

## ORDINANCE NO. 2018-90

**INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES SECTION 462.355, SUBDIVISION 4, TO ESTABLISH A MORATORIUM PROHIBITING THE GRANTING OF PRELIMINARY SUBDIVISION APPROVAL, ZONING (CUP/VARIANCE) APPROVAL, REZONING, OR PUD APPROVAL WITHIN THE MORATORIUM AREA AS DEFINED HEREIN.**

**The Rockville City Council does hereby ordain as follows:**

The Municipal Code of the City of Rockville amended by adding Ordinance No. 2018-90

**SECTION 1. Statement of Policy.** The City Council finds that the City is presently faced with the potential of applications for subdivision, rezoning, zoning (CUP/Variance), or PUD approvals for property within the Moratorium Area as defined in Section 2.

It appears to the Council that the consequences of allowing such applications to be approved may be undesirable because the current ordinances may not be consistent with the City's zoning and development goals. The Council, therefore, finds that it is necessary to study the impact of development under current ordinances to determine whether they fulfill the underlying purposes of the City's land use and zoning provisions.

The Council further finds that if, as a result of this study, the land use controls and zoning provisions contained in the City Code need to be revised, such revision is a process that cannot be accomplished until a study has been completed and a hearing held. During this period, it is desirable that the Council establish guidelines for the benefit of those who wish to develop property in order to bring about savings of public and private expenditures and to provide the public guides to future City action. Since enactment of an amendment to the code would undoubtedly modify existing regulations concerning permitted land use and zoning performance standards, the granting of preliminary approval of subdivision applications, zoning (CUP/Variance) applications, rezoning applications, or PUD for property within the Moratorium Area would be contrary to the purpose of the zoning enabling act, Minnesota Statutes Section 462.351, et seq. The Council further finds that it would be unwise, improper and unjust to allow individual development to occur during this study.

**SECTION 2. Moratorium Area.** As used in this Ordinance, Moratorium Area shall be defined as all real property zoned or used for Residential or Agricultural use in the City of Rockville. **Exempt** from this moratorium are Administrative Subdivisions as well as any subdivisions relating to the Brentwood and Voigt Developments at or near Pleasant Lake.

**SECTION 3. Study.** A committee consisting of Citizens and Councilors are currently in the process of reviewing the current City zoning ordinances and provisions, and the implications of the potential need for amendments to the City code to implement the results of that study.

**SECTION 4. Restrictions on the Granting of Preliminary Subdivision Approval, Zoning (CUP/Variance Approval, Rezoning, or PUD approvals.** No preliminary subdivision approval, Zoning (CUP/Variance) approval, Rezoning, or PUD approval, shall be given by the Council for any property with in the Moratorium Area.

**SECTION 5. Duration.** This Ordinance shall expire within six (6) months of the passage of this Ordinance by the City Council, without Council action, or it may be repealed earlier if the Council determines that the requisite studies have been completed and adopted and that appropriate

evaluation and action, including any necessary revisions of the zoning code, have been finalized. The duration of this Ordinance may be extended by adoption of a subsequent Ordinance for a total time period not to exceed the statutory limits in Minn. Stat. 462.355, subdivision 4.

**SECTION 6. Variances.** REMOVED

**SECTION 7. Separability.** Every section, provision, or part of this Ordinance is declared separable from every other section, provision or part; and if any section, provision, or part thereof or action taken hereunder shall be held invalid, it shall not affect any other section, provision, or part.

**SECTION 8. Publication.** This Ordinance shall be published in the Cold Spring Record and shall be effective immediately.

Adopted by this City Council of the City of Rockville on this 11th day of April, 2018 by a vote of Three ayes and Two nays.

ATTEST:

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Martin M. Bode, City Administrator

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Duane P. Willenbring, Mayor

Publish the week of May 6, 2018 in the Cold Spring Record newspaper