

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Ms. Deborah Blake

STAFF PRESENT:

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

STAFF ABSENT:

Mr. Kirk Hunter, Principal Planner

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

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

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

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

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

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

Considerations:

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

Proposed Text Amendments:

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

Campbell County Zoning Ordinance

ARTICLE XIX

SCHEDULE OF FEES

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

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APPENDIX A

SUMMARY OF AMENDMENTS

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

Campbell County & Municipal Planning and Zoning Commission Subdivision Regulations

ARTICLE V

SECTION 520

Review Fees

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

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SECTION 525

Inspection Fees

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

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

**APPENDIX Z
MODIFICATIONS TO SUBDIVISION REGULATIONS**

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

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

§ 154.279 SCHEDULE OF FEES.

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

I. ZONING PERMIT

(A) For New Construction or Additions.

(1) Residential and Agricultural Zones.

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

(2) Non-residential or Mixed Use Zones.

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

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

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

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

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(D) **Swimming Pool:**

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

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

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

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

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

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

II. BUILDING PERMIT FEES

- (A) **One- and Two-Family Dwellings – New Construction:** \$0.15 per square foot of exterior dimensions (inclusive of living area, garage, basement, deck, patios, and porches).
- (B) **Multi-Family Dwellings and Non-residential – New Construction:** Gross square footage of all levels.
- (1) Less than 10,000 square feet: \$0.15 per square foot of all floor areas
 - (2) 10,000 to 30,000 square feet: \$0.12 per square foot
 - (3) Over 30,000 square feet: \$0.08 per square foot
- (C) **Miscellaneous Construction:** Additions or remodeling of existing structures, cell towers or fire alarm systems, decks, accessory structures, sign structures, retaining walls, in-ground pools, etc.

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

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

(D) **HVAC systems:**

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

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

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

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

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

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

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

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

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

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

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

Note: For accuracy and efficiency, supporting plans, such as landscape, lighting, traffic, geotechnical plans, etc. should be submitted with preliminary/Stage1 or improvement/Stage 2 plans.

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

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

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

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

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

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

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

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

IV. ZONING REVIEW, MODIFICATION OR APPEAL.

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

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

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V. MISCELLANEOUS

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

STAFF RECOMMENDATION:

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

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

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:

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

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

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

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

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

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

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

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

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

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

BACKGROUND:

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

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

The purpose of these proposed revisions are to

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

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

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

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PROPOSED TEXT AMENDMENTS:

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

RECOMMENDATION:

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

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

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

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

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

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

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

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

BASES FOR STAFF RECOMMENDATION:

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

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

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

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

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

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

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

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

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

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

- P&Z:
 - ☐ Larry Barrow [2.0 hrs.] Independent Study: KY 536 Road Study (2.0 hrs.)
- BOA:
 - ☐ Scott Bachmann [0.5 hrs.] Independent Study: KY 536 Road Study (0.5 hrs.)

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

Mr. Verst called for the Director's Report.

DIRECTOR'S REPORT

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

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

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

Respectfully Submitted,

Approved:

Cynthia Minter
Director of Planning & Zoning

Justin Verst
Chair