

ARTICLE 6  
SUPPLEMENTARY REGULATIONS

600. OFF-STREET PARKING.

Off-street automobile storage or parking space shall be provided and maintained on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified in Section 600.1. for the various uses. When applications of said provisions result in a fractional space requirement, the next larger requirements shall prevail. Off-street parking facilities for uses existing on the effective date of this Ordinance shall not be reduced below the requirements of this section. Off-street parking facilities shall be provided and maintained as required in this section for any addition to or extension or enlargement of a use of land or building which existed on the effective date of this Ordinance. The provision and maintenance of the off-street parking facilities herein required shall be the joint and several responsibility of the operator and owner of the use and the operator and owner of the land on which, or the structure in which, is located the use for which off-street parking facilities are required herein.

600.1. Required Parking.

- 600.1.1.       Residences: two (2) spaces for each dwelling.
- 600.1.2.       Offices, Including Banks: one (1) space for each two hundred fifty (250) square feet of gross floor area.
- 600.1.3.       Retail Businesses: one (1) space for each two hundred fifty (250) square feet of sales floor area.
- 600.1.4.       Service Businesses: one (1) space for each two hundred (250) square feet of gross floor area.
- 600.1.5.       Shopping Centers: one (1) space for each one hundred (150) square feet of gross floor area.
- 600.1.6.       Wholesaling And Warehouses: one (1) space for each three (3) employees on the shift with the highest employment.
- 600.1.7.       Industrial: one (1) space for each three (3) employees on the shift with the highest employment.
- 600.1.8.       Churches, Synagogues Or Other Places Of Worship: one (1) space for each four (4) seats in the main assembly room or sanctuary.
- 600.1.9.       Places Of Public Assembly: one (1) space for each four (4) seats of maximum seating capacity in the main assembly room.

- 600.1.10. Schools (Public And Private): one (1) space for each four (4) seats in the main auditorium or assembly room.
- 600.1.11. Bed And Breakfast Inns, Rooming And Boarding Houses: one (1) space for each room to be let.
- 600.1.12. Restaurants Or Other Eating Establishments: one (1) space for each four (4) seats provided for patron use and one additional space for each two (2) employees on the shift with the highest employment.
- 600.1.13. Automobile Service Stations: three (3) spaces for each grease rack or similar facility; plus one (1) space for each employee on the shift with the highest employment.
- 600.1.14. Auto Sales And Repair: one (1) space for each 150 square feet of auto repair or maintenance space.
- 600.1.15. Hospitals And Health Care Facilities: one (1) space for each two (2) beds intended for patients plus one (1) space for each three (3) employees on the shift with the highest employment.
- 600.1.16. Funeral Homes: one (1) space for each four (4) seats in the chapel, one (1) additional space for each two (2) employees, one (1) additional space for each resident family, and one (1) additional space for each funeral vehicle.
- 600.2. Parking Design Standards. Off-street parking facilities shall be designed, constructed, maintained and operated in accordance with the following specifications:
  - 600.2.1. Each off-street parking space shall have an area of appropriate dimensions of not less than two hundred (200) square feet net, exclusive of access, maneuvering area, ramps, and other appurtenances.
  - 600.2.2. All off-street parking and storage spaces, except for single family residential uses, shall be so arranged that vehicles will not be required to back onto a public street, road or highway when leaving the premises.
  - 600.2.3. Entrance and exits shall be so located as to minimize traffic congestion.
  - 600.2.4. Off-street parking facilities shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or

supplies.

601. ACCESSORY STRUCTURES.

No accessory building may be constructed in any portion of a required front or side yard. No accessory structure may occupy more than thirty (30) percent of a required rear yard. No accessory structure may be closer than five (5) feet from any side or rear property line or building.

602. STRUCTURES IN REQUIRED YARDS.

The general definition of “yards” shall be construed subject to the following exceptions and interpretations:

602.1. Those objects which are excluded from the definition of a “structure” shall not be subject to regulation under interpretation of the definition of “yard”.

602.2. Steps and open porches without roofs shall be allowed in any required yard.

602.3. Permitted accessory structures shall be allowed in the required rear yard.

602.4. Eaves, cornices, gutters, and other minor architectural features projecting less than twenty-four (24) inches from the main portion of a building shall be allowed to project into any yard.

602.5. Open fire escapes may extend into any required yard not more than three and one-half (3.5) feet.

602.6. Signs are permitted to encroach upon required yards in certain instances as set forth in Section 605.

602.7. Heating and/or air conditioning units outside principal or accessory structure shall be placed no closer than three (3) feet from any side or rear property line.

603. ORIENTATION OF REQUIRED YARDS.

In interpretation of requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of such yards for corner lots and through lots.

603.1. Through lots in Residential Districts shall observe front yard requirements for principal and accessory buildings on each street.

603.2. Minimum front yards for corner lots in Residential Districts shall meet minimum front yard requirements on the side adjacent to the more heavily traveled street

and the minimum side yard requirements on the sides adjacent to less heavily traveled streets.

603.3. Minimum side yards for corner lots in Commercial and Industrial Districts shall meet the minimum front yard requirements on the side adjacent to a street.

603.4. In Commercial and Industrial Districts, the principal front yard on a corner lot shall be designated by the applicant.

604. VISIBILITY AT INTERSECTIONS.

604.1. Sight Clearance To Be Maintained. At each corner of each street intersection a sight area shall be maintained. Within the sight area no fence, wall, sign, or other structure, no slope or embankment, no parked vehicle, no hedge, foliage or other planting, and no other object or structure shall be placed, erected or maintained which will obstruct visibility within the sight area.

604.2. Dimensions Of Sight Areas. The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting right-of-way lines and a straight line joining said right-of-way lines at points which are fifteen (15) feet distant from the point of intersection of the right-of-way lines in Commercial and Industrial Districts and twenty-five (25) feet distant from the point of intersection of the right-of-way lines in Residential Districts, measured along the right-of-way lines. Such sight areas shall be established regardless of the angle of intersection of the right-of-way lines. The vertical dimensions of sight areas are defined as that vertical space between the heights of two and one half (2.5) feet and ten (10) feet in elevation above the nearest edge of street pavement of a paved street or above the nearest edge of riding surface of an unpaved street.

605. REGULATION OF SIGNS.

605.1. Definitions. In addition to the definitions set forth elsewhere in this Ordinance, the following definitions relate to signs.

605.1.1. Display Surface Area. That area of a sign including the entire area within a regular geometric shape or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information, or meaning. Frames or structural members not bearing informational or representational matter shall not be included in calculating the display surface area.

605.1.2. Marquee. A permanent roofed structure attached to and supported by a building.

- 605.1.3. Sign. An device designed to inform and attract the attention of persons not on the premises on which the device is located, including signs defined below as mobile signs and portable signs, provided however, that the following shall not be included in the application of the regulations herein:
- (1) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
  - (2) Flags and insignia of the government except when displayed in connection with commercial promotion.
  - (3) Legal notices, identification, information, or directional signs erected or required by governmental bodies.
  - (4) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights.
- 605.1.4. Sign, Advertising. Any sign which relates in its subject matter to products, accommodations, services or activities sold or offered elsewhere than upon the premises on which such sign is located. Mobile signs and portable signs may be advertising signs, and advertising signs include, but are not limited to, those signs commonly referred to as outdoor advertising sign or poster boards.
- 605.1.5. Signs, Business. Any sign which relates in its subject matter to the premises on which it is located, or to products, accommodations, services or activities offered, sold or engaged in on the premises. Mobile signs and portable signs may be business signs, but advertising signs as defined in Section 605.1.4. are not business signs.
- 605.1.6. Sign, Copy. All words, letters, numbers figures, characters, art works, symbols or insignia that are used on a display surface area.
- 605.1.7. Sign, Freestanding. A sign which is permanently affixed to the ground and which is not a part of a building or other structures.
- 605.1.8. Sign, Mobile. A sign which may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a “portable sign” in that it may be equipped for transporting by motor vehicle or other mechanical means and including signs referred to as trailer signs. Such signs may be

considered as either business signs or advertising signs according to their utilization.

- 605.1.9. Sign, Portable. A sign which is movable by a person without aid of a motor vehicle or other mechanical equipment. Such signs may be considered as either business signs or advertising signs, according to their utilization.
- 605.1.10. Sign, Projecting. Any sign, other than a “wall sign,” which projects from and is supported by a building.
- 605.1.11. Sign, Wall. Any sign attached flat and parallel to the exterior wall or surface of a building or other structure and which projects not more than twelve (12) inches from that wall or surface.
- 605.1.12. Sign, Illuminated. A sign may be illuminated by an external source which directs light to its surface or by an internal source with light being transmitted through its face or any part thereof.

## 605.2. General Provisions.

- 605.2.1. Purpose. The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor advertising, and outdoor signs of all types; to protect property values; to enhance and protect the physical appearance of the community; to preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; to reduce hazards that may be caused by signs overhanging or projecting that may be caused by signs overhanging or projecting over public right-of-way; and to provide more open space.
- 605.2.2. Sign Permits. Except as otherwise herein provided, no person shall erect, modify or move any signs visible from the public way without first applying for and obtaining from the Zoning Administrator a sign permit. Applications shall be on forms prescribed and provided by the Zoning Administrator setting forth such information as may be required by him for a complete understanding of the proposed work.
- 605.2.3. Maintenance. All signs shall be maintained in sound structural condition. No sign shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds seventy-five (75) percent of its current replacement cost. Signs

which deteriorate to such a condition are deemed to be in violation of this Ordinance and as such, must be either removed or improved, or the person responsible for maintaining the sign shall be subject to the penalties hereinafter provided for the violation of this Ordinance.

605.2.4. Signs In Rights-Of-Ways Or Easements. The Zoning Administrator shall issue no permit for any proposed sign which will project into or over any public right-of-way. Existing signs in violation of this provision shall be removed within one (1) year of this enactment.

605.2.5. Sign Lighting. No signs employing confusion, distracting or intense illumination shall be permitted. No sign shall be permitted which utilizes pulsing (strobe type) lights, flashing or blinking lights, or any type of pulsating or moving lights. No sign shall employ lighting which casts illumination onto any residential area or traffic right-of-way. Although internal illumination is permitted, properly directed external illumination is encouraged.

605.3. Prohibited Signs.

605.3.1. Signs Imitating Traffic Or Emergency Signals. No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape or order of lights customarily used in traffic signals or on emergency vehicles or on law enforcement vehicles, except a part of a permitted private or public traffic control sign.

605.3.2. Signs Employing Confusing Motion. No sign shall be permitted which moves or presents the illusion of movement in any manner which may confuse, distract or unduly divert the attention of drivers of vehicles.

605.3.3. Maximum And Minimum Height. No free standing sign shall exceed a height of eight (8) feet above grade. No free standing sign shall be constructed or situated so as to obstruct the vision of any motorist on, or attempting to enter, any road right-of-way.

605.3.4. Signs Attached To Or Painted On Selected Features. No sign shall be attached to any utility pole or street sign, or attached to or painted on tree trunks, rocks or other natural objects.

605.3.5. Discontinued Uses. Signs which advertise a discontinued product, place, activity, person, institution or business shall be removed within thirty (30) days from date of termination.

605.4. Temporary Signs. This section is in addition to the sign limitations imposed by Section 605.6.

605.4.1. Craftsmen's Signs. Signs of craftsmen, artisans, house painters, contractors or subcontractors may be erected and maintained during the period that such persons are performing repair, remodeling, repainting or improvement work on the premises on which such signs are erected, provided that the size of such signs is not in excess of twelve (12) square feet and that such signs are removed immediately upon completion of the work.

605.4.2. Contractor's Signs On Buildings Under Construction. One sign displaying the names of the building, contractor, architects, engineers and similar information is permitted upon the premises of any work under construction or any work of major repair or improvement, provided that the sign does not exceed nine (9) square feet in area and the sign is removed within seven (7) days after completion of the work.

605.4.3. Real Estate And Garage Sale. Signs offering real estate for sale, rent or lease provided that combined display surface area of all such signs does not exceed twelve (12) square feet. These same provisions apply to onsite garage sale signs in Gilbert.

605.4.4. Political Campaign Signs.

- (1) Such signs shall be confined to a maximum size of six (6) square feet, placed only on private property subject to the consent of the property owner, limited to five (5) signs per candidate and/or referendum and placed not more than fourteen (14) days prior to the election date to which the sign(s) refers.
- (2) Prior to placement, a permit for any such sign(s) must be obtained from the Zoning Administrator. No permit shall be issued until a payment of \$20.00 per sign is received.
- (3) Such signs must be removed within three (3) days after the election and/or referendum for which they were prepared.
- (4) Following any election, in case of a run-off election, only



those candidates involved may extend their sign permit to three (3) days after the run-off at no additional charge.

605.4.5. Portable and Mobile Signs. Such signs would be permitted only as Temporary Signs, and only in the General Commercial and Light Manufacturing Districts subject to the following provisions.

- (1) Opening or closing of a business, or change of ownership or management not to exceed thirty (30) days.
- (2) Special sale, or promotional event, not to exceed three (3) times in any twelve (12) month period, for a maximum of thirty (30) days each time.
- (3) Recreational, civic, charitable, cultural, religious, educational, institutional, governmental and service nature events not to exceed six (6) times in any twelve (12) month period, for a maximum of thirty (30) days each time.
- (4) For traffic direction.
- (5) Prior to placement, a permit for any such sign, except category (4), must be obtained from the Zoning Administrator. Any such signs not removed at the end of the thirty (30) day time limit may be removed by the Zoning Administrator at the permittee's expense.

605.5. Signs Permitted In Institutional and Residential Districts. Signs are permitted in the Institutional and Residential Districts subject to the following regulations:

605.5.1. Signs Excluded From Regulation By Definition. Those signs excluded from the definition of signs by Section 605.1.3. are permitted.

605.5.2. Temporary Signs. Temporary Signs permitted by Section 605.4. shall be permitted.

605.5.3. Home Occupation Signs. One (1) sign shall be permitted for each home occupation, provided that the display surface area of such sign does not exceed six (6) square feet in area. If illuminated, such signs shall utilize on external white lighting. Such lighting shall not cast illumination onto any other residence or traffic right-of-way.

605.5.4. Permanent Subdivisions Signs. Permanent signs displaying no information other than the name of the residential land subdivision

in which they are located shall be permitted provided that such signs do not exceed fifty (50) square feet in area, do not encroach upon vision clearances established in Section 604 and are maintained in accordance with provision of Section 605.2.3.

605.5.5. Group Residential Uses And Nonresidential Uses. Signs relating to permitted housing developments, mobile home parks and permitted nonresidential uses of recreational, civic, charitable, cultural, religious, educational, institutional, governmental and service nature and not elsewhere regulated or specified, may be erected subject to the following provisions:

- (1) Size. Not to exceed fifty (50) square feet of display surface area per street frontage.
- (2) Location. Not to exceed one (1) sign per street frontage. If building mounted, such signs shall be flat wall signs.
- (3) Height. If building mounted, such signs shall not project above the roof line. If freestanding, such signs shall not exceed eight (8) feet above ground level when located in required front yards, or six (6) feet above ground level when located elsewhere. All vision clearances established by Section 604 must be observed.
- (4) Additional Signs Allowed. In addition to those signs allowed under (1), (2) and (3) above, not more than one (1) bulletin or notice board displaying information related to activities or services conducted or offered on the premises may be erected per lot frontage provided that display surface area of such bulletin or notice board does not exceed fifty (50) square feet.

605.6. Signs Permitted In Agricultural, General Commercial And Light Manufacturing Districts. Signs permitted in Residential Districts shall be permitted in Agricultural, General Commercial and Light Manufacturing Districts. Other signs are permitted in the General Commercial and Light Manufacturing Districts, subject to the following provisions.

605.6.1. Business Signs.

- (1) Wall Signs, Other Than Mall. Each building in the Town may have one or more signs attached thereto, provided that the total area of all such signs shall not exceed ten (10) percent of the wall space, or fifty (50) square feet, whichever is less.

- (2) Free-standing Signs. In addition to a wall sign as above, each business in a building may have a free-standing on-premises sign with a maximum area of thirty-six (36) square feet per face. A product sign of sixteen (16) square feet may also be placed on-premises, or incorporated into the business sign. The combined area of all signs may not exceed one hundred (100) square feet. No sign shall project higher than the eaves of the building or exceed a height of eight (8) feet above grade, whichever is greater. Free-standing signs shall not be spaced closer than eighty (80) feet to another free-standing sign.
- (3) Changeable Copy Signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs. Any business permitted to erect a sign may devote up to one-half (1/2) of the sign area to one changeable copy sign. Moving message boards and computerized digital displays are not considered changeable copy signs and are prohibited.
- (4) Directional Signs. In addition to maximum number and size of signs permitted, directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than four (4) feet above ground level are permitted with permission of the Zoning Administrator.
- (5) Non-conforming Signs. Any non-conforming signs, including replacements, are grandfathered for up to five (5) years from enactment, or until sale or closing of the existing business, whichever first occurs.

605.6.2. Advertising Signs.

- (1) Location. Advertising signs are permitted only in AG, GC and LM zoning districts.
- (2) Advertising signs (off-premises) larger than thirty-two (32) square feet are prohibited in all districts. Existing advertising signs may be grandfathered for three (3) years from date of enactment.

605.7. Permit Requirement For Signs. All on-premises signs six (6) square feet in size and larger and all off-premises (advertising) signs, regardless of size, shall require the issuance of a zoning permit before erection or replacement of the sign structure. All signs must comply with all of the regulations contained herein, irrespective of whether or not a permit is required.

605.8. Permit Fees. The following fees shall apply to all signs, except Temporary Signs, as defined in 605.4, erected after the enactment of this Amendment.

605.8.1. Each sign up to twelve (12) square feet - \$20.00.

605.8.2. Each sign face between twelve (12) and fifty (50) square feet - \$50.00.

605.8.3. Each additional square foot of sign area over fifty (50) square feet - \$2.00.

605.9. Administration And Enforcement Of Sign Regulations, Penalties And Appeals.

605.9.1. When any violation of any provision of this Section is found to exist, the Zoning Administrator is hereby authorized and directed to institute any actions and proceeding that may be appropriate or necessary to enforce the provision of this Section, including applications for injunctive or other relief in the Town of Gilbert Municipal Court, after due notice per 605.9.2.

605.9.2. If the Zoning Administrator finds that any provision of this Section is being violated, he shall notify by certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. Such corrective action shall be taken within thirty (30) days after mailing the notice, unless good cause be shown why an extension of time should be granted, or unless the order is appealed to the Board of Appeals within such time, which appeal stays the order, except in such case where the violation constitutes a clear and present danger to the public.

605.9.3. In its Notice, the Zoning Administrator may order the removal of any sign which represents a hazard to public safety or which is found to be in such disrepair so that it fails to perform its function. The owner of a sign ordered removed shall have thirty (30) days to either conform with this Section or to appeal the Zoning Administrator's order to the Board of Appeals within such 30-day period and before removal of the sign by the Town. This 30-day

period may be reduced where the violation constitutes a clear and present danger to the public.

605.9.4. Any sign vandalized or defaced shall be removed or repaired within four (4) days of notification of owner.

Approved May 13, 2013