



## Legislation Text

File #: 3219, Version: 0

### IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** granting a conditional use permit in District A (Agricultural) for a period of twenty (20) years to extend an existing 75-foot above the ground tower to a height of 120 feet for the purpose of providing high speed internet service, as to a 10 ± acre parcel.

**ORDINANCE #3219**, January 22, 2002

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

Section 1. A conditional use permit for a period of twenty years to extend an existing 75 foot above the ground tower, is hereby approved as to a certain tract of land described as follows:

Description: A 10 ± acre tract of land generally located 1/4 of a mile east of Gibson Road on the south side of Benson Road lying in the east one-half of the east one-half of the north one-half of the east one-half of the southwest 1/4 of Section 36, Township 48, Range 30 in Jackson County, Missouri aka 34707 E. Benson

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

- 1) The tower shall not exceed a height of 120 feet.
- 2) The tower and appurtenances shall be installed according to manufacturer's specifications using sound engineering and safety practices.
- 3) The building permit application shall include detailed structural plans for the tower which are signed and sealed by a Missouri Registered Engineer.
- 4) A notice of Proposed Construction or Alteration of objects that may effect the Navigable Airspace must be filed with the Federal Aviation Agency (FAA). Information regarding the disposition of the FAA Notice will be submitted subsequent to application for a building permit.
- 5) The tower shall be galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
- 6) The tower shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Agency.
- 7) If the antenna or tower is not operated for a continuous period of twelve (12) months then it shall be considered abandoned and the owner of such antenna/tower or property owner shall removed the antenna or tower within 90 days.

Section 3. The Legislature, pursuant to the application of Thomas Willoughby, (CU-01-159), requesting approval embodied in this ordinance and with notice that the Jackson County Planning Commission unanimously recommended approval of this application in a public hearing on December 20, 2001, 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:

\_\_\_\_\_  
County Counselor

I hereby certify that the attached Ordinance, Ordinance #3219 introduced on January 22, 2002, was duly passed on \_\_\_\_\_ February 11 \_\_\_\_\_, 2002 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_ 5 \_\_\_\_\_

Nays \_\_\_\_\_ 0 \_\_\_\_\_

Abstaining \_\_\_\_\_ 0 \_\_\_\_\_

Absent \_\_\_\_\_ 4 \_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Jo Brogoto, Clerk of Legislature

I hereby approve the attached Ordinance #3219.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Katheryn J. Shields, County Executive