

AN ORDINANCE OF THE CITY OF VILLA HILLS, IN KENTON COUNTY, KENTUCKY AMENDING CHAPTER 52 OF THE VILLA HILLS CODE OF ORDINANCES TITLED SMALL CELL CELLULAR TOWER DESIGN GUIDELINES.

WHEREAS, The COVID-19 Pandemic exposed the lack of adequate internet and cellular services within many communities across the country, including Villa Hills, and

WHEREAS, The City of Villa Hills wishes to encourage the deployment of small cellular services within city limits, and

WHEREAS, the current Villa Hills design guidelines for small cellular towers were adopted in 2020; and

WHEREAS, The City of Villa Hills wishes to update the guidelines order to ease administration and ensure uniform enforcement;

BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTUCKY:

SECTION I

That section 52.01(B) of the Villa Hills Code or Ordinances is amended as follows:

SECTION II

That section 52.03 of the Villa Hills Code or Ordinances is amended as follows:

- (A) When an application is filed for a permit to install one or more wireless communication support structures in the city right-of-way, the City Administrator or his/her designee shall post notice of the application on the city's web site, direct the applicant to post a notice at the proposed site, make the application materials available for public inspection, direct the applicant to provide written notice to residents and businesses with property lines located within [~~five hundred (500)~~] **one hundred and twenty-five (125)** feet of the proposed facility, and receive and consider written comment and documentary evidence submitted from the public in accordance with procedures established by the City Administrator. The City Administrator or his/her designee may schedule, and a representative of the applicant must attend, a community meeting to provide the public with information about the planned new equipment or wireless communication structure, answer questions, receive information, and respond to concerns.
- (B) When an application is filed for a permit to collocate one or more additional antennas on an existing support structure **or replace an existing monopole with a pole that can support multiple antennas**, the City Administrator or his/her designee shall post notice of the application, make the application materials available for public inspection, provide written notice to residents and businesses with property lines located within [~~two hundred (200)~~] **one hundred and twenty-five (125)** feet of the proposed facility, and may receive and consider written comment and documentary evidence submitted from the public in accordance with procedures established by the Director.

SECTION III

That section 52.13(A) of the Villa Hills Code or Ordinances is amended as follows:

(A) New wireless support structures shall be designed and constructed to accommodate small cell equipment from at least two (2) wireless service providers on the same wireless support structure, **or the service provider may provide a plan, acceptable to the Administrator, for future co-location on the proposed site.**

SECTION IV

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION V

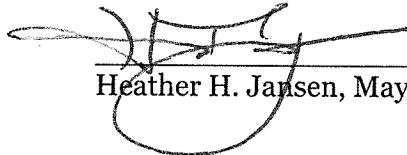
The provisions of this ordinance are severable and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION VI

This Ordinance shall take effect and be in full force from and after its passage, and may be published in summary form, and recording, according to law.

Passed by the City Council this 21st day of September 2022.

City of Villa Hills, Kentucky
A Municipal Corporation of the Home Rule Class



Heather H. Jansen, Mayor

ATTEST:



Jennifer Lipson, City Clerk

Sponsor: Stover
First Reading: Dec 15, 2021
Second Reading: September 21, 2022

Ayes: 6
Nays: 0
Abstentions: 0
Absent: 0
Published: _____