

(1) Individual tenant signs located on the second floor of a building two stories in height shall not exceed 75 square feet in area. Tenant signs may be placed on any approved sign band or wall space on the second floor and the total sign area combined, including Building Identification Signs, shall not exceed 50 percent of the lineal building elevation on the second floor, as permitted in Sections 4.407C.1b: Total Business Sign Area and 4.407C.1c: Sign Area Allowances per Building Elevation.

(2) Individual Building Identification Signs located on buildings two stories in height shall not exceed 75 square feet in area. The total sign area combined, including tenant signs, shall not exceed 50 percent of the lineal building elevation on the second floor as permitted in Sections 4.407C.1b: Total Business Sign Area and 4.407C.1c: Sign Area Allowances per Building Elevation.

(3) Signs located on buildings three stories or more in height shall be limited to signage on the first floor and top floor. Sign area allowance for first floor tenants is subject to the provisions of Sections 4.407C.1b: Total Business Sign Area and 4.407C.1c: Sign Area Allowances per Building Elevation. Sign area allowed on the top floor shall not be counted against wall signage on the first floor. Top floor signage is limited to either building identification and one building tenant or two building tenants and shall adhere to the sign area allowance contained in Table 4.407: Top Floor Sign Size and Height Standards for On-Premise Signs. This area shall not be increased through a Comprehensive Sign Program or Master Sign Plan.

Table 4.407: Top Floor Sign Size and Height Standards for On-Premise Signs

Facing Street Type or Freeway	*Sign Height (Feet) from Finish Floor Level to Top of Sign*[1]	*Maximum Allowable Size of Sign Face (Sq. Ft.)*	*Minimum Letter Height (Inches)*
Local/Collector	40+	Per Section 4.407C.1b. and 4.407C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater.	12
Arterial	40+	Per Section 4.407C.1b. and 4.407C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater.	15
Freeway	40+	Per Section 4.407C.1b. and 4.407C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater.	21

[1] Unless approved signage spans floor plates

e. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.

f. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.

g. Placement and Scale. Wall Signs shall be placed on an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Design Review Board may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall. Top floor signage located on multi-story buildings may span floor plates. Wall Signs placed on canopies will be counted against the wall sign area allowance.

h. Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:

(1) Not be illuminated;

(2) Not exceed 16 square feet in area; and

(3) Be installed no higher than 14 feet above grade.

2. *Freestanding Signs*.

a. Monument Signs

(1) Number. One on-site Freestanding Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. Parcels with 600 feet of street frontage are permitted 2 Freestanding Monument Signs. One additional Freestanding Monument Sign is permitted for each additional 300 feet of street frontage.

(2) Height Criteria. Signs shall be no greater than 12 feet in height to the top of design embellishments. The sign face shall be located between 2 feet and 10 feet above grade with design embellishments added to the top, sides or bottom of the sign.

(3) Area. The Monument Sign area shall not exceed 60 square feet.

(4) Setback. Signs shall be set back a minimum of 3 feet from the right-of-way.

(5) Spacing. Signs shall maintain a minimum spacing of 100 feet from any other low-profile Freestanding Sign on the same street frontage.

(6) Changeable Message Signs. Changeable Message Signs are permitted subject to the sign criteria contained in Section 4.403G.

b. Tower Signs. Tower Signs are permitted in the Regional Commercial and General Commercial zoning districts for retail centers exceeding 40 net acres, as follows:

(1) Number. One on-site Tower Sign is permitted for each 500 feet of street frontage, provided the total number of all Freestanding Signs, including Monument Signs, shall not exceed 1 sign per 300 feet of street frontage.

(2) Height. Tower Signs shall not exceed a maximum height of 15 feet.

(3) Area. The maximum area permitted for a Tower Sign shall be 80 square feet. The area of a Tower Sign may be increased by an additional 20 square feet for the identification of tenants or occupants of suites 5,000 square feet or less in area.

(4) Setback. Tower Signs shall be set back a minimum of 3 feet from the right-of-way.

(5) Spacing. Tower Signs shall maintain a minimum spacing of 300 feet from any other Freestanding Sign on the same street frontage, except that the Design Review Board may approve a spacing less than 300 feet, but not less than 100 feet, in connection with approval of a Comprehensive Sign Program or Master Sign Plan, upon a finding that the spacing will not result in an appearance of sign clutter.

(6) Changeable Message Signs. Permitted subject to sign criteria contained in Section 4.403G.

c. Freeway Signs. Properties exceeding 15 net acres and abutting a freeway identified in the circulation element of the General Plan may have Freeway Signs as follows:

(1) Number. One on site Freeway Sign shall be permitted for each 400 feet of freeway frontage.

(2) Height. Freeway Signs shall not exceed a maximum height of 60 feet above grade or 30 feet above the grade of the nearest lanes of the adjacent freeway main travel surface, whichever is greater.

(3) Area. The maximum area for a Freeway Sign shall not exceed 500 square feet. An additional 20 percent of sign area is permitted to identify the name of the center.

(4) Setback. Freeway Signs shall be set back a minimum of 150 feet from:

i. Right-of-way other than a freeway; and

ii. A property line adjacent to property designated for retail or residential use in the General Plan. Freeway Signs shall be set back a distance equal to the height of the sign from a property line adjacent to property designated for uses other than retail or residential in the General Plan.

(5) Location, Orientation and Spacing. Freeway Signs shall be located within 100 feet of the freeway right-of-way and shall be oriented to the freeway. A sign shall be considered oriented to a freeway where the sign face makes an interior angle of more than 30 degrees to the freeway. Freeway Signs shall maintain a minimum spacing of 400 feet from any other Freeway Sign on the same property.

(6) Changeable Message Signs. Freeway Signs may include Changeable Message Signs subject to sign criteria contained in section 4.403G.

d. Directory Signs.

(1) Number. One sign shall be permitted for each 5 commercial tenants or uses.

(2) Size. Signs shall be no greater than 40 square feet in area and 8 feet in height.

(3) Setback. Signs shall be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other commercial or employment development and there is a cross- access between the commercial or employment properties.

(4) Location. Directory Signs shall only be installed on-site in landscape islands or pedestrian areas.

e. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:

(1) Applicability. Directional Signs are permitted to assist in traffic movement on a property. Directional Signs shall include an arrow, and may include copy to read "Enter", "Exit" or “Drive- Through” and a single business logo.

(2) Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.

(3) Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.

(4) Prohibited Locations. Directional Signs shall not be located in a required perimeter landscape area.

3. *Signs on Accessory Entry Monuments*. Signs for center or project identification are permitted on accessory entry monuments for multiple- tenant projects exceeding 40 net acres, subject to Design Review Board approval of a Master Sign Plan or administrative approval of a Comprehensive Sign Program that complies with all of the requirements of Article 4.4 as set forth in Section 5.602B.1.

a. Area. Signs shall not occupy more than 50 percent of the area of the structure.

b. Spacing. Signs shall maintain a minimum spacing of 100 feet from any other accessory entry Monument Sign.

4. *Service Station Canopy Signs*. Service Station Canopy Signs shall display only the company logo and/ or name.

    a. Number. The maximum number of signs attached to a canopy shall be 2.

    b. Area. Signs shall not exceed 12 square feet in area.

    c. Projection. No part of the sign shall project from a canopy wall by more than 6 inches.

    d. Placement and Scale. The sign shall be vertically centered on the face of the canopy and be a minimum of 3 inches from both the top and bottom.

5. *Pedestrian Advertising Signs*.

    a. Applicability. Pedestrian Advertising Signs are permitted in SC and RC districts when approved as part of a Comprehensive Sign Program or Master Sign Plan.

    b. Area. Signs shall be no greater than 24 square feet in area per sign face and 6 feet in height.

    c. Setback. Signs shall be set back a minimum of 75 feet from the right-of-way.

    d. Installation. Signs shall be permanently affixed to the ground.

    e. Illumination. Signs may be internally illuminated.

    f. Prohibited Locations. Pedestrian Advertising Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.

6. *Pump-Topper or Spanner Signs*. Pump-Topper and Spanner Signs shall be administratively approved as set forth in Section 5.602B.1 or approved by the Design Review Board through a final Design Review. Colors, materials, placement, and dimensions shall complement the design and scale of the canopy structure and the main building.

7. *Drive-Through Restaurant Menu Signs*.

    a. Number. Drive-Through Restaurant Menu Signs shall be limited to 2 per drive-through lane.

    b. Area. Signs shall be no greater than 50 square feet in area and 7 feet in height.

c. Location. Location shall be approved by the Design Review Board as part of a final Design Review, Master Sign Plan or administratively by the Director of Planning as set forth in Section 5.602B.1 as part of a Comprehensive Sign Program.

d. Design. Drive-Through Restaurant Menu Signs shall be constructed with a solid base.

8. *Corporate Flag*

a. One corporate flag shall be allowed per business.

b. Corporate flags may not exceed 25 square feet in area and no dimension (height or length) of the flag shall exceed 6 feet.

c. A corporate flag shall be mounted on a fixed or anchored pole, either freestanding or building-integrated.

d. No portion of the mounted corporate flag shall exceed the height of the principal structure or 50 feet, whichever is less.

e. A corporate flag may only contain the company logo of the business where the flag will be displayed except that corporate flags displaying the logos of off-site businesses or organizations may be displayed temporarily (up to 7 consecutive days).

D. ***Temporary Signs***. Temporary Signs are permitted subject to the regulations in Table 4.402 and the following regulations:

1. *Window Signs*.

a. Area. Signs shall not exceed 25 percent of the total window area. Window Signs are not part of permitted Wall Sign area.

b. Location. Individual businesses may display signs in a first floor window area or within 6 feet behind a window (SEE APPENDIX 1, FIGURE 18).

4.408 Heritage Village Center

A. ***Applicability***. The following regulations shall apply to the Heritage Village Center zoning district.

B. ***Approval***.

1. *Multi-Tenant Building or Complex*. A commercial complex with multiple tenants and/or buildings shall receive administrative approval of a Heritage Sign Plan as set forth in Section 5.602B.1 prior to the issuance of a sign permit.

2. *Single-Building Projects*. Prior to the issuance of a sign permit, signage for single commercial buildings shall be approved:

   a. By the Redevelopment Commission as part of a Design Review application; or

   b. By the Director of Planning as a separate Heritage Sign Plan or an Administrative Design Review application.

C. ***Permanent Signs***. Signs shall comply with the approved Heritage Sign Plan, Final Design Review, or Administrative Design Review subject to the following regulations:

1. *Total Business Sign Area*. Each business shall be permitted a minimum business sign area of 32 square feet. For businesses with double frontage, the maximum wall sign area as calculated below shall be permitted on two building elevations. Reduced area shall be permitted on additional elevations. The maximum business sign area permitted for a business shall be the greater of:

   a. The sign area calculated pursuant to Section 4.408C.2 for the longest building elevation of the tenant/user suite facing the street; or

   b. The sign area calculated pursuant to Section 4.408C.2 for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.

2. *Sign Area Allowances*. Sign area is permitted at a rate of 1.5 square foot of sign area for each 1 lineal foot of the building elevation adjacent to the suite.

3. *Wall Signs*.

   a. Applicability. Wall Signs are permitted on any exterior wall of the tenant or user suite.

   b. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.

   c. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.

d. Placement and Scale. Wall Signs shall be placed on an area that is free of architectural features. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Redevelopment Commission may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall.

e. Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:

(1) Not be illuminated;

(2) Not exceed 6 square feet in area; and

(3) Be installed no higher than 14 feet above grade.

f. Two-Story Buildings. Wall Signs for the 2nd floor of a two-story building shall be approved by the Redevelopment Commission as part of a Heritage Sign Plan and shall be subject to the following criteria:

(1) Location. May only be used by 2nd floor tenants and located on building walls of the space occupied by the tenant.

(2) Area. Individual tenant signs located on the 2nd floor of a building shall not exceed 6 square feet in area per tenant/user suite. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area.

(3) Illumination. Signs may be indirectly or internally illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

4. *Freestanding Signs*.

a. Monument Signs.

(1) Approval. Monument Signs shall be approved by the Redevelopment Commission as part of a Design Review application or administratively as part of a Heritage Sign Plan. Colors, materials, and design shall complement the design of the building(s) which it serves.

(2) Applicability. Monument Signs are permitted to assist in traffic movement on a property containing an existing building that exceeds the required build- to lines, as set forth in Section 2.403C: Build-To Lines.

(3) Number. One on-site Freestanding Monument Sign may be permitted for any lot or parcel.

(4) Height. Signs shall be no greater than 6 feet in height, whereas the height measurement includes: structural supports; monument base; architectural features of a Monument Sign structure; nonstructural or decorative trim.

(5) Area. Signs shall not exceed 32 square feet in area.

(6) Setback. Signs shall be set back a minimum of 3 feet from the right-of-way.

(7) Spacing. Signs shall maintain a minimum spacing of 100 feet from any other low-profile Freestanding Sign on the same street frontage.

b. Directory Signs.

(1) Number. One sign shall be permitted for each 4 commercial tenants or uses.

(2) Size. Signs shall be no larger than necessary to convey tenant information. In no event shall a Directory Sign exceed 6 square feet in area and 6 feet in height.

(3) Location. Sign shall be integrated into the building architecture or located within a courtyard or similar feature of a building.

c. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:

(1) Applicability. Directional Signs are permitted to assist in traffic movement on a property. Directional Signs shall include an arrow, and may include copy to read "enter", "exit" or “drive-through” and a single business logo.

(2) Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.

(3) Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.

(4) Prohibited Locations. Directional Signs shall not be located in a required perimeter landscape area.

5. *Awning Signs*.

   a. Location. Signs shall only be located on the valance of the awning.

   b. Area. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area.

   c. Graphics. Graphics shall be permanently affixed to the awning. Lettering and logos may be silkscreen, painted, cutout lettering heat color transfer, pressure sensitive vinyl films, sewn appliqué signs, or similar.

   d. Illumination. Signs may be indirectly illuminated. Awning Signs shall not be backlit. Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

   e. Prohibited Locations. Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.

6. *Painted Wall Signs*.

   a. Location. Painted Wall Signs are permitted on any exterior building wall of the tenant/user suite to which they are appurtenant.

   b. Area. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area.

   c. Content. Sign may include advertising of any item of merchandise or service offered by the tenant/user to which the sign is appurtenant.

   d. Illumination. Signs may be indirectly illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

7. *Projecting Roof Signs / Projecting Signs*.

   a. Approval. Projecting Roof Signs/Projecting Signs shall be approved by the Redevelopment Commission as part of a Heritage Sign Plan or Design Review application. Colors, materials, and design shall complement the design of the building(s) which it serves.

b. Location. Signs shall be permanently affixed to the exterior building wall of the tenant/user suite to which they are appurtenant. Signs shall be located at the customer entry area of the tenant/user suite when blinking/flashing illumination elements are incorporated.

c. Area. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area.

d. Height. Projecting Roof Sign height shall not exceed the height of a roofline or parapet by more than 25 percent of the overall height of the sign. The Redevelopment Commission may approve heights greater than 25 percent, through a Heritage Sign Plan or a Design Review application, when it is determined that the sign is incorporated into the building's architecture.

e. Illumination.

(1) Sign may be internally or indirectly illuminated.

(2) Sign may incorporate flashing/blinking elements within the area of the sign.

(3) Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

f. Design. Signs shall be stylized in shape, rather than rectangular, to reflect the shape of the image printed on the sign face.

g. Installation. Fixtures used to affix sign to building wall shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures shall be set forth in the Heritage District Redevelopment Plan.

h. Prohibited Locations. Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.

8. *Marquee Signs*.

a. Approval. Marquee Signs shall be approved by the Redevelopment Commission as part of a Design Review application or a Heritage Sign Plan. Colors, materials, and design shall complement the design of the building(s) which it serves.

b. Location. Signs shall only be affixed on a marquee located at the primary entrance of the tenant/user suite to which they are appurtenant.

c. Area. Sign area shall be included in the total allowable area set forth in Section 4.408C.1: Total Business Sign Area. The aggregate area of all sign faces shall be calculated to determine the sign area.

d. Illumination.

(1) Sign may be internally or indirectly illuminated.

(2) Sign may incorporate flashing/blinking elements within the area of the sign. Guidelines for appropriate flashing/blinking frequency are set forth in the Heritage District Redevelopment Plan.

(3) Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

e. Changeable Message Signs. Marquee Signs may include Changeable Message Signs. Sign copy shall only be changed manually. Electronic or mechanical sign copy change is prohibited.

f. Prohibited Locations. Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.

9. *Suspended Signs.*

a. Number. No more than 1 sign may be permitted tenant/user building elevation.

b. Location. Signs shall be suspended from a roof overhang of a covered porch or walkway, which is adjacent to the exterior building wall of the tenant/user suite to which they are appurtenant.

c. Area. Maximum area permitted is 6 square feet. Suspended Signs are not included in the total allowable business sign area.

d. Design. Guidelines for appropriate design, materials, and color of fixtures shall be set forth in the Heritage District Redevelopment Plan.

e. Illumination. Signs may be indirectly illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

D. ***Temporary Signs***. Temporary Signs are permitted subject to the regulations in Table 4.402 and the following regulations:

1. *Window Signs*.

   a. Area. Signs shall not exceed 25 percent of the total window area. Window Signs are not included in the total allowable business sign area.

   b. Location. Individual businesses may display signs in a first floor window area or within 6 feet behind a window.

   c. Colors. Fluorescent colors are prohibited.

2. *Umbrella Signs*.

   a. Area. Umbrella Signs are not included in the total allowable business sign area.

   b. Prohibited Locations. Signs shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs.

   c. Colors. Fluorescent colors are prohibited.

4.409 Office/Employment

A. ***Applicability***. The following regulations shall apply to the following districts: NO, GO, BP, LI and GI.

B. ***Approval***.

1. *Multi-Tenant Building or Complex*. An office/employment complex with multiple tenants and/or building pads shall receive Design Review Board approval of a Master Sign Plan or administrative approval of a Comprehensive Sign Program that complies with all of the requirements of Article 4.4 as set forth in Section 5.602B.1 prior to the issuance of a sign permit.

2. *Single-Building Projects*. Prior to the issuance of a sign permit, signage for single office or employment buildings shall be approved:

   a. By the Design Review Board as part of a Design Review application; or

   b. By the Director of Planning as a separate Administrative Design Review application.

C. ***Permanent Signs***. Signs shall comply with the approved Comprehensive Sign Program or Master Sign Plan, Final Design Review, or Administrative Design Review subject to the following regulations:

1. *Wall Signs*.

a. Applicability. Wall Signs are permitted on any exterior wall of the tenant or user suite.

b. Total Business Sign Area. Each business shall be permitted a minimum Wall Sign area of 32 square feet. For businesses with double frontage the maximum wall sign area as calculated below shall be permitted on two building elevations. Reduced area shall be permitted on additional elevations. The maximum Wall Sign area permitted for a business shall be the greater of:

(1) The sign area calculated pursuant to Section 4.409C.1c for the longest building elevation of the tenant/user suite facing the street; or

(2) The sign area calculated pursuant to Section 4.409C.1c for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.

c. Sign Area Allowances. Wall Signs are permitted on any exterior wall of the tenant or user suite at a rate of 1 square foot of sign area for each 1 lineal foot of the building elevation adjacent to the suite.

d. Multi-Story Buildings. Wall Signs on multiple floors of a multi-story building shall be approved by the Design Review Board through either a Comprehensive Sign, Program or a Master Sign Plan.

Wall Signs shall be allowed as follows:

(1) Signs located on buildings three stories or more in height shall be limited to signage on the first floor and top floor. Sign area allowance for first floor tenants is subject to the provisions of Sections 4.409C.1b: Total Business Sign Area and 4.409C.1c: Sign Area Allowances per Building Elevation. Sign area allowed on the top floor shall not be counted against wall signage on the first floor. Top floor signage is limited to either building identification and one building tenant or two building tenants and shall adhere to the sign area allowance contained in Table 4.409: Top Floor Sign Size and Height Standards for On-Premise Signs. This area shall not be increased through a Comprehensive Sign Program or Master Sign Plan.

Table 4.409: Top Floor Sign Size and Height Standards for On-Premise Signs

Facing Street Type or Freeway	*Sign Height (Feet) from Finish Floor Level to Top of Sign*[2]	*Maximum Allowable Size of Sign Face (Sq. Ft.)*	*Minimum Letter Height (Inches)*
Local/Collector	40+	Per Section 4.409C.1b. and 4.409C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater	12
Arterial	40+	Per Section 4.409C.1b. and 4.409C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater	15
Freeway	40+	Per Section 4.409C.1b. and 4.409C.1c; or one percent of the area of the elevation to which it is attached, whichever is greater	21

[2] Unless approved signage spans floor plates.

e. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.

f. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.

g. Placement and Scale. Wall Signs shall be placed on an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Design Review Board may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall. Top floor signage located on multi-story buildings may span floor plates. Wall signs placed on canopies will be counted against wall sign area allowance.

h. Wall Signs Facing Residential Uses. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:

(1) Not be illuminated;

(2) Not exceed 16 square feet in area; and

(3) Be installed no higher than 14 feet above grade.

2. *Freestanding Signs*.

a. Monument Signs.

(1) Number. One on-site Freestanding Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. Parcels with 600 feet of street frontage are permitted 2 Freestanding Monument Signs. One additional Freestanding Monument Sign is permitted for each additional 300 feet of street frontage.

(2) Height Criteria. Signs shall be no greater than 12 feet in height to the top of design embellishments. The sign face shall be located between 2 feet and 10 feet above grade with design embellishments added to the top, sides or bottom of the sign.

(3) Area. Signs shall be no greater than 60 square feet in area.

(4) Setback. Monument Signs shall be set back a minimum of 3 feet from the right-of-way.

(5) Spacing. Monument Signs shall maintain a minimum spacing of 100 feet from any other low-profile Freestanding Sign on the same street frontage.

b. Directory Signs.

(1) Number. One sign shall be permitted for each 5 tenants or uses.

(2) Size. Signs shall be no greater than 40 square feet in area and 8 feet in height.

(3) Setback. Signs shall be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other commercial or employment development and there is a cross-access between the commercial or employment properties.

(4) Location. Directory Signs shall only be installed on-site in landscape islands or pedestrian areas.

c. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:

(1) Applicability. Directional Signs are permitted to assist in traffic movement on a property. Directional Signs shall include an arrow and may include copy to read "Enter", "Exit" or “Drive-Through” and a single business logo.

(2) Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.

(3) Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.

(4) Prohibited Locations. Directional Signs shall not be located in a required perimeter landscape area.

d. The following permanent signs are allowed in an office/employment district that abuts a freeway:

(1) Tower Signs. Tower signs are permitted for sites exceeding 40 net acres, as follows:

i. Number. One on-site tower sign is permitted for each 500 feet of street frontage provided the total number of all freestanding signs, including monument signs, shall not exceed 1 sign per 300 feet of street frontage.

ii. Height. Tower signs shall not exceed a maximum height of 15 feet.

iii. Area. The maximum area permitted for a tower sign shall be 80 square feet. The area of a tower sign may be increased by an additional 20 square feet for the identification of tenants or occupants of suite 5,000 square feet or less in area.

iv. Setback. Tower signs shall be set back a minimum of 3 feet from the right-of-way.

v. Spacing. Tower signs shall maintain a minimum spacing of 300 feet from any other freestanding sign on the same street frontage, except that the Design Review Board may approve a spacing less than 300 feet, but not less than 100 feet, in connection with approval of a Comprehensive Sign Program or Master Sign Plan, upon a finding that the spacing will not result in an appearance of sign clutter.

vi. Changeable Message Signs. Permitted subject to sign criteria contained in Section 4.403G.

(2) Freeway Signs. Freeway signs are permitted for sites exceeding 15 net acres:

i. Number. One on-site freeway sign shall be permitted for each 400 feet of freeway frontage.

ii. Height. Freeway signs shall not exceed a maximum height of 60 feet above grade or 30 feet above the grade of the nearest lanes of the adjacent freeway main travel surface, whichever is greater.

iii. Area. The maximum area for a freeway sign shall not exceed 500 square feet. An additional 20 percent of sign area is permitted to identify the name of the center.

iv. Setback. Freeway signs shall be set back a minimum of 150 feet from:

1. Right-of-Way other than a freeway; and

2. A property line adjacent to property designated for retail or residential use in the General Plan. Freeway signs shall be set back a distance equal to the height of the sign from a property line adjacent to property designated for uses other than retail or residential in the General Plan.

v. Location, Orientation and Spacing. Freeway signs shall be located within 100 feet of the freeway right-of-way and shall be oriented to the freeway. A sign shall be considered oriented to a freeway where the sign face makes an interior angle of more than 30 degrees to the freeway. Freeway signs shall maintain a minimum spacing of 400 feet from any other freeway sign on the same property.

vi. Changeable Message Signs. Freeway signs may include changeable message signs subject to sign criteria contained in Section 4.403G.

3. *Signs on Accessory Entry Monuments*. Signs for center or project identification are permitted on accessory entry monuments for multiple- tenant projects exceeding 40 net acres, subject to Design Review Board approval of a Master Sign Plan or administrative approval as part of a Comprehensive Sign Program that complies with all of the requirements of Article 4.4 as set forth in Section 5.602B.1.

a. Area. Signs shall not occupy more than 50 percent of the area of the structure.

b. Spacing. Signs shall maintain a minimum spacing of 100 feet from any other accessory entry Monument Sign.

4. *Corporate Flag*

a. One corporate flag shall be allowed per business.

b. Corporate flags may not exceed 25 square feet in area and no dimension (height or length) of the flag shall exceed 6 feet.

c. A corporate flag shall be mounted on a fixed or anchored pole, either freestanding or building-integrated.

d. No portion of the mounted corporate flag shall exceed the height of the principal structure or 50 feet, whichever is less.

e. A corporate flag may contain the company logo of the business where the flag will be displayed except that corporate flags displaying the logos of off-site businesses or organizations may be displayed temporarily (up to 7 consecutive days).

D. ***Temporary Signs***. Temporary Signs are permitted subject to the regulations in Table 4.402.

4.4010 Public Facility/Institutional

A. ***Applicability***. These regulations shall apply to uses located in the PF/I zoning district. Nothing herein shall be construed or applied in such a manner as to regulate signs for religious uses more restrictively than signs for non-religious uses in the same zoning district.

B. ***Approval***. All permanent signs except those subject to administrative approval by the Planning Director as set forth in Section 5.602B.1 shall be approved by the Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission prior to application for a sign permit. Sign approval may be by:

1. A Comprehensive Sign Program, Master Sign Plan; or

2. For a single use on an individual lot or parcel, by Design Review Board or, in the Heritage District Overlay Zoning District, the Redevelopment Commission as part of the review of the building or structure on the parcel; or

3. For a single use on a lot or parcel, where prior approval for the project without signs has been granted, Design Review Board or Redevelopment Commission in the Heritage District Overlay Zoning District; or

4. By the Director of Planning as a separate Administrative Design Review application.

C. ***Permanent Signs.***

1. *Wall Signs*.

a. Applicability. Wall Signs are permitted on any exterior wall of the tenant or user suite.

b. Total Business Sign Area. Each business shall be permitted a minimum Wall Sign area of 32 square feet. For businesses with double frontage the maximum wall sign area as calculated below shall be permitted on two building elevations. Reduced area shall be permitted on additional elevations. The maximum Wall Sign area permitted for a business shall be the greater of:

(1) The sign area calculated pursuant to Section 4.4010C.1c for the longest building elevation of the tenant/user suite facing the street; or

(2) The sign area calculated pursuant to Section 4.4010C.1c for the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.

c. Sign Area Allowances. Wall Signs are permitted at a rate of 1 square foot of sign area for each 1 lineal foot of the building elevation adjacent to the suite. For buildings set back more than 75 feet from the right-of-way, 1.5 square feet of sign area is permitted for each 1 lineal foot of building elevation adjacent to the suite.

d. Multi-Story Buildings. Wall Signs on multiple floors of a multi- story building shall be approved by the Design Review Board through either a Comprehensive Sign Program or a Master Sign Plan. Wall Signs shall be allowed as follows:

(1) Signs located on buildings three stories or more in height shall be limited to signage on the first floor and top floor. Sign area allowance for first floor tenants is subject to the provisions of Sections 4.4010C.1b: Total Business Sign Area and 4.4010C.1c: Sign Area Allowances per Building Elevation. Sign area allowed on the top floor shall not be counted against wall signage on the first floor. Top floor signage is limited to building identification or one building tenant and shall adhere to the sign area allowance contained in Table 4.4010: Top Floor Sign Size and Height

Standards for On-Premise Signs. This area shall not be increased through a Comprehensive Sign Program or Master Sign Plan.

Table 4.4010: Top Floor Sign Size and Height Standards for On-Premise Signs

Facing Street Type or Freeway	*Sign Height (Feet) from Finish Floor Level to Top of Sign*[3]	*Maximum Allowable Size of Sign Face (Sq. Ft.)*	*Minimum Letter Height (Inches)*
Local/Collector	40+	Per Section 4.4010C.1b. and 4.4010C.1c.; or one percent of the area of the elevation to which it is attached, whichever is greater.	12
Arterial	40+	Per Section 4.4010C.1b. and 4.4010C.1c.; or one percent of the area of the elevation to which it is attached, whichever is greater.	15
Freeway	40+	Per Section 4.4010C.1b. and 4.4010C.1c.; or one percent of the area of the elevation to which it is attached, whichever is greater.	21

[3] Unless approved signage spans floor plates

e. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.

f. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant suite. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.

g. Placement and Scale. Wall Signs shall be placed on an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Design Review Board may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall. Top floor signage located on multi-story buildings may span floor plates. Wall Signs placed on canopies will be counted against wall sign area allowance.

h. Wall Signs Facing Residential Districts. Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:

(1) Not be illuminated;

(2) Not exceed 16 square feet in area; and

(3) Be installed no higher than 14 feet above grade.

2. *Freestanding Signs*.

a. Monument Signs.

(1) Number. One on-site freestanding Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. Parcels with 600 feet of street frontage are permitted 2 freestanding Monument Signs. One additional freestanding Monument Sign is permitted for each additional 300 feet of street frontage.

(2) Height Criteria. Signs shall be no greater than 12 feet in height to the top of design embellishments. The sign face shall be located between 2 feet and 10 feet above grade with design embellishments added to the top, sides or bottom of the sign.

(3) Area. Signs shall be no greater than 60 square feet in area.

(4) Setback. Signs shall be set back a minimum of 3 feet from the right-of-way.

(5) Spacing. Monument Signs shall maintain a minimum spacing of 100 feet from any other low-profile Freestanding Sign on the same street frontage.

(6) Changeable Message Panels. Permitted subject to sign criteria contained in section 4.403G.

b. Directory Signs.

(1) Number. One sign shall be permitted for each 5 tenants or uses.

(2) Size. Signs shall be no greater than 40 square feet in area and 8 feet in height.

(3) Setback. Signs shall be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other public facility/institutional development and there is a cross-access between the commercial or employment properties.

(4) Location. Directory Signs shall only be installed on-site in landscape islands or pedestrian areas.

c. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:

(1) Applicability. Directional Signs are permitted to assist in traffic movement on a property. Directional Signs shall include an arrow, and may include copy to read "Enter", "Exit" or “Drive- Through” and a single business logo.

(2) Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.

(3) Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.

(4) Prohibited Locations. Directional Signs shall not be located in a required perimeter landscape area.

d. The following permanent signs are allowed in a Public Facility/Institutional District that abuts a freeway:

(1) Tower Signs. Tower signs are permitted for sites exceeding 40 net acres as follows:

i. Number. One on-site tower sign is permitted for each 500 feet of street frontage, provided the total number of all freestanding signs, including monument signs, shall not exceed 1 sign per 300 feet of street frontage.

ii. Height. Tower signs shall not exceed a maximum height of 15 feet.

iii. Area. The maximum area permitted for a tower sign shall be 80 square feet. The area of a tower sign may be increased by an additional 20 square feet for the identification of tenants or occupants of suites 5,000 square feet or less in area.

iv. Setback. Tower signs shall be set back a minimum of 3 feet from the right-of-way.

v. Spacing. Tower signs shall maintain a minimum spacing of 300 feet from any other freestanding sign on the same street frontage, except that the Design Review Board may approve a spacing less

than 300 feet, but not less than 100 feet, in connection with approval of a Comprehensive Sign Program or Master Sign Plan, upon a finding that the spacing will not result in an appearance of sign clutter.

vi. Changeable Message Signs. Permitted subject to sign criteria contained in Section 4.403G.

(2) Freeway signs. Freeway signs are permitted for sites exceeding 15 net acres:

i. Number. One on-site freeway sign shall be permitted for each 400 feet of freeway frontage.

ii. Height. Freeway signs shall not exceed a maximum height of 60 feet above grade or 30 feet above the grade of the nearest lanes of the adjacent freeway main travel surface, whichever is greater.

iii. Area. The maximum area for a freeway sign shall not exceed 500 square feet. An additional 20 percent of sign area is permitted to identify the name of the center.

iv. Setback. Freeway signs shall be set back a minimum of 150 feet from:

1. Right-of-way other than a freeway; and

2. A property line adjacent to property designated for retail or residential use in the General Plan. Freeway signs shall be set back a distance equal to the height of the sign from a property line adjacent to property designated for uses other than retail or residential in the General Plan.

v. Location. Orientation and spacing freeway signs shall be located within 100 feet of the freeway right-of-way and shall be oriented to the freeway. A sign shall be considered oriented to a freeway where the sign face makes an interior angle of more than 30 degrees to the freeway. Freeway signs shall maintain a minimum spacing of 400 feet from any other freeway sign on the same property.

vi. Changeable Message Signs. Freeway signs may include changeable message signs subject to sign criteria contained in Section 4.403G.

3. *Corporate Flag*

   a. One corporate flag shall be allowed per business.

   b. Corporate flags may not exceed 25 square feet in area and no dimension (height or length) of the flag shall exceed 6 feet.

   c. A corporate flag shall be mounted on a fixed or anchored pole, either freestanding or building-integrated.

   d. No portion of the mounted corporate flag shall exceed the height of the principal structure or 50 feet, whichever is less.

   e. A corporate flag may only contain the company logo of the business where the flag will be displayed except that corporate flags displaying the logos of off-site businesses or organizations may be displayed temporarily (up to 7 consecutive days).

D. ***Temporary Signs***. Temporary Signs are permitted, subject to the regulations in Table 4.402.

4.4011 Notice of Violation

Notice of violation of this article shall be provided by a Code Compliance Officer to the property owner, person in control, or authorized agent of the property. The time periods provided for correction of the violation shall be:

A. ***Permanent Signs***. A 10 calendar day written notice shall be provided.

B. ***Temporary Signs***. A 2 calendar day written notice shall be provided.

C. ***Portable Signs, Other than A-Frame Signs and Flying Banners***.

   1. A 2 calendar day written notice shall be provided for Portable Signs other than those placed within the right-of-way.

   2. A written notice is not required for Portable Signs placed within the right- of-way.

4.4012 Removal

A. ***Authority***.

   1. The Code Compliance Manager is authorized to require removal of any sign installed in violation of this article. The Code Compliance Manager may remove or cause to be removed any Temporary Sign which is not removed by the owner.

2. The Building Official is authorized to remove or require the immediate removal or repair without written notice of any unsafe sign that creates an immediate hazard to persons or property.

B. ***Removal by Town***. In the case of a sign code violation where the offending sign has been removed by the Code Compliance Officer, the notice shall state the reason for its removal.

C. ***Recovery of Costs***. The costs of removal or repair of a sign by the Town shall be borne by the person who installed the sign, and, if unknown, the owner or lessee of the sign and of the property on which the sign is located. If the Town incurs costs in the removal of repair of a sign, the Town may bring an action in Municipal Court or Superior Court to recover its costs.

4.4013 Violations, A-Frame Signs & Flying Banners

A. ***First Offense***.

1. The Code Compliance Manager shall give a written notice of the violation to the owner or lessee of the business to which the sign relates, or, if such violation relates to the spacing requirements set forth in Section 4.402N.5h or Section 4.402X a written notice shall be given to all owners or lessees of businesses to which the signs relate.

2. Upon receipt of the notice, the owner or lessee of the business or businesses to which the sign(s) relate shall bring the sign(s) into conformance with this Article.

B. ***Second Offense***.

1. The second time in any 24 month period that an A-Frame Sign or Flying Banner at a business is found by the Code Compliance Manager to be in violation of this article, such sign shall be subject to confiscation. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used.

2. If the violation relates to the spacing requirements set forth in Section 4.402N.5h or Section 4.402X all signs in violation shall be subject to confiscation regardless of which sign was placed first.

3. The Code Compliance Manager shall give notice to the owner or lessee of the business being advertised by the A-Frame Sign or Flying Banner that the sign has been confiscated and if not claimed within 5 calendar days from the date of the notice, the sign shall be disposed of.

4. A confiscated sign shall be released to the owner or lessee of the business upon payment of a storage fee within 5 calendar days from the date of the notice.

C. ***Third Offense***.

1. The third time in any 24 month period that an A-Frame Sign or Flying Banner at a business is found by the Code compliance Manager to be in violation of this article, such sign shall be confiscated. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used.

2. After a third violation in any 24 month period, A-Frame Signs or Flying Banners relating to the business shall not be permitted.

D. ***Fourth Offense***.

1. The fourth time in any 24 month period that an A-Frame Sign or Flying Banner at a business is found by the Code Compliance Manager to be in violation of this article, the owner or lessee of the business shall be guilty of a Class 1 Misdemeanor. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used. The Gilbert Town Prosecutor shall file a criminal misdemeanor complaint in the Gilbert Municipal Court.

2. Upon conviction of a violation of this Article, the court may impose a sentence pursuant to A.R.S. § 13-707, 13-802, and 13-902. The court shall order a person who has been convicted of a violation of the section to pay a fine of not less than $500.00 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of any sentence required by this paragraph except on the condition that the person pay the mandatory minimum fine as provided in this paragraph.

E. Notwithstanding the provisions of Article 4.6: Non-Conforming Uses, Lots, Parcels, Structures and Signs, the Town Council finds that the purchase and placement of A-Frame Signs or Flying Banners is not a substantial capital investment in the business being advertised by the A- Frame Sign or Flying Banner. Upon repeal of Section 4.402N: A-Frame Signs or Section 4.402X: Flying Banners or upon modification of the regulations set forth in Section 4.402N: A-Frame Signs or Section 4.402X: Flying Banners that results in restricting or prohibiting A-Frame Signs or Flying Banners, A-Frame Signs or Flying Banners shall not become legal non-conforming uses or structures and such signs shall comply with any such repeal or modification.

Article 4.5 Supplemental Use Regulations

Sections

4.501 Applicability
4.502 Home Occupations
4.503 Residential Day Care
4.504 Group Homes for the Handicapped
4.505 Place of Worship
4.506 Vacation or Short-Term Rentals
4.507 Farm Stands
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4.5012 Temporary Uses
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4.5016 Miscellaneous Provisions

4.501 Applicability

In order to mitigate the potential adverse impacts of certain uses, supplemental regulations are provided in addition to the regulations set forth in Division 2: Land Use Designations.

4.502 Home Occupations

Home Occupations shall comply with the following regulations:

A. ***Incidental to Principal Residential Use***. A Home Occupation use is incidental to the principal use of the dwelling unit for residential purposes.

B. ***Location***. Other than Home Occupation Day Care, a Home Occupation use may only be conducted within the dwelling unit or an accessory structure.

C. ***Employees***.

1. Other than family members residing within the dwelling unit located on the lot or parcel, there shall be no more than one full time equivalent employee working at the home occupation.

2. The lot or parcel shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. ***Exterior Appearance***.

1. The residential character of the property shall be maintained. There shall be no signs, display of merchandise or stock in trade, outdoor storage of materials, or other exterior indication of a home occupation.

2. When a Home Occupation use is conducted within any garage, the doors to the garage shall remain closed.

3. A Home Occupation use shall not result in any structural alterations or additions to a building that will change its primary use or building code occupancy classification.

E. ***Storage***. On-site storage of hazardous materials including toxic, explosive, noxious, combustible, or flammable materials beyond those normally incidental to residential use is prohibited.

F. ***Neighborhood Impacts***. A Home Occupation use shall not produce noise, odors, vibrations, glare, dust, fumes, or electrical interference above those levels normally expected in the residential neighborhood.

G. ***Traffic Generation***. A Home Occupation use shall not generate vehicular or truck traffic in greater volume than that normally expected in the residential district in which the home occupation is located.

H. ***Parking***. Any parking for the Home Occupation use shall be on site and comply with the requirements of Article 4.2: Off-Street Parking and Loading Regulations.

I. ***Licensing***. Home Occupations shall comply with applicable licensing requirements.

4.503 Residential Day Care

Residential Day Care uses shall comply with the following regulations:

A. ***Incidental to Principal Residential Use***. A Residential Day Care use is incidental to the principal use of the dwelling unit for residential purposes.

B. ***Employees.*** Other than family members residing within the dwelling unit located on the lot or parcel, there shall be no more than one full time equivalent employee working at the Residential Day Care use.

C. ***Exterior Appearance and Structural Alterations***.

1. The residential character of the property shall be maintained. There shall be no signs, outdoor storage of materials, or other exterior indication of a Residential Day Care use.

2. A Residential Day Care use shall not result in any structural alterations or additions to a building that will change its primary use or building code occupancy classification.

3. Existing garages, carport structures, or driveways shall not be expanded, enclosed, displaced, or otherwise modified for the purpose of accommodating the Residential Day Care use.

4. Any permitted expansion, remodeling, or other modification of a dwelling unit shall comply with all applicable Town codes without requiring a variance or relief from standard requirements for the zoning district within which the dwelling unit is located.

D. ***Screening***. All outdoor recreation areas shall be completely screened and enclosed by a 6 foot high solid masonry fence with solid self-closing and self-latching gates.

E. ***Separation***. The minimum separation between Residential Day Care uses on the same street shall be 300 feet, as measured from the closest property lines.

F. ***Neighborhood Impacts***. A Residential Day Care use shall not produce noise, odors, vibrations, glare, dust, fumes, or electrical interference above those levels normally expected in the residential neighborhood.

G. ***Traffic Generation***. A Residential Day Care use shall not generate vehicular or truck traffic in greater volume than that normally expected in the residential district in which the Residential Day Care use is located.

H. ***Parking***. Any parking for the Residential Day Care use shall be on site and comply with the requirements of Article 4.2: Off-Street Parking and Loading Regulations.

I. ***Licensing***. The Residential Day Care use shall comply with applicable licensing requirements.

4.504 Group Homes for the Handicapped

A. ***Purpose***. The purpose of these regulations is to permit handicapped persons to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.

B. ***Registration Required***. A completed registration form shall be submitted to the Development Services division on a form established by the Director of Planning. Registration shall become effective upon issuance of a Certificate of Occupancy for the group home and shall terminate when the group home use ceases. No registration shall be accepted for a group home that does not comply with the requirements of the Zoning Code.

C. ***Zoning Confirmation***. Prior to registration, a request for zoning confirmation may be submitted to the Development Services division to confirm that the proposed location of the group home is permitted under this section.

D. ***Standards.*** Group Homes for the Handicapped shall be located, developed, and operated in compliance with the following standards:

1. *Separation*. The minimum separation between group homes shall be 1,200 feet, as measured from the closest property lines. No separation is required when group homes are separated by a utility right-of-way of at least 300 feet in width, or by a freeway, arterial street, canal, or railroad.

2. *Occupancy*. The number of residents, excluding staff, shall not exceed 10.

3. *Exterior Appearance*. There shall be no sign or other exterior indication of a group home visible from a street.

4. *Compliance with all Applicable Building and Fire Safety Regulations*. If a group home has one or more non-ambulatory residents, building code requirements in addition to those applicable to group homes with no non-ambulatory residents, shall apply.

5. *Licensing*. Group homes shall comply with applicable licensing requirements.

6. *Parking.* Any parking for the group home shall be on site and comply with the requirements of Article 4.2: Off-Street Parking and Loading Regulations.

7. *Tenancy*. No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

E. ***Additional Requirements of State Law***. Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled pursuant to A.R.S. § 36-582 or an assisted living home pursuant to A.R.S. Title 36, Chapter 4, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

F. ***Request for Accommodation***. If a group home owner believes any requirement of the Zoning Code prevents the establishment of a group home in an economically viable manner, the owner shall submit to the Zoning Administrator a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the group home's needs, to address the Town's safety and welfare concerns, and to assure compliance with this section. The Zoning Administrator shall review the written request and determine:

1. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and

2. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.

The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act.

4.505 Place of Worship

Places of Worship are not exempt from the requirements of the Zoning Code.

A. ***Request for Determination***. If a place of worship use believes any requirement of the Zoning Code imposes a substantial burden on its exercise of its religion, the place of worship use shall submit to the Zoning Administrator a written statement as to why any requirement imposes a substantial burden on its exercise of religion and a description of any requested accommodation. The Zoning Administrator shall review the statement and determine:

1. Whether the proposed use is a place of worship use under the Religious Land Use and Institutionalized Persons Act;

2. Whether the requirement imposes a substantial burden on the exercise of religion by the place of worship use;

3. If the requirement imposes a substantial burden, whether the requirement furthers a compelling governmental interest of the Town, and if so, whether it is the least restrictive requirement necessary to further that compelling governmental interest; and

4. The nature and extent of any accommodation, waiver, or adjustment to a requirement of the Zoning Code, if any.

B. ***Senior Housing***. Senior housing incidental to Large-Scale Place of Worship uses may be permitted upon approval of a Conditional Use Permit.

4.506 Vacation or Short-Term Rentals

A. ***Purpose***. The purpose of these regulations is to permit vacation or short-term rentals and to provide reasonable regulations to maintain the residential character of neighborhoods.

B. ***Registration Required***. Prior to beginning operations, the owner or operator of a vacation or short-term rental shall submit a completed registration form to the Development Services Department on a form established by the Planning and Development Services Manager. The registration form shall include:

1. Name, address and telephone number of the property owner and person in control of the property;

2. Emergency point of contact/responsible party information shall include name, address, email address, signature and telephone number;

3. If the property owner and emergency point of contact are not the same person or entity, applicant shall provide a notarized Letter of Authorization from the property owner.

4.507 Farm Stands

Farm stands shall be located and operated in compliance with the following standards:

A. ***Items for Sale***. A farm stand shall only be used for the retail sale of produce and agricultural products on the property.

B. ***Location***. Farm stands shall only be located:

1. Adjacent to an arterial or collector street;

2. 300 feet from any intersection; and

3. 40 feet from the front property line.

C. ***Size***. Maximum area of a farm stand is 300 square feet.

D. ***Signs***. Two temporary on-site signs are permitted. No sign permit is required. Balloons and flags are prohibited. Signs shall comply with the following:

1. *Area*: A maximum of 16 sq. ft. each; and

2. *Height*: A maximum of 6 feet.

4.508 Animal Services

Animal services shall comply with the following standards:

A. ***Setbacks***. Outdoor runs and exercise areas shall not be located within a required landscape setback or within 100 feet from any residential use or district, whichever is more restrictive. Interior boarding structures shall be located a minimum of 25 feet from any property line.

B. ***Fencing***. Outdoor runs and exercise areas shall be enclosed by a minimum 6 foot fence.

C. ***Prohibitions***. Outdoor boarding of animals other than livestock is prohibited.

D. ***Primary Building Entrances.*** Outdoor runs and exercise areas shall not be located within 25 feet of any building's primary entrance on an adjacent lot or suite.

4.509 Cemeteries

Cemeteries shall be located, developed, and operated in compliance with the following standards:

A. ***Location***. Cemeteries shall be located on arterial streets and have a minimum frontage of 300 feet.

B. ***Minimum Lot Area***. The minimum contiguous lot area for a cemetery is 20 acres.

C. ***Accessory Uses***. Uses and structures accessory to the cemetery use may include a business office, chapel, columbarium, mausoleum, and equipment storage. A crematorium is not an accessory use. Accessory uses and structures shall be set back at least 50 feet from any property line.

D. ***Outdoor Storage***. Outdoor storage areas shall comply with the regulations set forth in Section 4.104: Outdoor Business Property Storage.

4.5010 Non-Traditional Business Uses

In the CC, SC, GC, RC and HVC zoning districts, Non-chartered Financial Institutions, Pawn Shops, Stand-alone Smoking Lounges, and Tattoo/Piercing Studios shall be located, developed, and operated in compliance with the following standards:

A. ***Location/Separation Requirements***.

1. *Separation Requirements – between all Non-Traditional Business Uses*. The minimum separation between any two non-traditional businesses shall be shall be one-thousand (1,000) feet, as measured in a straight line in any direction from the closest perimeter business walls. No separation is required when non-traditional businesses are separated by a freeway.

2. *Additional separation requirements for Stand-alone Smoking Lounges, and Tattoo/Piercing Studios*. As measured in a straight line in any direction from the perimeter business walls:

   a. Stand-alone Smoking Lounges and Tattoo/Piercing Studios shall be separated a minimum of one-thousand three hundred twenty (1,320) feet from any School, Public or Private.

   b. Tattoo/Piercing Studios shall be separated a minimum of five hundred (500) feet from any Day Care Center or Place of Worship.

B. ***Hours of Operation***. The hours that a Tattoo/Piercing Studio may be open to the public are limited to between 8:00 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.

4.5011 Sexually-Oriented Businesses

Sexually-Oriented Businesses shall be located, developed, and operated in compliance with the following standards:

A. ***Location***. Sexually-Oriented Businesses shall be a minimum distance from the uses set forth in Table 4.5011: Sexually-Oriented Business Location Requirements. Measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a sexually-oriented business to the nearest point on the property line of a parcel containing the relevant use or use classification shown in Table 4.5011.

Table 4.5011: Sexually-Oriented Business Location Requirements

Use or Use Classification	***Separation Requirement (feet)***
Another Sexually-Oriented Business	1,000
Establishment having an Arizona Spirituous Liquor License Series #06: Bar License or Series #07: Beer and Wine Bar License	500

Table 4.5011: Sexually-Oriented Business Location Requirements

Use or Use Classification	*Separation Requirement (feet)*
Cultural Institutions	1,000
Day Care Center, public or private	1,320
Hotels and Commercial Lodging	500
Public Park	1,320
Place of Worship	1,320
Residential district boundary	1,320
Schools, Public or Private	1,320
Single or Multi-Family dwelling	1,320

B. ***Municipal Code Compliance***. Sexually-oriented businesses shall comply with Gilbert Municipal Code Chapter 14, Article XII: Sexually-Oriented Businesses.

4.5012 Temporary Uses

Temporary uses shall be located and operated in compliance with the following standards:

A. ***Table of Temporary Uses***. Temporary uses are limited to the times identified in Table 4.5012: Temporary Uses:

Table 4.5012: Temporary Uses

Use Classification	*Time Duration (days)*	*Frequency of Use*	*Interval between Uses (days)*	*Special Event Permit Required*
Bazaar	15 (Fifteen) Days of Use (Maximum) per Calendar Year			no
Carnival	See Municipal Code Chapter 15: Special Events			yes
Carnival, Small-Scale	4	4 / year	3	no
Farmer's Market	Subject to the provisions of the approved Administrative Use Permit			no
Circus	See Municipal Code Chapter 15: Special Events			yes
Fireworks Display	See Municipal Code Chapter 15: Special Events			yes
Garage Sale	See Municipal Code Chapter 42 – Offenses and Abatement of Public Nuisances			no
Haunted House	45	1 / year	--	no
Parade	See Municipal Code Chapter 15-52			yes
Public Assembly	See Municipal Code Chapter 15-52			yes
Seasonal Sales	30	4 / year	14	no
Sidewalk Sale/ Parking Lot Event	4	8 days/month	3	no
Swap Meet and Auction, Single Event	See Municipal Code Chapter 15: Special Events			yes
Tent Sale-Vehicle	3	4 / year	60	no

B. ***Permits***. Temporary uses shall obtain applicable fire and building permits and transaction privilege tax licenses prior to commencement of activities. A Special Event Permit or Administrative Use Permit may also be required.

C. ***Standards***. Temporary uses shall be located and developed in compliance with the following standards:

1. *Setbacks*. The temporary use shall be set back a minimum of 20 feet from any adjacent, occupied residential lot or parcel.

2. *Surfacing*. The area of the temporary use, including parking areas, access points, aisles, driveways, and travel ways, shall be surfaced with gravel, decomposed granite or other approved dust free material.

3. *Parking*. Any parking for the use shall be on site and comply with the requirements of Article 4.2: Off-Street Parking and Loading Regulations.

4. *Signage*. All signage shall comply with the regulations set forth in Article 4.4: Sign Regulations.

5. *Inflatables*. Inflatables are allowed for the duration of any temporary use and shall be displayed only:

   a. On private property where the temporary use is taking place;

   b. During the hours the temporary use is open to conduct business;

   c. Securely fixed at grade level;

   d. So that no less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways;

   e. In a manner and location that does not create a hazard to pedestrian traffic;

   f. In the following zoning districts: NC, CC, SC, GC, RC, HVC, BP, PF/I

6. *Balloons*. Balloons are allowed for the duration of any temporary use subject to the following requirements:

   a. Balloons shall be securely attached by a strong and durable tether to a fixed place or securely mounted on the ground.

   b. Balloons shall be displayed only:

      (1) On private property where the temporary use is taking place;

(2) During the hours the temporary use is open to conduct business;

(3) Setback from the nearest public right-of-way a distance equal to or greater than the length of the tether;

(4) In a manner and location that does not create a hazard to pedestrian or vehicular traffic;

(5) In the following zoning districts: NC, CC, SC, GC, RC, HVC, BP, PF/I.

D. ***Additional Requirements***. Adequate sanitation, water, traffic control, parking, and public health measures shall be provided for all temporary uses.

1. All entry points into any development must remain free of obstructions to allow unhindered access by emergency vehicles. A minimum area of no less than 4 feet wide must be maintained on all sidewalks and walkways within any development to allow for proper pedestrian passage.

4.5013 Temporary Structures

A. ***Construction Trailers***. Construction trailers are permitted only on a lot or parcel during construction undertaken pursuant to a valid building permit. Construction trailers may be occupied for office or security purposes, or may be used for storage of equipment and material used in construction on the site. Temporary construction trailers shall be located and developed in compliance with the following standards:

1. *Setbacks*. Setbacks for construction trailers shall comply with the development regulations for each base zoning district.

2. *Surfacing*. The area of the construction trailer, including parking areas, access points, aisles, driveways, and travel ways, shall be surfaced with gravel, decomposed granite or other approved dust free material.

3. *Signage*. In accordance with Section 4.402R.1, the parking of a vehicle, trailer or other device marked or unmarked which is parked or driven in such a manner that it is used principally as a portable sign is prohibited.

B. ***Sales Trailers***. Sales trailers, including modular offices, used for the sale and lease of residential and nonresidential real estate, memberships, and similar activities, are permitted only on a lot or parcel during construction undertaken pursuant to a valid building permit. Temporary sales trailers shall be located and developed in compliance with the following standards:

1. *Setbacks*. Setbacks for sales trailers are set forth in the development regulations each base zoning district.

2. *Surfacing*. Unless otherwise required by the Fire Marshal, the area of the sales trailer including parking areas, access points, aisles, driveways, and travel ways shall be surfaced with a minimum of a 4-inch-thick road base on compacted soil with dust palliative to support emergency apparatus and to reduce particulate matter.

3. *Parking*. Any parking for the use shall be on site and comply with the requirements of Article 4.2: Off-Street Parking and Loading Regulations.

4. *Signage*. All signage shall comply with the regulations set forth in Article 4.4: Sign Regulations.

C. ***Storage Containers***. Temporary storage containers on residential property are permitted only for the purpose of storage of household goods or personal items. Temporary storage containers on commercial and employment properties are permitted only for the purpose of storage of equipment, supplies, merchandise, or similar materials:

1. *Standards.* Temporary storage containers shall comply with the following standards:

   a. Zoning Districts. Limited to Single-Family Residential Districts, Community Commercial, Shopping Center, General and Regional Commercial Districts, Light and General Industrial Districts, and Public Facility/Institutional Districts.

   b. Location. Placed on a driveway or additional parking space as permitted in Section 4.203X on a developed residential lot or parcel; or placed outside the area located between the building and any street in applicable Commercial and Employment districts.

   c. Size. No greater than 160 sq. ft. total on a developed residential lot or parcel. No greater than 320 sq. ft. total in applicable Commercial, Employment or Public Facility/Institutional districts. Within the Light Industrial, General Industrial and Public Facility/Institutional districts, the total area may be increased with Design Review approval and a Storage Container Master Site Building Permit.

   d. Time Duration. During construction on a lot or parcel pursuant to a valid building permit; or for no longer than 30 days within a 6 month period on a developed residential lot or parcel; or for no longer than 90 days in a 12 month period in a Commercial, Employment or Public Facility/Institutional district.

2. In Light and General Industrial and in the Public Facility/Institutional districts, storage containers are permitted for an indefinite period of time subject to Design Review approval.

3. Temporary storage containers shall not be located in landscape areas, retention basins, travel ways and drive aisles, fire lanes, required parking spaces, sidewalks, loading zones, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.

4. Temporary storage containers served by utilities, larger than 160 square feet or providing any function other than storage require building permit review. A container requiring a Certificate of Occupancy, a container that is accessible to the public or that is habitable is regulated as a structure.

D. ***Classroom Structures***. Temporary classroom structures are permitted as an expansion of an existing Place of Worship or School use by the issuance of an Administrative Use Permit (AUP), pursuant to Article 5.4: Use Permits. The AUP shall be issued only when the findings identified in Section 5.403: Required Findings and these additional findings are met:

1. The temporary structure is located on the same lot or parcel as the principal use;

2. The temporary structure will not have any more impact on surrounding properties than the permanent use;

3. There is an approved final design review plan for the property identifying a location for a permanent classroom;

4. The final design review plan has not expired;

5. The approval may be for the main structure, an expansion of the main structure or a related accessory structure;

6. The location for the temporary classroom structure does not conflict with the location for the permanent facility; and

7. Construction documents have been submitted to the Town for the permanent structure, whether it is the main structure, an expansion of the main structure or a related accessory structure.

E. ***Place of Worship Structures***. Temporary structures for Places of Worship uses are permitted as an expansion of an existing Place of Worship use by the issuance of an AUP, pursuant to Article 5.4: Use Permits. The AUP shall be issued only when the findings identified in Section 5.403: Required Findings and these additional findings are met:

1. The temporary structure is located on the same lot or parcel as the principal use;

2. The temporary structure will not have any more impact on surrounding properties than the permanent use;

3. There is an approved final design review plan for the property identifying a location for the permanent structure;

4. The final design review plan has not expired;

5. The approval may be for the main structure, an expansion of the main structure or a related accessory structure;

6. The location for the temporary Place of Worship structure does not conflict with the location for the permanent facility; and

7. Construction documents have been submitted for the permanent structure, whether it is the main structure, an expansion of the main structure or a related accessory structure.

4.5014 Medical Marijuana Dispensaries, Offsite Cultivation Sites and Designated Caregiver Cultivation Locations

Medical Marijuana Facilities shall be located, developed, and operated in compliance with the following standards:

A. ***Applicability***. The minimum requirements of this section shall apply to all Medical Marijuana Dispensary and Medical Marijuana Offsite Cultivation Site uses located in any zoning district.

B. ***General***. A Medical Marijuana Dispensary, Medical Marijuana Offsite Cultivation Site or Medical Marijuana Designated Caregiver Cultivation Location shall:

1. Be located in a permanent building and shall not be located in a temporary structure, trailer, cargo container, motor vehicle, or other similar non-permanent enclosure.

2. Medical Marijuana Dispensaries and Offsite Cultivation Sites shall be limited to 3,000 square feet gross floor area for all permitted uses with a single secure entrance.

3. Be limited to a single secure on-site storage area of no greater than one thousand (1,000) square feet for medical marijuana stored at an offsite cultivation site.

4. Supply proof that the Dispensary is State-approved, certified and registered with the Arizona Department of Health Services pursuant to Arizona Revised Statutes, Title 36, Chapter 28.1.

5. Comply with all registration and recordkeeping required by the Town, Maricopa County and Arizona law.

6. Obtain, maintain and display a valid Town of Gilbert Business Registration or license as may be required by the Town code.

7. Supply the name of all the dispensaries with which it is affiliated, if offsite cultivation is proposed.

8. If medical marijuana is supplied to the dispensary by a qualified patient or caregiver, provide the name and contact information of the qualified patient or caregiver.

9. Not provide off-site deliveries of medical marijuana, except that a Designated Caregiver Cultivation Facility may deliver medical marijuana to the Qualifying Patient(s) for whom the caregiver is the Designated Caregiver, in compliance with the rules and regulations promulgated by the State of Arizona Department of Health Services.

10. Not sell merchandise other than medical marijuana.

11. Not have drive-through facilities or take-out windows.

12. Not emit dust, fumes, vapors or odors into the environment.

13. Prohibit consumption of medical marijuana on the premises.

14. Not permit or provide indoor or outdoor seating areas or facilities for the consumption of medical marijuana anywhere on the site.

15. Permit annual fire inspections pursuant to the Town of Gilbert Fire Code.

16. If designated caregiver cultivation is proposed, supply the residence locations and proof of registry identification cards of the qualifying patients for whom the medical marijuana will be cultivated and the location of the closest medical marijuana dispensary to the residence of each qualifying patient. Any changes in qualifying patients or residence locations shall be reported to the Planning Manager within 30 days of the change.

17. A single designated caregiver is permitted and the total cultivation area shall not exceed 120 square feet. The total cultivation area is the footprint required for growing the actual plant material.

C. ***Location***. Medical Marijuana Facilities shall be a minimum distance from the uses set forth in Table 4.5014: Medical Marijuana Facilities Location Requirements, including medical marijuana facilities located in neighboring jurisdictions. Measurements shall be

made in a straight line in any direction from the closest perimeter business walls. No separation is required when medical marijuana facilities are separated by a freeway.

Table 4.5014: Medical Marijuana Facilities Location Requirements

Use or Use Classification	*Separation Requirement (feet)*
Another Medical Marijuana Dispensary or Offsite Cultivation	5,280
Hospital	1,320
Day Care Center, public or private	1,000
Public or Private Park	1,000
Place of Worship	1,000
Schools, Public or Private	1,000
Residential District Boundary	1,000

D. ***Hours of Operation***. A Medical Marijuana Facility shall have operating hours not earlier than 8:00 a.m. and not later than 6:00 p.m.

E. ***Security Plan Requirements***. A Medical Marijuana Facility shall submit a Security Plan containing the following information:

1. Proof that the "Nonprofit Medical Marijuana Dispensary Agent" is at least twenty-one (21) years of age and has not been convicted of an excluded felony offense.

2. Proof that any cultivation and storage of Medical Marijuana will take place in an "enclosed, locked facility" equipped with locks or other security devices that permit access only by persons authorized to enter pursuant to State and local law.

3. A floor plan that details the security measures required by Arizona law including an on-site alarm system and a single secure entrance.

4. Additional protections, if any, against medical marijuana diversion and theft.

5. A sworn affidavit detailing the criminal history, if any, of the Board of Directors of the nonprofit operating the dispensary and/or detailing history of management employees.

6. Provide and update as needed a current list of all persons who are authorized to access the dispensary or offsite cultivation site.

4.5015 Recovery Residence

A. ***Purpose***. The purpose of these regulations is to permit persons recovering from substance abuse to reside in a group setting in residential neighborhoods in order to facilitate integration and stabilization and to provide reasonable regulations to maintain the

residential character of neighborhoods and prevent a concentration of such facilities in any particular area so as to institutionalize that area.

B. ***Registration Required***. Prior to beginning operations, the owner or operator of a recovery residence shall submit a completed registration form to the Development Services Department on a form established by the Planning and Development Services Manager. The registration shall become effective upon verification by the Zoning Administrator that the registration complies with the requirements of the zoning code and that the recovery residence operator has obtained a valid Town of Gilbert Business License for the recovery residence. A registration shall terminate when the recovery residence use ceases.

C. ***Zoning Confirmation***. Prior to registration, a request for zoning confirmation may be submitted to the Development Services Department to confirm that the proposed location of the recovery residence is permitted under this section.

D. ***Procedures.*** In addition to the registration form, the applicant shall submit an operations and management plan ("O&MP") to ensure compliance with state and local laws. O&MP shall include:

1. Name and address of the business owner;

2. Name, address and telephone number of the property owner and person in control of the property;

3. If the business owner and property owner are not the same person or entity, applicant shall provide a notarized letter of authorization from the property owner;

4. Emergency contact telephone number;

5. The number of persons occupying each bedroom;

6. Maximum number of occupants;

7. A floor plan;

8. Resident screening process; and

9. Guest and resident rules of conduct.

E. ***Standards***. Recovery residences shall be located, developed, and operated in compliance with the following standards:

1. *O&MP Compliance*. The recovery residence shall be operated and managed in compliance with the O&MP submitted with registration, a copy of which shall remain on file with the Development Services Department.

2. *Separation*. The minimum separation between recovery residences shall be 1,200 feet as measured from the closest property lines. No separation is required when recovery residences are separated by a utility right-of-way of at least 300 feet in width, or by a freeway, arterial street, canal, or railroad.

3. *Occupancy*. The number of residents, including the house manager shall not exceed two residents per bedroom with up to 3 residents in the largest bedroom in the home and a maximum of 11 residents in the home.

4. *Exterior Appearance*. There shall be no sign or other exterior indication of a recovery residence visible from the street.

5. *Parking*. Parking for the recovery residence shall be on-site and comply with LDC Article 4.2: Off-Street Parking and Loading Regulations.

6. *Tenancy*. No recovery residence shall house any person who tenancy would constitute a direct threat to the health or safety of other persons or would result in substantial physical damage to the property of others.

F. ***Request for Accommodation***. If a recovery residence owner believes any requirement of the zoning code prevents the establishment of a recovery residence in an economically viable manner, the owner shall submit to the Zoning Administrator a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the recovery residence's needs, to address the Town's safety and welfare concerns, and to assure compliance with this section. The Zoning Administrator shall review the written request and determine:

1. Whether an accommodation should be made pursuant to the requirements of the Federal and State Fair Housing Laws; and

2. If so, the nature of the accommodation taking into consideration the requirements of the Federal and State Fair Housing Laws, public safety and welfare concerns, and the residential character of the neighborhood.

The accommodation shall be made only to the extent necessary to comply with the Federal and State Fair Housing Laws.

4.5016 Miscellaneous Provisions

A. ***Caretaker***. A recreational vehicle is permitted as a temporary dwelling for a caretaker or security guard on a lot or parcel only during construction undertaken pursuant to a valid building permit.

B. ***Recreational Vehicle Occupancy***. Except as permitted under Section 4.5014A: Caretaker, no person shall occupy a recreational vehicle parked in a required front or street side setback for more than 24 consecutive hours. No recreational vehicle shall be occupied as a permanent dwelling unit in any district. Parking of a recreational vehicle in a front or street side setback shall not impede street access for public safety vehicles.

C. ***Inoperable Vehicles***. Inoperable vehicles shall be stored in a fenced area, a fully enclosed building, or at a business engaged in Vehicle Services or Motor Vehicle Sales and Leasing.

D. ***Abandoned Vehicles***. The parking of an abandoned vehicle is prohibited in all zoning districts.

E. ***Facility Manager Dwelling Unit***. Facility Manager Dwelling Units are allowed as an incidental use to certain non-residential uses when the principal use has a demonstrated need for a continuous on-site presence and the Facility Manager Dwelling Unit is developed in compliance with the following standards:

1. *Applicability*. A Facility Manager Dwelling Unit is a permitted use incidental to the following commercial, employment or public facility/institutional zoning district principal uses:

    a. Animal Shelter

    b. Cemetery

    c. Contractor's Yard

    d. Crop and Animal Raising, Commercial

    e. Funeral and Undertaking Services

    f. Garden Supply Store and Plant Nurseries

    g. Kennel

    h. Mining and Quarrying

    i. Place of Worship

    j. Salvage Yards or Junkyards

    k. Schools, Public or Private

    l. Stables, Commercial

m. Storage, Personal Property

2. Standards. A Facility Manager Dwelling Unit shall comply with the following standards:

a. A business shall be allowed one Facility Manager Dwelling Unit except Crop and Animal Raising, Commercial; Stables, Commercial; and Garden Supply Stores and Plant Nurseries may be allowed two Facility Manager Dwelling Units.

b. A Facility Manager Dwelling Unit livable area shall not exceed 2,000 square feet.

F. ***Gatehouse.*** Gatehouses are permitted in all zoning districts as an incidental structure with an approved site plan. A Gatehouse may not be located within retention basins, travel ways and drive aisles, fire lanes, required parking spaces, sidewalks, loading zones, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments. The gatehouse gross floor area shall not exceed 700 square feet. If the gatehouse provides site access control, it may be located within the required perimeter landscape area.

G. ***In-patient Treatment of Certain Behavioral Disorders.*** A hospital that provides in-patient treatment as listed in Parts 1 or 2 of this subsection must first receive conditional use permit approval and shall maintain a minimum 1,500-foot separation between the hospital's property line and any school or daycare center property line.

1. A hospital that services a Court Ordered Evaluation for Civil Commitment, as defined by Arizona Revised Statutes.

2. A hospital that provides in-patient behavioral health treatment of pedophilia, exhibitionism, voyeurism, kleptomania or pyromania, as defined under federal law.

Article 4.6 Non-Conforming Uses, Lots, Parcels, Structures and Signs

Sections

4.601 Purpose
4.602 Definitions
4.603 General Provisions
4.604 Abandonment of Non-Conforming Uses
4.605 Repair or Rebuilding of a Damaged Structure

4.601 Purpose

This article establishes uniform provisions for the regulation of uses, lots, parcels, structures, and signs that were lawfully established prior to the adoption of the Zoning Code, but which would now be prohibited or regulated differently under the requirements of the Zoning Code. It is the intent of this article to encourage the conversion of non-conforming uses, lots, parcels, structures, and signs to conforming status.

4.602 Definitions

A. ***Non-Conforming Use***. A use that is lawfully being conducted in a structure or on a lot or parcel on the effective date of the Zoning Code, or the effective date of amendments to the Zoning Code, but does not conform with the regulations for the district in which it is located.

B. ***Non-Conforming Lot or Parcel***. A legally established lot or parcel that conformed to the dimensional requirements for the district in which it was located at the time of recordation.

C. ***Non-Conforming Structure***. A structure that was lawfully constructed under the provisions of the Zoning Code or regulations of the district in effect at the time of construction. A change to the parking, loading, landscaping, or screening regulations in the district does not cause the structure to be non-conforming; provided however that the existing parking, loading, landscaping, or screening shall become non-conforming as of the effective date of the change.

D. ***Non-Conforming Sign***. A sign that:

1. Was lawfully established prior to the effective date of the Zoning Code or of amendments thereto; or

2. Was lawfully established in another political jurisdiction prior to annexation to the Town; and

3. That does not conform to the regulations for signs for the district in which it is located.

4.603 General Provisions

A. ***Continuation of Non-Conforming Uses***. A non-conforming use may be continued, except as set forth in Section 4.604: Abandonment of Non-Conforming Uses.

B. ***Uses in Non-Conforming Structures***. A permitted use may be extended into any portion of a non-conforming structure.

C. *Expansion of Non-Conforming Uses*. A non-conforming use that occupies any portion of any structure, lot, or parcel shall not be expanded to occupy additional building or land area except as permitted in Table 2.902: Use Regulations. A non-conforming use shall not be expanded in intensity or hours of operation except as permitted in Table 2.902: Use Regulations.

D. ***Non-Conforming or Substandard Lot or Parcel***. A non-conforming or substandard lot or parcel that contains at least 80 percent of the minimum lot area required in the district, and has at least 80 percent of all required lot dimensions, may be developed for a use permitted in the district.

E. ***Non-Conforming Structures***. A non-conforming structure shall not be altered unless required or permitted by law, unless the alteration will not increase the nonconformity or will result in reduction or elimination of the nonconformity.

F. ***Non-Conforming Signs***. Non-conforming signs shall be governed by Section 4.402S: Non-Conforming Signs.

4.604 Abandonment of Non-Conforming Uses

A. ***Cessation of Non-Conforming Use***. A non-conforming use shall terminate 1 year following cessation of the use unless the Zoning Administrator determines that the non-conforming use has not been abandoned, pursuant to Section 4.604B: Determination of Status.

B. ***Determination of Status***. A property owner or the Director of Planning may request the Zoning Administrator to determine if a use has been abandoned. The property owner shall have the burden of establishing intent not to have abandoned the use. The Zoning Administrator shall set forth his decision in a Notice of Decision. The Notice of Decision shall be mailed to the property owner by first class mail within 30 days of the filing of the request.

C. ***Appeal of Zoning Administrator Determination***. The applicant may file an appeal of the Zoning Administrator's determination to the Board of Adjustment within 10 days of the date of mailing of the Notice of Decision.

D. ***Fact Finding by Hearing Officer***.

1. Prior to the Board of Adjustment appeal hearing, the Hearing Officer shall conduct a fact finding hearing to gather a complete record of all information pertaining to the request.

2. The Hearing Officer shall have the authority to request all information necessary to compile a complete record pertaining to the request.

3. Town officials and the applicant shall fully disclose all information pertinent to the fact finding.

4. The Hearing Officer shall prepare a report and recommendation for Board of Adjustment consideration within 60 days of the filing of the request.

E. ***Board of Adjustment Hearing***.

1. The Board of Adjustment shall conduct a public hearing on the request pursuant to the procedures set forth in Section 5.206: Public Hearing Procedures.

2. In its deliberations, the Board of Adjustment shall consider only the applicant's written request, the findings of fact prepared by the Hearing Officer, and the Hearing Officer's recommendation. No new evidence shall be submitted.

3. The Board of Adjustment shall uphold or reverse the determination of the Zoning Administrator or remand the matter to the Hearing Officer to develop additional findings.

4.605 Repair or Rebuilding of a Damaged Structure

A. If a non-conforming structure has been damaged so that the cost of repair or rebuilding in compliance with current construction codes is less than 50 percent of the value of the structure prior to the damage, the structure may be repaired or rebuilt. The extent of non-conformity shall not be increased by the repair or rebuilding.

B. If a non-conforming structure has been damaged so that the cost of repair or rebuilding in compliance with current construction codes equals or exceeds 50 percent of the value of the structure prior to the damage, the structure may be repaired or rebuilt, but only in conformance with the Zoning Code except as permitted in Table 2.902: Use Regulations.

C. The value of a structure and costs of repair or rebuilding shall be determined by the Building Official. The Building Official shall consider appraisals, insurance adjuster's estimates, contract amounts, and similar information.

D. An appeal of the determination of value may be made to the Building and Construction Regulations Code Board of Appeals. The decision of the Building and Construction Regulations Code Board of Appeals shall be final.

Article 4.7 Wireless Communication Facilities

Sections

4.701 Purpose and Applicability
4.702 Procedures
4.703 Use and Development Regulations
4.704 Additional Development Regulations
4.705 Required Findings
4.706 Miscellaneous Provisions

4.701 Purpose and Applicability

The purpose of these regulations is to:

A. Establish uniform standards and procedures to manage the development, siting, installation, and operation of wireless communication facilities (WCFs) in compliance with the Federal Telecommunications Act of 1996.

B. Provide for appropriate development of WCFs to provide services within the Town in a manner that will protect and promote public health and safety, preserve the Town's residential character and uncluttered appearance and prevent visual blight.

C. This Article applies to all new WCFs and the expansion and/or alteration of any existing WCF.

D. This Article shall not apply to those uses set forth in Article 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

4.702 Procedures

A. ***Wireless Communication Facilities, Support Structures Other Than Those Listed Above***. In accordance with this Article and Article 5.4: Use Permits, an Administrative Use Permit may be approved for a wireless communication facility as specified in Tables 4.703C: Single Family and Multi-Family Residential Zoning Districts, 4.703D: Commercial and Office Zoning Districts, 4.703E: Heritage Village Center Zoning District, 4.703F: Employment Zoning Districts, 4.703F: Public Facility/Institutional Zoning District, and 4.703H: Gateway Zoning Districts.

B. ***Wireless Communication Facilities, Alternative WCF Light Pole***. In accordance with this Article and Article 5.4: Use Permits, an Administrative Use Permit may be approved for an Alternative WCF Light Pole as specified in Tables 4.703C: Single

Family and Multi-Family Residential Zoning Districts, 4.703D: Commercial and Office Zoning Districts, 4.703E: Heritage Village Center Zoning District, 4.703F: Employment Zoning Districts, and 4.703H: Gateway Zoning Districts.

C. ***Wireless Communication Facility Monopole***. In accordance with this Article and Article 5.4: Use Permits, a Conditional Use Permit may be approved for a Wireless Communication Facility Monopole facility as specified in Tables 4.703D: Commercial and Office Zoning Districts, 4.703F: Employment Zoning Districts, and 4.703G: Public Facility/Institutional Zoning District.

D. ***Public Safety Communication Facilities***.

1. In accordance with this Article and Article 5.4: Use Permits, an Administrative Use Permit may be approved for a Public Safety Communications Facility 75 feet in height or less as specified in Table 4.703G: Public Facility/Institutional Zoning District.

2. In accordance with this article and Article 5.4: Use Permits, a Conditional Use Permit may be approved for a Public Safety Communication Facility greater than 75 feet in height as specified in Table 4.703G: Public Facility/Institutional Zoning District.

E. ***Application***. An application for a new WCF, or expansion or alteration of any existing WCF shall be filed in accordance with the application procedures set forth in Section 5.402: Procedures. In addition to any other requirements specified, applications shall include the following:

1. *Inventory*. An inventory list and map of existing WCFs operated within 2 miles of the proposed site including specific information as to location, height, and design of each facility.

2. *Report on Alternatives*. A statement explaining why the WCF is needed at the requested location. If the applicant is seeking to construct a new monopole, the applicant shall explain why co-location or location on another kind of support structure is not feasible, including efforts made to develop such an alternative. If the Town has requested that the applicant co-locate its WCF on a site, the applicant shall explain why co-location is not feasible, including efforts made to develop such an alternative.

3. *Facility Plans*.

   a. Dimensioned elevations of the proposed facility, including equipment cabinets and buildings, antennas and fences. Elevations shall identify the separation between the proposed WCF and any existing WCFs on the same support structure;

b. Proposed color and material palette;

c. A site plan illustrating the separation between the proposed WCF and any existing WCFs on the same site;

d. Method of screening for mechanical and electrical equipment;

e. Location and type of lighting fixtures proposed; and

f. Plans for a new monopole shall demonstrate that the structure will accommodate at least 1 additional WCF.

4. *Photographic Simulation*. A photographic simulation with a minimum of 4 views of the proposed facility from surrounding properties and streets. Specific locations shall be approved in advance by the Zoning Administrator. A map shall be submitted indicating the locations used for the analysis and their distances from the proposed WCF.

5. *Public Safety Communication Facilities*. An application for a Public Safety Communication Facility shall only be filed by a governmental entity or by an authorized agent of a governmental entity. An application for a Public Safety Communication Facility shall include:

a. A statement explaining why the facility is needed at the requested location;

b. Information showing that the proposed height does not exceed the height necessary to accomplish public safety communication purposes; and

c. Alternatives to a proposed Public Safety Communication Facility greater than 75 feet in height that could feasibly accomplish the objectives of the project, including an explanation of efforts made to accomplish such alternatives, and why they were eliminated from further consideration. A cost comparison shall be provided for alternative locations, including the costs to affected governmental agencies.

4.703 Use and Development Regulations

A. ***Land Use Regulations***. The land use regulations for each base zoning district in Division 2: Land Use Designations, establish the districts in which Wireless Communication Facilities are permitted.

B. ***Regulations.*** The permit type for each facility is established by letter designations as follows: "A" designates uses that require an Administrative Use Permit and "U" designates uses that require a Conditional Use Permit, pursuant to Article 5.4: Use Permits. Site development regulations are set forth in Tables 4.703C, 4.703D, 4.703E,

4.703F, 4.703G, and 4.703H. In addition, WCFs are subject to the development regulations set forth in Section 4.704: Additional Development Regulations.

C. ***Residential Zoning Districts***. WCFs are permitted in single family and multi- family residential zoning districts only on property owned by:

1. The state, county, public school district, or community college district, if the primary use of such property is a governmental use;

2. An electric utility company, if the property is used for an electric utility use; or

3. A Place of Worship use, if the primary use of such property is for worship or social use.

Table 4.703C: WCF Site Development Regulations – Single Family and Multi-Family Residential Zoning Districts

WCF Type	***Maximum Height***	***Minimum Setbacks from Residential***	***Use Permit Required***
Monopole, Portable	65’	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15’ above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15’ above light array	--	A
Alternative WCF Light Pole *Place of Worship*	40’	75’	A
Schools *Elementary, Middle School*	40’	75’	A
High School	75’	75’/110%	A
Public Park	75’	75’/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40’	75’/110%	A

D. ***Commercial and Office Zoning Districts***. WCFs are permitted in commercial and office zoning districts, subject to the following regulations:

Table 4.703D: WCF Site Development Regulations – Commercial and Office Zoning Districts

WCF Type	***Maximum Height***	***Minimum Setbacks from Residential***	***Use Permit Required***
Monopole	75’	75’/110%	U
Monopole, Portable	65’	--	--

Table 4.703D: WCF Site Development Regulations – Commercial and Office Zoning Districts

WCF Type	***Maximum Height***	***Minimum Setbacks from Residential***	***Use Permit Required***
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Light Pole *Place of Worship*	40'	75'	A
Schools *Elementary, Middle School*	40'	75'	A
High School	75'	75'/110%	A
Public Park	75'	75'/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40'	75'	A
Alternative WCF Structure	>40'-75'	75'/110%	U

E. ***Heritage Village Center District***. WCFs are permitted in Heritage Village Center zoning district, subject to the following regulations:

Table 4.703E: WCF Site Development Regulations – Heritage Village Center Zoning District

WCF Type	***Maximum Height***	***Minimum Setbacks from Residential***	***Use Permit Required***
Monopole, Portable	65'	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Light Pole *Place of Worship*	40'	75'	A
Schools *Elementary, Middle School*	40'	75'	A
Public Park	75'	75'/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40'	75'	A

F. ***Employment Zoning Districts***. WCFs are permitted in employment zoning districts, subject to the following regulations:

Table 4.703F: WCF Site Development Regulations – Employment Zoning Districts

WCF Type	*Maximum Height*	*Minimum Setbacks from Residential*	*Use Permit Required*
Monopole	75’	75’/110%	U
Monopole, Portable	75’	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15’ above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15’ above light array	--	A
Alternative WCF Light Pole	75’	75’/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40’	75’	A
Alternative WCF Structure	>40’-75’	75’/110%	U

G. ***Public Facility/Institutional Zoning District***. WCFs are permitted in the Public Facility/Institutional District, subject to the following regulations:

Table 4.703G: WCF Site Development Regulations – Public Facility/Institutional Zoning District

WCF Type	*Maximum Height*	*Minimum Setbacks from Residential*	*Use Permit Required*
Monopole	75’	75’/110%	U
Public Safety Communications Facility	75’	75’/110%	A
Public Safety Communications Facility	250’	75’/110%	U
Monopole, Portable	75’	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15’ above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15’ above light array	--	A
Alternative WCF Light Pole			
Place of Worship	40’	75’	A
Schools			
Elementary, Middle School	40’	75’	A
Public Park	75’	75’/110%	A

Table 4.703G: WCF Site Development Regulations – Public Facility/Institutional Zoning District

WCF Type	*Maximum Height*	*Minimum Setbacks from Residential*	*Use Permit Required*
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40’	75’	A
Alternative WCF Structure	>40’-75’	75’/110%	U
Building Mounted Public Safety Antenna	10’ above building height	--	A

H. ***Gateway Zoning Districts***. WCFs are permitted in the Gateway districts, subject to the following regulations:

Table 4.703H: WCF Site Development Regulations – Gateway Zoning Districts

WCF Type	*Maximum Height*	*Minimum Setbacks from Residential*	*Use Permit Required*
Monopole, Portable	65’	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15’ above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15’ above light array	--	A
Alternative WCF Light Pole *Place of Worship*	40’	75’	A
Schools *Elementary, Middle School*	40’	75’	A
Public Park	75’	75’/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40’	75’	A

4.704 Additional Development Regulations

A. ***Setbacks***.

1. *Measurement*. Setbacks shall be measured from the boundary of the entire property prior to the WCF application even though the WCF may be sited on one or more smaller individual parcels within a larger lot or parcel.

2. *Required Setback Distances*. All Monopoles, Alternative WCF Light Poles, Alternative WCF Structures, and Public Safety Communication Facilities shall be set back a distance equal to the greater of:

a. 75 feet from any lot or parcel designated for residential use in the General Plan; or

b. 110 percent of the height of the WCF, including attached antennas; or

c. A distance equal to the building setback for the district in which it is located.

3. *Additional Setbacks Required*. Notwithstanding the above setback requirements, Monopoles, Alternative WCF Light Poles, Alternative WCF Structures, and Public Safety Communication Facilities shall be set back from property designated for residential use in the General Plan to the maximum extent feasible.

4. *Equipment Cabinets and Buildings*. WCF equipment cabinets and buildings shall comply with the required building setbacks of the base zoning district in which the WCF is located, except as provided for in Section 4.704A.5c.

5. *Setback Exemptions*. The following WCFs are exempt from WCF setback requirements:

a. WCF antennas mounted on an existing vertical element;

b. WCF antennas incorporated as a building design element; and

c. Equipment cabinets or buildings located on an electric utility substation site.

B. ***Height***. Unless otherwise set forth in this article, height of WCFs shall be measured from finished grade to highest point of the structure, including antenna and attachments.

C. ***Support Structures.***

1. *Alternative WCF Building Element*. A building used as a support structure for a WCF shall be a non-residential building.

2. *Monopole*. Any new Monopole shall be constructed to allow for co- location of at least 1 other similar wireless communication antenna. If constructed to less than the maximum height permitted, the Monopole shall have the capability of having an additional vertical section added.

3. *Alternative WCF Light Pole*. When an Alternative WCF Light Pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.

4. *Existing Vertical Element, Recreational Field Light Pole*. When a Recreational Field Light Pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.

5. *Nonconforming Support Structures*. A support structure that was lawfully constructed under the provisions of the code or regulations of the district in effect at the time of construction. No alteration to a non-conforming support structure shall be made unless required or permitted by law, unless the alteration will result in reduction or elimination of the nonconformity, or unless the alteration conforms to the following provisions:

   a. Additions. Additional antennas may be authorized by a Conditional Use Permit to locate on a nonconforming support structure. In addition to the findings required for approval in Section 5.403: Required Findings and Section 4.705: Required Findings, the following findings shall establish the rationale for the granting of relief:

      (1) The existing use of the property is conforming;

      (2) The additional antenna conforms with the requirements of this article; and

      (3) Any relief granted shall be the minimum required to implement the purposes of this article.

D. ***Portable Monopoles***.

1. *Temporary Replacement Monopoles*. A portable monopole is permitted during the construction, modification, or replacement of an approved WCF. Placement of the portable monopole shall be approved by the Director of Planning.

2. *Special Event Monopoles*. A portable monopole is permitted during a special event. Placement of the portable monopole shall be approved as part of the Special Event permit, pursuant to Municipal Code Section Chapter 14: Businesses.

E. ***Screening and Aesthetics***.

1. WCFs mounted on existing vertical elements shall be the smallest antenna and array size feasible.

2. WCF poles and antennas shall have a non-reflective finish.

F. ***Equipment Cabinets and Buildings.***

1. *Screening*.

   a. Equipment Cabinets and Associated Equipment. Equipment cabinets and associated equipment, including air conditioning units and emergency generators, shall be located within the building or structure upon which antennas are placed, or shall be fully screened from view by a decorative solid fence equal to or exceeding the height of the cabinets.

   b. Equipment Buildings. Equipment buildings shall be screened from view by an 8 foot decorative solid fence.

   c. Waiver or Modification of Screening Requirement. If the Zoning Administrator determines that the WCF cabinets and equipment will only be visible from permanently unoccupied areas, or are already screened from public view, the screening requirement may be waived or modified.

2. *Height*.

   a. Equipment cabinets shall not exceed 8 feet in height.

   b. Equipment buildings shall not exceed 15 feet in height.

3. *Area*. An equipment cabinet or building may contain an area of up to 300 square feet for a single provider or 600 square feet for multiple providers.

4. *Public Safety Communications Facility Exception*. An equipment cabinet or building for a Public Safety Communications Facility may exceed the height and area limitations set forth in this Section and shall be established in the Conditional Use Permit.

G. ***Fencing.***

1. *Design*. Fencing shall be architecturally compatible with buildings or fencing on the property or adjacent properties.

2. *Height*. Fencing shall not exceed a maximum of 8 feet in height.

3. *Prohibitions.*

   a. The use of barbed wire or razor wire is prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.

   b. The use of chain link, woven wire, and similar fence material is prohibited, except at temporary construction sites.

H. ***Lighting.***

1. Artificial lighting of a WCF, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes.

2. Alternative WCF Light Poles shall comply with Section 4.103: Light Standards.

I. ***Co-Location***. The operator of any WCF shall permit co-location of at least one additional WCF on the same support structure or site. Applicants and operators shall share technical information to enable evaluation of the feasibility of co-location. Permit requirements may include permission for an additional operator to install, at their cost, an additional support structure to accommodate co- location. Failure to comply with co-location requirements when feasible as provided for in this Article is grounds for denial of a use permit application.

J. ***Maintenance of Legal WCFs***. Maintenance of legal and conforming WCFs shall not require approval of a use permit. WCF maintenance is the realignment of antennas, replacement, or repair of a part or portion of a WCF required by ordinary wear, tear, or damage, with like material, size, color, and design. Maintenance of legal and conforming WCFs does not include changing the number, color, size, or design of the WCF and its components as set forth in Section 5.404.B.Modifications.

4.705 Required Findings

In addition to the findings required in Section 5.403: Required Findings, the Planning Commission or the Zoning Administrator, in the case of Administrative Use Permits, shall approve, approve with modifications and/or conditions, or deny a use permit after making the additional findings of fact set forth in this section:

A. The proposed WCF conforms with the requirements of this article;

B. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element; and

C. The visibility of the WCF is reduced to the extent feasible by decreasing its height, increasing its setback, locating it in proximity to other structures, using antenna designs which minimize horizontal projections, constructing it with colors and materials that de-emphasize its visibility.

4.706 Miscellaneous Provisions

A. ***WCFs on Utility Property***. The costs of improvements to utility facilities, poles, and property to accommodate a WCF shall not be charged against any municipal aesthetics program funding granted to the Town.

B. ***Independent Technical Study***. Should the Zoning Administrator require additional technical information that can not be obtained from the applicant, the Town may require the applicant to pay the cost of an independent technical study.

C. ***Revocation***. Failure to comply with co-location requirements as provided for in this Article is grounds for revocation of an existing Use Permit pursuant to Section 5.404C: Revocation.

Article 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities

Sections:

4.801 Purpose
4.802 Applicability
4.803 Use and Development Regulations

4.801 Purpose

The purpose of this Article is to:

A. Establish standards for Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities;

B. Minimize the visual impact of communication facilities; and

C. Provide opportunities for such communication uses within the Town, subject to limits set by federal regulations.

4.802 Applicability

These regulations apply to:

A. Over-The-Air Reception Devices;

B. Large Satellite Dish Antennas;

C. Satellite Earth Stations;

D. Amateur (HAM) Radio Facilities; and

E. Expansion and/or alteration of any such existing facilities.

F. This Article shall not apply to Wireless Communication Facilities, set forth in Article 4.7: Wireless Communication Facilities.

4.803 Use and Development Regulations

A. ***Land Use Regulations***. The land use regulations for each base zoning district in Division 2: Land Use Designations, establish the districts in which Amateur Radio Facilities, Large Satellite Dish Antennas, Over-The-Air Reception Devices, and Satellite Earth Stations are permitted. Over-the-air reception devices are

permitted accessory uses in all base zoning districts, pursuant to the standards set forth in this article.

B. ***Over-the-Air-Reception Devices (OTARD) Standards.*** Unless these regulations would cause the installation or use of an OTARD to be unreasonably delayed, prohibited, would cause an unreasonable or increased cost, or would preclude it from reception of an acceptable quality signal, the following standards shall be met.

1. *Historical Sites*. Prior to installing an OTARD on a site within the Heritage District Redevelopment Area or on a site listed or eligible for inclusion on the National Register of Historic Places (National Register), the applicant shall notify the Town in writing. The Town may impose design restrictions no more burdensome than necessary to preserve the site for eligibility on the National Register.

2. *Equal Restrictions*. The Town shall not impose any greater restriction on an OTARD than is imposed on the installation, maintenance, or use of other modern appurtenances, devices, or fixtures comparable in size, weight and appearance, or safety risk to the OTARD.

3. *Safety Requirements*. If the antenna will be placed on a mast exceeding 12 feet above the roofline, the applicant shall obtain a building permit before installation due to safety concerns posed by wind loads and the risk of fall. Before installation, the applicant shall submit to the Town a technical description of the antenna, anchorage features, and mast. If the Town determines the mast will pose a safety hazard to persons or property, the Town may prohibit installation.

4. *Location*. Antennas shall be located outside of the required front yard.

C. ***Large Satellite Dish Antennas.*** Large Satellite Dish Antennas, other than Satellite Earth Station antennas, are subject to the following standards:

1. *General Standards*.

a. The antenna shall be the smallest diameter allowed by current technology to receive or transmit desired communications, but in no case shall exceed a diameter of 10 feet.

b. Ground-mounted large satellite dish antennas shall be located in the rear one-half of the lot or parcel.

c. Screen fencing shall be architecturally compatible with buildings or fencing on the property or adjacent properties.

d. Any portion of the antenna visible from streets or adjacent residential lots or parcels shall be painted a color approved for use on the property. For parcels not having an approved color palette, the color shall be approved by the Director of Planning.

2. Single Family Residential Districts.

a. No more than 1 Large Satellite Dish Antenna may be located on any lot or parcel.

b. Large Satellite Dish Antennas shall be ground-mounted unless there is no feasible ground location on the lot or parcel to receive or transmit desired communications.

c. Ground-mounted Large Satellite Dish Antennas shall be screened from streets and adjacent lots or parcels by a 6 foot high solid fence.

3. Multi-Family Residential Districts.

a. No more than 1 Large Satellite Dish Antenna may be located on a lot or parcel with fewer than 10 units; no more than 2 large satellite dish antennas may be located on any lot or parcel with 10 or more units.

b. Roof-mounted Large Satellite Dish Antennas shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the antenna. These building elements shall be an integral part of the building design. Separate mechanical equipment screen enclosures or fences are prohibited.

4. Nonresidential Districts.

a. Ground-mounted Large Satellite Dish Antennas shall be screened from view from streets, areas accessible to the general public, and from areas shown for residential use in the General Plan. If the Design Review Board, or for Administrative Design Review, the Director of Planning, determines that the equipment will only be visible from permanently unoccupied areas, or are already screened from public view, the screening requirement may be waived or modified. The screening method shall be depicted on plans submitted with applications for design review and building permits.

b. Roof-mounted Large Satellite Dish Antennas shall be fully screened by a parapet wall or other building elements equal to or

exceeding the height of the antenna, but in no event shall such screen exceed a height of 8 feet above the roof deck. These building elements shall be an integral part of the building design. Separate screen enclosures or fences are prohibited.

D. ***Satellite Earth Stations, Large- and Small-scale.*** Antennas shall be:

1. Separated from adjacent uses and streets by an 8 foot high solid fence.

2. Located outside of the required perimeter landscape area.

3. Set back from adjacent property lines a minimum distance equal to the height of the antenna.

4. Painted a light, non-reflective color.

5. If roof-mounted, screened by a parapet or cornice and shall not extend above the roof line.

E. ***Amateur (HAM) Radio Facilities.***

1. *Antenna Standards*. Antenna structures shall be:

   a. Limited to a maximum of 35 feet in height.

   b. Limited to no more than 1 amateur radio antenna on any lot or parcel.

   c. Mounted on the ground unless there is no feasible ground location on the lot or parcel to receive or transmit desired communications.

   d. If ground-mounted, located in the rear one-half of the lot or parcel, but in no event shall the antenna structure be required to be set back more than 100 feet from the front property line.

   e. Set back a minimum of 20 feet from side and rear property lines.

2. *Waiver of Standards*. If an amateur radio signal cannot be obtained when facilities are in compliance with the regulations set forth herein, the Zoning Administrator may permit a waiver from the height and location requirements of this section.

   a. The waiver request shall:

      (1) Provide evidence that a signal cannot be obtained by facilities in compliance with the standards; and

(2) Document the minimum waiver from these regulations required in order to receive a signal.

b. If a waiver of the height limit is necessary, the antenna shall be set back from adjacent property lines by a distance established by the Zoning Administrator.

c. The decision of the Zoning Administrator shall be issued in the form of a Notice of Decision and include written findings.

Article 4.9: Common Area Ownership and Maintenance

Sections:

4.901 Purpose
4.902 Applicability
4.903 Requirement

4.901 Purpose

The purpose of this article is to provide for the maintenance and operation of landscaping, open space, private streets, utilities and other facilities held in common for the benefit of private property owners in residential and non-residential developments.

4.902 Applicability

This article applies to all residential and non-residential developments where landscaping, open space, private streets, utilities, and other facilities are held in common ownership.

4.903 Requirement

A homeowners or property owners association shall be created to maintain and operate landscaping, open space, recreation facilities, private streets, utilities, and/or other facilities held in common ownership. The documents creating the association shall provide that this obligation continue in perpetuity. Evidence of compliance with this Article shall be submitted with an application for a final subdivision plat or minor subdivision.

Division 5 Administration

Article 5.1 Planning Administration

Article 5.2 Common Procedures

Article 5.3 Administrative Relief from Development Standards

Article 5.4 Use Permits

Article 5.5 Variances

Article 5.6 Design Review

Article 5.7 Amendments to Zoning Code Text, a Zoning Ordinance or the Official Zoning Map

Article 5.8 Amendments to General Plan Text or Map

Article 5.9 Protected Development Right Plan

Article 5.10 Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions

Article 5.11 Annexations

Article 5.12 Enforcement

Article 5.1 Planning Administration

Sections

5.101 Purpose
5.102 Town Council
5.103 Planning Commission
5.104 Board of Adjustment
5.105 Director of Planning
5.106 Zoning Administrator
5.107 Zoning Hearing Officer
5.108 Design Review Board
5.109 Redevelopment Commission
5.1010 Code Compliance Manager
5.1011 Civil Hearing Officer

5.101 Purpose

The purpose of this article is to identify those bodies, administrators, and officials with responsibilities under the Gilbert Land Development Code. Subsequent articles of Division 5: Administration, provide detailed information regarding procedures, applications, and permits, including Zoning and General Plan text and map amendments, fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of the Zoning Code as minimum requirements adopted for the promotion of the General Plan to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health, comfort, convenience, safety, and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; to promote environmental quality and the public interest; and to preserve property values.

5.102 Town Council

The Town Council has the following powers and duties under the Zoning Code:

A. Consider and adopt, reject or modify amendments to the General Plan pursuant to the provisions of Article 5.8: Amendments to the General Plan Text or Map;

B. Consider and adopt, reject or modify annexation of property and Maricopa County rights-of-way and roadways pursuant to the provisions of Article 5.11: Annexations;

C. Consider and adopt, reject or modify amendments to the text of the Zoning Code pursuant to the provisions of Article 5.7: Amendments to Zoning Code Text, a Zoning Ordinance or the Official Zoning Map;

D. Consider and adopt, reject or modify amendments to the Official Zoning Map, pursuant to the provisions of Article 5.7: Amendments to Zoning Code Text, a Zoning Ordinance or the Official Zoning Map;

E. Hear and decide appeals from decisions of the Planning Commission on use permits, pursuant to the provisions of Article 5.4: Use Permits;

F. Hear and decide appeals from decisions of the Planning Commission on preliminary subdivision plats, pursuant to the provisions of Chapter III: Subdivision Regulations;

G. Hear and decide appeals from decisions of the Planning Commission on separation fence requirements, pursuant to Section 4.109G: Modification of Separation Fence Requirements;

H. Consider and approve final subdivision plats and amendments thereto, pursuant to the provisions of Chapter III: Subdivision Regulations;

I. Hear and decide appeals from decisions of the Design Review Board or Redevelopment Commission, pursuant to the provisions of Article 5.6: Design Review;

J. Exercise appeal authority as authorized by the Zoning Code;

K. Appoint members of the Planning Commission, Redevelopment Commission and Design Review Board;

L. Establish, by resolution, a schedule of fees and charges for the various applications and services provided pursuant to the Zoning Code;

M. Adopt Design Guidelines for the design review process;

N. Consider and approve plans designated as protected development right plans, pursuant to the provisions of Article 5.9: Protected Development Right Plan;

O. Revoke protected development right plans pursuant to the provisions of Article 5.9: Protected Development Right Plan; and

P. Hear and decide Requests for Reconsideration pursuant to the provisions of Article 5.10: Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions.

5.103 Planning Commission

The Planning Commission (the "Commission") is established pursuant to Chapter 1, Article IV, Division 6, of the Gilbert Municipal Code and the requirements of Arizona Revised Statutes.

A. ***Creation, Membership, and Terms of Office***.

1. The Commission is composed of 7 regular members and 2 alternate members appointed by the Town Council. Members of the Commission shall reside in the Town. A change of residence from the Town of any member shall create a vacancy as of the date of such change of residence.

2. The term of each regular member of the Commission shall be for a period of 4 years or until his successor assumes office. Members shall serve staggered terms whereby no more than 4 members' terms expire in any one year. The term of the alternate members shall be for a period of 1 year.

3. The alternate members of the Commission shall act as a regular member in the absence of a regular member at any meeting or hearing of the Commission.

4. The Commission shall elect a chair and vice-chair from its membership.

B. ***Meetings***. All meetings of the Commission shall be held at the call of the chair and at such other times as the Commission may determine. Except for executive sessions authorized by law, all meetings of the Commission shall be open to the public.

C. ***Proceedings***. The Commission shall adopt rules and regulations to govern its proceedings. The minutes and records of all Commission proceedings shall be kept and filed as public records in the office of the Town Clerk. The Executive Secretary of the Commission shall be the Director of Planning.

D. ***Powers and Duties***. The Commission shall have the following powers and duties:

1. Recommend to the Town Council a General Plan and amendments thereto;

2. Annually review progress towards implementation of the General Plan and recommend to the Town Council changes desired due to new legislation, development trends and changing economic, social and environmental conditions;

3. Review and make recommendations to the Town Council on proposals to amend the Official Zoning Map or the provisions of the Zoning Code;

4. Initiate changes to the Official Zoning Map or text of the Zoning Code to insure conformance and consistency with the Town's General Plan;

5. Review and recommend approval to the Town Council of design guidelines for conducting design review;

6. Approve, approve with modifications and/or conditions, or deny Special and Conditional Use Permits, pursuant to the provisions of Article 5.4: Use Permits;

7. Revoke Administrative Use Permits pursuant to the provisions of Article 5.4: Use Permits;

8. Revoke Special and Conditional Use Permits pursuant to the provisions of Article 5.4: Use Permits;

9. Hear and decide appeals from decision of the Zoning Administrator on applications for Administrative Use Permits;

10. Review applications for Administrative Use Permits upon referral by the Zoning Administrator pursuant to the provisions of Article 5.4: Use Permits;

11. Appoint a Zoning Hearing Officer pursuant to Section 5.107: Zoning Hearing Officer;

12. Approve, approve with modifications and/or conditions or deny preliminary subdivision plats, pursuant to the provisions of Chapter III: Subdivision Regulations;

13. Hear and decide appeals from decisions of the Town Engineer on applications for minor land divisions, pursuant to the provisions of Chapter III: Subdivision Regulations;

14. Hear and decide appeals from decisions of the Director of Planning on applications for administrative relief, pursuant to the provisions of Article 5.3: Administrative Relief from Development Standards;

15. Review and make recommendations to the Town Council on proposals for Protected Development Right Plans pursuant to Article 5.9: Protected Development Right Plan;

16. Approve, approve with modifications and/or conditions, or deny Modification of Separation Fence Requirements, pursuant to Section 4.109G: Modification of Separation Fence Requirements; and

17. Revoke modification of separation fence decisions pursuant to the provisions of Section 4.109G: Modification of Separation Fence Requirements.

5.104 Board of Adjustment

The Board of Adjustment of the Town of Gilbert (the "Board") is established pursuant to Arizona Revised Statutes (A.R.S.) § 9-462.06.

A. ***Creation and Membership***. The Planning Commission shall serve as the Board. The Chair of the Board shall be the Chair of the Planning Commission or as designated by the Chair of the Planning Commission.

B. ***Meetings***. All meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine. Except for executive sessions authorized by law, all meetings of the Board shall be open to the public.

C. ***Proceedings***. The Board shall adopt rules and regulations to govern its proceedings. The minutes and records of all Board proceedings shall be kept and filed as public records in the office of the Town Clerk. The Executive Secretary of the Board shall be the Director of Planning.

D. ***Powers and Duties***. The Board has the following powers and duties:

1. Hear and decide appeals from decisions of the Zoning Hearing Officer on applications for variances;

2. Review applications for variances upon referral by the Zoning Hearing Officer pursuant to the provisions of Article 5.5: Variances; and

3. Hear and decide appeals from a decision, determination, or interpretation made by the Zoning Administrator in the enforcement of the Zoning Code pursuant to Section 5.2011: Procedures for Appeals.

E. ***Ex parte Communications***. The Board acts in a quasi-judicial manner and shall not entertain, accept or participate in any ex parte communications as set forth in Section 5.209: Ex parte Communications.

5.105 Director of Planning

The Director of Planning (the "Director") administers the Town Planning Department. The Director has the following powers and duties:

A. Administer the Land Development Code;

B. Provide professional recommendations to the Town Council, appointed officials and Town management on matters related to the physical development of the community;

C. Administer the annexation process;

D. Process, review, and make recommendations to the Planning Commission on applications for:

1. Amendments to the General Plan text or map;

2. Amendments to Land Use Code text or map; and

3. Subdivision Plat maps.

E. Process, review, and make recommendations with respect to property in the Heritage District Overlay District to the Redevelopment Commission on applications for:

1. Amendments to the General Plan text or map;

2. Amendments to the Zoning Code text or map; and

3. Subdivision Plat maps.

F. Process, review and make recommendations on applications for design review;

G. Expand the boundaries of a preliminary design review application to incorporate adjacent properties that are owned by the applicant or are part of the same development;

H. Perform administrative design review pursuant to Article 5.6: Design Review;

I. Expand the notification area set forth in Sections 5.204C: Neighborhood Meeting Notification and 5.205: Notice of Public Hearings;

J. Grant administrative relief from development standards, pursuant to Article 5.3: Administrative Relief from Development Standards;

K. Determine if applications require a zoning amendment or amendment to the General Plan;

L. Process and make recommendations on appeals, pursuant to Article 5.10: Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions;

M. Initiate proceedings for the revocation of a protected development right plan, pursuant to Article 5.9: Protected Development Right Plan;

N. Appoint and supervise the work of the Zoning Administrator;

O. Make recommendations to the Design Review Board, Redevelopment Commission and Planning Commission on design review guidelines;

P. Make recommendations to the Zoning Hearing Officer;

Q. Serve as Executive Secretary of the Board of Adjustment, Planning Commission and Design Review Board;

R. Waive the pre-application process, pursuant to Section 5.203: Pre-Application Review;

S. Exercise appeal authority as authorized by the Zoning Code; and

T. Approve other applications and projects as authorized by the Zoning Code.

5.106 Zoning Administrator

The Zoning Administrator is a member of the Planning Department appointed by the Director of Planning. The Zoning Administrator has the following powers and duties:

A. Administer and enforce the provisions of the Zoning Code. The enforcement duties may be delegated to the Town Code Compliance and Police Departments.

B. Interpret the Zoning Code to members of the public and to other Town departments;

C. Review, approve, approve with modifications and/or conditions or deny applications for Administrative Use Permits, pursuant to the provisions of Article 5.4: Use Permits;

D. Approve or deny applications for modifications to Administrative Use Permits, pursuant to the provisions of Article 5.4: Use Permits;

E. Refer to the Planning Commission Administrative Use Permit applications determined in writing by the Zoning Administrator to merit review by the Planning Commission;

F. Initiate proceedings for the revocation of a use permit, pursuant to the provision of Article 5.4: Use Permits;

G. Initiate proceedings for the revocation of Modification of Separation Fence Requirements, pursuant to the provisions of Section 4.109G: Modification of Separation Fence Requirements;

H. Make determinations regarding uses that are not included in a permitted use classification in this Code;

I. Make determinations regarding parking requirements for uses that are not identified in this Code;

J. Make determinations regarding Group Homes for the Handicapped, pursuant to the provisions of Section 4.504F: Request for Accommodation;

K. Make determinations regarding place of worship uses, pursuant to the provisions of Section 4.505A: Request for Determination;

L. Make determinations regarding non-conforming uses, lots, parcels, structures, and signs, pursuant to the provisions of Section 4.604B: Determination of Status;

M. Modify or waive equipment cabinet screening requirements for Wireless Communication Facilities, pursuant to the provisions of Section 4.704E: Equipment Cabinets and Buildings; and

N. Waive standards for the establishment of Amateur Radio Facilities, pursuant to the provisions of Section 4.803E: Amateur (HAM) Radio Facilities.

5.107 Zoning Hearing Officer

The Zoning Hearing Officer (the "Hearing Officer") is a member of the Planning Commission assigned to hear and make decisions on matters within the jurisdiction of the Board of Adjustment, subject to appeal to the Board of Adjustment.

A. ***Appointment and Procedures***. Individual members of the Planning Commission who have completed a minimum of 1 year on the Commission may be designated by the Chair as the Hearing Officer and Alternate Hearing Officer of the Town on a rotating basis. The term of the Hearing Officer and Alternate Hearing Officer shall be 24 months. Prior to conducting a hearing, the Hearing Officer shall complete a training course in the legal and procedural requirements of the position. No member of the Commission shall serve as Hearing Officer for more than 24 consecutive months during any 5 year period. Any period of time during which a member of the Commission served as Alternate Hearing Officer shall not be counted when calculating months of service as Hearing Officer.

B. ***Powers and Duties***. The Hearing Officer shall have the following powers and duties:

1. Conduct hearings and make decisions on matters within the jurisdiction of the Board of Adjustment, subject to appeal to the Board of Adjustment;

2. Approve, approve with modifications and/or conditions, or deny applications for variances pursuant to Article 5.5: Variances;

3. Refer to the Board of Adjustment applications determined in writing by the Hearing Officer to merit review by the Board of Adjustment;

4. Conduct a hearing, develop findings of fact, and submit a recommendation to the Town Council on requests for reconsideration of decisions pertaining to:

a. Federal and State Fair Housing Act;

b. Federal Religious Land Use and Institutionalized Persons Act or the Arizona Free Exercise of Religion Act;

c. Americans with Disabilities Act or the Arizonans with Disabilities Act; and

d. Telecommunications Act.

5. Hear and decide appeals from any decision regarding dedications or exactions filed pursuant to A.R.S. § 9-500.12;

6. Hear and decide appeals by property owners alleging a zoning regulation has created a taking in violation of A.R.S. § 9-500.13; and

7. Conduct a hearing, develop findings of fact, and submit a recommendation to the Board of Adjustment on requests for determination of non- conforming use status, pursuant to the provisions of Sections 4.604D: Fact Finding by Hearing Officer.

C. ***Ex parte Communications***. The Hearing Officer acts in a quasi-judicial manner and shall not entertain, accept or participate in any ex parte communications as set forth in Section 5.209: Ex parte Communications.

5.108 Design Review Board

The Design Review Board is created to evaluate the design of proposed developments to promote projects that are attractive, functional, in harmony with their surroundings, safe and consistent with adopted design guidelines and community goals.

A. ***Creation, Membership, and Terms of Office***.

1. The Planning Commission shall serve as the Board. The Chair of the Board shall be the Chair of the Planning Commission.

2. The Design Review Board shall consist of 7 regular members and two alternate members appointed by the Town Council. New members of the Design Review Board shall reside in the Town. A change of residence from the Town of any member shall create a vacancy as of the date of such change of residence. The membership shall include any combination of the following:

a. A civil engineer;

b. A landscape architect;

c. An architect other than a landscape architect;

d. A construction industry representative;

e. A business owner or real estate broker; and

f. A private citizen.

3. The term of each regular member of the Design Review Board shall be for a period of 4 years or until his successor assumes office. Members shall serve staggered terms whereby no more than 4 members' terms expire in any 1 year. The term of the alternate members shall be for a period of 1 year.

4. The alternate member of the Design Review Board shall act as a regular member in the absence of a regular member at any meeting or hearing of the Design Review Board.

5. The Design Review Board shall elect a chair and vice-chair from its membership.

6. The Design Review Board members shall serve at the pleasure of the Town Council.

B. ***Meetings***. All meetings of the Design Review Board shall be held at the call of the chair and at such other times as a majority of the Design Review Board may determine.

C. ***Proceedings***. The Design Review Board shall adopt rules and regulations to govern its proceedings. The minutes and records of all Design Review Board proceedings shall be kept and filed as public records in the office of the Town Clerk. The Executive Secretary of the Design Review Board shall be the Director of Planning.

D. ***Powers and Duties***. The Design Review Board shall have the following powers and duties:

1. Approve, approve with modifications and/or conditions, or deny applications for design review pursuant to Article 5.6: Design Review;

2. Hear and decide appeals from administrative design review decisions of the Director of Planning;

3. Advise departments and elected and appointed bodies on matters related to community design;

4. Review and make recommendations to the Town Council on proposals for Protected Development Right Plans pursuant to Article 5.9: Protected Development Right Plan; and

5. Conduct public hearings as required by the Zoning Code.

5.109 Redevelopment Commission

The Redevelopment Commission is created to encourage development and redevelopment in the Heritage District Overlay District and other redevelopment areas designated by the Town Council, consistent with any adopted redevelopment plan and other applicable requirements.

A. ***Creation, Membership, and Terms of Office***.

1. The Redevelopment Commission shall consist of 5 regular members appointed by the Mayor. Members of the Redevelopment Commission shall be residents of the Town. The membership should include at least:

   a. One architect, landscape architect, planner, designer or otherwise qualified by design background;

   b. One land development or construction industry representative; and

   c. One with a financial services background.

2. The term of each regular member of the Redevelopment Commission shall be for a period of 4 years or until his successor assumes office. Members shall serve staggered terms whereby no more than 2 members' terms expire in any 1 year.

3. The Mayor shall annually appoint a chair and vice-chair from among the members of the Redevelopment Commission.

4. The Redevelopment Commissioner shall meet all requirements of A.R.S. tit. 36, ch. 12, art. 3 for membership on the Redevelopment Commission

5. A Redevelopment Commissioner may be removed from office by the Mayor for inefficiency, neglect of duty or misconduct in office, but only after a hearing and after the commissioner has been given a copy of the charges at least 10 days prior to the hearing and had an opportunity to be heard in person or by counsel. A Commissioner's absence from 3 consecutive meetings may be considered neglect of duty for purposes of this section.

B. ***Meetings***. All meetings of the Redevelopment Commission shall be held at the call of the chair and at such other times as a majority of the Redevelopment Commission may determine.

C. ***Proceedings.*** The Redevelopment Commission shall adopt rules and regulations to govern its proceedings. The minutes and records of all Redevelopment Commission proceedings shall be kept and filed as public records in the office of the Town Clerk.

The Executive Secretary of the Redevelopment Commission shall be the Director of Economic Development.

D. ***Powers and Duties***. The Redevelopment Commission shall have the following powers and duties with respect to property in the Heritage District Overlay District and other redevelopment areas designated by the Town Council:

1. All powers conferred upon municipalities by the provisions of A.R.S. tit. 36, ch. 12, art. 3, except the power to borrow money, issue bonds, acquire and dispose of real property, enter into contracts with the federal government or any public body, prepare a general plan for the development of the town or approve redevelopment plans;

2. Recommend to the Town Council a Redevelopment Plan and amendments thereto;

3. Review and make recommendations to the Planning Commission on proposals to amend the Official Zoning Map or the provisions of the Zoning Code;

4. Approve, approve with modifications and/or conditions, or deny applications for design review pursuant to Article 5.6: Design Review;

5. Hear and decide appeals from administrative design review decisions of the Director of Planning;

6. Review and recommend approval to the Town Council of design guidelines for the Heritage District Overlay District;

7. Review and recommend approval, approval with modifications and/or conditions, or denial to the Planning Commission of Special and Conditional Use Permits, pursuant to the provisions of Article 5.4: Use Permits;

8. Review and comment to the Planning Commission on appeals of Administrative Use Permits;

9. Review and recommend approval, approval with modifications and/or conditions, or denial to the Planning Commission of preliminary subdivision plats, pursuant to the provisions of Chapter III: Subdivision Regulations;

10. Review and comment on applications for zoning, General Plan Amendments, Subdivisions, Variances, Design Review, and Use Permits within 1,000 feet of the exterior boundaries of the Heritage District Redevelopment Area; and

11. Conduct public hearings as required by the Zoning Code.

5.1010 Code Compliance Manager

The Code Compliance Manager, pursuant to Chapter 2, Article III, Division 6 of the Gilbert Municipal Code, is a member of the Building and Code Compliance Department and administers the Code Compliance Division. The Code Compliance Manager shall enforce the provisions of the Land Development Code, including conducting inspections and issuing warrants and citations as provided for by State law and local ordinance.

5.1011 Civil Hearing Officer

The Presiding Judge of the Gilbert Municipal Court shall appoint one or more Civil Hearing Officers to hear and decide matters related to violations of the Zoning Code. The Civil Hearing Officers shall hear and decide civil actions for violations of a zoning ordinance, the Zoning Code, a use permit, variance, Design Review approval, or administrative design review decisions of the Director of Planning. The Civil Hearing Officers shall act under the authority of the Presiding Judge. Decisions of a Civil Hearing Officer are appealable to the superior court pursuant to A.R.S. tit. 22, ch. 2, art. 4 (A.R.S. § 22-261 et seq.).

Article 5.2: Common Procedures

Sections:

5.201 Application Process
5.202 Fees and Fines
5.203 Pre-Application Review
5.204 Neighborhood Meeting
5.205 Notice of Public Hearings
5.206 Public Hearing Procedures
5.207 Findings Required
5.208 Administrative Procedures
5.209 Ex Parte Communications
5.2010 Final Decisions
5.2011 Procedures for Appeals

5.201 Application Process

A. ***Applications.*** Completed applications shall be submitted to the Development Services division on a form established by the Director of Planning. Any of the following persons or entities may submit an application:

1. The owner of the property;

2. An authorized agent of the owner; or

3. A person acting under a purchase contract or exclusive option to purchase the property.

B. ***Application Content.***

1. The Director of Planning shall specify the form and content of applications that are required pursuant to the Zoning Code. The Director may require additional supporting materials as part of the application, including but not limited to, legal descriptions, statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe the existing situation and the proposed project. The applicant shall be responsible for the accuracy and completeness of all information submitted to the Town. The Director may waive the submission of specific material or information if he finds it is not needed to reach a decision on the application.

2. No application for amendments to the Zoning Map, General Plan land use designations, use permit, variance or annexation will be deemed complete without submission of a Waiver of Claims for Diminution in Value pursuant to the Arizona Revised Statutes, §§ 12-1131 through 12-1138 executed by all the

owners of the property. The owner(s) shall verify property ownership by submitting a title report.

3. Prior to and as a condition of final approval of a change to any land use law, the Director may require the owner to execute a new waiver of claims.

C. ***Determination of Completeness.*** After receiving an application accompanied by the required fee, the Director of Planning shall determine if the application is complete within 7 working days of the filing date. The Director shall notify the Applicant if the application is incomplete. If the application is incomplete, the Town shall identify the items that must be filed to complete the application.

D. ***Concurrent Applications.*** When a project requires approvals under more than one section of the Zoning Code, the individual applications may be accepted for concurrent review.

E. ***Inspection and Reproduction of Public Records.*** All applications, including supporting materials, are public records. Public records may be reviewed and copied upon request during normal business hours. The applicant shall clearly label each page of copyrighted or trademarked materials, and such materials shall be available for public inspection, but copyrighted materials shall not be copied.

F. ***Inactive Applications.*** All applications shall be actively pursued to a decision. If no applicant activity has occurred on an application for 180 days, the application shall be determined to be inactive. Thirty (30) days prior to that date the planning staff shall notify the applicant in writing that the application will become inactive. If the applicant requests in writing that the Director extend the 180-day period, such request shall be accompanied by an explanation for the period of inactivity. The Director 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. If an extension is not approved, the application will be deemed withdrawn and the file shall be closed.

5.202 Fees and Fines

A. ***Required Fees.*** All applications required by the Zoning Code shall be accompanied by the required fees set by resolution of the Town Council. Applications shall not be accepted without payment of the required fee.

B. ***Fee Refunds.*** If an application is withdrawn prior to a decision, the applicant may be eligible for a refund of a portion of the fee. The amount of the refund shall be determined by the Director of Planning based on direct and indirect costs incurred by the Town through the date of withdrawal. Fee refunds shall not be made for applications that have been denied or determined to be inactive.

C. ***Fines.*** All fines imposed by the Town of Gilbert Municipal Court for violations of a zoning ordinance, the Zoning Code, a use permit, a variance or a Design Review approval shall be set forth in the court fine schedule.

5.203 Pre-Application Review

A. ***Pre-Application Requirements.*** Pre-application review is required for all of the following before an application will be accepted for processing:

1. Zoning applications;

2. General Plan Text, Land Use or Circulation Map Amendments.

3. Preliminary subdivision plats;

4. Design review for:

   a. Shopping centers;

   b. Individual commercial and employment buildings on sites 5 acres and larger that are not within an approved shopping center or industrial park;

   c. Office complexes;

   d. Employment projects located on parcels 3 acres or larger;

   e. Any single building with more than 10,000 square feet of gross floor area;

   f. Business parks;

   g. Multi-family residential uses;

   h. Public and private schools;

   i. Public Safety Facilities, Government Offices and Facilities, Outdoor Entertainment and Recreation;

   j. Other large-scale projects with multiple structures developed under a unified plan; and

5. New vertical structures for Wireless Communication Facilities.

B. ***Pre-Application Waivers.*** The Director of Planning may waive the requirement for a pre-application review based on a determination that no purpose will be served by the review. In such cases, the Director shall prepare a written statement setting forth the reasons for approving the waiver.

C. ***Optional Review.*** An applicant for a project not requiring pre-application review may request such review.

D. ***Application Submittal.*** A request for pre-application review shall be filed with the Development Services division on a form established by the Director of Planning pursuant to the requirements of Section 5.201: Application Process. An incomplete application may be returned.

E. ***Pre-Application Meetings.*** After reviewing the application for compliance with the Zoning Code, Town staff will meet with the applicant or representative to provide comments. Following the meeting, Staff shall provide the applicant with a written summary of comments and place a copy of the comments in the project file.

5.204 Neighborhood Meeting

A. ***Neighborhood Meeting Requirements.*** Applicants for General and Specific Plan Text, Land Use or Circulation Map Amendments and rezoning shall schedule and conduct a neighborhood meeting in accordance with this section.

B. ***Neighborhood Meeting Scheduling.*** The applicant shall schedule a neighborhood meeting to receive comments on the proposal. Neighborhood meetings shall be conducted prior to pre-application review and after filing of an application.

C. ***Neighborhood Meeting Notification.*** At least 10 days prior to the neighborhood meeting, notification shall be provided as follows:

1. Applicant shall notify by first-class mail all property owners of record within 300 feet of the property, unless the General Plan or other policy adopted by the Town Council requires notification within a larger area;

2. Applicant shall notify by first-class mail all Homeowners Associations (HOAs) within 1,000 feet of the property;

3. Applicant shall notify by first-class mail all neighborhoods within 1,000 feet of the property that are registered with the Town of Gilbert Neighborhood Services Office;

4. The Director may expand the notification area set forth in Sections 5.204C.1, 5.204C.2, and 5.204C.3 if he determines the potential impact of the project extends beyond the required notification boundary;

5. Applicant shall notify any persons who have specifically requested notice regarding the application who register their names and addresses with the Town as being interested in receiving such notice. Registration shall be in written form addressed to the Director

6. The notice shall set forth the purpose, substance of the proposed application, and the time, date and place of the meeting. A copy of the notice shall be submitted to the Director of Planning; and

7. Applicant shall install a sign on the property in a location or locations clearly visible to adjacent residents setting forth the purpose, time, date, and place of the neighborhood meeting, with an attached information tube containing copies of the meeting notice. Size, color, content, and location of the sign shall be designated by

Town Council resolution for posting of public hearing and neighborhood meeting notices.

D. ***Neighborhood Meeting Procedure.*** The applicant shall conduct the meeting in a location, time, and meeting format approved by the Director. Following the meeting, which the Town staff may attend, the applicant shall create a written summary of the meeting, including comments received. Staff may augment the meeting record as necessary.

E. ***Record of Proceedings.*** Concurrent with application submittal for General or Specific Plan Map Amendments, and amendments to a zoning ordinance or the Official Zoning Map, the applicant shall file with the Director of Planning:

1. Certification, on a form established by the Director, that the meeting was noticed and conducted in compliance with requirements of this section;

2. A dated photograph of the sign installed in compliance with Section 5.204C.7; and

3. A written summary of the meeting prepared pursuant to Section 5.204D: Neighborhood Meeting Procedure, including a list of all attendees' names and addresses.

F. ***Additional Meetings.*** The Director may require that 1 or more additional neighborhood meetings be held. If the application is substantially modified from what was presented at the neighborhood meeting, a second neighborhood meeting shall be held to present the modified application. The notification procedures set forth in Section 5.204C: Neighborhood Meeting Notification shall be followed.

G. ***Other Required Meetings.*** For projects where the applicant is not otherwise required to conduct a neighborhood meeting, the Director may require that a neighborhood meeting be held if a determination is made that the project may substantially impact adjacent neighborhoods.

5.205 Notice of Public Hearings

Prior to consideration of any action for which the Zoning Code requires notice pursuant to this section, notice shall be given in compliance with the following requirements:

A. ***Published Notice.*** For General or Specific Plan amendments, amendments to the zoning code text, amendments to a zoning ordinance or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, zoning variances, and appeals heard by the Board of Adjustment, the Town Clerk or Director, as appropriate, shall prepare for publication a Notice of Public Hearing. The notice shall comply with the following requirements:

1. The notice shall be published at least 15 days prior to the date of the public hearing at least once in a newspaper of general circulation within the Town of

Gilbert. Notice of a hearing on a major amendment to the General Plan shall be posted not more than 30 days prior to the hearing.

2. A general description of the proposed project or action and the property included in the application;

3. The date, time, location, and purpose of the public hearing;

4. The location and times at which the complete application and project file may be viewed by the public;

5. A statement that any interested person or authorized agent may appear and be heard; and

6. A statement describing how and when to submit written comments.

B. ***Posting of Official Notice.*** For applications for General and Specific Plan amendments, amendments to the zoning code text, amendments to a zoning ordinance or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, zoning variances, preliminary and final design review, and appeals heard by the Board of Adjustment, the Town Clerk or Director, as appropriate, shall prepare for posting a Notice of Public Hearing.

The Town shall post the notice at least 24 hours prior to the date of the public hearing at 4 public places within the Town designated by Town Council resolution governing posting of public notices.

C. ***Property Posting.*** For applications for annexation, General and Specific Plan map amendments, amendments to a zoning ordinance or the Official Zoning Map, conditional and special use permits, preliminary subdivision plats, preliminary and final design review, zoning variances, and appeals heard by the Board of Adjustment, the applicant shall post the Notice of Public Hearing on the subject property. Applications for amendments to the text of the Zoning Code shall not require property posting. The notice shall be subject to the following requirements:

1. The notice shall be posted at least 15 days prior to the date of the public hearing.

2. Posting, maintenance and removal of signs are the responsibility of the applicant. Failure to remove the sign within 10 days of public hearing action shall result in Town removal of the sign and a charge to the applicant for costs incurred.

3. Size, color, content, and location of public hearing sign shall be designated by Town Council resolution for posting of public hearing notices. The posted notice shall be printed so that the following are visible from a distance of 100 feet: the word “zoning”; the existing zoning district classification; the proposed zoning district classification; and the date, time, and place of the hearing.

4. The applicant shall submit a signed affidavit and dated, color photos of the sign or signs prior to the public hearing.

5. Failure of the applicant to provide evidence of posting shall result in a postponement of the public hearing.

D. ***Neighborhood Notice.*** For applications for General and Specific Plan amendments, rezoning, conditional and special use permits, preliminary subdivision plats, preliminary and final design review, zoning variances and appeals heard by the Board of Adjustment, the Director shall prepare a Notice of Public Hearing. The notice shall be subject to the following requirements:

1. At least 15 days prior to the date of the public hearing, the applicant shall notify by first-class mail:

   a. All property owners of record within 300 feet of the property, unless the General Plan or other policy adopted by the Town Council requires notification within a larger area;

   b. All HOAs within 1,000 feet of the property;

   c. All neighborhoods within 1,000 feet of the property that are registered with the Town of Gilbert Neighborhood Services Office;

   d. The property owner if the application is initiated by a person other than the property owner; and

   e. Any persons who have specifically requested notice regarding the application who register their names and addresses with the Town as being interested in receiving such notice. Registration shall be in written form addressed to the Director.

2. For any Wireless Communication Facility requiring a Conditional Use Permit, the applicant shall provide the notice required above at least 30 days prior to the date of the public hearing and if, in response to this notification, two or more individuals or a community association requests an opportunity for additional input, the applicant shall hold a neighborhood meeting prior to the Planning Commission public hearing on the project.

3. The Director may expand the notification area set forth in Section 5.205D.1a, 5.205D.1b, and 5.205D.1c and if he determines the potential impact of the project extends beyond the required notification boundary;

4. The notice shall set forth the purpose, time, date, and place of the meeting. A copy of the notice shall be submitted to the Director of Planning; and

5. The applicant shall submit a signed affidavit and copies of the mailing prior to the public hearing. Failure of the applicant to provide evidence of mailing shall result in a postponement of the public hearing.

The validity of the proceedings shall not be affected by the failure of any person to receive such mailed notice.

5.206 Public Hearing Procedures

A public hearing held pursuant to the Zoning Code shall comply with the following procedures:

A. ***Public Hearing Testimony.***

1. *Rights of All Persons.* Any person may appear at a public hearing and submit oral or written evidence related to the application, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

2. *Time Limits*. The Mayor, Chair, or Zoning Hearing Officer may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.

3. *Exclusion of Testimony*.

   a. The Mayor, Chair, or Zoning Hearing Officer may exclude testimony or evidence that is irrelevant, immaterial, or repetitious.

   b. In the event any testimony or evidence is excluded as irrelevant, immaterial, or repetitious, the person offering such testimony or evidence shall have an opportunity to offer a written statement in regard to such testimony or evidence for the record. Such written statement shall be presented to the Town Clerk within 3 working days of the hearing.

B. ***Order of Proceedings at Public Hearing.*** The order of the proceedings at the public hearing shall be as follows:

1. *Introduction of Item.* The Mayor, Chair, or Zoning Hearing Officer shall introduce the item.

2. *Public Hearing.* The Mayor, Chair, or Zoning Hearing Officer shall open the public hearing.

3. *Staff Report.* Staff shall present a report, which includes a written recommendation and shall respond to questions from the decision-making body.

4. *Applicant Presentation.* The applicant shall present the project, indicate concurrence or disagreement with advisory body or staff recommendations, and respond to questions from the body.

5. *Public Testimony.* Testimony will be accepted from those requesting to be heard, subject to the limitations of Section 5.206A: Public Hearing Testimony.

6. *Applicant Response.* The Mayor, Chair, or Zoning Hearing Officer may request the applicant to respond to testimony or evidence presented by the public or staff.

7. *Staff Response.* Staff and the Town Attorney may provide information or clarification regarding matters raised during the public hearing.

8. *Continuance of Public Hearing*. The body conducting the public hearing may by motion continue the public hearing to a fixed date, time, and place.

9. *Close of Public Hearing*. The Mayor, Chair, or Zoning Hearing Officer shall close the public hearing.

10. *Tabling*. The decision-making body conducting the public hearing may by motion table the public hearing. The public hearing on the matter shall not be conducted until notice is given in the same manner as for the initial hearing.

11. *Deliberation and Action*. The Town Council, Board of Adjustment, Planning Commission, Design Review Board, Redevelopment Commission, or Zoning Hearing Officer shall discuss the request and approve, approve with modifications and/or conditions or deny the request, unless it has been continued or tabled.

12. *Revision to Conditions*. If the Town Council, Board of Adjustment, Planning Commission, Design Review Board, Redevelopment Commission, or Zoning Hearing Officer makes a change to the recommended conditions, the public hearing shall be re-opened prior to the vote for the limited purpose of affording the applicant an opportunity to comment on any modified conditions. The public hearing shall be closed before action is taken.

C. ***Approval of Items by Consent.*** The hearing body may, by a single motion, approve any number of public hearing items where, after opening the public hearing, no person requests the item be removed from the public hearing consent calendar. If such a request is made, the hearing body shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action.

5.207 Findings Required

When making a decision to approve, approve with modifications and/or conditions, revoke, or deny any conditional or special use permit, administrative use permit, variance, preliminary or final design review, or preliminary subdivision plat, the decision-making body shall make findings of fact required by the Zoning Code. Findings shall be based upon consideration of the

application, plans, testimony, reports, and other materials that constitute the record and shall be in writing or included in the minutes. The findings shall be set forth in the staff report and Notice of Decision that the Director issues following a decision.

5.208 Administrative Procedures

Any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Department offices during normal business hours. Copies of such materials shall be made available at a reasonable cost to be established from time to time through Town Council resolution. Staff reports to the Commission, Zoning Hearing Officer, Board, Design Review Board, or Town Council will not be made available to the public until they have been submitted to the body for which the report will be prepared.

5.209 Ex Parte Communications

A. ***Prohibition against Ex Parte Communications.*** To ensure that the decision-making process is fair and impartial, the Zoning Hearing Officer or a member of the Board of Adjustment shall not, directly or indirectly, participate in any ex parte communication relevant to an application pending before that body. Ex parte communications are oral or written communications related to the matter to be heard by the Hearing Officer or Board and which is made to or by the Hearing Officer or any member of the Board, including in person, telephonic or electronic communications that occur outside of a public meeting of the hearing body.

B. ***Exceptions.*** This prohibition shall not apply to communications between the Hearing Officer or members of the Board and Town staff. This prohibition is not intended to prevent site visits, the receipt of expert opinions, and the review of mail and other correspondence relating to the proceedings. All such communications shall be documented and entered into the record of the proceedings as provided for in Section 5.209C: Disclosure of Communications.

C. ***Disclosure of Communications.*** If a Zoning Hearing Officer or Board member receives an ex parte communication the Officer or Board member shall place the communication in the public record or shall enter into the record a statement describing the time, place, and content of the communication.

5.2010 Final Decisions

A. ***Time of Decision.*** A final decision shall be deemed to have been made at the time action is taken by the Board of Adjustment, Planning Commission, Design Review Board, or Redevelopment Commission. A final decision shall be deemed to have been made on the date of issuance of Notice of Decision by the Zoning Hearing Officer, Zoning Administrator, or Director.

B. ***Notice of Decision.*** If a final decision is made by Notice of Decision, the Notice shall describe the decision made and the findings that were the basis for the decision. The Director shall mail the Notice to the applicant at the mailing address stated in the

application and to any other person or entity requesting such notification in writing with the Development Services division.

5.2011 Procedures for Appeals

This section sets forth the procedures for appeals except for appeals filed pursuant to Article 5.10: Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions. Any decision within the authority of the decision-making body may be appealed, unless the Zoning Code provides that the decision is final.

A. ***Rights of Appeal.***

1. Except as provided in Section 5.2011A.2, appeals may be filed by:

   a. The owner of property that is the subject of a final decision by the Zoning Administrator, Zoning Hearing Officer, Director of Planning, Planning Commission, Design Review Board, Board of Adjustment, or Redevelopment Commission;

   b. Any other person aggrieved by a final decision of a decision-making body identified in Section 5.2011A.1 and who has standing to appeal pursuant to State law;

   c. A member of the Town Council;

   d. The Town Manager; or

   e. The Director of Planning.

2. All administrative remedies shall be exhausted prior to bringing legal action in Superior or Federal Court against the Town or any of its boards, commissions, employees, or officers.

B. ***Filing of Appeal.*** An appeal shall be filed with the Development Services division on a form established by the Director of Planning. The appeal shall set forth the decision or decisions being appealed and the grounds upon which the appeal is based. The appeal shall be accompanied by any applicable fees.

C. ***Time Limits for Appeal.*** All appeals shall be filed within 10 calendar days of the decision, except for appeals from decisions of the Zoning Hearing Officer and Board of Adjustment. Appeals from decisions of the Zoning Hearing Officer and Board of Adjustment shall be filed within 30 calendar days of the decision.

D. ***Proceedings Stayed by Appeal.*** The timely filing of an appeal, except for the appeals of a decision of the Board of Adjustment to Superior Court, shall stay all proceedings in the matter appealed.

E. ***Public Notice.*** Prior to consideration of any appeal for which State law or the Zoning Code requires a public hearing, the Town shall provide public notification in compliance with Section 5.205: Notice of Public Hearings or as required by State law, whichever requires the most notice.

F. ***Transmission of Record.*** The Director shall forward the appeal, the Notice of Decision, and all other documents that constitute the record to the decision-making body.

G. ***Standards.*** When reviewing any decision on appeal, the decision-making body shall use the same standards for decision-making required for the original decision.

H. ***Hearing Body Action.*** Public hearings shall be conducted in accordance with procedures set forth in Section 5.206: Public Hearing Procedures. In addition, the decision-making body may remand the matter to the original decision-making body for reconsideration, for additional information or to cure a deficiency in the record or proceeding. The decision-making body shall hold a hearing on the appeal within 60 days of the filing of the request. The decision-making body shall render its decision within 30 days of the date the hearing is closed unless State law requires a shorter deadline.

Article 5.3: Administrative Relief from Development Standards

Sections:

5.301 Purpose and Applicability
5.302 Scope of Authority
5.303 Procedures and Standards of Review
5.304 Appeals

5.301 Purpose and Applicability

The purpose of this article is to authorize minor deviations from the requirements of this Code.

The Director may grant administrative relief from development standards as authorized by this article where such deviations are necessary for the implementation of this Code and will improve the quality of development. Administrative relief granted pursuant to this article may only be granted prior to construction. Such relief is not a variance.

5.302 Scope of Authority

The Director is authorized to grant administrative relief from dimensional requirements of the Zoning Code not to exceed 10 percent of the requirement. Any relief granted shall be the minimum required to implement the purposes of the Zoning Code and improve the quality of development.

5.303 Procedures and Standards of Review

A. ***Application.*** An application for administrative relief shall be filed with the Development Services division in accordance with the application procedures set forth in Article 5.2: Common Procedures.

B. ***Findings.*** Any administrative relief authorized by the Director will be documented with findings to be filed with the appropriate Development Services division case files. The following findings shall establish the rationale for the granting of relief:

1. Relief is necessary due to the physical attributes and conditions of the property and the proposed use or structure including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;

2. There are no alternatives to the requested modification that could provide similar benefits with less potential detriment;

3. Granting the relief does not threaten the health or safety of the public or the occupants of the property or would create a change in land use or density that would be inconsistent with the requirements of this Code;

4. Granting the relief does not impose an undue financial or administrative burden on the Town;

5. There are no compelling public interests that justify the denial of the requested relief or the imposition of conditions;

6. The applicant's demonstrated need substantially outweighs any detriment to public needs and interests; and

7. If relief is being requested pursuant to the requirements of State or Federal law, the relief is necessary to reasonably accommodate the needs of an applicant pursuant to the specific requirements of State or Federal law.

5.304 Appeals

Any decision to grant relief from the provisions of this Code may be appealed to the Planning Commission pursuant to Section 5.2011: Procedures for Appeals.

Article 5.4 Use Permits

Sections

5.401 Purpose and Applicability
5.402 Procedures
5.403 Required Findings
5.404 Expiration; Modifications; Revocation
5.405 Appeals
5.406 Effective Date of Permit

5.401 Purpose and Applicability

Chapter I, Division 2: Land Use Regulations sets forth those uses for which a use permit is required. No use requiring a use permit may be commenced until a use permit is obtained. Generally these uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The process for review of use permit applications is designed to evaluate possible adverse impacts and to minimize them where possible through the imposition of specific conditions or requirements. Approval of a use permit requires review of the location, design, configuration, and special impacts of a proposed use to determine, based on standards set forth in the Zoning Code, the desirability of permitting the use on a particular site.

This article sets forth the requirements for three use permit classifications:

A. ***Administrative Use Permit***. A use permit approved by the Zoning Administrator for a use in specified districts based on a determination of compliance with standards set forth in the Base District Regulations and individual review of their location, design, configuration, intensity, and density of use or structures.

B. ***Conditional Use Permit***. A use permit approved by the Planning Commission for a use in specified districts based on a determination of compliance with standards set forth in the Base District Regulations and individual review of their location, design, configuration, intensity, and density of use or structures.

C. ***Special Use Permit***. A use permit approved by the Planning Commission for a use in any zoning district, based on consideration of the technical requirements of the use, characteristics of the location where the use is proposed to be established, and impacts on adjacent uses. Examples of uses that require Special Use Permits are Agritainment, police and fire stations, wastewater treatment facilities, and water reservoirs.

5.402 Procedures

A. ***Administrative Use Permit***. The following procedures shall apply to applications for Administrative Use Permits (AUP):

1. *Application*. An application for an Administrative Use Permit shall be filed with the Development Services division in accordance with the application procedures set forth in Article 5.2: Common Procedures.

2. *Neighborhood Notice*. The Zoning Administrator shall prepare a Neighborhood Notification for applications for Administrative Use Permits. The notice shall be subject to the following requirements:

   a. At least 15 days prior to the date of the Notice of Decision, the applicant shall notify by first-class mail:

      (1) All property owners of record within 300 feet of the property, unless the General Plan or other policy adopted by the Town Council requires notification within a larger area;

      (2) All HOAs within 1,000 feet of the property;

      (3) All neighborhoods within 1,000 feet of the property that are registered with the Town of Gilbert Neighborhood Services Office;

      (4) The property owner if the application is initiated by a person other than the property owner; and

      (5) Any person or group who has specifically requested notice regarding the application.

   b. The Director of Planning may expand the notification area set forth in Section 5.402A.2a.(1), 5.402A.2a.(2), and 5.402A.2a.(3) if he determines the potential impact of the project extends beyond the required notification boundary;

   c. The applicant shall submit a signed affidavit and copies of the mailing, along with any responses and applicant's action, prior to decision. Failure of applicant to provide evidence of mailing shall result in a deferment of action on the item.

   d. The neighborhood notification shall describe the proposed use; the date the decision will be rendered by the Zoning Administrator; the time and place where the public may review the entire application; and the procedure and deadline for filing an appeal of the decision.

3. *Validity of Proceedings*. The validity of the proceedings shall not be affected by the failure of any person to receive such mailed notice.

4. *Option to Require Public Hearing*. The Zoning Administrator may require a public hearing before the Planning Commission for any Administrative Use Permit application that the Zoning Administrator determines to have special neighborhood or community significance. In such cases, the Commission shall review and act upon the Application in the manner described in this article for Conditional and Special Use Permits. The Zoning Administrator shall not schedule such applications for consideration by the Commission until the applicant has paid a fee for a public hearing as set by Council resolution.

5. *Action*. Except as provided for in Section 5.402A.4: Option to Require Public Hearing, the Zoning Administrator shall review the application for compliance with the Zoning Code. The Zoning Administrator shall approve, approve with modifications and/or conditions, or deny the application and shall set forth any proposed findings and decision on a Notice of Administrative Decision. The Notice of Administrative Decision shall be mailed to the applicant by first class mail within 45 days from the filing of the application.

6. *Appeal*. Decisions of the Zoning Administrator on Administrative Use Permits may be appealed to the Planning Commission pursuant to the procedures set forth in Section 5.2011: Procedures for Appeals. The Planning Commission's decision shall be final. The Planning Commission shall have the authority to uphold, modify, or overrule the decision of the Zoning Administrator. The Town Council may, however, certify for its review any action of the Commission regarding an AUP as provided for in Article 5.10: Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions.

B. ***Conditional and Special Use Permits.*** The following procedures shall apply to applications for Conditional and Special Use Permits:

1. *Application*. An application for a Conditional or Special Use Permit shall be filed with the Development Services division in accordance with the application procedures set forth in Article 5.2: Common Procedures.

2. *Public Notice*. Public notice shall be provided in accordance with the public notification procedures set forth in Section 5.205: Notice of Public Hearings.

3. *Staff Report*. The Director shall prepare and transmit to the Planning Commission a staff report, including an analysis and recommendation, setting forth any proposed findings and conditions upon which the Commission may base its decision.

4. *Public Hearing*. The Planning Commission shall conduct a public hearing in accordance with the procedures set forth in Section 5.206: Public Hearing Procedures.

5. *Action*. The Planning Commission may approve, approve with modifications and/or conditions, or deny special and conditional use permits. If the Planning Commission fails to take action within 90 days after closing the public hearing, the Planning Commission shall be deemed to have denied the application.

6. *Appeal*. Decisions of the Planning Commission may be appealed to the Town Council pursuant to the procedures set forth in Section 5.2011: Procedures for Appeals. The Town Council's decision shall be final. The Town Council shall have the authority to uphold, modify, or overrule the decision of the Planning Commission. The Town Council may, however, certify for its review any action of the Commission regarding a Use Permit as provided for in Article 5.10: Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions.

5.403 Required Findings

The Planning Commission or the Zoning Administrator, in the case of Administrative Use Permits, shall approve, approve with modifications and/or conditions, or deny a use permit after making findings of fact set forth in this section.

A. ***Findings Required for Approval of Administrative Use Permit***. The Zoning Administrator may approve an Administrative Use Permit as submitted or modified only upon making the following findings:

1. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the Town Council;

3. The proposed use conforms with the conditions, requirements, or standards prescribed by the Zoning Code and any other applicable local, State, or Federal requirements; and

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

B. ***Findings Required for Denial of Administrative Use Permit***. If the Zoning Administrator is unable to make the required findings for approval, he shall deny the application, in which case he shall state in writing the reasons for that determination.

C. ***Finding Required for Approval of Conditional Use and Special Use Permits***. The Planning Commission may approve a Conditional Use Permit or Special Use Permit as submitted or modified only upon making the following findings:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;

3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

D. ***Additional Finding Required for Approval of Special Use Permit***. In addition to the findings required for approval in Section 5.403.C: Finding Required for Approval of Conditional Use and Special Use Permits, in order to approve a Special Use Permit the Planning Commission shall find that the proposed location is reasonably necessary to meet the objectives of the proposed use based on technical requirements.

E. ***Findings Required for Denial of Conditional Use and Special Use Permits***. If the Commission is unable to make the required findings for approval, it shall deny the application, in which case the Chair shall state in writing the reasons for that determination.

5.404 Expiration; Modifications; Revocation

A. ***Expiration***. A use permit shall automatically expire 2 years from its effective date unless either of the following has occurred:

1. Commencement of the use, or

2. Commencement of construction pursuant to a valid building permit.

B. ***Modifications***. No change is permitted in the use or structure for which a use permit has been issued except as follows:

1. *Administrative Use Permit*. The Zoning Administrator may approve modifications to any Administrative Use Permit. Modifications are limited to reasonable changes to the Administrative Use Permit that do not substantially alter a Final Design Review approval or any condition of the Administrative Use Permit. The Zoning Administrator shall provide written records of the decision and supportive findings.

2. *Conditional Use and Special Use Permits*. Modifications to a Conditional or Special Use Permit may be granted by the decision-making body pursuant to the procedures set forth in Article 5.2: Common Procedures.

3. *Conditional Use Permits for Wireless Communication Facilities.*

   a. Substantial changes to conditional use permits for wireless communication facilities (WCF), including but not limited to a change in physical location of the structure on which antennas are mounted, shall proceed as set forth above in Section 5.404.B.2.

   b. Minor changes to conditional use permits for wireless communication facilities (WCF) may be approved by the Zoning Administrator upon a finding that the change does not substantially alter the use permit approval or any condition of approval. The Zoning Administrator shall provide written records of the WCF decision and supportive findings.

C. ***Revocation***. A use permit may be revoked by the decision-making body following a public hearing if the use ceases for a period of 90 consecutive days, or because of failure to comply with the conditions of the use permit.

1. *Initiation of Revocation*. Proceedings for the revocation of a use permit may be initiated by the Zoning Administrator. The Zoning Administrator shall prepare a written report to the decision-making body that contains the following information:

   a. The use permit to be revoked,

   b. The property to which the permit applies; and

   c. The reason or reasons for the proposed revocation.

2. *Notice of Revocation Hearing*.

   a. Notice of a revocation hearing shall be given by first class mail at least 15 days prior to the hearing as follows:

(1) To the property owner of record;

(2) To the property address; and

(3) To the business address.

b. Notice of the public hearing shall be published at least 15 days prior to the date of the hearing at least once in a newspaper of general circulation published or circulated within the Town of Gilbert.

c. Notice shall be posted at least 15 days prior to the date of the hearing at 4 public places within the Town designated by Town Council resolution for posting of public notices.

3. *Hearing*. The revocation hearing shall be held in accordance with the procedures for public hearing set forth in Section 5.206: Public Hearing Procedures.

4. *Required Findings*. In order to revoke the use permit, the decision-making body shall make one or more of the following findings:

a. One or more of the terms of conditions of the use permit have been violated or there has been a violation of other applicable laws or regulations;

b. The use has ceased for at least 90 consecutive days and the applicant has not demonstrated any circumstances justifying the cessation of use.

5. *Action*. Upon revocation of the use permit, the Zoning Administrator shall set forth the decision in a Notice of Decision describing the decision-making body's action, with its findings.

a. The Notice of Decision shall be mailed to the applicant by first class mail and to:

(1) To the property owner of record;

(2) To the property address; and

(3) To the business address.

5.405 Appeals

A. ***Conditional and Special Use Permits***. Decisions on a Conditional and Special Use Permits may be appealed to the Town Council pursuant to the procedures set forth in Section 5.2011: Procedures for Appeals.

B. ***Administrative Use Permits***. Decisions on an Administrative Use Permits may be appealed to the Planning Commission pursuant to the procedures set forth in Section 5.2011: Procedures for Appeals.

5.406 Effective Date of Permit

The effective date of the use permit shall be the 11th day after the approval, unless the action is appealed in accord with Section 5.2011: Procedures for Appeals. No building, grading, or construction permit shall be issued until the use permit becomes effective.

Article 5.5: Variances

Sections:

5.501 Purpose and Applicability
5.502 Procedures
5.503 Required Findings
5.504 Use Variances Prohibited
5.505 Conditions of Approval
5.506 Effective Date

5.501 Purpose and Applicability

Variances provide a mechanism for relief from the strict application of the Zoning Code where the strict application will deprive the property owner of privileges enjoyed by similar properties. Variances may be granted with respect to dimensional and performance standards including, but not limited to site dimensions, yards, height of structures, distances between structures, open space requirements, signage dimensions, fences, and walls. No variances from the use regulations of the Zoning Code shall be granted.

5.502 Procedures

A. ***Application*.** A written application for a variance shall be filed with the Development Services division in accordance with the application procedures set forth in Article 5.2: Common Procedures. In addition to any other requirements specified, applications shall at a minimum include the following:

1. Evidence showing why, due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings, strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district.

2. Evidence showing that the requested variance will not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located.

3. Evidence that the special circumstances applicable to the property were or are not self-imposed by the property owner.

4. Evidence showing why granting the variance:

a. Substantially meets the intent and purpose of the zoning district in which the property is located;

b. Will not be detrimental to the health, safety, and general welfare of persons living or working in the neighborhood;

c. Will not be detrimental to the general welfare of the Town; and

d. Is the least amount of relief necessary to permit use of the property similar to other properties in the district.

B. ***Public Notice.*** Public notice shall be provided in accordance with the public notification procedures set forth in Section 5.205: Notice of Public Hearings.

C. ***Staff Report.*** The Director shall prepare and transmit to the Zoning Hearing Officer a staff report, including an analysis and recommendation, setting forth any proposed findings and conditions upon which the Hearing Officer may base its decision. A copy of the staff report shall be made available to the public and the applicant prior to the public hearing.

D. ***Public Hearing.*** The Zoning Hearing Officer shall conduct a public hearing in accordance with the procedures set forth in Section 5.206: Public Hearing Procedures.

E. ***Action.*** The Zoning Hearing Officer shall render a written decision within 10 days of the date the hearing is closed. The Zoning Hearing Officer may approve, approve with modifications and/or conditions, or deny applications for variances.

F. ***Referral to Board of Adjustment.*** The Zoning Hearing Officer may, upon review of the facts of the application, determine that the case merits review by the full Board of Adjustment. In such cases, the Zoning Hearing Officer shall prepare a written statement of the reasons for referring the matter to the Board. Staff shall schedule the matter for hearing at the next available Board of Adjustment hearing and submit the Hearing Officer's statement to the Board with the staff report.

G. ***Appeal***. Decisions of the Zoning Hearing Officer may be appealed to the Board of Adjustment pursuant to the procedures set forth in Section 5.2011: Procedures for Appeals.

5.503 Required Findings

The Zoning Hearing Officer or the Board of Adjustment, upon referral as provided for in Section 5.502F: Referral to Board of Adjustment, shall only approve a variance after finding that:

A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;

B. Such special circumstances were not created by the owner or applicants;

C. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and

D. The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

5.504 Use Variances Prohibited

Neither the Board of Adjustment nor the Zoning Hearing Officer shall approve any changes in the uses permitted in any zoning district or approve any modification of the requirements of the Zoning Code that would have the effect of allowing the establishment of a use not otherwise permitted.

5.505 Conditions of Approval

In approving a variance, the Board of Adjustment or the Zoning Hearing Officer may impose reasonable conditions necessary to:

A. Achieve the general purposes of the Zoning Code or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan;

B. Protect the public health, safety, and general welfare; or

C. Insure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

5.506 Effective Date

The effective date of the variance shall be the 31st day after the approval, unless the action is appealed in accord with the procedures set forth in Section 5.2011: Procedures for Appeals. No building, grading, or construction permit shall be issued until the variance becomes effective.

Article 5.6 Design Review

Sections

5.601 Purpose and Applicability
5.602 Procedures and Responsibilities
5.603 Design Review Approval
5.604 Appeals of Decisions of the Design Review Board, Redevelopment Commission and Director of Planning
5.605 Effective Date and Expiration Date
5.606 Enforcement

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, or Heritage 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, and Heritage 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, or Final Design Review; and

   i. Minor amendments to a Comprehensive Sign Program, Master Sign Plan, or Heritage 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 and Heritage Sign Plans that comply with the requirements of Article 4.4; and

   k. Open Space Plans for a subdivision less than 20 acres as part of the Preliminary Plat review.

l. Model Home Complex; and

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.

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.

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.

Article 5.7: Amendments to Zoning Code Text, a Zoning Ordinance or the Official Zoning Map

Section:

5.701 Purpose and Applicability
5.702 Initiation of Amendments
5.703 Procedures
5.704 Findings

5.701 Purpose and Applicability

The purpose of this article is to provide procedures consistent with applicable State requirements by which changes may be made to the text of the Zoning Code, a zoning ordinance and to the Official Zoning Map. This procedure shall apply to all proposals to change the text of the Zoning Code, a zoning ordinance, or to revise a zoning district classification or zoning district boundary line shown on the Official Zoning Map.

5.702 Initiation of Amendments

A. ***Town Council***. The Town Council may direct the Planning Commission to analyze, conduct a hearing, and make a recommendation to the Council for an amendment to the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map.

B. ***Planning Commission.*** The Commission may initiate consideration of an amendment by directing the Director of Planning to prepare an amendment to the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map and to schedule a hearing on the proposed amendment pursuant to the procedures set forth in this article. Following the hearing the Commission may make a recommendation to the Town Council for action.

C. ***Owner Initiation***. A property owner or an agent authorized in writing may apply for an amendment to the Official Zoning Map or a zoning ordinance governing the property.

5.703 Procedures

A. ***Pre-Application Review.*** All applications to amend the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map shall be subject to pre-application review pursuant to the procedures set forth in Article 5.2: Common Procedures.

B. ***Citizen Review.*** All applications to amend the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map shall be subject to a citizen review process. The Director of Planning may establish additional procedures for the citizen review

process. The citizen review process shall at a minimum consist of a neighborhood meeting or a work session of the Planning Commission, as set forth below.

1. *Zoning Ordinance and Official Zoning Map Amendments*. The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in Section 5.204: Neighborhood Meeting.

2. *Text Amendments to the Zoning Code*.

   a. A citizen review session shall be held at a work session of the Planning Commission scheduled at least 5 days prior to the public hearing at the Planning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to comment on the proposal.

   b. Notice of the citizen review session shall be given to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application, at least 10 days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. A copy of the notice shall be submitted to the Director of Planning. The form of notice to be used may vary according to the type of text amendment proposed. Any form of notice used by the Director for the proposed text amendment shall be considered sufficient. The form of notice given may include, but is not limited to, the following:

      (1) Publication in a local newspaper of general circulation distributed to residents living within the Town.

      (2) Posting at 4 public places within the Town designated by Town Council resolution governing posting of public notices.

      (3) Posting on the official Town website.

   c. The Planning Commission may take into account issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments when it considers its recommendation to the Town Council. Prior to the Town Council hearing on the proposed text amendment the Commission shall report on the issues and concerns raised during the citizen review session.

C. ***Application.*** Applications shall be filed in accordance with the application procedures set forth in Article 5.2: Common Procedures.

D. ***Notification.*** Public notification shall be provided in compliance with Section 5.205: Notice of Public Hearings. When the proposed amendment involves 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.

E. ***Staff Report.*** The Director of Planning shall prepare and transmit to the Planning Commission a staff report. The report shall include an evaluation of the consistency and conformance of the proposed amendment with the General Plan and any applicable specific plan adopted by the Town Council. A copy of the staff report shall be made available to the public and any applicant prior to the public hearing.

F. ***Planning Commission Hearing.*** The Planning Commission shall conduct a public hearing on any application to amend the text of the Zoning Code, a zoning ordinance, or the Official Zoning Map as set forth in Article 5.2: Common Procedures.

G. ***Planning Commission Action.*** The Planning Commission shall render its decision in the form of a written recommendation to the Town Council. The recommendation shall include the reasons for the recommendation. The Commission may recommend approval, approval with modification and/or conditions, or denial of the proposed amendment. If the Commission fails to make a recommendation to the Town Council within 90 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the Town Council.

H. ***Protest Procedures.*** If the owners of 20 percent or more either of the area of the lots included in a proposed zoning change, or of those immediately adjacent in the rear or any side thereof extending 150 feet there from, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against the proposed amendment, it shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Town Council. The protest shall be filed in writing with the Town Clerk at least 5 days prior to the public hearing or any continued public hearing of the Town Council to allow time to verify the signatures on the protest.

I. ***Town Council Hearing.*** The Town Council shall conduct a public hearing and take action as set forth in Article 5.2: Common Procedures.

J. ***Town Council Action.*** The Town Council may approve, approve with modifications and/or conditions, or deny the application. Approval shall be by Ordinance.

K. ***Conditions of Approval.*** In approving an amendment to a zoning ordinance or to the Official Zoning Map, the Town Council may impose conditions for the

dedication of rights-of-way and easements related to the effect of the rezoning, establish a schedule for development, or impose other conditions permitted by law, and, if the amendment is for a Planned Area Development Overlay, may impose additional conditions necessary to ensure that the proposed amendment:

3. Conforms to the General Plan and any applicable specific plan adopted by the Town Council; and

4. 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.

L. ***Failure to Meet Conditions within Specified Time Period.*** If the Town Council approves a Zoning Ordinance or an amendment to the Official Zoning Map with a condition that is required to be completed within a specific time period and the condition is not satisfied within that time period, the following actions may be taken:

1. The Town Council or Planning Commission may initiate an amendment to remove the condition or extend the time period and direct the Director of Planning to prepare an ordinance to do the same pursuant to the procedures set forth in Section 5.703 D-K., or

2. The Town Council or Planning Commission may initiate a rescission of the Zoning Ordinance to revert the zoning to its prior zoning classification for failure to comply with the conditions of the rezoning ordinance, pursuant to A.R.S. § 9-462.01(e) and direct the Director of Planning to notify the property owner by certified mail and prepare an ordinance to revert the zoning pursuant to the procedures set forth in Section 5.703 D-K., or

3. The property owner in writing may apply for an amendment to the zoning ordinance to amend or remove the condition pursuant to the procedures set forth in Sections 5.201 Application Process and 5.703 Procedures.

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.

5.704 Findings

A. In considering amendments to a zoning ordinance or to the Official Zoning Map, the Planning Commission shall only recommend approval and the Town Council shall only approve the proposed amendment based on a determination that the amendment as proposed or as modified conforms with the General Plan, any

applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district.

B. The Town Council in taking its action shall find the following:

1. *Public Notice*: All required public notice has been conducted in accordance with applicable state and local laws;

2. *Public Meetings and Hearings*: All required public meetings and hearings have been held in accordance with applicable state and local laws.

Article 5.8: Amendments to General Plan Text or Map

Sections:

5.801 Purpose
5.802 Initiation of Amendments
5.803 Procedures

5.801 Purpose

The purpose of this article is to provide procedures by which changes may be made to the text or map of the General Plan. The General Plan is a comprehensive long-range guide for orderly growth and development in the community.

5.802 Initiation of Amendments

A. ***Initiation.***

1. *Town Initiated Amendments*. The Town Council or the Planning Commission may initiate an amendment to the map or text of the General Plan. An amendment shall be initiated by motion.

2. *Property Owner Initiated Amendments*. A property owner or an agent authorized in writing may apply for an amendment to the map or text of the General Plan governing the property.

B. ***Timing.***

1. *Major Amendments*. Applications for major amendments shall be filed no later than May 31 of each calendar year in order to be considered in that year. All applications for major amendments to the General Plan shall be heard by the Town Council at a single hearing during the calendar year in which they are filed. A major amendment is defined in Chapter 1: Amendments, of the Gilbert General Plan.

2. *Minor Amendments*. Applications for minor amendments may be filed at any time.

5.803 Procedures

A. ***Pre-Application Review.*** All applications to amend the map or text of the General Plan shall be subject to pre-application review pursuant to the procedures set forth in Article 5.2: Common Procedures.

B. ***Citizen Review.*** All applications to amend the General Plan shall be subject to a citizen review process. The Director of Planning may establish additional procedures for the citizen review process. The citizen review process shall at a minimum consist of a neighborhood meeting or a work session of the Planning Commission, as set forth below.

1. *Map Amendments*. The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in Section 5.204: Neighborhood Meeting.

2. *Text Amendments.*

a. A citizen review session shall be held at a work session of the Planning Commission scheduled at least 5 days prior to the public hearing at the Planning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to address the Planning Commission on the proposal.

b. Notice of the citizen review session shall be given to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application, at least 10 days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. A copy of the notice shall be submitted to the Director of Planning. The form of notice to be used may vary according to the type of text amendment proposed. Any form of notice used by the Director for the proposed text amendment shall be considered sufficient. The form of notice given may include, but is not limited to, the following:

i. Publication in a local newspaper of general circulation distributed to residents living within the Town.

ii. Posting at 4 public places within the Town designated by Town Council resolution governing posting of public notices.

iii. Posting on the official Town website.

c. The Planning Commission may take into account issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments when it considers its recommendation to the Town Council. Prior to the Town Council hearing on the proposed text amendment the Commission shall report on the issues and concerns raised during the citizen review session.

C. ***Application.*** Applications shall be filed in accordance with the application procedures set forth in Article 5.2: Common Procedures.

D. ***Public Notice.*** Public notification shall be provided in compliance with Section 5.205: Notice of Public Hearings.

E. ***Notice to Other Jurisdictions.*** Notice of amendments to the General Plan shall be given in accordance with the requirements of ARS § 9-461.06.

F. ***Staff Report.*** The Director of Planning shall prepare and transmit to the Planning Commission a staff report. A copy of the staff report shall be made available to the public and any applicant prior to the public hearing.

G. ***Planning Commission Hearing.*** The Planning Commission shall conduct at least 1 public hearing for minor General Plan amendments and at least 2 public hearings for major General Plan amendments. Hearings on major General Plan amendments shall be held in two separate locations in the Town. The Planning Commission shall conduct the hearings as set forth in Article 5.2: Common Procedures.

H. ***Planning Commission Action.*** The Planning Commission may recommend the approval, approval with modifications or denial of the proposed amendment. If the Commission fails to make a recommendation to the Town Council within 90 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the Town Council.

I. ***Town Council Hearing.*** The Council shall conduct a public hearing as set forth in Article 5.2: Common Procedures.

J. ***Town Council Action.*** The Town Council may approve, approve with modifications or deny the application. Approval of any major amendment to the General Plan shall require an affirmative vote by at least 2/3 of the members of the Council. Approval shall be by Resolution.

Article 5.9: Protected Development Right Plan

Sections:

5.901 Purpose and Applicability
5.902 Procedures
5.903 General Provisions
5.904 Expiration Date and Extensions; Revocation

5.901 Purpose and Applicability

The purpose of this article is to provide procedures consistent with applicable State law by which a plan may be designated as a Protected Development Right Plan. Except as provided in Section 5.903C: Subsequent Designation, only a plan submitted to the Town that is designated as a Protected Development Right Plan at the time of submittal shall be processed as a Protected Development Right Plan.

A protected development right is the right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan without compliance with subsequent changes in zoning regulations and development standards, and precludes the enforcement against the development of any legislative or administrative land use regulation of the town or an initiated measure that would change, alter, impair, prevent, diminish, delay or otherwise impact the development or use of the property as set forth in the approved Protected Development Right Plan. Upon approval of a Protected Development Right Plan, the owner has a protected development right to undertake and complete the development only to the extent of the specific elements and details shown on the plan without compliance with subsequent changes in zoning regulations and development standards.

This article sets forth the procedures for two classifications of Protected Development Right Plans: non-phased developments and phased developments.

5.902 Procedures

A. ***Application.*** Applications shall be filed in accordance with application procedures set forth in Article 5.2: Common Procedures and additional application requirements set forth in this article. Applications may be filed for non-phased development right plan, or phased development right plan.

1. *Non-Phased developments*. Non-phased developments are developments that are constructed in one phase. Applications for Protected Development Right Plan for non-phased developments shall comply with the application requirements for final subdivision plat approval as set forth in Chapter III: Subdivision Regulations.

2. *Phased developments*. An application for a Protected Development Right Plan for phased developments shall comply with the application requirements set forth in this article and Article 3.1: Planned Area Development Overlay Zoning District. The application shall identify all improvements required to be constructed for each phase.

B. ***Application Content.***

1. *All Applications*. All applications for a Protected Development Right Plan shall include all of the following:

   a. The proposed uses of the property;

   b. The boundaries of the property;

   c. Significant topographical and other natural features affecting development of the property;

   d. The location of all existing and proposed utilities and provisions for other infrastructure on the property, including water, sewers, road and pedestrian walkways; and

   e. All other studies and reports required by the Zoning Code, the Subdivision Regulations and other codes of the Town, including traffic reports, drainage reports, master street plans, development phasing schedules and phased public infrastructure schedules.

2. *Non-Phased Developments*. In addition to the requirements of Section 5.902B.1: All Applications, an application for a Protected Development Right Plan for a non-phased development shall be submitted either as a final subdivision plat application or as a Planned Area Development Overlay district application and shall:

   a. Designate the plan as a non-phased Protected Development Right Plan at the time of submittal;

   b. Include the general location on the property of the proposed buildings, structures and other improvements; and

   c. Include the number of dwelling units and the square footage and height of the proposed buildings and other structures.

3. *Phased Developments*. In addition to the requirements of Section 5.902B.1: All Applications, an application for a Protected Development Right Plan for a phased development shall:

a. Designate the plan as a phased Protected Development Right Plan at the time of submittal;

b. Be submitted as a Planned Area Development Overlay zoning district;

c. Include the proposed phasing plan, the boundaries of each phase, and the schedule of development of each phase;

d. Include the general location on the property of the proposed buildings, structures and other improvements for the first phase;

e. Include the number of dwelling units proposed for all phases of the development; and

f. Include the square footage and height of the proposed buildings and other structures for the first phase.

5.903 General Provisions

A. ***Final Subdivision Plat Protected Development Right Plan.*** The Protected Development Right Plan for a non-phased development shall be the final subdivision plat approved by the Town Council.

B. ***Planned Area Development Protected Development Right Plan.*** The Protected Development Right Plan for a phased development shall be the Planned Area Development Overlay zoning district approved by the Town Council for that phase. Approval of a Protected Development Right Plan for one phase of a phased development is not approval of a Protected Development Right Plan for any other phase.

C. ***Subsequent Designation.*** The Town Council may designate by ordinance or resolution a development plan that is not identified as a Protected Development Right Plan at the time it is submitted, as a Protected Development Right Plan upon a finding that granting a protected development right to undertake and complete the development shown on the plan will promote reasonable certainty, stability and fairness in the land use planning and regulatory process and secure the reasonable investment-backed expectations of the owner.

D. ***Variances.*** A Protected Development Right Plan approved with a condition that a variance be obtained does not confer a protected development right until the variance is granted. Approval of a Protected Development Right Plan does not guarantee approval of a variance.

E. ***Enforcement of Subsequent Land Use Regulations.*** A protected development right does not preclude enforcement of land use regulations that would change,

alter, impair, prevent, diminish, delay or impact the development or use of the property as approved in the Protected Development Right Plan under any of the following circumstances:

1. Changes agreed to in writing by the owner.

2. Declaration by the Town Council by resolution after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved in the Protected Development Right Plan.

3. Declaration by the Town Council by resolution after notice and a public hearing that the owner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the Protected Development Right Plan by the Town.

4. The enactment of a state or federal law or regulation that precludes development as approved in the Protected Development Right Plan, in which case the Town Council, after notice and a public hearing, may modify the affected provisions, on a finding that the change in state or federal law has a fundamental effect on the Protected Development Right Plan.

F. ***Overlay Zoning, Development Fees, Building Codes.*** A protected development right does not preclude the enforcement of a subsequently adopted:

1. Overlay zoning classification that imposes additional requirements and that does not affect the allowable type or density of use, or ordinances or regulations that are general in nature and that are applicable to all property, so long as the overlay zoning classification does not affect the allowable type or density of use.

2. Development fees applicable to similar properties in the town adopted pursuant to ARS § 9-463.05.

3. Building, fire, plumbing, electrical, or mechanical code or other ordinance or regulation general in nature and applicable to all property subject to land use regulation by the Town.

G. ***Non-Conforming Uses and Structures.*** A protected development right does not preclude, change, or impair the authority of the Town to adopt and enforce zoning ordinance provisions governing non-conforming uses or structures on the property.

H. ***Development Agreements.*** Nothing in this article shall preclude, change, or limit the authority of the Town to enter into a Development Agreement pursuant to ARS § 9-500.05.

5.904 Expiration Date and Extensions; Revocation

A. ***Expiration.***

1. *Non-Phased Development Right Plan*. A Protected Development Right Plan for a non-phased development is valid for 3 years. In its sole discretion, the Town Council may extend this time period for a maximum of 2 additional years if it determines such extension is warranted by all relevant circumstances, including the size and type of the development, the level of investment of the landowner, economic cycles, and market conditions. If no building permit has been issued prior to expiration, no construction shall commence under the plan.

2. *Phased Development Right Plan*. A Protected Development Right Plan for a phased development is valid for 5 years. In its sole discretion, the Town Council may extend this time period for a maximum of 2 additional years if it determines such extension is warranted by all relevant circumstances, including the size, type and phasing of the development, the level of investment of the landowner, economic cycles, and market conditions. No construction shall take place on the property for any phase for which a building permit has not been issued.

B. ***Compliance.*** After the approval of a Protected Development Right Plan, the Director of Planning shall monitor the progress of the development to ensure compliance with the terms and conditions of the original approval or any development agreement applicable to the property. If the development is not progressing in compliance with the original approval or any development agreement applicable to the property, the Director of Planning shall prepare a report and recommendation to the Town Council. The report and recommendation shall contain the following:

1. The Protected Development Right Plan to be revoked;

2. The property to which the right applies; and

3. The reason or reasons for the proposed recommendation.

C. ***Revocation.*** A Protected Development Right Plan may be revoked by the Town because of failure to comply with the applicable terms and conditions of the Protected Development Right Plan or development agreement.

1. *Initiation of Revocation*. The report and recommendation of the Director shall be submitted to the Town Council. The Director shall set a date for a public hearing on the proposed revocation.

2. *Notice of Public Hearing on Revocation*.

   a. Notice of the public hearing shall be given by first class mail at least 15 days prior to the hearing as follows:

      (1) To the property owner of record;

      (2) To the property address; and

      (3) To the business address.

   b. Notice of the public hearing shall be published at least 15 days prior to the date of the hearing at least once in a newspaper of general circulation published or circulated within the Town of Gilbert.

   c. Notice of the public hearing shall be posted at least 15 days prior to the date of the hearing at 4 public places within the Town designated by Town Council resolution for posting of public notices.

3. *Public Hearing*. The public hearing shall be held in accordance with the procedures for public hearing set forth in Section 5.206: Public Hearing Procedures.

4. *Required Findings*. In order to revoke the Protected Development Right Plan, the Town Council shall find that one or more of the terms of conditions of the Protected Development Right Plan have been violated or there has been a violation of other applicable laws or regulations; and

5. *Action*. Upon revocation of the Protected Development Right Plan, the Director of Planning shall set forth the decision in a Notice of Decision describing the Town Council's decision, with its findings. The Notice of Decision shall be mailed to the applicant by first class mail and to:

   a. To the property owner of record;

   b. To the property address; and

   c. To the business address.

D. ***No Vested Rights.*** Where a Protected Development Right Plan has been created, development of property without complying with the Protected Development Right Plan is not a legal use of that property. Therefore, there shall be no vested right to use property in accordance with a Protected Development Right Plan where the Protected Development Right Plan has been revoked, pursuant to Section 5.904C: Revocation.

Article 5.10: Appeals of Dedications, Exactions and Zoning Regulations, Reconsideration of Certain Decisions, and Claims for Diminution in Value

Sections:

5.1001 Purpose and Applicability
5.1002 Appeals of Required Dedications and Exactions and of Zoning Regulations Pursuant to ARS § 9-500.12 and 9-500.13
5.1003 Reconsideration of Certain Town Council Decisions
5.1004 Claim for Diminution in Value Pursuant to A.R.S. § 12-1134

5.1001 Purpose and Applicability

This article sets forth procedures for:

A. Appeals of dedication requirements, exactions or zoning regulations pursuant to Section 5.1002: Appeals of Required Dedications and Exactions and of Zoning Regulations Pursuant to ARS § 9-500.12 and 9-500.13.

B. Reconsideration of Town Council actions related to certain Federal and state statutes, pursuant to Section 5.1003: Reconsideration of Certain Town Council Decisions.

C. Filing and processing claims for diminution in value pursuant to A.R.S. §12-1134.

5.1002 Appeals of Required Dedications and Exactions and of Zoning Regulations Pursuant to ARS § 9-500.12 and 9-500.13

A. ***Appeals.*** Appeals of a required dedication or exaction filed pursuant to ARS § 9-500.12 and of a zoning regulation alleged to create a taking pursuant to ARS § 9-500.13 shall comply with the procedures of this Section and ARS § 9-500.12G.

1. *Fee.* No fee shall be charged for the appeal.

2. *Filing of Appeal.* Appeals shall only be filed by a property owner. Appeals shall be filed on a form established by the Director within 30 days of the date of the final action imposing the dedication or exaction or adopting or amending the zoning regulation. The Town shall notify the property owner of the right to appeal pursuant to this Section and provide a description of the appeal procedure on a Notice of Decision for the zoning.

B. ***Notice of Hearing.*** The property owner shall be given at least 10 days written notice of the time and place of the hearing by certified mail. The property owner may agree to a shorter time for such notice.

C. ***Hearing.*** The hearing shall not be a public hearing. Prior to the hearing, the Town shall submit a takings report to the Zoning Hearing Officer. The hearing shall be held not later than 30 days after the appeal is filed.

D. ***Appeals Filed Pursuant to ARS § 9-500.12.*** An appeal of a required dedication or exaction as a condition of approval for the use, improvement, or development of real property shall comply with this Subsection D. No appeal of a dedication or exaction may be filed under this Subsection if the dedication or exaction is imposed by a legislative act of the Town Council that does not give discretion to a town official or town department to determine the nature or extent of the dedication or exaction.

1. *Findings*. In determining whether a dedication or exaction is in violation of the law, the Town has the burden to establish that:

   a. There is an essential nexus between the dedication or exaction and a legitimate governmental interest of the Town; and

   b. The required dedication or exaction is roughly proportional to the impact of the proposed use.

2. *Decision*. If the Zoning Hearing Officer finds that the Town has not met its burden as described in Section 5.1002D.1: Findings, the Zoning Hearing Officer may modify or delete the dedication or exaction requirement. If the Zoning Hearing Officer finds that the Town has met its burden, the Zoning Hearing Officer may affirm the dedication or exaction requirement. The Zoning Hearing Officer shall decide the appeal within 5 working days after the appeal is heard.

E. ***Appeals Filed Pursuant to ARS § 9-500.13.*** An appeal of the adoption or amendment of a zoning regulation by the Town Council alleged to create a taking shall comply with this section.

1. *Findings*. In determining whether an adopted or amended zoning regulation creates a taking of property in violation of ARS § 9-500.13, the Town has the burden to establish that the zoning regulation does not create a taking. The Zoning Hearing Officer shall consider whether the zoning regulation would deny all economic use of the property. In determining whether the action would deny the owner all economic use of the property, the Zoning Hearing Officer shall consider the following factors:

a. Uses Permitted. Evaluation of the range of uses allowed under the General Plan and the Zoning Code.

b. Economic Impact Study. Any economic impact study submitted related to the impact of the conditions of an amendment on the property.

2. *Decision*. If the Zoning Hearing Officer finds that the Town has not met its burden as described in Subsection E.1, the Zoning Hearing Officer shall transmit a recommendation to the Town Council and the Town Council may reconsider its prior action. If the Zoning Hearing Officer finds that the Town has met its burden, the Zoning Hearing Officer may affirm the zoning regulation. The Zoning Hearing Officer shall decide the appeal within 5 working days after the appeal is heard.

F. ***Appeal of Decision of Zoning Hearing Officer.*** A property owner aggrieved by a decision of the Zoning Hearing Officer to modify or affirm a dedication or exaction requirement or to affirm a zoning regulation may file within 30 days after the decision a complaint in Superior Court, pursuant to ARS § 9-500.12G.

5.1003 Reconsideration of Certain Town Council Decisions

A. ***Request for Reconsideration.*** An applicant may request a reconsideration of a Town Council decision on any of the following grounds:

1. An alleged violation of the Fair Housing Act;

2. An alleged violation of the Americans with Disabilities Act or the Arizonans with Disabilities Act;

3. An alleged violation of the Religious Land Use and Institutionalized Persons Act or the Arizona Free Exercise of Religion Act; and

4. An alleged violation of the Telecommunication Act.

B. ***Reconsideration Procedure.***

1. *Time of Filing.* The request for reconsideration shall be filed within 10 days of the Town Council decision.

2. *Fact Finding Hearing*.

a. Prior to reconsideration by the Town Council, the Zoning Hearing Officer shall conduct a fact finding hearing to gather a complete record of all information relevant to the request.

b. The Zoning Hearing Officer shall have the authority to request all information necessary to compile a complete record pertaining to the request.

c. Town officials and the applicant shall fully disclose all information relevant to the fact finding.

d. The Zoning Hearing Officer shall prepare a report and recommendation for Town Council consideration within 60 days of the filing of the request.

3. Town Council Reconsideration.

a. The Town Council shall conduct a public hearing on the request pursuant to the procedures set forth in Section 5.206: Public Hearing Procedures.

b. In its deliberation, the Town Council shall consider only the applicant's written request, the findings of fact prepared by the Hearing Officer, and the Zoning Hearing Officer's recommendation. No new evidence shall be submitted.

c. The Town Council shall uphold, reverse, or modify their prior decision or remand the matter to the Zoning Hearing Officer to develop additional findings.

5.1004 Claim for Diminution in Value Pursuant to A.R.S. § 12-1134

A. ***Filing of Claim.*** All claims for diminution in value pursuant to A.R.S. § 12-1134 shall be filed with the Town Clerk on a form prescribed by the Town.

B. ***Town Review.*** After a claim is filed, Town staff shall review the claim to determine whether the enactment or application of a land use law has diminished the value of the claimant's property. A certified land appraiser, economist, or other qualified expert may be consulted to determine the amount of the diminishment of value, if any.

C. ***Staff Recommendation.*** The Director shall prepare a recommendation to the Town Council to deny the claim, pay compensation for diminishment in value or rescind or modify the land use regulation.

D. ***Town Council Determination.*** Within 90 days of the filing of the claim, Town Council shall make a determination whether to deny the claim, pay compensation, modify or rescind the land use law or its application to the claimant's property. The Council's determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a

land use law to an individual property shall be recorded against the property in the office of the Maricopa County Recorder.

E. ***Satisfaction of Notice of Claims Requirements.*** Filing a claim pursuant to this section shall be deemed to satisfy the requirements set forth in A.R.S. § 12-821.01 for filing an administrative claim against the Town.

Article 5.11: Annexations

Section:

5.1101 Purpose
5.1102 Initiation of Annexations
5.1103 Procedures

5.1101 Purpose

The purpose of this article is to provide procedures consistent with applicable State law requirements for the annexation of land into the Town. This article shall apply to all applications to annex property into the Town.

5.1102 Initiation of Annexations

A. ***Town Council or Town Manager***. The Town Council or Town Manager may direct staff to review specific property to determine whether it may be legally annexed and to contact property owners to determine whether they will sign an annexation petition.

B. ***Owner Initiation***. One or more property owners may submit an application to annex property owned by them into the Town.

5.1103 Procedures

A. ***Application by Property Owner***. An application shall be filed in accordance with this Section and in accordance with the application procedures set forth in Article 5.2: Common Procedures.

B. ***Staff Review.*** Staff shall review the proposed annexation to determine whether the property to be annexed meets the contiguity requirements of ARS § 9-471H or whether the proposed annexation is exempt from such requirements because it is within the strip-annexed area of the Town and touches an incorporated area of the Town. No proposed annexation shall be processed unless it either meets the contiguity requirements or is exempt from such requirements.

C. ***Blank Petition.*** Except for annexations of County rights-of-way or roadways with no taxable real property, staff shall file a blank petition in the office of the Maricopa County Recorder setting forth a legal description and an accurate map of all the exterior boundaries of the property proposed to be annexed. The map shall include all county rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the area of the proposed annexation. The legal description shall be sealed by a registered surveyor or engineer. Signatures shall not be obtained on an annexation petition until the

expiration of a 30-day waiting period following the date of filing the blank petition.

D. ***Notice to County.*** Notice and a copy of the filing of the blank petition shall be given to the Clerk of the Maricopa County Board of Supervisors and to the Maricopa County Assessor.

E. ***Content of Notice of Public Hearing.*** Notice of a public hearing required to be held pursuant to Section 5.1103G: Public Hearing shall be given by the Town in accordance with this Section. The notice shall include the following information:

1. A map showing the area proposed to be annexed;

2. The date, time, location and purpose of the public hearing;

3. A statement that any interested person or any authorized agent may appear and be heard; and

4. A statement describing how to submit written comments.

F. ***Notice of Public Hearing.*** The notice shall be given at least 6 days prior to the hearing in the following manner:

1. The notice shall be published by the Town at least once in a newspaper of general circulation within the Town at least 15 days before the end of the 30 day waiting period.

2. Posting by the applicant in at least three conspicuous public places on the property proposed to be annexed.

   a. Posting, maintenance and removal of signs are the responsibility of the applicant. Failure to remove the sign within 10 days of public hearing action shall result in Town removal of the sign and a charge to the applicant for costs incurred.

   b. Size, color, content, and location of public hearing sign shall be designated by Town Council resolution for posting of public hearing notices.

   c. The applicant shall submit a signed affidavit and dated, color photos of sign or signs prior to the public hearing.

   d. Failure of the applicant to provide evidence of posting shall result in a postponement of the public hearing.

3. Notice by first class mail sent by the Town to the Chairman of the Board of Supervisors of Maricopa County.

4. Notice by first class mail with an accurate map of the property proposed to be annexed sent by the Town to each owner of the real and personal property that would be subject to taxation by the Town in the event of annexation in the territory proposed to be annexed.

G. ***Public Hearing.*** A public hearing shall be held by the Town Council within the last 10 days of the 30-day waiting period described in Section 5.1103C: Blank Petition, to provide opportunity for public comment and to discuss the proposed annexation.

H. ***Signatures and Filing with County Recorder.*** After the expiration of 30 days from the date the blank petition was filed in accordance with Section 5.1103C: Blank Petition, signatures may be obtained on an annexation petition. The petition shall contain the signatures of the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the Town in the event of annexation, as shown by the last assessment of the property, may be circulated. No alterations increasing or reducing the property proposed to be annexed shall be made after a petition has been signed by a property owner.

I. ***Filing of Signed Petition and Expiration.*** A signed petition for annexation shall be filed with the Development Services division within one year after the last day of the 30-day waiting period described in Section 5.1103C: Blank Petition or the blank petition will expire. A new application shall be submitted if the property owner desires to annex the property after that deadline. At the time of filing the petition for annexation, the petitioner shall submit a sworn affidavit verifying that no part of the property proposed to be annexed is already subject to an earlier filing for annexation.

J. ***Staff Review of Petitions.*** Upon receipt of a signed petition for annexation, staff shall review the petition for sufficiency of signatures and conformance with other applicable requirements. Staff shall verify that the petition contains the signatures of the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the Town in the event of annexation, as shown by the last assessment of the property.

1. For the purpose of determining the sufficiency of the percentage of the value of property, such values of property shall be determined as follows:

   a. In the case of property assessed by the County Assessor, values shall be the same as shown by the last assessment of the property; and

   b. In the case of property valued by the Department of Revenue, values shall be appraised by the department in the manner provided by law for municipal assessment purposes.

2. For the purpose of determining the sufficiency of the percentage of persons owning property, the number of persons owning property shall be determined as follows:

   a. In the case of property assessed by the County Assessor, the number of persons owning property shall be as shown on the last assessment of the property;

   b. In the case of property valued by the Department of Revenue, the number of persons owning property shall be as shown on the last valuation of the property;

   c. If an undivided parcel of property is owned by multiple owners, such owners shall be deemed as one owner and each may sign as a fractional interest; and

   d. If a person owns multiple parcels of property, such owner shall be deemed as one owner for the purposes of this section.

K. ***Filing Petition and Affidavit with County Recorder.*** After determination of sufficiency of signatures on the petition, the petition shall be filed in the office of the Maricopa County Recorder. The petitioner shall also submit a sworn affidavit verifying that no part of the territory is already subject to an earlier filing.

L. ***Staff Report.*** The Director of Planning shall prepare and transmit to the Town Council a staff report with a proposed annexation ordinance. A copy of the staff report and proposed annexation ordinance shall be made available to the public and the applicant prior to the date of the meeting at which the Town Council will consider adopting the ordinance.

M. ***Town Council Action.*** After the filing of the signed petition, the Town Council may adopt the proposed annexation ordinance.

N. ***Annexation Complete.*** The annexation is final 30 days from the adoption of the ordinance annexing the property, subject to the review of the Maricopa County Superior Court pursuant to ARS § 9-471C. When the annexation is final, the Town Clerk shall record the annexation ordinance.

O. ***Annexation of County Right-of-Way.*** County rights-of-way or roadways with no taxable real property may be annexed by mutual consent of the Town Council and the Maricopa County Board of Supervisors if the right-of-way or roadway is adjacent to the Town for its entire length. The proposed annexation shall be approved by ordinance as part of a published agenda item at regular public meetings of the Town Council and the Board of Supervisors.

P. ***Annexation Checklist.*** Except for annexations of county rights-of-way and roadways, upon adoption of the annexation ordinance, a completed Annexation

Checklist in a form approved by the Town Attorney shall be permanently maintained in the annexation file.

Article 5.12: Enforcement

Sections:

5.1201 Invalid Permits and Approvals
5.1202 Enforcement Responsibilities
5.1203 Violation; Notice and Opportunity to Correct
5.1204 Violations and Citations
5.1205 Penalties
5.1206 Habitual Offenders
5.1207 Abatement
5.1208 Cumulative Procedures and Remedies
5.1209 Failure to Provide Evidence of Identity

5.1201 Invalid Permits and Approvals

Any permit issued or administrative approval granted in conflict with any provision of a zoning ordinance, the Zoning Code, a use permit, a variance, or a Design Review approval is void, unless relief is granted pursuant to Article 5.3: Administrative Relief from Development Standards.

5.1202 Enforcement Responsibilities

A. ***Building and Code Compliance Department.*** Prior to issuance of building permits, the Building and Code Compliance Department shall ascertain that plans presented with the building permit application comply with those approved subject to the requirements of the Zoning Code.

B. ***Code Compliance Manager.*** The Code Compliance Manager shall enforce the provisions of the Zoning Code and is authorized to stop any work undertaken not in compliance with any provision of a zoning ordinance, the Zoning Code, use permit approval, variance, or Design Review approval.

C. ***Town Attorney.*** The Town Attorney may commence an action in Superior Court to abate a violation of the Zoning Code.

5.1203 Violation; Notice and Opportunity to Correct

A. ***Notice.*** Before issuing a citation for a violation of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval, the Code Compliance Officer shall provide a written notice of the violation to the property owner, person in control, or authorized agent of the property. The notice shall set forth:

1. The violation.

2. What is required to bring the property into compliance.

3. The time period allowed to bring the property into compliance.

B. ***Time Period.*** The time period provided to correct violations of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval other than landscape and signs shall be a minimum of 10 days. The time period provided to correct violations of landscape and sign regulations are set forth in:

1. Section 4.306: Landscape Maintenance and Enforcement sets forth the time period provided to correct violations of Article 4.3: Landscape Regulations.

2. Section 4.4011: Notice of Violation sets forth the time period provided to correct violations of Article 4.4: Sign Regulations. A citation is considered an appropriate notice in the case of violations of Article 4.4: Sign Regulations, for signs installed without required permits.

C. ***Failure to Receive Notice***. Failure of the property owner, person in control, or authorized agent of the property to receive a notice shall not preclude issuance of a citation.

5.1204 Violations and Citations

If a violation of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval continues past the time set forth in the notice of violation, a citation shall be issued by any person so authorized by the Zoning Code to the property owner, person in control, or authorized agent of the property.

A. A civil action for violations shall be commenced by filing of the citation in the Town of Gilbert Municipal Court.

B. Citations may be issued by the Code Compliance Manager, a Code Compliance Officer, or a Town of Gilbert Police Officer.

C. Each day a violation continues, or the failure to perform any act or duty required by the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

D. Every civil action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to civil traffic procedures and the Arizona Rules of Procedure in Civil Traffic Violation Cases.

5.1205 Penalties

A. A citation issued pursuant to Section 5.1204: Violations and Citations shall direct the person to whom the citation is issued to pay a fine in the amount set forth in the Town of Gilbert's Municipal Court adopted schedule of fines within 10 days of the issuance of the citation or to appear before the Town of Gilbert Municipal Court. Payment of the fine shall constitute a finding of responsibility for the violation for purposes of Section 5.1206: Habitual Offenders.

B. Upon a finding by the Town of Gilbert Municipal Court that a person is responsible for a civil violation, the person, corporation, or other legal entity that violates a zoning ordinance, the Zoning Code, a use permit, a variance or a Design Review approval, the Town of Gilbert Municipal Court shall impose a civil fine of not more than $500.00 for each violation.

C. Any judgment for civil fines or penalties may be collected as any other civil judgment, as provided for in the Arizona Revised Statutes.

5.1206 Habitual Offenders

A. Any person found responsible by the Town of Gilbert Municipal Court for committing 3 or more civil violations of a zoning ordinance, the Zoning Code, a use permit, variance or Design Review approval within a 24 month period, whether by admission, by payment of the fine, by default or by judgment after hearing shall be determined to be a habitual offender. For purposes of calculating the 24 month period under this paragraph, the dates of the commission of the offenses are the determining factor.

B. A habitual offender who subsequently violates a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval shall be guilty of a Class 1 Misdemeanor offense.

C. Upon the conviction of a habitual offender for a violation of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval, the Court may:

1. Impose a sentence of incarceration not to exceed 6 months in jail; or

2. Impose a fine not to exceed $2,500.00, exclusive of penalty assessments prescribed by law; or

3. Impose a term of probation; or

4. Impose any combination of incarceration, fine, and probation.

D. Notwithstanding the above elective penalty, upon conviction of a habitual offender of a violation of a zoning ordinance, the Zoning Code, a use permit, variance, or Design Review approval, the Court shall impose a fine of not less than $500.00 for each count upon which a conviction is obtained.

E. A judge shall not grant probation to a habitual offender or suspend any part of a sentence or fine imposed upon a habitual offender for any sentence required by this subsection, except on the condition that the habitual offender pays the mandatory minimum fines as provided in this Section.

F. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

5.1207 Abatement

The Town of Gilbert Municipal Court may order abatement of a violation of this article pursuant to ARS § 9-462.05.

5.1208 Cumulative Procedures and Remedies

The procedures and remedies provided for herein shall be cumulative and in addition to any other procedures and remedies to which the Town may be entitled by law or equity.

5.1209 Failure to Provide Evidence of Identity

A person who fails or refuses to provide evidence of his or her identity to the Town of Gilbert Building Official, a Building Inspector, the Code Compliance Manager, a Code Compliance Officer, or a Police Officer or any other authorized agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of the Zoning Code, is guilty of a Class 1 Misdemeanor. Evidence of identity shall consist of a person's full name, residence address, and date of birth.

Division 6 Use Definitions

Article 6.1 Use Definitions

Article 6.1 Use Definitions

Adult Bookstore. A commercial establishment having as a substantial or significant portion of its stock in trade, whether for sale, display, rent, lease, or other use, books, magazines, other periodicals, motion pictures, paintings, photographs, pictures, laser discs, software, video cassettes or other depictions that are distinguished or characterized by their emphasis on matter depicting, describing or relating to actual or simulated specified sexual activities or specified anatomical areas, or an establishment with a segment or section of the premises, containing a minimum of 20 different items or titles, devoted to the sale, display, rental, lease or other use of such material. For purposes of this definition, duplicate copies of the same item or title shall be counted as one item or title.

Adult Show. Any commercial establishment regularly used for the presentation of shows where persons display specified anatomical areas, or where persons perform acts of or acts which simulate specified sexual activities.

Adult Theater. Any commercial establishment, whether located in an enclosed building or open air, drive-in theater, regularly used for presenting for observation by patrons therein any film or plate negative, film or plate positive, film or tape, painting, photograph, picture, laser disc, software, or other depiction designed to be depicted, displayed, or projected on a screen for exhibition, or films, glass slides, or transparencies, either in negative or positive form, and which are designed for display, depiction, exhibition, or projection on a screen or monitor, or in any type of viewing booth, that is distinguished or characterized by an emphasis on matter depicting, describing, simulating or relating to specified sexual activities or specified anatomical areas

Agritainment. Agriculturally-based recreation and entertainment events and activities in conjunction with on-going agricultural uses on a property. Activities may include corn mazes, hay rides, petting zoos, Farm Stands, and Farmer's Markets.

Airfield, Private. Facilities for the takeoff and landing of airplanes and helicopters, including runways, aircraft storage hangars, helicopter pads, and support activities.

Amateur Radio Facilities. Equipment and structures used for airway communication purposes by persons holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Ambulance Services. A facility for the provision of emergency and non-emergency medical transportation, including the parking and dispatching of ambulances, but excluding the maintenance of vehicles.

Animal Raising, Non-Commercial. The keeping, grazing or feeding of fowl or animals not for profit.

Animal Services. Facilities for care and treatment of animals, including incidental sales of pet supplies.

Animal Grooming. Any place or establishment where animals are bathed, clipped, or combed and a fee is charged for such services.

Animal Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals that is owned, operated, or maintained by a public body, humane society, animal welfare society, society of the prevention for cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Kennel. Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl or other domestic animals for a fee, but not including boarding, breeding or care of animals used for agricultural purposes.

Large Animal Hospitals. Animal services for large domestic and farm animals, including grooming and boarding of animals receiving medical treatment.

Small Animal Clinics. Animal services for small animals, including grooming and interior kennels for boarding of animals receiving medical treatment.

Arboretum or Botanical Garden. A botanical garden is an establishment where plants are grown for scientific study and display to the public. An Arboretum is a botanical garden containing living collections forcused on woody plants.

Auction. See Swap Meet.

Auction, Outdoor. See Gilbert Municipal Code Chapter 15: Special Events.

Automated Teller Machine (ATM). An automated device that provides banking services.

Automated Teller Machine (ATM), Remote. An outdoor, freestanding automated device that provides banking services at a location removed from the controlling financial institution.

Banks and Other Financial Institutions. Establishments that provide retail banking, credit, and mortgage services to individuals and businesses. This classification includes banks and savings and loan establishments and credit unions.

Banquet Facility. An establishment rented to others for social gatherings, including outdoor assembly.

Bazaar. Means a temporary use operated by a homeowner, religious organization or non-profit organization, for the purpose of selling local handmade arts and crafts.

Building Maintenance Services. Establishments providing carpet cleaning, janitorial services, pool services, and similar uses.

Building Material and Home Improvement Sales and Service, Retail. Sale or rental of building or landscaping materials, supplies, hardware or construction equipment to the public.

Large Scale. Greater than 25,000 square feet gross leasable area.

Small-Scale. 25,000 square feet or less gross leasable area

Building Material and Home Improvement Sales and Service, Wholesale. Sale of building or landscaping materials, supplies, hardware or construction equipment to other firms for resale or distribution. Incidental retail sales may be conducted.

Business Services. Establishments providing document delivery, mail services and boxes, package services, blueprinting, typesetting, copying, desktop publishing and photographic services.

Call Center. A large-scale office providing incoming and outgoing telephone and computer services for one or more corporations. Call centers do not provide on-site customer services and are characterized by high employee density, open offices and 24-hour operations.

Carport Sales. See Municipal Code Chapter 14: Businesses.

Carnival, Small-Scale. A temporary event located on less than one acre that includes activities such as amusement rides, entertainment game booths, food stands, exhibitions, and animal displays.

Cemetery. Burial grounds for the interment of the human deceased.

Cemetery, Pet. Burial grounds for the interment of domestic animals.

Circus. See *Gilbert Municipal Code Chapter 15: Special Events*.

Civic, Social and Fraternal Organization Facilities. Facilities accommodating public, quasi-public, and private organizations including organized groups having a membership requirement and specific purpose related to the welfare of the members or community.

Colleges, Public or Private. Institutions of higher education (post-secondary) providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes Instructional Services, Specialized.

Congregate Living Facility. A long-term residential facility for 11 or more handicapped or other special needs persons. Congregate living facilities include common dining, social, and recreational amenities. Congregate living facilities may include independent living units, Nursing Homes and Hospice but only as part of a larger facility. Limited commercial services may be provided exclusively for residents.

Contractor's Yard. A facility for the outdoor storage of materials, equipment, and commercial vehicles used in construction, building maintenance, and similar activities, and maintenance of contractor's supplies and operational equipment, including incidental office space.

Convention Center. A facility, auditorium or exhibition hall, used for assemblies or meetings. This classification excludes Civic, Social and Fraternal organization facilities, or other meeting facilities of private or non-profit groups that are primarily used by group members.

Crematorium. A facility for the cremation of human or animal remains.

Crop and Animal Raising, Commercial. The growing of tree, vine, field, forage, and other plant crops, intended to provide food or fiber, and the keeping, grazing, or feeding of fowl or animals for animal products, animal increase, and value increase for profit.

Crop Raising, Non-Commercial. The growing of tree, vine, field, forage, and other plant crops, intended to provide for food or fiber not for profit.

Cultural Institutions. Museums, historic sites, art galleries, performing arts facilities, libraries, and similar uses.

Data Center. A facility whose primary service is data processing and is used to house computer systems and associated components, such as telecommunications and storage systems, including but not limited to web hosting organizations and internet service organizations. A server farm, telecom hotel, carrier hotel, telehouse co-location center, or any other term applicable to facilities which are used for these specified purposes shall be deemed to be a data center.

Day Care Centers. An establishment licensed by the Arizona State Department of Health Services providing care and supervision for 5 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, day care centers for children or adults, and any other day care facility licensed by the State.

Day Care, Home Occupation. A permanent residential unit where an occupant provides day care and supervision for 5 or fewer children or adults not residing in the household, whether or not for compensation. The following uses are not a Home Occupation Day Care use: Group Homes for the Handicapped and Shelter Care Facility.

Day Care, Residential. Either child day care provided for at least 6 and not more than 10 children or adult day care for at least 6 and not more than 10 adults. The following uses are not a Residential Day Care use: Group Homes for the Handicapped and Shelter Care Facility.

Digital Production. Uses focused on digital production such as software and internet content development and publishing; computer systems design and programming; photography; and graphic and industrial design, including rental studios.

Dry Cleaning and Laundry Outlet. A retail facility where clothing and other fabrics are cleaned or laundered, by employees. Tailoring and similar services may be offered.

Dry Cleaning and Laundry Central Plant. A facility for cleaning or laundering fabrics, textiles, clothing, uniforms or similar items which does not include customer drop off.

Eating and Drinking Establishments. Businesses that primarily engage in the sale of food or beverages for consumption on or off the premises. Dancing, live music, or other similar live entertainment may be offered.

Bars/Night Clubs/Lounges/Dance Halls. Eating and Drinking Establishments that derive 50 percent or more of their gross revenues from the sale of alcoholic beverages for consumption on the premises. Serving of food is only incidental to the sale of alcoholic beverages. This classification excludes Sexually-Oriented Businesses.

Brewery, Distillery, or Winery. An establishment that produces alcoholic beverages in conjunction with incidental uses of a restaurant, retail sales and/or tasting room. The liquor may be distributed to other locations and be sold on site.

Restaurants, Beverage Service. Eating and Drinking Establishments providing beverages and limited prepackaged food goods primarily or partially from a drive-through window. This classification includes coffee kiosks and similar uses.

Restaurants, Full Service. Eating and Drinking Establishments providing food and beverage service to patrons who order and are served while seated at tables, and pay after eating. Gross revenues from the sale of alcoholic beverages is less than 50 percent of total gross sales. Takeout service may be provided. This classification may include as an incidental use an establishment licensed by the State of Arizona as a Teletrack Wagering Establishment.

Restaurants, Limited Service. Eating and Drinking Establishments providing food prepared on-site, sold to patrons who pay before eating. Food and beverages may be consumed on the premises, taken out, or delivered. No table service is provided. This classification includes cafeterias, cafes, fast-food outlets, pizzerias, and snack bars.

Entertainment and Recreation, Indoor. Public or private fitness centers, theaters, bowling alleys, skating rinks, billiard parlors and pool halls, amusement arcades, gymnasiums, sports courts, swimming pools, and similar uses. Incidental sales of food and beverages are permitted. The following uses are not entertainment and recreation uses: outdoor shooting ranges and Homeowners Association Facilities.

Large-Scale. Indoor entertainment and recreation uses that are greater than 10,000 square feet of building area.

Small-Scale. Indoor entertainment and recreation uses 10,000 square feet or less of building area.

Entertainment and Recreation, Outdoor. Public or private parks, playgrounds, open spaces, playing fields, sports courts, driving ranges not in conjunction with a Golf Course, swimming pools, amphitheater, miniature golf courses, community gardens, zoos, and similar uses. Incidental sales of food and beverages are permitted.

Equestrian Arena. A facility for equestrian exhibitions and competitions.

Farm Stand. A structure used for the sale of produce or agricultural product produced on the property.

Farmers' Market. The sale of agricultural products, arts and crafts, and prepared food by individual vendors at an open-air market, excluding games and rides.

Feed and Tack Sales. Outdoor sales of animal feed and supplies.

Feed Lot. A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. This classification does not include areas that are used for raising crops or other vegetation or upon which livestock are allowed to graze.

Fireworks Exhibition. See *Gilbert Municipal Code Chapter 15: Special Events*.

Food Preparation. A facility that prepares food and beverages for off-site consumption.

Large-Scale. A food preparation facility that produces packaged foods and beverages for sale and distribution primarily to other businesses, including incidental on-site retail.

Small-Scale. A food preparation facility that produces food and beverages primarily for sale to the general public. This classification includes catering kitchens and the production of specialty foods.

Funeral and Undertaking Services. Establishments primarily engaged in the care and preparation of the human deceased and the conduct of funeral services. Typical uses include funeral parlors and chapels, or mortuaries, but excluding Cemeteries and Crematoria.

Garden Supply Stores and Plant Nurseries. Establishments engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the incidental sales and rental of landscape materials and equipment.

Golf Course. Land laid out with at least nine holes for playing golf and which is improved with tees, greens, fairways, and hazards. Clubhouses, maintenance buildings, cart storage facilities, pro shops, restaurants or driving ranges may be incidental uses. The following use is not a golf course: miniature golf course.

Government Offices and Facilities. Office uses related to the administration of local, state, or federal government services or functions. This classification excludes airports, Utilities, and Public Safety Facilities.

Large-Scale. Government offices and facilities that occupy more than 10,000 square feet of building area or more than 5 acres.

Small-Scale. Government offices and facilities that occupy no more than 10,000 square feet of building area or 5 acres.

Group Homes for the Handicapped. A facility licensed or authorized by a governmental authority having jurisdiction over operations for 10 or fewer handicapped persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from 1 or more staff persons. This use includes assisted living homes; homes for the mentally ill, group care agencies, hospice and similar residential living arrangements for handicapped persons, but shall not include boarding houses, Nursing Homes, or a Shelter Care Facility.

Guest Quarters. A permanent structure used for the temporary housing of family members and non-paying guests, which does not include built-in cooking facilities, and is not equipped for kitchen appliances requiring 220-volt electric service or natural gas.

Haunted House. A temporary use that contains a combination of displays, acts, exhibits, or other attractions intended to entertain or amuse patrons related to Halloween themes and images.

Health Care Facilities.

Hospital. A facility licensed by the State of Arizona that provides in-patient physical or behavioral health services through the diagnosis and treatment of patients and inpatient care by a medical staff.

Urgent Care Facility. A facility licensed by the Arizona State Department of Health Services that provides emergency medical services with no provision for continuing care on an inpatient basis.

Medical Offices and Clinics. An outpatient facility providing medical, dental, chiropractic and psychiatric services, as well as medical and dental laboratories incidental to the medical office use. This classification includes home health agencies as defined in A.R.S. Section 36- 151.

Health Resort/Spa. A vacation or recreation facility that may include lodging and is available to the general public for medical or therapeutic purposes.

Heliport/Helipad. Public or privately owned facility for takeoff and landing of helicopters, including aircraft storage hangars.

Home Occupation. A business or profession conducted in a dwelling unit in a residential district.

Homeowners Association Facilities. Private club houses, dining facilities, swimming pools, parks and open space, sports courts, play fields and similar facilities owned by and principally for the use of association members. Homeowners Association Facilities include facilities owned and operated by apartment complexes for use by tenants.

Hotels and Commercial Lodging. Establishments offering transient lodging including motor lodges, motels, hostels, extended stay hotels, timeshare facilities and tourist courts. This classification excludes Group Homes for the Handicapped, apartments and other facilities intended for long-term occupancy. These uses may provide accessory services, such as conference and meeting rooms, restaurants, bars, and recreation facilities available to guests or to the general public.

Inflatables. Devices made of strong plastic or rubber designed to be filled or driven with air such as large cold air balloons or characters or air/sky dancers.

Instructional Services, Specialized. Provision of instructional services including: arts, crafts, dance or music studios, diet centers, driving schools, martial arts, reducing salons, tutoring and similar uses.

Laboratories, Commercial. Medical, dental, imaging, and similar indoor testing facilities.

Laboratories, Industrial. Facilities for the testing or analysis of environmental, industrial, or similar products or materials.

Laboratories, Research. See *Research and Development*.

Laundry Services. Establishments that provide washing, drying, and dry cleaning facilities for clothing or other fabrics in machines operated by patrons.

Maintenance and Repair Services. Establishments providing repair services for personal and household goods, such as household appliances, computers, television, audio or video equipment, office machines, furniture, luggage, and leather goods conducted entirely within an enclosed building. This classification excludes Vehicle Services, both Light and Heavy, and internal combustion engine repair.

Manufacturing and Assembly. Manufacturing and assembly of products primarily for sale to other businesses.

Artisan. Small-scale production of goods by hand manufacturing or assembly, involving the use of hand tools and small-scale equipment. This classification includes artisan studios used by artists for the creation of art.

Light. Manufacturing, processing, assembly, packaging, treatment, fabrication, and storage of finished or semi-finished parts or products. Light manufacturing and assembly uses are conducted within an enclosed building with incidental outdoor storage.

General. Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage, handling of such products and materials, and related research and development. General manufacturing and assembly uses are conducted either fully or partially within an enclosed building with limited off-site impacts. Products may require shipping by large trucks. General Manufacturing and Assembly uses include those related to computer software and hardware, computer peripherals, semiconductor fabrication, bio technical and biomedical.

Heavy. Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of finished parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Heavy manufacturing and assembly uses may be conducted entirely outdoors and have moderate to significant off-site impacts, including visual impacts. Uses involving radioactive or highly toxic materials or chemicals, highly combustible or explosive materials, or other materials and substances of a noxious nature in the manufacturing process are included in this classification. This classification includes, but is not limited to, steel fabrication, concrete block manufacturing, and truss plants. Products require shipping by semi-trucks or rail.

Medical Marijuana Terms

Medical Marijuana. Those portions of the plant of the genus cannabis administered and used by a registered qualifying patient, as that term is defined in A.R.S. Section 36-2801, solely for the purpose of treating or alleviating the patient's debilitating medical condition or symptoms associated with that debilitating medical condition.

Medical Marijuana Dispensary. A not-for-profit facility that, pursuant to A.R.S.§36-2804, is registered with and certified by the Arizona Department of Health Services to acquire, possess, cultivate, manufacture or infuse, deliver, transfer, transport, supply, sell or dispense medical marijuana or related supplies and educational materials to cardholders, as that term is defined in A.R.S§36-2801.

Medical Marijuana Designated Caregiver Cultivation Location. The enclosed, locked facility where a registered designated caregiver, as defined and regulated pursuant to A.R.S. § 36-2801, authorized to cultivate marijuana.

Medical Marijuana Facilities. Medical Marijuana Dispensaries, Medical Marijuana Offsite Cultivation Sites and Medical Marijuana Designated Caregiver Cultivation Locations.

Medical Marijuana Offsite Cultivation Site. The enclosed, locked facility, at a different location from and identified by a Medical Marijuana Dispensary pursuant to A.R.S. Section 36-2806 (E), where the medical marijuana dispensed by said dispensary is grown or stored.

Mining and Quarrying. The extraction of metallic and nonmetallic minerals or other natural resources, including quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining.

Model Home Complex. Two or more uninhabited dwelling units used by a residential builder as models for the sales of residential lots and dwellings. Model home complexes may include a sales office, customer parking, a design and decorating center, and similar activities.

Non-Chartered Financial Institution. A business other than a state or federally chartered bank, credit union, mortgage lender or savings and loan establishment that offers check cashing services and loans for payment of a percentage fee. This classification includes check cashing businesses, payday loan businesses, or businesses that function as deferred presentment services.

Non-Traditional Business. A non-chartered financial institution, pawn shop, stand-alone smoking lounge or tattoo /piercing studio.

Nursing Home. A facility other than a hospital, licensed by the Arizona State Department of Health Services, that provides accommodation, personal assistance, and skilled nursing care to non-ambulatory residents who are dependent upon the services of others.

Offices, General. Professional or administrative offices. This classification excludes retail banking, financial institutions, and offices incidental to retail, Manufacturing and Assembly, storage, or other principal uses.

Over-the-Air Reception Device (OTARD). An antenna designed to:

1) Receive direct broadcast satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite and that is one meter (39.37 inches) or less in diameter; or

2) Receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite and that is one meter (39.37 inches) or less in diameter or diagonal measurement; or

3) Receive television broadcast signals.

For purposes of this definition, "fixed wireless signals" means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location, but shall not include among other things, AM radio, FM radio, amateur ("HAM") radio, citizen's band ("CB") radio, and Digital Audio Radio Service ("DARS") signals.

Parade. See *Gilbert Municipal Code Chapter 15: Special Events*.

Park and Ride Lot. An improved lot for the temporary parking of vehicles on a daily basis for persons traveling together to and from a place of employment through carpools or public transit.

Parking Facilities. Outdoor lots and enclosed garages offering parking to the public when such use is not accessory to another land use.

Pawn Shops. Establishments engaged in the buying and selling of new or secondhand merchandise and offering loans in exchange for personal property.

Personal Services. Provision of services of a personal nature. This classification includes barber shop, beauty salon, cosmetologist, electrolysis, massage therapy, tanning salon, day spa, and nail salon.

Place of Worship. A structure used for religious worship which may have accessory uses such as religious education, religious bookstores, rectories and parsonages, offices, social services, day care, columbarium and community programs. "Place of Worship" does not include buildings that are used as single-family or multi-family residences.

Large-Scale. A Place of Worship on 10 acres or more.

Small-Scale. A Place of Worship on less than 10 acres.

Public Assembly. See *Gilbert Municipal Code Chapter 15: Special Events.*

Public Safety Facilities.

Large-Scale. Facilities for public safety and emergency services, including facilities that provide police and fire protection, Ambulance Services, public safety offices, forensic laboratories and training facilities.

Small-Scale. Storefront offices for public safety and emergency services.

Recovery Residence. A dwelling unit or building used to provide a stable, clean and sober environment for individuals recovering from substance abuse. Individual residents do not live together as a single housekeeping unit and every person residing in the residence (excluding the House Manager) is an "individual with a disability", as that term is used in the Federal and State Fair Housing Laws.

Recreational Vehicle Park. A developed property providing spaces for short-term rental to occupied recreational vehicles.

Recreational Vehicle Storage, Residential Association. A lot or parcel owned by and for the exclusive use of homeowner's association members, reserved for the storage of unoccupied recreational vehicles and other personal property.

Research and Development. Facilities for research and development of products, including but not limited to technology-intensive fields such as chemical, biological, pharmaceutical, electronics and genetic research.

Residential, Permanent. Long-term living accommodations, excluding residential care facilities.

Loft Unit. A residential unit above a nonresidential use.

Single Family. A dwelling unit located on 1 lot designed for occupancy by 1 household. Single family units may be attached (commonly known as townhouses or duplexes) or detached from other units.

Multi-Family. A building, group of buildings, or portion of a building that contains 2 or more dwelling units on 1 lot. Multi-family dwellings may include apartment buildings and residential condominiums. Multi-family housing may be in a mixed-use building with ground floor commercial space.

Secondary Dwelling. A second, subordinate dwelling unit located on the same lot as the principal dwelling unit.

Retail Sales, Convenience. A retail establishment of less than 5,000 square feet offering a limited amount of groceries, household items, and automotive supplies. This classification may include incidental Fueling Facilities, Limited Service Restaurants with drive-through and Automated or Self-Service Car Wash Facilities.

Retail Sales, Furniture. Establishments selling furniture or a combination of furniture and appliances to the general public.

Large-Scale. Establishments of 10,000 square feet or more.

Small-Scale. Establishments of less than 10,000 square feet.

Retail Sales, General. Establishments engaged in the sale of merchandise, goods, and groceries. This classification includes rental services such as party supplies, clothing, video rental, and event furnishings. This classification excludes Building Material and Home Improvement Sales and Service, Furniture Retail Sales, Convenience Retail Sales, Commercial Vehicle/Equipment Sales and Rental, Motor Vehicle Sales and Leasing, and Pawn Shops.

Roadside Sales. See *Municipal Code Chapter 14: Businesses*.

Salvage Yards or Junkyards. Storage, dismantling and recycling of vehicles, equipment, metals, tires or other used materials for sale as parts or raw material, including but not limited to, the collection, storage, exchange or sale of goods, used building material, used containers or drums, and similar articles or property.

Satellite Dish Antenna, Large. A satellite dish antenna exceeding 1 meter (39.37 inches) in diameter designed or used for receiving communications from a satellite.

Satellite Earth Station. A facility equipped with transmitters, receivers, antennas, and other equipment for receiving and transmitting communications from satellites, and for interfacing communications with a land-based communications network.

Large-Scale. A facility in which 1 or more antennas exceed 2 meters (78.74 inches) in diameter or diagonal dimension.

Small-Scale. A facility in which no antenna exceeds 2 meters (78.74 inches) in diameter or diagonal dimension.

Schools, Public or Private. Facilities for educational and/or classroom purposes operated by public, private, or charter educational institutions offering a general course of study at primary, middle, or high school levels, including seminaries, study centers, athletic facilities, vocational and trade programs, and boarding that are incidental to the operation of such schools.

Large-Scale. Schools occupying 5 or more acres.

Small-Scale. Schools occupying less than 5 acres.

Schools, Vocational-Technical and Trade. Uses offering instruction in special business, technical, trade, and vocational skills such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools, and similar establishements operated by non-governmental organizations.

Seasonal Sales. The sale of merchandise related to a recognized state holiday or seasonal event including Christmas trees, consumer fireworks, pumpkins and other similar holiday or seasonal goods.

Senior Housing. Permanent residential unit(s) restricted by federal or state law, deed restriction, or similar requirement to occupancy by persons of a specific minimum age.

Sexually-Oriented Business. Adult Bookstores, Adult Shows, and Adult Theaters.

Shelter Care Facility. A residential care facility which provides temporary lodging, meals, counseling, and full time supervision to individuals and groups such as pregnant teenagers, victims of domestic violence, neglected children, and runaways for periods of less than 30 consecutive days.

Large-Scale. A shelter care facility that is not small-scale.

Small-Scale. A shelter care facility housing 5 or fewer persons.

Shelter Care Facility, Homeless. A facility which provides temporary lodging, meals, and sanitary facilities for persons without permanent housing.

Show. See *Gilbert Municipal Code Chapter 15: Special Events.*

Sidewalk Sale/Parking Lot Event. Small scale commercial activity or promotion which may include but not be limited to merchandise displays, sale of merchandise, food stands and informational booths.

Stables, Commercial. Facilities for boarding or renting horses, mules, or ponies where a fee is charged for such services. Equestrian lessons may be provided. A Feed Lot is not a commercial stable.

Stables, Residential (Non-Commercial). A detached accessory structure for the keeping of horses, mules, and ponies, regardless of ownership and not offered for compensation.

Stand-Alone Smoking Lounge. A self-contained, independently operating business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances whether or not such substances are purchased therein, including, but not limited to cigar lounges, hookah lounges, tobacco clubs, and tobacco bars, but not including retail tobacco stores, as that term is defined in the Gilbert Municipal Code, Section 42-266.

Storage, Personal Property. A facility offering storage of personal property and office records to the general public.

Indoor. A personal property storage facility where all storage occurs in one or more fully enclosed buildings. A facility may include one on-site dwelling unit for a facility manager.

Outdoor. A personal property storage facility where all or part of the storage occurs outdoors, including the storage of recreational vehicles. A facility may include one on-site dwelling unit for a facility manager.

Swap Meet and Auction, Indoor. Commercial activities held in an enclosed structure where: 1) groups of licensed vendors rent space to display, barter, or sell goods to the public; or 2) one or more sellers bring goods for auctioning to the public. The following uses are not swap meet and auction uses: Farmer's Market, occasional craft fairs and benefit sales held on public property or conducted by a non-profit organization.

Swap Meet and Auction, Outdoor. Commercial activities held in an open area where: 1) groups of licensed vendors (sellers) rent space to display, barter, or sell goods to the public; or 2) one or more licensed sellers bring goods for auctioning to the public. The following uses are not swap meet and auction uses: Farmer's Market, occasional craft fairs and benefit sales held on public property or conducted by a non-profit organization.

Swap Meet and Auction, Single Event. See *Gilbert Municipal Code Chapter 15: Special Events.*

Tattoo / Piercing Studio. An establishment whose primary business is permanent marking of the skin using ink or other substances by means of needles or other instruments and which may also offer services to create an opening in the body for the purpose of inserting jewelry or other decoration.

Teen Nightclub. A facility with music and dancing primarily for youth unaccompanied by adults, and which charges an admission fee or cover charge.

Transportation Passenger Terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals; transit stations, but excludes airports, and Heliports.

Utilities.

Facilities. Buildings, structures or land used by a utility, railroad, or governmental agency for water or sewage treatment plants, lift and pumping stations, electric substations, telephone exchanges, resource recovery facilities or similar uses. This use does not include Utility Service Yards, Wireless Communication Facilities, Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, well sites, or Amateur Radio Facilities.

Large-Scale. A facility occupying 2 acres or more.

Small-Scale. A facility occupying less than 2 acres.

Service Yard. Buildings, structures, or land used by a utility, railroad, or governmental agency for the purpose of storing and maintaining vehicles, equipment and materials.

Well Site. Groundwater extraction well locations, including pumps and associated equipment, not located within a building.

Vacation or Short-Term Rentals. A residential dwelling unit offering transient lodging as defined in A.R.S. Section 9-500.38, if the accommodations are not classified for property taxation under A.R.S. Section 42-12001. Vacation or Short-Term Rentals do not include a unit that is used for any non-residential uses, including retail sales, restaurant, banquet facility, convention center or another similar use. This classification excludes Group Homes for the Handicapped and Recovery Residences.

Vehicle and Equipment Sales, Leasing and Services.

Car Wash, Automated or Self-Service. A facility providing self-service or automated car washing but requiring vacuuming, final drying or final finishing by vehicle operators.

Car Wash, Full Service. An establishment that provides complete vehicle cleaning by employees or from a combination of employees and an automated facility. Vehicle detailing and waxing may be offered.

Commercial Vehicle/Equipment Sales and Rental; New and Used. Sales or rental of trucks, tractors, construction or agricultural equipment, buses and similar equipment, including incidental maintenance.

Fueling Facility. A facility for the retail sale of vehicle fuel. Incidental uses may include convenience retail sales less than 1000 square feet, an Automated or Self-Service Car Wash, Light Vehicle Services and Alternative Fueling Facilities.

Fueling Facility, Alternative. Commercial sale of propane, natural gas, electric, or other alternative fuels to be used in vehicles.

Fueling Facility, Fleet. Fuel dispensing limited to fleet vehicles such as delivery trucks, school buses, and municipal vehicles where no retail sales are conducted.

Motor Vehicle Sales and Leasing, New and Used. Sale or leasing of automobiles, motorcycles, light trucks, motor homes, recreational vehicles, boats, and similar equipment, including incidental maintenance.

Non-Commercial Vehicle Rental. Rental of automobiles, light trucks, motorcycles, watercraft, and similar equipment, specifically excluding sales and maintenance. This classification does not include the rental of motor homes and recreational vehicles.

Tent Sale. The temporary outdoor sale of vehicles at other than a normal business location, by one or more licensed dealers.

Vehicle Services, Heavy. Major repair of automobiles, trucks, motor homes, recreational vehicles, or boats. This classification includes full or partial drive train removal, repair and replacement, body and paint shops, radiator shops, vehicle emissions testing, transmission shops and similar uses. This classification excludes vehicle dismantling or Salvage.

Vehicle Services, Light. Minor vehicle services limited to repair, replacement and installation of components, including batteries, tires, brakes, tune-ups, air conditioning, automobile glass replacement and tinting, upholstery, audio and video equipment, mufflers, and lubrication services. Light vehicle services exclude any operation specified under Vehicle Services, Heavy.

Vehicle Towing Service Storage Yard; Impound Lot. Any improved lot, structure, or the use of any portion of such lot or structure for the temporary outdoor storage of towed vehicles that are to be claimed by the titleholders or their agents. Any vehicle stored shall remain mechanically operable and licensed at all time.

Warehousing. Commercial storage and distribution facilities.

Freight/Truck Terminal and Warehouse. A facility for the receipt, transfer, short term storage, and distribution of goods transported by truck.

Petroleum and Gas Storage. Tank farms and outdoor facilities for the storage of petroleum products and natural gas.

Waste Management. Facilities for the collection, receipt, storage, transfer, and disposal of waste, excluding sewage.

Hazardous Waste Collection and Transfer Facility. Facilities where hazardous or medical waste material is collected, received, temporarily stored, or processed for transportation to another location for recycling, re-use, incineration or final disposal.

Hazardous Waste Disposal Facility. Facilities where hazardous or medical waste material is incinerated or otherwise put to other final disposition.

Non-Hazardous Waste Collection and Transfer Facility. Facilities where non-hazardous waste material is collected, received, temporarily stored or processed for transportation to another location for incineration or final disposal.

Non-Hazardous Waste Disposal Facility. Facilities where hazardous or medical waste material is incinerated or otherwise put to other final disposition.

Non-Hazardous Material Recycling Collection Facility.

Large-Scale. A private facility or property where recyclables are collected, received, temporarily stored or processed for transportation to another location for recycling.

Small-Scale. A private recycling container where the public is invited to bring materials to be recycled, reclaimed, reprocessed, or re-used, including but not limited to newspapers, bottles, cans, clothing, and small household goods.

Wholesale Sales and Distribution. Uses engaged in the wholesale sales, bulk storage and distribution of goods. Wholesale showrooms are also included in this use category.

Wireless Communication Facilities (WCF). Antennas, support structures and related equipment for the transmission or reception of personal wireless services, radio or microwave signals as authorized by the Federal Communication Commission. Personal wireless services include commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services, but not direct-to-home satellite services.

Chapter III Subdivision Regulations

Article 1.1 Subdivision Regulations

Article 1.2 Minor Land Division and Minor Subdivision

Article 1.3 Vacation of Streets and Easements

Article 1.4 Penalties and Enforcement

Article 1.1 Subdivision Regulations

Sections

1.101 Purpose and Applicability
1.102 Platting Procedures
1.103 Submittal Requirements, Preliminary Plat Application
1.104 Submittal Requirements, Final Plat Application
1.105 Reservation of Land for Public Purpose
1.106 Dedication of Rights-of-Way and Easements
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1.1011 Appeals
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1.101 Purpose and Applicability

A. ***Purpose***. The purpose of this article is to provide procedures consistent with State law to regulate and control the subdivision and division of land within the Town in a manner that will:

1. Insure that lands are suitable for subdivision by reason of availability of water and topography, and are free from flooding, high water table, adverse soils, subsidence, or other natural or man-made hazard to life or property;

2. Create and maintain safe and functional commercial and employment developments and safe, functional, and livable residential neighborhoods;

3. Insure adequate vehicular and non-vehicular circulation through coordinated street, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining developments and public facilities;

4. Allow the creation of individual lots of reasonable utility;

5. Insure the provision of adequate facilities and easements for utilities, drainage and storm water retention, recreation and open space;

6. Insure the provision of public streets by dedication to the Town;

7. Insure the provision of adequate sites for schools and other public facilities;

8. Implement the General Plan, the Zoning Code, design guidelines, and other codes and ordinances of the Town; and

9. Insure the accurate conveyance of land.

B. ***Applicability***. The requirements of this article shall apply to all divisions of improved or unimproved land into 4 or more lots or parcels for the purpose of financing, sale, or lease, whether immediate or future, with the following exceptions:

1. The adjustment or relocation of a boundary line or a sale or exchange of parcels between adjacent property owners or adjacent lots shown on a recorded subdivision or parcel map when the sale or exchange does not create additional lots;

2. The adjustment or relocation of boundaries between adjoining units or subdivision of individual units in a previously approved and recorded condominium plat where such subdivision or relocation is expressly permitted by the condominium declarations;

3. The creation of an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

4. Leasing of apartments, offices, stores, or similar space within an apartment building, commercial building, industrial building, or mobile home park; and

5. The division of land by order of any court or by operation of law, or pursuant to the laws of eminent domain.

6. Minor land division and minor subdivision, pursuant to Chapter III, Article 1.2: Minor Land Division and Minor Subdivision.

1.102 Platting Procedures

A. ***Preliminary Plat***. A preliminary subdivision plat shall be approved by the Planning Commission prior to the filing of an application for a final subdivision plat.

1. *Pre-Application Review*. All applications for a preliminary subdivision plat shall be subject to pre-application review pursuant to the procedures set forth in Chapter I, Article 5.2: Common Procedures.

2. *Applications*. Completed applications shall be submitted to the Development Services division on a form established by the Director of Planning. Any of the following persons or entities may submit an application:

   a. The owner of the property;

b. An authorized agent of the owner; or

c. A person acting under a purchase contract or exclusive option to purchase the property.

3. *Application Content*. Application content is set forth is Section 1.103: Submittal Requirements, Preliminary Plat. The Director may require additional supporting materials as part of the application, including but not limited to, legal descriptions, statements, plans, drawings, renderings, material samples and other items necessary to describe existing conditions and the proposed project. The applicant shall be responsible for the accuracy and completeness of all information submitted to the Town. The Director may waive the submission of specific material or information if he finds it is not needed to reach a decision on the application.

4. *Determination of Completeness*. After receiving an application accompanied by the required fee, the Director of Planning shall determine if the application is complete within 7 working days of the filing date. The Director shall notify the Applicant if the application is incomplete. If the application is incomplete, the Town shall identify the items that shall be filed to complete the application.

5. *Concurrent Applications*. When a project requires approvals under more than one section of Chapter I: Zoning Regulations, the individual applications may be accepted for concurrent review.

6. *Inspection and Reproduction of Public Records*. All applications, including supporting materials, are public records. Public records may be reviewed and copied upon request during normal business hours. The applicant shall clearly label each page of copyrighted or trademarked materials, and such materials shall be available for public inspection, but copyrighted materials shall not be copied.

7. *Inactive Applications*. All applications shall be actively pursued to a decision. If no applicant activity has occurred on an application for 180 days, the application shall be determined to be inactive. Thirty (30) days prior to that date the planning staff shall notify the applicant in writing that the application will become inactive. If the applicant requests in writing that the Director extend the 180 day period, such request shall be accompanied by an explanation for the period of inactivity. The Director 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. If an extension is not approved, the application will be deemed withdrawn and the file shall be closed.

8. *Notice of Public Hearings*. Public notification shall be provided in compliance with Chapter I, Article 5.2: Common Procedures. When the proposed preliminary subdivision plat involves land that abuts other municipalities or unincorporated

areas of Maricopa County or a combination thereof, the Planning Department shall send a copy of the Notice of Public Hearing to the planning agency of the adjacent governmental unit.

9. *Staff Reports*. The Director of Planning shall prepare and transmit staff reports to the Design Review Board and the Redevelopment Commission, if applicable, and the Planning Commission. The reports shall include an evaluation of the consistency of the proposed preliminary subdivision plat with the Zoning Code, the General Plan, and any applicable specific plan. The staff report shall also provide an analysis and recommendation, setting forth any proposed conditions of approval. A copy of the staff report shall be made available to the public and the applicant prior to the public hearing.

10. *Redevelopment Commission*. The Redevelopment Commission shall review applications for preliminary subdivision plats within the Heritage District Overlay Zoning District at a public meeting.

11. *Redevelopment Commission Action*. The Redevelopment Commission may recommend approval, approval with modifications and/or conditions, or denial of preliminary plats to the Planning Commission.

12. *Planning Commission Hearing*. The Planning Commission shall conduct a public hearing on an application for a preliminary subdivision plat as set forth in Chapter I, Article 5.2: Common Procedures.

13. *Planning Commission Action*. The Planning Commission may approve, approve with modifications and/or conditions, or deny the proposed preliminary subdivision plat. The Planning Commission shall consider recommendations from the Design Review Board and Redevelopment Commission, if applicable. Conditions may be imposed to mitigate the impacts of topography, flooding, adverse soils, subsidence, high water table, or other natural or man-made hazard to life or property. Conditions may also be imposed to implement the General Plan, the Zoning Code, design guidelines, and other codes and ordinances of the Town.

14. *Design Review Board*. The Design Review Board shall review the open space plan for a subdivision of 20 acres or more at a public meeting following the approval of a preliminary plat by the Planning Commission. No public hearing shall be required.

15. *Design Review Board Action*. The Design Review Board shall approve, approve with modifications and/or conditions, or deny the subdivision open space plan.

16. *Appeal.*

    a. Design Review Board. Design Review Board action on a preliminary subdivision plat open space plan may be appealed to the Town Council pursuant to the procedures set forth in Chapter I, Section 5.2011: Procedures for Appeals. The Town Council decision shall be final. The Town Council shall have the authority to uphold, modify, or overrule the action of the Design Review Board.

    b. Planning Commission. Planning Commission action on a preliminary subdivision plat may be appealed to the Town Council pursuant to the procedures set forth in Chapter I, Section 5.2011: Procedures for Appeals. The Town Council decision shall be final. The Town Council shall have the authority to uphold, modify, or overrule the action of the Planning Commission.

17. Amendment. All or a part of an approved preliminary subdivision plat may be amended. The amendment process shall be the same as the original approval process. The public notification area shall be the area within 300 feet of the property subject to the amendment.

B. ***Final Plat***.

1. *Applications*. Completed applications shall be submitted to the Development Services division on a form established by the Town Engineer. Any of the following persons or entities may submit an application:

    a. The owner of the property;

    b. An authorized agent of the owner; or

    c. A person acting under a purchase contract or exclusive option to purchase the property.

2. *Application Content*. Application content is set forth is Section 1.104: Submittal Requirements, Final Plat. The Town Engineer may require additional supporting materials as part of the application, including but not limited to legal descriptions, plans, drawings, and other information necessary to describe the proposed project. The applicant shall be responsible for the accuracy and completeness of all information submitted to the Town. The Town Engineer may waive the submission of certain information if he finds it is not needed to reach a decision on the application.

3. *Determination of Completeness*. After receiving an application accompanied by the required fee, the Town Engineer shall determine if the application is complete within 7 working days of the filing date. The Town Engineer shall notify the Applicant if the application is incomplete. If the application is incomplete, the Town shall identify the items that shall be filed to complete the application.

4. *Inspection and Reproduction of Public Records*. All applications, including supporting materials, are public records. Public records may be reviewed and copied upon request during normal business hours. The applicant shall clearly label each page of copyrighted or trademarked materials, and such materials shall be available for public inspection, but copyrighted materials shall not be copied.

5. *Inactive Applications*. All applications shall be actively pursued to a decision. If no applicant activity has occurred on an application for 180 days, the application shall be determined to be inactive. Thirty (30) days prior to that date the Town Engineer shall notify the applicant in writing that the application will become inactive. If the applicant requests in writing that the Town Engineer extend the 180 day period, such request shall be accompanied by an explanation for the period of inactivity. The Town Engineer 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. If an extension is not approved, the application will be deemed withdrawn and the file shall be closed.

6. *Staff Report*. The Public Works Director shall prepare and transmit a staff report to the Town Council. The report shall include an evaluation of the consistency of the proposed final subdivision plat with the approved preliminary subdivision plat, the Zoning Code, the General Plan, any applicable specific plan, and all applicable Public Works standards. The staff report shall also provide an analysis and recommendation. A copy of the staff report shall be made available to the public and the applicant prior to the meeting.

7. *Town Council Action*. The Town Council shall approve or deny the final subdivision plat.

8. *Mayor's Signature*. Upon Town Council approval of a final subdivision plat and after all other required certifications have been executed, the Mayor shall sign the final subdivision plat.

9. *Recordation*. Improvement plans for the subdivision shall be approved by the Town Engineer prior to recordation of a final plat. The Public Works department shall record the final subdivision plat with the office of the Maricopa County Recorder.

10. *Dedications and Acceptance*.

    a. Dedications of Easements and Public Streets. Dedication of easements and public street rights-of-way shall be effective upon recordation of the final subdivision plat.

    b. Public Improvements. The recordation of the final subdivision plat shall not constitute acceptance by the Town of the dedication of any public improvement. The process for acceptance of public improvements shall be established by the Town Engineer.

11. *Protected Development Right Plan*. The Protected Development Right Plan for a non- phased development shall be the final subdivision plat approved by the Town Council, as set forth in Chapter I, Section 5.903A: Final Subdivision Plat Protected Development Right Plan.

1.103 Submittal Requirements, Preliminary Plat Application

A. ***Project Narrative***.

1. Two copies of a narrative describing the project shall be submitted with an application for preliminary subdivision plat approval.

2. The narrative shall demonstrate that the project complies with the zoning code and the General Plan; and

3. The narrative shall describe proposed refuse and recycling collection system if other than standard Town collection.

B. ***ALTA Survey***. An ALTA survey is required for all undeveloped properties.

1. One full size copy (24” x 36”).The survey shall be performed within 12 months of the date of the submission of the preliminary plat application.

2. The survey shall be sealed by a licensed surveyor or engineer.

C. ***Landscape and Open Space Plans / Gateway Entrances***.

1. *Number of Full Size Copies*.

    a. 6 copies, blueline or blackline prints (24” x 36”).

    b. 1 copy presentation blackline not on photo paper, color rendered (24” x 36”), not folded or mounted.

2. *Number of Reduced Copies*. 1 copy of laser print or photo reduction (8.5" x 11"), not a photocopy of color rendered plan.

3. *Required Plan Information*.

   a. Vicinity map;

   b. Scale, north arrow, and dimensions;

   c. Gross and net site area;

   d. Property lines, easements, alleys, private streets, tracts and adjacent right-of-way;

   e. Square footage of common area landscaping and worksheet identifying each area used to calculate the total square footage;

   f. Square footage of public right-of-way landscaping and worksheet identifying each area used to calculate the total square footage;

   g. Location of proposed landscape areas;

   h. Site visibility triangles per Town of Gilbert standard details;

   i. Existing and proposed landscaping materials, including non-vegetative groundcovers. Distinctive symbols shall be used for each plant variety;

   j. Sizes, varieties and number of landscaping materials to be used;

   k. One foot contour lines and sections for retention basins and earthen berms, labeled with spot elevations;

   l. Location, type and height of proposed site lighting fixtures, including cut sheets;

   m. Design and location of enhanced community mailboxes;

   n. The location of all electrical transformers and proposed screen walls, including elevation and materials;

   o. The location and elevations of entry monuments and all fence types. Plans should be dimensioned and include notations specifying the application of proposed materials and colors;

p. Location and specifications of playground apparatus, ramadas or other shade structures, benches, barbecues, ball courts, pools, etc.;

q. Schematic grading design of open space areas, including cross sections;

r. Elevations of gateway entry monument signage, if any, including materials, colors, lettering dimensions and style, and accent lighting;

s. Placement of proposed gateway entry monument signs, with dimensions indicating separation from other signage;

t. Date of preparation including dates of any revisions; and

u. Licensed landscape architect seal.

D. ***Preliminary Hydrology Report***.

1. Two copies shall be submitted.

2. This report shall be on separate, letter size (8.5” x 11”) sheets with any necessary maps. Handwritten comments will not be accepted;

3. Delineated boundaries of watershed, if the subdivision is subject to off-site drainage;

4. Any existing drainage or irrigation structures such as tail water or delivery ditches, natural drainage channels, etc., and how they will be treated;

5. The retention volume required and the method to be used. Show a preliminary retention basin plan including size, depth and methods of drainage;

6. If the development, or any part of it, is located in a mapped floodplain, indicate the steps that will be taken to comply with Council Ordinance No. 525 (Flood Damage Prevention), as amended;

7. Date of preparation including dates of any revisions; and

8. The preliminary hydrology report shall be sealed by a licensed engineer.

E. ***Preliminary Grading and Drainage Plan***.

1. *Number of Full Size Copies*. 3 copies of blueline or blackline prints (24” x 36”).

2. *Number of Reduced Copies*. 1 copy of laser print or photo reduction (8.5” x 11”), not a photocopy of color rendered plan.

3. *Required Plan Information*.

   a. Vicinity map;

   b. Scale, north arrow, and dimensions;

   c. Site details;

   d. Gross and net site area;

   e. Preliminary storm water retention calculations;

   f. Existing and proposed slope, depth, flow patterns, and location of retention areas;

   g. Proposed contour lines and sections for retention basins and earthen berms, with spot elevations;

   h. Proposed drainage pattern, grade breaks and slopes of all streets;

   i. Date of preparation including dates of any revisions; and

   j. Licensed engineer seal.

F. ***Preliminary Plat***.

1. *Number of Full Size Copies*. 15 copies of blueline or blackline prints (24” x 36”).

2. *Number of Reduced Copies*. 1 copy of laser print or photo reduction (8.5” x 11”), not a photocopy of color rendered plan.

3. *Required Plat Information.*

   a. Vicinity map;

   b. Key map on each page, if plat consists of more than two pages;

   c. Scale, north arrow, and dimensions;

   d. The preliminary plat shall be drawn at a scale of not more than 100 feet equals 1 inch or adjusted to produce an overall drawing of 24 inches by 36 inches. More than one sheet may be submitted if necessary. The scale shall be appropriate to the size of the development;

e. Number each lot individually with the last lot number circled;

f. Table of lot sizes indicating area of all lots, total number of lots, total lot area and corresponding zoning classification;

g. Minimum lot dimensions. Do not show "typical" lots or zoning standards;

h. Illustrate the minimum lot width at minimum front setback for all irregular lots;

i. Table of tracts indicating use, area of each tract, and total tract area;

j. Location of proposed multi-use and pedestrian trails;

k. Name, book and page number of any recorded adjacent subdivision or Map of Dedication;

l. Name, address and telephone number of subdivider;

m. Name, address and telephone number of engineer preparing plat;

n. Proposed name of subdivision;

o. Location by Section, Township, and Range: referenced by dimension and bearing to two section corners. Basis of bearings used shall be stated on plat;

p. Topography by contours and spot elevations related to N.G.V.D. or approved Town datum. Contour interval shall not exceed 2 feet and shall adequately reflect character and drainage of land;

q. Location of existing fences, wells, lakes, ditches, power lines and trees over 4 inch trunk caliper;

r. Permanent structures to remain, including water wells and utility lines within or adjacent to property;

s. Location and extent of areas subject to inundation, indicating frequency of inundation;

t. Location, dimensions of all existing streets (with names), railroads, utility property, and easements;

u. Adjacent rights-of-way and easements showing existing and approved future improvements, access points, etc;

v. Layout of proposed streets and alleys, giving widths, preliminary curve data and proposed street names;

w. Proposed right-of-way dedications;

x. Street cross sections, both public and private streets;

y. For gated developments, details of entries, including gates, security control points, turnarounds, and vehicle stacking area;

z. Designation of all land to be dedicated or reserved for public use, with the use indicated;

aa. Conceptual drainage;

bb. The method of sewage collection, including the preliminary sewer layout, indicating grades, manhole locations, cleanouts, slopes and depths;

cc. The preliminary layout of the water system, indicating fire hydrants, valves, meter vaults and water line sizes;

dd. Proposed improvement phasing;

ee. Identification of on- and off-street guest parking;

ff. Adjacent zoning districts within 300 feet;

gg. Adjacent lot lines and structures within 150 feet;

hh. Table indicating development land use data:

(1) Gross and net acres;

(2) Current zoning district(s) and General Plan Classification(s);

(3). Percent of total acreage in each zoning category;

(4). Number of proposed dwelling units (residential only);

(5) Minimum setbacks and maximum lot coverage;

(6) Open space/landscape areas and percentages; and

(7) Other tracts and purposes;

ii. Date of preparation including dates of any revisions; and

jj. Licensed engineer seal.

G. ***Materials/Color Board***.

1. *Number*. One material/color board (9" x 14"- maximum) and catalog cut sheets of materials and colors noting color/material name, number and manufacturer.

2. *Reduced Copy*. One 8.5" x 11" minimum photograph or color copy of the board.

3. *Required Information*.

a. Material/color board for entry monuments, walls, lighting and amenities;

b. Samples of proposed materials and actual color chips for fence/entry monument sign material noting the color and material name and manufacturer's number mounted on a maximum 9" x 14" foam for cardboard; and

c. Catalog pages of proposed materials and colors for lighting and amenities, noting the color and material name and manufacturer's number.

1.104 Submittal Requirements, Final Plat Application

A. ***Final Plat***.

1. *Full Size Copies*. 5 copies of blueline or blackline prints, (24" x 36").

2. *Digital Copies*. A digital final plat on CD or a 3.5 inch high density floppy disk shall be submitted following initial staff review, but prior to scheduling the item for a Town Council agenda.

a. Digital copies shall adhere to Computer Aided Drafting (CAD) standards conforming to civil engineering practices, and complying with the following documents: Maricopa County Subdivision Plat CAD Layering Guidelines – May 1997, and Maricopa County Plats CAD Standards and Naming Conventions – May 1997.

b. All files shall be submitted in a .DWG or .DXF file format and shall include the Real World Basemap File. Files may be submitted in a compressed format if they can be self-extracted.

3. *Required Plat Information.*

   a. Vicinity map;

   b. Key Map on each page, if plat consists of more than two pages;

   c. Scale, north arrow, and dimensions. Scale shall not be more than 100 feet equals 1 inch or adjusted to produce an overall drawing of 24 inch by 36 inch. Use more than one sheet, if necessary;

   d. Boundary closure, gross and net acreage;

   e. General Notes;

   f. Number each lot with the last lot number circled;

   g. Minimum lot width drawn parallel to the front property line at the minimum front setback for all irregular lots (Residential only);

   h. Table of lot sizes indicating size of all lot areas, total number of lots, total lot area and corresponding zoning classification (Residential only);

   i. Table of tracts indicating use, the area of each tract, and total tract area;

   j. Landscape areas owned and maintained by an association shown as landscape tract(s). If owned and maintained by an individual property owner, landscape areas do not need to be shown on the final plat;

   k. Name, book and page number of any recorded adjacent subdivision or Map of Dedication having common boundary;

   l. Name, address and telephone number of subdivider;

   m. Name, address and telephone number of surveyor preparing plat;

   n. Proposed name of final plat;

   o. Location by Section, Township, and Range: referenced by dimension and bearing to 2 section corners. Basis of bearings used shall be stated on plat;

   p. Location and extent of areas subject to inundation; indicate frequency;

   q. Location, dimensions of all existing streets (with names), railroads, utility property, and easements;

r. Adjacent rights-of-way and easements showing existing and approved future improvements, access points, etc;

s. Layout of proposed streets and alleys, giving widths and approved street names;

t. Street curve data;

u. Easements, labeled by type. Notes should clearly identify the purpose of each easement type;

v. Cross access easement language;

w. Designation of all land to be dedicated or reserved for public use, with the use indicated;

x. Certifications required by law;

y. Date of preparation; and

z. Licensed Land Surveyor signature and seal.

aa. A petition to initiate formation of a street lighting improvement district to pay for all costs of energy, maintenance and repair of all streetlights to be installed in the area shown on the plat or, if private streets, evidence of provisions to require payment of all costs related to energy, maintenance repair and replacement of all streetlights and lights in parks and open space set forth in recorded covenants, conditions and restrictions pertaining to the subdivision.

4. *Conditions, Covenants and Restrictions*. 1 copy.

1.105 Reservation of Land for Public Purpose

The Town may require the reservation of land for public parks, recreational facilities, school sites, and fire stations for 1 year from the date of recording of a final plat as set forth in ARS § 9-463.01. The reserved land area shall be identified on the preliminary subdivision plat approved by the Planning Commission. At the applicant's option a lot and street pattern for the reserved land area may be approved as part of the preliminary subdivision plat. Prior to the end of the 1 year period following recording of the final plat, the Town or public agency for whose benefit an area has been reserved may enter into an agreement to acquire the land. If no agreement is reached within the 1 year period the reservation of land shall terminate.

1.106 Dedication of Rights-of-Way and Easements

A. ***Streets, Rights-of-Way and Public Easements***. All proposed streets, rights-of-way, and easements shall be identified on both the preliminary and final subdivision plats. The final subdivision plat shall contain a dedication for all rights-of-way and public easements. The Town Engineer shall establish required dedication language.

B. ***Private Utility Easements***. All easements proposed for dedication to a private utility company shall be identified on both the preliminary and final subdivision plats. The final subdivision plat shall contain an offer of dedication for all such easements to the appropriate utility company. Acceptance of such offers shall be the responsibility of the utility company.

C. ***Vehicular Non-Access Easements (VNAE)***. Vehicular non-access easements shall be shown on the subdivision plat. No driveway or vehicle gate shall be installed which would permit a vehicle to access or cross a vehicular non-access easement.

D. ***Other Easements***. Other easements required by the General Plan, the Zoning Code or the Town Engineer shall be shown on both the preliminary and final subdivision plats.

E. ***Appeals of Dedications and Exactions***. Appeals of a required subdivision plat dedication or exaction filed pursuant to ARS § 9-500.12 or alleged to create a taking pursuant to ARS § 9-500.13 shall comply with the procedures of Chapter I, Section 5.1002A: Appeals, and ARS § 9-500.12G.

1.107 Subdivision Improvements

A. ***Improvements Required***. The cost of all subdivision improvements within and adjacent to new subdivisions shall be the responsibility of the subdivider. All subdivisions shall install public and private improvements pursuant to improvement plans approved by the Town Engineer. Required improvements to be shown on the plat, including, but not limited to, streets, utilities, stormwater drainage and retention, recreation and open space facilities, survey monuments, landscaping, street lights, street and traffic control signs, and fencing.

B. ***Preparation of Improvement Plans***. Improvement plans shall be prepared and sealed by an engineer licensed by the State of Arizona. Improvement plans shall conform to minimum standards, requirements, and specifications established by the Town Engineer.

C. ***Assurance of Construction***. The subdivider shall provide assurance of construction that required improvements will be installed or constructed in accordance with approved plans and Town details and specifications, in accordance with ARS § 9-463.01.C8. Such assurance of construction shall be in an amount equal to 110 percent of the estimated cost of completion of the required improvements, as determined by the Town Engineer. The assurance of construction shall be provided in a form satisfactory to the Town Engineer and Town Attorney. The following forms of assurance may be used:

1. *Cash Deposit*. Upon satisfactory completion of the improvements, the Town shall inspect the improvements, and, if said improvements are in compliance with approved plans and Town details and specifications, the Town shall initially accept said improvements. After Initial Acceptance, the deposit may be reduced to 10 percent of the original cash deposit and such amount shall remain with the Town until Final Acceptance of the work. Upon Final Acceptance, the remaining cash deposit shall be returned to the subdivider. The subdivider may elect to substitute a surety bond until Final Acceptance of the improvements.

2. *Surety Bond*. A surety bond, executed by the subdivider as principal, from a corporation duly authorized to transact surety business in the State of Arizona. The bond shall be in favor of the Town. The bond shall remain in full force and effect until Initial Acceptance of the improvements. After Initial Acceptance, the amount of the bond may be reduced to 10 percent of the original bond and such bond shall remain with the Town until Final Acceptance of the improvements. Upon Final Acceptance, the bond shall be returned to the subdivider.

3. *Loan Commitment*. The subdivider may provide assurance of construction of subdivision improvements by delivering to the Town Engineer prior to the recording of said plat an agreement between an approved lending institution and the subdivider. The agreement shall state that funds sufficient to cover the entire cost of installing the required improvements, including engineering and inspection costs, and the cost of replacement or repairs of any existing streets or improvements damaged by the subdivider in the course of development of the subdivision, in an amount approved by the Town Engineer, have been deposited with the lending institution. The agreement shall provide that such funds are specifically allocated, and will be used by the subdivider or on his/her behalf, only for the purpose of installing the subdivision improvements. The Town shall be the beneficiary of such agreement. The agreement shall remain in full force and affect until Initial Acceptance of the required improvements. After Initial Acceptance, the amount required to be available may be reduced to 10 percent of the original amount and the agreement shall remain in effect with the revised amount until Final Acceptance of the improvements. Upon Final Acceptance, the agreement may be terminated. At the option of the subdivider, the subdivider may provide a surety bond to cover the costs until Final Acceptance.

4. *Alternative to Assurance of Construction - Hold on Certificates of Occupancy*. The Town may accept as an alternative assurance of construction a written agreement with the subdivider that no certificates of occupancy will be issued for a subdivision until the required improvements are complete in accordance with the approved plans and Town's details and specifications. This alternate method of assurance will only be accepted for subdivisions that require no water and sewer improvements outside property lines and no improvements are required to existing arterial or collector roadways and if the following criteria are met:

    a. The subdivider has engaged in business in the Phoenix Metro area for a period of 3 consecutive years prior to making request, and

    b. The subdivider has completed all the required improvements in a minimum of 2 jurisdictions in a manner satisfactory to the local jurisdiction's City Engineer. The written agreement shall provide that as an alternative to the assurance provisions of Section 1.107C.1: Cash Deposit, Section 1.107C.2: Surety Bond, and Section 1.107C.3: Loan Commitment, the Town shall be authorized to withhold building permits or final building inspections until all required improvements are completed and the work is inspected and accepted by the Town Engineer. The Building and Code Compliance Director shall deny final approval of any building permit or final building inspection for any structure located within a subdivision unless a written certification has been received from the Town Engineer that all required improvements are complete and the work has been inspected and accepted. If the subdivider fails to complete all required improvements in accordance with the terms of the agreement, the Town Engineer may authorize the completion of the work. The Town shall be reimbursed the costs (as determined by the Town Engineer) of construction, installation, and dedication of the uncompleted portion of the required improvements. The Town may take such action as necessary to obtain reimbursements from the subdivider.

D. ***Town Completion of Work***. If the subdivider abandons the installation of construction of required improvements or fails to complete the improvements in accordance with the Town's details and specifications, the Town may complete such installation or construction and the cost shall be deducted from the assurance of construction. The cost of construction exceeding the amount of the assurance shall be the responsibility of the subdivider, and the Town may recover such construction costs through all available remedies.

E. ***Phasing***. The Town Engineer shall approve any plan for the phased construction of a subdivision or subdivision improvements.

F. ***Design Standards***. The Town Engineer shall publish design standards and details for public and private improvements to be constructed within the Town. All subdivision improvements shall conform to the design standards.

G. ***Residential Subdivision Plat Design and Development Guidelines.***

1. *Low and Medium Density Subdivisions*. Residential subdivisions with a density of 4 units per net acre or less shall comply with the guidelines established in the Residential Design and Development Guidelines for Low and Medium Density Subdivisions.

2. *Medium High Density Framework Guidelines*. Residential subdivisions with a density of more than 4 units per net acre shall comply with the guidelines established in The Medium High Density Framework Guidelines.

H. ***Street Lighting Improvement District***. Prior to Final Plat approval, the subdivider shall, at no cost to Gilbert and pursuant to the provisions of Arizona Revised Statutes Title 48, Article 2, prepare, execute and deliver to Gilbert, a petition and all supporting documentation required to form a street lighting improvement district for lighting the public streets and parks within the subdivision. If the subdivision provides for private streets, the subdivider shall ensure that all provisions requiring payment of all costs related to energy, maintenance, repair and replacement of all streetlights and lights in parks are provided for in the recorded covenants, conditions and restrictions related to the subdivision.

1.108 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.

1.109 Continuation of Streets

Streets in a new subdivision shall align with and continue streets in adjacent developments. Single family residential subdivisions adjacent to undeveloped property designated for single family residential use on the General Plan shall provide for the continuation of streets to access the adjacent property, as determined by the Planning Commission.

1.1010 Effective Date and Expiration Date

A. ***Effective Date***. The effective date of the preliminary subdivision plat shall be the 11th day after approval, if no appeal has been filed. The effective date of a preliminary subdivision plat which has been appealed to the Town Council is the date of Town Council approval.

B. ***Expiration Date***. A preliminary subdivision plat shall automatically expire 2 years from its effective date unless a complete application for a final subdivision plat has been filed with the Town.

1.1011 Appeals

A. ***Preliminary Subdivision Plats***. The decision of the Planning Commission on a preliminary subdivision plat may be appealed to the Town Council pursuant to the procedures set forth in Chapter I, Section 5.2011: Procedures for Appeals.

B. ***Final Subdivision Plats***. Decisions of the Town Council on a final plat are final.

1.1012 Corrections to Recorded Plats

A. Except as provided in this section, any change to a recorded subdivision plat shall be processed in accordance with Section 1.102B Final Plat of this Chapter III.

B. ***Corrective Plats***. Corrective Plats may be approved by the Town Engineer, subject to the following requirements:

1. All corrections to a recorded plat shall be illustrated on the recorded plat for clarity.

2. Items to be corrected and the reason for the correction shall be indicated on the corrective plat by adding a plat note to the recorded plat. The note(s) shall be signed and sealed by the party responsible for the plat. The word “corrective” shall be added to the title block on the Corrective Plat.

3. The Corrective Plat shall be reviewed by the Town Engineer for completeness and accuracy. If no revisions are necessary, after receiving an approval signature by the Town Engineer, the plat shall be recorded in the Office of the Maricopa County Recorder and a copy shall be kept in the Town’s file with the Final Plat.

4. At the discretion of the Town Engineer, a Certificate of Plat correction may be substituted for a corrective plat. A Certificate of Plat Correction shall be subject to the same requirements as a Corrective Plat set forth in this section.

C. ***Application Procedure***.

1. *Correction Requested by Owner*

   a. An owner requesting a Corrective Plat or Certificate of Plat Correction shall file a complete application for the requested correction in writing, with all required documentation and fees.

   b. A complete application for Certificate of Correction or form of certificate shall be on the form provided by the Development Services Department and shall include:

      (1) Corrections requested;

      (2) The date the plat was recorded

      (3) The docket and page number of the plat being corrected;

      (4) Signature line for approval by Town Engineer

2. If the correction is initiated by Gilbert, the Town Engineer shall file a complete application including all of the information set forth in Section 1.1012.C.1.b.

Article 1.2 Minor Land Division and Minor Subdivision

Sections

1.201 Purpose and Applicability
1.202 Procedures
1.203 Submittal Requirements
1.204 Reservation of Land for Public Purpose, Minor Subdivision
1.205 Dedication of Rights-of-Way and Easements
1.206 Standards
1.207 Improvements
1.208 Gated Facility Entrances
1.209 Effective Date and Expiration Date
1.2010 Appeals

1.201 Purpose and Applicability

A. ***Purpose***. The purpose of this article is to provide procedures consistent with State law to regulate and control the minor division and minor subdivision of land within the Town in a manner that will:

1. Insure that lands are suitable for division by reason of availability of water and topography, and are free from flooding, high water table, adverse soils, subsidence, or other natural or man-made hazard to life or property;

2. Insure adequate vehicular and non-vehicular circulation through coordinated street, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining developments and public facilities;

3. Allow the creation of individual lots of reasonable utility;

4. Insure the provision of adequate facilities for utilities, drainage and stormwater retention, and open space;

5. Implement the General Plan and the Zoning Code; and

6. Insure the accurate conveyance of land.

B. ***Applicability***. This article sets forth the requirements for 2 types of land division:

1. *Types.*

   a. Minor Land Division. Each of the following shall be a minor land division subject to the requirements of this article:

      (1) The division of improved or unimproved land whose area is 2.5 acres or less into 2 or 3 lots or parcels for the purpose of sale or lease, where no new street is involved.

      (2) The division of improved or unimproved land for the purpose of sale, or lease, whether immediate or future, into 2 parts, where the boundaries of such property have been fixed by a recorded plat.

      (3) Lot line adjustments, whether or not a new lot is created.

   b. Minor Subdivision. The division of improved or unimproved land of any size for the purpose of sale or lease, into 10 or fewer lots or parcels, whether or not a new street is involved.

2. *Exclusions*. This article does not apply to Subdivisions, other than Minor Subdivisions, pursuant to Chapter III, Article 1.1: Subdivision Regulations.

1.202 Procedures

A. ***Minor Land Division***.

1. *Application*. Applications shall be filed in accordance with the application procedures set forth in Chapter I, Article 5.2: Common Procedures.

2. *Process*. The review process for a minor land division shall be established by the Town Engineer. A preliminary plat shall not be required.

3. *Town Engineer Action.* The Town Engineer shall approve or deny the minor land division.

4. *Signature*. Upon approval of a minor land division, and after all other required certifications have been executed, the Town Engineer shall sign the minor land division map.

5. *Recordation*. Improvement plans for the minor land division shall be approved by the Town Engineer prior to recordation of the minor land division map. The Public Works department shall record the minor land division with the office of the Maricopa County Recorder.

6. *Acceptance of Public Improvements*. The approval of the minor land division by the Town Engineer shall not be deemed to constitute acceptance by the Town of the dedication of any proposed public way, space, or improvement. The process for acceptance of public improvements shall be established by the Town Engineer.

B. ***Minor Subdivision***. A residential or nonresidential minor subdivision shall be approved by the Town Council.

1. *Application*. Applications shall be filed in accordance with the application procedures set forth in Chapter I, Article 5.2: Common Procedures.

2. *Staff Report*. The Public Works Director shall prepare and transmit a staff report to the Town Council. The report shall include an evaluation of the consistency of the proposed subdivision plat with the Zoning Code, the General Plan, and any applicable specific plan. The staff report shall also provide an analysis and recommendation. A copy of the staff report shall be made available to the public and the applicant prior to the meeting.

3. *Amendment*. All or a part of an approved minor subdivision may be amended. The amendment process shall be the same as the original approval process.

1.203 Submittal Requirements

Application submission requirements are as set forth in Chapter III, Section 1.104: Submittal Requirements, Final Plat Application.

1.204 Reservation of Land for Public Purpose, Minor Subdivision

The Town may require the reservation of land in a minor subdivision for public parks, recreational facilities, school sites, and fire stations for 1 year from the date of recording of a final plat as set forth in A.R.S. § 9-463.01. The reserved land area shall be identified on the minor subdivision plat approved by the Town Council. Prior to the end of the 1 year period, the Town or public agency for whose benefit an area has been reserved may enter into an agreement to acquire the land. If no agreement is reached within the 1 year period the reservation of land shall terminate.

1.205 Dedication of Rights-of-Way and Easements

A. ***Streets, Rights-of-Way and Public Easements***. All proposed streets, rights-of-way and easements shall be identified on minor subdivision plats. Public easements shall be identified on minor land division maps. Minor subdivision plats and minor land division maps shall contain a dedication for all rights-of-way and public easements. The Town Engineer shall establish required dedication language.

B. ***Private Utility Easements***. All easements proposed for dedication to a private utility company shall be identified on minor subdivision plats and minor land division maps. The minor subdivision plat and minor land division map shall contain an offer of dedication for all such easements to the appropriate utility company. Acceptance of such offers shall be the responsibility of the utility company.

C. ***Vehicular Non-Access Easements (VNAE)***. Vehicular non-access easements shall be shown on minor subdivision plats and minor land division maps. No driveway or vehicle gate shall be installed which would permit a vehicle to access or cross a vehicular non-access easement.

D. ***Other Easements***. Other easements required by the General Plan, the Zoning Code or the Town Engineer shall be shown on minor subdivision plats and minor land division maps.

E. ***Appeals of Dedications and Exactions***. Appeals of a required minor subdivision plat dedication or exaction filed pursuant to A.R.S. § 9-500.12 or alleged to create a taking pursuant to A.R.S. § 9-500.13 shall comply with the procedures of Chapter I, Section 5.1002A: Appeals, and A.R.S. § 9-500.12G.

1.206 Standards

A. Minor land divisions and minor subdivisions shall conform to the lot, street, block, alley, and easement standards and requirements for subdivisions. All lots or parcels created by a minor land division and minor subdivision shall conform to the General Plan and the Zoning Code.

B. Any lot or parcel shall have a minimum 20 foot wide legal access to a street or nonresidential drive aisle.

C. Any lot or parcel shall have access to all utilities necessary for the uses permitted on the property.

1.207 Improvements

A. ***Improvements Required***. All minor land divisions and minor subdivisions shall install public and private improvements pursuant to improvement plans approved by the Town Engineer. Improvements include, but are not limited to, streets, utilities, stormwater drainage and retention, recreation and open space facilities, survey monuments, landscaping, street lights, street and traffic control signs, and fencing.

B. ***Preparation of Improvement Plans***. Improvement plans shall be prepared and sealed by an engineer licensed by the State of Arizona. Improvement plans shall conform to standards established by the Town Engineer.

C. ***Assurance of Construction***. Assurance of construction of improvements shall be provided as set forth in Chapter III, Section 1.107C: Assurance of Construction.

D. ***Phasing***. The Town Engineer shall approve any plan for the phased construction of a minor subdivision or minor subdivision improvements.

E. ***Design Standards***. The Town Engineer shall publish design standards and details for public and private improvements to be constructed within the Town.

F. ***Residential Design and Development Guidelines***.

1. *Low and Medium Density Subdivisions*. Residential subdivisions with a density of 4 units per net acre or less shall comply with the guidelines established in the Residential Design and Development Guidelines for Low and Medium Density Subdivisions.

2. *Medium High Density Framework Guidelines*. Residential subdivisions with a density of more than 4 units per net acre shall comply with the guidelines established in The Medium High Density Framework Guidelines.

1.208 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.

1.209 Effective Date and Expiration Date

A. ***Effective Date***. The effective date of the minor land division or minor subdivision shall be the 11th day after approval, if no appeal has been filed.

B. ***Expiration Date***. A minor land division or minor subdivision shall automatically expire 2 years from its effective date if not properly recorded with the Office of the Maricopa County Recorder.

1.2010 Appeals

A. ***Minor Land Division***. Appeals of the decision of the Town Engineer regarding a minor land division, except for appeals filed pursuant to Chapter I, Article 5.10: Appeals of Dedications, Exactions and Zoning Regulations and Reconsideration of Certain Decisions, shall be heard by the Planning Commission.

B. ***Rights of Appeal***. Except as provided in Chapter I, Section 5.2011A.2, appeals may be filed by:

1. The applicant;

2. Any other person aggrieved by the final decision of the Town Engineer, and who has standing to appeal pursuant to State law;

3. A member of the Town Council;

4. The Town Manager; or

5. The Director of Planning.

All administrative remedies shall be exhausted prior to bringing legal action in Superior or Federal Court against the Town or any of its boards, commissions, employees, or officers.

C. ***Minor Subdivision***. Decisions of the Town Council on a minor subdivision plat are final.

Article 1.3: Vacation of Streets and Easements

Sections:

1.301 Procedures
1.302 Submittal Requirements
1.303 Effective Date
1.304 Appeals

1.301 Procedures

A. ***Initiation.*** The vacation of a street or easement shall be initiated by the Town Engineer.

B. ***Process.*** The Town Engineer shall prepare a legal description of the right-of-way or easement to be vacated.

C. ***Notice.*** The Town Engineer shall provide written notice of the proposed vacation to the owners of all property, any homeowners or property owners association, and any utility company or public agency affected by the vacation. Notice shall be mailed no later than fifteen days prior to Town Council action.

D. ***Staff Report***. The Public Works Director shall prepare and transmit a staff report to the Town Council. The report shall include an evaluation of the consistency of the proposed vacation with the Zoning Code, the Redevelopment Plan, the General Plan, any applicable specific plan, and all applicable Public Works standards. The staff report shall also provide an analysis and recommendation. A copy of the staff report shall be made available to the public and affected parties prior to the public hearing.

E. ***Town Council Hearing.*** The Town Council shall conduct a public hearing as set forth in Chapter I, Article 5.2: Common Procedures.

F. ***Town Council Action***. The Town Council shall approve or deny the proposed vacation by resolution.

G. ***Mayor's Signature***. Upon Town Council approval of the vacation, and after all other required certifications have been executed, the Mayor shall sign the final vacation resolution.

H. ***Recordation***. The Public Works department shall record the final vacation resolution with the office of the Maricopa County Recorder.

1.302 Submittal Requirements

All application submission requirements are specified in the Vacation of Streets and Easements Process Guide.

1.303 Effective Date

The effective date of vacation of streets and easements is the date of Town Council approval.

1.304 Appeals

Decisions of the Town Council on the vacation of streets and easements are final.

Article 1.4 Penalties and Enforcement

Sections

1.401 Invalid Permits and Approvals
1.402 Enforcement Responsibilities
1.403 Violation; Notice and Opportunity to Correct
1.404 Violations and Citations
1.405 Penalties
1.406 Habitual Offenders
1.407 Abatement
1.408 Cumulative Procedures and Remedies
1.409 Failure to Provide Evidence of Identity

1.401 Invalid Permits and Approvals

Any permit issued or administrative approval granted in conflict with any provision of the subdivision regulations, an approved and recorded final plat, or an approved minor land division or minor subdivision plat is void.

1.402 Enforcement Responsibilities

A. ***Plan Review and Inspection Division of the Development Services Department***. Prior to issuance of building permits, the Plan Review and Inspection Division shall ascertain that plans presented with the building permit application comply with the approved final plat, minor land division or minor subdivision plat, subject to the requirements of the subdivision regulations.

B. ***Code Compliance Administrator***. The Code Compliance Administrator shall enforce the provisions of the subdivision regulations and is authorized to provide notice of violations, issue citations for violations and to stop any work undertaken not in compliance with any provision of a final plat, subdivision regulations, minor land division or minor subdivision plat.

C. ***Town Attorney***. The Town Attorney may commence an action in Superior Court to abate a violation of the subdivision regulations.

1.403 Violation; Notice and Opportunity to Correct

A. ***Notice***. Before issuing a citation for a violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, the Code Compliance Administrator or his agent shall provide a written notice of the violation to the property owner, person in control, or authorized agent of property. The notice shall set forth:

1. The violation;

2. What is required to bring the property into compliance;

3. The time period allowed to bring the property into compliance.

B. ***Time Period***. The time period provided to correct violations of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat shall be a minimum of 10 days.

C. ***Failure to Receive Notice***. Failure of the property owner, person in control, or authorized agent of the property to receive a notice shall not preclude issuance of a citation.

1.404 Violations and Citations

A. If a property owner, person in control or authorized agent continues to be in violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat past the time set forth in the notice of violation, a citation shall be issued to the property owner, person in control, or authorized agent of the property.

B. A civil action for violations shall be commenced by filing of the citation in the Town of Gilbert Municipal Court.

C. Citations may be issued by the Code Compliance Administrator, a Code Compliance Inspector, or a Town of Gilbert Police Officer.

D. Each day a violation continues, or the failure to perform any act or duty required by the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

E. Every civil action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to civil traffic procedures and the Arizona Rules of Procedure in civil traffic violation cases.

1.405 Penalties

A. A citation issued pursuant to Section 4.104: Violations and Citations shall direct the person to whom the citation is issued to pay a fine in the amount set forth in the Town of Gilbert's Municipal Court adopted schedule of fines within 10 days of the issuance of the citation or to appear before the Town of Gilbert Municipal Court. Payment of the fine shall constitute a finding responsibility for the violation for purposes of Section 4.106: Habitual Offenders.

B. Upon a finding by the Town of Gilbert Municipal Court that a person is responsible for a civil violation, the person, corporation, or other legal entity that violates the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, the Town of Gilbert Municipal Court shall impose a civil fine of not more than $500.00 for each violation.

C. Any judgment for civil fines or penalties may be collected as any other civil judgment, as provided for in the Arizona Revised Statutes.

1.406 Habitual Offenders

A. Any person found responsible by the Town of Gilbert Municipal Court for committing 3 or more civil violations of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat within a 24 month period, whether by admission, by payment or the fine, by default or by judgment after hearing shall be determined to be a Habitual Offender. For purposes of calculating the 24 month period under this paragraph, the dates of the commission of the offenses are the determining factor.

B. A Habitual Offender who subsequently violates the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat shall be guilty of a Class I Misdemeanor Offense.

C. Upon the conviction of a Habitual Offender for a violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, the Court may:

1. Impose a sentence of incarceration not to exceed 6 months in jail; or

2. Impose a fine not to exceed $2,500.00, exclusive of penalty assessments prescribed by law; or

3. Impose a term of probation; or

4. Impose any combination of incarceration, fine, and probation.

D. Notwithstanding the above elective penalty, upon conviction of a Habitual Offender of a violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, the court shall impose a fine of not less than $500.00 for each count upon which a conviction is obtained.

E. A Judge shall not grant probation to a Habitual Offender or suspend any part of a sentence or fine imposed upon a Habitual Offender for any sentence required by this subsection, except on the condition that the Habitual Offender pays the mandatory minimum fines as provided in this section.

F. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

1.407 Abatement

The Town of Gilbert Municipal Court may order abatement of a violation of this chapter pursuant to ARS § 9-499.

1.408 Cumulative Procedures and Remedies

The procedures and remedies provided for herein shall be cumulative and in addition to any other procedures and remedies to which the Town may be entitled by law or equity.

1.409 Failure to Provide Evidence of Identity

A person who fails or refuses to provide evidence of his or her identity to the Town of Gilbert Building Official, a Building Inspector, the Code Compliance Administrator, a Code Compliance Inspector, or a Police Officer or any other authorized agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of the subdivision regulations, an approved and recorded final plat or an approved minor land division or minor subdivision plat, is guilty of a Class I Misdemeanor. Evidence of identity shall consist of a person's full name, residence address, and date of birth.

Glossary of General Terms

Glossary of General Terms

Abandoned (*see Sign Related Terms*)
Abandoned Vehicle (*see Vehicle Related Terms)*
Abutting or Adjoining
Accessory Entry Monument
Accessory Structure
Accessory Use *(see Incidental Use)*
Acre, Gross
Acre, Net
Adjacent
Adverse Impact
A-Frame Sign *(see Sign Types)*
Alley *(see Street Types)*
Alteration
Alternative WCF Building Element *(see Wireless Communication Related Terms)*
Alternative WCF Structure *(see Wireless Communication Related Terms)*
Ambient Noise Level *(see Noise Related Terms)*
Animation *(see Sign Related Terms)*
Antenna *(see Wireless Communication Related Terms)*
Antenna Mast *(see Wireless Communication Related Terms)*
Apartment Building
Architectural Detail/Feature/Element *(see Sign Related Terms)*
Arterial, Major *(see Street Types)*
Arterial, Minor *(see Street Types)*
Attached Dwelling *(see Dwelling, Attached)*
Attached Single Family Dwelling *(see Residential Housing Types)*
A-Weighted Sound Level *(see Noise Related Terms)*
Awning
Awning Sign *(see Sign Types)*
Balcony
Balloon *(see Sign Related Terms)*
Banner *(see Sign Types)*
Basement
Bazaar Sign *(see Sign Types)*
Bed and Breakfast Home (*see Use, Vacation or Short-Term Rentals)*
Bedroom
Berm
Billboard *(see Sign Types)*
Block
Block Face
Builder/Real Estate Sign *(see Sign Types)*
Builder's Sign Package *(see Sign Related Terms)*
Building
Building, Detached
Building Envelope
Building Height
Building Identification Sign *(see Sign Types)*
Building, Main or Principal
Building Setback *(see Setback, Building)*
Building Step-Back
Building, Temporary *(see Structure, Temporary)*
Building Wall
Build-To Line
Business Identification Sign *(see Identification Sign; Sign Types)*
Cabinet (Can) Sign *(see Sign Types)*
Canopy
Carport
Certificate of Plat Correction
Changeable Message Sign *(see Sign Types)*
Civil Hearing Officer
Collector Street *(see Street Types)*
Co-Location *(see Wireless Communication Related Terms)*
Commercial Building, Multiple Tenant *(see Sign Related Terms)*
Commercial Center *(see Sign Related Terms)*
Commercial Vehicle *(see Vehicle Related Terms)*
Common Driveway
Comprehensive Sign Program *(see Sign Related Terms)*
Condominium *(see Residential Housing Types)*
Construction Sign *(see Sign Types)*
Contiguous Lot or Parcel
Corner Lot *(see Lot Types)*
Cornice
Cul-De-Sac *(see Street Types)*
Cutoff, Full *(see Lighting Related Terms)*

Cutoff, Semi- *(see Lighting Related Terms)*
Day Care, Adult
Day Care, Child
Day/Night Level (DNL or Ldn) *(see Noise Related Terms)*
Decibel (dB) *(see Noise Related Terms)*
Decibel, A-Weighted (dBA) *(see Noise Related Terms)*
Decision-Making Body
Dedication
Density
Development Plan
Development Sign *(see Sign Types)*
Developmentally Disabled
Dining, Outdoor
Directional Sign *(see Sign Types)*
Directory Sign *(see Sign Types)*
Double Frontage Lot *(see Lot Types)*
Drive-Through Facility
Drive-Through Restaurant Menu Sign *(see Sign Types)*
Driveway, Major
Duplex *(see Residential Housing Types)*
Dust Free
Dwelling Unit
Dwelling Unit, Attached
Dwelling Unit, Facility Manager
Easement
Easement, Vehicular Non-Access
Elevation, Architectural
Equipment Cabinet or Building *(see Wireless Communication Related Terms)*
Equivalent Sound Level (Leq) *(see Noise Related Terms)*
Equivalent Sound Level, Hourly (Leq(h)) *(see Noise Related Terms)*
Existing Vertical Element *(see Wireless Communication Related Terms)*
Existing Vertical Element, Recreational Field Light Pole *(see Wireless Communication Related Terms)*
Exotic Animals
Facade
Family
Fence
Fence, Open
Finished Grade *(see Grade, Finished)*
Flag *(see Sign Types)*
Flag Lot *(see Lot Types)*
Floor Area, Gross
Floor Area Ratio (FAR)
Flying Banner *(see Sign Types)*
Footcandle *(see Lighting Related Terms)*
Fowl
Freestanding Sign *(see Sign Types)*
Freeway
Freeway Sign *(see Sign Types)*
Front Lot Line *(see Lot Line, Front)*
Frontage, Building
Frontage, Double
Frontage, Lot
Frontage, Street
Garage, Detached
Garage, Side-Entry
Garage Sale Sign *(see Sign Types)*
Gatehouse
Grade, Existing
Grade, Finished
Grade Plane
Grade, Street
Grand Opening Sign *(see Sign Types)*
Handicapped
Hazardous Waste *(see Waste Related)*
Height *(see Building Height)*
Height, Sign *(see Sign Related Terms)*
Height, Story
High Turnover Use
Homeowners Association
Hospice
Identification Sign *(see Sign Types)*
Ideological Sign *(see Sign Types)*
Illegal Use
Improvements *(see Subdivision Related)*
Improvement, Off-Site
Improvement Plan
Incidental Use *(see Use, Incidental)*
Indirect Illumination *(see Sign Related Terms)*
Individual Letters *(see Sign Related Terms)*
Inoperable Vehicle *(see Vehicle Related Terms)*
Interior Building Separation
Interior Lot *(see Lot Types)*
Interior Lot Line *(see Lot Line, Interior)*

Internal Illumination *(see Sign Related Terms)*
Internal Indirect Lighting (Halo Lighting) *(see Sign Related Terms) Landscaping, Interior*
Land Use Law
Lighting Related Terms
Livestock
Livestock, Large
Livestock, Small
Local Street *(see Street Types)*
Logo *(see Sign Related Terms)*
Lot
Lot Area
Lot Coverage
Lot Depth
Lot Line
Lot Line, Front
Lot Line, Interior
Lot Line, Rear
Lot Line, Side
Lot Width
Maintenance
Map of Dedication
Marquee
Marquee Sign *(see Sign Types)*
Master Sign Plan *(see Sign Related Terms)*
Median
Medical Waste *(see Waste Related)*
Menu Sign *(see Sign Types)*
Minor Land Division *(see Subdivision Related)*
Minor Subdivision *(see Subdivision Related)*
Mixed Use Development
Monopole *(see Wireless Communication Related Terms)*
Monopole, Portable *(see Wireless Communication Related Terms)*
Monument Sign *(see Freestanding Sign)*
Motor Vehicle *(see Vehicle Related Terms)*
Multi-Family Dwelling *(see Residential Housing Types)*
Mural *(see Sign Types)*
Noise Related Terms
Non-Conforming Lot or Parcel
Non-Conforming Sign
Non-Conforming Structure
Non-Conforming Use
Nonresidential
Off-Site Signage *(see Sign Types)*
On-Site Signage *(see Sign Types)*
Open Air Accessory Structure
Open Air Attached Patio
Open Air Porch
Open House Sign *(see Sign Types)*
Open Space
Outdoor Light Fixture *(see Lighting Related Terms)*
Overflight Areas
Painted Wall Sign *(see Sign Types)*
Pan-Channel Letter *(see Sign Related Terms)*
Parapet
Parcel *(see Lot)*
Parking, Required
Parking, Tandem
Patio, Covered
Pedestrian, Sidewalk and Landscape Tract
Pennant *(see Sign Types)*
Permanent Sign *(see Sign Types)*
Plat, Corrective
Plat, Final
Plat, Preliminary
Plat, Recorded
Pole Sign *(see Sign Types)*
Political Sign *(see Sign Types)*
Porch
Portable Sign *(see Sign Types)*
Principal Structure
Principal Use *(see Use, Principal)*
Private Park
Project
Projecting Roof Sign *(see Sign Types)*
Projecting Sign *(see Sign Types)*
Property, Business
Property Line *(see Lot Line)*
Property Owner
Property, Public
Protected Development Right
Public Park
Public Safety Communications Facility *(see Wireless Communication Related Terms)*
Pull-Through Parking Space
Pump-Topper Sign or Spanner *(see Sign Types)*

Raceway *(see Sign Related Terms)*
Real Estate Sign *(see Sign Types)*
Rear Lot Line *(see Lot Line, Rear)*
Recreational Vehicle *(see Vehicle Related Terms)*
Reptile
Residential Builder Attention Flags *(see Sign Types)*
Residential Entry Sign *(see Sign Types)*
Residential Housing Types
Retail Sales
Right-of-Way
Rodent
Roof Line
Roof Sign *(see Sign Types)*
Secondary Dwelling Unit *(see Residential Housing Types)*
Service Bay Facility
Service Station Canopy Signs *(see Sign Types)*
Setback
Setback, Front
Setback, Rear
Setback, Side
Setback Area
Setback Area, Front
Setback Area, Rear
Setback Area, Side
Side Lot Line *(see Lot Line, Side)*
Sign
Sign Area *(see Sign Related Terms)*
Sign Face *(see Sign Related Terms)*
Sign Plan *(see Sign Related Terms)*
Sign Related Terms
Sign Structure
Sign Types
Single Family Dwelling Unit *(see Residential Housing Types)*
Single Housekeeping Unit
Site
Site Plan
Stacking Space
Storage Container, Residential
Storage Container, Non-Residential
Storage, Outdoor
Story
Street
Street Pole Banners *(see Sign Types)*
Street Types
Structure
Studio Dwelling Unit *(see Residential Housing Types)*
Subdivision Directional Sign *(see Sign Types)*
Subdivider (see Subdivision Related)
Subdivision *(see Subdivision Related)*
Subdivision Directional Sign *(see Sign Types)*
Subdivision Related
Support Structure *(see Wireless Communication Related Terms)*
Suspended Sign *(see Sign Types)*
Swimming Pool
Swimming Pool, Public
Teletrack Operator
Teletrack Wagering Establishment
Temporary Directional Signs Relating to a Qualifying Event *(see Sign Types)*
Temporary Sign *(see Sign Types)*
Temporary Use *(see Use, Temporary)*
Temporary Use and Special Event Signs *(see Sign Types)*
Through Lot *(see Lot Types, Double- Frontage)*
Time and Temperature Display *(see Sign Types)*
Tower Sign *(see Sign Types)*
Trail, Equestrian
Trail, Multi-Use
Umbrella Sign *(see Sign Types)*
Use, Incidental
Use, Principal
Use, Temporary
Vacation
Variance
Vehicle Related Terms
Vehicle Sign *(see Sign Types)*
V-Shaped Sign *(see Sign Types)*
Wall Sign *(see Sign Types)*
Waste Related
Wholesale Sales
Window Sign *(see Sign Types)*
Windscreen Sign *(see Sign Types)*
Wireless Communication Related Terms

Terms

Abutting or Adjoining. Having district boundaries or lot lines in common. For streets, abutting or adjoining shall mean a lot or parcel touching the street at any point.

Accessory Entry Monument. An architectural structure signifying and marking a major arrival point to a multiple-tenant commercial or employment project.

Accessory Structure. A detached subordinate structure, the use of which is incidental to the use of the principal structure, and which is located on the same lot or parcel as the principal structure. Common accessory structures are garages, parking canopies, swimming pools, storage sheds and cabanas. *Guest Quarters*, *Secondary Dwellings*, signs, and fences are not accessory structures.

Accessory Use. (*See Use, Incidental*)

Acreage, Gross. The land area within the perimeter of a parcel or project, including one- half the right-of-way of all adjoining streets and other land dedications.

Acreage, Net. The land area of a parcel or project excluding land to be dedicated or reserved for streets, schools, parks or other public facilities.

Adjacent. Near or close to.

Adverse Impact. A negative consequence to the physical, social, or economic environment resulting from an action or project.

Alteration. Any enlargement, addition, relocation, repair, remodeling, change in number of living units, development of or change in an open area, development of or change in a sign, demolition or removal, or other change in a facility for which a building permit is required, excluding ordinary maintenance.

Apartment Building. A multi-family residential structure under single ownership containing 3 or more dwelling units for lease.

Awning. A roof-like cover entirely supported by and extending from a building for the purpose of protecting openings from the elements, providing shade or architectural embellishment.

Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade, or parapet.

Basement. That portion of a building that is partly or completely below grade plane. A basement shall be considered a story above grade where the finished surface of the floor above the basement is:

1. More than 6 feet above grade plane;

2. More than 6 feet above the finished ground level for more than 50 percent of the total building perimeter; or

3. More than 12 feet above the finished ground level at any point.

Bedroom. Any habitable room that may legally function as a bedroom in that it complies with, or is required by the Building Official to comply with, all applicable laws and regulations pertaining to sleeping rooms.

Berm. An earthen mound designed to provide visual interest, screen objects from view, reduce noise, or control drainage flows.

Block. An area of land bounded by adjacent streets, canals or drainage ways, railroads, open space, corporate or subdivision boundaries.

Block Face. The portion of a block that abuts a street.

Building. Any structure for the shelter or support of any use or occupancy**.**

Building, Detached. A building is detached when it is not attached or otherwise permanently fastened to any other building.

Building Envelope. The volume of space for building as defined by the minimum building setbacks and the maximum allowable building height (SEE APPENDIX 1, FIGURE 19).

Building Height. The vertical distance from the finish floor level to the highest level of the roof surface of flat or mansard roofs, or to the mean height between eaves and ridges of gable, gambrel, or hip roofs (SEE APPENDIX 1, FIGURE 20).

Building, Main or Principal. A building where the principal use of a lot is conducted.

Building Step-Back. A required setback for a portion of a building above the first floor (SEE APPENDIX 1, FIGURE 21).

Building Wall. The exterior of any side of a building.

Build-To Line. The maximum distance a building may be set back from a property line (SEE APPENDIX 1, FIGURE 22).

Canopy. A roof-like cover partially supported by poles or columns affixed to the ground and partially supported by a building.

Carport. A roofed structure not fully enclosed by walls for the purpose of providing shelter for one or more vehicles.

Certificate of Plat Correction. An official document administratively approved and recorded for the purpose of correcting errors of minor survey, drafting or typographical nature to a recorded plat.

Civil Hearing Officer. An individual appointed by the Presiding Judge of the Gilbert Municipal Court to hear and decide civil matters pursuant to the Zoning Code.

Common Driveway. A driveway providing a shared access to 2 or more lots.

Contiguous Lot or Parcel. Lots or parcels that are in contact with or touching at one or more points.

Cornice. Any projecting horizontal molding that finishes or crowns the top of a building, wall, arch or similar.

Day Care, Adult. The care and supervision of an adult for periods of less than 24 hours per day, in a place other than the adult's own home or homes.

Day Care, Child. The care, supervision, and guidance of a child or children through the age of 12 years; unaccompanied by parent, guardian or custodian, for periods of less than 24 hours per day, in a place other than the child's or the children's own home or homes.

Decision-Making Body. Any individual, officer, board, or commission representing the Town authorized to approve, approve with modifications and/or conditions, or deny an application.

Dedication. The offer to convey land, an interest in land, or improvements to the Town or other public agency for public use, and the acceptance of such offer by the Town or public agency.

Density. The number of dwelling units per gross acre.

Development Plan. The site plan, preliminary landscape plan, building elevations, design guidelines, residential lot layout, open space plan, and other plans submitted as exhibits to a Planned Area Development zoning application.

Developmentally Disabled. (*See Arizona Revised Statutes A.R.S. § 36-581*)

Dining, Outdoor. An exterior area used as seating for a contiguous *Eating and drinking establishment*.

Drive-Through Facility. An establishment that provides services to customers in motor vehicles. Drive-through facilities do not include *Eating and drinking establishments* that serve food to customers in parked vehicles.

Driveway, Major. The principal vehicular access drive from an arterial street serving a nonresidential or multi-family development where inbound left turn movements are permitted. Developments may have more than 1 major driveway.

Dust Free. Property that is paved with one of the following methods:

1. Asphaltic concrete;

2. Cement concrete;

3. Penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate; or

4. The equivalent of the above.

Dwelling Unit. A single residential unit or portion thereof providing complete, independent living facilities for 1 family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit, Attached. A building containing 2 or more dwelling units, connected along and sharing 1 or more common walls, or stacked above each other.

Dwelling Unit, Facility Manager. A dwelling unit allowed in certain non-residential districts provided that the person(s) occupying the dwelling unit is an employee of the business where the dwelling unit is located and that employee provides a service or function for the business that requires a continuous on-site presence (such as site security, access control, maintenance or monitoring).

Easement. A grant by a property owner to others for the use of land or airspace for a specific purpose or purposes.

Easement, Vehicular Non-Access. A recorded easement prohibiting access or crossing by vehicles.

Elevation, Architectural. A two-dimensional scaled drawing of a building or structure.

Exotic Animals. (*See Gilbert Municipal Code Chapter 6, Article III Livestock and Non- domestic Animals, Section 6-126: Definitions*).

Facade. That portion of any exterior elevation of the building extending from grade to top of the parapet, wall, or eaves, and extending the entire width of the building elevation.

Family.

1. An individual or 2 or more persons related by blood, marriage, or adoption, and resident domestic employees, living together as a single housekeeping unit in a dwelling unit; or,

2. Not more than 5 unrelated persons, living together as a single housekeeping unit in a dwelling unit; or

3. A functional family, consisting of not more than 5 persons, plus their offspring, adopted and/or foster children who have a relationship functionally equivalent to a family. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

Fence. A barrier or made of wire, wood, metal, masonry, PVC or other similar material. Vegetative material, tennis court enclosure, and golf ball protective net are not considered to be fences.

Fence, Open. A fence through which clear vision is possible for 75 percent or more of the structure as viewed on a horizontal plane, from any point perpendicular to the fence line.

Floor Area, Gross. The total area in square feet of all floors designed for tenant occupancy and common use, including basements, mezzanines, stairwells, and storage areas, measured from the centerline of interior partitions and from outside wall faces. Non air conditioned courtyards shall not be considered in gross floor area calculations.

Floor Area Ratio (FAR). The gross floor area of a building or buildings on a lot divided by the net lot or parcel area (SEE APPENDIX 1, FIGURE 23).

Fowl. (*See Gilbert Municipal Code Chapter 6, Article III Livestock and Non-domestic Animals, Section 6-126: Definitions*)

Freeway. A controlled access, divided, grade-separated highway, and all associated rights-of-way.

Frontage, Building. The length of the side of a building abutting or generally parallel to the front lot line. For a building on a corner lot, the combined lengths of the sides of the building abutting or generally parallel to the front and corner side lot lines.

Frontage, Lot. That part of a lot or parcel abutting a street.

Frontage, Street. The total length of all lot lines abutting streets.

Garage, Detached. An enclosed structure for the storage of vehicles and separated from a dwelling unit by a minimum distance of 6 feet.

Garage, Side-Entry. An enclosed structure for the storage of vehicles oriented such that the entrance is a minimum angle of at least 45 degrees from the front setback line.

Grade, Existing. The level of the ground or pavement at a specific location as it exists prior to disturbance in preparation for development.

Gatehouse. An incidental structure provided for aesthetic enhancement, security or site access control purpose.

Grade, Finished. The final elevation of the ground surface after man-made alterations.

Grade Plane. A reference plane representing the average of finished ground level adjoining the building at the exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

Grade, Street. The top of the curb. Where no curb exist, the top of the edge of pavement.

Handicapped. A person who:

1. Has a physical or mental impairment which substantially limits one or more of such person's major life activities;

2. Has a record of having such an impairment; or

3. Is regarded as having such impairment.

"Handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

Height. (*See Building Height*)

Height, Story. The vertical distance from top to top of two successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

High Turnover Use. A land use that is characterized by high vehicle trip generation per square foot of building area, in excess of 100 vehicle trips per 1,000 square feet per day.

Homeowners Association. A nonprofit corporation or unincorporated association of owners created pursuant to a declaration of restrictions to own and operate portions of a planned community and which has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration.

Hospice. A facility licensed or authorized by a governmental authority having jurisdiction over operations that provide 24-hour nursing and supportive care and other services in a home-like setting to persons who have a medical diagnosis of terminal illness.

Illegal Use. An activity that is not permitted.

Improvement, Off-Site. Any physical improvements, above or below ground, required by the Town for streets, utilities, landscaping, trails or other public purposes, adjacent to or in the vicinity of a project.

Improvement Plan. A plan submitted by a registered professional engineer showing the location and construction details of streets, drainage facilities, utilities, landscaping, and lighting required for a subdivision or other project.

Incidental Use. (*See Use, Incidental*)

Interior Building Separation. The distance between exterior walls of buildings on a site.

Landscaping, Interior. A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

Land Use Law. Any rule, ordinance, resolution or law enacted by the Town that regulates the use or division of land or any interest in land or that regulates accepted farming or forestry practices. (*See A.R.S. § 12-1136*)

Lighting Related Terms.

Cutoff, Full. Fixtures constructed so that light rays emitted, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane extending from the lowest point on the fixture where light is emitted.

Cutoff, Semi-. Fixtures constructed so that the bottom edge of the lens extends below the bottom plane of the fixture, and that allow some light to extend above a horizontal plane extending from the lowest point on the fixture where light is emitted.

Footcandle. A measure of light intensity representing the amount of light received by 1 square foot of a surface located 1 foot from a point source of light equivalent to one candle in brightness or illumination.

Outdoor Light Fixture. Artificial outdoor lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices include, but are not limited to: search, spot or flood lights; security lights; parking lot lighting; landscape and trail lighting; street lights; signage lighting; exterior building illumination, and similar light sources. Traffic lights are not outdoor light fixtures.

Livestock. (*See Gilbert Municipal Code Chapter 6, Article III Livestock and Non- domestic Animals, Section 6-126: Definitions*)

Livestock, Large. (*See Gilbert Municipal Code Chapter 6, Article III Livestock and Non-domestic Animals, Section 6-126: Definitions*)

Livestock, Small. (*See Gilbert Municipal Code Chapter 6, Article III Livestock and Non-domestic Animals, Section 6-126: Definitions*)

Lot. A unit of land shown on a recorded subdivision plat, record of survey map, parcel map, or recorded as a metes and bounds description.

Lot Area. The area bounded by the lot lines, exclusive of streets and areas in future streets as established by easement, dedication, or ordinance. Lot area does not include that area of a lot where the lot width is less than the minimum required by the base zoning district.

Lot Coverage. The percentage of a lot covered by buildings and structures. Lot coverage is determined by measuring the dimensions of the buildings or structures on the lot as follows:

1. All buildings and structures are measured from each exterior wall closest to the property line to the opposite exterior wall closest to the other property line on whatever floor is closest to the property line, including the exterior wall of any cantilevered element.

2. For covered architectural features attached to a building or structure, including but not limited to open air attached patios, open air porches, patio covers, decks, balconies and porches whether the roof is solid or an open or semi-open lattice roof element, lot coverage includes the area from exterior face of support column or post to exterior wall of building.

3. For detached accessory structures, including but not limited to open air attached patios, open air porches, patio covers, decks, ramadas and similar structures, lot coverage includes the area between the exterior face of support columns or posts whether the roof is solid or an open or semi-open lattice roof element. Where only

one support element is provided lot coverage includes the area under the exterior perimeter of the covered architectural feature.

4. Lot coverage does not include uncovered patios, decks, balconies, porches, awnings and other similar architectural features having no support columns or posts. Lot coverage does not include the projection of cornices, roof eaves, overhangs and other similar architectural projections. Lot coverage does not include areas paved at grade for driveways, walkways, uncovered parking, walls or fences.

Lot Depth. The depth (or length) of a lot shall be (SEE APPENDIX 1, FIGURE 24):

1. If the front and rear lines are parallel, the shortest distance between such lines.

2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.

3. If the lot has more than 4 sides, the shortest distance between:

   a. A straight front lot line, or a line tangent to a curved front lot line; and

   b. A 30 foot long assumed rear lot line lying parallel to the front lot line in a. above, lying within the lot.

Lot Line. Any property line bounding a lot (SEE APPENDIX 1, FIGURE 25).

Front. The front lot line shall be determined as follows:

Corner Lot. The front lot line of a corner lot is the shortest lot line abutting a street from which access may be taken. If the street lines are the same length, any one may be considered the front lot line.

Double-Frontage (Through) Lot. Each frontage from which access is permitted shall be deemed a front lot line. The front lot line for lots having vehicular access only via an alley shall be the lot line adjacent to the local or collector street.

Flag Lot. The front lot line of a flag lot shall be determined at the time of a Final Subdivision Plat. If no Final Subdivision Plat is required, the front lot line shall be established at the time a building permit is issued.

Interior Lot. The front property line of an interior lot shall be the line abutting a street.

Other. For lots other than the types listed above, front lot lines shall be established at the time of Final Subdivision Plat. If no Final Subdivision Plat is required, the front lot lines shall be established at the time a building permit is issued.

Interior. A lot line not abutting a street.

Rear. That lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a lot line not less than 30 feet in length, lying within the lot and parallel to a line tangent to a curved front lot line, or parallel to a straight front line.

Side. Any lot line that is not a front lot line or a rear lot line.

Lot Types. (SEE APPENDIX 1, FIGURE 25)

Corner. A lot located at the intersection of 2 or more streets.

Double-Frontage. A lot having frontage on 2 or more non-intersecting streets. Double-frontage lots are also known as through lots.

Flag. A flag-shaped lot with its widest dimension set back from the street and having a narrow strip of land connecting to the street. Flag lots are also known as panhandle or pipe stem lots.

Interior. A lot having only one side abutting a street.

Lot Width. (SEE APPENDIX 1, FIGURE 24) The distance between side property lines measured at the front setback line, entirely outside of the front setback area.

Marquee. A permanent structure attached to, supported by, and projecting from a building for the purpose of protecting openings from the elements, providing shade or architectural embellishment. A *Marquee* does not include an *Awning* or *Canopy*.

Maintenance. Ordinary upkeep, replacement, or repair of minor components of a building, structure, sign or landscaping. Maintenance shall include repainting of buildings or structures to match existing colors and the replacement of sign faces.

Map of Dedication. {Need definition}

Median. An area in the approximate center of a street that is used to separate the directional flow of traffic.

Mixed-Use Development. An efficient integration of non-residential and residential uses that cultivates a sense of community in a live, work, and play environment.

Noise Related Terms.

Ambient Noise Level. The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any alleged offensive noise. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

A-Weighted Sound Level. The total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of 20 micropascals using the A- weighted network scale at slow response. The unit of measurement shall be defined as dBA or dBa.

Day/Night Level (DNL or Ldn). The 24 hour average sound level in A-weighted decibels, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m. as averaged over a span of one year. The Federal Aviation Administration standard metric for determining the cumulative exposure of individuals to noise.

Decibel (dB). A unit for measuring the amplitude of sounds, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

Decibel, A-Weighted (dBA). A unit for describing the amplitude of sound as measured on a sound level meter that approximates the frequency response of the human ear using the A-weighted network.

Equivalent Sound Level (Leq). The equivalent, steady-state A-weighted sound level that in a stated period of time contains the same acoustic energy as the time-varying sound level during the same period.

Equivalent Sound Level, Hourly (Leq(h)). The hourly value of Leq.

Non-Conforming Lot or Parcel. (*See Section 4.602: Definitions*).

Non-Conforming Sign. (*See Section 4.602: Definitions*).

Non-Conforming Structure. (*See Section 4.602: Definitions*).

Non-Conforming Use. (*See Section 4.602: Definitions*).

Nonresidential Use. All uses other than single family and multi-family residential uses.

Open Air Accessory Structure. Means a freestanding permanent structure that has a solid roof, lattice roof or fabric roof surface supported by poles, posts, columns or other vertical structural members that are permanently anchored into the ground. The structure may have up to one wall on any of the sides with the remaining sides open.

Open Air Attached Patio. Means a patio within the rear half of the lot attached to the house or to an accessory structure, guest quarters or secondary dwelling unit that is open on at least one side. The patio may have a solid roof, lattice roof or fabric roof surface supported by poles, posts, columns or other vertical structural members.

Open Air Porch. Means a porch attached to the front of a dwelling unit or to an accessory structure, guest quarters or secondary dwelling unit that is open on at least two sides.

Open Space. Any area of land or water permanently dedicated or designated for use for active or passive recreation areas, landscape buffers, flood control, storm water retention, or resource management.

Overflight Areas. Areas designated on the Official Zoning Map as overflight areas. Overflight areas are divided into Overflight Areas 1, 2 and 3.

Parapet. That portion of an exterior wall that extends above the roof line.

Parcel. (*See Lot*)

Parking, Required. The number of spaces located closest to the uses they serve, identified in Table 4.204: Off-Street Parking Requirements and Table 4.205: Off-Street Parking Requirements for Shopping Center and Regional Commercial Districts.

Parking, Tandem. Two parking spaces arranged end-to-end.

Patio, Covered. An attached roofed structure, open on one or more sides, whose use is for indoor-outdoor living and recreation.

Pedestrian, Sidewalk and Landscape Tract. A parcel of land designated on the final plat for the exclusive use by the public for pedestrian amenities and activities, including sidewalks and landscaping.

Plat, Corrective. A plat approved and recorded for the purpose of eliminating errors of minor survey, drafting or typographical nature on a recorded plat.

Plat, Final. A record map of all or part of a subdivision essentially conforming to an approved preliminary plat.

Plat, Preliminary. A map showing a proposed subdivision, including supporting data.

Plat, Recorded. A final plat bearing all executed certificates of approval and recorded with the office of the Maricopa County Recorder.

Porch. An attached, covered platform open on at least 2 sides located at the front of a dwelling unit.

Principal Structure. The main building or structure on a lot or parcel.

Principal Use. (*See Use, Principal*)

Private Park. A private park means an area owned by a homeowner's association, property owner's association or business that is used as a playground, or contains playground equipment, or areas with trees/turf or ramadas or contains the following facilities or amenities: paths, trails, picnic tables, sports fields, basketball courts, bbq grills, splash pads, tennis courts, volleyball courts, or swimming pools. A private park is not a non-turf retention/detention basin primarily used to contain stormwater or property used as an employee break or amenity area.

Project. Any proposal for new or changed use of land or buildings, or for new construction, alteration, or enlargement of any structure.

Property, Business. Personal property owned, leased, or under the control of a business. Business property may include inventory, equipment, materials, supplies, and vehicles, including vehicles and equipment owned by others but used in conjunction with a business.

Property Line. (*See Lot Line*)

Property Owner. The owner of real property, or the authorized representative of the owner.

Property, Public. A lot or parcel owned or controlled by the Town or other governmental entity, whether or not the Town or governmental entity owns the property in fee.

Protected Development Right. The right to undertake and complete the development and use of property under the terms and conditions of a protected development rights plan, without compliance with subsequent changes in zoning regulations and development standards.

Public Park. A public park is a town recreation facility or town park as defined in municipal code chapter 46-1 definitions.

Pull-Through Parking Space. A parking space than can be accessed from both ends.

Reptile. (*See Gilbert Municipal Code Chapter 6, Article III Livestock and Non- domestic Animals, Section 6-126: Definitions*)

Residential Housing Types

Attached Single Family Dwelling. A dwelling unit on an individual lot that has at least 1 wall in common with 1 or more other dwelling units on separate lots.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions.

Duplex. A building on 1 lot used and designed as a residence for 2 families living independently of each other with individual cooking and sanitary facilities in each dwelling unit.

Multi-Family Dwelling. A building on 1 lot used and designed as a residence for 3 or more families living independently of each other with individual cooking and sanitary facilities in each dwelling unit. Multi-family dwellings may include apartment buildings and residential condominiums. Multi-family housing may be in a mixed- use building with ground floor commercial space.

Secondary Dwelling Unit. A second, subordinate dwelling unit located on the same lot as the principal dwelling unit.

Single Family Dwelling Unit. 1 building on 1 lot or parcel designed for occupancy by 1 family for living and sleeping purposes, and having cooking and sanitary facilities.

Studio Dwelling Unit. A unit containing only a single habitable room for living and sleeping purposes, and having cooking and sanitary facilities.

Retail Sales. The sale, rental, or lease of goods, products, or material directly to the consumer.

Right-of-Way. A strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities.

Rodent. (*See Gilbert Municipal Code Chapter 6, Article III Livestock and Non- domestic Animals, Section 6-126: Definitions*)

Roof Line. The eave line on any part of a building with a pitched roof, or the upper edge of the parapet wall or vertical architectural wall feature on any part of a building with a flat roof.

Service Bay Facility. A building containing bay or roll-up doors or similar service openings to provide a service within the building.

Setback. The minimum distance by which any building or structure is required to be separated from a property line. (SEE APPENDIX 1, FIGURE 26)

Setback, Front. A line within the lot or parcel parallel to a straight front property line. Where the front property line is not straight, the front setback line is a line within the lot or parcel separated from the front property line at all points by a distance equal to the front setback set forth in the base zoning district regulations.

Setback, Rear. A line opposite the front property line extending across the full width of a lot or parcel, the depth of which is the shortest horizontal distance between the rear property line or, if none exists, the assumed rear property line and a line parallel thereto.

Setback, Side. A line extending from the front setback line to the rear setback line, the depth of which is the horizontal distance set forth in the base zoning district regulations. The side setback extends from the front setback line, or the front property line of a lot or parcel where no front setback is required, to the rear setback line, or the rear property line of the site where no rear setback is required.

Setback Area. The area of a lot or parcel outside of the building envelope. (SEE APPENDIX 1, FIGURE 27)

Setback Area, Front. The area bounded by the front property line or lines, the side property lines, and the front setback line.

Setback Area, Rear. The area bounded by the rear property line or lines, the side property lines and the rear setback line.

Setback Area, Side. The area bounded by a side property line, a side setback line, and the front and rear setback lines.

Sign. A communication device, structure, or fixture that incorporates graphics, symbols, written copy, and/or lighting intended to promote the sale of a product, commodity, or service, or to provide direction or identification for a business or a facility. Signs shall not include any flag, badge, or insignia of any governmental unit, nor shall it include any item of merchandise normally displayed in a business window.

Murals, statuary, architectural features such as trademarked building forms, decorative canopies or awnings, and corporate color accents shall be considered signage where they are integral to the conveyance of a commercial message, except where determined by the Design Review Board to be architectural, rather than communicative, in nature.

Sign Related Terms.

Abandoned. A sign located on a lot or parcel which no longer identifies or advertises a business, lessor, service, owner, product, or activity on the premises where the sign is displayed.

Animation.

1. The movement of any illumination or the flashing or varying of light intensity of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously; or

2. The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, the automatic changing of all or any part of the facing of a sign; or

3. The movement of a sign set in motion by the atmosphere. Signs displaying only time and temperature, banners and flags are not considered animated signs.

Architectural Detail / Feature / Element. Prominent or significant parts or elements of a building or structure including but not limited to; cornices, belt courses, lintels, sills, pediments, columns or pilasters, rustications, or base courses.

Balloon. Any lighter than air, gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.

Builder's Sign Package. A group of on- and off-site signs approved for use by a residential home builder for marketing new construction in a subdivision.

Commercial Center. A group or cluster of retail shops, offices, or employment buildings which share common parking, landscaping, and/or frontage, and may have a property owners association and have a name which is generally understood by the public to refer to the group or cluster.

Commercial Building, Multiple Tenant. A commercial building with 2 or more separate tenants having individual entrances and shared parking.

Comprehensive Sign Program. A set of sign design standards established for a multi- tenant building, non-residential complexes with multiple buildings, or large-scale mixed-use developments.

Height, Sign. The vertical distance measured from the adjacent ground level, or upper surface of the nearest sidewalk, whichever is greater, to the highest point of the sign face; excluding freestanding signs in the Heritage Village Center zoning district whereas the height measurement includes: structural supports; monument base architectural features of a monument sign structure; nonstructural or decorative trim.

Indirect Illumination. An external source of illumination that is not part of or attached to a sign.

Individual Letters. A cutout or etched letter or logo which is individually placed on a wall or freestanding sign.

Internal Illumination. A light source entirely within a sign where the source of the illumination is not directly visible.

Internal Indirect Lighting (Halo Lighting). A source of illumination, not directly visible, lighting only the background upon which the individual letter is mounted.

Logo. A graphic symbol representing an activity, use, or business. Logos are registered trademarks or symbols commonly used by a business and may include lettering in addition to graphic designs.

Master Sign Plan. A comprehensive sign plan for large scale multiple tenant commercial or employment uses, building complexes for a single commercial or employment use, auto malls, hospitals, or enclosed regional retail malls.

Pan-Channel Letter. An individual three-dimensional letter constructed by means of a three-sided metal channel.

Raceway. A structure used for wall-mounted signage with individual letters or characters, located upon the exterior wall surface between the wall and the letters or sign characters. Raceways contain wiring, conduit, transformers, and other electrical components.

Sign Area. The area of the smallest rectangle, or combination of rectangles, which comprises the sign face or encompasses the sign copy. The area of a sign is the entire face of the sign and includes any art work and insignia within a single continuous perimeter, including any spacing between letters, figures, designs, and structure of the sign other than the sign base, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed. For a freestanding sign, the definition of sign area does not include the perimeter architectural embellishments, base structure, and details such as decorative columns and caps. When the sign only consists of letters, designs, or figures engraved, painted, projected, or fixed on a building or perimeter wall, the total area of the sign shall be the area of the smallest rectangle, or combination of rectangles, within which the entire fixed lettering and/or artwork is inscribed. All sides of a sign visible from any 1 location shall be measured in determining the area of the sign, except that only 1 side of a sign shall be measured if the 2 sides are back-to-back or separated by an interior angle of 45 degrees or less. If the two 2 sides are not of equal size, the larger side shall be measured. A back-to-back sign has parallel faces separated by not more than 2 feet.

Sign Area, Pennant. The sum of the area of the rectangles surrounding each piece of material strung on a pennant.

Sign Area, Total. The aggregate area of all signs for any individual use.

Sign Face. The surface upon, against or through which the sign copy and/or graphic is displayed or illustrated, not including: structural supports; monument base; architectural features of a building or monument sign structure; nonstructural or decorative trim. When a sign only consists of letters, designs, or figures engraved, painted, projected, or fixed on a building or perimeter wall or other structure, and does not include a background contrasting with the material or color of the building or perimeter wall or other structure, the sign face shall consist of the entire fixed lettering and/or artwork, together with the spacing between the letters,

figures or designs.

Sign Plan. A drawing required to be submitted with an application for a sign permit. The plan may show 1 or more signs.

Sign Structure. The supports, uprights, braces and framework of a sign.

Sign Types.

A-Frame Sign. A portable, stand-alone sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form a base upon which the sign stands.

Awning Sign. A sign painted, installed, attached or otherwise applied to or located directly on an awning.

Banner. A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame.

Bazaar Sign. A temporary sign advertising the location of a bazaar sale.

Billboard. A sign or structure, other than a temporary sign, portraying information or directing attention to a business, activity, commodity service, entertainment, or communication which is not conducted, sold or offered at the parcel on which the sign or structure is located or which does not pertain to the parcel upon which the sign or structure is located.

Builder/Real Estate Sign. A sign that provides information about the builder, name of the development, and marketing information for the project on which the sign is located.

Building Identification Sign. A sign identifying the name of the multi-tenant building to which the sign is attached.

Cabinet (Can) Sign. A three-dimensional enclosed structure which includes all text, logos, and symbols with a single or double sign face(s).

Changeable Message Sign. A sign designed to permit change of copy manually, mechanically or electronically, including such signs where the change of copy is by remote or automatic means.

Construction Sign. A temporary sign erected on a parcel on which construction is taking place, identifying the architects, engineers, landscape architects, contractors, subcontractors, and the owners, lenders, sponsors, and similar individuals or firms involved in the project.

Development Sign. A temporary sign providing information about future development of real property or current construction at a development site.

Directional Sign. A sign directing traffic to an activity or use.

Directory Sign. A sign showing the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project.

Drive-Through Restaurant Menu Sign. A sign listing items for sale at a drive-through restaurant window, with or without ordering capability.

Flag. A fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at 1 end.

Flying Banner. A portable, stand alone sign comprised of light fabric that moves with the wind and can turn 360° and is supported by a pole structure and a base.

Freestanding Sign. A sign erected or mounted on its own self-supporting structure or base detached from any supporting elements of a building, wall or fence.

Freeway Sign. A freestanding sign intended to advertise or identify uses to motorists on a freeway.

Garage Sale Sign. A temporary off-site sign advertising the occasional sale of goods from a residential use.

Grand Opening Sign. A temporary sign announcing a new business.

Identification Sign. A permanent sign identifying name, type of business, and/or hours of operation, attached to or painted on a window, door, or a building area next to the main entrance.

Ideological Sign. Ideological Sign means a sign communicating a message or ideas for non-commercial purposes that is not a *Construction Sign*, *Directional Sign*, *Temporary Directional Sign Relating to a Qualifying Event*, *Political Sign*, *Garage Sale Sign*, or a sign owned or required by a governmental agency.

Marquee Sign. A sign painted, installed, attached or otherwise applied to or located directly on a *Marquee*.

Menu Sign. A sign used to inform the public of items available in a restaurant, not located in a drive-through restaurant window lane.

Mural. An artistic rendering on a building which does not promote a particular business, service or product.

Off-Site Signage. Any sign which advertises a use, product, service, or activity occurring on a lot or parcel other than where the sign is located.

On-Site Signage. Any sign which advertises a use, product, service, or activity occurring on a lot or parcel where the sign is located.

Open House Sign. A sign that identifies a residential property for sale or lease which is open and available for inspection.

Painted Wall Sign. A sign painted directly onto the exterior wall of a building.

Pennant. Any pieces of lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, displayed in series and capable of movement in the wind.

Permanent Sign. A sign constructed of durable materials, attached to the ground or a building in a manner provided by the building code.

Pole Sign. A permanent freestanding sign supported by a single column, upright, pole, or post.

Political Sign. A temporary sign designed to influence the outcome of an election called by a public body.

Portable Sign. A temporary sign that is not permanently affixed to a building, structure, or the ground, including such commercial signs carried by people or otherwise set in motion and visible from the right-of-way.

Projecting Roof Sign. A sign mounted to and projecting from the wall of a building or structure whose depth is greater than its width; and exceeding the height of a roofline or parapet of the building or structure to which it is attached. *Projecting Roof Sign* does not include a *Marquee Sign*.

Projecting Sign. A sign mounted to and projecting from the wall of a building or structure whose depth is greater than its width. *Projecting Sign* does not include a *Marquee Sign* or *Projecting Roof Sign*.

Pump-Topper Sign or Spanner. A sign affixed to the top or side of an operable, fuel dispensing pump.

Real Estate Sign. A temporary sign advertising the sale, transfer, lease, or exchange of real property.

Residential Builder Attention Flags. Temporary flags displaying a residential builder business logo or name.

Residential Entry Sign. A sign placed at the entrance to a residential development identifying the name of the development.

Roof Sign. A sign erected on a roof, or projecting above the highest point of the roof line, parapet, or fascia of a building.

Service Station Canopy Sign. A sign attached to a free- standing structured roof-like covering for motor vehicle refueling or servicing located at a motor fuel dispensing facility. Signs on mercantile, business or assembly use groups with structured coverings intended for vehicles are not included in this sign type.

Street Pole Banner. A display containing changeable copy on vinyl or fabric with printed or sewn graphics which is mounted from brackets perpendicular to a street light pole or other freestanding armature structure.

Subdivision Directional Sign. A temporary off-site sign directing motorists to a developing subdivision.

Suspended Sign. A sign suspended from a roof overhang of a covered porch or walkway, which identifies the tenant of the adjoining space.

Temporary Directional Signs Relating to a Qualifying Event. *Temporary Directional Signs Relating to a Qualifying Event* means a *Temporary Sign* intended to direct pedestrians, motorists, and other passersby to a "qualifying event." A "qualifying event" is any assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization.

Temporary Sign. A sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.

Temporary Uses and Special Event Signs. On-site banner signs or off-site a-frame signs used for a temporary use or special event listed in section 4.5012 of the Zoning Code.

Time and Temperature Display. A sign or portion of a sign displaying the time and temperature.

Tower Sign. A freestanding sign greater than 8 feet and not more than 15 feet in height.

Umbrella Sign. A sign painted, installed, attached or otherwise applied to or located directly on an umbrella, including name brands and symbols.

Vehicle Sign. A sign mounted, painted or otherwise placed on a trailer or motor vehicle parked, placed, or driven so that the sign thereon is visible from a public street or right-of-way primarily for the purpose of displaying advertising signage.

V-Shaped Sign. Signs erected upon common or separate structures which present a v-shape appearance and having an exterior angle between faces of not more than 45 degrees with distance between faces of such signs at their closest point not exceeding 2 feet.

Wall Sign. A sign permanently fastened to or painted on the wall or parapet of a building or structure in such a manner that the wall or vertical surface of the structure is the supporting structure.

Window Sign. A sign applied or attached to a window, or displayed within 6 feet of the interior of a first floor window area so as to attract attention of persons outside the building. Window Signs do not include merchandise in a window display.

Windscreen Sign. (*see Banner*).

Single Housekeeping Unit. An interactive group of persons jointly occupying a residential unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the residents are renters, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Site. One or more contiguous lots or parcels under single ownership or unified control.

Site Plan. A plan prepared to scale showing the boundaries of a site and the proposed location of all buildings and structures, circulation, landscaping, improvements and open space areas.

Stacking Space. The area occupied by a vehicle while waiting to be served at the initial order point, fuel pump island, or service bay. Each stacking space is 20 feet in length and does not include the space of the vehicle at the initial order point.

Storage Container, Residential. A portable, weather resistant receptacle designed and used for the shipment or storage of household goods or personal items.

Storage Container, Non-Residential. A portable prefabricated non-combustible factory built storage structure used for the storage of equipment, supplies, merchandise, or similar materials.

Storage, Outdoor. Storage of material, goods, vehicles, or equipment outside of a building not for immediate use, sale or display.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street. A public or private thoroughfare for vehicular use providing access to public or private property and other streets, including dedicated roadway easements. A public street includes the associated right-of-way. A private street includes any associated roadway or access easement.

Street Types

Alley. A public or private way providing vehicular access to the rear or side of abutting properties.

Arterial, Major. A major surface street designated in the General Plan to carry the highest volumes of traffic across the Town, often connecting to freeways, and providing access to major commercial and employment areas.

Arterial, Minor. A major surface street designated in the General Plan to carry large volumes of traffic across the Town, not generally connecting to freeways, and providing access to commercial and employment areas.

Collector Street. A street that serves as a connection between local and arterial streets. Collector streets carry moderate amounts of traffic.

Cul-De-Sac. A street connecting to another street at one end and terminating in a vehicular turnaround.

Local Street. A minor street generally providing direct access to properties.

Structure. Anything constructed or erected and located on the ground, or attached to something located on the ground.

Subdivision Related.

Improvements. Streets, sidewalks, curbs, gutters, driveways, drainage and storm water retention facilities, parks, recreational amenities, trails, street lighting, medians, signage, water mains, sanitary sewers and facilities, public utilities, landscaping and fences installed by a subdivider, and any other improvements required by the Zoning Code and Subdivision Regulations.

Minor Land Division.

1. The division of improved or unimproved land whose area is 2.5 acres or less into 2 or 3 lots or parcels for the purpose of sale or lease, where no new street is involved.

2. The division of improved or unimproved land for the purpose of financing, sale, or lease, whether immediate or future, into 2 parts, where the boundaries of such property have been fixed by a recorded plat.

3. Lot line adjustments, whether or not a new lot is created.

Minor Subdivision. The division of improved or unimproved land of any size for the purpose of sale or lease, into 10 or fewer lots or parcels, whether or not a new street is involved.

Subdivider. A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and initiates proceedings for the subdivision of land. An individual serving as agent for such legal entity is not a subdivider.

Subdivision. The division of improved or unimproved land or lands for the purpose of financing, sale or lease, whether immediate or future, into 4 or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into 2 or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than 2 parts. Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing 4 or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

Swimming Pool. A public or private, portable or permanent structure intended for swimming or full or partial immersion, but not including ornamental pools or fishponds.

Swimming Pool, Public. A pool owned or operated by a governmental agency; a privately owned pool open to the general public for a fee or by membership; or a pool operated in conjunction with Hotels and commercial lodging.

Teletrack Operator. Any person who holds an Arizona Racing Commission Permit for horse or dog racing events within Arizona and who accepts bets or wagers on the results of any pari-mutuel race at a location other than the race track.

Teletrack Wagering Establishment. Any establishment at which a Teletrak Operator accepts bets or wagers on the results of a horse or dog racing program conducted by a Teletrak Operator at an authorized track within Arizona.

Temporary Use. (*See Use, Temporary*)

Trail, Equestrian. A linear path designated for equestrian use.

Trail, Multi-Use. A linear path designated for use by pedestrians, bicycles, and equestrians.

Use, Incidental. The use of a building or land which is subordinate to the principal use of the building or land on the same lot or parcel.

Use, Principal. The primary or predominant use or activity occurring on a property.

Use, Temporary. A use established for a limited period of time.

Vacation. The termination of, or termination of interest in, an easement, right-of-way, or public dedication of land.

Variance. Relief from the strict application of the Zoning Code where strict application will deprive the property owner of privileges enjoyed by similar properties.

Vehicle Related Terms.

Abandoned Vehicle. An unregistered motor or recreational vehicle left unattended for a period of 72 hours on a street or private property. Vehicles stored within a fully enclosed building, at a towing or impound facility, or at a business engaged in *Vehicle Services* or *Motor Vehicle Sales and Leasing* are not considered abandoned.

Commercial Vehicle. Any vehicle licensed as a commercial vehicle.

Inoperable Vehicle. Any vehicle incapable of being lawfully driven.

Motor Vehicle. Any self-propelled device, excluding aircraft, by which any person or property may be transported, including but not limited to licensed or unlicensed vehicles, automobiles, trucks, motor boats, personal water craft, mini- bikes, go-carts, go-peds, motorized skateboards, and motorcycles.

Recreational Vehicle. A self-propelled or towed vehicle or camper shell designed for travel or recreational use, including motor homes, boats, personal watercraft, trailers, all-terrain vehicles, snowmobiles, motorcycles, dune buggies, and similar vehicles.

Waste Related.

Hazardous Waste. Any chemical, compound, mixture, substance, product or other material which is a hazardous waste pursuant to Arizona Revised Statutes, Title 49, Chapter 4, Article 2 and C.F.R. Part 261 and poly-chlorinated biphenyls (PCBs).

Medical Waste. Any solid waste that is generated in the diagnosis, treatment, or immunization of a human being or animal or in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, but not including hazardous waste as defined in Title 49, Chapter 4, Article 2, Arizona Revised Statutes.

Wholesale Sales. The sales of goods, product, or material to other wholesale or retail businesses.

Wireless Communication Related Terms

Alternative WCF Building Element. A building element designed to conceal and/or camouflage wireless communications facilities, including but not limited to a wall mount, clock tower, cupola, or church steeple.

Alternative WCF Structure. A structure designed to conceal and/or camouflage wireless communications facilities. Structures may include but are not limited to a free-standing structure such as an artificial cactus or tree, or a sculpture. Alternative structures do not include a flagpole, monopole with an attached flag, or a monopole with a minimal design feature.

Antenna. Any system of poles, panels, rods, dishes, wires or similar devices used for the transmission or reception of wireless signals.

Antenna Mast. A freestanding or guyed framework or other vertical element that supports or serves as an antenna.

Co-Location. The use of a single support structure and/or site by more than one telecommunications provider.

Equipment Cabinet or Building. A cabinet or building used to house equipment used by telecommunications providers to house equipment at a facility.

Existing Vertical Element. Any existing monopole, tower, pole, sign, or exhausts stack performing a non-WCF function. Existing vertical element does not include a building.

Existing Vertical Element, Recreational Field Light Pole. A light pole constructed and used to provide an appropriate lighting function such as parking, security or recreational ball field lighting, as well as a wireless communications function.

Monopole. A single pole attached to a permanent foundation.

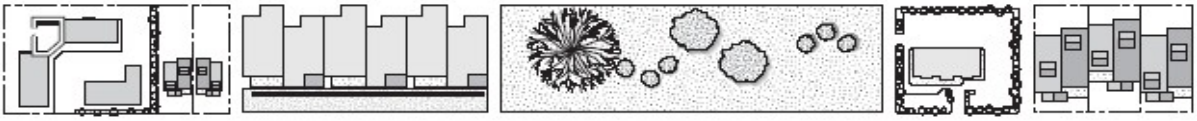
Monopole, Portable. A single pole and associated equipment mounted on a transportable base.

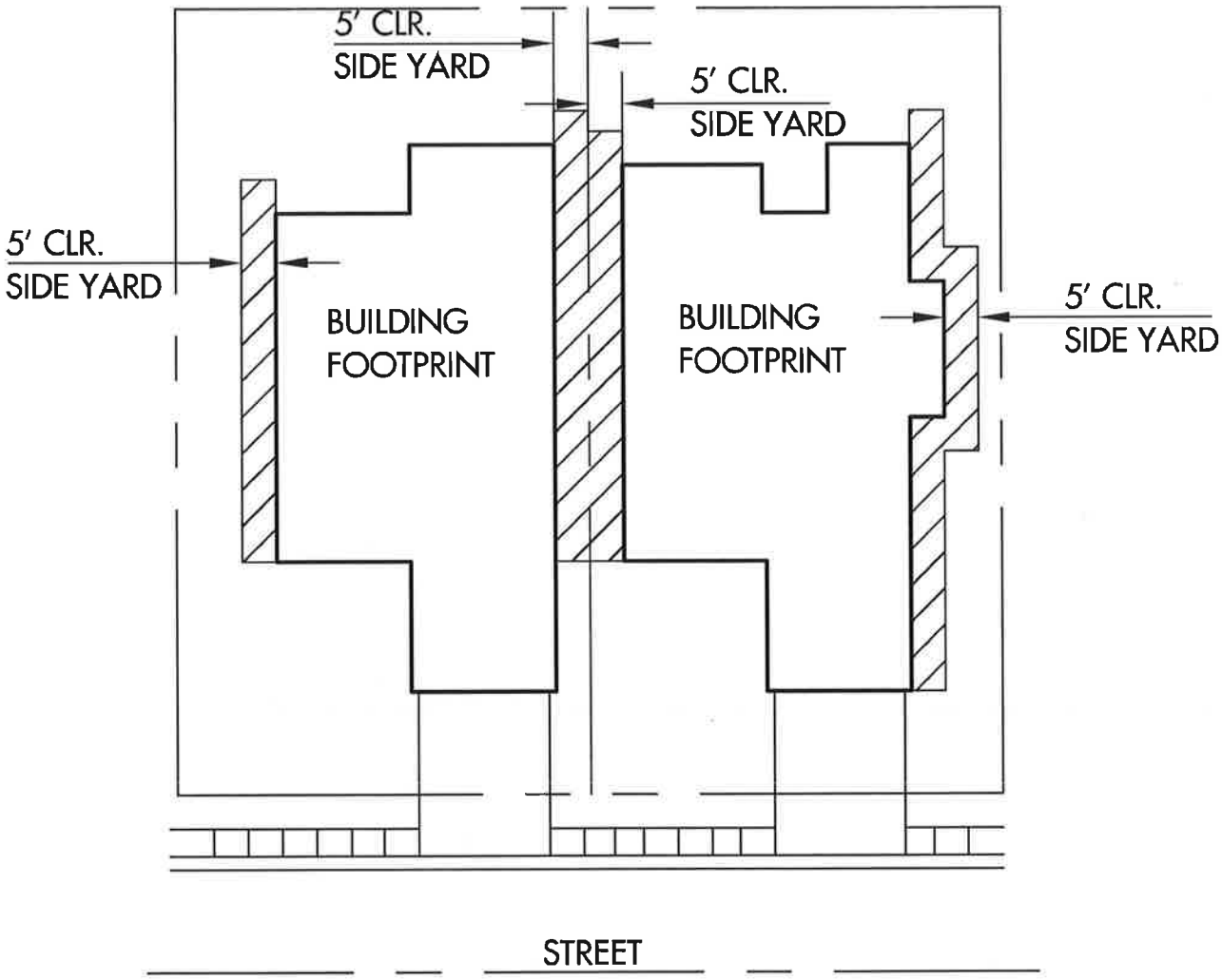
Public Safety Communications Facility. A tower or monopole required for the purpose of public safety communications of the Town, a neighboring city, Maricopa County, or the State of Arizona.

Support Structure. The structure to which Wireless Communications Facility antennae and other hardware are mounted.

Appendix 1 Graphics

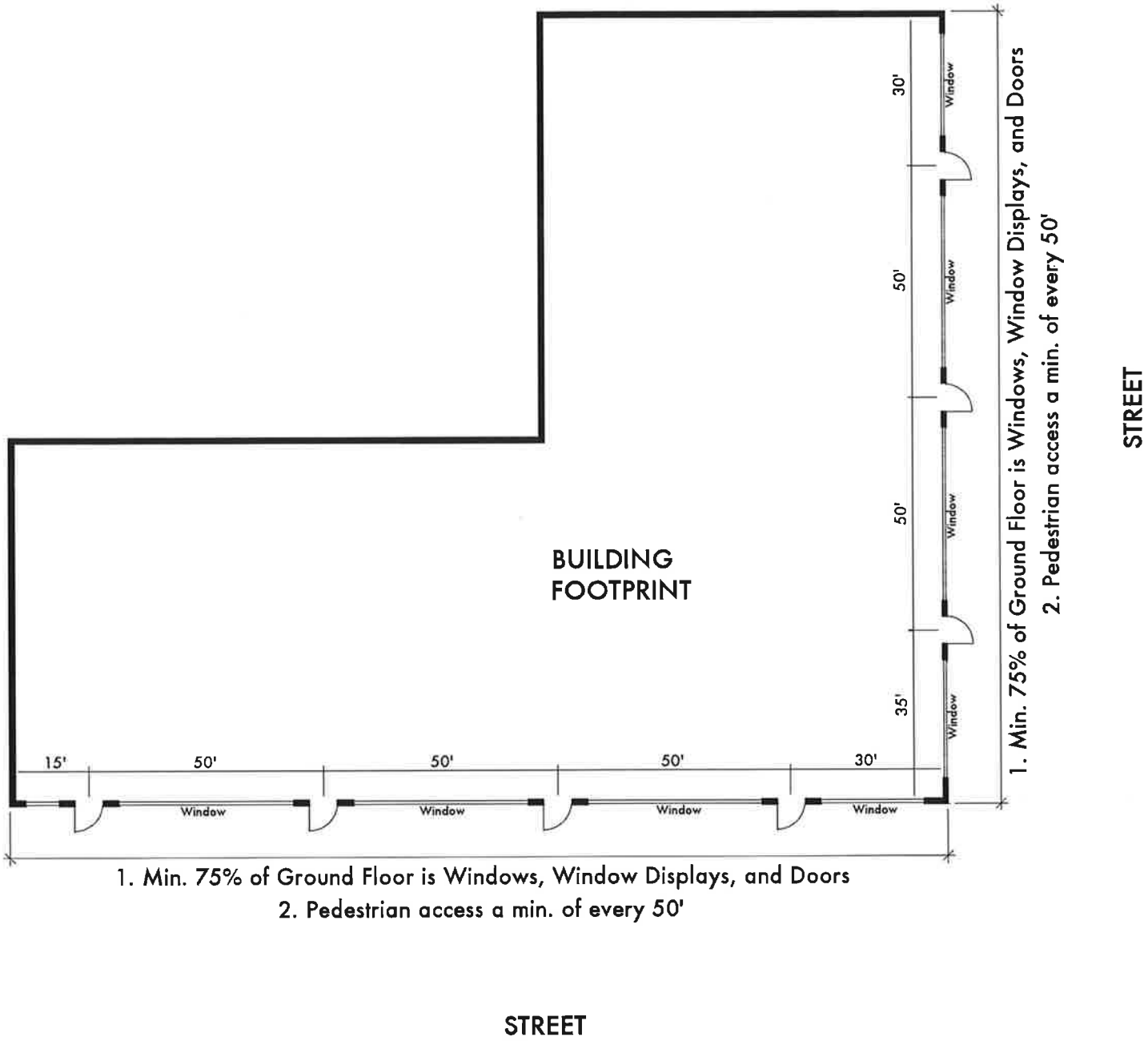
The following graphics are intended to illustrate the general intent of Zoning Code requirements. Where there is a conflict between the text and the associated graphic, the text shall control.





Side Clear Area

Fig. 1- Section 2.104D.4

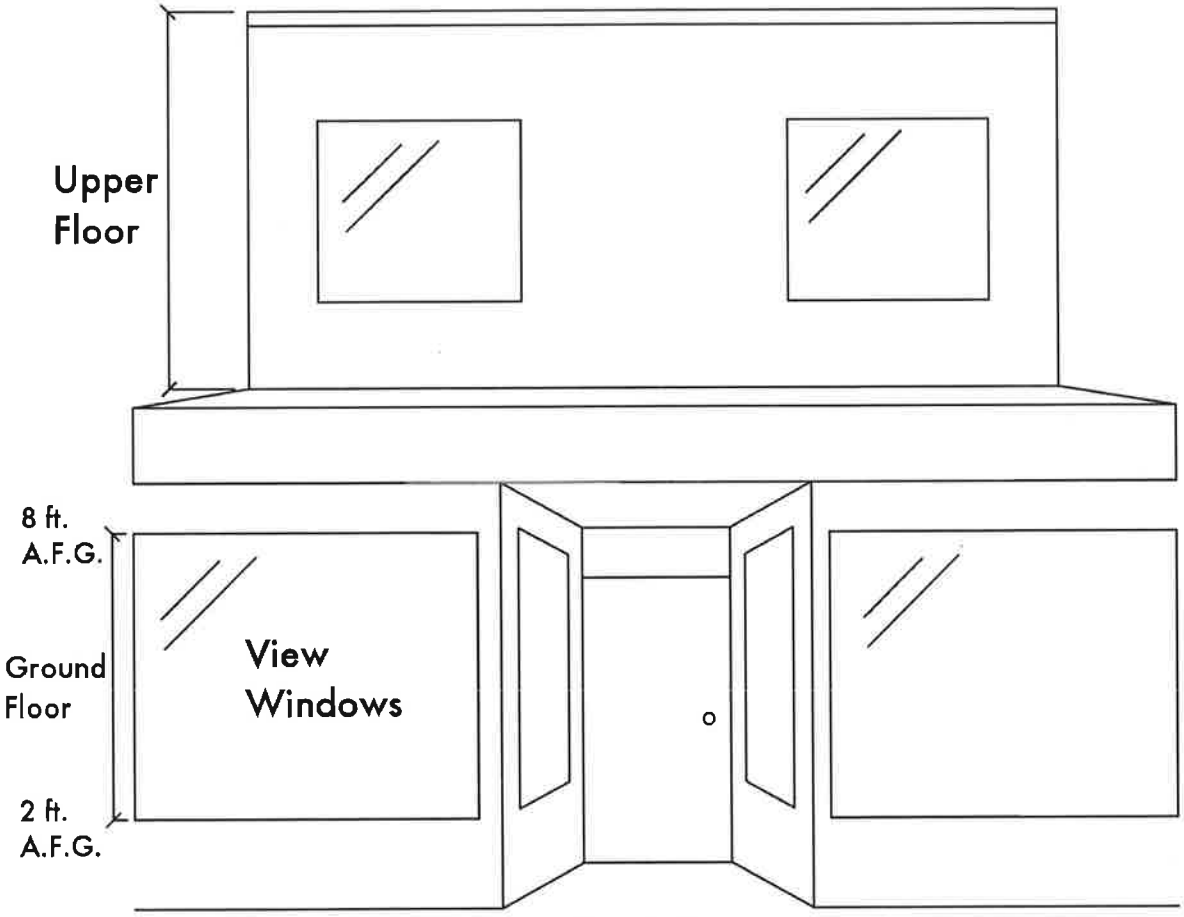


Storefronts and Access

Fig. 2 - Section 2.403D

A minimum of 25 percent of a building's upper floor elevations along streets shall have view windows with non-reflective glass.

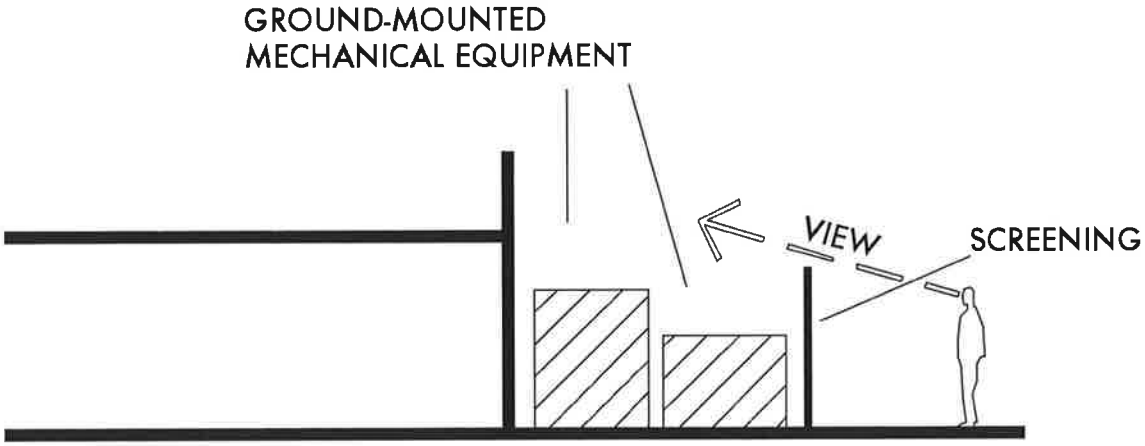
Minimum 25%
Non-Reflective Glass Windows

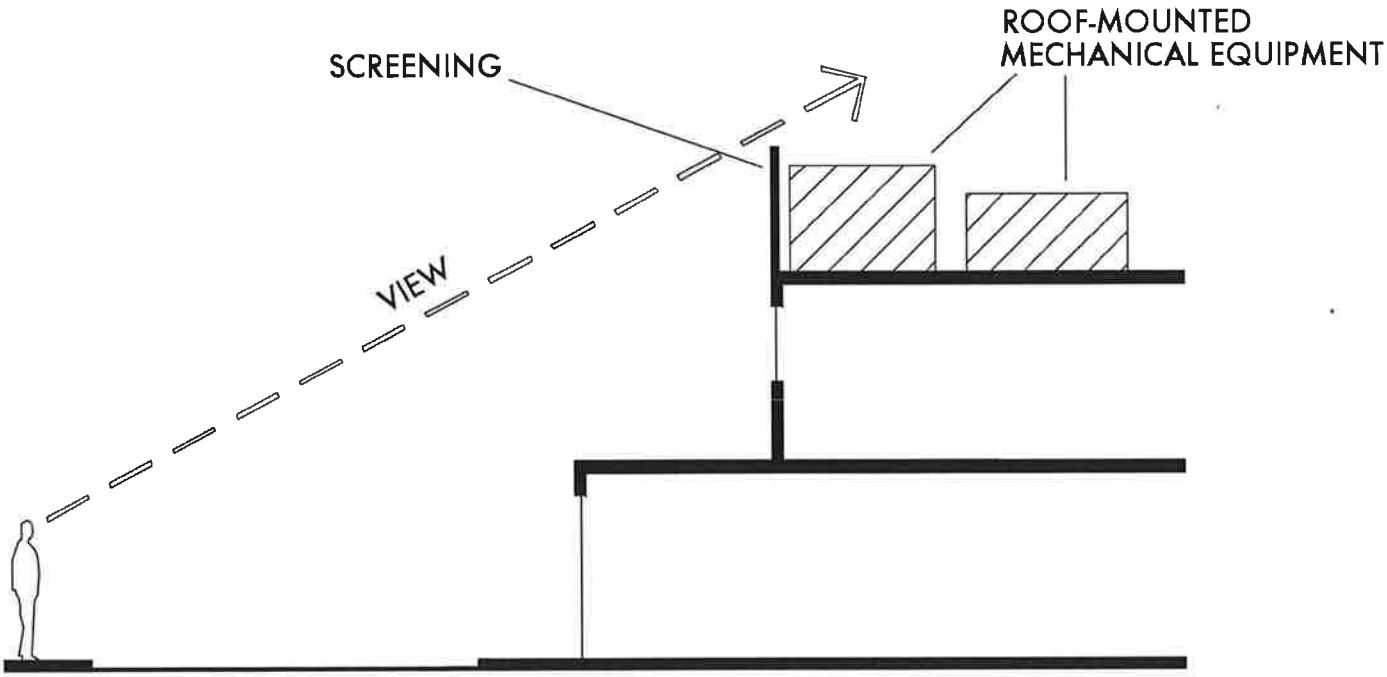


View windows, window displays, or doors shall be provided in a zone between 2 and 8 feet above grade adjacent to the principal building frontage.

Transparency

Fig. 3
Section 2.403E

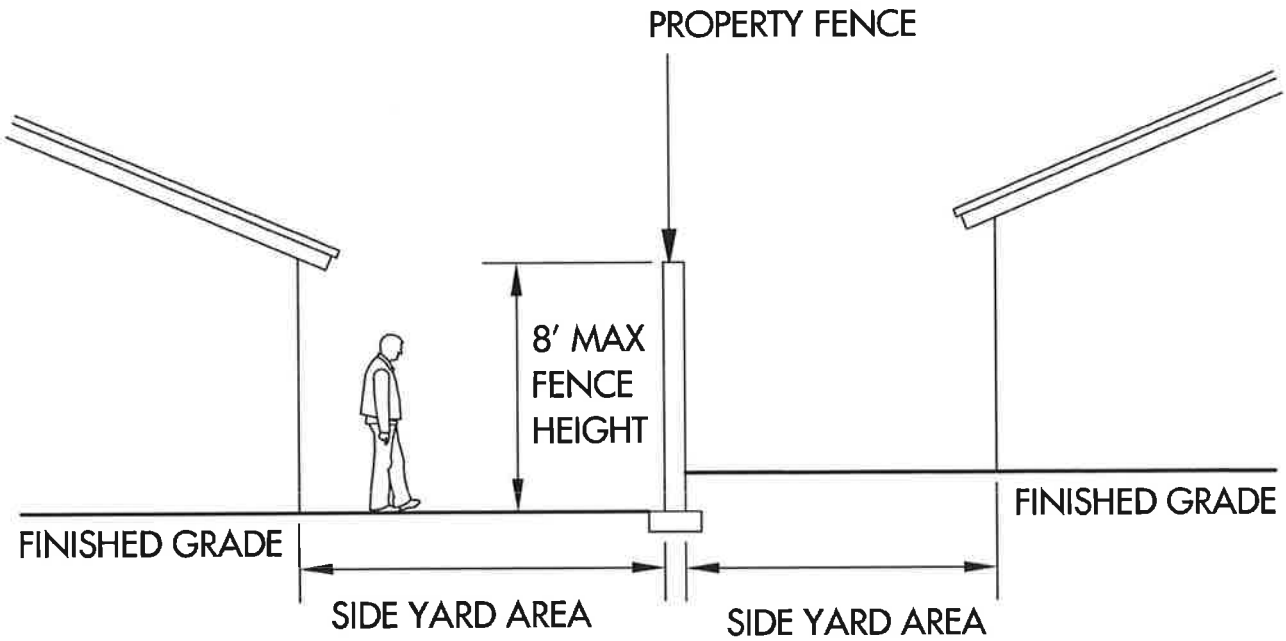




Screening Mechanical Equipment

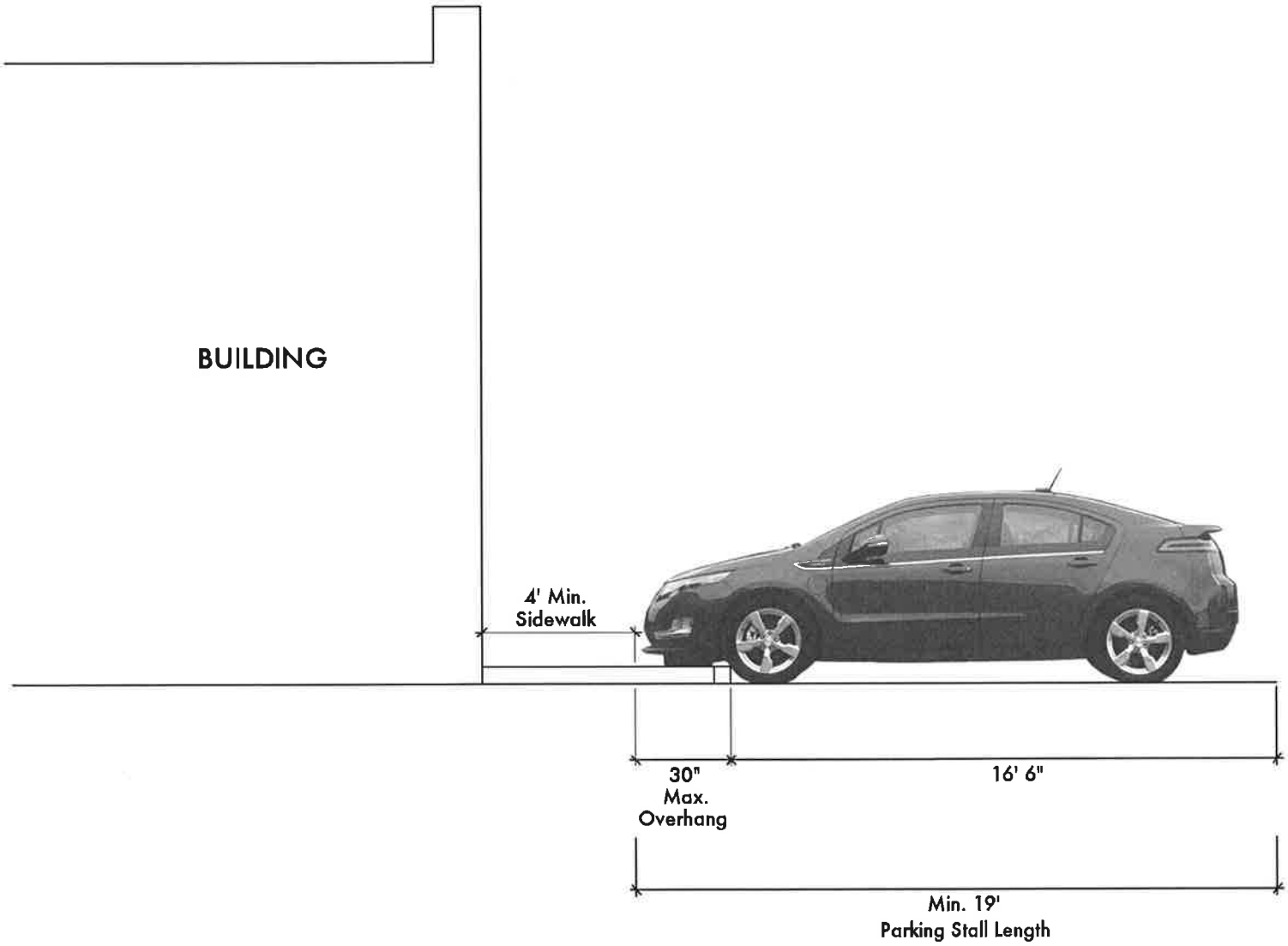
Fig. 4

Section 4.105B.1b



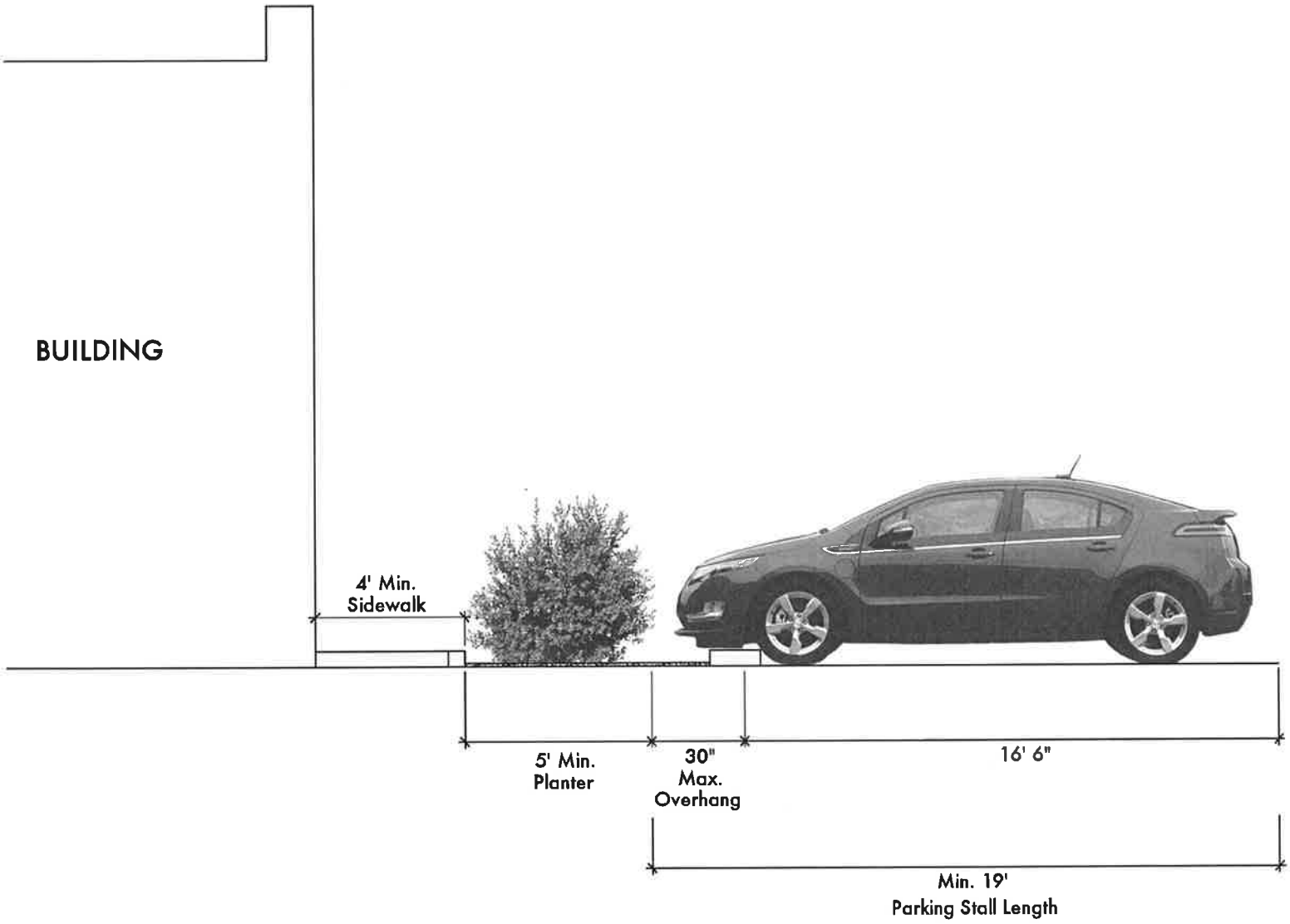
Fences

Fig. 5- Section 4.109



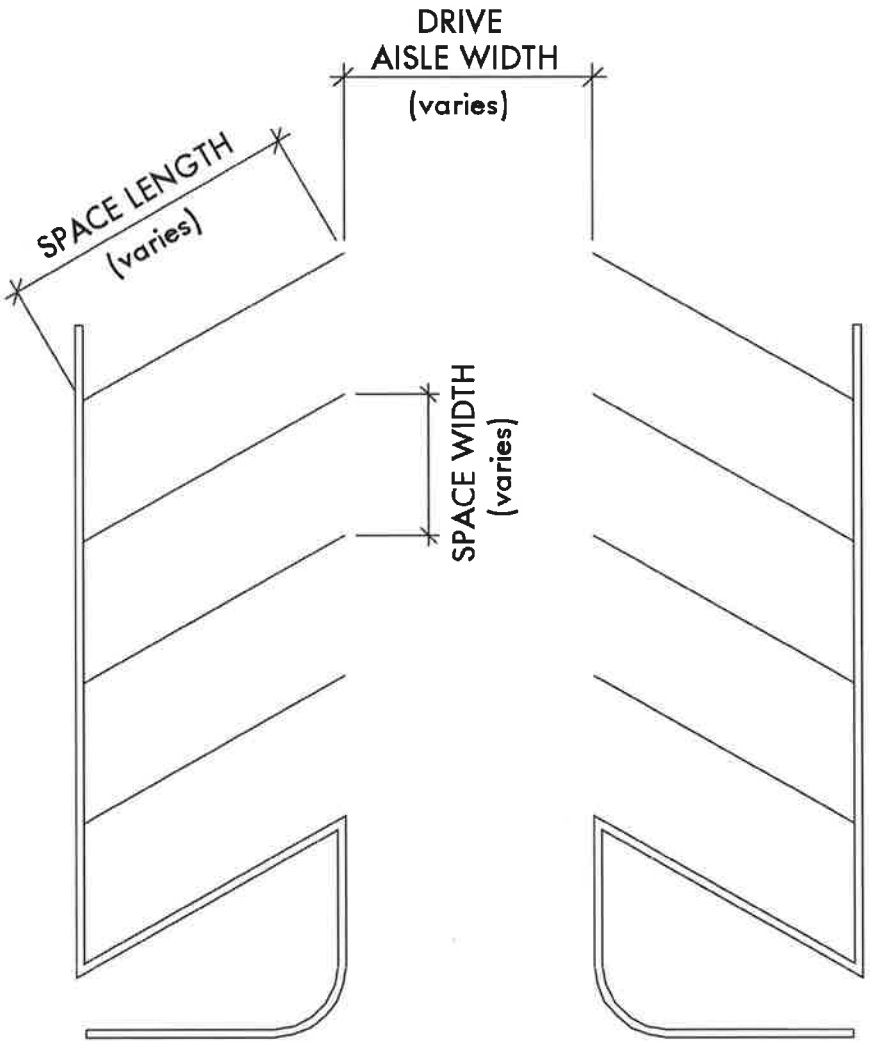
Separation from Buildings

Fig. 6 - Section 4.203N



Parking Overhang

Fig. 7 - Section 4.203O 1,2

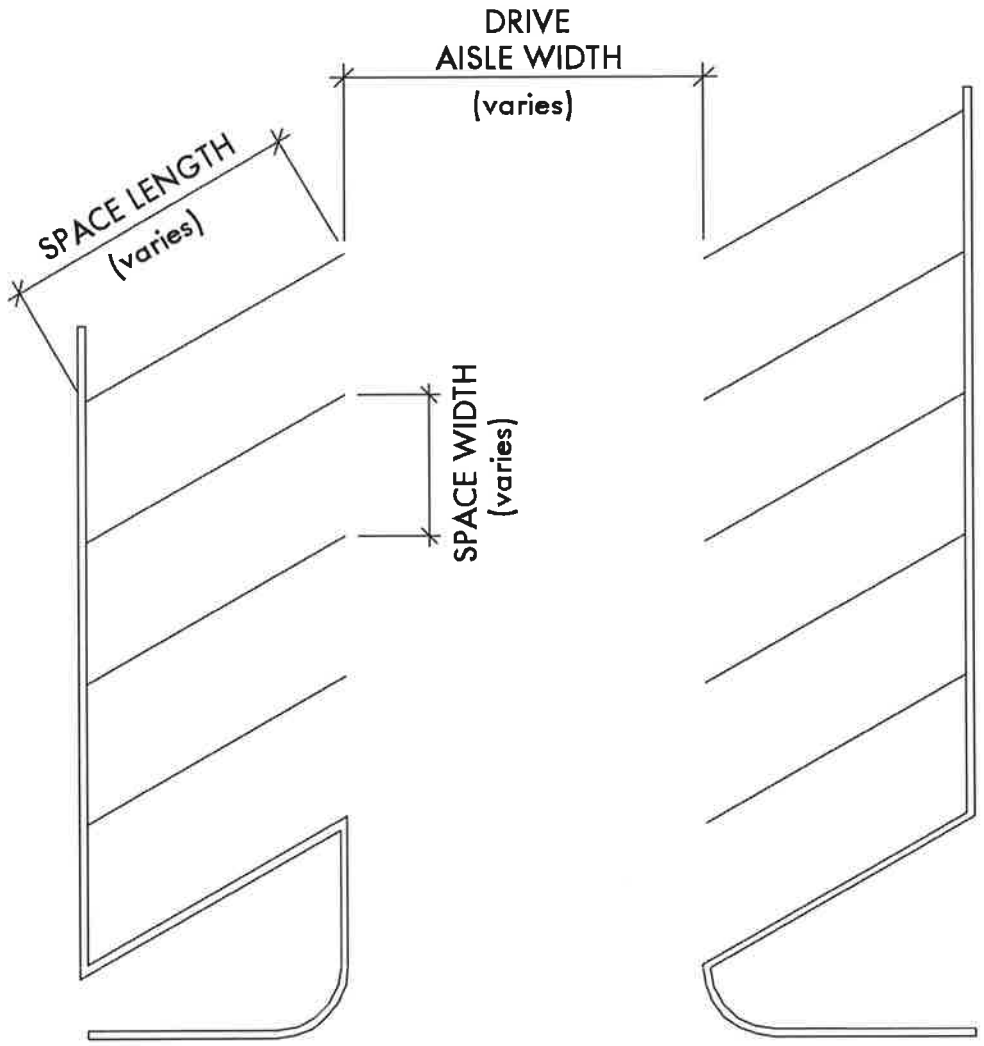


ONE-WAY AISLE

Angle Parking Less Than 90°

Fig. 8A

Section 4.206H

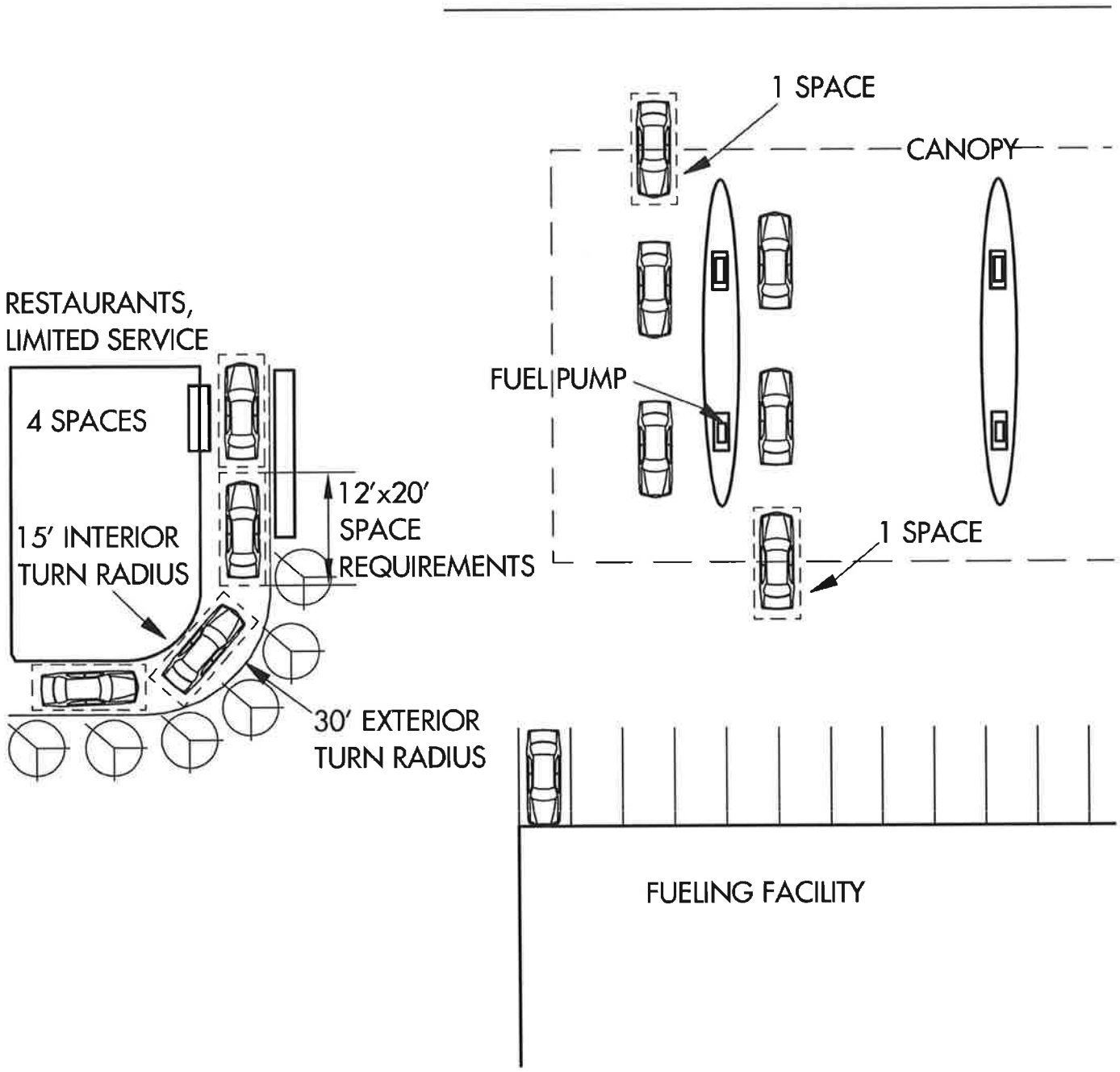


TWO-WAY AISLE

Angle Parking Less Than 90°

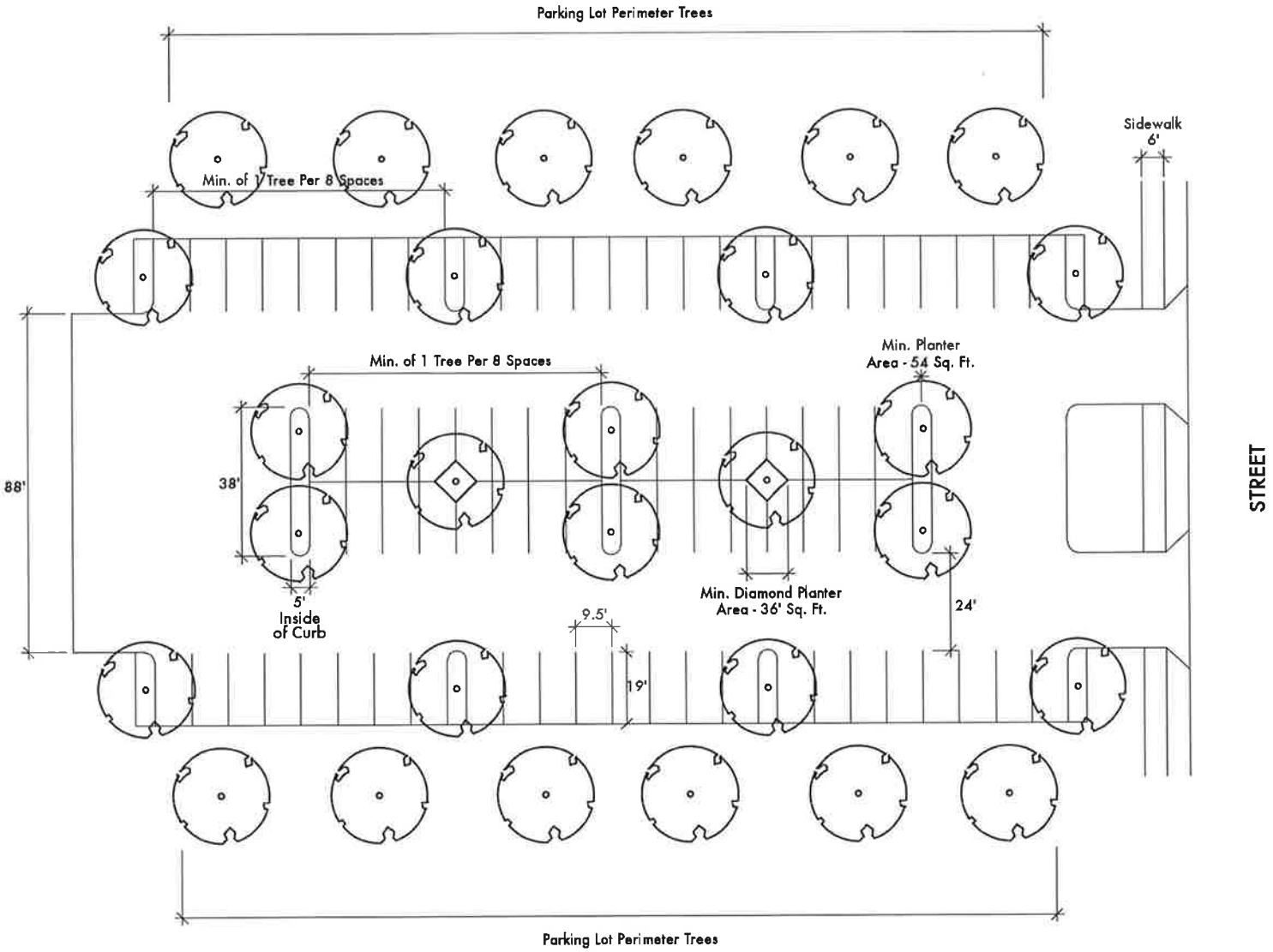
Fig. 8B

Section 4.206H



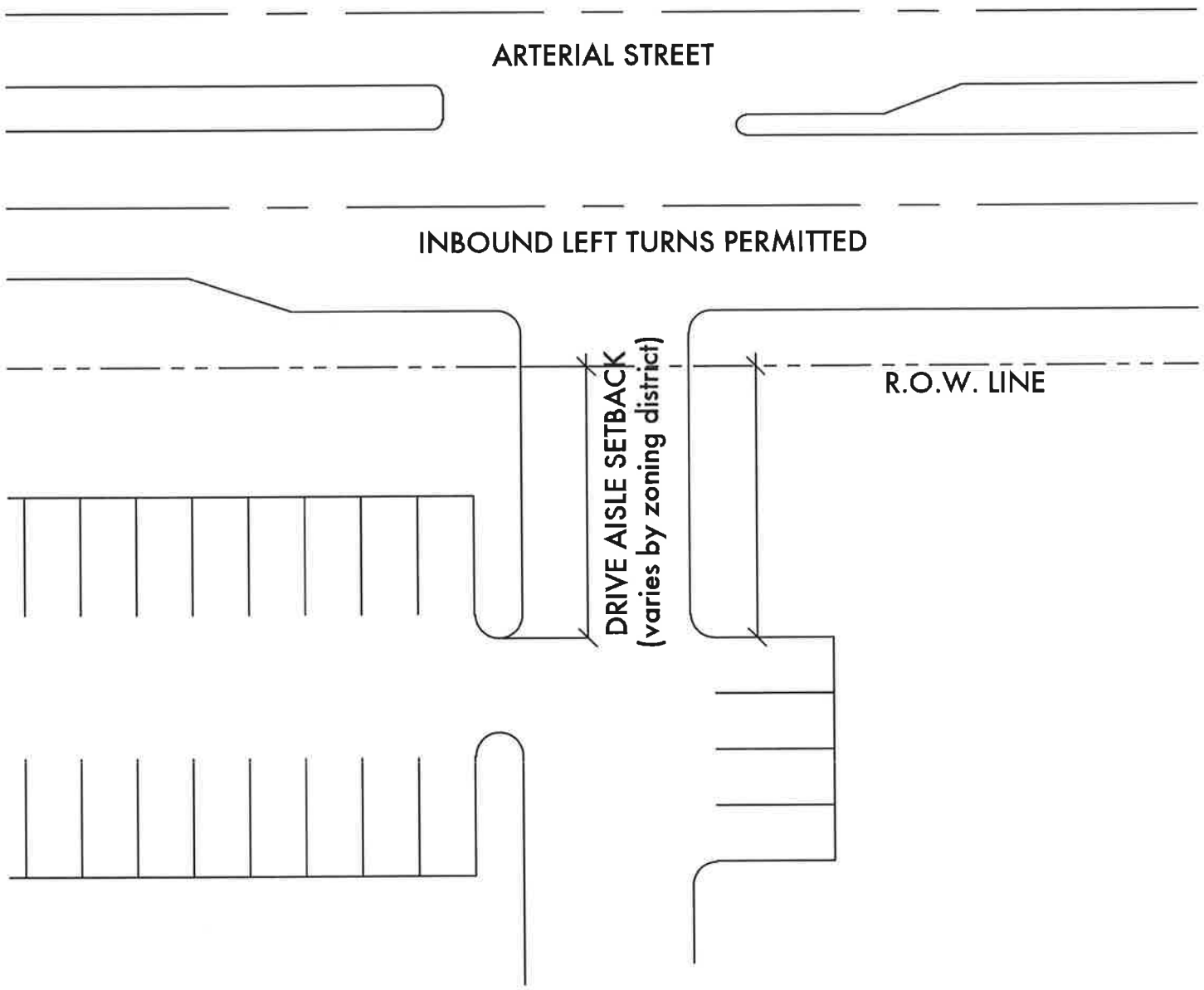
Drive-Through Facility Stacking Space Requirements

Fig. 9- Section 4.2010



Shade Trees

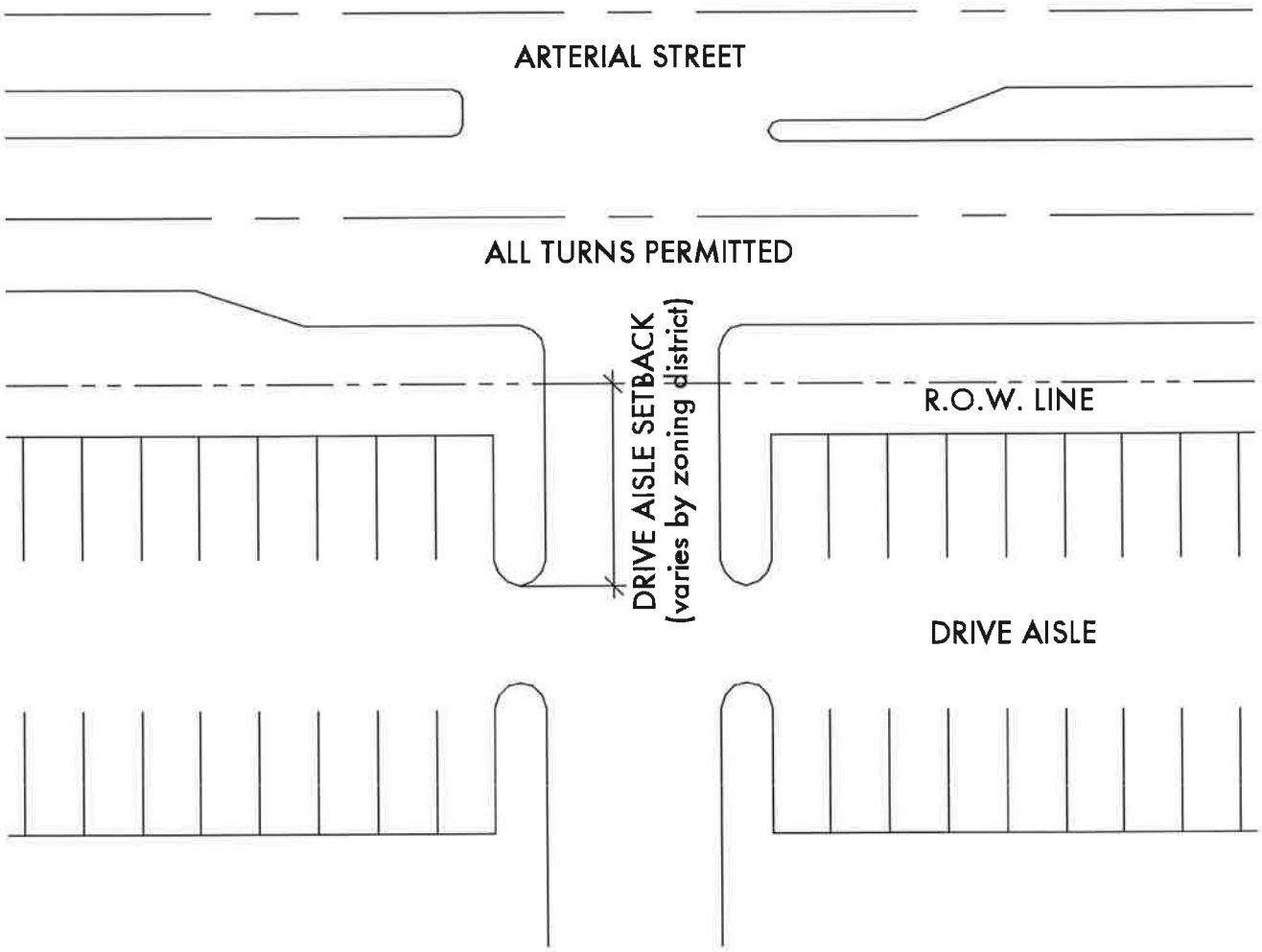
Fig. 10 - Section 4.2012B 1a,b,c



Parking Setbacks, Inbound Left Turn Permitted

Fig. 11

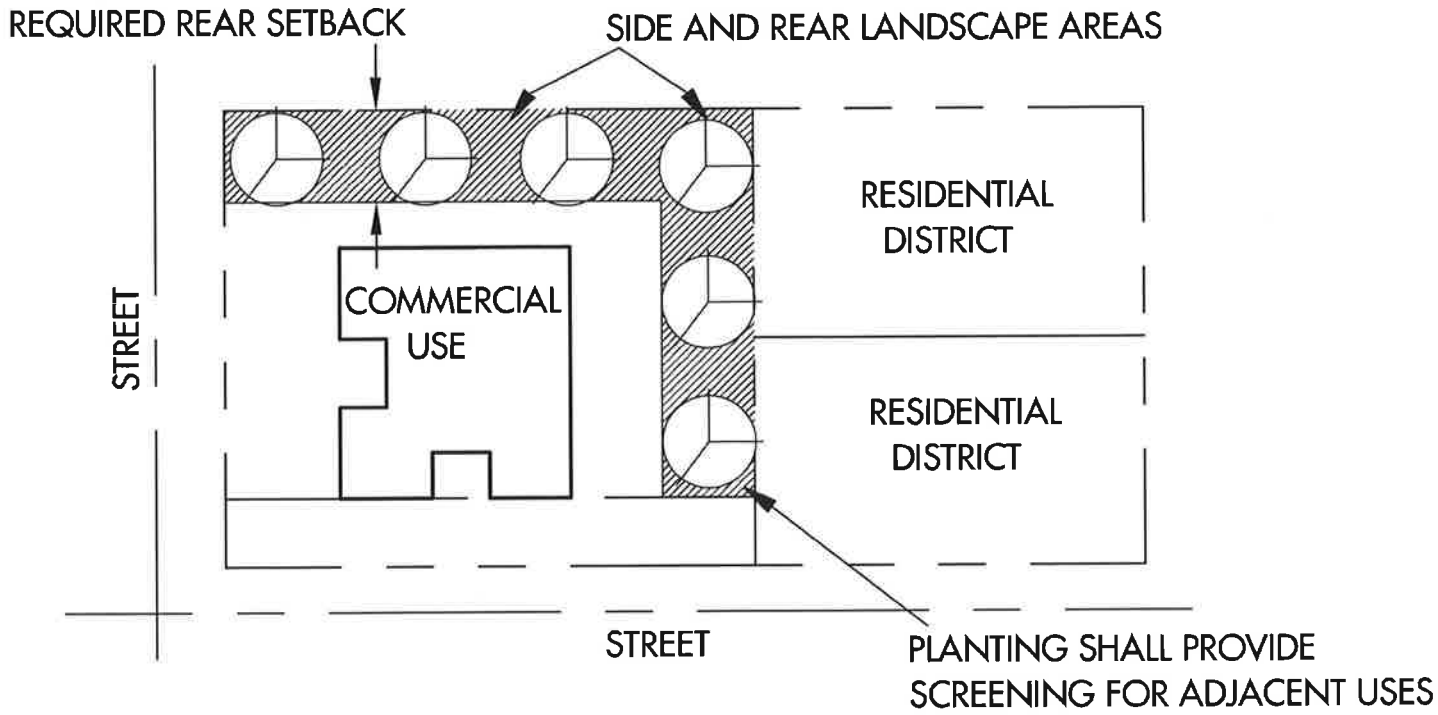
Section 4.2013A

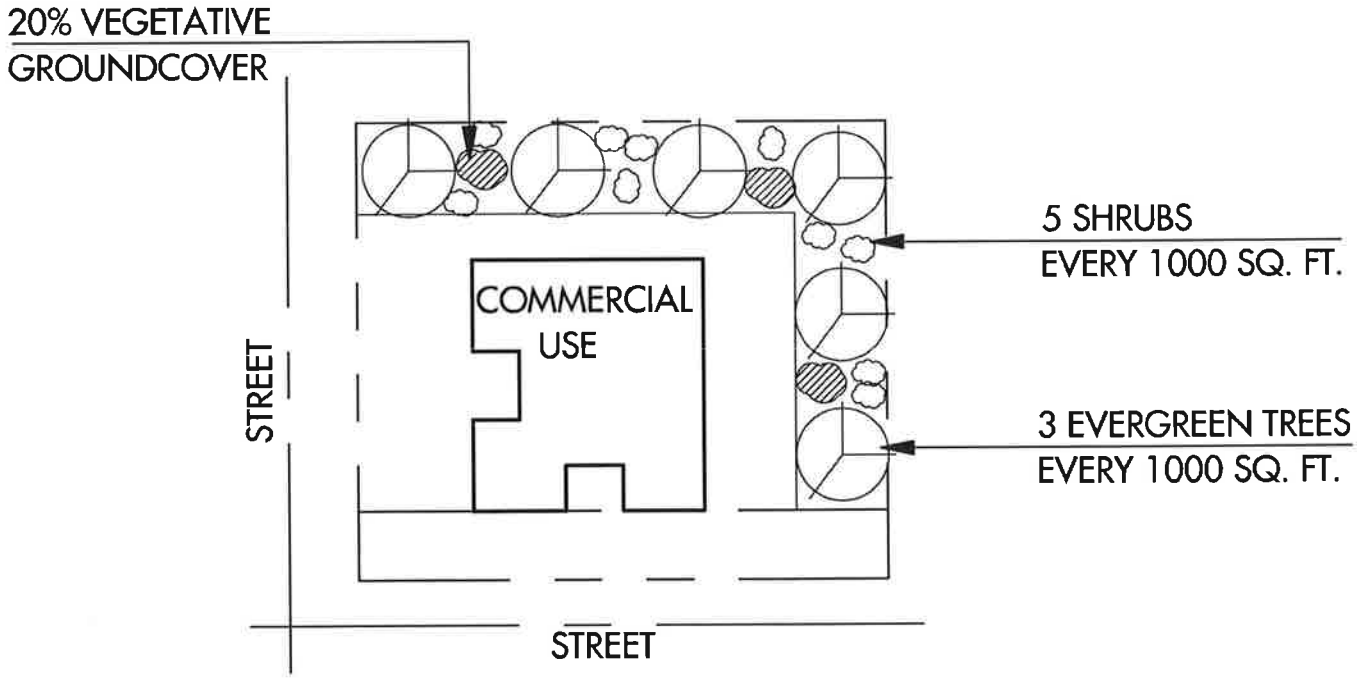


Drive Aisle Setbacks

Fig. 12

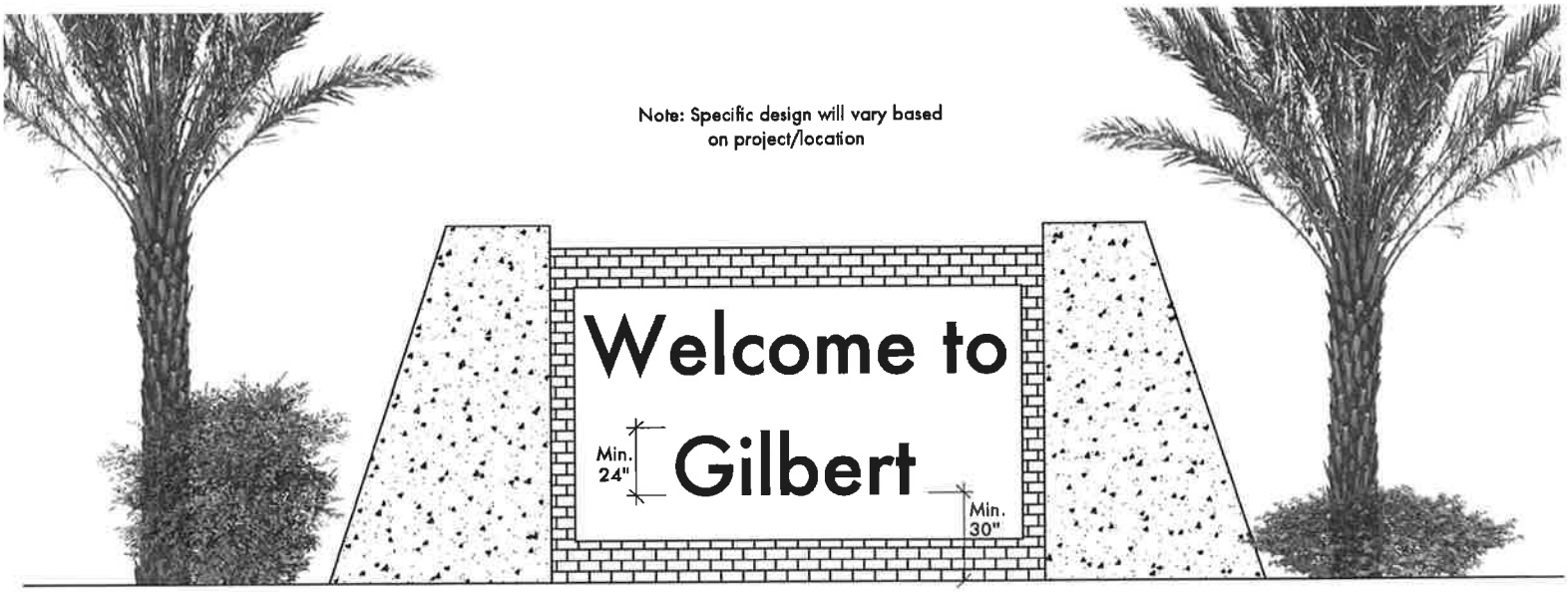
Section 4.2013C

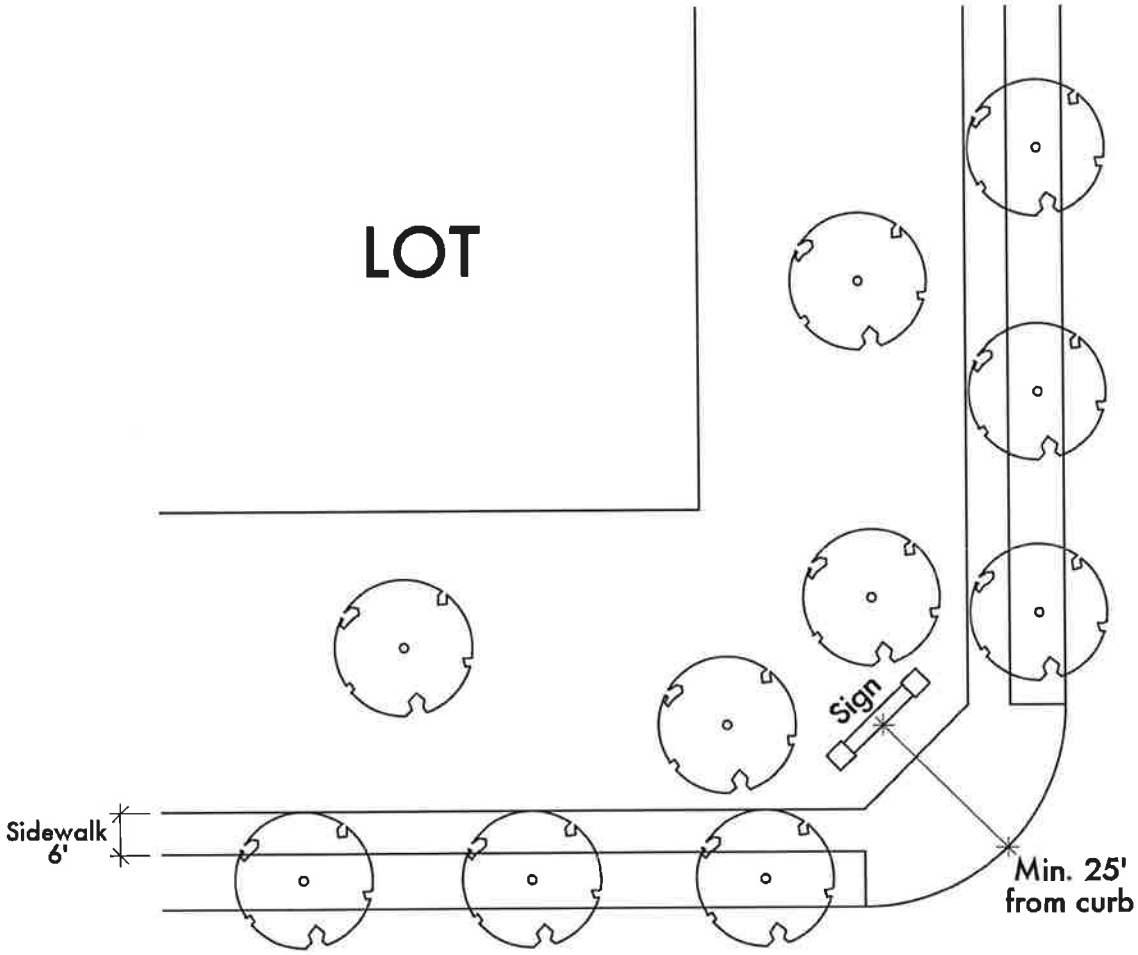




Side and Rear Perimeter Landscape Areas

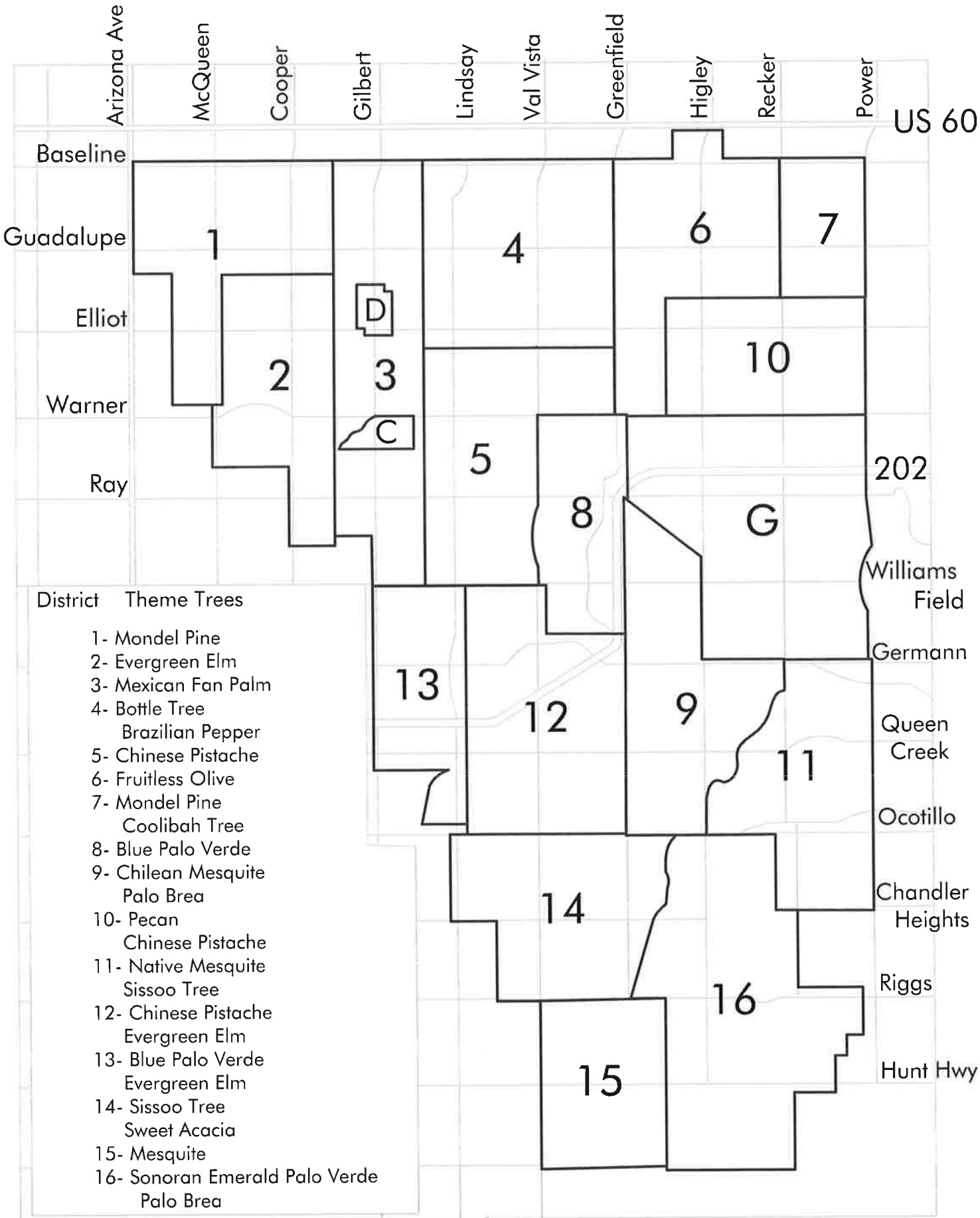
Fig. 13- Section 4.303P





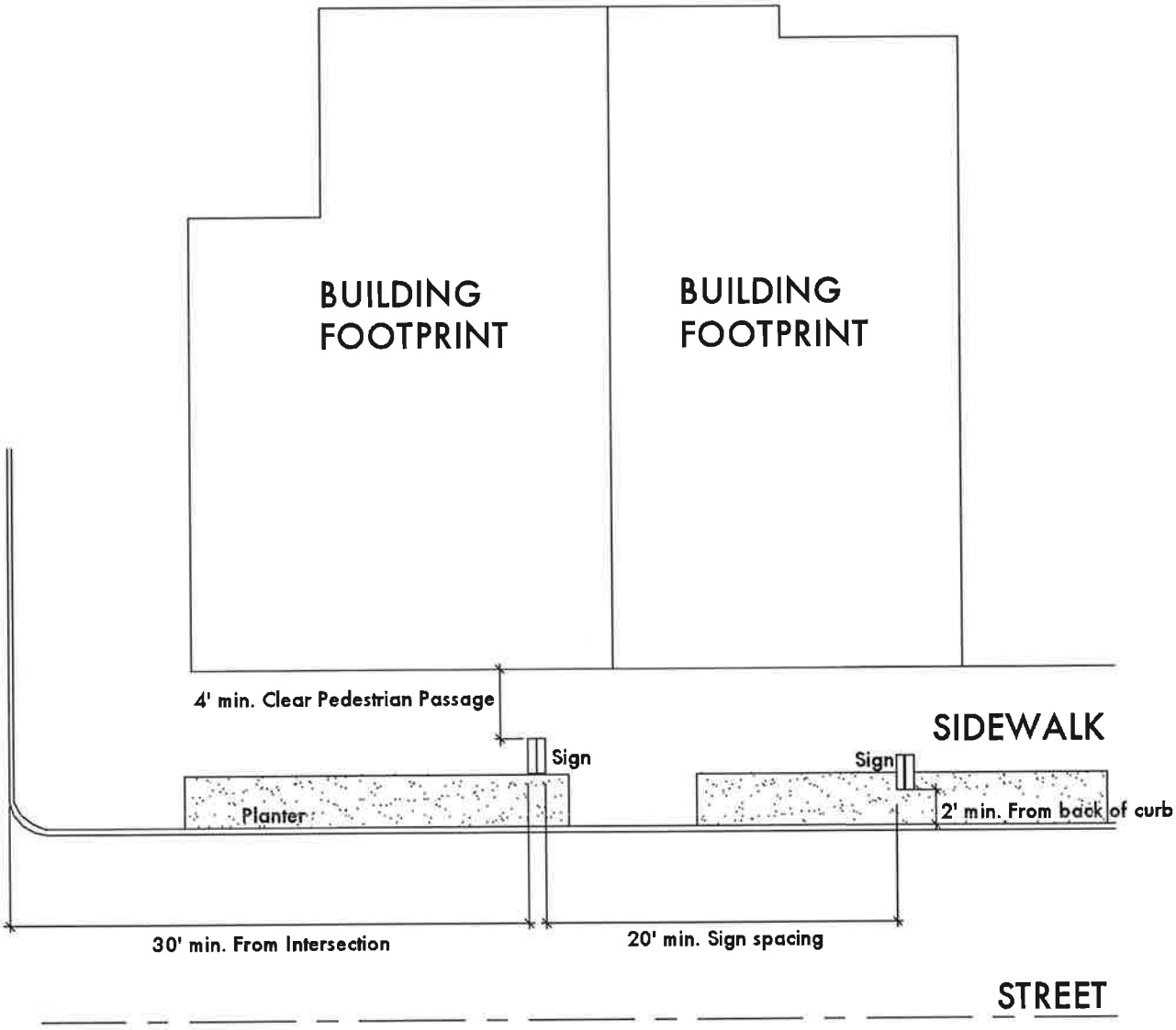
Gateway Entries

Fig. 14 - Section 4.304



Streetscape Theme Tree Districts

Fig. 15- 4.305

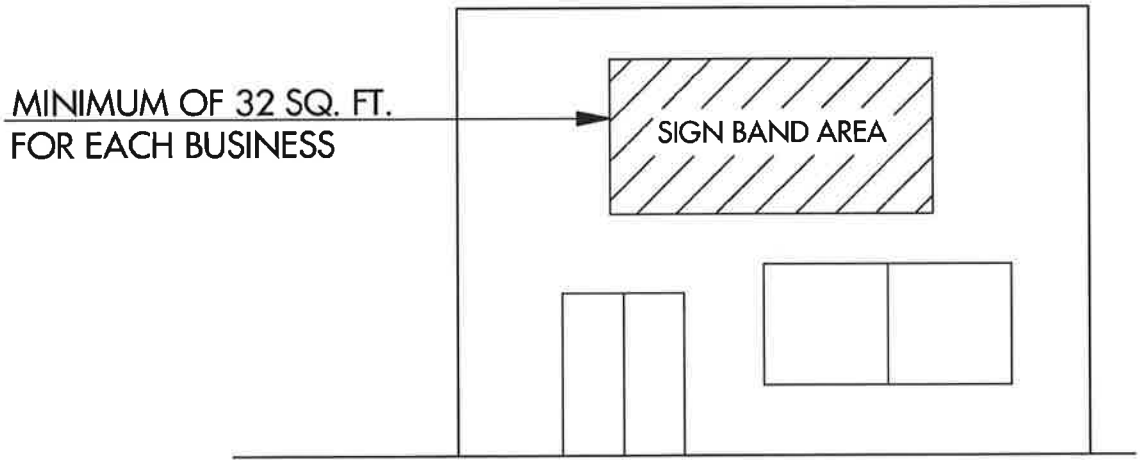


A-Frame Sign Placement

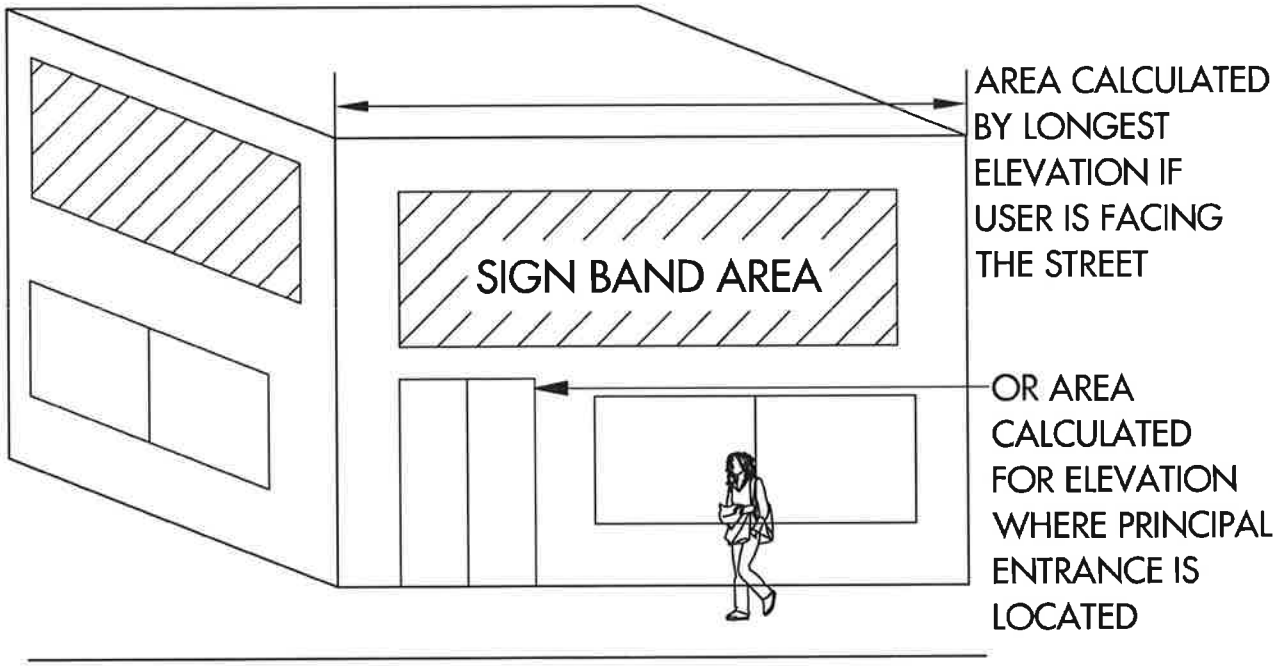
Fig. 16

Section 4.402N

BUSINESSES WITH SINGLE FRONTAGE

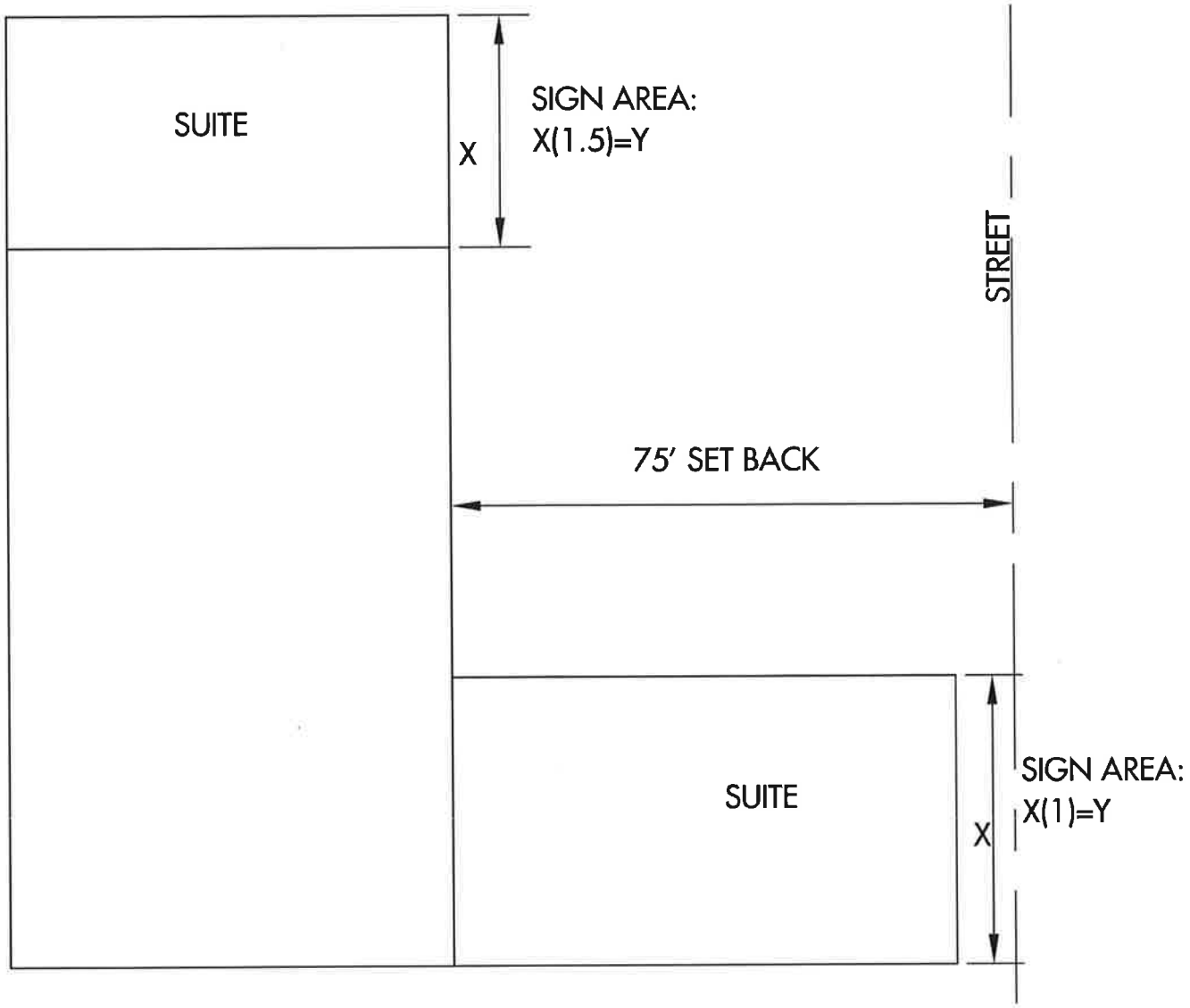


BUSINESSES WITH DOUBLE FRONTAGE



Total Business Wall Sign Area

Fig. 17A- Section 4.407C.1b

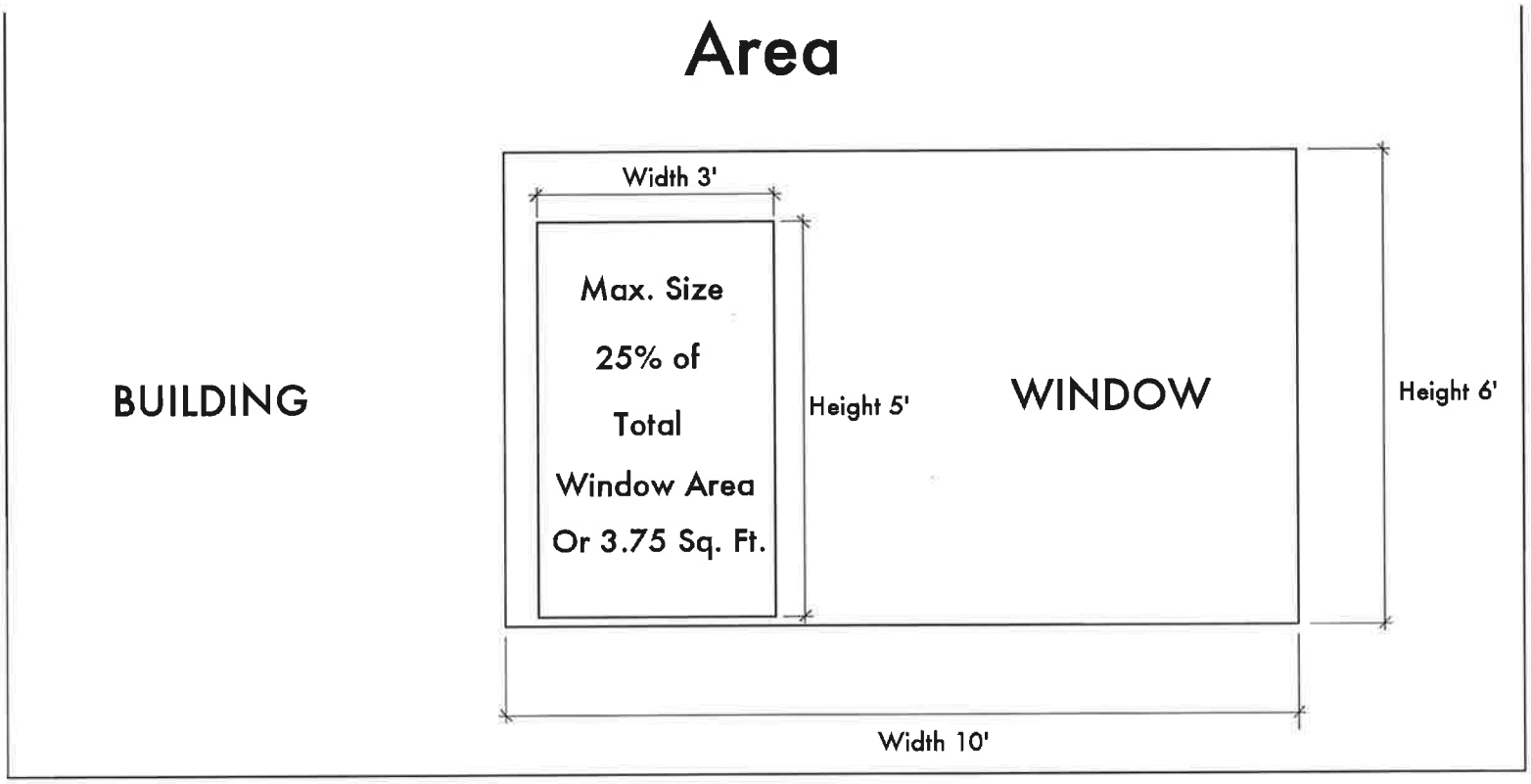


Y=PERMITTED FOR EACH 1 LINEAL FOOT OF BUILDING ELEVATION ADJACENT TO THE SUITE

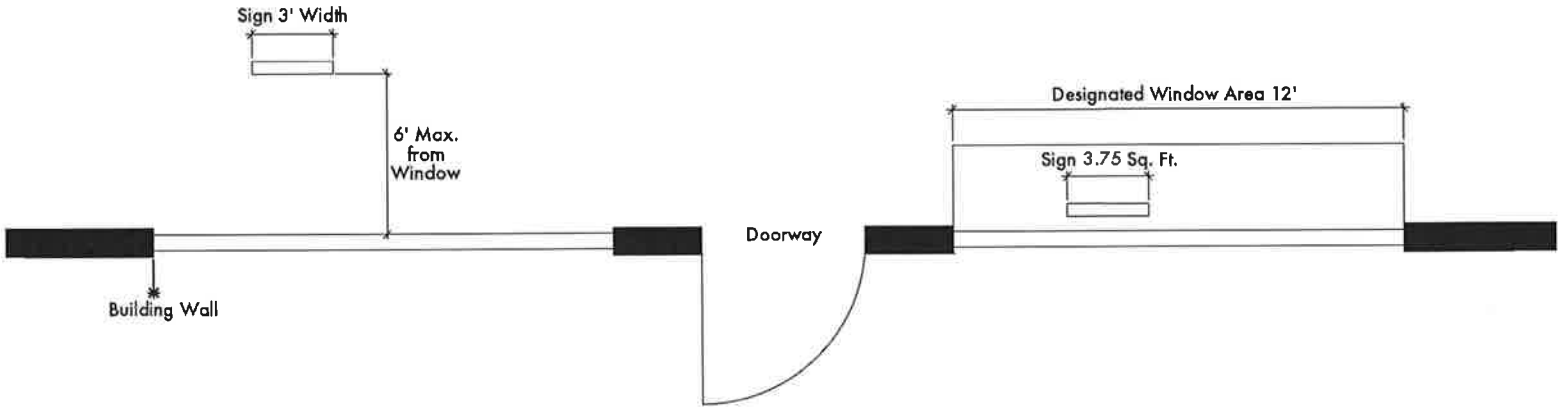
Sign Area Allowances

Fig. 17B- Section 4.407C.1c

Area

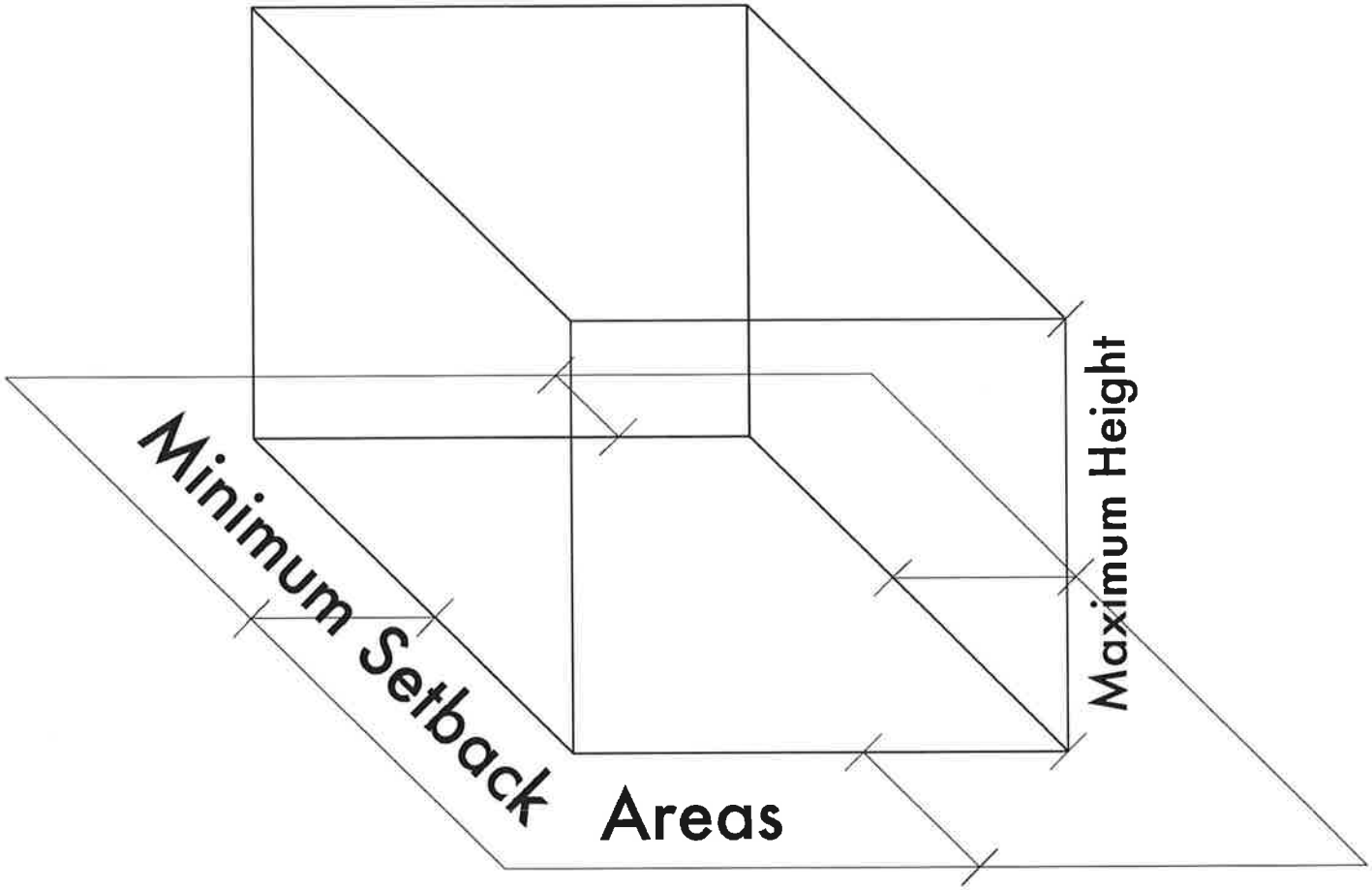


Location

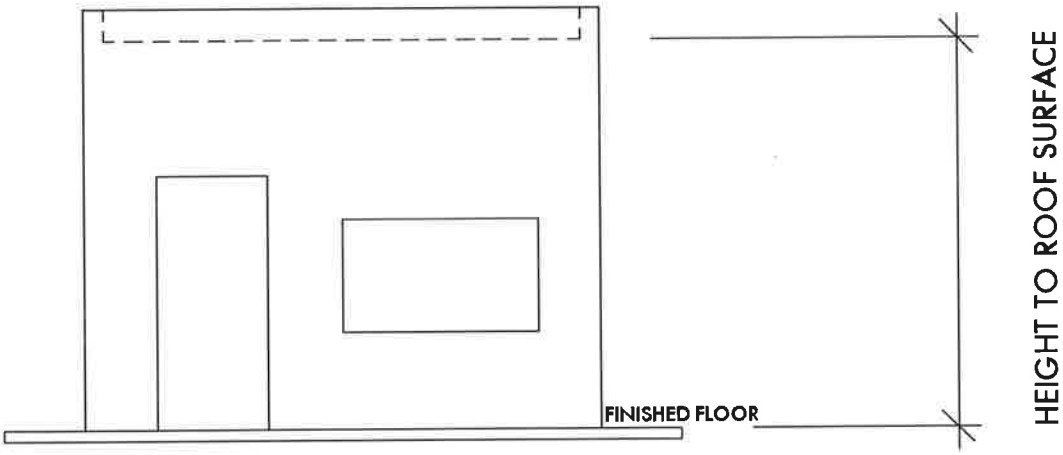


Window Signs

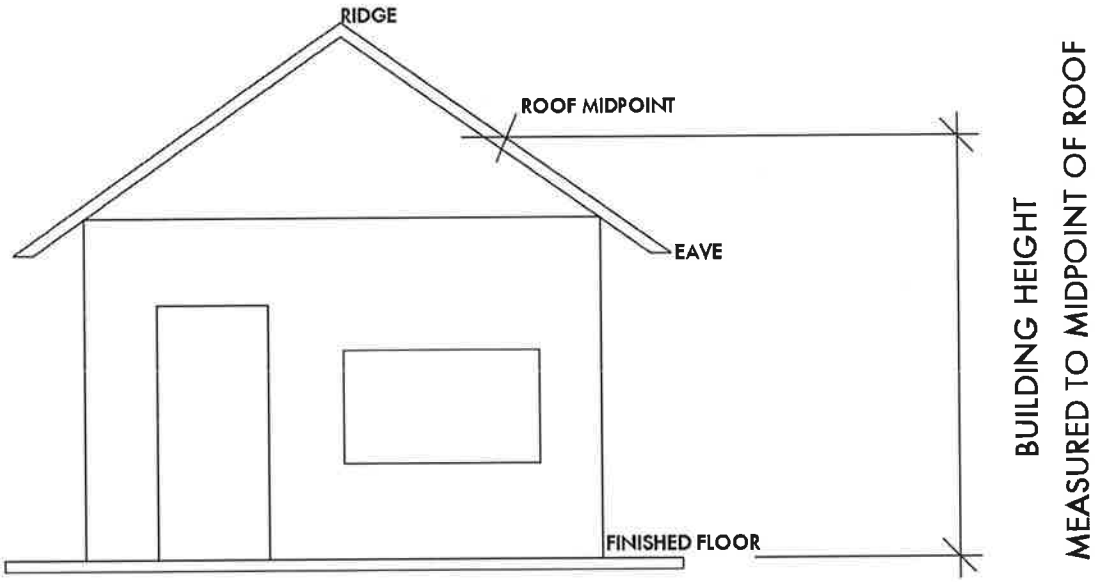
Fig. 18 - Section 4.407D1.



Glossary of General Terms- Building Envelope
Fig. 19



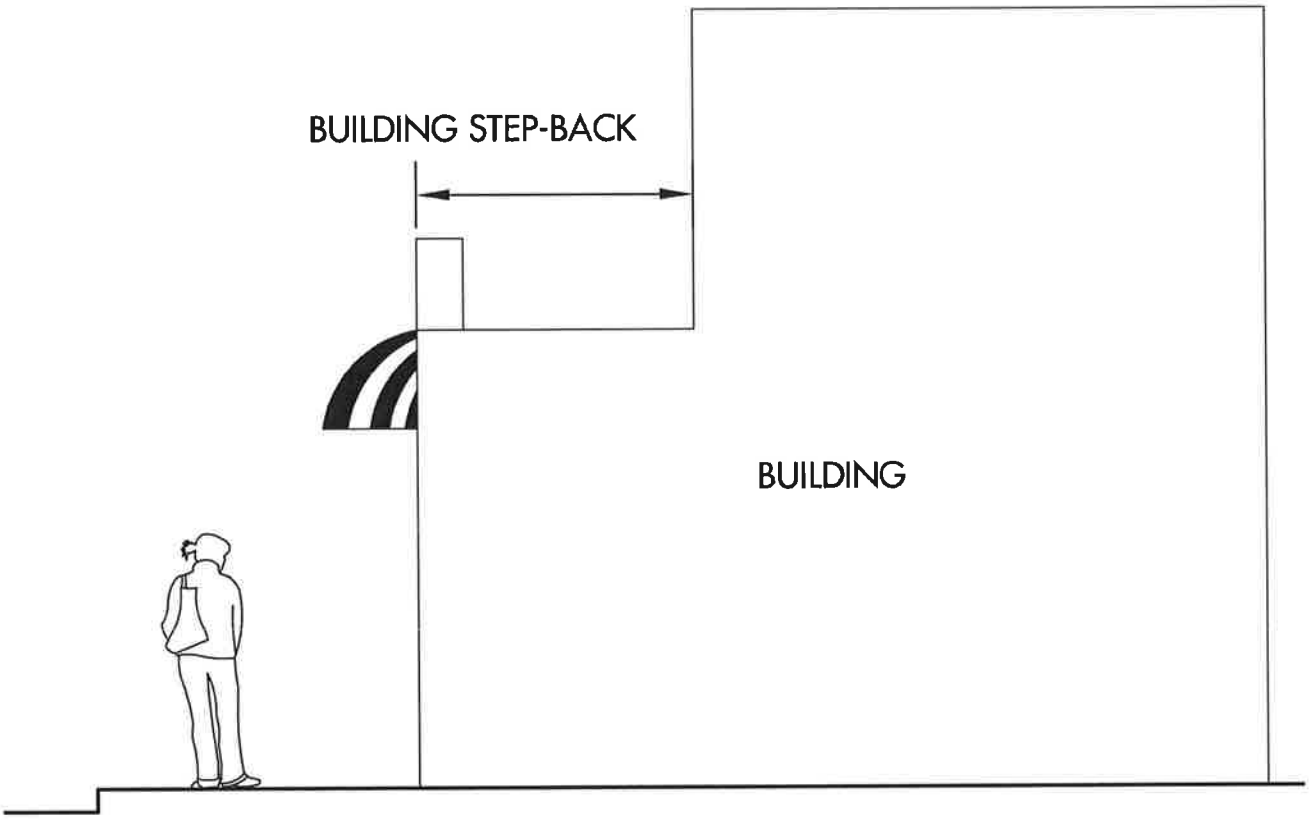
FLAT ROOF



PITCHED ROOF

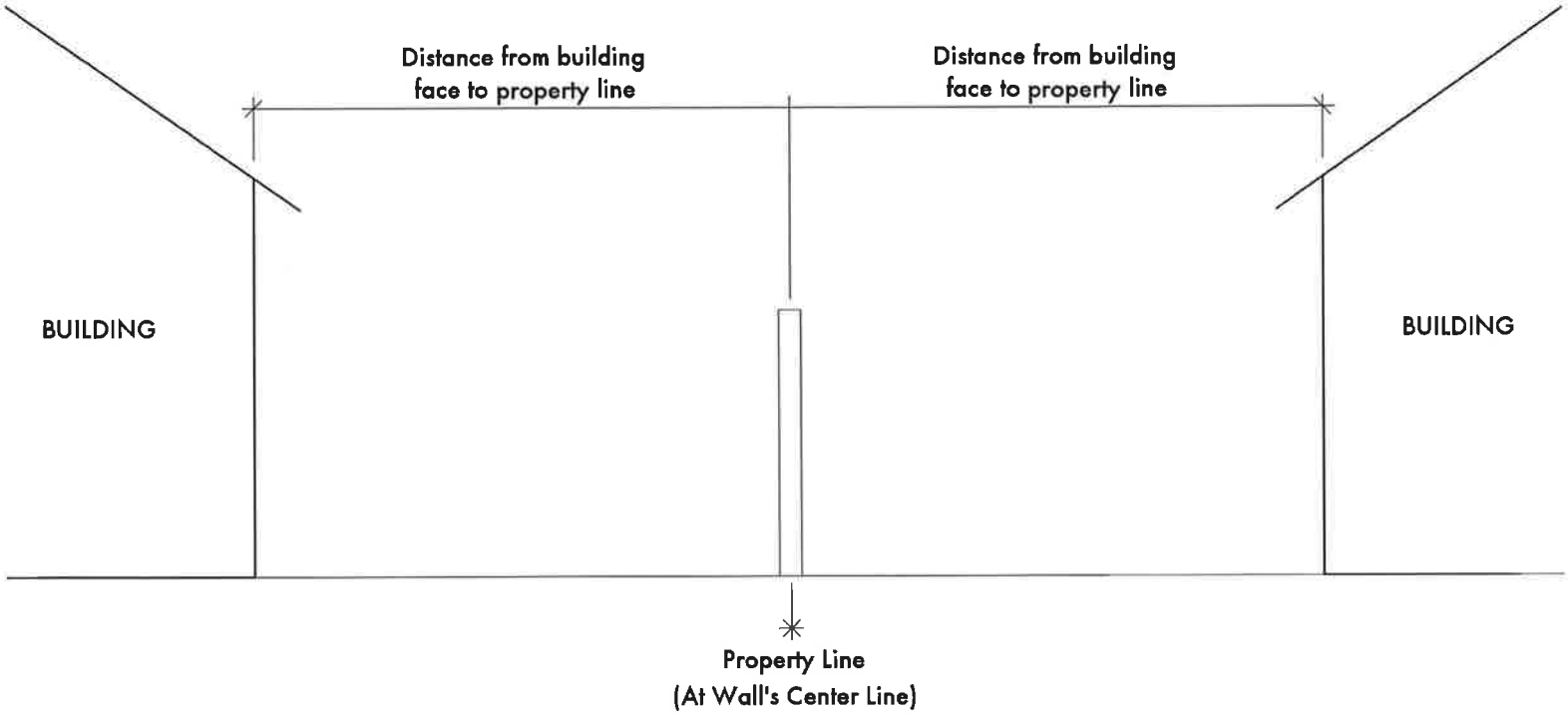
Glossary of General Terms: Building Height

Fig. 20



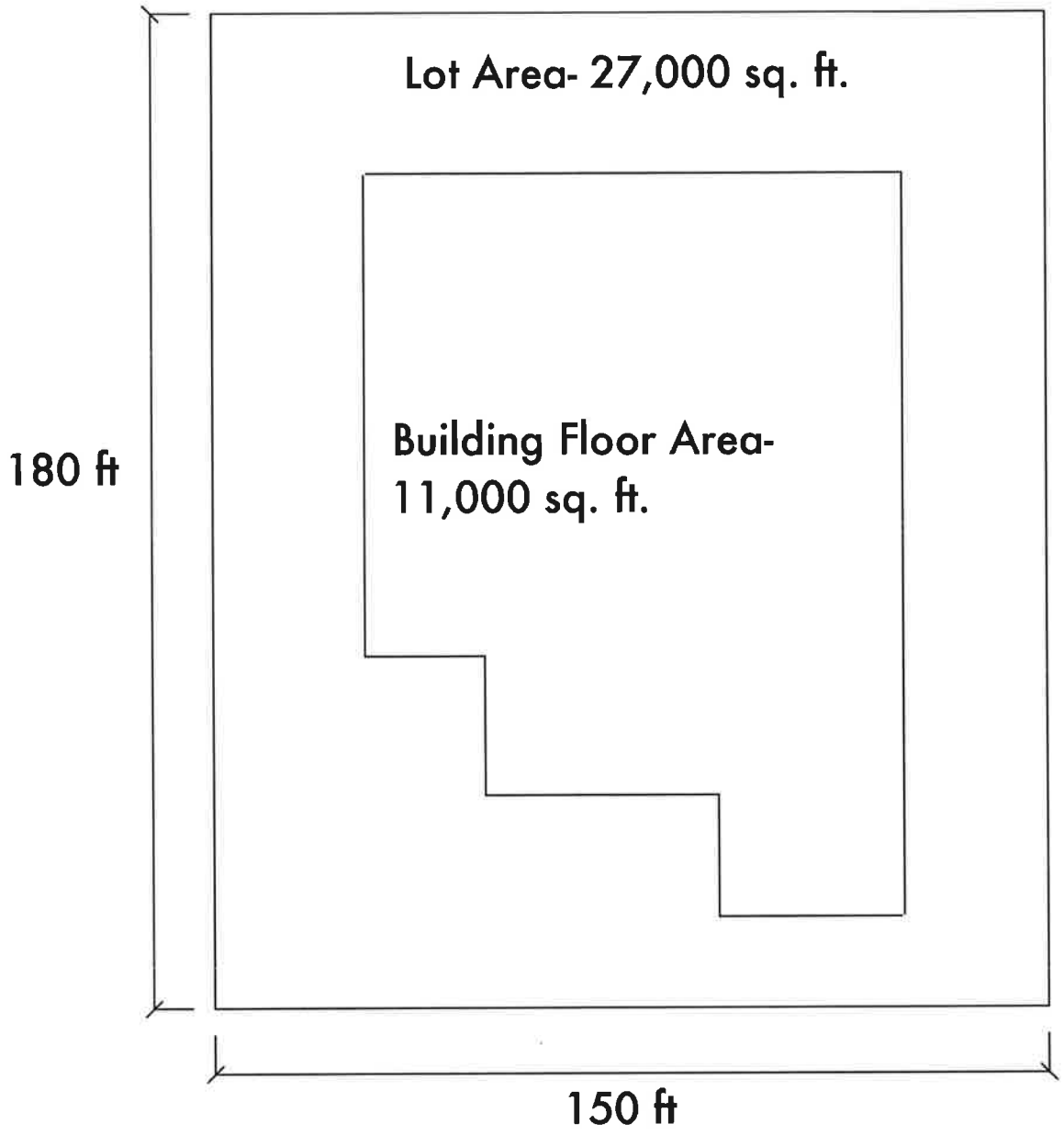
Glossary of General Terms: Building Step-Back

Fig. 21



Glossary of General Terms - Build to Line

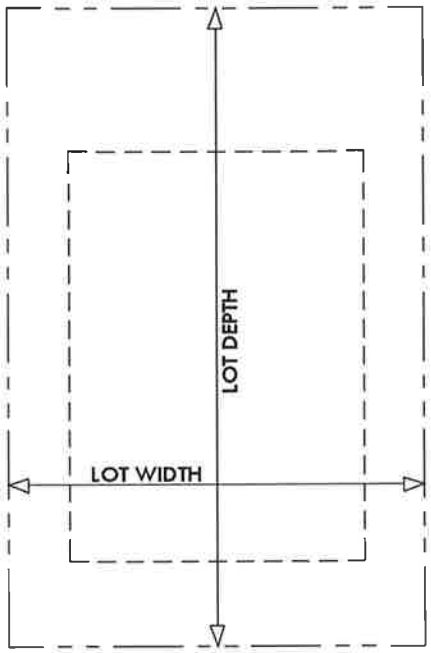
Fig 22



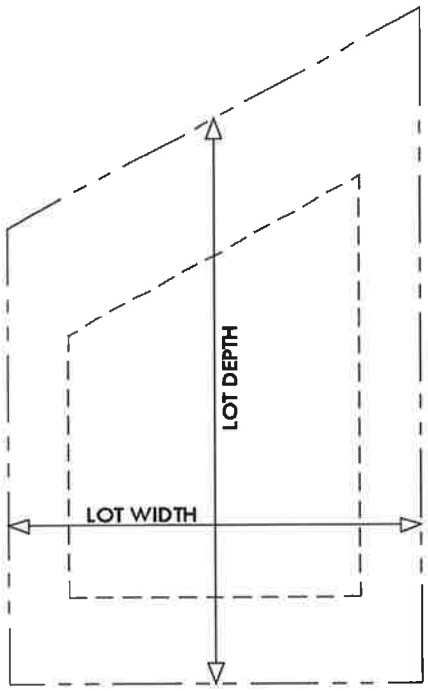
$$\frac{11{,}000 \text{ sq. ft.}}{27{,}000 \text{ sq. ft.}} = .41 \text{ Floor Area Ratio}$$

Glossary of General Terms- Floor Area Ratio (FAR)

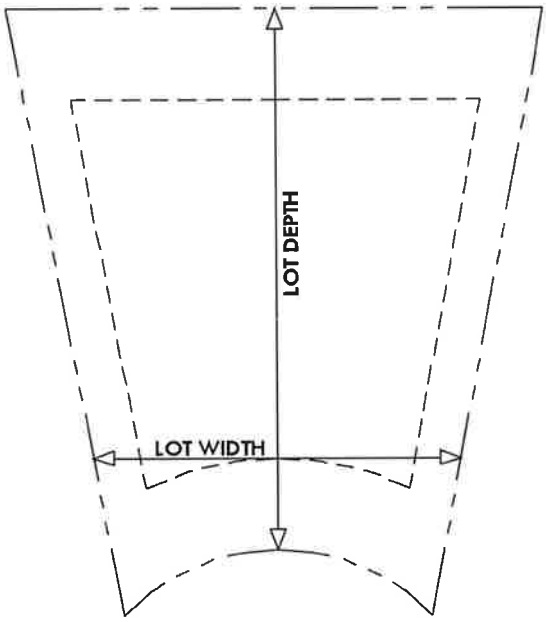
Fig. 23



RECTANGULAR LOT



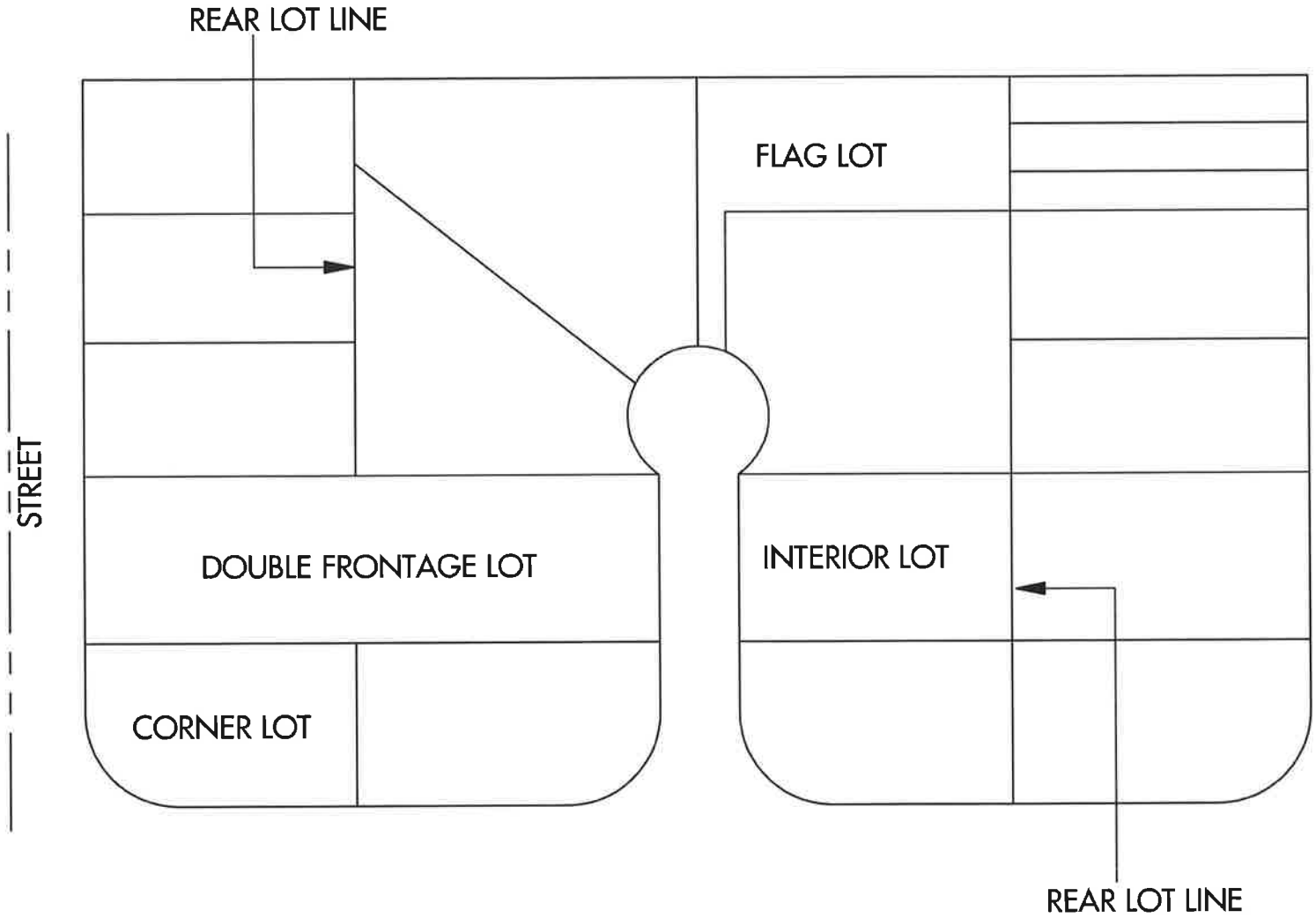
TRAPEZOIDAL LOT



CUL-DE-SAC LOT

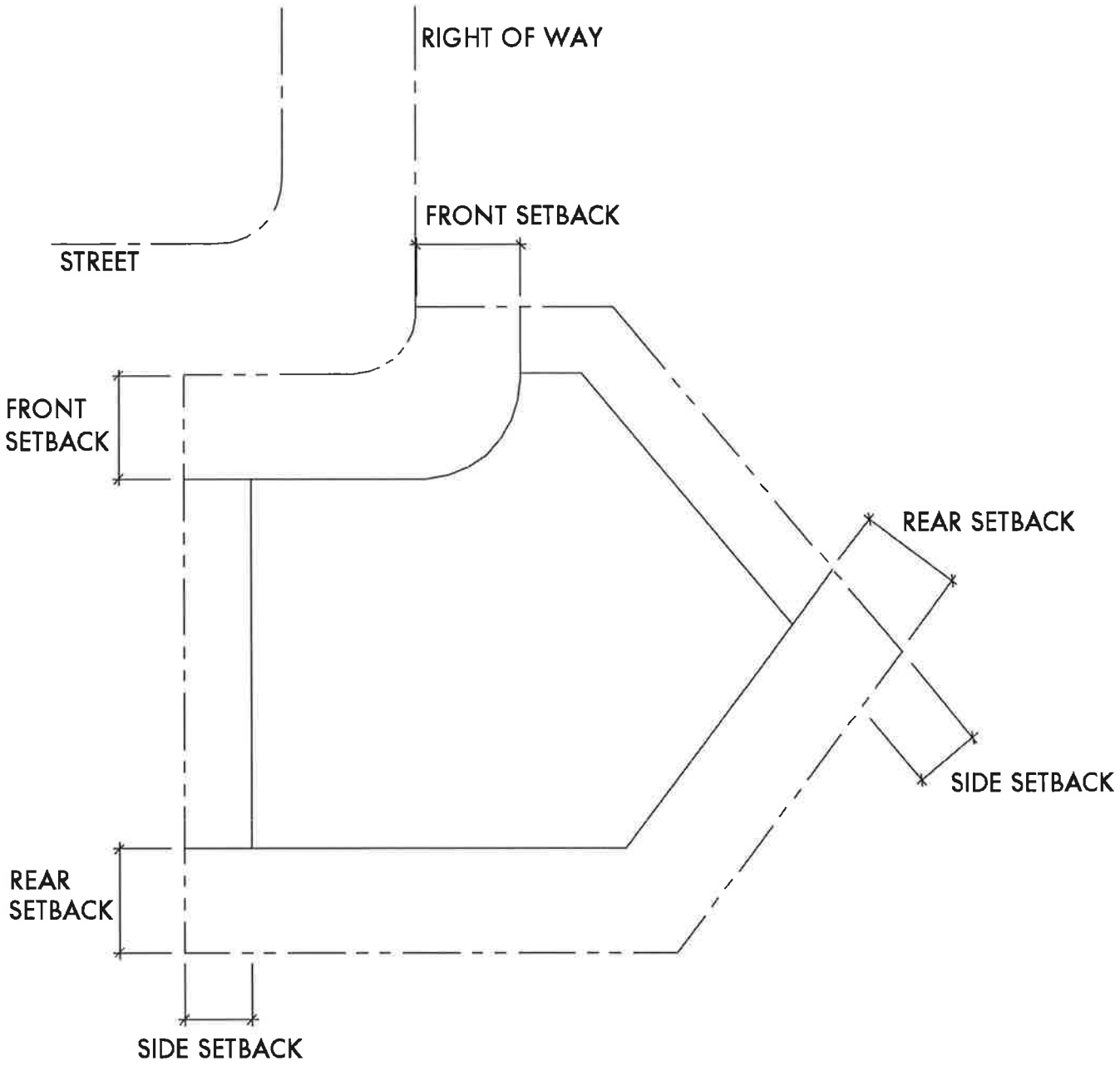
Glossary of General Terms: Lot Width / Lot Depth

Fig. 24



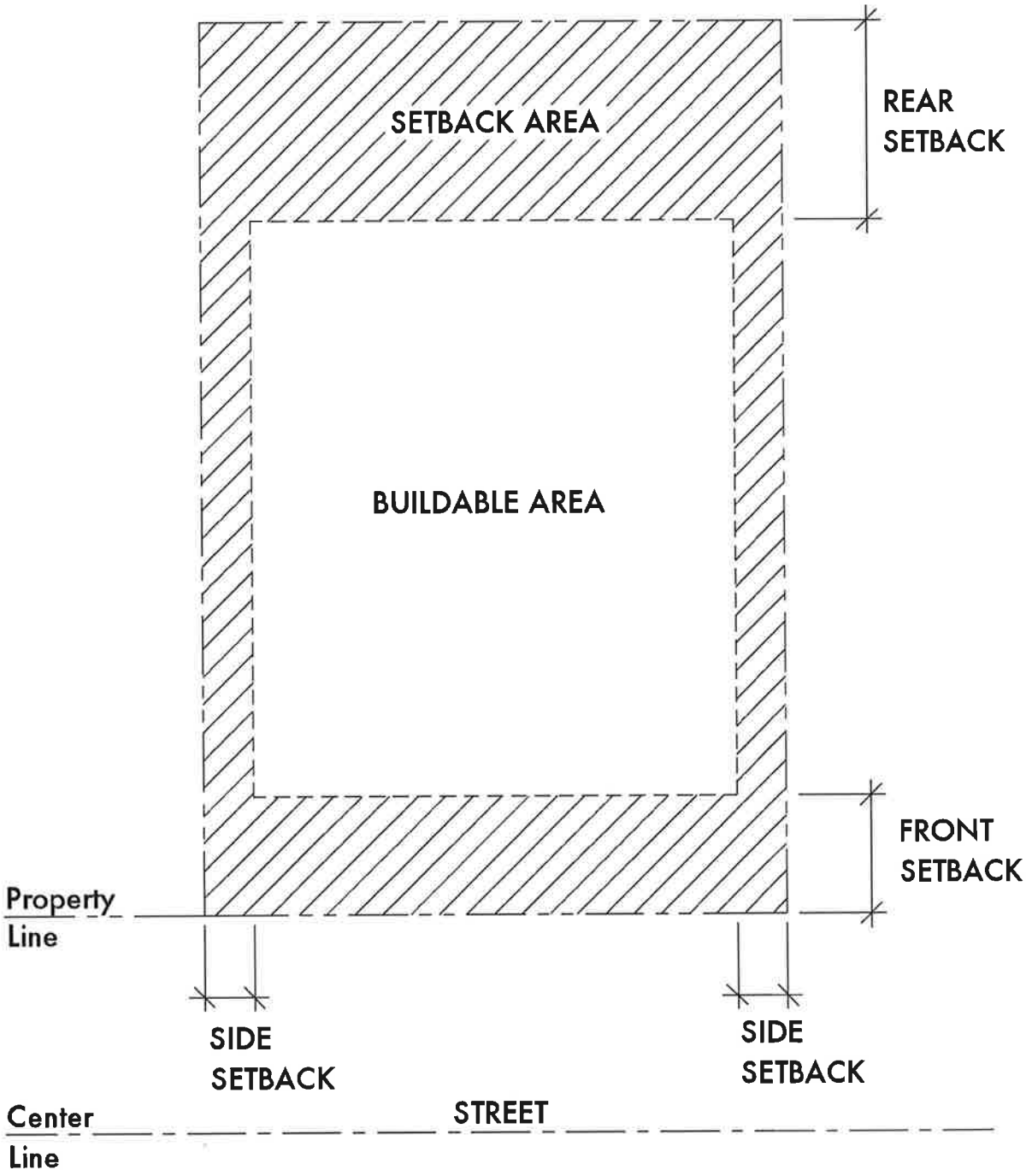
Glossary of Terms: Lot Line and Lot Types

Fig. 25



Glossary of General Terms: Setback (irregular lot)

Fig. 26



Glossary of General Terms: Setback Area

Fig. 27