

Ordinance No. 2007-39

AN INTERIM ORDINANCE ESTABLISHING A MORATORIAM ON THE TRANSFER OF DEVELOPMENT RIGHTS, WITHIN THE CITY OF ROCKVILLE

WHEREAS, the City of Rockville has recently undertaken a new study of the options for zoning amendments that will better protect the environmental, economic, health and public safety characteristics of the City, by providing better subdivision options and density limits within the City, including those within the A-40 zoning district, including conservation subdivision standards advocated by nationally renown planners such as Randall Arendt; 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 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 certain subdivisions requiring the transfer of residential development rights; 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: A moratorium prohibiting the transfer of residential development rights, as well as the subdivision of property for building purposes in which a transfer of residential development rights would be required.

SECTION 2: 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, this moratorium shall remain in effect.

SECTION 3: An owner of property subject to this moratorium that desires to pursue a prohibited use or activity 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 amendments to the Zoning Code, if any. 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 4: This Ordinance shall be effective immediately upon its passage and publication.

SECTION 5: As the City Council finds that publishing the entire ordinance pursuant to Minnesota Statutes Chapter 412 would be unduly expensive. Furthermore, it finds that the following summary clearly informs the public of the Ordinance's intent and effect. Therefore, only the title and following summary of this ordinance shall be published, and a printed copy of the full ordinance shall 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 MORATORIAM ON THE TRANSFER OF DEVELOPMENT RIGHTS, WITHIN THE CITY OF ROCKVILLE**

**The City Council has adopted a moratorium on the transfer of residential development rights. A complete, printed copy of the Ordinance is available for inspection by any person during regular office hours at the City Clerk/Administrator's office.**

Adopted this      day of August, 2007.

\_\_\_\_\_  
Brian Herberg, Mayor

ATTEST:

\_\_\_\_\_  
Rena Weber, City Administrator-Clerk