

Ordinance No. 2007-38

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE SUBDIVISION OF CERTAIN SHORELAND WITHIN THE CITY OF ROCKVILLE

WHEREAS, the City of Rockville has recently undertaken a study of the options for zoning amendments that will better protect the environmental, economic, health and public safety characteristics of the City's rivers, streams and lakes. As part of this study, the City is investigating the alternative Shoreland management schemes proposed by the Department of Natural Resources of the State of Minnesota and conservation subdivision standards advocated by nationally renown planners such as Randall Arendt; and

WHEREAS, all previous interim ordinances adopted by the City pursuant to Minnesota Statutes 462.355 relating to amending or altering the zoning ordinances for Shoreland management have expired at least 60 days before this ordinance; and

WHEREAS, no applications for subdivision or development of Shoreland were received by the City since the expiration of earlier ordinances; and

WHEREAS, the City is concerned that certain property within its corporate limits, which is located within the Shoreland management area, will be developed inconsistently with the final Shoreland management ordinance due to the fact that the current study of conservation subdivisions and the alternative management schemes included in the DNR proposals are unique to the area, are unstudied and include significant potential changes from the standard conventional subdivision schemes; and

WHEREAS, the City desires to impose a moratorium on the subdivision of certain land within the City and restricting the use of said land to those approved uses currently existing; and

WHEREAS, the City finds that this moratorium will protect the planning process and the environmental and public health and safety, the economic interests and the welfare of its citizens.

NOW, THEREFORE, pursuant to Minnesota Statute section 462.355, subd. 4, the Rockville City Council ordains:

SECTION 1: An interim ordinance (moratorium) prohibiting new subdivision of property located, in whole or in part, within the Shoreland, as described in Minn. Stat. sec. 103F.205, is established. For a period of six (6) months from the effective date of this Ordinance, or until such time as the City Council determines the moratorium is no longer necessary as to all of the property or any part thereof, the described property shall not be subdivided in any manner.

SECTION 2: An owner of property subject to this moratorium that desires to pursue a prohibited use or activity prohibited herein may apply to the City for a variance. In order for the variance to be granted, the City Council must find that the intended use or activity will not conflict with the proposed Shoreland management ordinance, if any, and meet the minimum requirements of the state's model alternative Shoreland management ordinance. In approving a variance, the City Council may impose such conditions as it determines are necessary to protect the public health, safety, and welfare.

SECTION 3: This Ordinance shall be effective immediately upon its passage and publication.

SECTION 4: As the City Council finds that publishing the entire ordinance pursuant to Minnesota Statutes Chapter 412 would be unduly expensive and that the following summary

clearly informs the public of the Ordinance's intent and effect, only the title and following summary of Ordinance No. 2007-38 shall be published. Furthermore, a printed copy of the full ordinance shall be made available for inspection at City Hall, and shall be posted as required, upon the approval of six (6) Councilmembers of this ordinance.

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE
SUBDIVISION OF CERTAIN SHORELAND WITHIN THE CITY OF ROCKVILLE**

On August 1, 2007, the City Council for the City of Rockville adopted by interim ordinance a moratorium prohibiting the subdivision of land within the Shoreland. A request to proceed with a prohibited subdivision must be made by applying for a variance. A complete, printed copy of the Ordinance is available for inspection by any person during regular office hours at Rockville City Hall.

Adopted this ____ day of _____, 2007.

Brian Herberg, Mayor

ATTEST:

Rena Weber, City Administrator-Clerk