

CITY OF LAKE ELMO
ORDINANCE NO. 9731

AN INTERIM ORDINANCE PLACING A DEVELOPMENT
MORATORIUM ON NEWLY ANNEXED PROPERTY LOCATED
WESTERLY OF AND SOUTHERLY OF THE KERN CENTER.

THE LAKE ELMO CITY COUNCIL ORDAINS:

1.0 Recitals.

- A. On 7/29/97, various property owners petitioned ("**Property Owner Petition**") the Municipal Board of the State of Minnesota ("**Municipal Board**") to annex the following described property located in Baytown Township ("**Baytown**") to the City of Oak Park Heights ("**Oak Park Heights**"):

All that part of Section 6, Township 29 North, Range 20 West, lying westerly of the center line of Stillwater Blvd., also known as State Highway 5, Washington County, Minnesota ("**Section 6 - Highway 5 Parcel**").

- B. The Property Owner Petition is contained in Municipal Board File No. A-5821.
- C. On 8/6/97, Baytown and the City of Lake Elmo ("**Lake Elmo**") filed a joint resolution ("**Joint Resolution**") with the Municipal Board indicating that Baytown and Lake Elmo had agreed that the Section 6 - Highway 5 Parcel would be annexed to Lake Elmo.
- D. The Joint Resolution is contained in Municipal Board File No. OA-497-1.
- E. The Municipal Board determined to hear the Property Owner Petition and tabled its review of the Joint Resolution.
- F. At the conclusion of its hearing and deliberation on the Property Owner Petition, the Municipal Board ordered that the following portion of the Section 6 - Highway 5 Parcel be annexed to Oak Park Heights:

All that part of Section 6, Township 29 North, Range 20 West, platted as Kern Center and Kern Center 2nd Addition, including adjacent rights-of-way ("**Oak Park Heights Annexation Area**").

- G. The Board then continued its review of the Joint Resolution which had been tabled, completed its review and advised Baytown and Lake Elmo that the following portion of the Section 6 - Highway 5 Parcel would be annexed to Lake Elmo:

All that part of Section 6, Township 29 North, Range 20 West, lying westerly of the center line of Stillwater Blvd., also known as State Highway 5, Washington County; except that part platted as Kern Center and Kern Center 2nd Addition including adjacent rights-of-way ("**Lake Elmo Annexation Area**").

- H. Both the Order relating to the Oak Park Heights Annexation Area and the Order relating to the Lake Elmo Annexation Area were effective 4/17/98.
- I. Lake Elmo will be undertaking planning and land use studies to determine how to amend and/or extend its Comprehensive Plan and Zoning Regulations to include development of the Lake Elmo Annexation Area.
- J. In order to allow the changes to the Comprehensive Plan and Zoning Regulations to be reviewed, revised, and adopted before development applications are received, the Lake Elmo City Council has determined that a development moratorium would be appropriate.

2.0 Development Moratorium. The Lake Elmo City Council hereby adopts a development moratorium applicable to all of the property located in the Lake Elmo Annexation Area. The development moratorium will commence on the effective date of this ordinance and will continue for nine months thereafter unless otherwise terminated or extended by action of the Lake Elmo City Council. During the development moratorium:

- A. No property shall be platted or otherwise subdivided.
- B. New structures shall not be constructed.
- C. Exterior structural modifications shall not be made to an existing structure which cause the building height and setback standards to exceed those in the RR Zoning District in the City of Lake Elmo.
- D. Exterior storage areas shall not be increased.
- E. Exterior maintenance shall be allowed.

3.0 **Enforcement.** The City of Lake Elmo may enforce any provision of this ordinance by mandamus, injunction, or any other appropriate civil remedy in any court of competent jurisdiction.

4.0 **Separability.** Every section, provision, or part of this ordinance is declared separable from every other section, provision or part of this ordinance. 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.

Effective Date. This Ordinance shall be effective the day following its publication or on the day following the publication of an Ordinance Summary approved by the Lake Elmo City Council.

19th **Adoption Date.** Passed by the Lake Elmo City Council on the _____ day of May, 1998.



Wyn John, Mayor

ATTEST:



Mary Kaeffner
City Administrator

Publication Date. Published on the 27th day of MAY, 1998.