

ORDINANCE NUMBER 2019-06

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, APPROVING A MAJOR AMENDMENT TO THE SPECIAL USE PERMIT FOR MOUNTAIN VIEW MEDICAL CENTER, 10555, 10565, 10575, 10585, 10595 AND 10599 NORTH TATUM BOULEVARD, PROVIDING FOR A PHASED REDEVELOPMENT WITH DEMOLITION OF ALL EXISTING STRUCTURES AND CONSTRUCTION OF NEW MEDICAL BUILDINGS WITH COVERED PARKING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Paradise Valley (the “Town”) Council held a public hearing on _____, in the manner prescribed by law, to hear and to act on the amendment to the Special Use Permit for Mountain View Medical Center, as recommended by the Planning Commission; and

WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on June 18, 2019, in the manner prescribed by law, for considering an amendment to the Special Use Permit for Mountain View Medical Center, and recommended

_____ to the Town Council in a vote of __ to __; and

WHEREAS, the Town Council finds that the requirements of Section 2-5-2.F, Citizen Review Process, including holding a Citizen Review Session on March 26, 2019 to provide a reasonable

1 opportunity for the applicant, adjacent landowners, and other potentially affected citizens to
2 discuss issues or concerns they may have with the application has been met; and
3

4 WHEREAS, this amendment to the Special Use Permit for Mountain View Medical Center is
5 consistent with the property's designation as "Medical Office" in the Town's General Plan Land
6 Use Map; and
7

8 WHEREAS, upon the effective date of this Ordinance, the zoning district of "Special Use
9 Permit – Medical Office, Kennels and Veterinary Clinics" shall now be shown on the Town's
10 Zoning Map along with a reference to the new major amendment special use permit reference
11 number on the Town's official Zoning Map of "SUP 18-12"; and
12

13 WHEREAS, in accordance with Article II, Section 1 and 2, constitution of Arizona, the Town
14 Council has considered the individual property rights and personal liabilities of the residents of
15 the Town before adopting Ordinance # 2019-06 (the "Ordinance").
16

17 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL**
18 **OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:**
19

20 **SECTION I. In General**

- 21 1. The Special Use Permit zoning for Mountain View Medical Center allows for medical
22 uses on the approximate 9.8 acres of land located at 10555, 10565, 10575, 10585,
23 10595, and 10599 North Tatum Boulevard in the Town of Paradise Valley, Arizona,
24 more particularly described on Exhibit "A," attached hereto (the "Property").

2. This Major Amendment to the Special Use Permit (SUP 18-12) for Mountain View Medical Center hereby rescinds all prior Special Use Permits for the Property and creates a new Special Use Permit to allow for a phased redevelopment of the Property through demolition of all existing structures and the construction of new medical buildings with covered parking, subject to the Conditions set forth in Section II of this Ordinance.

3. To provide historical reference of what is being rescinded a description of prior amendments to the Special Use Permit for the Property is summarized in Exhibit “B,” attached hereto.

4. All prior Special Use Permit approvals on this Property are rescinded and no longer in full force and effect upon the Effective Date of this Ordinance.

5. This Major Amendment to the Special Use Permit for this Property is in accordance with Section 1102.7 of the Zoning Ordinance.

SECTION II. Conditions. Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona (the “Town”), the Town hereby grants to Mountain View Medical Center, L.L.C., an Arizona Limited Liability Company, its successors and assigns, Special Use Permit 18-12 by its approval of this Ordinance (the “SUP 18-12”) governing the use of the Property. All capitalized terms contained herein shall have the meanings ascribed to them parenthetically or otherwise in this Ordinance.

This amendment is one of many amendments to the first Special Use Permit on the Property approved by the Town in 1980. This Special Use Permit is intended to supersede and replace all prior Special Use Permits for this Property and rescinds all prior Special Use Permits for the Property. This Special Use Permit is being granted by the Town to permit the continued use and

operation of the Property for medical office use subject to and in accordance with the stipulations and other provisions set forth herein as shown in Exhibit "C," attached hereto.

SECTION III. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV. Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this _____ day of _____, 2019.

Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED THIS ____ DAY OF _____ 2019.

ATTEST:

APPROVED AS TO FORM:

Duncan Miller, Town Clerk

Andrew Miller, Town Attorney

EXHIBIT "A"
TO
ORDINANCE NUMBER 2019-06

Legal Description

TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR MOUNTAIN VIEW MEDICAL CENTER

Refer to the legal description in Exhibit "A" of the General Warranty Deed for the Property recorded on December 31, 2001 with the Maricopa County Recorder, Maricopa County, Arizona in document 2001-1238779.

The Property is part of the Northwest quarter of the Northwest quarter of Section 29, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

**EXHIBIT “B”
TO
ORDINANCE NUMBER 2019-06**

Description of Prior SUP Amendments that are rescinded upon the Effective Date

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR MOUNTAIN VIEW MEDICAL CENTER**

The Town annexed the property in 1961. The Town approved the original Special Use Permit on March 13, 1980. The list below summarizes the known amendments to the original Special Use Permit, all of which are rescinded upon the Effective Date of this Ordinance.

March 21, 2012	Managerial amendment that allowed an increase of the tenant area of the two monument signs. This increased the total sign area per sign from 40.8 sf to 58.6 sf.
August 9, 2011 (SUP 11-01)	Consideration of an Intermediate Special Use Permit amendment to allow the operation of a medical marijuana dispensary. The application received Planning Commission recommendation but did not have final Council action as the applicant withdrew their request on August 9, 2011.
September 21, 2010 (SUP 10-06)	Planning Commission approval of a Minor SUP to replace the two existing monument signs substantially compliant with the elevation plan prepared by Ken’s Sign Service Inc, the visibility triangle plans dated May 25, 2010, and the narrative dated August 16, 2010. There is also a letter on behalf of the owner that allowed the Town to replace the Town monument sign located on the medical center property.
June 20, 2000 (SUP 00-09)	Planning Commission approval of a minor amendment allowing for the installation of a window on the west elevation on Building E, Suite E-141.
April 1996 (SUP 96-11)	Approval by the Special Use Permit Review Committee (SUPREC) to allow the repositioning of two windows and a door/window entry feature of Suite B-111. The Town eliminated the SUPREC process to review minor Special Use Permit amendments in 1998.
April 18, 1995 (SUP 95-14)	Increase the square footage of the pharmacy from 1,500 sf to 2,500 sf. The Council approved this by consent, noting that the 1,000 sf is in the adjoining suite for pharmacy storage.
May 25, 1995 (SUP 95-13)	Change in ownership and to increase the square footage of the pharmacy from 1,500 sf to 2,500 sf. Increase to 2,500 sf was denied. The amended SUP was recorded on August 17, 1995 at the Maricopa County Recorder, Arizona, under 95-049309.
September 22, 1989 (SUP 89-04)	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership.
January 29, 1987 (SUP 87-08)	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership.

June 17, 1985 (SUP 85-12)	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership.
March 6, 1985 (SUP 85-11)	Approval by the Special Use Permit Review Committee (SUPREC) for a change in ownership. The SUPREC was made up of a Town Council and Planning Commission representative, Town Engineer, and Planning Director.
February 11, 1982 (SUP 81-07)	Approval of a pharmacy on the property, which was originally an apothecary. Concerns noted related to not wanting a full-scale drug store and retail sales. The following stipulation was added "Violation of any provision of this paragraph shall result in a fine of \$300 a day for each day the violation continues. This penalty shall be paid by the Grantee to the Town of Paradise Valley."
October 30, 1980 (SUP 80-10)	Phase II approval of the medical plaza. This was the Phase II approval and recorded at the Maricopa County Recorder, Arizona, in Docket 14836, Pages 1320-1322.
March 13, 1980 (SUP 79-09)	Establishment of the property for medical use by Special Use Permit. At this time, the Town had an option for an applicant to get a Phase I and then a Phase II approval. This was the Phase I approval and recorded at the Maricopa County Recorder, Arizona, in Docket 14302, Pages 10-12.

**EXHIBIT “C”
TO
ORDINANCE NUMBER 2019-06**

SUP Conditions

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR MOUNTAIN VIEW MEDICAL CENTER**

I. PROJECT DESCRIPTION

A phased redevelopment of the Property, that includes a complete demolition of all existing structures and construction of new medical buildings with covered parking.

II. DEFINITIONS

“Approved Plans” means the plans and documents associated with SUP 18-12 and described in Subsection IV “Approved Plans” of this Ordinance.

“Owner” means Mountain View Medical Center, L.L.C., an Arizona Limited Liability Company, its successors and assigns. An Owner may be an individual, corporation, partnership, limited liability company, trust, land trust, business trust or other organization, or similar entity, which in turn may be owned by individuals, shareholders, partners, members or benefitted parties under trust agreements, all of which may take any legal form, and may allocate interests in profits, loss, control or use.

“Property” means the real property described in Exhibit “A” to Ordinance #2019-06.

“Retail” means the dispensation of prescription drugs, along with any secondary associated sale of medically-related items, paraphernalia, or products specific to the care of the patient (e.g. crutches, diabetic needles, orthopedic braces).

“Special Use Permit” or “SUP-18-12” or “SUP” shall mean this special use permit as approved by Town Ordinance #2019-06.

“Town” means the Town of Paradise Valley.

III. STIPULATIONS

A. GENERAL

1. This Special Use Permit applies only to the Property.
2. Nothing in this Special Use Permit or otherwise shall require the operation of the medical center under the name “Mountain View Medical Center” or any similar or other name. No further consent shall be required to enable the Owner to transfer the Property, name or rename the medical center, or select or reselect property management companies for the Property.
3. The redevelopment of, and construction on, the Property shall be subject to the stipulations and definitions of this Special Use Permit (the “Stipulations”) and shall substantially conform to the approved plans. All previous existing Special Use Permit stipulations are rescinded and no longer in full force and effect. The approved plans, as listed in Section IV of this Special Use Permit, are hereby incorporated into this Special Use Permit and made an integral part hereof, and shall hereinafter be referred to as the “Approved Plans.”
4. A Mylar and/or electronic version of all Approved Plans with an amendment to this Special Use Permit shall be submitted to the Town within 60 days after the date of Town Council approval of this Ordinance. Upon completion of the construction, an “as-built” site plan prepared by a registered civil engineer shall be submitted to the Town.
5. In the event of a conflict between these Stipulations and the Approved Plans, these Stipulations shall govern.
6. This Special Use Permit shall run with the land and any person having or subsequently acquiring title to the Property shall be subject to this Special Use Permit, as it may be amended or superseded from time to time. Once an Owner no longer owns the Property, such prior Owner shall not be subject to this Special Use Permit.
7. The use of the Property shall at all times conform to applicable State laws and Town ordinances, except that if there is a conflict between this Special Use Permit and any Town ordinance or other requirement, this Special Use Permit shall prevail.
8. If any portion of the Property is used in violation of the terms of this Special Use Permit, the Town Zoning Ordinance, or the Town Code, the Town may, after fair notice, hold a hearing to impose a monetary sanction on the then Owner in an amount not to exceed the maximum amount allowed for violations of the Town Zoning Ordinance or Town Code, as the case may be, for each day such violation exists, in addition to all other orders or sanctions permitted by applicable laws.

9. Amendments to this Special Use Permit shall follow the appropriate processes outlined in Article XI, Special Uses and Additional Regulations, of the Town Zoning Ordinance, as amended.

10. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the approval of this amendment to the Special Use Permit.

B. USES

1. Except as modified in this Special Use Permit, the allowable uses on the Property shall be as follows:

- a. Physician practices/offices
- b. Dental Offices/Services
- c. Physical and Occupational Therapy Services
- d. Out-Patient Imaging Services
- e. Sleep Centers (Maximum of one, located in either Building B, C, D or E)
- f. Pain Centers
- g. Chiropractic Services
- h. Apothecary/Pharmacy (Maximum of one pursuant to conditions outlined in this Special Use Permit)
- i. Durable Medical Equipment Retail Sales
- j. Hospice Administrative Services
- k. Hospital Services Organizations
- l. Administrative offices for Medical Practices (Private or Hospital owned)
- m. Nutritional Support and Counselling
- n. Aesthetician Offices
- o. Medical and Dental Laboratory Services
- p. Behavioral Health/ Counseling Offices (Drug, alcohol, other substance abuse, or mental health rehabilitation programs shall not be allowed)
- q. Massage Therapy/ Spa/ Medical Spa (medically prescribed, ordered or otherwise requested by a legally qualified medical professional)
- r. Administrative Offices for property management
- s. Urgent care (Maximum of one pursuant to conditions outlined in this Special Use Permit)
- t. Ambulatory/ Outpatient Surgery Centers ~~where stays do not exceed 48 hours.~~

[At the May 21, 2019 work session, the Planning Commission direction was to limit uses outside the proposed regular hours of operation stated in Stipulation B.4]

2. Except as specified in this Special Use Permit, retail uses are prohibited.
3. Non-medical services shall not be permitted unless prescribed, ordered or otherwise requested by a licensed ~~legally-qualified~~ physician, dentist, optometrist, chiropractist, chiropractor, osteopath, ~~or~~ occupational therapist or physical therapist.
4. Except as modified in this Special Use Permit, the regular days and hours of operation on the Property shall be Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m.
5. A methadone clinic and medical marijuana dispensary are not permitted uses under the existing Special Use Permit for Mountain View Medical Center, and a methadone clinic and medical marijuana dispensary are neither being requested nor approved as permitted uses as part of the Special Use Permit (SUP-18-12), subject to Stipulation C.9.d below.

C. PHARMACY

1. Only one (1) pharmacy shall be allowed, located in either Building B, C, D or E. However, the one allowable pharmacy on the Property may be relocated to Building F during the construction period outlined in Stipulation F.6 of this Ordinance.

~~*{Applicant requests allowance of pharmacy in any of the six buildings. Prior Commission discussion was to locate pharmacy in building(s) that would be the least disruptive to residents adjoining the site.}*~~
2. ~~The primary intent of the pharmacy is to cater to the medical staff and patients of Mountain View Medical Center.~~ The primary function of the pharmacy shall be the retail dispensation of prescription drugs as defined under Retail in Section II, Definitions.
3. The pharmacy may include a lobby, over the counter Retail area (with retail as limited by this Special Use Permit), a compounding area, a dispensing area, and a cashier area, consultation area, storage area, offices, bathroom and break area.
4. The area of the pharmacy shall not exceed 2,500 square feet in total area, with the lobby/Retail area not to exceed 300+50 square feet.
5. There shall be no external signage, other than tenant identification on a directory and/or near the doorway to the pharmacy. ~~This includes the following limitations: no allowance for vehicle wraps and/or other means of identifying the pharmacy.~~

6. The pharmacy shall not sell, dispense, lease or market any non-medically related items, paraphernalia, or products.
7. The pharmacy's days and hours of operation shall be limited to the regular hours of operation for the Property of Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m.
8. All activity related to the pharmacy shall be conducted in compliance with State and Federal rules and regulations; and other implementing state statutes and administrative regulations.
9. In addition to all federal and state requirements, The pharmacy security measures shall be substantially compliant with the narrative in the Approved Plans, which includes any pertinent Crime Prevention Through Environmental Design (CPTED) strategies. This includes, and is not limited to, the following:
 - a. All pharmaceuticals will be locked, secured, and controlled in the safest manner in order to comply with all Federal and State Regulations related to properly securing and storing all pharmaceuticals.
 - b. Deliveries will be conducted during the pharmacy's regular hours of operation specified in Section III.B.4. There will be no packages left outside or in any lockable containers outside the building.
 - c. Products will be stored in the storage facility in the back of the pharmacy suite in locking metal cabinets with a dead bolted room. The pharmacy shall also install surveillance cameras to record all activities in the storage facility. Only the pharmacist and pharmacy technician shall have access to the storage facility. Any products requiring refrigeration will be kept in a locked refrigerator in the same controlled environment.

[Applicant requests to reword to read "Products will be stored in accordance with all state and federal pharmacy laws as outlined in the USP Compendium." The applicant is in process of getting information on the law related to this topic.]

- d. Products allowed shall consist of all medical grade pharmaceuticals procured by a licensed, insured distributor in accordance with all Federal guidelines to procure such medicines. The only drugs that will be sold will be Controlled Substances Act (“CSA”) Class ~~I, II~~, III, IV, V and Not Classified. There ~~shall~~will be no sales of Class I and II Controlled Substances or medical marijuana on the premises.
- e. Video cameras with a resolution of 1080p or better will be placed throughout the pharmacy to effectively monitor all handling/processing of the pharmacy dispensing activities, cashier sales and general overview of the entrances. At least two angles at each entrance and at the customer interfacing area will be used, including overhead and below eye level and must include overt and covert camera systems. Video recordings shall be stored for at least 90 calendar days and must be stored off-site (cloud-based or similar). The system shall include failure notification that provides an audible and visual notification of any failure in the electronic monitoring system. Video cameras and recording equipment shall include sufficient battery backup to support at least 10 minutes of recording in the event of a power outage. The Owner and tenant of the pharmacy shall provide the Town of Paradise Valley Police Department remote access to surveillance videos upon request.
- ~~[Applicant requests to reword to read “Video cameras with a resolution of 1080p or better will be placed to effectively monitor all cashier sales and general overview of the entrances. Video recordings shall be stored for at least 30 calendar days and must be stored off site (cloud based or similar). The system shall include failure notification that provides an audible and visual notification of any failure in the electronic monitoring system. Video cameras and recording equipment shall include sufficient battery backup to support at least 10 minutes of recording in the event of a power outage. The Owner and tenant of the pharmacy shall provide the Town of Paradise Valley Police Department access to surveillance videos upon reasonable request.”]~~*
- f. A minimum of two panic buttons shall be placed in the pharmacy; one to be located at the pharmacist area and the other near the cashier.

g. ~~There shall be a time delay safe in the locked storage room and a time delay safe in the pharmacy tech area for the storage of Schedule I and II drugs. [Deleted since Class I & II Controlled Substances removed]~~

~~[Applicant suggests rewording to read "If the pharmacy dispenses Schedule I and II drugs, a time delay safe shall be used in the pharmacy area for the storage of Schedule I and II drugs."]~~

h.g. Signage shall be provided in the pharmacy providing notice that controlled substances are stored in time-delays safes, along with signage that there are no Class I and II Controlled Substances on the premises.

~~[Applicant suggests rewording to read "If the pharmacy dispenses Schedule I and II drugs, signage shall be placed in the pharmacy providing notice that controlled substances are stored in time delays safes."]~~

i.h. A minimum 48-inch tall by maximum 36-inch deep pharmacy counter; or other barrier(s) that are mutually agreeable by the Town Manager, or designee.

~~[The applicant would like to remove this stipulation. The Town Building Official noted a 48" tall counter does not meet ADA requirements. There may be other options like security glass, providing an ADA counter in the lobby or other designs.] Ask Chief if ok to delete I and II drugs gone]~~

i. An additional barrier or obstacle between the parking lot and main entrance to the building, such as raised planters or something similar to deter someone from attempting to crash a vehicle through the lobby glass. Ask Chief if ok to delete I and II drugs gone]

10. An apothecary may be located within the pharmacy for making compound medicines on the Property. The apothecary must comply with all State and Federal rules and regulations, and all Special Use Permit pharmacy stipulations.

D. URGENT CARE CENTER

1. Only one (1) urgent care center shall be allowed, located in either Building B, C, D or E. This urgent care center shall be located along Tatum Boulevard and/or Shea Boulevard such that the parking and access into the urgent care center is directed toward the parking areas north and/or west of Buildings B, C, D and E.
2. The primary use of the urgent care center is for immediate care needs and not to replace or serve as a substitute for a hospital emergency care center. Treatment services may include, but not limited to, x-rays, ear and other infections, insect/bug bites and stings, minor cuts/stitches, rashes, heat exhaustion/sunburn, allergies, and related treatment.
3. The urgent care center may include a lobby/waiting area, a staff kitchen/break room, staff offices, patient/exam rooms, and room for minor procedures.
4. There shall be no external signage for the urgent care center, other than on the entry monument sign, one building sign, tenant identification on a directory sign, traffic/directional wayfinding signs, and/or a suite sign at the doorway to the urgent care center. ~~This includes no allowance for vehicle wraps or other means of identifying the urgent care center.~~

[Planning Commission was agreeable to this modification.]
5. The area of the urgent care center shall not exceed 10,600 ~~5,000~~ square feet in total area.

[Applicant requests minimum 10,600 sf; Lincoln Plaza Medical Center drafted at 5,000 sf. Applicant may have potential tenant for Building B. Planning Commission was agreeable to this modification.]
6. The urgent care center shall not have any out-patient surgical facilities or sell any prescription drugs. Ambulatory services shall be customary to an urgent care facility such as lab, diagnostic, radiography and limited medical services for minor injuries.
7. The urgent care center's days and hours of operation shall be limited to the regular hours of operation for the Property of Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m. Monday through Sunday, 7:00 a.m. to 10:00 p.m.

8. The urgent care center security measures shall include, and are not limited to, the following:
 - a. No prescription drugs will be kept in the urgent care center suite.
 - b. All entrances to the urgent care and any customer interface area must be labeled with “no prescription drugs on site” signage.
 - c. Deliveries will be conducted during business hours. There will be no packages left outside or in any lockable containers outside the building.
9. There shall be no use of vehicles generating sound and light in connection with the regular operation of the urgent care center. The foregoing shall not apply to emergency situations such as if an ambulance or other emergency vehicle is on the Property to take a person in need of immediate medical treatment from the Property to an emergency facility or if a fire truck is on the Property to put out a fire.

E. MANAGEMENT - MAINTENANCE

1. The Property shall be under unified property management, with the name and contact information for the property manager to be provided to the Town’s Community Development Department Director, or designee prior to the issuance of a certificate of completion, and to then be updated within ten (10) business days after any property manager change is made.
2. The Property shall be kept in unified ownership and not be subdivided for sale.
3. The building(s) on the Property may be leased to a single tenant or designed for multiple rentable medical office suites.
4. All exterior portions of all structures and all driveways, parking areas, landscaping, walls, and lighting shall be kept and maintained in good condition and repair.
5. Use of outdoor space by employees for activities such as smoking may create unintended nuisances for persons on adjoining properties. This type of activity shall be located near the buildings, away from the perimeter of the Property.
6. The Owner shall provide the Town with a permanent access and maintenance agreement for the Town’s monument sign located at the southeast corner of Tatum Boulevard and Shea Boulevard. Such

1 agreement shall be reviewed, approved, signed by all parties, and
2 recorded with the Maricopa County Recorder, Maricopa County,
3 Arizona no later than sixty (60) days from the Effective Date of this
4 Ordinance.

5
6 7. The covered parking spaces on the Property that run along and closest
7 to the rear drive from Beryl Avenue to Shea Boulevard shall be reserved
8 for physicians and employees to limit the number of vehicle trips nearest
9 the residential homes of Firebrand Ranch. If needed, signage to this
10 effect may be installed.

11
12 8. No temporary tents shall be erected on the property without the prior
13 written consent of the Town staff.

14
15 **F. CONSTRUCTION**

16 1. Interiors of the building on the Property may be remodeled at any time
17 without an amendment to the Special Use Permit so long as the other
18 aspects of the Property remain in substantial compliance with the
19 Approved Plans and all applicable building permits are obtained.

20
21 2. Final grading and drainage plans and documents, prepared by a
22 registered civil engineer, must be submitted for review and approval by
23 the Town Engineering Department prior to issuance of a building permit
24 for the improvements associated with SUP 18-12.

25
26 3. The Owner shall submit a construction schedule prior to the issuance of
27 any building permit to ensure compliance with all Town ordinances,
28 including the conditions specified in this SUP and in order to minimize
29 construction nuisances. This construction schedule shall be subject to
30 approval by the Town Manager and shall include the following:

- 31
32 a. Dust and noise control measures.
- 33 b. Vehicle/equipment storage/parking.
- 34 c. Construction days/hours.
- 35 d. Location of staging area for construction supplies/equipment.
- 36 e. Location of any construction trailer and sanitary facility.
- 37 f. Location of on-site construction-materials/debris storage.
- 38 g. Location of fire lanes during the construction period.
- 39 h. The approximate beginning and ending for construction.

- 1 4. All new construction shall satisfy all fire department requirements for
2 each component of work (which may include temporary fire protection
3 facilities) prior to the issuance of any building permit for such work.
4
- 5 5. Prior to the issuance of a certificate of occupancy for any structure on the
6 Property adequate fire, emergency and other vehicle access and adequate
7 fire service shall be provided for such structure and the phase of
8 development in which such structure is located, as determined by the Town
9 Manager.
10
- 11 6. It is in the best interests of the Owner, Town and nearby residents that
12 the total construction time be as short as possible. The Owner has leases
13 to honor and the Town and nearby residents wish to mitigate
14 construction nuisances. If construction is not substantially completed on
15 Phases I, II and III within three years and six months ~~four years~~ after
16 Town Council approval of this amendment to the Special Use Permit,
17 the Owner shall submit to the Town a new application for the Planning
18 Commission and Town Council reapproval of the remaining phases to
19 be completed. This second approval shall not address the basic
20 entitlement to build such phases but shall address the flow and
21 efficiency of traffic generated, the total number of parking spaces
22 needed based on experience gained from the phases(s) under
23 construction, the need for additional or less lighting, the need for
24 additional landscaping and similar items. The Owner shall submit to the
25 Town a cash bond or other assurance to secure completion of the
26 phase(s) as described in the Approved Plans. Such assurance(s) shall be
27 provided to the Town prior to the issuance of the building permit for the
28 first building of that phases(s).
29
- 30 7. Chain link fencing with green screening is required to completely
31 surround any exterior construction areas, any construction refuse areas,
32 any construction material storage areas and any exterior sanitation
33 facilities used during a construction project. The screening material
34 may not be used for advertising or other signage.
35
36

G. DESIGN

1. Building architecture, materials, and colors shall be as shown on the Approved Plans. Any future modifications to exterior materials and colors must be approved via a managerial amendment to this Special Use Permit in accordance with Article XI, Special Uses and Additional Use regulations, of the Town Zoning Ordinance, as may be amended. Changes to the architectural style shall only be made by an approved SUP amendment.

2. The color of the roofs of the building and parking canopies shall have a Light Reflective Value at or less than fifty percent (50%).

3. Any future solar panels are subject to a separate amendment to this Special Use Permit and are encouraged to be placed as part of the parking canopy structures.

[Applicant intends to provide solar panel detail as part of this request that will eliminate or modify this stipulation.]

4. Electric charging stations are allowable on the Property. Number and location shall be approved via a managerial amendment to this Special Use Permit in accordance with Article XI, Special Uses and Additional Use regulations, of the Town Zoning Ordinance, as may be amended.

[Applicant intends to provide a visual of a sample charging station with maximum height, width, depth dimensions that will eliminate or modify this stipulation.]

5. All mechanical equipment shall be screened so that it is not visible from adjoining properties not a part of this Special Use Permit and from adjoining public rights-of-way. Mechanical equipment and mechanical equipment screens shall be included in the total height of any structure to which they are attached. If applicable, mechanical screening may provide the necessary noise attenuation for any mechanical equipment. All mechanical equipment, along with any screens used for attenuation of noise, shall comply with the allowable noise levels defined in the Town's noise ordinance. Noise measurement shall include any installed screening or other attenuation devices.

6. Screening of backflow preventers, electric transformers, generators, or other similar equipment (all herein further referred to as "Visually Unappealing Improvements") visible from off the Property shall be located to minimize its visual impact and screened from public view, all of which must first be approved by the Town Manager prior to approval of construction of any such Visually Unappealing Improvements.

H. LANDSCAPING / PERIMETER WALLS

1. Landscaping on the Property shall be in substantial compliance with the Approved Plans.
2. All landscaping that dies shall be replaced within 30 days in a reasonable amount of time, be in general compliance with the approved landscape plan of the Approved Plans and shall use material that is on the Approved Plans, Town's Landscape Guidelines, and/or the Visually Significant Corridors Plan for the Property's character zone.
3. The shared perimeter wall with Firebrand Ranch shall be the responsibility of the Owner of Mountain View Medical Center to maintain. The Owner shall pay for and coordinate the permitting and construction in raising the existing block wall up to 8-foot tall for those adjoining property owners to the Property who wish to have their wall height increased. The wall finish and access shall be in accordance with Section 2403, Wall Finishes, of the Town Zoning Ordinance, or as amended. The Owner shall have the right to limit when such construction may take place for the benefit of completing the wall improvements on multiple lots at the same time. Once the Owner obtains necessary permits to complete the wall improvements, such work shall be completed in a timely manner, but not exceed 12 months. Prior to obtaining permits, Owner shall send formal notice via Certified mail to residents with a shared perimeter wall living in Firebrand Ranch of their option to raise their wall to a maximum height of 8'. Residents will have up to 8 weeks to respond in writing to the Owner. Residents who do not respond in writing will be deemed to have not elected to increase their wall height. If the wall on the adjoining lot is not raised to 8-foot tall, then there shall be a soft transition in the style of the existing wall as illustrated in the Existing Wall Photos of this Ordinance in Section IV, Approved Plans.
4. The landscaping improvements within the 25-foot wide landscape tract on the Property adjoining Firebrand Ranch shall be planted as part of Phase 1 in accordance with the Approved Plans. Specifically, this relates to the landscaping adjoining Lots 67 through 17 of Firebrand Ranch. Such landscaping includes all plant material and installation of any hardscaping. The Owner shall complete these improvements within 12 months of receiving the permits for Phase 1. Once completed, the Owner shall contact the Town Planning Division for an inspection before issuance of the Certificate of Occupancy on the first building of this phase.

- 1 5. The landscaping improvements along Tatum Boulevard and Shea
2 Boulevard along the full length of the Property shall be planted as part
3 of Phase 3 in accordance with the Approved Plans. Such landscaping
4 includes all plant material, installation of any hardscaping and screen
5 walls. ~~However, the improvements to the 25-foot landscape setback~~
6 ~~between the Property and the residential neighborhood of Firebrand~~
7 ~~Ranch to the southeast shall be completed in Phase 1.~~ The Owner shall
8 complete the proposed Phase ~~34~~ improvements within 12 months of
9 receiving the permits for Phase 3. Once completed, the Owner shall and
10 contact the Town Planning Division for an inspection before issuance
11 of the Certificate of Occupancy on the first building of ~~this phase~~^{SUP-}
12 ~~18-12.~~
13
14 6. All other landscaping shall be planted during the specific phase per the
15 Approved Plans. The Owner shall complete these improvements and
16 contact the Town Planning Division for an inspection before issuance
17 of the last Certificate of Occupancy for the building in that phase.
18
19 7. Any debris and weeds on the Property shall be removed within 72 hours
20 from the day notified by the Town, or within the time specified in
21 accordance with the Town Code.
22
23 8. Based on future documented issues of loitering, the Town Manger or
24 designee may require the Owner to consider design elements that
25 discourage loitering, near and on the site, for safety and security. This
26 may include the planting of additional or replacement spiny desert
27 landscaping in strategic locations where persons may loiter.
28
29 9. All new trees planted within the landscape tract adjoining the residential
30 neighborhood of Firebrand Ranch shall be a mix of 24-inch box and 36-
31 inch box minimum or equivalent size as shown on the landscape of this
32 Ordinance in Section IV, Approved Plans. A minimum of 26 of the new
33 trees shall be 36-inch box or larger. The landscaping within the
34 landscape tract adjoining Firebrand Ranch may be modified to allow for
35 adjoining property owners of Firebrand Ranch to select a different tree
36 or similar tree that is substantially compliant with the plant palette of
37 the approved landscape plan, modify the location within several feet of
38 that shown on the plan and/or allow for trading box sizes shown on the
39 approved landscape plan. Such modifications shall be made before the
40 completion of the initial plantings as described in Stipulation H.4. The
41 Owner shall provide all modifications to the approved landscape plan in
42 writing to the Town's Planning Division at least five working days prior
43 to final inspection of the landscaping.
44

I. LIGHTING

1. All outdoor lighting shall be in compliance the Approved Plans, including the wattage and color of each lighting fixture. In the event the Approved Plans are not clear, such lighting shall meet the Special Use Permit Guidelines, as such may be amended from time to time.
2. Lamps, lighting, or illumination devices within an outdoor light fixture shall not be visible from outside the Property. If the Town receives a complaint from an offsite owner that a lamp or lighting or illumination device within an outdoor light fixture is visible from outside the Property, the Town Manager or designee may inspect the Property and require the Owner to shield such lighting fixture if the Town Manager determines that the light emitting element is visible from outside the Property.
3. Except for emergency lighting needed for safety, the exterior parking lot, landscaping and building lighting shall be placed on a timer to shut off or be reduced in illumination intensity pursuant to a lighting zone/phasing plan between the hours of ~~11:00~~ 8:00 p.m. and 6:00 a.m. Monday through Friday, 5:00 p.m. and 7:00 a.m. Saturday and shall be on reduced lighting mode all day Sunday, unless otherwise approved by the Town Manager or designee for special events. The Owner shall submit an exterior lighting zone/phasing plan for approval by the Town Manager or designee prior to Certificate of Occupancy of the first building to be constructed (Buildings A through F). This lighting zone/phasing plan shall focus on the minimum amount of safety/security lighting needed after regular hours of operation. Said plan shall turn off and/or reduce lighting intensity of fixtures within 70 feet of the Firebrand Ranch property line and second-story fixtures that face toward Firebrand Ranch.

[Planning Commission at the March 21, 2019 work session directed non-emergency lights be turned off one hour after regular close. In prior work sessions a zone/phasing plan was discussed. The draft stipulation includes requiring a zone/phasing plan at a later date.]

J. NOISE

1. Except as stipulated within this Special Use Permit, the Property shall operate under all Town noise regulations, including the regulations listed in Article 10-7, Control of Excessive Noise, and Article 8-10, Nuisance Noise, as may be amended from time to time.

~~*[Applicant wants heavy equipment construction for the initial construction to be allowed on Saturday from 7:00 a.m. and 5:00 p.m. to quicken construction time, code is Monday through Friday.]*~~

2. Testing of emergency generators shall be limited to Monday through Friday, 8:00 a.m. to 4:00 p.m., for no longer than 45 minutes at a time. The noise level shall not exceed the decibel level limits as specified in Article 8-10, Nuisance Noise, as may be amended from time to time. Generators shall be screened by a wall, with no generators allowed within 60' of a residential property line.

[Article 8-10 limit is 75 decibels at the property line.]

3. Garbage pickup shall only occur within the hours of 8:00 a.m. to 5:00 p.m., with no pickup on Saturdays and Sundays.

~~*[Applicant suggests pickup starting at 7:00 a.m. and Summer (May through September) hours of garbage pickup may start one hour earlier to match what they do today.]*~~

4. Deliveries of construction material shall be as set forth in Article 8-10, Nuisance Noise, as may be amended from time to time.

- 4.5. Activity related to tenant moves in and out of suite(s) shall be limited between 7:00 a.m. and 7:50 p.m., Monday through Saturday.

~~*[Applicant wants to allow summer (May through September) hours for deliveries may start one hour earlier.]*~~

- 5.6. Deliveries to and from tenants related to their regular course of business shall be done only during the regular hours of operation for that tenant, however, there shall be no such deliveries prior to 7:00 a.m. or later than 10:00 p.m.

K. RIGHT-OF-WAY, PARKING & CIRCULATION

1. The minimum parking space size shall be 180 square feet as defined in Article II, Definitions, of the Town Zoning Ordinance. However, the Approved Plans identify 9-foot by 18-foot parking spaces with a two-foot overhang in the adjoining landscape/walkway area (which meets the 180 square-foot requirement). Accordingly, this two-foot landscape/walkway area shall, in perpetuity, be kept and maintained clear of material that may restrict the parking of a vehicle within this two-foot area.
2. The Owner shall take appropriate measures to ensure that vehicular and pedestrian traffic circulation on the Property function safely and properly.
3. The Owner shall work with the City of Phoenix to complete the right-of-way improvements along Tatum Boulevard as generally described in the Traffic Impact Analysis for this project. This includes the striping for the deceleration lane on northbound Tatum Boulevard onto Beryl Avenue and the revised signal timing at the Tatum Boulevard and Shea Boulevard intersection. Documentation of this progress shall be provided when requested, with such improvements to be completed no later than the completion of Phase 1.

L. SIGNAGE

1. All signs shall be installed only as shown on the Approved Plans.
2. The lighting for the signs on the Property shall be placed on a timer to shut off between the hours of ~~10:00 p.m. and 6:00 a.m.~~, 8:00 p.m. and 6:00 a.m. Monday through Friday, 5:00 p.m. and 7:00 a.m. Saturday and shall be turned off all day Sunday unless otherwise approved by the Town Manager or designee for special events.

~~*[The applicant requests the lighting be shut off only for building tenant signs and these signs be shut off between midnight and 5:00 a.m.]*~~

3. There shall be no allowance for vehicle wraps and/or other similar means of identifying the tenants on the Property other than the signs approved with this Special Use Permit.

[Moved and edited from Stipulation C.5]

IV. APPROVED PLANS

The following plans and documents apply to the Property. In the case of discrepancies between Approved Plans, those with a later date shall take precedence. In the case of discrepancies between Approved Plans and Stipulations, the Stipulations shall take precedence as specified in Section III.A.5. [Update plans as move through planning process]

(SUP 18-12)	<ol style="list-style-type: none"> 1. ALTA Survey, Sheet 1 of 2 and Sheet 2 of 2, prepared by Superior Surveying Services, Inc., dated December 12, 2003 2. Cover Sheet, G-001, prepared by orcutt/winslow, with a revised date May 21, 2019. 3. Existing Architectural Site Plan, Sheet AS101, prepared by orcutt/winslow, with a revised date May 21, 2019. 4. Architectural Site Plan Phase 1, Sheet AS102, prepared by orcutt/winslow, with a revised date May 21, 2019. 5. Architectural Site Plan Phase 2, Sheet AS103, prepared by orcutt/winslow, with a revised date May 21, 2019. 6. Architectural Site Plan Phase 3, Sheet AS104, prepared by orcutt/winslow, with a revised date May 21, 2019. 7. Architectural Site Plan Phase I Enlarged Plan, Sheet AS105, prepared by orcutt/winslow, with a revised date May 21, 2019. 8. Architectural Site Plan Phase II Enlarged Plan, Sheet AS106, prepared by orcutt/winslow, with a revised date May 21, 2019. 9. Architectural Site Plan Phase III Enlarged Plan, Sheet AS107, prepared by orcutt/winslow, with a revised date May 21, 2019. 10. Architectural Site Plan with existing Condition, Sheet AS108, prepared by orcutt/winslow, with a revised date May 21, 2019. 11. Bldgs A & F Directories, Sheet 05.3.3, prepared by orcutt/winslow, with a revised date November 1, 2018. 12. Building A (Elevations), Sheet A-201, prepared by orcutt/winslow, with a revised date May 21, 2019. 13. Building A (Elevations), Sheet A-202, prepared by orcutt/winslow, with a revised date May 21, 2019. 14. Buildings B and C (Elevations), Sheet A-203, prepared by orcutt/winslow, with a revised date May 21, 2019. 15. Buildings B and C (Elevations), Sheet A-204, prepared by orcutt/winslow, with a revised date May 21, 2019. 16. Buildings C, D and E (Elevations), Sheet A-205, prepared by orcutt/winslow, with a revised date May 21, 2019. 17. Buildings C, D and E (Elevations), Sheet A-206, prepared by orcutt/winslow, with a revised date May 21, 2019. 18. Building F (Elevations), Sheet A-207, prepared by orcutt/winslow, with a revised date May 21, 2019. 19. Building Entries, Sheet A-208, prepared by orcutt/winslow, with a revised date May 21, 2019. 20. Building Entries, Sheet A-209, prepared by orcutt/winslow, with a revised date May 21, 2019.
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	<ol style="list-style-type: none"> 21. Sections & Open Space Criteria Analysis, Sheet A-301, prepared by orcutt/winslow, with a revised date May 21, 2019. 22. Open Space Criteria Analysis, Sheet A-302, prepared by prepared by orcutt/winslow, with a revised date May 21, 2019. 23. Site Section and Viewsheds, Sheet A-303, prepared by prepared by orcutt/winslow, with a revised date May 21, 2019. 24. Signage Plan, Sheet A-701, prepared by prepared by orcutt/winslow, with a revised date May 21, 2019. 25. Phase I Signage Plan, Sheet A-702, prepared by prepared by orcutt/winslow, with a revised date May 21, 2019. 26. Phase II Signage Plan, Sheet A-703, prepared by prepared by orcutt/winslow, with a revised date May 21, 2019. 27. Phase III Signage Plan, Sheet A-704, prepared by prepared by orcutt/winslow, with a revised date May 21, 2019. 28. Bldg and Monument Sign, Sheet A-705, prepared by orcutt/winslow, with a revised date May 21, 2019. 29. Phase III Directory, Sheet A-706, prepared by orcutt/winslow, with a revised date May 21, 2019. 30. Suite Sign and Directory, Sheet A-707, prepared by orcutt/winslow, with a revised date May 21, 2019. 31. Landscape Phasing Plan, Sheet L-100, prepared by orcutt/winslow and RVi, with a revised date April 8, 2019. 32. Existing Tree Plan, Sheet L-001, prepared by orcutt/winslow and RVi, with a revised date April 8, 2019. 33. Existing Tree Plan, Sheet L-002, prepared by orcutt/winslow and RVi, with a revised date April 8, 2019. 34. Landscape Plan (Proposed), Sheet L-101 through Sheet L-104, prepared by orcutt/winslow and RVi, a revised date April 8, 2019. 35. Landscape Buffer Illustrative, Sheet L-003, prepared by orcutt/winslow and RVi, a revised date April 8, 2019. 36. Proposed Landscape Buffer Sections, Sheet L-004, prepared by orcutt/winslow and RVi, a revised date April 8, 2019. 37. Existing Landscape Buffer Conditions, Sheet L-005, prepared by orcutt/winslow and RVi, a revised date April 8, 2019. 38. Photometric Site Plan and Cut Sheets, Sheet E-1.2 through E-1.4, prepared by orcutt/winslow and Henderson Engineers, with a revised date April 8, 2019. 39. Conceptual Grading & Drainage Plan, prepared by Stantec, dated October 19, 2018. 40. Narrative prepared by Orcutt Winslow Architects, last revised on November 1, 2018. 41. Concept Drainage Report prepared by Stantec, dated sealed by Kelly Bell on September 20, 2018. 42. Response from CivTech dated February 26, 2019 and Traffic Impact Analysis prepared by CivTech sealed by Dawn D. Cartier on February 11, 2019.
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	43. Parking Analysis prepared by Stantec, date sealed by Douglas Ostler on September 26, 2018. 44. Existing Perimeter Wall Photos
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Mountain View Medical Center
SUP-18-12
Existing Perimeter Wall Photos



SAFETY, HEALTH, SANITATION AND NUISANCE

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.

SAFETY, HEALTH, SANITATION AND NUISANCE

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.

SAFETY, HEALTH, SANITATION AND NUISANCE

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.

SAFETY, HEALTH, SANITATION AND NUISANCE

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.