ORDINANCE NO. 2346

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER I ZONING REGULATIONS, BY AMENDING DIVISION 4 GENERAL REGULATIONS, ARTICLE 4.5 SUPPLEMENTAL USE REGULATIONS, SECTION 4.5012 TEMPORARY USES AND TABLE 4.5012: TEMPORARY USES, RELATED TO REVISING THE USE CLASSIFICATIONS, TIME DURATION, FREQUENCY AND INTERVAL BETWEEN USES FOR TEMPORARY USES AND SPECIAL EVENTS AND AMENDING THE STANDARDS AND ADDITIONAL REQUIREMENTS FOR TEMPORARY USES AND SPECIAL EVENTS TO PERMIT THE USE OF INFLATABLES, SUBJECT TO SPECIFIED REGULATIONS; AND AMENDING DIVISION 6 USE DEFINITIONS, ARTICLE 6.1 USE DEFINITIONS TO AMEND AND ADD DEFINITIONS OF "BAZAAR", "CARNIVAL, SMALL SCALE", "INFLATABLES", AND "SIDEWALK SALE/PARKING LOT EVENT" AND THE GLOSSARY OF GENERAL TERMS TO AMEND THE DEFINITION OF "BALLOON", ALL RELATED TO TEMPORARY USES AND SPECIAL EVENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

4.5012 Temporary Uses

Temporary uses shall be located and operated in compliance with the following standards:

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 (maximum)	Frequency of Use	Interval Between Uses (days-minimum)	Special Event Permit Required
~~Boutiques~~ BAZAAR	~~Special Event Permit - See Municipal Code Chapter 15: Special Events~~ 15 (FIFTEEN) DAYS OF USE (MAXIMUM) PER CALENDAR YEAR			NO
Carnival~~, Large Scale~~	~~Special Event Permit - See Municipal Code Chapter 15: Special Events~~ 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
Haunted House	45	1/year		No
Seasonal Sales	30	4/year	14	No
SIDEWALK SALE/ PARKING LOT EVENT	4	8 DAYS/MONTH	3	No
Tent Sale - VEHICLE	3	4/year	60	No
Garage Sale	~~See Municipal Code Chapter 14: Businesses~~ SEE MUNICIPAL CODE CHAPTER 42 OFFENSES AND ABATEMENT OF PUBLIC NUISANCES			NO
Circus	~~Special Event Permit - See Municipal Code Chapter 15: Special Events~~ SEE MUNICIPAL CODE CHAPTER 15 - SPECIAL EVENTS			Yes
Fireworks ~~Exhibition~~ DISPLAY	~~Special Event Permit - See Municipal Code Chapter 15: Special Events~~ See Municipal Code Chapter 15 - Special Events			Yes
Parade	~~Special Event Permit - See Municipal Code Chapter 15: Special Events~~ SEE MUNICIPAL CODE CHAPTER 15-52			Yes
Public Assembly	~~Special Event Permit - See Municipal Code Chapter 15: Special Events~~ SEE MUNICIPAL CODE CHAPTER 15-52			Yes
~~Roadside Sales~~	~~See Municipal Code Chapter 14: Businesses~~			
~~Show~~	~~Special Event Permit - See Municipal Code Chapter 15: Special Events~~			
Swap Meet and Auction, Single Event	Special Event Permit - See Municipal Code Chapter 15 Special Events			Yes

A. ***Permits.*** Temporary uses shall obtain applicable fire and building permits and Business License prior to commencement of activities. A SPECIAL EVENT PERMIT OR ADMINISTRATIVE USE PERMIT MAY ALSO BE REQUIRED.

B. ***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

C. ***Additional Requirements.***

1. Adequate sanitation, water, traffic control, parking, and public health measure shall be provided for all temporary uses.
2. 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.

* * *

The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Article 6.1 Use Definitions, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Article 6.1: Use Definitions

* * *

BAZAAR. MEANS A TEMPORARY USE OPERATED BY A HOMEOWNER, RELIGIOUS ORGANIZATION, OR NON-PROFIT ORGANIZATION, FOR THE PURPOSE OF SELLING LOCAL HAND MADE ARTS AND CRAFTS.

* * *

~~**Boutique.** See *Gilbert Municipal Code Chapter 15: Special Events.*~~

* * *

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.

* * *

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.

* * *

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.

* * *

The Land Development Code of Gilbert, Arizona, Glossary of General Terms, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Glossary of General Terms

* * *

Balloon. Any lighter than air, ~~cold air, or~~ gas filled inflatable object attached by a tether to a fixed place or mounted on the ground or a building.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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.

Section IV. Providing for Penalties

Any person found responsible for violating the provisions set forth in this ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 17 day of November, 2011, by the following vote:

AYES: Cook, Cooper, Daniels, Lewis, Petersen, Ray, Sentz

NAYES: None ABSENT: None

EXCUSED: None ABSTAINED: None

APPROVED this 17 day of November, 2011.

John W. Lewis, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2346 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 17 DAY OF November, 2011, WAS POSTED IN FOUR PLACES ON THE 1 DAY OF December, 2011.

Catherine A. Templeton, Town Clerk

FINDINGS OF FACT

Z11-12 – TEMPORARY USES TEXT AMENDMENT

1. The proposed text amendment will assist the business community by providing for a wide range of temporary uses and special events; and

2. The proposed amendment will improve consistency between the Land Development Code's General Regulations, Sign Regulations and the Municipal Code; and

3. The proposed text amendment will support the purposes of the of the Gilbert General Plan; and

4. The proposed text amendment will not be detrimental to public health, safety, and general welfare of the persons living or working in the surrounding area or to the general welfare of the Town as a whole; and

5. All required public notices, public meetings, and hearings have been held in accordance with applicable state and local laws.

When recorded mail to:

Town of Gilbert

Town Clerk

50 East Civic Center Drive

Gilbert AZ 85296

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
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CAPTION HEADING
Ordinance No. 2346

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