

## ORDINANCE NO. 1065

### **AN EMERGENCY INTERIM ORDINANCE PROHIBITING NEW OR EXPANDED DEVELOPMENT, PLANNING, AND ZONING APPLICATIONS AND PERMISSIONS WITHIN CERTAIN DESIGNATED PROPERTY LOCATED IN THE CITY OF NORTHFIELD**

PREAMBLE. The City Council of the City of Northfield, Minnesota (the “City”), pursuant to its authority under the Minnesota Municipal Land Use Planning Act (Minn. Stat. §§ 462.351 – 462.365) previously adopted a comprehensive plan in 2008 guiding land uses, services, and developments (the “Comprehensive Plan”).

The City subsequently in 2009, through a joint orderly annexation agreement with Greenvale Township (the “Township”), annexed approximately 530 acres of land (the “Subject Area”) with the goal of creating a sustainable business park to attract development and future growth consistent with the Comprehensive Plan and the 2006 Comprehensive Economic Development Plan. The above-referenced Subject Area is described in Exhibit A and depicted in Exhibit B, which are attached hereto and incorporated herein by reference.

A Master Plan for the Subject Area was developed in 2011, but not adopted due to stated unresolved concerns about infrastructure costs, connectivity to the historic downtown core, and lack of agreement about viable development and potential uses in the Subject Area. Revisions to City of Northfield City Code, Chapter 34 (the “Land Development Code”), in 2011 included a zoning district classification for the Subject Area, but did not develop further land use controls for said area.

The City of Northfield also adopted a Climate Action Plan in 2019 and adopted a Final Alternative Urban Areawide Review (the “AUAR”) in 2023, including the Subject Area, and identifying two potential scenarios for development in the AUAR covered area.

The City’s Planning Commission (the “Planning Commission”) is currently working on an update to the Comprehensive Plan to recommend to the City Council, which will also be followed by any necessary revisions to the Land Development Code. The Planning Commission recently reviewed the Subject Area in relation to its work updating the Comprehensive Plan and the need to maintain the integrity of the City’s planning processes and official controls by prohibiting development in the Subject Area until the updated Comprehensive Plan updates and corresponding official controls can be studied, amended as necessary or appropriate, completed and enacted. As a result, the Planning Commission on February 15, 2024 recommended to the City Council that the City Council enact an interim ordinance prohibiting new or expanded development, planning, and zoning applications and permissions, and the establishment of any other uses in the Subject Area.

Minnesota Statutes, Section 462.355, Subdivision 4, authorizes the City Council to enact 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 in order to regulate, restrict, or prohibit any land use, development, or subdivision within the City or any portion thereof for a period not to exceed one year from the date an interim ordinance is effective.

Chapter 4 of the City's Charter outlines City Council procedures and requires legislation to occur by ordinance. Public notice of all meetings of the Council shall be given as prescribed by ordinance. A resolution and an emergency ordinance shall take effect immediately upon its passage or at such later date as determined.

The City Charter requires two readings of ordinances plus 30 days following publication before an ordinance becomes effective, except for emergency ordinances. City Charter, Section 4.8, Emergency Ordinances, provides in part as follows: "An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto, and shall be adopted by an affirmative vote of at least five members of the council. ..."

The City Council has determined that any additional proposals for the above identified uses brought forward during the period prior to the effective date this interim ordinance will be detrimental to the referenced study and may therefore negatively impact the City's ability to consider and modify regulations for such uses for the preservation of the public health, safety and welfare and the City's planning process.

To forestall additional proposals for uses identified herein from being brought forward prior to the City adopting the above-referenced moratorium and thereby undermining or negatively impacting the City's study, regulatory and planning processes, immediate consideration and action by the City Council is necessary pursuant to City Charter, Section 4.8, Emergency Ordinances, to preserve and protect the public peace, health, morals, safety and welfare.

**THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT:**

**SECTION 1. Purpose and Intent.** The purpose and intent of this Interim Ordinance is to prohibit new or expanded development, planning, and zoning applications and permissions, and the establishment of any other uses in the Subject Area of the City identified in Exhibits A and B for the period stated herein. The City Council has determined that it needs an opportunity to fully research, study and consider the impacts and potential impacts of development in the Subject Area. Further, the purpose and intent hereof is to determine the adequacy and effectiveness of existing City's ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan are necessary or appropriate. This Interim Ordinance is needed to protect the planning processes of the City as well as the health, safety and welfare of the public, and is in the public's best interests. This ordinance will allow the Planning Commission and the City Council sufficient time to develop and adopt the 2045-horizon citywide Comprehensive Plan and concurrently complete preliminary study of potential changes to the City's related official controls, including the Land

Development Code, to determine whether it is necessary or advisable for the City to amend its regulations.

**SECTION 2. Definitions.** For purposes of this Interim Ordinance, the following words, terms, and phrases shall have the meanings given them in this Section.

“City” means the City of Northfield.

“City Code” means the City of Northfield Code of Ordinances.

“Land Development Code” means Chapter 34 of the City Code.

“Subject Area” means the approximately 530 acres described in Exhibit A and depicted in Exhibit B.

**SECTION 3. Preliminary Findings.** The City Council hereby makes the following preliminary findings to serve as the basis for the necessary study to be made during the moratorium period provided in this Interim Ordinance. These preliminary findings serve as the reasons why it is in the public interest for the City to conduct a study and so declare a moratorium by virtue of this Interim Ordinance:

1. There are expressed concerns from the Planning Commission regarding the City’s Comprehensive Plan and official controls relating to present and future land uses, and development and/or redevelopment within the Subject Area, including but not limited to those identified in the Preamble to this Interim Ordinance. The above Preamble is incorporated herein and made a part hereof by reference.
2. The current Comprehensive Plan and official controls of the City may not adequately address the impacts and effects of existing, expanded or new development and land uses within the Subject Area.
3. The City needs to research, analyze and study the impacts of such land uses within the Subject Area in relation to the current Comprehensive Plan update process and to determine the adequacy and effectiveness of current Comprehensive Plan and official controls in protecting the public health, safety and welfare of the community in relation to the Subject Area, or if additional or changed City ordinances or regulations, or amendments to the City’s comprehensive plan, are necessary or appropriate.
4. This ordinance will ensure to protect the integrity of the City’s planning and official control processes from being negatively impacted or jeopardized by inconsistent development within the Subject Area that could occur during the stated period, and will further ensure that any ordinance changes or Comprehensive Plan amendments in relation to the Subject Area will be carefully considered and evaluated.

**SECTION 4. Interim Ordinance Declaration.** In accordance with the purpose, intent, and findings set forth above, and pursuant to the authority of Minn. Stat. § 462.355, subd. 4, for

the duration stated herein and until the City has studied and adopted any ordinances or amendments to its Comprehensive Plan deemed necessary or appropriate related to the aforementioned purpose, intent and findings of this Interim Ordinance in relation to the Subject Area, the City shall not accept, issue, act upon, or process any applications or permits for expanded or new development, planning, zoning, subdivision, site plan, building permit, or any other like land use application or permit, within the Subject Area identified in Exhibits A and B. This Interim Ordinance prohibits the further consideration and approval of any pending land use application for the Subject Area, and as required by applicable law, including Minn. Stat. § 15.99, any such application may be denied based upon this Interim Ordinance.

**SECTION 5. Exception to Prohibition.** The City exempts from the prohibitions listed in Section 4 above any building permits for basic maintenance and repair of an existing building, use or grounds within the Subject Area.

**SECTION 6. Study.** During the period, the City will continue its work on updating and studying the City's Comprehensive Plan and will further study the City's official controls in relation to the Subject Area to help determine the regulatory controls that may need to be adopted or revised to protect the public's health, safety and welfare related to the aforementioned purpose, intent and findings. The purpose of the foregoing is to determine whether amendments to the Comprehensive Plan and/or official controls in relation to the Subject Area are necessary or appropriate. **Staff is directed at this study shall develop proposed zoning and development City Code amendments for recommendation to the City Council. The amendments shall be reviewed by Planning Commission for concurrence or separate recommendation. Additionally, staff is directed to include recommendations for the City Council to consider initiation of a re-zoning of at least 50 acres to facilitate development. The initial reviews of the zoning amendments and re-zoning shall be presented no later than November 4<sup>th</sup>, 2024.**

**SECTION 7. Duration.** Unless otherwise provided in this Section, this Interim Ordinance shall expire, without further City Council action, on December 31, 2024 from the effective date hereof pursuant to Minn. Stat. § 462.355, subd. 4; or it may be repealed earlier if the City Council determines that no further study is necessary, that no further action is necessary, and/or that any revisions of the City Code or Comprehensive Plan have been adopted by the City Council and are effective.

**SECTION 8. Enforcement.** Any person or entity that violates this Interim Ordinance shall be subject to any enforcement actions authorized in Chapter 3 of Northfield City Code, including without limitation, criminal prosecution and/or civil penalties and fines. The City may also enforce this Interim Ordinance by mandamus, injunctive relief, or other appropriate civil remedy.

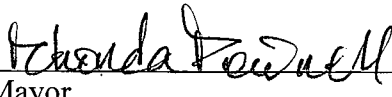
**SECTION 9. Separability.** Every section, provision, or part of this Interim Ordinance is declared separable from every other section, provision or part; and if any section, provision, or part thereof or action taken hereunder shall be held invalid, it shall not affect any other section, provision, or part.

SECTION 10. **Effective Date.** This Interim Ordinance shall take effect immediately upon its passage. This Interim Ordinance is temporary in nature and shall not be codified into the City Code.

Passed by the City Council of the City of Northfield, Minnesota, this 5th day of August 2024.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

First Reading: 08/05/24

VOTE: Y POWNELL      Y HOLMES      Y NESS      Y PETERSON WHITE  
absent REISTER      Y SOKUP      Y ZUCCOLOTTO

**EXHIBIT A**

**Description of Subject Area**

**EXHIBIT B**

**Depiction of Subject Area**