



## Legislation Text

File #: 3610, Version: 0

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

**AN ORDINANCE** approving a conditional use permit (CUP) in District A (Agricultural) for a period of fifteen (15) years to construct a 90 foot monopole tower for wireless communications on a 10,000 square foot tract of land.

**..Intro**

**ORDINANCE # 3610**, March 7, 2005

**..Body**

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

Section 1. A conditional use permit is hereby approved for a period of fifteen (15) years to construct a 90 foot monopole tower for wireless communications subject to the restrictions stated herein, as to a certain tract of land described as follows:

Description:

A 100x100 foot Lease Area situated in the Southwest Quarter of Section 28, Township 48, Range 29, in Jackson County, Missouri, more particularly described as follows:

Commencing at the Southwest corner of said Section 28 (found 2" aluminum monument) which bears North 87°33'28" West, a distance of 2636.57 feet from the Southeast corner of the Southwest Quarter of said Section 28 (Found 2" aluminum monument); thence North 56°51'39" East, a distance of 522.36 feet to the POINT OF BEGINNING of said 100 x 100 foot Lease Area; thence North 00°00'00" East a distance of 10.00 feet to a point hereafter referred to a Point "A"; thence continuing North 00°00'00" East, a distance of 90.00 feet; thence South 90°00'00" East, a distance of 100.00 feet; thence South 00°00'00" West, a distance of 100.00 feet; thence North 90°00'00" West, a distance of 10.00 feet to a point hereafter referred to a Point "B", thence continuing North 90°00'00" West, a distance of 90.00 feet to the POINT OF BEGINNING. Containing 10,000 square feet, more or less.

Section 2. The conditional use permit is subject to the following restrictions and conditions:

1. The commercial communication monopole shall not exceed a height of 90 feet (excludes Lightning Arrestor extension) as measured from ground level.
2. The monopole and appurtenance shall be installed according to manufacturers specifications using sound engineering and safety practices.
3. The building permit application shall include an engineering report specifying the following information:

- (a) Detailed structural plans for the monopole tower signed and sealed by a Missouri Registered Engineer; and
  - (b) An engineer's certification that anticipated levels of electric magnetic radiation to be generated by facilities on the site, including the effective radiated power (ERP) of the antenna, shall be within the guidelines established by the Federal Communication Commission (FCC).
4. An evergreen pine with a minimum three inches caliber at three feet (3') above the grade shall be planted and maintained on 10 foot centers along the perimeter of the chain link fence for the tower compound area.
  5. The monopole tower shall be structurally designed so that at least four users would be allowed space on the tower. The applicant shall make a good faith effort to offer space to the Jackson County Sheriff's Department and other emergency service providers. The County Legislature shall have the right to revoke the conditional use permit if such offering is not made.
  6. The monopole tower shall be a galvanized finish or painted gray or light blue unless other standards are required by the Federal Aviation Agency.
  7. The monopole tower shall only be illuminated if required by the Federal Communications Commission and/or the Federal Aviation Agency.
  8. Any antenna or monopole 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 Verizon Wireless (CU-2005-186), requesting approval embodied in this ordinance and with notice that the Jackson County Plan Commission unanimously recommended approval of this application in a public hearing on February 17, 2005, does adopt this ordinance pursuant to the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

**..Enacted and Approved**

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

APPROVED AS TO FORM:

Acting Chief Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3610 introduced on March 7, 2005 was duly passed on \_\_\_\_\_ March 28 \_\_\_\_\_, 2005 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_ 9 \_\_\_\_\_

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

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

Absent \_\_\_\_\_ 0 \_\_\_\_\_

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

\_\_\_\_\_  
Date

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

I hereby approve the attached Ordinance # 3610.

\_\_\_\_\_  
Date

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