CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA

Notice is hereby given that a public hearing will be held on the 8th day of September, 2020, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 207 Birchwood Avenue, to consider an ordinance related to the adoption of an interim ordinance prohibiting the subdivision of property in the City.

ORDINANCE NO. 2020-09-01

AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON THE SUBDIVISION OF RESIDENTIAL PROPERTY FOR MULTIPLE UNIT DEVELOPMENT WITHIN THE CITY

THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE DOES ORDAIN AS FOLLOWS:

Section 1. Legislative Findings

1.01 The City of Birchwood Village regulates the creation of subdivisions in its jurisdiction soas to develop land in an orderly and safe fashion respecting the existing development it has already created and manages.

1.02 The purpose of the subdivision approval requirement is to ensure future and new residential development in the City is decent, safe and sanitary and is conducted with minimal impacts to existing residential units and infrastructure, and that the additional burdens to the City's storm water and sewer system are borne by the developer;

1.03 The subdivision approval requirement in the City Code was adopted under the City's zoning power to protect the health, safety and welfare of its residents;

1.04 Stormwater management in the current era of large single-family homes and the effects of global warming have combined to create more impervious surface while simultaneously having to deal with more volume and frequency of storm-event/rain water;

1.05 The City Council finds that the existing Code as it relates to subdivisions and subdividing property in/for development and the advent of climate change has created the need for review of the current ordinance and thus the existing ordinance is not responsive to current trends and it is in the best interest of the public to study and consider options for addressing and minimizing the public safety and public infrastructure impacts on such future subdivision activity;

1.06 The City may amend ordinances enacted under its police powers as it sees fit, including through the adoption of moratoria and temporary regulations enacted to allow the City sufficient time to prepare and adopt permanent regulations;

1.07 The City further has the authority under Minnesota Statutes, section 462.355, subdivision 4(a) to enact an ordinance placing a moratorium on that control the physical development of the City including site plan regulations, sanitary codes, subdivisions and building codes;

1.08 The City does not currently have sufficient controls to properly guide development in the new age of development and stormwater management;

1.09 The City determines it necessary to study the effects of subdividing residential property with the current demands placed on the City's stormwater and sewer management system;

1.10 The City has a compelling interest in promoting, protecting and improving health, safety, and general welfare of the City's citizens;

1.11 The City needs to study and evaluate the need to update and modernize the City's regulations and requirements as they relate to subdivisions;

1.12 The Council has determined that it is necessary and in the public interest to impose a moratorium on the licensing and development of new subdivisions, while studying the issue of proper requirements for the handling of stormwater by developers within the City; and

1.13 The Council has determined that it is necessary and in the public interest to impose a temporary ordinance restricting subdivisions proposed under Chapter 308 while considering a permanent ordinance or amendment to existing law addressing the requirements for infrastructure in subdivisions within the City.

Section 2. Definitions. The words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them by the definition section of City Code or State Law if necessary.

Section 3. Moratorium on Subdivisions

3.01 To protect its residents and the potential harm that may come from poorly managed subdivisions, particularly where it relates to the additional strains that subdivisions place on existing City infrastructure and storm and sewer water management within the City, the City Council hereby exercises its authority under its police powers to place a moratorium on the acceptance

of applications for new subdivisions. During the period of this moratorium, no new residential subdivisions shall be approved or issued for any development proposal.

3.02 The moratorium imposed by this Section of the Ordinance shall be in effect for a period of 365 days from the date of its adoption, until the final adoption of an amendment to the City's Code as it relates to the requirements of and for subdividing residential property within the City.

Section 4. Enforcement

4.01 A violation of this Ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction.

Section 5. Effective Date and Repeal

5.01 This Ordinance shall become effective after adoption by the City Council.

5.02 This Ordinance is transitory in nature and shall not be codified into the City's Code of Ordinances.

Adopted this 8th day of September, 2020.

Mary Wingfield, Mayor

ATTEST:

Tobin Lay, City Administrator-Clerk

Effective Date September 8, 2020

Date of Publication September 16, 2020