

~~**ANTENNA, PARABOLIC.** A bowl-shaped device also known as a dish antenna for the reception and/or transmission of radio frequency communication signals in a specific directional pattern~~

ANTENNA(S) 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.

ANTIMATED. The use of movement, lighting, or special materials to depict action or create a special effect to animate movement.

APARTMENT. A portion of a *building* consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual, *household* or one (1) *family*.

APPLICATION: The completed form and all accompanying documents, exhibits, and fees.

ARCHITECTURAL ELEMENT. A prominent or significant part or detail of a *building, structure* or site.

ASSISTED LIVING. See: RESIDENTIAL CARE FACILITIES.

ATTIC. The interior part of a *building* contained within a *roof* structure and above the last story.

AUTOMATED TELLER MACHINE (ATM). An electronic device used by the public for conducting financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit card or similar account wherein the customer operates the device independently. An Automated Teller Machine (ATM) shall not be considered an *unmanned kiosk* (See: *kiosk, unmanned* of this ordinance).

AUTOMOBILE. A self-propelled vehicle designed for carrying ten (10) passengers or less and used for transportation of persons. This term shall not include a *truck* or *heavy truck*.

AUTOMOBILE AND TRAILER SALES AREAS. Any area used for the display, sale, or rental of new or used *automobiles* or *trailers* and where only minor incidental repair of such *automobiles* or *trailers* may take place.

AUTOMOBILE REPAIR SERVICES. Any *building, structure, improvements, or land* used for the indoor repair and maintenance of *automobiles, motorcycles, trucks, recreational vehicles, trailers, or similar vehicles*. Repair services include but are not limited to body,

CAPITAL IMPROVEMENT. Any *building* or infrastructure project that will be owned by a governmental unit and purchased or built with direct appropriations from the governmental unit, or with bonds backed by its full faith and credit, or, in whole or in part, with federal or other public funds, or in any combination thereof. A project may include construction, installation, project management or supervision, project planning, engineering, or design, and the purchase of land or interests in land.

CAR WASH. A *building* or portion thereof, containing facilities for washing *automobiles*, using production line methods with chain conveyer, blower, steam cleaning devices, or other mechanical devices. The use of personnel for one (1) or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin operated devices, of the above nature, which are operated on a self-service basis, shall be construed to be the same.

CARPORT. A permanent roofed *structure* permanently open on at least two (2) sides, designed for or occupied by *motor vehicles*. See GARAGE, PRIVATE.

CELLULAR ANTENNA TOWER. Any *structure* that is designated and constructed, 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*. ~~This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than fifteen (15) feet constructed on the top of another building, along with any separate building on the lot used to house any supporting electronic equipment.~~

~~**CELLULAR TELECOMMUNICATIONS ANTENNA.** Any *structure* or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for *cellular telecommunications services* and/or *personal communications services*, but not including such *structures* or devices when used for the broadcast of television, AM/FM radio stations or for citizens' band or amateur radio use. Examples of *cellular telecommunications* or *personal communications services* include, but are not limited to, cellular telephone, paging, public safety, and data transmission.~~

~~**CELLULAR TELECOMMUNICATIONS EQUIPMENT SHELTER.** The *structure*, shelter, cabinet or vault in which the electronic receiving and relay equipment necessary for the processing of wireless telecommunications is housed together with necessary related equipment.~~

~~**CELLULAR TELECOMMUNICATIONS FACILITY (CTF).** The *lot*, tract, or parcel of land that contains the *telecommunications tower*, wireless telecommunications equipment~~

~~shelter, telecommunication antenna and related equipment involved in the transmission and/or reception of telecommunications.~~

~~**CELLULAR TELECOMMUNICATIONS FACILITY MAP.** A map prepared by the City of Bellevue indicating the location of existing CTF's, or other sites that have been identified by the Bellevue Planning and Zoning Commission as preferred areas for CTF in accordance with the Comprehensive Plan.~~

CELLULAR TELECOMMUNICATION SERVICE. A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

~~**CELLULAR UNIFORM APPLICATION.** An application to construct a cellular antenna tower submitted to a Bellevue Planning and Zoning Commission in conformity with KRS 400.9865 and 400.987.~~

CERTIFICATE OF APPROPRIATENESS, HISTORIC. A Certificate of Appropriateness, guided by the *Historic Preservation Design Guidelines*, is to be reviewed by the *Bellevue Historic Preservation Commission* when exterior alterations are visible to the public, new construction, demolition or relocation.

CERTIFICATE OF OCCUPANCY. A Certificate of Occupancy or a Certificate of Inspection issued by the proper authority at the completion of an improvement pursuant to *building permit* or change of occupancy.

CERTIFIED LOCAL GOVERNMENT. Certified Local Government (CLG) is any local government that has an established historic preservation commission and has been certified by the State Historic Preservation Officer as having met all federal and state standards. The CLG must sign an agreement with the Commonwealth of Kentucky, agreeing to develop and administer its local preservation program so that it complies with national and state preservation goals and standards. Any city participating in the Certified Local Government Historic Preservation Program shall comply with the regulations of the *Kentucky Heritage Commission*. See: KRS and BELLEVUE MUNICIPAL CODE 153.02.

CITIZEN MEMBER. Any member of the *Planning and Zoning Commission* or Board of Adjustments who is not an elected official or employee of the *legislative body*.

CITY. The City of Bellevue, Commonwealth of Kentucky.

CITY ADMINISTRATION. Employees of the municipality charged with overseeing the permitting process. This definition may include zoning, building, economic development, and engineering, utility, and life safety personnel.



CIVIC PARKING RESERVE. *Parking structure or parking lot* within a quarter-mile of the site that it serves. Specific to ARTICLE XXI-Form Based Code of this ordinance, see SECTION 21.4(H) 2.b.

CIVIC SPACE. An outdoor area dedicated for public use.

CLEARING. Any activity that removes existing vegetation or strips surface material from any portion of the site.

CLINIC / HOSPITAL, ANIMAL. A place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use as a *kennel* shall be limited to short-time boarding and shall be only incidental to such hospital use. Outdoor runs, pens and/or cages shall not be permitted.

CLINIC, HUMAN CARE. A *building* used by medical persons for the healing arts or treatment of persons on an out-patient basis only. Drug/Alcohol treatment or rehabilitation programs are not considered clinics under this definition.

CLUB & LODGE. A meeting, recreational, or social facility of a private or nonprofit organization or public institution primarily for use by members or guests including residential accommodations that are available to members or guests on a temporary basis but excluding residential hotels. This classification includes union halls and social clubs.

CO-LOCATION. To locate two (2) or more transmission antennas or related equipment on the same Cellular Antenna Tower. ~~See: KRS 100.985 (3).~~

COLLEGE. An institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes *personal instructional services*.

COMMERCIAL. A business use or activity involving the office, retail, and lodging functions.

COMMERCIAL, TEMPORARY USES. To display goods and services on paved surfaced areas. Such temporary uses are subject to certain limitations and, if these limitations cannot be satisfied, the use is prohibited. Temporary Commercial Uses are by permit, see SECTION 9.27 TEMPORARY COMMERCIAL USES of this ordinance.

COMMERCIAL MEETING FACILITY. A facility used for assemblies or meetings of the members or representatives of a group, such as convention centers and banquet halls.



This classification does not include *clubs, lodges* or other meeting facilities of private or non-profit groups that are primarily used by group members.

COMMERCIAL VEHICLE. Any *motorized vehicle* other than one used for non-commercial personal or *family* transportation, recreation, van pooling or ride sharing. Commercial vehicles include commercial trucks, buses, buses used as *recreational vehicles*, commercial vans, *tractors, semi-trailers*, motorized farm vehicles, earth moving equipment and construction equipment.

COMMON YARD. A planted *private frontage* wherein the *facade* is set back from the *frontage* line. It is visually continuous with adjacent yards. Specific to ARTICLE XXI-Form Based Code of this ordinance, see TABLE 21-8.

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

COMMUNITY GARDEN. A site where any kind of plant, including flowers, is grown, and several individuals or *households* cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation. Limited sales may be permitted on-site only by *Condition Use*.

COMMUNITY UNIT. A regulatory category defining the physical form, density, and extent of a settlement. The two (2) community unit types addressed in this code are *TND* and *RCD*. The *TOD* community unit type may be created by an overlay on *TND* or *RCD*. Specific to ARTICLE XXI-Form Based Code of this ordinance.

COMPREHENSIVE (MASTER) PLAN. A guide for public and private actions and decisions to assure the development of public and private property in the, most appropriate relationships for future control and advisement. It shall contain, as a minimum, the following elements, per KRS Chapter 100:

- A. A statement of goals and objectives, principles, policies, and standards;
- B. A land use plan element;
- C. A transportation plan element;
- D. A community facilities plan element;

CONCEALED LIGHTING SOURCE. An artificial light source intended to illuminate the face of a *sign*, the direct source of which is shielded from public view and surrounding properties.

CONDITIONAL USE. A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character

MIXED USE. The combination of offices, residential uses and retail and service uses to provide for a group of activities that are functionally integrated relative to land uses, vehicular and pedestrian circulation and the arrangement of *structures*.

MOBILE HOME. A *structure* manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a *dwelling* on a temporary or permanent foundation, when connected with the permanent required utilities, including plumbing, heating, air conditioning, and electrical systems.

MOBILE VENDING. Mobile vending services may be permitted only in commercial *zones* and per the criteria per of SECTION 9.25 – MOBILE VENDING SERVICES of this ordinance. The mobile vending service shall be located entirely on *private property*, on City owned property, when in association with a Special Events Permit, or within a *City* designated Mobile Vending Areas (MVA). Mobile vending shall include push carts.

MODULAR HOUSING. Housing fabricated in an off-site manufacturing facility under standards enforced the *BOCA Code*. Delivered to the home site in several sections, the home's interior amenities may be installed at the manufacturing facility or at the site. This definition shall not include *mobile homes* or *manufactured homes*.

MONOPOLE. [A support structure that consists of a single pole structure designed and erected on the ground or on top of a structure, to support communications Antenna\(s\) and connected appurtenances.](#)

MOTOR VEHICLE. Any self-propelled vehicle designed primarily for transportation of persons or goods along *public streets, alleys*, or other public ways. See: KRS 186.010 (4).

MOVIE THEATER. A specialized theater or establishment for showing movies or motion pictures. This classification shall not include a *sexually oriented business*.

MURAL. An image on an exterior surface of a *structure*. A mural is a *sign* only if it is related by language, logo, or pictorial depiction to the advertisement of any product, service, place, person or the identification of any business.

MUSEUM. A building operated by a nonprofit corporation, the Commonwealth of Kentucky, a city, a county, an urban-county, or a charter county, primarily for educational, scientific, aesthetic, historic, or preservation purposes, and which owns, cares for, exhibits, studies, archives, or catalogues property. Museums shall include, but not be

SIGN, SPECIAL EVENT. Any *sign* advertising activities of nonprofit organizations. By permit, see SECTION 15.2 – SPECIAL SIGNS of this ordinance.

SIGN, TEMPORARY ADVERTISING DISPLAY. By permit, see *Temporary Advertising Display*.

SIGN, TRAFFIC. Any *sign* designed and located in accordance with the “Manual on Uniform Traffic Control Devices for Streets and Highways,” U.S. Department of Transportation, Federal Highway Administration.

SIGN, WINDOW. Any type of *sign* or outdoor advertising device which is attached to a window of any *building*, but shall not extend past the limits of said window. For the purpose of Article XV, SIGN REGULATIONS, the word "window" shall be construed to mean any glass which comprises part of the surface of the wall regardless of its movability.

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 shorter than fifty (50) feet in height with an antenna or transmitter that is constructed for the sole or primary purpose of supporting any Federal FCC licensed or authorized antenna(s) 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. 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.

SOUND LEVEL METER. An instrument standardized by the American Standards, Association for measurement of intensity of sound.

SPECIAL AREA PLAN. Within any *transect zone* (T-ZONE), an area of five (5) acres or more of contiguous lots subject to a *regulating plan* which, because of its size, may establish unique requirements upon approval of the *Planning Commission* and *Legislative Body*. Specific to ARTICLE XXI-Form Based Code of this ordinance.

SPECIAL REQUIREMENTS. When within *transect zone* and provisions of Section 21.3(F), and Section 21.4(C) and/or the associated designations on a *regulating plan* or

other map for those provisions. Specific to ARTICLE XXI-Form Based Code of this ordinance.

SQUARE. A type of *civic space* designed for unstructured recreation and *civic* purposes, spatially defined by *building frontages* and consisting of *paths*, lawns and trees, formally disposed. See Table 21-7. Specific to ARTICLE XXI-Form Based CODE of this ordinance.

STEALTH TECHNOLOGY. State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize visual impact. These design techniques may be applied to wireless communications towers, antennas, and other facilities, which blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it less visible to the casual observer. Such methods include, but are not limited to facilities constructed to resemble light poles, flag poles or other streetscape amenities. The use of additional features such as flags, decorative street lamps and banners or signs may be utilized to blend the proposed facility into the visual backdrop.

STOOP. A *private frontage* wherein the *facade* is aligned close to the *frontage line* with the first *story* elevated from the *sidewalk* for privacy, with an exterior stair and landing at the entrance. See Table 21-8. Specific to ARTICLE XXI-Form Based CODE of this ordinance.

STORY. As defined in Section R202 of the Kentucky Residential Code.

STORY, ABOVE GRADE. As defined in Section R202 of the Kentucky Residential Code.

STORY, HALF. A *story* under a gable, hip, or gambrel *roof*, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such *story*.

STREET. A public *thoroughfare*, constructed within the boundaries of an officially deeded and accepted public *right of way*, which affords principal means of access to abutting property.

STREET (ST). Within any *transect zone* (T-ZONE), a local urban *thoroughfare* of low speed and capacity. Specific to ARTICLE XXI-Form Based Code of this ordinance.

STREET, ARTERIAL. Public *thoroughfares* that serve the major movements of traffic within and through the community as identified in the adopted *Comprehensive Plan*.

STREET, COLLECTOR. Public *thoroughfares* that serve to collect and distribute traffic primarily from local to *arterial streets*.

TERMINATED VISTA. A location at the axial conclusion of a *thoroughfare*. A *building* located at a Terminated Vista designated on a *regulating plan* is required or recommended to be designed in response to the axis. Specific to ARTICLE XXI-Form Based Code of this ordinance.

THEATER. An establishment for the performing arts that includes dramatic, operatic, or other performance to which no audience participation or meal service is permitted. This classification shall not include a *sexually oriented business*.

THOROUGHFARE. A way for use by *vehicular* and pedestrian traffic and to provide access to *lots* and *open spaces*, consisting of *vehicular lanes* and the *public frontage*.

TRACTOR. A self-propelled *vehicle* used for drawing other *vehicles* or equipment, and not so constructed as to carry any load thereon other than part of the weight of the load being drawn.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND). Limited to any *transect zone* (T-ZONE), a TND is a *community unit* type within an urbanized, greyfield, or brownfield area based on a *mixed use* center or common destination and consisting of T-3, T-4, and/or T-5 Zones. A TND is regulated by Section 21.3. See Section 21.3 (B).2. (Var.: neighborhood) Specific to ARTICLE XXI-Form Based Code: of this ordinance.

TRAILER. A transport *vehicle* designed to be hauled by an *automobile*, *truck*, *heavy truck* or *tractor*.

TRANSIT ORIENTED DEVELOPMENT (TOD). A TOD is created by an overlay on all or part of a *TND* or *RCD*, or by designation on a regional plan, permitting increased *density* to support rail or bus rapid transit (BRT) as set forth in Section 21.4 (H).2.e. A TOD is regulated by and specific to ~~ARTICLE~~[ARTICLE](#) XXI-Form Based Code, of this ordinance.

TRANSECT ZONE (T-ZONE). One (1) of several areas on a *zoning map* regulated by ARTICLE XXI-Form Based Code and is based on transects which is a cross-section of the environment showing a range of different habitats. These zones describe the physical form and character of a place, according to the *density* and intensity of its land use and urbanism. Similar to land use zones in conventional codes, except that in addition to the usual building *function*, *density*, height, and *setback* requirements, other elements of the intended habitat are integrated, including those of the *private lot* and *building*, *thoroughfares*, *civic space* and *Public frontage*. See Table 21-1. (Syn. Transect) Specific to ARTICLE XXI-Form Based Code of this ordinance.

[TRANSMISSION EQUIPMENT.](#) [Equipment that facilitates transmission for any FCC-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, unlicensed wireless services, and fixed wireless services.

TREE, CITY. A tree located on property owned by the *City* or placed within the public right-of-way by the *City*.

TREE, NON-CITY. Any tree other than a “*City Tree*” as heretofore defined.

TREE BOARD. The Tree Board of the City of Bellevue, Kentucky.

TRUCK. A self-propelled *vehicle* with single rear axles designed for transporting loads.

TRUCK, HEAVY. A self-propelled *vehicle*, including *tractors*, with two (2) or more rear axles designed for transporting loads.

TRUCK TERMINAL AND WAREHOUSE. A facility for the storage of commercial goods within an enclosed *building* for distribution by *truck*. This includes bulk mail handling facilities.

TURNING RADIUS. The curved edge of a *thoroughfare* at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn. See Table 21-3B and Table 21-17. Specific to ARTICLE XXI-Form Based Code of this ordinance.

URBANIZED. Generally, developed. Specific to ARTICLE XXI-Form Based Code of this ordinance.

USE. Any purpose for which a *lot*, *building*, or other *structure* or tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a *building* or other *structure* or on a tract of land.

USE, PERMITTED. A *use* which may be lawfully established, if permitted, in particular *zone* provided it conforms to all requirements of such *zone*.

USE, PRINCIPLE. A use that is the *primary function* of land or *structures*.

USE, TEMPORARY COMMERCIAL. Temporary Commercial Use means access to general commercial goods and services utilizing *temporary commercial displays* and

sales of goods and services on paved surfaced areas with adequate *parking*. Such temporary uses are subject to SECTION 9.27 - TEMPORARY COMMERCIAL USES.

UTILITY. Has the meaning as defined in KRS 278.010(3).

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 that are ground mounted.

WIRELESS COMMUNICATIONS FACILITY. The set of equipment and network components including transmitters, receivers, Communication Base Stations, cabling, and antenna(s) or related equipment, used to provide wireless data and telecommunication services.

VARIANCE. A departure from dimensional terms of the *zoning ordinance*, pertaining to height, width, or location of *structures* and size of yards and *open spaces* (but not population *density*) where such departure meets the requirements of KRS 100.241 to 100.247. (Enact. Acts 1966, ch. 172, S 1; 1974, ch. 398, S 1; 1982, ch. 306, S1, effective July 15, 1982; 1986, ch. 23, S 7, effective July 15, 1986; 1986, ch. 141, effective July 15, 1986.) The *Board of Adjustments* shall have the power to hear and decide on applications for a *variance* and may impose any reasonable conditions or restrictions on any *variance* it decides to grant.

VEHICLE. Any *vehicle* as described in KRS 186.010 (8) (a) and/or 186.010 (8) (b).

VEHICLE AND EQUIPMENT SALES AND RENTAL. A facility for the sale or rental of *automobiles*, motorcycles, *trucks*, *tractors*, construction or agricultural equipment, *motor homes* and *RV's*, boats and similar equipment, including storage and incidental maintenance. This classification shall not include *pawnshops*.

SECTION 9.31 - CELLULAR ~~TELECOMMUNICATIONS FACILITIES~~ ANTENNA TOWERS AND SMALL CELL TOWERS:

- A. PURPOSE: It is the general purpose of these regulations to facilitate the planning and placement of Cellular Antenna Towers and Small Cell System Towers and facilities within the community in accordance with local regulations and the requirements of the most recent and applicable Kentucky Revised Statutes (KRS), Kentucky Administrative Regulations (KAR), and of the Federal Communications Commission (FCC). ~~provide for integration of wireless telecommunications facilities for cellular telecommunications services or personal communications services within the community while providing for such facilities in coordination with the recommendations of the comprehensive plan. Furthermore, it is the purpose and intent of the City of Bellevue to provide for the integration of cellular telecommunications facilities in a manner that will retain the integrity and character of neighborhoods, property values and aesthetic value of the community at large. The City of Bellevue, while recognizing the need to provide essential utilities to citizens of Bellevue, furthermore states that the purpose of this regulation is as follows:~~
- ~~1. To establish an administrative process for the approval/disapproval of cellular telecommunications facilities.~~
 - ~~2. Protect the public health, safety and welfare by requiring the cellular telecommunications facilities are adequately secured and encouraging the timely maintenance of the structures.~~
 - ~~3. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.~~
 - ~~4. Ensure that cellular telecommunications facilities are situated in appropriate locations while minimizing the negative visual impact of wireless facilities on neighborhoods, community landmarks, historic sites and buildings and natural scenic areas.~~
 - ~~5. Minimize the number of cellular telecommunications facilities by requiring the use of existing structures and co-location where feasible.~~
 - ~~6. Provide for adequate information about plans for cellular telecommunications facilities in order to permit the community to effectively plan for the location of such facilities.~~

These regulations are intended to:

1. Accommodate the need for Cellular Antenna Towers and Small Cell System Towers and facilities, while regulating their location;



2. Balance the visual effects of Strike a balance between the appearance of Cellular Antenna Towers and Small Cell System Towers and their surroundings and facilities through proper siting, design, and screening particularly near or in residential neighborhoods, community landmarks, historic sites and buildings and in natural scenic areas.
3. Encourage the joint use of any new and existing cellular facilities towers and/or support structures to reduce the number of sites through co-location.

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

RIGHT-OF-WAY. The surface of and space above and below any real property in the municipality in which the federal, state, county or local ~~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. This includes, but is 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~~ state, municipality, or municipal authority.

- ~~1. ALTERNATIVE ANTENNA TOWER: Man made trees, clock towers, bell steeples, light poles, church spires, belfry, chimney flue, elevator bulkhead, air-conditioning unit or other building equipment normally maintained above the roof line of a building.~~
- ~~2. CELLULAR ANTENNA TOWER: Any structure that is designated and constructed, 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. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers taller than 15 feet constructed on the top of another building, along with any separate building on the lot used to house any supporting electronic equipment.~~
- ~~3. CELLULAR TELECOMMUNICATIONS ANTENNA: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas such as whips, at frequencies on the electromagnetic spectrum as the FCC from time to time may designate, used for cellular telecommunications services and/or personal communications services, but not including such structures or devices when used for the broadcast of television, AM/FM radio stations or for citizens' band or amateur radio use. Examples of cellular telecommunications or personal communications services include, but~~

~~are not limited to, cellular telephone, paging, public safety, and data transmission.~~

- ~~4. CELLULAR TELECOMMUNICATIONS EQUIPMENT SHELTER: The structure, shelter, cabinet or vault in which the electronic receiving and relay equipment necessary for the processing of wireless telecommunications is housed together with necessary related equipment.~~
- ~~5. CELLULAR TELECOMMUNICATIONS FACILITY (CTF): The lot, tract, or parcel of land that contains the telecommunications tower, wireless telecommunications equipment shelter, telecommunication antenna and related equipment involved in the transmission and/or reception of telecommunications.~~
- ~~6. CELLULAR TELECOMMUNICATIONS FACILITY MAP: A map prepared by the City of Bellevue indicating the location of existing CTF's, or other sites that have been identified by the Planning Commission as preferred areas for CTF in accordance with the Comprehensive Plan.~~
- ~~7. CELLULAR TELECOMMUNICATION SERVICE: A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.~~
- ~~8. CO-LOCATION: Locating two (2) or more cellular transmission antennas or related equipment on the same cellular antenna tower.~~
- ~~9. HEIGHT, CELLULAR TELECOMMUNICATIONS TOWER: The distance from the anchored base of the tower, whether on top of another building or at grade, to the highest point of the structure, even if the highest point is the top of the wireless telecommunications antenna.~~
- ~~10. LATTICE TOWER: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.~~
- ~~11. MONOPOLE: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.~~
- ~~12. PERSONAL COMMUNICATION SERVICE: Has the meaning as defined in 47 U.S.C. sec 332(c).~~
- ~~13. RELATED EQUIPMENT, WIRELESS TELECOMMUNICATIONS: All equipment ancillary to the transmission of telecommunications. Such equipment may include, but is not be limited to, cable, conduit, connectors, air conditioning and emergency generators.~~

~~14. UNIFORM APPLICATION: Means an application for a certificate of convenience and necessity issued under KRS 278.020 submitted by the utility to the Public Service Commission to construct an antenna for cellular telecommunications services or personal communications services in a jurisdiction that has adopted planning and zoning regulations with KRS Chapter 100 and has registered with the Public Service Commission to regulate such wireless facilities.~~

~~15. UTILITY: Has the meaning as defined in KRS 278.010 (3).~~

~~C. GENERAL PROVISIONS: Cellular telecommunications facilities for cellular telecommunications services or personal communications services may be allowed in any zone after a Planning Commission review in accordance with the following procedures to ascertain agreement with the adopted comprehensive plan and the regulations contained within the Official Zoning Ordinance of the City of Bellevue, and after being granted a Certificate of Necessity and Convenience by the Public Service Commission.~~

~~D.C.~~ APPLICABILITY: These regulations apply to every utility or company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct a wireless telecommunications facility for cellular communications or personal communications services shall submit a copy of the utility's complete uniform application, as specified below, to the ~~Bellevue~~ Planning and Zoning Commission within five (5) days of applying to the Public Service Commission for a Certificate of Necessity and Convenience.

~~E.D.~~ APPLICATION REQUIREMENTS PROCESS AND DESIGN STANDARDS: The application process and basic design standards required by the Planning Commission are defined herein for:

- CELLULAR ANTENNA TOWERS
- SMALL CELL SYSTEM / TOWERS

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 being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The records custodian 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.

CELLULAR ANTENNA TOWERS

1. 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 Zoning Administrator.



~~: Applications for the construction of wireless telecommunications facilities for cellular telecommunications services or personal communications services shall be submitted in two parts. The application entitled, "For the Public Record" and one (1) original (including attachments) of the application entitled "Uniform Application: Confidential and Proprietary" shall be submitted to the Bellevue Planning Commission. The uniform application shall be submitted in accordance with the Public Service Commission Administrative Regulations (807 KAR 5:063) and include the following:~~

- ~~1. All information that the applicant is required to submit to the Public Service Commission, per the requirements of the uniform application.~~
- ~~2. 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 a FCC license holder to locate at least one antenna on the applicant's tower.~~
- ~~3. The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes all of the planning unit's jurisdiction and a one-half mile area outside of the boundaries of the planning unit's jurisdiction.~~
- ~~4. 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's location, Bellevue CFT map sites, a description of each existing site, and a discussion of the ability or inability to co-locate on each existing site, according to the following:
 - ~~a. No existing towers or cellular telecommunications facilities (CTF) are located within a two (2) mile radius of the proposed CTF location.~~
 - ~~b. Existing towers or CTF are not of sufficient height to meet the applicant's engineering requirements.~~
 - ~~c. Existing towers or CTF do not have sufficient structural strength to support the applicant's proposed antenna(s) or related equipment.~~
 - ~~d. The applicant's planned equipment would cause frequency interference with other existing or planned equipment of the tower or CTF or vice-versa and this interference cannot be reasonably prevented.~~
 - ~~e. Unwillingness of the owner of the existing tower or CTF to entertain a co-location proposal.~~~~

- ~~f. Existing towers and facilities do not provide an acceptable location for coverage for the applicant's Communications Network.~~
- ~~5. Unless co-locating, certification must be provided, supported by evidence, that the proposed CTF 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 CTF location, Bellevue CFT map sites, descriptions of each site, and a discussion of the ability or inability of the site to host such a facility, according to the following:~~
- ~~a. Unwillingness of the site owner(s) to entertain such a facility.~~
 - ~~b. Topographic limitations of the site.~~
 - ~~c. Adjacent impediments that would obstruct adequate transmission.~~
 - ~~d. Physical site constraints that would preclude the construction of such a facility.~~
- ~~6. A statement demonstrating the proposal is in agreement with the adopted comprehensive plan, and is in conformity with these regulations, subject to the limitations imposed by 47 U.S.C. 332 (c), KRS 278.030, 278.040, and 278.280.~~
- ~~7. A development plan, drawn to a scale not smaller than one (1) inch equals fifty (50) showing:~~
- In addition to the Uniform Application requirements specified in KRS 100.985 – 100.987, Applicants for a Cellular Antenna Tower should submit the following information.
 - A. A statement demonstrating that the proposal is in agreement with the Bellevue Comprehensive Plan, and that the Applicant has attempted to cCo-locate the proposed facility on an existing approved tower or facility or locate on sites that might be in better conformance with the adopted Comprehensive Plan, and that:
 - 1. Identifies the location of the sites attempted to locate; and
 - 2. Lists the reasons why the cCo-Location or locating on the alternative sites was unsuccessful in each instance.
 - B. A development site plan, signed and sealed by a professional engineer registered in Kentucky, drawn to a scale not smaller than one (1) inch equals one hundred (100) feet, showing the following information, where applicable.
 - a. 1. The total area of the site in question.

- b.2. All public and private ~~R~~rights-of-~~W~~way and easement lines locations on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned.
- c.3. Existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet (5').
- d.4. Location, height, arrangement, and identification of all residential and non - residential buildings, structures and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions.
- e.5. Location and arrangement of common open space areas, and ownership, ~~and~~ operation and plan for the maintenance of such land shall be ~~identified~~described.
- f.6. Landscaping features, including identification of planting areas and the location, type and height of walls and fences.
- g.7. Location of signs, indicating their orientation, size and height.

The Zoning Administrator may waive the submission of such data involving detailed engineering study until such time as the Application has been approved.

~~h. A pictorial representation, such as an architectural drawing, photograph, etc. of the proposed telecommunications facility from a point 150 to 500 feet from the direction of two (2) of the closest property lines showing the relationship of the tower and/or facilities to the surrounding vegetation, roads, structures and other visual masses. The Planning Commission may substitute or add to the number of required directional pictorial representations if in their opinion such documentation is warranted to make a determination of compliance with this ordinance and the comprehensive plan.~~

i.8. All utility lines and easements.:

- ~~• Water distribution systems, including line sizes, width of easements, type of pipe, location of hydrants and valves and other appurtenances.~~
- ~~• 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.~~

- ~~• 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.~~
- ~~• Other utilities (e.g. electric, telephone, gas, cable, etc.) including the type of service and the width of easements.~~

~~j9. 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.~~

~~k10. Location and type of lighting used for area illumination.~~

11. If applicable, certificate of appropriateness within a historic district.

~~l. Circulation System:~~

- ~~• Pedestrian walkways, including alignment, grades, types of surfacing, and width.~~
- ~~• Streets, including alignment, grades, type of surfacing, width of pavement and rights-of-way, geometric details, and typical cross sections.~~
- ~~• Provisions for control of erosion and storm drainage, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction.~~

~~8. Any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of discontinuance or abandonment, the method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal. The timetable for removal must not exceed six (6) months. In addition, the decision to discontinue use of a CTF must be submitted to the Bellevue Planning Commission within thirty (30) days of the decision to cease operations.~~

F2. 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 in a newspaper of general circulation in the County, provided that (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 immediately prior to the hearing. Said posting shall consist of one (1) or more signs, constructed of durable material, and clearly depicting the following information: "(name of Utility) proposes to construct a Telecommunications ("tower" or "monopole") on this site" (a minimum of one (1) inch high lettering); date, place, and time of public hearing (one (1) inch high lettering); and address, including telephone number where additional information regarding the hearing may be obtained. ~~at least two signs; (1) posted in a visible location on the proposed site and (2) on the nearest road. The sign shall be constructed of durable material, be provided by the applicant and clearly depict the following information:~~
 - ~~“(Name of applicant) proposes to construct a wireless telecommunications facility on this site (four (4) inch high lettering). A Public Hearing will be held on (date, place and time of public hearing) (one (1) inch high lettering). For further information, contact the Bellevue Planning Commission, 616 Poplar Street, Bellevue, KY 41073 (606) 431-8866.”~~
- 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~~ Zoning Administrator, 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, ~~and any abutting property owners~~. It shall be the duty of the ~~person(s) proposing the facility~~ Applicant to furnish to the ~~Planning Commission~~ Zoning Administrator with the names and addresses of said property owners. Records maintained by the ~~P~~ property ~~V~~ valuation ~~A~~ administrator (PVA) 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 a condominium or cooperative owners.~~ A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in



the ~~property valuation administrator~~ PVA's records as having the same address.

- d. Upon holding such hearing, the Planning and Zoning Commission shall review and take action, within sixty (60) days commencing ~~from the date that the~~ of a completed application ~~is received by the Planning Commission,~~ or within a date specified in a written agreement between the Planning and Zoning Commission and the a Applicant, ~~make its final decision to approve or disapprove the uniform application. The Planning Commission shall submit to the Public Service Commission, along with its action, the basis for its decision. If the Planning and Zoning Commission fails to issue a final decision~~ does not take action within sixty (60) days, ~~and if there is no~~ or within the specified date within the written agreement between the Planning and Commission and the Utility ~~to a specific date for the Planning Commission to issue a decision~~ a Application shall be deemed to be approved as submitted, ~~it is presumed that the Planning Commission has approved the utility's uniform application. If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions that, in its opinion better accomplish the objectives of the comprehensive plan or zoning regulations.~~

2. Previously Approved Sites: Previously approved sites can be reviewed and approved by Planning Commission's duly authorized representative under the following conditions if; ~~-(1) the proposed augmentation of the structure does not increase the height of the structure by more than thirty-three percent (33%), and (2) the proposed augmentation of the structure does not alter the lighting requirements for a structure on which lighting is currently not required. A list of previously approved or preferred sites (which include existing utility structures, towers, CTFs, etc.) can be obtained from the Bellevue Planning Commission upon request from the utility.~~

- ~~a. For facilities located on previously approved sites, the Planning Commission's duly authorized representative shall review the application for its conformity with these regulations and the regulations contained within the applicable local zoning ordinance. The latitude and longitude of the structure shall be submitted along with a detailed description of the plan to co-locate or augment a structure.~~
- ~~b. If the Planning Commission's duly authorized representative determines that the application is in conformity with these regulations and the regulations contained within the Official Zoning Ordinance, an administrative approval may be granted.~~
- ~~c. If the Planning Commission's duly authorized representative determines that the application is not in conformity with these regulations and the~~

~~regulations contained within the Official Zoning Ordinance, a public hearing, pursuant to Section F.1. of these regulations, shall be scheduled.~~

~~G. UNIFORM APPLICATION CONFIDENTIAL: Commencing from the time that a utility files a uniform application with the Public Service Commission, all information contained in the uniform application and any updates, except for information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Public Service Commission and the Bellevue Planning Commission shall deny any 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. Any person violating this subsection shall be guilty of misconduct in the second degree as provided wider KRS 522.030.~~

H3. DESIGN STANDARDS: At the time of application submittal, the applicant shall provide information demonstrating compliance with the following requirements:

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

2. All cables and wires shall be installed inside the Monopole structure.

3. Unless required by state and/or federal regulations, all Cellular Antenna Towers shall be uniform grey or black in color.

~~14. All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (1/2) the height of the tower, but not less than fifty (50) feet. ~~at least ten (10) feet from all property lines or lease lines. The cellular telecommunications facilities shall be set back at least the height of the proposed tower when the site abuts a residence or residentially zoned property or when the site abuts a street.~~~~

~~25. 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 the building/structure and tower together, measured from the grade to the highest point. The Planning Commission may allow antenna~~(se)~~ greater than two hundred (200) feet in height upon review and approval of the applicant's justification that the additional height ~~meets the criteria identified in Subsection E, above.~~ is required.~~

~~36. 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) miles per hour, ~~in accordance with current ANSI/EIA/TIA standards.~~
- ~~4. 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 maintained in either galvanized steel finish or be painted light gray or light blue in color. 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.~~
- ~~57.~~ Cellular Antenna Towers shall not be illuminated except in accordance with as required by the Federal Aviation Administration (FAA) and other state or federal regulations. ~~However, where required to be illuminated, the utility provider shall request dual lighting from the FAA. Strobe lighting is not permitted unless deemed absolutely necessary and shall only be permitted during daylight hours and switched to red lighting after dark.~~
- ~~68.~~ 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.
- ~~7. A minimum of one (1) off-street parking space, per provider, shall be provided on the site. In no case shall there be more than three (3) parking spaces per site.~~
- ~~89.~~ 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 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 and rear yards.
- ~~910.~~ Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in a ten foot perimeter area surrounding the facility. A buffer area shall be required around the perimeter of the fenced area, parking area and access area, as appropriate to adequately screen the facility. A buffer area shall be provided by live evergreen plantings of a sufficient size as to be equal to at least the height of the required fencing within three (3) years after planting occurs. The Planning Commission shall approve the number, type and planting pattern.
- ~~1011.~~ 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 unless located on a pre-existing structure such as a building, water tank, etc.

- ~~412.~~ Surfacing of all driveways and off-street parking areas shall comply with the requirements of the ~~Official Zoning Ordinance, Article XIII.~~
- ~~4213.~~ There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) square feet, displaying emergency information, owner contact information and warning or safety instructions shall be installed at the base of the tower in area.
- ~~13.~~ ~~No signs shall be permitted, except those required in Section 9.31(H)(12) above or signs required by a federal, state or local agency.~~
14. All new Cellular Antenna Towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
15. All option and site lease agreements shall contain non-exclusive co-location clauses.
16. Cell towers in residential zones shall be located on a lot, in a location that would have the least impact on the natural setting and adjacent properties and in a location most compatible with surrounding properties. The Planning Commission or their duly authorized representative shall have the authority to approve a proposed cell tower at a different location on the same property if it determines an alternative location is more appropriate.
17. A cell tower in a residential district must be camouflaged in the form of an alternative tower structure such as flag pole, light pole, or steeple so that it is compatible with the natural setting.
18. In instances where an Antenna is proposed within a historic or commercial district, the established public or private design control measures shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district. Where additional local design review processes exist, such as Certificates of Appropriateness or urban design review boards, such approvals may be required.

Where the Planning and Zoning-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 above 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 and Zoning Commission, or its duly authorized representative, 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 justification for each requested modification or waiver.

4. EVALUATION CRITERIA: Evaluation of the proposal shall be based upon a finding of compliance with the following criteria:

1. The proposal is in agreement with the various elements of the adopted comprehensive 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, and 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 facility is integrated with existing structures (~~i.e.~~ i.e. buildings, signs).

J. AMENDMENTS: Any amendments to plans except for minor adjustments as determined by the Planning and Zoning Commission or its duly authorized representative, ~~shall be made in accordance with the procedure required by Subsection E,~~ are 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 not located in public Rights-of-Way. Changes are measured cumulatively from the original approval of the tower or 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.

~~K. DISCONTINUANCE: If the use of any cellular antenna, cellular antenna tower or alternative 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 thirty (30) days of such notice to the FCC. If the CTF will not be reused, the owner shall have six (6) months 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 used. If the CTF 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. Upon failure to commence new operation of the CTF within twelve (12) months, the CTF shall be presumed to be abandoned, and the owner shall obtain, within 90 days of the expiration of the twelve (12) month period, a demolition permit and remove the CTF within 60 days of obtaining the demolition permit. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Planning Commission may, on grounds of public safety, cause the demolition and removal of the CTF and recover all costs in accordance with the guarantee.~~

~~L. NON-CONFORMING CELLULAR TELECOMMUNICATIONS FACILITIES: Cellular telecommunications facilities in existence on the date of the adoption of these regulations that do not comply with these regulations, are subject to the following:~~

- ~~1. Existing CTFs may continue use for the purpose now used, but may not be expanded or replaced without complying with these regulations, except as further provided in this section.~~
- ~~2. Existing CTFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to obtaining zoning approval but without otherwise complying with these regulations.~~
- ~~3. The owner of any existing CTF may replace, repair, rebuild and/or expand such CTF to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communications standards by obtaining a zoning approval by the Zoning Administrator. These improvements can be made without having to conform to the public hearing provision in Section F of the regulations so long as such facilities (construction type, building setbacks and heights) do not impact adjoining properties.~~

~~4. An abandoned GTF must be dismantled and removed within six (6) months of notifying the Planning Commission of the intent to discontinue use of a site.~~

~~M. GUARANTEE: To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under these regulations shall, at the time of submittal, deposit with the Planning Commission, and to the benefit of the Planning Commission, a letter of credit, 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 facility. Any guarantee submitted shall be irrevocable and shall provide for the Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee or in the event that the GTF is not dismantled and removed within six (6) months of notifying the Planning Commission of the intent to cease operations.~~

~~N. FEES: Application fees for GTF's shall be as follows:~~

~~1. New Sites: Planning Commission application fee and zoning permit application fees shall total \$1000.00.~~

~~2. Previously Approved Sites (including co-location): Planning Commission application fee and zoning permit application fees shall total \$500.00.~~

SMALL CELL SYSTEM/ TOWER

1. APPLICATION — REQUIREMENT: All proposed Small Cell Systems, except those exempted by Section 3.4, A., shall be subject to administrative review and approval by Zoning Administrator. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of these regulations and the Comprehensive Plan. One 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.

Where the Zoning Administrator finds that circumstances or conditions relating to the particular Application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more requirements unreasonable, the Zoning Administrator may modify or waive such requirement. Any modification or waiver, shall be requested in writing by the Applicant.

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:



- A. 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.
- B. An affidavit of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap capacity or coverage shortfall, expand or provide new coverage, or to deploy new technology in the Applicant or provider's service area, whether it is the least obtrusive means of doing so.
- C. 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.
- D. A statement by an authorized representative that the Applicant or provider is in compliance with all conditions required for such license and approvals.
- E. A full description of the number and dimensions of all Small Cell Towers proposed to be installed.
- F. 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 two hundred (200) 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.
- G. 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.
- H. 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.
- I. Photographs of view shed from each proposed tower location, taken in at least four directions.
- J. Description of whether other Overhead Utilities exist within two hundred (200) feet of the proposed antenna location.

K. If applicable, certificate of appropriateness within a historic district.

2. PROCESSING OF APPLICATION: Applications for Small Cell Systems may be reviewed and approved by the Zoning Administrator. The Zoning Administrator shall review and take action on Applications for new Small Cell Systems within sixty (60) days of a completed Application. If the Zoning Administrator does not make a final decision within the required sixty (60) days, the Application shall be deemed to be approved as submitted.

3. SMALL CELL TOWER LOCATION AND DESIGN REGULATIONS: A new Small Cell System is subject to design review and approval by the Zoning Administrator. 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.

A. NON-TOWER SMALL CELL SYSTEM LOCATION: No administrative review is required for antennas locating on existing telecommunications structures, water towers, buildings, Utility Poles (as defined by this regulation) or other existing structures. These non-tower locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits.

B. NEW SMALL CELL SYSTEM TOWER LOCATIONS IN ALL ZONING DISTRICTS:

1. Temporary, mobile or wheeled cellular antenna towers shall not be permitted.

2. New Small Cell Towers shall not exceed the maximum building height for the zoning district within which they are located. A height that is in excess of what is permitted within the zoning district may be approved by Zoning Administrator if it integrates Stealth Technology that better meets the objectives of these regulations.

3. New Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.

4. 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.

5. 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.



6. 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.
7. 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.
8. In instances where an Antenna is proposed to be constructed within a historic or commercial district, the established public or private design control measures shall be followed. Efforts shall be made to adhere to any established design control measures or existing furnishing or fixture styles within the district. Where additional local design review processes exist, such as Certificates of Appropriateness or Urban Design Review Boards, such approvals may be required.

C. NEW SMALL CELL SYSTEM TOWER LOCATIONS IN RESIDENTIAL ZONES: The regulations in this subsection apply to Small Cell Towers to be located within, or immediately adjacent to, residential zoning districts.

1. Facilities in residential areas are strongly encouraged to be Non-Tower Wireless Communication Facilities, which are exempt from these regulations.
2. 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 or other methods which will reduce the visual impact may be approved by Zoning Administrator.
3. 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 Zoning Administrator.
4. The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.
5. 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.

6. 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.
7. Efforts should be made to locate new Small Cell Towers in the yard location where other Overhead Utilities are located.
8. 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.
9. 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.
10. Reasonable efforts shall be made to locate new Small Cell Towers in the order of hierarchy below, based on the following functional roadway classification from the most to least preferred:

- a. Interstate
- b. Arterial
- c. Collector
- d. Local

D. NEW SMALL CELL SYSTEM TOWER LOCATIONS IN NON-RESIDENTIAL ZONES: The regulations in this subsection apply to towers to be located within non-residential zoning districts.

1. 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 in subsection 3.4, C., shall be followed.
2. Antennas in commercial or park areas are encouraged to be installed as Non-Tower Wireless Communication Facilities, which are exempt from this regulation per Article III, Section 3.4, A.
3. Reasonable effort shall be given to locate new equipment based upon the following hierarchy of zones and land uses from the most to least preferred:
 - a. Co-locate on an existing structure whenever possible.

- b. Institutional.
- c. Industrial.
- d. Commercial.
- e. Public parks.
- f. Agricultural.

- 4. 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 Zoning Administrator.
- 5. Shrouds, risers, and conduits shall be used to reduce the appearance of external cabling.
- 6. All poles, antennas, brackets, cabling, risers, shrouds, and conduits shall be uniform grey or black in color, or other color as approved by Zoning Administrator.
- 7. Cylindrical antennas shall be required, unless another antenna style is integral to the Stealth Technology as approved by Zoning Administrator.
- 8. There shall be no more than a four (4) inch offset between the pole and pole mounted equipment enclosures.

E. EVALUATION CRITERIA: Evaluation of the proposal shall be based upon the following criteria and shall be subject to administrative approval by Zoning Administrator:

- 1. The extent to which the proposal is consistent with the purposes of these regulations.
- 2. The extent to which the proposal minimizes the impact on adjacent land uses, especially in terms of visual impact.
- 3. The extent to which the proposed facility is camouflaged (e.g., use of Stealth Technology).
- 4. The extent to which the proposed facility conforms to the character of the surrounding area (e.g., buildings, street lighting, signs).

F. AMENDMENTS TO APPROVED PLANS: Any amendments to plans, except for the minor adjustments outlined below, are 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 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.