

**CITY OF NOWTHEN
ANOKA COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2023-06

**INTERIM ORDINANCE PLACING A TEMPORARY MORATORIUM ON THE
LEASING OF SPACE AS PART OF ANY EXTENDED HOME OCCUPATION**

THE CITY COUNCIL FOR THE CITY OF NOWTHEN ORDAINS AS FOLLOWS:

Section 1. Preamble.

The City of Nowthen has adopted official zoning controls through the adoption of its Zoning Ordinance, Chapter 11 of the Nowthen City Code, which regulates Extended Home Occupations under Section 11-4-3.B and allows for the processing of Interim Use Permits for such uses.

The City of Nowthen recently reviewed language within its Zoning Ordinance regarding the leasing of land under the Extended Home Occupation regulations and has found the standards to be substantially inadequate. While the City requires property owners to reside on the premises of the land for which an Extended Home Occupation Interim Use Permit is granted, the leasing of land to non-family members is in opposition to the intent of the home occupation language.

Because of these important zoning and permitting issues, the City Council desires to conduct further studies for the purpose of consideration of possible revision and amendments to the City of Nowthen's official controls to address issues related to the lack of clear Extended Home Occupation regulations. The purpose of such revisions and amendments is to create a clearer and more updated regulatory framework.

All properties within the RRA, Rural Residential Agriculture Zoning District within the City of Nowthen are hereby declared to be an "Interim Zoning Study Area" with respect to the leasing of land as part of Extended Home Occupations to allow time for determination of what regulatory controls may need to be adopted to protect the public health, safety, and welfare.

The City Planning and Zoning Commission has been directed to study the need for refinement and clarification of standards in the Interim Zoning Study Area in order to prepare proposed amendments to City Zoning regulations for consideration by the City Council.

Section 2. Authority and Purpose.

This City Council, therefore, pursuant to Minn. Stat. 462.355, subd. 4(a), finds that a moratorium is required to protect the permitting and planning process within the City of Nowthen for all Extended Home Occupation requests related to the leasing of buildings or land located within the Interim Zoning Study Area. The study period required under the moratorium, including all

necessary revisions and amendments to the City’s Zoning Ordinance is anticipated to be completed by October 10, 2024.

Section 3. Temporary Moratorium Established and Scope.

In accordance with the finding set forth in Section 1 of this Ordinance and pursuant to the direction of this City Council, there is hereby established a moratorium on new Extended Home Occupation applications involving the leasing of buildings or land in the Interim Study Zoning Area. For a period of one year after the effective date of this Ordinance, or until such earlier time as the City Council determines by resolution that the reasons for the moratorium no longer exist, no zoning permit approval, building permit, license or other approval for the Extended Home Occupation Interim Use Permit for the leasing of buildings or land shall be accepted or allowed by the City or granted for any property located within the Interim Zoning Study Area by the City.

Section 4. Hardship.

In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the City Council for a waiver of all or a portion of the applicable restrictions. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Section 5. Misdemeanor.

Any person, persons, firm or corporation violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to Minn. Stat. § 609.02, Subd. 3, or as subsequently amended, plus costs of prosecution.

Section 6. Injunctive Relief.

In the event of a violation of this Ordinance, the City of Nowthen may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct, or abate such violations.

Section 7. Separability.

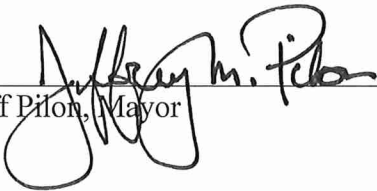
It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following: if any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

Section 8. Effective Date.

This Ordinance shall take effect from and after its passage and shall remain in effect until one year after the effective date unless a shorter period of time is approved by proper resolution of the City Council.

ADOPTED by the City Council of the City of Nowthen this 10th day of October 2023.

CITY OF NOWTHEN



Jeff Pilon, Mayor

ATTEST:



Scott Lehner, City Administrator