ARTICLE II: CELLULAR ANTENNA TOWERS

SECTION 2.0 PRE-APPLICATION CONFERENCE: Applicants must contact Staff and request a pre-application conference. This meeting will allow for early coordination, by identifying existing structures that might be suitable for collocation and identifying any other items which are in conformance/nonconformance with the Comprehensive Plan, local zoning ordinance, and/or the provisions of these regulations. The meeting will provide an opportunity for an initial discussion regarding proposed structure locations, design and the Application submittal, and approval process. Applicants shall supply the Provider’s preferred location, base elevation, search ring, structure design style and structure height one week prior to the meeting with Staff and submitting an Application under these regulations.

SECTION 2.1 UNIFORM APPLICATION REQUIREMENTS: Applications for the construction of a Cellular Antenna Tower for Cellular Telecommunication Services or Personal Wireless Services shall include all information specified in KRS 100.985 – 100.987.

SECTION 2.2 ADDITIONAL INFORMATION: In addition to the Uniform Application requirements specified in KRS 100.985 – 100.987, Applicants for a Cellular Antenna Tower should submit the following information to Staff prior to the required pre-application conference to assure a quick and judicious review of the submittal.

A. A statement demonstrating that the proposal is in agreement with the Comprehensive Plan, and that the Applicant has attempted to Co-locate the proposed facility on an existing approved tower or facility or locate on sites that might be in better conformance with the adopted Comprehensive Plan, and that:

1. Identifies the location of the sites attempted to locate; and
2. Lists the reasons why the Co-Location or locating on the alternative sites was unsuccessful in each instance.

B. A development site plan, signed and sealed by a professional engineer registered in Kentucky, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, showing the following information, where applicable. The Staff may waive the submission of such data involving detailed engineering study until such time as the Application has been approved.

1. The total area of the site in question.
2. All public and private Rights-of-Way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
3. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet.
4. Location, height, arrangement, and identification of all nonresidential buildings, structures, and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions.

5. A circle drawn on the site plan showing the setback distance requirement.

6. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.

7. Location of signs, indicating their orientation, size, and height.

8. All electric Utility lines and easements.

9. Locations of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces.

SECTION 2.3 PROCESSING OF APPLICATIONS: Applications for the construction of new Cellular Antenna Towers for Cellular Telecommunications Services or Personal Communications Services shall be processed as follows.

A. At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two (2) or more times, in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days nor more than twenty-one (21) calendar days before the occurrence of such hearing.

B. Notice of the hearing shall be posted conspicuously on the property in question, for at least fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one (1) or more signs, constructed of durable material, and clearly depicting the following information: "(name of Utility) proposes to construct a telecommunications ("tower" or "monopole") on this site" (a minimum of one (1) inch high lettering); date, place, and time of public hearing (one (1) inch high lettering); and address, including telephone number, of the planning commission where additional information regarding the hearing may be obtained.

C. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail, with certification by the Staff that the notice was mailed to an owner of every parcel of property within five hundred (500) feet of the base of the proposed tower or Monopole. It shall be the duty of the
Applicant to furnish to the Planning Commission the names and addresses of said property owners. Records maintained by the Kenton County Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.

D. Upon holding such hearing, the Planning Commission shall review and take final action on Applications for new Cellular Antenna Towers within sixty (60) days of a completed Application, or within a date otherwise specified in a written agreement between the Planning Commission and the Applicant. This time period will not begin until the filing fee is submitted and the application is deemed complete. The Planning Commission shall notify the applicant once the application is deemed complete and provide the deadline for the review period. The Planning Commission shall either approve, approve with conditions, or deny the Application. If the Planning Commission does not make a final decision within the required sixty (60) days, or the date specified in the written agreement, the Application shall be deemed to be approved as submitted. The Planning Commission shall submit to the Applicant and the local zoning administrator, along with its action, the bases for the decision.

E. After a Cellular Antenna Tower for Cellular Telecommunications Services or Personal Communications Services is approved, separate building, zoning, and electrical permits are required from the local jurisdiction prior to the beginning of construction.

SECTION 2.4 DESIGN STANDARDS: At the time of Application submittal, the Applicant shall provide information demonstrating compliance with the following requirements. Where the Planning Commission finds that circumstances or conditions relating to the particular Application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more requirements unreasonable, the Planning Commission may modify or waive such requirement, either permanently or on a temporary basis. Any modification or waiver, along with justification for each, shall be requested in writing by the Applicant.

A. All Cellular Antenna Towers shall be constructed as a Monopole structure, unless Stealth or Camouflage technology is used, or unless a waiver is granted.

B. All cables and wires shall be installed inside the Monopole structure.
C. Unless required by state and/or federal regulations, all Cellular Antenna Towers shall be uniform grey or black in color.

D. All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (1/2) the height of the tower, but not less than fifty (50) feet.

E. A Cellular Antenna Tower, or alternative antenna tower structure, may be a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than ten (10) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antennas greater than two hundred (200) feet in height upon review of the Applicant's justification that the additional height meets the criteria identified in Section 2.4., above.

F. Cellular Antenna Towers shall not be illuminated, except in accordance with state or federal regulations.

G. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.

H. Woven wire or chain link (eighty (80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open), shall be used to enclose the site. Such fences shall be eight (8) feet in height. The use of barbed wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.

I. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in a ten foot perimeter area surrounding the compound.

J. Any site to be purchased or leased for the installation of a Cellular Antenna Tower, or alternative antenna tower, and ancillary facilities, shall be at least two thousand five hundred (2,500) square feet in area, unless located on a pre-existing structure such as a building, water tank, etc.

K. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable local zoning ordinance.
L. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) total square feet in area.

M. All new Cellular Antenna Towers shall be designed and constructed to accommodate a minimum of three (3) additional service Providers.

N. All option and site lease agreements shall not prohibit the possibility of colocation.

O. Cell towers locating in a residential zone shall be located on a lot in a location that would have the least impact on the natural setting and adjacent properties and in a location most compatible with surrounding properties. The Planning Commission shall have the authority to approve a proposed cell tower only at a different location on the same property if it determines an alternative location is more appropriate.

P. A cell tower in a residential district must be camouflaged in the form of an alternative tower structure such as an flag pole, light pole, or steeple so that it is compatible with the natural setting and surrounding structures as determined by the Planning Commission.

SECTION 2.5 EVALUATION CRITERIA: Evaluation of the proposal shall be based upon the following criteria.

A. Agreement with the various elements of the adopted Comprehensive Plan, and where applicable, any other adopted plan.

B. The extent to which the proposal is consistent with the purposes of these regulations.

C. The adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).

D. The extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.

E. The extent to which the proposed Cellular Antenna Tower is camouflaged (i.e., use of Stealth Technology).

F. The extent to which the proposed facility is integrated with existing structures (i.e., buildings, signs).
SECTION 2.6 AMENDMENTS TO APPROVED PLANS: Any amendments to approved plans, except for the minor adjustments outlined below, shall be made in accordance with the procedure required by Section 2.3, subject to the same limitations and requirements as those under which such plans were originally approved. These regulations also apply to modifications and amendments to approved plans.

The following activities shall be considered minor adjustments from the original approval of an Application for towers not located in public Rights-of-Way. Changes are measured cumulatively from the original approval of the tower or Base Station.

A. Tower height increases of less than ten (10) percent or twenty (20) feet, whichever is less.

B. Support structure height increases of less than ten (10) percent or ten (10) feet, whichever is less.

C. New equipment extensions from a tower horizontally of less than twenty (20) feet or width of tower at elevation of change.

D. Structure or new item extensions on a Non-Tower Wireless Communication Facility horizontally less than six (6) feet from existing structure.

E. The addition of four (4) or fewer new equipment cabinets within the boundaries of the leased/owned site.

F. Any excavation or deployment within the current boundaries of the leased/owned site and any access/Utility easements.

G. Concealment elements of the tower are not defeated.

H. Activities that comply with all other conditions in any prior approval not related to the limits set forth above.