



## STAFF REPORT

DATE:2-6-2024

**REGULAR**

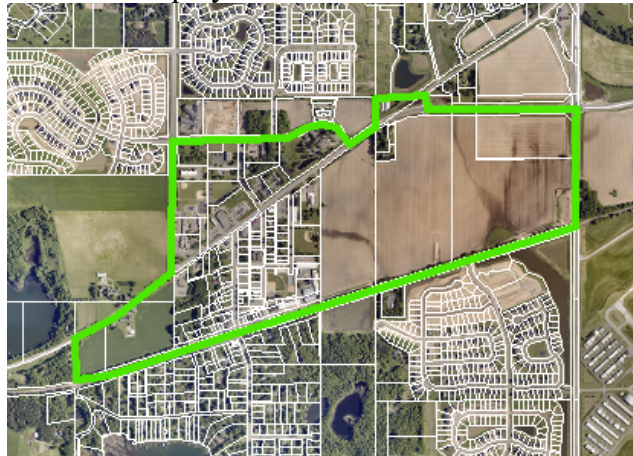
**TO:** CITY COUNCIL  
**SUBMITTED BY:** Sophia Jensen, City Planner  
**AGENDA ITEM:** **Interim Ordinance for the Old Village**  
**REVIEWED BY:** Clark Schroder, Interim City Administrator  
Sarah Sonsalla, City Attorney

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### **BACKGROUND:**

Staff has identified the need to enact a moratorium for development of the central corridors of the Old Village area. The intent of the moratorium is to pause development while the city updates the village master plan which will create a vision for this area and provide guidance on development and redevelopment. The last village master plan was created in 2007. The moratorium would also be used to study the permitted, conditional, and interim uses in the village districts (Table 11-1) and analyze required utility, road, trail corridors, and pedestrian connectivity.

The proposed moratorium area is displayed below:



### **ISSUE BEFORE COUNCIL:**

Should the council adopt an ordinance to place a one-year moratorium on development in the Old Village Area?

### **PROCEDURE FOR ADOPTION OF AN INTERIM ORDINANCE:**

Minnesota Statutes Section 462.355, subdivision 4(a) provides for the purpose, applicability, and procedures for cities to enact an interim ordinance (more commonly known as a moratorium). The interim ordinance may regulate, restrict, prohibit any use, development, or subdivision within the city or a portion of the city for a period not to exceed one year from the effective date of the interim ordinance. An interim ordinance may be adopted only in specific circumstances, including the conducting of a study for the purpose of adoption or amendment of the Comprehensive Plan or the City's official controls. An interim ordinance can only be in place for a period not to exceed one

year from the date it is effective. There are some exceptions that would allow an interim ordinance to be extended for a period of an additional 120 days but in very limited circumstances.

There is no public notice that is required before the City Council adopts an interim ordinance that would impact commercial development. If the interim ordinance would impact “housing proposals”, the statute says that written notice must be given to “any person who has submitted a housing proposal, has a pending housing proposal, or has provided a written request to be notified of interim ordinances related to housing proposals.” A “housing proposal” is defined by the statute as being a written request for city approval of a project intended primarily to provide residential dwellings, either single family or multi-family, and involves the subdivision or development of land or the demolition, construction, reconstruction, alteration, repair, or occupancy of residential dwellings.”

Within the proposed moratorium area, the city has one complete conditional use permit application for a sales and storage lot for United Rentals located at 11144 Stillwater Blvd. (old Fury Motors site) This application was deemed complete on January 25<sup>th</sup> 2024.

**FISCAL IMPACT:**

None.

**OPTIONS:**

- 1) Adopt Ordinance No 2024-04
- 2) Amend and then Adopt Ordinance No 2024-04
- 3) Do not adopt Ordinance No 2024-04

**RECOMMENDATION:**

*“Motion to adopt Ordinance No. 2024-04 and order City staff to prepare an old village master plan, study the uses in the village districts (Table 11-1), analyze required utility, road, and trail corridors, and pedestrian connectivity during the period of the interim ordinance.”*

**ATTACHMENT:**

- Map of Old Village Area and Moratorium Overlay
- Ordinance 2024-04

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 2024-04**

**AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON DEVELOPMENT  
WITHIN THE OLD VILLAGE CORRIDOR AREA**

The City of Lake Elmo City Council ordains:

**Section 1. Purpose and Intent.** The purpose and intent of this interim ordinance (this “Ordinance”) is to impose, pursuant to Minnesota Statutes Section 462.355, subdivision 4, a moratorium within the jurisdictional boundaries of the City of Lake Elmo (the “City”) on development within the area defined as the “Old Village Corridor Area” which is shown on the map attached as Exhibit A in order to protect the health, safety, and welfare of the citizens of the City.

**Section 2. Legislative Findings.** The City Council hereby finds and determines as follows:

1. The City needs to study the required utility corridors, road right of way, trail corridors, and pedestrian connectivity within the Old Village Corridor Area.
2. The City needs to update its Village Master Plan in order to provide guidance on development and redevelopment in the Old Village Corridor Area.
3. That it is in the best interests of the City to impose a moratorium on development within the “Old Village Corridor Area” so that it can study the required infrastructure and update the village master plan.

**Section 3. Study Authorized.** The City will be initiating a study to analyze utility corridor, road right of way, trail corridors, and pedestrian connectivity within the Old Village Corridor Area.

**Section 4. Moratorium Imposed; Exceptions.** A moratorium is hereby imposed within the City on consideration or approval by the City of any development project within the Old Village Corridor Area except for: projects that have been granted approval prior to the effective date of this Ordinance. “Development project” means any site plan, subdivision, plat, planned unit development, variance, conditional use permit, or interim use permit.

**Section 5. Duration.** This Ordinance shall remain in effect for one year from the date that it is effective unless it is expressly repealed earlier by the City Council.

**Section 6. Severability.** Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

**Section 7. Enforcement.** The City may enforce any provision of this Ordinance by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

**Section 8. Effective Date.** This Ordinance shall be effective upon its legal passage and publication.

Adopted by the City Council of the City of Lake Elmo on this 6<sup>th</sup> day of February, 2024, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Charles Cadenhead, Mayor

ATTEST:



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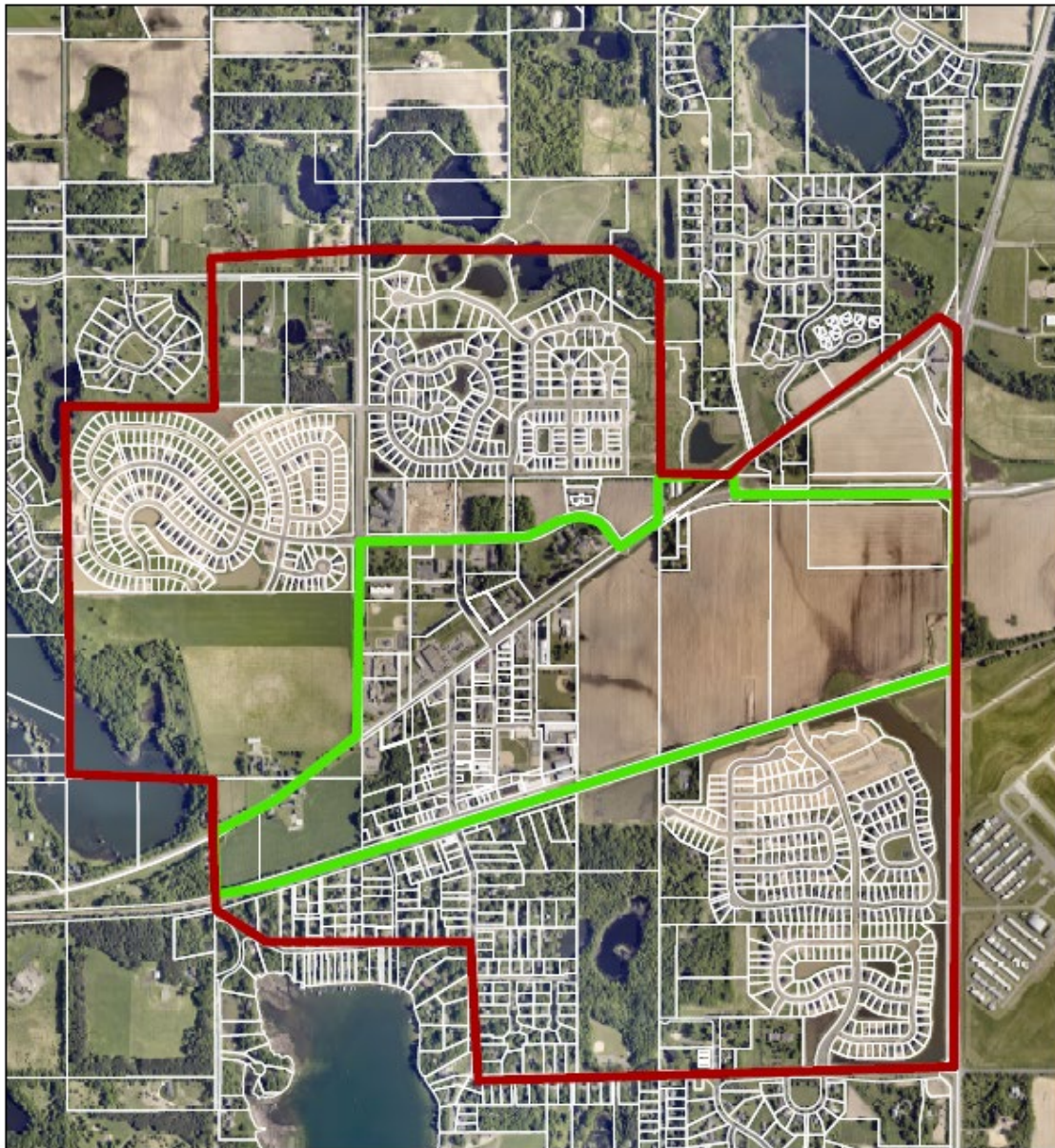
Julie Johnson, City Clerk

This Ordinance 2024-04 was published on the \_\_\_ day of \_\_\_\_\_, 2024.

**EXHIBIT A**  
**Old Village Corridor Area Map**

**Lake Elmo Old Village**

-  Old Village Area
-  Proposed Moratorium Area - "Old Village Corridor Area"



0 0.125 0.25 0.5 Miles

