

**Chapter 1**  
**TITLE AND APPLICATION**

**SECTION:**

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**XX-1-1: SHORT TITLE:** This ordinance shall be known and may be cited as the BALDWIN TOWNSHIP ZONING ORDINANCE. (Ord. 900, 18 Apr 22)

**XX-1-2: PURPOSE:** The purpose of this ordinance is to promote and protect the public health, safety and general welfare, by regulating the location and size of buildings and other structures; the percentage of a lot which may be occupied; the size of yards and other open spaces; the density and distribution of population; the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes; and the use of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, flood control and other purposes, and establishing standards and procedures regulating such uses. (Ord. 900, 18 Apr 22)

**XX-1-3: STATUTE AUTHORITY:** This ordinance is enacted pursuant to the authority granted by the municipal planning act, Minnesota statutes 462.351 to 462.363. (Ord. 900, 18 Apr 22)

**XX-1-4: RELATION TO COMPREHENSIVE PLAN:** It is the policy of the town that the enforcement, amendment, and administration of this ordinance be accomplished with due consideration of the recommendations contained in the comprehensive plan as developed and amended from time to time by the planning commission and town board. The town board recognizes the comprehensive plan as the policy for guiding land use and development in accordance with the policies and purpose herein set forth. (Ord. 900, 18 Apr 22)

**XX-1-5: APPLICATION, INTERPRETATION AND COMPLIANCE:**

- A. Minimum Requirements: The standards set forth in this ordinance are minimum requirements. The town may impose additional or more stringent zoning requirements as deemed appropriate to promote and protect the public health, safety, and general welfare of the community.

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- B. More Restrictive Provisions to Govern: Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution, or regulation, the regulations that are more restrictive or impose higher standards or requirements shall prevail.
- C. Compliance with Provisions:
1. Nonreduction of Yards or Lots: No yard or lot existing at effective date hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements established by this ordinance.
  2. No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure, or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this ordinance and without a building permit being issued when required by this ordinance.
  3. Building Occupancy: Except as herein provided, no building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this ordinance.
  4. Regulation Application: In their application, these regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable; provided, that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall be controlling. (Ord. 900, 18 Apr 22)

**XX-1-6: USES NOT PROVIDED WITHIN ZONING DISTRICTS:** Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the town board or the planning commission, on their own initiative or upon application by a property owner, may conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The town board, planning commission, or property owner, upon receipt of study by the zoning administrator shall, if appropriate, initiate an amendment to this ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the town. (Ord. 900, 18 Apr 22)

**XX-1-7: CONDITIONAL USES, INTERIM USES, AND PLANNED UNIT DEVELOPMENTS:** Any established use or building legally existing prior to the effective date hereof and that is now classified as a conditional or interim use or any established planned unit development existing prior to the effective date hereof shall be classified as a conditional use within the respective zoning district established by this ordinance. Such conditional uses, interim uses, or planned unit developments may be continued in like fashion and activity and shall automatically be considered as having received conditional or interim use permit approval for the purposes of this ordinance. Any change to such a use, or any other subsequently approved conditional or interim use, shall, however, require a new conditional or interim use permit to be processed according to and subject to the performance standards of this ordinance. (Ord. 900, 18 Apr 22)

**XX-1-8: FEES, CHARGES, AND EXPENSES:**

- A. Fees And Charges: All applications for any permit or approval shall be signed by the applicant(s) and all owners of the property to which the request applies. The applicant(s) and owner(s) shall be deemed jointly and severally liable for the payment of all fees and escrows required by this ordinance. Fees and charges, as well as expenses incurred by the town for engineering, planning, attorney, and other services related to the processing of applications required by this ordinance, as well as for public hearings, special meetings, or other such town board or planning commission actions as are necessary to process applications, shall be as set out by the town fee schedule ordinance. (Ord. 900, 18 Apr 22)
  
- B. Escrow: When a land use application has been submitted, the applicant shall deposit funds in an escrow account with the town from time to time an amount determined by the Zoning Administrator to be necessary to cover such costs prior to commencement of the review stage of the application. The escrows set forth in this section are minimum estimates only and actual costs may exceed the escrow amounts. In the event the town's administrative expenses, operating expenses, and out of pocket expenses incurred in processing the applicants' and owners' request exceed the escrow amount deposited, the applicant(s) and owner(s) shall remain liable for the difference between the amount of such costs incurred by the town and the amount of escrow posted with the town, regardless of whether the applicants' and/or property owners' request is granted or denied. An escrow deposit required by the town fee schedule ordinance shall be used for payment of all costs incurred for town in the processing of an application required by this ordinance:
  - 1. All costs incurred for town staff and consultants directly related to processing of an application required by this ordinance including preparation of reports or studies, attendance at staff or public meetings, and any other expenses incurred with processing of an application.
  - 2. The property owner shall reimburse the escrow account for any deficits caused if the amount actually expended by or billed to the town exceeds the fund balance.

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3. The town shall refund any amount deposited in the escrow account not expended, without interest, within 90 calendar days after final action on the application.
- C. Development Application: Fees, charges, and escrow for the estimated expenses for the processing of a development application required by this ordinance shall be collected prior to town action on any application. The fees shall be deposited in town accounts. The applicant shall not be paid interest on the fees required by this section.
- D. Fees and Expenses to be Paid: All fees and expenses incurred by the town are to be paid whether the application is approved or denied.
- E. Owner of the Property: The owner of the property subject to the application required by this ordinance shall be responsible for all costs incurred by the town in processing said application and enforcing the terms of any agreements relating to the application in accordance with Minnesota statutes 462.353, subd. 4a.
- F. Unpaid Expenses:
1. All unpaid expenses incurred by the town under this ordinance not covered by the escrow will be charged against the property subject to the application and will be the responsibility of the property owner pursuant to Minnesota statutes 429.101, 462.353, 366.012, or any other relevant statutes.
  2. The property owner shall be invoiced for the town's costs to where property tax statements are sent by the county to be paid within 30 days of the date of the invoice.
  3. Should the property owner not reimburse the town as required by this section, the town shall be authorized to certify said unreimbursed costs plus interest to the county auditor for payment with the property owner's property taxes with interest and said certified amounts shall constitute a lien against the property that shall be collected and enforced in the same manner as general property taxes pursuant to Minnesota statutes 429.101, 462.353, 366.012, or any other relevant statutes. This cost recovery shall be in addition to any penalty or legal or equitable remedy the town may seek or receive for the violation of this ordinance. (Ord. 900, 18 Apr 22)

**XX-1-9: COMPLETE APPLICATIONS:** All applications for any permit or approval shall not be considered complete they are submitted on a form approved by the town and until all fees and escrows required by this Ordinance have been received by the town. Outstanding debts from previous zoning actions and permits must also be paid in full by the applicant(s) or owner(s) before a new application or permit request for the same property upon which such prior fees were incurred will be considered complete. (Ord. 900, 18 Apr 22)

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**XX-1-10: SEPARABILITY:** It is hereby declared to be the intention of the town that the several provisions of this ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment. (Ord. 900, 18 Apr 22)

**XX-1-11: EFFECTIVE DATE:** This ordinance shall become effective as of June 20, 2022 in accordance with ordinance 900 adopted the town board of Baldwin township on April 18, 2022. (Ord. 900, 18 Apr 22)