

ORDINANCE 2016-02

AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON THE INSTALLATION OF SOLAR ENERGY SYSTEMS WITHIN THE CITY

THE CITY OF TONKA BAY ORDAINS:

Section 1. Legislative Findings.

Subd. 1.01 The city of Tonka Bay (the “City”), pursuant to Chapter 10 of the Tonka Bay Zoning Ordinance, has adopted various zoning and land use regulations related to properties located in the City.

Subd. 1.02 The City has determined that there is current interest in the installation of solar energy systems within the City. The City currently does not regulate the installation of solar energy systems.

Subd. 1.03 There is a need to conduct a study so that the City can consider possible amendments to the zoning code pertaining to solar energy systems.

Subd. 1.04 There is a need for an interim ordinance to be adopted for the purpose of protecting the planning and zoning processes and the welfare of the citizens of the City until such a study has been completed. There is a need to restrict any installation of solar energy systems in Tonka Bay until the study has been completed and the City has taken any necessary actions to amend the zoning ordinance.

Subd. 1.05 Minnesota Statutes Section 462.355, Subd. 4, permits the adoption of interim ordinances by cities in order to protect the planning process.

Section 2. Findings.

Subd. 2.01 The City Council finds there is a need to conduct a study so that the City may consider possible amendments to the zoning ordinance pertaining to solar energy systems.

Subd. 2.02 The City Council finds that there is a need to adopt a moratorium applicable to the installation of solar energy systems within the City while the study referenced in Section 2.01 of this Ordinance is being conducted.

Section 3. Planning Study; Moratorium.

Subd. 3.01 City staff is hereby directed to undertake a study regarding the options for solar energy systems. The scope of the study should include review of ordinances and policies in other jurisdictions as well as the characteristics of solar energy systems. Specifically, City staff shall determine if solar energy systems shall be an allowed use in any zoning districts.

Subd. 3.02 A moratorium is hereby adopted on the installation of solar energy systems in the City. Until such time that this moratorium expires, no building permit shall be issued to construct any solar energy system and no applications for zoning with respect to any solar energy systems may be filed with the City or will be processed by the City. Similarly, no solar energy systems shall be installed on any property within the City during the term of this moratorium.

Subd. 3.03 The moratorium is adopted pending completion of the study authorized by this Ordinance and the adoption of any amendments to the zoning code.

Section 4. Enforcement. The City may enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction.

Section 5. Term. Unless earlier repealed by the City Council, the moratorium established under this Ordinance shall remain in effect until six months from the effective date of this Ordinance, or until solar energy systems are authorized by action of the City Council. The moratorium period may be extended for a reasonable time, in accordance with Minnesota Statutes Section 462.355.

Section 6. Effective Date. This Ordinance shall become effective in accordance with the procedures established in the City Code.

Adopted by the Tonka Bay City Council the _____ day of _____, 2016.

Gerry De La Vega, Mayor

Attest:

Lindy Crawford, Clerk/ Administrator

First Reading: July 14, 2016
Second Reading:
Effective Date: