



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Town Council

Tuesday, August 8, 2017

4:00 PM

Council Chambers

SPECIAL MEETING

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. STUDY SESSION ITEMS

The Study Session is open to the public however the following items are scheduled for discussion only. The Town Council will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Council may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item are subject to change.

17-268

**Review of Ordinance Number 2017-05 Regarding Small Cell
Wireless Facilities Located in Rights-of-Way and Resolution
Number 2017-16 Amending the Master Fee Schedule**

Staff Contact:

Kevin Burke, 480-348-3690

3. EXECUTIVE SESSION

17-264

**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 agenda items listed
on the agenda as authorized by A.R.S. §38-431.03(A)(3).**

4.. PUBLIC HEARINGS

The Town Council may hear public comments and take action on any of these items. 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.

17-263

**Consideration of Ordinance Number 2017-05 Regarding Small Cell
Wireless Facilities Located in Rights-of-Way and Resolution
Number 2017-16 Amending the Master Fee Schedule**

Recommendation:

Adopt Ordinance Number 2017-05 and Resolution Number 2017-16.

Staff Contact:

Kevin Burke, 480-348-3690

5. ADJOURN

AGENDA IS SUBJECT TO CHANGE

**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

File #: 17-268

TO: Mayor Collins and the Town Council

FROM: Kevin Burke, Town Manager

DATE: August 8, 2017

DEPARTMENT: Town Manager

AGENDA TITLE:

Review of Ordinance Number 2017-05 Regarding Small Cell Wireless Facilities Located in Rights-of-Way and Resolution Number 2017-16 Amending the Master Fee Schedule

Council Goals or Other Policies / Statutory Requirements:

Responsiveness to Residents - Identify and consider resident concerns in a timely manner and seek solutions to the best of the Town's ability - Cell Service.

SUMMARY STATEMENT:

The Town Council adopted a Statement of Direction (SOD) regarding small cell wireless facilities located in Town rights-of-way on June 8, 2017. The purpose of the revision is, first and foremost, to come into compliance with the new State statute in terms of objective design standards, undergrounding, stealth and concealment, and timely processing. The Council has directed that the objective design standard for "new small cells in the right-of-way" model the New Path/Crown Castle faux cactus. Second, the Council has directed that "small cell antennas attached to existing utility poles in the ROW" model the antenna on the southwest traffic signal post of 56th Street and Lincoln Drive.

To that end, Town Attorney Andrew Miller drafted an ordinance amendment. That amendment was presented at the June 20, July 11, and July 25, 2017 Planning Commission meetings for study session, citizen review, public hearing and finally as an adopted recommendation.

The draft ordinance has two sections. Section 1 enables an applicant to receive a small wireless facility (SWF) permit through an administrative review process if the applicant meets objective design standards, undergrounding and stealth and concealment conditions. Section 2 requires an applicant for an SWF permit who wishes to deploy a design not pre-approved by the Council to undergo a legislative review process.

Section 1 amends Chapter 2 of the Town Code, rather than Chapter XII (Personal Wireless Services Facilities) of the Zoning Code, to make clear this is an administrative process rather than a zoning

process. Section 2 is a legislative process requiring Planning Commission and Town Council approval that amends Chapter XI (SUP's) of the Zoning Code. Chapter XI was selected over Chapter XII since these SWF's are utility poles in the Town ROW rather than on private property. Because Section 2 is an amendment to the Zoning Code, this required Planning Commission action and a public hearing before action by the Town Council.

The majority of this action report and presentation will focus upon Section 1 because this is where the objective design standards are set. Section 2 is more open ended and therefore requires less new text.

There are 12 subsections to Section 1. Subsection 1 and 2 provide a purpose statement and definitions. Subsections 3-6 outline the objective design standards and how they apply. Subsection 7-9 address radio frequency, noise and environmental standards. Subsection 10 are the submittal requirements. Subsection 11 and 12 are limitations, general conditions and applicability.

The objective design standard is a 24' faux cactus with all associated equipment buried except for the meter and the disconnect switch. The location of the cacti must blend with its surroundings necessitating staff to visit the site prior to presenting the application to the Planning Commission. In order to blend into the surrounding built and natural environment, the cactus may not be placed in a sidewalk or visible concrete base. If, for technical reasons, the 24' faux cactus will not provide coverage and capacity consistent with industry standards, the applicant may request to place the SWF on an existing, or replaced, traffic signal pole or light pole. Such placement must be consistent with the design standards established with the 56th and Lincoln example. The exact specifics for both of these standards will be shown in an illustration attached to the application.

This first option, faux cactus, and second option, 56th & Lincoln, is different than the SOD in that the SOD allowed the applicant to place an SWF on either the faux cactus or the existing light pole at the applicant's choice. The draft ordinance directs the applicant to demonstrate the faux cactus doesn't work before going to an existing light or traffic signal pole. If Council prefers the SOD over the draft ordinance, an alternate ordinance is attached that accomplishes that version.

The Town is limited by the State statute in imposing additional requirements, but can ask for evidence that other conditions are being met. This includes compliance with FCC limits on radio frequency radiation and with National Environmental Policy Act (NEPA) assessment requirements. The ordinance also sets a noise limit of 50 decibels.

Once an SWF permit is granted, the SWF must be constructed within 180 days unless the delay is due to extending power to the location. The permit is good for 10 years, at which time the permit must either be renewed or the SWF removed. There are also provisions for removal if the SWF is not active.

In order to accomplish this code amendment prior to the effective date of the new statute on August 9, 2017, this agenda item is scheduled for public hearing and action at this August 8, 2017 meeting.

File #: 17-268

BUDGETARY IMPACT:

New statute will reduce the revenue received from those carriers licensed to place PWSF's in the rights-of-way.

ATTACHMENT(S):

Cell Service Statement of Direction 6-08-17

Ordinance 2017-05 PC Adopted (with fee schedule reference added)

Resolution 2017-16 Master Fee Schedule

Alternative SWF Ordinance 08 08 2017 Redlined

Alternative SWF Ordinance 08 08 2017 Clean

080817 Small Cell Powerpoint

SWF Application

CELL SERVICE STATEMENT OF DIRECTION

The Paradise Valley Mayor & Town Council hereby provides the Planning Commission with the following Statement of Direction (SOD) concerning cellular service.

- Amend Chapter 12, Personal Wireless Service Facilities (PWSF), of the Town Zoning Code to come into compliance with a new state statute captured in House Bill 2365.
 - Recognize that the State law focuses upon the placement of small cell PWSF's in the ROW. As such, complete the amendment regarding small cell facilities in the ROW first and Council will issue a subsequent SOD for amendments to PWSF's on private property and macro cells.
 - Said amendment should develop "Objective design standards and reasonable stealth and concealment requirements" that include the following:
 - For new small cell PWSF's in the ROW:
 - Codify a standard that captures the twenty-four (24) foot faux cactus and associated undergrounding of related equipment used in the O-DAS system currently permitted in Town ROW.
 - The location area preferred by the applicant shall be reviewed for a location, with the substantially the same coverage capabilities, that best blends with the existing natural and built environment and avoids conflicts with existing view-sheds. Any new PWSF should NOT be located within intersection and driveway view triangles. The final location shall be established by the Commission after input from property near the location recommended by the staff at a public hearing.
 - The design standard shall not allow a new faux cactus to be placed in existing cement such as a sidewalk nor shall cement be placed around the base of the facility (this does not include the cement necessary to support the structure but that should be buried).
 - The design standard shall require a certain amount of landscaping within a defined perimeter of the facility.
 - Any utility meter associated with the facility shall be faced away from the street or center of the ROW or camouflaged in some manner.
 - Design details should be similar to the finite standards used in the approval of the NewPath nodes.
 - Develop a process for an applicant who chooses not to comply with the aforementioned reasonable design standards to apply for an alternative design that meets the core principals of the faux cactus solution including:
 - height,
 - stealth and concealment of antenna and equipment; and,
 - undergrounding;
 - In said process, provide a provision such that subsequent to Planning Commission approval of any alternative design, the application shall be forwarded to Council for approval or denial;

- For placement of a small cell PWSF on an existing, as of August 8, 2017, traffic signal or light pole:
 - Codify a standard that captures the PWSF located on the southwest corner of 56th and Lincoln Drive. Such design standard shall:
 - Limit the height of the PWSF to 6' above the top of the pole (not including the mast arm).
 - Require all pole mounted equipment to be contained in a cylinder the same size as the supporting pole [not to exceed 20 inches];
 - Require all wiring associated with the PWSF to be contained within the existing (or replacement) pole;
 - Replacement poles shall not be more than twenty (20) inches in diameter at the point immediately below the PWSF;
 - Require all ground mounted equipment to be buried with the exception of the associated utility meter;
 - Adopt standard details similar to the spec sheet for the existing DAS site at 56th & Lincoln Drive
 - Develop a process for an applicant who chooses not to comply with the aforementioned reasonable design standards to apply for an alternative design that meets the core principals of the 56th Street reasonable design standard solution including:
 - height,
 - stealth and concealment of antenna and equipment; and,
 - undergrounding;
 - In said process, provide a provision such that subsequent to Planning Commission approval of any alternative design, the application shall be forwarded to Council for approval or denial
 - Determine if the timeline for processing an alternate design application is greater than the time limits imposed by the state statute.
- Codify a process that meets the state statute timeline requirements. Said code provision shall include at a minimum:
 - A 20 day provision for determining if a small cell PWSF application is complete and a process for notifying and/or denying an application that is not complete;
 - A 75 day provision for completing a Planning Commission review of a PWSF small cell application;
 - Identify a timeline provision for resubmittals to cure problems or denials.
 - A 180 day provision for reviewing applications that choose an alternative design which would include review by the Planning Commission and the Town Council.
- Determine and codify the proper use of Conditional Use Permits (CUP), Special Use Permits (SUP), or other zoning code provisions for processing these PWSF applications.
- Codify, or make reference to, a fee schedule that reflects the maximum allowed fees under the state statute.
- Complete and remit a draft to the Town Council by July 26, 2017

ORDINANCE NUMBER 2017-05

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING ARTICLE 2, MAYOR AND COUNCIL; ADDING SECTION 2-5-2(I), SMALL WIRELESS FACILITIES LOCATED IN THE RIGHTS-OF-WAY; AND AMENDING THE ZONING ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARTICLE XII, IN ORDER TO PROVIDE FOR A PROCEDURE FOR THE REVIEW AND APPROVAL OF NON-COMPLIANT OR REJECTED SMALL CELL WIRELESS FACILITY APPLICATIONS WITHIN THE TOWN'S RIGHTS-OF-WAY, ALL AS REQUIRED BY RECENTLY ADOPTED STATE LAW, A.R.S §9-591 ET. SEQ.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. The Town of Paradise Valley's Code is hereby amended by adding a new subsection I to Section 2-5-2, as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

Section 2-5-2 Planning Commission

I. SMALL WIRELESS SERVICE FACILITIES LOCATED IN THE RIGHTS-OF-WAY

- 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 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 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 two (2) or more of the following components:
 - i. Antennas that are no more than six cubic feet in volume;
 - ii. Faux Cactus or replacement Utility Pole;
 - iii. Equipment cabinet less than twenty-eight cubic feet in volume;
 - iv. Underground vault for equipment;
 - v. Electric meter (where required by law);
 - vi. 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;
- 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 Zoning Administrator 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 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 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.**
 - ii. **If an Applicant can demonstrate a technical reason why the specified faux cactus SWF will not provide coverage/capacity consistent with small wireless facility industry standards, an Applicant may request to locate on an alternate site of an existing or replaced traffic signal pole or street light pole consistent with the specification 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 within a one hundred foot radius of the Applicant's preferred site), with initial siting to be objectively chosen based on the following criteria:

i. Safety.

- A. Sites should preferably be located outside of 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, plus an additional ten feet.

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 on the subject property.
- 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.
- 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 Town landscaping guidelines. Any utility meter associated with the SWF shall face away from the street or shall be camouflaged in some manner.

- 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.
- vi. **Cumulative Visual Effect.** 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.

- 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.** – **I**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 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.** – If an Applicant can demonstrate a technical reason why the specified faux cactus SWF will not provide coverage/capacity consistent with small wireless facility industry standards, an Applicant may propose the use of a 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 street light or traffic signal pole that has the appropriate structural support strength 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 56th Street and Lincoln traffic signal installation. (refer to standard detail in 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");
 - ii. Applicant shall provide graphics to illustrate RF radiation level in terms of percent of FCC Public and Occupational limits.

A. For all applications, a graphic shall illustrate RF exposure levels that may exceed the FCC limits in all areas that are readily accessible to the public, including habitable structures.

- B. 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.**
- 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.**

- 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 fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;**
 - ii. **An environmental assessment is required by the National Environmental Policy Act (NEPA) for any SWF prior to commencing operations where any 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;**
 - iii. **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. If an Applicant has not included an environmental assessment that the Town finds to be necessary under the National Environmental Policy Act, the Town may prepare, or cause to be prepared, such an environmental assessment at the Applicant's expense or reject the application as incomplete. The environmental assessment shall be amended or revised by the Applicant within thirty (30) days after notice to do so from the Town when modifications are made or occur on the SWF. Failure to amend or revise shall constitute grounds for revocation of the Administrative Small Wireless Facility Permit.**

- b) Within ninety (90) days from the date of approval of the permit , the Permittee shall submit existing and maximum future projected measurements of noise from the SWF for the following:
 - i. Existing SWF: Maximum noise level from the SWF. These measurements shall be for the type of mounts specified in Subsection A of this section;
 - ii. Existing SWF plus cumulative: Maximum estimate of noise level from the existing SWF plus the maximum estimate of noise level from the total addition of co-located SWFs;
 - iii. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet Subsection (b) of this section.
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.**
- 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 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;

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.;**
 - 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. To the extent allowed by law, radiofrequency (RF) radiation performance submittals shall include reports and graphics as required by Subsection 7, Radiofrequency (RF) Performance and Interference Standards and Monitoring;**
- vii. To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed SWF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:**
- A. Existing or ambient: the measurement of existing noise at the proposed site;**
 - B. Existing plus proposed SWF: maximum estimate of noise from the proposed SWF plus the existing noise environment;**
 - C. Existing plus proposed SWF plus cumulative: maximum estimate of noise from the proposed SWF plus the maximum estimate of noise from the total addition of co-located SWFs plus the existing noise environment;**
 - D. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards section of this Article;**
- viii. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance. If the Applicant determines that the environmental assessment is not required, certification to that effect shall be provided.**

- 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. ⁵⁶⁴

- 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.
- 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.

Section 2. Article XI, Section 1102.2(E) is hereby amended as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

E. Utility Poles and Wires

1. Definitions

- a. Utility poles and wires - shall mean poles, structures, wires, cable, conduit, transformers, **communications equipment**, and related facilities used in or as a part of the transportation or distribution of electricity or power or in the transmission of telephone, telegraph, radio or television communications **or for the transmission or reception of electromagnetic radio frequency signals used in providing wireless services;**
- b. Existing utility poles and wires - shall mean such utility poles and wires as are in place and in operation as of the effective date of this ordinance; and
- c. New utility poles and wires - shall mean such utility poles and wires as are not existing utility poles and wires and shall include such utility poles and wires as in the future may constitute replacements for, or repairs to, existing utility poles and wires, but shall not include replacements involving less than one-quarter (1/4) mile of contiguous poles and wires on any transmission or distribution line in any twelve (12) month period where the

remainder of such transmission or distribution line is not also being replaced within said period; such replacements excluded from being new utility poles under the latter clause must be poles of the same or lesser size, diameter, and height, and in the same location as the pole or poles being replaced, and in addition, must be of the same class or classification as to strength and purpose within the utility industry as the pole or poles being replaced.

2. The erection of new utility poles and wires within the Town is discouraged, and, **with the exception of small wireless facilities meeting the administrative approval standards specified in Article II, Section 2-5-2(I)**, may only be permitted by the issuance of a Special Use Permit, further provided that a Special Use Permit for erection of new utility poles and wires shall be granted only in the event the Applicant makes an affirmative showing that the public's general health, safety and welfare will not be impaired or endangered or jeopardized by the erection of same as proposed. In deciding such matter, the following factors shall be considered:
 - a. the location and heights of such poles and wires and their relation to present or potential future roads;
 - b. the crossing of such lines over much traveled highways or streets;
 - c. the proximity of such lines to schools, churches or other places where people congregate;
 - d. the probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields;
 - e. fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of firefighting equipment;
 - f. the aesthetics involved;
 - g. the availability of suitable right-of-way for the installation;
 - h. the future conditions that may be reasonably anticipated in the area in view of a normal course of development;
 - i. the type of terrain;
 - j. the practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and overground installations (provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not in itself necessarily require issuance of a permit); and
 - k. in the event such poles and wires are for the sole purpose of carrying electricity or power or transmitting telephone, telegraph, radio or television

communication through or beyond the Town's boundaries, or from one major facility to another, the practicality and feasibility of alternative or other routes.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this ____ day of August 2017.

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

RESOLUTION NUMBER 2017-16

A RESOLUTION OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING SECTION 2.4.1 OF THE MASTER FEE SCHEDULE AND ADDING A NEW SECTION 2.5 TO THE MASTER FEE SCHEDULE; ADOPTING A REVISED MASTER FEE SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Paradise Valley (“Council”) desires to modify the current fee schedule as relates to new utility poles and personal wireless service facilities (PWSFs) that are to now be designated as small wireless facilities (SWFs) in the Town Rights-of-Way, all as required by A.R.S. §9-591 et. seq.; and

WHEREAS, the provisions of A.R.S. §9-591 et. seq. require that the Town lower its current fees for new special use permits for new utility poles (under Article XI of the Zoning Ordinance) that are SWFs (as defined by A.R.S. §9-591 et. seq.) but still subject to a zoning approval from the current fee of twenty thousand dollars (\$20,000) to one thousand dollars (\$1,000); and

WHEREAS, the provisions of A.R.S. §9-591 et. seq. require that the Town lower its current fees for new special use permits for new utility poles (under Article XI of the Zoning Ordinance) that are SWFs (as defined by A.R.S. §9-591 et. seq.) and that are not subject to a zoning approval from the current fee of twenty thousand dollars (\$20,000) to seven hundred fifty dollars (\$750) for individual site applications, and one hundred dollars (\$100) and/or fifty dollars (\$50) for consolidated applications; and

WHEREAS, the Council desires to amend the Master Fee Schedule to include new sections reflecting the lower fees required by A.R.S. §9-591 et. seq. and to readopt the Master Fee Schedule in its entirety to reflect all past amendments to the Master Fee Schedule and to show all of the current fee levels in one central schedule;

NOW, THEREFORE, BE IT RESOLVED:

Section 1: Section 2.4.1 of the Master Fee Schedule for the Town of Paradise Valley is hereby amended to add a new subsection 2.4.1.11 to read:

2.4.1.11 SUP for a Small Wireless Facility \$1,000
that is not an Administrative Small
Wireless Facility

Section 2: Section 2.5 shall be added to the Master Fee Schedule of the Town of Paradise Valley to read:

2.5 Administrative Small Wireless Facilities

2.5.1 Applications for Administrative Small Wireless Facility Permits

2.5.1.1 Individual Site Application \$750

2.5.1.2 Consolidated applications for the \$100 for each of the first five site applications and collocation of up to twenty-five small wireless facilities if the \$50 each for the next 20 applications in a collocations involve substantially the same type of small wireless facilities consolidated application and substantially the same type of structure (Note: this fee applies only to collocations that do not require a replacement pole or a new wireless support structure)

Section 3: All Town fees and charges that are not referenced or specified in the Town Code are hereby prescribed in the Master Fee Schedule and shall supersede previous Fee Schedules adopted by the Town of Paradise Valley, with the revised Master Fee Schedule to be as set forth in Exhibit "A" hereto.

Section 4. Effective Date. The amended fees and the revised Master Fee Schedule shall take effect upon adoption of this resolution.

PASSED AND ADOPTED by the Town Council this 8th day of August, 2017.

Michael Collins, Mayor

APPROVED AS TO FORM:

ATTEST:

Andrew M. Miller, Town Attorney

Duncan Miller, Town Clerk

EXHIBIT A

[Insert Master Fee Schedule]

TOWN OF PARADISE VALLEY

MASTER FEE SCHEDULE

1.0

PERMIT FEES

Planning Department – Building Division

1.1.1	Building Permit	<i>Town Code §5-1-4</i>
1.1.2	Plumbing Permit	<i>Town Code §5-2-2</i>
1.1.3	Mechanical Permit	<i>Town Code §5-4-2</i>
1.1.4	Electrical Permit	<i>Town Code §5-3-2</i>
1.1.5	Banner Permit	<i>Zoning §2510</i>
1.1.6	Building Plan Review	<i>Town Code §5-1-4</i>
1.1.7	Demolition Permit	<i>Town Code §5-10-24</i>
1.1.8	Demolition Haul Permit	<i>Town Code §5-1-2(B)</i>
1.1.9	Building Code Appeal	<i>IBC §1-1-2</i>
1.1.10	Request for Change of Address Fee	
1.1.11	Other Inspection fees	

Engineering Department

1.2.1	Grading	<i>Town Code §5-1-4</i>
1.2.2	Right of Way Construction	<i>Town Code §5-5-2</i>
1.2.3	Haul Permit Fees	<i>Town Code §5-1-4 (B)</i>
1.2.4	Engineering Plan Review	
1.2.5	Blasting Operations Permit	<i>Town Code §5-12-10</i>
1.2.6	Drilling Permit	<i>Town Code §5-14-1</i>

Wastewater Utility Division

1.3.1	Sewer Development	<i>Town Code §15-3; 5-4</i>
1.3.2	Sewer User	<i>Town Code §15-3-1</i>

Police Department

1.4.1	Records and Documents	
1.4.2	Licenses and Permits	<i>Town Code § 9-3-7 §11-(2-5)</i>
1.4.3	Reserved	
1.4.4	Miscellaneous	

Fire Prevention

1.5.1	Fire Prevention Permit Fees	<i>Town Code §13-2-5</i>
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Alarm Monitoring and Fines

1.6.1	Police Alarm Monitoring (PAM) Subscription Rates	<i>Town Code §4-3</i>
1.6.2	False Alarm Fines	<i>Town Code §9-3-9</i>

2.0

APPLICATION FEES

2.1	Board of Adjustment	<i>Town Code §2-5-3</i>
2.2	Planning Commission	<i>Town Code §6-2-2;</i> <i>Town Code § 6-9-1</i>
2.3	Hillside Review	<i>ZO - §2210</i>
2.4	Special Use Permit Review	<i>ZO - §1102.4(E)</i>
<u>2.5</u>	<u>Administrative Small Wireless Facilities</u>	<u><i>Town Code §2-5-2(1)(3)(a)</i></u>

3.0

ADMINISTRATIVE FEES

3.1	Returned Checks Fee	<i>Town Code § 4-2</i>
3.2	License Fees	<i>Town Code §10-10-5</i> <i>10-10-12; 4-3-8; 8-3-2</i>
3.3	Records and Documents	
3.4	Liens	
3.5	Reserved	
3.6	Collection Agency Fee	
3.7	Special Event Permits	<i>Town Code §8-8</i>

1.0 PERMIT FEES For the issuance of permits, the following fees shall be imposed.

1.1 Planning Department – Building Division

1.1.1 Building Permit Fees

1.1.1.1 Building permit fees shall be based on the valuation of the construction which, at a minimum will not be less than \$225 / livable square footage, \$50/square footage garage, storage, etc., \$35/square foot patios, ramadas, porches, etc., \$30/ lineal foot for fences and shall be calculated as follows:

TOTAL VALUATION	FEE
\$1 to \$800	\$24.73
\$801 to \$3,000	\$24.73 for the first \$800 plus \$2.14 for each additional \$100 or fraction thereof, to and including \$3,000
\$3,001 to \$38,000	\$72.86 for the first \$3,000 plus \$9.82 for each additional \$1,000 or fraction thereof, to and including \$38,000
\$38,001 to \$75,000	\$411.67 for the first \$38,000 plus \$7.08 for each additional \$1,000 or fraction thereof, to and including \$75,000
\$75,001 to \$150,000	\$677.35 for the first \$75,000 plus \$4.91 for each additional \$1,000 or fraction thereof, to and including \$150,000
\$150,001 to \$750,000	\$1,045.62 for the first \$150,000 plus \$3.93 for each additional \$1,000 or fraction thereof, to and including \$750,000
\$750,001 to \$1,500,000	\$3,402.56 for the first \$750,000 plus \$3.33 for each additional \$1,000 or fraction thereof, to and including \$1,500,000
\$1,500,001 and up	\$5,901.53 for the first \$1,500,000 plus \$2.21 for each additional \$1,000 or fraction thereof.

Interior remodel calculations are based upon one-half of the actual per square foot value. Conversions (changing the use of an existing area) are valued using the per square foot value of the proposed use less the per square foot value of the existing use.

In addition, the following minimum valuations will be used for the following structures:

	VALUATION
BBQ	\$4,200
Kiva Fireplace	\$5,250
Water Fountain	\$1,000
Water Feature	\$2,500

The Town reserves the right to verify construction valuation.

1.1.1.2 In addition to the fees established in paragraph 1.1.1.1, the permit holder shall reimburse the Town for any fees charged by outside consultants relevant to the project.

1.1.1.3 Pools 1% of construction cost.

1.1.1.4 In addition to the fees established in paragraph 1.1.1.1, the permit holder shall be assessed a Haul Fee equal to 9.0% of the Building Permit Fee on all new construction or remodeling projects valued at \$500,000 or more. Construction in which more than 100 cubic yards of fill dirt will be brought onto or removed from the property shall be assessed an additional fee pursuant to Section 1.2.3.

1.1.2 Plumbing Permit Fees \$130.00

1.1.3 Mechanical Permit Fees \$130.00

1.1.4 Electrical Permit Fees \$130.00

1.1.5 Banner Permit \$35.00 each

1.1.6 Building Plan Review

In addition to the building and other permit fees charged under other sections herein, the fees for the review of building plans, including electrical, grading and drainage, mechanical, plumbing, structural, and prevention plans, shall be charged as follows:

In-house plan review and	
Standard out-source plan review (two reviews)	65% of building permit fee
Standard out-source plan review and in-house plan review after the second review	\$130.00 per hour
Expedited out-sourced plan review (two reviews)	115% of building permit fee
Expedited out-sourced plan review after the second review	\$130.00 per hour
Commercial sprinkler plan review	\$0.10 / sq foot
Fire alarm plan review	\$0.05 / sq foot
Fire hydrant plan review	\$110.00 per plan
Residential sprinkler plan review	\$0.06 / sq foot
Chemical fire system plan review	\$87.00 per plan
Hood system plan review	\$87.00 per plan
Processing fee for deferred submittal	\$26.00

1.1.7 Demolition Permit

Plan Check	Complete Demo \$130 Partial Demo \$65
Demolition Permit	Complete Demo = \$260 Partial Demo = \$130

1.1.8 Demolition Haul Permit

This Section shall apply when more than 100 cubic yards of other materials are removed from the property.

Demolition Haul Permit	\$0 first 100 CY + \$100 each additional 100 CY or part thereof
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1.1.9 Building Code Appeal

Appeal of Building Official's decision on construction codes \$1,385

1.1.10 Request for Change of Address Fee

Request for change of address	\$195
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1.1.11 Other Inspection Fees

- Re-inspection fee when construction work is not in compliance with Code for third and subsequent inspections \$65 per hour or part thereof
- Special inspection fee during normal business hours \$65 per hour or part thereof
- Special inspection fee outside of normal business hours \$130 per hour or part thereof. Special inspections requested for holidays, Saturdays, or Sundays will be subject to a 3-hour minimum.

A special inspection fee is (1) a request not made by 3 pm on the previous business day or (2) any request for inspection services outside of the normal work hours (8 am to 4 pm Monday – Friday). Special inspections are subject to prior approval and staff availability.

1.2 Engineering Department

1.2.1 Grading Permit Fees

Plan Check	\$48.00
Grading Permit	\$142 first 100 cy + \$95 each additional 100 cy
Grading Permit > 10,000 CY	\$9,547 first 10,000 cy + \$95 each additional 1,000 cy
Late Permit Fee	A late permit fee will be charged for any grading work (removal or placement of fill dirt on property) without first having obtained a grading permit equivalent to double the permit fee

1.2.2 Right-of-Way Construction Permit Fees: \$75.00 Plus

Item	Unit	Fee
A.C. Paving	Sq. Yd.	\$1.60
Concrete Sidewalk/Recreation Path	Lin. Ft.	\$0.50
Dust Palliative	Sq. Yd.	\$0.02
Concrete Valley Gutter and Apron	Lin. Ft.	\$0.50
Curb and Gutter	Lin. Ft.	\$1.00
Water Lines	Lin. Ft.	\$0.40
Sewer Lines	Lin. Ft.	\$0.40
Natural Gas Lines	Lin Ft.	\$1.60
Trenching	Lin. Ft.	\$0.20
Underground Conduit or Pipe	Lin. Ft.	\$0.20
Splice Pit	Each	\$95.00
Concrete Box Culvert (Single Barrel)	Each	\$142.00
Brass Cap	Each	\$50.00
Street Sign	Each	\$80.00
Traffic Control Devices (including barricades) day or night, per location	Per location	\$250.00
Emergency Street Work, per location	Per location	\$250.00
Permanent Site Restoration	Each	\$500.00

A \$500.00 Assurance is required prior to issuance of each permit.

1.2.3 Haul Permit Fees

This section shall apply when more than 100 cubic yards of dirt will be brought onto or removed from the property.

Excavation Haul Fee	\$0 first 100 cy + \$95 each additional 100 cy or part thereof
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1.2.4 Engineering Plan Review

Review 1st & 2nd, each	\$100
Each subsequent review	\$ 50

1.2.5 Blasting Operations Permit

Blasting permit	\$585
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1.2.6 Drilling Permit

Drilling Permit	\$100
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1.2.7 Drainage Permit

Drainage Permit	\$100
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1.3 Wastewater Utility Division

1.3.1 Wastewater Development Fees

Meter Size	Flow (gpm)	Capacity Ratio	Fee (\$)
1" and smaller	50	1.00	\$7,847
1.5"	100	2.00	\$15,694
2"	160	3.20	\$25,110
3"	350	7.00	\$54,929
4"	600	12.00	\$94,164
6"	1,000	20.00	\$156,940
8"	1,600	32.00	\$251,104

The fee for the enlargement of an existing meter size shall be the difference between the fee charged for the existing meter size and the new meter size connection as set forth in the Paradise Valley Fee Schedule.

1.3.2 Sewer User Fee: [Note: effective July 1, 2017 – July 1, 2019]

1.3.2.1 Residential

The monthly sewer user fee shall be \$76.53 per month plus \$1.04 per each 1,000 gallons over 15,000 gallons of water usage. The maximum monthly rate shall be \$242.00. Once a year, the sewer user charge will be calculated based on 90% of the average monthly water consumption for the preceding consecutive months of December, January, February, and March excluding the month of greatest consumption.

1.3.2.2 Schools, Churches, Public Buildings

The monthly sewer user fee shall be \$4.68 per 1,000 gallons of water consumption. Once a year, the sewer user charge will be calculated based on the average monthly water consumption for the preceding consecutive months of December, January and February. Water consumption shall be calculated based on 100% of the in-building water consumption, if in-building and outdoor consumption are separately metered by the water provider. Water consumption shall be calculated based on 90% of the average monthly water consumption if in-building water consumption is not separately metered by the water provider. The minimum rate for schools, churches, public buildings will be \$76.53.

1.3.2.3 Commercial Building with Dining

The monthly sewer user fee shall be \$5.66 per 1,000 gallons of water consumption. Once a year, the sewer user charge will be calculated based on 90% of the average monthly water consumption for the preceding consecutive months of December, January and February. Water usage consumption shall be calculated based on 100% of the in-building water consumption, if in-building and outdoor consumption are separately metered by the water provider. Water consumption shall be calculated based on 90% of the average monthly water consumption if in-building water consumption is not separately metered by the water provider. The minimum rate for commercial building will be \$76.53.

1.3.2.4 Medical Facilities

The monthly sewer user fee shall be \$4.98 per 1,000 gallons of water consumption. Once a year, the sewer user charge will be calculated based on 90% of the average monthly water consumption for the preceding consecutive months of December, January and February. Water usage consumption shall be calculated based on 100% of the in-building water consumption, if in-building and out-door consumption are separately metered by the water provider. Water consumption shall be calculated based on 90% of the average monthly water consumption if in-building water consumption is not separately metered by the water provider. The minimum rate for medical facilities will be \$76.53.

1.3.2.5 Water Meter Reading Fee \$30.25

1.4 Police Department

1.4.1 Records and Documents

Police report copies (Fees waived for victims of violent Part I crimes) 1 through 20 pages	\$10.00
Each additional page up to 150 pages	\$0.50 per page
Over 150 pages	\$75.00
All other public documents	\$0.25 per page (\$1.00 minimum)
Crime scene/crash diagrams larger than 11'X17"	\$10.00 each
Printed photographs (3" X 5" and Polaroid) (Note: This does not include photo enforcement photographs.)	\$5.00 per photograph
Printed photographs (8" x 10")	\$10.00 per photograph
Digital Photographs, per report:	
First CD/Disk	\$10.00
Additional CDs/Disks same report	\$5.00
Police audio recordings (Includes 911)	\$25.00 per Tape/CD
Police video recordings	\$ 25.00 per Tape/CD
Photo enforcement photographs (fee is not set nor controlled by the Town and is subject to change without advance notice. Please check with the Police Department's Photo Enforcement Clerk for current cost and procedure for obtaining a photograph.	Cost can vary

1.4.2 Licenses and Permits

Commercial Residential Solicitation Permit Fee	\$25.00 each
Fingerprinting Fee	\$5.00 per card
Housemoving	\$950 + \$95 per hour for permits requiring more than 10 hours staff time.
Residential Parking Permit Annual Fee	\$20.00

1.4.3 Reserved

1.4.4 Miscellaneous Fees

Immobilization Device (parking boot) Removal	\$25.00 each
Horse Recovery/Impound	\$100 per horse
Sign Removal Fee	\$35.00 per sign
Vehicle Impoundment Administrative Hearing Fee	\$150.00
Credit Card Processing Service Charge	3% of transaction

1.5 Fire Prevention

1.5.1 Fire Prevention Permit Fees

Tent Permit	\$75.00
Underground fuel tank storage permits	\$150.00
Above ground LPG permit	\$85.00
Underground LPG permit	\$85.00
Fireworks permit	\$125.00
Convention permit	\$75.00
Roofing operations permit	\$50.00
Hazardous Materials permit	\$75.00
All other permits required by Intl Fire Code	\$50.00

1.6 Alarm Monitoring and Fines

1.6.1 Town Alarm Monitoring (TAM) Subscription Rates

PAM Primary (Telephone) 1-24 Zones	\$35 per month / \$105 per quarter
PAM Primary (Telephone) 25+ Zones	\$40 per month / \$120 per quarter
PAM Backup (Radio or digital backup)	+\$10 per month / +\$30 per quarter

1.6.2 False Alarm Fines

1 st False Alarm	\$0
2 nd and Subsequent False Alarms in Same calendar year	\$100 each for permitted Users

2.0 Application Fees For the receipt and consideration of applications, the following fees shall be imposed.

2.1 Board of Adjustment

2.1.1	Application for Variance	\$1,765
2.1.2	Appeal of Administrative Decision	\$1,765
2.1.3	Request for Continuance by the Applicant	\$365
2.1.4	Application for Variance for Non-livable detached structures having less than 10% impact on setback or disturbed area	\$1,615
2.1.5	Administrative Relief from Zoning Code	\$450

2.2 Planning Commission

2.2.1 Subdivisions

2.2.1.1	Application for approval of a preliminary subdivision plat:	\$3850 + \$25 per lot
2.2.1.2	Application for approval of a subdivision	\$2,835
2.2.1.3	Replat	\$2,635
2.2.1.4	Application for Subdivision Sign	\$2,125
2.2.1.5	Subdivision Premises for Sale Sign	\$2,125

2.2.2 If the proposed subdivision is partially or wholly within the Hillside Development Area, then the fees established above (§ 2.2.1) are doubled.

2.2.3.a	Major Amendments: To file for a major amendment to the General Plan, each application	\$13,000
2.2.3.b	Minor Amendments: To file for a minor amendment to the General Plan, each application	\$7,750

2.2.4	To vacate a street or alley, each application	\$3,170 + cost of appraisal
2.2.5	To amend the Zoning Ordinance, each application	\$14,625
2.2.6	Application for Rezoning	\$11,850 + \$75 per lot
2.2.7	Request by applicant for a continuance (applies to all planning/zoning matters, special use permits, subdivisions, etc)	\$800 each
2.2.8	Lot Split	\$3,575
2.2.9	Lot Line Adjustment	\$2,225
2.2.10	Exempt Lot Split Review	\$2,225
2.2.11	Release of Easement	\$5,200
2.2.12	Annexation Application Fee	\$9,300

2.3 Hillside Review

2.3.1	Additions to existing structures (sec. 2204f1) requiring engineer approval only	\$1,490
2.3.2.a	In addition to the permit fees established in paragraph 1.1, an application for Hillside Building Committee review of structures in a Hillside Development Area shall pay a fee and reimburse the Town for any fees charged by consultants relevant to the project.	\$6,375
2.3.2.b	Review of plans for addition of a solar photovoltaic or solar hot water heater only application	\$1,785
2.3.3	Hillside Building Committee Re-approval	\$850
2.3.4	Combined Hillside Reviews	\$4,125

2.4 Special Use Permit Review

2.4.1 Application for Special Use Permits

2.4.1.1	Managerial Amendment	\$1,900
2.4.1.2	Minor Amendment	\$5,250
2.4.1.3	Intermediate Amendment for Schools, Government Buildings, and Places of Worship	\$4,150
2.4.1.4	Intermediate Amendment for all other uses	\$8,330 + \$110 per acre or portion thereof
2.4.1.5	SUP or Major Amendment to SUP for Schools, Government Buildings, and Places of Worship	\$7,750
2.4.1.6	SUP or Major Amendment to SUP for all other uses	\$20,000 + \$110 per acre or portion thereof
2.4.1.7	For Private Road, Guardgate, Guardhouse, or Observation Booth	\$4,800
2.4.1.8	Amateur Radio Antenna Permit	\$5,275
2.4.1.9	Conditional Use Permit	\$5,665
2.4.1.10	Temporary Use Permit	\$1,800
<u>2.4.1.11</u>	<u>SUP for a Small Wireless Facility</u> <u>that is not an Administrative Small</u> <u>Wireless Facility</u>	<u>\$1,000</u>

2.5 Administrative Small Wireless Facilities

2.5.1 Applications for Administrative Small Wireless Facility Permits

<u>2.5.1.1</u>	<u>Individual Site Application</u>	<u>\$750</u>
<u>2.5.1.2</u>	<u>Consolidated applications for the</u> <u>collocation of up to twenty-five</u> <u>small wireless facilities if the</u> <u>collocations involve substantially the</u> <u>same type of small wireless facilities</u> <u>and substantially the same type of</u> <u>structure (Note: this fee applies only</u> <u>to collocations that do not require a</u> <u>replacement pole or a new wireless</u> <u>support structure)</u>	<u>\$100 for each of the first</u> <u>five site applications and</u> <u>\$50 each for the next 20</u> <u>applications in a</u> <u>consolidated application</u>

Administrative Fees

For administrative tasks, the following fees shall be imposed.

3.1 Returned Checks Fee

3.1.1 For each check or electronic direct debit or credit card charge returned to the Town for any reason beyond the control of the Town \$50.00

3.2 License Fees

3.2.1	General Business License	\$25.00
3.2.2	Escort Bureau Application	\$1,000.00
3.2.3	Escort Bureau Issuance	\$1,000.00
3.2.4	Escort Bureau Renewal	\$1,000.00
3.2.5	Escort application	\$1,000.00
3.2.6	Escort Issuance	\$1,000.00
3.2.7	Escort Renewal	\$1,000.00
3.2.8	Special Event Liquor License	\$25.00
3.2.9	Solid Waste and Recycling License	\$500.00

3.3 Records and Documents

3.3.1	Copying for Official Public Records Requests	\$0.25 per page (\$1.00 Minimum)
3.3.1.1	Black Line (Blue Print)	
	18 X 24	\$10.00
	24 X 36	\$10.00
	30 X 42	\$10.00
3.3.1.2	Faxing for Official Public Records Requests	\$0.25 per page
3.3.2	8.5 X 11 Color Copy	\$1.00 per page
3.3.3.	Commercial Records Requests, Copies & Searches	As allowed by State law
3.3.4	Town Code (paper copy)	\$45.00
3.3.5	Town Code (CD)	\$30.00
3.3.6	Town GIS Mapping, Data, and Services	
	<u>Mapping</u>	<u>Parcel</u> <u>Aerial</u>
	8 ½ X 11 Inches	\$5.00 \$8.00
	11 X 17 Inches	\$10.00 \$15.00
	34 X 44 Inches	\$50.00 \$75.00
	Town Map Book	\$200.00 N/A

GIS PARCEL DATABASE

The Town's parcel database is provided in ESRI ARCVIEW V9 shape file format (consisting of ".shp" and related files) only. All data is projected using North American Datum 1983 (NAD83) State Plane Arizona Central FIPS 0202 feet.

	NON-COMMERCIAL	COMMERCIAL
PARCEL DATABASE	\$200.00	\$400.00

GIS CUSTOM SERVICES

All data or map request not included above will be considered a custom request and shall be considered with regard to availability and cost of town resources to provide the products or services. A custom request can and may be declined.

Minimum Charge	\$200.00
Per Hour Charge (1 Hour Increments)	\$100.00
• Plus \$0.05 Per Parcel (Non-Commercial)	
• Plus \$0.10 Per Parcel (Commercial)	
• Includes Cost Of CD Media	

3.3.7	General Plan	\$ 9.00
3.3.8	Audio Tape of Public Meeting	\$10.00 per tape
3.3.9	Audio CD of Public Meeting	\$10.00 per CD
3.3.10	Video Tape	\$25.00 per tape

3.3.11	Copies produced pursuant to court action	As prescribed by State law
3.3.12	Annual Town Budget	\$15.00
3.3.13	Auditor's Report	\$15.00
3.3.14	Data CD	\$50.00
3.4	Liens	
3.4.1	Lien Filing Fees	\$ 70.00
3.5	Reserved	
3.6	Collection Agency	
3.6.1	Collection Agency Fee	Collection fees and charges assessed by the collection agency shall be added to the sum or sums due.
3.7	Planning Department – Special Event Permits	
3.7.1	Permits For Special Events Generally Walks, Parades, Bicycle Races, Foot Races, Designer/Showcase Home Events, Home And Garden Tours, Fireworks Displays, Film Productions	\$650 + \$90 Per Hour For Permits Requiring More Than 8.5 Hours Of Staff Time
3.7.2	Permits For Special Events Utilizing Tents Pre-Approved Tent Location Event Tent Events Without Pre-Approved Locations	\$200.00 \$300.00

Note: All Special Event Permit Fees will be doubled if request for special event permit is submitted within five business days of event.

FOOTNOTES

Amended July 25, 1991
Amended January 1, 1995
Amended July 25, 1996 (Res. #884)
Amended September 26, 1996 (Res. #890)
Amended August 28, 1997 (Res. #914)
Amended November 12, 1998 (Res. #949)
Amended December 13, 1998 (Res. #953)
Amended February 25, 1999 (Res. #959)
Amended March 11, 1999 (Res. #960)
Amended March 25, 1999 (Res. #961)
Amended May 27, 1999 (Res. #968)
Amended September 9, 1999 (Res. #975)
Amended November 18, 1999 (Res. #979) (Master Schedule Update)
Amended December 16, 1999 (Res. #982)
Amended January 27, 2000 (Res. #984)
Amended November 16, 2000 (Res. #1006)
Amended March 8, 2001 (Res. #1011)
Amended January 24, 2002 (Res. #1025) (Master Schedule Update)
Amended September 26, 2002 (Res. #1037)
Amended November 7, 2002 (Res. #1038) (Master Schedule Update)
Amended April 24, 2003 (Res. #1046)
Amended May 22, 2003 (Res. #1048)
Amended October 23, 2003 (Res. # 1058)
Amended February 26, 2004 (Res. #1063) (Master Schedule Update)
Amended July 8, 2004 (Res. #1076)
Amended October 28, 2004 (Res. #1086)
Amended December 16, 2004 (Res. # 1091)
Amended January 27, 2005 (Res. #1092) (Master Schedule Update)
Amended July 14, 2005 (Res. # 1106)
Amended October 27, 2005 (Res. # 1110)
Amended November 17, 2005 (Res. #1112) (Master Schedule Update)
Amended October 26, 2006 (Res. #1135)
Amended February 22, 2007 (Res. #1140) (Master Schedule Update)
Amended June 14, 2007 (Res #1151)
Amended October 25, 2007 (Res #1157)
Amended January 24, 2008 (Res #1159) (Master Schedule Update)
Amended October 23, 2008 (Res #1177)
Amended October 22, 2009 (Res #1199)
Amended November 5, 2009 (Res #1204)
Amended November 19, 2009 (Res #1203)
Amended February 25, 2010 (Res #1213)
Amended October 21, 2010 (Res #1226)
Amended June 28, 2012 (Res #1259)
Amended March 27, 2014 (Res #1300)
Amended May 8, 2014 (Res #1305)
Amended December 3, 2015 (Res #1337)
Amended June 9, 2016 (Res #2016-14) (Effective 8/1/16, 7/1/17)
Amended January 26, 2017 (Res #2017-02)
Amended March 23, 2017 (Res #2017-05) (Effective May 1, 2017)

ORDINANCE NUMBER 2017-05

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING ARTICLE 2, MAYOR AND COUNCIL; ADDING SECTION 2-5-2(I), SMALL WIRELESS FACILITIES LOCATED IN THE RIGHTS-OF-WAY; AND AMENDING THE ZONING ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARTICLE XII, IN ORDER TO PROVIDE FOR A PROCEDURE FOR THE REVIEW AND APPROVAL OF NON-COMPLIANT OR REJECTED SMALL CELL WIRELESS FACILITY APPLICATIONS WITHIN THE TOWN'S RIGHTS-OF-WAY, ALL AS REQUIRED BY RECENTLY ADOPTED STATE LAW, A.R.S §9-591 ET. SEQ.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. The Town of Paradise Valley's Code is hereby amended by adding a new subsection I to Section 2-5-2, as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

Section 2-5-2 Planning Commission

I. SMALL WIRELESS SERVICE FACILITIES LOCATED IN THE RIGHTS-OF-WAY

- 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 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 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 two (2) or more of the following components:
 - i. Antennas that are no more than six cubic feet in volume;
 - ii. Faux Cactus or replacement Utility Pole;
 - iii. Equipment cabinet less than twenty-eight cubic feet in volume;
 - iv. Underground vault for equipment;
 - v. Electric meter (where required by law);
 - vi. 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;
- 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 Zoning Administrator or designee.
 - 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 standards or an alternate design standard. An Applicant who chooses not to comply with the objective design and concealment standards 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 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.
 - ii. An Applicant may request to locate on an existing or replaced traffic signal pole or street light pole consistent with the specification 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 faux cacti 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 within a one hundred foot radius of the Applicant's preferred site), with initial siting to be objectively chosen based on the following criteria:

i. **Safety.**

- A. Sites should preferably be located outside of 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, plus an additional ten feet.

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 on the subject property.
- 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.
- 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 Town landscaping guidelines. Any utility meter associated with the SWF shall face away from the street or shall be camouflaged in some manner.

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.
 - vi. **Cumulative Visual Effect.** 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.
- 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 for the Use of "Faux Cactus" SWFs** – to maximize the concealment of SWFs, a faux cactus installation shall be 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 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 a 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 street light or

traffic signal pole that has the appropriate structural support strength 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 56th Street and Lincoln traffic signal installation. (refer to standard detail in 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");
 - ii. Applicant shall provide graphics to illustrate RF radiation level in terms of percent of FCC Public and Occupational limits.
 - A. For all applications, a graphic shall illustrate RF exposure levels that may exceed the FCC limits in all areas that are readily accessible to the public, including habitable structures.
 - B. 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.

- 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.**
- 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 fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;**
 - ii. **An environmental assessment is required by the National Environmental Policy Act (NEPA) for any SWF prior to commencing operations where any 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;**
 - iii. **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. If an Applicant has not included an environmental assessment that the Town finds to be necessary under the National Environmental Policy Act, the Town may prepare, or cause to be prepared, such an environmental assessment at the Applicant's expense or reject the application as incomplete. The environmental assessment shall be amended or revised by the Applicant within thirty (30) days after notice to do so from the Town when modifications are made or occur on the SWF. Failure to amend or revise shall constitute grounds for revocation of the Administrative Small Wireless Facility Permit.**
- b) **Within ninety (90) days from the date of approval of the permit , the Permittee shall submit existing and maximum future projected measurements of noise from the SWF for the following:**
- i. **Existing SWF: Maximum noise level from the SWF. These measurements shall be for the type of mounts specified in Subsection A of this section;**
 - ii. **Existing SWF plus cumulative: Maximum estimate of noise level from the existing SWF plus the maximum estimate of noise level from the total addition of co-located SWFs;**

- iii. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet Subsection (b) of this section.

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.

- 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 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;
 - 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.;
 - 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. To the extent allowed by law, radiofrequency (RF) radiation performance submittals shall include reports and graphics as required by Subsection 7, Radiofrequency (RF) Performance and Interference Standards and Monitoring;
- vii. To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed SWF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:
 - A. Existing or ambient: the measurement of existing noise at the proposed site;
 - B. Existing plus proposed SWF: maximum estimate of noise from the proposed SWF plus the existing noise environment;
 - C. Existing plus proposed SWF plus cumulative: maximum estimate of noise from the proposed SWF plus the maximum estimate of noise from the total addition of co-located SWFs plus the existing noise environment;
 - D. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards section of this Article;
- viii. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance. If the Applicant determines that the environmental assessment is not required, certification to that effect shall be provided.
- 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. ⁵⁶⁴

- 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.**
- 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.

Section 2. Article XI, Section 1102.2(E) is hereby amended as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

E. Utility Poles and Wires

1. Definitions

- a. Utility poles and wires - shall mean poles, structures, wires, cable, conduit, transformers, **communications equipment**, and related facilities used in or as a part of the transportation or distribution of electricity or power or in the transmission of telephone, telegraph, radio or television communications **or for the transmission or reception of electromagnetic radio frequency signals used in providing wireless services**;
 - b. Existing utility poles and wires - shall mean such utility poles and wires as are in place and in operation as of the effective date of this ordinance; and
 - c. New utility poles and wires - shall mean such utility poles and wires as are not existing utility poles and wires and shall include such utility poles and wires as in the future may constitute replacements for, or repairs to, existing utility poles and wires, but shall not include replacements involving less than one-quarter (1/4) mile of contiguous poles and wires on any transmission or distribution line in any twelve (12) month period where the remainder of such transmission or distribution line is not also being replaced within said period; such replacements excluded from being new utility poles under the latter clause must be poles of the same or lesser size, diameter, and height, and in the same location as the pole or poles being replaced, and in addition, must be of the same class or classification as to strength and purpose within the utility industry as the pole or poles being replaced.
2. The erection of new utility poles and wires within the Town is discouraged, and, **with the exception of small wireless facilities meeting the administrative approval standards specified in Article II, Section 2-5-2(I),** may only be

permitted by the issuance of a Special Use Permit, further provided that a Special Use Permit for erection of new utility poles and wires shall be granted only in the event the Applicant makes an affirmative showing that the public's general health, safety and welfare will not be impaired or endangered or jeopardized by the erection of same as proposed. In deciding such matter, the following factors shall be considered:

- a. the location and heights of such poles and wires and their relation to present or potential future roads;
- b. the crossing of such lines over much traveled highways or streets;
- c. the proximity of such lines to schools, churches or other places where people congregate;
- d. the probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields;
- e. fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of firefighting equipment;
- f. the aesthetics involved;
- g. the availability of suitable right-of-way for the installation;
- h. the future conditions that may be reasonably anticipated in the area in view of a normal course of development;
- i. the type of terrain;
- j. the practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and overground installations (provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not in itself necessarily require issuance of a permit); and
- k. in the event such poles and wires are for the sole purpose of carrying electricity or power or transmitting telephone, telegraph, radio or television communication through or beyond the Town's boundaries, or from one major facility to another, the practicality and feasibility of alternative or other routes.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley,
Arizona, this ____ day of August 2017.

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

ORDINANCE NUMBER 2017-05

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING ARTICLE 2, MAYOR AND COUNCIL; ADDING SECTION 2-5-2(I), SMALL WIRELESS FACILITIES LOCATED IN THE RIGHTS-OF-WAY; AND AMENDING THE ZONING ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARTICLE XII, IN ORDER TO PROVIDE FOR A PROCEDURE FOR THE REVIEW AND APPROVAL OF NON-COMPLIANT OR REJECTED SMALL CELL WIRELESS FACILITY APPLICATIONS WITHIN THE TOWN'S RIGHTS-OF-WAY, ALL AS REQUIRED BY RECENTLY ADOPTED STATE LAW, A.R.S §9-591 ET. SEQ.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. The Town of Paradise Valley's Code is hereby amended by adding a new subsection I to Section 2-5-2, as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

Section 2-5-2 Planning Commission

I. SMALL WIRELESS SERVICE FACILITIES LOCATED IN THE RIGHTS-OF-WAY

- 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 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 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 two (2) or more of the following components:
 - i. Antennas that are no more than six cubic feet in volume;
 - ii. Faux Cactus or replacement Utility Pole;
 - iii. Equipment cabinet less than twenty-eight cubic feet in volume;
 - iv. Underground vault for equipment;
 - v. Electric meter (where required by law);
 - vi. 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;
- 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 Zoning Administrator or designee.
 - 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 standards or an alternate design standard. An Applicant who chooses not to comply with the objective design and concealment standards 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 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.
 - ii. An Applicant may request to locate on an existing or replaced traffic signal pole or street light pole consistent with the specification 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 faux cacti 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 within a one hundred foot radius of the Applicant's preferred site), with initial siting to be objectively chosen based on the following criteria:

i. **Safety.**

- A. Sites should preferably be located outside of 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, plus an additional ten feet.

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 on the subject property.
- 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.
- 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 Town landscaping guidelines. Any utility meter associated with the SWF shall face away from the street or shall be camouflaged in some manner.

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.
 - vi. **Cumulative Visual Effect.** 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.
- 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 for the Use of "Faux Cactus" SWFs** – to maximize the concealment of SWFs, a faux cactus installation shall be 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 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 a 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 street light or

traffic signal pole that has the appropriate structural support strength 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 56th Street and Lincoln traffic signal installation. (refer to standard detail in 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");
 - ii. Applicant shall provide graphics to illustrate RF radiation level in terms of percent of FCC Public and Occupational limits.
 - A. For all applications, a graphic shall illustrate RF exposure levels that may exceed the FCC limits in all areas that are readily accessible to the public, including habitable structures.
 - B. 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.

- 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.**
- 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 fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;**
 - ii. **An environmental assessment is required by the National Environmental Policy Act (NEPA) for any SWF prior to commencing operations where any 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;**
 - iii. **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. If an Applicant has not included an environmental assessment that the Town finds to be necessary under the National Environmental Policy Act, the Town may prepare, or cause to be prepared, such an environmental assessment at the Applicant's expense or reject the application as incomplete. The environmental assessment shall be amended or revised by the Applicant within thirty (30) days after notice to do so from the Town when modifications are made or occur on the SWF. Failure to amend or revise shall constitute grounds for revocation of the Administrative Small Wireless Facility Permit.**
- b) **Within ninety (90) days from the date of approval of the permit , the Permittee shall submit existing and maximum future projected measurements of noise from the SWF for the following:**
- i. **Existing SWF: Maximum noise level from the SWF. These measurements shall be for the type of mounts specified in Subsection A of this section;**
 - ii. **Existing SWF plus cumulative: Maximum estimate of noise level from the existing SWF plus the maximum estimate of noise level from the total addition of co-located SWFs;**

- iii. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet Subsection (b) of this section.

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.**

- 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 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;
 - 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.;
 - 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. To the extent allowed by law, radiofrequency (RF) radiation performance submittals shall include reports and graphics as required by Subsection 7, Radiofrequency (RF) Performance and Interference Standards and Monitoring;
- vii. To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed SWF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:
 - A. Existing or ambient: the measurement of existing noise at the proposed site;
 - B. Existing plus proposed SWF: maximum estimate of noise from the proposed SWF plus the existing noise environment;
 - C. Existing plus proposed SWF plus cumulative: maximum estimate of noise from the proposed SWF plus the maximum estimate of noise from the total addition of co-located SWFs plus the existing noise environment;
 - D. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards section of this Article;
- viii. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance. If the Applicant determines that the environmental assessment is not required, certification to that effect shall be provided.
- 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. ⁵⁶⁴

- 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.**
- 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.

Section 2. Article XI, Section 1102.2(E) is hereby amended as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

E. Utility Poles and Wires

1. Definitions

- a. Utility poles and wires - shall mean poles, structures, wires, cable, conduit, transformers, **communications equipment**, and related facilities used in or as a part of the transportation or distribution of electricity or power or in the transmission of telephone, telegraph, radio or television communications **or for the transmission or reception of electromagnetic radio frequency signals used in providing wireless services**;
 - b. Existing utility poles and wires - shall mean such utility poles and wires as are in place and in operation as of the effective date of this ordinance; and
 - c. New utility poles and wires - shall mean such utility poles and wires as are not existing utility poles and wires and shall include such utility poles and wires as in the future may constitute replacements for, or repairs to, existing utility poles and wires, but shall not include replacements involving less than one-quarter (1/4) mile of contiguous poles and wires on any transmission or distribution line in any twelve (12) month period where the remainder of such transmission or distribution line is not also being replaced within said period; such replacements excluded from being new utility poles under the latter clause must be poles of the same or lesser size, diameter, and height, and in the same location as the pole or poles being replaced, and in addition, must be of the same class or classification as to strength and purpose within the utility industry as the pole or poles being replaced.
2. The erection of new utility poles and wires within the Town is discouraged, and, **with the exception of small wireless facilities meeting the administrative approval standards specified in Article II, Section 2-5-2(I),** may only be

permitted by the issuance of a Special Use Permit, further provided that a Special Use Permit for erection of new utility poles and wires shall be granted only in the event the Applicant makes an affirmative showing that the public's general health, safety and welfare will not be impaired or endangered or jeopardized by the erection of same as proposed. In deciding such matter, the following factors shall be considered:

- a. the location and heights of such poles and wires and their relation to present or potential future roads;
- b. the crossing of such lines over much traveled highways or streets;
- c. the proximity of such lines to schools, churches or other places where people congregate;
- d. the probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields;
- e. fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of firefighting equipment;
- f. the aesthetics involved;
- g. the availability of suitable right-of-way for the installation;
- h. the future conditions that may be reasonably anticipated in the area in view of a normal course of development;
- i. the type of terrain;
- j. the practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and overground installations (provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not in itself necessarily require issuance of a permit); and
- k. in the event such poles and wires are for the sole purpose of carrying electricity or power or transmitting telephone, telegraph, radio or television communication through or beyond the Town's boundaries, or from one major facility to another, the practicality and feasibility of alternative or other routes.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley,
Arizona, this ____ day of August 2017.

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

TOWN OF PARADISE VALLEY

Small Wireless Facilities Ordinance
Study Session
August 8, 2017



Cell Service

- Purpose – Review the proposed ordinance amendment to comply with new State statute.
- Key Question – What edits to the draft ordinance would the Mayor and Town Council like to make?



SWF Ordinance

- The ordinance is broken into 2 main sections
 - Section 1 – Amends Town Code 2-5-2 and adds a subsection I “Small Wireless Service Facilities Located in the Rights-of-way”
 - Section 2 – Amends 1102.2(E)-Utility Poles of the Zoning Ordinance. This is the Special Use Permit Section of the zoning code.



SWF Ordinance

- Section 1
 - An administrative process if meets “Objective Design Standards,” “Undergrounding,” “Stealth and Concealment”
- Section 2
 - A legislative process requiring an SUP if proposal does not meet standards.



SWF Ordinance

- Structure of Section 1 of the Ordinance, Subsection I of the Code:
 - Table of contents
 - I-1 and I-2 are Purpose and Definitions
 - I-3 thru I-6 are Process, Siting & Design Standards
 - I-7 and I-8 RF, Noise and Environmental Standards
 - I-9 thru I-12 are Requirements and Limitations



SWF Ordinance

- Subsection I-3: General Requirements
 - Master License Agreement
 - Creates an Administrative SWF Permit
 - Process
 - Submit a complete application using list in I-10
 - Review the site location with staff
 - Determine if ASWF Permit or an SUP Permit
 - If ASWF Permit, then staff and PC Review (75 days, 30 fix)
 - If SUP, then staff, PC, Council review (180 days)



SWF Ordinance

- Subsection I-3: General Requirements (cont.)
 - Overview of the Objective Design Standards
 - 24' faux cactus
 - Demonstrate technical reasons can't use faux cactus
 - Alternative design is 56th and Lincoln
 - If no existing pole – onto SUP



SWF **Alternative** Ordinance

- Subsection I-3: General Requirements (cont.)
 - Overview of the Objective Design Standards
 - 24' faux cactus; or
 - **Place on an existing traffic or light pole (applicant's choice)**
 - Objective Design Standard is 56th and Lincoln
 - If no existing pole – onto SUP



SWF Ordinance

- Subsection I-4: Siting Standards
 - Safety – sight triangle, away from sidewalk, fall zone
 - Appearance – “blend into area”;
 - Strength – Withstand wind loads per most current building code



SWF Ordinance

- Subsection I-5: Faux Cactus Design Standards
 - Spec the New Path faux cactus or equivalent
 - Standard detail is in application not ordinance
 - All ground mounted equipment and connections must be buried
 - Except meter and disconnect switch



SWF Ordinance

- Subsection I-6: 56th & Lincoln Design Standards
 - Technical reason can't do faux cactus
 - Coverage/capacity consistent with small wireless facility industry standards



SWF Ordinance

- Subsection I-6: 56th & Lincoln Design Standards
 - Pole must support SWF and existing items (lights)
 - Max height 6' above existing pole
 - All antenna and pole mounted equipment in pole or canister
 - All ground mounted equipment buried
 - Specs in the application not the ordinance



SWF Ordinance

- Subsection I-7: Radio Frequency (RF)
 - Can't limit, demonstrate meets FCC
 - An illustration showing compliance relative to sidewalk and nearest habitable structure
 - If on existing utility pole, showing exposure to those servicing the utility pole.
 - W/in 90 days of operation measure RF and certify
 - If FCC changes, 60 days to come into compliance
 - If evidence not complying, 30d to analyze, 60d to comply



SWF Ordinance

- Subsection I-8: Noise and Environmental Standards
 - 50 dba
 - NEPA if required by Feds
- Subsection I-9: Co-location and Limitations



SWF Ordinance

- Subsection I-10: Submittal Requirements
 - Master Site Plan
 - Landscape Plan
 - Photos, Diagrams, and Simulations
 - Siting Elevations
 - Design Submittals
 - Executed License Agreement



SWF Ordinance

- Subsection I-10: Submittal Requirements(cont.)
 - RF Performance Submittals
 - Noise Performance Submittals
 - Environmental Submittals
 - 20 Days to Determine Application Complete



SWF Ordinance

- Subsection I-11: Permit Limitations
 - Permit good for 10 years;
 - may renew but comply with current code
 - Facility must be constructed in 180 days,
 - Unless no power or mutual extension
 - If expires, must remove and restore
 - Maintenance
 - Provide copy of FCC Permit



SWF Ordinance

- Section 2: Amend Chapter 11 of Zoning Ordinance, Section 1102.2E Utility Poles and Wires
- Subsection 2 contains the factors to be considered
 - A. location and heights
 - F. aesthetics involved



Cell Service SOD

- Codify Fees to Comply
 - Annual license for ROW limited to \$50/pole/year
 - Application fee limited to \$750
 - Consolidated application limited to \$100 for first 25; \$50 for each thereafter
 - Rezoning application fee limited to \$1,000



• Will be a Separate Resolution

SWF Ordinance

- Key Question – Take Citizen Review comments and then direct staff to make edits to the draft ordinance the Planning Commission would like to make?



Questions





SMALL WIRELESS SERVICE FACILITY (SWF) IN RIGHT-OF-WAY PERMIT PROCESS GUIDE

A Small Wireless Service Facility (SWF) is a land use that is listed in Section 2-5-2 of the Town Code which is permitted subject to obtaining a SWF Permit. A SWF may be appropriate in some locations and may not be appropriate in other locations due to the particular physical or operational characteristics of the SWF. The purpose of the SWF permit process is to determine on a case by case basis whether the requested SWF can be made compatible with surrounding existing or approved land uses. A SWF may only be granted if findings are made by the Planning Commission, or if the Planning Commission decision has been appealed, the Town Council that the standards for the approval have been met by the applicant.

Pre-Application Procedure

The applicant must schedule a pre-application meeting with a representative from the Planning/Engineering Department prior to submitting an application. This meeting will provide a list of submittal requirements and other information that will expedite the application. Your application will be reviewed within a week of its submittal. Following the review, you will be advised by the Planning/Engineering Department if the application has been accepted as submitted. If corrections are needed they will be identified in red on the submitted plan(s).

Application Procedure

As soon as your application has been accepted, you will be advised of the date that the Planning Commission can consider your application. However, a hearing will not be scheduled until the corrected plans, accompanied with the original redline plans, are returned to and approved by the Planning/Engineering Department. You will be asked to provide the staff with the specified public hearing materials. Planning staff will then prepare an Action Report either recommending denial, approval, or approval subject to stipulations. You will be provided with a copy of this report prior to the hearing.

Public Hearing

The applicant or the applicant's representative must be present at the public hearing. The applicant will then have an opportunity to present their application, and to respond to any comments made by other speakers. A list of required public hearing submittals is included in this packet.

If you have any questions about the application form or the procedure through which it will be processed, please call the Planning/Engineering Department at (480) 348-????.

PERMIT NO. _____

**TOWN OF PARADISE VALLEY
SMALL WIRELESS SERVICE FACILITY (SWF) IN RIGHT-OF-WAY
PERMIT APPLICATION**

SUBMITTAL DATE: _____

Property Owner: _____

Location of Site: _____

Description of SWF (attach separate sheet if necessary): _____

**I, THE OWNER OR OWNER REPRESENTATIVE, ATTEST THE FOLLOWING
INFORMATION TO BE TRUE AND ACCURATE.**

Applicant Name: _____

Applicant Address: _____

City _____ State _____ Zip _____

Phone: (_____) _____ Contact Name: _____

Fax: (_____) _____

E-mail Address: _____

APPLICANT SIGNATURE

Permit Fee \$ _____

PLEASE PLACE A ✓ OR N/A (NOT APPLICABLE)

- _____ (Required) Original Letter of Authorization from owner giving applicant permission to use the site.
- _____ (7) Copies of a narrative, to include but not limited to the following:
 - _____ Description of the type of SWF
 - _____ Additional details on how SWF may impact neighboring properties,
- _____ (7) Copies of a site plan, to include but not limited to the following:
 - _____ A legal description of the parcel, including gross and net acreage. A recent American Land Title Association/American Congress on Surveying & Mapping (ALTA/ACSM) survey may be required if deemed necessary for a thorough review of the application.
 - _____ Significant topographical features of the site or area.
 - _____ Fall zone
 - _____ The locations and elevations of all adjacent structures on properties adjacent to a proposed SWF.
- _____ (20) Copies of the following once the application has been scheduled for a public hearing before the Planning Commission:
 - _____ Project Narrative
 - _____ Color Aerial of Site
 - _____ Site Plan & Elevations
 - _____ Landscape Plan
 - _____ RF Study
 - _____ Viewshed Study
 - _____ Photographs and Photo Simulations
 - _____ Sight Line Representation
 - _____ Color Board
 - _____ Equipment Brochures
 - _____ Noise Study
 - _____ Environmental Assessment

LETTER OF AUTHORIZATION

Town of Paradise Valley
6401 E Lincoln Dr
Paradise Valley, AZ 85253

I, _____, authorize _____
(Name of Owner) (Name of Applicant)

to obtain a SWF Permit on my behalf for

_____ at _____
(Type of SWF) (Site Location)

OWNER

(Owner's Signature) (Date)

=====

Faux Saguaro Cactus Standard Features

Maximum installed height 24 feet above ground level.

Cactus exterior is durable structural-grade fiberglass (FRP) shell.

Cactus structure is galvanized steel pole with permanent hidden lift eyebolt at top.

Cactus to withstand wind load in accordance with current building code requirement.

Basic saguaro configuration with six ribs per foot of circumference

Ribs are 2 inches deep and pleated with natural look and realistic texture

Outside diameter (OD) of cactus 4" greater than the inside diameter (ID)

Maximum inside diameter (ID) is 24"

Woodpecker holes shall be a maximum of 3.5" diameter with insect screens.

Tapered top, upper 6.5 feet cactus tapered inward 1.15inch per foot, 7.45" total Tapered base, lower 3 feet cactus tapered inward 1.15" per foot, 3.45" total

Access panels are carved into "skin" following rib lines to minimize appearance

Mounting hardware concealed and flush with "skin"

Realistic five age-zone paint scheme as defined below.

Five age-zone paint design

- Zone V: [18'-24'] New Growth - (2) tones of green
- Zone IV: [18'-14'] Young Growth - (3) tones of green w/ accents in various locations
- Zone III: [14'-10'] Intermediate - (3) tones of green and reduction of color accents
- Zone II: [10'-4'] Mature Growth - (3) Tones of green color accent over base greens: yellows, browns, and whites
- Zone I: [4'- soil] Base - brown/gray and heavily aged
- Zones II to V have 2-tone individual airbrushed faux needles. Needles located on edge of ribs spaced approximately 2 to 3 inches apart.
- All Zones: 3-tone scars and dead areas artistically placed
- All Zones: Inset and 3-tone painted Gila woodpecker holes
- Paint: Exterior rated (ultraviolet-resistant) latex paint (Sherwin Williams or equal) using Larson Camouflage paint schedule.

LARSON CAMOUFLAGE PAINT COLORS FOR FIVE AGE-ZONE DESIGN

Two Tone Green Basic Colors:

SW6417	Tupelo Green
SW6424	Tansy Green (Old)
SW6418	Rural Green (New)

Varied Tone "Aging" Colors:

SW7005	Pure White	SW6815	Escape Gray
SW6131	Chamois	SW6816	Dried Thyme
SW 6232	Misty	SW6027	Retreat

Faux Needles

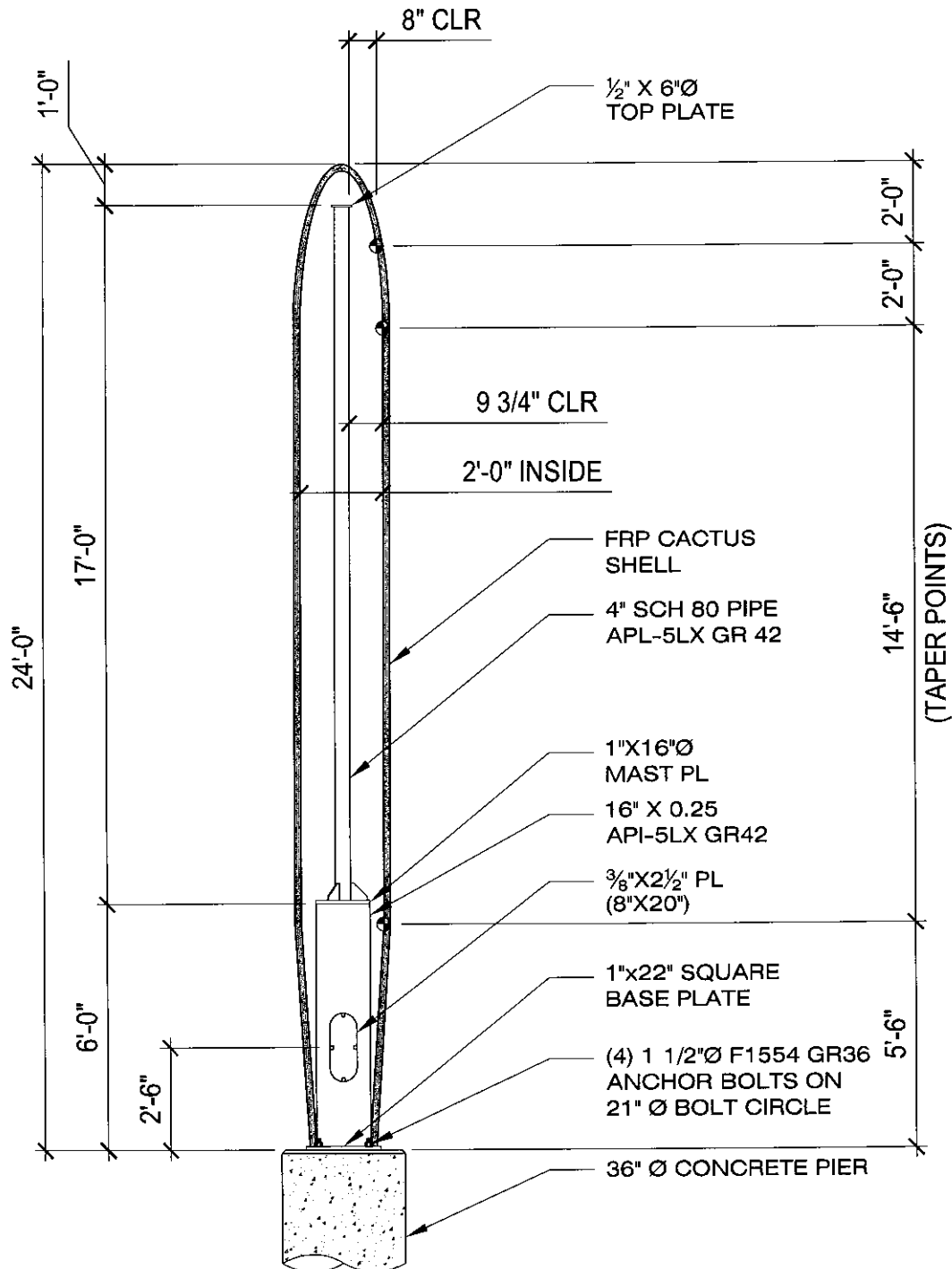
SW 7005	Pure White
SW 6994	Greenblack

Scars & Woodpecker Holes

SW 6060	Java
---------	------

Note: All paints are Sherwin Williams exterior rated, ultraviolet resistant latex or equal.

Applicant shall provide
structural calculations
for each location



1

POLE ELEVATION

SCALE: N.T.S.

LARSON CAMOUFLAGE

1501 South Euclid Avenue
Tucson, AZ 85713
(520) 294-3900
www.larsoncamo.com

24' CAMOUFLAGE CACTUS POLE DETAILS MODEL LCA-0-24-24

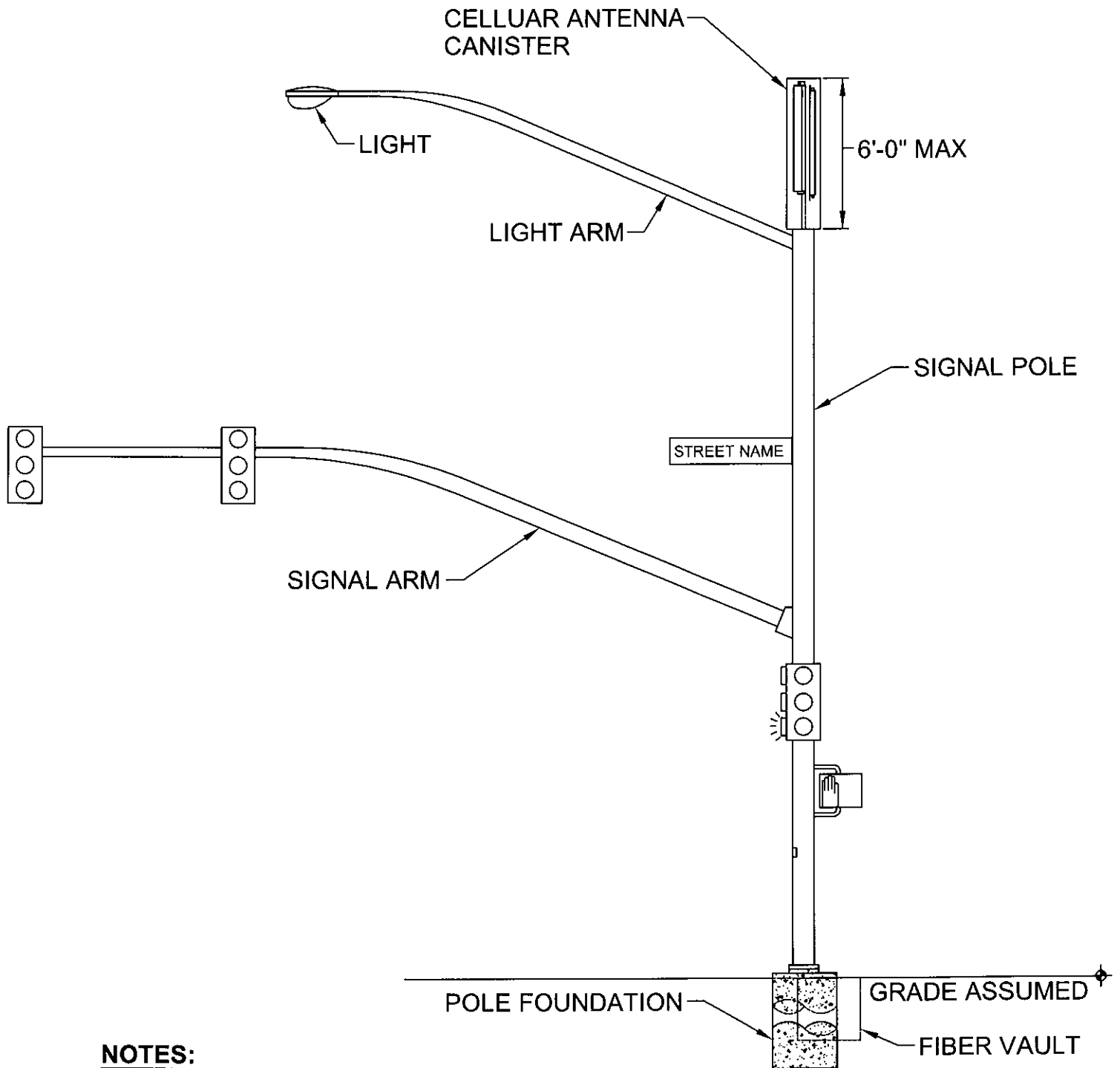
PROJECT:

PROJECT LOCATION:

DRAWING TITLE:

SCALE: N.T.S.

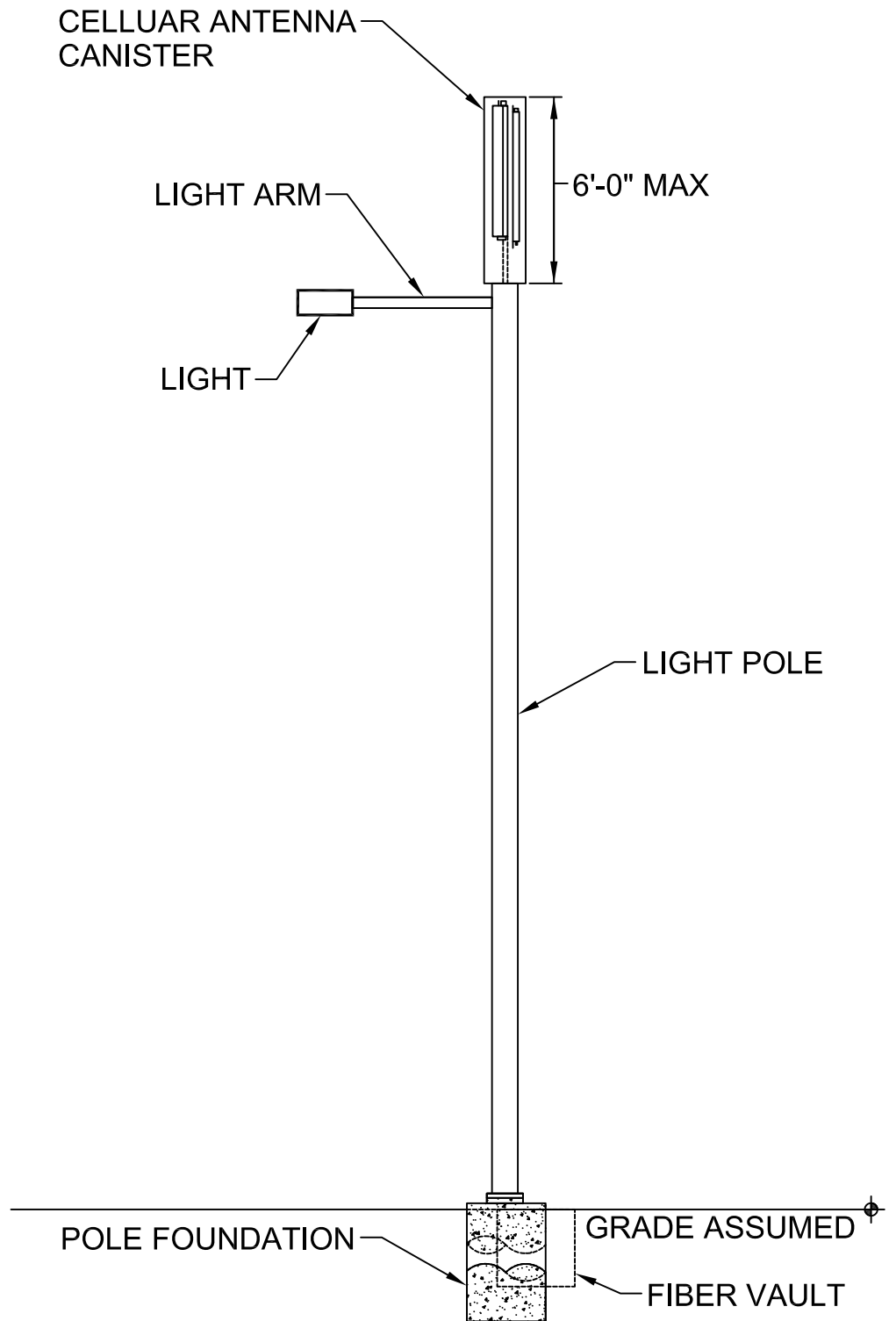
DATE:



NOTES:

1. EQUIPMENT ENCLOSURE LOCATION PER ZONING ORDINANCE.
2. ELECTRIC METER AND DISCONNECT SWITCH LOCATION PER ZONING ORDINANCE.

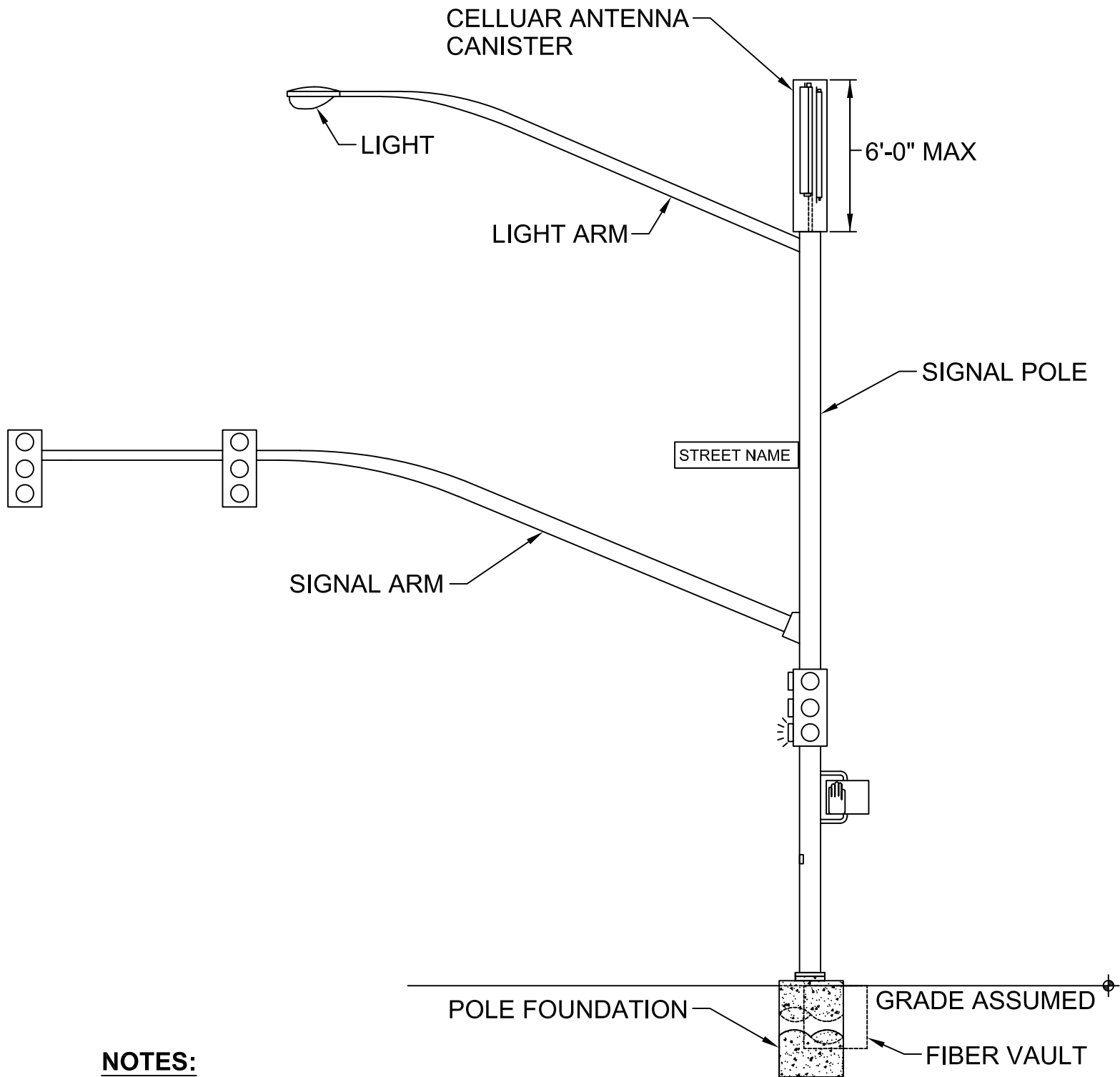
SIGNAL POLE DETAIL



NOTES:

1. EQUIPMENT ENCLOSURE LOCATION PER ZONING ORDINANCE.
2. ELECTRIC METER AND DISCONNECT SWITCH LOCATION PER ZONING ORDINANCE.

LIGHT POLE DETAIL



NOTES:

1. EQUIPMENT ENCLOSURE LOCATION PER ZONING ORDINANCE.
2. ELECTRIC METER AND DISCONNECT SWITCH LOCATION PER ZONING ORDINANCE.

SIGNAL POLE DETAIL



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 17-264



Action Report

File #: 17-263

TO: Mayor Collins and the Town Council

FROM: Kevin Burke, Town Manager

DATE: August 8, 2017

DEPARTMENT: Town Manager

AGENDA TITLE:

Consideration of Ordinance Number 2017-05 Regarding Small Cell Wireless Facilities Located in Rights-of-Way and Resolution Number 2017-16 Amending the Master Fee Schedule

RECOMMENDATION:

Adopt Ordinance Number 2017-05 and Resolution Number 2017-16.

Council Goals or Other Policies / Statutory Requirements:

Responsiveness to Residents - Identify and consider resident concerns in a timely manner and seek solutions to the best of the Town's ability - Cell Service.

SUMMARY STATEMENT:

The Town Council adopted a Statement of Direction (SOD) regarding small cell wireless facilities located in Town rights-of-way on June 8, 2017. The purpose of the revision is, first and foremost, to come into compliance with the new State statute in terms of objective design standards, undergrounding, stealth and concealment, and timely processing. The Council has directed that the objective design standard for "new small cells in the right-of-way" model the New Path/Crown Castle faux cactus. Second, the Council has directed that "small cell antennas attached to existing utility poles in the ROW" model the antenna on the southwest traffic signal post of 56th Street and Lincoln Drive.

To that end, Town Attorney Andrew Miller drafted an ordinance amendment. That amendment was presented at the June 20, July 11, and July 25, 2017 Planning Commission meetings for study session, citizen review, public hearing and finally as an adopted recommendation.

The draft ordinance has two sections. Section 1 enables an applicant to receive a small wireless facility (SWF) permit through an administrative review process if the applicant meets objective design standards, undergrounding and stealth and concealment conditions. Section 2 requires an applicant for an SWF permit who wishes to deploy a design not pre-approved by the Council to undergo a legislative review process.

Section 1 amends Chapter 2 of the Town Code, rather than Chapter XII (Personal Wireless Services Facilities) of the Zoning Code, to make clear this is an administrative process rather than a zoning process. Section 2 is a legislative process requiring Planning Commission and Town Council approval that amends Chapter XI (SUP's) of the Zoning Code. Chapter XI was selected over Chapter XII since these SWF's are utility poles in the Town ROW rather than on private property. Because Section 2 is an amendment to the Zoning Code, this required Planning Commission action and a public hearing before action by the Town Council.

The majority of this action report and presentation will focus upon Section 1 because this is where the objective design standards are set. Section 2 is more open ended and therefore requires less new text.

There are 12 subsections to Section 1. Subsection 1 and 2 provide a purpose statement and definitions. Subsections 3-6 outline the objective design standards and how they apply. Subsection 7-9 address radio frequency, noise and environmental standards. Subsection 10 are the submittal requirements. Subsection 11 and 12 are limitations, general conditions and applicability.

The objective design standard is a 24' faux cactus with all associated equipment buried except for the meter and the disconnect switch. The location of the cacti must blend with its surroundings necessitating staff to visit the site prior to presenting the application to the Planning Commission. In order to blend into the surrounding built and natural environment, the cactus may not be placed in a sidewalk or visible concrete base. If, for technical reasons, the 24' faux cactus will not provide coverage and capacity consistent with industry standards, the applicant may request to place the SWF on an existing, or replaced, traffic signal pole or light pole. Such placement must be consistent with the design standards established with the 56th and Lincoln example. The exact specifics for both of these standards will be shown in an illustration attached to the application.

This first option, faux cactus, and second option, 56th & Lincoln, is different than the SOD in that the SOD allowed the applicant to place an SWF on either the faux cactus or the existing light pole at the applicant's choice. The draft ordinance directs the applicant to demonstrate the faux cactus doesn't work before going to an existing light or traffic signal pole. If Council prefers the SOD over the draft ordinance, an alternate ordinance is attached that accomplishes that version.

The Town is limited by the State statute in imposing additional requirements, but can ask for evidence that other conditions are being met. This includes compliance with FCC limits on radio frequency radiation and with National Environmental Policy Act (NEPA) assessment requirements. The ordinance also sets a noise limit of 50 decibels.

Once an SWF permit is granted, the SWF must be constructed within 180 days unless the delay is due to extending power to the location. The permit is good for 10 years, at which time the permit must either be renewed or the SWF removed. There are also provisions for removal if the SWF is not active.

In order to accomplish this code amendment prior to the effective date of the new statute on August 9, 2017, this agenda item is scheduled for public hearing and action at this August 8, 2017 meeting.

BUDGETARY IMPACT:

New statute will reduce the revenue received from those carriers licensed to place PWSF's in the rights-of-way.

ATTACHMENT(S):

Cell Service Statement of Direction 6-08-17

Ordinance 2017-05 PC Adopted (with fee schedule reference added)

Resolution 2017-16 Master Fee Schedule

Alternative SWF Ordinance 08 08 2017 Redlined

Alternative SWF Ordinance 08 08 2017 Clean

080817 Small Cell Powerpoint

SWF Application

CELL SERVICE STATEMENT OF DIRECTION

The Paradise Valley Mayor & Town Council hereby provides the Planning Commission with the following Statement of Direction (SOD) concerning cellular service.

- Amend Chapter 12, Personal Wireless Service Facilities (PWSF), of the Town Zoning Code to come into compliance with a new state statute captured in House Bill 2365.
 - Recognize that the State law focuses upon the placement of small cell PWSF's in the ROW. As such, complete the amendment regarding small cell facilities in the ROW first and Council will issue a subsequent SOD for amendments to PWSF's on private property and macro cells.
 - Said amendment should develop "Objective design standards and reasonable stealth and concealment requirements" that include the following:
 - For new small cell PWSF's in the ROW:
 - Codify a standard that captures the twenty-four (24) foot faux cactus and associated undergrounding of related equipment used in the O-DAS system currently permitted in Town ROW.
 - The location area preferred by the applicant shall be reviewed for a location, with the substantially the same coverage capabilities, that best blends with the existing natural and built environment and avoids conflicts with existing view-sheds. Any new PWSF should NOT be located within intersection and driveway view triangles. The final location shall be established by the Commission after input from property near the location recommended by the staff at a public hearing.
 - The design standard shall not allow a new faux cactus to be placed in existing cement such as a sidewalk nor shall cement be placed around the base of the facility (this does not include the cement necessary to support the structure but that should be buried).
 - The design standard shall require a certain amount of landscaping within a defined perimeter of the facility.
 - Any utility meter associated with the facility shall be faced away from the street or center of the ROW or camouflaged in some manner.
 - Design details should be similar to the finite standards used in the approval of the NewPath nodes.
 - Develop a process for an applicant who chooses not to comply with the aforementioned reasonable design standards to apply for an alternative design that meets the core principals of the faux cactus solution including:
 - height,
 - stealth and concealment of antenna and equipment; and,
 - undergrounding;
 - In said process, provide a provision such that subsequent to Planning Commission approval of any alternative design, the application shall be forwarded to Council for approval or denial;

- For placement of a small cell PWSF on an existing, as of August 8, 2017, traffic signal or light pole:
 - Codify a standard that captures the PWSF located on the southwest corner of 56th and Lincoln Drive. Such design standard shall:
 - Limit the height of the PWSF to 6' above the top of the pole (not including the mast arm).
 - Require all pole mounted equipment to be contained in a cylinder the same size as the supporting pole [not to exceed 20 inches];
 - Require all wiring associated with the PWSF to be contained within the existing (or replacement) pole;
 - Replacement poles shall not be more than twenty (20) inches in diameter at the point immediately below the PWSF;
 - Require all ground mounted equipment to be buried with the exception of the associated utility meter;
 - Adopt standard details similar to the spec sheet for the existing DAS site at 56th & Lincoln Drive
 - Develop a process for an applicant who chooses not to comply with the aforementioned reasonable design standards to apply for an alternative design that meets the core principals of the 56th Street reasonable design standard solution including:
 - height,
 - stealth and concealment of antenna and equipment; and,
 - undergrounding;
 - In said process, provide a provision such that subsequent to Planning Commission approval of any alternative design, the application shall be forwarded to Council for approval or denial
 - Determine if the timeline for processing an alternate design application is greater than the time limits imposed by the state statute.
- Codify a process that meets the state statute timeline requirements. Said code provision shall include at a minimum:
 - A 20 day provision for determining if a small cell PWSF application is complete and a process for notifying and/or denying an application that is not complete;
 - A 75 day provision for completing a Planning Commission review of a PWSF small cell application;
 - Identify a timeline provision for resubmittals to cure problems or denials.
 - A 180 day provision for reviewing applications that choose an alternative design which would include review by the Planning Commission and the Town Council.
- Determine and codify the proper use of Conditional Use Permits (CUP), Special Use Permits (SUP), or other zoning code provisions for processing these PWSF applications.
- Codify, or make reference to, a fee schedule that reflects the maximum allowed fees under the state statute.
- Complete and remit a draft to the Town Council by July 26, 2017

ORDINANCE NUMBER 2017-05

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING ARTICLE 2, MAYOR AND COUNCIL; ADDING SECTION 2-5-2(I), SMALL WIRELESS FACILITIES LOCATED IN THE RIGHTS-OF-WAY; AND AMENDING THE ZONING ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARTICLE XII, IN ORDER TO PROVIDE FOR A PROCEDURE FOR THE REVIEW AND APPROVAL OF NON-COMPLIANT OR REJECTED SMALL CELL WIRELESS FACILITY APPLICATIONS WITHIN THE TOWN'S RIGHTS-OF-WAY, ALL AS REQUIRED BY RECENTLY ADOPTED STATE LAW, A.R.S §9-591 ET. SEQ.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. The Town of Paradise Valley's Code is hereby amended by adding a new subsection I to Section 2-5-2, as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

Section 2-5-2 Planning Commission

I. SMALL WIRELESS SERVICE FACILITIES LOCATED IN THE RIGHTS-OF-WAY

- 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 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 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 two (2) or more of the following components:
 - i. Antennas that are no more than six cubic feet in volume;
 - ii. Faux Cactus or replacement Utility Pole;
 - iii. Equipment cabinet less than twenty-eight cubic feet in volume;
 - iv. Underground vault for equipment;
 - v. Electric meter (where required by law);
 - vi. 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;
- 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 Zoning Administrator 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 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 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.**
 - ii. **If an Applicant can demonstrate a technical reason why the specified faux cactus SWF will not provide coverage/capacity consistent with small wireless facility industry standards, an Applicant may request to locate on an alternate site of an existing or replaced traffic signal pole or street light pole consistent with the specification 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 within a one hundred foot radius of the Applicant's preferred site), with initial siting to be objectively chosen based on the following criteria:

i. Safety.

- A. Sites should preferably be located outside of 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, plus an additional ten feet.

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 on the subject property.
- 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.
- 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 Town landscaping guidelines. Any utility meter associated with the SWF shall face away from the street or shall be camouflaged in some manner.

- 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.
- vi. **Cumulative Visual Effect.** 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.

- 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.** – **I**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 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.** – If an Applicant can demonstrate a technical reason why the specified faux cactus SWF will not provide coverage/capacity consistent with small wireless facility industry standards, an Applicant may propose the use of a 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 street light or traffic signal pole that has the appropriate structural support strength 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 56th Street and Lincoln traffic signal installation. (refer to standard detail in 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");
 - ii. Applicant shall provide graphics to illustrate RF radiation level in terms of percent of FCC Public and Occupational limits.

A. For all applications, a graphic shall illustrate RF exposure levels that may exceed the FCC limits in all areas that are readily accessible to the public, including habitable structures.

- B. 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.**
- 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.**

- 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 fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;**
 - ii. **An environmental assessment is required by the National Environmental Policy Act (NEPA) for any SWF prior to commencing operations where any 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;**
 - iii. **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. If an Applicant has not included an environmental assessment that the Town finds to be necessary under the National Environmental Policy Act, the Town may prepare, or cause to be prepared, such an environmental assessment at the Applicant's expense or reject the application as incomplete. The environmental assessment shall be amended or revised by the Applicant within thirty (30) days after notice to do so from the Town when modifications are made or occur on the SWF. Failure to amend or revise shall constitute grounds for revocation of the Administrative Small Wireless Facility Permit.**

- b) Within ninety (90) days from the date of approval of the permit , the Permittee shall submit existing and maximum future projected measurements of noise from the SWF for the following:
 - i. Existing SWF: Maximum noise level from the SWF. These measurements shall be for the type of mounts specified in Subsection A of this section;
 - ii. Existing SWF plus cumulative: Maximum estimate of noise level from the existing SWF plus the maximum estimate of noise level from the total addition of co-located SWFs;
 - iii. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet Subsection (b) of this section.
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.**
- 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 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;

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.;**
 - 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. To the extent allowed by law, radiofrequency (RF) radiation performance submittals shall include reports and graphics as required by Subsection 7, Radiofrequency (RF) Performance and Interference Standards and Monitoring;**
- vii. To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed SWF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:**
- A. Existing or ambient: the measurement of existing noise at the proposed site;**
 - B. Existing plus proposed SWF: maximum estimate of noise from the proposed SWF plus the existing noise environment;**
 - C. Existing plus proposed SWF plus cumulative: maximum estimate of noise from the proposed SWF plus the maximum estimate of noise from the total addition of co-located SWFs plus the existing noise environment;**
 - D. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards section of this Article;**
- viii. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance. If the Applicant determines that the environmental assessment is not required, certification to that effect shall be provided.**

- 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. ⁵⁶⁴

- 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.
- 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.

Section 2. Article XI, Section 1102.2(E) is hereby amended as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

E. Utility Poles and Wires

1. Definitions

- a. Utility poles and wires - shall mean poles, structures, wires, cable, conduit, transformers, **communications equipment**, and related facilities used in or as a part of the transportation or distribution of electricity or power or in the transmission of telephone, telegraph, radio or television communications **or for the transmission or reception of electromagnetic radio frequency signals used in providing wireless services;**
- b. Existing utility poles and wires - shall mean such utility poles and wires as are in place and in operation as of the effective date of this ordinance; and
- c. New utility poles and wires - shall mean such utility poles and wires as are not existing utility poles and wires and shall include such utility poles and wires as in the future may constitute replacements for, or repairs to, existing utility poles and wires, but shall not include replacements involving less than one-quarter (1/4) mile of contiguous poles and wires on any transmission or distribution line in any twelve (12) month period where the

remainder of such transmission or distribution line is not also being replaced within said period; such replacements excluded from being new utility poles under the latter clause must be poles of the same or lesser size, diameter, and height, and in the same location as the pole or poles being replaced, and in addition, must be of the same class or classification as to strength and purpose within the utility industry as the pole or poles being replaced.

2. The erection of new utility poles and wires within the Town is discouraged, and, **with the exception of small wireless facilities meeting the administrative approval standards specified in Article II, Section 2-5-2(I)**, may only be permitted by the issuance of a Special Use Permit, further provided that a Special Use Permit for erection of new utility poles and wires shall be granted only in the event the Applicant makes an affirmative showing that the public's general health, safety and welfare will not be impaired or endangered or jeopardized by the erection of same as proposed. In deciding such matter, the following factors shall be considered:
 - a. the location and heights of such poles and wires and their relation to present or potential future roads;
 - b. the crossing of such lines over much traveled highways or streets;
 - c. the proximity of such lines to schools, churches or other places where people congregate;
 - d. the probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields;
 - e. fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of firefighting equipment;
 - f. the aesthetics involved;
 - g. the availability of suitable right-of-way for the installation;
 - h. the future conditions that may be reasonably anticipated in the area in view of a normal course of development;
 - i. the type of terrain;
 - j. the practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and overground installations (provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not in itself necessarily require issuance of a permit); and
 - k. in the event such poles and wires are for the sole purpose of carrying electricity or power or transmitting telephone, telegraph, radio or television

communication through or beyond the Town's boundaries, or from one major facility to another, the practicality and feasibility of alternative or other routes.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this ____ day of August 2017.

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

RESOLUTION NUMBER 2017-16

A RESOLUTION OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING SECTION 2.4.1 OF THE MASTER FEE SCHEDULE AND ADDING A NEW SECTION 2.5 TO THE MASTER FEE SCHEDULE; ADOPTING A REVISED MASTER FEE SCHEDULE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Paradise Valley (“Council”) desires to modify the current fee schedule as relates to new utility poles and personal wireless service facilities (PWSFs) that are to now be designated as small wireless facilities (SWFs) in the Town Rights-of-Way, all as required by A.R.S. §9-591 et. seq.; and

WHEREAS, the provisions of A.R.S. §9-591 et. seq. require that the Town lower its current fees for new special use permits for new utility poles (under Article XI of the Zoning Ordinance) that are SWFs (as defined by A.R.S. §9-591 et. seq.) but still subject to a zoning approval from the current fee of twenty thousand dollars (\$20,000) to one thousand dollars (\$1,000); and

WHEREAS, the provisions of A.R.S. §9-591 et. seq. require that the Town lower its current fees for new special use permits for new utility poles (under Article XI of the Zoning Ordinance) that are SWFs (as defined by A.R.S. §9-591 et. seq.) and that are not subject to a zoning approval from the current fee of twenty thousand dollars (\$20,000) to seven hundred fifty dollars (\$750) for individual site applications, and one hundred dollars (\$100) and/or fifty dollars (\$50) for consolidated applications; and

WHEREAS, the Council desires to amend the Master Fee Schedule to include new sections reflecting the lower fees required by A.R.S. §9-591 et. seq. and to readopt the Master Fee Schedule in its entirety to reflect all past amendments to the Master Fee Schedule and to show all of the current fee levels in one central schedule;

NOW, THEREFORE, BE IT RESOLVED:

Section 1: Section 2.4.1 of the Master Fee Schedule for the Town of Paradise Valley is hereby amended to add a new subsection 2.4.1.11 to read:

2.4.1.11 SUP for a Small Wireless Facility \$1,000
that is not an Administrative Small
Wireless Facility

Section 2: Section 2.5 shall be added to the Master Fee Schedule of the Town of Paradise Valley to read:

2.5 Administrative Small Wireless Facilities

2.5.1 Applications for Administrative Small Wireless Facility Permits

2.5.1.1 Individual Site Application \$750

2.5.1.2 Consolidated applications for the \$100 for each of the first five site applications and collocation of up to twenty-five small wireless facilities if the \$50 each for the next 20 applications in a collocations involve substantially the same type of small wireless facilities consolidated application and substantially the same type of structure (Note: this fee applies only to collocations that do not require a replacement pole or a new wireless support structure)

Section 3: All Town fees and charges that are not referenced or specified in the Town Code are hereby prescribed in the Master Fee Schedule and shall supersede previous Fee Schedules adopted by the Town of Paradise Valley, with the revised Master Fee Schedule to be as set forth in Exhibit “A” hereto.

Section 4. Effective Date. The amended fees and the revised Master Fee Schedule shall take effect upon adoption of this resolution.

PASSED AND ADOPTED by the Town Council this 8th day of August, 2017.

Michael Collins, Mayor

APPROVED AS TO FORM:

ATTEST:

Andrew M. Miller, Town Attorney

Duncan Miller, Town Clerk

EXHIBIT A

[Insert Master Fee Schedule]

TOWN OF PARADISE VALLEY

MASTER FEE SCHEDULE

1.0

PERMIT FEES

Planning Department – Building Division

1.1.1	Building Permit	<i>Town Code §5-1-4</i>
1.1.2	Plumbing Permit	<i>Town Code §5-2-2</i>
1.1.3	Mechanical Permit	<i>Town Code §5-4-2</i>
1.1.4	Electrical Permit	<i>Town Code §5-3-2</i>
1.1.5	Banner Permit	<i>Zoning §2510</i>
1.1.6	Building Plan Review	<i>Town Code §5-1-4</i>
1.1.7	Demolition Permit	<i>Town Code §5-10-24</i>
1.1.8	Demolition Haul Permit	<i>Town Code §5-1-2(B)</i>
1.1.9	Building Code Appeal	<i>IBC §1-1-2</i>
1.1.10	Request for Change of Address Fee	
1.1.11	Other Inspection fees	

Engineering Department

1.2.1	Grading	<i>Town Code §5-1-4</i>
1.2.2	Right of Way Construction	<i>Town Code §5-5-2</i>
1.2.3	Haul Permit Fees	<i>Town Code §5-1-4 (B)</i>
1.2.4	Engineering Plan Review	
1.2.5	Blasting Operations Permit	<i>Town Code §5-12-10</i>
1.2.6	Drilling Permit	<i>Town Code §5-14-1</i>

Wastewater Utility Division

1.3.1	Sewer Development	<i>Town Code §15-3; 5-4</i>
1.3.2	Sewer User	<i>Town Code §15-3-1</i>

Police Department

1.4.1	Records and Documents	
1.4.2	Licenses and Permits	<i>Town Code § 9-3-7 §11-(2-5)</i>
1.4.3	Reserved	
1.4.4	Miscellaneous	

Fire Prevention

1.5.1	Fire Prevention Permit Fees	<i>Town Code §13-2-5</i>
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Alarm Monitoring and Fines

1.6.1	Police Alarm Monitoring (PAM) Subscription Rates	<i>Town Code §4-3</i>
1.6.2	False Alarm Fines	<i>Town Code §9-3-9</i>

2.0

APPLICATION FEES

2.1	Board of Adjustment	<i>Town Code §2-5-3</i>
2.2	Planning Commission	<i>Town Code §6-2-2;</i> <i>Town Code § 6-9-1</i>
2.3	Hillside Review	<i>ZO - §2210</i>
2.4	Special Use Permit Review	<i>ZO - §1102.4(E)</i>
<u>2.5</u>	<u>Administrative Small Wireless Facilities</u>	<u><i>Town Code §2-5-2(1)(3)(a)</i></u>

3.0

ADMINISTRATIVE FEES

3.1	Returned Checks Fee	<i>Town Code § 4-2</i>
3.2	License Fees	<i>Town Code §10-10-5</i> <i>10-10-12; 4-3-8; 8-3-2</i>
3.3	Records and Documents	
3.4	Liens	
3.5	Reserved	
3.6	Collection Agency Fee	
3.7	Special Event Permits	<i>Town Code §8-8</i>

1.0 PERMIT FEES For the issuance of permits, the following fees shall be imposed.

1.1 Planning Department – Building Division

1.1.1 Building Permit Fees

1.1.1.1 Building permit fees shall be based on the valuation of the construction which, at a minimum will not be less than \$225 / livable square footage, \$50/square footage garage, storage, etc., \$35/square foot patios, ramadas, porches, etc., \$30/ lineal foot for fences and shall be calculated as follows:

TOTAL VALUATION	FEE
\$1 to \$800	\$24.73
\$801 to \$3,000	\$24.73 for the first \$800 plus \$2.14 for each additional \$100 or fraction thereof, to and including \$3,000
\$3,001 to \$38,000	\$72.86 for the first \$3,000 plus \$9.82 for each additional \$1,000 or fraction thereof, to and including \$38,000
\$38,001 to \$75,000	\$411.67 for the first \$38,000 plus \$7.08 for each additional \$1,000 or fraction thereof, to and including \$75,000
\$75,001 to \$150,000	\$677.35 for the first \$75,000 plus \$4.91 for each additional \$1,000 or fraction thereof, to and including \$150,000
\$150,001 to \$750,000	\$1,045.62 for the first \$150,000 plus \$3.93 for each additional \$1,000 or fraction thereof, to and including \$750,000
\$750,001 to \$1,500,000	\$3,402.56 for the first \$750,000 plus \$3.33 for each additional \$1,000 or fraction thereof, to and including \$1,500,000
\$1,500,001 and up	\$5,901.53 for the first \$1,500,000 plus \$2.21 for each additional \$1,000 or fraction thereof.

Interior remodel calculations are based upon one-half of the actual per square foot value. Conversions (changing the use of an existing area) are valued using the per square foot value of the proposed use less the per square foot value of the existing use.

In addition, the following minimum valuations will be used for the following structures:

	VALUATION
BBQ	\$4,200
Kiva Fireplace	\$5,250
Water Fountain	\$1,000
Water Feature	\$2,500

The Town reserves the right to verify construction valuation.

1.1.1.2 In addition to the fees established in paragraph 1.1.1.1, the permit holder shall reimburse the Town for any fees charged by outside consultants relevant to the project.

1.1.1.3 Pools 1% of construction cost.

1.1.1.4 In addition to the fees established in paragraph 1.1.1.1, the permit holder shall be assessed a Haul Fee equal to 9.0% of the Building Permit Fee on all new construction or remodeling projects valued at \$500,000 or more. Construction in which more than 100 cubic yards of fill dirt will be brought onto or removed from the property shall be assessed an additional fee pursuant to Section 1.2.3.

1.1.2 Plumbing Permit Fees \$130.00

1.1.3 Mechanical Permit Fees \$130.00

1.1.4 Electrical Permit Fees \$130.00

1.1.5 Banner Permit \$35.00 each

1.1.6 Building Plan Review

In addition to the building and other permit fees charged under other sections herein, the fees for the review of building plans, including electrical, grading and drainage, mechanical, plumbing, structural, and prevention plans, shall be charged as follows:

In-house plan review and	
Standard out-source plan review (two reviews)	65% of building permit fee
Standard out-source plan review and in-house plan review after the second review	\$130.00 per hour
Expedited out-sourced plan review (two reviews)	115% of building permit fee
Expedited out-sourced plan review after the second review	\$130.00 per hour
Commercial sprinkler plan review	\$0.10 / sq foot
Fire alarm plan review	\$0.05 / sq foot
Fire hydrant plan review	\$110.00 per plan
Residential sprinkler plan review	\$0.06 / sq foot
Chemical fire system plan review	\$87.00 per plan
Hood system plan review	\$87.00 per plan
Processing fee for deferred submittal	\$26.00

1.1.7 Demolition Permit

Plan Check	Complete Demo \$130 Partial Demo \$65
Demolition Permit	Complete Demo = \$260 Partial Demo = \$130

1.1.8 Demolition Haul Permit

This Section shall apply when more than 100 cubic yards of other materials are removed from the property.

Demolition Haul Permit	\$0 first 100 CY + \$100 each additional 100 CY or part thereof
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1.1.9 Building Code Appeal

Appeal of Building Official's decision on construction codes \$1,385

1.1.10 Request for Change of Address Fee

Request for change of address	\$195
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1.1.11 Other Inspection Fees

- Re-inspection fee when construction work is not in compliance with Code for third and subsequent inspections \$65 per hour or part thereof
- Special inspection fee during normal business hours \$65 per hour or part thereof
- Special inspection fee outside of normal business hours \$130 per hour or part thereof. Special inspections requested for holidays, Saturdays, or Sundays will be subject to a 3-hour minimum.

A special inspection fee is (1) a request not made by 3 pm on the previous business day or (2) any request for inspection services outside of the normal work hours (8 am to 4 pm Monday – Friday). Special inspections are subject to prior approval and staff availability.

1.2 Engineering Department

1.2.1 Grading Permit Fees

Plan Check	\$48.00
Grading Permit	\$142 first 100 cy + \$95 each additional 100 cy
Grading Permit > 10,000 CY	\$9,547 first 10,000 cy + \$95 each additional 1,000 cy
Late Permit Fee	A late permit fee will be charged for any grading work (removal or placement of fill dirt on property) without first having obtained a grading permit equivalent to double the permit fee

1.2.2 Right-of-Way Construction Permit Fees: \$75.00 Plus

Item	Unit	Fee
A.C. Paving	Sq. Yd.	\$1.60
Concrete Sidewalk/Recreation Path	Lin. Ft.	\$0.50
Dust Palliative	Sq. Yd.	\$0.02
Concrete Valley Gutter and Apron	Lin. Ft.	\$0.50
Curb and Gutter	Lin. Ft.	\$1.00
Water Lines	Lin. Ft.	\$0.40
Sewer Lines	Lin. Ft.	\$0.40
Natural Gas Lines	Lin Ft.	\$1.60
Trenching	Lin. Ft.	\$0.20
Underground Conduit or Pipe	Lin. Ft.	\$0.20
Splice Pit	Each	\$95.00
Concrete Box Culvert (Single Barrel)	Each	\$142.00
Brass Cap	Each	\$50.00
Street Sign	Each	\$80.00
Traffic Control Devices (including barricades) day or night, per location	Per location	\$250.00
Emergency Street Work, per location	Per location	\$250.00
Permanent Site Restoration	Each	\$500.00

A \$500.00 Assurance is required prior to issuance of each permit.

1.2.3 Haul Permit Fees

This section shall apply when more than 100 cubic yards of dirt will be brought onto or removed from the property.

Excavation Haul Fee	\$0 first 100 cy + \$95 each additional 100 cy or part thereof
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1.2.4 Engineering Plan Review

Review 1st & 2nd, each	\$100
Each subsequent review	\$ 50

1.2.5 Blasting Operations Permit

Blasting permit	\$585
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1.2.6 Drilling Permit

Drilling Permit	\$100
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1.2.7 Drainage Permit

Drainage Permit	\$100
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1.3 Wastewater Utility Division

1.3.1 Wastewater Development Fees

Meter Size	Flow (gpm)	Capacity Ratio	Fee (\$)
1" and smaller	50	1.00	\$7,847
1.5"	100	2.00	\$15,694
2"	160	3.20	\$25,110
3"	350	7.00	\$54,929
4"	600	12.00	\$94,164
6"	1,000	20.00	\$156,940
8"	1,600	32.00	\$251,104

The fee for the enlargement of an existing meter size shall be the difference between the fee charged for the existing meter size and the new meter size connection as set forth in the Paradise Valley Fee Schedule.

1.3.2 Sewer User Fee: [Note: effective July 1, 2017 – July 1, 2019]

1.3.2.1 Residential

The monthly sewer user fee shall be \$76.53 per month plus \$1.04 per each 1,000 gallons over 15,000 gallons of water usage. The maximum monthly rate shall be \$242.00. Once a year, the sewer user charge will be calculated based on 90% of the average monthly water consumption for the preceding consecutive months of December, January, February, and March excluding the month of greatest consumption.

1.3.2.2 Schools, Churches, Public Buildings

The monthly sewer user fee shall be \$4.68 per 1,000 gallons of water consumption. Once a year, the sewer user charge will be calculated based on the average monthly water consumption for the preceding consecutive months of December, January and February. Water consumption shall be calculated based on 100% of the in-building water consumption, if in-building and outdoor consumption are separately metered by the water provider. Water consumption shall be calculated based on 90% of the average monthly water consumption if in-building water consumption is not separately metered by the water provider. The minimum rate for schools, churches, public buildings will be \$76.53.

1.3.2.3 Commercial Building with Dining

The monthly sewer user fee shall be \$5.66 per 1,000 gallons of water consumption. Once a year, the sewer user charge will be calculated based on 90% of the average monthly water consumption for the preceding consecutive months of December, January and February. Water usage consumption shall be calculated based on 100% of the in-building water consumption, if in-building and outdoor consumption are separately metered by the water provider. Water consumption shall be calculated based on 90% of the average monthly water consumption if in-building water consumption is not separately metered by the water provider. The minimum rate for commercial building will be \$76.53.

1.3.2.4 Medical Facilities

The monthly sewer user fee shall be \$4.98 per 1,000 gallons of water consumption. Once a year, the sewer user charge will be calculated based on 90% of the average monthly water consumption for the preceding consecutive months of December, January and February. Water usage consumption shall be calculated based on 100% of the in-building water consumption, if in-building and out-door consumption are separately metered by the water provider. Water consumption shall be calculated based on 90% of the average monthly water consumption if in-building water consumption is not separately metered by the water provider. The minimum rate for medical facilities will be \$76.53.

1.3.2.5 Water Meter Reading Fee \$30.25

1.4 Police Department

1.4.1 Records and Documents

Police report copies (Fees waived for victims of violent Part I crimes) 1 through 20 pages	\$10.00
Each additional page up to 150 pages	\$0.50 per page
Over 150 pages	\$75.00
All other public documents	\$0.25 per page (\$1.00 minimum)
Crime scene/crash diagrams larger than 11'X17"	\$10.00 each
Printed photographs (3" X 5" and Polaroid) (Note: This does not include photo enforcement photographs.)	\$5.00 per photograph
Printed photographs (8" x 10")	\$10.00 per photograph
Digital Photographs, per report:	
First CD/Disk	\$10.00
Additional CDs/Disks same report	\$5.00
Police audio recordings (Includes 911)	\$25.00 per Tape/CD
Police video recordings	\$ 25.00 per Tape/CD
Photo enforcement photographs (fee is not set nor controlled by the Town and is subject to change without advance notice. Please check with the Police Department's Photo Enforcement Clerk for current cost and procedure for obtaining a photograph.	Cost can vary

1.4.2 Licenses and Permits

Commercial Residential Solicitation Permit Fee	\$25.00 each
Fingerprinting Fee	\$5.00 per card
Housemoving	\$950 + \$95 per hour for permits requiring more than 10 hours staff time.
Residential Parking Permit Annual Fee	\$20.00

1.4.3 Reserved

1.4.4 Miscellaneous Fees

Immobilization Device (parking boot) Removal	\$25.00 each
Horse Recovery/Impound	\$100 per horse
Sign Removal Fee	\$35.00 per sign
Vehicle Impoundment Administrative Hearing Fee	\$150.00
Credit Card Processing Service Charge	3% of transaction

1.5 Fire Prevention

1.5.1 Fire Prevention Permit Fees

Tent Permit	\$75.00
Underground fuel tank storage permits	\$150.00
Above ground LPG permit	\$85.00
Underground LPG permit	\$85.00
Fireworks permit	\$125.00
Convention permit	\$75.00
Roofing operations permit	\$50.00
Hazardous Materials permit	\$75.00
All other permits required by Intl Fire Code	\$50.00

1.6 Alarm Monitoring and Fines

1.6.1 Town Alarm Monitoring (TAM) Subscription Rates

PAM Primary (Telephone) 1-24 Zones	\$35 per month / \$105 per quarter
PAM Primary (Telephone) 25+ Zones	\$40 per month / \$120 per quarter
PAM Backup (Radio or digital backup)	+\$10 per month / +\$30 per quarter

1.6.2 False Alarm Fines

1 st False Alarm	\$0
2 nd and Subsequent False Alarms in Same calendar year	\$100 each for permitted Users

2.0 Application Fees For the receipt and consideration of applications, the following fees shall be imposed.

2.1 Board of Adjustment

2.1.1	Application for Variance	\$1,765
2.1.2	Appeal of Administrative Decision	\$1,765
2.1.3	Request for Continuance by the Applicant	\$365
2.1.4	Application for Variance for Non-livable detached structures having less than 10% impact on setback or disturbed area	\$1,615
2.1.5	Administrative Relief from Zoning Code	\$450

2.2 Planning Commission

2.2.1 Subdivisions

2.2.1.1	Application for approval of a preliminary subdivision plat:	\$3850 + \$25 per lot
2.2.1.2	Application for approval of a subdivision	\$2,835
2.2.1.3	Replat	\$2,635
2.2.1.4	Application for Subdivision Sign	\$2,125
2.2.1.5	Subdivision Premises for Sale Sign	\$2,125

2.2.2 If the proposed subdivision is partially or wholly within the Hillside Development Area, then the fees established above (§ 2.2.1) are doubled.

2.2.3.a	Major Amendments: To file for a major amendment to the General Plan, each application	\$13,000
2.2.3.b	Minor Amendments: To file for a minor amendment to the General Plan, each application	\$7,750

2.2.4	To vacate a street or alley, each application	\$3,170 + cost of appraisal
2.2.5	To amend the Zoning Ordinance, each application	\$14,625
2.2.6	Application for Rezoning	\$11,850 + \$75 per lot
2.2.7	Request by applicant for a continuance (applies to all planning/zoning matters, special use permits, subdivisions, etc)	\$800 each
2.2.8	Lot Split	\$3,575
2.2.9	Lot Line Adjustment	\$2,225
2.2.10	Exempt Lot Split Review	\$2,225
2.2.11	Release of Easement	\$5,200
2.2.12	Annexation Application Fee	\$9,300

2.3 Hillside Review

2.3.1	Additions to existing structures (sec. 2204f1) requiring engineer approval only	\$1,490
2.3.2.a	In addition to the permit fees established in paragraph 1.1, an application for Hillside Building Committee review of structures in a Hillside Development Area shall pay a fee and reimburse the Town for any fees charged by consultants relevant to the project.	\$6,375
2.3.2.b	Review of plans for addition of a solar photovoltaic or solar hot water heater only application	\$1,785
2.3.3	Hillside Building Committee Re-approval	\$850
2.3.4	Combined Hillside Reviews	\$4,125

2.4 Special Use Permit Review

2.4.1 Application for Special Use Permits

2.4.1.1	Managerial Amendment	\$1,900
2.4.1.2	Minor Amendment	\$5,250
2.4.1.3	Intermediate Amendment for Schools, Government Buildings, and Places of Worship	\$4,150
2.4.1.4	Intermediate Amendment for all other uses	\$8,330 + \$110 per acre or portion thereof
2.4.1.5	SUP or Major Amendment to SUP for Schools, Government Buildings, and Places of Worship	\$7,750
2.4.1.6	SUP or Major Amendment to SUP for all other uses	\$20,000 + \$110 per acre or portion thereof
2.4.1.7	For Private Road, Guardgate, Guardhouse, or Observation Booth	\$4,800
2.4.1.8	Amateur Radio Antenna Permit	\$5,275
2.4.1.9	Conditional Use Permit	\$5,665
2.4.1.10	Temporary Use Permit	\$1,800
<u>2.4.1.11</u>	<u>SUP for a Small Wireless Facility that is not an Administrative Small Wireless Facility</u>	<u>\$1,000</u>

2.5 Administrative Small Wireless Facilities

2.5.1 Applications for Administrative Small Wireless Facility Permits

<u>2.5.1.1</u>	<u>Individual Site Application</u>	<u>\$750</u>
<u>2.5.1.2</u>	<u>Consolidated applications for the collocation of up to twenty-five small wireless facilities if the collocations involve substantially the same type of small wireless facilities and substantially the same type of structure (Note: this fee applies only to collocations that do not require a replacement pole or a new wireless support structure)</u>	<u>\$100 for each of the first five site applications and \$50 each for the next 20 applications in a consolidated application</u>

Administrative Fees

For administrative tasks, the following fees shall be imposed.

3.1 Returned Checks Fee

3.1.1 For each check or electronic direct debit or credit card charge returned to the Town for any reason beyond the control of the Town \$50.00

3.2 License Fees

3.2.1	General Business License	\$25.00
3.2.2	Escort Bureau Application	\$1,000.00
3.2.3	Escort Bureau Issuance	\$1,000.00
3.2.4	Escort Bureau Renewal	\$1,000.00
3.2.5	Escort application	\$1,000.00
3.2.6	Escort Issuance	\$1,000.00
3.2.7	Escort Renewal	\$1,000.00
3.2.8	Special Event Liquor License	\$25.00
3.2.9	Solid Waste and Recycling License	\$500.00

3.3 Records and Documents

3.3.1	Copying for Official Public Records Requests	\$0.25 per page (\$1.00 Minimum)
3.3.1.1	Black Line (Blue Print)	
	18 X 24	\$10.00
	24 X 36	\$10.00
	30 X 42	\$10.00
3.3.1.2	Faxing for Official Public Records Requests	\$0.25 per page
3.3.2	8.5 X 11 Color Copy	\$1.00 per page
3.3.3.	Commercial Records Requests, Copies & Searches	As allowed by State law
3.3.4	Town Code (paper copy)	\$45.00
3.3.5	Town Code (CD)	\$30.00
3.3.6	Town GIS Mapping, Data, and Services	
	<u>Mapping</u>	<u>Parcel</u> <u>Aerial</u>
	8 ½ X 11 Inches	\$5.00 \$8.00
	11 X 17 Inches	\$10.00 \$15.00
	34 X 44 Inches	\$50.00 \$75.00
	Town Map Book	\$200.00 N/A

GIS PARCEL DATABASE

The Town's parcel database is provided in ESRI ARCVIEW V9 shape file format (consisting of ".shp" and related files) only. All data is projected using North American Datum 1983 (NAD83) State Plane Arizona Central FIPS 0202 feet.

	NON-COMMERCIAL	COMMERCIAL
PARCEL DATABASE	\$200.00	\$400.00

GIS CUSTOM SERVICES

All data or map request not included above will be considered a custom request and shall be considered with regard to availability and cost of town resources to provide the products or services. A custom request can and may be declined.

Minimum Charge	\$200.00
Per Hour Charge (1 Hour Increments)	\$100.00
• Plus \$0.05 Per Parcel (Non-Commercial)	
• Plus \$0.10 Per Parcel (Commercial)	
• Includes Cost Of CD Media	

3.3.7	General Plan	\$ 9.00
3.3.8	Audio Tape of Public Meeting	\$10.00 per tape
3.3.9	Audio CD of Public Meeting	\$10.00 per CD
3.3.10	Video Tape	\$25.00 per tape

3.3.11	Copies produced pursuant to court action	As prescribed by State law
3.3.12	Annual Town Budget	\$15.00
3.3.13	Auditor's Report	\$15.00
3.3.14	Data CD	\$50.00
3.4	Liens	
3.4.1	Lien Filing Fees	\$ 70.00
3.5	Reserved	
3.6	Collection Agency	
3.6.1	Collection Agency Fee	Collection fees and charges assessed by the collection agency shall be added to the sum or sums due.
3.7	Planning Department – Special Event Permits	
3.7.1	Permits For Special Events Generally Walks, Parades, Bicycle Races, Foot Races, Designer/Showcase Home Events, Home And Garden Tours, Fireworks Displays, Film Productions	\$650 + \$90 Per Hour For Permits Requiring More Than 8.5 Hours Of Staff Time
3.7.2	Permits For Special Events Utilizing Tents Pre-Approved Tent Location Event Tent Events Without Pre-Approved Locations	\$200.00 \$300.00

Note: All Special Event Permit Fees will be doubled if request for special event permit is submitted within five business days of event.

FOOTNOTES

Amended July 25, 1991
Amended January 1, 1995
Amended July 25, 1996 (Res. #884)
Amended September 26, 1996 (Res. #890)
Amended August 28, 1997 (Res. #914)
Amended November 12, 1998 (Res. #949)
Amended December 13, 1998 (Res. #953)
Amended February 25, 1999 (Res. #959)
Amended March 11, 1999 (Res. #960)
Amended March 25, 1999 (Res. #961)
Amended May 27, 1999 (Res. #968)
Amended September 9, 1999 (Res. #975)
Amended November 18, 1999 (Res. #979) (Master Schedule Update)
Amended December 16, 1999 (Res. #982)
Amended January 27, 2000 (Res. #984)
Amended November 16, 2000 (Res. #1006)
Amended March 8, 2001 (Res. #1011)
Amended January 24, 2002 (Res. #1025) (Master Schedule Update)
Amended September 26, 2002 (Res. #1037)
Amended November 7, 2002 (Res. #1038) (Master Schedule Update)
Amended April 24, 2003 (Res. #1046)
Amended May 22, 2003 (Res. #1048)
Amended October 23, 2003 (Res. # 1058)
Amended February 26, 2004 (Res. #1063) (Master Schedule Update)
Amended July 8, 2004 (Res. #1076)
Amended October 28, 2004 (Res. #1086)
Amended December 16, 2004 (Res. # 1091)
Amended January 27, 2005 (Res. #1092) (Master Schedule Update)
Amended July 14, 2005 (Res. # 1106)
Amended October 27, 2005 (Res. # 1110)
Amended November 17, 2005 (Res. #1112) (Master Schedule Update)
Amended October 26, 2006 (Res. #1135)
Amended February 22, 2007 (Res. #1140) (Master Schedule Update)
Amended June 14, 2007 (Res #1151)
Amended October 25, 2007 (Res #1157)
Amended January 24, 2008 (Res #1159) (Master Schedule Update)
Amended October 23, 2008 (Res #1177)
Amended October 22, 2009 (Res #1199)
Amended November 5, 2009 (Res #1204)
Amended November 19, 2009 (Res #1203)
Amended February 25, 2010 (Res #1213)
Amended October 21, 2010 (Res #1226)
Amended June 28, 2012 (Res #1259)
Amended March 27, 2014 (Res #1300)
Amended May 8, 2014 (Res #1305)
Amended December 3, 2015 (Res #1337)
Amended June 9, 2016 (Res #2016-14) (Effective 8/1/16, 7/1/17)
Amended January 26, 2017 (Res #2017-02)
Amended March 23, 2017 (Res #2017-05) (Effective May 1, 2017)

ORDINANCE NUMBER 2017-05

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING ARTICLE 2, MAYOR AND COUNCIL; ADDING SECTION 2-5-2(I), SMALL WIRELESS FACILITIES LOCATED IN THE RIGHTS-OF-WAY; AND AMENDING THE ZONING ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARTICLE XII, IN ORDER TO PROVIDE FOR A PROCEDURE FOR THE REVIEW AND APPROVAL OF NON-COMPLIANT OR REJECTED SMALL CELL WIRELESS FACILITY APPLICATIONS WITHIN THE TOWN'S RIGHTS-OF-WAY, ALL AS REQUIRED BY RECENTLY ADOPTED STATE LAW, A.R.S §9-591 ET. SEQ.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. The Town of Paradise Valley's Code is hereby amended by adding a new subsection I to Section 2-5-2, as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

Section 2-5-2 Planning Commission

I. SMALL WIRELESS SERVICE FACILITIES LOCATED IN THE RIGHTS-OF-WAY

- 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 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 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 two (2) or more of the following components:**
 - i. Antennas that are no more than six cubic feet in volume;**
 - ii. Faux Cactus or replacement Utility Pole;**
 - iii. Equipment cabinet less than twenty-eight cubic feet in volume;**
 - iv. Underground vault for equipment;**
 - v. Electric meter (where required by law);**
 - vi. 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;
- 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 Zoning Administrator or designee.
 - 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 standards or an alternate design standard. An Applicant who chooses not to comply with the objective design and concealment standards 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 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.
 - ii. An Applicant may request to locate on an existing or replaced traffic signal pole or street light pole consistent with the specification 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 faux cacti 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 within a one hundred foot radius of the Applicant's preferred site), with initial siting to be objectively chosen based on the following criteria:

i. **Safety.**

- A. Sites should preferably be located outside of 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, plus an additional ten feet.

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 on the subject property.
- 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.
- 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 Town landscaping guidelines. Any utility meter associated with the SWF shall face away from the street or shall be camouflaged in some manner.

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.
 - vi. **Cumulative Visual Effect.** 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.
- 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 for the Use of "Faux Cactus" SWFs** – to maximize the concealment of SWFs, a faux cactus installation shall be 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 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 a 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 street light or

traffic signal pole that has the appropriate structural support strength 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 56th Street and Lincoln traffic signal installation. (refer to standard detail in 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");
 - ii. Applicant shall provide graphics to illustrate RF radiation level in terms of percent of FCC Public and Occupational limits.
 - A. For all applications, a graphic shall illustrate RF exposure levels that may exceed the FCC limits in all areas that are readily accessible to the public, including habitable structures.
 - B. 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.

- 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.**
- 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 fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;**
 - ii. **An environmental assessment is required by the National Environmental Policy Act (NEPA) for any SWF prior to commencing operations where any 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;**
 - iii. **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. If an Applicant has not included an environmental assessment that the Town finds to be necessary under the National Environmental Policy Act, the Town may prepare, or cause to be prepared, such an environmental assessment at the Applicant's expense or reject the application as incomplete. The environmental assessment shall be amended or revised by the Applicant within thirty (30) days after notice to do so from the Town when modifications are made or occur on the SWF. Failure to amend or revise shall constitute grounds for revocation of the Administrative Small Wireless Facility Permit.**
- b) **Within ninety (90) days from the date of approval of the permit , the Permittee shall submit existing and maximum future projected measurements of noise from the SWF for the following:**
- i. **Existing SWF: Maximum noise level from the SWF. These measurements shall be for the type of mounts specified in Subsection A of this section;**
 - ii. **Existing SWF plus cumulative: Maximum estimate of noise level from the existing SWF plus the maximum estimate of noise level from the total addition of co-located SWFs;**

- iii. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet Subsection (b) of this section.

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.

- 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 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;
 - 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.;
 - 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. To the extent allowed by law, radiofrequency (RF) radiation performance submittals shall include reports and graphics as required by Subsection 7, Radiofrequency (RF) Performance and Interference Standards and Monitoring;
 - vii. To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed SWF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:
 - A. Existing or ambient: the measurement of existing noise at the proposed site;
 - B. Existing plus proposed SWF: maximum estimate of noise from the proposed SWF plus the existing noise environment;
 - C. Existing plus proposed SWF plus cumulative: maximum estimate of noise from the proposed SWF plus the maximum estimate of noise from the total addition of co-located SWFs plus the existing noise environment;
 - D. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards section of this Article;
 - viii. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance. If the Applicant determines that the environmental assessment is not required, certification to that effect shall be provided.
- 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. ⁵⁶⁴

- 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.**
- 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.

Section 2. Article XI, Section 1102.2(E) is hereby amended as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

E. Utility Poles and Wires

1. Definitions

- a. Utility poles and wires - shall mean poles, structures, wires, cable, conduit, transformers, **communications equipment**, and related facilities used in or as a part of the transportation or distribution of electricity or power or in the transmission of telephone, telegraph, radio or television communications **or for the transmission or reception of electromagnetic radio frequency signals used in providing wireless services**;
 - b. Existing utility poles and wires - shall mean such utility poles and wires as are in place and in operation as of the effective date of this ordinance; and
 - c. New utility poles and wires - shall mean such utility poles and wires as are not existing utility poles and wires and shall include such utility poles and wires as in the future may constitute replacements for, or repairs to, existing utility poles and wires, but shall not include replacements involving less than one-quarter (1/4) mile of contiguous poles and wires on any transmission or distribution line in any twelve (12) month period where the remainder of such transmission or distribution line is not also being replaced within said period; such replacements excluded from being new utility poles under the latter clause must be poles of the same or lesser size, diameter, and height, and in the same location as the pole or poles being replaced, and in addition, must be of the same class or classification as to strength and purpose within the utility industry as the pole or poles being replaced.
2. The erection of new utility poles and wires within the Town is discouraged, and, **with the exception of small wireless facilities meeting the administrative approval standards specified in Article II, Section 2-5-2(I),** may only be

permitted by the issuance of a Special Use Permit, further provided that a Special Use Permit for erection of new utility poles and wires shall be granted only in the event the Applicant makes an affirmative showing that the public's general health, safety and welfare will not be impaired or endangered or jeopardized by the erection of same as proposed. In deciding such matter, the following factors shall be considered:

- a. the location and heights of such poles and wires and their relation to present or potential future roads;
- b. the crossing of such lines over much traveled highways or streets;
- c. the proximity of such lines to schools, churches or other places where people congregate;
- d. the probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields;
- e. fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of firefighting equipment;
- f. the aesthetics involved;
- g. the availability of suitable right-of-way for the installation;
- h. the future conditions that may be reasonably anticipated in the area in view of a normal course of development;
- i. the type of terrain;
- j. the practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and overground installations (provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not in itself necessarily require issuance of a permit); and
- k. in the event such poles and wires are for the sole purpose of carrying electricity or power or transmitting telephone, telegraph, radio or television communication through or beyond the Town's boundaries, or from one major facility to another, the practicality and feasibility of alternative or other routes.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley,
Arizona, this ____ day of August 2017.

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

ORDINANCE NUMBER 2017-05

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING ARTICLE 2, MAYOR AND COUNCIL; ADDING SECTION 2-5-2(I), SMALL WIRELESS FACILITIES LOCATED IN THE RIGHTS-OF-WAY; AND AMENDING THE ZONING ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARTICLE XII, IN ORDER TO PROVIDE FOR A PROCEDURE FOR THE REVIEW AND APPROVAL OF NON-COMPLIANT OR REJECTED SMALL CELL WIRELESS FACILITY APPLICATIONS WITHIN THE TOWN'S RIGHTS-OF-WAY, ALL AS REQUIRED BY RECENTLY ADOPTED STATE LAW, A.R.S §9-591 ET. SEQ.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. The Town of Paradise Valley's Code is hereby amended by adding a new subsection I to Section 2-5-2, as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

Section 2-5-2 Planning Commission

I. SMALL WIRELESS SERVICE FACILITIES LOCATED IN THE RIGHTS-OF-WAY

- 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 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 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 two (2) or more of the following components:
 - i. Antennas that are no more than six cubic feet in volume;
 - ii. Faux Cactus or replacement Utility Pole;
 - iii. Equipment cabinet less than twenty-eight cubic feet in volume;
 - iv. Underground vault for equipment;
 - v. Electric meter (where required by law);
 - vi. 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;
- 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 Zoning Administrator or designee.
 - 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 standards or an alternate design standard. An Applicant who chooses not to comply with the objective design and concealment standards 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 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.
 - ii. An Applicant may request to locate on an existing or replaced traffic signal pole or street light pole consistent with the specification 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 faux cacti 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 within a one hundred foot radius of the Applicant's preferred site), with initial siting to be objectively chosen based on the following criteria:

i. **Safety.**

- A. Sites should preferably be located outside of 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, plus an additional ten feet.

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 on the subject property.
- 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.
- 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 Town landscaping guidelines. Any utility meter associated with the SWF shall face away from the street or shall be camouflaged in some manner.

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.
 - vi. **Cumulative Visual Effect.** 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.
- 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 for the Use of "Faux Cactus" SWFs** – to maximize the concealment of SWFs, a faux cactus installation shall be 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 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 a 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 street light or

traffic signal pole that has the appropriate structural support strength 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 56th Street and Lincoln traffic signal installation. (refer to standard detail in 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");
 - ii. Applicant shall provide graphics to illustrate RF radiation level in terms of percent of FCC Public and Occupational limits.
 - A. For all applications, a graphic shall illustrate RF exposure levels that may exceed the FCC limits in all areas that are readily accessible to the public, including habitable structures.
 - B. 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.

- 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.**
- 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 fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;**
 - ii. **An environmental assessment is required by the National Environmental Policy Act (NEPA) for any SWF prior to commencing operations where any 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;**
 - iii. **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. If an Applicant has not included an environmental assessment that the Town finds to be necessary under the National Environmental Policy Act, the Town may prepare, or cause to be prepared, such an environmental assessment at the Applicant's expense or reject the application as incomplete. The environmental assessment shall be amended or revised by the Applicant within thirty (30) days after notice to do so from the Town when modifications are made or occur on the SWF. Failure to amend or revise shall constitute grounds for revocation of the Administrative Small Wireless Facility Permit.**
- b) **Within ninety (90) days from the date of approval of the permit , the Permittee shall submit existing and maximum future projected measurements of noise from the SWF for the following:**
- i. **Existing SWF: Maximum noise level from the SWF. These measurements shall be for the type of mounts specified in Subsection A of this section;**
 - ii. **Existing SWF plus cumulative: Maximum estimate of noise level from the existing SWF plus the maximum estimate of noise level from the total addition of co-located SWFs;**

- iii. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet Subsection (b) of this section.

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.

- 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 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;
 - 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.;
 - 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. To the extent allowed by law, radiofrequency (RF) radiation performance submittals shall include reports and graphics as required by Subsection 7, Radiofrequency (RF) Performance and Interference Standards and Monitoring;
- vii. To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed SWF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:
 - A. Existing or ambient: the measurement of existing noise at the proposed site;
 - B. Existing plus proposed SWF: maximum estimate of noise from the proposed SWF plus the existing noise environment;
 - C. Existing plus proposed SWF plus cumulative: maximum estimate of noise from the proposed SWF plus the maximum estimate of noise from the total addition of co-located SWFs plus the existing noise environment;
 - D. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards section of this Article;
- viii. To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards section of this ordinance. If the Applicant determines that the environmental assessment is not required, certification to that effect shall be provided.
- 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. ⁵⁶⁴

- 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.**
- 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.

Section 2. Article XI, Section 1102.2(E) is hereby amended as follows, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

E. Utility Poles and Wires

1. Definitions

- a. Utility poles and wires - shall mean poles, structures, wires, cable, conduit, transformers, **communications equipment**, and related facilities used in or as a part of the transportation or distribution of electricity or power or in the transmission of telephone, telegraph, radio or television communications **or for the transmission or reception of electromagnetic radio frequency signals used in providing wireless services**;
 - b. Existing utility poles and wires - shall mean such utility poles and wires as are in place and in operation as of the effective date of this ordinance; and
 - c. New utility poles and wires - shall mean such utility poles and wires as are not existing utility poles and wires and shall include such utility poles and wires as in the future may constitute replacements for, or repairs to, existing utility poles and wires, but shall not include replacements involving less than one-quarter (1/4) mile of contiguous poles and wires on any transmission or distribution line in any twelve (12) month period where the remainder of such transmission or distribution line is not also being replaced within said period; such replacements excluded from being new utility poles under the latter clause must be poles of the same or lesser size, diameter, and height, and in the same location as the pole or poles being replaced, and in addition, must be of the same class or classification as to strength and purpose within the utility industry as the pole or poles being replaced.
2. The erection of new utility poles and wires within the Town is discouraged, and, **with the exception of small wireless facilities meeting the administrative approval standards specified in Article II, Section 2-5-2(I),** may only be

permitted by the issuance of a Special Use Permit, further provided that a Special Use Permit for erection of new utility poles and wires shall be granted only in the event the Applicant makes an affirmative showing that the public's general health, safety and welfare will not be impaired or endangered or jeopardized by the erection of same as proposed. In deciding such matter, the following factors shall be considered:

- a. the location and heights of such poles and wires and their relation to present or potential future roads;
- b. the crossing of such lines over much traveled highways or streets;
- c. the proximity of such lines to schools, churches or other places where people congregate;
- d. the probability of extensive flying in the area where such poles and wires are proposed to be located and the proximity to existing or proposed airfields;
- e. fire or other accident hazards from the presence of such poles and wires and the effect, if any, of same upon the effectiveness of firefighting equipment;
- f. the aesthetics involved;
- g. the availability of suitable right-of-way for the installation;
- h. the future conditions that may be reasonably anticipated in the area in view of a normal course of development;
- i. the type of terrain;
- j. the practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and overground installations (provided, however, that a mere showing that an underground installation shall cost more than an overground installation shall not in itself necessarily require issuance of a permit); and
- k. in the event such poles and wires are for the sole purpose of carrying electricity or power or transmitting telephone, telegraph, radio or television communication through or beyond the Town's boundaries, or from one major facility to another, the practicality and feasibility of alternative or other routes.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley,
Arizona, this ____ day of August 2017.

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

TOWN OF PARADISE VALLEY

Small Wireless Facilities Ordinance
Study Session
August 8, 2017



Cell Service

- Purpose – Review the proposed ordinance amendment to comply with new State statute.
- Key Question – What edits to the draft ordinance would the Mayor and Town Council like to make?



SWF Ordinance

- The ordinance is broken into 2 main sections
 - Section 1 – Amends Town Code 2-5-2 and adds a subsection I “Small Wireless Service Facilities Located in the Rights-of-way”
 - Section 2 – Amends 1102.2(E)-Utility Poles of the Zoning Ordinance. This is the Special Use Permit Section of the zoning code.



SWF Ordinance

- Section 1
 - An administrative process if meets “Objective Design Standards,” “Undergrounding,” “Stealth and Concealment”
- Section 2
 - A legislative process requiring an SUP if proposal does not meet standards.



SWF Ordinance

- Structure of Section 1 of the Ordinance, Subsection I of the Code:
 - Table of contents
 - I-1 and I-2 are Purpose and Definitions
 - I-3 thru I-6 are Process, Siting & Design Standards
 - I-7 and I-8 RF, Noise and Environmental Standards
 - I-9 thru I-12 are Requirements and Limitations



SWF Ordinance

- Subsection I-3: General Requirements
 - Master License Agreement
 - Creates an Administrative SWF Permit
 - Process
 - Submit a complete application using list in I-10
 - Review the site location with staff
 - Determine if ASWF Permit or an SUP Permit
 - If ASWF Permit, then staff and PC Review (75 days, 30 fix)
 - If SUP, then staff, PC, Council review (180 days)



SWF Ordinance

- Subsection I-3: General Requirements (cont.)
 - Overview of the Objective Design Standards
 - 24' faux cactus
 - Demonstrate technical reasons can't use faux cactus
 - Alternative design is 56th and Lincoln
 - If no existing pole – onto SUP



SWF **Alternative** Ordinance

- Subsection I-3: General Requirements (cont.)
 - Overview of the Objective Design Standards
 - 24' faux cactus; or
 - **Place on an existing traffic or light pole (applicant's choice)**
 - Objective Design Standard is 56th and Lincoln
 - If no existing pole – onto SUP



SWF Ordinance

- Subsection I-4: Siting Standards
 - Safety – sight triangle, away from sidewalk, fall zone
 - Appearance – “blend into area”;
 - Strength – Withstand wind loads per most current building code



SWF Ordinance

- Subsection I-5: Faux Cactus Design Standards
 - Spec the New Path faux cactus or equivalent
 - Standard detail is in application not ordinance
 - All ground mounted equipment and connections must be buried
 - Except meter and disconnect switch



SWF Ordinance

- Subsection I-6: 56th & Lincoln Design Standards
 - Technical reason can't do faux cactus
 - Coverage/capacity consistent with small wireless facility industry standards



SWF Ordinance

- Subsection I-6: 56th & Lincoln Design Standards
 - Pole must support SWF and existing items (lights)
 - Max height 6' above existing pole
 - All antenna and pole mounted equipment in pole or canister
 - All ground mounted equipment buried
 - Specs in the application not the ordinance



SWF Ordinance

- Subsection I-7: Radio Frequency (RF)
 - Can't limit, demonstrate meets FCC
 - An illustration showing compliance relative to sidewalk and nearest habitable structure
 - If on existing utility pole, showing exposure to those servicing the utility pole.
 - W/in 90 days of operation measure RF and certify
 - If FCC changes, 60 days to come into compliance
 - If evidence not complying, 30d to analyze, 60d to comply



SWF Ordinance

- Subsection I-8: Noise and Environmental Standards
 - 50 dba
 - NEPA if required by Feds
- Subsection I-9: Co-location and Limitations



SWF Ordinance

- Subsection I-10: Submittal Requirements
 - Master Site Plan
 - Landscape Plan
 - Photos, Diagrams, and Simulations
 - Siting Elevations
 - Design Submittals
 - Executed License Agreement



SWF Ordinance

- Subsection I-10: Submittal Requirements(cont.)
 - RF Performance Submittals
 - Noise Performance Submittals
 - Environmental Submittals
 - 20 Days to Determine Application Complete



SWF Ordinance

- Subsection I-11: Permit Limitations
 - Permit good for 10 years;
 - may renew but comply with current code
 - Facility must be constructed in 180 days,
 - Unless no power or mutual extension
 - If expires, must remove and restore
 - Maintenance
 - Provide copy of FCC Permit



SWF Ordinance

- Section 2: Amend Chapter 11 of Zoning Ordinance, Section 1102.2E Utility Poles and Wires
- Subsection 2 contains the factors to be considered
 - A. location and heights
 - F. aesthetics involved



Cell Service SOD

- Codify Fees to Comply
 - Annual license for ROW limited to \$50/pole/year
 - Application fee limited to \$750
 - Consolidated application limited to \$100 for first 25; \$50 for each thereafter
 - Rezoning application fee limited to \$1,000



• Will be a Separate Resolution

SWF Ordinance

- Key Question – Take Citizen Review comments and then direct staff to make edits to the draft ordinance the Planning Commission would like to make?



Questions





SMALL WIRELESS SERVICE FACILITY (SWF) IN RIGHT-OF-WAY PERMIT PROCESS GUIDE

A Small Wireless Service Facility (SWF) is a land use that is listed in Section 2-5-2 of the Town Code which is permitted subject to obtaining a SWF Permit. A SWF may be appropriate in some locations and may not be appropriate in other locations due to the particular physical or operational characteristics of the SWF. The purpose of the SWF permit process is to determine on a case by case basis whether the requested SWF can be made compatible with surrounding existing or approved land uses. A SWF may only be granted if findings are made by the Planning Commission, or if the Planning Commission decision has been appealed, the Town Council that the standards for the approval have been met by the applicant.

Pre-Application Procedure

The applicant must schedule a pre-application meeting with a representative from the Planning/Engineering Department prior to submitting an application. This meeting will provide a list of submittal requirements and other information that will expedite the application. Your application will be reviewed within a week of its submittal. Following the review, you will be advised by the Planning/Engineering Department if the application has been accepted as submitted. If corrections are needed they will be identified in red on the submitted plan(s).

Application Procedure

As soon as your application has been accepted, you will be advised of the date that the Planning Commission can consider your application. However, a hearing will not be scheduled until the corrected plans, accompanied with the original redline plans, are returned to and approved by the Planning/Engineering Department. You will be asked to provide the staff with the specified public hearing materials. Planning staff will then prepare an Action Report either recommending denial, approval, or approval subject to stipulations. You will be provided with a copy of this report prior to the hearing.

Public Hearing

The applicant or the applicant's representative must be present at the public hearing. The applicant will then have an opportunity to present their application, and to respond to any comments made by other speakers. A list of required public hearing submittals is included in this packet.

If you have any questions about the application form or the procedure through which it will be processed, please call the Planning/Engineering Department at (480) 348-????.

PERMIT NO. _____

**TOWN OF PARADISE VALLEY
SMALL WIRELESS SERVICE FACILITY (SWF) IN RIGHT-OF-WAY
PERMIT APPLICATION**

SUBMITTAL DATE: _____

Property Owner: _____

Location of Site: _____

Description of SWF (attach separate sheet if necessary): _____

**I, THE OWNER OR OWNER REPRESENTATIVE, ATTEST THE FOLLOWING
INFORMATION TO BE TRUE AND ACCURATE.**

Applicant Name: _____

Applicant Address: _____

City _____ State _____ Zip _____

Phone: (_____) _____ Contact Name: _____

Fax: (_____) _____

E-mail Address: _____

APPLICANT SIGNATURE

Permit Fee \$ _____

PLEASE PLACE A ✓ OR N/A (NOT APPLICABLE)

- _____ (Required) Original Letter of Authorization from owner giving applicant permission to use the site.

- _____ (7) Copies of a narrative, to include but not limited to the following:
 - _____ Description of the type of SWF
 - _____ Additional details on how SWF may impact neighboring properties,

- _____ (7) Copies of a site plan, to include but not limited to the following:
 - _____ A legal description of the parcel, including gross and net acreage. A recent American Land Title Association/American Congress on Surveying & Mapping (ALTA/ACSM) survey may be required if deemed necessary for a thorough review of the application.
 - _____ Significant topographical features of the site or area.
 - _____ Fall zone
 - _____ The locations and elevations of all adjacent structures on properties adjacent to a proposed SWF.

- _____ (20) Copies of the following once the application has been scheduled for a public hearing before the Planning Commission:
 - _____ Project Narrative
 - _____ Color Aerial of Site
 - _____ Site Plan & Elevations
 - _____ Landscape Plan
 - _____ RF Study
 - _____ Viewshed Study
 - _____ Photographs and Photo Simulations
 - _____ Sight Line Representation
 - _____ Color Board
 - _____ Equipment Brochures
 - _____ Noise Study
 - _____ Environmental Assessment

LETTER OF AUTHORIZATION

Town of Paradise Valley
6401 E Lincoln Dr
Paradise Valley, AZ 85253

I, _____, authorize _____
(Name of Owner) (Name of Applicant)

to obtain a SWF Permit on my behalf for

_____ at _____
(Type of SWF) (Site Location)

OWNER

(Owner's Signature) (Date)

Faux Saguaro Cactus Standard Features

Maximum installed height 24 feet above ground level.

Cactus exterior is durable structural-grade fiberglass (FRP) shell.

Cactus structure is galvanized steel pole with permanent hidden lift eyebolt at top.

Cactus to withstand wind load in accordance with current building code requirement.

Basic saguaro configuration with six ribs per foot of circumference

Ribs are 2 inches deep and pleated with natural look and realistic texture

Outside diameter (OD) of cactus 4" greater than the inside diameter (ID)

Maximum inside diameter (ID) is 24"

Woodpecker holes shall be a maximum of 3.5" diameter with insect screens.

Tapered top, upper 6.5 feet cactus tapered inward 1.15inch per foot, 7.45" total Tapered base, lower 3 feet cactus tapered inward 1.15" per foot, 3.45" total

Access panels are carved into "skin" following rib lines to minimize appearance

Mounting hardware concealed and flush with "skin"

Realistic five age-zone paint scheme as defined below.

Five age-zone paint design

- Zone V: [18'-24'] New Growth - (2) tones of green
- Zone IV: [18'-14'] Young Growth - (3) tones of green w/ accents in various locations
- Zone III: [14'-10'] Intermediate - (3) tones of green and reduction of color accents
- Zone II: [10'-4'] Mature Growth - (3) Tones of green color accent over base greens: yellows, browns, and whites
- Zone I: [4'- soil] Base - brown/gray and heavily aged
- Zones II to V have 2-tone individual airbrushed faux needles. Needles located on edge of ribs spaced approximately 2 to 3 inches apart.
- All Zones: 3-tone scars and dead areas artistically placed
- All Zones: Inset and 3-tone painted Gila woodpecker holes
- Paint: Exterior rated (ultraviolet-resistant) latex paint (Sherwin Williams or equal) using Larson Camouflage paint schedule.

LARSON CAMOUFLAGE PAINT COLORS FOR FIVE AGE-ZONE DESIGN

Two Tone Green Basic Colors:

SW6417	Tupelo Green
SW6424	Tansy Green (Old)
SW6418	Rural Green (New)

Varied Tone "Aging" Colors:

SW7005	Pure White	SW6815	Escape Gray
SW6131	Chamois	SW6816	Dried Thyme
SW 6232	Misty	SW6027	Retreat

Faux Needles

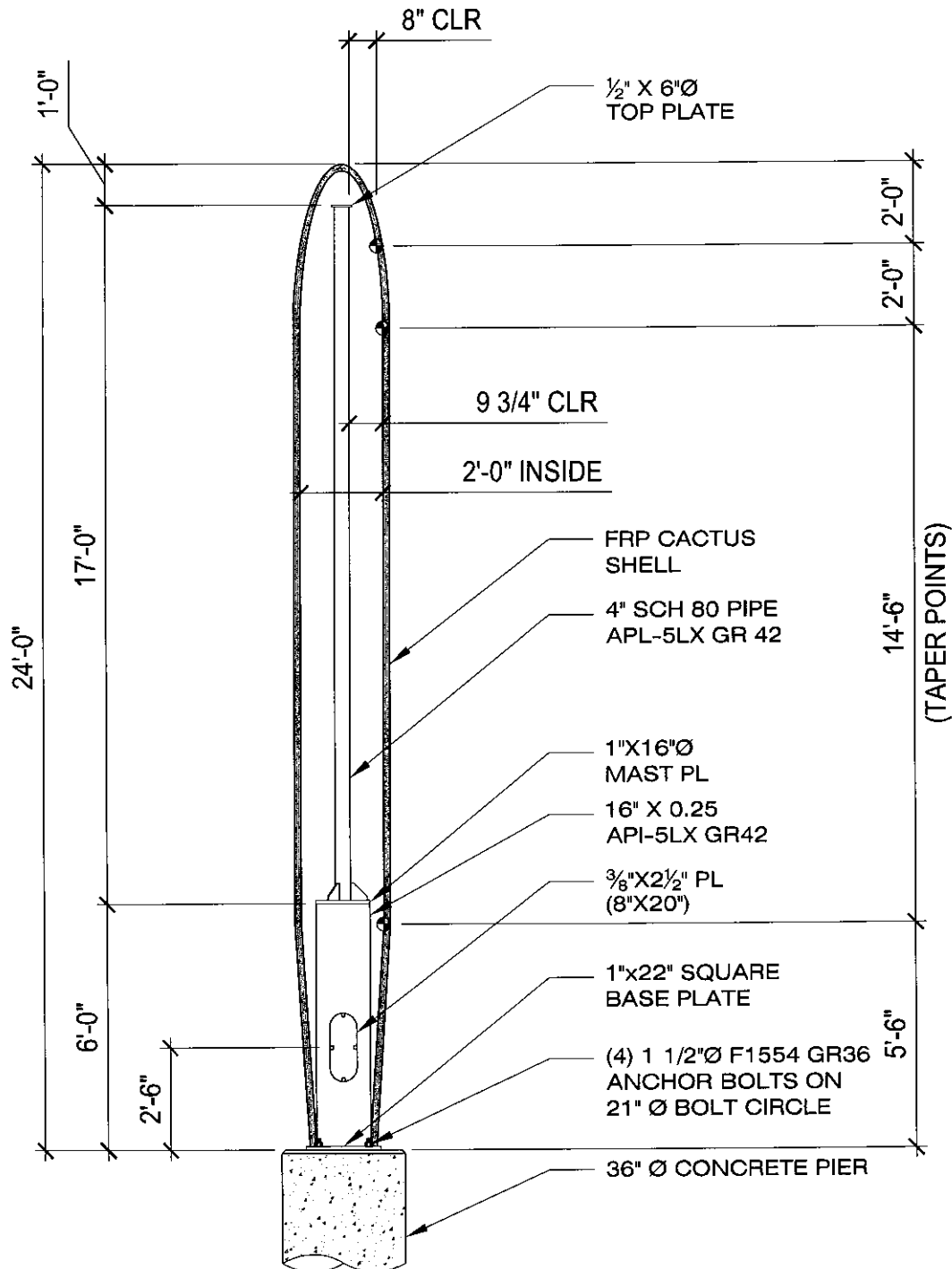
SW 7005	Pure White
SW 6994	Greenblack

Scars & Woodpecker Holes

SW 6060	Java
---------	------

Note: All paints are Sherwin Williams exterior rated, ultraviolet resistant latex or equal.

Applicant shall provide
structural calculations
for each location



1

POLE ELEVATION

SCALE: N.T.S.

LARSON CAMOUFLAGE

1501 South Euclid Avenue
Tucson, AZ 85713
(520) 294-3900
www.larsoncamo.com

24' CAMOUFLAGE CACTUS POLE DETAILS MODEL LCA-0-24-24

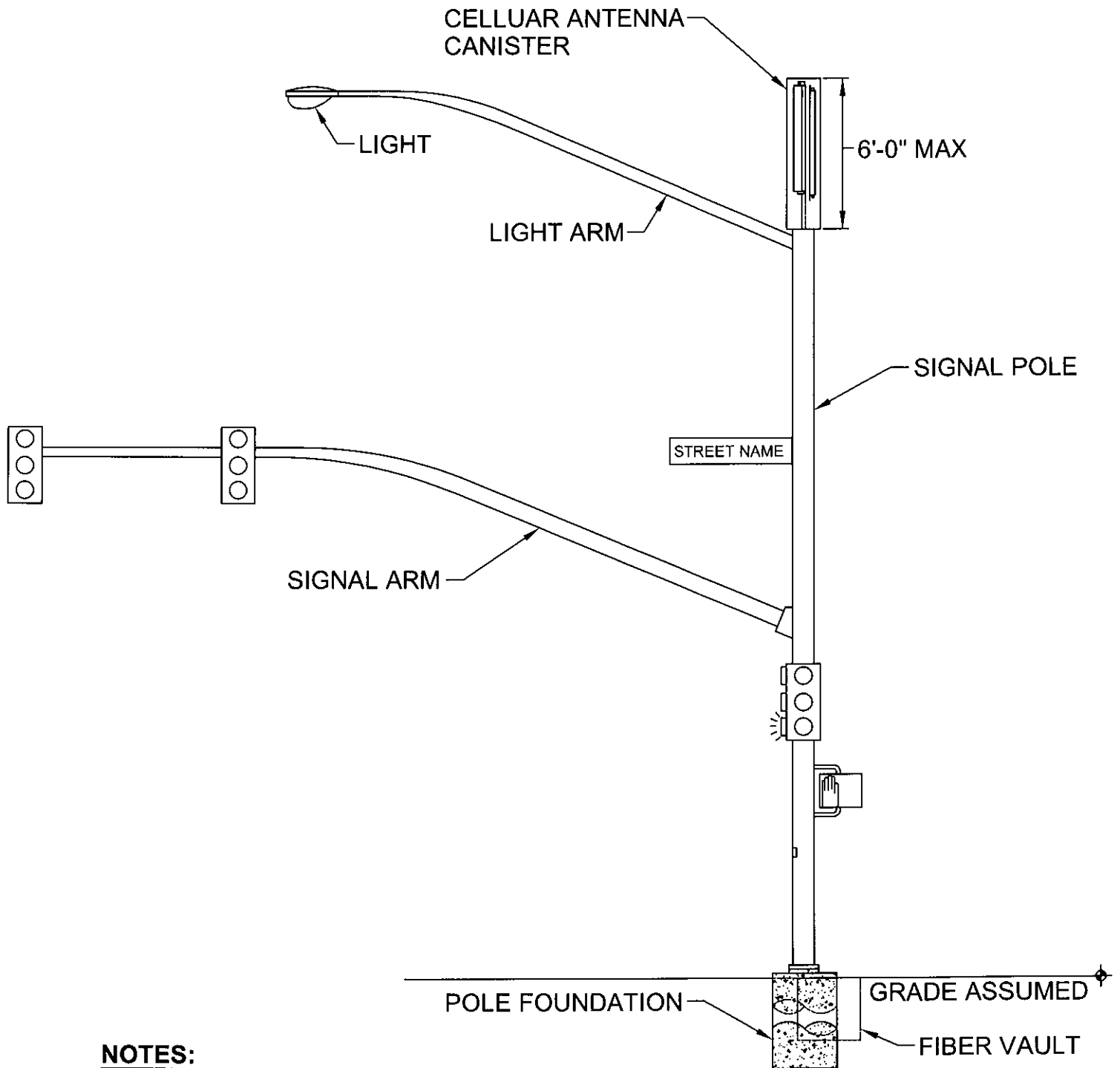
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PROJECT LOCATION:

DRAWING TITLE:

SCALE: N.T.S.

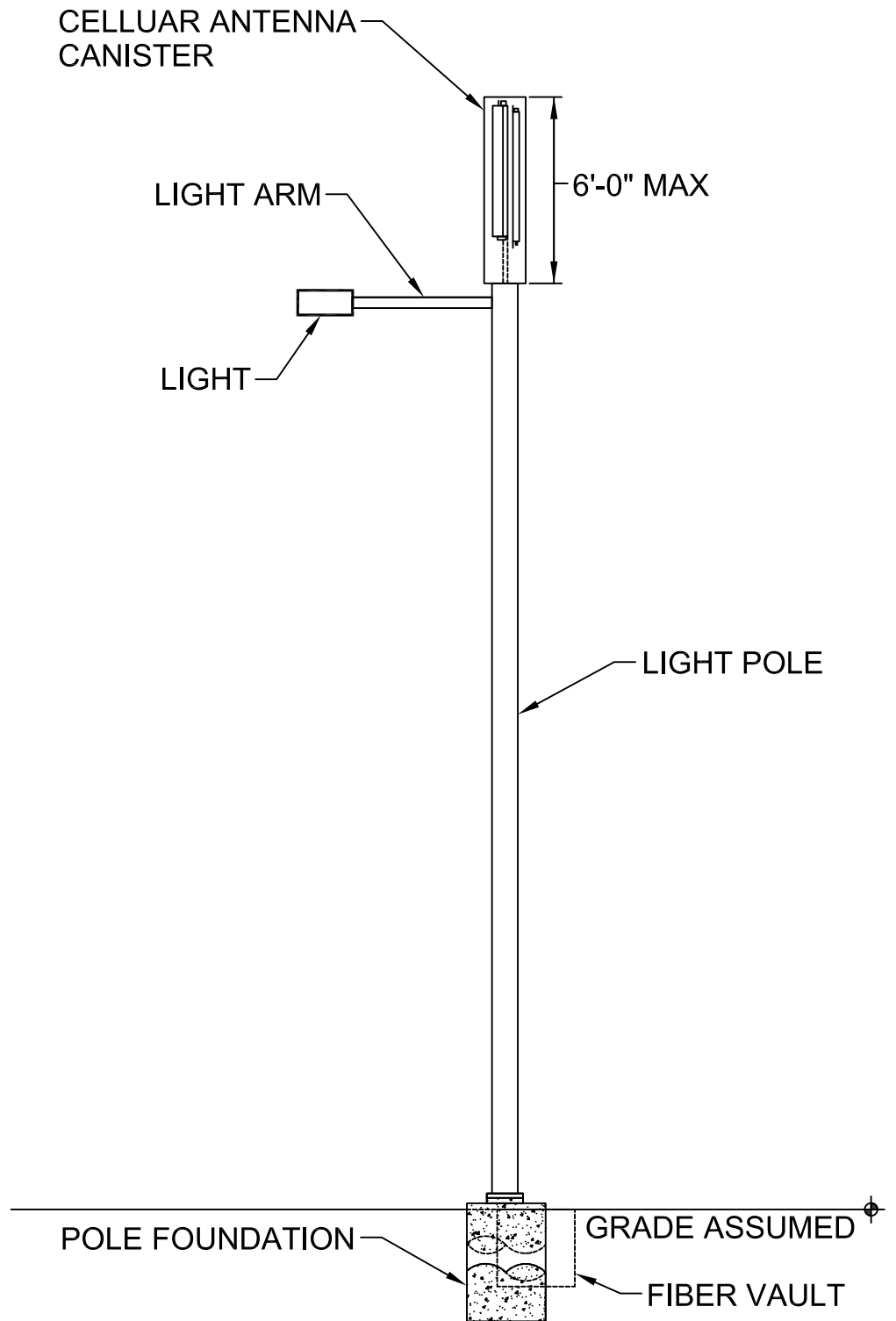
DATE:



NOTES:

1. EQUIPMENT ENCLOSURE LOCATION PER ZONING ORDINANCE.
2. ELECTRIC METER AND DISCONNECT SWITCH LOCATION PER ZONING ORDINANCE.

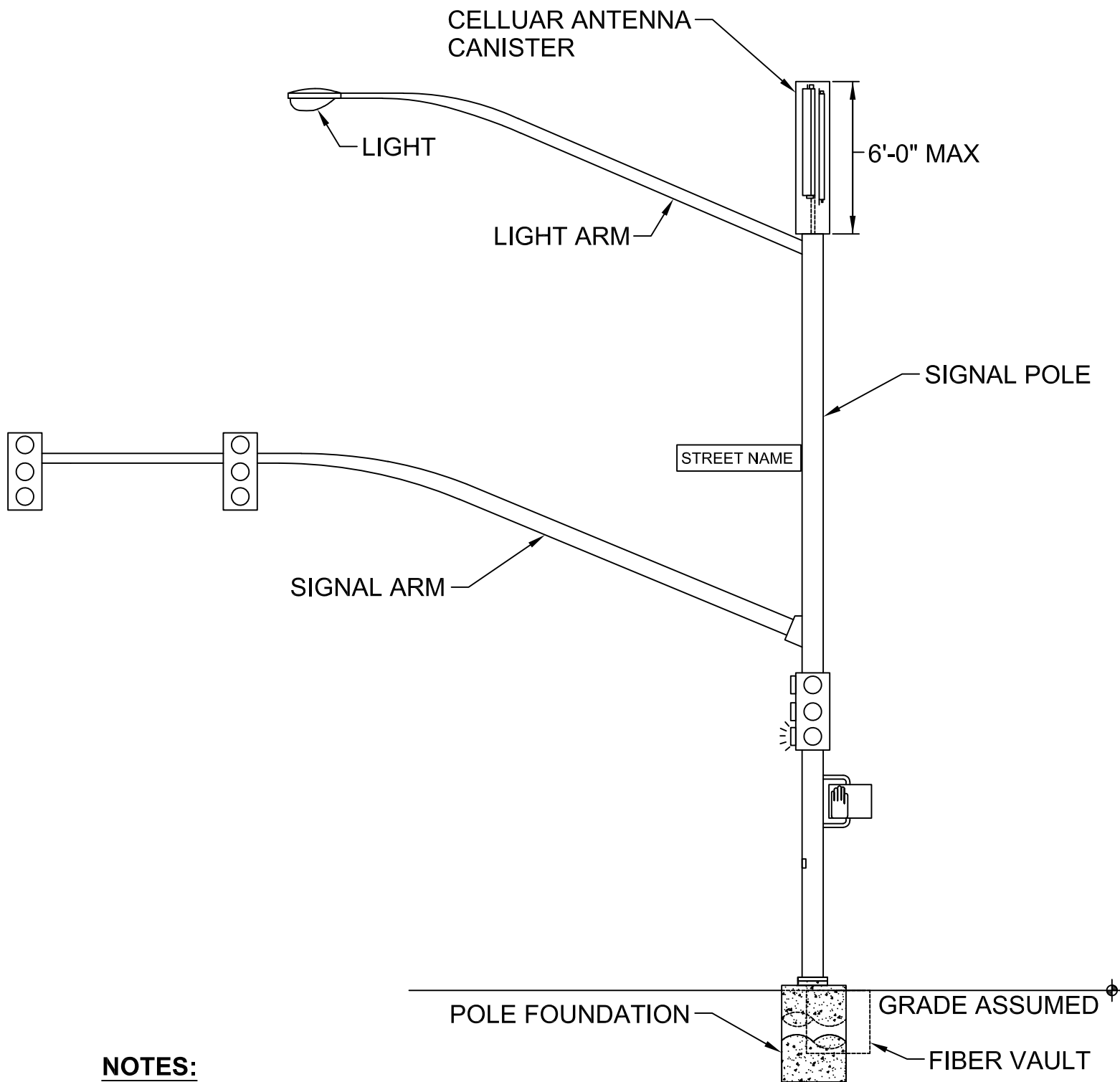
SIGNAL POLE DETAIL



NOTES:

1. EQUIPMENT ENCLOSURE LOCATION PER ZONING ORDINANCE.
2. ELECTRIC METER AND DISCONNECT SWITCH LOCATION PER ZONING ORDINANCE.

LIGHT POLE DETAIL



NOTES:

1. EQUIPMENT ENCLOSURE LOCATION PER ZONING ORDINANCE.
2. ELECTRIC METER AND DISCONNECT SWITCH LOCATION PER ZONING ORDINANCE.

SIGNAL POLE DETAIL