

Bepointed FRIDLEY CITY CODE
APPENDIX G: MORATORIUM ORDINANCES

G-1: ORDINANCE NO. 974, ADOPTED 07/22/1991
AN INTERIM ORDINANCE PLACING A MORATORIUM ON THE ISSUANCE OF SPECIAL USE PERMITS FOR AUTO BODY REPAIR BUSINESSES AND PROHIBITING THEIR LOCATION WITHIN THE CITY WHILE THE MORATORIUM IS IN EFFECT

Section 1 PURPOSE AND INTENT

The City Council finds that an interim ordinance placing a moratorium on the location and establishment of auto body repair businesses is necessary to protect the health, safety, morals, and general welfare of the citizens of the community; and

The City Council finds that an interim ordinance placing a moratorium on the location of auto body repair businesses is necessary in order to permit the planning process to take place and to allow the City staff, Planning Commission, and City Council to proceed in an orderly fashion to adopt a permanent ordinance requiring the owners and operators of auto repair businesses to obtain a license to operate within the City.

Section 2 AUTHORITY

This ordinance is adopted pursuant to that authority granted in the City of Minnesota Statutes Annotated 462.355, Subd. 4, entitled "Interim Ordinance".

Section 3 DEFINITIONS

The City Council hereby directs the City staff to study and prepare an ordinance requiring owners and operators of auto repair businesses to obtain a business license, and to schedule a public hearing before the Planning Commission within sixty (60) days of the effective date of this interim ordinance. The City staff is further directed to report the results of their studies and recommendations along with the recommendations of the Planning Commission as soon as the Planning Commission has completed their hearings and recommendations.

Section 4 VIOLATION

The City may enforce any provision of this ordinance by mandamus injunction or other appropriate civil remedy in any court of competent jurisdiction.

Section 5 SEVERABILITY

Every section, provision, or part of this ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

This ordinance shall become effective fifteen (15) days after publication and shall be in effect for a period of one hundred and eighty (180) days from the date hereof.

G-2: ORDINANCE NO. 978, ADOPTED 09/30/1991**AN INTERIM ORDINANCE PLACING A MORATORIUM ON THE ISSUANCE OF SPECIAL USE PERMITS FOR EXTERIOR STORAGE OF MATERIALS AND EQUIPMENT AND ROCK CRUSHING ACTIVITIES IN THE M-1, LIGHT INDUSTRIAL AND M-2, HEAVY INDUSTRIAL ZONING DISTRICTS, AND PROHIBITING THEIR LOCATION WITHIN THE CITY WHILE THE MORATORIUM IS IN EFFECT**

Section 1. PURPOSE AND INTENT

The City finds that an interim ordinance placing a moratorium on the location and establishment of uses needing outdoor storage of materials and equipment and/or rock crushing activities is necessary to protect the health, safety, morals, and general welfare of the citizens of the community; and

The City Council finds that an interim ordinance placing a moratorium on the location of uses needing outdoor storage of materials and equipment and/or rock crushing activities is necessary in order to permit the planning process to take place and to allow the City staff, Planning Commission, and City Council to proceed in an orderly fashion to adopt a permanent ordinance to create a new zoning district for these uses.

Section 2. AUTHORITY

This ordinance is adopted pursuant to that authority granted to the City in Minnesota Statutes Annotated 462.355, Subd. 4, entitled "Interim Ordinance".

Section 3. DEFINITIONS

The City Council hereby directs the City staff to study and prepare an ordinance creating a new zoning district for these uses, and to schedule a public hearing before the Planning Commission within sixty (60) days of the effective date of this interim ordinance. The City staff is further directed to report the results of their studies and recommendations along with the recommendations of the Planning Commission as soon as the Planning Commission has completed their hearings and recommendations.

Section 4. VIOLATION

The City may enforce any provision of this ordinance by mandamus injunction or other appropriate civil remedy in any court of competent jurisdiction.

Section 5. SEVERABILITY

Every section, provision, or part of this ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

This ordinance shall become effective fifteen (15) days after publication and shall be in effect for a period of one hundred and eighty (180) days from the date hereof.

G-3: ORDINANCE NO. 980, ADOPTED 12/02/1991**AN ORDINANCE REPEALING ORDINANCE NO. 974**

Ordinance No. 974 entitled "An Interim Ordinance Placing a Moratorium on the Issuance of Special Use Permits for Auto Body Repair Businesses and Prohibiting Their Location Within the City While the Moratorium is in Effect," enacted on June 22, 1991, is hereby repealed.

**G-4: ORDINANCE NO. 1087, ADOPTED 12/16/1996
ESTABLISHING BY INTERIM ORDINANCE A MORATORIUM WITHIN THE CITY ON THE
CONSTRUCTION OF NEW COMMUNICATION AND ANTENNA ARRAY TOWERS AND ON THE
USE AND DEVELOPMENT OF PROPERTY FOR SUCH NEW TOWERS THEREBY AMENDING
THE CITY CODE BY ADDING A NEW SECTION FOR THAT PURPOSE**

(a) PREAMBLE

The City Council of Fridley, Minnesota, finds that recent advances in wireless communications technology have resulted in a new generation of cellular communication services. These new services, called "Personal Communications Services" ("PCS"), will likely require numerous 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.

The City Council of Fridley further finds that PCS providers have recently been licensed by the Federal Communications Commission ("FCC") for the Minneapolis/St. Paul Major Trading Area ("MTA") and additional providers are expected to be licensed in the near future. In addition, demand is increasing for traditional cellular services from existing or new providers. Collectively, these entities are expected to begin or continue efforts at antenna siting and construction within the City, including requests to construct new or enlarged communications towers. Because of the recent advent of the technology requiring construction of multiple communications towers, current Fridley ordinances may not adequately address issues relating to these types of towers, such as the appropriate locations for these towers and the conditions under which they may be allowed within the City to provide sufficient protection to the health, safety and welfare of the citizens of the City. Issues which need to be comprehensively addressed in reviewing the impact of this new, technology-driven, communications phenomenon include, but are not limited to, structural and construction requirements and standards, co-location to avoid unnecessary duplication of construction within the City, as well as setbacks and height limitations.

The City Council of Fridley, Minnesota, further finds that 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 has issued a Request for Proposal to experienced consultants for the purpose of assisting the City's professional planning and engineering staff in conducting a comprehensive study of the possible impact of these towers on the City, and to provide, with City Staff, recommendations to the City of Fridley regarding PCS and cellular service and other antenna or wireless tower issues. Time is also required for the City's staff to draft any necessary proposals for amendments to City zoning regulations for the City Council's review and consideration.

The Council finds, therefore, that a moratorium is required in order to protect the planning process and to prevent the construction of enlargement 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 180-day period.

(b) MORATORIUM ESTABLISHED; SCOPE; DEFINITION OR "TOWER"

- (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.
- (2) During the period of the moratorium neither pending nor to-be submitted applications for final site and building plan approval, building permits, Conditional Use Permits ("CUP") and other permits or related variance requests and approvals related to such tower work shall not be considered 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 permits or variances for such work shall be issued.

- (3) For the purposes of the moratorium, the term "tower" shall mean "any pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade."

(c) APPLICABILITY

The moratorium shall be applicable to public and private property throughout the City.

(d) 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 provide that such work does not enlarge or expand that tower, (3) work 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.

(e) 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.

This Section shall take effect upon its adoption and publication, shall be effective for 180 days from its effective date, and shall expire at that time unless further extended.

**G-5: ORDINANCE NO. 1088, ADOPTED 01/27/1997
ESTABLISHING BY INTERIM ORDINANCE UNDER THE PROVISIONS OF MINNESOTA
STATUTES SECTION 462.355, A MORATORIUM WITHIN THE CITY OF FRIDLEY ON
CONSTRUCTION OR EXPANSION OF MULTI-BAY WAREHOUSE OR SIMILAR TRUCKING-
BASED PRODUCT DISTRIBUTION FACILITIES**

That the City Council of the City of Fridley, Minnesota, finds that truck traffic in areas surrounding large facilities in the City used for warehousing or similar purposes can and has created a substantial potential for and actual hazard to the health and safety of the citizens of the City.

Moreover, the age of the City has created a situation in which areas zoned for industrial uses in which warehouse or trucking-based distribution operations are currently located within the City are near or adjacent to residential neighborhoods.

That the City Council believes that the best use of property in areas zoned for industrial use is in manufacturing, and that trucking and distribution facilities not directly related to manufacturing on the site may, in fact, detract from and deter the City's efforts to attract and grow a strong manufacturing base within the City.

That recent trends in construction of commercial property would appear to create structures that, while not formally designated as warehouses or even initially proposed to be used for a warehouse and distribution facility, nevertheless contain the large numbers of multiple docking bays (in excess of ten docks) and other indicia of intensive truck-related use that can generate the traffic increases that result in a threat to the health and safety of citizens in the City in the future.

That the City Council has found that a study is necessary in order to determine whether such uses should continue to be permitted in industrial zones in the City, particularly in instances in which there is close proximity to residential areas and, if so, under what conditions or limitations that would adequately protect the citizens of the City.

1. That the Planning and Economic development staff of the City of Fridley shall immediately conduct a full review and study of the industrially zoned properties within the City to determine the compatibility of warehouse or similar, trucking-based product distribution facilities with other allowable uses in the industrially zoned areas of the city.
2. That a moratorium is declared on all construction, expansion or extension of any use in the industrially zoned land within the City for the purpose of constructing or operating a warehouse or similar product-distribution facility requiring multiple dock trucking facilities containing ten or more loading docks for truck use, or any structure capable of being put to any such use without modification.
3. That the duration of the moratorium herein declared shall be 120 days from the date of final enactment of this ordinance.

**G-6: ORDINANCE NO. 1094, ADOPTED 05/05/1997
ESTABLISHING BY INTERIM ORDINANCE UNDER THE PROVISIONS OF MINNESOTA STATUTES SECTION 462.355, AN EXTENSION TO A PREVIOUSLY ESTABLISHED MORATORIUM, WITHIN THE CITY OF FRIDLEY ON CONSTRUCTION OR EXPANSION OF MULTI-BAY WAREHOUSE OR SIMILAR TRUCKING-BASED PRODUCT DISTRIBUTION FACILITIES**

That the City Council of the City of Fridley, Minnesota, finds that truck traffic in areas surrounding large facilities in the City used for warehousing or similar purposes can and has created a substantial potential for and actual hazard to the health and safety of the citizens of the City.

That the City Council has found that a study is necessary in order to determine whether such uses should continue to be permitted in industrial zones in the City, particularly in instances in which there is close proximity to residential areas and, if so, under what conditions or limitations that would adequately protect the citizens of the City.

That the City Council has determined that additional time shall be required to complete the study and associated ordinance amendments.

That the duration of the previously established 120 day moratorium herein declared be extended 60 days, terminating on July 26, 1997

**G-7: ORDINANCE NO. 1996, ADOPTED 05/19/1997
ESTABLISHING BY INTERIM ORDINANCE AN EXTENSION TO A PREVIOUSLY ESTABLISHED MORATORIUM WITHIN THE CITY OF FRIDLEY ON THE CONSTRUCTION OF NEW COMMUNICATION AND ANTENNA ARRAY TOWERS AND ON THE USE AND DEVELOPMENT OF PROPERTY FOR SUCH NEW TOWERS THEREBY AMENDING THE CITY CODE BY ADDING A NEW SECTION FOR THAT PURPOSE**

Establishing an extension of Ordinance No. 1087 to herein be declared extended to December 31, 1997.