
**KENTON COUNTY & MUNICIPAL PLANNING
& ZONING COMMISSION**

**ADMINISTRATIVE POLICY NUMBER 6
REGULATIONS FOR CELLULAR ANTENNA TOWERS
AND CELLULAR TELECOMMUNICATIONS SERVICES**

- A. **PURPOSE:** The purposes of these regulations are: to provide for the safest and most efficient integration of cellular antenna towers for cellular telecommunications services or personal communications services within the community; to provide for such facilities in coordination with the recommendations of the comprehensive plan; and to allow for such facilities with the intention of furthering the public health, safety, and general welfare.
- B. **PRE-APPLICATION CONFERENCE:** Applicants are encouraged to notify the planning commission's duly authorized representative: to discuss proposals; allow for early coordination; and to identify those items which are in conformance/nonconformance with the comprehensive plan, local zoning ordinance, and the provisions of these regulations.
- C. **DEFINITIONS:** For the purposes of these regulations, the following definitions shall apply:
1. **ANTENNAS OR RELATED EQUIPMENT:** The transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.
 2. **CELLULAR ANTENNA TOWER:** A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.
 3. **CELLULAR TELECOMMUNICATIONS SERVICES:** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.
 4. **CO-LOCATION:** Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.
 5. **PERSONAL COMMUNICATION SERVICE:** As defined in 47 U.S.C. sec. 332(c).
 6. **UNIFORM APPLICATION:** means an application to construct a cellular antenna tower submitted to a planning commission in accordance with KRS Chapter 100.

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7. UTILITY: Any person except a city, who owns, controls, or operates or manages any facility used or to be used for or in connection with:
- a. The generation, production, transmission, or distribution of electricity to or for the public, for compensation, for lights, heat, power, or other uses;
 - b. The production, manufacture, storage, distribution, sale, or furnishing of natural or manufactured gas, or a mixture of same, to or for the public, for compensation, for light, heat, power, or other uses;
 - c. The transporting or conveying of gas, crude oil, or other fluid substance by pipeline to or for the public, for compensation;
 - d. The diverting, developing, pumping, impounding, distributing, or furnishing of water to or for the public, for compensation;
 - e. The transmission or conveyance over wire, in air, or otherwise, of any message by telephone or telegraph for the public, for compensation; or
 - f. The treatment of sewage for the public, for compensation, if the facility is a subdivision treatment facility plant, located in a county containing a city of the first class or a sewage treatment facility located in any other county and is not subject to regulation by a metropolitan sewer district.
- D. GENERAL: Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone after a planning commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the applicable local zoning ordinance.
- E. APPLICABILITY: Every utility, or a company that is engaged in the business of providing the required infrastructure to a utility, that proposes to construct an antenna tower for cellular telecommunications services or personal communications services shall submit a copy of the utility's completed uniform application to the planning commission.
- F. APPLICATION REQUIREMENTS: Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:
- 1. A grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
 - a. All of Kenton County; and

- b. A one-half (1/2) mile area outside of Kenton County
2. Any contract with an owner of property upon which a cellular antenna tower is to be constructed including a provision that specifies in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal.
3. The full name and address of the applicant.
4. The applicant's articles of incorporation, if applicable.
5. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations.
6. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
7. Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
8. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987 (2).
9. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
10. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.
11. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed and sealed by a professional engineer registered in Kentucky.
12. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.

13. A statement that every person who, according to the records of the property valuation administrator, owns property within five (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed, has been:
 - a. Notified by certified mail, return receipt requested, of the proposed construction which notice shall include a map of the location of the proposed construction;
 - b. Given the telephone number and address of the local planning commission; and
 - c. Informed of his or her right to participate in the planning commission's proceedings on the application.
14. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners.
15. A statement that the chief executive officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction.
16. A copy of the notice sent to the chief executive officer of the affected local governments and their legislative bodies.
17. A statement that:
 - a. A written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application; and
 - b. A written notice, at least two (2) feet by four (4) feet in size, stating that "[Name of applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission, has been posted on the public road nearest the site.
18. A statement that notice of the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.

19. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.
20. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided.
21. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.
22. A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower.
23. Radio frequency requirements, as follows:
 - a. General coverage area, including overlap ("hand-off") area with other sites.
 - b. Specific (targeted) coverage area(s) and required field strength(s).
 - c. System specifications of the proposed site and adjoining sites, including:
 - (1) Number of antennas and sectors.
 - (2) Model and manufacturer of antennas.
 - (3) Antenna specifications, including horizontal and vertical beamwidth, gain, downtilt (electrical and mechanical), and horizontal and vertical radiation patterns.
 - (4) Orientation (azimuth) of antennas and sectors, in degrees, including reference to true north.
 - (5) Effective radiated power (ERP) of each antenna.
 - (6) Transmission line size and number.
 - (7) Geographical coordinates of tower location.
 - (8) Height of the antenna center of radiation, above ground level and above mean sea level.
 - (9) Frequency or frequency band(s) of operation used by the provider for coverage analysis.
 - d. Search "ring" area used by the provider to locate the site.

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24. Unless co-locating, certification, supported by evidence, that co-location of the proposed facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities within a two (2) mile radius of the proposed tower location, a description of each existing site, and a discussion of the ability or inability to co-locate on each existing site, according to the following:
- a. No existing towers or facilities are located within a two (2) mile radius of the proposed tower location.
 - b. Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment.
 - d. The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment, and which cannot be reasonably prevented.
 - e. Unwillingness of the owner/owners of the existing tower/towers or facility/facilities to entertain a co-location proposal.
 - f. Existing towers are not located within a reasonable distance to provide the necessary coverage.
25. Unless co-locating, certification, supported by evidence, that the proposed site is appropriate for the location of the facility. The applicant's certification shall include a listing of at least three (3) potential sites within a one (1) mile radius of the proposed tower location, a description of each potential site, and a discussion of the ability or inability of the site to host such a facility, according to the following:
- a. Unwillingness of the site owner(s) to entertain such a facility.
 - b. Topographic limitations of the site.
 - c. Adjacent impediments that would obstruct adequate transmission.

- d. Physical site constraints that would preclude the construction of such a facility.
26. A statement demonstrating that the proposal is in agreement with the adopted comprehensive plan and is in conformity with these regulations.
27. A development 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 planning commission's duly authorized representative may waive the submission of such data involving detailed engineering study until such time as the application has been approved.
- a. The total area of the site in question;
 - b. 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;
 - c. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;
 - d. 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;
 - e. Location and arrangement of all common open space areas, and methods of ownership and operation and maintenance of such lands shall be identified;
 - f. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences;
 - g. Location of signs, indicating their orientation, size, and height;
 - h. All utility lines and easements:
 - (1) Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
 - (2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations,

location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;

(3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins;

(4) Other utilities (e.g., electric, telephone, etc.) including the type of service and the width of easements;

i. Location 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;

j. Circulation System:

(1) Pedestrian walkways, including alignment, grades, type of surfacing, and width;

(2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections;

k. Provisions for control of stormwater detention/retention, erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;

G. PROCESSING OF APPLICATION: Applications for the construction of new cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

1. 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.

2. Notice of the hearing shall be posted conspicuously on the property in question, for fourteen (14) consecutive days immediately prior to the hearing. Said posting shall consist of one 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 hearing may be obtained.
 3. 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 commission secretary, or other officer of the planning commission, 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 person(s) proposing the facility to furnish to the planning commission the names and addresses of said property owners. Records maintained by the 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.
 4. Upon holding such hearing, the planning commission shall, within sixty (60) days commencing from the date that the application is received by the planning commission, or within a date specified in a written agreement between the planning commission and the applicant, make its final decision to approve or disapprove the uniform application. The planning commission shall submit to the applicant and the local zoning administrator, along with their action, the bases for their decision. If the planning commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the planning commission and the applicant to a specific date for the planning commission to issue a decision, the uniform application shall be deemed approved.
- H. DESIGN STANDARDS: At the time of application submittal, the applicant shall provide information demonstrating compliance with the following requirements. Where the planning commission, or its duly authorized representative, finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below 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

said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

1. 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.
2. A cellular antenna tower, or alternative antenna tower structure, may be constructed to 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 fifteen (15) 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 Subsection F., above.
3. When any cellular antenna tower, or alternative antenna tower structure is proposed, the applicant shall furnish the planning commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will meet the current ANSI/EIA/TIA 222-F standards and other applicable state standards.
4. Cellular antenna towers shall not be illuminated, except in accord with other state or federal regulations.
5. 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.
6. 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 not be less than four (4) feet in height nor more than 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.
7. 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 to be placed in an area between the property line, or lease line, and a ten (10) foot setback.

8. 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 five thousand (5,000) square feet in area.
 9. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the applicable local zoning ordinance.
 10. 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) square feet in area.
 11. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
 12. All option and site lease agreements shall not prohibit the possibility of co-location.
- I. CRITERIA: Evaluation of the proposal shall be based upon the following criteria:
1. Agreement with the various elements of the adopted comprehensive plan, and where applicable, any other adopted plan.
 2. Extent to which the proposal is consistent with the purposes of these regulations.
 3. 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.).
 4. Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
 5. Extent to which the proposed cellular antenna tower camouflaged (i.e., use of "stealth technology").
 6. Extent to which the proposed facility is integrated with existing structures (i.e., buildings, signs).
- J. AMENDMENTS: Any amendments to plans, except for minor adjustments as determined by the planning commission, or its duly authorized representative, shall be made in accordance with the procedure required by Subsection F.,

above, subject to the same limitations and requirements as those under which such plans were originally approved.