

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION

MAY 10, 2016

7:00 PM

AGENDA

1. Meeting called to order.
2. Pledge of Allegiance
3. Roll call and determination of quorum.
4. Approval of the April 12, 2016 minutes.
5. Unfinished Business
6. New Business
 - A. FILE NUMBER: 113-16-TXA-03
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court
REQUEST: A proposed amendment to the Schedule of Fees for Campbell County Planning, Zoning and Building Inspections.
 - B. FILE NUMBER: 134-16-TXA-02
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court
REQUEST: A proposed text amendment to Article IX, Section 9.29 Cellular Communication Systems to accommodate technology changes including small cell tower sites.
7. Approval of Training
8. Director's Report
9. Adjournment

**IF YOU CANNOT ATTEND THE MEETING,
PLEASE CALL THE P&Z OFFICE AT 859-292-3880.**

The Commission will make every reasonable accommodation to assist qualified persons attending the meeting. If there is a need for the Commission to be aware of, contact the office seven (7) days prior to the meeting.

Calendar Notes

**Tuesday, June 14th
7:00 PM**

Monthly Public Hearing / Business Meeting

The deadline to submit applications for this agenda is 4:30 PM on May 10th.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

MEMBERS PRESENT:

Mr. Dennis Bass
Ms. Lauri Harding
Mr. Steve Stapleton
Mr. Edward Stubbs
Mr. Mark Turner
Mr. Michael Williams, TPO
Mr. Larry Barrow, Vice Chair
Mr. Justin Verst, Chair

MEMBERS ABSENT:

Ms. Deborah Blake

STAFF PRESENT:

Ms. Cynthia Minter, Director
Ms. Stephanie Turner, Secretary
Mr. Matt Smith, Legal Counsel

STAFF ABSENT:

Mr. Kirk Hunter, Principal Planner

Mr. Verst called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Mr. Verst called for a roll call. The roll call found a quorum was present. Mr. Verst asked if everyone had reviewed the April 12, 2016 meeting minutes and asked if there were any additions or corrections. Ms. Minter identified that there was a correction to page 1, line 29 where it reads "Ms. Blake and Mr. Stubbs abstained." Mr. Stubbs in this sentence should actually be Mr. Stapleton. Mr. Verst thanked Ms. Minter for the information and asked if there were any other changes or corrections. There being none, Mr. Verst called for a motion. Mr. Williams made a motion to approve the April 12th meeting minutes as corrected. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. Mr. Bass abstained. Motion passed.

Mr. Verst called for any discussion on unfinished business. Ms. Minter stated there was no unfinished business for the Commission's consideration.

Mr. Verst proceeded to new business and introduced case #113-16-TXA-03, a request by the Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court to update the fee schedule. Mr. Verst asked Ms. Minter to present the staff report which she did as follows:

FILE NUMBER: 113-16-TXA-03
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court
REQUEST: A proposed amendment to the Schedule of Fees for Campbell County Planning and Zoning and Building Inspections.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

Beginning in 2016, the Campbell County Planning and Zoning and Building Inspection Department modified the application process to improve efficiencies and overall customer service. It is desirable to correlate the schedule of fees with these improved measures of efficiencies and customer service.

These measures include the clarification, consolidation, omissions, and deletions within the fee schedule.

Considerations:

1. It is desired to balance the incremental units or buildings associated with zoning and/or building permits.
2. It is desirable to add a define fee schedule for common requests.
3. It is desired to encourage efficiency rather than penalize plan reviews and redundant inspections.
4. It is desirable to consolidate the administrative fees to improve customer service.
5. It is desirable to streamline submittals and encourage complete packages.
6. It is desired to recognize the level of effort regarding various plan reviews.
7. It is desired to be able to address changes in Distributed Antenna Systems.
8. It is desirable to establish a fee for zone text amendments, when sponsored by the appropriate planning commission or legislative body.
9. It is desirable to be able to accept credit cards as a method of payment and be reimbursed for the bank fees for this customer service.

Proposed Text Amendments:

The suggested changes are noted in a red addition/blue ~~strikeout~~ mode.

Campbell County Zoning Ordinance

ARTICLE XIX

SCHEDULE OF FEES

SECTION 19.0: Fees shall be as provided for by separate ~~city~~ ordinance of the legislative body.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

APPENDIX A

SUMMARY OF AMENDMENTS

<u>ORDINANCE NUMBER</u>	<u>PAGES AFFECTED</u>	<u>DATE OF APPROVAL</u>
	Typed New Text - July 2000	
O-17-2000	Table of Contents, Article X	10/04/00
O-18-2000	Article XIV	10/04/00
O-01-2001	Article XIX	03/01/01
O-15-2002	Article XVIII	09/12/02
O-05-2003	Article VII	04/18/03
O-12-2003	Article XIX	08/21/03
O-20-2003	Article X, Section 10.24 (B)	11/27/03
O-08-2004	Article X, Section 10.1 (C)	04/15/04
O-13-2004	Article X, Section 10.25	06/24/04
O-21-2004	Article XVII, Section 17.0 (D.2)	10/14/04
O-01-2005	Article XV	03/24/05
O-11-2010	Article X, Section 10.28	12/09/10
O-02-2012	Article XIV, Section 14.1 M and 14.7.2.b(2)	04/12/12
O-01-2013	Article X, Section 10.18	02/14/13
O-17-2014	Article X, Sections 10.1 and 10.2	11/05/14
O-18-2014	Article IX, Section 9.29	11/19/14
O-19-2014	Article X, Section 10.10	11/19/14
O-XX-2016	Article XIX	07/01/2016

Campbell County & Municipal Planning and Zoning Commission Subdivision Regulations

ARTICLE V

SECTION 520

Review Fees

Fees for the review of ~~a~~ **planning and zoning documents including** Preliminary Plat, Improvement Plan, Final Plat, Conveyance Plat, Grading Plan and other plats shall be required. Fees ~~for the review of a preliminary plat, improvement plan, final plat, conveyance plat, grading plan and other plats~~ shall be payable in accordance with the approved "Schedule of Fees" ~~as adopted by separate ordinance~~.

SECTION 525

Inspection Fees

An inspection fee shall be ~~applied~~ **charged to the subdivider or applicant** for inspections during the construction of public improvements. ~~The~~ **is includes** inspection fees and services ~~for~~ **shall include but not be limited to** water, sanitary sewer, storm ~~water sewer~~, street construction, driveway apron construction and sidewalk construction. The fee shall be based upon a "Schedule of Fees" ~~as adopted by separate ordinance~~. The fee shall be paid prior to the start of construction ~~and~~ upon plan review submittal. Where improvements are to be installed prior to final plat approval, no final plat approval will be given nor shall such a plat be recorded until all inspection fees are paid in full. It

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

shall be the responsibility of the developer and/or property owner to insure that proper notice is given to the appropriate inspector. In the event final plat approval is given prior to the installment of improvements, the guarantee posted by the subdivider developer and/or property owner as per Section 515 of these regulations shall assure the payment of all inspection fees and no guarantees shall be released until all inspection fees are paid in full.

**APPENDIX Z
MODIFICATIONS TO SUBDIVISION REGULATIONS**

<u>DATE</u>	<u>CASE REFERENCE #</u>	<u>ART./SECT. #</u>
07/10/2012	108-12-TXA-01	Update Entire Text
12/10/2013	108-13-TXA-02	Art 3, Sec 300, 370 & 375
05/13/2014	108-14-TXA-03	Art 3, Sec 300
05/13/2014	108-14-TXA-04	Art 4, Sec 415
05/13/2014	108-14-TXA-05	Art 4, Sec 405
02/10/2015	108-14-TXA-06	Update All Text Pertaining To Administrative Reviews
05/10/2016	113-16-TXA-03	Updates relating to Schedule of Fees

Campbell County, Kentucky Code of Ordinances, Title XV: Land Usage, Chapter 154 Zoning Code 154.279 Schedule of Fees

§ 154.279 SCHEDULE OF FEES.

All fees are due at the time of application, unless otherwise specified, and are non-refundable. Any project started before obtaining a permit shall be charged double the regular fee.

I. ZONING PERMIT

(A) For New Construction or Additions.

(1) Residential and Agricultural Zones.

- a) Single-family (including mobile and manufactured): \$50 per unit.
- b) Two family, multi-family: \$100 per building.
- c) Accessory structures: \$50 per unit.

(2) Non-residential or Mixed Use Zones.

- a) Up to 20,000 square feet of gross floor area: \$100.
- b) Over 20,000 square feet of gross floor area: \$250.
- c) Accessory structures: \$100 per unit.

(B) Commercial Change in Use or Occupancy: \$75.

(C) Sign: \$100 per sign type.

Reduce Fee
Combined Fees
New/Increased Fee
New Section
Notation regarding duplicate fees

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

(D) **Swimming Pool:**

- (1) Above ground pool: \$50 per pool.
- (2) In-ground pool: \$50 per pool plus applicable building permit.

(E) **Fence:** \$50.

(F) **Off-Street Parking and Loading Areas:**

- (1) 0 to 5,000 square feet: \$50
- (2) \$5 per 1,000 square foot over 5,000 square feet

(G) **Home Occupations:** \$50

(H) **Zoning Verification Letter:** \$80

II. BUILDING PERMIT FEES

(A) **One- and Two-Family Dwellings – New Construction:** \$0.15 per square foot of exterior dimensions (inclusive of living area, garage, basement, deck, patios, and porches).

(B) **Multi-Family Dwellings and Non-residential – New Construction:** Gross square footage of all levels.

- (1) Less than 10,000 square feet: \$0.15 per square foot of all floor areas
- (2) 10,000 to 30,000 square feet: \$0.12 per square foot
- (3) Over 30,000 square feet: \$0.08 per square foot

(C) **Miscellaneous Construction:** Additions or remodeling of existing structures, cell towers or fire alarm systems, decks, accessory structures, sign structures, retaining walls, in-ground pools, etc.

Construction Value	Fee
\$0 to \$500	\$30
\$501 to \$1,000	\$35
\$1,001 to \$2,000	\$40
\$2,001 to \$3,000	\$45
\$3,001 to \$4,000	\$50
\$4,001 to \$5,000	\$55
\$5,001 to \$6,000	\$60
\$6,001 to \$7,000	\$65
\$7,001 to \$8,000	\$70
\$8,001 to \$9,000	\$75
\$9,001 to \$10,000	\$80
\$10,001 to \$11,000	\$85
\$11,001 to \$12,000	\$90
\$12,001 to \$13,000	\$95

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

\$13,001 to \$14,000	\$100
\$14,001 to \$15,000	\$105
\$15,001 to \$16,000	\$110
\$16,001 to \$17,000	\$115
\$17,001 to \$18,000	\$120
\$18,001 to \$19,000	\$125
\$19,001 to \$20,000	\$130
\$20,001 to \$21,000	\$135
\$21,001 to \$22,000	\$140
\$22,001 to \$23,000	\$145
\$23,001 to \$24,000	\$150
\$24,001 to \$25,000	\$155
\$25,001 to \$50,000	\$160 + \$4 per \$1,000 valuation or fraction thereof >25,000
\$50,001 to \$75,000	\$265 + \$3 per \$1,000 valuation or fraction thereof >50,000
\$75,001 to \$100,000	\$345+ \$2 per \$1,000 valuation or fraction thereof >75,000
\$100,001 and over	\$400 + \$2 per \$1,000 valuation or fraction thereof >100,000

(D) **HVAC systems:**

Type of System	Fee (established by KY Department of Housing, Buildings and Construction)
Residential	
One and Two Family Dwellings	\$105 (First System)
Multi-Family Dwellings	\$105 (First System)
Additional Systems	\$50 (Each Additional System)

Non-Residential	
\$2,000 or less	\$125
\$2,001 to \$10,000	\$180
\$10,001 to \$25,000	\$270
\$25,001 to \$50,000	\$330
\$50,001 to \$75,000	\$390
\$75,001 to \$100,000	\$500
\$100,001 to \$150,000	\$630
\$150,001 to \$200,000	\$760
\$200,001 to \$250,000	\$885
\$250,001 to \$300,000	\$1,025
\$300,001 to \$400,000	\$1,150
\$400,001 to \$500,000	\$1,500
\$500,001 to \$600,000	\$1,725
\$600,001 to \$700,000	\$1,900

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

\$700,001 to \$800,000	\$2,125
\$800,001 to \$900,000	\$2,355
\$900,001 to \$1,000,000	\$2,590
\$1,000,001 to \$1,100,000	\$2,820
\$1,100,001 to \$1,200,000	\$3,050
\$1,200,001 to \$1,300,000	\$3,280
\$1,300,001 to \$1,400,000	\$3,510
\$1,400,001 to \$1,500,000	\$3,735
\$1,500,001 and 1,600,000	\$3,965
\$1,600,001 and above	\$3,965 Plus \$200 each \$100,000 (or fraction thereof) >\$1,600,000

- (E) **Electric:** \$30 per unit
- (F) **Encroachment for City or County Road:** \$50
- (G) **Demolition:**
 - (1) Single & two family dwellings (including accessory structures): \$100
 - (2) Multi-family, Non-residential or Mixed Use structures: \$200
- (H) **Fire Alarm System:**
 - (1) 0 to 20,000 square feet: \$200
 - (2) Each additional 10,000 square feet over 20,000 square feet: \$25
- (I) **Automatic Fire Suppression (sprinkler) System:**
 - (1) Less than 20 sprinkler heads: \$100
 - (2) 21 to 300 sprinkler heads: \$200
 - (3) Over 300 sprinkler heads: \$200 plus \$0.20 per sprinkler head over 300 heads
- (J) **Commercial Range Hoods:**
 - (1) Range hood: \$125
 - (2) Range hood extinguishing system: \$125
- (K) **All other suppression systems:** \$150
- (L) **Re-Inspection:** \$100 paid in advance of inspection, applied by the Chief Building Official for 3rd inspection of same failed type
- (M) **Building Code Appeal:** \$400 per item appealed + \$150 for administrative fees.

III. LAND DIVISION AND/OR SITE DEVELOPMENT PLAN REVIEW.

- (A) **Conveyance/Identification Plat:** \$250 per lot reviewed.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

- (B) **Preliminary Site Development or Stage 1 Plans:** Land Area by Density/Use (see chart) + \$10 per Lot/Dwelling Unit + \$30 administrative fee.

Single-Family Detached with less than or equal to 20 acres, and less than or equal to 50 units	\$700
Single-Family Detached with Over 20 acres, or over 50 units, Single-Family attached or Multi-family	\$800
Non-residential or Mixed Use	\$900

- (C) **Improvement Plan or Stage 2 Plans:** Land Area by Density/Use (see chart) + \$10 per Lot/Dwelling Unit + \$30 administrative fee.

Single-Family Detached with less than or equal to 20 acres, and less than or equal to 50 units	\$500
Single-Family Detached with Over 20 acres, or over 50 units, Single-Family attached or Multi-family	\$700
Non-residential or Mixed Use	\$800

- (D) **Supporting Plan:** \$250 per plan when submitted separately

Note: For accuracy and efficiency, supporting plans, such as landscape, lighting, traffic, geotechnical plans, etc. should be submitted with preliminary/Stage 1 or improvement/Stage 2 plans.

- (E) **Grading Plan** when submitted separately (not included in Preliminary or Improvement Plan Review): Land Area (see chart)

Engineered wall on single-family lot	\$200
Sites of 3 acres or less	\$500
Sites more than 3 and less than 10 acres	\$600
Sites more than 10 and less than 20 acres	\$700
Sites more than 20 acres	\$800

Note: Depending upon the area of disturbance, the site may also be subject to additional erosion, sediment control and/or stormwater management fees.

- (F) **Public Improvement Inspections:**

Street	\$2.50 per lineal foot
Sidewalk (non-residential subdivision)	\$0.10 per lineal foot
Plus	
De-attached Residential	\$100 per lot
Attached Residential	\$50 per unit
Non-residential or Mixed Use	\$150 per lot plus \$60 per additional apron above 1

- (G) **Cellular Antenna Tower Site Plan** (including co-location): \$2,500

- (H) **Distributed Antenna System Site Plan** (including co-location):

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

Number of Antennas Locations	Fee
1 to 3 locations	\$500 per location
4 to 6 locations	\$400 per location
7 to 10 locations	\$2,500

IV. ZONING REVIEW, MODIFICATION OR APPEAL.

Administrative fees may be combined for multiple requests when the completed application is made at the same time.

- (A) **Waiver:** \$400 (per request) + \$150 for administrative fees.
- (B) **Variance.**
 - (1) **Agricultural and Residential Zones:** \$350 + \$150 for administrative fees.
 - (2) **Non-residential or Mixed Use Zones:** \$600 + \$150 for administrative fees.
- (C) **Conditional use permit.**
 - (1) **Agricultural and Residential Zones:** \$400 + \$150 for administrative fees.
 - (2) **Non-residential or Mixed Use Zones:** \$700 + \$150 for administrative fees.
- (D) **Change of Nonconforming to Another Use:**
 - (1) **Agricultural and Residential Zones:** \$250 + \$150 for administrative fees.
 - (2) **Non-residential or Mixed Use Zones:** \$500 + \$150 for administrative fees.
- (E) **Zone Map Amendment.**
 - (1) **Residential and Agricultural Zones:** \$1,000 + \$10 per acre + \$150 for administrative fees.
 - (2) **Commercial Zones** (NC, HC, NSC, SC, RC, PO, PUD, and MLU): \$1,200 + \$10 per acre + \$150 for administrative fees.
 - (3) **Industrial Zones** (I-1, I-2, IM, I-4, and I-5): \$1,500 + \$10 per acre + \$150 for administrative fees.
- (F) **Zone Text (Ordinance) or Subdivision Regulation Amendment** (Requires sponsorship by planning commission or local legislative body): \$1,500 + \$250 for publication, recording and administrative fees.
- (G) **Appeals.**
 - (1) **Agricultural and Residential Zone:** \$350 + \$150 for administrative fees.
 - (2) **Other Non-residential or Mixed Use Zones:** \$650 + \$150 for administrative fees.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

V. MISCELLANEOUS

- (A) **Extension of Time** (requested by applicant) **for review, work to begin, or inspection: \$200**
- (B) **Revision, Resubmission or Change of Approved Site Plans:** 80% of original fee.
- (C) **Postponement or Continuance** of Meeting/Hearing, as a result of the applicant's action: **\$150 for administrative fees.**
- (D) **Scan, Plot, and Reproduction**
 - (1) **Oversize Scan:** \$10 per sheet
 - (2) **Oversize Plot:**
 - a) **Black and White:** \$5
 - b) **Color:** \$10
 - (3) **Copy:**
 - a) **Letter or Legal Size – B&W:** \$0.15 per copy
 - b) **Letter or Legal Size – Color:** \$0.25 per copy
 - c) **Ledger (11 x 17) Size – B&W:** \$0.50 per copy
 - d) **Ledger (11 x 17) Size – Color:** \$1 per copy
 - (2) **Planning Documents:**
 - a) **Zoning Ordinance, Subdivision Regulations or Comprehensive Plan (paper):** \$30 per binder
 - b) **Comprehensive Plan (CD):** \$5
 - c) **Combo Package:** Comprehensive Plan (paper and CD), Zoning Ordinance, and Subdivision Regulations: \$90
- (E) **Custom Planning Services:** \$80 per hour
- (F) **Custom Mapping Services:** \$45 per hour
- (H) **Bank Fees** (including Use of Credit or Debit Card): Charges imposed by bank.

STAFF RECOMMENDATION:

To adopt the proposed text amendments related to the Schedule of Fees within the Campbell County & Municipal Planning and Zoning Commission Subdivision Regulations.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

To make a recommendation to the Campbell County Fiscal Court that they adopt the proposed text amendments to the Schedule of Fees within the Campbell County Zoning Ordinance and the Campbell County, Kentucky Code of Ordinances, Title XV: Land Usage, Chapter 154 Zoning Code 154.279 Schedule of Fees.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

1. Notice of revision has been given as defined by Kentucky Revised Statutes (KRS) 100.207 and notice of the public hearing has been given in accordance with the bylaws of the Campbell County & Municipal Planning & Zoning Commission.
2. KRS 100.177 and 100.227 define the right of planning commission and board shall to receive, hold, and spend funds for the purpose of carrying out the provisions of the zoning ordinance and subdivision regulations.
3. Per KRS 100.273, the Campbell County & Municipal Planning & Zoning Commission has the authority to adopt subdivision regulations.
4. The proposed modifications to the Subdivision Regulations are consistent with KRS 100.281 Contents of subdivision regulations.

During the presentation of the staff report, Mr. Smith asked Ms. Minter to clarify Section III. G. and H. for pricing on co-locations in regards to cell tower structures and the small cell towers. A co-location is something that would not come before the Commission. Is there less work associated with a co-location than for a new tower structure? Ms. Minter stated co-locations are going to be defined in our next case as "Locating two (2) or more transmission Antennas or Related Equipment on the same Cellular Antenna Tower." Currently, this involves a zoning review and potentially a building permit for the work being performed. It does not come before the Planning Commission.

The types of cell tower applications including new towers, co-locations and equipment modifications were discussed. The desire to encourage the co-location of antennas was discussed. Ms. Minter indicated that a \$2,500 fee is currently charged for both new and co-locations. This fee includes both the planning and building inspection services. Only a zoning permit and building permit is charged for equipment or structure repairs. The building permit is significantly less than the planning fee. Ms. Minter did confirm that the implementation cost for a new tower often exceeds the \$2,500 fee but that there may be less planning and zoning involvement associated with a co-location. Mr. Smith stated that the fee of \$2,500, is the maximum allowed by law and that [per KRS 100.986] the application fee should reasonably related to expenses associated with processing an application to construct a cellular antenna tower, and to issue any necessary permits including any required building permit, up to a maximum of two thousand five hundred dollars (\$2,500).

After a brief discussion among the Commission it was determined that the co-location fee for both traditional towers and the small cell towers should be fifty (50%) of the cost for a new tower to encourage and entice more co-locations.

Mr. Verst advised Ms. Minter that "stormwater" is actually two (2) words and asked that she review the staff reports and make the appropriate changes for this. Ms. Minter agreed she would do so.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

Mr. Verst thanked Ms. Minter for the report and asked the Commission if there were any questions for staff. There being none, Mr. Verst continued to remind the Commission that this was a public hearing. Mr. Verst asked the audience if anyone wished to speak regarding the case of the fee schedule. There being none, Mr. Verst opened the floor for discussion among the Commission.

Mr. Verst asked if there were any questions or discussion for the Commission. There being none, Mr. Verst called for a motion. M. Stapleton made a motion to accept the update to the fee schedule as modified here tonight to include the reduction in the fee for a co-location, and allowing for minor formatting changes to be made by staff, and to forward a recommendation to the Fiscal Court to adopt said changes. The bases for his motion is as stated in the staff report. Mr. Verst asked if there were any questions regarding the motion. There being none, Mr. Verst called for a second. Mr. Turner seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. Motion passed.

Ms. Minter asked the Commission if they needed a small break or if they wished to continue to the next case. The Commissioners decided to proceed directly to the next case.

Mr. Verst introduced case #134-16-TXA-03, a request by the Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court to update the fee schedule. Mr. Verst asked Ms. Minter to present the staff report which she did as follows:

FILE NUMBER: 134-16-TXA-03
APPLICANT: Campbell County Planning & Zoning Department on behalf of the Campbell County Fiscal Court
REQUEST: Proposed update to Section 9.29 Cellular or Wireless Communication Systems of the Zoning Ordinance.

BACKGROUND:

On behalf of the Campbell County and Municipal Planning and Zoning Commission, the Campbell County Planning & Zoning staff is submitting this request for a Public Hearing to modify the text of Section 9.29.

In 2012, the Middle Class Tax Relief and Job Creation Act was signed. Within this act were revisions requested by the telecommunications industry relating to FCC Section 6409(a) Wireless Site Collocations. As a result, the FCC later clarified parts of the statute.

The purpose of these proposed revisions are to

1. Incorporate the FCC clarifications, and
2. Accommodate technological changes including the newer small cell system tower sites.

The Unincorporated Campbell County is the only jurisdiction within the Campbell County and Municipal Planning and Zoning Commission with existing Cellular or Wireless Communication text.

The individual cities will be adding this as a new section in their zoning ordinances. These proposed revisions have also been forward to each City for their advance review.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

PROPOSED TEXT AMENDMENTS:

Per the attachments. (18 page document at end of minutes)

RECOMMENDATION:

To adopt the amendments proposed by staff to the Campbell County Zoning Ordinance SECTION 9.29 CELLULAR ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS

To add SECTION 9.29 CELLULAR ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS to the City of Southgate Zoning Ordinance.

To add SECTION 9.27 CELLULAR ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS to the City of Silver Grove Zoning Ordinance.

To add SECTION 9.29 CELLULAR ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS to the City of Melbourne Zoning Ordinance.

To add SECTION 9.24 CELLULAR ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS to the City of Crestview Zoning Ordinance.

To add SECTION 9.25 CELLULAR ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS to the City of Woodlawn Zoning Ordinance.

To amend the respective Table of Contents and Summary of Amendments which correlate with the revision and/or additions.

To forward proposed text amendments and/or additions to the respective county or city legislative body for adoption into the applicable Zoning Ordinances.

BASES FOR STAFF RECOMMENDATION:

1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Campbell County & Municipal Planning & Zoning Commission has the authority to recommend that adoption of text changes to the county or city.
2. Pursuant to the Campbell County Zoning Ordinance Article XVII Amendment Procedure, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure of each City and County Zoning Ordinance.
4. The proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations.

During the presentation of the staff report, Mr. Smith advised that after he had additional time to consider the requested changes that there was an additional line item he would have them consider adding to the text. Under D1A. APPLICATION REQUIREMENTS, Mr. Smith stated it would be wise to require all "APPLICANTS" to provide substantiation that they did attempt to co-locate onto an

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

existing tower. If the Commission wants to encourage co-location whenever possible, this would require the applicant to consider co-location and then provide special circumstances for why they are not co-locating. After a brief discussion among the Commission, it was determined that they desire this for both the traditional towers and the small cell system towers as well.

Ms. Minter clarified that under D2A APPLICATION SUBMITTAL, for small cell tower systems that staff would propose that they have the opportunity to perform the review and only refer to the Commission any requests which staff deems necessary. Mr. Smith suggested that the words "or its" on line 3 be removed. This way staff would definitely have the first option to review and approve the smaller cell systems. Mr. Smith asked Ms. Minter if a decision was made by staff to deny a request, if the applicant would then be afforded an opportunity to appeal that decision. Ms. Minter agreed that any decision by staff is appealable to the Board of Adjustment for additional review and consideration. Mr. Smith stated he would add the same comment that was added to the traditional tower systems in regards to providing substantiation for attempts to co-locate to be D2A. 10. The Commission agreed with this proposed change to the text.

Mr. Verst thanked Ms. Minter for the report and asked the Commission if there were any questions for staff. There being none, Mr. Verst continued to remind the Commission that this was a public hearing.

Mr. Verst asked the audience if anyone wished to speak regarding the case of the text change regarding cellular towers. Mr. Scott Ringo stepped forward and identified himself as a representative from Cincinnati Bell who works out of this home located at 2321 Armella Place, Villa Hills, KY. Mr. Ringo also introduced Mr. David Kramer, also with Cincinnati Bell, who works out of their office at 201 E. 4th Street, Cincinnati, OH. Mr. Ringo stated that they have worked closely with Ms. Minter, Mr. Smith and with the PDSKC on the text changes before the Commission tonight. Due to technological advancements, you will rarely see a larger cellular tower being installed. At this point, they are concentrating on how to fill in the gaps in providing service to their clients and increasing the speed to keep up with growing popularity and use of smartphones. Mr. Ringo asked if there were any questions he could answer for the Commission.

Mr. Verst asked if there were any questions for Mr. Ringo or Mr. Kramer. There being none, Mr. Verst thanked both gentleman for the training opportunity in March. Several members of the Commission attended and it was a very informative session. Mr. Barrow and Mr. Stapleton agreed. There being no other audience members, Mr. Verst opened the floor for discussion among the Commission.

Mr. Verst asked if there was any comments or questions to discuss. There being none, Mr. Verst called for a motion. M. Barrow made a motion to accept the text changes as proposed by staff and as modified tonight during this public hearing also allowing for additional formatting changes by staff to accommodate the changes in the text. Mr. Barrow's motion was to recommend approval to the Fiscal Court as well as each legislative body that was a member of this Commission. The bases for his motion is as stated in the staff report; information provided by staff; and recommendations made by legal counsel. Mr. Verst asked if there were any questions regarding the motion. There being none, Mr. Verst called for a second. Mr. Stapleton seconded the motion. Ms. Harding asked if the motion could be amended to reflect the testimony heard tonight from representatives of Cincinnati Bell. Mr. Verst asked Mr. Barrow if he would like to amend his motion. Mr. Barrow amended the bases of his motion to include testimony heard tonight from representatives of Cincinnati Bell. Mr. Verst asked Mr. Stapleton if he wished to amend his second to include Mr. Barrow's amendment.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

Mr. Stapleton amended his second to include Mr. Barrow change. Mr. Verst asked if there were any other questions or comments on the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. Motion passed.

Mr. Verst stated that the next item on the agenda was to approve training. Ms. Minter asked the Commission to entertain a motion approving the training as follows:

- P&Z:
 - Larry Barrow [2.0 hrs.] Independent Study: KY 536 Road Study (2.0 hrs.)

- BOA:
 - Scott Bachmann [0.5 hrs.] Independent Study: KY 536 Road Study (0.5 hrs.)

Mr. Verst called for a motion to approve training. Mr. Williams made a motion to approve the training as stated by staff. Mr. Verst asked if there were any questions or comments on the motion as proposed. There being none, Mr. Verst called for a second. Mr. Bass seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed.

Mr. Verst called for the Director's Report.

DIRECTOR'S REPORT

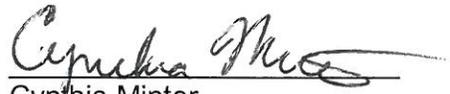
It is that time of year when representatives need to be selected to represent Campbell County on the Board of Directors and the Intermodal Coordinating Committee for OKI. It is important for Campbell County to be represented within this organization. Currently, Mr. Williams is the representative and Ms. Minter is the alternate for the Board of Directors. Ms. Minter is the representative and Mr. Hunter would be the alternate for the Intermodal Coordinating Committee. Ms. Minter asked if Mr. Williams wanted to continue his role on the Board of Directors or if there were any other volunteers. Mr. Williams stated he would continue as our representative if no one else wanted to assume this role. After a brief discussion, Mr. Verst called for a motion. Mr. Barrow made a motion to appoint Mr. Williams as our representative and Ms. Minter as the alternate for the Board of Directors and Ms. Minter as our representative and Mr. Hunter as the alternate for the Intermodal Coordinating Committee with OKI. Mr. Verst asked if there were any questions regarding the motion. There being none, Mr. Verst called for a second. Mr. Turner seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Turner, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed.

Ms. Minter concluded her report by passing out a list of occupations which would likely be found within the A-1 and R-RE Zones in unincorporated Campbell County. She asked that the Commissioner review the list and the current Zoning Ordinance regulations pertaining to the Permitted Use, Accessory Use, Conditional Use, and Conditional Accessory Use within the A-1 Zone, R-RE Zone as well as the text referring to home occupations for a future discussion. Ms. Minter highlighted a few occupations on the list as examples to emphasize the level of thought needed to go into each one. Ms. Minter asked that the Commissioner's review the entire list in light of our current zoning ordinance in preparation of future reviews of this topic in the coming months.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE MAY 10, 2016 MEETING**

Mr. Verst asked if there was any other business to discuss before they recessed. There being no other comments, Mr. Verst called for a motion to adjourn. Mr. Williams made a motion to adjourn. Mr. Stubbs seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned at 8:53 PM.

Respectfully Submitted,


Cynthia Minter
Director of Planning & Zoning

Approved:


Justin Verst
Chair

**SECTION 9.29 CELLULAR ~~OR WIRELESS COMMUNICATION SYSTEMS~~
ANTENNA TOWERS AND SMALL CELL SYSTEM TOWERS**

A. PURPOSE: The purpose of these regulations is to facilitate the planning and placement of **Cellular Antenna Towers and Small Cell System Towers and communication facilities and services** within the community in accordance with the requirements of the most recent and applicable Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and Federal Communications Commission (FCC). These regulations are intended to:

1. Accommodate the need for **Cellular or wireless communication towers Antenna Towers and Small Cell System Towers** and facilities, while regulating their location ~~within Campbell County~~;
2. **Balance the adverse visual effects of Cellular Antenna Towers and Small Cell System Towers and facilities communication towers and support structures** through proper siting, design, and screening;
- ~~3. Avoid damage to neighboring properties from cellular or wireless communication towers and support structure failure; and~~
43. Encourage the joint use of any new and existing ~~cellular or wireless communication towers and/or support structures to reduce their number in the future of sites.~~

These regulations apply to every Utility or company that is engaged in the business of providing the required infrastructure to construct or maintain an antenna tower for Cellular Telecommunications Services or Personal Communications Services.

Except as hereinafter specified, no Cellular Antenna Tower or Small Cell System Tower shall hereafter be modified, placed or constructed except in conformity with these regulations.

B. DEFINITIONS: The following words and phrases are used to supplement the definitions include in the Zoning Ordinance.

ANTENNAS OR RELATED EQUIPMENT: Any transmitting, receiving or other equipment used in conjunction with a Wireless Communications Facility. The term includes Utility or Transmission Equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar equipment. This definition does not include Cellular Antenna Towers.

APPLICANT: An Applicant is person or entity who is authorized by the provisions of these regulations to file for approval under these regulations.

APPLICATION: An Application is the completed form or forms and all accompanying documents, exhibits, and fees required of an Applicant by the Planning Commission, Planning Commission's duly authorized representative, or the applicable Legislative Body as part of a submission for review.

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 Communication Services.

CELLULAR TELECOMMUNICATIONS SERVICES: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

CO-LOCATION: Locating two (2) or more transmission Antennas or Related Equipment on the same Cellular Antenna Tower.

COMMUNICATION BASE STATION: A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communication between user equipment and a communication network.

MONOPOLE: A tower that consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connected appurtenances.

NON-TOWER WIRELESS COMMUNICATION FACILITIES: Wireless communications facilities other than tower-based wireless communications that are located on buildings, utility poles, and other existing structures.

PERSONAL COMMUNICATION SERVICES: Commercial mobile services unlicensed wireless services, and common carrier wireless exchange access services as defined in 47 U.S.C. sec. 332(c).

RIGHT-OF-WAY: The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways,

avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, Commonwealth, municipality, or municipal authority.

SMALL CELL SYSTEM: A network of remote antenna nodes that distributes radio frequency signals from a central hub through a high capacity signal transport medium to a specific area. The term includes mini commercial towers, small cells, distributed antenna systems, mini cell, or similar systems.

SMALL CELL TOWER: Any structure under fifty (50) feet in height with an antenna or transmitter that is constructed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole. The term Small Cell Tower includes mini cell towers, distributed antenna system towers, micro cell towers, mini cell, or similar systems.

TRANSMISSION EQUIPMENT: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

UTILITY: Has the meaning as defined in KRS 278.010(3) as amended or supplemented from time to time.

UTILITY, OVERHEAD: Utility infrastructure that is located primarily above ground. Overhead Utilities include but are not limited to power lines and communications lines.

UTILITY POLE: A structure originally constructed for the support of electrical, telephone, cable television or other video services, street

lighting, or other similar cables and located within the public right-of-way or Utility easements. A pole originally installed for the primary purpose of supporting wireless telecommunications equipment, regardless of the timeframe between pole installation and connection/implementation of Transmission Equipment, is considered a Small Cell Tower, and is not a Utility Pole.

UTILITY, UNDERGROUND: Utility infrastructure that is located primarily underground. For purposes of these regulations, utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, and communications lines. This definition does not include electric transformers, switch boxes, telephone pedestals and telephone boxes, traffic boxes, and similar devices which are ground mounted.

WIRELESS COMMUNICATIONS FACILITY: The set of equipment and network components including antennas, transmitters, receivers, **Communication** Base Stations, cabling, and Antenna or Related Equipment, used to provide wireless data and telecommunication services.

~~B. **EXISTING SITES:** Telecommunication facilities in existence on the date of the adoption of these regulations are subject to the following provisions:~~

~~1. A provider that replaces or adds ground equipment and/or equipment shelters within the limits of the existing fence compound and/or replaces antennas or other equipment at the same elevation (RAD center) on the tower shall be viewed as maintenance and repair.~~

~~2. Any proposal by a wireless provider to add equipment at a RAD center on a cellular antenna tower, other than which they are currently located, shall be viewed as a co-location and is subject to approval by Campbell County and Municipal Planning and Zoning Commission or its Duly Authorized Representative.~~

~~3. All proposals to enlarge the fenced compound shall be in conformance with current setback and fencing and landscaping standards.~~

~~C. **TOWER CITING:** The location, erection, construction, alteration, or enlargement any cellular or wireless communications tower, facility, building, or structure other than fencing shall be subject to review and approval by the Campbell County and Municipal Planning and Zoning Commission.~~

~~The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The~~

~~commission may provide the location of existing cellular antenna towers on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the commission requires the applicant to attempt co-location, the applicant shall provide the local planning unit with a statement indicating that the applicant has:~~

- ~~1. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or~~
- ~~2. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
 - ~~a. Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and~~
 - ~~b. Lists the reasons why the co-location was unsuccessful in each instance.~~~~

~~The Planning Commission may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.~~

- DC.** PUBLIC NOTIFICATION: At least one Public Hearing on the proposal shall be held by the Planning Commission for the construction of a new or modified **Cellular Antenna Tower**~~cellular telecommunications facility~~. As part of this hearing, the Planning Commission shall review the proposal for consistency with the ~~Campbell County~~ Comprehensive Plan, Zoning Ordinance and other relevant ~~r~~Regulations.

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.

~~If the Planning Commission disapproves of the proposed construction, it shall state the reason for disapproval in its written decision and may make suggestions, which in its opinion, better accomplish the objectives of the Campbell County Comprehensive Plan and Campbell County Zoning Ordinance and other relevant regulations.~~

ED. APPLICATION PROCESS AND DESIGN STANDARDS: This article defines the application process and basic design standards required by the Planning Commission for:

- 1. CELLULAR ANTENNA TOWERS
- 2. SMALL CELL SYSTEM TOWERS

CD1. CELLULAR ANTENNA TOWERS

CD1A. APPLICATION REQUIREMENT: Application for a *Cellular Antenna Tower* shall conform to the requirements as set forth in KRS 100.9865 and KRS 100.987 on a form prescribed by the Planning Commission.

All information contained in the Application and any updates, except for any map or other information that specifically identifies the proposed location of the Cellular Antenna Tower ~~then~~ being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent **jurisdiction**.

CD1B. PERMITTED LOCATIONS: *Cellular telecommunication Antenna Towers and support* facilities are permitted in all zoning districts. Whenever possible, ~~e~~Cellular ~~a~~Antenna ~~t~~Towers, whether temporary or permanent, shall be sited at locations that minimize their adverse effect on adjoining properties and residential uses in the immediate area.

Non-Preferred Locations - The following locations shall be avoided unless no other reasonable site is available:

1. No cellular antenna tower shall be located in a residential zoning district unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.
2. No cellular antenna tower shall be located in or within a quarter mile (1,320 feet) of a Historic Landmark/Historic District Overlay District (H) or within a quarter mile of a National Register District or Property unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.
3. No cellular antenna tower shall be located within a Kentucky Scenic Byway as designated by the State of Kentucky or its view shed, so as to have a negative impact on the scenic qualities of the roadway and the views from the roadway unless the Planning Commission determines that no other reasonable site is available that meets the applicant's or wireless providers coverage objectives.

F.CD1C. DESIGN GUIDELINES:

1. Tower Design:
 - a. Stealth towers (such as clock towers, church steeples, flagpole towers, etc. with concealed antennas) shall be permitted in all zoning districts.
 - b. Monopole towers shall be permitted in all zoning districts and shall have a grey, or galvanized steel finish. The monopole and foundation shall be designed to accommodate as many co-locators as possible. An alternate color may be approved by the Planning Commission based upon site **environsconditions**.
 - c. Lattice towers shall be permitted in non-residential zoning districts and shall have a grey or galvanized steel finish. The lattice tower and foundation shall be designed to accommodate as many co-locators as possible. Lattice towers shall only be permitted when the tower height is greater than 199 feet.

- d. Guyed towers shall be permitted in agricultural zones only and shall have a grey or galvanized steel finish. The guyed tower and foundations must be designed to accommodate as many co-locators as possible. Guyed Towers shall only be permitted when the tower height is greater than 199 feet.
2. Tower Heights:
 - a. The overall height of a Cellular Antenna Tower in a residential zone shall be limited so it does not have to be lit or marked per FAA standards.
 - b. The overall height of a Cellular Antenna Tower in a non-residential zone (except agricultural zones) shall be limited to 199 feet.
 - c. The overall height of a Cellular Antenna Tower in an agricultural zone shall be limited to 315 feet.
 3. Setback Requirements:
 - a. Cellular Antenna Towers shall be setback a minimum of one (1) times the tower height (tower, antennas and lightning rod) from any public or private street.
 - b. Cellular Antenna Towers shall be setback a minimum of two (2) times the tower height (tower, antennas, and lightning rod) from any residence or residentially zoned property.
 - c. Cellular Antenna Towers shall be setback a minimum of one (1) times the tower height (tower, antennas, lightning rod) from agriculturally zoned property.
 - d. Cellular Antenna Towers shall be setback a minimum of one-fourth ($\frac{1}{4}$) the tower height (tower, antennas, lightning rod) from any non-residentially zoned properties (does not apply to agriculturally zoned properties).
 - e. All accessory structures associated with the Cellular Antenna Tower shall be located as close to the tower base or tower legs as possible. All accessory structures

and fences shall be located a minimum of fifty (50) feet from adjoining property lines.

4. Lighting: Cellular ~~a~~Antenna ~~t~~Towers shall not be lit, except as required by the Federal Aviation Administration (FAA).
5. Access and Parking:
 - a. If applicable, a proposed access point on a public ~~street~~ shall meet the ~~Campbell County~~ applicable Zoning Ordinance and Regulations regarding the number of curb cuts permitted on a property, spacing of driveways, and required sight distance.
 - b. The first twenty (20) feet of a proposed driveway (measured from the right-of-way line) that is used exclusively to access a cell tower site shall be paved.
 - c. One (1) parking space and/or turnaround area shall be provided immediately to the side of the cell tower compound.
6. Fencing and Landscaping: A privacy fence, not less than eight (8) feet, shall enclose the base of the ~~C~~ellular ~~A~~ntenna ~~T~~ower and associated ground equipment. In addition, the outside perimeter of the fence compound (except the access gate) shall be bound on all sides by a ten (10) foot wide landscaping buffer.
7. Signage: No signs and/or commercial advertising shall be located on the ~~e~~Cellular ~~a~~Antenna ~~t~~Tower, on the fence surrounding the tower and equipment, or on any buildings accessory to the ~~e~~Cellular ~~a~~Antenna ~~t~~Tower, with the exception of signs providing ownership, safety, and emergency information.
8. Mitigating Design Standards: The Planning Commission shall consider the following mitigating design standards for Cellular Antenna Towers Proposed in Residential Zoning Districts and other Non-Preferred Locations.
 - a. The Planning Commission shall have the power to require a stealth tower in a residential zone or other non-preferred locations.

Example Considerations:

1. *Is the ~~e~~Cellular ~~a~~Antenna ~~t~~Tower proposed at a location that minimizes adverse impacts on adjoining properties, residential uses, historic properties, or scenic byways?*
 2. *Would a stealth tower design help mitigate these impacts and still allow the wireless provider(s) to fulfill their coverage objectives? If so, what type of stealth tower should be used?*
 3. *How many wireless providers will be able to locate on the stealth tower? The applicant shall document the co-location opportunities on alternative stealth tower designs and a similarly sized monopole, lattice, or guyed tower.*
- b. The Planning Commission shall have the power to impose additional landscaping requirements, which may include trees, shrubs, and fencing designed to complement the character of the surrounding area.
 - c. Design and building materials standards may be imposed on accessory buildings.
 - d. Asphalt or other hard surface parking may be required to complement the character of the surrounding area.

ED1D. AMENDMENTS TO APPROVED PLANS: Any amendments to approved plans, except for the minor adjustments as outlined below, shall be made in accordance with the above procedures.

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 Communication Base Station.

1. Tower height increases of less than ten (10) percent or twenty (20) feet, whichever is less.
2. Support structure height increases of less than ten (10) percent or ten (10) feet, whichever is less.

3. New equipment extensions from a tower horizontally of less than twenty (20) feet or width of tower at elevation of change.
4. Structure or new item extensions on a Non-Tower Wireless Communication Facility horizontally less than six (6) feet from existing structure.
5. The addition of four (4) or fewer new equipment cabinets within the boundaries of the leased/owned site.
6. Any excavation or deployment within the current boundaries of the leased/owned site and any access/Utility easements.
7. Concealment elements of the tower are not defeated.
8. Activities that comply with all other conditions in any prior approval not related to the limits set forth above.

~~GE. TEMPORARY CELLULAR ANTENNA TOWERS: Temporary cellular antenna towers shall be subject to approval by the Planning Commission. The tower shall be located on the subject site no more than six (6) months or a time period specifically agreed upon by the Planning Commission and the applicant. The six (6) month or agreed upon time period shall start upon issuance of a Building Permit.~~

~~Temporary cellular antenna towers shall be limited to an overall height of seventy (70) feet and shall be subject to the same setback and fencing requirements (landscaping not required) as a permanent tower.~~

~~Removal of the accessory structures and privacy fencing shall occur within thirty (30) days of the temporary cellular antenna tower being removed from the site. A temporary cellular antenna towers shall be permitted by right when a permanent cellular antenna tower has been approved for the same applicant and on the same property, until such time that the permanent facility is constructed.~~

D2. SMALL CELL SYSTEM TOWERS

D2A. APPLICATION SUBMITTAL: All proposed Small Cell Systems, shall be subject to the review and approval of the Planning Commission or its Duly Authorized Representative. **The Planning Commission's Duly Authorized Representative may refer the application to the Planning Commission for action.** One (1) Application for multiple proposed towers within the same Small Cell System is encouraged whenever possible. Applications are limited to ten (10) towers per Application. Multiple towers may only be included on a single Application if they are located within the same city or unincorporated area of the County.

All information contained in the Application and any updates except for any map or other information that specifically identifies the proposed location of the Cellular Antenna Tower then being reviewed shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Planning Commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction.

Applicants for the construction of Small Cell Systems for Cellular Telecommunications Services or Personal Communications Services may choose to provide either the Uniform Application per KRS.100.9865 or in lieu of the Uniform Application, the following information should be submitted:

1. A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the Application.
2. A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the Applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service.
3. A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, the Kentucky Public Service Commission, and any other agency of state or federal government with authority to regulate telecommunications facilities that are

required in order for the Applicant to construct the proposed facility.

4. A statement by an authorized representative that the Applicant or provider is in compliance with all conditions required for such license and approvals.
5. A full description of the number and dimensions of all Small Cell Towers proposed to be installed.
6. A site development plan, signed and sealed by a professional engineer registered in Kentucky, showing the proposed location of the tower and existing structures within five hundred (500) feet of the proposed site. For Applications in which multiple towers are proposed, an overall site development plan showing all proposed locations within a single city or unincorporated area must be provided.
7. A vertical profile sketch or drawing of the towers, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas and equipment enclosures. Written approval from the property owner stating the Applicant or provider has permission to construct a facility on their property. In the case of public Right-of-Way or public property, written approval must be submitted from the duly-authorized representative of the governing body holding ownership.
8. Photographs of view shed from each proposed tower location, taken in at least four directions.
9. Description of whether other Overhead Utilities exist within five hundred (500) feet of the proposed antenna location.

D2B: PERMITTED LOCATION AND DESIGN: The design criteria required for the new Small Cell Systems is determined by the type of location or zoning district in which the facility is to be located.

1. **NON-TOWER SMALL CELL SYSTEM LOCATION:** No administrative review is required for antennas locating on existing telecommunications structures, water towers, buildings, or other existing structures. These non-tower

locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits.

2. NEW SMALL CELL SYSTEM TOWER LOCATION AND DESIGN IN ALL ZONES:

- a. Temporary, mobile or wheeled cellular antenna towers shall not be permitted.
- b. New Small Cell Towers shall not exceed the maximum building height for the zoning district within which they are located.
- c. New Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.
- d. New Small Cell Towers may be located on public or private non-residential land or within a public Right-of-Way provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
- e. New Small Cell Towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the Stealth Technology, such as a design intended to look like a street light pole.
- f. New Small Cell Towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the Stealth Technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the Stealth Technology such as a design which integrates a decorative banner.
- g. If a new Small Cell Tower is located in an area with primarily Underground Utilities, or where no adjacent Overhead Utility lines exist, it shall not utilize Overhead Utility lines.

3. NEW SMALL CELL SYSTEM TOWER LOCATION AND DESIGN IN RESIDENTIAL ZONES:

- a. Facilities located within, or immediately adjacent to, residential zoning residential areas are strongly encouraged to be Non-Tower Wireless Communication Facilities.
- b. New Small Cell Towers and Antenna or Related Equipment shall be camouflaged by Stealth Technology. Examples of appropriate Stealth Technology for residential areas includes, at a minimum, towers with all cables, wires, Transmission Equipment, electric meters, power equipment, etc. installed inside the Small Cell Tower. Other types of stealth technology may be approved by the Planning Commission or its Duly Authorized Representative.
- c. All poles and antennas shall be uniform grey or black in color, unless another color is integral to the Stealth Technology as approved by the Planning Commission or its Duly Authorized Representative.
- d. The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.
- e. New Small Cell Towers should avoid areas without Overhead Utilities. If a Small Cell Tower is located in an area with primarily Underground Utilities it must adhere to Stealth Technology that incorporates the telecommunications equipment into a streetscape amenity such as a decorative lamp post, street light or other approved design. In areas with Overhead Utilities, cylindrical antennas are required.
- f. In residential areas, a Small Cell Tower shall not be located closer than the height of the proposed tower to an existing or proposed residential structure, or no closer than thirty (30) feet, whichever is greater.
- g. Efforts should be made to locate new Small Cell Towers in the yard location where other Overhead Utilities are located.
- h. New Small Cell Towers within residential areas should be located to avoid obstructing the view of building facades by placing the tower at a corner, intersection or along a lot line.

- i. New Small Cell Tower shall not be located within five hundred (500) feet of an existing Small Cell System Tower. Multiple carriers are permitted and encouraged to locate on one tower, where possible.
- j. Reasonable efforts shall be made to locate new Small Cell Towers in the order of hierarchy below, based on the following functional roadway classification:
 - Interstate
 - Arterial
 - Collector
 - Local

4. NEW SMALL CELL SYSTEM TOWER LOCATION AND DESIGN IN NON-RESIDENTIAL ZONES:

- a. In instances where a facility is proposed to be constructed in the right of way within one hundred (100) feet of a residential zone or use, even if the antenna's physical location is within a non-residential zone, regulations for a residential zone shall be followed.
- b. In instances where an antenna is proposed to be constructed within a historic or commercial district with established public or private design control measures, regulations for a residential zone shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district.
- c. Antennas in commercial, institutional, or park areas are encouraged to be installed as Non-Tower Wireless Communication Facilities.
- d. Reasonable effort shall be given to locate new equipment based upon the following hierarchy of zones and land uses:
 - Co-locate on an existing structure whenever possible.
 - Institutional.
 - Industrial.
 - Commercial.
 - Public parks.

- Agricultural.
 - e. Equipment enclosures, including electric meters, should be nearly the same width as the pole or as small as possible. Ground mounted equipment boxes should be screened from view with shrubs or other appropriate screening as approved by the Planning and Zoning Commission or its Duly Authorized Representative.
 - f. Shrouds, risers, and conduits shall be used to reduce the appearance of external cabling.
 - g. All poles, antennas, brackets, cabling, risers, shrouds, and conduits shall be uniform grey or black in color, or other color as approved by the Planning and Zoning Commission or its Duly Authorized Representative.
 - h. Cylindrical antennas shall be required, unless another antenna style is integral to the Stealth Technology as approved by the Planning and Zoning Commission or its Duly Authorized Representative.
 - i. There shall be no more than a four (4) inch offset between the pole and pole mounted equipment enclosures.

FD2C. AMENDMENTS TO APPROVED PLANS: Any amendments to approved plans, except for the minor adjustments as outlined below, shall be made in accordance with the above procedures subject to the same limitations and requirements as those under which such plans were originally approved.

The following activities shall be considered minor adjustments from the original approval of an Application for towers located in public rights of way. Changes are measured cumulatively from the original approval of the tower or Communication Base Station.

1. Tower height increases by less than ten (10) percent or ten (10) feet, whichever is greater.
2. Change in the tower width of less than ten (10) percent or six (6) feet, whichever is greater.

HE. WAIVER OF REQUIREMENTS: The Planning Commission can modify or waive ~~any~~ the design guidelines if there are special circumstances or conditions as

determined by the Planning Commission. ~~Examples would be waiving the height limit because the permitted tower height does not allow the applicant to fulfill their coverage objectives or reducing setbacks requirements because there is mature vegetation in a portion of a site that will minimize the visual impact on the area and adjoining uses.~~

~~The following information shall be submitted by the applicant if the following waivers are sought:~~

- ~~1. Tower Height Waiver: A written statement and propagation plots shall be submitted by the wireless provider's radio frequency department indicating why the increased tower height is needed to fulfill coverage objectives.~~

~~Note: The wireless provider locating at the highest elevation of the tower shall submit this documentation in the event that a building to suit company proposes a new cellular antenna tower with a height waiver.~~

- ~~2. Setback Waiver - Applicants shall submit an explanation indicating why the setback waiver is being sought. The applicant shall be responsible to identify other areas on the subject site where the setback(s) can be met or better achieved and where their coverage objectives will be met.~~

- ~~I. KENTUCKY PUBLIC SERVICE COMMISSION NOTIFICATION: Upon the approval of an application for the construction of a cellular antenna tower by the Planning Commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction of the cellular antenna tower until such notice has been made.~~

- ~~J. APPLICATION REQUIREMENT: Application for a cell tower shall conform to the requirements as set forth in KRS 100.9865 and KRS 100.987 on a form prescribed by the Planning & Zoning Commission.~~