

LOGAN TOWNSHIP
Aitkin County, Minnesota

**Ordinance Authorizing a Study of Commercial Uses
and Imposing a Moratorium**

Ordinance No. 1-2011

WHEREAS, Logan Township ("Town") has the authority to adopt official to regulate the use of land pursuant to Minnesota Statutes, sections 462.351 to 462.364, as well as other planning and zoning authority that exists under State law;

WHEREAS, Minnesota Statutes, section 462.355, subdivision 4 authorizes the Town Board to adopt interim ordinances to regulate, restrict, or prohibit any use, development, or subdivision within the Town to protect the Town and its residents while a study is conducted to determine whether to adopt or amend official controls; and

WHEREAS, the Town Board hereby finds and determines as follows:

1. The Town Board has not adopted a zoning ordinance or comprehensive plan for the Town and instead currently relies on the County to adopt and administer such official controls;
2. The Town Board desires to conduct a study to determine whether it is in the Town's best interests to adopt a zoning ordinance to regulate certain uses of land such as commercial uses;
3. Commercial uses have the potential for creating nuisances that may negatively impact surrounding properties and may not be compatible with existing uses in the area;
4. Concerns have been raised over which areas of the Town should appropriately be zoned for commercial uses and the adequacy of current regulation of commercial uses in the Town under the County's ordinance; and
5. Adopting an interim ordinance imposing a temporary moratorium on the establishment, creation or expansion of commercial uses in the Town is necessary in order to protect the health, safety, and welfare of the citizens and to allow sufficient time for the Town to study the concerns that have been raised, to determine whether to develop official controls and, if so, to undertake the work necessary to properly address how commercial uses are allowed and regulated within the Town;

NOW THEREFORE, BE IT RESOLVED, the Town shall conduct a study for the purpose of considering whether to adopt a zoning ordinance for the Town including, but not limited to,

regulations related to commercial uses and such other planning and zoning-related topics and alternatives as the Planning and Zoning Committee or Town Board determines are appropriate. The Town Board shall be primarily responsible for conducting the study, but it will engage the established Logan Township Planning and Zoning Committee in the study as it determines is appropriate; and

BE IT FINALLY RESOLVED, that based on the above findings, and in order to give the Town sufficient time to conduct its study and to protect the planning process, the Board of Supervisors of the Town of Logan ordains:

Section 1. Definitions. For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section.

- 1.01. **Commercial Uses.** "Commercial Use" shall mean the use of lands, buildings or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods or services. This definition expressly includes any use identified or treated as a commercial use for the purposes of the Aitkin County Zoning Ordinance. The rental of a residential building or of dwelling units is not considered commercial uses for the purposes of this Ordinance.
- 1.02. **Town.** "Town" shall mean Logan Township, Aitkin County.
- 1.03. **Town Board.** "Town Board" shall mean the board of supervisors of Logan Township.

Section 2. Moratorium. The Town Board has authorized a study to examine whether the Town should adopt official controls, including regulations on Commercial Uses. Pending completion of the study, the Town Board hereby adopts this Interim Ordinance pursuant to Minnesota Statutes, section 462.355, subdivision 4 imposing a moratorium prohibiting the establishment, creation, conversion, or expansion of Commercial Uses. The moratorium shall apply to all land within the Town.

Section 3. Scope. Questions regarding whether a particular use is regulated by this Ordinance must be directed to the Town Board. All such inquiries must be in writing and provide a detailed description of the use or proposed use. The Town Board will provide a written response to all such requests. The Town's response shall serve as a binding interpretation of the scope of this Ordinance.

Section 4. Duration. This Ordinance shall remain in effect for 12 months from the date of its adoption, until it is repealed by Town Board action, or until the final adoption of a zoning ordinance by the Town which addresses commercial uses, whichever occurs first. The Town Board may, by ordinance, extend the moratorium imposed under this Ordinance for such additional periods as provided for in statute, to complete the study and adopt a zoning ordinance if so desired.

Section 5. Violation and Enforcement. A violation of this Ordinance is prohibited and is punishable as a misdemeanor. The Town may enforce this Ordinance by mandamus,


injunction, or other appropriate civil or criminal remedy in any court of competent jurisdiction.

Section 6. 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 7. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Adopted this 8th day of June, 2011.

BY THE TOWN BOARD

 Clerk
6/8/11