

**FILED**

APR 25 2024

BILL NO.: 24-0410

JEANNIE GOFF  
COUNTY CLERK, JEFFERSON COUNTY MO

ORDINANCE NO. 24-0187

INTRODUCED BY: Council Member Barbagallo

1           **AN ORDINANCE APPROVING APPLICATION CU24007 FOR THE**  
2           **ISSUANCE OF A CONDITIONAL USE PERMIT FOR A 150-FOOT**  
3           **TELECOMMUNICATION TOWER IN THE LARGE LOT RESIDENTIAL (LR2)**  
4           **ZONE DISTRICT LOCATED IN COUNCIL DISTRICT 2.**

5           **WHEREAS,** the Jefferson County Planning and Zoning Commission held a  
6 hearing on March 14, 2024 on Application / Petition Number CU24007, for a conditional  
7 use permit for a Telecommunications Tower on real estate located in Jefferson County,  
8 State of Missouri, to-wit: Parcel Number: 02-6.0-24.0-1-001-001.01 in the Large Lot  
9 Residential (LR2) zone district; and

10           **WHEREAS,** the record of the March 14, 2024, hearing and the recommendation  
11 of the Planning and Zoning Commission have been filed with the Jefferson County,  
12 Missouri, Council; and

13           **WHEREAS,** the Jefferson County, Missouri, Council has taken official notice of  
14 the following items and exhibits filed with and presented to the Jefferson County,  
15 Missouri, Council with respect to the Application:

16           a.       Jefferson County Planning Division Staff Report to the Planning  
17           and Zoning Commission recommending approval of the application and the case  
18           file for this Application.

1 b. The record of the hearing before the Planning and Zoning  
2 Commission including the following exhibits:

3 Exhibit A, The Official Master Plan for Jefferson County, Missouri,  
4 adopted August 6, 2003, and effective April 2, 2008.

5 Exhibit B, The Code of Ordinances of Jefferson County, Chapter 400:  
6 Unified Development Order (UDO) adopted April 2, 2008, as  
7 amended; and

8 Exhibit C, Staff Report, and case file.

9 **WHEREAS**, it is found by the Jefferson County, Missouri, Council that:

10 a. All persons required to receive notice of the hearing were notified,  
11 all notices were published, and signs posted in accordance with Missouri law and  
12 the Unified Development Order.

13 b. The Jefferson County, Missouri, Council has jurisdiction over the  
14 subject matter of this application.

15 c. The requested conditional use permit is in harmony with and is  
16 compatible with surrounding and adjacent land uses and properties.

17 **BE IT ENACTED BY THE JEFFERSON COUNTY, MISSOURI,**  
18 **COUNCIL, AS FOLLOWS:**

19 Section 1. Application Number: CU24007 is approved for the real estate  
20 described as Parcel Number: 02-6.0-24.0-1-001-001.01 and a conditional use permit is  
21 hereby issued for a 150-foot Telecommunications Tower, subject to the following  
22 conditions of approval:

- 1        1. The tower must meet the setbacks set forth by the UDO.
- 2        2. The tower shall be designed, constructed, and placed in accordance with the
- 3                application and the submitted development plan unless otherwise specified in
- 4                these conditions.
- 5        3. The communications tower shall not exceed a height of 150 feet.
- 6        4. The tower shall be designed and constructed to accommodate no less than three
- 7                (3) additional antennas.
- 8        5. Access to the proposed tower site for construction of the tower and for any
- 9                necessary ongoing maintenance by the users/providers that locate on the structure,
- 10               shall be made using the proposed access road. No other access to the site shall be
- 11               allowed.
- 12        6. Clearing shall be limited to the area shown indicated in the development plan
- 13                submitted.
- 14        7. A fence not less than six feet in height and equipped with an appropriate anti-
- 15                climbing device shall be provided around the tower and equipment.
- 16        8. The existing wooded area shall remain in accordance with the site plan.
- 17        9. If the existing wooded area is disturbed, evergreen trees shall be planted around
- 18                the fence and shall be a minimum height of six (6) feet at planting along all sides
- 19                of the compound area.
- 20        10. Prior to the approval of the building permit, a letter from the Federal Aviation
- 21                Administration indicating that a study has been conducted for the proposed tower
- 22                and that the proposed tower does not exceed obstruction standards and would not

1 be a hazard to air navigation shall be on file with the Jefferson County Planning  
2 Division.

3 11. No lighting shall be permitted except as required by the FAA

4 12. A recorded copy of all proposed access and utility easements shall be submitted to  
5 the Planning Division prior to the issuance of a Jefferson County Building Permit.

6 13. Erosion and sediment control shall be in place during construction of the access  
7 road and tower. It shall remain in place and maintained until all disturbed land is  
8 restored.

9 14. The tower shall comply with all other local, state, and federal requirements.

10 15. Any generators installed at the tower site shall utilize sound attenuation  
11 equipment.

12 Section 2. The zoning map of Jefferson County, Missouri shall be amended  
13 by changing the area where said real estate is located on the map with the marking  
14 "CU24007".

15 Section 3. This Ordinance shall be in full force and effect immediately upon  
16 passage by the Jefferson County, Missouri, Council as of the date listed below.

17 Section 4. If any part of this Ordinance is invalid for any reason, such  
18 invalidity shall not affect the remainder of this Ordinance.

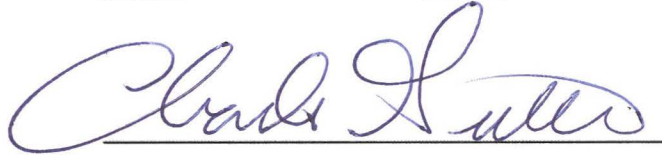
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**THIS BILL BEING DULY INTRODUCED, THE MEMBERS OF THE JEFFERSON COUNTY, MISSOURI, COUNCIL VOTED AS FOLLOWS:**

|   |            |
|---|------------|
| Council Member District 1, Brian Haskins    | <u>yes</u> |
| Council Member District 2, Gene Barbagallo  | <u>yes</u> |
| Council Member District 3, Lori Arons       | <u>yes</u> |
| Council Member District 4, Charles Groeteke | <u>yes</u> |
| Council Member District 5, Scott Seek       | <u>yes</u> |
| Council Member District 6, Daniel Stallman  | <u>yes</u> |
| Council Member District 7, Bob Tullock      | <u>yes</u> |

THE ABOVE BILL ON THIS 22 DAY OF April, 2024:

PASSED       FAILED



Charles Groeteke, County Council Chair

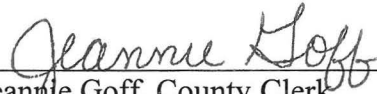
  
Cherlynn Boyer, Council Executive Assistant

THIS BILL WAS ✓ APPROVED BY THE JEFFERSON COUNTY EXECUTIVE AND EXACTED AS AN ORDINANCE OF JEFFERSON COUNTY, MISSOURI, THIS 24 DAY OF April, 2024.

THIS BILL WAS \_\_\_\_\_ VETOED AND RETURNED TO THE JEFFERSON COUNTY, MISSOURI, COUNCIL WITH WRITTEN OBJECTIONS BY THE JEFFERSON COUNTY EXECUTIVE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

  
Dennis J. Gannon, Jefferson County, Missouri, Executive

**ATTEST:**

  
Jeannie Goff, County Clerk

By 

First Reading: 04-08-2024

Second Reading: 04-22-2024

Third Reading: 04-22-2024