

ORDINANCE NO. 2023-05

AN EMERGENCY INTERIM ORDINANCE PURSUANT TO MINNESOTA  
STATUTES, SECTION 462.355, SUBD. 4, ESTABLISHING A STUDY PERIOD AND  
MORATORIUM FOR A PERIOD UP TO TWELVE MONTHS ON  
DEVELOPMENT WITHIN CERTAIN PROPERTY LOCATED  
IN THE CITY OF FAIRMONT

Preamble: That on October 23, 2023, the City Council considered and passed a motion to instruct the Planning Commission to consider amending the Comprehensive Plan and to authorize a study of the impacts and effects of existing, expanded or new commercial development within that certain property area depicted in Exhibit A in the City of Fairmont for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan, are necessary or appropriate.

That City Charter, Section 3.05 requires that no ordinance shall be adopted at the same meeting in which it is introduced, except for an emergency ordinance. That Council has determined that any additional proposals for development within the above identified property area within the existing zoning districts brought forward during the period prior to final adoption and publication of 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 development proposals for uses identified for the property area 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 3.06, Emergency Ordinances, to preserve and protect the public peace, health, morals, safety and welfare.

**THE CITY COUNCIL OF THE CITY OF FAIRMONT DOES ORDAIN:**

**SECTION 1. Purpose and Intent.** The purpose and intent of this Ordinance is to prohibit expanded or new development within the property area depicted in Exhibit A in the City of Fairmont (City) for the purpose of researching, studying, and considering the impacts and potential impacts on the City's official zoning controls relating to present and future land uses, and development or redevelopment within the property area identified herein in order to determine the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan, are necessary or appropriate.

**SECTION 2. 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 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 Ordinance:

1. There are expressed concerns regarding the City's official zoning controls relating to present and future land uses, and development or redevelopment of the property area identified herein, including but are not limited to, compatibility of such development under current zoning with existing and future uses, and planned future land uses within and around the property area identified in Exhibit A.
2. The current regulations and official controls of the City may not adequately address the impacts and effects of existing, expanded or new development within the property area identified in Exhibit A.
3. The City needs to research, analyze and study the impacts of such uses in relationship to the comprehensive plan or to determine the adequacy and effectiveness of current regulations in protecting the public health, safety and welfare of the community.
4. The public interest and public health, safety and welfare requires that the City study, analyze and evaluate the impacts and effects of existing, expanded or new development within the property area identified in Exhibit A for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan, are necessary or appropriate.
5. This moratorium will ensure that any ordinance changes or comprehensive plan amendments will be carefully considered and evaluated and that all the issues, including, but not limited to, density, traffic, parking, and land uses can be fully examined, while protecting the City's planning process and the public health safety and welfare during the moratorium period.

**SECTION 3. Moratorium Declaration.** In accordance with the findings set forth in Section 2, 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 Ordinance, the City shall not accept, issue or process any applications or permits for expanded or new development within the property area as depicted in Exhibit A within the City.

**SECTION 4. Study.** During the period of this moratorium, City staff will conduct a study; such study 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. In addition, the City staff shall study the comprehensive plan to determine whether an amendment to the comprehensive plan is necessary or appropriate.

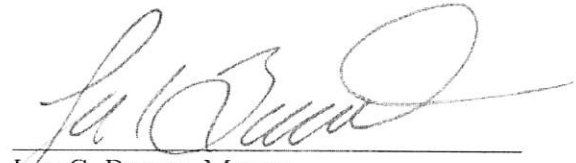
**SECTION 5. Duration.** Unless otherwise provided in this section, this Ordinance shall expire, without further City Council action, twelve months from the effective date of this

Ordinance following its passage by the City Council pursuant to Minn. Stat. § 462.355, subd. 4; or it may be repealed earlier if the Council determines that no further study is necessary, that no further action is necessary, and/or any revisions of the City Code or Comprehensive Plan have been adopted by the City Council and are effective.


**SECTION 6. Separability.** Every section, provision, or part of this 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 7. Effective Date.** That this ordinance shall take effect immediately upon its adoption and publication.

Passed by the City Council of the City of Fairmont this 21st day of November 2023.

  
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Lee C. Baarts, Mayor

ATTEST:

  
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Patricia J. Monsen, City Clerk

Motion by: Council Member Kawecki  
Seconded by: Council Member Miller  
All in Favor: Council Members Kawecki, Lubenow, Miller and Hasek  
Opposed: None  
Abstained: None  
Absent: None

EXHIBIT A

DEPICTION OF PROPERTY AREA  
WITHIN GREEN BORDER

