

City of Raymore Unified Development Code

Chapter 420: Use Regulations

Section 420.040 Use-Specific Standards – Other Uses

C. Wireless Telecommunications Facilities

The regulations contained in this section have been developed in accordance with the general guidelines set forth in the Federal Telecommunications Act of 1996.

1. Applicability

a. Pre-existing Towers and Antennas

Except as otherwise noted, the requirements of this section apply to all new wireless telecommunications facilities, any portion of which is located within the City of Raymore. Any towers and/or antennas legally existing and in use prior to adoption of this section will be allowed to continue as a nonconforming use. This section will not preclude the routine maintenance, repair and/or replacement of antennas on pre-existing towers. Any such towers or antennas will be referred to in this section as “pre-existing towers” or “pre-existing antennas.”

b. District Height Limitations

The requirements set forth in this section govern the location of towers and alternative support structures and/or antennas that are installed at a height in excess of 20 feet. Zoning district height limitations as specified in bulk and dimensional standards tables do not apply.

c. Public Property

Existing antennas or towers located on property owned, leased or otherwise controlled by the City are exempt from the requirements of this section, provided a license or lease authorizing the antenna or tower has been approved by the City Council.

d. Enclosed Wireless Systems

Wireless telecommunications facilities that are completely within an existing structure, with no visible evidence of the telecommunications facilities and do not use a telecommunications tower or an alternative support structure are exempt from this section.

2. General Standards

a. Federal Requirements

All towers and antenna must meet applicable 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. License**

Applications for required permits will only be processed when the applicant demonstrates either that it is a FCC-licensed telecommunications provider or that it has agreements with a FCC-licensed telecommunications provider for use or lease of the support structure.
- c. Registration**

On January first of each fifth year following the installation of the wireless telecommunications facility the owner of such facilities must submit a letter to the Community Development Director registering the antenna(s) on forms prepared by the City and submitting information on location, type, FCC licensure, antenna operating status and any change in facility status in the previous registration period.
- d. Principal or Accessory Use**

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot will not preclude the installation of an antenna or tower on a lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to yard, lot coverage and other district requirements, the dimensions of the entire lot will control, even though the antennas or towers may be located on leased parcels within an individual lot.
- e. Inventory of Existing Sites**

Each applicant for an administrative approval or a conditional use permit must provide to the Community Development Director an inventory of its existing towers that are either within the City limits or within one mile of its boundary, including specific information about the location, height and design of each tower. The Community Development Department may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the City; provided, however, that the Community Development Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- f. Building Codes and Safety Standards**

To ensure the structural integrity of towers, the owner of a tower must ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner will have 30 days to bring the tower into compliance with applicable codes and standards. If the owner fails to bring the tower into compliance within 30 days, the City may remove the tower at the owner's expense.
- g. Inspections**

The City and its agents have the authority to enter onto the property upon which a tower is located between the inspections and certifications required to inspect the tower for the purpose of determining whether it complies with the

International Building Code and all other construction standards provided by the City's Code, Federal, and State law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner.

h. Non-Use/Abandonment

Any antenna or tower that is not operated for a continuous period of 12 months will be considered abandoned. The owner of such antenna or tower must remove it within 90 days of receipt of notice from the City notifying the owner of such abandonment. If such antenna or tower is not removed within 90 days, the City may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision will not become effective until all users cease using the tower. It will be the duty of the telecommunications service provider and/or tower owner to provide written notice to the City when said condition exists.

i. Facilities in Agricultural Zoning Districts

For the purposes of this section, land currently zoned agricultural will be treated according to its zoning designation provided for in the "Future Land Use Plan," included as part of the City of Raymore Growth Management Plan.

j. Third Party Review

When the City staff determines that the technical information provided by the applicant warrants outside review, the applicant, in addition to the usual application fee, must reimburse the City for the actual cost to the City for the services of a technical expert to review the application and/or information submitted, up to a maximum of \$5,000.00.

k. Building Permit

A building permit is required for the installation of any tower, antenna, alternate tower structure or wireless telecommunications facility.

l. Pre-application Meetings

Prior to leasing or purchasing facilities, the telecommunications service provider is encouraged to meet with the Community Development Director or his/her designee to determine if the location will require a conditional use permit or other approvals, the required submittals, and to review the merits of potential locations.

3. Submittal Requirements for All Facilities

a. Submittal requirements for all towers, alternative tower structures, antennas, equipment facilities or other telecommunications facilities include the following:

- (1)** legal description of the parcel, if applicable;
- (2)** a letter signed by the applicant stating the tower facility will comply with all applicable FAA regulations and EIA Standards and all other applicable Federal, State and local laws and regulations;
- (3)** a statement by the telecommunications company that it is licensed by the FCC if required to be licensed under FCC regulations;

- (4) proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;
- (5) copies of any environmental documents required by any Federal agency. These include the environmental assessment required by FCC Para. 1.1307, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;
- (6) certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions;
- (7) at the time of site selection, a statement that demonstrates how the proposed site fits into its overall network within the City;
- (8) a site plan clearly indicating the location, type and height of the proposed tower, alternative support structure, antenna, and/or equipment facility and all other required site plan data in accordance with the City's application requirements;
- (9) the approximate distance between the proposed tower and the nearest residential building, residentially zoned properties, and from any property where the future land use designation indicated by the Growth Management Plan is residential;
- (10) a screening plan including the method of fencing, finished color and, if applicable, the method of illumination;
- (11) a landscape plan indicating the specific placement of the facility on the site in relation to any existing landscaping and natural features on the site and all existing and proposed landscape materials to be utilized to screen the facility; and
- (12) photo-simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances.

b. Additional Submittal Requirements for Specific Facilities

In addition to the above listed submittal requirements for all telecommunications facilities, the following are required for proposed antenna:

(1) Antennas on Existing Towers or Alternative Support Structures

Engineering evidence of the structural capacity of the existing tower to support the proposed telecommunication facility.

(2) New Towers and Alternative Support Structures

- (a) A statement by a registered professional engineer as to whether construction of the tower or alternative support structure can accommodate collocation of additional antennas for future users. If the construction of the tower or structure will accommodate the collocation of additional antennas, a signed statement indicating that:

- i. the applicant and landowner agree they will diligently negotiate in good faith to facilitate collocation of additional personal wireless service facilities by other providers on the applicants structure or within the same site location; and
 - ii. the applicant and/or landlord agree to remove the facility within 60 days after abandonment in accordance with the abandonment regulations, herein.
- (b) A map showing the locations and service areas of other adjacent telecommunications facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the City, so as to determine whether a new tower or structure is necessary.

c. Proprietary Information

In the event meeting any submission requirements of this subsection requires presentation of proprietary confidential information, the applicant may submit same under seal, which will be returned upon approval of the application and made available to the City at its request.

4. Design Standards for Antennas, Towers, and Alternative Support Structures

a. Height/Location

Any applicant proposing to construct a tower or alternative support structure must demonstrate utilizing engineering evidence that the height requested is the minimum height necessary to fulfill the site function.

b. Aesthetics and Lighting

This subsection provides standards for the appearance of all towers, alternative support structures and antennas as follows:

- (1) towers must either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness;
- (2) at a tower site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the surrounding natural setting and built environment;
- (3) if an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is nearly identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. All cables and related utility structures must be placed underground where required by the City; and
- (4) towers cannot be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives allowed by the FAA and approve the design that would cause the least disturbance to surrounding property owners.

c. Setbacks and Separation

The following setbacks and separation requirements apply to all towers:

- (1) towers must be set back a distance of at least four times the tower height from any residential structure and any property currently zoned or designated by the Growth Management Plan for RE, RR, R-1A, R-1, R-1.5 or R-2;
- (2) towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements; and
- (3) in zoning districts other than BP, M-1 or M-2 Districts, towers over 90 feet in height cannot be located within one mile of any existing tower that is over 90 feet in height.

d. Security and Fencing

Freestanding facilities must be enclosed by security fencing secured with a locked gate that is six feet in height and must also be equipped with an appropriate anti-climbing device. Chain-link or other wire fencing is only permitted where it is screened from public view by a minimum eight foot-wide landscape strip in accordance with subparagraph 5, below.

e. Landscaping

The following requirements are for landscaping around the base of towers and equipment structures:

- (1) the base of tower facilities and ground level equipment buildings must be landscaped with a buffer of plant materials that effectively screens it from adjacent residential properties. The standard buffer must consist of a landscaped strip at least eight feet wide around the perimeter of the facility; and
- (2) in locations where the visual impact of the tower and/or equipment building would be minimal or where the facility is adequately screened by existing vegetation, the landscaping requirement may be reduced or completely waived.

f. Equipment Structures

The standards for the design of equipment structures are as follows:

- (1) equipment structures mounted on a roof must have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted;
- (2) in instances where equipment buildings are located in residential zoning districts, equipment buildings must comply with setback requirements and be designed to be compatible in appearance with nearby residential structures; or where feasible located underground; and
- (3) if the equipment cabinets or storage buildings contain machinery that produces noise, the cabinet or building must be designed so to meet the noise regulations of the City.

g. Signs

Except as otherwise permitted in this section, no signs, lettering, symbols, images or trademarks in excess of 200 square inches may be placed on or affixed to any part of a telecommunications tower, antenna, antenna array, equipment building, or security fencing other than as required by FCC regulations or other applicable laws.

h. Access and Parking

All parcels upon which towers are located must provide at least one vehicular space on-site. The dimensions of access drives, parking aisles and spaces to meet this requirement must meet the minimum standards delineated in Chapter 425.

i. Height/Type Limitation

Guyed towers and towers over 199 feet in height will only be permitted when other options are unavailable or prove to be technically infeasible.

j. Exceptions

The City Council may reduce or waive the requirements of this subsection if the purpose of this section would be better served thereby.

5. Special Standards for Facilities in Residential Districts

In addition to all other standards and criteria provided for in this section, the following standards apply to wireless telecommunications facilities in zoning districts “RE”, “RR”, “R-1A”, “R-1”, “R-1.5”, “R-2”, “R-3”, “R-3A”, and “R-3B”:

a. Antennas and antenna support structures will only be allowed on any lot used for residential purposes as follows:

- (1)** support structures operated by an amateur radio operator licensed by the FCC as regulated under Section 405.030B1 and 410.030B1; and
- (2)** satellite antennas one meter or less in diameter erected on a residence or residential property.

b. Antennas will only be allowed on existing non-residential buildings within residential districts as follows:

- (1)** Antennas and related equipment must be concealed by the architecture of the structure such as clock towers, observation towers, church steeples, etc.
- (2)** Except as otherwise noted below, antennas and related equipment will only be permitted on existing non-residential structures which are 20 feet or greater in height and comply with the provisions below:
 - (a)** all antennas and related equipment may be rooftop mounted or attached to the side of an existing structure so long as such antennas and equipment do not increase the height of the existing structure by more than 15 feet;
 - (b)** antennas and related equipment must be camouflaged or painted with a color which is determined to be compatible with the structure to the satisfaction of the Community Development Director;

- (c) no freestanding telecommunication towers of any kind will be permitted in a residential district except as may be erected on public properties for the health and safety purposes by the City or other entity of the government; or in such a case that no other options are available or technically feasible; and
- (d) in residential districts, antennas may be placed on structures used for utility transmission purposes with the permission of the utility company. Such antennas cannot increase the existing height of the support structure by more than 15 feet.

6. Special Standards for Facilities Proposed on Public Property

a. Priority

Where public property is requested to be utilized by an applicant, priority for the use of City-owned land for wireless antennas and towers will be given to the following entities in descending order:

- (1) the City of Raymore;
- (2) public safety agencies, including law enforcement, fire and ambulance services, which are not part of the City of Raymore and private entities with a public safety agreement with the City of Raymore;
- (3) other governmental agencies, for uses which are not related to public safety; and
- (4) entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, Internet, paging, and similar services that are marketed to the general public.

b. Minimum Requirements

The placement of wireless telecommunication facilities on City-owned or other public property must comply with the following minimum requirements, and any additional requirements as provided for in the required lease:

- (1) the facilities will not interfere with the purpose for which the City-owned property is intended;
- (2) the facilities will have no significant adverse impact on surrounding private property;
- (3) the applicant is willing to obtain adequate liability insurance and commit to a lease agreement that includes equitable compensation for the use of public land and other necessary provisions and safeguards. The City shall establish fees after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors;
- (4) the applicant will submit a letter of credit, performance bond or other security acceptable to the City to cover the costs of removing the facilities;

- (5) the antennas or tower will not interfere with other users who have a higher priority;
- (6) the lease will provide that the applicant agrees that in the case of a declared emergency or documented threat to public health, safety or welfare and following reasonable notice, the City may require the applicant to remove the facilities at the applicant's expense;
- (7) the applicant must reimburse the City for any related costs which the City incurs because of the presence of the applicant's facilities;
- (8) the applicant must obtain all necessary land use approvals; and
- (9) the applicant must cooperate with the City's objective to encourage collocations and thus limit the number of telecommunications sites requested or camouflage the site as necessary.

7. Review Procedures

a. Administrative Approvals

(1) General

The Community Development Director may administratively approve the telecommunications facilities as described in this subsection.

- (a) Each applicant for administrative approval must apply to the Community Development Director, providing the information set forth in Section 420.040C3 of this section, and any other information the Community Development Director deems necessary.
- (b) The Community Development Director must approve, approve with conditions or disapprove complete applications within 30 days upon receipt. If the Community Development Department fails to respond to the applicant within said 30 days, then the application will be deemed to be approved.
- (c) In connection with any such administrative approval, the Community Development Director may, in order to encourage shared use, administratively waive any zoning district setback requirements by up to 50 percent.
- (d) If an administrative approval is denied, the applicant may appeal the denial in accordance with the provisions of Section 470.080. An applicant denied an administrative approval may also seek a conditional use permit under the provisions of Section 470.030.

(2) Authorized Administrative Approvals

The following requests for telecommunications facilities may be approved by the Community Development Director after conducting an administrative review:

(a) Antennas on Existing Towers or Structures

- i.** Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free-standing non-residential structure), provided that the addition does not add more than 15 feet to the height of the existing structure, and that:
 - a) the structure is not designated as an historic structure by the City Council;
 - b) the antenna does not extend horizontally from the side of the structure farther than the minimum necessary for attachment; and
 - c) where the antenna extends horizontally from the side of a building, it is camouflaged by the use of materials, colors, textures or screening so that it will visually blend into the building.
- ii.** Installation of an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other equipment used in connection with the proposed antenna, provided that the antenna does not add more than 15 feet to the height of the existing tower.

(b) New Alternative Support Structures

Location of any alternative tower structure in any zoning district that, in the judgment of the Community Development Director, is in conformity with the purposes set forth in this section; or

(c) New Towers in Commercial, Business Park, or Industrial Districts

Location of any tower in a “C-2”, “C-3”, “BP”, “M-1” or “M-2” zoning district provided a registered professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Community Development Director concludes the tower is in conformity with the purposes and standards set forth in this section; and the tower meets the following criteria:

- i.** the tower must be less than 120 feet in height, and of a monopole design; and
- ii.** all towers over 60 feet in height must be designed to accommodate antennas for more than one user. The number of users accommodated must be reasonably proportional to the height of the tower.

b. Conditional Use Permits

(1) General

The following provisions, and those set forth in Section 470.030, will govern the issuance of conditional use permits:

- (a) if the tower or antenna is not permitted to be approved administratively pursuant to Section 420.040C7, then a conditional use permit is required for the construction of a tower or the placement of an antenna in all zoning districts;
- (b) in granting a conditional use permit, the City may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties; and
- (c) any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical must be certified by a registered professional engineer.

(2) Site Approval

The use must be approved on a site plan or final plat, as applicable, and be located on a platted lot.

(3) Term

An initial request for a conditional use permit will be limited to five years. At the time of renewal the applicant must demonstrate to the satisfaction of the City that a good-faith effort has been made to cooperate with other providers to establish collocation at the tower site. Good-faith effort must include, but is not limited to, timely response to collocation inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing collocation. Failure to demonstrate that a good-faith effort has been made, or to properly register with the City according to Section 420.040C2c may result in the denial of the request for a renewal.

(4) Review Criteria

(a) General

The applicant must demonstrate that the proposal is consistent with the conditional use approval criteria in Section 470.030E, the following criteria, and other criteria as may be appropriate to further the purposes of this section. The governing authority may waive or reduce the burden on the applicant of one or more of these criteria, if the governing authority concludes that the purposes of this section are better served thereby:

- i. minimal height of the proposed tower, consistent with technical requirements of the telecommunications service;
- ii. utilization of surrounding topography to minimize visibility of the tower from existing and future residential areas and public streets;
- iii. utilization of surrounding tree coverage and foliage to minimize visibility of the tower from existing and future residential areas and public streets;
- iv. type and design of the tower, with particular reference to design characteristics that have the effect of camouflaging

facilities or otherwise reducing or eliminating visual obtrusiveness;

- v. proximity of the tower to residential structures and residential district boundaries;
- vi. nature of uses on adjacent and nearby properties;
- vii. mitigation of visual impact;
- viii. proposed ingress and egress; and
- ix. availability of suitable existing towers and other structures.

(b) Visual Impact

To the extent feasible, wireless telecommunications towers:

- i. must be located where they are the least obtrusive as viewed from prominent public locations;
- ii. must be placed within forested areas with antennas just above tree-line;
- iii. must not be so located or be of such height as to necessitate FAA coloring or lighting;
- iv. must be located in industrial or heavy commercial areas;
- v. must be 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
- vi. must not be located and visible in historic districts or on historic structures designated by the City Council.

(c) Availability of Suitable Existing Towers or Other Structures

No new tower will be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- i. no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements;
- ii. existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
- iii. existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
- iv. the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing

towers or structures would cause interference with the applicant's proposed antenna;

- v.** the fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable; or
- vi.** the applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.