



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Meeting Notice and Agenda Town Council

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Monday, August 19, 2019

8:00 AM

Council Chambers

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### 1. CALL TO ORDER / ROLL CALL

*Notice is hereby given that members of the Town Council will attend either in person or by telephone conference call, pursuant to A.R.S. §38-431(4).*

### 2. ACTION ITEMS

*The Town Council May Take Action on This Item. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.*

#### 19-312

#### **Consideration of Ordinance 2019-09 Amending Section 2-5-2.I of the Town Code Modifying Alternative Design Standards for Small Wireless Facilities Located in Town Rights-of-Way**

**Recommendation:** It is recommended Town Council suspend Council Procedural Rule Section VIII(b)(2) and adopt Ordinance 2019-09.

**Staff Contact:** Jeremy Knapp, Community Development Director, 480-348-3522

### 3. EXECUTIVE SESSION

#### 19-314

**The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).**

#### 4. ADJOURN

*AGENDA IS SUBJECT TO CHANGE*

*Pursuant to A.R.S. § 38-431.02, notice is hereby given to the general public and to the Town Council of the Town of Paradise Valley that a quorum of Council Members may go to the Rita's Kitchen, Camelback Inn, 5402 E Lincoln Drive following the Town Council meeting. No policy matters will be discussed and no legal action will be taken.*

*\*Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

*The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Town Council meeting.*



## Action Report

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**File #:** 19-312

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager  
Dawn-Marie Buckland, Deputy Town Manager  
Jeremy Knapp, Community Development Director

**DATE:** August 19, 2019

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

**Consideration of Ordinance 2019-09 Amending Section 2-5-2.I of the Town Code Modifying Alternative Design Standards for Small Wireless Facilities Located in Town Rights-of-Way**

**RECOMMENDATION:**

It is recommended Town Council suspend Council Procedural Rule Section VIII(b)(2) and adopt Ordinance 2019-09.

**SUMMARY STATEMENT:**

In August of 2017 the Town Council adopted Ordinance 2017-05 (Attachment A), setting procedures for review and approval of Small Cell Wireless Facilities (Small Cell) located in the Town's right-of-way to comply with a newly adopted State statute. The ordinance allowed for Small Cell deployment through an administrative process if the proposal met the Town's objective design standards. The two objective design standards in the existing Town Code utilizes concealment methods already installed in the Town, which are:

1. A 24-foot-tall faux cactus; or,
2. Atop an existing street light or traffic signal pole, with the design to match 56<sup>th</sup> Street and Lincoln.

If an applicant meets the objective design standards, the application is processed administratively through the Planning Commission within 75 days of the application being deemed complete by town staff. If the applicant cannot meet one of the two objective design standards, they can proceed through the SUP process to install a new pole. This process is a minimum of 180 days and requires the Town to be the applicant as the SUP would be within Town right-of-way.

Recently an applicant approached the town requesting to replace two existing street light poles with two new street light poles and cellular equipment on top. The proposed locations are along Scottsdale Road in front of the Doubletree Resort, between Jackrabbit Road and Vista Drive. For

location maps and photo simulations, please see Attachment C.

At the locations proposed, the faux cacti would not be consistent with the surrounding landscaping. The existing light poles are 6- and 5/8-inches inches in diameter at their base. Since the applicant is required to meet the standards of the 56<sup>th</sup> Street Signal pole and the cellular equipment proposed is 18.3 inches in diameter, the applicant has chosen to provide 18 inches diameter poles. These poles would be out of character with the rest of the signals and street light poles along Scottsdale Road, as they are much wider than the existing street light poles and would be a different color.

Due to timing issues, the applicant initially planned on replacing the existing street light poles that would be 16.3 inches in diameter and wider than other poles along Scottsdale Road rather than wait for the typical 6-month SUP process. Consequently, staff, Mayor, and Vice-Mayor have approved this Special Council Meeting to be responsive to the need for carriers to meet their deadlines and the Town's desire to improve cell coverage in Paradise Valley.

For these reasons, staff is proposing to amend the objective design standards for this unique situation along Scottsdale Road. The proposed language adds the following:

For street light installations in a series along Scottsdale Road, the replacement pole shall substantially match the existing pole in finish and color, diameter and taper, and have a luminaire arm that substantially matches the existing luminaire arm of the existing light pole. The application shall be considered in context with adjacent existing light poles to ensure consistency along the streetscape. All antennas and "pole-mounted" equipment shall be within a cylinder or container (or within the replacement pole) with said container not exceeding twenty (20) inches in diameter, with a three hundred and sixty (360) degree shroud that tapers from the bottom of the container to the pole. The only protrusions or extensions from the pole shall be those that existed before the replacement pole, that is, in the case of street lights the mast arms or other supports for luminaires.

If the Council approves this code change, the staff and Planning Commission would consider this and other applications along Scottsdale Road that are more consistent with the existing streetscape. All other street light poles, not in a series along Scottsdale Road, will still be required to meet the existing ordinance language.

Consideration of this item requires the Town Council suspend Council Procedural Rule Section VIII(b) (2) which requires an Ordinance to be heard at two separate meetings. The process typically includes a Work Study Session at the first meeting and consideration for adoption at the second meeting.

**BUDGETARY IMPACT:**

No budgetary impact is anticipated.

**ATTACHMENT(S):**

Attachment A - Existing Town Code Section 2-5-2 Small Cell Wireless Facilities

Attachment B - Ordinance 2019-09 Small Cell Wireless Facilities Revisions

Attachment C - Map and Exhibits

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**File #:** 19-312

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Attachment D - PowerPoint Presentation

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- (a) Publication in a local newspaper distributed to residents living within the Town of Paradise Valley.
  - (b) Posting at official Town posting locations.
  - (c) Posting on the Town's web site.
4. After the citizen Review session, the Planning Commission may take all issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendments at such session into account when it considers its recommendation to the Town Council on the proposed text amendment and shall, prior to the Council's public hearing on the proposed text amendment, report to the Council the issues and concerns raised during the citizen review input and discussion session.
- H. Planning Agency. Pursuant to Arizona Revised Statute §9-461.01, the Community Development Department is hereby established as the Planning Agency for all purposes set forth in the Arizona Revised Statutes.

I. Small Wireless Service Facilities Located in the Rights-Of-Way <sup>2017-05 2018-01 2019-08</sup>

- I-1 Purpose
- I-2 Definitions
- I-3 General Requirements
- I-4 Siting Standards
- I-5 Design Standards
- I-6 Alternative Design Standards
- I-7 Radiofrequency (RF) Performance and Interference Standards and Monitoring
- I-8 Noise and Environmental Standards
- I-9 Co-Location and Limitations
- I-10 Submittal Requirements
- I-11 Permit Limitations and General Conditions
- I-12 Applicability

1. Purpose.

The purpose of this ordinance is to establish appropriate locations, site development standards, and permit requirements to allow for Small Wireless Facilities to be located in the rights-of-way as required by A.R.S. § 9-591 et. seq., subject to such small wireless facilities meeting the objective design standards and stealth and concealment requirements provided in this section. The approval and installation of Small Wireless Facilities are intended to be done in a manner which has been a successful design standard in place since 2010. The nature of residences, their scale (height and mass), their proximity to each other and the street, and the extensive

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natural, informal landscaping all contribute to this distinctive character and require design standards and stealth and concealment requirements that will preserve the residential character of the Town while also providing design alternatives that will permit a quick and timely review of Small Wireless Facility applications consistent with the intent of A.R.S. § 9-592. Minimizing the adverse visual impact of these Small Wireless Facilities within the predominately residential areas of the Town is one of the primary objectives of this ordinance. The Town, its residents and some providing utilities have made significant investment in eliminating overhead utility lines in Paradise Valley. Protecting that investment is also consistent with this ordinance. Limitations on the height of antennas are intended to conform the antennas to the existing limitations on height of residential buildings in the Town. The ordinance is also intended to allow Small Wireless Facilities which are sufficient in location choices and height to provide adequate personal wireless service to citizens, resort guests, the traveling public, and others within the Town.

### 2. Definitions.

For the purpose of this Section, the following terms shall have the meanings prescribed herein unless the context clearly requires otherwise:

- a) "Administrative Small Wireless Facility Permit" means the administrative permit approved by the Town for a Small Wireless Facility site.
- b) "Antenna" means communication equipment that transmits or receives electromagnetic radio frequency signals and that is used as part of a Small Wireless Facility;
- c) "Applicant" means a person or other entity who submits an application to the Town for an Administrative Small Wireless Facility Permit for a Small Wireless Facility in the Town rights-of-way. A Permittee and the owner of the subject property (which may be through a master license agreement), and/or utility pole shall be an Applicant(s) or co-Applicant(s) on such application;
- d) "Application" means a complete submittal for an Administrative Small Wireless Facility Permit on a form or set of forms prescribed by the Town that is deemed complete by the Town staff and contains all of the required submittals, studies, diagrams, photo simulations, and other documentation required pursuant to the checklists on the prescribed form(s) or in this Section.
- e) "Co-location" means the use of a single mount and/or site by more than one small wireless service provider;
- f) "Design" means the appearance of a Small Wireless Facility, including but not limited to its material, color or shape;
- g) "Equipment cabinet" means an enclosed box that is either located in a vault at or near the base of the SWF which contains, among other things, batteries and

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electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by underground cables.

- h) "Location" means property(ies) or site(s) where Small Wireless Facilities are located or could be located;
- i) "Modification" means any physical or operational change, alteration, or other modification of any of the following as they relate to a Small Wireless Facility or the subject property upon which it is located, including but not limited to:
  - i. The site plan;
  - ii. The sight line representation;
  - iii. The design submittal as required in this Section;  
  
The conversion of a single-use Small Wireless Facility to a co-location is also considered a modification;
- j) "Monopole" means a type of mount that is self-supporting with a single shaft of steel or concrete or other acceptable material that is not more than forty inches in diameter at ground level and that has all of the small wireless facilities mounted on the pole or contained inside the pole;
- k) "Permittee" means an Applicant who has an approved Administrative Small Wireless Facility Permit;
- l) "Small Wireless Facility" or "SWF" means any of several technologies using radio signals at various frequencies to send and receive voice, data or video to and from mobile transceivers; which are composed of a faux cactus that houses Antennas internally or a replacement Utility Pole that has Antennas that are no more than six cubic feet in volume, AND any of the following:
  - i. Equipment cabinet less than twenty-eight cubic feet in volume; or
  - ii. Underground vault for equipment; or
  - iii. Electric meter (where required by law); or
  - iv. Grounding Equipment and a power transfer switch
- m) "Small Wireless Services" means commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and any amendments thereto, and any services that are provided to the public and that use licensed or unlicensed spectrum, whether at a fixed location or mobile and that use small wireless facilities;



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- n) "Sight Line Representation" means a drawing in which a sight line is drawn from a street level view (viewpoint shall be approximately 4 feet above grade) within five hundred (500) feet of the SWF to the highest point (visible point) of the SWF. Each sight line shall be depicted in profile, drawn at one inch equals forty (40) feet unless otherwise specified by the Town. The profiles shall show all intervening trees and structures;
- o) "Site" means the subject property where a small wireless facility is located or proposed to be located.
- p) "Siting" means the method and form of placement of a small wireless facility on a specific area of a subject property pursuant to the provisions of this Section;
- q) "Subject Property" means all the specific rights-of-way upon which a small wireless facility is either proposed to be, or already is, developed, located, constructed or operated; and
- r) "Utility Pole" means a pole or similar structure that is used in whole or in part for communications services, electric distribution, lighting or traffic signals, but excludes a monopole.

### 3. General Requirements.

- a) In order to locate a SWF in the Town's rights-of-way, a Permittee must obtain or hold a Master License Agreement.
- b) No SWF may be developed, located, constructed or operated without an Administrative Small Wireless Facility Permit. An Administrative Small Wireless Facility Permit is also required for any modification to a SWF. The requirements to obtain an Administrative Small Wireless Facility Permit are more fully described in subsection 10 below.
- c) The process for an Administrative Small Wireless Facility Permit shall be:
  - i. Determination of a complete application by the Town Manager or designee. An application on a form prescribed by the Town shall be submitted (and the fee set forth in the Town of Paradise Valley Fee Schedule, as such may be amended from time to time, shall be paid) by the applicant at the time of submission of the application.
  - ii. Review of the proposed site by staff with a staff recommendation to Planning Commission regarding the proposed site or an alternate site within one hundred (100) feet that maintains the technical needs of the Applicant and blends with the existing built and natural environment.
  - iii. Review of the application by the staff to determine if the applicant is applying for compliance with the objective design standard, the alternate objective design standard or neither. An Applicant who chooses not to

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comply with the objective design and concealment standards or the alternative provided for herein shall follow the requirements for a special use permit for a new utility pole under the provisions of Article XI of the Town Zoning Ordinance which shall be processed within one hundred eighty (180) days after the filing of a complete application for a special use permit. All applications for monopoles within the Town rights-of-way shall be excluded from the Application process for SWFs and shall instead be subject to Article XI of the Town Zoning Ordinance.

- iv. The Administrative Small Wireless Facility Permit application shall be forwarded to the Planning Commission for a review of the siting and the site specific design; the Commission shall then hold a public meeting to take input from interested parties, including the notified property owners within five hundred feet of the selected site on matters pertaining to view-sheds, sightlines, blending of the site with existing built or natural environment, and compliance with the objective design standards or alternative objective design standard and any aesthetic concerns not otherwise addressed in the site specific design.
  - v. The Commission shall either approve or deny an application within seventy-five (75) days of an Applicant having submitted a complete Application for a specific site; with any denials to specify the basis for the denial and specific parts of the Application that do not comply with the provisions of this Section. The Applicant may then seek to cure the deficiencies in the Application and resubmit the Application within thirty days of the denial. The Commission shall then meet and review the resubmittal within thirty days after having received the resubmittal to determine whether the deficiencies have been cured or not. If cured, the Commission shall approve the Application.
- d) The objective design standards for the Town that achieve reasonable stealth and concealment are:
- i. Generally described as a twenty-four foot faux cactus; or
  - ii. An existing or replaced traffic signal pole or street light pole consistent with the specifications noted below;
  - iii. If no existing or replacement utility pole exists, the Applicant may request a new SWF through the Town's Special Use Permit process outlined in Article XI of the Town's Zoning Ordinance.
4. Siting Standards. The following siting criteria apply to consideration of an Administrative Small Wireless Facility Permit for a SWF:
- a) After an Applicant identifies an area to site a Small Wireless Facility, Town staff shall evaluate the area near the site with the Applicant to find the optimal location for the small wireless facility (said area to include the total area

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within a one hundred foot radius of the Applicant's preferred site, provided that any staff-proposed alternate location does not substantially compromise the coverage and capacity of the proposed antenna), with initial siting to be objectively chosen based on the following criteria:

i. Safety.

- A. Sites should not be located within the Town's corner vision view triangle near street or driveway intersections so as to not be in areas where car accidents are more frequent, that is, near the intersection of streets;
- B. Sites should be spaced as far back from the sidewalk or street curb so as to not pose a hazard to bicyclists, pedestrians or vehicular traffic; and
- C. In order to maintain a safe "fall zone" a SWF shall be set back from existing habitable structures on private property by a distance equal to the height of the top of the antenna structure.

ii. Appearance.

- A. New SWFs shall be located in areas where they can blend into the existing built and natural environment, that is, in areas where existing trees and shrubs of size similar to the antenna height already exist and where the addition of the antenna to the built environment will least affect the view sheds from neighboring properties.
- B. Depending upon the degree to which the SWF "blends with" or "disturbs" the setting, the subject property and its character and use, or neighboring properties and their character and use, the Commission may request that additional landscaping be installed as part of the approval. The SWF landscaping may include trees, mature vegetation, natural features or hardscaping within the rights-of-way area surrounding the SWF.
- C. All equipment shall be located within the faux cactus structure to the greatest extent possible, and all other equipment shall be located underground or within a faux rock to the greatest extent possible. At no time is the "other equipment" to extend beyond the rights-of-way area.
- D. No signage shall be placed on a faux cactus.
- E. If equipment cabinets are deemed necessary by the Town, they shall be completely screened from view by a compatible wall, fence or landscaping consistent with the Town landscaping guidelines and consistent with this ordinance. Any utility meter

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associated with the SWF shall face away from the street or shall be camouflaged in some manner.

- F. To the extent allowed by law, the Commission shall consider the cumulative visual effects of SWFs and any mount, specifically their appearance or domination of the skyline, natural and structural features or terrain, in determining whether to approve an Administrative Small Wireless Facility Permit, provided that in no case does this subsection allow the complete rejection of a site within the fifty (50) foot radius of the preferred site.
- iii. Form. The degree to which the shape of the SWF and any equipment shall relate to its surroundings.
- iv. Color. A SWF shall be in natural tones and a non-reflective color or color scheme appropriate to the background against which the SWF would be viewed from a majority of points within its viewshed. "Natural" tones are those reflected in the natural features and structural background against which the SWF is viewed from a majority of points within its viewshed. Final colors and color scheme must be approved by the Planning Commission.
- v. Strength. Any SWF shall be designed to withstand the requirements related to wind loads in the most current building code adopted by the Town.
- b) Subsequent to staff review and recommendation of a selected site, said site, along with the original proposed site by the Applicant if said site differs from staff recommendation, shall be forwarded to Planning Commission as part of the Commission's review of the Administrative Small Wireless Facility Permit.
- 5. Design Standards and Aesthetics Mandate the Use of "Faux Cactus" SWFs. To maximize the concealment of SWFs, the first type of antenna and support structure to be considered shall be a faux cactus installation designed as follows:
  - a) Shall utilize the Larson Camouflage model LCA-0-24-24 fiberglass antenna structure or equivalent, maximum twenty four foot tall from the ground or base;
  - b) Shall contain standard details, such as dimensions, colors and materials, the same as those used for the existing faux cactus installation throughout the Town (please refer to standard details provided in the application);
  - c) Shall be designed to the greatest extent possible to look like part of the natural environment, thus they shall not be placed in existing concrete such as a sidewalk nor shall concrete be placed around the base of the facility except as needed to anchor and support the structural elements of the SWF, with such

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concrete anchor to be hidden by earth, rocks, decomposed granite and the planting of two (2) trees and three (3) shrubs near the base or alternate landscape as approved by the Town.

- d) All ground mounted equipment and connections shall be buried with the exception of the utility meter which shall face away from the street and the disconnect switch;
6. Alternative Design Standards Utilizing an Existing Utility Pole. An Applicant may propose the use of an existing Utility Pole SWF installation, for which the following design and concealment criteria shall be used:
- a) If the selected Utility Pole is a traffic signal or street light, the existing traffic signal or street light shall be replaced with a new engineered street light or traffic signal pole design that has the appropriate structural support strength including any footing modifications to accommodate the height and weight of the antenna and equipment located within the replacement pole;
  - b) The maximum height of the replacement pole shall not be more than six feet above the pre-existing height of the street light vertical pole or traffic signal vertical pole that it replaced (not including the mast arm);
  - c) All antennas and “pole-mounted” equipment shall be within a cylinder or container (or within the replacement pole) that is within two (2) inches of the width or diameter of the adjoining utility pole, with said container width or diameter not to exceed twenty inches. The only protrusions or extensions from the pole shall be those that existed before the replacement pole, that is, in the case of street lights and traffic signals the mast arms or other supports for street lights, street name signs, and traffic signals;
  - d) All wiring associated with the SWF shall be contained within the replacement pole or underground;
  - e) All ground mounted equipment and connections shall be buried with the exception of the utility meter and the disconnect switch;
  - f) Shall contain standard details, such as dimensions, colors and materials, the same as those used for the existing 56<sup>th</sup> Street and Lincoln traffic signal installation that is consistent with the standard details in the application.
7. Radiofrequency (RF) Performance and Interference Standards and Monitoring.
- a) To the extent allowed by law, the following radiofrequency (RF) maximum permissible exposure standards apply to consideration of an Administrative Small Wireless Facility Permit for a SWF, in addition to monitoring requirements as required in this Article:
    - i. All equipment proposed for a SWF shall meet the current FCC RF Guidelines and any amendments thereto (hereafter "FCC Guidelines");

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- ii. For SWFs attached to utility poles or any other structures not owned by the Applicant, graphically shall illustrate in three dimensions the worst case exposure levels that exceed FCC limits for service personnel accessing the area near the SWF exposure zones. If the graphic illustration exceeds the FCC exposure limit in any area accessible to workers who would work on maintenance or repair to the traffic signals, lights, or utility wiring on the utility pole, a narrative must be supplied containing all the information required to provide an RF Safety plan to protect workers from RF exposure above the FCC limits. Said illustrations shall be kept on file with Public Works.
- b) Within ninety (90) days after FCC issuance of an operational permit for the SWF the Permittee shall submit a written report providing existing measurements and worst case predictions of RF power density levels from the SWF for:
- i. Existing SWF: Report the maximum RF power density levels (spatially averaged per FCC Guidelines) measured in the areas identified as readily accessible to the public or workers;
  - ii. Existing SWF plus cumulative: Maximum estimate of RF power density levels (spatially averaged per FCC Guidelines) measured in the SWF RF environment to be inclusive of any other significant contributors to the RF environment (i.e. co-located SWF). Definition of “Significant Contributors” to be any contributor >5% of the FCC Public limit at any measurement location;
  - iii. Certification signed by a competent person stating that RF radiation measurements are performed with properly calibrated test equipment and meet FCC Guidelines.
- c) If FCC Guidelines are changed during the period of any Administrative Small Wireless Facility Permit for a SWF use, then the SWF shall be brought into compliance with such revised guidelines within the time period provided by the FCC; or if no time period is stated, then within sixty (60) days of the effective date of such guidelines.
- d) If at any time during the term of the permit the Town has reasonable evidence that the Permittee is not in compliance with FCC Guidelines, and the Town provides notice of such, the Permittee so notified shall provide to the Town, within thirty (30) days after such notice, an analysis and determination of its compliance with FCC guidelines showing the data collected and status pursuant to FCC Guidelines. If on review, the Town finds that the SWF does not meet FCC Guidelines, the Permittee shall immediately turn off the SWF and shall have sixty (60) days from the date of the Town's finding of noncompliance to bring the SWF into compliance. If compliance is not achieved in the sixty-day period, the Administrative Small Wireless Facility Permit may be revoked or modified by the Town.

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- e) The Permittee shall ensure that the SWF does not cause localized interference with the reception of other FCC licensed services. If on review the Town finds that the SWF interferes with such reception, and if such interference is not cured by the Permittee within sixty (60) days after notice from the Town, the Town may revoke or modify the Administrative Small Wireless Facility Permit.

### 8. Noise and Environmental Standards.

- a) To the extent allowed by law, the following noise and environmental standards apply to consideration of an Administrative Small Wireless Facility Permit for a SWF in addition to the monitoring requirements of this Article:

- i. A SWF shall not generate noise in excess of the noise limits specified in Article 10-7 of the Town Code measured at ground level at the base of the facility closest to the antenna;
- ii. If an environmental assessment is required by the National Environmental Policy Act (NEPA) for any SWF prior to commencing operations the Applicant shall specify which of the following exist:

- A. Wilderness area;
- B. Wildlife preserve;
- C. Endangered species;
- D. Historical site;
- E. Indian religious site;
- F. FEMA designated flood plain;
- G. Other

- iii. Where any of the above conditions exist, an environmental assessment which, at a minimum, conforms to FCC requirements shall be submitted to the Town for each SWF where any of the above exists, and when the FCC requires such an environmental assessment to be submitted to the FCC. If the Applicant has determined that an environmental assessment is not required pursuant to FCC rules, this Article and applicable state law and Town Code, a written certification to that effect must be submitted to the Town.

- 9. Co-Location and Limitations. Co-location of antennas and equipment is permitted and encouraged on approved SWFs. All proposed co-locators must also receive an Administrative Small Wireless Facility Permit for the use at such site from the Town.

### 10. Submittal Requirements.

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- a) In addition to the information requested in the Town's Administrative Small Wireless Facility Permit application, the following items shall be required for a SWF application:
- i. A master site plan showing the subject property and adjoining properties within one hundred (100) feet of the proposed SWF site including existing SWF, roads, sidewalks and driveways; all existing and proposed structures on the subject property and their purpose; the specific placement of the SWF antenna and equipment; fall zone; and all proposed changes to the existing site;
  - ii. A landscape plan showing the location of existing and proposed vegetation, trees and shrubs, identified by species and size of specimen in accordance with Town Landscape Guidelines. Said landscape plan shall be approved by the Planning Commission to ensure appropriate blending with the site;
  - iii. Photographs(or digital images), diagrams, photo simulations and sight line representations as listed below:
    - A. Aerial photograph showing SWF location;
    - B. Elevations of antenna and associated equipment;
    - C. Sight line representation;
    - D. Existing (before condition) photographs of what can currently be seen from any adjacent residential buildings or properties, private roads and rights-of-way adjacent to the site;
    - E. Photo simulations of the proposed facility from each adjacent residential properties or buildings, private roads and public rights-of-way adjacent to the site (after condition photographs). Such photo simulations shall include, but not be limited to, each of the existing condition photographs with the proposed SWF superimposed on it to show what will be seen from residential buildings, properties, private roads and rights-of-way adjacent to the site at the adjacent properties' property line;
  - iv. Design submittals as follows:
    - A. Equipment brochures for the SWF such as manufacturer's specifications or trade journal reprints;
    - B. Materials of the SWF and faux cacti, replacement pole, faux rock, and camouflaged equipment shelter, if any, specified by generic type and specific treatment, such as painted fiberglass, anodized aluminum, stained wood, etc.;



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- C. Colors represented by samples or a color board showing actual colors proposed;
  - D. Dimensions of all equipment specified for all three dimensions: height, width and breadth;
  - v. Evidence of permission to use utility pole by owner if SWF is to be located on an existing or replacement utility pole;
  - vi. If the Applicant determines that an environmental assessment is not required, certification to that effect shall be provided. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance.
- b) The Town shall have twenty (20) days to deem the application complete. A complete application will have all submittals listed in this subsection and each submittal shall fulfill the stated requirements.

### 11. Permit Limitations and General Conditions.

- a) An Administrative Small Wireless Facility Permit shall expire ten (10) years after the date of approval. A Permittee desiring to continue the use at the end of the ten-year period must apply for a renewal at least six months prior to its expiration. In ruling on the renewal the Planning Commission shall apply all then-existing regulations affecting the application.
- b) The Administrative Small Wireless Facility Permit shall become null, void and non-renewable if the permitted facility is not constructed and placed into use within one hundred eighty days after the issuance date unless extended by agreement of the Town and the Applicant or a delay is caused by a lack of commercial power at the Site.
- c) The permit shall expire and the Permittee must remove the SWF and all associated equipment and wiring and restore the site to its original condition leaving the approved landscaping if the license agreement with the Town expires or is void due to breach or other cause. A Permittee shall notify the Town in writing at least thirty (30) days prior to abandonment or discontinuance of operation of the SWF.
- d) If the Administrative Small Wireless Facility Permit expires, terminates, is abandoned or revoked for any reason pursuant to this Article or the Town Code, if removal of the SWF is required in this Article, or if the use is discontinued pursuant to this Article, the SWF shall be removed as required by the terms of the License agreement between the Town and the Permittee. For purposes of this subsection, abandoned shall mean not in use for SWF functions for ninety (90) days.

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- e) The Permittee shall maintain the SWF to standards that are imposed by the Town at the time of granting of a permit. Such maintenance shall include, but shall not be limited to, maintenance of the paint, structural integrity and landscaping. If the Permittee fails to maintain the facility, the Town may undertake the maintenance at the expense of the Permittee or terminate or revoke the permit, at its sole option. If such maintenance expense is not paid by the Permittee within thirty (30) days of notice by the Town, the Permittee agrees that the Town's costs shall constitute a lien upon any personal property of the Permittee installed with the Town's rights-of-way.
- f) An Administrative Small Wireless Facility Permit granted to a Permittee is specific to the Permittee and may not be assigned, provided, however, that the Permittee may assign its interest in the permit to any subsidiary or other affiliate of the Permittee. In the event of such assignment, the assignee shall re-execute through Town Manager or designee the Administrative Small Wireless Facility Permit and Master License Agreement within ninety (90) days of the effective date of the assignment or the permit shall automatically expire.
- g) Any violation of the terms of this Article or the Administrative Small Wireless Facility Permit may result in revocation by the Town of the Administrative Small Wireless Facility Permit. Acceptance of any portion of the Administrative Small Wireless Facility Permit is acceptance of the entire Administrative Small Wireless Facility Permit and the terms of this Article.
- h) Within ninety (90) days after issuance of the FCC operational permit, the Permittee shall provide a copy of such permit to the Town and register the SWF, providing information and data as may be requested by the Town. Any change in the permit or registration data shall be filed with the Town within thirty (30) days after the change is made. The Permittee shall submit to the Town a copy of all current applicable FCC licenses by call sign prior to the Town's approval of final inspection of a building permit for the SWF or portion thereof.

### 12. Applicability.

The requirements of this ordinance apply to all new SWFs in the rights-of-way and modification of any existing SWFs.

When recorded, return to:  
Paradise Valley Town Attorney  
6041 E. Lincoln Drive  
Paradise Valley, AZ 85253

**ORDINANCE NUMBER 2019-09**

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY,  
ARIZONA; AMENDING THE PARADISE VALLEY TOWN CODE  
SECTION 2-5-2.I, SMALL WIRELESS SERVICE FACILITIES  
LOCATED IN THE RIGHTS-OF-WAY; AND DECLARING AN  
EMERGENCY**

**WHEREAS**, A.R.S. §9-240(28)(a) establishes the authority to make, amend, or repeal all ordinances necessary or proper for the carrying into effect of the powers vested in the corporation, or any department or officer thereof, and Article 2-6 of the Town Code establishes procedures for the adoption of ordinances by the Town Council; and,

**WHEREAS**, the Town Council desires to amend Chapter 2, Article 2-5-2, Section I, of the Town Code, providing for Alternative Design Standards for certain Small Wireless Service Facilities Located in the Rights-of-Way on Existing Utility Poles.

**NOW, THEREFORE, BE IT ORDAINED** BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:

**Section 1.** Section 2-5-2.I.6, the Alternative Design Standards Utilizing an Existing Utility Pole, is hereby amended (with deletions shown as ~~strikethroughs~~ and additions shown in **bold**):

- 6. Alternative Design Standards Utilizing an Existing Utility Pole. An Applicant may propose the use of an existing Utility Pole SWF installation, for which the following design and concealment criteria shall be used:
  - a) If the selected Utility Pole is a traffic signal or street light, the existing traffic signal or street light shall be replaced with a new engineered street light or traffic signal pole design that has the appropriate structural support strength including any footing modifications to accommodate the height and weight of the antenna and equipment located within, **or atop**, the replacement pole;
  - b) The maximum height of the replacement pole shall not be more than six feet above the pre-existing height of the street light vertical pole or traffic signal vertical pole that it replaced (not including the mast arm);
  - ~~c) All antennas and “pole-mounted” equipment shall be within a cylinder or container (or within the replacement pole) that is within two (2) inches of the width or diameter of the adjoining utility pole, with said container width or~~

1 diameter not to exceed twenty inches. The only protrusions or extensions from  
2 the pole shall be those that existed before the replacement pole, that is, in the  
3 case of street lights and traffic signals the mast arms or other supports for street  
4 lights, street name signs, and traffic signals;

5  
6 d)c) All wiring associated with the SWF shall be contained within the replacement  
7 pole or underground;

8  
9 e)d) All ground mounted equipment and connections shall be buried with the  
10 exception of the utility meter and the disconnect switch;

11  
12 f)e) Shall contain standard details, such as dimensions, colors and materials, the  
13 same as those used for the existing 56<sup>th</sup> Street and Lincoln traffic signal  
14 installation that is consistent with the standard details in the application;

15  
16 **f) For all traffic signal installations as well as street light installations not**  
17 **along Scottsdale Road, all antennas and “pole-mounted” equipment shall be**  
18 **within a cylinder or container (or within the replacement pole) that is within two**  
19 **(2) inches of the width or diameter of the traffic signal or street light pole to**  
20 **which it is affixed, with said container diameter not to exceed twenty (20)**  
21 **inches. The only protrusions or extensions from the signal or street light pole**  
22 **shall be those that existed before the replacement pole, that is, in the case of**  
23 **traffic signals or street lights the mast arms or other supports for luminaires,**  
24 **street name signs, and traffic signals;**

25  
26 **g) For street light installations in a series along Scottsdale Road, the**  
27 **replacement pole shall substantially match the existing pole in finish and**  
28 **color, diameter and taper, and have a luminaire arm that substantially**  
29 **matches the existing luminaire arm of the existing light pole. The**  
30 **application shall be considered in context with adjacent existing light poles**  
31 **to ensure consistency along the streetscape. All antennas and “pole-**  
32 **mounted” equipment shall be within a cylinder or container (or within the**  
33 **replacement pole) with said container not exceeding twenty (20) inches in**  
34 **diameter, with a three hundred and sixty (360) degree shroud that tapers**  
35 **from the bottom of the container to the pole. The only protrusions or**  
36 **extensions from the pole shall be those that existed before the replacement**  
37 **pole, that is, in the case of street lights the mast arms or other supports for**  
38 **luminaires.**

39  
40 **Section 2.** Pursuit to Section 1-9-2 of the Town Code, any person found guilty of  
41 violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and  
42 upon conviction thereof shall be punished by a fine not to exceed \$2,500, or  
43 imprisonment not to exceed six months, or by both such fine and imprisonment. Each  
44 day that a violation continues shall be a separate offense punishable as described.  
45 Pursuant to Section 1-9-3 of the Town Code, a violation of the provisions of this Code or  
46 amendments thereto may also constitute a civil offense, and any person who is served  
47 with a citation charging such violation and who admits or is found responsible for such  
48 offense shall be liable to pay to the Town a civil sanction in an amount not to exceed

1 seven hundred fifty dollars (\$750). Each day that a violation continues shall be a separate  
2 offense punishable as described.

3  
4 **Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this  
5 Ordinance is for any reason held to be invalid or unconstitutional by the decision of any  
6 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
7 portions thereof.

8  
9 **Section 4.** Whereas the immediate operation of the provisions of this ordinance is  
10 necessary for the preservation of the public peace, health and safety, therefore, an  
11 emergency is hereby declared to exist and this ordinance shall be in full force and effect  
12 from and after its passage by the council.

13  
14 **Section 5.** In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the  
15 Town Council has considered the individual property rights and personal liberties of the  
16 residents of the Town before adopting this ordinance.

17  
18  
19 PASSED AND ADOPTED by the Mayor and Council of the TOWN OF PARASDISE  
20 VALLEY, Arizona, this 19<sup>th</sup> day of August 2019.

21  
22  
23  
24  
25 \_\_\_\_\_  
26 Jerry Bien-Willner, Mayor

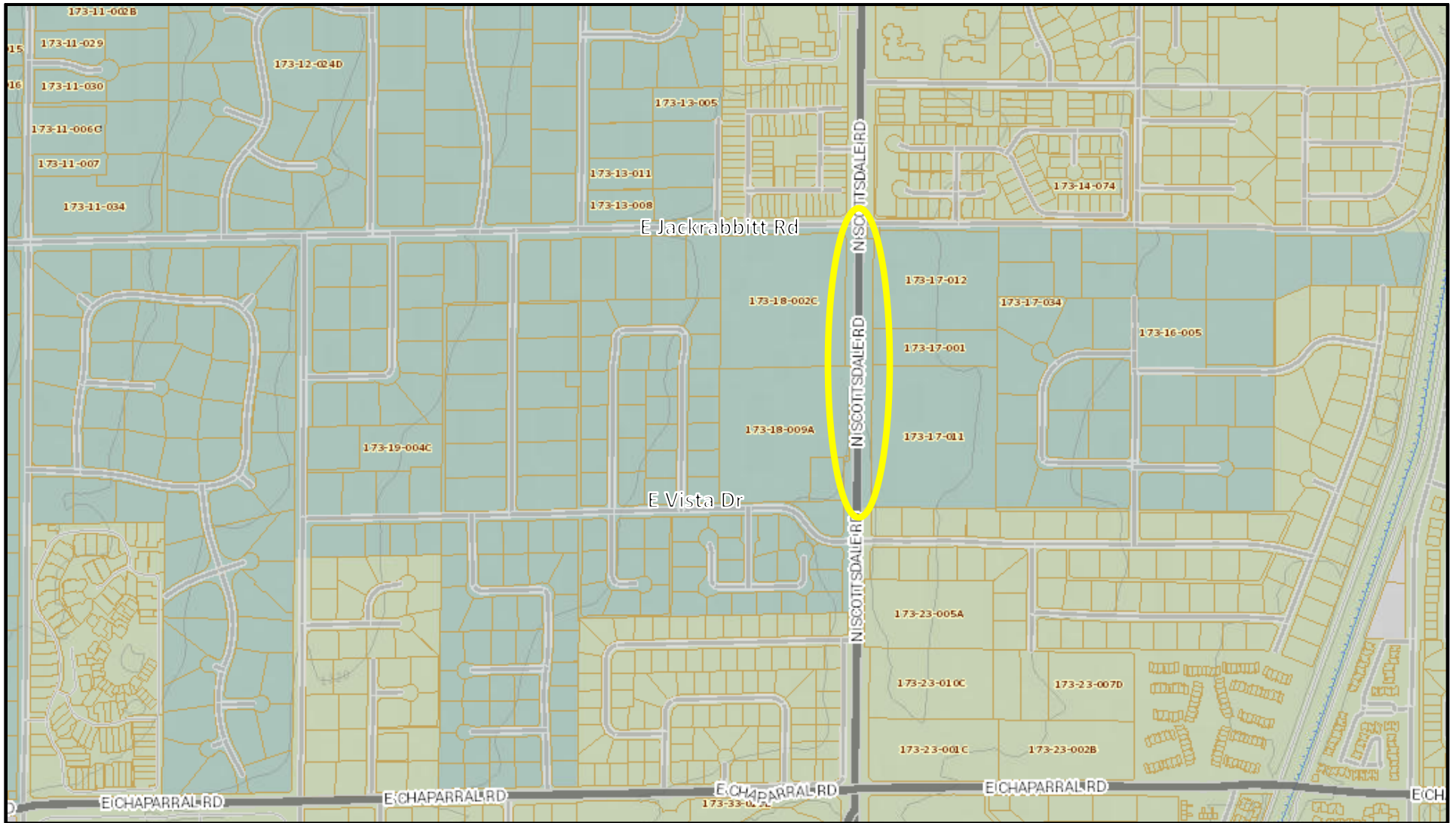
27  
28 SIGNED AND ATTESTED THIS 19TH DAY OF AUGUST 2019:

29  
30 ATTEST:

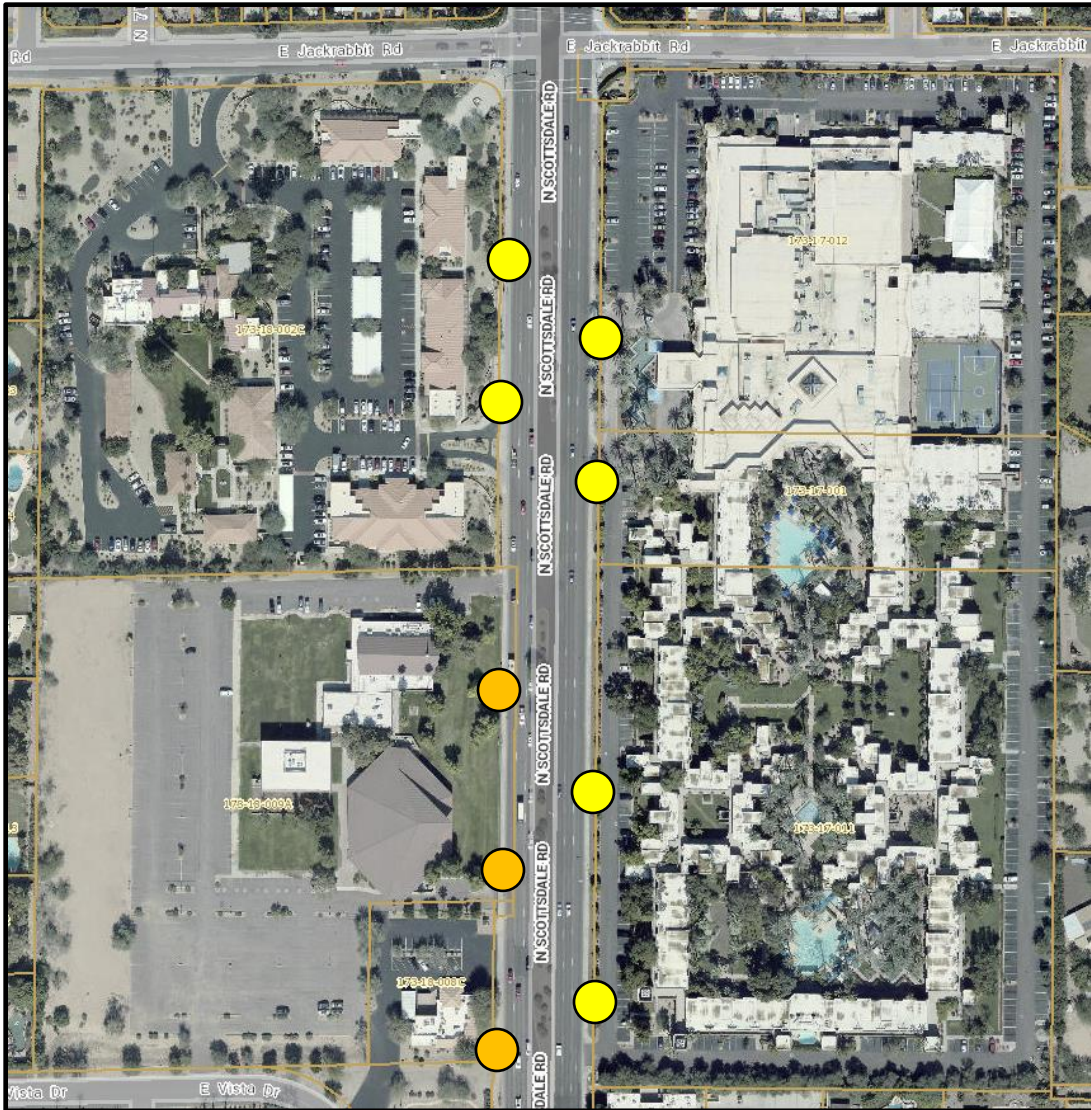
31 APPROVED AS TO FORM:

32  
33  
34 \_\_\_\_\_  
35 Duncan Miller, Town Clerk

32  
33  
34 \_\_\_\_\_  
35 Andrew Miller, Town Attorney



**Location Map**  
**Scottsdale Road Small Wireless Facilities**  
**Town of Paradise Valley, Arizona**



● - Free standing pole



● - Overhead electric pole



# Existing APS Street Light Poles Scottsdale Road Small Wireless Facilities Town of Paradise Valley, Arizona

Before:



# PHOTO SIMULATIONS

## PHX01\_008\_A

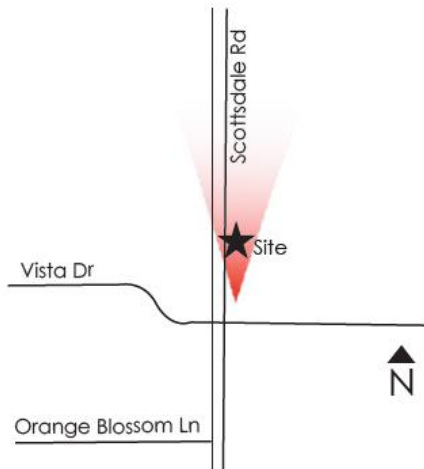
5401 North Scottsdale Road  
Scottsdale, Arizona 85250

After:



Note: Luminaire mast arm to be revised to match

VIEW 2  
Looking North



# Existing Code Scottsdale Road Small Wireless Facilities Town of Paradise Valley, Arizona





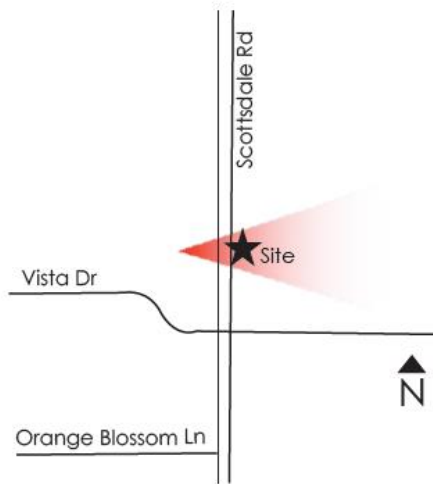
# PHOTO SIMULATIONS

PHX01\_008\_A

5401 North Scottsdale Road  
Scottsdale, Arizona 85250



VIEW 1  
Looking East



**Existing Code**  
**Scottsdale Road Small Wireless Facilities**  
**Town of Paradise Valley, Arizona**

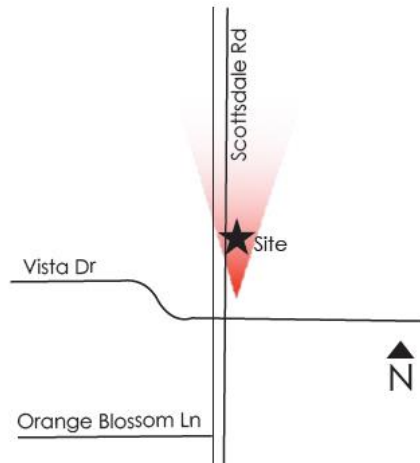


# PHOTO SIMULATIONS

PHX01\_008\_A

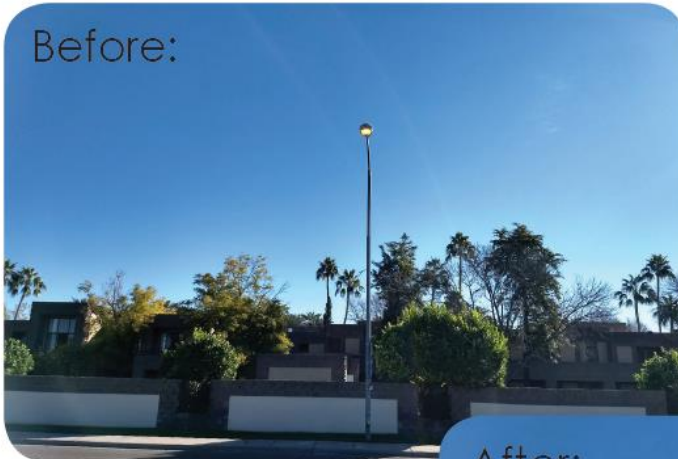
5401 North Scottsdale Road  
Scottsdale, Arizona 85250

VIEW 2  
Looking North



**Proposed Code**  
**Scottsdale Road Small Wireless Facilities**  
**Town of Paradise Valley, Arizona**

Before:



# PHOTO SIMULATIONS

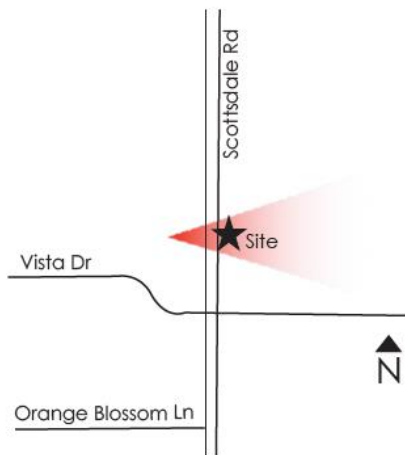
## PHX01\_008\_A

5401 North Scottsdale Road  
Scottsdale, Arizona 85250

After:



VIEW 1  
*Looking East*



**Proposed Code**  
**Scottsdale Road Small Wireless Facilities**  
**Town of Paradise Valley, Arizona**

# **TOWN OF PARADISE VALLEY**

## **Small Cell Wireless Facilities**

### **Proposed Code Changes**

**August 19, 2019**



# TODAY'S GOAL

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Review proposed code changes to Section 2-5-2.1 of the Town Code, regarding Small Wireless Service Facilities located in the Town's right-of-way and take action.



August 19, 2019

# AGENDA

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- Existing Code Language
- Location and Design Impacts
- Proposed Code Changes
- Suspension of Council Rules
- Recommended Action



August 19, 2019

# EXISTING CODE LANGUAGE

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- Complete text available in Attachment A
  - c) All antennas and “pole-mounted” equipment shall be within a cylinder or container (or within the replacement pole) that is within two (2) inches of the width or diameter of the adjoining utility pole, with said container width or diameter not to exceed twenty inches. The only protrusions or extensions from the pole shall be those that existed before the replacement pole, that is, in the case of street lights and traffic signals the mast arms or other supports for street lights, street name signs, and traffic signals;



# EXISTING CODE LANGUAGE

- Used 56<sup>th</sup> Street traffic signal installation as model
- 14" diameter pole, 16" diameter canister
- Code allows for up to 20" canister, which would mean an 18" diameter pole
- Works well at traffic signal installations as new signal poles are usually 12" in diameter or larger



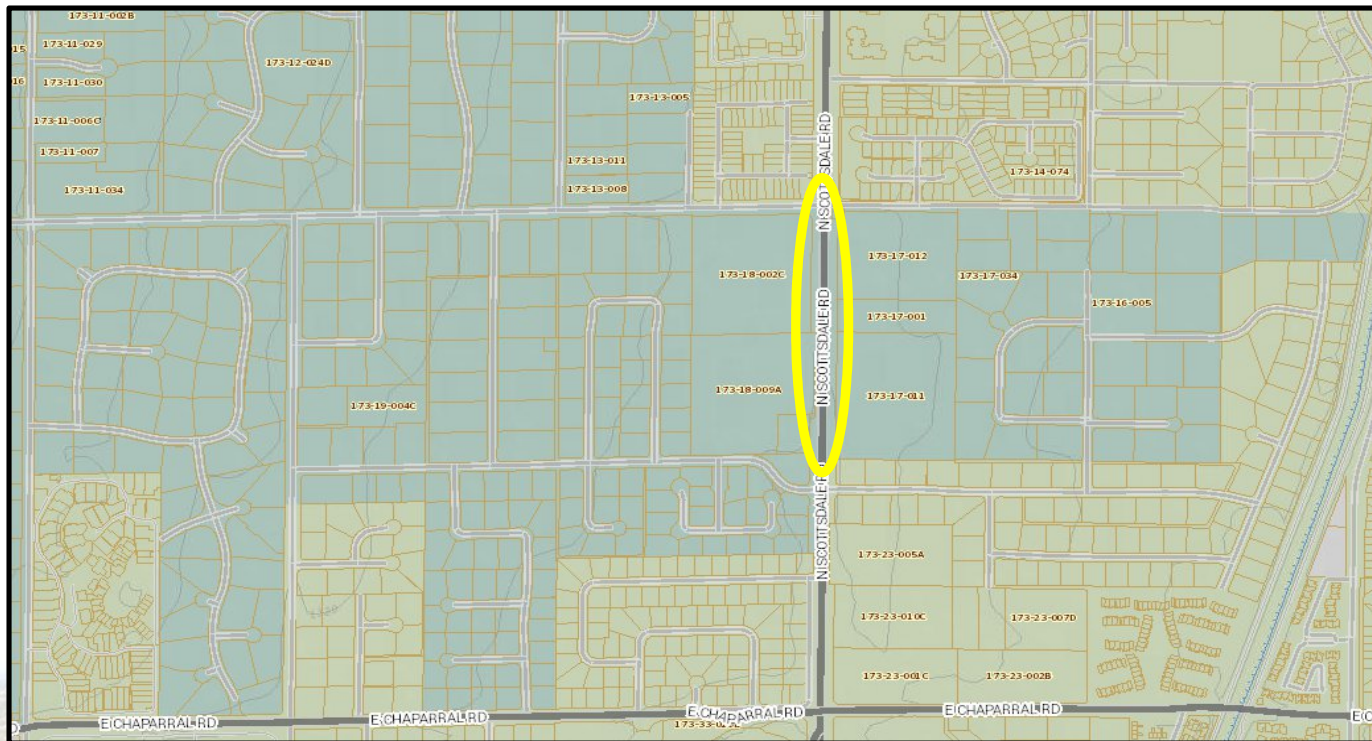
August 19, 2019





# LOCATION AND DESIGN IMPACTS

- Proposed Code language is a for installations on Scottsdale Road, a multi-jurisdictional Major Arterial

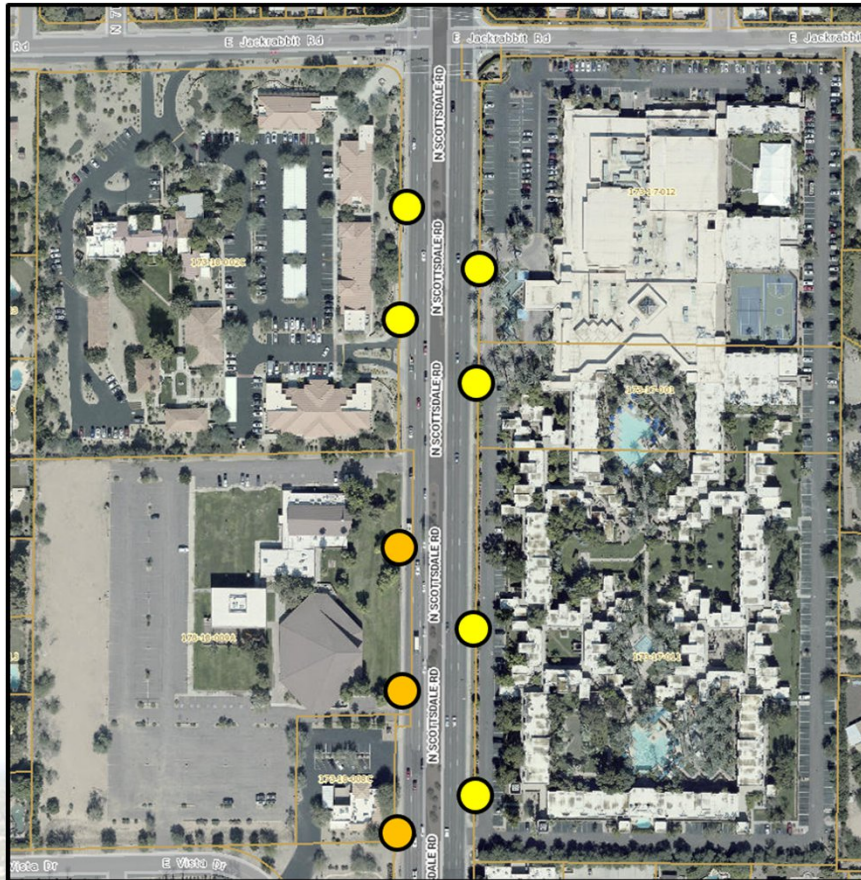


August 19, 2019



# LOCATION AND DESIGN IMPACTS

- Existing pole locations and types along Scottsdale Road



● - Free standing pole



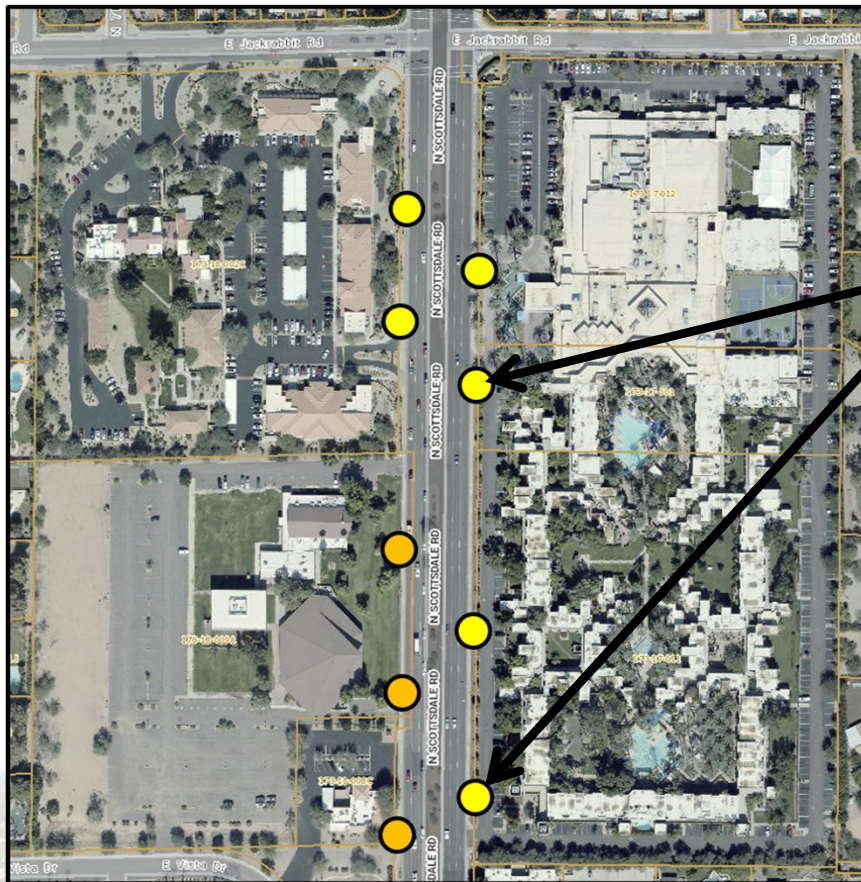
● - Overhead electric pole

August 19, 2019



# LOCATION AND DESIGN IMPACTS

- Request to install new Small Wireless Service Facilities



Requested locations



● - Free standing pole

August 19, 2019



# LOCATION AND DESIGN IMPACTS

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- Existing light pole is 6 5/8" diameter and 30' tall
- Code compliant replacement is 18" in diameter, 35' to top of canister, canister is 18.3" in diameter (similar in diameter to a 69kv utility pole which is 15-22")
- This is out of character with the streetscape
- If approved, the replacement design under the proposed would be 10" in diameter, 35' to top of canister, canister is 18.3" in diameter, with a tapered shroud



# LOCATION AND DESIGN IMPACTS

15" Diameter



22" Diameter



10" Diameter



August 19, 2019



# LOCATION AND DESIGN IMPACTS

Existing Conditions



Current Code



Proposed Code



Note – in either scenario mast arm needs to be revised to match existing

August 19, 2019

# PROPOSED CODE LANGUAGE

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- Complete text available in Attachment C
- f) **For all traffic signal installations as well as street light installations not along Scottsdale Road**, all antennas and “pole-mounted” equipment shall be within a cylinder or container (or within the replacement pole) that is within two (2) inches of the width or diameter of the **traffic signal or street light pole to which it is affixed**, with said container diameter not to exceed twenty **(20)** inches. The only protrusions or extensions from the **signal or street light** pole shall be those that existed before the replacement pole, that is, in the case of **traffic signals or street lights** the mast arms or other supports for **luminaires**, street name signs, and traffic signals;



## PROPOSED CODE LANGUAGE

---

- g) For street light installations in a series along Scottsdale Road, the replacement pole shall substantially match the existing pole in finish and color, diameter and taper, and have a luminaire arm that substantially matches the existing luminaire arm of the existing light pole. The application shall be considered in context with adjacent existing light poles to ensure consistency along the streetscape. All antennas and “pole-mounted” equipment shall be within a cylinder or container (or within the replacement pole) with said container not exceeding twenty (20) inches in diameter, with a three hundred and sixty (360) degree shroud that tapers from the bottom of the container to the pole. The only protrusions or extensions from the pole shall be those that existed before the replacement pole, that is, in the case of street lights the mast arms or other supports for luminaires.**

August 19, 2019





# SUSPENSION OF COUNCIL RULE

---

- Council Rule Section VIII(b)(2) requires an Ordinance to be discussed in a study session at least one meeting in advance of the consideration of adoption
- Due to summer recess, minor nature of code change, and time to deployment, staff is recommending Town Council consider suspension of Rule VIII(b)(2)
- Suspension of a Council Rule authorized by Section XIX when agreed upon by majority vote of Town Council



## RECOMMENDED ACTION

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- Suspend Council Rule Section VIII(b)(2) to consider an Ordinance which has not been previously discussed in a study session at least one meeting in advance.
- Approve Ordinance 2019-09 amending Section 2-5-2.1.6 of the Town Code revising Alternative Design Standards for certain Small Wireless Service Facilities located in Town right-of-way.



**THANK YOU**

---

**Additional Questions?**





# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

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**File #:** 19-314

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**The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).**