

**LE SAUK TOWNSHIP
STEARNS COUNTY, MINNESOTA**
Ordinance No. 19-02

**LE SAUK TOWNSHIP –
CITY OF SARTELL
JOINT PLANNING BOARD**
STEARNS COUNTY, MINNESOTA
Ordinance No. 19-01

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND PLACING
A MORATORIUM ON SUBDIVISION OF LAND AND REZONING**

The Board of Supervisors of the Town of Le Sauk and the Joint Planning Board for Le Sauk Township and the City of Sartell jointly ordain:

Section 1: Purpose and Intent. The purpose and intent of this interim ordinance (“Ordinance”) is to impose, pursuant to Minnesota Statutes, section 462.355, subdivision 4, temporary restrictions within Le Sauk Township (“Town”) regarding the subdivision and rezoning of land during the period of this Ordinance in order to protect the planning process and the health, safety, and welfare of the citizens of the Town.

Section 2: Legislative Findings. The Town Board and Joint Planning Board (“JPB”) hereby find and determine as follows:

- (a) The Town is a “municipality” for the purposes of the Municipal Planning Act in Minnesota Statutes, chapter 462, the JPB is authorized to adopt Zoning Ordinance within the orderly annexation area agreed to by the Town and the City of Sartell (“City”), and the parties have exercised their authority pursuant to that Chapter and the joint powers agreement establishing the JPB to adopt the Subdivision Ordinance of Le Sauk Township (“Subdivision Ordinance”) and the Zoning Ordinance of Le Sauk Township (“Zoning Ordinance”);
- (b) Minnesota Statutes, section 462.355, subdivision 4 authorizes municipalities to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision within their jurisdictional boundaries;
- (c) The Town and the JPB wish to act jointly to adopt this interim ordinance to work cooperatively to conduct the study provided for herein;
- (d) Upon conferring with the City, the City and the Town wish to study and review the subdivisions that have occurred within the Town in recent years, what is currently allowed under the Subdivision Ordinance, impacts of subdivisions on the delivery of municipal services, and determine if the Subdivision Ordinance should be amended;
- (e) The Town and City also wish to study the zoning districts currently existing within the Town and to determine if they need to be amended to better reflect the type of development the parties agree should be allowed to occur within the Town;

- (f) In addition to conducting studies, the City and the Town intend to retain the services of an independent municipal planner to assist them to discuss future development of the area and possible changes to development policies, including those reflected in the Subdivision Ordinance and Zoning Ordinance, that can facilitate an agreed upon plan for development within the Town that will not interfere with the orderly expansion of the City; and
- (g) It is in the best interests of the Town and JPB to impose certain interim regulations and restrictions regarding the subdivision and rezoning land, as defined herein, to allow sufficient time to study the issues and to develop and adopt the appropriate amendments to the Subdivision Ordinance and Zoning Ordinance to appropriately address the subdivision and rezoning of land moving forward.

Section 3. Definitions. For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section. Any term not defined in this Section shall have the meaning given it in the Subdivision Ordinance or Zoning Ordinance, and if not defined therein, it shall have the meaning given it in the most applicable Minnesota Statutes or Rules.

- (a) City. “City” means the City of Sartell, Minnesota.
- (b) JPB. “JPB” means the Le Sauk Township – City of Sartell Joint Planning Board.
- (c) Ordinance. “Ordinance” means this interim ordinance imposing a moratorium pursuant to Minnesota Statutes, section 462.355, subdivision 4.
- (d) Rezoning. “Rezoning” means the process to change the zoning classification of a property from one zoning district to another, thus changing the regulations applicable to the property.
- (e) Subdivision. “Subdivision” means any form of dividing properties, including plats and resubdivisions, allowed under the Subdivision Ordinance that results in any more lots or parcels than existed in the Town as of the effective date of this Ordinance.
- (f) Subdivision Ordinance. “Subdivision Ordinance” means the most current enactment of the Subdivision Ordinance of Le Sauk Township.
- (g) Town. “Town” means Le Sauk Township, Stearns County, Minnesota.
- (h) Town Board. “Town Board” means the board of supervisors of Le Sauk Township.
- (i) Zoning Ordinance. “Zoning Ordinance” means the most current enactment of the Le Sauk Township Zoning Ordinance.

Section 4. Study Authorized. The Town Board and JPB shall be responsible for conducting a study of the subdivision of land and of the zoning districts within the Town. However, the Town

Board and JPB may agree to have the JPB conduct portions of the study or to review and provide input to the study while it is being conducted. The study shall consider the existing Subdivision Ordinance, review the recent history of subdivisions within the Town, prospective subdivision and platting within the Town, the relationship of future subdivision and platting within the Town to areas that may be annexed by the City, the provision of municipal services to areas that may be annexed by the City, the current zoning districts in the Zoning Ordinance, and potential changes to the number and types of zoning districts in the Town. The study will consider the impacts of subdivisions and rezoning, the potential benefits of subdivisions and rezoning, and options for regulating subdivisions and types and number of zoning districts. The Town Board and JPB shall work as part of the study to develop a consensus among the supervisors and the JPB on whether amendments are needed to the Subdivision Ordinance regarding subdivisions and to the Zoning Ordinance regarding the zoning districts within the Town in order to avoid or minimize the potential negative impacts to surrounding properties, the proper development of the area, the delivery of public services, and to protect the public health, safety, and welfare. As part of the study, the Town Board and JPB also intend to seek input from the public.

Section 5. Moratorium. A moratorium is hereby imposed so that during the period of this Ordinance the following are prohibited:

- (a) No application or submission for the subdivision of property including, but limited to, preliminary or final plat approval and lot splits of any kind, shall be accepted, processed, or acted on; and
- (b) No application or submission for the rezoning of land shall be accepted, processed, or acted on.

Section 6. Exemptions. The moratorium imposed by this Ordinance does not apply to the following:

- (a) Any application seeking a subdivision or rezoning of land the Town received and was deemed complete at least 15 business days prior to April 23, 2019; or
- (b) An application for a property split requested to correct a title issue, such as to correct an encroachment, to convey property to a public entity related to the construction of a public project, such as a right-of-way alteration, or other split that does not result in the creation of a new lot or parcel.

Section 7. Application and Duration. This Ordinance shall remain in effect for 12 months from the date of its adoption, until it is expressly repealed by Town Board and JPB resolution, or until the effective date of an ordinance amending the Subdivision Ordinance and Zoning Ordinance to address subdivision and zoning districts, whichever occurs first. All inquiries regarding the application of this Ordinance shall be submitted to the Town and JPB in writing and the Town Board and JPB's decision regarding the matter shall be final. As part of interpreting this Ordinance, the Town Board and JPB may issue written clarifications of, and variances from, its terms as needed to effectuate its purpose and intent.


Section 8. Penalty and Enforcement. Any person, firm, partnership, corporation, or other entity violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment for up to 90 days, a fine of up to \$1,000, or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense. The Town may enforce this Ordinance through criminal prosecution or by undertaking such civil actions or proceedings, including injunctive relief, as it determines appropriate to prevent, restrain, correct, or abate any violation or threatened violation of this Ordinance. The initiation of one type of enforcement action shall not preclude the Town or JPB from instituting any other action or proceeding available to it under law to enforce this Ordinance.

Section 9. Severability. Every section, provision and part of this Ordinance is declared severable from every other section, provision and part thereof. If any section, provision or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this Ordinance.

Section 10. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Adopted this 23rd day of April, 2019.

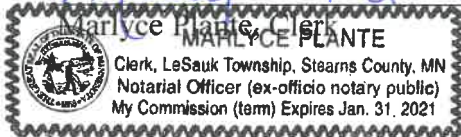
BY THE TOWN BOARD



Dan Heim, Chairperson

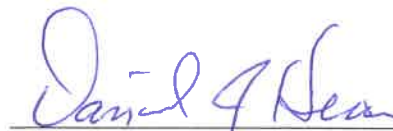
Attest:





Adopted this 23rd day of April, 2019.

BY THE JOINT PLANNING BOARD



Chairperson

Attest:



Secretary