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 ZONING ORDINANCE PROVISIONS DURING THE EFFECTIVE
13 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
17	
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

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an Ordinance when a copy is filed in the office of the Town Clerk and has been posted by

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

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

## NOW, THEREFORE, BE IT RESOLVED that:

- 1. Pursuant to Town Code Section 3-7-4, the Town Council hereby amends the provisions of Town Zoning Ordinance Sections 2510(7) and 1104 et. seq. as follows:
  - a. From March 17, 2020 until the Town Council decides to rescind or modify the terms of this Resolution (the "Pandemic Period") the use of banner signs at Special Use Permit properties is hereby modified and amended as follows: (1) banner signs installed and used during the Pandemic Period shall not be counted towards the limitation in Zoning Ordinance Section 2510(7) of sixty (60) days of banner sign usage for SUP properties; (2) the requirement in Zoning Ordinance Section 2510(7) that a banner sign that is displayed for more than seven (7) consecutive days "not be displayed until 14 days have elapsed" shall not be enforced during the Pandemic Period; and (3) the limitation on banner signs per SUP property in Section 2510(5) to "to no more than one at a time" shall be modified to now allow up to two banner signs; provided, however, that all other Zoning Ordinance provisions related to banner signs shall remain in effect during the Pandemic Period.
  - b. During the Pandemic Period, notwithstanding any provision in the Town Code or Zoning Ordinance, the use of On-Site Signage at SUP properties shall be permitted provided that the On-Site Signage is not visible from any street, alley, or public property and is limited to only those signs necessary to direct members, guests, students and patrons regarding social

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

- c. During the Pandemic Period the installation of a temporary storage containers at SUP properties shall be permitted as an additional temporary use under Section 1104 and 1104.3 provided such containers are used to store furniture and equipment so that classrooms, cafeterias, restaurants, lobbies, meeting rooms, or office space can be arranged with appropriate spacing consistent with the CDC recommendations; and further provided that the usage of temporary storage containers shall be limited to the minimum needed in order to temporarily store necessary furniture, The location of the temporary storage containers shall first be approved by the Town Manager and located such that their impacts on adjoining residential properties are objectively minimized, with respect to setback, height, visibility from the right-of-way or adjoining residential homes, color of the storage container, screening, etc..
- d. During the Pandemic Period the installation of a temporary tents on any SUP property required to better promote social distancing shall be permitted as an additional temporary use under Section 1104 and 1104.3 provided that such temporary tent uses are limited to a showing that the temporary tents and/or other temporary facilities are needed to promote social distancing regulations, are limited to the minimum needed in order to address the impacts of social distancing, and are first approved by the Town Manager and located such that their impacts on adjoining residential properties are minimized.
- 2. The Town Manager is hereby authorized to waive the temporary use permit

1		application rees 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	VAL	LEY, Arizona, this 14th day of May, 2020.	
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17 18			
19		Jerry Bien-Willner, Mayor	
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21	ATT	EST:	
22 23			
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25	Duncan Miller, Town Clerk		
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30 31	ΔPP	ROVED AS TO FORM:	
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35	Andı	ew M. Miller, Town Attorney	