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2 When recorded, return to:  
3 Paradise Valley Town Attorney  
4 6401 East Lincoln Drive  
5 Paradise Valley, Arizona 85253  
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**OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
20100584331,07/09/2010 04:08  
ELECTRONIC RECORDING  
ORDINANCE625-5-1-1--N**

11 **ORDINANCE NUMBER 625**  
12

13 **AN ORDINANCE OF THE TOWN OF PARADISE**  
14 **VALLEY, ARIZONA, ISSUING A SPECIAL USE**  
15 **PERMIT TO THE TOWN OF PARADISE VALLEY AND**  
16 **AMENDING THE ZONING ORDINANCE AND**  
17 **AMENDING THE ZONING MAP TO ALLOW FOR THE**  
18 **INSTALLATION OF NEW OR MODIFIED UTILITY**  
19 **POLES (FOR A DISTRIBUTED ANTENNA SYSTEM) IN**  
20 **THE TOWN OF PARADISE VALLEY RIGHT-OF-WAY,**  
21 **PROVIDING FOR SEVERABILITY; AND PROVIDING**  
22 **FOR AN EFFECTIVE DATE.**  
23

24 WHEREAS, the Town of Paradise Valley Planning Commission held a public hearing on June  
25 1, 2010 and June 15, 2010, in the manner prescribed by law, for the purpose of considering a  
26 new Special Use Permit to allow the Town of Paradise Valley to install, or to allow the  
27 installation by Newpath Networks of, new utility poles associated with a distributed antenna  
28 system in the Town right-of-way, and recommended approval to the Town Council; and  
29

30 WHEREAS, the Town Council, at its meeting of July 8, 2010, held a public hearing as  
31 prescribed by law to hear Ordinance No. 625 (a new Special Use Permit) and take action on  
32 Ordinance No. 625 (a new Special Use Permit), pursuant to the prior recommendation for  
33 approval by the Planning Commission and with modifications or changes to the terms and  
34 conditions of Ordinance No. 625 (a new Special Use Permit) as the Town Council deems fit  
35 and appropriate; and to amend the Town Official Zoning Map to reflect the location of each  
36 new utility pole approved by issuance of the Special Use Permit.  
37

38 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL**  
39 **OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:**  
40

41 SECTION 1. Special Use Permit. The issuance of a new Special Use Permit for specific  
42 locations in the Town's right-of-way (said locations to be as shown indicated in Exhibit B, the  
43 DAS Master Plan for Paradise Valley, AZ, attached hereto and made part hereof) is hereby  
44 created to allow for use of the right-of-way for utility poles associated with a distributed  
45 antenna system, including antenna nodes on traffic signal poles, street light poles, and faux  
46 saguaro cactus, subject to the stipulations set forth in Exhibit A hereto, made a part hereof by  
47 this reference. The Special Use Permit is approved as indicated in Exhibit B, DAS Master  
48 Plan for Paradise Valley, AZ. The proposed amendment is in accordance with Section 1102  
49 of the Town Zoning Ordinance, specifically:

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- The construction or development of improvements that create substantial public benefits.
- It will not be detrimental to, interfere with or adversely affect existing uses or character of adjacent properties, persons residing or working in the vicinity, the neighborhood, the public health, safety, peace, comfort, and general welfare, or the purpose of the zone in which it is proposed, and
- It will be in full conformity to any conditions, requirements, or standards prescribed in the permit, in the zoning ordinance, and the ordinances of the town.

SECTION 2. Amendment to Town Zoning Map. The Town's Official Zoning Map is hereby amended to include, by asterisks (\*) at each utility pole/antenna node location, the location of each antenna node that is part of the DAS (as shown in Exhibit B, the DAS Master Plan for Paradise Valley, AZ), along with a note on the Official Zoning Map referencing the approval by this Ordinance of a new SUP for each such new utility pole location.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this 8th day of July 2010.

  
 Scott P. LeMarr, Mayor

SIGNED AND ATTESTED TO THIS 9<sup>th</sup> DAY OF July 2010.

  
 Duncan Miller, Town Clerk

APPROVED AS TO FORM:

  
 Andrew Miller, Town Attorney

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2 **EXHIBIT A**  
3 **TO**  
4 **ORDINANCE NUMBER 625**

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6 **TOWN OF PARADISE VALLEY**  
7 **SPECIAL USE PERMIT FOR NEW UTILITY POLES**  
8 **TO BE USED FOR A DISTRIBUTED ANTENNA SYSTEM**  
9 **SUP-10-4**

10  
11 **I. PROJECT DESCRIPTION**  
12

13 Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley,  
14 Arizona (“Town”), the Town hereby grants to the Town of Paradise Valley, its successors and  
15 assigns, this Special Use Permit allowing for the installation of new or modified utility poles  
16 within the Town’s right-of-way for a distributed antenna system (DAS) subject to and in  
17 accordance with these stipulations.  
18

19 **II. STIPULATIONS**  
20

- 21 1. The Distributed Antenna System improvements shall be in substantial compliance with  
22 the following attached documents:
- 23 a. DAS Master Plan for Paradise Valley, AZ booklet dated June 24, 2010 with  
24 antenna node H238 relocated to the new proposed location on the North side of  
25 Northern Avenue, east of N. Mockingbird Lane as shown on the revised aerial,  
26 photo-simulation, and land-use plan dated July 6, 2010 and with antenna node  
27 H678 relocated south of Option A on the east side of Arroyo south of Desert  
28 Jewel up to the northern boundary of the wash delineation with additional  
29 redesign by the licensee.
  - 30 b. Saguaro Cactus Standard Features submitted on June 15, 2010 with the Larson  
31 paint list attached for reference.
- 32 2. The Distributed Antenna System shall be limited to five (5) carriers and/or twelve (12)  
33 amplifiers unless a Minor Amendment to the Special Use Permit is granted, the RF  
34 Exposure Report is updated, and no changes are made to the approved antenna node  
35 equipment. Aesthetic changes to the approved antenna equipment or the addition of  
36 new antenna nodes shall require an Intermediate Amendment to the Special Use  
37 Permit.
- 38 3. The faux rocks installed in conjunction with the individual antenna nodes shall be  
39 painted to match the surrounding conditions.
- 40 4. The electrical disconnect installed in conjunction with the individual antenna nodes  
41 shall be painted to match the surrounding conditions and be located as low to the  
42 ground as possible.
- 43 5. The vaults installed in conjunction with the individual antenna nodes shall be flush  
44 with the ground.
- 45 6. Town of Paradise Valley staff shall inspect each node site in the field after antenna and  
46 fiber installation is complete to determine if landscaping, painting, and overall  
47 installation is adequate. Any licensee of the Town using the DAS shall make  
48 adjustments per Town staff’s direction including but not limited to additional  
49 landscaping and paint adjustments.

- 1 7. The DAS shall meet the current FCC RF Guidelines and any amendments thereto. If  
2 FCC Guidelines are changed, then the DAS shall be brought into compliance with such  
3 revised guidelines within the time period provided by the FCC or if no time period is  
4 stated, then within sixty (60) days of the effective date of such guidelines.
- 5 8. Any licensee of the Town using the DAS shall install an 8" x 12" "RF Caution" metal  
6 plate on the vault hatch at each antenna location in substantial compliance with the  
7 template provided by Newpath Networks dated June 24, 2010.
- 8 9. No permits for any licensee of the Town using the DAS shall be issued for the fiber  
9 installation or antenna node installations until the Town Council approves a license  
10 agreement, or any equivalent thereof, for a licensee or other authorized user to utilize  
11 the DAS.  
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**EXHIBIT B  
TO  
ORDINANCE NUMBER 625**

**(DAS Master Plan for Paradise Valley, AZ Booklet dated June 24, 2010)**

**On file at the Town Clerk's Office  
Town of Paradise Valley  
6401 E Lincoln Drive  
Paradise Valley, AZ 85253**