

**PARTRIDGE TOWNSHIP  
ZONING ORDINANCE**

I. PURPOSE

The Board of Supervisors of the Town of Partridge hereby ordains that this ordinance is made pursuant to the Municipal Planning Act, Minnesota Statutes 462.351- .365, designed and enacted for the purpose of promoting health, morals, convenience, order and prosperity for the present and future inhabitants of the Township of Partridge. This includes preventing excessive concentration of population. Promotion of such population and land classification and its utilization tend to facilitate and conserve provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, good-supplies-and-protection-of-non urban-development.

II. JURISDICTION

The jurisdiction of this ordinance shall apply to all areas of Partridge Township.

III. SCOPE

From and after the effective date of this Ordinance, no structure may be erected, constructed, enlarged, reconstructed, or altered and no structure or land may be used or occupied for any purpose nor in any manner which is not in conformity with this Ordinance.

IV. INTERPRETATION

- A. In interpreting and applying the provisions of this Ordinance, all shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute or other ordinance shall be controlling.
- B. If a use is not specifically listed as a permitted, accessory, conditional or interim use, it shall be prohibited.

## V. DEFINITIONS

- A. Conditional Use Permit:  
A permit issued in accordance with procedures specified in this Ordinance, as a flexibility device to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.
- B. Dwelling:  
A building or portion thereof, designated exclusively for residential occupancy, including family dwellings, seasonal dwellings, and mobile homes.
- C. Structure:  
Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner, whether temporary or permanent in character. Among other things, “structures” include buildings, manufactured homes, swimming pools, billboards, tents and huts.
- D. Farm:  
A tract of land 40 acres or more in size, used for agricultural activities such as the production of cash crops, livestock, or poultry farming. Such farm may include one (1) agricultural dwelling and accessory buildings and structures as necessary for the operation of the farm.
- E. Farmstead:  
That area which includes the farm dwelling and other agricultural building in close proximity to the farm dwelling.
- F. Feedlot, Livestock:  
A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals meeting the animal unit thresholds for feedlot registration in MN 7020. Areas specifically designed as confinement areas in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be animal feedlots. Pastures shall not be considered animal feedlots.
- G. Flood Plain:  
The area adjoining a watercourse which have been or hereafter may be covered by the 100 year flood.

- H. Home Occupation:  
Any occupation of a service character which is secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use.
- I. Kenel, Residential:  
A place where three or more dogs and three or more cats or a combination of both, which exceeds six; over four months of age are kept for and by the resident.
- J. Lot of Record:  
A parcel of land, whether subdivided or otherwise legally described of record as of the effective date of this Ordinance, and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance.
- K. Lot Depth:  
The shortest horizontal distance between the front and the rear lot line measured at a 90 degree angle from the street or road right of way and within the lot boundaries.
- L. Lot Width:  
The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
- M. Non-conforming Structure or Use:  
Any structure or use which on the effective date of this Ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Ordinance.
- N. Setback:  
The minimum horizontal distance between a structure and the right of way or front, side or rear lot lines.
- O. Shipping Containers:  
The container itself is not a use, it is a structure and can only be used for the storage of materials in a fully-enclosed shipping container. Semi-trailers with wheels and axles removed would be considered a shipping container.

- P. Variance:  
Any modification or variation of the provisions of this Ordinance, where it is determined pursuant to the provisions of this Ordinance that, by reasons of exceptional circumstances, the strict enforcement of this Ordinance would cause unnecessary hardship.
- Q. Wetlands:  
An area where water stands near, at, or above the soil a significant portion of most years, saturating the soil and supporting a predominately aquatic form of vegetation. This is to include any areas designated as wetlands by County and State regulations.
- R. Vacation Rental by Owner:  
A short-term rental dwelling unit such as any home, cabin, condominium, or similar structure represented to the public as a place where sleeping accommodations are furnished to the public on a nightly or weekly basis and for less than thirty (30) days for compensation.
- S. Public Event  
A public event is any event open for the general public on private or public property.

## VI. RULES GOVERNING USES

- A. General Provision
1. Permitted uses of land or buildings as hereafter listed shall be permitted in the district as indicated under the conditions specified.
- B. Non-Conforming Uses and Structures
1. Existing lots of record at the time of the enactment of this Ordinance may be allowed as building sites provided such use is permitted in the zoning district, and sanitary and dimensional requirements and the intent of this Ordinance is complied with insofar as practical.
  2. Any existing structure or use upon the effective date of this Ordinance may be continued at the size and manner existing upon the date of enactment.

3. Nothing in this Ordinance shall prevent the placing of a structure in a safe condition when said structure is declared unsafe by the Zoning Administrator.
4. Whenever a non-conforming use of any structure or land has been changed to conforming use, it shall not thereafter be changed to any non-conforming use.
5. Whenever a lawful, non-conforming use of a building or structure or land is discontinued for a period of twelve continuous months, any future use of said building, structure or land shall be in conformity with the provisions of this Ordinance.
6. Upon the effective date of this Ordinance, no non-conforming structures shall be constructed except those allowed as a Conditional Use, Interim Use, or by a Variance, subject to the permit requirements of this Ordinance.

## VII. ZONING DISTRICT

### A. District

Partridge Township is deemed to be an A-1 Agricultural District-Open Space District.

### B. Purpose

1. The A-1 Agriculture District-Open Space District is intended to provide a district that will:
  - a) Preserve the agricultural use and character of the area lying within the district.
  - b) Preserve the woodland and wildlife areas and retain the open space in its natural state.
  - c) Discourage use of these open space areas by activities or structures that will have a lasting or irreversible impact.

### C. Lot Area and Density

1. In addition to the general provisions, all lots or tracts of land within this A-1 District must be at least the size of a quarter quarter section and in more or less a rectangular shape, subject to the Planning commissions discretion. In addition, there may be one subdivision of that quarter quarter section with a minimum size of 5 acres, but the newly created parcel and the remaining parcel must both have minimum sizes of five acres or greater.

D. Permitted Uses

1. Agriculture and agriculture related uses including agriculture structures.
2. Parks, recreational areas, wildlife areas, game refuges, and forest preserves all owned by governmental agencies.
3. Timber harvesting and logging operations.
4. Township and other government structures, landing strips.
5. Designated historical sites.
6. All aerial or underground utility line crossings such as electrical, telephone, communications, and gas lines.
7. All septic systems must comply with state, county and township ordinances.
8. Single family dwellings, provided they comply with the following requirements:
  - a) All dwellings and other structures are to be designed, constructed and maintained by the owner. Finished or painted exteriors are required. All new dwellings require frost free permanent foundations that meet or exceed state building codes. There shall be no more than one dwelling on each parcel.
  - b) Types of dwellings include:
    - (1) Single family farm and non-farm dwellings.
    - (2) Seasonal cabins on lots of not less than 5 (five) acres with private road access established and maintained by owner.
    - (3) Mobile homes must have a valid HUD sticker and be on a permanent foundation.
    - (4) Huts, tents, and any other non traditional structure shall not qualify as a residence or dwelling.

9. The following Home Occupations which do not generate a noticeable increase in traffic shall be permitted: clothing alterations, daycare, general contractors, subcontractors, truckers, welding shops, and domestic crafts making are permitted. All such home occupations shall meet the following requirements:
  - a. Business owner must reside on property to be considered a home occupation.
  - b. No more than one employee not residing in the home may work from home in such occupation.
  - c. Accessory buildings and outside storage combined must be less than 4,000 square feet.
  - d. No more than one licensed business-related vehicle and trailer shall be on the property at any given time.
  - e. Conduct of the home occupation shall not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
  - f. The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system, or hazardous wastes without an approved plan for off-site disposal.
  - g. The activities, equipment, and materials involved in the home occupation shall be conducted and contained within the home or accessory structure to the principal use, except in those cases when such activities, equipment and materials are not visible from a public road or adjacent residences and cannot be heard from such residents. Such activities and items shall be screened by buildings or natural vegetation.
  - h. The road serving the use or activity is of sufficient design to accommodate the proposed use or activity; and such use or activity shall not generate such traffic to create a nuisance or hazard to existing traffic or to surrounding land uses, or result in the need for excessive road improvements or maintenance.
  
10. Review By Planning Commission. When deemed appropriate, the Zoning Administrator may bring a proposal or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with the performance standards and intent of this Ordinance.

11. RVS AND TRAVEL TRAILERS. They may be occupied for a period of not more than 60(sixty) days cumulative, during any calendar year.
  - a) Maximum of 2
  - b) Vehicles must be licensed
  - c) no dumping, disposal of sewage or blackwater without proper permit or approval
12. Feed Lots – Up to 50 animal units
13. Shipping Containers – Maximum of 3
14. Public Event

E. Conditional Uses

1. State-licensed daycare serving 13 or more persons and State-licensed residential facilities housing 7 to 16 people, inns.
2. Churches, government buildings.
3. Cemeteries.
4. Commercial communication towers and antennas, subject to the following requirements:
  - a. The tower shall be set back at least 500 feet from any residential structure.
  - b. The tower and antennas shall be located and designed to minimize the visual obtrusiveness.
  - c. The applicant must demonstrate either that no existing towers or structures provide a feasible broadcasting location or that such towers or structures are not available for use by the applicant.

F. Interim Uses.

1. The following Home Occupations shall require an interim use permit:

- a. Clothing alterations, daycare, general contractors, subcontractors, truckers, welding shops, and domestic crafts making which have the potential for generating a noticeable increase in traffic, require additional parking, or involve two (2) or more employees not residing in the home shall require an Interim Use Permit.
- b. Such Home Occupations, such as barber shops, beauty salons, repair shops, clothing shops, museums, general contractors, subcontractors, truckers, welding shops, animal hospitals, and schools.
- c. All such Home Occupations set forth in Article VII, paragraph F.1. shall also meet the following requirements:
  1. Such home based businesses must be located on not less than 5 acres.
  2. Business owner must reside on property to be considered a home occupation.
  3. Accessory buildings and outside storage must be less than 4,000 square feet in total.
- d. The activities, equipment, and materials involved in the home occupation shall be conducted and contained within the home or accessory structure to the principal use, except in those cases when such activities, equipment and materials are not visible from a public road or adjacent residences and cannot be heard from such residents. Such activities and items shall be screened by buildings or natural cover.

2. Commercial extractions in excess of 1,000 cubic yards of sand, gravel, minerals, sod, or rock, which meet the following conditions:

- a. Hours of Operation. Mineral extraction facilities shall operate only between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. on Saturday.
- b. Mineral extraction facilities shall have direct property access to a 9-ton or greater design road. The Town Board may require financial guarantees from facility operators to ensure that potential damage to local roads or bridges from facility vehicles will be repaired. The facility operator and Town Board may agree to minimum roadway improvements or maintenance obligations as a condition of the permit.

- c. Haul Routes. Haul routes for mineral extraction facilities shall be identified by the operator. In general, the haul routes designated shall minimize the use of gravel roads.
- d. Roadway Dust Control. The permit shall specify the manner in which the operator will control dust on gravel roads used in hauling facility materials. In lieu of other approved remedies, water trucks must be used on gravel roads when the number of facility vehicles exceeds three (3) one-way trips per hour.
- e. Facility Dust Control. The permit shall specify the manner in which the operator proposes to control potential airborne dust generated within the facility.
- f. Backhauling. No material may be hauled or backhauled from an off-site location to the mineral extraction facility unless specifically authorized in the Interim Use Permit. Examples of authorized backhauling may include importation of clay for roadway mix or topsoil for site rehabilitation.
- g. Setbacks. No extraction activity shall be allowed within fifty (50) feet of any adjacent property, roadway easement or utility, unless the Town Board finds that a lesser setback will result in more appropriate site rehabilitation. Facility equipment shall not be located closer than one thousand (1000) feet from a residence, unless a written waiver is received from the owner of the residence for a lesser setback. The Town Board may reduce the setback to five hundred (500) feet if it finds that the natural topography or artificial berming and screening are sufficient to protect the residence from facility impacts. No waiver or setback reductions shall be construed as a waiver of noise standards affecting the facility.
- h. Depth to Groundwater. No excavations or extraction shall occur within ten (10) feet of the historical high groundwater elevation on the site.
- i. Noise. Maximum noise levels associated with the mineral extraction facility shall be consistent with the daytime noise standards established by the Minnesota Pollution Control Agency.
- j. Air Quality/Water Quality. All activities associated with the mineral extraction facility shall be conducted in a manner consistent with Minnesota Pollution Control Agency rules and operating permits. Vibration. Operators must use all practical methods to minimize impacts of equipment vibration on adjacent properties.
- k. Explosives. The use of explosives is prohibited, unless specifically authorized in the Interim Use Permit.

- l. Weed Control. The facility operator shall be required to control noxious weeds on the site and mow or harvest other vegetation as needed or required by the Township.
- m. Fencing. The Town Board may require the facility or portions of the facility to be fenced during operation or during the off-season. The Town Board may also require that fencing or a gate be placed at the facility entrance to prevent unauthorized access.
- n. Site Rehabilitation. The applicant shall submit a rehabilitation plan and shall comply with such plan if such plan is approved by the Town Board as part of this approval. The rehabilitation plan must include final grade contours, topsoil replacement, seeding and fertilizing, erosion control and sedimentation control details and specifications. The plan must also identify seasonal erosion and sedimentation control measures during facility operation. Final site rehabilitation shall conform to the following minimum requirements:
  - (a) Final grades shall not exceed twelve (12) per cent. During final site restoration, grading may occur within the fifty (50) feet extraction setback area, if such allowance enhances overall site grading and the relationship with adjacent properties.
  - (b) All of the topsoil on the site prior to extraction, must be retained on the premises and re-spread on the surface of the final grade. Retained topsoil shall be spread at an even depth over the final graded surface.
  - (c) The exposed topsoil shall be seeded with alfalfa or pasture grasses consistent with specifications recommended by the Pine County Soil and Water Conservation District, Minnesota Extension Service or National Resources Conservation Service. The Town Board may waive the above seeding requirement if the area is prepared for crop production in the same or following growing season.
  - (d) Soil erosion and sedimentation control practices during and after site rehabilitation shall be consistent with minimum recommendations of the Pine County Soil and Water Conservation District.
  - (e) All equipment, machinery, vehicles, materials and debris shall be removed from the site prior to final site rehabilitation.

- o. General Compliance. The mineral extraction facility shall be operated in compliance with all federal, state and local regulations and laws, including this zoning ordinance.
- p. Inactivity. In the event less than one thousand (1,000) cubic yards of material are removed from the facility in any permit calendar year, the Town Board may declare the facility inactive, terminate the Interim Use Permit and require site rehabilitation.
- q. The applicant and property owner shall enter into a contract in writing with the Township requiring the applicant and owner to indemnify the Township for damage to any public improvements or infrastructure at the applicant's and owner's cost and in accordance with the Township's specifications and usual contract conditions.
- r. Financial Guarantee. The Township shall require a cash escrow or a letter of credit, in a form acceptable to the Township, to guarantee compliance with this Ordinance. The Township shall have the right to use the financial guarantee to remove stockpiles and complete site rehabilitation and correct other deficiencies or problems caused by the operator, in the event the operator is in default of the permit obligations. The amount of financial guarantee shall be determined by the Town Board. The financial guarantee shall remain in full force and effect for a minimum period of one and one-half (1 1/2) years beyond the expiration date of the permit.
- s. Enforcement.
  1. The operator grants the Township's officers and representatives access to the facility during normal operation hours to inspect the mineral extraction facility and enforce the provisions of this Ordinance.
  2. The operator shall be responsible for the repair and maintenance of public and private property in the Township which is damaged by the operator, its agents or employees in conducting business or any other activity associated with the mineral extraction facility.
  3. A development agreement will be required for all mineral extraction permits.
  4. The operator shall hold the Township harmless against all claims by third parties for damage or costs incurred as a result of mining operations. The operator shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorney's fees.

- t. Additional Regulations. The Town Board may impose additional regulations and requirements necessary to protect the public health, safety and welfare.
3. Solar farms with a generating capacity of 100 kilowatts or more, subject to the following conditions:
- a. Solar Farms shall be interim in nature, not to exceed a 25-year limit.
  - b. Height at maximum design tilt. Solar energy panels may not exceed 15 feet in height at maximum design tilt.
  - c. Location within lot. Solar energy panels and other equipment must meet a minimum setback distance of 100 feet from all property lines. Setbacks will be measured from the closest point of the project, which shall include any perimeter fencing.
  - d. Screening and vegetation. A screening barrier will be required and maintained between the solar project and adjacent properties. It may also be required along roadways if the Township deems it necessary. Perennial vegetative cover shall be established within sixty days of the completion of the project. Once the Interim Use permit has been issued the solar company and property owner are responsible for proper vegetative maintenance. Noxious weeds are prohibited from growing on the property.
  - e. Agreement for decommissioning. As part of the conditions for all solar energy farms, the Township shall require all applicants and property owners to enter into an agreement with the Township for protection from the applicant and property owner of all public infrastructure and to require security for the ongoing maintenance of the site during the permit, and for the decommissioning and reclaiming of the property. In such agreement, the owner and operator shall agree to indemnify the Township for damage to any public improvements or infrastructure at the operator's and owner's cost and in accordance with the Township's specifications and usual contract conditions, and shall require an escrow deposit or an irrevocable letter of credit. The amount of the deposit or security is to be based upon the estimate of the total cost to remove any infrastructure and reclaim the property to its original condition at the conclusion of the solar energy farm. The deposit or security shall equal one hundred fifty percent (150%) of the estimate of all costs to remove any infrastructure and reclaim the property, plus any amount deemed necessary by the Township Engineer to protect any public infrastructure during the construction or decommissioning of this project. This amount may be reduced or increased upon approval of the Township Board based upon such consideration as the size of the project, past performance by the applicant and/or financial credibility of the

applicant, but in no case shall the amount be less than one hundred percent (100%) of the estimate.

3. Wind energy conservation systems. As part of the conditions for all wind energy conservation systems, the Township shall require all applicants and property owners to enter into an agreement with the Township for protection from the applicant and property owner of all public infrastructure during the installation of such systems. In such agreement, the owner and operator shall agree to indemnify the Township for damage to any public improvements or infrastructure at the operator's and owner's cost and in accordance with the Township's specifications and usual contract conditions, and shall require an escrow deposit or an irrevocable letter of credit in an amount set by the Town Board.
4. Riding academies and commercial stables.
5. Veterinary clinics and associated facilities necessary for animal health care
6. Vacation Rental by Owner
7. Feed Lots – Over 50 animal units in accordance with MN7020

## VIII. DISTRICT BOUNDARIES

### A. Generally

1. Except as otherwise set forth under the provisions of this Ordinance, where a district is bounded by street, highway, stream or the township boundary, the center line of such feature shall be the boundary. In circumstances not covered by the provisions of this Ordinance the Zoning Administrator shall interpret the boundaries. Appeal of this decision may be made to the Township Board of Adjustment which is herein entitled the Partridge Township Board of Supervisors.

### B. Yard (Setback) Regulations

1. There shall be a building, setback of not less than:
  - a. One hundred (100) feet from the right of way line of all Township and County roads except in those cases where the County requires a greater setback.

- b. Twenty-five (25) feet front yard, back yard and side yard setback from property lines. Roads and driveways must meet this criteria.
- c. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

C. Lot Area Regulations

1. Restrictions

- a. No access drives to public roads shall be placed in any hazardous locations relative to curves, hills, vegetation which acting singly or in combination, offer potential safety hazards. All access drives to County roads shall be reviewed by the County Highway Department.
- b. No building shall be located on a flood plain, poorly drained soil, soils structurally inadequate or areas classified as wetlands.
- c. No building shall be located on land with an existing slope of greater than twelve (12) per cent, except in cases where engineering or architectural documentation is provided that satisfies the Zoning Administrator that the lot can be adapted to the dwelling unit in a manner that will not create future problems or harm to the environment.

IX. ADMINISTRATION

A. Zoning Administrator

- 1. The Zoning Administrator shall be appointed by the Town Board. The Zoning Administrator shall administer and enforce the provisions of this Ordinance.

B. Board of Adjustment

- 1. The Partridge Township Board of Supervisors shall serve as the Board of Adjustment. It shall determine all applications for conditional use permits and variances and shall hear and decide appeals from any decision by the Zoning Administrator and shall determine any questions submitted to it regarding proper interpretation of this Ordinance.

C. Zoning Permits

1. To carry out this Ordinance, and pursuant to the statutory authority granted, no person shall erect, alter in respect to height or area, add or relocate any structure without first having secured a zoning permit. No permit shall be required for construction of a storage facility under 100 square feet. Permits shall remain valid for one (1) year from date of issuance. Permits shall expire one year from the date of issuance. At the time of expiration, if the Zoning Administrator determines there has been no change in applicable regulations, a permit may be extended for one additional year at no cost to the applicant. At the time a permit expires if the Zoning Administrator determines the project's construction has commenced but is not complete, a permit may be extended even if the applicable rules have changed since the original permit issuance date.

D. Application for Zoning Permits

1. Applications shall be made to the Zoning Administrator.
  - a. The Zoning Administrator shall issue the permit except in matters where:
    - (1) Action of the Planning commission is required.
    - (2) The applicant may not meet applicable requirements. In such cases the Zoning Administrator shall submit the application to the Planning Commission and make such investigations as will assist the Commission in reaching a decision.
2. The Planning Commission shall approve or deny the permit within a reasonable time. Should it deny the permit, it shall give specific reasons referenced to this Ordinance for the denial.

E. Fees for Zoning and Zoning Permits

1. Any application for a Zoning permit shall be accompanied by a fee that is set by the Township Board of Supervisors by Resolution.

## X. CONDITIONAL USES

### Subd. 1

#### A. Procedure

1. Requests for conditional use permits, as provided within this ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee and complimentary copies of detailed written and graphic materials fully explaining the proposed development or use. The Zoning Administrator shall present said application, along with all related information, to the Planning commission at its next regular meeting. After determining that the application has been properly filed and is complete, the Planning commission shall schedule a public hearing to consider the request at the next earliest meeting following proper notification periods.
2. The application shall be accompanied by a site plan of the proposed use showing such information as may be necessary or desirable, including, but not limited to, the following:
  - a. Site plan drawn to scale showing parcel and building dimensions.
  - b. Location of all buildings and their square footage.
  - c. Streets, curb cuts, driveways, access roads, parking spaces and off-street loading areas, and estimated traffic generation.
  - d. Existing topography.
  - e. Finished grading and drainage plan.
  - f. Type of business or activity and proposed number of employees.
  - g. Proposed floor plan of any building and use indicated.
  - h. Sanitary Sewer and water plan with estimated use per day and storm water management plan.
  - i. Proposed sidewalks and landscaping and lighting plans.
  - j. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices and/or engineering to be used to overcome said limitation shall be made part of the permit application.
  - k. A location map showing the general location of the proposed conditional use within the Town.
  - l. A map showing all principal land uses within one-quarter mile of the parcel for which application is being made.

- m. The names and addresses of all property owners owning land within one-quarter mile of the parcel upon which the Conditional Use is proposed to be established upon.
  - n. Any other information deemed necessary by the Zoning Administrator or Planning Commission.
- 3. The Planning Commission shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date of the hearing. An individual notice shall be sent to all property owners of record within one quarter (1/4) mile of the affected property, or to owners of the ten properties nearest the property for which the conditional use is sought, whichever provides notice to the greatest number of owners.
- 4. The Planning commission shall consider the request at the public hearing at which the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
- 5. The Planning Commission and Town staff shall have the authority to request additional information from the applicant or to retain an expert or experts for review, consultation, evaluation, and testimony, all at the applicant's expense.
- 6. No conditional use shall be granted if any of the following are found to be true unless conditions imposed by the Township will fully mitigate the enumerated item:
  - a. The proposed use is inconsistent with the Comprehensive Plan of the Town.
  - b. The use will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
  - c. The use is not sufficiently compatible or separate by distance or screening from adjacent development or land so that existing development will be depreciated in value or otherwise adversely impacted or there will be a deterrence to development of vacant land.
  - d. The structure and site will have an appearance that will have an adverse effect upon adjacent properties.
  - e. The use, in the opinion of the Town, is not reasonably related to the overall needs of the Town and to the existing land use.

- f. The use is not consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- g. The use will cause traffic hazards or congestion.
- h. The roads are not sufficient to handle the traffic that the proposed use will generate, either due to weight of the traffic, the amount of the traffic, or the type of the traffic.
- i. The proposed use will generate excessive noise, dust, vibration, traffic, or odors.

7. Conditional Uses—Specific Requirements. The conditional use application shall further comply with the minimum specific requirements unless the Town Board specifically excuses one or more of such requirements when issuing the conditional use:

- a. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.
- b. When abutting a residential use, the use shall be appropriately screened and landscaped (this subparagraph does not apply to in-home daycares).
- c. Where applicable, all Town, County, State and Federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
- d. Signs shall not adversely impact adjacent or surrounding conforming uses.
- e. Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.
- f. The road serving the use or activity is of sufficient design to accommodate the proposed use or activity; and such use or activity shall not generate such traffic to create a nuisance or hazard to existing traffic or to surrounding land uses, or result in the need for excessive road improvements or maintenance.
- g. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced to control dust.
- h. All open and outdoor storage, sales and service areas shall be screened from view from abutting residential uses.
- i. All outdoor lighting shall be designed with shrouds or lenses to direct or diffuse light as to not have a glaring, direct source

of light visible from adjacent residential areas or from the public streets.

- j. The site shall be properly drained to control surface water runoff and prevent erosion.
  - k. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
  - l. Where structures combine residential and nonresidential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.
8. The Planning Commission may recommend or the Town Board may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in this section may include, but are not limited to the following:
1. Matters relating to the architecture or appearance.
  2. Establishing hours of operation.
  3. Increasing the required lot size or yard dimension.
  4. Limiting the height, size or location of buildings.
  5. Controlling the location and number of vehicle access points.
  6. Increasing the street width and load capacity.
  7. Increasing the number of required off-street parking spaces.
  8. Limiting the number, size, location or lighting of signs.
  9. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  10. Designating sites for open spaces.
9. Following the conclusion of the public hearing, the Planning Commission shall make to the Town Board a finding of fact and recommend actions or conditions relating to the request. Upon receiving the report and recommendation of the Planning Commission, the Town Board shall either:
1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.
  2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions.

Such modifications, alterations or differing conditions shall be in writing and made part of the Board's records, or

3. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action. Approval of a request shall require passage by two-thirds (2/3) vote of the full Town Board.
10. A certified copy of every conditional use permit shall be filed by the Zoning Administrator with the County Recorder.
11. The decision of the Town Board shall be final, subject to judicial review. The applicant must commence an action for judicial review no later than 30 days after the Town mails notice of its decision to the applicant.
12. In the case of denial of the application, the applicant cannot reapply for the same project within six (6) months of the Board's action.

#### Subd 2

##### A. Expiration of Conditional Use Permits

1. Expiration of Conditional Use Permit by Failure to Establish. Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, such permit shall expire with no further action by the Township unless an extension of time in which to complete the work has been granted by the Town Board. Such extension shall be requested in writing and file with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the Town Board for a decision and shall be requested only one time on a singular action. Upon expiration of a conditional use permit, the County Recorder shall be notified of the termination of the permit.
2. Expiration of Conditional Use Permit by Non-Use. A Conditional Use Permit shall expire with no further action by the Township if the approved use is discontinued for a period of one year.

#### Subd. 3

Amended Conditional Use Permit. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the

conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

## XI. INTERIM USES

### Subd. 1

#### A. Procedure

1. Requests for interim use permits, as provided within this ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee and complimentary copies of detailed written and graphic materials fully explaining the proposed development or use. The Zoning Administrator shall present said application, along with all related information, to the Planning commission at its next regular meeting. After determining that the application has been properly filed and is complete, the Planning commission shall schedule a public hearing to consider the request at the next earliest meeting following proper notification periods.
2. The application shall be accompanied by a site plan of the proposed use showing such information as may be necessary or desirable, including, but not limited to, the following:
  - a. Site plan drawn to scale showing parcel and building dimensions.
  - b. Location of all buildings and their square footage.
  - c. Streets, curb cuts, driveways, access roads, parking spaces and off-street loading areas, and estimated traffic generation.
  - d. Existing topography.
  - e. Finished grading and drainage plan.
  - f. Type of business or activity and proposed number of employees.
  - g. Proposed floor plan of any building and use indicated.
  - h. Sanitary Sewer and water plan with estimated use per day and storm water management plan.
  - i. Proposed sidewalks and landscaping and lighting plans.
  - j. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices and/or engineering to be used to overcome said limitation shall be made part of the permit application.

- k. A location map showing the general location of the proposed interim use within the Town.
  - l. A map showing all principal land uses within one-quarter mile of the parcel for which application is being made.
  - m. The names and addresses of all property owners owning land within one-quarter mile of the parcel upon which the Interim Use is proposed to be established upon.
  - n. Any other information deemed necessary by the Zoning Administrator or Planning Commission.
3. The Planning Commission shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date of the hearing. An individual notice shall be sent to all property owners of record within one quarter (1/4) mile of the affected property, or to owners of the ten properties nearest the property for which the interim use is sought, whichever provides notice to the greatest number of owners.
4. The Planning commission shall consider the request at the public hearing at which the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed interim use.
5. The Planning Commission and Town staff shall have the authority to request additional information from the applicant or to retain an expert or experts for review, consultation, evaluation, and testimony, all at the applicant's expense.
6. The Planning Commission shall consider possible effects of the proposed interim use. Its judgement shall be based upon (but not limited to) the following general requirements and applicable specific requirements set forth as follows:
- a. General Requirements
    - i. The Comprehensive Plan of the Town.
    - ii. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
    - iii. The use will be sufficiently compatible or separate by distance or screening from adjacent development or land so that existing development will not be depreciated in value or otherwise adversely impacted and there will not be a deterrence to development of vacant land.

- iv. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
  - v. The use, in the opinion of the Town, is reasonable related to the overall needs of the Town and to the existing land use.
  - vi. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
  - vii. The use will not cause traffic hazards or congestion.
- b. Specific Requirements The interim use application shall further comply with the minimum specific requirements “a” through “p” in B below which pertains to each designated interim use as indicated below.
7. Interim Uses—Specific Requirements. The interim use application shall further comply with the minimum specific requirements unless the Town Board specifically excuses one or more of such requirements when issuing the interim use:
- a. The land area and setback requirements of the property containing such a use or activity shall be the minimum established for the district.
  - b. When abutting a residential use, the use shall be appropriately screened and landscaped (this subparagraph does not apply to in-home daycares).
  - c. Where applicable, all Town, County, State and Federal laws, regulations and ordinances shall be complied with and all necessary permits secured.
  - d. Signs shall not adversely impact adjacent or surrounding conforming uses.
  - e. Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.
  - f. The road serving the use or activity is of sufficient design to accommodate the proposed use or activity; and such use or activity shall not generate such traffic to create a nuisance or hazard to existing traffic or to surrounding land uses, or result in the need for excessive road improvements or maintenance.
  - g. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced to control dust.

- h. All open and outdoor storage, sales and service areas shall be screened from view from abutting residential uses.
  - i. All outdoor lighting shall be designed with shrouds or lenses to direct or diffuse light as to not have a glaring, direct source of light visible from adjacent residential areas or from the public streets.
  - j. The site shall be properly drained to control surface water runoff and prevent erosion.
  - k. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.
  - l. Where structures combine residential and nonresidential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.
- 8. The Planning Commission may recommend or the Town Board may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in this section may include, but are not limited to the following:
  - a. Matters relating to the architecture or appearance.
  - b. Establishing hours of operation.
  - c. Increasing the required lot size or yard dimension.
  - d. Limiting the height, size or location of buildings.
  - e. Controlling the location and number of vehicle access points.
  - f. Increasing the street width and load capacity.
  - g. Increasing the number of required off-street parking spaces.
  - h. Limiting the number, size, location or lighting of signs.
  - i. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - j. Designating sites for open spaces.
- 9. Following the conclusion of the public hearing, the Planning Commission shall make to the Town Board a finding of fact and recommend actions or conditions relating to the request. Upon receiving the report and recommendation of the Planning Commission, the Town Board shall either:
  - 1. Approve or disapprove the request as recommended by the Planning Commission, based upon whether the application meets the requirements stated in the Ordinance.

2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Board's records, or
  3. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time on a singular action. Approval of a request shall require passage by two-thirds (2/3) vote of the full Town Board.
10. A certified copy of every interim use permit shall be filed by the Zoning Administrator with the County Recorder.
  11. The decision of the Town Board shall be final, subject to judicial review. The applicant must commence an action for judicial review no later than 30 days after the Town mails notice of its decision to the applicant.
  12. In the case of denial of the application, the applicant cannot reapply for the same project within six (6) months of the Board's action.

#### Subd 2

##### A. Expiration of Interim Use Permits

1. Expiration of Interim Use Permit by Failure to Establish. Whenever within one (1) year after granting an interim use permit, the work as permitted by the permit shall not have been completed, such permit shall expire with no further action by the Township unless an extension of time in which to complete the work has been granted by the Town Board. Such extension shall be requested in writing and file with the Zoning Administrator at least thirty (30) days before the expiration of the original interim use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the Town Board for a decision and shall be requested only one time on a singular action. Upon expiration of an interim use permit, the County Recorder shall be notified of the termination of the permit.
2. Expiration of Interim Use Permit by Non-Use. An interim use permit shall expire with no further action by the Township if the approved use is discontinued for a period of one year.

#### Subd. 3

Amended Interim Use Permit. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued.

## XII. VARIANCE

- A. General. Applications for variances from the terms of this Ordinance shall be made to the Zoning Administrator.
- B. Application for a Variance. Applications for variances shall meet the following requirements:
1. An application for a variance shall be filed with the Zoning Administrator on a proper form provided for that purpose.
  2. Application forms shall be complete and shall clearly specify the grounds for the variance. Where required by the nature of the variance, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the variance.
  3. The application shall be accompanied by the required fee.
  4. The Zoning Administrator shall reject any application not accompanied by the required fee or by other material and information as required by this Ordinance. Notification of rejection, along with the reason for such action, shall be given to the applicant within fifteen (15) business days of the receipt of the application. The applicant shall have the opportunity to resubmit a substantially complete application after being notified of the rejection. For purposes of Minnesota Statutes section 15.99, the 60-day review period does not start until the Zoning Administrator has received a substantially complete application along with the required fee.
- C. Public Hearing.
1. The Planning Commission shall hold public hearings for all variance applications.
  2. Such public hearings may be continued from time to time and additional hearings may be held.
  3. Hearings shall be conducted according to applicable Minnesota statutes and to the rules of procedure of the Planning Commission.

D. Public Hearing Notice Requirements.

1. At a minimum, owners of record within one-quarter mile of the affected property will be notified by mailed notice. All notices will be sent to recipients at least ten (10) days prior to the date of the hearing.
2. Notice of Public Hearing will be published in the official newspaper of Partridge Township at least 10 days prior to the date of the hearing.

E. Criteria for Decisions.

The Planning Commission shall always act with due consideration to promoting the public health, safety, and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.

1. Variances shall only be permitted:
  - a. When they are in harmony with the general purposes and intent of the Ordinance, and
  - b. When the variances are consistent with the comprehensive plan.
2. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
3. "Practical difficulties," as used in connection with the granting of a variance, means that:
  - a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
  - b. The plight of the property owner is due to circumstances unique to the property not created by the property owner; and
  - c. The variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
4. The Board of Supervisors may not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zone where the affected person's land is located.
5. The Board of Supervisors may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

- F. Fees for Variance.  
Refer to Article IX, subdivision E for applicable fees.

### XIII. COMPLIANCE

In the case that any building or structure is or is proposed to be erected, constructed, reconstructed, altered or any land is or is proposed to be used in violation of any regulation or provision of this Ordinance; the Town Board members, assisted by the town attorney may institute an injunction, mandamus, abatement or any appropriate action to prevent or enjoin, abate, or remove such unlawful erection, construction, alteration maintenance or use.

### XIV. AMENDMENTS

The Town Board may from time to time, amend the number, shape or boundary of a district or any regulation or provision of this Ordinance. Before finally adopting any such amendment, the board shall hold a public hearing thereon, after giving at least 10 days' notice of the time and place of hearing. This notice shall be given at least one publication in a newspaper of general circulation in the county in which said town is located.

### XV. VALIDITY

Should a court of competent jurisdiction declare any part of this Ordinance to be invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared invalid.

### XVI. VIOLATIONS, PENALTIES

Any person who shall knowingly violate, infract or disobey, any of the provisions or rules of zoning regulations adopted by the town board shall be guilty of a misdemeanor punishable pursuant to Minnesota Statute 609.02, subd. 3, by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 90 days, or both, plus costs of prosecution. Each day a violation continues to exist is deemed a separate punishable offense under this ordinance.

XVII. AVAILABILITY OF COPIES

The Zoning Administrator shall retain at least one copy of this Ordinance for public examination. Further, the administrator shall cause for additional copies to be reproduced for sale.

XVIII. REPEALER

All prior zoning ordinances adopted by Partridge Township are hereby repealed in their entirety.

XIX. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication according to law. Any amendments shall be effective unless otherwise stated, after enactment by the town board and publication according to law.

Drafted by Anne Stitt 67947 Sunrise Road Bruno, MN 55712

Date: \_\_\_\_\_, 2024

Town of Partridge

By: \_\_\_\_\_  
Chair, Town Board of Supervisors

I hereby attest that the foregoing is an ordinance of the Town of Partridge, duly enacted by the Board of Supervisors on the date appearing above.

\_\_\_\_\_  
Anne Stitt  
Town Clerk

Acknowledgment:

State of Minnesota.

County of Pine.

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2024 by \_\_\_\_\_ and Anne Stitt.

Notary Seal

\_\_\_\_\_  
Notary Public Signature