

**CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA**

ORDINANCE NO. 24-01

**AN ORDINANCE REGULATING THE CONSTRUCTION AND OPERATION OF
CELL TOWERS**

WHEREAS, the Planning and Zoning Commission considered the adoption of these revisions to Chapter 11 of the Lexington Code of Ordinances after a public hearing held on December 10, 2024, and did RECOMMEND the ordinance revisions set forth below.

WHEREAS, the first reading of this Ordinance occurred before the City Council on December 19, 2024.

WHEREAS, the second reading of this Ordinance occurred before the City Council on January 16, 2025.

THE CITY COUNCIL OF LEXINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Subdivision 1. Chapter 11.70 of the Lexington Code of Ordinances, henceforward, shall read as follows.

SECTION 11.70. CELL TOWERS

Section 1. Purpose

The purpose of this ordinance is to regulate the construction and operation of cell towers within the city limits of Lexington to ensure public safety, minimize visual impact, and protect the general welfare of the community.

Section 2. Definitions

For the purposes of this section, the following terms shall have the meanings given to them:

1. **Cell Tower:** A structure intended for the transmission and reception of radio or microwave signals for telecommunications.

2. **Height:** The distance measured from the base of the tower to the highest point of the structure.
3. **Setback:** The required distance between the cell tower, exclusive of supporting structures, and property lines or other structures.

Section 3. General Provisions

1. **Permit Requirement:** No cell tower shall be constructed or operated without first obtaining a Conditional Use Permit and all other necessary permits from the city or other regulatory agencies.
2. **Height Restrictions:** Cell towers shall not exceed a height of 200 feet unless otherwise approved by the City Council.
3. **Setback Requirements:** Cell towers must be set back a minimum of 300 feet from any residential property line and 300 feet from any commercial property line as measured from the center of the tower.
4. **Design Standards:** Cell towers must be designed to minimize visual impact and constructed to fall upon itself.
5. **Co-location:** New cell towers must accommodate co-location of at least three additional carriers to minimize the need for additional towers.
6. **Zoning Districts:** Cell towers shall only be constructed in zoning districts that allow Open Space.
7. **Decommissioning Plan:** The applicant, or their successor, must submit a plan for the demolition of the tower and restoration of the land once the tower is no longer in use.

Section 4. Application Process

1. **Application Submission:** Applicants must submit a complete Conditional Use Permit application, in accordance with Chapter 11; including site plans, engineering reports, proof of compliance with Federal Communications Commission (FCC) regulations, and all other required exhibits, and a site plan review application. Applicable fees and escrow deposits shall be paid pursuant to the fee schedule.
2. **Public Hearing:** A public hearing shall be held to allow for community input on the proposed cell tower's Conditional Use Permit.

3. **Approval Criteria:** The City Council shall consider the following criteria when reviewing Conditional Use Permit applications:
 - a) Compliance with height and setback requirements.
 - b) Impact on the surrounding community.
 - c) Availability of alternative sites.
 - d) Site plan.

Section 5. Maintenance and Inspection

1. **Maintenance:** The owner of the cell tower is responsible for maintaining the structure in good condition and ensuring it does not pose a safety hazard.
2. **Inspection:** The city shall conduct annual inspections to ensure compliance with this ordinance and may require repairs or modifications as necessary.

Section 6. Enforcement and Penalties

1. **Authority:** The Lexington City Administrator, or designee shall have the authority to enforce the provisions of this ordinance.
2. **Penalties:** Any person or entity found in violation of this ordinance shall be subject to a fine of up to \$1,000 and 90 days in jail for each offense. Each day the violation continues shall constitute a separate offense.

Subdivision 3. Section 11.33, Scheduled Of Uses By District shall be amended to reflect the changes herein.

The Open Space District shall allow “Cell Tower” as a Conditional Use.

Cell Tower(s) or Communication Tower(s) shall not be permitted in other Districts.

Subdivision 4. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

PASSED by the City Council of the City of Lexington this 16th day of January, 2025.

ATTEST:

Mike Murphy, Mayor

Bill Petracek, City Administrator

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