

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-130

*changed to Resolution  
2004-073*

AN ORDINANCE RELATING TO AN EXTENDED DEVELOPMENT  
MORATORIUM IN THE VILLAGE AREA

The Lake Elmo City Council ordains that Section 301.150 and its subdivisions shall be added to the Lake Elmo Municipal Code to read as follows:

**301.150 Development Moratorium**

- A. As authorized and directed by the City Council, the City of Lake Elmo is studying planning concepts relating to the Village Area as shown on Exhibit "A". The Village Plan for the area is prepared in order to guide land use, design and capital improvements in the Village area.
- B. The City is conducting informational meetings with the Public, Planning Commission and City Council, as drafted plan documents are prepared. The City will continue to conduct public hearings in order to obtain public input prior to the adoption of any required changes to its Comprehensive Plan and Official Controls.
- C. Pending the completion of the public hearings and the adoption of amendments to its Comprehensive Plan and Official Controls, the Lake Elmo City Council has determined that it would be in the public interest to extend the rezoning and development moratorium on those parcels of land which will be impacted by the proposed amendments. The original development moratorium was for a period of six months by adoption of Ordinance No. 97-117, on April 24, 2004. The development moratorium was extended for 120 days by adoption of Ordinance No. 97-123, adopted October 21, 2003; and by adoption of Ordinance No. 97-126, adopted February 17, 2004, was further extended for 60 days; and by adoption of Ordinance No. 97-127, adopted April 6, 2004, was further extended for 60 days.
- D. In order to achieve the above objectives, the development moratorium is hereby extended pursuant to the provision of M.S. 462.355, Subd. 4, on all property in the Village area as defined as Exhibit "A"; subject to the following conditions.
  - 1. No Village area property may be rezoned except land zoned to (AG) Agricultural and those lands within the railroad right-of-way. As an example; no property may be rezoned from one residential use category to another residential use category or from one commercial category to another commercial category or from a residential category to a commercial category.


2. No applications shall be accepted for processing by the City including any land within the moratorium area, including, but not limited to rezoning, subdivision into parcels of less than 10 acres, Conditional use Permit, Open Space Development Project, Site Plan, and Zoning Variances.
  3. Property may not be further subdivided, except as specifically provided below hereafter.
  4. Vacant lots in a residential subdivision, which has already been approved by the City Council, may be developed consistent with the City's current zoning and building regulations.
  5. In Residential Zoning Districts, new construction and additions to existing structures may occur.
  6. No expansion of existing structures or new construction which would require a variance will be permitted.
- E. This moratorium shall not apply to subdivisions resulting in parcels of ten acres or greater; nor shall it apply to subdivisions where necessary to allow for minor lot line adjustments.
- F. This moratorium will be extended for 90 days from the date of publication unless terminated by City Council action.
- G. The City Council may, by amendment to this Ordinance, remove specific parcels from the area of this moratorium, or repeal the moratorium in its entirety.

**Effective Date:** This Ordinance shall be effective the day following its publication.

**Adoption Date:** Passed by the City Council of Lake Elmo the 1<sup>st</sup> day of June, 2004.

  
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Lee Hunt, Mayor

ATTEST:

  
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Martin J. Rafferty, City Administrator

**Publication Date:** This Ordinance was published in the 6-7-04 Stillwater Gazette.