

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: September 19, 2016
Item No.: 15.e

Department Approval

City Manager Approval



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

BACKGROUND

On September 12 the City Council reviewed and approved a request for a Minor Subdivision at 1926 Gluek Lane. The City Council heard 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 direct staff to draft an Interim Ordinance (Attachment A) for consideration that would prohibit applications for *residential* Minor Subdivisions while the City explore either text amendments or an update to Title 11 of City Code. Commercial properties are not included in the draft Interim Ordinance as commercial requests most often trigger additional requirements for stormwater management and/or approval from the watershed district whereas applications on single-family lots do not.

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

Planning Division staff recommends, due to the nature of concerns expressed, that an Interim Ordinance prohibit requests for residential minor subdivisions for up to 180 days. The 180 day duration is suggested to allow staff time to work with a consultant on how the minor subdivision process may be updated, altered, or revised to reduce assumptions based on conceptual information during the decision-making stage. Staff suggests that the Minor Subdivision language be the first priority of a larger-scale review of the Subdivision Code. Once the City Council is comfortable with suggested revisions and adopts the appropriate amendments to the Minor Subdivision process, the moratorium on minor subdivision requests could be lifted as further review of the subdivision code continues. Additionally, reviewing the Minor Subdivision process with the consultant responsible for the subdivision code, will allow for a more holistic review and better integration into the code at-large.

The Planning Division has had preliminary discussions with Sambatek regarding a review of the Subdivision Code. The earliest Sambatek would be able to begin review would be at the end of 2016/early 2017. Planning Staff suggests the 180 days to allow enough time to solicit proposals from other firms, or to begin with Sambatek when available. The Planning Division feels confident that a moratorium heading into the Fall and Winter months won't stifle a high volume of requests for minor

34 subdivisions as the range of requests for minor subdivisions has typically ranged from zero to seven
35 applications annually.
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37 **POLICY OBJECTIVE**

38 An interim ordinance (moratorium) is generally enacted when the City Council believes the current
39 regulatory or development situation could result in an outcome that is in opposition to City policies.
40 The City Council has expressed a desire to study our subdivision code, and 180 days should be a
41 sufficient period of time for the City Council to complete that task.
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43 **BUDGET IMPLICATIONS**

44 The Planning Division estimates that the study of the Subdivision Code would range between \$7,000
45 and \$10,000 to complete. A review of the subdivision code was already slotted as a 2016 priority, and
46 budgeted accordingly.
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48 **STAFF RECOMMENDATION**

49 Adopt an Interim Ordinance prohibiting residential minor subdivision requests for a period of 180 days
50 for the purpose of studying Subdivision/Minor Subdivision language in Roseville City Code.
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52 **REQUESTED COUNCIL ACTION**

53 Motion to adopt an Interim Ordinance prohibiting residential minor subdivision requests for a period of
54 180 days for the purpose of studying Subdivision/Minor Subdivision language in Roseville City Code.
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Prepared by: Kari Collins, Interim Community Development Director

Attachment A: Draft Interim Ordinance

Attachment 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 additional study is required to explore what type of preliminary information should be provided to fully mitigate concerns such as storm water run-off, drainage, and/or lot shape design in the Minor Subdivision process outlined in City Code.

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 a study has been completed.

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.

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

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48 SECTION 3: Effective Date and Duration

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50 This ordinance shall take effect and be in full force from and after its passage and
51 publication. It shall remain in effect for 180 days, after which occurrence this ordinance
52 shall lapse, unless properly extended pursuant to state law.

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54 Passed by the City Council of the City of Roseville this 19TH day of September
55 2016.

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59 *AN INTERIM ORDINANCE TEMPORARILY PROHIBITING MINOR SUBDIVISIONS*
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61
62 (SEAL)
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65 CITY OF ROSEVILLE
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68 BY: _____
69 Daniel J. Roe, Mayor
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71 ATTEST:
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74 _____
75 Patrick Trudgeon, City Manager
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The following is the official summary of Ordinance No. approved by the City Council of the City of Roseville, Minnesota on September 19, 2016:

An Interim Ordinance prohibiting minor subdivision requests of residential property has been enacted for 180 days to allow the City to study revisions to Title 11 of Roseville City Code.

A printed copy of the Ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North and on the Internet web page of the City of Roseville (www.cityofroseville.com).

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