

**SCOTT FISCAL COURT
ORDINANCE NO. 98-01**

**AN ORDINANCE RELATED TO THE AMENDMENT OF THE ZONING ORDINANCE TO
PROVIDE FOR THE REGULATION OF CELLULAR PHONE TOWERS**

WHEREAS, by Act of the Kentucky Legislature, KRS 100, the Chapter governing planning and zoning, local planning and zoning, local planning units were given the authority to regulate cellular telephone towers. Unregulated proliferation of cellular towers threatens the orderly development of the community unless locational and screening standards are adopted; and

WHEREAS, this proposed amendment to the Zoning Ordinance of Georgetown/Scott County, Kentucky has been submitted to the citizens through properly advertised public hearing before the Georgetown/Scott County Planning and Zoning Commission. At the close of those hearings, the Commission unanimously recommended the adoption of this amendment to the City and County governments of Scott County.

NOW, THEREFORE, BE IT ORDAINED BY THE SCOTT FISCAL COURT AS FOLLOWS:

SECTION ONE: NEW PROVISIONS. (New language is underlined. Language which is unchanged is not marked. Superseded language is shown as stricken.)

1. ARTICLE II, DEFINITIONS, is amended to include the following amended definition:

45. Telecommunications Tower - A structure constructed for the location of transmission and/or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

45(a). Co-location - location of two (2) or more transmission antennae or related equipment on the same telecommunications tower.

2. ARTICLE II, IS AMENDED BY THE ADDITION OF THE FOLLOWING NEW SECTION:

Section 2.55 TELECOMMUNICATIONS TOWERS

A. Telecommunications towers, as defined in Section 2.1, shall be permitted in all zoning districts subject to the following standards:

B. Any legally permitted and constructed telecommunications tower, as of July 15, 1998, shall be exempt from these regulations; except when discontinued for a period of twelve (12)

months in accordance with Section 2.42 of this Article. In such cases, the applicant or utility shall be required to follow the procedures listed herein.

C. All applications for telecommunications towers and related equipment shall be in accordance with KRS Section 100.

D. All applicants for telecommunications tower approval shall file a development plan in accordance with Section 2.3 and 2.9 of this Article, except as noted herein.

E. In residential districts, all telecommunications towers and related structures shall comply with the setbacks of that district or a minimum of twenty-five (25) feet, whichever is greater; plus one (1) foot for each two (2) feet of height the tower exceeds the maximum allowable building height

F. In agricultural districts, all telecommunications towers and related structures shall be setback from all property lines in accordance with the required setbacks of the district plus one (1) foot for each two (2) feet of height the tower exceeds the maximum allowable building height.

G. In all residential and agricultural districts, and whenever possible, all telecommunications towers shall be designed and constructed so as to minimize any potential negative aesthetic, environmental, or visual impacts. This may include the use of camouflage and/or additional screening techniques.

H. In all commercial, industrial, and professional office districts, all telecommunications towers and related structures shall adhere to the adopted building setbacks plus one (1) foot for each two (2) feet of height the tower exceeds fifty (50) in height. In those districts where no setbacks are required, a minimum of twenty-five (25) feet plus one (1) foot for each two (2) feet of height the tower exceeds fifty (50) feet in height shall be required.

I. All telecommunications towers located within a commercial, industrial, or professional office district, where adjacent to a residential or agricultural district, the setback requirements for the adjacent district shall apply along those property lines for that portion of the site.

J. The following method shall be used to measure the height of the telecommunications tower: Beginning at the base of the tower, at ground level and including any support structures, to the top of the main tower structure, excluding the antenna (e) assembly.

K. Co-location of antennae on telecommunications towers shall be required whenever possible. The applicant or utility shall make a reasonable effort to co-locate antenna (e). In the event co-locations is not possible, the applicant shall provide the Planning Commission with a written report of the facts supporting the decision not to co-locate on an existing structure.

i. The Planning Director may waive the requirement for submission of a development plan when co-location of an antenna (e) on an approved telecommunications tower is proposed; all other applicable requirements shall apply.

ii. The use of existing structures including water towers and buildings shall be encouraged, where possible. Any applicant or utility that proposes to locate an antenna (e) on such structures shall provide the Planning Commission with a written statement, from the property owner, allowing such a use. All other applicable requirements shall apply:

L. The Planning Commission shall review and approve or deny an application in accordance with KRS 100. Such review and approval or denial shall be made, in writing, within sixty (60) days of the date the application is submitted for Planning Commission review, unless the applicant or utility requests, in writing, an extension of time. The Planning Director may waive the requirement for full review by the Technical Review Committee. In these situations, the applications shall obtain written comments from the appropriate reviewing agencies.

M. The following landscaping requirements shall apply:

i. All telecommunications towers shall have one or more rows of evergreen trees or shrubs capable of forming a continuous hedge six (6) feet in height. Evergreen trees planted in accordance with this section, shall satisfy the requirements of Section 6.2433 of the Landscape Ordinance, Appendix A to the Zoning Ordinance. Shrubs planted in accordance with this section, shall be of comparable height and maturity as the evergreen trees, above, at the time of planting. Equivalent planting material may be approved. The hedge shall screen the base of the tower and any related structures, from public view. A break in the hedge, not to exceed fifteen (15) feet in width, shall be allowed for access of maintenance personnel and vehicles.

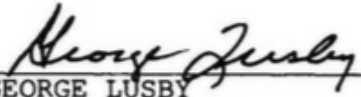
ii. New or existing vegetation, earth berms, meexisting topographic features, walls, opaque fences, and features other than those listed may be used to meet these requirements upon a finding by the Planning Commission that the same degree of screening required above is achieved by the proposed alternative.

iii. No screening shall be required where explicitly prohibited by the Federal Communications Commission regulations. In such cases, the applicant or utility shall provide the Planning Commission with a written statement of the facts explaining the prohibition of locally required screening.

SECTION TWO: EFFECTIVE DATE: This Ordinance shall take effect upon passage and publication.

The foregoing Ordinance was introduced and read for the first time at the Scott Fiscal Court's regular meeting August 31, 1938, and for the second time, adopted and approved, at the Scott Fiscal Court's regular meeting September 14, 1998.

APPROVED BY:



GEORGE LUSBY
SCOTT JUDGE EXECUTIVE

ATTESTED BY:



MARTHA NECLERIO
CLERK

sfctower