



# Cellular Tower Site Plan Review

## Campbell County and Municipal Planning & Zoning Commission

1098 Monmouth Street, Suite 343

Newport, Kentucky 41071

Phone: (859)-292-3880

Fax: (859)-547-1868

(As Required by Section 9.29 of the Zoning Ordinance)

<b>Review No.</b>		<b>Review Date:</b>	
<b>Project Location:</b>			
<b>Action Requested:</b>			
<b>Applicant:</b>			
<b>Contact Name:</b>			
<b>Address:</b>			
<b>City / State / Zip:</b>			
<b>Phone Number:</b>		<b>Fax Number:</b>	
<b>Surveyor:</b>			
<b>Contact Name:</b>			
<b>Address:</b>			
<b>City / State / Zip:</b>			
<b>Phone Number:</b>		<b>Fax Number:</b>	
<b>Engineer:</b>			
<b>Contact Name:</b>			
<b>Address:</b>			
<b>City / State / Zip:</b>			
<b>Phone Number:</b>		<b>Fax Number:</b>	

### REQUIREMENTS OF 807 KAR 5:063

OK	C	N/A	Description
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>All documents and information required by 807 KAR 5:001, Section 8;</p> <p>(1) <i>Contents of application.</i> All applications must be by petition in writing. The petition must set forth the full name and post office address of the applicant, and must contain fully the facts on which the application is based, with a request for the order, authorization, permission or certificate desired and a reference to the particular provision of law requiring or providing for same.</p> <p>(2) <i>Number of copies.</i> At the time the original application is filed, ten (10) additional copies must also be filed, and where parties interested in the subject matter of the application are named therein, there shall be filed an additional copy for each named party and such other additional copies as may be required by the secretary.</p> <p>(3) <i>Articles of incorporation.</i> If the applicant is a corporation, a certified copy of its articles of incorporation and all amendments thereto, if any, shall be annexed to the application. If applicant's articles of incorporation and amendments thereto, if any, have already been filed with the commission in some prior proceeding, it will be sufficient if this fact is stated in the application and reference is made to the style and case number of the prior proceeding;</p>

**REQUIREMENTS OF 807 KAR 5:063 CONT.**

<b>OK</b>	<b>C</b>	<b>N/A</b>	<b>Description</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A copy of the utility's applications to the Federal Aviation Administration and Kentucky Airport Zoning Commission and written authorizations from these agencies as soon as they are available;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A copy of the utility's application to, and authorization from, the Federal Communications Commission, if applicable;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All documents and information required by 807 KAR 5:001, Section 9(2) <b>(a), (b), (c), (d)</b> and <b>(g)</b> ; <i>New construction or extension. When application is made by the utility, person, firm, or corporation for a certificate that the present or future public convenience or necessity requires, or will require, the construction or extension of any plant, equipment, property or facility, the applicant, in addition to complying with Section 8 of this administrative regulation, shall submit the following data, either in the application or as exhibits attached thereto:</i> <i>(a) The facts relied upon to show that the proposed new construction is or will be required by public convenience or necessity.</i> <i>(b) Copies of franchises or permits, if any, from the proper public authority for the proposed new construction or extension, if not previously filed with the commission.</i> <i>(c) A full description of the proposed location, route, or routes of the new construction or extension, including a description of the manner in which same will be constructed, and also the names of all public utilities, corporations, or persons with whom the proposed new construction or extension is likely to compete.</i> <i>(d) A statement showing the need and demand for service. Should the applicant be successful in acquiring said franchise, license or permit, it shall file a copy thereof with the commission.</i> <i>(g) All other information necessary to afford the commission a complete understanding of the situation.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A geotechnical investigation report, signed and sealed by a Professional Engineer registered in Kentucky, that includes boring logs, foundation design recommendations, and a finding as to the proximity of the proposed site to flood hazard areas except that the utility may file findings prepared by a land surveyor as to the proximity of the proposed site to flood hazard areas;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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, utility 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)(b);
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The identity and qualifications of each person directly responsible for the design and construction of the proposed tower;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within 500 feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within 200 feet of the access drive, including the intersection with the public street system;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A map, drawn to a scale no less than one (1) inch equals 200 feet, that identifies every structure and every owner of real estate within 500 feet of the proposed tower;

**REQUIREMENTS OF 807 KAR 5:063 CONT.**

<b>OK</b>	<b>C</b>	<b>N/A</b>	<b>Description</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A statement that every person who, according to the records of the property valuation administrator, owns property within 500 feet of the proposed tower has been: <ol style="list-style-type: none"> <li>1. Notified by certified mail, return receipt requested, of the proposed construction;</li> <li>2. Given the commission docket number under which the application will be processed; and</li> <li>3. Informed of his right to request intervention;</li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A list of the property owners who received the notice, together with copies of the certified letters sent to listed property owners;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A statement that the county judge executive has been: <ol style="list-style-type: none"> <li>1. Notified by certified mail, return receipt requested, of the proposed construction;</li> <li>2. Given the commission docket number under which the application will be processed; and</li> <li>3. Informed of his right to request intervention;</li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A copy of the notice sent to the county judge executive;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A statement that: <ol style="list-style-type: none"> <li>1. Two (2) written notices meeting the requirements of subsection (2) of this section have been posted, one (1) in a visible location on the proposed site and one (1) on the nearest public road; and</li> <li>2. The notices shall remain posted for at least two (2) weeks after the application has been filed;</li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A statement that notices 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.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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;
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A statement that the utility 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, and that there is no reasonably available opportunity to co-locate, including documentation of attempts to co-locate, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the utility 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 utility's facilities; and
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 a site should, pursuant to radio frequency requirements, be located.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Written certification from an attorney that the filing notice request has been sent via first class mail to all property owners within 500 feet of the proposed tower.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A copy of the names and addresses of the owners of property and the governmental officials to whom the required notices will be sent.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notice of the filing of the request shall be posted conspicuously in a visible location on the proposed site of the telecommunications facility and in a visible location on the nearest public road at the same time that notice by first class mail is sent. The applicant shall certify that the postings have been made with this application.

**REQUIREMENTS OF SECTION 9.29 OF THE ZONING ORDINANCE**

<b>OK</b>	<b>C</b>	<b>N/A</b>	<b>Description</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.

- Unless co-locating, certification, supported by evidence, that co-location of the proposed telecommunications 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, a description of each existing site, and an explanation of the ability or inability to co-locate on each existing site according to the following table:
  - a) For a tower proposed to be 200 or more feet tall, all towers and facilities within a 1 1/2 mile radius of the proposed site,
  - b) For a tower proposed to be at least 100 feet but less than 200 feet tall, all towers and facilities within a 1 mile radius of the proposed site, and
  - c) For a tower proposed to be less than 100 feet tall, all towers and facilities within a 1/2-mile radius of the proposed site.
  
- Unless co-locating, certification, supported by evidence, that the proposed site is the only appropriate site within the immediate area for the location of the telecommunications facility. The applicant's certification shall include a listing of potential sites, a description of each potential site, and ~~a~~ of the ability or inability of the site to host a telecommunications facility according to the following table:
  - a) For a tower proposed to be 200 or more feet tall, all potential sites within a 1-1/2 mile radius of the proposed site,
  - b) For a tower proposed to be at least 100 feet but less than 200 feet tall, all potential sites within a 1 mile radius of the proposed site, and
  - c) For a tower proposed to be less than 100 feet tall, all potential sites within a 1/2-mile radius of the proposed site.
  
- As of July 1 of each calendar year, a listing of the present locations of the applicant's telecommunications towers and/or facilities in Campbell County, and an "annual plan" covering the applicant's next year network build-out of telecommunications facilities within Campbell County. With each application, the applicant shall provide any changes to the "annual" plan that have occurred since July 1 or verify the continued accuracy of the plan submitted. This annual report shall also affirmatively state which of the applicant's towers are currently in use and whose use has been discontinued within the past year.
  
- A pictorial representation, such as a silhouette drawing, photograph, etc., of the proposed telecommunications facility from a point 400 feet from the facility in each of the four compass directions showing the relationship of the tower and/or facilities against the massing of surrounding structures, trees, and other intervening visual masses.
  
- A justification statement demonstrating that the proposed construction is in agreement with the Comprehensive Plan.
  
- Guarantee: To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under this Section shall, at the time of submittal of the list of existing towers and annual" plan, deposit with the Planning Commission and to the benefit of the Planning Commission, a performance bond, or other security acceptable to the Planning Commission in the amount equal to the cost of the demolition and removal of the telecommunications tower. The Planning and Zoning Commission shall determine said amount. An applicant having multiple telecommunications facilities within Campbell County may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one telecommunications facility it owns which would cost the most to demolish and remove until such time as the number of its multiple telecommunications facilities exceeds four (4) such facilities, both existing and projected within the current calendar year.

**REQUIREMENTS OF SECTION 9.29 OF THE ZONING ORDINANCE**

Design Standards: At the time of filing of a request under this Section C, the applicant shall provide information demonstrating compliance with the requirements listed below. Where the Planning Commission finds that the conditions or circumstances 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, or welfare, either at the time of application or in the foreseeable future, and that

such special conditions and circumstances make one or more said requirements unduly burdensome, the Planning Commission may modify or waive such requirement, either permanently or on a temporary basis. The applicant shall request any such modification or waiver, and the applicant shall submit a written justification for each requested modification or waiver.

OK	C	N/A	Description
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All structures, except fences, shall be located at least 50 feet from the property line of any residentially zoned property and shall, in all other circumstances, observe the yard requirements of the district in which they are located.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site shall be landscaped in accordance with the requirements of Article 12 for utility substations. If the site is an easement, the easement boundaries, exclusive of that portion used strictly for vehicular.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any monopole, guyed, lattice, or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to these towers, such as light poles, shall be camouflaged to blend in with the surroundings (i.e. disguised to resemble a woody tree with a single trunk and branches on its upper part). Alternate sections of aviation orange and aviation white paint may be used ONLY when the FAA finds that none of the alternatives to such marking are acceptable.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, access shall be only from access points approved by the applicable Works Department, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicle. The site shall be enclosed by an eight-(8) foot high security fence, and may be located in any required yard. Said fence shall be woven wire or chain link (eighty-(80) percent open) or solid fences made from wood or other materials (less than fifty (50) percent open). The use of barbed wire or sharp pointed fences shall be prohibited.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any site to be purchased or leased for the installation of a cellular antenna tower or alternative cellular antenna tower structure and ancillary facilities shall comply with the minimum lot size requirements of the zone in which the site is located.

**REQUIREMENTS OF SECTION 9.29 OF THE ZONING ORDINANCE**

OK	C	N/A	Description
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A cellular antenna tower or alternative cellular antenna tower structure may be constructed to a maximum height of two hundred (200) feet regardless of the maximum allowed height for the zone in which it is located. This also applies to any tower taller than 15 feet constructed on the top of another building, with the height being the overall height of building and tower together measured from the grade to the highest point. When any tower as described above is proposed to result in an overall height greater than two hundred (200) feet, the Planning Commission may allow the overall height to exceed two hundred (200) feet if the Planning Commission, upon review of the applicant's written justification for the additional height, finds that the request for additional height meets the four (4) criteria enumerated in Section C.1.b. However, when any cellular antenna tower or alternative cellular antenna tower structure is taller than the distance from its base to the nearest property 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 70 miles per hour in accordance with current ANSI/EIAITIA standards. When a tower taller than 15 feet constructed on the top of another building, results in the overall height of the building and tower, including any antenna, being greater than the distance from the base of the building to the nearest property line, the applicant shall furnish to the Planning Commission this same certification.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The applicant shall supply certification that the facility complies with the FCC's regulations concerning radio frequency emissions. To the extent that the facilities do not comply with the FCC's regulations, the Planning Commission may establish additional requirements on the basis of the environmental effects of radio frequency emissions. (See P.L. 104104, Sec. 704).

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|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The only signs allowed on any such site shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet in area and shall be constructed of a weatherproof material.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the antenna or tower that is presumed abandoned. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Planning Commission may cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal from the Guarantee deposited by the applicant pursuant to Section 8.2, B., 1., c. above. |

**SITE PLAN REQUIREMENTS (SECTION 9.19 OF THE ZONING ORDINANCE)**

<b>OK</b>	<b>C</b>	<b>N/A</b>	<b>Description</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Contour Intervals not to Exceed Five (5) feet.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Detached Housing - location, arrangement, and number of lots, including exact lot dimensions and setbacks and maximum height of buildings.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Attached Housing - Location, Arrangement, and Number of all buildings, Including the number of units in each building, and where applicable, location and arrangement of all lots with exact lot dimensions.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Non-Residential Buildings – location, arrangement, height, use. Also, the Location, Arrangement, and Dimensions of All Lots.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utility lines and easements – All Types of Utilities (i.e. Telephone, Electric, etc.).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Erosion control, hillside slippage, and sedimentation - temporary and permanent control practices and measures which will be implemented during all phases of construction.

**ADDITIONAL COMMENTS:**

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