

ORDINANCE NO. 145
CITY OF MOOSE LAKE, MINNESOTA

AN INTERIM SUBDIVISION ORDINANCE TO PROVIDE FOR HARMONIOUS DEVELOPMENT OF SUBDIVIDED LAND WITHIN THE CITY OF MOOSE LAKE, MINNESOTA.

WHEREAS, the State of Minnesota in its 2006 Legislative Session has made commitments for funding to expand the Minnesota Sex Offenders Treatment Program Facility and the anticipated future expansion at the Moose Lake Correctional Facility, both located in Moose Lake, Minnesota, which will bring new employment opportunities and new residents to the City; and

WHEREAS, development and growth opportunities for the City, including new businesses and interest in residential housing, are arising at a rapid rate; and

WHEREAS, several developers have contacted the City within the last two months with inquiries about new commercial and housing projects within the City jurisdiction; and

WHEREAS, the City Administrator has been planning for the adoption of a subdivision Ordinance to provide for harmonious development of subdivided land within the City jurisdiction; for proper arrangement of streets, for adequate and convenient spaces for traffic, utilities, recreation, light, air and access for firefighting equipment and emergency service vehicles; and for adequate provision of water, drainage, storm water runoff, sewer, and other sanitary facilities; and

WHEREAS, planned and orderly development, and harmonious layout of streets, block, lots and open spaces promotes the orderly development of the City and protects and promotes the general welfare, public health and safety of the citizens of the City of Moose, and further, preserves and enhances the business and residential property values within the City and the present and future character of the City's residential and commercial neighborhoods; and

WHEREAS, pursuant to Minn. Stat. Sec. 462.357, the City has authority to adopt an Interim Ordinance and temporary moratorium on platting and subdivision applications and approvals; and

WHEREAS, at the time of the adoption of this Interim Ordinance, no applications for plat approval have been received by the City; and

WHEREAS, the City has a draft Subdivision Ordinance prepared and ready for public hearing and adoption at the next scheduled meeting of the City Council, to take place on June 14, 2006;and

WHEREAS, it is in the best interests of the City, and fulfills the City's legal obligation to promote and protect the general welfare, health and safety of the public, that all future development, subdivisions and plats be governed by the city's pending Subdivision Ordinance; and

WHEREAS, the time frame between the adoption of this Interim Ordinance and the date for hearing on the Subdivision Ordinance is less than 30 days.

NOW THEREFORE, at a duly noticed Special Meeting, the City Council makes the following

FINDINGS OF FACT:

1. The City Administrator and City Attorney have been working on a proposed Subdivision Ordinance for several months.
2. The City has a draft Subdivision Ordinance in circulation to Department Heads and Planning Staff; and
3. Minn. Stat. § 462.358 authorizes a municipality to adopt subdivision regulations.
4. A Public Hearing is set for June 14, 2006 at 6 p.m. on the proposed Subdivision Ordinance;
5. The City Council is prepared to act on the proposed Subdivision Ordinance at its Regular Meeting on June 14, 2006, at 6:30 p.m.
6. It is in the best interests of the residents of the city that future platting, subdivision and development be regulated by the City.

7. An Interim Ordinance and short moratorium on the approval of future plats and subdivisions will promote the health, safety and welfare of the residents of the City, and maintain and preserve residential and commercial property values.

NOW, THEREFORE, based upon the foregoing Findings of Fact, THE CITY OF MOOSE LAKE, MINNESOTA, ORDAINS:

Section 1. Purpose. The purpose of this Ordinance is to protect the planning process under the authority of Minn. Stat. §462.355, Subd. 4, by temporarily imposing a moratorium on the filing of applications for plat or subdivision approval until the proposed Subdivision Ordinance can be adopted on June 14, 2006.

Section 2. Prohibition. No individual, partnership, corporation or other entity shall file an application for a subdivision or plat approval while this Interim Ordinance is in effect. Any party affected by this Interim Ordinance may apply for a temporary variance to file an application. The temporary variance shall be conditioned upon the application of the pending Subdivision regulations to the project proposed by the variant applicant.

Section 3. Duration. This Interim Ordinance shall take effect and be in force from and after its passage and publication until the 25th day of May, 2007, or shall expire after the publication of the final adoption of official controls to regulate subdivisions.

Section 4. Enforcement. No individual, partnership, corporation or other entity shall subdivide or plat any real estate lying within the jurisdiction of the City during the period this Interim Ordinance is in effect, unless exempted from the provisions of this Ordinance by a temporary variance. Violation of this Ordinance shall be a misdemeanor and upon conviction shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment for up to ninety (90) days or both. Each day a violation occurs is a separate offense. In addition, any violation of this Ordinance may be enjoined by the City by civil action.

Passed this 25 day of May, 2006.

CITY OF MOOSE LAKE

By: Ted B. Shaw
Ted B. Shaw,
Its Mayor

ATTEST:

By: Jean M. Hedin
Jean M. Hedin
Its City Administrator

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