



**Henderson City-County
Planning Commission**

**Cellular Antenna
Tower Application**

Date received by Planning Office

Filing Fee

\$2,500.00

Receipt Number

SUBJECT PROPERTY	
Site Address	
Deed Book / Page Number	
Property Owner	
Leaseholder	
APPLICANT	
Applicant's Name	
Agent's Name	
Agent's Telephone	

The Comprehensive Plan for the City of Henderson, Henderson County, and the City of Corydon, KY, recommends that the **HCCPC** work cooperatively with the service providers of cellular telecommunications services or personal communications services and use the following list of recommended criteria when evaluating the siting of service facilities.

- ◆ **The HCCPC will request submission of an “annual plan”** covering the applicant’s present telecommunications towers, co-location sites, and next year network build-out of telecommunications facilities within Henderson County.
- ◆ Service providers should be required to co-locate or share towers/facilities with other providers in order to minimize the proliferation of towers/facilities.
- ◆ Wherever possible, service providers should be required to use existing structures or facilities that meet all of the requirements of the proposed installation. For example, water towers, radio and television towers, tall buildings, commercial signs, church steeples, etc., in order to minimize the proliferation of new towers/facilities.
- ◆ Potential sites that should be considered (in order from most-preferred to least-preferred) include street rights-of-way, existing utility towers, industrial zones, commercial zones, and government buildings.
- ◆ Ground-level compounds such as equipment shelters, backup generators, etc. should be heavily screened from view.

- ◆ Towers should be camouflaged or designed in such a manner to blend into the surrounding area. For example, changes in topography of the land may be used effectively to separate such facilities from adjacent residential uses.
- ◆ To provide for proper separation, adequate setbacks should be provided based upon adjacent land uses and character of affected areas.
- ◆ The type of tower (e.g., monopole, carillon, etc.) should be evaluated based upon adjacent land uses and character of affected areas.
- ◆ When the facility is no longer required, the owner should remove it and restore the land to its natural state.

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Application

Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular telecommunications services or personal communications services within Henderson County, KY, shall submit a copy of the applicant's completed uniform application to the Henderson City-County Planning Commission to construct an antenna tower for cellular or personal telecommunications. The application contents shall include those specified in KRS 100.985 to 100.987, including 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 Henderson County, KY and a one-half (1/2) mile area outside of the boundaries of Henderson County, KY, if that area contains either existing or proposed construction sites for cellular antenna towers; shall include in 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 abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal; and shall comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. 332(c), KRS 278.030, 278.040, and 278.280.

Confidentiality

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** then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The HCCPC shall deny any public request for the inspection of this information, except when ordered to release the information by a court of competent jurisdiction, or when and to the extent that confidentiality is waived in writing by the applicant. **The HCCPC will request that the applicant waive confidentiality on the contents of the application, with the exception of the contents of the utility's "annual plan" as discussed above.**

HCCPC Review

The HCCPC shall review the application in light of its agreement with the **Comprehensive Plan** (see above) and locally adopted zoning regulations; make its final decision to approve or disapprove the uniform application; and advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the HCCPC or within a date certain specified in a written agreement between the HCCPC and the applicant. In regulating the placement of cellular antenna towers, the HCCPC shall not regulate the placement of a cellular antenna tower on the basis of the environmental effects of radio frequency emissions to the extent that these facilities comply with

the regulations of the FCC concerning radio frequency emissions; shall not institute a moratorium upon the siting of cellular antenna towers; shall not regulate the placement of antennas or related equipment on an existing structure; or shall not require the submission of application materials in addition to those required by statute, unless agreed by both parties.

Co-location

The HCCPC may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The HCCPC may provide the location of existing cellular antenna towers on which the HCCPC deems the applicant can successfully co-locate its transmitting and related equipment. If the HCCPC requires the applicant to attempt co-location, the applicant shall provide the HCCPC with a statement indicating that the applicant has successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applying applicant will co-locate its transmission and related facilities; or, unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that identifies the location of the towers or other structures on which the applicant attempted to co-locate and lists the reasons why the co-location was unsuccessful in each instance. The HCCPC may deny a uniform application to construct a cellular antenna tower based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures. In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

After HCCPC Action

Upon the approval of an application for the construction of a cellular antenna tower by the HCCPC, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. If an applicant fails to file notice of an approved uniform application with the PSC, the applicant shall be prohibited from beginning construction on the cellular antenna tower until such notice has been made. A party aggrieved by a final action of the HCCPC under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.



Henderson County

