

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 3/13/2017

Item No.: 7.d

Department Approval



City Manager Approval



Item Description: Adopt an Interim Ordinance Prohibiting Requests for Residential Minor Subdivisions

BACKGROUND

Last fall, the City Council reviewed and approved a request for a Minor Subdivision that generated testimony concerning observations of inadequate drainage and stormwater run-off by residents in the area. The concerns expressed by residents of the neighborhood prompted the City Council to adopt an Interim Ordinance to prohibit applications for residential Minor Subdivisions while the City completed an update to Title 11 of City Code, which includes minor subdivision regulations. Commercial properties were not included in the draft Interim Ordinance, as commercial requests most often trigger additional City and Watershed District requirements for stormwater management, whereas applications on individual single-family lots often do not. The Interim Ordinance was written to be effective 180 days, and the Interim Ordinance will expire on March 18, 2017.

Minnesota Statutes Section 462.355 (Attachment B) allows the City to adopt a temporary interim ordinance for a period of up to twelve (12) months from the date it is effective to allow for a study to be performed, for the adoption of a comprehensive plan, or to review official land use/zoning controls in order to protect the public health, safety and general welfare.

Duration of Moratorium and Subdivision/Minor Subdivision Code Review

The previously adopted 6-month Interim Ordinance was intended to allow enough time to complete the update to Title 11, but the time required to issue a request for proposals and engage a consultant and the year-end scheduling conflicts prevented the work from starting until early in January 2017. Depending on the actual alignment and coordination of upcoming Council and Commission meeting dates, Planning Division staff and the consultants believe that the update can be completed by the end of May.

Staff recommends adopting an Interim Ordinance prohibiting requests for residential minor subdivisions to become effective on March 19, 2017, and remain in effect for up to 180 days, or until an ordinance is adopted updating Title 11 of the City Code, whichever is sooner. One hundred-eighty days is sure to be more than enough time to complete the update of the Subdivision Code, but greater precision about the actual completion date is stymied by the difficulty of accurately predicting how the update progress aligns with Commission and Council meeting schedules.

POLICY OBJECTIVE

An Interim Ordinance (moratorium) is generally enacted when the City Council believes that development under the current regulatory controls could result in an outcome that is in opposition to

33 City policies. The City Council has engaged a consultant to update Roseville's subdivision code, and
34 180 days should be a sufficient period of time for that task to be completed.

35 **BUDGET IMPLICATIONS**

36 Adoption of the proposed Interim Ordinance will not have any effect on City budgets.
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38 **STAFF RECOMMENDATION**

39 Adopt an Interim Ordinance prohibiting requests for residential minor subdivisions to become effective
40 on March 19, 2017, and remain in effect for up to 180 days, or until an ordinance is adopted updating
41 Title 11 of the City Code, whichever is sooner.
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43 **REQUESTED COUNCIL ACTION**

44 Motion to adopt an Interim Ordinance prohibiting requests for residential minor subdivisions to become
45 effective on March 19, 2017, and remain in effect for up to 180 days, or until an ordinance is adopted
46 updating Title 11 of the City Code, whichever is sooner, for the purpose of updating Roseville's
47 subdivision regulations.
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Prepared by: Bryan Lloyd, Senior Planner

Exhibit A: Draft Interim Ordinance

Exhibit B: Minnesota Statutes Section 462.355

**City of Roseville
ORDINANCE NO.**

**AN INTERIM ORDINANCE TEMPORARILY PROHIBITING MINOR
SUBDIVISIONS OF RESIDENTIAL PROPERTY IN THE CITY OF
ROSEVILLE**

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Purpose and Intent

The City of Roseville (“City”) recognizes significant public interest and concern over Minor Subdivision requests as defined within Title 11 of Roseville City Code.

The City desires to regulate requests for residential minor subdivisions (divisions of land that result in three lots or fewer), in a manner that is consistent with the purpose and intent of the Comprehensive Plan and Zoning Ordinance. Due to the conceptual nature of the Minor Subdivision process, and limitations to codified submission requirements, the City recognizes that certain protections may not be thoroughly vetted at the time an application requires City Council approval.

Minnesota Statutes Section 462.355 allows the City to adopt a temporary interim ordinance for a period of up to twelve (12) months from the date it is effective, to allow for such study and adoption of comprehensive plan, zoning and/or other official land use controls in order to protect the public health, safety and general welfare. The same statute allows for the limited extension of the period under particular circumstances.

The City has concluded that revised regulations are necessary to ensure that all subdivisions, especially Minor Subdivisions as defined in City of Roseville’s existing Subdivision Code, adequately address concerns pertaining to water run-off, drainage, and lot design. There is a need for an interim ordinance to be adopted for the purpose of protecting the planning process and the health, safety, and welfare of the citizens of the City until such revised regulations can be adopted.

SECTION 2: Prohibition

Pursuant to State Statutes 462.355, the City hereby adopts and approves this interim ordinance temporarily prohibiting requests for Minor Subdivisions as defined in Roseville City Code Title 11 across the entire City. During the effective period of this interim ordinance, the City will not accept any application for Minor Subdivisions.

All requests for Minor Subdivision applications received prior to the effective date of this ordinance will remain valid and continue forward in the review and approval process normally.

RCA Exhibit A

46 SECTION 3: Effective Date and Duration

47

48 This ordinance shall take effect and be in full force from March 19, 2017, and after its
49 publication. It shall remain in effect for 180 days, or until an ordinance is adopted
50 updating Title 11 of the City Code, whichever is sooner.

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52 Passed by the City Council of the City of Roseville this 13th day of March 2017.

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RCA Exhibit A

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AN INTERIM ORDINANCE TEMPORARILY PROHIBITING MINOR SUBDIVISIONS

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager

462.355 ADOPT, AMEND COMPREHENSIVE PLAN; INTERIM ORDINANCE.

Subdivision 1. **Preparation and review.** The planning agency shall prepare the comprehensive municipal plan. In discharging this duty the planning agency shall consult with and coordinate the planning activities of other departments and agencies of the municipality to insure conformity with and to assist in the development of the comprehensive municipal plan. In its planning activities the planning agency shall take due cognizance of the planning activities of adjacent units of government and other affected public agencies. The planning agency shall periodically review the plan and recommend amendments whenever necessary. When preparing or recommending amendments to the comprehensive plan, the planning agency of a municipality located within a county that is not a greater than 80 percent area, as defined in section 103G.005, subdivision 10b, must consider adopting goals and objectives that will protect open space and the environment.

Subd. 1a. **Update by metropolitan municipalities.** Each municipality in the metropolitan area, as defined in section 473.121, subdivision 2, shall review and update its comprehensive plan and fiscal devices and official controls as provided in section 473.864, subdivision 2.

Subd. 2. **Procedure to adopt, amend.** The planning agency may, unless otherwise provided by charter or ordinance consistent with the municipal charter, recommend to the governing body the adoption and amendment from time to time of a comprehensive municipal plan. The plan may be prepared and adopted in sections, each of which relates to a major subject of the plan or to a major geographical section of the municipality. The governing body may propose the comprehensive municipal plan and amendments to it by resolution submitted to the planning agency. Before adopting the comprehensive municipal plan or any section or amendment of the plan, the planning agency shall hold at least one public hearing thereon. A notice of the time, place and purpose of the hearing shall be published once in the official newspaper of the municipality at least ten days before the day of the hearing.

Subd. 3. **Adoption by governing body.** A proposed comprehensive plan or an amendment to it may not be acted upon by the governing body until it has received the recommendation of the planning agency or until 60 days have elapsed from the date an amendment proposed by the governing body has been submitted to the planning agency for its recommendation. Unless otherwise provided by charter, the governing body may by resolution adopt and amend the comprehensive plan or portion thereof as the official municipal plan upon such notice and hearing as may be prescribed by ordinance. Except for amendments to permit affordable housing development, a resolution to amend or adopt a comprehensive plan must be approved by a two-thirds vote of all of the members. Amendments to permit an affordable housing development are approved by a simple majority of all of the members. For purposes of this subdivision, "affordable housing development" means a development in which at least 20 percent of the residential units are restricted to occupancy for at least ten years by residents whose household income at the time of initial occupancy does not exceed 60 percent of area median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development, and with respect to rental units, the rents for affordable units do not exceed 30 percent of 60 percent of area median income, adjusted for household size, as determined annually by the United States Department of Housing and Urban Development.

Subd. 4. **Interim ordinance.** (a) If a municipality is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 462.352, subdivision 15, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may

regulate, restrict, or prohibit any use, development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.

(b) If a proposed interim ordinance purports to regulate, restrict, or prohibit activities relating to livestock production, a public hearing must be held following a ten-day notice given by publication in a newspaper of general circulation in the municipality before the interim ordinance takes effect.

(c) The period of an interim ordinance applicable to an area that is affected by a city's master plan for a municipal airport may be extended for such additional periods as the municipality may deem appropriate, not exceeding a total additional period of 18 months. In all other cases, no interim ordinance may halt, delay, or impede a subdivision that has been given preliminary approval, nor may any interim ordinance extend the time deadline for agency action set forth in section 15.99 with respect to any application filed prior to the effective date of the interim ordinance. The governing body of the municipality may extend the interim ordinance after a public hearing and written findings have been adopted based upon one or more of the conditions in clause (1), (2), or (3). The public hearing must be held at least 15 days but not more than 30 days before the expiration of the interim ordinance, and notice of the hearing must be published at least ten days before the hearing. The interim ordinance may be extended for the following conditions and durations, but, except as provided in clause (3), an interim ordinance may not be extended more than an additional 18 months:

(1) up to an additional 120 days following the receipt of the final approval or review by a federal, state, or metropolitan agency when the approval is required by law and the review or approval has not been completed and received by the municipality at least 30 days before the expiration of the interim ordinance;

(2) up to an additional 120 days following the completion of any other process required by a state statute, federal law, or court order, when the process is not completed at least 30 days before the expiration of the interim ordinance; or

(3) up to an additional one year if the municipality has not adopted a comprehensive plan under this section at the time the interim ordinance is enacted.

History: 1965 c 670 s 5; 1976 c 127 s 21; 1977 c 347 s 68; 1980 c 566 s 24; 1983 c 216 art 1 s 67; 1985 c 62 s 1,2; 1995 c 176 s 4; 2004 c 258 s 1; 2005 c 41 s 17; 1Sp2005 c 1 art 1 s 91; 2008 c 297 art 1 s 59; 2010 c 347 art 1 s 24

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SECTION 3: Effective Date and Duration

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Passed by the City Council of the City of Roseville this 13th day of March 2017.

AN INTERIM ORDINANCE TEMPORARILY PROHIBITING MINOR SUBDIVISIONS

(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager