

ORDINANCE NO. 2026-06

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT OF CERTAIN GOVERNMENT FACILITIES, AND LAND USE ACTIONS RELATED THERETO, WITHIN THE CITY ON BLOOMINGTON, PENDING COMPLETION OF A PLANNING STUDY ASSESSING THE NEED FOR AN AMENDMENT TO THE CITY'S OFFICIAL CONTROLS, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. Published Notice. After providing at least the required days of published notice pursuant to City Charter section 3.05, the City Council held a public hearing on March 23, 2026.

Section 2. Amendment. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained struck and in brackets [] and adding those words that are underlined, to read as follows:

CHAPTER 21: ZONING AND LAND DEVELOPMENT

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

Division E. Moratoria

§ 21.505. MORATORIA.

(a) Authority. The city is authorized under M.S. § 462.355, subd. 4, as it may be amended from time to time, to regulate, restrict or prohibit any use, development or subdivision within the jurisdiction or a portion thereof while the city is conducting studies, or has authorized a study to be conducted or has scheduled a hearing to consider adoption or amendment of the Comprehensive Plan or official zoning controls. The city declares that the following moratoria are established pursuant to the aforementioned statute.

(b) [~~Reserved.~~] Certain Government Facilities Moratorium. A moratorium is hereby adopted City-wide as follows:

(1) Findings and Purpose. The City of Bloomington regulates government facilities in order to protect the health, safety, and general welfare of its residents. For purposes of this subsection (b), "certain government facilities" is defined to mean secured detention facilities that are publicly or privately operated and provide secure residential housing or temporary holding for 25 or more individuals under court or governmental custody. A need exists to better understand the appropriateness and compatibility of certain government facilities with other land uses; potential impacts on public infrastructure and utilities; potential impacts on social services, public safety, and the local economy; impacts of this land use on other communities; how other communities regulate this land use; whether there is a need for additional or more prescriptive development or performance standards for this land use. An interim ordinance may regulate, restrict, or prohibit any use, development or subdivision within the municipality or a portion thereof

not to exceed one year from the effective date. This Section is necessary to protect the planning process and health, safety and general welfare of the citizens of the City and there is a need to enact new or amend existing regulations and official controls of certain government facilities until the study has been completed and modifications, if any, are made to the officials controls or the moratorium is repealed.

(2) Study. The Community Development Department, in coordination with other applicable City departments, is hereby directed to study the impact of potential certain government facilities and determine whether there should be amendments to the City's official controls, district plans, or its comprehensive plan regarding certain government facilities in the City.

(3) Duration. In accordance with the findings set forth in § 21.505(b)(1) and from the effective date of this Ordinance a one-year moratorium is hereby enacted on the establishment of certain government facilities and the institution of land use actions related to certain government facilities. The moratorium shall expire, without further action from the City Council, one year from its effective date. In the alternative, it may be repealed earlier if the City Council determines that repeal is in the best interests of the City; or if the City Council determines the requisite study has been completed and that appropriate evaluation and action, including any necessary revisions to the City Code, official controls, District Plan(s), or Comprehensive Plan have been finalized, adopted by the City Council and made effective. During the term of this Ordinance, no business, person, or entity may establish a new certain government facility within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval for new certain government facilities, including any requested confirmation, certification, approval, or other request from another governmental entity submitted to the City related to certain government facilities.

(4) Applicability. The moratorium shall not apply to the repair or maintenance of any certain government facility existing at the time of the adoption of this Ordinance. This moratorium does not apply to "government facility, general" or "government facility, limited" as such are defined in Section 21.601 of the City Code.

(5) Effect of Moratorium. The moratorium is applicable throughout the entire City. No land use related applications or private applications for City Code amendments related to certain government facilities will be accepted or approved by the City Council during this moratorium.

(6) Violation. During the term of the moratorium, it is a violation of this Section for any business, person, or entity to establish a new certain government facility within the City.

(7) Enforcement. Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. The City Council hereby authorizes the City Manager, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance.

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

Section 3. Effective Date. Pursuant to City Charter Section 3.09, this Ordinance is effective upon publication (April 2, 2026).

Passed and adopted this 23rd day of March, 2026.

/s/ Tim Busse

Mayor

ATTEST:

/s/ Priyanka Rai

Secretary to the Council

Approved by the City Attorney

/s/s Melissa J. Manderschied