

WINDEMERE TOWNSHIP
PINE COUNTY, MINNESOTA
Ordinance No. 2025-020 002

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND
PLACING A MORATORIUM ON THE ESTABLISHMENT OR EXPANSION
OF LAND USE ACTIVITIES WITHIN THE SHORELAND DISTRICT**

The Board of Supervisors of the Town of Windemere ordains:

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 Windemere Township (“Town”) on the establishment or expansion of Land Use Activities within the Shoreland District during the period of this Ordinance to protect the planning process and the health, safety, and welfare of the citizens of the Town.

Section 2: Legislative Findings. The Town Board hereby finds and determines as follows:

- (a) The Town is a “municipality” for the purposes of the Municipal Planning Act in Minnesota Statutes, chapter 462.
- (b) 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.
- (c) The Town’s most current Zoning Ordinance, which was adopted in 2015, contained its zoning regulations and its shoreland regulations.
- (d) The zoning map the Town adopted in 2017 is not consistent with the Land Use Plan Map it adopted as part of its Comprehensive plan in 2020.
- (e) The Town Board approved a resort within the Shoreland District of Sand Lake, which resulted in a suit being filed against the Town and the developer by the Minnesota Department of Natural Resources (“DNR”). The suit was resolved by a Settlement Agreement that allowed the construction of the resort with certain restrictions. The Settlement Agreement also required the Town to either update its shoreland regulations or the have Pine County manage shoreland regulations within the Town.
- (f) The Town worked with the DNR to update its shoreland regulations, which were prepared as part of a stand-alone ordinance that was adopted by the Town Board on March 4, 2025. The Shoreland Ordinance included the adoption of a clarification of the zoning map to make it consistent with the Land Use Plan Map adopted as part of the Comprehensive Plan

- (g) Various owners within the Shoreland District expressed concern regarding the regulations within the Shoreland Ordinance and two suits have been filed against the Town in the short time since the adoption of the Shoreland Ordinance.
- (h) The Town Board recognized at the time of adopting the Shoreland Ordinance that the Town's comprehensive plan, zoning map, and land use regulations need to be updated and that it is in the best interests of the Town to have a single ordinance regulating land use within the Town.
- (i) Based on the objections raised by owners within the Shoreland District and the issues resulting from having separate sets of regulations, the Town Board determines it is in the best interests of the Town to adopt this Ordinance to impose a temporary moratorium on the establishment and expansion of Land Use Activities within the Shoreland District to protect the planning process while the Town studies its shoreland regulations and how they can best be incorporated into a single land use ordinance with an updated comprehensive plan and zoning map.

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 Shoreland Ordinance and, if not defined therein, it shall have the meaning given it in the Zoning Ordinance and, if not defined therein, it shall have the meaning given it in most applicable Minnesota Statute or Rule.

- (a) County. "County" means Pine County, Minnesota.
- (b) Land Use Activity. "Land Use Activity" means: (1) any new or expanded use or structure requiring a permit under the Shoreland Ordinance; or (2) any subdivision of land. The term does not include the establishment or expansion of an agricultural feedlot.
- (c) Ordinance. "Ordinance" means this interim ordinance imposing a moratorium pursuant to Minnesota Statutes, section 462.355, subdivision 4.
- (d) Planning Commission. "Planning Commission" means the Windemere Township Planning Commission.
- (e) Settlement Agreement. "Settlement Agreement" means the agreement entered into by the parties in *Minnesota Department of Natural Resources vs Windemere Township, DSLR, LLC* (58-CV-22-232), filed with the court on or about October 25, 2023.
- (f) Shoreland District. "Shoreland District" means those areas in the Town that are within a shoreland area as designated by the Shoreland Ordinance and state law. The term includes those areas of the Town that are subject to the Shoreland Ordinance.
- (g) Shoreland Ordinance. "Shoreland Ordinance" means the Windemere Township Shoreland Management Ordinance adopted by the Town Board on March 4, 2025.

- (h) Town. "Town" means Windemere Township, Pine County, Minnesota.
- (i) Town Board. "Town Board" means the board of supervisors of Windemere Township.
- (j) Zoning Ordinance. "Zoning Ordinance" means the most current enactment of the Windemere Township Zoning Ordinance.

Section 4. Study Authorized. The Town Board hereby authorizes and directs the Planning Commission to conduct a study of Land Use Activities as regulated by the Shoreland Ordinance, consider the regulations of such uses the Zoning Ordinance, and identify if any revisions are needed to the Town's land use regulations to create a more unified and consistent set of regulations. The Planning Commission shall consider and make recommendations to the Town Board on ways to integrate both sets of regulations into a single ordinance that will better serve the interests of the Town and its residents. The Planning Commission shall consider the various Land Use Activities allowed in the Shoreland District and how those uses are regulated under the updated Pine County Shoreland Management Ordinance. The Planning Commission shall work with the Town Attorney to prepare and present to the Town Board an updated comprehensive plan, zoning map, and zoning regulations that incorporates all of the Town's land use regulations into a single ordinance. The Planning Commission shall make its recommendations to the Town Board regarding the updated comprehensive plan, zoning map, and zoning ordinance at least three months before the expiration of this Ordinance.

Section 5. Moratorium. A moratorium is hereby imposed on, and the Town shall not issue any permits for, any new or expanded Land Use Activity within the Shoreland District requiring a permit or Town approval under the Shoreland Ordinance. During the period of this Ordinance, no person, corporation, or other entity shall establish or expand a Land Use Activity within the Shoreland District in the Town.

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

- (a) A proposed new or expanded Land Use Activity within the Shoreland District, for which a complete application was submitted to the Town prior to the adoption of this Ordinance;
- (b) Construction occurring pursuant to the terms of the Settlement Agreement;
- (c) Recreational vehicle permits;
- (d) The maintenance or repair of an existing Land Use Activity;
- (e) The replacement of a Land Use Activity destroyed by fire or other peril; or
- (f) The establishment or expansion of a Land Use Activity outside of the Shoreland District.

Section 7. Application and Duration. This Ordinance shall remain in effect for ten (10) months from the date of its adoption, until it is expressly repealed by Town Board resolution, or until the effective date of a new combined Town zoning ordinance that includes shoreland regulations. All inquiries regarding the application of this Ordinance shall be submitted to the Town in writing and the Town Board's decision regarding the matter shall be final. As part of interpreting this Ordinance, the Town Board 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 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 10th day of April 2025.

BY THE TOWN BOARD


Chairperson

Attest: 
Clerk