

**CITY OF CARVER
INTERIM ZONING ORDINANCE
ORDINANCE NO. 08-2017**

**AN ORDINANCE ADOPTING INTERIM LAND USE CONTROLS PURSUANT
TO MINNESOTA STATUTES, SECTION 462.355, SUBDIVISION 4**

PREAMBLE

The maintenance of continuity of zoning and land use controls is a paramount concern of the citizens of the City of Carver (the “City”).

The City possesses a wide variety of physical types of land and land uses, all of which need to be regulated in order to assure the citizens of the City controlled and appropriate growth and land use. The City believes that it needs to consider reasonable land use regulations relating to the density of, location of, and height for solar energy generation panels, devices, and supports. Therefore, the City is calling for a public hearing to consider a zoning and/or subdivision ordinance amendment in conformance with applicable statutes and anticipates that this Interim Zoning Ordinance will be in effect for a period of not longer than six months.

FINDINGS OF FACT

1. The City is in the process of preparing its 2040 Comprehensive Plan. As part of the Comprehensive Plan process, pursuant to the Metropolitan Council’s Local Planning Handbook, the City should consider solar access as a component of its Comprehensive Plan. The Local Planning Handbook provides guidance for the City to consider in relation to regulating solar access.

The City needs to make determinations as to the appropriate zoning districts and uses and restrictions within various zoning districts for particular uses, including the density of, location of, and height for solar energy systems, arrays, generation panels, devices, and supports (the “Studied Uses”) for both private on-site use and for generation of electric power for off-site use.

3. The City needs to evaluate the Studied Uses and determine the conditions under which each of the Studied Uses would, or would not, be permitted in particular zoning classifications including, but not limited to, residential, commercial and industrial districts.
4. The City Planner shall prepare a study and analysis of the Studied Uses for consideration by the Planning Commission and City Council.

ORDINANCE

THE CITY COUNCIL OF THE CITY OF CARVER, MINNESOTA, DOES ORDAIN AS FOLLOWS:

1. None of the Studied Uses may operate (unless already operating as of November 6, 2017) within any zoning district in the City during the effective period of this Interim Zoning Ordinance.

The City shall not issue any building permit or other permit for any of the Studied Uses during the effective period of this Interim Zoning Ordinance.

3. The City Planner shall provide to the City, on or before April 1, 2018, a study on the Studied Uses (the "Report") which examines the following:

- A. Proximity of the Studied Uses with other uses including, but not limited to:

- Residential areas
- Schools and daycares
- Churches
- Historic properties
- Commercial
- Agricultural

- B. Appropriateness of the Studied Uses in various zoning districts.

- C. Height regulations appropriate for each Studied Use.

- D. Density requirements for each Studied Use.

- E. Impacts of current and future uses on properties adjacent to the Studied Use on solar skyspace and solar access.

- F. Determination of whether the Studied Uses should be permitted uses or accessory uses or allowed by Conditional Use Permit.

- G. Appropriate conditions and performance standards for the Studied Uses.

- H. Proximity of the Studied Uses to bluffs, steep slopes or other environmentally sensitive resources.

- I. The impact of power and communication lines between the Studied Uses and on-site buildings or off-site connection to other sites such as electrical substations.
 - J. Consideration of the factors and guidance contained in the Local Planning Handbook and Minn. Stat. § 473.859, Subd. 2(b) requirements.
- 4. Each violation of this Interim Zoning Ordinance shall be a misdemeanor.
 - 5. After the City Planner has prepared the Report, it shall be provided to the Planning Commission for review and study. The Planning Commission shall conduct a public hearing in relation to the Report and any proposed revisions to the City's official controls in relation to the Studied Uses.

The following schedule is anticipated:

December 2017 - January 31, 2018: Staff research and recommendation on proposed zoning ordinance amendments, including first draft of amendments.

February 2018: Planning Commission review of the proposed amendments and public hearing.

March 2018: Planning Commission continued review and recommendation.

March 2018: City Council initial review of zoning ordinance amendments.

April 16, 2018: City Council final consideration and adoption of zoning ordinance amendments.

- 6. This Interim Zoning Ordinance shall be effective until the adoption of the official controls (the zoning ordinance) contemplated herein or April 16, 2018, whichever occurs first provided, however, that if the City Council takes action and adopts the official controls at their meeting on April 16, 2018, this Interim Zoning Ordinance shall remain in place until such official controls are published in accordance with applicable law. The City Council reserves the right to extend this Interim Zoning Ordinance as allowed by statute.

Adopted by the City Council of the City of Carver on this 6th day of November, 2017. A summary of this Ordinance may be published.

Mike Webb, Mayor

ATTEST:

Vicky Sons-Eiden, City Clerk

<https://mhslaw.sharepoint.com/sites/clients/6774/41226/draftdocs/interim zoning ordinance mhs 10.20.17.docx>