

BILL NO: 5093

ORDINANCE NO. 5093

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF DEXTER, MISSOURI BY AMENDING §405.070(B) A-1 AGRICULTURAL ZONING DISTRICT PERMITTED USES ADDING SUBPARAGRAPH 8 FOR TELECOMMUNICATION TOWERS; AND AMENDING §405.120 I-1 INDUSTRIAL DISTRICT PERMITTED USES ADDING SUBPARAGRAPH 29 FOR TELECOMMUNICATION TOWERS; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

WHEREAS, the Planning & Zoning Commission of the City of Dexter did, on the 22nd day of May, 2023, hold a public hearing after having previously advertised the same by inserting one publication in a newspaper of general circulation in the City at least fifteen (15) days before such hearing; and

WHEREAS, following the public hearing, the Planning & Zoning Commission recommended to the Board of Aldermen an amendment to the zoning code; and

WHEREAS, after receiving from the Commission the certification of said recommendation on the proposed amendment, the Board of Aldermen caused a public hearing to be held on the 12th day of June, 2023, after having published in a newspaper of general circulation notice of said hearing at least fifteen (15) days prior to said hearing;

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DEXTER, MISSOURI, AS FOLLOWS:

Section 1: §405.070(B)(8) of the Code of the City of Dexter shall hereafter read as follows:

- 8. A special user permit is required for a telecommunications tower in this zoning district within the City. No telecommunication towers shall be allowed on any right-of-way. The location of a telecommunication tower is subject to the following conditions:**
- a. The applicant shall identify the location of the proposed tower on a map showing the other tower locations within the City. If the proposed tower is located within one mile of an existing tower, the applicant must submit evidence demonstrating why the existing tower is not suitable or available for co-use.**
 - b. The tower shall be designed to accommodate the co-use of at least two other providers and made available to other providers for co-use for reasonable terms. The applicant shall provide a notarized statement as to the availability of the tower for co-use.**
 - c. The design of the tower and accessory structures shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the facilities within the surrounding natural setting and environment.**
 - d. The tower shall be set back from the right-of-way line of any public street up to a distance equal to the height of the tower. The tower shall be set back from any structure a minimum distance equal to 1½ times the height of the tower.**

- e. Towers and antennas located on structures shall not extend more than 30 feet above the highest point of the structure.
- f. The tower and antennas shall meet all Federal regulations, including, but not limited to, Federal Communications Commission (FCC) emission standards and Federal Aviation Administration (FAA) lighting requirements.
- g. Any tower that is no longer in use for a telecommunication purpose shall be removed at the owner's expense. The owner of the tower shall provide the City with a copy of the notice to the FCC of intent to cease operations. All obsolete and abandoned towers and accessory facilities shall be removed within six months of cessation of use. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The applicant shall submit an executed agreement to ensure compliance with this requirement. If the owner fails to remove an obsolete tower, the City may cause the tower to be removed and issue a special assessment tax bill for the cost of said removal, which shall be a lien against the real property affected.
- h. Towers and antennas shall not exceed 160 feet in height.

Section 2: §405.120(B)(29) of the Code of the City of Dexter shall hereafter read as follows:

29. A special users permit is required for a telecommunications tower in this zoning district within the City. No telecommunication towers shall be allowed on any right-of-way. The location of a telecommunication tower is subject to the following conditions:
- a. The applicant shall identify the location of the proposed tower on a map showing the other tower locations within the City. If the proposed tower is located within one mile of an existing tower, the applicant must submit evidence demonstrating why the existing tower is not suitable or available for co-use.
 - b. The tower shall be designed to accommodate the co-use of at least two other providers and made available to other providers for co-use for reasonable terms. The applicant shall provide a notarized statement as to the availability of the tower for co-use.
 - c. The design of the tower and accessory structures shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the facilities within the surrounding natural setting and environment.
 - d. The tower shall be set back from the right-of-way line of any public street up to a distance equal to the height of the tower. The tower shall be set back from any structure a minimum distance equal to 1½ times the height of the tower.
 - e. Towers and antennas located on structures shall not extend more than 30 feet above the highest point of the structure.
 - f. The tower and antennas shall meet all Federal regulations, including, but not limited to, Federal Communications Commission (FCC) emission standards and Federal Aviation Administration (FAA) lighting requirements.

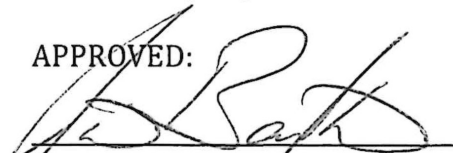
g. Any tower that is no longer in use for a telecommunication purpose shall be removed at the owner's expense. The owner of the tower shall provide the City with a copy of the notice to the FCC of intent to cease operations. All obsolete and abandoned towers and accessory facilities shall be removed within six months of cessation of use. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The applicant shall submit an executed agreement to ensure compliance with this requirement. If the owner fails to remove an obsolete tower, the City may cause the tower to be removed and issue a special assessment tax bill for the cost of said removal, which shall be a lien against the real property affected.

h. Towers and antennas shall not exceed 160 feet in height.

Section 3: This Ordinance shall be in full force and effect from and after its passage and approval.

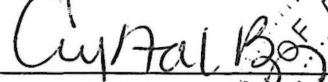
Read two (2) times, passed and approved this 12th day of June, 2023.

APPROVED:



Jason Banken, Mayor

ATTEST:


Crystal Bishop, City Clerk

