

ORDINANCE NO. 2023-72

**CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA**

**AN INTERIM ORDINANCE PLACING TEMPORARY
MORATORIUM ON STORAGE LAND USE
IN THE CITY AND DIRECTING A STUDY TO BE CONDUCTED**

WHEREAS, the City’s comprehensive plan, zoning, licensing, and development regulations may not adequately address various impacts to the public health, safety, morals, and general welfare presented by the various storage land use definitions; and,

WHEREAS, to provide for adequate time for study, analysis, and the finalization of a City Code amendments regarding storage within the City and to preserve the status quo, the City desires to enact a temporary prohibition on the applications for and the issuance of permits and licenses for storage-related uses.

The City Council of the City of Grant, Washington County, Minnesota does hereby ordain as follows:

SECTION 1. THE FOLLOWING MORATORIUM ORDINANCE IS ADOPTED:

PURPOSE.

1.1 The purpose of this interim ordinance is to protect the planning process and the health, safety, and welfare of the citizens of Grant by placing temporary moratorium requirements on storage-related uses within the City. The Ordinance will allow the City to complete a comprehensive study and enact permanent zoning and licensing regulations relating to storage-related land uses. This Ordinance does not have the effect of imposing a limitation or restriction on the content of any communicative materials.

FINDINGS.

2.1 Preliminary research shows that certain storage-related land uses may have an adverse impact on surrounding properties. Those impacts may include visual clutter/sight line problems, storm water runoff, potential for being an attractive nuisance to children or vandals, impacts on wildlife, and potential health risks, among others. The City Council of the City of Grant recognizes that adverse impacts could occur in Grant. Therefore, the City Council makes the following findings regarding the need to storage:

a) Storage-related uses and facilities uses have an impact on neighboring properties surrounding them, as well as upon the City as a whole, which is distinct from the impact caused by other commercial uses;

2.2 The City Council is also concerned that the City’s zoning regulations are inadequate

to accomplish an appropriate level of regulation regarding storage facilities.

2.3 In addition to the proper zoning classifications of such uses there are a number of significant planning and land use issues pertaining to the regulation of such uses, including but not limited to the following:

- a) Whether such uses should be permitted by conditional use permit, certificate of compliance, or other regulatory method;
- b) The particular districts in which such uses shall be allowed as permitted uses;
- b) The concentration and density of such uses in the City; and,
- c) The effect of such uses on other uses in the surrounding area.

2.4 There is a need for a study to be conducted so the City, as part of its planning process, can adopt comprehensive land use and zoning regulations pertaining to storage-related land uses.

2.5 Minnesota Statutes, Section 462.355, sub. 4, permits the adoption of interim zoning ordinances during the planning process.

PLANNING AND ZONING STUDY; MORATORIUM.

3.1 A study is authorized to be conducted by City staff and the City planning commission to determine whether storage-related facilities should be permitted in the City, and if so, how the storage land use should be regulated within the City. The scope of the study should include, but is not limited to, the following:

- a) The particular zoning districts in which storage should be allowed as permitted uses;
- b) The density and concentration of such uses; and,
- c) The effect of such uses on other uses in the surrounding area; and,
- d) The appropriate conditional use permit requirements.

3.2 Upon completion of the study, the matter is to be considered by the planning commission for a formal recommendation to the city council.

3.3 Pending completion of the study and adoption of any amendments to the City's official controls, a moratorium is established pursuant to Minn. Stat. § 462.355, subd. 4, which prohibits the issuance of any development approvals of storage facilities, including but not limited to preliminary plats, re-zonings, variances, conditional use permits, or licenses.

3.4 This ordinance will be effective for a period of twelve (12) months after its effective date.

ENFORCEMENT.

4.1 Violation of any portion of this ordinance shall be a misdemeanor punishable by imprisonment for up to 90 days and a fine of \$1,000.00 or both, plus the costs of prosecution. Each day that a violation occurs shall be considered a separate offense.

4.2 The City may enforce any provision of this ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.

SEPARABILITY.

5.1 Every section, provision or part of this ordinance is declared separable from every section, provision or part of this ordinance. If any section, provision, or part of this ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this ordinance.

By the affirmative vote of a majority of the City Council, and effective upon publication as required by law, the City of Grant hereby approves and enacts the foregoing Ordinance this 7th day of February, 2023.

ATTEST:

PASSED:

Kim Points, City Clerk

Jeffrey Huber, Mayor