

**CITY OF EAST GULL LAKE
CASS COUNTY, MINNESOTA
Ordinance No. 2024-01**

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND
IMPOSING A MORATORIUM ON PLANNED UNIT DEVELOPMENTS WITHIN THE CITY**

The City Council of East Gull Lake ordains:

Section 1: Purpose and Intent. The purpose and intent of this interim ordinance (“Ordinance”) is to establish, pursuant to Minnesota Statutes, section 462.355, subdivision 4, temporary restrictions within the City of East Gull Lake (“City”) regarding the establishment of any new Planned Unit Development (“PUD”) or the expansion or amendment to any existing PUD to protect the planning process while the City studies the impacts and effects of Planned Unit Developments within the City in order to protect the planning process and the health, safety, and welfare of the citizens of the City.

Section 2: Legislative Findings. The City Council hereby finds and determines as follows:

- (a) The City is a “municipality” for the purposes of the Municipal Planning Act in Minnesota Statutes, chapter 462, and it has exercised its authority pursuant to that Chapter to adopt the City’s Land Use, Zoning and Subdivision Ordinance (“Zoning Ordinance”);
- (b) Minnesota Statutes, section 462.355, subdivision 4 authorizes the City Council to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision within the City;
- (c) Section 8.7-1 of the Zoning Ordinance permits Planned Unit Developments, including residential, commercial, and mixed use PUD’s, and sets forth various requirements and regulations, including suitability and design criteria and standards for new and existing PUD’s, a method for computing PUD buildable area, and transferability of densities within PUD’s.
- (d) The City has several PUD’s within the community and there have been concerns expressed about their approvals, the impact of development on the property and surrounding area and the density of the project and their consistency with the intent of the Comprehensive Plan, the Zoning Ordinance and the goals and objectives of the City.
- (e) The City is aware that there is interest in using the PUD process to obtain approvals for new residential developments with standards which may differ from the existing residential zoning districts.
- (f) In order to address the concerns raised with regard to PUD’s, the City desires to study and review existing PUD’s, consistency with the City’s Comprehensive Plan, suitability and design criteria, open space standards, directed computation for PUD buildable area, prescribed densities, and their calculations along with the density increases, transferability of density within tiers, and whether the current regulations are written clearly and concisely and not open to interpretation.

- (g) The City Council determines it is in the best interests of the City to impose certain interim regulations and restrictions regarding the establishment or expansion of PUD's, as defined herein, to allow sufficient time to undertake the study and determine whether the City's regulations are adequate to protect the public health, safety, and welfare, and whether the City should enact amended regulations to appropriately address PUD's moving forward.

Section 3. Definitions. For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section. Any term not defined in this Section shall have the meaning given it in the Zoning Ordinance, and if not defined therein, it shall have the meaning given it in the most applicable Minnesota Statutes or Rules.

- (a) Planned Unit Development (PUD). "Planned Unit Development" means a Land Use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common green space, density increases, and mix of structure types and land uses.
- (b) Development Code. "Development Code" means the most current enactment of the East Gull Lake Development Code.
- (c) Ordinance. "Ordinance" means this interim ordinance authorizing a study and imposing a moratorium pursuant to Minnesota Statutes, section 462.355, subdivision 4.
- (d) Planning Commission. "Planning Commission" means the East Gull Lake Planning Commission.
- (e) City. "City" means the City of East Gull Lake, Cass County, Minnesota.
- (f) City Council. "City Council" means the City Council of the City of East Gull Lake

Section 4. Study Authorized. The City Council shall conduct a study ("Study") of Planned Unit Development standards and criteria for development, including calculation of project densities. The City Council may call upon the Planning Commission for assistance in conducting the Study. The Study shall consider the City's PUD regulations, including but not limited to the PUD suitability and design criteria, open space standards, directed computation for PUD buildable area, prescribed densities and their calculations along with the density increases, transferability of density within tiers and whether the regulations are written clearly and concisely and not open to interpretation. The Study will review the adopted Comprehensive Plan and whether the current Zoning Ordinance is consistent with the goals and policies of the Comprehensive Plan and if modifications should be made to the Zoning Ordinance. The Study will recommend whether the current regulations should be allowed to continue within the City and whether the current PUD regulations are sufficient, and if not, how best to amend the Zoning Ordinance and City Code to effectively regulate PUD's to avoid or minimize negative impacts to surrounding properties and the public health, safety, and welfare.

Section 5. Moratorium. A moratorium is hereby imposed so that during the period of this Ordinance the following are prohibited:

- (a) No application for a Planned Unit Development, or an amended Planned Unit Development, shall be submitted, accepted, processed, or acted on by the City;

(b) The Expansion of an existing Planned Unit Development is prohibited.

Section 6. Exemptions. The moratorium imposed by this Ordinance does not apply to any application or request seeking the establishment, amendment or expansion of a PUD received by the City prior to the adoption of this Ordinance.

Section 7. Application and Duration. This Ordinance shall remain in effect for 12 months from the date of its adoption, until it is expressly repealed by City Council resolution, or until the effective date of an ordinance amending the City Code to address PUD's, whichever occurs first. All inquiries regarding the application of this Ordinance shall be submitted to the City in writing and the City Council's decision regarding the matter shall be final. As part of interpreting this Ordinance, the City Council may issue written clarifications of, and variances from, its terms as needed to effectuate its purpose and intent.

Section 8. Penalty and Enforcement. Any person, firm, partnership, corporation, or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment for up to 90 days, a fine of up to \$1,000, or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense. The City may enforce this Ordinance through criminal prosecution or by undertaking such civil actions or proceedings, including injunctive relief, as it determines appropriate to prevent, restrain, correct, or abate any violation or threatened violation of this Ordinance. The initiation of one type of enforcement action shall not preclude the City from instituting any other action or proceeding available to it under law to enforce this Ordinance.

Section 9. Severability. Every section, provision and part of this Ordinance is declared severable from every other section, provision, and part thereof. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.

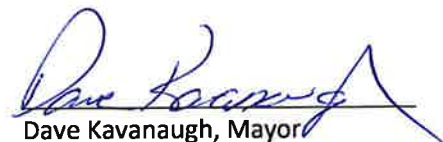
Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Adopted by the East Gull Lake City Council this 6th day of February 2024.

A vote being taken on the motion, the following members of the Council voted in favor of the motion to adopt the Resolution: Mayor Dave Kavanaugh, Councilors Ruttger, Demgen, Hoffmann, and Bergin

And the following voted against: None

WHEREUPON said resolution was declared duly approved and adopted and was signed by the Mayor and attested to by the City Administrator.


Dave Kavanaugh, Mayor

Attest: 
Laura Christensen, City Administrator