

## ORDINANCE NO. 71

### AN ORDINANCE ADOPTED SEPTEMBER 21, 1998, FOR PROTECTING THE PLANNING PROCESS AND THE HEALTH, SAFETY, AND WELFARE OF TOWN RESIDENTS AND ESTABLISHING A TEMPORARY MORATORIUM ON ANTENNAS, TOWERS OR ANY EQUIPMENT USED FOR TRANSMITTING OR RECEIVING TELECOMMUNICATION, TELEVISION OR RADIO SIGNALS WITHIN THE TOWN

THE TOWN BOARD OF THE TOWN OF WHITE BEAR HEREBY ORDAINS:

#### SECTION 1. PURPOSE.

1-1. The purpose of this Ordinance is to establish a temporary moratorium on antennas and towers or any equipment used for transmitting or receiving telecommunications, television or radio signals. The Town of White Bear's Ordinances do not contemplate or adequately address the classification of telecommunication towers, antennas and similar uses and structures. The Town's Zoning Ordinances are unclear about where these uses should be located and whether the Town should adopt a new classification or standards for those uses.

1-2. Besides the proper zoning classification of such uses, there are several significant planning and land use issues about the regulation of such uses, including the following:

1-2.1. The particular zoning districts in which the Town should allow such uses as either permitted or conditional uses.

1-2.2. The concentration and setback issues of such uses in the Town and its neighborhoods.

1-2.3. The information required with regard to the structural standards and compliance with FAA, FCC, and other requirements.

1-2.4. The effect and safety issues related to these uses on other uses in the surrounding area.

1-3. There is a need for Town staff to do a study so the Town can adopt a set of comprehensive plans and land use zoning regulations about such uses. Such a study will address the land use and zoning issues, including those referenced above. The study also will address the Town's licensing regulations about such uses and the extent to which the licensing regulations require changes to maintain harmony and consistency between the zoning and licensing regulations.

1-4. As such, there is a need for the Town Board to adopt an interim ordinance to protect the planning process and the health, safety, and welfare of the citizens of the Town. This also is to ensure that the Town of White Bear and its citizens keep the benefits of the Town's Comprehensive Plan and Zoning Ordinance until the Town finishes such a study. There is a need to restrict such uses until the Town finishes such a study and has adopted any changes to the Town's zoning and land use regulations. As such, the Town Board of Supervisors has directed the staff to do such a study.

**SECTION 2. RESTRICTIONS.** Minnesota Statutes, Section 462.355, Subdivision 4, permits the adoption of interim Zoning Ordinances during the study and planning process. As such, pursuant to Minnesota Statutes, Section 462.355, Subdivision 4, the Town of White Bear shall not allow the expansion, opening or establishment of, or accept applications for, equipment used for transmitting or receiving telecommunication, television or radio signals.

**SECTION 3. PLANNING AND ZONING STUDY; MORATORIUM.**

3-1. The Town Board of Supervisors authorizes Town staff to do a study to decide how the Town should regulate towers and antennas and other similar uses within the Town of White Bear. This study should include, but is not limited to, the following:

3-2. The particular zoning districts in which the Town should allow such uses as either permitted or conditional uses.

3-2.1. The concentration and setback issues of such uses in the Town and its neighborhoods.

3-2.2. The information required with regard to the structural standards and compliance with FAA, FCC and other requirements.

3-2.3. The effect and safety issues related to these uses on other uses in the surrounding area.

3-2.4. The need, if any, to create licensing regulations pertaining to receiving and transmitting towers, antennas, and similar uses.

3-3. Upon finishing the study, the Planning Commission will review the matter and make recommendations to the Town Board of Supervisors.

**SECTION 4. TERM.** The term of this Ordinance shall be one year or until such time as the Town Board of Supervisors adopts an Ordinance relating to towers and antennas.

**SECTION 5. SEVERABILITY.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, not held to be invalid.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its passage and publication according to law.

Passed by the Town Board of the Town of White Bear, Minnesota, this 21<sup>st</sup> day of September, 1998.

APPROVED:

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ROBERT J. WEISENBURGER, Chair

ATTEST:

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WILLIAM F. SHORT, Clerk-Treasurer

Board of Supervisors:  
ROBERT J. WEISENBURGER, Chair  
RICHARD A. SAND, Supervisor  
LINDA J. FORD, Supervisor

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Historical Notes  
1998

Ordinance, Title and Section 1, 2, 3, 4, 5, and 6 originally adopted September 21, 1998, and effective November 4, 1998 by Weisenburger (Chair); Sand and Ford; Short (Clerk-Treasurer).