



The City of Lee's Summit

Final Agenda

Community and Economic Development Committee

Wednesday, February 13, 2019

4:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Action Letter
 - A. [2019-2568](#) Approval of the December 12, 2018 Community and Economic Development Committee minutes
5. Public Comments
6. Business
 - A. [2019-2561](#) Request for UDO Amendment to allow off-premise signs - Dr. Veeral Bhoot requester
Presenter: Presenter: Robert McKay, AICP, Director of Planning and Development
 - B. [2019-2564](#) Presentation & Discussion - Framework for Citizen Strategic Planning & Comprehensive Master Planning initiatives
Presenter: Mark Dunning, Assistant City Manager - Development, Creative Services & Cultural Arts
 - C. [TMP-1126](#) An Ordinance approving Application #PL2019-058 Unified Development Ordinance (UDO) Amendment #4, Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas; City of Lee's Summit Applicant.
Presenter: Josh Johnson, Asst. Director of Plan Services
7. Roundtable
8. Adjournment

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"

Packet Information

File #: 2019-2568, **Version:** 1

Approval of the December 12, 2018 Community and Economic Development Committee minutes

Issue/Request:

Approval of the December 12, 2018 Community and Economic Development Committee minutes

Proposed Committee Motion:

I move to approve the December 12, 2018 meeting minutes of the Community and Economic Development Committee.

The City of Lee's Summit
Action Letter - Draft
Community and Economic Development Committee

Wednesday, December 12, 2018

4:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

1. Call to Order

2. Roll Call

Present: 5 - Vice Chair Diane Forte
Councilmember Fred DeMoro
Liaison Donnie Funk
Councilmember Craig Faith
Chairperson Beto Lopez

Absent: 1 - Alternate Bob Johnson

3. Approval of Agenda

A motion was made by Vice Chair Forte, seconded by Councilmember Faith, that the agenda be approved. The motion carried unanimously.

4. Approval of Action Letter

- A. [2018-2473](#) Approval of the November 14, 2018 Community and Economic Development Committee Minutes

A motion was made by Vice Chair Forte, seconded by Councilmember DeMoro, that the Action Letter be approved. The motion carried unanimously.

5. Public Comments

There were no public comments presented at this meeting.

6. Business

- A. [2018-2475](#) Presentation - Animal Control solar panel status report and consideration of pursuing additional opportunities for municipal buildings.

A motion was made by Councilmember Faith, seconded by Vice Chair Forte, to direct staff to continue to pursue the solar panel and rebate opportunity on an expedited basis for City Council consideration at the Regular Session on 12/18/2018. The motion carried unanimously.

Community and Economic Development Committee

Action Letter - Draft

December 12, 2018

- B. [BILL NO. 19-08](#) An Ordinance amending Chapter 7 of the Code of Ordinances of the City of Lee's Summit, Missouri, the Lee's Summit Building Code by repealing Articles 2, 3, 4, 5, 6 and 9; and adopting new Articles 2, 3, 4, 5, 6 and 9 pertaining to the same subject matter to incorporate new provision of the 2018 International Building Codes and the 2017 National Electrical Code and modify or retain certain existing provisions of the Building Code and Electrical Code. (CEDC 12/12/18)

A motion was made by Vice Chair Forte, seconded by Councilmember Faith, that the proposed ordinances be recommended for approval to the City Council - Regular Session. The motion carried unanimously.

- C. [2018-2480](#) Discussion of Neighborhood Services case types and monthly reporting.

This presentation was given by Ryan Elam. Council member Forte requested that more research be done and this be brought back to the CEDC.

7. Roundtable

The next meeting of the Community and Economic Development Council will be held at 4:00 pm on January 9, 2019.

8. Adjournment

There being no further business, the meeting was adjourned at 5:24 pm.

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Packet Information

File #: 2019-2561, **Version:** 1

Request for UDO Amendment to allow off-premise signs - Dr. Veeral Bhoot requester

Dr. Bhoot has requested the opportunity to come before the CEDC to discuss the possibility of amending the Unified Development Ordinance to allow off-premise signs. Currently they are expressly prohibited in the UDO. Dr. Bhoot will be in attendance to present his request. A letter of his request along with pictures of his intended signs and their locations are attached for your consideration.

The property Dr. Bhoot is requesting an off-premise sign for is a second tier commercial property without major street frontage. These second tier properties are just that, they are located behind major land parcels and generally do not require a great deal of signage. If we begin allowing such properties in Lee's Summit the opportunity for off-premise signage we will open ourselves to every property that doesn't have good street frontage to seek additional signage adding to more potential sign clutter. Staff is not a proponent of more signage as our current sign regulations provide more than adequate signage for commercial businesses today. Our fear is that an amendment of this sort could open a flood gate of additional signage requests that are not appropriate in our efforts to promote an attractive community.

Recommendation: Off-premise signs have been prohibited for a long time and although there may be instances where they may be appropriate staff would advise extreme caution in formulating an amendment that would allow them carte blanche. If such an amendment is acceptable to the Committee staff's approach would be to perform some additional study beyond this evenings consideration prior to drafting such amendment. Staff could formulate a proposal and bring back for discussion.

Presenter: Robert McKay, AICP, Director of Planning and Development

VAAP Chapel Ridge, LLC

3680 NE Akin Drive, Lees Summit, MO 64064
Mail Correspondence to: PO Box 24193, Overland Park, KS 66223

To: City Council Community and Economic Development Committee (CEDC)

Attn: Mr. Roberty McKay

Lees Summit, MO 64064

Date: 1/29/19

To Whom It May Concern:

My name is Dr. Veeral Bhoot and I am a practicing radiologist in Jackson County Missouri. I'm submitting this letter for consideration of an amendment to Unified Development Ordinance (UDO) at the next CEDC meeting in February 21st, 2019. I am the managing member of VAAP Chapel Ridge LLC which owns the real estate building with address 3680 NE. Akin Dr., Lees Summit, MO 64064. This specific property has a sign easement agreement with the bariatric surgery Center MISH - at 707 NE Woods Chapel Rd, Lee's Summit, MO 64064 - adjacent building facing Woods Chapel Road. However, due to the current restrictions stating off premises signs are expressly prohibited by section 9.060.K of the UDO, I am unable to place this monument sign - within my easement. Therefore, I would like to have request an amendment to the UDO.

Please take a look at the property map for building. This is a 36,000 sq ft. building. The current tenants are complaining due to poor visibility. During the development of this area, the planning commission approved this building construction, and orientation in this manner. The construction is behind Sonic, and CVS with no visibility. This is a retail property with retail tenants occupying the building however, customers cannot find this property with ease. In addition, there is land in front of the building approximately 2.8 acres which is currently owned by a company planning construction soon. As a result, our building will have almost NO visibility to any road and visibility would be only to a private road.

I would like the community to evaluate the UDO and request an amendment to allow for off premise sign for this specific reason. If there are any questions in regards to my request, please contact me at my direct cell phone 816-721-4968 or my email address at bhootve@yahoo.com.

Sincerely

Dr. Veeral Bhoot
Managing Member
VAAP Chapel Ridge LLC



Chapel Ridge Center

816-229-7728 www.royalsignskc.com

(all designs and concepts that have been originally created by Royal Signs & Graphics are the sole property of Royal Signs & Graphics, Inc)
Please check all spelling. Royal Signs will not be responsible for spelling errors once layout is approved.
Bids are good for 2 weeks

2 sided monument sign Tenant Panel Layout

Additional divider bars needed for 12 panels rather than original 7 panels

For additional divider bars and tenant graphics, add \$360 + \$30.96 tax to the cost

Original panel layout



Updated panel layout





Chapel Ridge Center

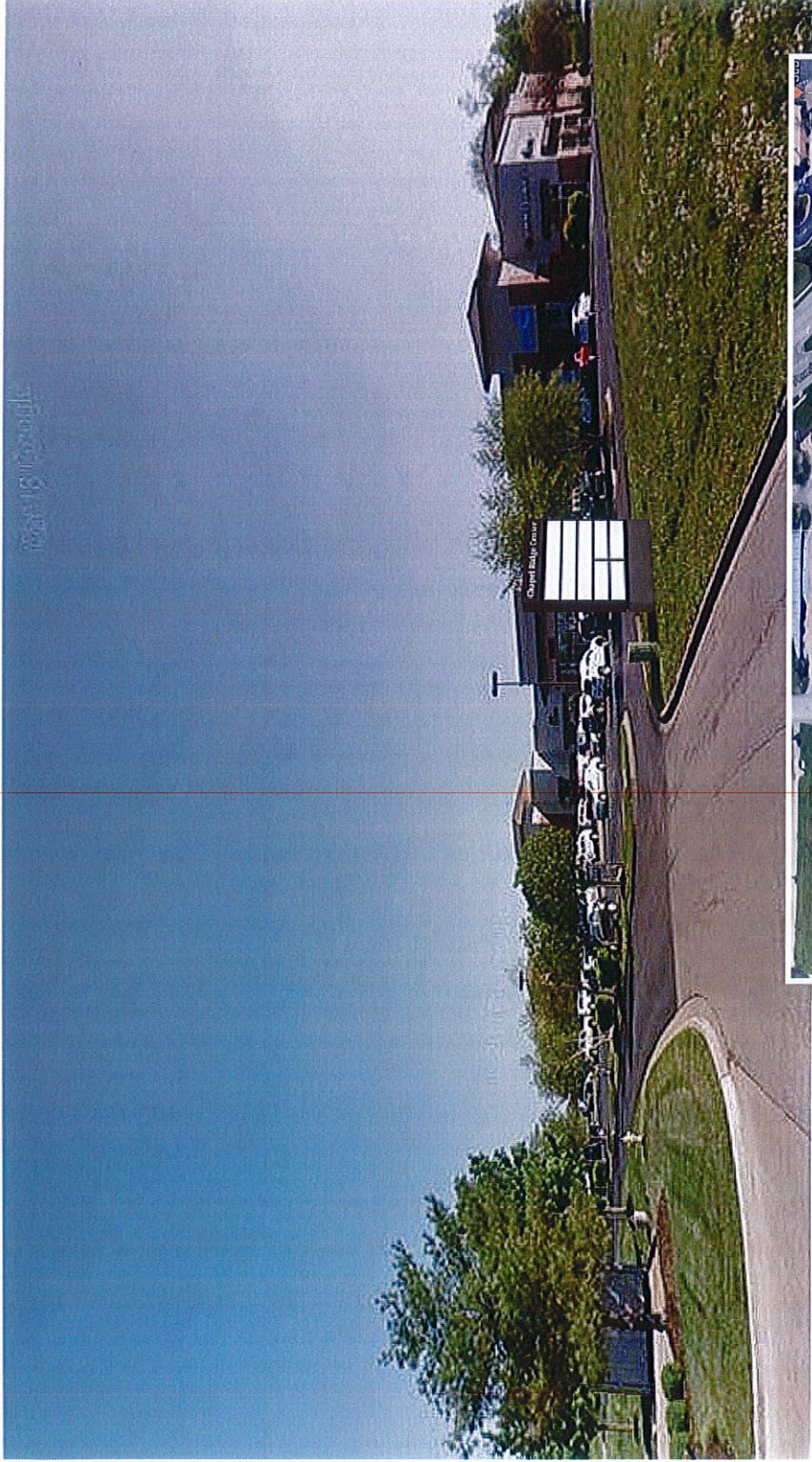
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Please check all spelling. Royal Signs will not be responsible for spelling errors once layout is approved.
Bids are good for 2 weeks

2 sided monument sign with LED lighting

8'W x 11'6"H





SIGN LOCATION

OPTION 1

I have reviewed and hereby accept these drawings as shown. I realize that any changes after approval may alter the contract price and delivery.

CUSTOMER APPROVAL

DATE

This artwork is for representational purposes only and may not exactly match the colors of materials used in actual production of project.

NOTES



This design/engineering proposal is to remain Midwest Sign's exclusive property until approved and accepted through purchase by client named on drawing.

Chapel Ridge Retail Center
Lees Summit, MO



www.midwestsigncompany.com

550 Stanley Rd. Kansas City, KS 66115

I have reviewed and hereby accept these drawings as shown. I realize that any changes after approval may alter the contract price and delivery.

CUSTOMER APPROVAL

DATE

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Chapel Ridge Retail Center
Lees Summit, MO



www.midwestsigncompany.com

550 Stanley Rd. Kansas City, KS 66115



OPTION 2

Packet Information

File #: 2019-2564, **Version:** 1

Presentation & Discussion - Framework for Citizen Strategic Planning & Comprehensive Master Planning initiatives

Issue/Request:

Presentation & Discussion - Framework for Citizen Strategic Planning & Comprehensive Master Planning initiatives

Key Issues:

With the Mayor and City Council guided Citizen Strategic Planning initiative soon to begin and with upcoming efforts to take place with a new Comprehensive Master Plan, staff felt it would be beneficial to provide a framework for how these initiatives relate to each other and the significance these initiatives have on the future of the community. Staff will be presenting information to assist in creating an understanding of these significant initiatives as well as incorporate how the master planning efforts for the 4,200 acres owned by Property Reserve, Inc. layer into these processes.

Staff has prepared a visual framework (attached) which will be utilized to create an understanding of how these initiatives relate to each other and will provide direction in the coming years of growth and development within the community.

Background:

At the January 17, 2019, City Council Work Session, staff provided a presentation to the Mayor and City Council to proactively prepare for long range development planning and community growth and highlighted the significance of the 4,200 acres currently owned by Property Reserve, Inc.

This presentation is intended to assist in gaining a better understanding of how the Citizen Strategic Plan and new Comprehensive Master Plan are envisioned to work together to shape the vision and policies for future growth and investment within the community.

Timeline:

Citizen Strategic Plan - 4 month process with a late February start

Comprehensive Master Plan - 8 - 12 month process. Start date TBD

Master Planning of Property Reserve, Inc. acreage - 12 - 24 month process. Property Reserve, Inc. is currently in the process of selecting consultants to assist them with master planning efforts.

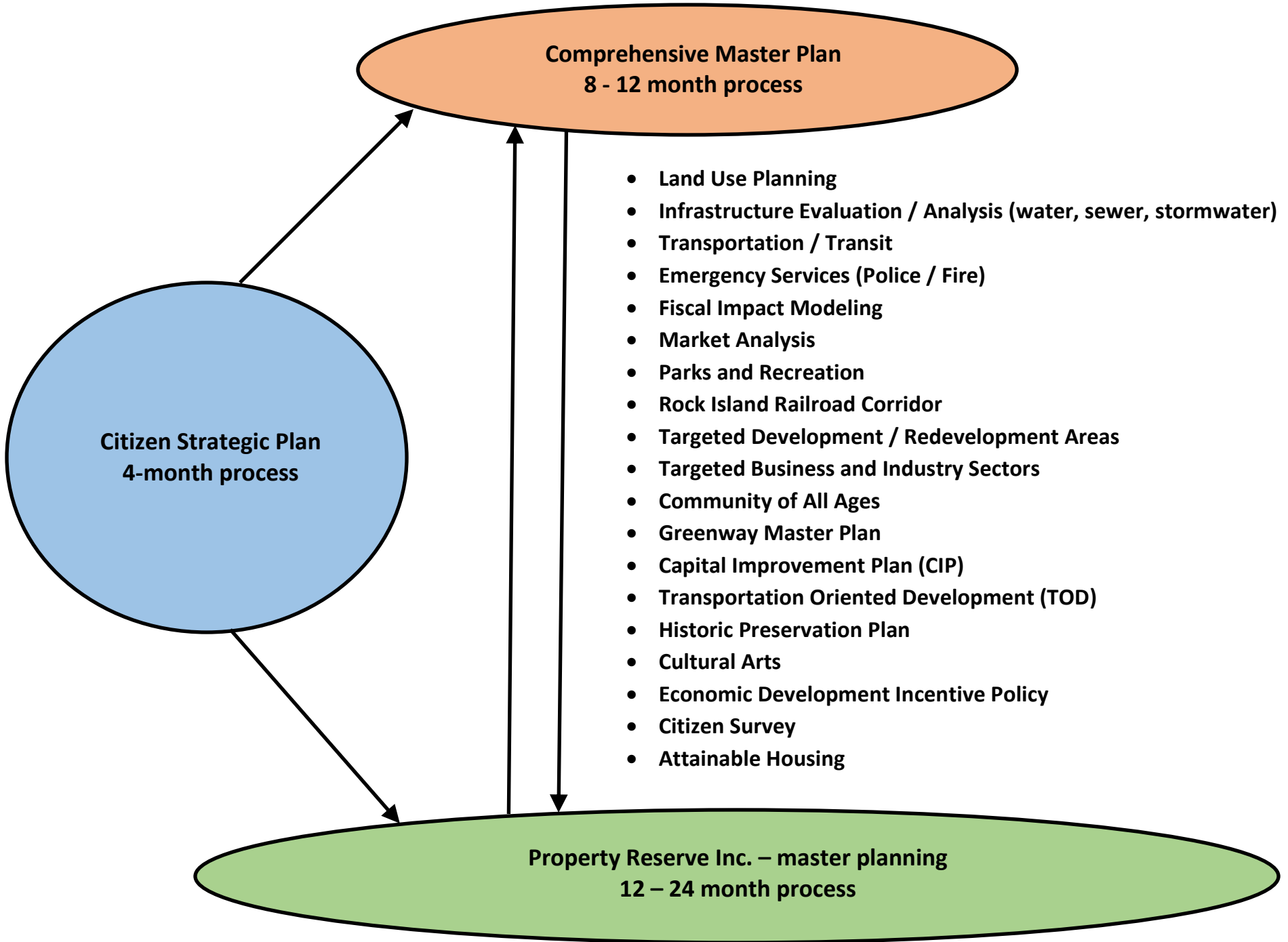
Other Information/Unique Characteristics:

The Citizen Strategic Plan is a process where stakeholder input can provide very meaningful and useful information for Comprehensive Master Planning efforts to both the City's Comprehensive Master Plan as well as the master planning efforts of Property Reserve, Inc. The City's Comprehensive Master Plan was most recently renewed in 2005 and the last Citizen Strategic Plan was conducted in 2009. By methodically and

systematically working through the Citizen Strategic Plan and the City's Comprehensive Master Plan (and incorporating the master planning of Property Reserve, Inc.), the community and City are presented with wonderful opportunities to be well positioned for positive future growth and investment within the community for years to come.

Mark Dunning, Assistant City Manager - Development, Creative Services & Cultural Arts

Committee Recommendation: Presentation and discussion for informational purposes



CITIZEN STRATEGIC PLAN

Vision

COMPREHENSIVE MASTER PLAN

Policy

AREA PLANS

Framework

**Property Reserve Inc. property
291 South
Unity Property
Tudor / Main St.
Downtown Master Plan**

**Barber Property
291 North
50 Hwy Corridor
M-150 Corridor
EnVision LS**

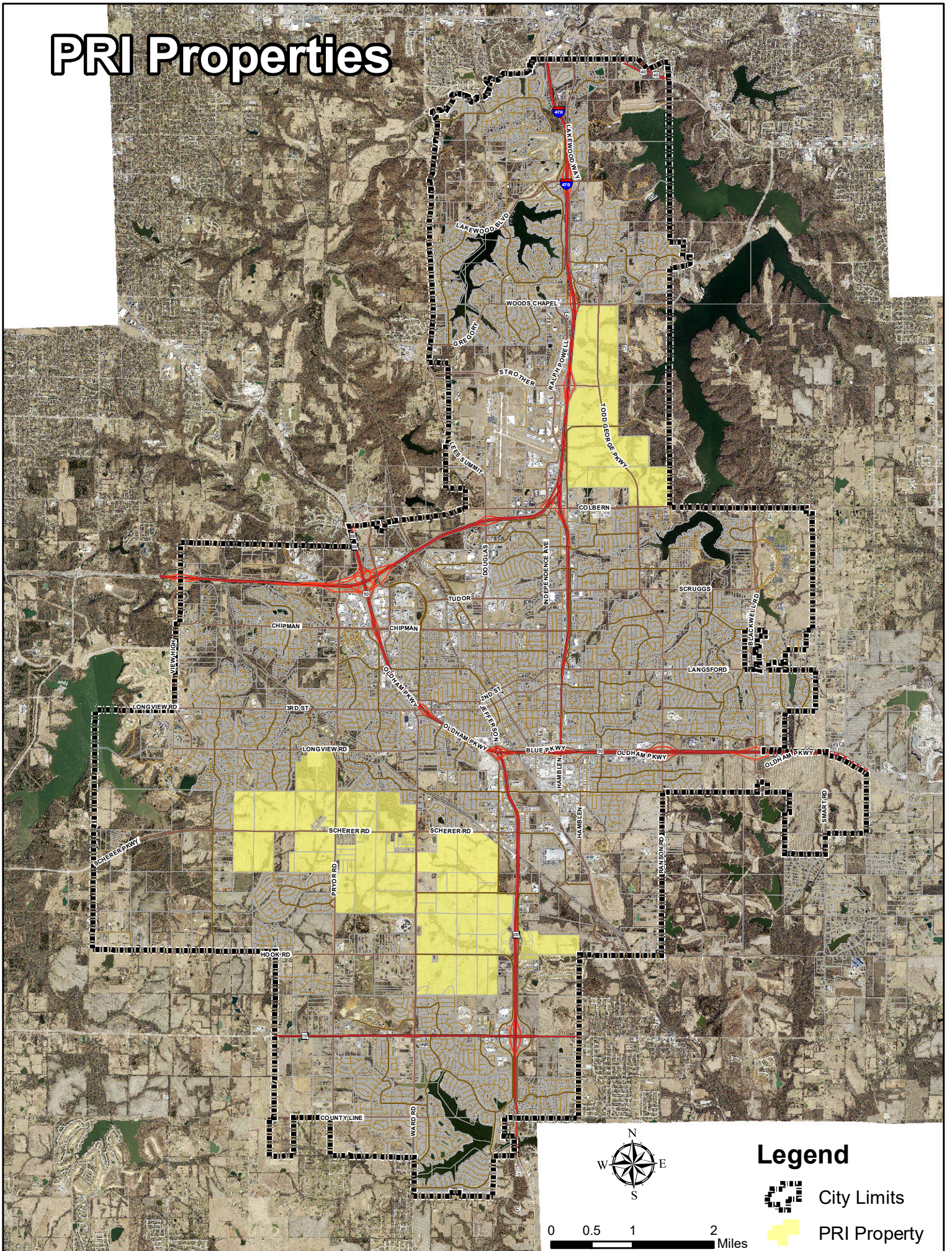
PROJECTS

Implementation

**Paragon Star
Village at View High
Summit Orchards**

**Streets of West Pryor
New Longview
Summit Innovation**

PRI Properties



Packet Information

File #: TMP-1126, **Version:** 1

An Ordinance approving Application #PL2019-058 Unified Development Ordinance (UDO) Amendment #4, Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas; City of Lee's Summit Applicant.

Issue/Request:

Development Services and Legal staff have identified three areas of our Telecommunications ordinance that could be improved; these include, amateur radio towers, the co-location definition and our general liability insurance requirements.

Proposed Committee Motion:

I move to recommend to City Council approval of an Ordinance approving Application #PL2019-058 Unified Development Ordinance (UDO) Amendment #4, Article 6 Use Standards - Division III Special Use Permits - Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas; City of Lee's Summit Applicant.

Background:

Recent changes to the state statutes for wireless communications have prompted staff to examine our existing standards in the UDO. The first area addresses amateur radio towers. Currently the ordinance does not restrict the placement of an amateur radio tower if it is under 70 feet in height. Staff is proposing the towers also meet a setback requirement equal to their height to abutting structures. This protects the character of our established neighborhoods while allowing a full 70' tower on larger lot properties.

The second change is a re-write of our co-location requirements. The content has not changed, rather the title was changed from Administratively Approved Uses to Co-location and it was reorganized to clarify what constitutes a co-location.

Finally, a sentence was added to our requirement for general liability insurance further protecting the City from damages.

Josh Johnson, Asst. Director of Plan Services

Committee Recommendation: [Enter Committee Recommendation text Here]

BILL NO. 19-**

AN ORDINANCE APPROVING APPLICATION #PL2019-058 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #4, ARTICLE 6 USE STANDARDS – DIVISION III SPECIAL USE PERMITS – SUBDIVISION 2 SPECIFIED SPECIAL USES - SECTION 6.1200 TELECOMMUNICATION TOWERS/ANTENNAS; CITY OF LEE'S SUMMIT APPLICANT.

WHEREAS, the Unified Development Ordinance (UDO) was originally adopted by the City Council as Ordinance No. 5209 on September 6, 2001, which has been amended numerous times and recodified in its entirety by the adoption of Ordinance No. 8443 and is incorporated into the City's Code of Ordinances through Section 33-1 of the Code; and,

WHEREAS, Application #PL2019-058, proposing an amendment to Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas was filed; and,

WHEREAS, the Community and Economic Development Committee considered the proposed UDO Amendment to Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas on ~~February 13, 2019~~, and authorized the amendments to be advertised for public hearings; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for Application #PL2019-058 on ~~January 10, 2019~~ and rendered a report to the City Council recommending that the proposed amendment to Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on Application #PL2019-058 on ~~February 5, 2019~~ and,

WHEREAS, the City Council determined that the proposed UDO amendment contained in Application #PL2019-*** would serve the interests of the citizens of Lee's Summit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as shown on the attached copy, appended hereto and made a part hereof.

SECTION 1. That Article 6 Use Standards – Division III Special Use Permits – Subdivision 2 Specified Special Uses - Section 6.1200 Telecommunication Towers/Antennas of the Unified Development Ordinance, is hereby amended in the manner shown on the copy appended hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. That it is the intention of the City Council and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the UDO, and the sections of this Ordinance and the UDO may be renumbered as appropriate to accomplish such intention.

SECTION 3. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

BILL NO. 19-**

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

Exhibit A

Sec. 6.1200. - Telecommunication towers/antennas.

- A. Purpose. The purpose of these standards is to establish general guidelines for the siting of communication towers, antenna structures and antennas for commercial wireless telecommunications.
- B. Goals.
1. Encourage the location of towers, where necessary, in non-residential areas;
 2. Encourage the joint use of new and existing telecommunication tower sites and other antenna structures;
 3. Encourage telecommunication towers, other antenna structures, and antennas to be configured in a way that minimizes the adverse visual impact on the community;
 4. Encourage users of communication towers, other antenna mounts, and antennas to configure them in a way that minimizes the adverse visual impact of those structures;
 5. Enhance the ability of the City to ensure that wireless telecommunications services are provided to the community quickly, effectively, and efficiently.
- C. Minimize the potential adverse effects associated with telecommunication towers through the implementation of reasonable design, landscaping, and construction practices; and:
1. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.⁷
- D. Definitions.
1. Telecommunications tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. Terms associated with tower shall mean as follows:
 - a. Alternative communication tower structure shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
 - b. Antenna shall mean any exterior apparatus or apparatuses designed for telephonic, radio, data, Internet, or television communications through the sending or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services including, for example, cellular, enhanced specialized mobile radio and personal communications services telecommunications services, and its attendant base station.
 - c. Antenna for non-commercial use shall mean any antenna external to a building, including any supporting structure such as a tower, which is not hand-carried while in use and is used for: Reception or electromagnetic signals, such as radio or television broadcasts or direct satellite television; or for transmission of electromagnetic signals by a licensed amateur radio operator or by means of an Earth-orbiting satellite communications device.
 - d. Antenna panel shall mean an antenna or array of antennas that are flat and rectangular and designed to concentrate a radio signal in a particular area. Also, referred to as directional antennas.
 - e. Antenna support structure shall mean any mast, pole, tripod, tower or similar structure used to support an antenna.
 - f. Antenna system shall mean the combination of an antenna and antenna support structure.

- g. Antenna system height shall mean the overall vertical length of the antenna system above grade. If such system is located on a building, the overall height shall include the height of the building.
- h. Antenna tower shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be free-standing (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), or either lattice or monopole construction.
- i. Antenna, whip shall mean an antenna that transmits signals in 360 degrees. They are typically cylindrical in shape and are less than six inches in diameter and measure up to 18 feet in height. Also called omni-directional, pipe, or stick antenna.
- j. Coaxial cable shall mean a cable consisting of one or more cylinders with a single wire running down the center of each cylinder.
- k. Mast shall mean any structure or part of an antenna that has vertical dimensions greater than five times its horizontal dimension that supports or lends support to any part of an antenna.
- l. Microwave shall mean electromagnetic radiation with frequencies higher than 1,000 MHz; highly directional signal used to transmit radio frequencies from point to point at a relatively low power level.
- m. Microwave radio shall mean a line-of-sight radio transmission using very short wavelengths, corresponding to a frequency of 1,000 megahertz or greater.
- n. Radio transmitting and receiving antenna shall mean an array or system of wires, tubing and supporting members mounted on a mast, tower or building, used for transmitting and/or receiving radio signals that include, but are not limited to, citizen band and other special frequencies.
- o. Satellite parabolic or dish receiving antenna shall mean a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, bowl, or cornucopia. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas. See: Division IV, Table 6.IV-1 of this article.
- p. Satellite relay shall mean an active or passive satellite repeater that relays signals between two earth terminals.
- q. Standard residential receiving antenna shall mean an array made up of small metal tubing and supporting members that are commonly installed on or near residential buildings for the purpose of receiving television or radio signals. See: Division IV, Table 6.IV-1 of this article.
- r. Telecommunications carrier shall mean a company that provides wireless services. Telecommunication carriers may or may not own the tower they are on; if they are not the owner they are typically leasing the space from a tower company.
- s. Telecommunications facilities equipment shelter shall mean a facility, shelter, cabinet, shed, or vaults used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include, for example, air conditioning, backup power supplies and emergency generators.
- t. Tower company shall mean a company that owns, operates and maintains the tower infrastructure.
- u. Tower, guyed shall mean a monopole or lattice tower that is supported, in whole or in part, by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

- v. Tower, lattice shall mean a tower characterized by an open frame-work of lateral cross-members that stabilize the structure.
- w. Tower, monopole shall mean a telecommunications tower consisting of a single pole, constructed without guy wires and ground anchors.
- x. Tower, self-supporting shall mean a lattice telecommunications tower that is constructed without guy wires and ground anchors.
- y. Wireless telecommunication shall mean the transmission through the air of information in the form of electromagnetic or optical signals; including television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic or optical wireless communication.
- z. Wireless telecommunication facility shall mean a facility including antennas and transmitting and receiving equipment for wireless telecommunication, including personal wireless services facilities.

E. Applicability.

1. Antenna and antenna structure. An antenna and antenna structure, any portion of which is located within the City of Lee's Summit, shall be subject to this chapter, except as otherwise provided herein.
2. Utility poles. The provisions of this chapter shall not apply to utility poles that are utilized for the support of electrical, telephone, cable television, or other similar cables and wires, are located on public rights-of-ways or easements for that purpose, and are a part of a system of such poles throughout the City of Lee's Summit.
3. Amateur radio, receive-only antenna. The requirements of ~~this~~ section 6.1200 shall not govern any ~~communication~~ telecommunications tower or the installation of any antenna that is:
 - a. Under 70 feet in height;
 - b. Setback from all structures on the same lot, tract, or parcel, and all structures on adjacent lots, tracts, and parcels, a distance equal to its height; and
 - c. ~~b.~~ Owned and operated by a federally-licensed amateur radio station operator ~~, or~~
 - ~~e. Used exclusively for receive-only antennas.~~
4. Pre-existing communication tower, other antenna structure, and antenna. A pre-existing communication tower, other pre-existing antenna structure, and pre-existing antenna shall not be required to meet the requirements of this section except upon expiration of an existing special use permit.
5. Principal or accessory use. An antenna, a communication tower, or an antenna structure, and equipment accessory to the same, may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna, telecommunications tower or other antenna structure, and equipment accessory to the same on such lot.
6. Parcel boundaries. For purposes of determining whether the installation of a telecommunication tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
7. Non-conforming use. A tower or other antenna structure that is constructed or installed in accordance with the provisions of this chapter, although an addition to the property, shall not be deemed to constitute the expansion of a non-conforming use or structure.

F. General requirements.

1. Federal requirements.

- a. All wireless telecommunication facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.
- b. If such standards and regulations are changed, then the owner(s) of the wireless telecommunication facility governed by this chapter shall bring such facility into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- c. Failure to bring a wireless telecommunication facility into compliance with such revised standards and regulations shall constitute grounds for the removal of the facility at the owner's expense. Any such removal by the governing authority shall be in the manner provided in this section.

2. Building codes and safety standards.

- a. To ensure the structural integrity of telecommunication towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the International Building Code (IBC) and the applicable standards for towers that are published by the Telecommunications Industry Association (TIA)/Electronic Industries Association (EIA), as amended from time to time. Tower owners shall conduct periodic inspections of telecommunications towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Missouri. The results of such inspection(s) shall be provided to the Building Official.
- b. If, upon inspection, the Building Official concludes that a tower fails to comply with such codes and standards and is not a danger to persons or property, then a written notice will be sent to the owner of the tower with a copy of said notice to all of the known lease holders. Such notice shall include:
 - (1) A description of the property;
 - (2) A statement of the violation(s) and the reason the notice is being issued;
 - (3) Statement that the owner shall have 30 days to bring such tower into compliance; and
 - (4) A statement that the owner has a right to appeal the Building Official's findings to the Board of Appeals.

If the tower is not brought into compliance within the stated time period above, an extension may be requested by the owner. The extension request shall be in writing and include a proposed plan of action with a timeframe for completion of the work. The Building Official is authorized to grant in writing one or more extensions of time as deemed reasonable and appropriate; however, the owner shall provide proof that action is being taken. If tower is not brought into compliance within the stated time period and no extension is requested, the City may remove such tower at the owner's expense after notice is sent to the property owner and all known lease holders of a Notice Appeal Hearing and such hearing is held.

If, upon inspection, the Building Official concludes that a tower constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower and any known lease holders, the owner shall have 15 days to inspect the tower and make the necessary repairs. If repairs are not made within the stated time period the City may take whatever action is necessary to remove or lessen the dangerous condition.

3. Special use permit. A telecommunications tower shall be subject to a special use permit, in accordance with the following considerations:

- a. Setbacks. No new tower shall be constructed without setbacks from all property lines a distance equal to the height of the tower as measured from the base of the structure to its

highest point or as otherwise authorized by the Governing Body in approval of the special use permit. Accessory structures shall be governed by the setbacks for that particular zoning district.

- b. Guy anchors. Guy anchor foundations shall be setback a minimum of ten feet from all property lines.
- c. Separation distances. The following are the required separation distances from other towers and residential:
 - (1) A telecommunications tower over 90 feet in height shall be separated from any other telecommunications tower over 90 feet in height by a distance of at least one mile.
 - (2) A monopole telecommunications tower with all antennae totally concealed within the monopole shall be located a distance equal to the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use indicated by the Comprehensive Plan is low density residential use.
 - (3) A monopole, lattice or guyed telecommunication tower with exposed antennae shall be located a distance of one and one-half times the tower height from any existing single-family or two-family dwelling that is not on the same lot with the tower, any property zoned for single-family or two-family residential use, and any property where the future use indicated by the Comprehensive Plan is low density residential use.
 - (4) These separation distances may be waived if the Governing Body legislatively determines the application of these requirements would effectively prevent the provision of wireless telecommunications services within the City.
- d. Lighting. A telecommunications tower or other antenna structure shall not be artificially lighted unless such lighting is required by the FAA or other applicable authority. If lighting is required, the Governing Body may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Security lighting around the base of a communications tower or other antenna structure may be installed if the lighting complies with Article 8, Division 1 and no light is directed toward adjacent properties or rights-of-way.
- e. Signage. Signs located at the telecommunications tower shall be limited to ownership, contact information, the FCC antenna registration number and any other warning signs required by the FCC. Commercial advertising is strictly prohibited.
- f. Landscaping. A telecommunications tower facility shall be landscaped in accordance with Article 8, Division III to provide a buffer of plant materials that effectively screen the view of the telecommunications tower base and accessory structures from adjacent property. This may be waived by the Governing Body where natural growth and land forms provide an equivalent buffer. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived by the Governing Body.
- g. Parking areas and drives. Parking areas and drives associated with the telecommunications tower shall be paved in accordance with this chapter and the Design and Construction Manual or as otherwise authorized by the Governing Body in the approval of a special use permit after making a determination that additional impervious coverage is not in the best interest of adjacent property owners.
- h. Security fencing. A telecommunications tower shall be enclosed by fencing not less than six feet in height and equipped with an appropriate anti-climbing device. The type of fence shall be in accordance with Article 8, Division III or as otherwise authorized by the Governing Body in the approval of the special use permit.

- i. Visual impact. To limit the visual impact of a telecommunications tower, to the extent feasible, the tower shall be:
 - (1) Located away from key public viewpoints;
 - (2) Located down-slope from the top of ridge lines, so that from key public viewpoints, a smaller portion of the height of the tower is viewed against the sky;
 - (3) Placed within forested areas with antennas just above the treeline;
 - (4) Located or be of such a height not to necessitate FAA coloring and lighting;
 - (5) Located in industrial areas;
 - (6) Of the minimum height necessary for operation of the telecommunication system, considering the visual trade-off of a greater number of towers at lower heights; and
 - (7) Located outside historic districts designated by the Governing Body and located unobtrusively so as not to be visible from historic structures.
- j. View of accessory equipment. Mobile or immobile equipment not used in direct support of a wireless telecommunications facility shall not be stored or parked on the site of the facility, unless repairs to the facility are being made.
- k. Design. The following standards shall apply:
 - (1) A telecommunications tower shall, subject of any applicable standards of the FAA, be painted a neutral color approved by the Governing Body, so as to reduce visual obtrusiveness;
 - (2) At a telecommunications tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment;
 - (3) If an antenna is installed on an antenna structure other than a telecommunications tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the antenna structure so as to make the antenna and related equipment as visually unobtrusive as possible; and
 - (4) Tower design will be evaluated on a case by case basis utilizing the following design preferences:
 - (a) Monopoles are highly encouraged;
 - (b) Stealth technology shall be incorporated into the placement of antenna utilizing architectural elements or structures whenever feasible. Such antenna placement is appropriate around window frames, doorways, along guttering, incorporated into penthouses, cupolas, steeples, etc.;
 - (c) Towers are to be architecturally compatible to the surrounding development(s); and
 - (d) However, the Governing Body shall not mandate design requirements which have been found to be unreasonable under Missouri law.

4. Accessory uses.

- a. Accessory uses shall include only such structures and equipment as are necessary for transmission and receiving functions and satellite ground stations associated with them and shall not include broadcast studios, offices, vehicle storage area, or other similar uses.
- b. Accessory uses/structures shall be placed in an underground vault when located within visual sight of an historic property, or adjacent to or within the public right-of-way.
- c. Accessory structures shall be in compliance with the requirements of this chapter.

5. Exceptions. The Governing Body may reduce the requirements of this section if the goals of this section would be better served thereby.
- G. Shared use (co-location). Although not required pursuant to this chapter, co-location is encouraged and supported by the City in the process of siting new facilities.
- H. All telecommunications towers over 50 feet in height shall be designed to accommodate antennas for more than one user.
- I. Abandonment and removal. If the use of any antenna mounted on a telecommunications tower ceases, and the antenna is not used for a continuous period of 12 months, the antenna shall be considered abandoned, and the owner of such antenna and tower shall remove it within 90 days of receipt of notice from the City notifying the owner of such abandonment. If such antenna and tower is not removed within said 90 days, the City may remove such antenna and tower at the owner's expense. In the event the owner is defunct or cannot be located, the property owner shall be held jointly and severally responsible for the removal of abandoned facilities. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the antennas on the tower.
- J. Replacement or alteration of an existing communication tower.
 1. The Director may approve the replacement or alteration of an existing telecommunications tower under a current and valid special use permit if:
 - a. All conditions of this article are otherwise met.
 - b. The replacement or alteration does not result in an increase in height at or above 25 percent of the height of the existing telecommunications tower.
 2. All other replacements or alterations of telecommunications towers shall require a special use permit.
- K. Required submittals. The following items are required for any new tower application, existing tower renewal, or co-locate as indicated:
 1. New towers. New towers require the submittal of the following items:
 - a. A preliminary development plan per Article 2;
 - b. A special use permit as detailed in this division; and
 - c. Supplemental technical studies as detailed below.
 2. Existing towers. The following items are required for existing telecommunication towers:
 - a. A special use permit renewal per this division; and
 - b. Supplemental technical studies as detailed below.
3. Co-locations.
 - a. Definition
 - i. Placing or installing an antenna on an existing telecommunications tower of any height including the placement of additional mounts or other supporting equipment use in connection with said antenna, or
 - ii. Placing or installing an antenna on an existing structure other than a telecommunications tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure), provided that:
 1. Such structure is not designated as a historic structure by the Governing Body.

2. The antenna does not extend horizontally from the side of such structure farther than the minimum necessary for attachment, and

3. Where the antenna extends horizontally from the side of a building, it is camouflaged by the use of materials, colors, textures, or screening that will visually blend the antenna into the building.

b. Approval criteria:

i. The co-location of an antenna shall be approved through the final development plan process set forth in Article 2.

~~Administratively approved uses. The following uses (co-locations) are specifically permitted without a special use permit, subject to approval of a final development plan. The application shall follow the procedures set forth in Article 2:~~

~~a. Installing an antenna on an existing structure other than a telecommunications tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure), provided that:~~

~~(1) Such structure is not designated as a historic structure by the Governing Body,~~

~~(2) The antenna does not extend horizontally from the side of such structure farther than the minimum necessary for attachment, and~~

~~(3) Where the antenna extends horizontally from the side of a building, it is camouflaged by the use of materials, colors, textures, or screening that will visually blend the antenna into the building.~~

~~b. Installing an antenna on any existing telecommunications tower of any height, including the placement of additional mounts or other supporting equipment used in connection with said antenna.~~

1. The Director, Commission, or Governing Body may require additional technical studies deemed necessary to fully evaluate the application. Should the services of an outside consultant be needed to evaluate any such technical studies, the cost of such services shall be borne by the applicant.
2. Where required by the Director as essential to the evaluation of a proposed location, proposed mounting of an antenna shall be shown by an accurately-scaled photo simulation, from not less than three viewpoints approved by the Director.
3. A map of the City and the first half-mile of all bordering communities showing the design of the applicant's entire existing and proposed wireless telecommunications network. Such map shall, at a minimum, indicate the exact location of all proposed and existing tower and antenna sites, their dimensions, specifications, and signal area coverage.
4. Color photo simulations from several different angles showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property or properties and from adjacent roadways.
5. A structural integrity study completed and certified by a licensed professional engineer. The study should include, at a minimum, the following items:
 - a. Tower type, age, manufacturer, model number, and all current and proposed antennas and their owners;
 - b. A review of wind and ice load design criteria under current conditions and with the proposed additions/changes; and
 - c. A statement indicating the condition of the tower's foundation.
6. Tower owners shall provide documentation (i.e., a copy of the FCC Antenna Structure Registration and any other relevant documents) indicating that each telecommunications tower is in compliance with all federal requirements. A statement declaring that the existing tower is still

in compliance and will remain so after any proposed alterations or additions shall be submitted when the structure is altered or antenna(s) added.

7. A copy of an inspection report current within the last three years.
 8. Proof of general liability insurance for claims from injury or death and property damage in an amount approved by the City, but not less than \$2,000,000.00 per occurrence for personal injury and \$2,000,000.00 per occurrence for property damage with the City listed and endorsed as an additional insured. The policy shall also include an endorsed waiver of subrogation against the City.
 9. The tower owner and/or landowner shall promptly notify the city within 30 days by certified or registered mail of the sale, transfer, or assignment of any tower or telecommunications facility. Each co-location shall be conditioned upon the co-locate obtaining the necessary approvals for the subject facility or site from the City prior to siting such facility.
- L. Pre-existing towers/non-conforming uses. All nonconforming telecommunication towers installed and in use on November 1, 2001 (which was the effective date of the Unified Development Ordinance) shall be allowed to continue their present usage as a legal non-conforming use and shall be treated as a non-conforming use in accordance with Article 10 of the UDO. Periodic structural integrity and inspection reports shall be submitted as required by this article.
- M. Maintenance. Routine maintenance on an existing telecommunications tower shall be permitted without need for a new application unless the structure is being altered beyond what currently exists per the latest approved plan.
- N. Denial. Upon denial of a special use permit tower application by the Governing Body the applicant or any other person, official or agency who is aggrieved by the final decision may appeal the denial pursuant to Article 2. Upon denial of an administrative use, the applicant or any other person, official or agency who is aggrieved by the decision may appeal the denial pursuant to Article 11. In either case, written findings shall be made available to the applicant. The findings should recite the requirements of the ordinance and the failure of the applicant to meet one or more of them.
- O. Preemption. Nothing in this section shall apply to any application or circumstances where to do so would violate applicable and valid provisions of federal law or laws of the State of Missouri.