

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE granting a conditional use permit (CUP) in District AG (Agricultural) for a period of fifty years to operate a 190-foot communication tower and facility, as to a 106.00 ± acre tract.

ORDINANCE NO. 5778, August 14, 2023

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. A conditional use permit is hereby granted for a period of fifty years to operate a 190-foot communication tower and facility, as to an approximate 106.00 ± acre tract of land in District AG (Agricultural), commonly known as 31710 E. Oakland School Road in Jackson County, Missouri, legally described as follows:

Description: A 10,353 square foot lease area situated in the Southeast Quarter of Section 13, Township 49, Range 30, Jackson County, Missouri, more particularly described as follows: Commencing at the South Quarter Corner of said Section 3; thence along the South line of said Southeast Quarter, South 88 degrees 34 minutes 53 seconds East, a distance of 849.86 feet; thence leaving said South line, North 00 degrees 00 minutes 00 seconds East, a distance of 1928.02 feet to the Point of Beginning, thence North 90 degrees 00 minutes 00 seconds West, a distance of 107.06 feet; thence North 04 degrees 02 minutes 16 seconds East, a distance of 100.25 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 100.00 feet; thence South 00 degrees 00 minutes 00 seconds East to the Point of Beginning.

Section 2. The conditional use permit granted by this Ordinance is subject to the following conditions:

1. The commercial communication lattice tower shall not exceed a height of 190 feet as measured from ground level.
2. The lattice tower and appurtenance shall be installed according to manufacturer's specifications using sound engineering and safety practices.

3. The lattice tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
4. The lattice tower shall only be illuminated if required by the Federal Communication Commission and/or the Federal Aviation Agency.
5. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna/tower or property owner shall remove the antenna or tower within 90 days.

Section 3. The Legislature, pursuant to the application of Network Real Estate (CU-2023-247), requesting approval embodied in this Ordinance and with notice that the Jackson County Plan Commission voted 6 to 0 to recommend APPROVAL of this application in a public hearing on July 20, 2023, does adopt this Ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Bryan O. Bernsky

County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5778 introduced on August 14, 2023, was duly passed on August 28, 2023 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

This Ordinance is hereby transmitted to the County Executive for his signature.

8/28/2023
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5778.

9/7/23
Date

Frank White, Jr.
Frank White, Jr., County Executive