

ORDINANCE NO. 39

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF GREY CLOUD ISLAND TOWNSHIP AFFECTING PERMITTED USES AND CONDITIONAL USES WITHIN THE AGRICULTURAL/INDUSTRIAL DISTRICT

THE TOWN BOARD OF SUPERVISORS FOR GREY CLOUD ISLAND TOWNSHIP, WASHINGTON COUNTY, MINNESOTA, DOES HEREBY ORDAIN:

Section I.

That the Zoning Ordinance for Grey Cloud Island Township is amended at Section III, B. pages 9 and 10 under A/I District to delete all provisions thereunder dealing with permitted and conditional uses and substituting therefor the following:

"A/I District.

Permitted Uses:

Agricultural
Clubs or lodges
Commercial Animal Boarding and Training
Commercial Feed Lot
Domestic Farm Animals
Golf Courses and Country Clubs
Government Uses, Building and Storage
Greenhouses, Nurseries and Garden Supply Centers
Parks
Utility Substation (naturally screened)
Veterinary Clinic
Wildlife Preserve

Conditional Uses:

Antenna or Towers
Armories, Convention Hall and Similar Uses
Archery Range -- Commercial Outdoors
Auto Car Wash
Automobile Repair and Automobile Service Station
Commercial Recreation and Recreation Equipment Storage (Must be screened and/or enclosed)
Farm Equipment Sales and Storage (must be screened and/or enclosed)
Indoor General and/or Limited Manufacturing
Grain Elevators
Manufacturing Equipment Storage (must be enclosed and/or screened)
Marinas
Offices
Railroad Operations
Rental and Sales of Automobiles, Campers, Trailers and Similar Vehicles (must be

screened and/or enclosed)
Research Facility
Signs
Temporary Office Structures
Transportation Terminals
Used Automobile Parts (must be screened and/or enclosed)"

Section II.

That the zoning ordinance for Grey Cloud Island Township is amended at subsection C of Section VI, entitled "Conditional Use Permits" to delete all the provisions thereunder and to substituted therefor the following:

"C. Conditional Use Permits.

1. The Governing Body may grant a conditional use permit in any district provided the proposed use is designated in this Ordinance as a conditional use for the district, upon finding that:
 - a) Certain conditions as detailed in the Zoning Ordinance exist.
 - b) The use or development conforms to the Comprehensive Land Use Plan of the community.
 - c) Is compatible with existing neighborhood.
 - d) Meets conditions or standards adopted by the community not incorporated in this Ordinance.
2. The Zoning Administrator shall maintain a record of all applications for and all conditional use permits issued including information on the use, location, conditions imposed by the community, time limits review dates and such other information as may be appropriate.
3. Application. Application for a conditional use permit shall be filed with the Zoning Administrator. The application shall be accompanied by development plans for the proposed use showing such information as may be reasonably required by the administrator, including but not limited to those things listed below. Such plans shall contain sufficient information for the community to determine whether the proposed development will meet all applicable development standards.
 - a) Site plan drawn to scale showing parcel and building dimensions.
 - b) Location of all buildings and their size, including square footage.
 - c) Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
 - d) Landscaping and screening plans including species and size of trees and shrubs proposed.
 - e) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated.
 - f) Type of business or activity and proposed number of employees.
 - g) Proposed floor plan and elevations of any building with use indicated.
 - h) Sanitary sewer and water plan with estimated flow rates.
 - i) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation

practice or practices to be used to overcome said limitation shall be made part of the application.

j) A location map showing the general location of the proposed use within the community.

k) A map showing all principal land use within five hundred (500) feet of the parcel for which the application is being made.

The application shall supply proof of ownership of the property for which the conditional use permit is requested, consisting of an abstract of title or registered property certificate, certified by a licensed abstractor, together with any unrecorded documents whereby the petitioners acquired legal or equitable ownership.

The applicable form shall be accompanied by an accurate list showing the names and the mailing addresses of the record owners of all the property within a minimum of five hundred (500) feet of the property for which the conditional use permit is sought, verified as to accuracy by the applicant.

4. **Hearing.** The Zoning Administrator shall refer the applicant to the Planning Commission for consideration at its next regular meeting, provided however, if the next regular meeting of the Planning Commission is within seven (7) days of the date of filing, then such consideration may be at the second regular meeting after said filing. At that meeting, the Planning Commission shall set a date for a public hearing on said application. The public hearing shall be no more than sixty (60) days after the date of filing of the application with the Zoning Administrator.

Notice of the purpose, time and place of such public hearing shall be published in the official newspaper of the community and mailed to each of the owners of all property located within a minimum of five hundred (500) feet of the property described in the application and such other persons as the Planning Commission may direct, at least ten (10) days prior to the date of the hearing. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the provisions of this section has been made.

The applicant or his representative may appear at the public hearing in order to answer questions concerning the proposed use.

5. **Planning Commission Report.** The Planning Commission shall make its report on the application to the Governing Body, in writing, within sixty (60) days after the public hearing, unless the applicant consents to extended consideration by the Planning Commission. The report shall recommend that the conditional use permit be granted or denied and shall include the Planning Commission's recommendation as to any conditions to be imposed if the conditional use permit is granted, including time limits or provisions for periodic review and shall state the reasons therefor.

The Planning Commission's report shall be filed with the Zoning Administrator who shall refer the same to the Governing Body for consideration at its next regular

meeting; provided, however, if the next regular meeting of the Governing Body is within seven (7) days of the date of filing, then such consideration may be at the second regular meeting after said filing. At the same time, the Zoning Administrator shall mail to the applicant a copy of the Planning Commission's report and a notice of the time and place of the meeting at which the report will be considered by the Governing Body.

If the Planning Commission fails to file a report with the Zoning Administrator within the time provided by this section, the applicant shall be referred to the Governing Body as herein provided, without report, after the time for filing the report has expired.

6. **Governing Body Action on Application.** The Governing Body shall make its decision on the application within sixty (60) days of the filing of the Planning Commission's report with the Zoning Administrator or after the last day for filing the same if no report is filed. The Governing Body shall make written findings and shall state therein the reasons for its decision. Any such order shall be filed with the Zoning Administrator who shall immediately mail a copy thereof bearing the notation of the filing date, to the applicant.

The Governing Body may impose such conditions and restrictions, including time limits on conditional use or periodic review as appears to be necessary and prior to protect adjacent property and comply with the intent and purposes of this Ordinance and the Comprehensive Plan.

7. **Re-application.** No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of denial of a previous application.

8. **Periodic Review.** If a periodic review is imposed as a condition of the granting of a conditional use permit, the conditional use permit shall be reviewed by the Planning Commission at a public hearing at least thirty (30) days prior to the expiration of the permit, with notice of said hearing published in the official newspaper at least ten (10) days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule a public hearing and notify the permit holder, by certified mail, at least ten (10) days prior to the hearing.

9. **Compliance with Permit; Violation of Conditions.** Any use permitted under the terms of a conditional use permit shall be established and conducted in accordance with all of the terms, conditions and restrictions of such permit. The violation of any term, condition or restrictions of a conditional use permit shall be a violation of this Ordinance.

In the event of the violation of any term, condition or restriction of a conditional use permit, the community may institute an appropriate action or proceeding in District Court for such equitable relief as may be appropriate including cancellation of the permit or appropriate orders preventing, restraining, correcting or abating such violations or threatened violation.

10. **Expiration and Suspension of Conditional Use Permit.** A conditional use permit

shall expire one (1) year after it has been issued unless the Town Board has set some other time limitation or unless the use for which the permit has been granted has commenced within such year, except that upon written application of the owner of the affected land for which the conditional use permit was granted prior to the end of such year, the Town Board may extend the expiration date of such permit for an additional period, not to exceed one (1) year. If under said conditional use permit, building is commenced and subsequently determined by the Zoning Administrator to be abandoned for a period of one hundred twenty (120) days, the conditional use permit shall be suspended at the end of said one hundred twenty (120) days. Before said construction may be recommenced, a conditional use permit can be reinstated by the Town Board provided that no changes or alterations in the original plan have been made. If the building permit for the construction that was determined to be abandoned became invalid prior to the recommencement of such construction, the suspended conditional use permit shall expire at the time said building permit became invalid.

11. An amended conditional use permit applicant may be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include reapplication for permits that have been denied or permits that have expired, requests for changes in conditions, and as otherwise described in this Ordinance.

12 Inclusion. All uses permitted by this ordinance by conditional use permit in existence prior to the adoption date of this Ordinance shall be automatically issued a conditional use permit by the Zoning Administrator. Any changes in the existing use after the adoption date of this Ordinance shall require an amended Conditional Use Permit.

13. Zoning Administrator. For the purposes of this Ordinance, the Zoning Administrator shall be established to be the Township Clerk, unless otherwise established by resolution of the Town Board of Supervisors."

Section III. Amendment.

The Zoning Ordinance for Grey Cloud Island Township at page 10, under Section III, subparagraph C, entitled "Minimum Dimensional Requirements for Zoning Districts" shall be amended to add, under the title "Minimum Dimensional Requirements for Zoning Districts" the following words:

"(See lot area, Section II B. 14A)"

Section IV. Amendment.

The Zoning Ordinance for Grey Cloud Island Township is amended at Section II, subparagraph B, to add a new definitional paragraph 14A entitled "Lot Area", providing as follows:

"Lot area - shall mean the area of a horizontal plane within the lot lines. For purposes of computation of lot area, for application of the minimum dimensional requirements for zoning districts as set forth in subparagraph C, of Section III, District Provisions, there shall be omitted that area of any lot which lies below

the normal ordinary high water mark. For the purposes of this definition, the normal ordinary high water mark shall mean a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial."

Section V. Effective Date.

This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the Town Board of Supervisors of Grey Cloud Island Township this 15th day of March, 1990.

/s/ Loretta Stone, Chairperson

Attest: /s/ Donna L. Reynolds, Town Clerk