

CHAPTER 16 - MORATORIUMS

Section 1600 – Tower Moratorium

AN ORDINANCE ESTABLISHING A TWELVE MONTH MORATORIUM WITHIN THE CITY ON THE CONSTRUCTION OF NEW TOWERS AND ON THE USE AND DEVELOPMENT OF PROPERTY FOR SUCH NEW TOWERS.

1600.01 TOWER MORATORIUM

Subd. 1 Preamble. Recent advances in wireless communications technology have resulted in a new generation of communication services. These new wireless communications technology services may require antenna locations throughout the community. These antennae may be located on buildings, water towers, and other similar structures, but will also frequently be located on towers constructed or enlarged for that purpose.

Commercial wireless telecommunication service providers are expected to pursue antenna sites within the City and these efforts are expected to include requests to construct new communications towers. There is concern that current City ordinances do not adequately address issues relating to these towers. These issues include the appropriate locations for these towers and the conditions under which they may be allowed within the City, including structural and construction requirements, co-location, setbacks, and height limitations.

There is a need to study these and other issues to determine what regulatory controls may need to be adopted to protect the public health, safety, and welfare. The City Planning Commission has been studying wireless telecommunication and tower issues and has been directed to continue to conduct such studies, but additional time is required for this purpose before proposals for amendments to City Zoning regulations can be prepared and considered at a public hearing.

The Council finds, therefore, that a moratorium is required in order to protect the planning process and to prevent the construction or enlargement of towers and the use and development of lands within the City for such towers pending the completion of necessary studies and the consideration and implementation of new regulations on that subject. At the present time it is expected that the necessary study and implementation can be completed within a twelve month period.

1600.02 Moratorium Established: Scope Definition of “Tower”

Subd. 1 In accordance with the findings set forth in the Preamble to this ordinance and pursuant to the authority of Minnesota Statutes 462.355 (Subd. 4) there is hereby established a moratorium on the construction, erection, placement, reconstruction, enlargement, or expansion of towers within the City and on the development and use of property for such purposes.

1. During the period of the moratorium, applications for final site and building plan approval, building permits, and other permits and approvals related to such tower work shall not be accepted by the City. Neither the Planning Commission nor the City Council shall consider or grant approval of any application required for such work and no building permits for such work shall be issued.

2. For the purposes of the moratorium, the term “tower” shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

1600.03 Applicability. The moratorium shall be applicable to property throughout the City.

1600.04 Exceptions. The moratorium shall not apply to:

1. the lawful use of existing towers or the lawful erection of antennae on such existing towers.
2. the repair and/or maintenance of any existing tower provided that such work does not enlarge or expand that tower.
3. working on a tower necessary to preserve health, safety, life or property in the face of an emergency, and
4. tower work that has received all necessary permits and approvals from the City prior to the effective date of this ordinance.

1600.05 Penalties. Any person, corporation, or other entity that constructs, erects, places, reconstructs, enlarges, or expands a tower in violation of this Section shall be guilty of a misdemeanor and shall be subject to any additional legal or equitable remedies available to the City.

1600.06 Effective Date. This Section shall take effect upon its adoption (November 23, 1998) and publication (December 3, 1998) and shall be effective for twelve months from its effective date and shall expire at that time unless further extended or repealed at an earlier date.

1600.07 Amendment to Effective Date. This Section shall extend the moratorium an additional six months from the expiration date of December 3, 1999 as required in Section 1600.06. This six-month extension shall take effect upon the adoption of the amendment to Chapter 16 of the Taylors Falls Code of Ordinances by the Taylors Falls City Council (on November 22, 1999) and its publication (on December 1, 1999), and shall expire at midnight on June 3, 2000, unless repealed at an earlier date.

DATED THIS 22ND OF NOVEMBER, 1999
PUBLISHED DECEMBER 1, 1999

Section 1610 – Development Moritorium

AN ORDINANCE PROHIBITING THE DEVELOPMENT OR SUBDIVISION OF PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF TAYLORS FALLS FOR A PERIOD OF SIX MONTHS.

WHEREAS, the City of Taylors Falls has authorized a study to be conducted for the purpose of considering local water area charges and local sewer area charges; and

WHEREAS, the City of Taylors Falls requires an interim ordinance for the purpose of protecting the planning process and the health, safety and welfare of its citizens; and

WHEREAS the City of Taylors Falls hereby adopts the interim ordinance pursuant to Minnesota Statute §462.355, Subd. 4; and

WHEREAS, the interim ordinance is needed to study official controls as defined in Minnesota Statute §462.352, Subd. 15; and

THEREFORE, the City of Taylors Falls hereby prohibits the development or subdivision of property within the corporate limits of the City of Taylors Falls for a period of six months.

ADOPTED APRIL 14, 2003
PUBLISHED APRIL 23, 2003

Section 1620 – Development Moratorium

AN INTERIM ORDINANCE PURSUANT TO MINN. STATUTE §462.355, SUBD. 4 PRESERVING THE STATUS QUO IN THE CITY OF TAYLORS FALLS PENDING THE CONSIDERATION AND ADOPTION OF AMENDED OFFICIAL CONTROLS IN CONFORMANCE WITH THE TAYLORS FALLS COMPREHENSIVE PLAN.

THE CITY COUNCIL OF THE CITY OF TAYLORS FALLS DOES HEREBY ORDAIN AS FOLLOWS:

1620.01 INTENT. The Council of the City of Taylors Falls finds that, in order to protect the City’s planning process and the health, safety and welfare of its citizens, it must establish this interim ordinance in order to allow the City to conform its zoning and planning ordinances to the newly adopted Comprehensive Plan for Taylors Falls. The City Council has scheduled a public hearing for a future date at which it will consider necessary changes to its official controls to effect the goals of the Comprehensive Plan.

The potential for incompatible or inconsistent development in the City raises substantial questions relating to the ability of the City’s present official controls to provide compliance with any long-term comprehensive development and planning goals for the City. Additionally, the City wishes to avoid the ambiguity and possible disputes similar to those caused in other Minnesota cities by inconsistencies between the Comprehensive Plan and other official land use controls.

Accordingly, it is the desire of the Council to establish, under this interim ordinance, a moratorium to protect the general health, welfare, and safety of the public, pending the revision of the City’s official controls to conform to the newly adopted Comprehensive Plan.

1620.02 MORATORIUM IMPOSED. Pending the study and adoption of new official controls necessary to implement the goals of the City of Taylors Falls Comprehensive Plan, the issuance or approval of building permits, site plans, lot splits, or plat approvals, are hereby prohibited within the corporate limits of the City of Taylors Falls for a period of six (6) months from the effective date of this interim ordinance, or until such earlier time as the City Council has adopted new official controls, unless otherwise provided under Section 3 of this interim ordinance.

1620.03 EXCEPTIONS. For the purpose of this interim ordinance only, the following permits are exempted from the provisions of this interim ordinance:

- a. Building additions, expansions or remodeling of *existing structures*, plumbing, mechanical and electrical permits for repairs or minor alterations to conforming or non-conforming structures, or for work necessary to maintain the health and safety of occupants of such structures as long as the addition, expansion or remodeling is for the same use of both the land and structure that existed prior to this moratorium; and
- b. Building, plumbing, mechanical and electric permits for work on dangerous or vacant buildings, or demolition permits for nuisance buildings, in accordance with City Code Chapter 5.
- c. The interim ordinance shall not halt, delay or impede a subdivision, which has been given preliminary approval prior to the effective date of this interim ordinance.
- d. Those Plats which the City has previously approved and have been officially recorded: (a) Cedar Grove Estates; (b) Granite Ledge; and (c) Stannard Woods.

1620.04 EFFECTIVE DATE. This Ordinance establishing a moratorium will be in full force and effect for a period of six (6) months after its passage and publication, according to law.

ADOPTED BY THE CITY COUNCIL ON FEBRUARY 12, 2007
PUBLISHED IN THE CHISAGO COUNTY PRESS & INTER-COUNTY LEADER
ON FEBRUARY 21, 2007

Section 1630 – Extending a Moritorium

AN INTERIM ORDINANCE PURSUANT TO MINN. STATUTE §462.355, SUBD. 4 PRESERVING THE STATUS QUO IN THE CITY OF TAYLORS FALLS PENDING THE CONSIDERATION AND ADOPTION OF AMENDED OFFICIAL CONTROLS IN CONFORMANCE WITH THE TAYLORS FALLS COMPREHENSIVE PLAN.

1630.01 FINDINGS: The Council of the City of Taylors Falls finds that the City adopted a new Comprehensive Plan on July 10, 2006. The new Comprehensive Plan made significant changes in the allowed uses, space requirements and design standards, such that the existing Zoning Code was inadequate to effect the new Comprehensive Plan. Consequently, the Council of the City of Taylors Falls finds that the revision of the City’s Zoning Code to conform with the recently adopted

Comprehensive Plan is a process required by Minnesota Statutes §462.355 to give effect and meaning to the Comprehensive Plan adopted by the City. The Council also re-states its findings and intent from its previous act to allow consistent application of planning, Ordinance 2007-02-12, as further justification for the continued moratorium.

The Council further finds that the process of re-writing and adopting the zoning ordinance which would effectuate the Comprehensive Plan will not be completed within 30 days of the expiration of Ordinance 2007-02-12 on August 21, 2007, requiring an extension of the moratorium period.

1630.02 EXTENSION OF MORATORIUM: The force and effect of Ordinance 2007-02-12, imposing a moratorium on certain actions relating to planning and zoning in the City of Taylors Falls and providing for exceptions to the moratorium, is hereby extended until Thursday, February 21, 2008, which is six (6) months from said Ordinance expiration date of August 21, 2007.

1630.03 EFFECTIVE DATE. This Ordinance extending an existing moratorium will be in full force and effect following its passage and publication, according to law.

ADOPTED BY THE CITY COUNCIL ON JULY 30, 2007
PUBLISHED IN THE CHISAGO COUNTY PRESS & INTER-COUNTY LEADER
ON AUGUST 8, 2007

REPEALED ON JANUARY 28, 2008
PUBLISHED IN THE CHISAGO COUNTY PRESS & INTER-COUNTY LEADER
ON FEBRUARY 6, 2008