

INTERIM ORDINANCE NO. 44

**AN ORDINANCE 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 Grey Cloud Island Town Board approves the following ordinance:

Section 1. Purpose.

The purpose of this ordinance is to establish a temporary moratorium on antennas and towers or any equipment used for transmitting or receiving telecommunication, television or radio signals. Grey Cloud Township's ordinances do not contemplate or adequately address the classification of telecommunication towers, antennas and similar uses and structures. The Town's Zoning Ordinance is unclear about where these uses should be located and whether the Town should adopt a new classification or standard for those uses.

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. The particular zoning districts in which the Town should allow such uses as either permitted or conditioned uses.
2. The concentration and setback issues of such uses in the Town and its neighborhoods.
3. The information required with regard to the structural standards in compliance with FAA, FCC and other requirements.
4. The effect and safety issues related to these uses on other uses in the surrounding area.

There is a need for and preparation of a study so that 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.

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 insure that Grey Cloud 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 Grey Cloud Town Board has directed the Town Planning Commission to undertake such a study.

Section 2. Restrictions

Minnesota Statutes 462.355, Subd. 4, permits the adoption of interim zoning ordinances during the study and planning process. As such, pursuant to Minnesota Statutes 462.355, Subd. 4, Grey Cloud 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 Studies; Moratorium.

The Grey Cloud Town Board authorizes the Town Planning Commission to prepare a study to decide how the Town should regulate towers and antennas and other similar uses within Grey Cloud Township. This study should include, but is not limited to, the following:

1. The particular zoning districts in which the Town should allow such uses as either permitted or conditional uses.
2. The concentration and setback issues of such uses.
3. The information required with regard to the structural standards in compliance with FAA, FCC and other requirements.
4. The effect and safety issues related to these uses on other uses in the surrounding area.
5. The need, if any, to create licensing regulations pertaining to receiving and transmitting towers, antennas and similar uses.

Upon finishing the study, the Planning Commission will make recommendations to the Town Board.

Section 4. Term.

The term of this moratorium ordinance shall be one (1) year or until such time as the Town Board adopts an ordinance relating to towers and antennas.

Section 5. Effective Date.

This ordinance shall take effect after adoption and publication.

Approved by the Grey Cloud Island Town Board on the 15th day of October, 1996.

GREY CLOUD ISLAND TOWNSHIP

By Elisabeth McEathron

Supervisor

ATTEST:

Richard E. Mullen

Town Clerk