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Planning Commission Public Hearing & Vote Report

Meeting Date: November 27, 2017

From: Jessica Henry, Senior Planner

Location: City of Chesterfield

Petition: **P.Z. 20-2017 City of Chesterfield (Unified Development Code-Articles 1, 4, 6, and 10):** An ordinance amending Articles 1, 4, 6, and 10 of the Unified Development Code to revise regulations pertaining to the composition of the Architectural Review Board, architectural specialty lighting, telecommunications facilities siting, and various definitions.

Proposal Summary

The Unified Development Code (UDC) was approved and adopted by the City Council in June of 2014. The purpose of this Public Hearing is to amend portions of Articles 1, 4, 6, and 10 of the UDC. Specific information regarding each of the amendments is found in the following sections of this report.

Amendment 1: Article 01-11.B (3) Architectural Review Board—Composition of the ARB

The first set of necessary amendments is located within Article 01-11.B (3) “Composition of the ARB” of the UDC. The revisions to Article 01 will remove the Chesterfield Arts membership slot and allow for greater flexibility in filling slots. These revisions are necessary as the Chesterfield Arts organization no longer exists and providing flexibility in the composition will allow for vacant spots to be filled according to the City’s needs at the given time.

This item was presented to the Planning and Public Works Committee at the June 8, 2017 meeting where a motion to direct Staff to amend Article 01-11 of the UDC to remove the Chesterfield Arts membership requirement for ARB membership and to amend the language to read: “The desired composition of the Board is two commercial architects, two residential architects, two landscape architects and one affiliate in a related field” was passed by a vote of 4-0. This language is reflected in the redline markup of UDC Article 01-11.B (3) attached to this report and Staff is recommending approval by the Planning Commission.

Amendment 2: Article 4-03 Lighting Standards— Architectural Specialty Lighting Package

Staff has been directed by the Planning and Public Works Committee to review and propose changes to Article 4-03 Lighting Standards of the UDC in order to place new restrictions on specialty architectural lighting applications. Specifically, the Planning and Public Works Committee has expressed a desire for such lighting applications, which are being increasingly prevalent due to technological advances, to be subject to greater review and regulation. Accordingly, discussions on this topic were held at the July 13, 2017 and October 11, 2017 ARB meetings.

Following each of these discussions, Staff utilized the ARB's input, expertise, and guidance to draft new regulations that would serve to create an Architectural Specialty Lighting Package. This package submittal and review process is quite similar to the existing Sign Package process which allows property owners and developers to request flexibility from strict adherence to the Sign Regulations which is otherwise required. In exchange for such flexibility, the applicants must provide a separate submittal package which demonstrates the appropriateness of their request. In turn, the Architectural Specialty Lighting Package would be reviewed by the ARB prior to being forwarded to the Planning Commission for final review and approval. Additionally, Architectural Specialty Lighting Packages would be subject to Power of Review in accordance with existing UDC regulations.

The new Architectural Specialty Lighting Package regulations would be inserted into Section 04-03 Lighting Standards of the UDC. The draft regulations are attached to this report and Staff is requesting Planning Commission input on this item. Any input received will be incorporated into the draft regulations which will be brought back before the Planning Commission for a recommendation and vote.

Amendment 3: Article 6 Telecommunications Facilities Siting

Over the last several years, the Missouri Legislature has approved legislation that dramatically limits the ability of Missouri municipalities to regulate wireless communication facilities. As a result, Article 6 of the UDC is no longer compliant with State Law. In order to become compliant, an entire new set of regulations has been drafted by Staff and the City Attorney. This set of draft regulations is attached and Staff is recommending approval by the Planning Commission.

It should be noted that the Missouri Legislature has maintained a very active role in regulating wireless communications facilities, with new bill proposals being presented nearly every legislative session. Should any of these bills be signed into law, additional UDC updates may be required in order to maintain compliance with State Laws.

Amendment 4: Article 10 Definitions

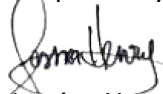
In conjunction with the Architectural Specialty Lighting Package, two new definitions are proposed. These definitions would be inserted into Article 10-07 Lighting Terms of the UDC. These definitions serve to define and distinguish between architectural specialty lighting and traditional architectural lighting applications. The proposed definitions are attached to this report for the Planning Commission's consideration. Any input received will be incorporated into the draft definitions which will be brought back before the Planning Commission for a recommendation and vote.

Request

The changes to Articles 1 and 6 pertaining to the ARB composition and Telecommunications Facilities Siting are required in order to maintain compliance with State Law and to implement new regulations as directed by the Planning and Public Works Committee. **Staff is requesting that the Planning Commission vote on these amendments in order for them to move forward to the Planning and Public Works Committee.**

The proposed revisions to Articles 4 and 10 are directly relevant to development projects that are routinely reviewed by the Planning Commission. As such, Planning Commission input is essential to ensuring that these new regulations serve their intended purpose. **Therefore, no vote is requested on these items at this time. Input received from the Planning Commission will be incorporated into the draft regulations which will then be brought back for a formal recommendation and vote from the Planning Commission before proceeding to the Planning and Public Works Committee.**

Respectfully Submitted,



Jessica Henry, AICP
Senior Planner

Attachments

1. Public Hearing Notice
2. Draft amendment to UDC Article 01-11 General Provisions
3. Draft amendment to UDC Article 04-03 Lighting Standards
4. Draft amendment to UDC Article 06 Telecommunications Facilities Siting
5. Draft amendment to UDC Article 10-07 Definitions

cc: Justin Wyse, Director of Planning and Development Services

**NOTICE OF PUBLIC HEARING
CITY OF CHESTERFIELD
PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Chesterfield will hold a Public Hearing on Monday, November 27, 2017, at 7:00 p.m. in the Council Chambers at the City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

Said hearing will be as follows:

P.Z. 20-2017 City of Chesterfield (Unified Development Code-Articles 1, 4, 6, and 10): An ordinance amending Articles 1, 4, 6, and 10 of the Unified Development Code to revise regulations pertaining to the composition of the Architectural Review Board, architectural specialty lighting, telecommunications facilities siting, and various definitions.

Anyone interested in the proceedings will be given an opportunity to be heard. Copies of the request are available for review from the Planning and Development Services Division at Chesterfield City Hall, 690 Chesterfield Parkway West, weekdays between the hours of 8:30 a.m. and 4:30 p.m. If you should need additional information about this project, please contact Jessica Henry, Senior Planner by telephone at 636-537-4741 or by email at jhenry@chesterfield.mo.us.

CITY OF CHESTERFIELD
Merrell Hansen, Chair
Chesterfield Planning Commission

For information about this and other projects under review by the Planning and Development Services Division, please visit "Planning Projects" at www.chesterfield.mo.us

Sec. 01-11. ADMINISTRATIVE & DECISION MAKING AUTHORITIES

- A. Refer to Chapters 2 and 23 of the City of Chesterfield City Code for the following entities; City Council, Planning and Public Works Committee, Planning Commission, Board of Adjustment and Public Works Board of Variance.
- B. Architectural Review Board.
1. An Architectural Review Board (hereafter referred to as "ARB") is hereby established.
 2. Purpose. The purpose of the ARB is to protect the character of the City of Chesterfield by requiring that all development and redevelopment projects submitted to the City of Chesterfield during the Site Development Plan and the Site Development Section Plan process be reviewed by the ARB in order to achieve the following goals:
 - a.) Ensuring that high standards of architectural design and materials are used for development in the City of Chesterfield.
 - b.) Preserving and improving the value of property within the City of Chesterfield.
 - c.) Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors, and shoppers; thereby supporting and promoting business, commerce and industry, and providing economic benefit to the City.
 - d.) Provide recommendations to the Planning Commission. The Planning Commission shall consider any recommendations or comments provided by the ARB. The Planning Commission may consider, accept, modify, or reject such recommendations in whole or part at their sole discretion.
 - e.) Review projects for consistency with the City of Chesterfield Architectural Review Design Standards while making recommendations to the Planning Commission on potential modifications or enhancements to architectural submissions.
 3. Composition of the ARB. The Chesterfield ARB shall consist of seven (7) members, ~~which shall be made up and the desired composition of the Board is of two (2) commercial architects, one two (12) residential architects, one two (12) landscape architects and one (1) member from the Board of Chesterfield Arts Inc. The remaining members shall be two (2) other professionals affiliate in a related field selected for their expertise in these or related fields.~~ Preference in the selection shall be given to members who are residents of the City of Chesterfield or whose business is located in the City of Chesterfield, all of whom shall be appointed by the Mayor

with the consent of the City Council. The Chair of the Planning Commission shall appoint a member to act as Liaison to the ARB, as provided for in the Planning Commission By-Laws. Said Liaison may be rotated between interested members of the Planning Commission at the discretion of the Planning Commission Chair. The Planning Commission Liaison representative shall not vote and may not serve as an ARB officer.

4. ARB terms. The terms of office of the members of the ARB shall be for two (2) years. Mid-term vacancies shall be filled for the remaining unexpired term only by Mayoral appointment. The ARB shall schedule at least 12 meetings per year and any member of the ARB who fails to attend at least 50% of all meetings, regular and special, in any calendar year, will be replaced on the Board.
5. ARB officers. Officers shall consist of a Chair and a Vice-Chair elected by the ARB membership. Officers shall each serve a term of one (1) year and shall be eligible for re-election; but no member shall serve as Chair for more than two (2) consecutive years. The Planning Commission Liaison shall not be eligible for office. The ARB Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both are absent, those present shall elect a temporary Chair.
6. ARB meetings. A quorum shall exist when four (4) of the appointed members are in attendance at a meeting. All decisions or actions of the ARB shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the ARB at the beginning of each calendar year or at any time upon the call of the Chair, but not less than 12 times each year. No member of the ARB shall vote on any matter that may materially or apparently affect the property, income, or business of that member. All members shall abide by any other City policies as to conflict of interest. All meetings of the ARB shall be open to the public. The Director of Planning and Development Services ~~Director~~ shall provide staff to keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed and retained by the Department and shall be public record.
7. Powers and duties of the ARB. The ARB shall have the following powers and duties:
 - a.) To make recommendations to the Planning Commission regarding architectural elevations and all other architectural matters, including amendments thereto, which are forwarded or assigned to be reviewed by the ARB;
 - b.) Responsibilities and duties to be assigned or amended by City Council.

Sec. 04-03. LIGHTING STANDARDS

A. Architectural Specialty Lighting Package Submittals.

1. The purpose of an architectural specialty lighting package is to provide comprehensive, complementary and unified specialty architectural lighting throughout a single development or contiguous lots under common ownership. If an architectural specialty lighting package exists for a multi-lot development or subdivision, then individual lots within that subdivision or development may not submit their own, separate architectural lighting package. In addition, developments of a certain size, quality, or mix of uses may require special architectural accent lighting consideration. Therefore, in order to encourage superior design, quality and character, comprehensive architectural specialty lighting packages allow for specialized review of architectural specialty lighting and flexibility from standard site lighting requirements. An architectural specialty lighting package is not required for traditional architectural accent lighting applications, as determined by the Director of Planning and Development Services. Seasonal holiday displays are exempt from the architectural specialty lighting package regulations.
2. Architectural specialty lighting, if utilized, should highlight and accentuate traditional building detailing and architectural features.
3. The color temperature of architectural specialty lighting should underscore the building materials and character.
4. Precise lighting applications should highlight distinctive architectural features.
5. All proposed light fixtures should be permanently mounted.
6. Architectural specialty lighting should be subdued in intensity and should not turn a building into an attention-getting device or blanket signage. Accordingly, lighting that projects logos, text, animations, and holograms shall be classified as signage.
7. Architectural specialty lighting shall not interfere with or obscure the public's capacity to receive information, or cause visual confusion by interfering with pedestrian or vehicular traffic. Architectural specialty lighting shall conform to the character of the community, enhance the visual harmony of development, and preserve the public health, convenience, welfare and/or safety within the City of Chesterfield by maintaining the high aesthetic quality of the community.
8. When an architectural specialty lighting package is requested for a proposed or existing development, the criteria for site lighting, as provided for in this Article, may no longer be applicable in its entirety or portions

thereof. The reasons for the requested modification is to provide for flexible architectural accent lighting criteria that provides for specialty architectural specialty lighting applications, promotes superior design, and is tailored to a specific development which may vary from general ordinance provisions.

9. Consideration of flexibility in architectural specialty lighting criteria is based on a number of review factors including, but not limited to, the physical impact of the proposed architectural specialty lighting package, the quality of the proposed architectural specialty lighting package, and mitigation of unfavorable conditions such as excessive lighting, light spillover, height, and other related conditions and potentially negative impacts. However, in no instance shall architectural specialty lighting applications result in light trespass at the property line.
10. When an architectural specialty lighting package is requested for a development, the following shall be submitted to the Department:
 - a.) A narrative detailing the reasoning for the specialty architectural specialty lighting package request and why it will enhance the proposed development above what would be permitted through the City of Chesterfield UDC. The narrative shall address how the proposed architectural specialty lighting is architecturally integrated with the building style, materials, and color.
 - b.) The narrative shall include a description of the location, illumination level, color, dimensions, mounting height, construction material, hours of use, nature (static, shifting, flashing, blinking, animation, graphics, light patterns, etc.), frequency and duration of lighting shifts/changes, brightness, and type of all proposed architectural accent lighting fixtures.
 - c.) Detailed, high-resolution, color elevations drawn to scale of all structures containing proposed architectural specialty lighting fixtures.
 - d.) Night view perspectives or renderings.
 - e.) Photographs of all existing architectural specialty lighting fixtures.
 - f.) Lighting plans indicating the location of all standards and fixtures and the proposed type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices as well as three-dimensional photometric elevations denoting foot-candle levels on all impacted building elevations and adjacent ground areas.
 - g.) A cut sheet will be required for each proposed fixture and associated shielding.

- h.) Where shielding is not provided in conjunction with the proposed light fixture, information indicating that no light trespass or sky glow will result from the requested fixture is required.
 - i.) Photographs of similar installations or building applications.
 - j.) Photographs of adjacent properties.
 - k.) Other information as required by the City of Chesterfield.
11. Upon review by staff and after receiving recommendation from the ARB, architectural specialty lighting packages shall be submitted to the Planning Commission for review and consideration.

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ARTICLE 06. WIRELESS COMMUNICATIONS FACILITIES SITING

SEC. 06-01. PURPOSE.....06-2

SEC. 06-02. APPLICABILITY06-2

SEC. 06-03. GENERAL REQUIREMENTS06-3

SEC. 06-04. SPECIFIC REQUIREMENTS AND REVIEW PROCESS FOR COLLOCATIONS AND REPLACEMENT OF EXISTING WIRELESS FACILITIES.....06-7

SEC. 06-05. SPECIFIC REQUIREMENTS AND REVIEW PROCESS FOR INSTALLATION OF NEW WIRELESS SUPPORT STRUCTURES AND SUBSTANTIAL MODIFICATIONS.06-8

SEC. 06-06. EXTENT AND PARAMETERS OF WIRELESS COMMUNICATIONS FACILITY SITING PERMIT (FSP)06-11

SEC. 06-07. APPEAL.....06-11

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Sec. 06-01. PURPOSE

The purpose of this Article is to provide a process and a set of standards for the placement, construction, maintenance and modification of wireless radio-based communications facilities in order to:

- A. Implement a municipal policy concerning the provision of wireless radio-based communications services, and the siting of their facilities;
- B. Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless radio-based communications facilities in compliance with applicable federal and state law;
- C. Insure that the City of Chesterfield can continue to fairly and responsibly protect the public health, safety and welfare; and
- D. Enable the City of Chesterfield to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

Sec. 06-02. APPLICABILITY

- A. **Public Property:** The terms of this Article shall apply to all wireless radio-based communications facilities proposed to be located within the City of Chesterfield whether on property owned by the City of Chesterfield or on privately owned property, or on property owned by another governmental entity that acts in a proprietary capacity to lease such property to a carrier. This includes any areas of right-of-way.
- B. **Amateur Radio, Receive-Only Antennas:** This Article shall not govern any tower, or the installation of any antenna that is under thirty-five (35) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- C. **Essential Services and Public Utilities:** Wireless radio-based communications facilities will not be considered infrastructure, essential services, or public utilities as defined or used elsewhere in the City of Chesterfield's ordinances and regulations. Siting of wireless radio-based communications facilities is the use of land subject to the City's zoning ordinances and all other applicable ordinances and regulations, consistent with the provisions of this Article.
- D. **Facility Siting Permits (FSP) for Wireless Radio-Based Communications Facilities** may be issued for Wireless Communications Facilities in all zoning districts, consistent with the provisions of this Article.
- E. **New construction, renovations and expansions, including routine maintenance on existing Wireless Facilities,** shall comply with the requirements of this Article.

- F. No Person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of, Wireless Facilities as of the effective date of this Article without having first obtained a Facilities Siting Permit for Wireless Communications Facilities. Notwithstanding anything to the contrary in this section, no Facility Siting Permit shall be required for those exceptions noted in the definition of Wireless Facilities, such as those used exclusively for fire, police and other dispatch Wireless Communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Wireless Communications.
- G. All Wireless Facilities legally existing on or before the effective date of this Article shall be allowed to continue as they presently exist, provided however, that any modification to existing Wireless Facilities must comply with this Article.
- H. As used hereunder, Municipal Zoning Approval (MZA) does not constitute zoning approval and refers to approval of the City of Chesterfield Department of Planning and Development Services and is not a zoning review as defined by RSMO 67.5090-67.5104.
- I. New Wireless Communications Facilities, Substantial Modifications of existing facilities, and/or Collocations shall only be permitted within right-of-way areas, regardless of whether said right-of-way areas belong to the City or are currently under the jurisdiction of another entity, pursuant to an agreement approved by the City Council.

Sec. 06-03. GENERAL REQUIREMENTS

- A. The requirements set forth in this Article shall be applicable to all wireless radio-based communication facilities installed, built, or modified after the effective date of this Article to the full extent permitted by law whether on public property, private property, or within any rights-of-way.
- B. Applications and Permits
 - 1. All applicants for a FSP for Wireless Communications Facilities or any modification of any such facility shall comply with the requirements set forth in this Article. The Council is the officially designated agency or body of the community to whom applications for an FSP for Wireless Communications Facilities shall be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking Facilities Siting Permits for Wireless Communications Facilities. The Council may at its discretion delegate or designate other official departments or agents of the City to approve, accept, review, analyze, evaluate and/or make recommendations to the Council with respect to the granting or not granting, recertifying or not recertifying or revoking FSPs for Wireless Communications Facilities.

2. An Application for a FSP for Wireless Communications Facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. Said application shall also be signed by the property owner to which the facility is located or is to be located. Each application shall include a copy of the lease, letter of authorization or other legal documentation from the property owner showing authority of the applicant to pursue the application. At the discretion of the Council, any false or misleading statement in the Application may subject the applicant to denial or revocation of approval of the Application without further consideration or opportunity for correction.
3. Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the City in writing, and listing the application deficiencies, within thirty (30) calendar days of submission of the application. The applicant may take thirty (30) days from receiving the insufficiency letter to correct the specific deficiencies otherwise the documents submitted to the City will be returned.
4. Security. 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 facilities.
5. Lighting.
 - a.) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the wireless structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower, or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.
 - b.) The City encourages installations that do not require lighting under Federal Aviation Administration Regulation Part 77.
 - c.) Security lighting associated with equipment cabinets and shelters shall not exceed one-half (0.5) foot-candles at the property line.
6. Signage.
 - a.) Wireless Facilities may be permitted one (1) sign no larger than one (1) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. Said sign shall contain the name(s) of the

owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s).

- b.) The sign shall be located so as to be visible from the access point of the site.
- c.) Lighting associated with said sign must meet all requirements of the City Code and be approved by the City Council or its designee.
- d.) No other signage, including advertising, shall be permitted on any facilities, Antennas, Antenna supporting structures or Antenna Towers, unless otherwise required by law.

7. Design.

- a.) Subject to the requirement of the FAA or any other applicable State or Federal agency, towers shall be painted a neutral color consistent with the natural or built environment of the site.
- b.) Equipment shelters or cabinets shall have exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines (exterior material requirements) as may be applicable to the particular zoning district in which the facility is located. All equipment shall be placed underground, contained in a single shelter or cabinet, or wholly concealed within a building.
- c.) All towers shall be surrounded by a minimum six (6) foot high fence and a landscape buffer strip of not less than ten (10) feet in width and planted with materials, which will provide a visual barrier to a minimum height of six (6) feet. The landscape buffer strip shall be exterior to any security fence. In lieu of the required security fence and landscape strip, an alternative means of screening upon demonstration by the applicant that an equivalent degree of visual screening will be achieved, is available or may be requested and approved by the City. This requirement does not apply to facilities located within the right-of-way.
- d.) Antennas attached to an existing building or structure shall be of a color identical to or closely compatible with the surface to which they are mounted. 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 or disguised themselves. All antennas attached to a disguised support structure shall be designed to be disguised and maximally concealed on or within the support structure.

- e.) Facilities located within the right-of-way shall be of a single pole design that shall not have antenna arrays that protrude more than twelve (12) horizontal inches from the pole.

8. Yard (Setback) Requirements.

- a.) Wireless facilities shall be located within a minimum structure setback from any property line of a distance equal to 110% height of the wireless facility structure or the existing minimum structure setback requirement in that zoning district, whichever is greater. This requirement shall not apply to accessory equipment for wireless facilities located within the right-of-way.
- b.) If the applicant demonstrates that the support structure is designed with a failure point that necessitates a yard setback less than that of height of the tower, the City shall consider said request. However, at no time shall the minimum yard setback be less than the minimum structure setback of the zoning district on which the structure is placed. This requirement shall not apply to accessory equipment for wireless facilities located within the right-of-way.
- c.) Accessory equipment shall be located so as to comply with the minimum structure setback requirements for the zoning district of the property to which it is located. This requirement shall not apply to accessory equipment for wireless facilities located within the right-of-way.
- d.) No new wireless facility shall be constructed within a distance greater than or equal to 110% of the height of the wireless facility structure in relation to the nearest structure designed for occupancy. This requirement applies to wireless facilities located on private land and within the right-of-way.

9. Overview of submittal process

Type of Application	Permit Required	Decision-making Authority	Notes
Collocation/ replacement	MZA	Staff	
Substantial Modification	MZA	Staff	
New wireless facility	FSP	City Council	FSP reviewed by PPW prior to CC; MZA required upon approval.
New wireless facility or substantial modification located in ROW	FSP Permitting Agreement MZA	City Council City Council Planning Staff	FSP and Permitting Agreement reviewed by PPW prior to CC; MZA required upon approval.
Collocation located in ROW	Permitting Agreement MZA	City Council Planning Staff	Permitting Agreement reviewed by PPW prior to CC; MZA required upon approval.

Sec. 06-04. SPECIFIC REQUIREMENTS AND REVIEW PROCESS FOR COLLOCATIONS AND REPLACEMENT OF EXISTING WIRELESS FACILITIES.

A. Collocation and Replacement of Wireless Facilities Requirements on Non-Historic Structures

1. An application for Municipal Zoning Approval (MZA) shall be required for all collocation and replacement of existing facilities requests provided that:

a.) Additional equipment is located within the existing shelter, or for collocations within the right-of-way, additional equipment shall be:

(1) Installed underground; or

(2) Located on the support structure itself and positioned no closer to ten (10) feet to the ground;

- b.) The collocation or replacement of existing wireless facilities does not result in the expansion of the compound area or increase the overall height of the structure by greater than 10%; and
 - c.) All requirements of this Article are met.
2. A collocation is as defined and described in Article 10-08 of this UDC.
3. Timing. All MZA applications for collocation or replacement of wireless communication facilities shall be reviewed, and a final decision made in writing no later than forty-five (45) calendar days after the City has received a completed MZA application. Each MZA application shall be signed by the property owner and include a copy of the lease agreement or other letter of authorization from the property owner evidencing the applicant's right to pursue the application.
- a.) An application is deemed to be complete unless the City notifies the applicant within fifteen (15) calendar days of submission. Within the notice of incompleteness, the City shall specify deficiencies in the application, which if cured, would make the application complete. The applicant has fifteen (15) calendar days to respond from receiving such notices of incompleteness to cure all required deficiencies. If the applicant cures the deficiencies within fifteen (15) calendar days, the application shall be reviewed and processed within forty-five (45) calendar days from the initial date the application was received.
 - b.) If the applicant requires a time period beyond fifteen (15) calendar days to cure deficiencies, the forty-five (45) calendar deadline shall be extended by the same period of time.
4. Fees. There is no review fee associated with collocations or replacement of existing facilities with submittal of an MZA.

Sec. 06-05. SPECIFIC REQUIREMENTS AND REVIEW PROCESS FOR INSTALLATION OF NEW WIRELESS SUPPORT STRUCTURES AND SUBSTANTIAL MODIFICATIONS.

A. Applications and Review Process for New Wireless Support Structures.

- 1. Requests for construction of a new wireless support structure such as a tower or building which does not constitute a substantial modification shall require a Facilities Siting Permit (FSP) prior to obtaining an MZA by the City. (See Article 10-08 of the UDC for definitions of substantial modification and wireless telecommunications facility)
- 2. Applications for the construction of new Wireless Support Structures which do not constitute a substantial modification shall submit the following items with the FSP application;

- a.) The name, address and phone number of the person preparing the report;
- b.) Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application;
- c.) The postal address and tax map parcel number of the property;
- d.) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
- e.) The location and distance of the nearest residential structure as measured from the base of the proposed tower;
- f.) An outboundary survey, prepared by a licensed professional Surveyor, licensed to perform surveying within the State of Missouri, with an original seal and signature affixed thereto;
- g.) The location, size and height of all existing and proposed structures on the subject property;
- h.) The type, locations and dimensions of all proposed and existing landscaping and fencing/screening requirements;
- i.) The size and centerline height location of all proposed and existing antenna on the wireless supporting structure including the number, type and model of the antenna(s) proposed with a copy of the specification sheet;
- j.) The make, model, type and manufacturer of the wireless support structure tower and design plan stating the wireless support structure's tower's capacity to accommodate multiple users;
- k.) A site plan signed and sealed by a registered engineer describing the proposed wireless support structure and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting compliant with this Article as applicable.

3. Review Process

- a.) Timing. The City Council shall review the application in light of its conformity with applicable zoning regulations within 120 calendar days of receipt of the application and shall make its final decision to approve or disapprove the application, in writing, within the 120 calendar days' review period.
- b.) An application is deemed to be complete unless the City notifies the applicant within thirty (30) calendar days of submission of the

application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, the applicant may take thirty (30) calendar days from receiving such notice to correct the specific deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the applicant shall be reviewed and processed within 120 calendar days from the initial date the application was received.

- c.) If the applicant requires a time period beyond thirty (30) calendar days to cure deficiencies, the 120 calendar deadline shall be extended by the same period of time.
 - d.) Fees. A review fee of \$150 shall be required in addition to the public hearing fee. The public hearing fee is as required for all special procedures and as established in Article 09-02 of the UDC.
4. Design Features shall comply with the requirements set forth in Section 06-03 of this Article unless otherwise stated herein.
5. Height.
- a.) New wireless support structures shall not exceed 100 feet in height unless it may be shown that the requested height is necessary to provide reasonable service and reasonable collocation.
 - b.) New wireless support structures within the right-of-way shall not exceed thirty-five (35) feet in height.
6. Location.
- a.) New facilities within a right-of-way shall not be located within 500 feet of another wireless facility that is located on the same side of the roadway.
- B. Applications and Review Process for Substantial Modifications.
- 1. Requests for substantial modifications of wireless support structures shall require Facilities Siting Permit (FSP) approval by the City of Chesterfield prior to obtaining an MZA by the City.
 - 2. A substantial or material modification is as defined and described in Article 10-08 of this UDC.
 - 3. Applications for Substantial Modifications. The applicant shall submit along with the FSP application, all documents listed in Section 06-05.A of this Article.
 - a.) Timing. Within 120 calendar days of receiving an application for a substantial modification of wireless support structures, the City shall

review the application in light of its conformity with applicable local zoning regulations; make its final decision to approve or disapprove the application; and advise the applicant in writing of the City's final decision.

- b.) An application is deemed to be complete unless the City notifies the applicant within thirty (30) calendar days of submission. Within the notice of incompleteness, the City shall specify deficiencies in the application, which if cured, would make the application complete. The applicant has thirty (30) calendar days to respond from receiving such notices of incompleteness to cure all required deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the application shall be reviewed and processed within 120 calendar days from the initial date the application was received.
- c.) If the applicant requires a time period beyond thirty (30) calendar days to cure deficiencies, the 120 calendar deadline shall be extended by the same period of time.
- d.) Fees. A review fee of \$150 shall be required in addition to the public hearing fee. The public hearing fee is as required for all special procedures and as established in Article 09-02 of the UDC.

- 4. Design Features shall comply with the requirements set forth in Section 06-03 of this Article unless otherwise stated herein.

Sec. 06-06. EXTENT AND PARAMETERS OF WIRELESS COMMUNICATIONS FACILITY SITING PERMIT (FSP)

- A. A FSP shall be non-exclusive.
- B. The FSP shall not be assigned, transferred or conveyed without written notification to the City. Such notification will occur within 180 calendar days of such assignment, transfer or conveyance.
- C. An FSP may, following a hearing upon due prior notice to the applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Facility Siting Permit, or for a material violation of this Article after prior written notice to the applicant and the holder of the facility siting permit.

Sec. 06-07. APPEAL

- A. Appeal may be taken from the regulations contained within this Article 6 to the Board of Adjustment, as provided for in this Code which Board shall hear and pass on such appeals.

Sec. 10-07 LIGHTING TERMS

1. Specialty architectural lighting: Lighting applications located on the exterior or interior of a building that highlight and accentuate certain areas, portions, or features of the building or structure and that utilize non-traditional colors, motion, animation, graphics, or other similar features. The use of such lighting transforms the architecture rather than simply embellishing it; architectural elements may be designed specifically for the specialty lighting application.
2. Traditional architectural lighting: Traditional white or neutral colored lighting applications that illuminate the architecture of a building without changing the building's character.

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