

ORDINANCE NO. 46

AN INTERIM ORDINANCE ESTABLISHING DEVELOPMENT RESTRICTIONS WITHIN GREY CLOUD ISLAND TOWNSHIP

Town Board of Grey Cloud Island Township, Washington County, Minnesota, does hereby ordain:

Section 1. Purpose.

The Township is required by state law to review and revise its Comprehensive Plan by December 31, 1997. The existing Grey Cloud Island Township Comprehensive Plan was adopted on March 31, 1986.

The Township does not employ any professional staff. The Township has an extremely limited budget for retaining professional land use planning consultants. Consequently, the Grey Cloud Island Town Board has requested that the Town Planning Commission initiate a study of the existing Town comprehensive plan and recommend changes and modifications as may be appropriate.

While the Town Planning Commission is studying and conducting hearings related to the Comprehensive Plan, development must be restricted to assure that development does not occur prematurely and in conflict with the plans produced by the study process.

The Town board is aware of the hardship that a complete development prohibition would impose upon landowners in the study area. The Township therefore plans to move as quickly as possible so that this interim ordinance may be terminated before its expiration date, if possible.

In addition, certain exceptions to the development restrictions are appropriate. Landowners have the right to proceed with development proposals already approved or for which preliminary approval has been granted prior to the effective date of this ordinance.

As protection from the planning process, however, no application for subdivision approval, site plan review, amendments to the comprehensive plan, or rezonings should be accepted or considered in the area designated herein during the time that this ordinance is in effect. These are the very issues being studied and should be considered only after the study and recommendations are completed.

Section 2. Study Area.

The area subject to the provisions of this ordinance are legally described in the Official Legal Description of Grey Cloud Island Township, Washington County, Minnesota.

- A. Pursuant to Minn. Stat. 462.355, Subd. 4, no building permit shall be issued for any property located in the Town of Grey Cloud Island except as permitted below.
- B. No applications for subdivision approval, site plan review, amendments to the comprehensive plan, or rezoning shall be accepted or considered.
- C. The above restrictions shall remain in full force and effect until December 31, 1997 or until the Comprehensive Plan Study has been completed and approved by the Grey Cloud Island Town Board, whichever occurs first.

- D. The above moratorium may be extended for such additional periods as the Town Board deems appropriate, not to exceed an additional eighteen (18) months.
- E. The moratorium set forth above shall be subject to the following exceptions:
 - 1. Property for which preliminary subdivision approval and/or site plan approval has been granted prior to the effective date of this ordinance.
 - 2. Exterior additions to existing structures.
 - 3. Improvements necessary to correct violations of State law and Town ordinances which have created a threat to public health and safety as determined by the Town Board.
 - 4. Residential decks, porches, additions, and similar structures; and accessory buildings as defined in applicable ordinances and regulations of the Township.

Section 4. Variances

Variances from this ordinance may be granted by the Town Board based upon a determination that a proposed subdivision or development would be compatible with existing or proposed road or public right-of-way layouts and that such proposals would be in the keeping of the spirit and intent of the ordinance. The procedures to be followed in applying for a variance from this ordinance shall include the following:

- A. The applicant shall file a completed application form, together with required exhibits to the Town Clerk.
- B. The application for a variance shall set forth the special circumstances or conditions which the applicant alleges to exist, and shall demonstrate that the proposed development is compatible with existing or proposed road layouts.
- C. The Town Clerk shall submit the application to the Town Board for their review and comment. The Town Board may refer the application to the planning commission for review and recommendation.
- D. The Town Board may in its discretion set a public hearing prior to making a final determination on the required variance.
- E. The Town Board may impose such restrictions upon the proposed development or subdivisions as may be necessary to comply with the purpose and intent of this ordinance.

Section 5. Penalty Provision.

Any person who shall do or commit any act that is forbidden by the provisions of this ordinance shall be punished by a fine not to exceed seven hundred dollars (\$700.00) or imprisonment for a period of not to exceed ninety (90) days, or both.

Section 6. Effective Date.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and adopted by the Town Board of Grey Cloud Island Township, Washington County, Minnesota this Fourteenth day of April, 1997.

Elisabeth Mc Eathron
Town Chair

Attest:
Richard E. Mullen
Town Clerk