SPECIAL USE PERMIT GUIDELINES

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Section 1 General Purpose

The following guidelines should not be construed as an ordinance. These guidelines are a result of joint discussions between the Town Planning Commission and Town Council to provide a generally-accepted vision of appropriate site, bulk, density, perimeter, parking, sign, lighting, and other related standards during the review of a new or amended Special Use Permit for a non-residential development in the Town of Paradise Valley. The nature of the request, the architecture of the development, the unique characteristics of the site, among other factors; may merit less or more restrictive standards as determined during a complete review of each individual request. It should be noted that meeting all the guidelines listed below does not obligate the Town to grant a Special Use Permit or amendment thereto. These guidelines supplement the regulations as set forth in Article XI, Additional Use Regulations and Special Uses, of the Town Zoning Ordinance.

Section 2 Lighting

The following lighting guidelines shall apply to all non-residential properties requiring a Special Use Permit.

a. **Outdoor lighting shall be permitted so long as:**

   i. the light emitting element is shielded so that no beam of light extends above a horizontal plane placed at the lowest level of any exposed portion of the light emitting element; and

   ii. the light emitting element and reflecting device of all lighting or illumination units is hooded or shielded so that it is not visible from any adjacent lot or real property; and

   iii. such outdoor lighting or illuminating units do not direct light, either directly or through a reflecting device, upon any adjacent real property.

   iv. uplighting shall be permitted so long as no light emitting device is greater than 25 watts or emits more than 250 lumens.

b. Outdoor **pole** lighting shall be permitted **subject to the provisions of subsection A.8.a of this section** so long as:

   i. the height of such lights or illumination does not exceed **16** feet measured from the natural ground level; and

ii. **Each lighting or illuminating device shall be set back from the nearest property line a distance equal to or greater than the height of the device above natural ground level.**

c. **Outdoor light levels, measured in foot candles in accordance with Illuminating Engineering Society of North America (IESNA) standards, shall not exceed the following levels in the locations specified:**

i. **parking lots – 1.6.**

ii. **entrance roadways, interior driveways and drop off areas – 5.0.**

iii. **adjacent to service buildings and loading docks – 5.0.**

iv. **in conjunction with architectural lighting adjacent to all other structures – 3.0.**

v. **outdoor pool decks and function areas – 5.0.**

vi. **outdoor dining areas – 10.0.**

d. **No outdoor lighting shall be permitted within any setback area adjacent to a residential property unless:**

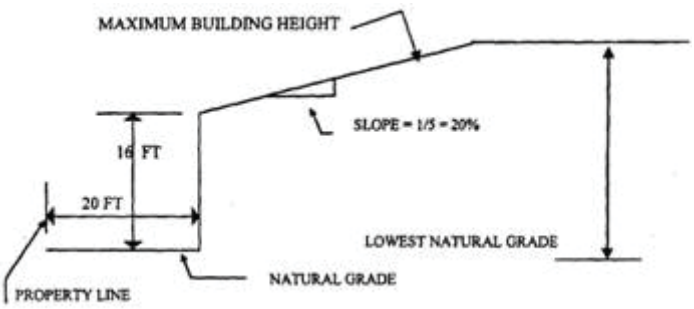
i. **the lighting measured at the property line does not exceed 0.5 foot candles; and**

ii. **all light emitting elements are less than three (3) feet in height.**

Section 3 Open Space Criteria

The following Open Space Criteria shall apply to all non-residential properties requiring a Special Use Permit. To maintain view corridors around the perimeter of a property, building heights shall be limited around property lines. No building shall penetrate an imaginary plane beginning at 16 feet above the natural grade and 20 feet from exterior property lines, which plane slopes upward at a ratio of one foot vertically for each five feet horizontally measured perpendicular to the nearest property line, as illustrated in Figure 3-1. This limitation shall apply until the maximum allowable height is reached. All height measurements shall commence at the ground elevation at the 20-foot beginning line. Building height measurements shall be taken from the high points of the structure to the closest point on the 20-foot beginning line perpendicular to that portion of the structure. Notwithstanding the foregoing, no structure shall be located closer to an exterior property line than as otherwise permitted for that use.

Figure 3-1



Section 5 Medical Office

1. Bulk and Density Standards

   a. Maximum building height

      i. *Principal Structures* – **30** *feet*

      ii. **Accessory structures – 24 feet**

      iii. **Service structures – 18 feet**

      iv. **Towers and other architectural features may exceed maximum building heights, subject to special use permit or major amendment approval**.

      v. **To maintain view corridors around the perimeter of a property, building heights shall be limited around property lines in accordance with the Open Space Criteria per Section 3 of the Special Use Permit Guidelines.**

   b. **Maximum lot coverage for all buildings - 25%**

   c. **Minimum lot area - 5 acres**

2. Perimeter Standards

   a. **Building setback when property is adjoining residentially zoned property – 60 feet**

   b. **Building setback when property is adjoining a public street - 40 feet**

   c. **Parking lots and internal driveways shall be set back a minimum of 60 feet from adjoining residential zoned property**

   d. **Parking lots shall be shielded with a minimum 3 foot high wall or landscaped berm providing equivalent screening or a combination of both so that no vehicle lights shall shine onto adjacent residential property**.

   e. **Parking lots adjoining public streets shall be screened with a minimum three foot high, solid, decorative wall or a landscaped berm providing equivalent screening or a combination of both**.

   f. **There shall be a 40 foot wide landscaped area adjacent to an exterior property line where it abuts residentially zoned property**.

   g. **There shall be a minimum 30 foot wide landscaped area where an exterior property line abuts a public or private local or collector street and a 50 foot wide landscaped area where an exterior property line abuts a Major or Minor Arterial**.

3. **Parking**

   a. **On-site parking shall be provided as follows**:

      i. **Medical offices - 1 space for each 200 square feet of interior floor area**.

      ii. **Outpatient surgical facilities - 1 space for each 2 employees plus 1 space for each surgical room**.

iii. **Medical laboratories - 1 space for each 2 employees**.

iv. **Physical therapy facilities - 1 space for each 1.5 employees**.

v. **Pharmacy – 1 space for each 300 square feet of interior area.**

b. **These requirements may be modified in conjunction with special use permit or major amendment approval based on information documenting overlapping usage of on-site facilities by staff and visitors and as contained in an approved traffic and parking analysis**.

4. Signage

In addition to the provisions of Chapter XXV, Signs, of the Town's Zoning Ordinance, the following regulations shall apply:

a. **One ground sign that is no higher than 8 feet and no larger than 40 square feet in area shall be permitted at each principal entrance to the property**.

b. **No moving or animated signs shall be permitted**.

c. **Traffic and directional signs within the site shall not exceed 12 square feet in area or five feet in height**.

5. Lighting

Lighting as per Section 2 of the Special Use Permit Guidelines

iv. Restaurants, banquet rooms and food service facilities which may include live music, entertainment and dancing.

v. Meeting and public assembly facilities.

vi. Dwelling units.

vii. Any other resort-related use specifically approved in a Special Use Permit

3. Signs

All signs shall comply with Article XXV, Signs, or as may have been previously specified in a particular Special Use Permit.

B. Medical Office, Kennels and Veterinary Clinics [633] [658]

1. Definition

A medical office, including a medical clinic, consists of a building or part of a building used solely for the purpose of consultation, diagnosis, and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, osteopaths, and occupational therapists, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include reception areas, administrative offices, waiting rooms, consultation and treatment rooms, minor operating rooms, pharmacies and dispensaries directly associated with the medical office/clinic. A kennel, including a veterinary clinic, consists of a building or a part of a building used for reception areas, administrative offices, waiting rooms, play areas and animal retaining/caging units, consultation and treatment rooms, minor operating rooms, and rooms for the diagnosis and treatment of animals by one or more legal qualified veterinarians, together with their qualified assistants.

2. Allowed uses

a. Offices for medical practitioners and veterinarians; and kennel uses.

b. Outpatient surgical facilities where patient stays do not exceed 48 hours.

c. Medical laboratories.

d. Physical therapy facilities.

e. Pharmacies, subject to specific approval of such use by the terms of an approved Special Use Permit, and pursuant to the following restrictions:

i. There shall be no external signage for a pharmacy other than a tenant identification sign for the surrounding medical office SUP complex.

ii. Addition of a pharmacy use within a Medical Office Special Use Permit Zone shall be permitted only upon the approval of an Intermediate Amendment to the Special Use Permit as provided for in Section 1102.7(C).

iii. Hours of operation shall be not earlier than 8:00 a.m. and not later than 6:00 p.m. – Monday through Saturday.

f. Medical Marijuana Dispensaries, subject to the following restrictions:

i. The number of medical marijuana dispensaries within the Town of Paradise Valley shall be limited to no more than one within the boundaries of the Town. Said dispensary shall be allowed only in the Medical Office SUP District and only upon the approval of an Intermediate Amendment to a Special Use Permit.

ii. The minimum requirements of this section shall apply to all applications for a medical marijuana dispensary use in a SUP Medical Office District as well as proof of compliance with all DHS regulations related to medical marijuana dispensaries.

iii. In addition to the foregoing requirements, applicants for a medical marijuana dispensary shall provide the following:

(1) Copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B)(1)(c).

(2) Proof of a valid registration certificate and identification number from DHS for the dispensary and its board members and agents.

(3) A security plan showing a floor plan, type and description of and specifications for security measures that the medical marijuana dispensary will use to secure, enclose and lock the dispensary as required by State law and DHS regulations.

(4) Exterior site and parking plan.

iv. <u>Additional Regulations and Standards for Medical Marijuana Dispensaries</u>

(1) Prior to Town approval of the occupancy of any tenant or operator of a medical marijuana dispensary, the owner of the medical office complex shall submit for Town Manager review and approval criminal background information and releases regarding the prospective tenant and all employees to be hired by the tenant; audited financial statements evidencing that the entities or persons who will

own or operate the medical marijuana dispensary have adequate assets, financing, and net worth to appropriately fund a safe and secure medical marijuana; and detailed operations evidencing appropriate policies, protocols and operations procedures to ensure that the medical marijuana dispensary will run and operate in a safe and secure manner.

(2) Medical marijuana dispensaries shall be limited to the use of dispensing medical marijuana products, and shall be prohibited from any other or related use such as a bookstore, spa, restaurant, or coffee shop.

(3) No drive-through service shall be allowed at any medical marijuana dispensary.

(4) No on-site consumption of any product containing medical marijuana shall be allowed at any medical marijuana dispensary.

(5) Medical marijuana dispensaries located within the Town of Paradise Valley shall be prohibited from making any home deliveries of marijuana.

(6) Medical marijuana dispensaries shall be prohibited from offering free or discounted samples of their merchandise.

(7) Means of preventing smoke, odors, debris, dust fluids and other substances from exiting a medical marijuana dispensary shall be provided.

(8) No minors, under 21 years of age, are permitted within a medical marijuana dispensary unless accompanied by a parent or guardian.

(9) No youth activities, including, but not limited to, outdoor basketball hoop structures, playgrounds, and skate parks, shall be permitted on the same medical office complex site that has an approved medical marijuana dispensary use.

(10) If the State prohibits any medical marijuana dispensary within the Town, any Amendment to a Special Use Permit adding a medical marijuana dispensary use shall be deemed immediately revoked by operation of law. The underlying Special Use Permit shall remain.

(11) A medical marijuana dispensary shall be at least 1,500 feet from the following existing uses, as measured within the Paradise Valley municipal limits only: (a) educational institutions (b) places of worship (c) parks and recreational facilities (d) youth centers; and at least 5,280 feet from any other medical marijuana dispensary, as measured within the Paradise Valley municipal limits only.

Measurements are taken from nearest property lines of the medical office use and each of the uses noted above. The location of the dispensary shall optimize distance from residentially zoned property. Residential spacing shall be the primary consideration for all reviews of intermediate SUP amendment applications for medical marijuana dispensaries.

(12) A medical marijuana dispensary shall have operating hours not earlier than 8:30 a.m. and not later than 2:30 p.m. – Monday through Friday or as prescribed in an intermediate Special Use Permit amendment.

(13) There shall be no external signage including, but not limited to, any special event signage, for a medical marijuana dispensary other than a tenant identification sign for the surrounding medical office SUP complex, and no symbols, representations, or slang for the word "marijuana" or its components shall be used on any external signage.

(14) All activity related to medical marijuana dispensaries shall be conducted in compliance with Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., DHS rules and regulations and other implementing state statutes and administrative regulations.

(15) An SUP amendment for a medical marijuana dispensary shall not become effective until the owner of a Medical Office SUP District property has completed all DHS requirements and obtained a license.

C. Religious Facility, Private School, Non-Profit Organization, Public/Quasi Public

1. Definitions. Any of the following that can demonstrate an exclusively non-profit or non-commercial or purely public purpose.

   a. Religious Facility - an institution primarily used for the gathering of people for the practice of religious faiths.

   b. Private School - an institution, including private charter schools, for instruction and education of children or adults and that is not operated by a public school district.

   c. Non-Profit Organization - an organization that provides social, religious, educational, family support or similar services to individuals and which is certified as a not for profit organization by appropriate state or federal agencies.

   d. Public/Quasi Public: Structures and uses principally of an institutional nature and serving a public need, such as religious institutions, schools, libraries, governmental offices, museums, post offices, police and fire

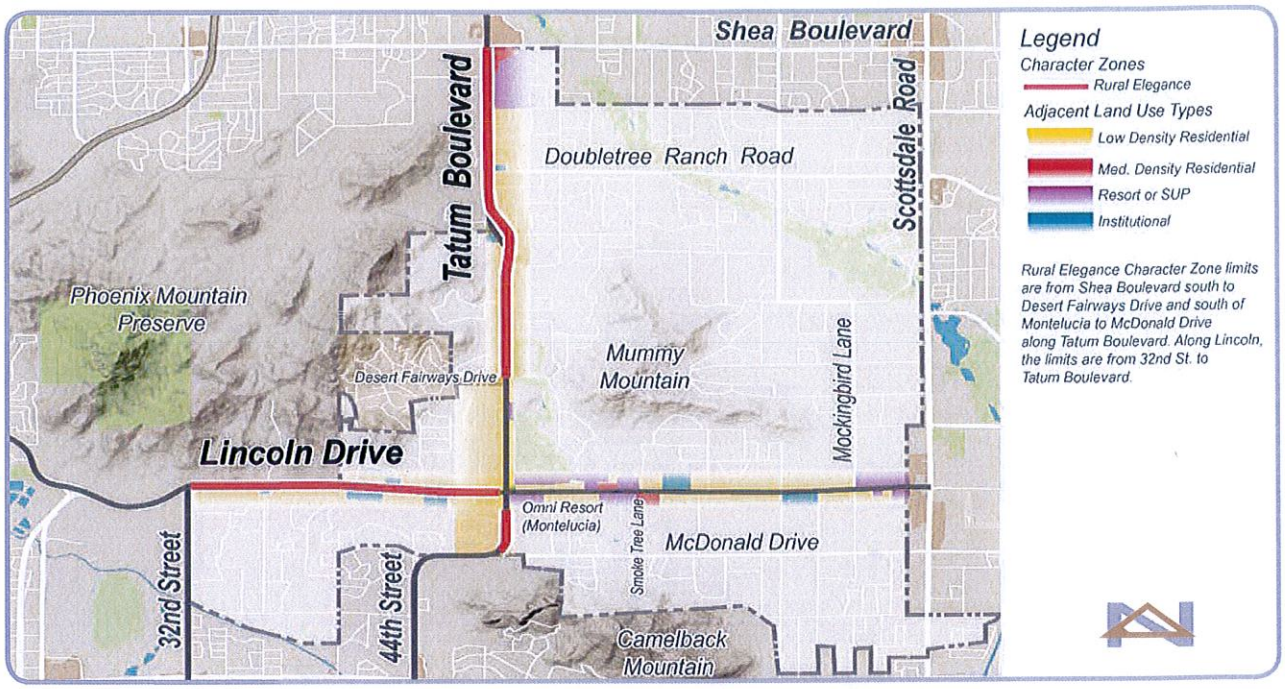


Figure 2.24: Map of Rural Elegance Character Zones Highlighted in Red

Overview

The Rural Elegance Character Zone embraces the historical setting of Paradise Valley by utilizing rural forms and motifs. This character zone is being considered for use in areas where mountain views should be preserved and emphasized. Characteristics of this zone include:

- Picturesque and expansive views of Camelback, Mummy, and Phoenix mountains.
- Accentuated horizontal forms and a rural setting. Minimize tree planting to maintain views. Emphasize horizontal, low, and colorful landscape planting. Turf where appropriate outside the right-of-way.
- Use of Saguaro and boulders to emphasize the desert character while not obstructing mountain views.

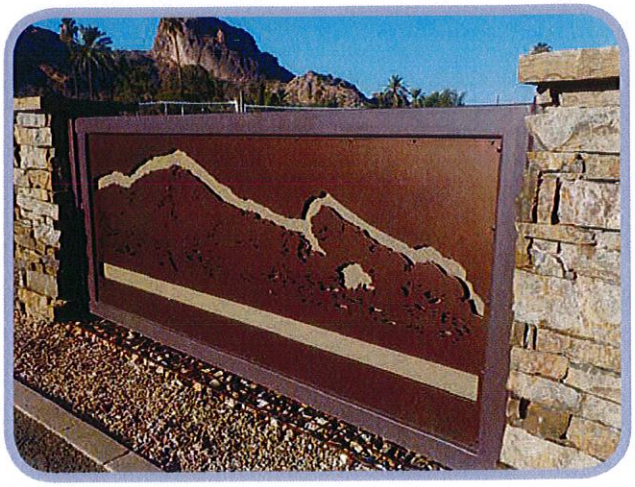


Figure 2.25: Example of Painted Metal Panel Using Mountain Motif

Patterns and Colors

Strong horizontal elements that accentuate mountain views are the dominant pattern for this character zone. This should be accomplished using low horizontal elements such as low stone walls and split rail type fencing. The composition of elements should represent that of a rural setting but using upscale materials. Streetscape elements should emphasize the views of the nearby mountains by using strong horizontal forms that accentuate rather than compete with the background mountain views. Sight lines and expansive views should be maintained or enhanced by the placement of plant materials and streetscape elements.

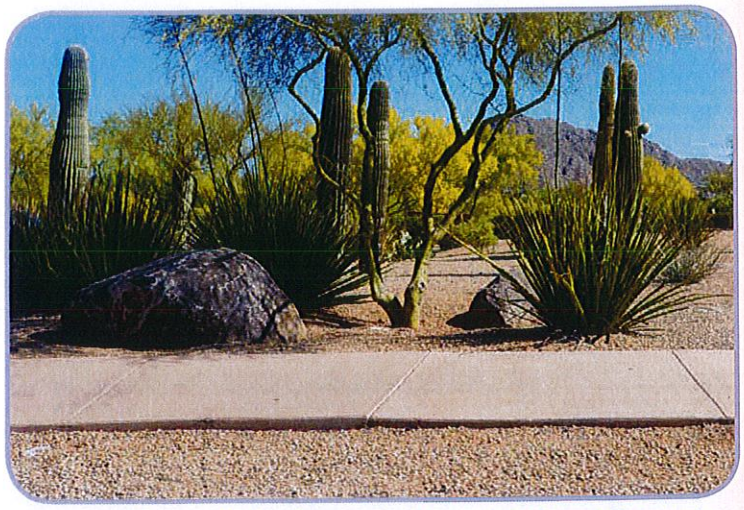


Figure 2.26: Example Use of Colored Concrete, Decomposed Granite and Boulders

Landscape materials should be selected from the Rural Elegance Plant List and planted in small massings that reflect the planting patterns of the natural desert (see *Figure 2.26*). Sonoran native trees should be intentionally located to frame the mountain views. No fountain grasses or other invasive species are to be used in the planting palette.

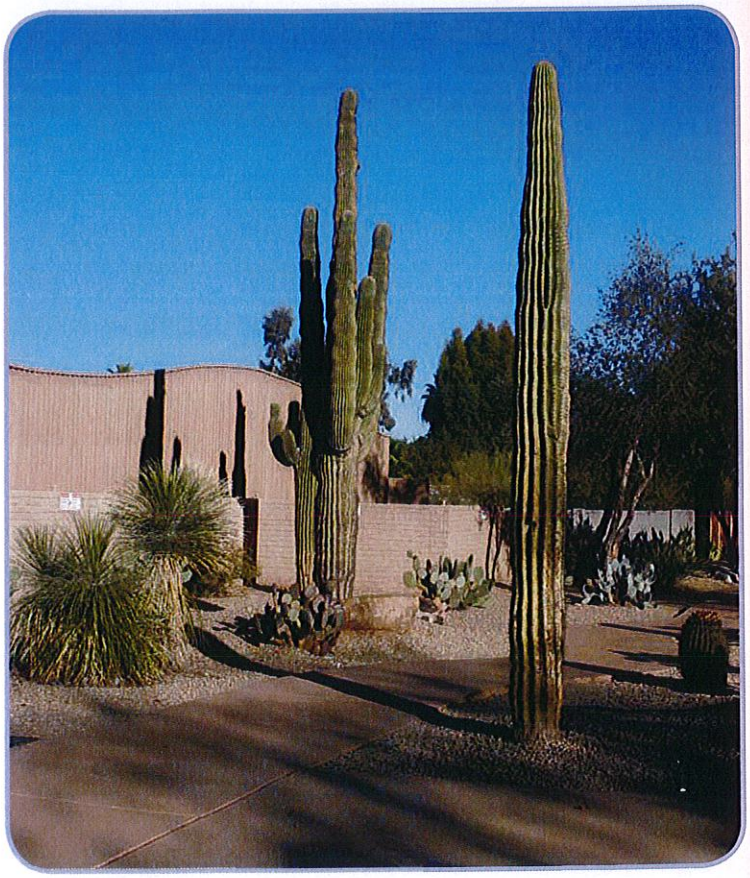


Figure 2.27: Example Use of Saguaro Plantings

Saguaro should feature prominently within this Character Zone, planted among massings of desert groundcovers and accents such as in *Figure 2.27*.

Base colors should include those seen in the Sonoran Desert environment: browns, medium- to dark-reddish browns, and tans, with main accents of muted reds or rust and limited accents of muted blues and muted greens.

Pantone 66-3 U

Pantone 47-8 U

Pantone 75-1 U

(Note: Colors to be muted by lowering the luminance of the primary color.)

Materials

Materials for this character zone should be a high quality and rustic in character, reflecting a rural setting. Examples include rustic cut pavers, stone veneer, and the use of weathered steel to create split rail accent elements such as shown in *Figure 2.28*. Exposed aggregate concrete, salt finished concrete sidewalks, and colored concretes used in the other character zones are also compatible with this zone, creating continuity within the Visually Significant Corridor.

1. Weathered steel rails
2. Stone veneer walls
3. Tube steel posts

Note - Graphics are conceptual in nature and do not necessarily represent the final design

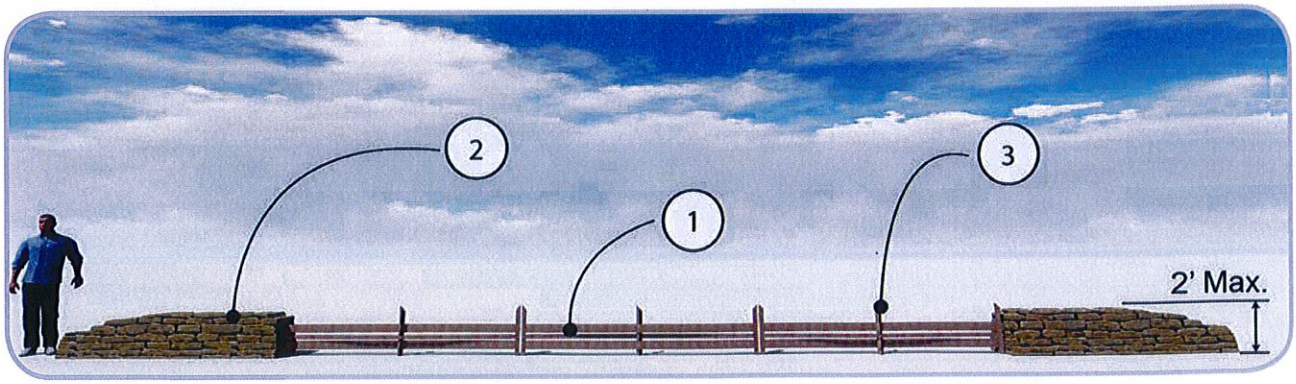


Figure 2.28: Example of Split Rail and Stone Veneer Accent Element

Rock mulch and boulders should all be selected from the same quarry to ensure color compatibility. The rock color should consist of medium to dark-reddish browns, such as "Express Brown" to bring the colors of the Character Zone into the ground plane. Rock size should incorporate larger pit run aggregates into the rock mulch to provide a more natural texture reminiscent of desert landscapes. A 3" minus graded mulch is recommended for landscape areas.

Crosswalks should be a combination of rustic pavers and an exposed aggregate band on both sides with an integral brown color.

Rural Elegance Plant List

Botanical Name Common Name	H	W	Color & Season of Bloom		On Town Plant List?*
Chilopsis linearis Desert Willow	25'	25'	Spring Fall	Summer Winter	Yes
Olneya tesota Ironwood	30'	25'	Spring	Summer Winter	Yes
Parkinsonia x Desert Museum Palo Verde Desert Museum Palo Verde	25'	25'	Spring Fall	Summer Winter	No
Parkinsonia florida Blue Palo Verde	30'	30'	Spring Fall	Summer Winter	Yes
Prosopis spp. Mesquite	40'	35'	Spring Fall	Summer Winter	Yes
Sophora secundiflora Texas Mountain Laurel	25'	25'	Spring	Summer Winter	No
Vachellia farnesiana Sweet Acacia	35'	35'	Spring Fall	Summer Winter	Yes
Vauquelinia californica Arizona Rosewood	15'	12'	Spring Fall	Summer Winter	Yes
Agave desmettiana Smooth Agave	3'	3'	Spring	Summer Winter	No
Agave murpheyi *Hohokam Agave*	3'	3'	Spring Fall	Summer Winter	Yes
Asclepias subulata Rush Milkweed	4'	4'	Spring Fall	Summer Winter	No
Carnegia gigantea Saguaro	25'	5'	Spring Fall	Summer Winter	Yes
Enchinocactus grusonii Golden Barrel	5'	3'	Spring Fall	Summer Winter	Yes
Ferocactus cylindraceus Desert Barrel	5'	2'	Spring Fall	Summer Winter	Yes
Fouquieria splendens Ocotillo	20'	5'	Spring Fall	Summer Winter	Yes
Opuntia basilaris Beavertail Prickly Pear	2'	6'	Spring Fall	Summer Winter	Yes
Opuntia santa rita Purple Prickly Pear	5'	8'	Spring Fall	Summer Winter	

Botanical Name Common Name	H	W	Color & Season of Bloom		On Town Plant List?*
Calylophus hartwegii var. fendleri Western Primrose	1'	3'	Spring Fall	Summer Winter	No
Chrysactinia mexicana Damianita	2'	2'	Spring Fall	Summer Winter	No
Hardenbergia violacea Purple Coral Pea Vine	8'	15'	Spring Fall	Summer Winter	No
Lantana hybrid Hybrid Lantana	2'	3'	Spring Fall	Summer Winter	Yes
Tetraneuris acaulis Angelita Daisy	12"	12"	Spring Fall	Summer Winter	No
Abutilon palmeri Palmer's Indian Mallow	5'	5'	Spring Fall	Summer Winter	No
Anisacanthus quadrifidus var. wrightii Mexican Fire	4'	4'	Spring	Summer Winter	No
Anisacanthus thurberi Desert Honeysuckle	3'	4'	Spring	Summer Winter	No
Caesalpinia pulcherrima Red Bird-of-Paradise	10'	10'	Spring Fall	Summer Winter	Yes
Calliandra californica Red Baja Fairyduster	6'	5'	Spring Fall	Summer Winter	Yes
Eremophila maculata var. brevifolia Valentine Emu Bush	6'	6'	Spring Fall	Summer Winter	No
Hamelia patens Firebush	6'	6'	Spring Fall	Summer Winter	No
Justicia californica Chuparosa	6'	12'	Spring Fall	Summer Winter	Yes
Penstemon psuedospectabilis Canyon Penstemon	2'	2'	Spring	Summer Winter	No
Trixis californica Trixis	5'	8'	Spring	Summer Winter	No

RURAL ELEGANCE CHARACTER ZONE
"Good" Design Guidelines

The "Good" option of Rural Elegance, shown conceptually in *Figure 2.29* below, is an enhancement to much of the existing natural landscape present in the Town currently and referenced in Chapter 3.

Planting

The landscape palette primarily includes native species to the Sonoran Desert augmented with flowering native-adapted plants. Landscape is arranged in natural patterns and vertical elements such as trees or cacti should be placed to bring attention to the beautiful mountain backdrops of the Town. All plants selected for use near drives and intersections must adhere to the Town's requirements of sight visibility/corner vision requirements. Tree plantings should be less dense than in other Character Zones, with an average of one tree for every 50-100 feet of street frontage. Saguaro should be used to supplement the lower tree density.

Mostly native accents with additional flowering shrubs and groundcovers should be planted to achieve approximately 45% live cover in all planting areas.

Boulders & Rock Mulch

Boulders and the use of a 3" minus rock mulch reinforce the rural desert landscape aesthetic.

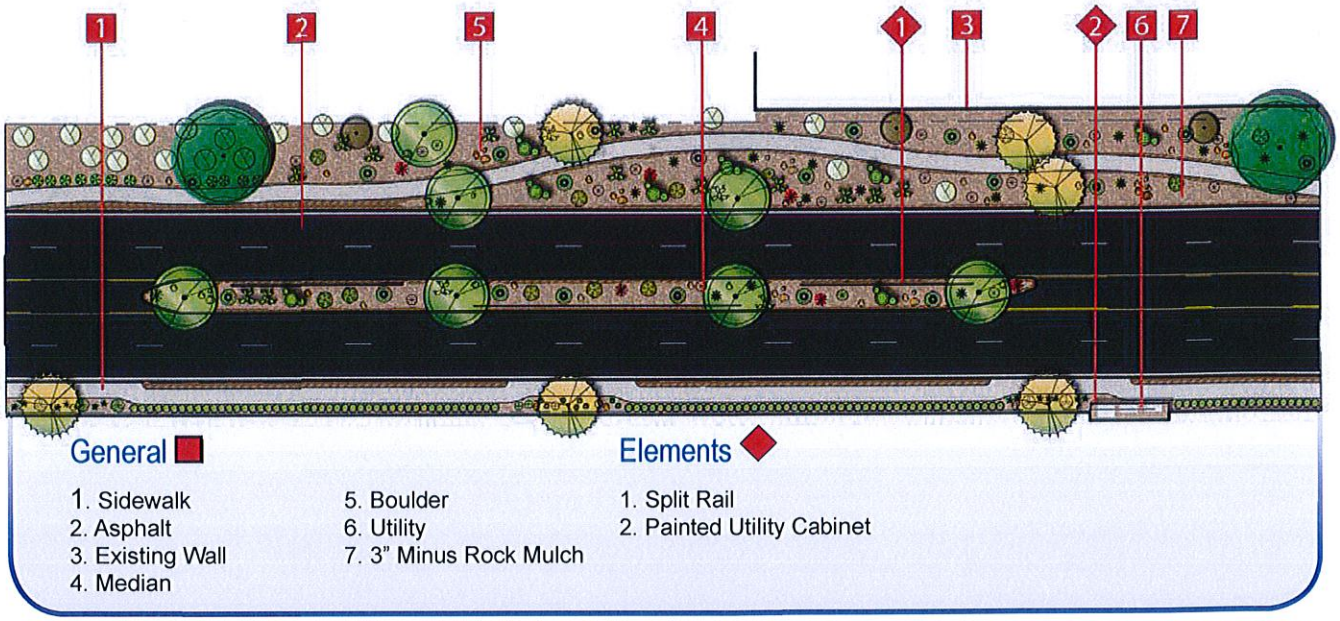


Figure 2.29: "Good" Rural Elegance Conceptual Streetscape Plan

RURAL ELEGANCE CHARACTER ZONE
"Better" Design Guidelines

The "Better" option of Rural Elegance, brings in its main design element of the split rail fence with stone veneer "bookends" in the streetscape. A higher level of density and diversity of plant material is seen in the landscape, bringing contrasting colors and heights (see *Figure 2.30*).

Planting

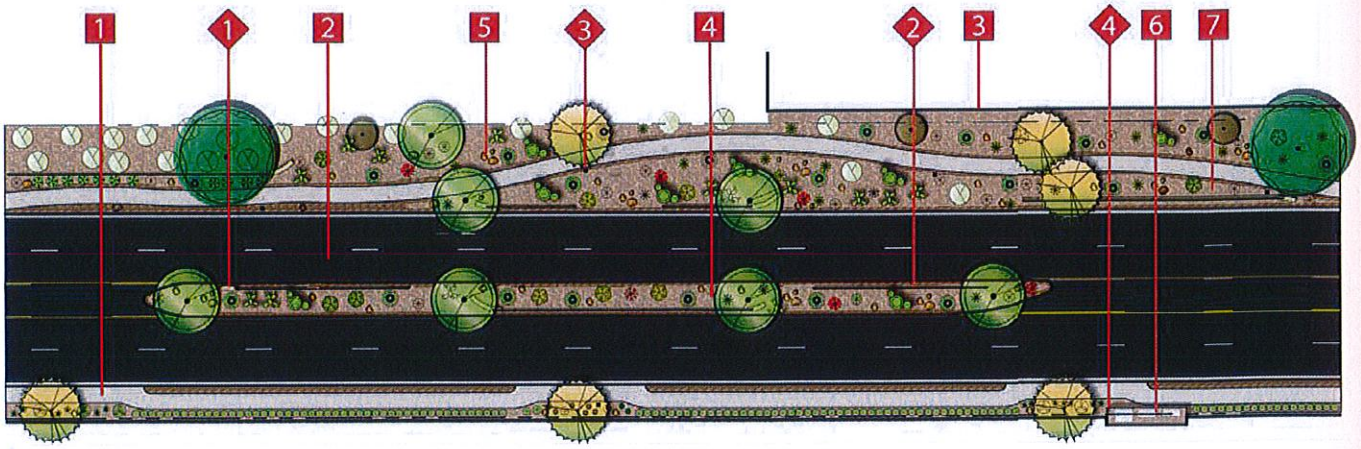
Additional plant material should be added to the "Good" level of implementation without increasing the number of trees. Instead, Ocotillo should be used in conjunction with saguaro to further enhance the appearance of a High Sonoran Desert landscape. Approximately 50% live cover should be provided excluding trees and hardscape. Median improvements in this level include a boulder themed accent plant arrangement.

Accent Walls

Metal split rail elements combined with low stone veneer accent walls should be used in the landscapes as well as the medians to enforce the intended rural aesthetic.

Lighting

Low level lighting as wayfinding along sidewalks and multi-use paths at an average distance of 75 feet may be incorporated into the landscape.



General ■

1. Sidewalk
2. Asphalt
3. Existing Wall
4. Median
5. Boulder
6. Utility
7. 3" Minus Rock Mulch

Elements ◆

1. Stone Veneer Walls
2. Split Rail Fence
3. Lighting
4. Utility Screen with Gate

Figure 2.30: "Better" Rural Elegance Conceptual Streetscape Plan

RURAL ELEGANCE CHARACTER ZONE
"Best" Design Guidelines

The "Best" option of Rural Elegance includes all elements of the "Good" and "Better" options with the addition of small pedestrian areas and enhanced hardscape treatments (see *Figure 2.31* and *Figure 2.32*).

Planting

Approximately 55% live cover should be provided excluding trees and hardscape.

Planting should incorporate additional species to provide year-round color and flowering material in the landscape.

Lighting

An upgrade of lighting from the "Better" to the "Best" option should include a more thematic custom design that creates the effect of illuminaires integrated with the split-rail features while providing wayfinding light-levels.

Hardscape

Use of rustic pavers in the streetscape turn lanes between medians and smaller features along the sidewalk is encouraged to define the corridor which can serve to visually narrow the road and encourage slower driving speeds than might occur on full asphalt roads.

Figure 2.31: "Best" Rural Elegance Conceptual Perspective

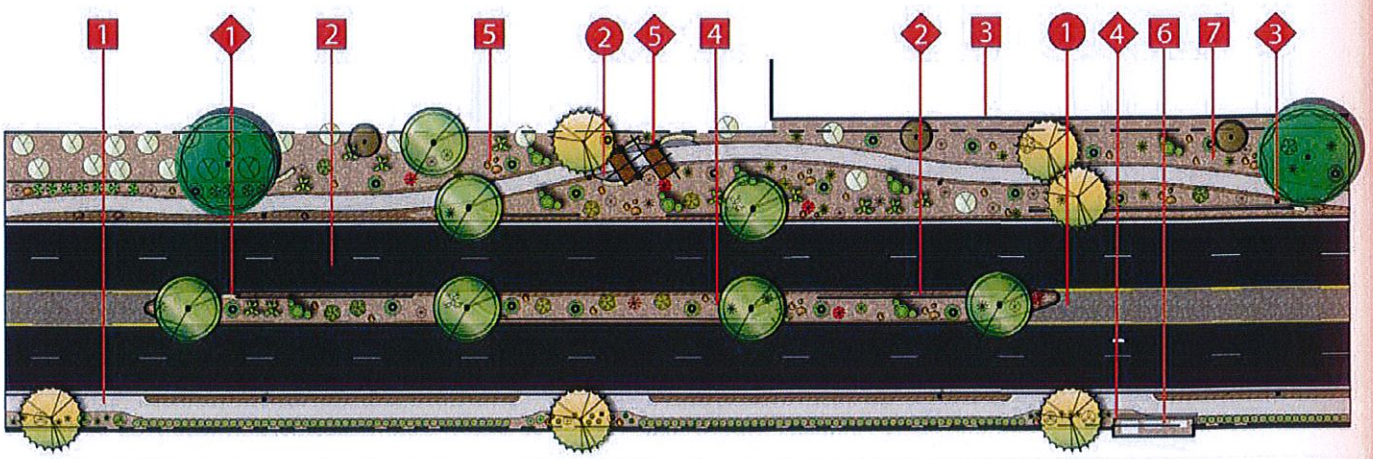
Note - Graphics are conceptual in nature and do not necessarily represent the final design

Accent Walls

Weathered steel sculptural split-rail should be integreated into the low stone veneer accent walls into the medians and the landscape zones.

Screen Walls

Screen walls that incorporate patterns from desert motifs such as the intepretive barrel cactus pattern shown previously in *Figure 2.12* should be included to hide utilities and unattractive existing features that cannot be removed..



General

1. Sidewalk
2. Asphalt
3. Existing Wall
4. Median
5. Boulder
6. Utility
7. 3" Minus Rock Mulch

Elements

1. Stone Veneer Walls
2. Split Rail Fence
3. Lighting
4. Utility Screen with Gate
5. Shade Structure

Materials

1. Rustic Pavers
2. Colored Concrete

Figure 2.32: "Best" Rural Elegance Conceptual Streetscape Plan

Article 8-10 NUISANCE NOISE [573] 2016-10

Section 8-10-1 General Prohibitions
Section 8-10-2 Declaration of Certain Acts Constituting Disturbing, Excessive, or Offensive Noises [618]
Section 8-10-3 Exemptions
Section 8-10-4 Penalty

Section 8-10-1 GENERAL PROHIBITIONS

A. It shall be unlawful for any person to disturb the peace by any of the following: making, continuing, maintaining or causing to be made or continued, within the limits of the Town, any disturbing, excessive, unreasonable or unusually loud or offensive noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

B. The characteristics and conditions which should be considered in determining whether a violation of the provisions of this section exists should include, but not be limited to, the following:

(1) The level of the noise;
(2) Whether the nature of the noise is usual or unusual;
(3) Whether the origin of the noise is natural or unnatural;
(4) The level of the ambient noise;
(5) The proximity of the noise to sleeping facilities;
(6) The nature and zoning of the area from which the noise emanates and the area where it is received;
(7) The time of day or night the noise occurs;
(8) The duration of the noise; and
(9) Whether the noise is recurrent, intermittent, or constant.

Section 8-10-2 DECLARATION OF CERTAIN ACTS CONSTITUTING DISTURBING, EXCESSIVE, OR OFFENSIVE NOISES

The following activities, among others, are declared to cause disturbing, excessive or offensive noises in violation of this section and are unlawful, namely:

A. Excessive Animal Noise

1. Restrictions on animal noise.

The keeping or maintaining by any person of any animal or animals which by any frequent or long–continued noise causes annoyance or discomfort to a reasonable person of normal sensitiveness in the vicinity is prohibited.

2. Prima Facie Violations

The noise from any such animal or animals that disturbs two or more residents residing in separate residences adjacent to any part of the property on which the subject animal or animals are kept or maintained, or three or more residents residing in separate residences in close proximity to the property on which the subject animal or animals are kept or maintained shall be prima facie evidence of a violation of this section.

B. Yard/Landscape Maintenance Equipment

1. Definition

a. "Summer" shall mean those months from May through September, inclusive.

b. "Yard/Landscape Maintenance Device" as used in this section, shall mean any portable, hand–held or propelled, ridden, carried, or pushed device, which is capable of and intended for landscape and yard maintenance purposes. This includes, but is not limited to, leaf blowers, chain saws, lawn mowers, edgers, or weed or string cutters.

2. Violations.

Except for those properties where a special use permit provides for a more specific set of noise restrictions, it shall be unlawful for any person to operate, or cause to be operated, a Yard/Landscape Maintenance Device, except between 7 AM and 5 PM on Monday through Friday and between 9 AM and 5 PM on Saturdays and Sundays and on the legal holidays defined in Section 10-7-2 (10) of this Code. Summer hours of operation may start one (1) hour earlier.

C. Burglar alarms

1. Prohibitions.

Audible burglar alarms for structures or motor vehicles are prohibited unless the operation of such burglar alarms can be terminated within 10 minutes of being activated, and remain silent unless another security breach occurs.

2. Emergency disconnections.

Notwithstanding the requirements of this provision, any member of the Police Department of the Town of Paradise Valley shall have the right to take such steps as may be reasonable and necessary to disconnect any such alarm installed in any building, dwelling, or motor vehicle at any time during the period of its activation.

3. Emergency Contact Information.

On or after thirty (30) days from the effective date of this article, any building or dwelling upon which an audible, unmonitored burglar alarm has been installed shall prominently display the telephone number at which communication may be made with the owner of such building or dwelling.

D. Construction and Related Activities

1. Definitions.

a. "Decibel" shall mean a logarithmic unit of measurement which indicates the ratio between two quantities commonly referred to as electric or sound energy levels, or pressure levels. One decibel on the A-weighted scale is abbreviated "dB (A)."

b. "Emergency" means a sudden or unforeseen situation that requires immediate work to prevent or mitigate injury or damage to persons or property. An Emergency exists only for the time necessary to remedy the immediate risk of harm.

c. "Heavy Equipment" means mechanical equipment that typically generates significant and offensive noise, such as, but not limited to, a loader or backhoe.

d. "Summer" shall mean those months from May through September, inclusive.

2. Except for those properties where a special use permit provides for a more specific set of noise restrictions it shall be unlawful for any person to operate or permit to be operated any Heavy Equipment in any construction, demolition, land clearing, excavation or similar outside construction activity, except between 7 AM and 5 PM on Monday through Friday. Operation of Heavy Equipment is unlawful at all times on Saturdays, Sundays and legal holidays (as defined in Section 10-7-2(10) of this Code). Summer hours of operation may start one (1) hour earlier.

The Town Manager, or his designee, may grant exceptions upon written request.

3. It shall be unlawful for any person to deliver or cause to be delivered construction equipment or materials to a construction site except between 7 AM and 5 PM Monday through Saturday. Delivery of construction equipment or materials to a construction site is unlawful on Sundays and legal holidays (as defined in Section 10-7-2 (10) of this Code), except that sprayed termite prevention material may be applied at any time. Summer delivery hours may start one (1) hour earlier. The Town Manager, or his designee, may grant exceptions upon written request.

4. It shall be unlawful for any person to operate or permit to be operated any other device or equipment (that is, equipment that is not already subject to the Heavy Equipment restriction in Section D.1 above) in any building, construction, demolition, land clearing, excavation or similar outside construction activity, alteration, or repair work on any buildings, structures or projects, except between 7 AM and 5 PM Monday through Friday, and between 9 AM and 5 PM on Saturdays, Sundays and legal holidays, (as defined in Section 10-7-2 (10) of this Code). The noise level created on Sundays shall not exceed 75 Decibels measured at the nearest property line. Summer hours may start one (1) hour earlier. The Town Manager, or his designee, may grant exceptions upon written request.

Section 8-10-3 Exemptions

The following uses and activities shall be exempt from the regulations of this Article:

1. Noises resulting from any authorized emergency or public safety vehicle.

2. Noises resulting from the operation of any Heavy Equipment, equipment other than Heavy Equipment, or a Yard/Landscape Maintenance Device during an Emergency.

3. Noise resulting from activities of a temporary duration for which a license or permit has been granted by the Town.

4. Vehicle back up warning alarms.

Section 8-10-4 Penalty

Any person who violates any provision of this article may be prosecuted for such a violation in accordance with the provisions of article 1-9 of the Paradise Valley Town Code.

Article 10-7 CONTROL OF EXCESSIVE NOISE [44] [607]

10-7-1 Purpose of Article
10-7-2 Definitions [522] [607]
10-7-3 Stationary or Fixed Noise Sources [607]
10-7-4 Motor Vehicles [607]
10-7-5 Reserved [2016-10]
10-7-6 Sound Level Measurement Criteria [607]
10-7-7 Exemptions

Section 10-7-1 Purpose of Article

A. The making, creating and maintaining of excessive, unnecessary, unnatural and unusual loud noises which are prolonged or unnatural in a specific time and place are considered a detriment to public health, safety, welfare and comfort, convenience and prosperity of the residents of the Town of Paradise Valley.

B. Noises of the type described in subsection A, supra, are found to be on the increase in extent and volume within the Town of Paradise Valley. Noises are measurable and their elimination or control is considered to be a matter of legislative determination and public policy in maintaining and preserving public health, safety, welfare, prosperity, comfort, convenience, peace and quiet of the Town of Paradise Valley and its residents.

C. It is the intent of the Town of Paradise Valley to periodically re-evaluate stated quantitative noise level limits and the other standards established by state and federal agencies as well as those contained in this noise control ordinance; the right to adjust such standards in accordance with future developments in the technology and state of the art is retained by the Town of Paradise Valley within its Town limits.

Section 10-7-2 Definitions [522] [607]

In this Article, unless the contents otherwise require:

1. "A" Band level means the total sound level of all noise as measured with a sound level meter using the A-weighted scale. The unit of measurement is the dB (A).

2. "Ambient Noise" means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far as measured on an A-weighted scale. For the purpose of this chapter, ambient noise level is the A-weighted level obtained when the noise level is averaged over a period of fifteen (15) minutes, without inclusion of the noise generated from the isolated identifiable alleged violation noise source, at the location and time of day near that at which a comparison is to be made.

3. "ANSI" means the American National Standards Institute or its successor bodies. All acoustical terminology shall be that contained in ANSI Specifications for Sound Level Meters S1.4-1983, or its successor.

4. "Decibel" means a logarithmic unit of measurement which indicates the ratio between two quantities commonly referred to as electric or sound energy levels, or pressure levels. One decibel on the A-weighted scale is abbreviated "dB (A)."

5. "Essential services" means the erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electrical substations, telephone exchange buildings, gas regulator stations, connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments, commissions or any governmental agencies, or for the public health, safety or welfare.

6. "Fluctuating noise" means a noise whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.

7. "IEC" means International Electrotechnical Commission or its successor bodies.

8. "Impulse noise" means brief excursions of sound pressure which significantly exceed the ambient environmental sound pressure. The duration of a single impulse is less than one second.

9. "Intermittent noise" means a noise whose sound pressure level equals the ambient environmental level two or more times during the period of observation. The periods of time during which the level of the noise remains at an essentially constant value different from that of the ambient noise level is on the order of one second or more.

10. "Legal holidays" means Christmas Day, New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, and Thanksgiving Day.

11. "Motor vehicle" means any passenger vehicle, truck, truck-trailer, trailer, cycle, or semi-trailer propelled or drawn by mechanical power.

12. "Person" means every natural person, firm, partnership, association or corporation which may own, operate or control those devices or facilities herein described.

13. "Repetitive impulse noise" means more than five impulses per hour.

14. "SAE" means Society of Automotive Engineers or its successor bodies.

15. "Sound level" or "noise level" means, for airborne sound, a weighted sound pressure level, obtained by the use of metering characteristics and A-weighting as specified in the referenced standards. Whenever the A-weighted scale is employed, it must be indicated.

16. "Sound level meter" means an instrument including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of sound levels which satisfies the pertinent requirements in ANSI S1.4-1983, or its successor.

17. "Sound pressure level" of a sound, in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure of this sound to the reference sound pressure having the value of 2×10^{-4} dynes per square centimeter.

18. "Steady noise" means a noise whose level remains essentially constant.

19. "Sunset and Sunrise" shall be as determined by the U.S. Naval Observatory Standards Sunset and Sunrise Table.

Section 10-7-3 Stationary or Fixed Noise Sources [607]

TABLE 1
Limiting noise levels for stationary sources

TIME	MAXIMUM ALLOWABLE NOISE LEVEL dB (A)
7:00 a.m. to 10:00 p.m.	56
10:00 p.m. to 7:00 a.m. and on all Sundays and specified legal holidays	45

Table 1 sets forth the noise level limits for stationary sources, and it is unlawful to project a sound or noise, except those caused by motor vehicles, from one property into another in excess of the stated limits.

1. All measurements of noise levels shall be made at the property line of the property on which said noise is generated or perceived, as appropriate, at an elevation of not less than four (4) feet above ground level.

2. Noise level limits specified in this section shall not apply to residential air conditioning equipment and swimming pool filtering equipment when functioning in accord with manufacturer's specifications and maintained in proper operating condition.

Section 10-7-4 Motor Vehicles [607]

TABLE 2

TYPE OF VEHICLE	MAXIMUM ALLOWABLE NOISE LEVEL
1. Any motor vehicle operated on any public street	79 dB (A) when posted speed limit is 35 mph or less or 82 dB (A) when posted speed limit is over 35 mph
2. Any recreation-type motor vehicle operated on any site not located on a public street or highway, whether or not registered for road use by the State of Arizona (includes recreational vehicles, sandbuggies, go-karts, trail bikes, mini-bikes, all-terrain vehicles, but excludes construction equipment)	82 dB (A)

A. No motor vehicle of a type described in Table 2 shall be operated at any time or under any conditions that shall exceed stated limits specified in Table 2. This table shall conform with the federal and state regulations whenever applicable.

B. Every motor vehicle shall be equipped at all times with a muffler in good working condition to prevent excessive or unusual noise. No person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a Town street.

C. Noise levels shall be measured at a distance of not less than fifty feet from the center line of vehicle travel and shall be measured in conformance with ANSI S1.4-1983, or its successor, and with SAE Standard J-184; the sound level meter used for such measurements must be set for fast response on the A-weighted scale.

Section 10-7-5 Reserved [2016-10]

Section 10-7-6 Sound Level Measurement Criteria [607]

For the purpose of enforcement of the provisions of this Article, noise levels of alleged violations shall be measured on the A-weighted scale with a sound level meter satisfying at least the applicable requirements for Type 2 sound level meters as defined in ANSI S1.4-1983, or its successor. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels (motor vehicles), fast response speed may be used. Prior to measurement, the meter shall be verified, and adjusted to ` 0.3 decibel by means of an acoustical calibrator.

Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. When measuring the sound level of alleged violations sporadic noise sources such as aircraft and emergency vehicles shall not be considered.

Section 10-7-7 Exemptions [693]

A. Under unusual circumstances not specified in this ordinance, at the discretion of the Town Manager, time and day restrictions may be waived, and a noise level may exceed the ranges specified in Tables 1 and 2, supra.

B. The following noise sources, activities and uses shall be exempt from the noise regulations specified in this Article:

1. Noises of safety signals, warning devices, and emergency pressure relief valves.

2. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.

3. Noises resulting from work on essential services as defined in Section 10-7-2 (5), supra.

Section 2403. Wall Finishes: [654 2016-07]

Any wall visible from adjoining properties, adjacent rights-of-way, and/or open space areas shall consist of finished materials such as stucco, brick, stone, metal, rails, wood, or tile.

a. Walls Adjacent to Rights-of-Way and Open Spaces.

When such wall is adjacent to or visible from a right-of-way and/or open space area, it shall complement the architectural character of the main house, and shall have a finish texture, color, and material on the exterior side that is compatible with the primary building on-site, or as determined by the Town. The minimum standard for a wall finish shall be stucco and paint.

b. Walls Adjacent to Adjoining Properties.

When such wall is adjacent to an adjoining property, the wall shall be finished on the exterior side. The minimum standard for a wall finish shall be stucco and paint.

EXCEPTIONS:

1. The side of the wall facing the adjoining property may be finished with such materials and colors as agreed upon by the property owner and adjoining property owner. If the property owners cannot agree on the type of finish, the minimum standard for the wall finish shall be stucco and paint.

2. If the owner of adjoining property grants no reasonable access to the applicant to finish the side of the wall facing the adjoining property, the applicant will be relieved of any obligation to improve that side of the property wall. At least two (2) attempts shall be made to try to contact the adjoining property owner. The minimum standard of notification shall be a written letter sent via certified mailed to the owner at his last known address by certified mail, or the address to which the tax bill for the property was last mailed.

Section 2404. Height and Setback Regulations: [135 171 559 654 2016-07]

a. Height Regulations

1. In General.

The height of walls, view fences, and combination view fences shall be measured vertically from the finished grade on the exterior side of the wall or view fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a wall, view fence or combination view fence is prohibited. If a wall, view fence or