

CITY OF HIGHLAND HEIGHTS
175 Johns Hill Road
Highland Heights, Kentucky 41076
Phone: 606-441-8575
Fax: 606-441-8293

CELLULAR TOWER/S PLAN APPLICATION

PROPERTY LOCATION _____

Applicant: _____

Applicant's
address: _____

Zip Code _____ Phone _____

Owner _____

Address _____

Zip Code _____ Phone _____

Agent/Developer _____

Name _____

Address _____

Zip Code _____ Phone _____

Date of application _____

Planning and Zoning Commission Hearing date: _____

SEE ZONING ORDINANCE #16-83 ARTICLE IX, SECTION 9.29 FOR OTHER
REQUIREMENTS.

FOR OFFICE USE:

FEE: PAID ON DATE: _____ AMOUNT PAID _____

DISTRIBUTION OF PLANS:

ENGINEER _____

CITY PLANNER _____

BUILDING INSPECTOR _____

ZONING ADMINISTRATOR _____

COMMISSION CHAIRMAN _____

COMMISSION MEMBERS _____

POLICE _____

FIRE _____

ATTORNEY _____

MAYOR _____

CITY OFFICE _____

CELLULAR APPLICATION (WINWORD)

That Ordinance 16-83 the Highland Heights Zoning Ordinance is amended as follows: Article IX Section 9.29 reads as follows:

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, zoning ordinance, and the provisions of these regulations.

C. DEFINITIONS: For the purposes of these regulations, the following definitions shall apply:

1. 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 whether temporary or permanent.

2. CELLULAR TELECOMMUNICATIONS SERVICES: a retail

telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

3. CO-LOCATION: Locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower.

4. PERSONAL COMMUNICATION SERVICE: As defined in 47 U.S.C. sec. 332(c).

5. UNIFORM APPLICATION: means an application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services or personal communications service in a jurisdiction, that has adopted planning and zoning regulations in accordance with KRS Chapter 100, except for any county that contains a city of the first class.

6. 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.

D. GENERAL: Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in any zone as a conditional use 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 zoning ordinance, a hearing with the city's board of adjustment and after being granted a Certificate of Necessity and Convenience by the Public Service

Commission.

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 within five (5) consecutive days of applying to the Public Service Commission for a certificate of necessity and convenience.

F. APPLICATION REQUIREMENTS: Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include a twenty five hundred dollar (\$2,500.00) fee to assist the commission in verifying the applicant's information in its application and the following

a. All information that the applicant is required to submit to the Public Service Commission, per the requirements of the uniform application.

b. 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.

c. 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 collocate on each existing site, according to the following:

1. No existing towers or facilities are located or proposed to be located within a two (2) mile radius of the proposed tower location.

2. Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements.

3. Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment.

4. The applicant's planned equipment would cause frequency interference with other existing or planned equipment of

the tower of 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.

5. Unwillingness of the owner/owners of the existing tower/towers or facility/facilities to entertain a co-location proposal.

d. Unless co-locating, certification, supported by evidence, that the proposed site is the only appropriate site for the location of the facility. The applicant's certification shall include a listing of all potential sites within a two (2) 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:

1. Unwillingness of the site owner(s) to entertain such a facility.

2. Topographic limitations of the site.

3. Adjacent impediments that would obstruct adequate transmission.

4. Physical site constraints that would preclude the construction of such a facility.

e. A statement demonstrating that the proposal is in agreement with the adopted comprehensive plan and is in conformity with these regulations.

f. A development plan, 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.

1. The total area of the site in question;

2. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned;

3. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet;

4. Location, height, arrangement, and identification of all nonresidential buildings, structures, and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions;

5. Location and arrangement of all common open space areas, and methods of ownership and operation and maintenance of such lands shall be identified;

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

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

8. All utility lines and easements:

a. Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants, and valves, and other appurtenances;

b. 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;

c. 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;

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

9. 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;

10. Circulation System:

a. Pedestrian walkways, including alignment, grades, type of surfacing, and width;

b. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details,

and typical cross sections;

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

1. New Sites

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

b. Notice of the hearing shall be posted conspicuously on the property in question, for fourteen (14) consecutive days 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" Four (4) inch high lettering); and address, including telephone number, of the planning commission where additional information regarding hearing may be obtained.

c. Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first class mail, with certification by the 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 of an adjoining property who are listed in the property valuation administrator's records as having the same address.

d. Upon holding such hearing, the planning commission shall, 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 Public Service Commission, along with their action, the basis for their decision within sixty (60) days.

2. Previously Approved Sites

a. For facilities located on previously approved sites, an officer of the planning commission shall review the application for its conformity with these regulations and the regulations contained within the applicable local zoning ordinance.

b. If an officer of the planning commission determines that the application is in conformity with these regulations and the regulations contained within the applicable local zoning ordinance, an administrative approval may be granted. This administrative approval shall not be considered final until it is ratified by a vote of the full commission.

c. If an officer of the planning commission determines that the application is not in conformity with these regulations and the regulations contained within the applicable local zoning ordinance, a public hearing, pursuant to Section 1a of these regulations, shall be scheduled.

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 at least fifty (50) feet from the property line or lease line of any residentially zoned property.

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 taller than the distance from its base to the nearest property line or lease line, the applicant shall furnish the planning commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of seventy (70) mile per hour, in accordance with current ANSI/EIA/TIA 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. A minimum of one (1) off-street parking spaces, per provider, shall be provided on the site.

7. 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.

8. Screening shall be required where the site in question abuts residentially zoned property. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) foot set back.

9. Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall comply with the minimum lot size requirements of the zone in which the facility is to be

located, provided that such area shall not be required to exceed one-half (1/2) acre.

10. Surfacing of all driveways and off-street parking areas shall comply with the requirements of the zoning ordinance.

11. There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by federal, state, or local agency. Such signs shall not exceed five (5) square feet in area.

12. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.

13. 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 tower is 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.