

1st Reading: October 26, 2023
2nd Reading: October 26, 2023

SPONSOR: HARRELL

ORDINANCE NO. 4378

BILL NO. 23-90

AN ORDINANCE AMENDING CHAPTER 430, ARTICLE VIII, WIRELESS COMMUNICATION FACILITIES, OF THE ZONING CODE.

WHEREAS, the Planning and Zoning Commission held a noticed public meeting on October 3, 2023 regarding amending certain sections of Chapter 430, Article VIII, Wireless Communication Facilities, of the Zoning Code; and

WHEREAS, after discussion of the proposed amendments, the Commission made a recommendation to the Board of Aldermen that certain sections of Chapter 430, Article VIII, Wireless Communication Facilities, of the Zoning Code be amended; and

WHEREAS, the Board of Aldermen held a duly noticed public hearing on October 26, 2023, in compliance with the City Code and Chapter 89 RSMo., to hear public comment on the proposed amendments; and

WHEREAS, after consideration of the Commission's recommendation and the public hearing, the Board of Aldermen agrees with the Commission's recommendation and finds it in the best interest of the City to approve such text amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:

Section 1. Section 430.570, Definitions, of Chapter 430, Article VIII, Wireless Communication Facilities of the Zoning Code, is hereby amended to include the following term:

Replacement Support Structure: A Tower or Disguised Support Structure that is a complete one-for-one replacement of an Existing Structure, located on a parcel in conjunction with the removal of an Existing Structure. For purposes of this definition, a "Replacement Support Structure" must comply with all applicable FCC regulations regarding replacement and aesthetics, and in no circumstances shall a proposed installation qualify as a "Replacement Support Structure" if such replacement would result in a "substantial change" in accordance with 47 C.F.R. § 1.6100(b)(7).

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Section 2. Section 430.600, Permitted Use, of Chapter 430, Article VIII, Wireless Communication Facilities of the Zoning Code is hereby amended to include a new subsection 5, as follows:

5. Replacement Support Structures. The construction of a Replacement Support Structure provided that building permit requirements, national safety codes, and other applicable codes including recognized accepted industry standards for structural, safety, capacity, reliability, and engineering are satisfied, including specifically the requirement to submit a certified structural engineering report as provided in Section **430.590**.

Section 3. If any clause, word, paragraph, section, or other part or portion of this ordinance is held to be invalid, illegal, or unconstitutional for any reason, the Board of Aldermen hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

Section 4. This ordinance shall be in full force and effect after the date of its passage and approval.

PASSED this 26th day of October, 2023.



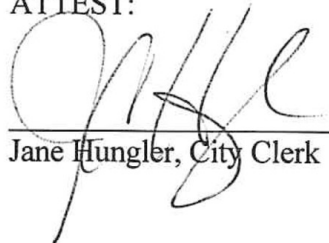
JOE MAURATH, MAYOR

APPROVED 26th day of October, 2023.



JOE MAURATH, MAYOR

ATTEST:



Jane Hungler, City Clerk

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Motion to approve. Roll Call vote:

Ayes: Bereitschaft, Cruts, Wisbrock, Harrell, Clauss, Huels, Maserang, Jokerst

Abstain: 0

Nays: 0

Absent: 0

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