



City Council - Special Meeting
City Hall Council Chambers
Monday, August 10, 2015 - 5:00 p.m.
(meeting will not be cablecast)

1. CALL TO ORDER
2. ROLL CALL
3. COUNCIL BUSINESS
 - 3.1 ORD/Extension of Moratorium Related to Chapter 74, Article V, Division 3. Business Districts Along Highway 10. (1st Reading)
4. ADJOURNMENT

COUNCIL MEMO FORM

3.1

Meeting Date	August 10, 2015
Agenda Section	Council Business
Item Description	ORD/Extension of Moratorium Related to Chpt 74, Article V, Division 3, Business Districts Along Highway 10. (1 st Reading)

BACKGROUND INFORMATION

At your meeting on May 18, 2015, the Council adopted Ordinance No. ORD-2015-1604 which established a moratorium on the establishment of new high traffic generating uses in the business districts along Highway 10 in the City of Anoka.

The moratorium is authorized by Minn. Stat. § 462.355, Subd. 4 (a):

462.355 ADOPT, AMEND COMPREHENSIVE PLAN; INTERIM ORDINANCE.

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.

Since the approval of the first reading of Ordinance No. ORD-2015-1604, staff has been conducting studies and reviewing the current regulations of the City's Zoning Ordinance.

Staff has met with and received input, comments and suggestions from outside agencies, entities and other members of the public. Much of the input that has been received has been very detailed. Staff has not had the opportunity to fully review the input and determine the appropriateness of including the input, comments and suggestions into our City regulations.

Staff is requesting the Council consider an extension to the moratorium for a period of sixty (60) days from the effective date of the proposed ordinance (attached). **Please note that the proposed ordinance authorizes the City Council to repeal the ordinance (moratorium) at any time, prior to its expiration date.**

FINANCIAL IMPACT

There is no financial impact.

COUNCIL ACTION REQUESTED

Request that the Council hold the first reading of the ordinance extending the moratorium.



2015 First Avenue, Anoka, MN 55303
Phone: (763) 576-2700 Website: www.ci.anoka.mn.us

**CITY OF ANOKA, MINNESOTA
ORDINANCE**

ORD-2015-XXXX

**AN ORDINANCE EXTENDING THE INTERIM MORATORIUM
TO PROTECT THE PLANNING PROCESS WHILE CONDUCTING STUDIES TO
CONSIDER AMENDMENT OF CHAPTER 74, ARTICLE V, DIVISION 3.
BUSINESS DISTRICTS ALONG HIGHWAY 10**

THE COUNCIL OF THE CITY OF ANOKA ORDAINS:

SECTION 1: Pursuant to Minnesota Law, the Anoka City Charter and the Anoka City Code, an interim ordinance (ORD-2015-1604) was adopted by the Anoka City Council on May 18, 2015.

SECTION 2: Background and Purpose.

2.01 The interim ordinance established a moratorium on the establishment of new high traffic generating uses in the business districts along Highway 10 in the City of Anoka, as defined in Ordinance ORD-2015-1604.

2.02 The purpose of said interim ordinance was to provide the City of Anoka the opportunity and ample time to effectively review the City's regulations, conduct necessary studies and develop amendments to the City's Zoning Ordinance to be considered for adoption, as authorized by Minn. Stat. § 462.355, Subd. 4.

2.03 The interim ordinance was to remain in effect until August 27, 2015, unless repealed by Ordinance of the City Council prior to said date.

2.04 Due to the extensive nature of the study and review, staff has not been able to fully complete the review and develop recommendations for amendments by the expiration date of the moratorium.

2.05 Staff has requested an extension of the moratorium on the establishment of new high traffic generating uses in the business districts along Highway 10 in the City of Anoka, as defined in Ordinance ORD-2015-1604, to provide additional time to complete the studies and develop recommendations for amendments to the City's Zoning regulations.

SECTION 3: Findings.

3.01 The City Council has determined that it is in the best interests of the City of Anoka to extend the moratorium on the establishment of new high traffic generating uses in the business districts along Highway 10, as defined in Ordinance ORD-2015-1604, in order to provide the

necessary time for City staff to complete that appropriate studies and develop amendments to the City's Zoning Ordinance be considered for adoption.

3.02 Upon approval of the first reading of this Ordinance on the extension of the moratorium and pending completion of the study and the adoption of new or amended official controls, the moratorium is hereby extended for a period of sixty (6) days from the effective date of the Ordinance, on the acceptance, review, process or approval of any permit, application or request to establish a new high traffic generating use in a business district along Highway 10, except for building permits for interior remodels or construction that has received approval by the City prior to the date of the first reading of this interim ordinance, or issuance of sign permits that meet the requirements of the City Code. All applications that may have been previously received, but not yet approved, shall receive no further review and shall be withdrawn by the applicant or acted upon by the City in light of the moratorium.

3.03 In cases of hardship, any person aggrieved by the requirements of this Ordinance may apply to the City Council for waiver of all or a portion of the applicable restrictions as provided for in Chapter 74 of the City of Anoka code. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions of this Ordinance and finds the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted. This interim ordinance is not intended to prohibit maintenance and necessary repairs of existing structures within the moratorium area, construction that has received approval by the City prior to the date of the first reading of this interim ordinance, interior remodels, and issuance of sign permits in the moratorium area that meet the requirements of the City Code.

SECTION 4. Duration.

4.01 This extension on the moratorium on the establishment of new high traffic generating uses in the business districts along Highway 10, as defined in Ordinance ORD-2015-1604, shall remain in effect for sixty (60) days from the effective date of this ordinance; expiring at 12:01 a.m. on October 28, 2015, unless repealed by Ordinance of the City Council prior to said time.

SECTION 5. Enforcement.

5.01 The City may enforce this ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.

SECTION 6. Separability.

6.01 Every section and part of this Ordinance is declared separable from every other section, provision and 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.

SECTION 7. Effective Date.

7.01 This Ordinance shall be in full force and effect upon passage and seven (7) days after publication.

ATTEST:

Phil Rice, Mayor

Introduced: _____
Adopted: _____
Published: _____
Effective: _____

	Aye	Nay	Abstain	Absent
_____ Amy T. Oehlers, City Clerk	Rice _____	_____	_____	_____
	Anderson _____	_____	_____	_____
	Freeburg _____	_____	_____	_____
	Schmidt _____	_____	_____	_____
	Weaver _____	_____	_____	_____

FIRST READING