



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Planning Commission

Chair Karen Liepmann
Commissioner Robert Brown
Commissioner Charles Covington
Commissioner Timothy Dickman
Commissioner Pamela Georgelos
Commissioner William Nassikas
Commissioner James Rose

Tuesday, April 16, 2024

6:00 PM

Council Chambers

1. CALL TO ORDER / ROLL CALL

Notice is hereby given that members of the Planning Commission will attend either in person or by electronic conference system, pursuant to A.R.S. §38-431(4).

2. EXECUTIVE SESSION

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

3. APPROVAL OR AMENDMENT OF MINUTES

24-133

Approval of April 2, 2024 Planning Commission Minutes.

Staff Contact:

Cherise Fullbright, 480-348-3539

Attachments:

[2024-04-02 PC Draft Minutes](#)

4. PRESENTATIONS

5. STUDY SESSION ITEMS

The Study Session is open to the public for viewing, and the following items are scheduled for discussion among the Planning Commission, Staff, and invited presenters. Votes will not be made on any of these items but may be made when the item is scheduled for final action later in the meeting or at a future meeting. Public comment will not be invited at this time.

6. PUBLIC HEARINGS - LEGISLATIVE ACTIONS

Items for Public Hearings are Legislative Actions scheduled for action by the Planning Commission. Staff will present the item, the Planning Commission will have an opportunity to discuss and ask questions of staff and/or the applicant, the public hearing will open for public comment, after receiving public comment the public hearing is closed, the Planning Commission may have further discussion, and lastly, the Planning Commission will take action on the item by making a motion.

24-132

Discussion and Possible Action on amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance related to the process for site approvals

Staff Contact:

Paul Michaud, 480-348-3574

Attachments:

[A. Staff Report](#)

[B. Planning Commission Minutes - Discussion](#)

[C. Resolution 2022-23](#)

[D. Article XII, PWSF \(Track-Change\)](#)

[E. Ordinance 2024-02 \(Draft\)](#)

[F. Presentation](#)

7. ACTION ITEMS

Items for Action are scheduled for action by the Planning Commission. Staff will present the item, the Planning Commission will have an opportunity to discuss and ask questions of staff and/or the applicant, and lastly, the Planning Commission will make a motion on the item. Public comment is not required.

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

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 Planning Commission 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 Planning Commission meeting.*



Action Report

File #: 24-133

AGENDA TITLE:
Approval of April 2, 2024 Planning Commission Minutes.

STAFF CONTACT:



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes – Draft

Planning Commission

Chair Karen Liepmann
Commissioner Robert Brown
Commissioner Charles Covington
Commissioner Timothy Dickman
Commissioner Pamela Georgelos
Commissioner William Nassikas
Commissioner James Rose

Tuesday, April 2, 2024

6:00 PM

Town Hall Boardroom

1. CALL TO ORDER / ROLL CALL

Chair Liepmann called the meeting to order at 6:02 PM.

Present – Chair Karen Liepmann
Commissioner James Rose
Commissioner William Nassikas
Commissioner Timothy Dickman
Commissioner Charles Covington
Commissioner Robert Brown
Commissioner Pamela Georgelos

STAFF MEMBERS PRESENT

Community Development Director Chad Weaver
Town Attorney Andrew McGuire
Planning Manager Paul Michaud
Town Planner Brandon McMahon
Management Specialist Cherise Fullbright

2. EXECUTIVE SESSION

3. APPROVAL OR AMENDMENT OF MINUTES

A. 24-114 **Approval of March 19, 2024 Planning Commission Minutes.**

A motion was made by Commissioner Georgelos, seconded by Commissioner Nassikas, to approve the March 19, 2024 minutes. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Dickman, Commissioner Nassikas,
Commissioner Rose, Commissioner Covington, Commissioner Brown,
Commissioner Georgelos

4. PRESENTATIONS

5. STUDY SESSION ITEMS

A. 24-108 **Citizen Review Session – Work Session – Proposed Amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance related to the process for site approvals.**

Vice Mayor Mark Stanton addressed the Commission, noting this was an overdue Council priority to improve cellphone service as a matter of public safety.

Planning Manager Paul Michaud presented the item. His presentation addressed concerns raised by the Commission during previous meetings and summarized the process and ordinance edits.

Commissioner Dickman asked if gaps in coverage would remain after deployment of the five sites presented. He wondered if the wireless carriers were willing to work with the Town.

Mr. Michaud advised there could be various gaps, but coverage depends on the cell providers and the owners of the five Primary Sites investing in these improvements. Additionally, he noted that providers are still interested and have been in contact with staff.

Commissioner Nassikas asked about payment for the sites.

Mr. Michaud shared that the carriers would be looking to build and pay for the facilities while the Town is looking to help in the process aspect.

Commissioner Georgelos requested reasoning behind the waiver of the application fee. She wondered if this process would be applied to future sites.

Mr. Michaud noted that the Town was not in the business of building or paying for the sites but the ability to waive the application fee was available. He agreed decisions would be made on a case-by-case basis, but it would likely be granted for the five sites being discussed. Mr. Michaud noted that if another site was added to Resolution 2022-23, this requires going through the Council process to approve the site.

Commissioner Covington asked if any state laws applied to this item and if there was an impact looking at the rollout of 5G.

Town Attorney Andrew McGuire shared that there was a sweep through the state statutes related to approval of Personal Wireless Service Facilities, but most of that was small cell. The ability to regulate large cell was still intact, but this type of process was addressing the Town's process for approval. As to 5G, he believed the carrier would be able to answer that question.

Commissioner Georgelos asked how our current process compared to other jurisdictions.

Mr. Michaud stated there was not much detail for comparison, but in Scottsdale and Phoenix much of it is done by right through the building permit process.

Staff discussed how agreements must be made with owners of the privately owned sites, and if they were no longer in agreement then the carriers would have to move onto the next site. The managerial process and process for community input were discussed.

No public comment was received.

Presentation and Discussion only. No Reportable Action.

B. 24.125**Discussion on Minor Special Use Permit Amendment (SUP-24-01) Ritz Carlton Area C Lots 15-19 (7000 E Lincoln Drive)**

Town Planner Brandon McMahon presented the item. He briefly went over the process, notification, criteria to amend the 2015 SUP, setbacks, lot configuration and reduction, as well as lot size. Mr. McMahon presented a visual of lot ownership and numerous renderings.

Chair Liepmann corrected a detail within the presentation. It was clarified that Commissioners toured the Ritz on March 19th, 21st, and 22nd. Further, a notice of quorum was posted for the 21st when 4 members were present.

Commissioner Covington wondered if the covered area would exceed 550 sq ft.

Mr. McMahon confirmed it would not and noted it as part of the stipulations.

Commissioner Dickman asked what would happen with the lot that's already been built if the request was not approved today. He expressed a concern with the inconsistency.

Mr. McGuire shared that a permit issued in error would not stop the town from enforcing the correct rules, so depending on the direction given, staff could stop construction on the site then leave the decision as to what happens next with the developer and owner.

Commissioner Brown suggested that the Commission weigh in on the design itself, as that would be within their authority. He did not believe the permit issue was relevant to the Commission.

Chair Liepmann discussed details of the four lots included in the request which included two lots which have been built already and two empty lots. She requested input from the applicant as to which model would be built.

Richard Frazee with Five Star Development shared that both homes had building permits issued, but the second home permit did not accommodate the overhang being built.

Commissioner Georgelos asked about outreach to the other owners in area c. She asked if there were any letters of support.

Mr. Frazee explained that notification had been completed as required by the SUP Amendment process. Additionally, there had been direct dialogue with each of the lot owners and no objection or resistance to the request. He shared that he did not have letters of affirmation today but there had been no response to the outreach letter. Mr. Frazee clarified there was no request to increase the livable square footage of the homes. It was noted that the ground level amenities would not be impacted by the request.

Commissioner Dickman shared a concern with timing of the project.

Mr. Frazee noted work was ongoing and there was an intent for the hotel to be wrapped up by the end of 2024.

At the request of Georgelos, Mr. Frazee described the configuration of the homes and how the encroachment would impact view corridors.

Presentation and Discussion only. No Reportable Action.

6. PUBLIC HEARINGS – LEGISLATIVE ACTIONS

A. 24-099 Discussion and Possible Action on Minor Special Use Permit Amendment (SUP-24-01) Ritz-Carlton Area C Lots 15-19 (7000 E Lincoln Drive)

Chair Liepmann opened the Public Hearing at 7:18 PM

Public comment was received by the following citizens: Michael Shoen and Andy Gordon. Both speakers expressed opposition and Mr. Gordon shared a photo to show the visual impact.

The Public Hearing was closed at 7:26 PM.

Mr. Frazee addressed concerns raised during public comment.

Commissioner Georgelos asked if there was anything that could be done design wise to minimize the effect of the setback encroachment.

Architect CP Drewett agreed the design could be modified to lessen the visual impact. He believed the request was a result of an additional road being added to the layout.

Mr. Rose expressed an interest in citizen input.

Community Development Director Chad Weaver informed that the project was noticed and tonight would be the opportunity to provide comment.

Mr. McMahon noted that this process required notification to surrounding properties within 1,500' and the citizen review hearing was not required but encouraged.

Mr. Michaud clarified that intermediate amendments required a citizen review hearing, but this request was for a minor amendment. The applicant had fully met the notifying requirement.

Without objection, the public hearing was reopened, and Carol Gordon provided comments. Mrs. Gordon expressed opposition.

Mr. Drewett spoke as to the alternatives for building design.

The need for an executive session was discussed.

A motion was made by Commissioner Dickman, seconded by Commissioner Georgelos, to go into executive session on items 24-099 at 7:50 PM.

Discussion only. No Reportable Action.

Without objection, the Commission came out of executive session on item 24-099 at 8:09 PM.

Additional comments were received from the Commission.

A motion was made by Commissioner Covington, seconded by Commissioner Rose, to approve item 24-099 subject to stipulations. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Nassikas, Commissioner Rose, Commissioner Georgelos, Commissioner Covington, Commissioner Brown

No: Commissioner Dickman

7. ACTION ITEMS

A. 24-096 Discussion and Possible Action Horseshoe Estates Lot Split (LS-24-01) 7300 E Horseshoe Road (APN: 174-30-023A)

Town Planner Brandon McMahon presented a summary of the request. He shared information related to the process, background of the sites, code criteria, roadways, traffic, utilities, paving, drainage, and public comment.

Commissioner Dickman asked if sewer was available in the area.

Mr. McMahon stated there was no sewer available and the properties would be on septic.

At the request of Commission Georgelos, Mr. McMahon confirmed that all requirements have been met.

A motion was made by Commissioner Dickman seconded by Commissioner Nassikas, to approve item 24-096 subject to stipulations. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Dickman, Commissioner Nassikas,
Commissioner Rose, Commissioner Georgelos, Commissioner Covington
Commissioner Brown

B. 24-075 Selection of Chair per Section 2-5-2 of the Town Code.

Mr. Michaud explained that the Town Code required the Election of Chair during the first meeting in April. He briefly discussed the process.

A motion was made by Commissioner Rose, seconded by Commissioner Dickman, to elect Chair Liepmann to another term as Chair of the Planning Commission. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Dickman, Commissioner Nassikas,
Commissioner Rose, Commissioner Georgelos, Commissioner Covington
Commissioner Brown

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

Mr. Michaud noted that the next meeting scheduled for April 16th would include one item, the scheduled hearing for the Personal Wireless Service Facilities (PWSF) item discussed earlier.

11. ADJOURNMENT

Motion for adjournment was made at 8:26 PM.

A motion was made by Commissioner Georgelos, seconded by Commissioner Nassikas, to adjourn the meeting at 8:26 PM. The motion carried with the following vote:

Aye: Chair Liepmann, Commissioner Nassikas, Commissioner Georgelos,
Commissioner Rose, Commissioner Covington, Commissioner Dickman,
Commissioner Brown

Paradise Valley Planning Commission

By: _____
Cherise Fullbright, Secretary



Action Report

File #: 24-132

AGENDA TITLE:

Discussion and Possible Action on amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance related to the process for site approvals

STAFF CONTACT:

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

TO: Chair & Planning Commission Members

FROM: Chad Weaver, Community Development Director
Paul Michaud, Planning Manager

DATE: April 16, 2024

DEPARTMENT: Community Development – Planning Division
Paul Michaud, 480-348-3574

AGENDA TITLE: Discussion and Possible Action on amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance relating to the process for site approvals.

REQUEST

Proposed amendments to Article XII, Personal Wireless Service Facilities, of the Zoning Ordinance relating to the process for site approvals.

RECOMMENDATION

It is recommended that the Planning Commission forward approval of Ordinance 2024-02, amending Article XII, Personal Wireless Service Facilities, of the Zoning Ordinance relating to the process for site approvals.

BACKGROUND

Resolution 2022-23 directs Town staff to take forward an amendment to Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance for Planning Commission recommendation and Town Council action creating a managerial or similar process for Personal Wireless Service Facilities (PWSF) for five specific sites (referred to as the Primary Sites). This managerial process is similar to the Managerial Special Use Permit process outlined in Section 1102.8.A of the Town Zoning Ordinance that requires an applicant make formal application, Town staff review the application in accordance with specific guidelines and regulations, and the Town Manager (or designee) transmit all approved determinations to the Town Council within a specified time period allowing the Town Council to affirm the determination or schedule an appeal at a Town Council meeting. This managerial process will replace the Conditional Use Permit (CUP) Planning Commission approval for only the Primary Sites in Resolution 2022-23 or as may be amended. PWSF requests at sites not identified in Resolution 2022-23 will continue to follow the administrative CUP process requiring Planning Commission approval that are appealable to the Town Council as outlined in Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance.

The Town Council discussed closing the gaps in cell coverage at its study sessions of September 8, 2022, and October 27, 2022. Discussion included review of the gaps in coverage for the wireless carriers, information on the selected sites to improve coverage, and ways the Town can facilitate wireless carriers in making cellular improvements that meet Town standards. Past efforts since 1997 when Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance was adopted have only partially met desired coverage expectations.

Many rules and regulations at both the Federal and State levels have given more rights to wireless carriers over the years. Also, the low-density character of the Paradise Valley, hillside terrain, timing of the Town's PWSF process, and the wireless carriers internal funding process for projects results in many PWSF applications started and never followed through by the wireless carrier.

Since 2018, the Town has focused on four goals identified by the Council's Cellular Service Task Force to improve cell coverage within Paradise Valley. These goals seek to (1) improve voice service, (2) preserve and maintain the Town's aesthetics, (3) provide the greatest coverage and capacity with the least visible infrastructure, and (4) provide infrastructure for future services related to PWSF sites. Three of those goals have been completed and Resolution 2022-23 is the next step toward the implementation in providing the greatest coverage and capacity with the least visible infrastructure.

Resolution 2022-23 is a result of many efforts over several years between the Town, Engineering Wireless Services (EWS), and the wireless carriers. This includes a Town-driven radio frequency strength and quality study of the main carriers within the Town limits EWS completed in 2018 and later updated in 2021. During 2022, these participants canvassed the town and identified the five locations listed below as best to close the gaps in cell coverage.

Cosanti Foundation	6433 E Doubletree Ranch Road
Fire Station #91	8444 N. Tatum Boulevard
Paradise Valley Country Club	7101 N. Tatum Boulevard
Sanctuary Camelback Mountain Resort	5700 E. McDonald Drive
Town-Owned Property	7012 N Invergordon Road

Resolution 2022-23 provides siting and design guidance for PWSF at the identified five locations. These provide limitations on number, location, height, setback, and desired design. The fire station, Paradise Valley Country Club, and Sanctuary on Camelback Mountain Resort suggest a faux chimney design on an existing building. Whereas the Town-owned property at 7012 N Invergordon Road the guideline is for a retaining wall and at Cosanti the guideline is a separate structure near the existing buildings which would require a Special Use Permit amendment process if there were the addition of a separate new structure.

MANAGERIAL PWSF PROCESS

Resolution 2022-23 is modeled after the Managerial Amendment for Special Use Permits in Section 1102.7, Types of Amendments to Special Use Permits, in the Town Zoning Ordinance. Section 1213 of draft Ordinance 2024-02 describes this process which will only apply to PWSF at the five Primary Sites.

PLANNING COMMISSION DISCUSSION

The Planning Commission discussed the proposed PWSF amendments on April 2, 2024, and February 7, 2023. There were no proposed changes to Ordinance 2024-02 as drafted (Attachment E) at the last work session. The Vice Mayor provided background on the PWSF amendment. During the discussion several items were clarified including that the five Primary Sites are expected to cover most of the gaps but coverage depends on cell providers and the owners of the Primary Sites investing in these improvements, the Town's effort is primarily assistance with streamlining process and waiving application fees where appropriate, the noticing on this managerial process occurred on the front end via the various Council meetings over the past couple of years on cell gap coverage and the Citizen Review Sessions/noticing for this text amendment (adding that the managerial process has a Town Council review component), and recapping the reason behind the amendment is to improve cell coverage. Refer to Attachment B for prior discussion on this text amendment.

COMMENTS

There were no public comments given at the Citizen Review Session of April 2, 2024. The only comments during this text amendment process were early on at and before the Citizen Review Session of February 7, 2023. This was from a resident near Cosanti expressing health concerns over a PWSF and if the managerial process applies to any Town-owned property (the process only applies to the five Primary Sites).

NEXT STEPS

The Town Council is tentatively set to discuss and hold their public hearing for May/June 2024.

ATTACHMENT(S)

- A. Staff Report
- B. Planning Commission Minutes – Discussion
- C. Resolution 2022-23
- D. Article XII, PWSF (Track Change)
- E. Ordinance 2024-02 (Draft)
- F. Presentation



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Final

Planning Commission

Chairman James Rose
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Karen Liepmann
Commissioner Kristina Locke
Commissioner William Nassikas

Tuesday, February 7, 2023

6:00 PM

Council Chambers

1. CALL TO ORDER

Chairman Rose called the meeting to order at 6:00 p.m.

STAFF MEMBERS PRESENT

Community Development Director Lisa Collins
Town Attorney Andrew McGuire
Planning Manager Paul Michaud
Senior Planner George Burton

2. ROLL CALL

Commission Members Covington (arrived at 6:05 p.m.), Georgelos, and Nassikas attended remotely.

Present 7 - Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Pamela Georgelos
Commissioner Karen Liepmann
Commissioner Kristina Locke
Commissioner William Nassikas
Commissioner James Rose

3. EXECUTIVE SESSION

None

4. CITIZEN REVIEW SESSION ITEMS

- A. [23-041](#) Proposed amendments to Article XII, Personal Wireless Service Facilities Zoning Ordinance creating a managerial or similar process for certain Personal Wireless Service Facilities as directed in the Town of Paradise

Valley Resolution 2022-23 to close the gaps in cell coverage.

Ms. Collins presented the staff report. The Town of Paradise Valley has passed a resolution directing staff to create a managerial process for Personal Wireless Service Facilities for five specific sites. This process is like the Managerial Special Use Permit process and will replace the Conditional Use Permit Planning Commission approval for those sites. The Town Council recently discussed closing the gaps in cell coverage. The resolution is a result of efforts between the Town, Engineering Wireless Services (EWS), and the wireless carriers to improve cell coverage within Paradise Valley while preserving aesthetics and providing the greatest coverage and capacity with the least visible infrastructure. The resolution provides siting and design guidance for Personal Wireless Service Facilities at the identified five locations, with guidelines for number, location, height, setback, and design. Ms. Collins detailed each location.

Commissioner Campbell asked what the structure's design would be for the Invergordon location and if it would be visible.

Ms. Collins stated it would be integrated into a block retaining wall. The antennas would blend in and not extend above the hilltop. There was no specific design at this time.

Commissioner Campbell noted that the design standard was a faux cactus at one time and asked if that was an option. This and the Cosanti locations concerned him. He asked if the Planning Commission would be involved in the Invergordon site.

Ms. Collins noted that a faux cactus could be used if that was the best design to camouflage the Personal Wireless Service Facility. She replied that the Planning Commission would not be involved with this site, but the Town Council would be. She added that the Personal Wireless Service Facility application still must comply with all the requirements in the Zoning Ordinance and there would be considerable review. She detailed the process of going through the Town Manager and Town Council.

Commissioner Liepmann asked what the criteria for choosing these sites involved. She asked if a particular cell carrier will be the applicant for each case. Additionally, she asked who would build a wall at the Invergordon site.

Ms. Collins replied that the five selected sites provide the most coverage where the Town has gaps, and it would be a particular wireless carrier. Whoever applied to do the Personal Wireless Service Facility at Invergordon would also do the construction based on the plans reviewed and approved by the Town.

Commissioner Liepmann was concerned that the proposed amendment stated that the Town Manager reviews or designee. She would like it to be more specific, for example, "staff designee."

Commissioner Locke asked if they considered sites that were right-of-way or public easements.

Ms. Collins replied there were several small cells that were approved before her time at the Town in the right-of-way. All the faux cacti are small cells. She added that the five proposed sites are all on private property. The resolution has been amended a few times. The purpose of this meeting is to get input on the language within the text amendment. She responded to a question from Commissioner Locke that they wanted to see multiple carriers on each site.

Commissioner Nassikas asked who would pay for the construction at these sites.

Ms. Collins responded that the Town would waive the application fee and that the carrier would cover all the other costs. The Town Council would review the application and verify it meets the qualifications.

Commissioner Campbell was concerned that the surrounding residents would not be properly notified before installation.

Commissioner Liepmann agreed and wanted the Town Council to review the Managerial Personal Wireless Service Facility as an agenda item in their meetings.

Commissioner Georgelos asked who provided the list of sites to the Town Council for consideration.

Ms. Collins replied that EWS worked with the Town and looked at the sites that could close the gaps in coverage.

Commissioner Georgelos expressed that she was concerned about the proposed managerial amendment process in that unless appealed by three or more members of the Town Council the application is approved. She continued that this streamlined process would mean the review would be complete and final without any further notice or review. She felt that the proposed managerial process provides very little in terms of notice, and the issues regarding wireless facilities is significant in the Town. She was not in favor of moving forward with the proposal in this manner and felt that there should be a vetting process other than just the Town Manager or their designee.

Commissioner Locke agreed with the other Commissioners. She wanted to add language about compliance with the Federal Communications Commission (FCC) guidelines.

Ms. Collins replied that the FCC review is a requirement. She acknowledged the comments and concerns raised by others but explained that the proposed changes did not allow for any reduction in the submittal and that there are federal guidelines that must be met. She acknowledged that the Town staff received some input, but it was mainly focused on timing constraints faced by the carriers and health concerns. She suggested that this item come back to the Planning Commission with more information on how the Town Council is informed about these managerial amendments and provide assurance that the

Council will not be sidestepped. The idea behind the proposed changes is to move quickly and meet all code requirements while addressing the concerns raised by citizens over the years regarding coverage. She emphasized that there may be some locations where this solution would help resolve those concerns, but it was not meant to suggest that more managerial amendments would follow. She added that other Personal Wireless Service Facilities may occur and these will be reviewed via the Conditional Use Permit process.

Chairman Rose stated that he wanted the residents to have input regardless of the outcome. He made suggestions for streamlining the process.

Commissioner Liepmann brought up making the timeline in Section 1213.A and Section 1213.C of the proposed text amendment to including a timeframe and it be consistent.

Ms. Collins commented on the objective that once the application was complete, it could be reviewed within days. If it was approved, the Town Manager would send the managerial application to the Town Council.

Commissioner Georgelos asked if the Planning Commission could see examples of a situation where Personal Wireless Service Facility approvals were not made or not continued due to funding. She did not like the proposed process. She wanted clarification on what was driving the timeframe.

Commissioner Campbell suggested they could streamline the Conditional Use Permit process. He reiterated that the proposed managerial process impacts public input opportunity and thinks residents will express concerns after these structures are constructed.

Commissioner Georgelos agreed.

Commissioner Covington asked if the purpose of streamlining the process was to benefit the applicants or the Town.

Ms. Collins replied that it would benefit both, with the purpose to close coverage gaps.

Chairman Rose opened the Citizen Review Session. Ms. Brady, a resident, asked if the only Town owned site was the Invergordon site and whether this allowance applied to all Town-owned property

Ms. Collins replied the Invergordon is the only Town owned site of the five sites and the managerial process applied only to these five sites.

No Reportable Action

5. STUDY SESSION ITEMS

- A. [23-009](#) Discussion of Scottsdale Plaza Intermediate Special Use Permit
7200 N Scottsdale Road (SUP-22-02)

**Proposed amendments to Article XII, Personal Wireless Service Facilities
Ordinance 2024-02
Planning Commission Discussion**

The Planning Commission discussed the proposed PWSF amendments on April 2, 2024, and February 7, 2023. The Vice Mayor provided background on the PWSF amendment. During the discussion several items were clarified including that the five Primary Sites are expected to cover most of the gaps but coverage depends on cell providers and the owners of the Primary Sites investing in these improvements, the Town's effort is primarily assistance with streamlining process and waiving application fees where appropriate, the noticing on this managerial process occurred on the front end via the various Council meeting meetings over the past couple of years on cell gap coverage and the Citizen Review Sessions/noticing for this text amendment (adding that the managerial process has a Town Council review component), and recapping the reason behind the amendment is to improve cell coverage

The Planning Commission discussed the proposed PWSF amendments on February 7, 2023. Highlights from this discussion included the following:

- PWSF Design. There were questions about the specific PWSF design at the five sites, particularly the Town-owned hillside location at 7012 N Invergordon Road and the Cosanti location at 5433 E Doubletree Ranch Road. Resolution 2022-23 provides some parameters (retaining wall PWSF that meets Town Hillside standards for the Invergordon site, concealed PWSF toward the center/middle with consideration of up to 30 feet at the Cosanti site, and faux chimney PWSFs on the other three sites), but the exact PWSF design will not be presented to the Town until the wireless carrier makes application.
- Designee. There was clarification on the Town Manager designee in the text of Section 1213 describing the application process. The Town Manager designee regarding PWSF is typically the Community Development Director. The Town Code and Town Zoning Ordinance has multiple places using the term designee without any added description.
- Right-of-Way. Discussion included an explanation regarding the use of the faux cactus and sites in the rights-of-way. This text amendment only applies to the process method for the five-specified PWSF that are on private property. The faux cactus network in the Town's right-of-way are small cell facilities that fall under Arizona Revised Statutes and Section 2-2-2(I), Small Wireless Service Facility Located in the Rights-of-Way, in the Town Code and originally approved via the Special Use Permit process.
- Build and Pay. The construction and payment for PWSF improvements are typically the responsibility of the wireless carrier. The Town's efforts included resident time such as through the Cellular Service Task Force, procurement of the 2018 and updated 2021 radiofrequency (RF) gap study that aided in the selection of the Primary Sites, multiple Town staff time in meetings, allowance to waive Town application fees in accordance with Section 6 of Resolution 2022-23, and other processing time efficiencies such as the proposed text amendment.
- Site Selection. The Primary Sites were the result of the commissioned RF study noted above and site canvassing through the Town's consultant (EWS), along with

**Proposed amendments to Article XII, Personal Wireless Service Facilities
Ordinance 2024-02
Planning Commission Discussion**

Town staff and other wireless carrier representatives. Any changes to the Primary Site locations would require amendment of Resolution 2022-23 by the Town Council at a public meeting.

- Colocation. Statement that there be multiple carriers on each site. This is already addressed. The text amendment retains the existing colocation provisions in Sections 1208 and 1209 of Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance on the use of a single mount and/or site by more than one personal wireless service provider.
- FCC. The Federal Communications Commission (FCC) requirements are already addressed as the text amendment retains the FCC provisions in Sections 1206, 1207, 1208, and 1211 of Article XII, Personal Wireless Service Facilities, of the Town Zoning Ordinance.
- Staff Review Timeframe. Prior discussion included adding a Managerial PWSF time frame for Town staff review. If a time frame is considered, Section 1213(B) of draft Ordinance 2024-02 could include that the Town Manager (or designee) shall have 20 business days from the date the Managerial PWSF application is submitted to notify the applicant whether the application is complete. This timeframe is similar to the 20-day Town staff deadline for a Small Wireless Facility application and typical Town staff review time to review formal planning applications. Further consideration might include adding in Section 1213(C) of draft Ordinance 2024-02 a timeframe for the Town Manager (or designee) to either approve or deny a Managerial PWSF application from the date of a completed application (possibly 10 business days if there is no noticing, meeting, or similar requirements) or several days after any noticing. There are instances within the Town Code and Zoning Ordinance for Town review times such as 20 days for the Town to deem a Small Wireless Facility application complete in Section 2-5-2(I)(10)(b) of the Town Code, 75 days for the Planning Commission to take action on an Administrative Small Wireless Facility when complying with the objective design or alternate design standards, and 180 days for action on a Small Wireless Facility not meeting those standards that requires a Special Use Permit as outlined in Section 2-2-2(I), Small Wireless Service Facility Located in the Rights-of-Way, in the Town Code.
- CUP Processing Time. The Commission inquired about the length of time to process a PWSF CUP as compared with the timing of a Managerial PWSF. Since 2000, there have been approximately 28 PWSF pre-application requests. 12 of these moved forward as a formal application and 4 required only building permit approval as they were maintenance improvements in substantial compliance. Pre-application review by Town staff is typically 15 to 20 business days. Once filed, a CUP takes on average 30 business days to deem the application complete. Scheduling a separate Planning Commission work session and the public hearing typically adds another 30 to 45 business days to account for preparing the meeting application and noticing material. This results in a typical Conditional Use Permit taking 4 to 5 months to complete after pre-

**Proposed amendments to Article XII, Personal Wireless Service Facilities
Ordinance 2024-02
Planning Commission Discussion**

application. Whereas a Managerial PWSF could take 1 to 2 months to complete after pre-application.

- Noticing. Several Commissioners commented that the Managerial PWSF process due to the significance of wireless facilities should include resident notification. If necessary, some suggestions by the Commission, among other possible vetting opportunities, included the following:
 - Have the Town Council review period that allow for at least three Town Council Members to appeal the Town Manager approval occur at a Town Council meeting. This could be on the consent agenda or as an action meeting. Reasons noted were that residents can sign up via AlertPV to be noticed on upcoming agendas and gives a public forum.
 - Reevaluate the CUP process. Ideas noted included combining the Planning Commission study session and action in one meeting. Resolution 2022-23 focuses on the managerial process.
 - Add to Section 1213 of draft Ordinance 2024-02 some type of notice provision within a period after application submittal, prior to the Town Manager decision and forwarding to the Town Council for their 7-day review (such as 10 or 15 days), or other point in the application process to seek comments from nearby property owners. Notice radius could be as determined by the Town Manager (or designee) or a specific radius given (e.g., 500 feet, 600 feet, 1,000 feet, or 1,500 feet are typical radius ranges on some planning applications). This notice could be in the Town of Paradise Valley Community Development Department mailing notification policy instead of within Ordinance 2024-02.

RESOLUTION NUMBER 2022-23

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, RELATING TO PERSONAL WIRELESS SERVICE FACILITIES, AND REPEALING RESOLUTIONS 932 AND 932(A).

WHEREAS, the Mayor and Town Council (the “Town Council”) of the Town of Paradise Valley (the “Town”) adopted Resolution 932 on February 26, 1998, providing a non-exclusive list of potential Personal Wireless Service Facilities sites (the “Site List”) to be considered in accordance with the Town’s Personal Wireless Service Facilities provisions set forth in Article XII of the Town’s Zoning Ordinance (“Article XII”); and

WHEREAS, the Town Council adopted Resolution 932(A) on September 20, 2001, to modify the Site List to remove one site; and

WHEREAS, in 2018 the Town Council established a Cellular Service Task Force to study ways to improve voice service, to preserve and maintain the Town’s aesthetics expectations, to provide the greatest coverage and capacity with the least visible infrastructure, and to provide infrastructure for future services; and

WHEREAS, in 2018 the Town engaged Engineering Wireless Services (“EWS”) to complete a radio frequency strength and quality study of the main carriers within the Town limits (the “Study”); the 2018 study was updated in 2021; and

WHEREAS, in 2022, the Town, EWS, and T-Mobile representatives canvassed several sites within the Town limits that the Study showed to best fit Town and carrier needs to improve coverage and capacity with the least visible infrastructure. Based upon this canvas, the group identified five primary sites: (i) the Sanctuary on Camelback Mountain located at 5600 E. McDonald Drive, (ii) the Paradise Valley Country Club located at 7101 N. Tatum Boulevard, (iii) the Town’s Fire Station #91 located at 8444 N. Tatum Boulevard, (iv) the Cosanti Foundation property located at 5433 E. Doubletree Ranch Road, and (v) a Town-owned parcel on Mummy Mountain located at 7012 N. Invergordon Road (collectively, the “Primary Sites”); and

WHEREAS, the Town Council at its study session on September 8, 2022, discussed next steps in moving the goals of the Cellular Service Task Force forward; and

WHEREAS, the Town Council at its study session on October 27, 2022, discussed implementing a time-sensitive process and option to waive application fees for the Primary Sites; and

WHEREAS, the Town Council desires to (i) repeal Resolutions 932 and 932(A) and replace the Site List therein with the non-exclusive list set forth in this resolution, including two new locations, and (ii) provide guidance with respect to Conditional Use Permits considered for the Primary Sites identified in the Study.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Site List is hereby amended to add the Cosanti Foundation property located at 5433 E. Doubletree Ranch Road and the Town-owned parcel on Mummy Mountain located at 7012 N. Invergordon Road as potential Personal Wireless Service Facilities sites. This revised Site List is not intended to be an exclusive listing of locations for which a Conditional Use Permit may be requested for Personal Wireless Service Facilities.

NAME	ADDRESS
ANDAZ RESORT	6160 N. SCOTTSDALE ROAD
ASCENSION LUTHERAN CHURCH	7100 N. MOCKINGBIRD
CALVARY CHURCH OF THE VALLEY	6107 N. INVERGORDON
CAMELBACK BIBLE CHURCH	3900 E. STANFORD DRIVE
CAMELBACK GOLF CLUB	7847 N. MOCKINGBIRD LANE
CAMELBACK INN	5402 E. LINCOLN DRIVE
CAMELBACK UNITED PRESBYTERIAN CHURCH	3535 E. LINCOLN DRIVE
CHEROKEE SCHOOL	8801 N. 56TH STREET
CHRIST CHURCH OF ASCENSION	4015 E. LINCOLN DRIVE
COSANTI FOUNDATION	6433 E DOUBLETREE RANCH ROAD
DOUBLETREE PARADISE VALLEY RESORT	5401 N. SCOTTSDALE ROAD
EL CHORRO LODGE	5550 E. LINCOLN DRIVE
FIRE STATION #91	8444 N. TATUM BOULEVARD
FIRST SOUTHERN BAPTIST CHURCH	5230 N. SCOTTSDALE ROAD
HERMOSA INN	5532 N. PALO CRISTI ROAD
KIVA SCHOOL	6911 E. MCDONALD DRIVE
LINCOLN BIBLE CHURCH	4222 E. LINCOLN DRIVE
MOUNTAIN SHADOWS RESORT	5445 E. LINCOLN DRIVE
MOUNTAIN VIEW MEDICAL PLAZA	10575 N. TATUM BOULEVARD
OMNI MONTELUZIA RESORT	4949 E. LINCOLN DRIVE
PARADISE VALLEY COUNTRY CLUB	7101 N. TATUM BOULEVARD
PARADISE VALLEY MEDICAL PLAZA	7101 E. JACKRABBIT ROAD
PARADISE VALLEY TOWN HALL	6401 E. LINCOLN DRIVE
PARADISE VALLEY UNITED METHODIST CHURCH	4455 E. LINCOLN DRIVE
PHOENIX COUNTRY DAY SCHOOL	3901 E. STANFORD DRIVE
SANCTUARY CAMELBACK MOUNTAIN RESORT	5700 E. MCDONALD DRIVE
SCOTTSDALE PLAZA RESORT	7200 N SCOTTSDALE ROAD
SMOKETREE RESORT	7101 E. LINCOLN DRIVE
ST. BARNABAS CHURCH	6715 N. MOCKINGBIRD LANE
TOWN-OWNED PROPERTY	7012 N INVERGORDON ROAD
UNITARIAN UNIVERSALIST CHURCH	4027 E. LINCOLN DRIVE

Section 3. The Town's Planning Commission (the "Commission") shall consider, when reviewing a request for modifications to provisions of Article XII (due to extraordinary hardship or as necessary to comply with Federal or state law), the extent to which the Personal Wireless Service Facility meets the Cellular Service Task Force goals to improve voice service, preserve and maintain the Town's aesthetics, provide the greatest coverage and capacity with the least visible infrastructure, and provide infrastructure for future services while ensuring any modifications remain within the required FCC Guidelines for Radio Frequency (RF) safety. The Commission shall also ensure that modifications are only permitted if such modification improves coverage within the Town limits over strict compliance to Article XII, which improvement must be verified by the applicant through coverage maps.

Section 4. The Town Council hereby directs Town staff to take forward an amendment to Article XII, Personal Wireless Service Facilities, of the Town of Paradise Valley Zoning Ordinance and/or other code sections for Planning Commission recommendation and Town Council action creating a managerial or similar process for Personal Wireless Service Facilities for the Primary Sites. This managerial process may be similar to the Managerial Special Use Permit process outlined in Section 1102.8.A of the Town of Paradise Valley Zoning Ordinance that requires an applicant make formal application, Town staff review the application in accordance with the guidelines, and the Town Manager (or designee) transmit all approved determinations to the Town Council within a specified time period allowing the Town Council to affirm the determination or schedule an appeal at a Town Council meeting. This managerial process will replace the Conditional Use Permit Planning Commission approval for identified Primary Sites. Primary Sites may be amended from time to time by the Town Council, including guidelines for specific sites.

Section 5. To further the goals of the Cellular Service Task Force, the Town Council hereby directs Town staff through a process similar to Managerial Amendments to Special Use Permits to evaluate proposals for Personal Wireless Service Facilities to be located at the Primary Sites according to the provisions set forth below. This guidance is not a final decision of the Town Council, and compliance with the provisions below does not (i) ensure approval of a Personal Wireless Service Facility or (ii) create any vested rights to the approval of a Personal Wireless Service Facility.

Sanctuary Resort

- ☐ Preference is for Personal Wireless Service Facilities that use a faux chimney design with up to four faux chimneys possible for co-location and improved coverage on existing structures. Alternatively or in addition, a Personal Wireless Service Facility incorporated into the design of an existing structure, such as a parapet wall, may be permissible if it complies with Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance, as applied with these guidelines.
- ☐ Preferred locations are on the principal buildings of the casitas (Tennis Ranch on Camelback, plat recorded in Book 124, Page 5 in the office of the Maricopa County Recorder) or the main resort principal buildings.

- ☐ Consideration could be given for the height of a faux chimney to exceed that portion of the roof on which it is located by up to four feet six inches as a means to enhance the authenticity of the disguise of the faux chimney. At no time should the faux chimney height exceed the Resort Special Use Permit Guideline of a principal building (36 feet tall). Any faux chimney should be in scale with the building on which the Personal Wireless Service Facility is located.
- ☐ Setbacks are expected to meet Article XII (200 feet from the west and north property lines) and there may be consideration for a reduced setback from the public streets to the north (McDonald Drive) and east (Superstition Lane). Reduced setback should not exceed the Resort Special Use Permit Guideline of a principal building (100 feet).
- ☐ The faux chimney should be appropriate to the architectural context, match the style of existing structure, complement or match the color of the structure, and be designed as a feature commonly found on the type/style of structure.
- ☐ The number and spacing of any faux chimneys and/or any operational chimneys on any one structure should be limited to the number, size, and design that is appropriate for the structure.
- ☐ Door hatches, cables, antenna access, rooftop ballast-mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage this required equipment.

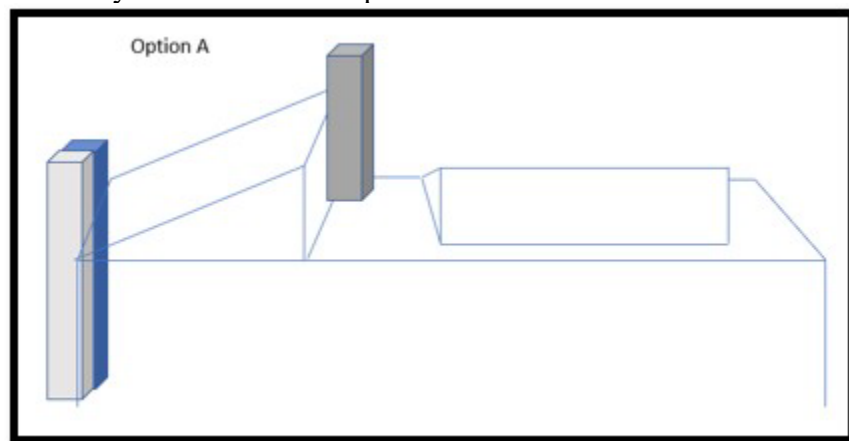
Paradise Valley Country Club

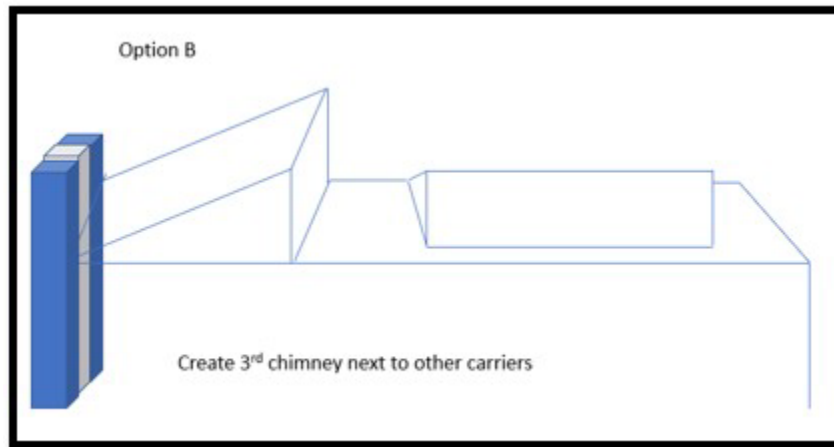
- ☐ Preference is for Personal Wireless Service Facilities that use a faux chimney design with up to four faux chimneys possible for co-location and improved coverage on existing structures. Alternatively or in addition, a Personal Wireless Service Facility incorporated into the design of an existing structure, such as a parapet wall, may be permissible if it complies with Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance, as applied with these guidelines.
- ☐ Preferred location is the main clubhouse principal building with the faux chimney(s) to match the architectural design and scale of the existing chimneys.
- ☐ Height of a faux chimney should generally not exceed the maximum 30 feet as required by the Paradise Valley Country Club Special Use Permit recorded in Document 84-136742 recorded with the Maricopa County Recorder, Maricopa County, Arizona, except there may be consideration for a faux chimney to exceed that portion of the roof on which it is located by up to 4 feet 6 inches as a means to enhance the authenticity of the disguise of the faux chimney and complement the other existing chimneys on the clubhouse.
- ☐ Setbacks are expected to meet Article XII (200 feet) due to the large amount of acreage and setbacks of the clubhouse.

- ☐ The faux chimney should be appropriate to the architectural context, match the style of existing structure, complement, or match the color of the structure, and should be designed as a feature commonly found on the type/style of structure.
- ☐ The number and spacing of any faux chimneys and/or any operational chimneys on any one structure should be limited to the number, size, and design that is appropriate for the structure.
- ☐ Door hatches, cables, antenna access, rooftop ballast-mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage this required equipment.

Fire Station #91

- ☐ Preference is for Personal Wireless Service Facilities that use a faux chimney design with up to one additional faux chimney possible for colocation and improved coverage on existing structures. Alternatively or in addition, a Personal Wireless Service Facility incorporated into the design of an existing structure, such as a parapet wall, may be permissible if it complies with Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance, as applied with these guidelines.
- ☐ Preferred location is the fire station building with the faux chimney to match the architectural design and scale of the existing faux chimneys.
- ☐ Height of a faux chimney should generally not exceed the existing 28-foot 8-inch height of the fire station building as illustrated in Option “B” below, except there may be consideration for a faux chimney to exceed that portion of the roof on which it is located by up to 4 feet 6 inches as a means to enhance the authenticity of the disguise of the faux chimney and complement the other existing faux chimney as illustrated in Option “A” below.





- ☐ Consideration may be given for setbacks other than the 200-foot distance pursuant to Article XII, with any additional faux chimney generally in the location of the existing faux chimney or the eastern 65 feet of the existing building.
- ☐ The faux chimney should be appropriate to the architectural context, match the style of existing structure, complement, or match the color of the structure, and should be designed as a feature commonly found on the type/style of structure.
- ☐ The number and spacing of any faux chimneys and/or any operational chimneys on any one structure should be limited to the number, size, and design that is appropriate for the structure.
- ☐ Door hatches, cables, antenna access, rooftop ballast-mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage this required equipment.

Cosanti Foundation

- ☐ A separate detached structure to conceal and disguise a Personal Wireless Service Facility may be considered in that the existing structures are under 16 feet tall and have structural limitations.
- ☐ The new structure housing the Personal Wireless Service Facility shall also require the review and approval process of the applicable Special Use Permit amendment type pursuant to Article XI, Special Uses and Additional Use Regulations, of the Town of Paradise Valley Zoning Ordinance.
- ☐ Preferred siting is toward the middle and/or center of the site near the existing structures.
- ☐ Height of the Personal Wireless Service Facility may be considered up to 30 feet, which is an allowable height for residential lots greater than 4 acres as a comparison with a height not to exceed the Non-Profit Organization Special Use Permit Guideline for a principal building of 35 feet tall, generally encouraging the lowest possible height and a facility that will blend and disappear into the surroundings through the use of camouflage.

- ☐ Consideration may be given for a reduction in setbacks from the 200-foot distance pursuant to Article XII, particularly from Doubletree Ranch Road to the north and/or to the west or east property lines due to the 330-foot width of the Cosanti site, with any reduced setback not to exceed the Non-Profit Organization Special Use Permit Guideline of 60 feet adjoining residentially zoned property and 40 feet adjoining a public street if the Personal Wireless Service Facility is 24 feet or less in height and a setback of not less than 100 feet if taller than 24 feet.

7012 N Invergordon

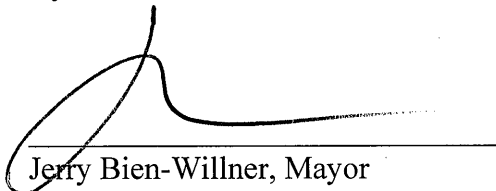
- ☐ Preference is for Personal Wireless Service Facilities that use a faux retaining wall design for multiple carriers for co-location and improved coverage.
- ☐ Height, setback, and equipment locations and screening shall generally follow the requirements for retaining walls on a hillside property in accordance with Section 2207.VI, Walls and Fences, of Article XXII, Hillside Development Regulations, of the Town of Paradise Valley Zoning Ordinance.

Section 6. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to waive application fee(s) for Personal Wireless Service Facilities for Primary Sites.

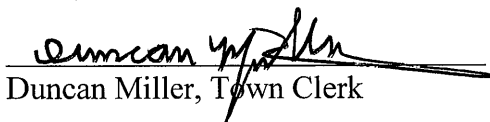
Section 7. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

Section 8. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

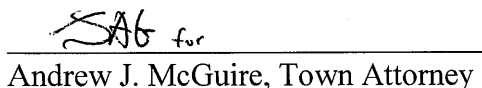
PASSED, ADOPTED, AND APPROVED by the Town Council of the Town of Paradise Valley this 8th day of December, 2022.


Jerry Bien-Willner, Mayor

ATTEST:


Duncan Miller, Town Clerk

APPROVED AS TO FORM:


Andrew J. McGuire, Town Attorney

Article XII. PERSONAL WIRELESS SERVICE FACILITIES ^{437 455 511 564} 2024-02

Section 1201. Purpose

- A. The purpose of this ordinance is to establish appropriate locations, site development standards, and permit requirements to allow for personal wireless services to the residents of the Town, in a manner which will facilitate the location of various types of personal wireless service facilities in locations consistent with the residential character of the Town. 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. Precluding the adverse visual impact of these facilities within this virtually developed residential area is one of the primary objectives of this ordinance. Limitations on the height of antennas are intended to conform the antennas to the existing limitations of height of residential buildings. The ordinance is intended to allow personal wireless service facilities which are sufficient to provide adequate service to citizens, the traveling public and others within the Town and to accommodate the need for connection of such services to wireless facilities in adjacent and surrounding communities.
- B. It is also the intent that this ordinance and its purposes are implemented as allowed by applicable law, particularly in light of evolving federal and state regulations, laws and interpretations, evolving technology and land uses for personal wireless services.

Section 1202. Definitions

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

- 1 "Antenna" means the surface from which wireless radio signals are sent from and received by a personal wireless service facility;
- 2 "Applicant" means a person or other entity who submits an application with the Town for a special use permit or major amendment to a special use permit for a personal wireless service facility. A personal wireless service carrier and the owner of the subject property shall be an applicant(s) or co-applicant(s) on such application;
- 3 "Co-location" means the use of a single mount and/or site by more than one personal wireless service;
- 4 "Commercial mobile radio service" means any of several technologies using radio signals at various frequencies to send and receive voice, data or video to and from mobile transceivers;
- 5 "Design" means the appearance of a personal wireless service facility, including but not limited to its material, color or shape;
- 6 "Equipment cabinet" means an enclosed mobile home, shed or box at the base of or near a mount within which are housed, among other things, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by cable. Equipment cabinets are also called "base transceiver stations";
- 7 "Licensed carrier" means a company authorized by the FCC to build and operate a commercial mobile radio services system;

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- 8 "Location" means property(ies) or site(s) where personal wireless service facilities are located or could be located;
- 9 "Modification" means any physical or operational change, alteration, or other modification of any of the following as they relate to a personal wireless service facility or the subject property upon which it is located, including but not limited to:
- a. The site plan;
 - b. The sight line representation;
 - c. The design submittal as required in this Article;

The conversion of a single-use personal wireless service facility to a co-location is also considered a modification;

- 10 "Monopole" means a type of mount that is self-supporting with a single shaft of steel or concrete or other acceptable material;
- 11 "Permittee" means the owner of a subject property and a personal wireless service carrier;
- 12 "Personal wireless service facility" or "PWSF" means a facility for the provision of personal wireless services as defined by the Telecommunications Act 1996, and any amendments thereto. PWSFs are composed of two (2) or more of the following components:
- a. Antenna
 - b. Mount
 - c. Equipment Cabinet
 - d. Security Barrier;
- 13 "Personal 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;
- 14 "Security barrier" means a locked, impenetrable wall or fence that completely seals an area from unauthorized entry or trespass;
- 15 "Sight line representation" means a drawing in which a sight line is drawn from the closest facade of each building, private road or right of way (viewpoint) within five hundred (500) feet of the PWSF to the highest point (visible point) of the PWSF. 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;
- 16 "Site" means the subject property where a personal wireless service facility is located or proposed to be located and includes any contiguous property(ies) under the same ownership as the subject property;
- 17 "Siting" means the method and form of placement of a personal wireless service facility on a specific area of a subject property;
- 18 "Subject property" means all the area within a lot, lots, or tax parcel(s) under common ownership upon which a personal wireless service facility is either proposed to be, or already is, developed, located, constructed or operated;
- 19 "Unlicensed wireless service" means commercial mobile services that can operate on public domain frequencies and that therefore need no FCC license.

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Section 1203. General Requirements⁵⁶⁴

- ~~A. All PWSF shall be located, developed, constructed, modified or operated in accordance with the requirements and standards in this Zoning Ordinance and the Town Code, including granting of, or modifications to, Special Use Permits as may be required to accommodate a PWSF.~~
- ~~A.B. The determination of where a PWSF shall be located is subject to the following. Certain locations have been identified by the Council in Resolution 2022-23 for Town as potential PWSF sites, some of which have been designated as "Primary Sites." and are subject to all of the provisions of this Article and the Town Code. Said locations are set forth in Town of Paradise Valley Resolution No. 932 as it may be amended from time to time. Any subject property that meets the requirements of this Article may be eligible for consideration for a PWSF, or modification thereof, pursuant to a conditional use permit, in accordance with the standards in this article. Those sites designated in Resolution 2022-23 as "Primary Sites" shall only be subject to the Managerial Approval/Amendment process set forth in Section 1213 of this Zoning Ordinance; potential locations not designated as "Primary Sites" require a Conditional Use Permit pursuant to Section 1103.2 of this Zoning Ordinance.~~
- ~~B. A PWSF or modification thereof is permitted only with a conditional use permit, granted pursuant to Article 11, Sections 1103 et seq of the Zoning Ordinance and this Article. No PWSF may be developed, located, constructed or operated without a conditional use permit. A conditional use permit is required for any modification to a PWSF.~~
- C. A PWSF may be mounted on a structure ~~which~~that is not a dwelling unit on the side or roof in accordance with the requirements of this Article. A PWSF is prohibited on any dwelling unit or site containing dwelling units ~~(s)~~ unless otherwise authorized as a Primary Site pursuant to Subsection A of this section.

Section 1204. Siting Standards^{511 564}

The following siting criteria apply to consideration of a conditional use permit for a PWSF:

- 1 A PWSF shall be:
 - a. Completely screened from public view and rights of way by trees, mature vegetation, natural features or structures on the subject property, and
 - b. Completely camouflaged in a manner that is architecturally compatible with the structure on which it is mounted and integrated as an integral architectural element of the structure;
2. The screening required in this section may exist on the subject property or be installed as part of the proposed PWSF or a combination of both;
3. A PWSF shall not be approved for a location on a site containing a dwelling unit, except where the dwelling unit is located on the site of an existing Special Use Permit granted by the Town for a resort or guest ranch. A PWSF shall not be initially approved for a location closer than two hundred (200) feet from a dwelling unit in existence at the time of the initial approval of the conditional use permit for such PWSF site. For a proposed PWSF site that is adjacent to residentially zoned lots or parcels that are vacant at the time of the initial approval of the proposed conditional use permit for a PWSF, the proposed PWSF site shall be located no closer than two hundred (200) feet from the lot line of such vacant parcel or lot, less the greater of any

ZONING ORDINANCE

applicable setback from such lot line or any platted or recorded easement adjacent to such lot line on the vacant parcel or lot. Once initially approved, changes to the dwelling unit locations or any changes in the setbacks or platted or recorded easements on the lots or parcels adjacent to the PWSF site shall not compel the removal or relocation of the PWSF that was initially approved for a conditional use permit in compliance with this section, nor shall the renewal of the conditional use permit for such a PWSF be withheld due to such changes in the adjacent lots or parcels.

4. A PWSF shall be set back from all property lines a distance equal to the height of the mount or the antenna, whichever is higher, and comply with all zoning setback requirements;
5. The height of a PWSF shall be limited to
 - a The maximum height applicable to a building on the subject property pursuant to the Town's Zoning Ordinance Table 1001-A1. A roof-mounted PWSF may project a maximum of four and one-half (4 1/2) feet above the highest point of the roof so long as it does not exceed the maximum height provided in Table 1001-A1, whichever is lower; or
 - b If mounted to an existing structure on the subject property, the height of that structure.Any PWSF shall be screened and camouflaged as required herein. The height requirements of this Section supersede requirements specified for antenna in Section 1003 and Table 1003-1 of the Town's Zoning Ordinance as applied to a PWSF;
6. A side-mounted PWSF shall not project more than forty-two (42) inches from the side a nondwelling unit facade, shall not extend above the highest point of the roof of the structure and shall be screened and camouflaged as required herein. The PWSF shall not project into an easement, driveway or setback unless otherwise specified in the conditional use permit;
7. An equipment cabinet shall be located within or adjacent to the structure on which a PWSF is placed, or located below natural grade underground if site conditions permit and if technically feasible. An equipment cabinet shall be completely screened from view by compatible wall, fence or landscaping consistent with Town landscaping guidelines except that an equipment cabinet larger than one hundred forty-four (144) cubic feet may not be required to be totally screened from view if the Planning Commission finds, in its discretion, that the cabinet has been designed with a structure or facade, materials, colors or detailing that effect a structure which emulates the residential character of the area;
8. A security barrier shall be screened from view through the use of appropriate landscaping materials consistent with Town landscaping guidelines.

Section 1205. Design Standards ⁵⁶⁴

The following design criteria apply to consideration of a conditional use permit for a PWSF, in addition to others which may be identified and utilized by the Planning Commission in its consideration of the conditional use permit:

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1. Appearance. The degree to which the PWSF "blends with" or "disturbs" the setting, the subject property and its character and use, or neighboring properties and their character and use;
2. Form. The degree to which the shape of the PWSF and any equipment cabinet relates to its surroundings;
3. Color. A PWSF shall be in natural tones and a non-reflective color or color scheme appropriate to the background against which the PWSF 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 PWSF is viewed from a majority of points within its viewshed. Final colors and color scheme must be approved by the Planning Commission;
4. Size. The silhouette of the PWSF shall be reduced to minimize visual impact.

To the extent allowed by law, the Town shall consider the cumulative visual effects of PWSFs and any mount, specifically their appearance or domination of the skyline, natural and structural features or terrain, in determining whether to approve a conditional use permit.

Section 1206. Radiofrequency (RF) Performance and Interference Standards and Monitoring ⁵⁶⁴

- A. To the extent allowed by law, the following radiofrequency (RF) performance standards apply to consideration of a conditional use permit for a PWSF, in addition to monitoring requirements as required in this Article:
 1. All equipment proposed for a PWSF shall meet the current FCC RF Guidelines and any amendments thereto (hereafter "FCC Guidelines");
 2. Any side-mounted or roof-mounted equipment shall meet FCC Guidelines, including but not limited to the following:
 - a. At the roof-mount or at the side-mount, the equipment shall meet the FCC Guidelines for occupational/controlled conditions;
 - b. At ground level at the point of the structure closest to the antenna, the equipment shall meet FCC Guidelines for general population/uncontrolled conditions.
- B. Within ninety (90) days after FCC issuance of an operational permit for the PWSF, and annually thereafter, the personal wireless service carrier shall submit a written report providing existing and maximum future projected measurements of RF radiation from the PWSF for:
 1. Existing PWSF: Maximum RF radiation from the PWSF RF radiation environment. These measurements shall be for the measurement conditions specified in Subsection A of this Section;
 2. Existing PWSF plus cumulative: Maximum estimate of RF radiation from the existing PWSF plus the maximum estimate of RF radiation from the total addition of co-located

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PWSFs. These measurements shall be for the measurement conditions in Subsection A of this Section;

3. Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC Guidelines as specified in Subsection A of this Section.

If FCC Guidelines are changed during the period of any conditional use permit for a PWSF use, then the PWSF 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.

- C. If at any time during the term of the permit the Town has reasonable evidence that the Permittee or personal wireless service carrier is not in compliance with FCC Guidelines, and the Town provides notice of such, the Permittee or personal wireless service carrier 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 PWSF does not meet FCC Guidelines, the Permittee or personal wireless service carrier shall have sixty (60) days from the date of the Town's finding of noncompliance to bring the PWSF into compliance. If compliance is not achieved in the sixty-day period, the conditional use permit may be revoked or modified by the Town.
- D. The Permittee shall ensure that the PWSF does not cause localized interference with the reception of area television or radio broadcasts or to personal wireless services. If on review the Town finds that the PWSF 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 conditional use permit.

Section 1207. Noise and Environmental Standards⁵⁶⁴

- A. To the extent allowed by law, the following noise and environmental standards apply to consideration of a conditional use permit for a PWSF in addition to the monitoring requirements of this Article:
 - 1 Roof-mounted or side-mounted equipment for a PWSF shall not generate noise in excess of fifty (50) decibels (dba) at ground level at the base of the facility closest to the antenna;
 - 2 An environmental assessment is required by the National Environmental Policy Act (NEPA) for any PWSF 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. Flood plain;
 - g. High intensity white lights in residential neighborhoods;
 - h. Excessive radiofrequency radiation exposure.

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- 3 An environmental assessment which, at a minimum, conforms with FCC requirements shall be submitted to the Town for each PWSF 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. 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 PWSF. Failure to amend or revise shall constitute grounds for revocation of the conditional use permit.
- B. Within ninety (90) days after the approval of the conditional use permit and annually from the date of approval of the permit, the Permittee shall submit existing and maximum future projected measurements of noise from the PWSF for the following:
 1. Existing PWSF: Maximum noise radiation from the PWSF. These measurements shall be for the type of mounts specified in Subsection A of this section;
 2. Existing PWSF plus cumulative: Maximum estimate of noise from the existing PWSF plus the maximum estimate of noise from the total addition of co-located PWSFs. These measurements shall be for the type of mounts specified in Subsection A of this section;
 3. Certification, signed by an acoustical engineer, stating that noise measurements are accurate and meet Subsection A of this section.

Section 1208. Co-Location and Limitations ⁵⁶⁴

- A. A Permittee shall cooperate with other personal wireless service carriers in co-locating antennas and mounts provided the proposed co-locators have received a conditional use permit for the use at such site from the Town. A Permittee shall exercise good faith in co-locating other personal wireless service carriers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities). Applicants shall demonstrate a good faith effort to co-locating with other personal wireless service carriers, including but not limited to:
 1. Contact with all other personal wireless service carriers operating in the Town;
 2. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location;

In the event a dispute arises as to whether a Permittee has exercised good faith in accommodating other users, the Town may require a third party technical study at the expense of either or both the applicant and Permittee.

- B. All applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposal.

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- C. Failure to comply with the co-location requirements of this Section may result in the denial of a permit request or revocation of an existing permit.

Section 1209. Submittal Requirements ⁵⁶⁴

- A. In addition to the information requested in the Town's conditional use permit application, the following items shall be required for a PWSF application:
1. A master site plan in accordance with Planning Commission rules and regulations showing the subject property and adjacent properties; all existing and proposed buildings on the subject property and their purpose; the specific placement of the PWSF antenna, mount and equipment cabinet; security barrier (if any), including type and extent and point of controlled entry on the site; fall zone; all proposed changes to the existing site, including grading, vegetation, roads, sidewalks and driveways;
 2. A landscape plan showing specific placement of existing and proposed vegetation, trees, shrubs, identified by species and size of specimen at installation in accordance with Town landscape guidelines;
 3. Photographs, diagrams, photosimulations and sight line representations as listed below:
 - a. A diagram or map showing the viewshed of the proposed facility;
 - b. Sight line representation;
 - c. Existing (before condition) photographs illustrated by four (4) by six (6) inch color photograph(s) of what can currently be seen from any adjacent residential buildings or properties, private roads and rights of way adjacent to the site;
 - d. Photosimulations 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 photosimulations shall include, but not be limited to, each of the existing condition photographs with the proposed PWSF superimposed on it to show what will be seen from residential buildings, properties, private roads and rights of way adjacent to the site;
 - e. Aerial photograph as required by the Planning Commission rules and regulations;
 4. Siting elevations, or views at natural grade, from all directions (north, south, east, west) for a fifty-foot radius around the proposed PWSF plus from all existing rights of way and private roads that serve the subject property. Elevations shall be at one-quarter inch equals one foot scale and show the following:
 - a. Antenna, mount, equipment cabinet;
 - b. Security barrier. If the security barrier will block views of the PWSF, the barrier drawing shall be cut away to show the view behind the barrier;
 - c. Any and all structures on the subject property, existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation;
 - d. Grade changes or cuts and fills to be shown at original grade and new grade line;
 5. Design submittals as follows:

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- a. Equipment brochures for the PWSF such as manufacturer's specifications or trade journal reprints;
 - b. Materials of the PWSF and security barrier, if any, specified by generic type and specific treatment, such as anodized aluminum, stained wood, painted fiberglass, 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;
 - e. Appearance shown by at least two (2) photographic superimpositions of the PWSF within the site. The photographic superimpositions shall include the antenna, mount, equipment cabinet and security barrier, if any, for the total height, width and breadth. The submittal may also include, if required by the Town, a scaled three-dimensional model of the PWSF on the site;
6. Market and service maps as follows:
 - a. A map showing the service area of the proposed PWSF and the explanation of the need for that facility.
 - b. A map showing the locations and service areas of other PWSF sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service within the Town or are within a two-mile radius of the limits of the Town;
7. Co-location submittals, including signed statements indicating:
 - a. The applicant agrees to allow for the potential co-location of additional PWSF(s) by other personal wireless services and carriers on the applicant's structure or facility or within the same site;
 - b. That the applicant agrees to remove the PWSF as required by this Article;
 - c. That the applicant has made a good faith effort to achieve co-location with other carriers and facilities as required in this Article, and if co-location is not feasible for this application for a substantial technical reason, a written statement of the reasons for the infeasibility;
8. A lease agreement with the owner or landholder shall also be submitted that:
 - a. Allows the landholder to enter into leases with other providers;
 - b. Specifies that if the carrier fails to remove the PWSF when required by this Article, the responsibility for removal falls upon the landholder; and
 - c. Allows entry by the Town and its agent for the purpose of inspection and compliance with Town Codes;
 - d. Consents to the terms of Section 1211 of this Article;
9. To the extent allowed by law, radiofrequency (RF) radiation performance submittals shall include in a form or study acceptable to Town staff the applicant's written statement of the existing and maximum future projected measurements of RF radiation from the proposed PWSF:
 - a. Existing or ambient: measurement of existing RF radiation;

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- b. Existing plus proposed PWSF: maximum estimate of RF radiation from the proposed PWSF plus the existing RF radiation environment. These measurements shall be for the conditions specified in the RF performance standards in this Article;
 - c. Existing plus proposed PWSF plus cumulative: maximum estimate of RF radiation from the proposed PWSF plus the maximum estimate of RF radiation from the total addition of co-located PWSF plus the existing RF radiation environment. These measurements shall be for the conditions specified in the RF performance standards in this Article;
 - d. Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC Guidelines as specified in the RF performance standards in this Article;
- 10 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 PWSF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:
- a. Existing or ambient: the measurement of existing noise;
 - b. Existing plus proposed PWSF: maximum estimate of noise from the proposed PWSF plus the existing noise environment;
 - c. Existing plus proposed PWSF plus cumulative: maximum estimate of noise from the proposed PWSF plus the maximum estimate of noise from the total addition of co-located PWSFs 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;
11. 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. The applicant shall also list location, type and amount of any materials proposed for use within the PWSF that are considered hazardous by the federal, state or town government.
- B. In addition to the requirements of this Article, processing and consideration of a PWSF conditional use permit shall comply with the conditional use permit requirements specified in Article 11, Sections 11031 et seq. of the Zoning Ordinance.

Section 1210. Technological Change and Periodic Review.

- A. The Town recognizes that PWSFs and communication technologies in general are currently subject to rapid change. Innovations in such things as switching hardware and software, transmission/receiving equipment, communications protocols, and development of hybrid cable/wireless systems may result in reducing the impact of individual facilities and to render specific portions of this ordinance obsolete. Therefore, the Town may review this Article periodically and assess its provisions relative to current trends in the communications industry, innovations in communications technology, permit activity during the preceding

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years, and effectiveness in producing PWSFs that are compatible with the Town's residential character.

- B. The Town may recommend updates to this Article that may include, but not be limited to the deletion, modification, or addition of allowed locations; allowed heights; site development requirements; administrative review possibilities; or permitting procedures.
- C. When changes are made pursuant to Subsection B, the Town and Permittees agree in good faith to review and modify the stipulations and terms of such permits during their terms in order to reflect current technologies and then current laws and ordinances. If such modifications adversely and materially affect, either operationally or monetarily, Permittee's use of a PWSF, such modifications may not be made without a Permittee's consent. If such modifications adversely affect the Town's regulations or this permit, such modifications may not be made without the Town's consent.

Section 1211. Permit Limitations and General Conditions. ⁵⁶⁴

- A. A conditional use permit shall expire five (5) years after the date of the permit approval. A Permittee wishing to continue the use at the end of the five-year period must apply for a conditional use permit renewal application to continue that use 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 conditional use permit shall become null, void and non-renewable if the permitted facility is not constructed and placed into use within one year of the date of permit approval, provided that the conditional use permit may be extended one time for six (6) months if construction has commenced before expiration of the initial year.
- C. The permit shall expire and the Permittee must remove the PWSF if the use is discontinued for a period in excess of ninety (90) days in any three-hundred-sixty-five (365) day period. A Permittee shall notify the Town in writing at least thirty (30) days prior to abandonment or discontinuance of operation of the PWSF. Failure to give such notice shall be considered abandonment of the special use permit or amendment by the Permittee.
- D. If the conditional use permit expires, terminates, is abandoned or revoked for any reason pursuant to this Article or the Town Code, if removal of the PWSF is required in this Article, or if the use is discontinued pursuant to this Article, the PWSF shall be removed as required herein. If the PWSF is not so removed, the Town may cause the facility to be removed and all expenses of removal shall be paid by the owner of the land where the facility is located. If not paid by the owner within thirty (30) days of notice by the Town, the Permittee agrees that the Town's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office. The term "remove" shall include but not be limited to the following:
 - 1 Removal of antenna, mount, equipment, equipment cabinet, security barrier from the site;
 - 2 Transportation of the antenna, mount, equipment, equipment cabinet or security barrier to a location off-site; if the location is within the Town limits, it is subject to approval by the Town.
 - 3 Restoration of the site of the PWSF to its natural condition, except that any landscaping and grading shall remain in finished condition.

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- E. A personal wireless service carrier, upon granting of a conditional use permit for a PWSF use, shall indemnify, protect and hold harmless the Town, its officers and agents, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney fees (collectively "liabilities") incurred by the Town arising directly or indirectly from 1) the PWSF use as contemplated herein and in the use permit; and 2) the installation and operation of the PWSF permitted thereby, including without limitation, any and all liabilities arising from emission by the PWSF of electromagnetic fields or other energy waves or emissions. The personal wireless service carrier's compliance with this Section is an express condition of the conditional use permit and is binding on any and all of personal wireless service carrier's successors and assigns. The requirements of this section shall survive the termination of any such permit.
- F. The Permittee shall maintain the PWSF 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 owner within thirty (30) days of notice by the Town, the Permittee agrees that the Town's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office.
- G. A conditional use permit granted to a Permittee is specific to the owner and personal wireless service carrier and may not be assigned, provided however that the personal wireless service carrier may assign its interest in the permit to any subsidiary or other affiliate of the personal wireless service carrier. In the event of such assignment, the assignee shall re-execute the conditional use permit within thirty (30) days of the effective date of the assignment or the permit shall automatically expire. Permittee shall notify the Town of any change in ownership or operation of the PWSF at least ninety (90) days prior to such change taking place for approval by the Town, which approval shall not be unreasonably withheld.
- H. In its consideration of applications herein, and in addition to criteria provided in this article, Article 11 (Sections 1103 et seq) of the Zoning Ordinance and within the authority granted by law, the Town may also consider and prescribe limitations on the locations and numbers of special use permits which may be granted pursuant to this article.
- I. Where the Planning Commission finds that strict compliance with the requirements of this Article may result in extraordinary hardship or are needed to ensure the Town's compliance with Federal or state law, the Planning Commission may modify such requirements only upon a showing of noncompliance with applicable law or extraordinary hardship so that substantial justice may be done and the public interest secured. Hardship as used herein shall include, but not be limited to, a finding that special circumstances applicable to the property, including its size, shape, topography, location or surroundings, will deprive such property of privileges enjoyed by other property in the same classification in the same zoning district through the strict application of the zoning ordinance. In granting such modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied and modified.
- J. Any violation of the terms of this Article or the conditional use permit may result in revocation by the Town of the conditional use permit. Acceptance of any portion of the

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conditional use permit is acceptance of the entire conditional use permit and the terms of this Article.

- K. Within ninety (90) days after issuance of the FCC operational permit, the personal wireless service carrier shall provide a copy of such permit to the Town and register the PWSF, 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 personal wireless service carrier shall submit to the Town a copy of its FCC Form 600 prior to the Town's approval of final inspection of a building permit for the PWSF or portion thereof.
- L. The Town and its agents are authorized to enter on the subject property and PWSF site for the purpose of inspection and determining compliance with this Article and the provisions of the special use permit or amendment thereto.

Section 1212. Applicability

The requirements of this ordinance apply to all new PWSFs and modification of any existing PWSFs.

Section 1213. Managerial PWSF Approvals/Amendments

The application process for a Managerial Approval/Amendment is comprised of two phases: Phase I - the application submittal process, in which the applicant and Town staff work together to create a complete application and Phase II - the formal project review by the Town Manager or designee.

- A. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code.
- B. Upon completion of the pre-application review, the applicant shall submit to the Town (1) the formal Managerial PWSF application on a form prescribed by the Town, (2) the fee set forth in the Town of Paradise Valley Fee Schedule, as such may be amended from time to time, unless waived as allowed by Resolution No. 2022-23, and (3) all documents and materials deemed necessary by the Town Manager (or designee) for compliance with the applicable "Primary Site" guidelines set forth in Resolution No. 2022-23 and the requirements of this Article. A Managerial PWSF application that does not meet the "Primary Site" guidelines set forth in Resolution No. 2022-23, as it may be amended from time to time, shall be processed according to the Conditional Use Permit requirements pursuant to Section 1103.2 of this Zoning Ordinance.
- C. Upon receipt of a complete submittal including all of the information and fees as set forth in Section 1213(B), the Town Manager (or designee) will review the submittal within a reasonable time and either approve or deny the Managerial PWSF application.
- D. The Town Manager (or designee) shall transmit all determinations approving a Managerial Approval/Amendment to the Council within two business days of making the determination.
- E. The Town Manager's (or designee's) decision shall be final, subject to Council review as set forth in Section 1213(F).

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F. If, within seven calendar days after the Town Manager's (or designee's) written determination, at least three members of the Council submit a written request to the Town Manager, the Council shall have the authority to review an approved Managerial Approval/Amendment application. Such review shall be considered at a Council meeting within 14 calendar days after the Town Manager's receipt of the third written request pursuant to this Section. The Council's review shall be limited to a determination, by a majority vote of the members present and not otherwise disqualified, as to whether the Town Manager's (or designee's) decision meets the criteria for a Managerial Approval/Amendment related to a Primary Site. If the Council decides that the criteria have been met, then there shall be no further consideration and the Managerial Approval/Amendment is final. If the Council determines that the criteria have not been met, the Council may deny the Managerial Approval/Amendment, in whole or in part. A majority vote of the members present and not otherwise disqualified shall be necessary to deny or modify the decision of the Town Manager (or designee); otherwise the Town Manager's written determination shall be deemed affirmed.

FOOTNOTES

437 Ordinance #437 - 02/13/97

455 Ordinance #455 - 02/26/98

511 Ordinance #511 – 07/26/2001

564 Ordinance #564 – 11/03/2005

Ordinance 2024-02

ORDINANCE NUMBER 2024-02

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA,
AMENDING THE ZONING ORDINANCE OF THE TOWN OF PARADISE
VALLEY, ARTICLE XII, PERSONAL WIRELESS SERVICE FACILITIES,
RELATING TO THE PROCESS FOR SITE APPROVALS; AND
PROVIDING FOR SEVERABILITY.**

WHEREAS, the Mayor and Town Council (the “Town Council”) of the Town of Paradise Valley (the “Town”) adopted Resolution 2022-23 on December 8, 2022, which resolution repealed Resolutions 932 and 932(A), updated a non-exclusive list of Personal Wireless Service Facility locations, and directed Town staff to take forward an amendment to Article XII (Personal Wireless Service Facilities) of the Town of Paradise Valley Zoning Ordinance (the “Zoning Ordinance”) for Planning Commission recommendation and Town Council action creating a managerial or similar process for Personal Wireless Service Facilities (“PWSF”) for five specific sites to close the gaps in cell coverage; and

WHEREAS, on April 16, 2024, the Town of Paradise Valley Planning Commission (the “Planning Commission”) held a public hearing, as prescribed by law, to consider Ordinance Number 2024-02, and recommended _____; and

WHEREAS, on _____, 2024, the Town Council held a public hearing to hear and take action on Ordinance Number 2024-02 as recommended by the Planning Commission; and

WHEREAS, the Town Council has determined that the Citizen Review Meeting held by the Planning Commission on February 7, 2023, and April 2, 2024, was in accordance with Section 2-5-2(G) of the Paradise Valley Town Code; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has determined that this ordinance, although a “zoning ordinance text amendment of general applicability” as described in A.R.S. § 9-462.01(J), does not, because of its limited applicability to locations for PWSF, have any relationship to, or impact on, housing. Therefore, the Town Council has determined is not possible to prepare or consider a housing impact statement regarding the impact of the zoning ordinance text amendment that includes the information required by A.R.S. § 9-462.01(J)(1) – (3).

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

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Zoning Ordinance, Article XII (Personal Wireless Service Facilities), Section 1203 (General Requirements), is hereby deleted in its entirety and replaced with the following:

Section 1203. General Requirements.

- A. All PWSF shall be located, developed, constructed, modified or operated in accordance with the requirements and standards in this Zoning Ordinance and the Town Code, including granting of, or modifications to, Special Use Permits as may be required to accommodate a PWSF.
- B. Certain locations have been identified by the Council in Resolution 2022-23 for potential PWSF sites, some of which have been designated as “Primary Sites.” Those sites designated in Resolution 2022-23 as “Primary Sites” shall only be subject to the Managerial Approval/Amendment process set forth in Section 1213 of this Zoning Ordinance; potential locations not designated as “Primary Sites” require a Conditional Use Permit pursuant to Section 1103.2 of this Zoning Ordinance.
- C. A PWSF may be mounted on a structure that is not a dwelling unit on the side or roof in accordance with the requirements of this Article. A PWSF is prohibited on any dwelling unit or site containing dwelling units unless otherwise authorized as a Primary Site pursuant to Subsection B of this section.

Section 3. The Zoning Ordinance, Article XII (Personal Wireless Service Facilities), is hereby amended to add a new Section 1213 (Managerial PWSF Approvals/Amendments), as follows:

Section 1213. Managerial Approval/Amendment.

The application process for a Managerial Approval/Amendment is comprised of two phases: Phase I - the application submittal process, in which the applicant and Town staff work together to create a complete application and Phase II - the formal project review by the Town Manager or designee.

- A. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code.
- B. Upon completion of the pre-application review, the applicant shall submit to the Town (1) the formal Managerial PWSF application on a form prescribed by the Town, (2) the fee set forth in the Town of Paradise Valley Fee Schedule, as such may be amended from time to time, unless waived as allowed by Resolution No. 2022-23, and (3) all documents and materials deemed necessary by the Town Manager (or designee) for compliance with the applicable “Primary Site” guidelines set forth in Resolution No. 2022-23 and the requirements of this Article. A Managerial PWSF

application that does not meet the “Primary Site” guidelines set forth in Resolution No. 2022-23, as it may be amended from time to time, shall be processed according to the Conditional Use Permit requirements pursuant to Section 1103.2 of this Zoning Ordinance.

- C. Upon receipt of a complete submittal including all of the information and fees as set forth in Section 1213(B), the Town Manager (or designee) will review the submittal within a reasonable time and either approve or deny the Managerial PWSF application.
- D. The Town Manager (or designee) shall transmit all determinations approving a Managerial Approval/Amendment to the Council within two business days of making the determination.
- E. The Town Manager’s (or designee’s) decision shall be final, subject to Council review as set forth in Section 1213(F).
- F. If, within seven calendar days after the Town Manager’s (or designee’s) written determination, at least three members of the Council submit a written request to the Town Manager, the Council shall have the authority to review an approved Managerial Approval/Amendment application. Such review shall be considered at a Council meeting within 14 calendar days after the Town Manager’s receipt of the third written request pursuant to this Section. The Council’s review shall be limited to a determination, by a majority vote of the members present and not otherwise disqualified, as to whether the Town Manager’s (or designee’s) decision meets the criteria for a Managerial Approval/Amendment related to a Primary Site. If the Council decides that the criteria have been met, then there shall be no further consideration and the Managerial Approval/Amendment is final. If the Council determines that the criteria have not been met, the Council may deny the Managerial Approval/Amendment, in whole or in part. A majority vote of the members present and not otherwise disqualified shall be necessary to deny or modify the decision of the Town Manager (or designee); otherwise the Town Manager’s written determination shall be deemed affirmed.

Section 4. If any provision of this ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

[Signatures on following page]

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this _____ day of _____, 2024.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney

TOWN OF PARADISE VALLEY

Personal Wireless Service Facilities Text Amendment (PWSF)

Public Hearing

Planning Commission
April 16, 2024



TODAY'S GOAL & AGENDA

2

- **Hold public hearing on amendments to Article XII, Personal Wireless Service Facilities (PWSF) relating to the process for site approvals**

Agenda

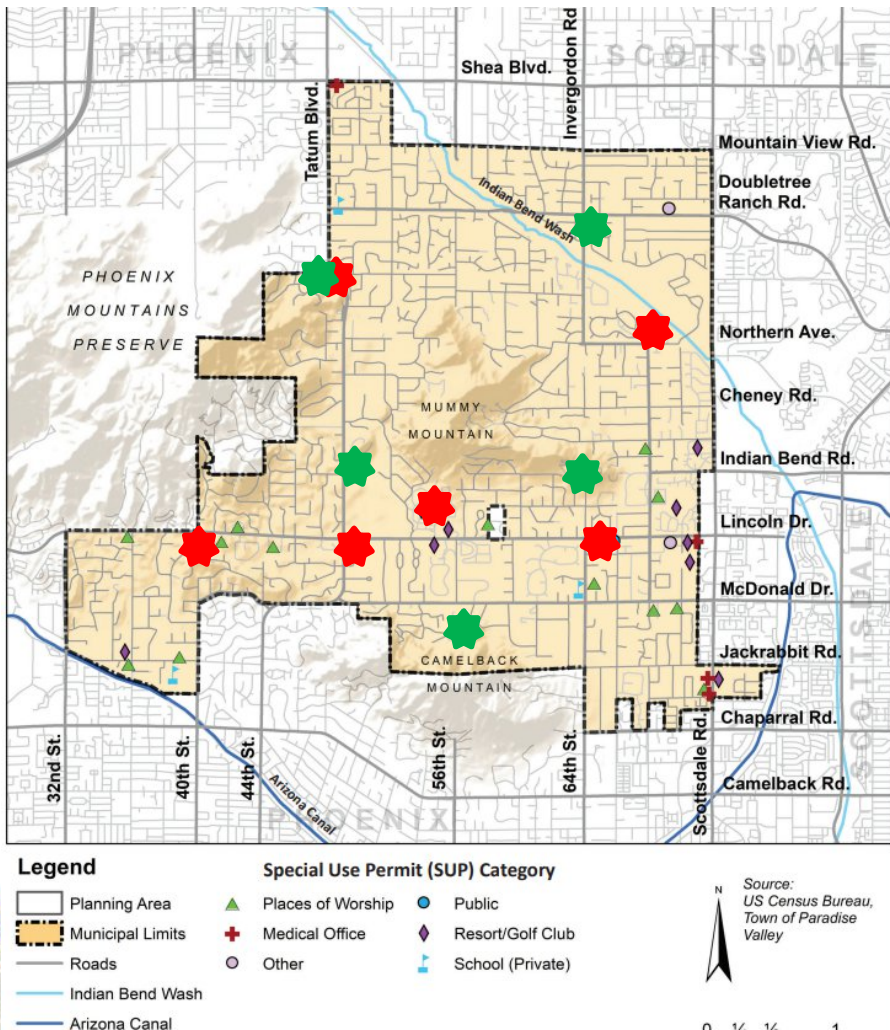
1. Overview of Background
2. Review Prior Discussion
3. Review Article XII Amendment
4. Hold Public Hearing



4/16/2024

EXISTING PWSF LOCATIONS

3



Existing PWSF Locations

*Fire Station at Tatum
Camelback Golf Club
Town Hall
Camelback Inn
Montelucia
Christ Church of the Ascension*

Primary Sites

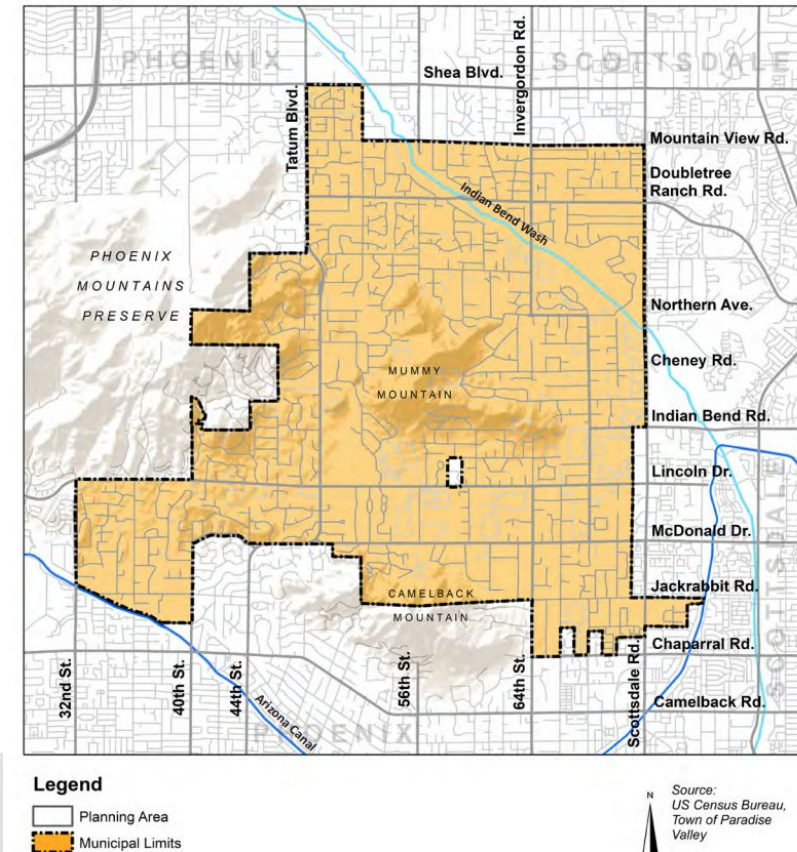
*Sanctuary on Camelback Mountain
Paradise Valley Country Club
Fire Station #91
Cosanti Foundation
Town-owned 7012 N Invergordon Road*

4/16/2024

NETWORK CHALLENGES

4

- Macro/small cell network is generally line-of-sight technology
- Hillside within Town limits the coverage range
- Limits on placing PWSF on a site with a dwelling (except SUP)
 - Town is predominantly residential (~37 non-residential properties)
 - Large lot, low-density community
- Low population which impacts wireless carrier return on investment
- Town has a higher level of process review than most communities



4/16/2024

RESOLUTION 2022-23 5

RESOLUTION NUMBER 2022-23

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, RELATING TO PERSONAL WIRELESS SERVICE FACILITIES, AND REPEALING RESOLUTIONS 932 AND 932(A).

WHEREAS, the Mayor and Town Council (the "Town Council") of the Town of Paradise Valley (the "Town") adopted Resolution 932 on February 26, 1998, providing a non-exclusive list of potential Personal Wireless Service Facilities sites (the "Site List") to be considered in accordance with the Town's Personal Wireless Service Facilities provisions set forth in Article XII of the Town's Zoning Ordinance ("Article XII"); and

WHEREAS, the Town Council adopted Resolution 932(A) on September 20, 2001, to modify the Site List to remove one site; and

WHEREAS, in 2018 the Town Council established a Cellular Service Task Force to study ways to improve voice service, to preserve and maintain the Town's aesthetics expectations, to provide the greatest coverage and capacity with the least visible infrastructure, and to provide infrastructure for future services; and

WHEREAS, in 2018 the Town engaged Engineering Wireless Services ("EWS") to complete a radio frequency strength and quality study of the main carriers within the Town limits (the "Study"); the 2018 study was updated in 2021; and

WHEREAS, in 2022, the Town, EWS, and T-Mobile representatives canvassed several sites within the Town limits that the Study showed to best fit Town and carrier needs to improve coverage and capacity with the least visible infrastructure. Based upon this canvas, the group identified five primary sites: (i) the Sanctuary on Camelback Mountain located at 5600 E. McDonald Drive, (ii) the Paradise Valley Country Club located at 7101 N. Tatum Boulevard, (iii) the Town's Fire Station #91 located at 8444 N. Tatum Boulevard, (iv) the Cosanti Foundation property located at 5433 E. Doubletree Ranch Road, and (v) a Town-owned parcel on Mummy Mountain located at 7012 N. Invergordon Road (collectively, the "Primary Sites"); and

WHEREAS, the Town Council at its study session on September 8, 2022, discussed next steps in moving the goals of the Cellular Service Task Force forward; and

WHEREAS, the Town Council at its study session on October 27, 2022, discussed implementing a time-sensitive process and option to waive application fees for the Primary Sites; and

WHEREAS, the Town Council desires to (i) repeal Resolutions 932 and 932(A) and replace the Site List therein with the non-exclusive list set forth in this resolution, including two new locations, and (ii) provide guidance with respect to Conditional Use Permits considered for the Primary Sites identified in the Study.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

4624472.6

1

- Identifies potential PWSF locations
- Added Cosanti and Invergordon site
- Directs Commission to consider Task Force goals
- Directs Commission to move forward with a text amendment for a managerial or similar PWSF process
- Provides guidelines for the 5 Primary Sites on number, location, height, setback, and design
- Allows waiving application fees
- Acknowledged timing as an incentive

4/16/2024



PWSF PROCESS

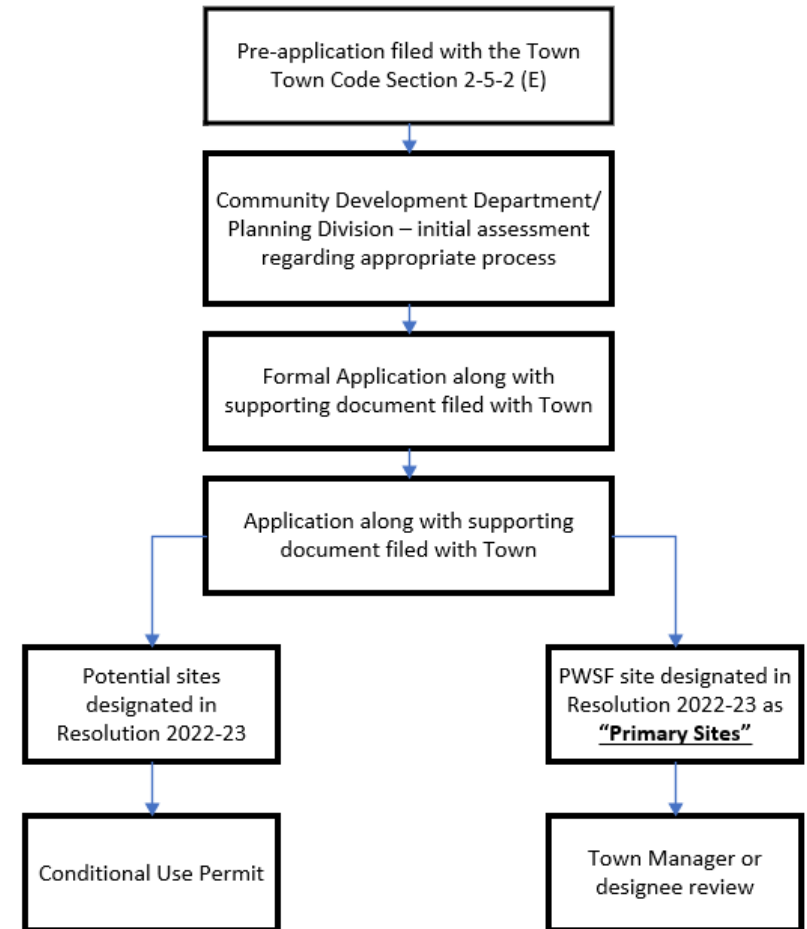
Personal Wireless Service Facilities Application and Review Process

Current Administrative Process:

- Pre-application, before formal application
- Staff review against guidelines/code
- Planning Commission Study Session(s)
- Conditional Use Permit (CUP) via Planning Commission Hearing
- 4 to 5 months to complete (typical)

Proposed Administrative Process:

- Pre-application, before formal application
- Staff review against guidelines/code
- Town Manager action
- Council notice/ability for an appeal meeting
- 1 to 2 months to complete (typical)



COMMISSION DISCUSSION (APRIL 2024)

7

- Vice Mayor provided background
- 5 Primary Sites cover most of gaps, but depends on cell providers and Primary Site owners to invest in these improvements
- Town's effort is primarily assistance with streamlining process and waiving application fees where appropriate
- Noticing occurred on the front end (i.e., various Council meetings on cell gap coverage, Citizen Review Sessions/noticing for this text amendment,
- Managerial process has a Town Council review component.
- Recapping the reason behind the amendment is to improve cell coverage.



4/16/2024

ORDINANCE 2024-02

8

- Modify Section 1203, General Requirements, to identify the 5 Primary Sites go through the Managerial process

Section 1203. General Requirements ⁵⁶⁴

- A. The determination of where a PWSF shall be located is subject to the following. Certain locations have been identified by the Town as potential PWSF sites, ~~which and~~ are subject to all of the provisions of this Article and the Town Code. ~~Said~~ said the potential PWSF site locations are set forth in Town of Paradise Valley Resolution No. ~~932~~ 2022-23, as it may be amended from time to time. Any ~~subject property~~ potential PWSF site that meets the requirements of this Article may be eligible for consideration for a PWSF, or modification thereof, ~~pursuant to~~ Those sites designated in Resolution 2022-23 as "Primary Sites" shall be subject to the Managerial Approval/Amendment process set forth in Section 1213 of this Zoning Ordinance; potential locations not designated as "Primary Sites" require a conditional use permit; pursuant to Section 1103.2 of this Zoning Ordinance. All PWSF shall be developed in accordance with the standards in this ~~Article~~.
- B. ~~A PWSF or modification thereof is permitted only with a conditional use permit, granted pursuant to Article 11, Sections 1103 et seq of the Zoning Ordinance and this Article. No~~ Except for "Primary Sites" as described above, no PWSF may be developed, located, constructed or operated without a conditional use permit. ~~A~~ Except for "Primary Sites" as described above, a conditional use permit is required for any modification to a PWSF.
- C. A PWSF may be mounted on a structure ~~which~~ that is not a dwelling unit on the side or roof in accordance with the requirements of this Article. A PWSF is prohibited on any dwelling unit or site containing dwelling units ~~(s)~~ unless otherwise authorized as a Primary Site pursuant to Subsection A of this section.



4/16/2024

ORDINANCE 2024-02

9

- Add Section 1213, that defines to process
- Modeled after the Managerial SUP process (Section 1102.8A, Zoning Ordinance)
- No other changes to Article XII, PWSF

Process

- ❖ Pre-application review (15 – 20 days)
- ❖ Formal application submittal
 - *Staff reviews against guidelines/code*
 - *If not met, follows CUP process*
- ❖ Town Manager action
- ❖ Town Manager forward to Council (2 business days)
- ❖ Council review (7 calendar days)
 - *If 3 members disagree = appeal*
- ❖ Defines the appeal meeting process
 - *14 calendar days*
 - *Held at Council meeting*

Section 1213. Managerial PWSF Approvals/Amendments

The application process for a Managerial Approval/Amendment is comprised of two phases. Phase I is the application submittal process, in which the applicant and Town staff work together to create a complete application. Phase II consists of the formal project review by the Town Manager or designee.

A. The applicant must first complete the pre-application review process in accordance with Section 2-5-2(E) of the Town Code. A formal application can then be made to the Town including all documents and materials deemed necessary by the Town Manager for compliance with the applicable "Primary Site" requirements set forth in Town of Paradise Valley Resolution No. 2022-23, as it may be amended from time to time. The Town Manager or designee will then review and either approve or deny the application.

B. The Town Manager (or designee) shall transmit all determinations approving a Managerial Approval/Amendment to the Town Council within two (2) business days of making the determination.

C. The Town Manager's (or designee's) decision shall be final unless within seven (7) calendar days after the Town Manager's (or designee's) written determination at least three (3) members of the Town Council submit a written request to the Town Manager to appeal the Managerial Approval/Amendment.

D. The Town Council shall have the authority to decide appeals of an approved Managerial Approval/Amendment application. The appeal shall be set for consideration at a Town Council meeting within fourteen (14) calendar days after the Town Manager's receipt of the third written appeal request. The Town Council shall first decide, by a majority vote of the members present and not otherwise disqualified, to affirm whether the Town Manager's (or designee's) decision meets the criteria for a Managerial Approval/Amendment related to a Primary Site. If the Council decides that the criteria have been met, then there shall be no further appeal and the Managerial Approval/Amendment is final. If the Council decides that the criteria have not been met, the Town Council may deny the Managerial Approval/Amendment, in whole or in part. A majority vote of the members present and not otherwise disqualified shall be necessary to deny or modify the decision of the Town Manager (or designee); otherwise the written determination shall be affirmed.

4/16/2024

RESIDENT COMMENTS

10

- **2023 Citizen Review Session**

- Resident near Cosanti expressing health concerns
- Resident if new process applies to all Town-owned property (no, only 5 sites listed)

- **2024 Citizen Review Session**

- None



4/16/2024

NEXT STEPS/QUESTIONS

11

- **May/June**

Town Council Study Session
Town Council Public Hearing



4/16/2024

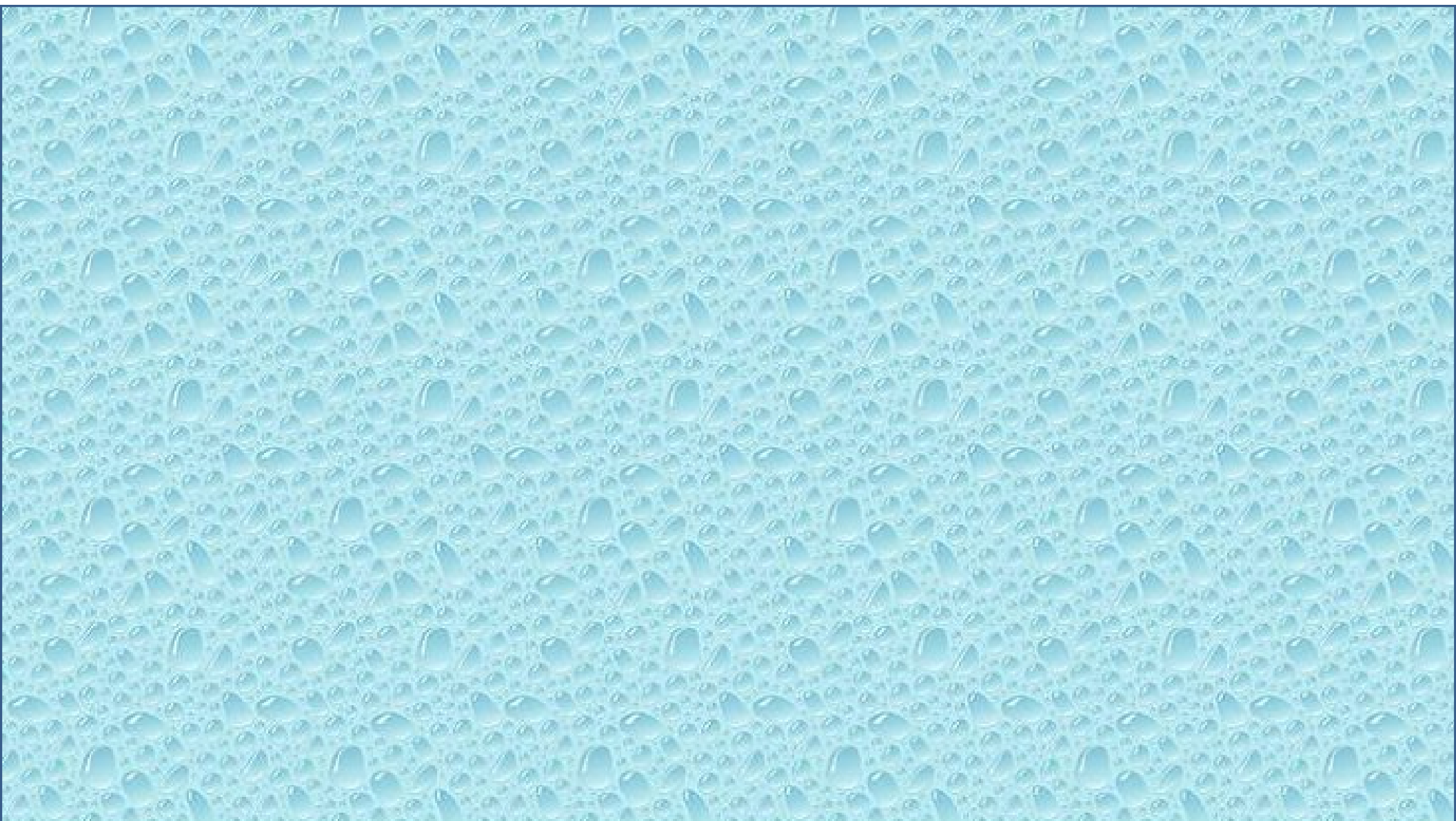
RECOMMENDATION

12

It is recommended that the Planning Commission forward [approval] of Ordinance 2024-02, amending Article XII, Personal Wireless Service Facilities, of the Zoning Ordinance relating to the process for site approvals.



4/16/2024



SLIDES FOR REFERENCE BELOW

14

Additional information



4/16/2024

BASIC NETWORK COMPONENTS

15



MACRO SITE (PWSF)

Height	50 feet to 200 feet (most places) 24 feet to 36 feet (Paradise Valley)
Range	Few miles (less when lower in height)
Location	Private Property
Design	Monopole – camouflaged or not Part of building design (Paradise Valley)
Code	Article XII, Town Zoning Ordinance Article XI, Town Zoning Ordinance Resolution 2022-23



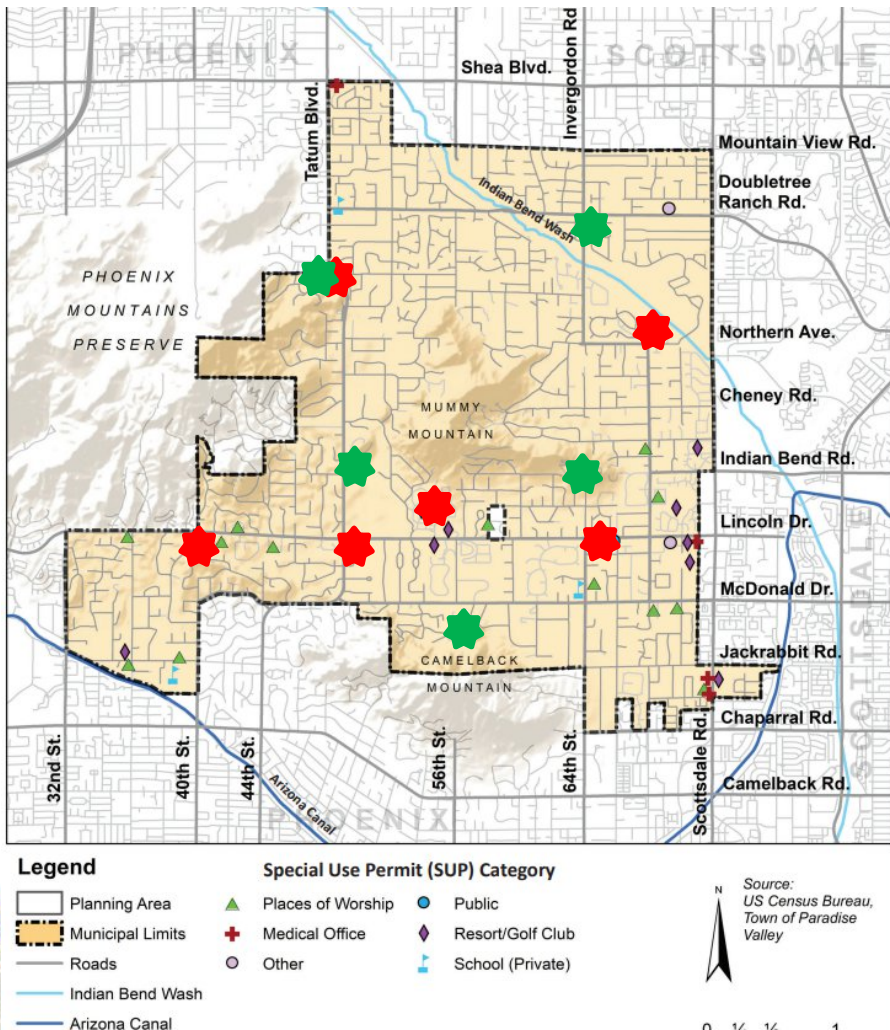
SMALL WIRELESS FACILITY (SWF)

Height	Up to 24 feet (most places) 24 feet (Paradise Valley, faux cactus) 35 feet (Paradise Valley, light pole)
Range	About 100 yards
Location	Right-of-way
Design	Traffic/light pole Mostly faux cactus (Paradise Valley)
Code	Section 2-5-2.I, Town Code A.R.S 9-591 – 9.599



EXISTING PWSF LOCATIONS

16



Existing PWSF Locations

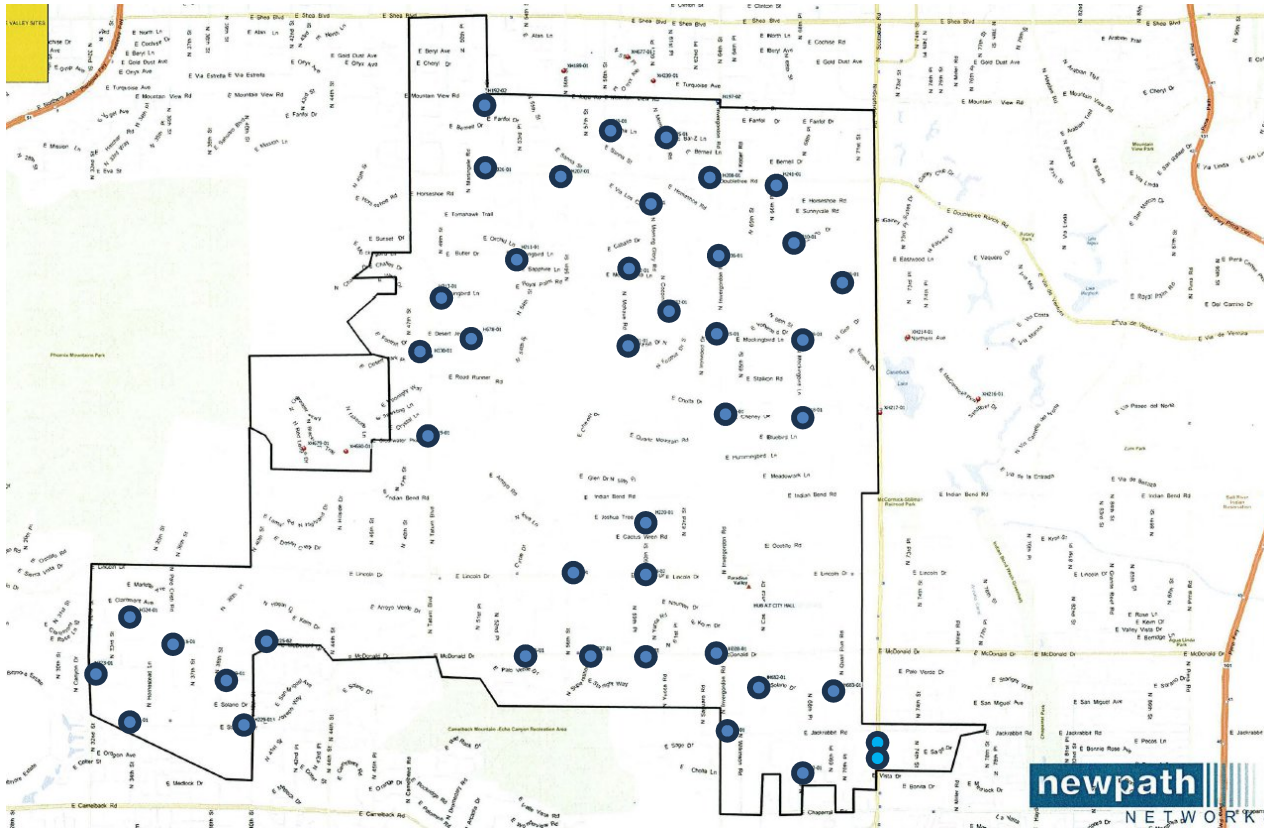
*Fire Station at Tatum
Camelback Golf Club
Town Hall
Camelback Inn
Montelucia
Christ Church of the Ascension*

Primary Sites

*Sanctuary on Camelback Mountain
Paradise Valley Country Club
Fire Station #91
Cosanti Foundation
Town-owned 7012 N Invergordon Road*

4/16/2024

SWF LOCATIONS



SITE NUMBER	INTERSECTION	CORNER	STRUCTURE TYPE
H192	E Mountainview Rd & N 52nd St	SWC	Cactus
H197	E Mountainview Rd & N Invergordon	SWC	Cactus
H207	E Double Tree Ranch Rd & N 56th St	SEC	Cactus
H208	W of N Invergordon & Southside of E Double Tree Ranch Rd	S Side	Cactus
H209	E Via Los Caballos & Via Del Cielo	SWC	Cactus
H210	North of E Caballo Dr, Westside of N 68th St	W Side	Cactus
H211	North Side of E Mockingbird Ln at N 54th St	N Side	Cactus
H212	N Mohave/59th St. & E Mockingbird Ln	SEC	Cactus
H213	N Tatum Blvd & E Mockingbird Ln	NEC	Traffic Pole
H215	North of E Northern Ave, Westside of N Invergordon Rd	W Side	Cactus
H218	East Side of N Mockingbird LN & N of E Cheney Dr	E Side	Cactus
H219	E Clearwater Pkwy & N Tatum Blvd	NWC	Street Light
H220	South side of E Joshua Tree Ln, East of N 60th St	S Side	Cactus
H221	E Lincoln Dr & 56th St	SWC	Traffic Pole
H225	SEC of Median on E McDonald Dr & 41st Pl	SEC	Cactus
H226	South of E McDonald Dr & Eastside of N 54th St	SEC	Cactus
H227	Southside of E McDonald Dr at N 59th Pl	S Side	Cactus
H228	E McDonald Dr & N Invergordon Rd	SEC	Street Light
H229	Westside of N 40th St and North of E Stanford Dr	W Side	Cactus
H231	Southside of E Stanford, E of N 32nd Street	S Side	Cactus
H232	N Invergordon & E Jackrabbit Rd	SEC	Street Light
H236	S of E Calle Bruvira & Eastside of N Invergordon	E Side	Cactus
H237	E Cheney Dr & N Invergordon Rd	NWC	Cactus
H238	N Mockingbird LN & E Northern Av	E Side	Cactus
H240	N 58th St & E Donna Ln	NEC	Cactus
H241	E Doubletree Ranch Rd & N 67th St	N Side	Cactus
H242	West Side of N 68th St at E Vista Dr	W Side	Cactus
H318	North of E. Bethany Home Rd & West of N Palo Christi Rd	W Side	Cactus
H323	East Side of N 32nd St, North of El Camino Sin NOMBRE	E Side	Cactus
H324	South Side of E Valley Vista & W of N 34th Pl	S Side	Cactus
H325	West Side of N Morning Glory Rd at E Bar Z Ln	W Side	Cactus
H326	E Double Tree Ranch Rd & N 52nd St	SEC	Cactus
H327	E McDonald Dr & Nauni Valley Dr	S Side	Cactus
H328	N 60th St and E Lincoln Dr	S Side	Cactus
H329	E San Miguel Ave, East of N 38th Pl	E Side	Cactus
H330	West Side of N Tatum Blvd, North of E Road Runner	W Side	Cactus
H331	Y intersection of N Mohave Rd & E Foothill Rd	W Side	Cactus
H332	East Side of N Coconino Rd, South of E Mockingbird Ln	E Side	Cactus
H678	South of E Desert Jewel & Eastside of N Arroyo Dr	E Side	Cactus
H682	South of E Solano Dr & Westside of N Casa Blanca Dr	W Side	Cactus
H683	E Montebello & N 70th St (Quail Run)	W Side	Cactus
H685	N Golf Dr between E Oak Mont Dr & Merion Wy	S Side	Cactus



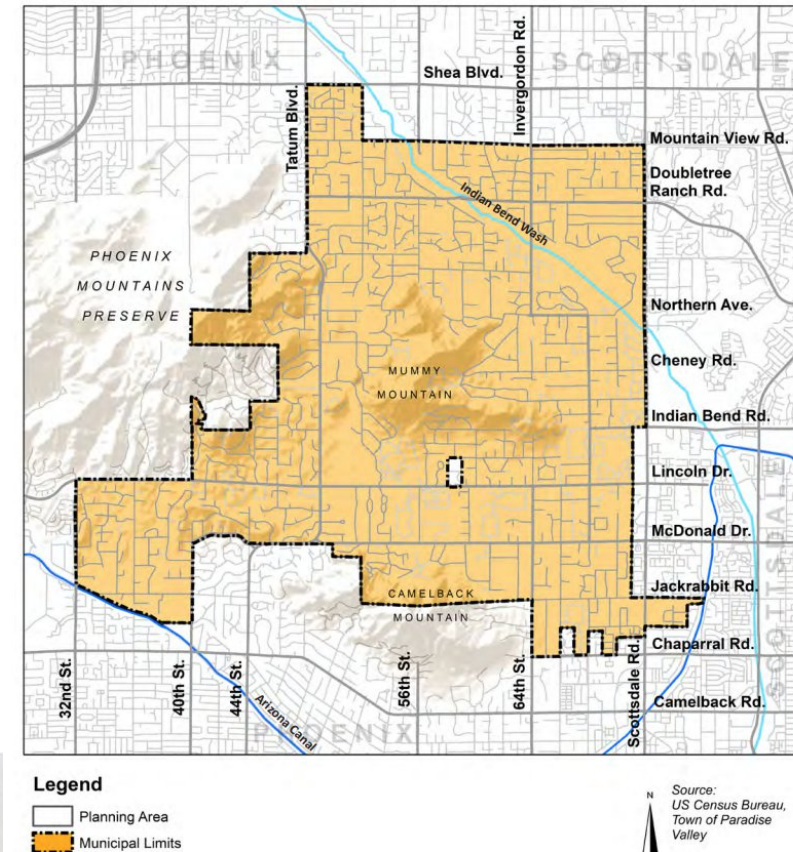
- 42 nodes approved via SUP 7/8/2010
- New Path (Crown Castle)
- AT&T and Verizon using
- 2 small cell approved 2022 along Scottsdale Road

4/16/2024

NETWORK CHALLENGES

18

- Macro/small cell network is generally line-of-sight technology
- Hillside within Town limits the coverage range
- Limits on placing PWSF on a site with a dwelling (except SUP)
 - Town is predominantly residential (~37 non-residential properties)
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- Town has a higher level of process review than most communities



4/16/2024



PWSF CODE/RESOLUTIONS

19

- Article XII, Personal Wireless Service Facilities, of Zoning Ordinance was adopted in 1997 and last revised in 2005 establishes Conditional Use Permit process and site development standards
- Resolutions 932 adopted in 1998 and amended by 932(A) in 2001 and in 2022 by 2022-23 establishes appropriate locations

ZONING ORDINANCE

Article XII. PERSONAL WIRELESS SERVICE FACILITIES 437.455 511.564

Section 1201. Purpose

A. The purpose of this ordinance is to establish appropriate locations, site development standards, and permit requirements to allow for personal wireless services to the residents of the Town, in a manner which will facilitate the location of various types of personal wireless service facilities in locations consistent with the residential character of the Town. 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. Precluding the adverse visual impact of these facilities within this virtually developed residential area is one of the primary objectives of this ordinance. Limitations on the height of antennas are intended to conform the antennas to the existing limitations of height of residential buildings. The ordinance is intended to allow personal wireless service facilities which are sufficient to provide adequate service to citizens, the traveling public and others within the Town and to accommodate the need for connection of such services to wireless facilities in adjacent and surrounding communities.

B. It is also the intent that this ordinance and its purposes are implemented as allowed by applicable law, particularly in light of evolving federal and state regulations, laws and interpretations, evolving technology and land uses for personal wireless services.

Section 1202. Definitions

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

- 1 "Antenna" means the surface from which wireless radio signals are sent from and received by a personal wireless service facility;
- 2 "Applicant" means a person or other entity who submits an application with the Town for a special use permit or major amendment to a special use permit for a personal wireless service facility. A personal wireless service carrier and the owner of the subject property shall be an applicant(s) or co-applicant(s) on such application;
- 3 "Co-location" means the use of a single mount and/or site by more than one personal wireless service;
- 4 "Commercial mobile radio service" means any of several technologies using radio signals at various frequencies to send and receive voice, data or video to and from mobile transceivers;
- 5 "Design" means the appearance of a personal wireless service facility, including but not limited to its material, color or shape;
- 6 "Equipment cabinet" means an enclosed mobile home, shed or box at the base of or near a mount within which are housed, among other things, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by cable. Equipment cabinets are also called "base transceiver stations";
- 7 "Licensed carrier" means a company authorized by the FCC to build and operate a commercial mobile radio services system;

ZO-XII -I

4/16/2024



CELLULAR TASK FORCE

20

- Improvement of Cell Service Coverage Identified as a “Quality of Life” initiative by Town Council in 2016
- In 2018, Council established a Cellular Task Force with 4 goals
 1. Improve voice service
 2. Preserve and maintain the Town’s aesthetics
 3. Provide the greatest coverage and capacity with the least visible infrastructure
 4. Provide infrastructure for future services

Sample Accomplishments

- | | |
|---------|---|
| Goal 1: | Information to residents on boosters, brochures, & variety of other outreach |
| Goal 2: | DAS faux cactus design standard, related code updates on small cell |
| Goal 3: | 2018/2021 EWS carrier gap coverage studies |
| Goal 4: | Several incremental updates by providers and Town (e.g., AT&T SafetyNet, replaced/ new fiber with Town road projects) |

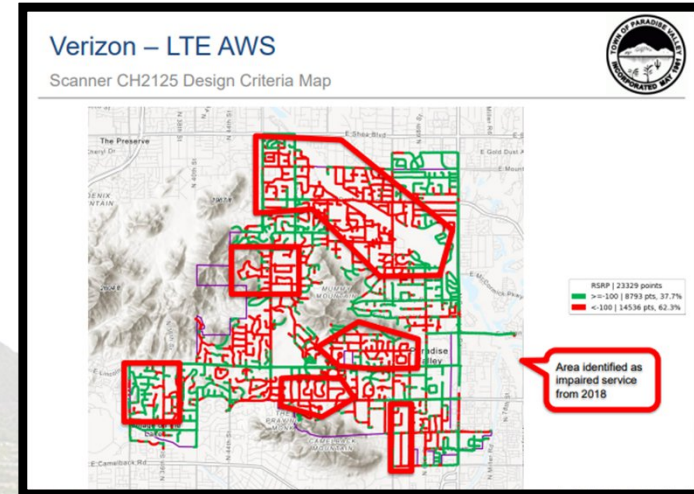
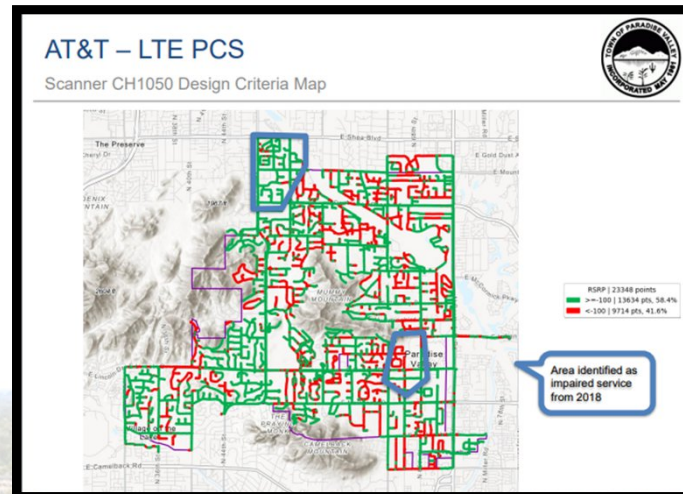
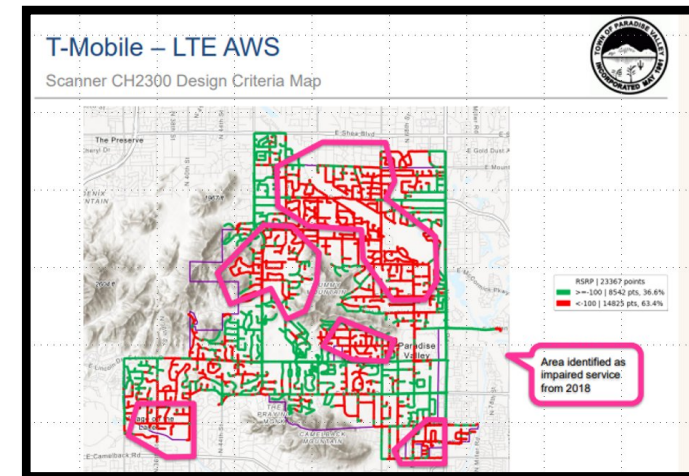
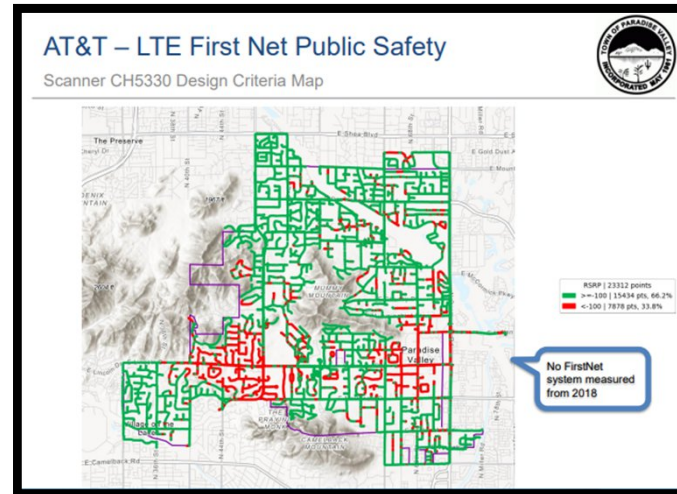


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COVERAGE GAPS

21

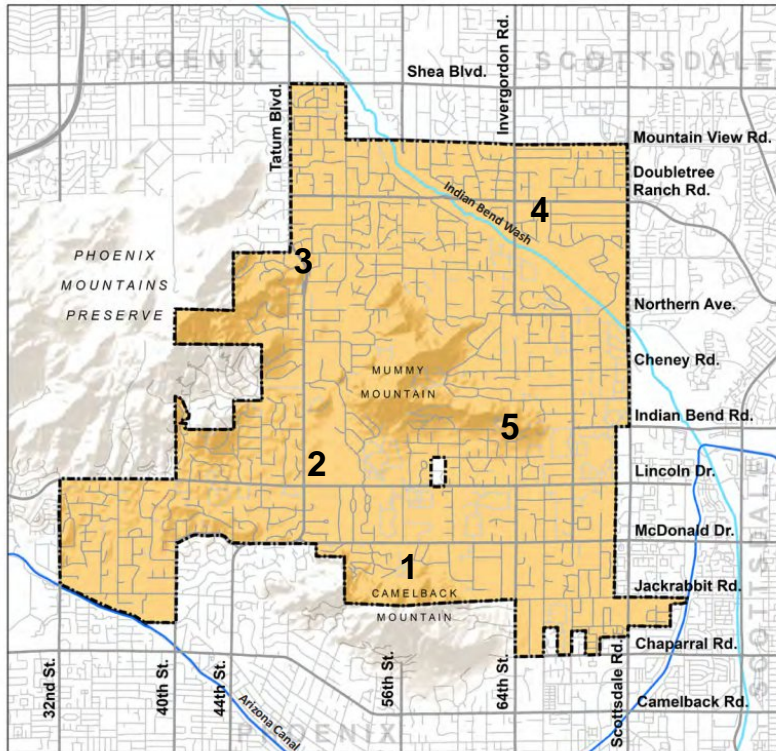
- Primary Sites result of coverage gap study
- Covered First-Net, AT&T, T-Mobile, & Verizon
- Prepared in 2018 and updated in 2021 by EWS



PRIMARY SITES CANVAS SELECTION

22

- Canvas done by EWS, T-Mobile, and Town staff representatives in 2022



Selected Sites

- Site 1: Sanctuary on Camelback Mountain
5600 E McDonald Drive
- Site 2: Paradise Valley Country Club
7101 N Tatum Boulevard
- Site 3: Fire Station #91
8444 N Tatum Boulevard
- Site 4: Cosanti Foundation
5433 E Doubletree Ranch Road
- Site 5: Town-owned parcel
7012 N Invergordon Road

4/16/2024

RESOLUTION NUMBER 2022-23

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NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise Valley, Arizona, as follows:

4624472.6

1

RESOLUTION 2022-23 ²³

- Identifies potential PWSF locations
- Added Cosanti and Invergordon site
- Directs Commission to consider Task Force goals
- Directs Commission to move forward with a text amendment for a managerial or similar PWSF process
- Provides guidelines for the 5 Primary Sites on number, location, height, setback, and design
- Allows waiving application fees
- Acknowledged timing as an incentive

4/16/2024

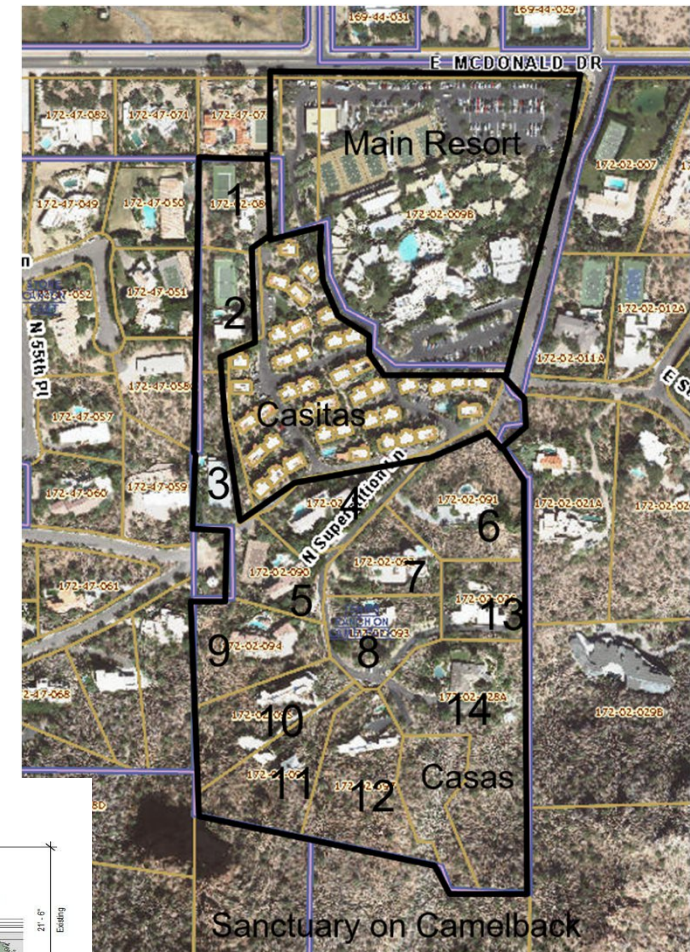


SANCTUARY CAMELBACK MTN RESORT

24

Guidelines

- Preference is faux chimney with up to 4 on existing structures and alternatively, or in addition, PWSF incorporated into the design
- Preferred locations are on principal buildings of the casitas or the main resort principal buildings
- Consideration height up to 4'6" above roof (not exceed 36') and be in scale with building
- Setbacks expected to meet 200' from west and north, consideration for reduced setback from public streets not to exceed guideline of 100'



4/16/2024

SANCTUARY CAMELBACK MTN RESORT

25



Guidelines Continued

- Faux chimney should be appropriate to the architectural context, match the style of existing structure, complement, or match the color of the structure, and should be designed as a feature commonly found on the type/style of structure
- The number and spacing should be limited to the number, size, and design appropriate for the structure
- Door hatches, cables, antenna access, rooftop ballast mounted structures for radio equipment, and related items should be integrated into the design as best as possible to camouflage these required equipment

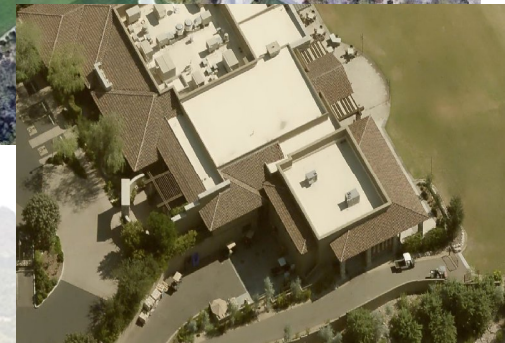
4/16/2024

PARADISE VALLEY COUNTRY CLUB

26

Guidelines

- Preference is faux chimney with up to 4 on existing structures and alternatively, or in addition, PWSF incorporated into the design
- Preferred locations are on principal buildings of the clubhouse
- Generally, height not to exceed 30' height restriction in their SUP, except consideration to up to 4'6" above roof for chimney
- Setbacks expected to meet 200' due to large acreage and clubhouse setbacks
- Same context, spacing, and equipment guidelines as Sanctuary

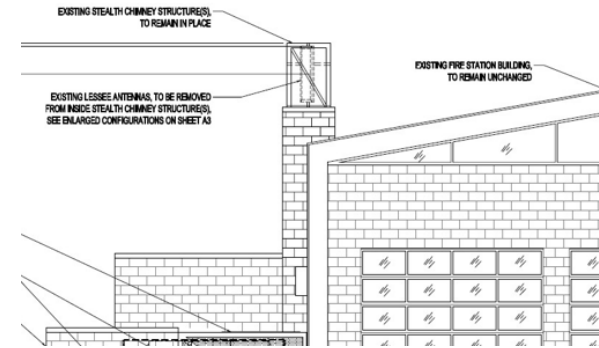


FIRE STATION #91

27

Guidelines

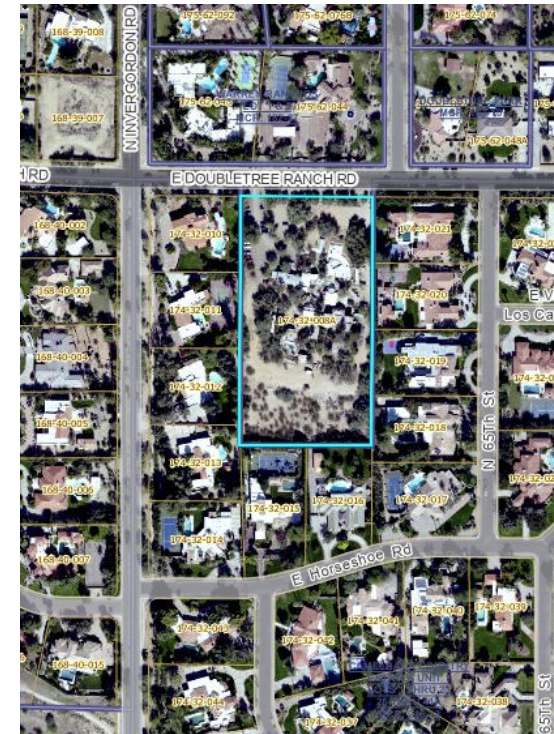
- Preference is faux chimney design on existing structures and alternatively, or in addition, PWSF incorporated into the design
- Preferred location on the fire station building
- Generally, height not to exceed 28'8" building, except consideration up to 4'6" above roof for chimney
- Consideration for setbacks other than 200' with additional chimney near existing or east 65' of building
- Same context, spacing, and equipment guidelines as Sanctuary



72

28

- A separate detached structure may be considered since existing structures low/have structural limitations
- New PWSF structure will also require the applicable SUP amendment application
- Preferred siting is toward the middle and/or center of the site near the existing structures
- Heights 30 to 35 feet may be considered if camouflaged well
- Consideration for reduction in the 200' setback to 60' (40' to street) if 24' tall (otherwise 100')

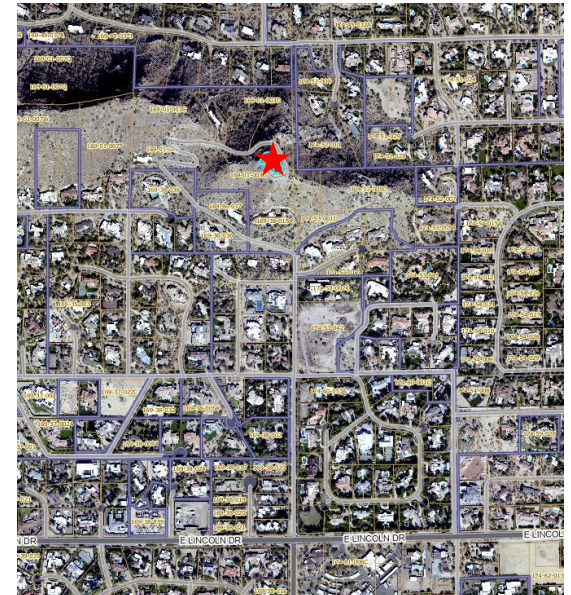


7012 N INVERGORDON RD

29

Guidelines

- Preference is for a faux retaining wall
- Height, setback, and equipment locations and screening shall generally follow the requirements for retaining walls on hillside
 - 8' tall maximum
 - Maximum 100' lineal length



4/16/2024



RESOLUTION 2022-23 30

NAME	ADDRESS
ANDAZ RESORT	6160 N. SCOTTSDALE ROAD
ASCENSION LUTHERAN CHURCH	7100 N. MOCKINGBIRD
CALVARY CHURCH OF THE VALLEY	6107 N. INVERGORDON
CAMELBACK BIBLE CHURCH	3900 E. STANFORD DRIVE
CAMELBACK GOLF CLUB	7847 N. MOCKINGBIRD LANE
CAMELBACK INN	5402 E. LINCOLN DRIVE
CAMELBACK UNITED PRESBYTERIAN CHURCH	3535 E. LINCOLN DRIVE
CHEROKEE SCHOOL	8801 N. 56TH STREET
CHRIST CHURCH OF ASCENSION	4015 E. LINCOLN DRIVE
COSANTI FOUNDATION	6433 E DOUBLETREE RANCH ROAD
DOUBLETREE PARADISE VALLEY RESORT	5401 N. SCOTTSDALE ROAD
EL CHORRO LODGE	5550 E. LINCOLN DRIVE
FIRE STATION #91	8444 N. TATUM BOULEVARD
FIRST SOUTHERN BAPTIST CHURCH	5230 N. SCOTTSDALE ROAD
HERMOSA INN	5532 N. PALO CRISTI ROAD
KIVA SCHOOL	6911 E. MCDONALD DRIVE
LINCOLN BIBLE CHURCH	4222 E. LINCOLN DRIVE
MOUNTAIN SHADOWS RESORT	5445 E. LINCOLN DRIVE
MOUNTAIN VIEW MEDICAL PLAZA	10575 N. TATUM BOULEVARD
OMNI MONTELUCCIA RESORT	4949 E. LINCOLN DRIVE
PARADISE VALLEY COUNTRY CLUB	7101 N. TATUM BOULEVARD
PARADISE VALLEY MEDICAL PLAZA	7101 E. JACKRABBIT ROAD
PARADISE VALLEY TOWN HALL	6401 E. LINCOLN DRIVE
PARADISE VALLEY UNITED METHODIST CHURCH	4455 E. LINCOLN DRIVE
PHOENIX COUNTRY DAY SCHOOL	3901 E. STANFORD DRIVE
SANCTUARY CAMELBACK MOUNTAIN RESORT	5700 E. MCDONALD DRIVE
SCOTTSDALE PLAZA RESORT	7200 N. SCOTTSDALE ROAD

NAME	ADDRESS
SMOKETREE RESORT	7101 E. LINCOLN DRIVE
ST. BARNABAS CHURCH	6715 N. MOCKINGBIRD LANE
TOWN-OWNED PROPERTY	7012 N INVERGORDON ROAD
UNITARIAN UNIVERSALIST CHURCH	4027 E. LINCOLN DRIVE

- Identifies potential PWSF locations
- Added Cosanti and Invergordon site

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PWSF DESIGN CRITERIA

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Article XII, Town Zoning Ordinance

- **Appearance**

Degree PWSF "blends with" or "disturbs" the setting, the subject property and its character and use, or neighboring properties and their character and use

- **Form**

Degree to which the shape of the PWSF and any equipment cabinet relates to its surroundings

- **Color**

PWSF shall be in natural tones and a non-reflective color or color scheme appropriate to the background against which the PWSF would be viewed from a majority of points within its viewshed

- **Size**

Silhouette of the PWSF shall be reduced to minimize visual impact

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PWSF SUBMITTAL ITEMS

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Article XII, Town Zoning Ordinance, Formal Application

- Site Plan
- Landscape Plan
- Photographs, diagrams, photo simulations and sight line representations
- Siting elevations, or views at natural grade, from all directions (north, south, east, west)
- Equipment brochures
- Market and service maps
- Co-location submittals, including signed statements
- Lease agreement
- RF performance submittals
- Noise performance submittals
- Other items as necessary



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