

ORDINANCE NO. 5174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING CHANDLER CITY CODE CHAPTER 35 LAND USE AND ZONING SECTION 35-305(4) ENTERTAINMENT USE PERMIT (EUP), BY REMOVING EXTERNAL SPEAKERS IN OUTDOOR SEATING AREAS FROM TRIGGERING THE REQUIREMENT FOR AN EUP WHEN NO ENTERTAINMENT ACTIVITY IS PROVIDED; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in accordance with Ariz. Rev. Stat. § 9-240, the City Council may adopt by ordinance, any change or amendment to the regulations and provisions set forth in the Chandler City Code; and

WHEREAS, notice of this amendment has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days' notice of the time, place, and date of public hearing; and

WHEREAS, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on August 19, 2026.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. The Zoning Code 35-305(4) is amended as follows (additions in **ALL CAPS**, deletions in ~~strikethrough~~, omitted text indicated by ellipses as “. . .”):

4) Entertainment use permits: A use permit to provide entertainment activity, as defined in section 35-200 of this chapter, ~~or outdoor seating with external speakers~~, shall be obtained pursuant to the provisions of this subsection. Approval of an entertainment use permit shall be subject to the following standards and procedures:

(a) Applicability:

1. Entertainment activity shall require a use permit, when ~~all~~ **ENTERTAINMENT ACTIVITY AS DEFINED IN SECTION 35-200 IS PROVIDED, ALCOHOLIC BEVERAGES ARE SOLD TO BE CONSUMED ON-SITE, AND ONE** of the following criteria **EXIST** ~~are met~~:

~~i. Entertainment activity, as defined in section 35-200, is provided, or outdoor seating with external speakers is provided; and~~

~~ii. Alcoholic beverages are sold or served and consumed on site; and~~

~~i~~ ~~iii. If live~~ LIVE entertainment is ~~not~~ SOLELY provided INDOORS ~~outdoors~~, AND the property is located six hundred (600) feet or less from a residentially zoned property. Said distance shall be measured from the closest exterior wall or fence of any indoor or outdoor space occupied by the subject establishment to the closest property line of a residentially zoned property; ~~and~~ OR

~~ii~~ ~~iv. If live~~ LIVE entertainment is provided outdoors, AND the property is located one thousand three hundred twenty (1,320) feet or less from a residentially zoned property. Said distance shall be measured from the closest exterior wall or fence of any indoor or outdoor space occupied by the subject establishment to the closest property line of a residentially zoned property.

2. A property with a current liquor use permit shall not be required to obtain an entertainment use permit, unless subject to a condition of approval related to a time limit. Liquor use permit conditions related to entertainment activity shall remain in effect.

3. OUTDOOR SEATING AREAS UTILIZING EXTERNAL SPEAKERS SOLELY FOR AMBIENT MUSIC, BACKGROUND PRERECORDED MUSIC, OR TELEVISION AUDIO ARE NOT REQUIRED TO OBTAIN AN ENTERTAINMENT USE PERMIT ON THE BASIS OF SUCH SPEAKERS ALONE. THIS EXEMPTION DOES NOT APPLY WHERE LIVE ENTERTAINMENT ACTIVITY IS ALSO PROVIDED, OR WHERE ALL OTHER CRITERIA OF SECTION 35-305(4)(A)(1) ARE MET.

4. NOISE EMITTED FROM OUTDOOR SPEAKERS ON THE PATIO MUST BE CONTROLLED SO AS TO NOT UNREASONABLY DISTURB AREA RESIDENTS AND MAY NOT EXCEED THE AMBIENT NOISE LEVEL AS MEASURED AT THE COMMERCIAL PROPERTY LINE.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2026.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2026.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5174 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2026, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

TA

Published: