

AGENDA

CITY OF CENTRALIA, MISSOURI
Planning and Zoning Commission
Thursday, September 7, 2017
6:30 P.M.
City Hall Council Chambers

- I. Roll Call
- II. Pledge of Allegiance
- III. Approval of Minutes of Previous Meetings – *June 22, 2017*
- IV. Request to declare a certain piece of property adjacent to West Singleton Street in the City of Centralia, Missouri as surplus for the purpose of transfer to a third party.
 - A. Commission Recommendation.
- V. Proposed Amendments to the Rules for Siting Telecommunication Towers in the City of Centralia, Missouri.
 - A. Commission Recommendation.
- VI. As May Arise.
- VII. Adjourn

Minutes of the City of Centralia, Missouri Planning and Zoning Commission Meeting of Thursday, June 22, 2017.

The meeting was called to order at 6:00 p.m. by Chairman, LeeAllen Smith presiding.

ROLL CALL – Commissioners Present: LeeAllen Smith (Chair), Don Bagley (Vice-Chair), Mayor Tim Grenke, Alderman Jim Lee, Alderman David Wilkins, Robert Hudson, Dale Hughes, and Street Foreman, Phil Hoffman, Absent: Harvey Million. Also present were City Administrator Matt Harline, Intern Sam Bezjak, City Attorney Charles Thompson, James Smith of the Centralia Fireside Guard and Kenneth Coolley.

Pledge of Allegiance

Chairman Smith led those present in reciting the Pledge of Allegiance.

Minutes

Minutes from the previous meeting (June 1, 2017) were presented to the Commission. **Bagley made a motion to approve the minutes as submitted. The motion was seconded by Hoffman and approved by unanimous voice vote.**

Request for Rezoning of Land on North Columbia from R-2 (Two-Family Dwelling District) to B-2 (Highway Business District) in the City of Centralia, Missouri..

Public Hearing: **Chairman Smith opened the public hearing.** Kenneth Coolley of 820 Emerald came forward and asked about an easement along the south side of the property in question. Harline said that there is no right-of-way shown by the assessor and he had not found any easement there by City records yet. Mr. Cooley said that when there was a motel there the roadway led back two apartments and the City has used it to access trash. Harline asked if he had done a title search on the property and Coolley replied in the negative. Harline noted that there is a visible roadway where the easement in question would be. Harline said that the proposed rezoning had been advertised in the Centralia Fireside Guard as required. Chairman Smith asked for additional comments and seeing none, closed the public hearing.

Commission Discussion and Recommendation: Harline stated that the proposal concerned Lot 10 of Clark and Hinman's Addition, Block E which is currently zoned R-2 (Two-Family Residential). Harline showed on the map that Lots 11 and 12 are currently zoned B-2. Harline described the zoning of the adjacent properties and stated that he felt that the proposed rezoning was consistent to the area and is in common ownership with the adjacent two lots that face Highway 22. Harline noted that while the proposal did not explicitly agree with the 2008 Land Use Plan, the proposal largely followed existing zoning patterns, and that during the Comprehensive Planning process there was support for increasing the amount of commercial property in the area bounded by state highways 22 and 124, Switzler Street and Jefferson Street. Harline said that staff was comfortable with the request. Harline stated that if the Commission agrees a motion could be made to

recommend approval. **Bagley made a motion to recommend approval of the rezoning request from R-2 (Two-Family Residential Dwelling District) to B-2 (Highway Business District) by the Board of Aldermen at their next meeting. Hughes seconded the motion and it was approved by unanimous voice vote.**

Presentation by Sam Beznak (City Administration Intern) on preliminary results from the Comprehensive Plan Survey

Harline introduced Beznak as the City Administrator Intern this summer. Beznak presented data on the opinion survey that showed the favorable opinion of the Library and most city services, except storm drainage, street maintenance and sidewalk maintenance. Beznak noted other data that showed citizens might be willing to pay for a storm water management utility, but not curbside yard waste collection; that showed transportation priorities; that showed preferences for economic development priorities; that showed people reported that they were shopping in Centralia more; that citizens supported more downtown events to encourage downtown businesses; that showed priorities for new park improvements and that showed citizens overwhelming thought that Centralia was a good place to live where they felt safe.

Lee asked about how many responses had been received and Beznak replied 454. Grenke thanked Beznak for his presentation.

As May Arise

None

Adjourn

Wilkins made a motion to adjourn that was seconded by Grenke and approved unanimously by voice vote. The meeting adjourned at 6:18 p.m.

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From: Matt Harline, City Administrator
To: Planning & Zoning Commission
CC: Charles Thompson, City Attorney
Date: September 7, 2017
Re: General Meeting Notes



Item IV. Request to declare a certain piece of property adjacent to West Singleton Street in the City of Centralia, Missouri as surplus for the purpose of transfer to a third party City of Centralia, Missouri.

The City owns the property south of Singleton Street and north of the right-of-way easement (easement marked in orange on the GIS based map) vacated recently upon the recommendation of this Commission. It is practically certain that the City will never build a street or expand Singleton in this corridor where the road bed of Singleton Street was. Therefore declaring the tiny remaining almost triangular sliver of land that belongs to the City as surplus would be rational. This piece of land is bounded on the west by a line that is 55 feet wide and on the north by a boundary that is 158 feet long. These two sides meet at an angle slightly less than 90°. The “hypotenuse” of the triangle is made-up of three lines that total 162.4 feet in length. This was discussed during the meeting of April 20th when this Commission recommended vacating the right-of-way.

Since the Board of Aldermen approved that vacation the property owners have agreed to donate a utility easement secured for the powerlines that run across the vestigial roadbed and right-of-way easement for the sidewalk on the south side of West Singleton Street between Columbia Street and the COLT RR right-of way as well as sewer and water line easements for the existing sewer lines. The property owner has requested and been granted a variance to allow for a side yard setback variance that would allow him to construct two houses on the property immediately south of Singleton, as well as expand the built lot to the south to 75-foot wide.

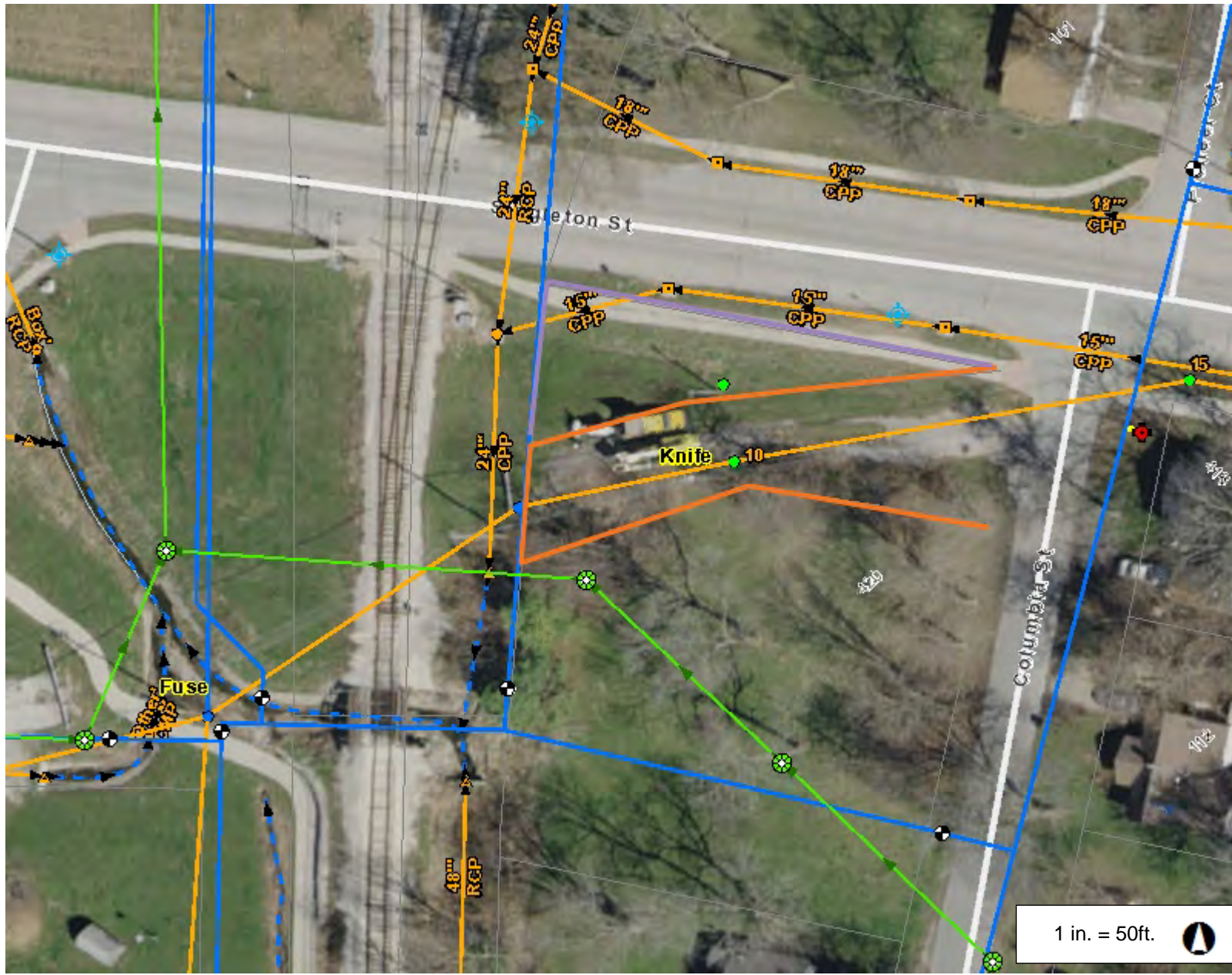
The City could declare the entire piece surplus, but by maintaining the property on which the sidewalk sits and the slope on the west side of the sliver of land, the City maintains the public right of way and enough of a buffer to conduct repairs to the sidewalk. The property description submitted achieves this goal while providing the adjacent property owner legal access to the City right-of-way.

Staff recommendation Staff feels that this sliver of property is of little or no value to the City. If they can enhance the chance of development by declaring part of this portion of the land, while retaining the necessary easements. If after the public hearing the Commission agrees a motion could be made to **“recommend approval of declaring the property described in “Exhibit A” of the quit claim deed as surplus for the purpose of disposing of it to the adjoining property owner.**

Item V – Draft Telecommunications Ordinance

At the request of the Commission and the Board of Aldermen a draft ordinance has been prepared by

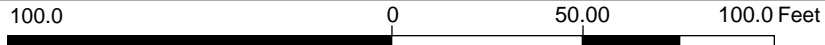
Centralia, MO



Legend

- Manhole
 - Other (Green square)
 - Manhole (Green circle with cross)
 - Flush Tank (Red circle with cross)
 - Lamp Hole (Yellow diamond)
- Lift Station (Red square)
- Gravity Main (Green line with arrow)
- Force Main (Red line)
- Lagoon (Green rectangle)
- Fire Hydrant (Red cross)
- Water Valve (Black circle with cross)
- Network Structure (Blue square)
- Water Main (Blue line)
- Water Lateral Line (Yellow line)
- Street Light Stand Alone (Blue diamond)
- Street Light-Primary Pole (Blue diamond)
- Power Pole
 - <all other values> (Blue circle)
 - Ameren (Red circle)
 - CPL (Blue circle)
 - Century Link (Green circle)
- Ground Feature
 - Cab (Red square)
 - J-Box (Yellow rectangle)
 - Pad Mount (Red square with cross)
 - Transclosures (Red square)

1 in. = 50ft. 



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

QUIT-CLAIM DEED

THIS DEED, Made and entered into this _____ day of _____, 201____, by and between

The City of Centralia, Missouri,

party or parties of the First Part, Grantor, and

Boyd Harris Properties, L.L.C., a Missouri Limited Liability Company,

Party or Parties of the Second Part, Grantee,

Grantee's mailing address is: 1397 E. Hwy 22, Centralia, MO 65240

WITNESSETH, That the said party or parties of the First Part for and in consideration of the sum of one dollar and other valuable considerations paid by the said party or parties of the Second Part, the receipt of which is hereby acknowledged, does or do by these presents, Remise, Release, and forever Quit Claim, unto the said party or parties of the Second Part, the following described real estate, lying, and being situate in the County of Boone and State of Missouri, to-wit:

See Exhibit A

TO HAVE AND TO HOLD THE SAME, together with all the rights, immunities, privileges and appurtenances thereto belonging, unto the said party or parties of the Second Part forever; so that neither the party or parties of the First Part nor their heirs, nor any other person or persons for them or in their name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

WITNESS our hand(s) this _____ day of _____, 201__.

State of Missouri)
County of Boone) ss

On this _____ day of _____, 201__ before me, a Notary Public in and for said state,
personally appeared,

to me known to be the person(s) described in and who executed the foregoing instrument, who being by
me duly sworn, acknowledged that he/she/they executed the same as his/her/their free act and deed for
the purposes stated herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal.

My commission expires: _____

Notary Public

Exhibit "A"

A portion of the old right-of-way of Singleton Street in the southwest part of the south half of the southwest quarter of section 10, township 51 north, range 11 west, Boone County, Centralia, Missouri, described as follows:

Starting at the northwest corner of Block 35 of the Original Town of Centralia; Thence with the south right-of-way line of Sneed Street, N78°-07'W, 50.0 feet to the west right-of-way line of Columbia Street; Thence with the west right-of-way line of Columbia Street, N11°-53'E, 275.0 feet to the existing south right-of-way line of Singleton Street as shown by a survey recorded in Book 275 at Page 292, said point being the Point of Beginning; Thence with the south right-of-way line of Singleton Street as shown by said survey, N78°-07'E, 86.0 feet; Thence continuing with said survey line, S68°-38'W, 74.35 feet to the east right-of-way line of the COLT Railroad, said point being 50 feet east of the centerline of the tracks; Thence with said right-of-way line, N1°-25'-30"E, 40.65 feet; Thence N82°-47'-30"E, 83.2 feet; Thence N87°-36'E, 79.35 feet to the east right-of-way line of Columbia Street; Thence S11°-53'W, 46.0 feet to the Point of Beginning and containing 0.12 acres.

Also, the west ten feet of the Horn tract as described by a quit claim deed recorded in Book 92 at Page 531 (see the warranty deed recorded in Book 478 at Page 728 for a more specific location).

A SURVEY OF A TRACT OF LAND DESCRIBED BY A WARRANTY DEED RECORDED IN BOOK 4607 AT PAGE 61 AND BY A QUIT CLAIM DEED RECORDED IN BOOK _____ AT PAGE _____ LOCATED IN THE SOUTH-WEST QUARTER OF SECTION 10 AND IN THE NORTHWEST QUARTER OF SECTION 15, ALL IN TOWNSHIP 51 NORTH, RANGE 11 WEST, CENTRALIA, BOONE COUNTY, MISSOURI, AND DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF BLOCK 34 OF THE ORIGINAL TOWN OF CENTRALIA -- THE NORTHEAST CORNER OF COLUMBIA STREET AND SNEED STREET; THENCE WITH NORTH RIGHT-OF-WAY LINE OF SNEED STREET, N78°-07'W, 50.0 FEET TO THE WEST RIGHT-OF-WAY LINE OF COLUMBIA STREET, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING N78°-07'W, 119.7 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE COLT RAILROAD; THENCE WITH THE EAST RIGHT-OF-WAY LINE, N1°-25'-30"E, 197.5 FEET; THENCE N82°-47'-30"E, 83.2 FEET; THENCE N87°-36'E, 79.35 FEET TO THE WEST RIGHT-OF-WAY LINE OF COLUMBIA STREET; THENCE S11°-53'W, 241.0 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.70 ACRES.

THIS SURVEY MEETS THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND THE URBAN ACCURACY STANDARDS THEREOF.

MONUMENTS ARE LOCATED AS SHOWN.

BORMANN SURVEYING

DONALD E. BORMANN
REGISTERED LAND SURVEYOR
LS-2012

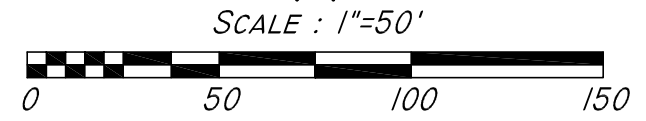


SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS _____ DAY OF AUGUST, 2017.
MY COMMISSION EXPIRES MARCH 18, 2018.

LINDA S. BORMANN
NOTARY PUBLIC - 14437040

NOTES:

1. THE ORIGINAL PLAT OF CENTRALIA DEDICATED COLUMBIA STREET WITH AN 80-FOOT RIGHT-OF-WAY (A 60-FOOT RIGHT-OF-WAY WITH 10-FOOT EASEMENTS AROUND THE EXTERIOR OF ALL THE BLOCKS). THE CITY QUIT CLAIMED THE WEST 30 FEET OF COLUMBIA STREET BY A DEED RECORDED IN BOOK 92 AT PAGE 531 AND A DEED RECORDED IN BOOK _____ AT PAGE _____.
2. A QUIT CLAIM DEED RECORDED IN BOOK 274 AT PAGE 453 TO THE CITY OF CENTRALIA IS FOR RIGHT-OF-WAY FOR SINGLETON STREET WHEN IT CONNECTED TO WHAT IS NOW RODNEY GRIFFIN STREET. THIS DEED IS OBVIOUSLY BASED UPON THE SURVEY RECORDED IN BOOK 275 AT PAGE 292 WHICH IS DATED JUST PRIOR TO THE DATE OF THE DEED.
3. THE WARRANTY DEED RECORDED IN BOOK 4607 AT PAGE 61 CALLS FOR THE SURVEY IN BOOK 275 AT PAGE 292. THIS SURVEY SHOWS A 33-FOOT RIGHT-OF-WAY EAST OF THE RAILROAD CENTERLINE; HOWEVER, THE RAILROAD VALUATION MAP SHOWS IT IS A 50-FOOT RIGHT-OF-WAY.
4. ACCORDING TO THE WARRANTY DEED RECORDED IN BOOK 4607 AT PAGE 61, THE SOUTH LINE OF THE TWO TRACTS DESCRIBED ARE "WEST TO THE RAILROAD." IN THIS CONTEXT WEST IS TAKEN TO MEAN PERPENDICULAR TO COLUMBIA STREET WHICH AGREES WITH THE OCCUPATION.
5. PART OF THE CONSIDERATION FOR THE QUIT CLAIM DEED RECORDED IN BOOK 92 AT PAGE 531 WAS THE WEST 10 FEET OF THIS LOT "FOR CITY PURPOSES." THIS PROBABLY ASSUMED THERE WAS A 33-FOOT RIGHT-OF-WAY FROM THE CENTERLINE OF THE RAILROAD AS THIS AREA IS USED FOR DRAINAGE; HOWEVER, TO REMOVE ANY QUESTION OF THIS, THE 10-FOOT STRIP IS INCLUDED IN THE QUIT CLAIM DEED RECORDED IN BOOK _____ AT PAGE _____ FROM THE CITY OF CENTRALIA.
6. THIS SURVEY INCLUDES A PORTION OF THE FORMER RIGHT-OF-WAY FOR SINGLETON STREET AS DESCRIBED BY A QUIT CLAIM DEED RECORDED IN BOOK _____ AT PAGE _____ FROM THE CITY OF CENTRALIA.
7. NO RECORDED EASEMENTS ARE SHOWN BY THE TITLE REPORT NOR COULD THE CITY FIND A RECORD OF AN EASEMENT FOR THE ELECTRIC LINE ALONG THE SOUTH LINE OF THE SINGLETON STREET, FOR WATER LINES ACROSS THE PROPERTY, OR FOR A SANITARY SEWER LINE ACROSS THIS PROPERTY.
8. A TWENTY-FOOT EASEMENT WAS DEDICATED TO THE CITY OF CENTRALIA FOR THE ELECTRIC LINE SHOWN ON THE SURVEY BY A DEED RECORDED IN BOOK _____ AT PAGE _____.
9. A TWENTY-FOOT EASEMENT WAS DEDICATED TO THE CITY OF CENTRALIA FOR THE WATER LINE SHOWN ON THE SURVEY BY A DEED RECORDED IN BOOK _____ AT PAGE _____.
10. A TWENTY-FOOT EASEMENT WAS DEDICATED TO THE CITY OF CENTRALIA FOR THE SANITARY SEWER SHOWN ON THE SURVEY BY A DEED RECORDED IN BOOK _____ AT PAGE _____.



BEARINGS ARE REFERENCED TO GRID NORTH (NAD83) OF THE MISSOURI CENTRAL ZONE BY GPS.

LEGEND

E	EXISTING
S	SET W/ CAP LS-2012
⊕	IRON PIPE
⊙	DRILL HOLE
—+—	RAILROAD
—OP—	OVERHEAD POWER LINE
—W—	WATER LINE
—SS—	SANITARY SEWER

From: Matt Harline, City Administrator
To: Planning & Zoning Commission
CC: Charles Thompson, City Attorney
Date: September 7, 2017
Re: General Meeting Notes



Item V – Draft Telecommunications Ordinance

At the request of the Commission and the Board of Aldermen a draft ordinance has been prepared by City Attorney, Charles Thompson. This draft is for discussion and if the Commission feels it is ready to approve, a recommendation to the Board of Aldermen would be in order.

The State Legislature has greatly restricted the City's ability to regulate telecommunications towers. The attached ordinance allows the City to assert the remaining authority it has, and thereby maintain some protections for property owners in the City. There are a couple of issues about how to regulate height and aesthetics of the facilities, but otherwise the ordinance is largely what is possible.

This ordinance allows permitting by right when the applicant is simply doing maintenance , reattaching a replacement antenna or attaching a new antenna to an existing structure that does not qualify as a Substantial Modification (e.g. increase the height more than 10 feet or in excess of standard height restrictions in that zoning district. We would request them to complete a permit, and they maybe required to obtain building permit, but they would have the right to this use.

The ordinance allows for permit by administrative decision if the applicant is replacing a non-conforming tower with a conforming tower of the same size but does not increase the size of the facility such that it would be considered a Substantial Modification or when attaching additional antennae to an existing non-conforming tower. The new towers would have to be in B-2, M-1 or B-P District. This permit would have to be approved by the City Administrator or his designee.

The ordinance would finally allow permitting via a conditional use permit that would require a recommendation by this Commission and final approval by the Board of Aldermen. Both the administrative and the conditional use permit would require plans and drawings.

Staff recommendation Staff feels that the ordinance as drafted, with possible minor modifications is acceptable to pass, but the Commission may wish to improve the ordinance as it sees fit. The Commission may either:

1. **recommend approval of the proposed Ordinance to replace the current Telecommunication Tower section of the City Zoning Code; or**
2. **make recommendations for changes to be brought back at a future date for further discussion before a recommendation is forwarded to the Board of Aldermen.**

At some point the Commission and Board should update the current Code as it is out of date and large portions are unenforceable.

ARTICLE XVII: WIRELESS COMMUNICATIONS FACILITIES Remove 31-44.1

Section 31-44.1 Wireless communications Facilities

SECTION 1: PURPOSE

- A. **Statement of Purpose.** The general purpose of this Article is to regulate the placement, construction and modification of telecommunications Towers, Support Structures, and Antennas in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of Centralia. Specifically, this Article is intended to:
1. Provide for the appropriate location and development of telecommunications facilities and systems to serve the citizens and businesses of the City of Centralia;
 2. Minimize adverse visual impacts of Wireless Communications Facilities through careful design, siting, landscape screening, and innovative camouflaging techniques;
 3. Maximize the use of existing and Support Structures so as to minimize the need to construct new or additional facilities;
 4. Facilitate the addition of the least visible new Support Structures capable of achieving these objectives;
 5. Ensure that any new Support Structure is located in an area compatible with the neighborhood or surrounding community to the extent possible; and
 6. Ensure that regulation of Wireless Communications Facilities does not have the effect of prohibiting the provision of personal wireless services, and does not unreasonably discriminate among functionally equivalent providers of such service.
- B. **Applicability.** Notwithstanding any ordinance to the contrary, the procedures set forth in this section shall be applicable to all Wireless Communications Facilities existing or installed, built or modified after the effective date of this Article to the fullest extent permitted by law.

SECTION 2: DEFINITIONS

As used in this Article, the following terms shall have the meanings and usages indicated:

ANTENNA: Any device that transmits and/or receives radio waves for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications. The term shall exclude satellite earth station antennas less than two (2) meters in diameter (mounted within twelve feet (12') of the ground or building-mounted) and any receive-only home television antennas.

AGL (Above Ground Level): Ground level shall be determined by the average elevation of the natural ground level within a radius of fifty feet (50') from the center location of measurement.

CABINET: A structure for the protection and security of communications equipment associated with one (1) or more Antennas where direct access to equipment is provided from the exterior and that has horizontal dimensions that do not exceed four feet (4') by six feet (6'), and vertical height that does not exceed six feet (6').

DIRECTOR: The City Administrator of the City of Centralia or his/her designee or official acting in such capacity.

DISGUISED SUPPORT STRUCTURE: Any free-standing, man-made structure designed for the support of Antennas, the presence of which is camouflaged or concealed as an appropriately placed and designed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, light standards, flag poles and artificial trees. For purposes of this definition, a structure “camouflaged or concealed as an appropriately-placed and designed architectural or natural feature” shall meet the following additional criteria: (1) it is consistent with and contributes to and does not detract from the character and property values and use of the area and neighborhood in which it is located, (2) it does not contain distorted proportions, size, or other features not typically found on the type of structure or feature to which it is designed to replicate, (3) it cannot be identified as an Antenna Support Structure by persons with reasonable sensibilities and knowledge, (4) its equipment, accessory buildings, or other aspects or attachments relating to the Disguised Support Structure are wholly concealed using a manner consistent with and typically associated with the architectural or natural structure or feature being replicated, and (5) it is of a height, design and type that would ordinarily occur at the location and neighborhood selected.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

HEIGHT: The vertical distance measured from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto.

INCIDENTAL USE: Any use authorized herein that exists in addition to the principal use of the property.

MODIFICATION: Any addition, deletion or change, including the addition or replacement of Antennas, or any change to a structure requiring a building permit or other governmental approval.

SHELTER: A building for the protection and security of communications equipment associated with one (1) or more Antennas and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected Antennas is prohibited.

SUBSTANTIAL MODIFICATION: The mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

- (a) Increases the existing vertical height of the structure by:
 - a. More than ten percent; or
 - b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or
- (b) Involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
- (c) Involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; or

- (d) Increases the square footage of the existing equipment compound by more than one thousand two hundred fifty square feet;

SUPPORT STRUCTURE: A Tower or Disguised Support Structure.

TOWER: A structure designed for the support of one (1) or more Antennas and including guyed towers, self-supporting (lattice) towers, or monopoles, but not Disguised Support Structures or buildings. The term shall also not include any Support Structure that includes attachments of sixty-five feet (65') or less in height owned and operated solely for use by an amateur radio operator licensed by the Federal Communication Commission.

WIRELESS COMMUNICATIONS FACILITY: Any Antenna, Cabinet, Shelter and Support Structure and associated equipment.

SECTION 3: APPLICATION PROCEDURES; TIMING.

- A. Applications for permitted, administrative, or conditional uses pursuant to this Article shall be subject to the supplementary procedures in this Article. Applications shall be submitted to the City as a complete application on forms provided by the City. A "complete application" shall be an application submitted on the forms provided by the City, fully executed by the applicant, identifying the specific approval sought, and containing all attachments, fees and information as required thereon or by the City, consistent with this Article. Applications shall be accompanied by a building permit application and other applicable forms, and such application fees as may be established to reimburse the City for its inspection and review costs.
- B. Co-location requests. A final decision on all applications to co-locate wireless communication facilities on an existing Support Structure shall be made no later than forty-five (45) days after receipt of a complete application from an Applicant, unless extended by the City for good cause or by consent of the Applicant.
- C. Other applications; new Support Structures. A final decision on all other applications under this Article, including but not limited to applications for new Support Structures, shall be made no later than one hundred twenty (120) days after receipt of a complete application from an Applicant or within such additional time as may be mutually agreed to by an Applicant and the City.
- D. Incomplete applications. Within thirty (30) days after receipt of an incomplete application, and within fifteen (15) days after the receipt of an incomplete co-location application, the Director shall provide notice to the Applicant stating that the application is incomplete and generally identifying the code provisions or application requirements not satisfied or information not provided that the Applicant must satisfy for a complete application commencing the City's review process. Nothing in this procedure shall alter the affirmative obligation of each applicant to review the applicable code and satisfy all applicable provisions as may apply to the applicant's specific submission.

SECTION 4: GENERAL REQUIREMENTS

- A. The requirements set forth in this Article shall be applicable to all Wireless Communications Facilities within the City installed, built or modified after the effective date of this Article to the full extent permitted by law.

1. Principal or incidental use. Wireless Communications Facilities shall be Conditional Use in all zoning districts, subject to any applicable requirement relating to yard, height or setback. An incidental use subject to a leasehold interest of a person other than the lot owner may be approved for a Tower only if the leasehold area separately meets all requirements for a separate subdivided lot, including dedicated access, parking, and lot size, applicable to a primary use in the district in which the use is proposed.
2. Building codes, safety standards and zoning compliance. Wireless Communications Facilities shall be constructed and maintained in compliance with all standards contained in applicable State and local building codes. A certified engineer's structural report shall be required with each application, unless waived upon application to the Director stating why such report is unnecessary to the specific application and a determination in the discretion of the Director approving such statement. In addition to any other approvals required by this Article, no Wireless Communication Facility or portion thereof shall be erected, replaced, or expanded prior to receipt of a Certificate of Zoning Compliance and the issuance of a Building Permit. For all sites located within a Historic Preservation District, a Certificate of Appropriateness shall also be required.
3. Regulatory compliance. All Wireless Communications Facilities shall meet or exceed current standards and regulations of the FAA, FCC and any other local, State or Federal agency with the authority to regulate Wireless Communications Facilities, and including all required licenses, permits and taxes applicable to such structure and/or modification. Should such standards or regulations be amended, then the owner shall bring such devices and structure into compliance with the revised standards or regulations within the time period mandated by the controlling agency. No approval for any placement, construction or modification of any Wireless Communications Facilities permitted by this Article shall be granted for any Applicant having an uncured violation of this Article, any zoning regulation regarding the lot on which the structure is proposed, or any other governmental regulatory, licensing, or tax requirement applicable to such Antenna or structures within the City.
4. Security. All Wireless Communications Facilities shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build or modify Wireless Communications Facilities. Additional measures may be required as a condition of the issuance of a Building Permit or Administrative Permit as deemed necessary by the Director or by the Board of Aldermen for a Conditional Use Permit.
5. Lighting. Antennas and Support Structures shall not be lighted unless required by the FAA or other State or Federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or modify the Antennas or Support Structure. Lighting may also be approved as a consistent component of a Disguised Support Structure. Equipment Cabinets and Shelters may have lighting only as approved by the Director or Board of Aldermen on the approved site plan.
6. Advertising. Except for a Disguised Support Structure in the form of an otherwise lawfully permitted sign, the placement of advertising on Wireless Communications

Facilities is prohibited other than identification signage of not greater than 1 square foot on ground equipment.

7. Design.

- a. Color. Subject to the requirements of the FAA or any applicable State or Federal agency, Towers and attachments shall be painted a neutral color consistent with the natural or built environment of the site or an alternative painting scheme approved by the Director, or Board of Aldermen, consistent with the requirements of this Article. Unpainted galvanized steel Support Structures are not permitted.
- b. Ground equipment. Equipment Shelters or Cabinets shall have an exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facility is located. All equipment shall be either placed underground, contained in a single Shelter or Cabinet, or wholly concealed within a building, approved walled compounds or another alternative method of concealment approved by the Director or Board of Aldermen.
- c. Antenna design. Antennas attached to a Disguised Support Structure or Tower shall be contained within the Disguised Support Structure or within or mounted flush on the surface of the Tower to which they are mounted. Antennas attached to an existing building or structure shall be of a color identical to the surface to which they are mounted. All Antennas shall be designed to be disguised and maximally concealed on or within the Support Structure. Exposed Antennas on “crows nest” or other visible platforms or extensions are prohibited.
- d. Height. Support Structures shall be no taller than necessary and shall not exceed the height limitation of any airport overlay zone as may be adopted by the City or other regulatory agency. Support Structures may exceed underlying zoning district height restrictions for buildings and structures only where shown to be necessary, provided that no reasonable alternative exists. District height restrictions shall be considered by the City in determining the appropriateness of the design and location of the application under the applicable standards for approval.
- e. Monopole design. All Towers shall be of a monopole design. Lattice, guyed towers or other non-monopole Tower designs shall not be permitted.
- f. Compound walls/landscaping. All Towers shall be surrounded by a minimum of six (6) foot high decorative wall constructed of brick, stone or comparable masonry materials and a landscape strip of not less than ten feet (10') in width and planted with materials, which will provide a visual barrier to a minimum height of six feet (6'). The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by the Director, or by the Board of Aldermen, upon demonstration by the Applicant that an equivalent degree of visual screening will be achieved. Landscaping or other improvements may be required for Disguised Support Structures if needed to implement an approved disguise.

- g. Setbacks. All Support Structures, and related structures, fences and walls shall be separated from the property line of any adjacent property zoned for a residential use at least a distance equal to the height of the Support Structure, and shall be separated from all building setback lines by at least a distance equal to one-half ($\frac{1}{2}$) of the height of the Support Structure.
 - h. Storage. Vehicle or outdoor storage on any Support Structure site is prohibited, unless otherwise permitted by the zoning.
 - i. Parking. On-site parking for periodic maintenance and service shall be provided at all Antenna or Support Structure locations consistent with the underlying zoning district and the type of Antenna or Support Structure approval granted.
8. Shared use.
- a. Existing Support Structures. Prior to the issuance of any permit to alter or modify any Support Structure existing on the effective date of this Article, the owner shall provide to the City a written statement that the Applicant conducted an analysis of available co-location opportunities on existing wireless towers within the same search ring defined by the Applicant.
 - b. Support Structure inventories. Prior to the issuance of any permit to install, build or modify any Support Structure, such Applicant shall furnish the Director an inventory of (1) all Support Structures owned or controlled by such Applicant and by the proposed Antenna user (if the proposed Antenna user is different from the Applicant), and (2) all Towers owned by any person located within one and one-half ($1\frac{1}{2}$) miles of the proposed structure. The inventory shall include the structure or Antenna reference name or number, the street location, latitude and longitude, structure type, height, type and mounting height of existing Antennas and an assessment of available ground space for the placement of additional equipment shelters.
 - c. Shared use--new Support Structures. Any new Support Structure approved at a height of sixty feet (60') AGL (Above Ground Level) or higher shall be designed and constructed to accommodate at least one additional user. The Director may waive this requirement for Disguised Support Structures if the Applicant submits a written request demonstrating that compliance cannot be achieved without violating one or more of the definitional requirements of a Disguised Support Structure.
 - d. Notice of Support Structure applications. Prior to any application for the construction of a new Support Structure, a copy of the application or a summary containing the height, design, location and type and frequency of Antennas shall be delivered by certified mail to all known potential Tower users within City, including but not limited to all companies providing wireless internet and commercial mobile radio services in the City, and such other potential users, if any, if identified on a schedule maintained by the Director. Proof of such delivery shall be documented by the Applicant with the application to the City. The Director may establish a form required to be used for such notifications and establish other procedures consistent with and as may facilitate compliance with this Article. The Director shall, before deciding on the application or

forwarding it to the Planning and Zoning Commission or Board of Aldermen for review, allow all persons receiving notice at least fifteen (15) calendar days to respond to the City and request to locate within one (1) mile of such area. The failure of the receiving party to use this process or respond to any such notice shall be considered cause for denying requests by such party for new Support Structures.

SECTION 5: PERMITTED USE

- A. The placement of Wireless Communications Facilities is permitted in all zoning districts only as follows:
1. The attachment of additional or replacement complying Antennas or equipment to any existing fully conforming Wireless Communications Facility which does not require a Substantial Modification to the height of the Structure or to the accompanying ground equipment provided that all requirements of this Article and the underlying zoning ordinance are met, including that such changes to ground equipment or height are approved by the Director or Board of Aldermen.
 2. The mounting of Antennas on any existing and conforming building or structure other than a Support Structure (such as a water tower), provided that the presence of the Antennas and equipment is concealed by architectural elements or fully camouflaged and concealed by painting a color identical to the surface to which they are attached and further provided that all requirements of this Article and the underlying zoning ordinance are met.
 3. The mounting of Antennas on or within any existing high-voltage electric transmission tower, but not exceeding the height of such tower by more than ten feet (10'), provided that all requirements of this Article and the underlying zoning ordinance are met, except minimum setbacks provided in this Article shall not apply.
 4. The installation of Antennas or the construction of a Support Structure on buildings or land owned by the City following the approval of a lease agreement by the Board of Aldermen and subject to such specifications, conditions and requirements as set forth in the lease.

SECTION 6: AUTHORIZATION BY ADMINISTRATIVE PERMIT

- A. The placement of Wireless Communications Facilities is permitted in all zoning districts by Administrative Permit approved by the Director only as follows:
1. The attachment of additional or replacement Antennas, equipment, Cabinets or Shelters to any nonconforming Support Structure existing on the effective date of this Article or subsequently approved in accordance with these regulations and not satisfying the requirements for such attachment pursuant to Section 5 as a permitted use as long as the Applicant provides documentation from which the Director has reasonably determined that the application will bring the Support Structure (including ground equipment and site) into conformance with this Article to the maximum extent feasible and further provided that the proposal does not cause a Substantial Modification to the height of the Support Structure or to the exterior equipment compound area. A "nonconforming Support Structure" shall be any Support Structure or associated site or

equipment that does not comply with all of the requirements of this Article, including but not limited to the General Requirements herein and the requirements of the underlying zoning district.

2. The one-time replacement of any Tower existing on the effective date of this Article or subsequently approved in accordance with these regulations so long as the purpose of the replacement is to accommodate shared use of the site or to eliminate a safety hazard and the new structure otherwise complies with this Article. The new Tower shall be of the same type as the original except that a guyed or self-supporting (lattice) tower shall be replaced by a monopole. The height of the new monopole Tower may exceed that of the original to the extent the additional height would not be considered a Substantial Modification to the original tower. Subsequent replacements or replacements requiring what would be a Substantial Modification to the existing tower shall require the approval of a Conditional Use Permit.
 3. The construction of a Disguised Support Structure provided that all related equipment shall be placed underground or concealed within the structure or associated buildings consistent with the disguise when the structure is located in any district other than a district authorizing industrial uses as a permitted use. Equipment may be placed in an appropriately concealed Cabinet if the Disguised Support Structure is incidental to an industrial, commercial, institutional or other non-residential use.
 4. The placement in any M-1 or B-2 zoning district, as defined by this code, of camouflaged Antennas on wooden or steel functioning utility poles not to exceed forty feet (40') in height and on any such poles (or functional replacement poles of no greater height) existing in any other district on the date of adoption of this Article. All related equipment for Antennas permitted by this sub-section shall be located outside of the rights-of-way in a concealed Cabinet or underground and shall otherwise comply with requirements for accessory utility facilities provided in this Code.
 5. Temporary Towers erected and maintained for a period not to exceed sixty (60) days for the purpose of replacing an existing Tower, testing an existing or proposed network, or special events requiring mobile towers. The approval for such Tower shall be limited to the amount of time necessary for its purpose and approval may be further conditioned for public safety and other purposes of this Article.
- B. Application Procedures. Applications for Administrative Permits shall be made on the appropriate forms to the Director and accompanied by a deposit of one hundred dollars (\$100.00), or such other deposit amounts as may be established. In addition to the above fee, upon request by the Director, an Applicant shall deposit with the City such additional amounts reasonably necessary to reimburse the City for actual and direct costs and fees for legal, engineering or other contractual or other consultant services determined by the City to be needed in review or action on the application. No application for an Administrative Permit under this section shall be deemed complete until the Applicant has paid all fees and deposits required under this Article. Any amount not used by the City shall be refunded to the Applicant upon written request after a final decision. Applicant shall submit along with its completed application form a:
1. A detailed site plan, based on a closed boundary survey of the host parcel, indicating all existing and proposed improvements including buildings, drives, walkways, parking

areas and other structures, public rights-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and height AGL of the existing or proposed Support Structure.

2. The application shall be reviewed by the Director to determine compliance with the above standards and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.
 3. In reviewing an application, the Director may require the Applicant to provide additional information, including technical studies, and/or may require Applicant to pay the cost of such studies if to be performed by the City, if such studies are reasonably necessary to assess whether the standards for approval are satisfied. An application shall not be deemed complete until satisfaction of all application requirements and submission of all requested information as provided herein.
 4. The Director shall issue a decision on the permit within the time provided in Section 3 or the application shall be deemed approved unless the time period for review and action is extended by writing of the Director or Board of Aldermen for reasonable cause. The Director may deny the application or approve the application as submitted or with such modifications as are, in his/her judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with and to effectuate the purposes of this Article. The Director may consider the purposes of this Article and the factors established herein for granting a Conditional Use Permit, as well as any other considerations consistent with the Article. A decision to deny an application shall be made in writing and state the specific reasons for the denial.
- C. Appeals. Unless otherwise required by law, appeals from the decision of the Director shall be made first to the Board of Aldermen in accordance with the procedures for a contested case as defined in Chapter 536, RSMo., within ten (10) days of any denial.

SECTION 7: CONDITIONAL USE PERMIT REQUIRED

- A. All proposals to install, build or modify Wireless Communications Facilities not permitted by Section 5 (Permitted Uses) or Section 6 (Administrative Permit) shall require the approval of conditional use permit following a duly advertised public hearing by the Planning and Zoning Commission and Board of Aldermen, subject to the forthcoming limitations.
 1. Applications. Applications for conditional use permits shall be filed on such forms required by the Director and processed subject to the requirements of and in the manner and time frame as established for conditional use permits in the Zoning Code and, in addition to such other requirements, shall be accompanied by one hundred dollars (\$100.00), or such other deposit amount as may be established by the Board of Aldermen. In addition, upon request by the Director, an Applicant shall deposit with the City such additional amounts reasonably necessary to reimburse the City for such actual and Direct costs and fees for legal, engineering or other contractual or other consultant services determined by the City to be needed in review or action on the application. No application for a Conditional Use Permit under this section shall be deemed complete until the Applicant has paid all fees and deposits required under this Article. Any

amount not used by the City shall be refunded to the Applicant upon written request after a final decision.

2. Additional minimum requirements. No conditional use permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of Wireless Communications Facilities pursuant to Section 5 (Permitted Uses) or Section 6 (Administrative Permits) of this Article is not technologically or economically feasible. The City may consider current or emerging industry standards and practices, among other information, in determining feasibility.
3. Decision and findings required. A decision shall be accompanied by substantial evidence supporting the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence shall be under oath and may be submitted with the application or thereafter, or presented during the public hearing by the Applicant or others.
4. Findings Required: In addition to the determinations or limitations specified herein and by this Zoning Code for the consideration of Conditional Use Permits, no Conditional Use Permit shall be approved by the Board of Aldermen unless findings in the affirmative are made that the following conditions exist:
 - a. Applicant has conducted an analysis of available co-location opportunities on existing wireless towers within the same search ring as defined by the Applicant in its application.
 - b. That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Article. New Towers shall be of a monopole design.
 - c. That the proposal minimizes the number and/or height size, and visibility of Wireless Communications Facilities that will be required in the area. Where alternate technology or design exists, or is reasonably available that would satisfy the general need for the proposal, this factor is ordinarily not satisfied.
 - d. That the Applicant has not previously failed to request to locate within one (1) mile of any existing structures after receiving notice that such structure was being built in the same area of the new structure defined by the Applicant in its application.

Provided, that if one, but not more than one, of the previous five (a-d) conditions is not satisfied, approval may be granted only on a finding of unique circumstances otherwise necessitating approval to satisfy the purposes of this Article.

- B. Additional height limitations. No Tower shall be approved at a height exceeding one hundred fifty feet (150') AGL unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system or that of a public safety communications system of a governmental entity sharing the Tower. Such showing must also be supported by the opinion of a telecommunications consultant or expert. The opinion of the consultant or expert shall include a statement that no available alternatives exist to exceeding the height limit including but not limited to the use of two or more Support Structures, and the reason why such alternatives are not viable.

- C. Historic Preservation: A Conditional Use Permit shall not be issued for any Wireless Communications Facility that the Board of Aldermen determines would create a significant negative visual impact or otherwise have a significant negative impact on the historical character and quality of any property within a Historic Preservation District or such District as a whole.

SECTION 8: OBSOLETE NON-COMPLYING SUPPORT STRUCTURES

Any upper portion of a Support Structure which is not occupied by active Antennas for a period of twelve (12) months, and any entire Support Structure which is not so occupied for a period of six (6) months, shall be removed at the owner's expense. Removal of upper portions of a Support Structure manufactured as a single unit shall not be required. Failure to comply with this provision shall constitute a nuisance that may be remedied by the City at the Support Structure or property owner's expense. Any Applicant for a new Support Structure not built as a disguised part of another existing or permitted structure shall place a bond or other security with the City prior to any final approval for the purpose of removing any Support Structure as required herein and to compensate the City for performing proper maintenance of such Support Structures to ensure such structures do not become unsafe or otherwise fail to be maintained in compliance with this Article.

SECTION 9: COMMERCIAL OPERATION OF UNLAWFUL WIRELESS COMMUNICATIONS FACILITIES

Notwithstanding any right that may exist for a governmental entity to operate or construct Wireless Communications Facilities, it shall be unlawful for any person to erect or operate for any private commercial purpose any Wireless Communications Facilities in violation of any provision of this Article, regardless of whether such Wireless Communications Facilities are located on land owned by a governmental entity.

SECTION 10: PENALTY

Except as may otherwise be provided by law, any person violating this Article shall be subject to a fine of not more than two hundred dollars (\$200.00). Each day the violation continues shall constitute a separate offense.