

CITY OF BALDWIN  
COUNTY OF SHERBURNE  
STATE OF MINNESOTA

ORDINANCE NO: 2026-10

INTERIM ORDINANCE IMPOSING A MORATORIUM AND AUTHORIZING STUDY OF  
TELECOMMUNICATION ANTENNAS AND ANTENNA SUPPORT STRUCTURES.

THE CITY COUNCIL OF THE CITY OF OTSEGO DOES HEREBY ORDAIN:

**Section 1. Purpose.** The purpose of this Interim Ordinance is to protect the health, safety, and welfare of the citizens of the City of Baldwin ("City") by preserving the status quo while the City undertakes a planning process to study antennas, antenna support structures, and telecommunications towers during the term of this Interim Ordinance, and to consider possible adoption or amendments of the Zoning Ordinance or other official controls during the term of this Interim Ordinance.

**Section 2. Definition.** The following terms are hereby defined for the purposes of this Interim Ordinance:

*Antenna: That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electronically conductive rods or elements. It includes, but is not limited to, personal wireless service, microwave, radio and television broadcasting and transmitting and receiving, and shortwave radio equipment.*

*Antenna Support Structure: Any pole, telescoping mast, tower, tripod, or any other structure that supports a device used in the transmitting or receiving of electromagnetic energy.*

**Section 3. Findings.** The City Council hereby finds and determines that:

- A. Due to the increase in demand resulting from new technology and social behaviors involving use of personal wireless communications, including access to internet-based services, the City has seen an increase in the development of antennas and antenna support structures;
- B. The City is a governing body in accordance with the Municipal Planning Act, Minnesota Statutes, Chapter 462 ("Act"), and it has previously exercised its authority pursuant to the Act to adopt the Otsego Zoning Ordinance, codified as Title 11 of the Otsego City Code;
- C. Antennas and antenna support structures are allowed in the various Zoning Districts established by the Baldwin Zoning Ordinance subject to the provisions of Chapter 27 of the Zoning Ordinance;
- D. The Sherburne County adopted regulations for antennas and antenna support structures within the Sherburne County Zoning Ordinance prior to incorporation of the City;

- E. Baldwin Township adopted the Baldwin Zoning Ordinance on 18 April 2022;
- F. Baldwin Township assumed responsibility for planning and zoning administration from Sherburne County on 20 June 2022;
- G. Under Minnesota Statutes Section 394.33, the Baldwin Zoning Ordinance and other official controls were required to be consistent with and at least as restrictive as those of Sherburne County.
- H. Baldwin Township was incorporated as the City of Baldwin on 18 November 2024.
- I. Upon incorporation, the Baldwin Zoning Ordinance and other official controls adopted by the City are no longer required to be consistent with those of Sherburne County.
- J. The current regulation of antennas and antenna support structures within the Baldwin Zoning Ordinance are the same as adopted by Sherburne County;
- K. The City has not previously studied antennas and antenna support structures as a potential land use;
- L. The impacts that antennas and antenna support structures may have within the City to public health, safety, and welfare, including, but not limited to, the natural environment, land use compatibility, and City service capacity and infrastructure, are not fully known or understood at this time;
- M. The Planning Commission discussed antennas and antenna support structures at its special meeting on 8 July 2026 and, following discussion, voted 6-0 to recommend that the City Council adopt an Interim Ordinance prohibiting development of antennas and antenna support structures within the City to allow a land use study of potential zoning regulations and other official controls to be undertaken;
- N. The City is not currently in receipt of or processing an application for development of an antenna or antenna support structure within the City;
- O. The Memorandum dated 3 August 2026 prepared by the City Planner, The Planning Company LLC, is incorporated herein;
- P. The City Council, in considering the recommendation of the Planning Commission and other evidence received, has determined that the Zoning Ordinance may be inadequate to regulate antennas and antenna support structures due the nature of such uses, including with respect to appropriate locations within the City, the conditions under which such uses may be allowed, appropriate zoning districts, use performance standards, compatibility with existing and planned land uses, and potential impacts to City service capacity and infrastructure;

- Q. Minnesota Statutes, Section 462.355, Subdivision 4 authorizes the City to adopt an Interim Ordinance to regulate, restrict, or prohibit any use, development, or subdivision within the City to protect the planning process and the health, safety, and welfare of the City for the purpose of considering adoption or amendment of official controls defined in Minnesota Statutes, Section 462.352, Subdivision 15;
- R. It is in the best interest of the City to adopt an Interim Ordinance prohibiting development of antennas and antenna support structures within the entire City to allow the Planning Commission an opportunity to study whether and how antennas and antenna support structures may be allowed within the City and to consider amendments to the Zoning Ordinance or other official controls to appropriately regulate antennas and antenna support structures.

**Section 4. Study Authorized.** The Planning Commission is hereby authorized and directed to conduct a study of antennas and antenna support structures including, but not limited to, the appropriate zoning districts for location of such uses; whether such uses are to be allowed as permitted, conditional, or interim uses; potential regulations and performance standards necessary to mitigate potential negative impacts of such uses; how such uses are regulated by other local government units; and recommendations as to how the Zoning Ordinance and other official controls should be amended to regulate antennas and antenna support structures.

**Section 5. Moratorium Imposed.**

- A. A moratorium is hereby imposed for the entire City on antennas and antenna support structures, which during the term of this Interim Ordinance shall be a prohibited use. During the period of this moratorium, no new or existing antennas and antenna support structures shall be constructed or expanded in the City, and no application for any zoning approval, building permit, or other City approval contemplating construction or expansion of a antennas and antenna support structures shall be accepted, reviewed, processed, or approved by the City, except as defined by Section 5.B of this Ordinance.
- B. The following requests shall be exempt from the moratorium:
  - 1. Applications a building permit or other zoning approval for placement of an antenna and related accessory equipment upon an existing antenna support structure or other structure as allowed by the Baldwin Zoning Ordinance.
  - 2. Applications for a building permit to allow construction of an antenna support structure approved in accordance with provisions of the Baldwin Zoning Ordinance within the 12 months prior to the effective date of this Ordinance.
  - 3. Applications, which have been deemed complete by the Zoning Administrator, for a zoning approval to allow construction of an antenna support structure in accordance with provisions of the Baldwin Zoning Ordinance within 120 days prior to the effective date of this Ordinance.

**Section 6. Term.** This Interim Ordinance shall remain in effect for one (1) year from its effective date unless it is expressly repealed earlier by the City Council or unless a shorter duration is required by applicable law. If the City adopts an ordinance amending the Zoning Ordinance regulating antennas and antenna support structures prior to the expiration of the moratorium, this Interim Ordinance shall terminate on the effective date of the Zoning Ordinance amendment.

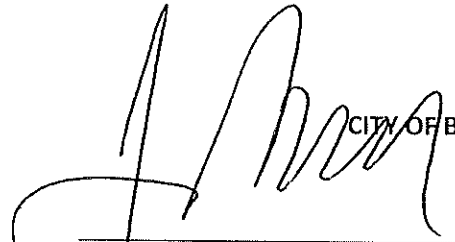
**Section 7. Severability.** Every section, provision, and part of this Interim Ordinance is declared severable from every other section, provision, and part of thereof. If any section, provision, or part of this Interim Ordinance is held to be invalid by a Court of competent jurisdiction, such judgement shall not invalidate any other section, provision, or part of this Interim Ordinance.

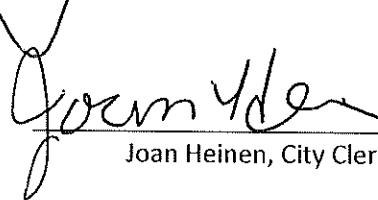
**Section 8. Effective Date.** This Interim Ordinance shall become effective immediately upon its passage and publication.

(Remainder of page intentionally blank; signatures follow)

ADOPTED by the Baldwin City Council this 5<sup>th</sup> day of August, 2026.

MOTION BY: Case  
SECONDED BY: Push  
IN FAVOR: All  
OPPOSED: none  
Jeff Holm Absent

  
CITY OF BALDWIN  
Jay Swanson, Mayor

ATTEST:  
  
Joan Heinen, City Clerk/Treasurer