

1 When recorded, return to:  
2 Paradise Valley Town Attorney  
3 6401 East Lincoln Drive  
4 Paradise Valley, Arizona 85253  
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7 **RESOLUTION NUMBER 2020-15**  
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10 **A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE**  
11 **TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING**  
12 **TEMPORARY RESCISSION AND AMENDMENTS TO CERTAIN**  
13 **ZONING ORDINANCE PROVISIONS DURING THE EFFECTIVE**  
14 **DATES FOR SOCIAL DISTANCING IN RESPONSE TO THE COVID-**  
15 **19 PANDEMIC AND RELATED TOWN PRACTICES TO STOP THE**  
16 **SPREAD OF COVID-19**  
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18 **NOW THEREFORE BE IT RESOLVED** BY THE MAYOR AND TOWN COUNCIL OF  
19 THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:

20 WHEREAS, on March 11, 2020 the World Health Organization officially declared a  
21 pandemic due to the COVID-19 outbreak; and

22 WHEREAS, COVID-19 infections have been confirmed in Arizona, with over eleven  
23 thousand confirmed cases and nearly 6,000 confirmed cases in Maricopa County as of May  
24 12, 2020; and

25 WHEREAS, on March 11, 2020 Governor Doug Ducey declared that a State of  
26 Emergency exists in Arizona due to the COVID-19 outbreak in Arizona and has since that  
27 date issued a number of executive orders in response to the evolving emergency; and

28 WHEREAS, on March 17, 2020 Mayor Jerry Bien-Willner, pursuant to the authority  
29 granted under Town Code §3-7-4(2), A.R.S. §26-307, and/or A.R.S. §26-311(A) issued a  
30 proclamation that due to the COVID-19 pandemic a local emergency exists in the Town of  
31 Paradise Valley; and

32 WHEREAS, to lessen the risk of the spread of COVID-19 the Centers for Disease  
33 Control and Prevention (“CDC”) has recommended that gatherings of people be limited to ten

1 (10) or fewer people, as well as recommending public social distancing standards of at least  
2 six (6) feet between people in public; and

3 WHEREAS, given the current federal and State recommendations to curtail exposure  
4 to COVID-19 to the extent possible, the Town of Paradise Valley, while remaining open  
5 virtually, has closed its Town Hall buildings to the public and has limited public meetings of  
6 the public bodies of the Town to remote electronic access; and

7 WHEREAS, Arizona Governor Doug Ducey has issued a number of executive orders  
8 that initially required that certain businesses within Arizona close and that others curtail their  
9 services, such as restaurants being curtailed initially to delivery, drive-up, and take out  
10 services only; and

11 WHEREAS, Arizona Governor Doug Ducey further issued an executive order that  
12 closed schools in March 2020 and the Governor recently stated that schools could potentially  
13 reopen within social distancing guidelines; and

14 WHEREAS, some businesses subject to the executive orders issued by Governor  
15 Ducey have been deemed essential and have been required to remain open, while others are  
16 permitted to remain open on a limited basis and under certain restrictions; and

17 WHEREAS, recent executive orders have established conditions under which certain  
18 businesses will now be permitted to reopen, but are being either required or encouraged to  
19 maintain only limited services and maintain policies that provide for social distancing; and

20 WHEREAS, the CDC and the State of Arizona has encouraged churches, schools,  
21 resorts and businesses in the Town to lessen the risk of the spread of COVID-19 by cancelling  
22 large group meetings and adopting spacing standards consistent with the CDC  
23 recommendations, which has led to the cancellation of many church services, closure of  
24 church offices, and the closure or restriction of schools and a number of services at resorts,  
25 restaurants, and medical businesses in the Town; and

1 WHEREAS, the rapidly evolving sets of regulations related to the Governor's  
2 executive orders and the recommendations from the CDC have led some churches, schools,  
3 resorts, medical offices, and other businesses to request temporary banner signs to advise their  
4 members, guests, students, and patrons that they are closed temporarily, have alternate online  
5 service options, or are open for only a limited range of services; and

6 WHEREAS, based on the need to create guidance to members, guests, students and  
7 patrons regarding appropriate social distancing on-site, some churches, resorts, schools,  
8 medical offices, and other businesses may need additional on-premise signage to direct their  
9 members, guests, students and patrons for parking, creating spacing in lines or check-in  
10 points, and other such advisory signage ("On-Premise Signage") that will not be needed once  
11 the social distancing guidance is relaxed or modified; and

12 WHEREAS, in anticipation of the potential for restrictions on school, businesses, and  
13 SUP property operations being modified so that these facilities may reopen so long as social  
14 distancing and other measures are implemented, the Town has received a request to use and  
15 place onsite a temporary storage container to house furniture and equipment that is being  
16 removed so as to create appropriate distancing in order to comply with CDC  
17 recommendations; and

18 WHEREAS, in order to maintain social distancing some churches, resorts, schools,  
19 medical offices, and other businesses may need to request temporary tents so that members,  
20 guests, students and patrons will have a shaded or protected area for curbside pickups, and/or  
21 waiting areas necessary as a result of social distancing guidelines; and

22 WHEREAS, pursuant to Town Code Section 3-7-4, the Town Council has the power  
23 to make, amend, and rescind regulations, not inconsistent with regulations promulgated by  
24 the Governor, necessary for civil preparedness, which regulations shall have the full effect of  
25 an Ordinance when a copy is filed in the office of the Town Clerk and has been posted by

1 direction of the Town Clerk in three or more public places within the Town; and

2 WHEREAS, given the public health concerns noted above this Resolution should take  
3 effect immediately upon its adoption.

4 NOW, THEREFORE, BE IT RESOLVED that:

5 1. Pursuant to Town Code Section 3-7-4, the Town Council hereby amends the  
6 provisions of Town Zoning Ordinance Sections 2510(7) and 1104 et. seq. as follows:

7 a. From March 17, 2020 until the Town Council decides to rescind or modify  
8 the terms of this Resolution (the “Pandemic Period”) the use of banner  
9 signs at Special Use Permit properties is hereby modified and amended as  
10 follows: (1) banner signs installed and used during the Pandemic Period  
11 shall not be counted towards the limitation in Zoning Ordinance Section  
12 2510(7) of sixty (60) days of banner sign usage for SUP properties; (2) the  
13 requirement in Zoning Ordinance Section 2510(7) that a banner sign that  
14 is displayed for more than seven (7) consecutive days “not be displayed  
15 until 14 days have elapsed” shall not be enforced during the Pandemic  
16 Period; and (3) the limitation on banner signs per SUP property in Section  
17 2510(5) to “to no more than one at a time” shall be modified to now allow  
18 up to two banner signs; provided, however, that all other Zoning Ordinance  
19 provisions related to banner signs shall remain in effect during the  
20 Pandemic Period.

21 b. During the Pandemic Period, notwithstanding any provision in the Town  
22 Code or Zoning Ordinance, the use of On-Site Signage at SUP properties  
23 shall be permitted provided that the On-Site Signage is not visible from  
24 any street, alley, or public property and is limited to only those signs  
25 necessary to direct members, guests, students and patrons regarding social

1 distancing policies and processes for directing, parking, creating spacing  
2 in lines or check-in points, and other related advisory signage.

3 c. During the Pandemic Period the installation of a temporary storage  
4 containers at SUP properties shall be permitted as an additional temporary  
5 use under Section 1104 and 1104.3 provided such containers are used to  
6 store furniture and equipment so that classrooms, cafeterias, restaurants,  
7 lobbies, meeting rooms, or office space can be arranged with appropriate  
8 spacing consistent with the CDC recommendations; and further provided  
9 that the usage of temporary storage containers shall be limited to the  
10 minimum needed in order to temporarily store necessary furniture, The  
11 location of the temporary storage containers shall first be approved by the  
12 Town Manager and located such that their impacts on adjoining residential  
13 properties are objectively minimized, with respect to setback, height,  
14 visibility from the right-of-way or adjoining residential homes, color of the  
15 storage container, screening, etc..

16 d. During the Pandemic Period the installation of a temporary tents on any  
17 SUP property required to better promote social distancing shall be  
18 permitted as an additional temporary use under Section 1104 and 1104.3  
19 provided that such temporary tent uses are limited to a showing that the  
20 temporary tents and/or other temporary facilities are needed to promote  
21 social distancing regulations, are limited to the minimum needed in order  
22 to address the impacts of social distancing, and are first approved by the  
23 Town Manager and located such that their impacts on adjoining residential  
24 properties are minimized.

25 2. The Town Manager is hereby authorized to waive the temporary use permit

1 application fees for temporary storage containers, temporary tents and other temporary  
2 facilities as needed during the Pandemic Period.

3 3. The regulations amended pursuant to this Resolution are not inconsistent with  
4 regulations promulgated by the Governor, are necessary for civil preparedness, and  
5 shall have the full effect of an Ordinance when a copy of this Resolution is filed in the  
6 office of the Town Clerk and posted by the Town Clerk.

7 4. In the event that this Resolution is rescinded or modified, those SUP properties that  
8 have erected banners, temporary on-site signage, temporary storage containers, tents  
9 or other temporary facilities shall have thirty (30) days after the effective date of the  
10 rescission or modification to bring their properties into compliance.

11 5. An emergency is hereby declared to exist such that this Resolution shall take effect  
12 immediately upon its adoption and filing.

13 PASSED AND ADOPTED by the Mayor and Council of the TOWN OF PARADISE  
14 VALLEY, Arizona, this 14th day of May, 2020.

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20 Jerry Bien-Willner, Mayor

21 ATTEST:

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24 \_\_\_\_\_  
25 Duncan Miller, Town Clerk  
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31 APPROVED AS TO FORM:

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35 Andrew M. Miller, Town Attorney

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