

## MEMO

Date: January 21, 2015

To: Alexandria Town Board

From: Ben Oleson, Hometown Planning  
Zoning Administrator, Alexandria Township

Re: Zoning Administrator's Report

Dear Town Board Members:

Attached is a partial copy of the staff report prepared for the January 26, 2015 meeting of the Planning Commission. It summarizes a proposed ordinance amendment that Douglas County will be considering at a January 27, 2015 public hearing. The ordinance amendment would affect how temporary second dwellings on a lot would be regulated.

Currently, the County ordinance allows temporary second dwellings anywhere via a conditional use permit. The proposed ordinance would change this so that temporary second dwellings would be a permitted use in some situations, a conditional/interim use in others, and completely prohibited in some cases.

If the Town Board wishes to pass any comments on to Douglas County or to the Township Planning Commission, please let me know and I will be sure to pass those comments on.

If you have questions or concerns on the items in this report or any other issues, please do not hesitate to contact us. You can reach me by email at [oleson@hometownplanning.com](mailto:oleson@hometownplanning.com) or by phone at 888-439-9793.

Sincerely,

HOMETOWN PLANNING



Ben Oleson  
Planning and Zoning Administrator

## STAFF REPORT

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**Issue:** Discussion - Proposed Douglas County Ordinance Amendments regarding temporary second dwellings

**Agenda Item:** New Business - 1

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**Background:** Douglas County sent an e-mail to Staff on January 12 regarding proposed language to amend their zoning ordinances regarding temporary second dwellings on a property. Staff was invited to meet with Douglas County staff regarding these changes and provide input. That meeting occurred on January 14<sup>th</sup>.

The proposed amendments are intended to, in some cases, simplify the process of being approved for a temporary second home on a property - usually while the landowners are building a new house. Currently, Douglas County ordinances are interpreted to allow for this to occur only with a conditional use permit - although temporary second dwellings are not specifically identified in current language as a potential use. Alexandria Township amended its ordinances in August 2014 to specifically identify temporary second dwellings as allowed by interim use permit (IUP). As you will recall, Alexandria Township has addressed two temporary second dwellings this past year via the interim use permit process.

The County is also seeking to be proactive in creating regulations to address the situation where a landowner wishes to have a second dwelling on their property to allow for aging or disabled parents/other family members to be living in close proximity and allow for appropriate health care in this setting.

### Current Township Regulations

Alexandria Township currently regulates temporary second dwellings the same as Douglas County in that it requires a public hearing and approval by elected officials after receiving a recommendation from the Planning Commission (the Township requires an interim use permit while the County requires a conditional use permit). There are no specific standards and any timelines for the second home to be removed or converted to a non-dwelling status are imposed only as specific conditions of the approval.

### Proposed Regulations - Douglas County

The County has proposed changes, which include the following:

1. Temporary second dwellings while a new home is being constructed would be considered a permitted use in their Agriculture, Rural Residential and Natural Environment shoreland districts. No public hearing would be required. These districts would be comparable to the Township's Rural Conservation Residential (RCR), Rural Residential and Natural Environment shoreland districts.

2. A conditional/interim use permit would continue to be required in the Residential (Alexandria Township = Urban Residential) district.
3. In General Development (GDS) and Recreational Development (RDS) shoreland districts (all of the lakes in Alexandria Township), temporary second dwellings during the construction of a new home would only be allowed on those properties exceeding five (5) acres in size. On GDS and RDS lakes where parcels were less than five (5) acres in size, such homes would not be allowed at all. Owners of these lands wishing to build new homes would need to tear down their existing homes (or convert them to non-dwellings) prior to beginning construction of the new home and would need to have an alternate place to live during construction.
4. Temporary second dwellings for the purpose of “family supportive care” would be allowed in all residential districts – either by CUP/IUP or as a permitted use. It would be a permitted use in all districts where lots exceeded five (5) acres in size except for GDS and RDS shorelands. For any lots less than five (5) acres in size, a CUP/IUP would be required.
5. The County would prohibit temporary second dwellings, for any purpose, in Commercial and Industrial districts.
6. Temporary second dwellings allowed during the construction of a new home would be allowed for up to eighteen (18) months. Longer time frames could be approved.
7. Temporary second dwellings for “family supportive care” would be subject to a number of specific standards affecting size, location and removal requirements when no longer being used as an approved temporary second dwelling.

A copy of the proposed amendments, as has been presented to the Douglas County Planning Advisory Commission is attached.

The public hearing for the County is scheduled for Tuesday January 27, 2015 at 6:45pm.

## Proposed amendments to the Douglas County Zoning Ordinance as it relates to temporary dwelling uses within zoning districts and definitions of temporary dwellings.

- The County currently permits only one dwelling to be located on a parcel unless authorized by a special permit.
- Multiple dwellings on a property may create issues such as parking and traffic problems, noise and disturbance, and population density that may create a burden on the public infrastructure and the environment.
- These issues could lead to altering the essential character of a neighborhood and thereby affecting the public health, safety, and welfare, as well as neighboring property values.
- Agricultural producers and owners of larger tracts of land in rural areas may seek to replace dwellings that have been present for many generations, yet need to remain on the property to continue farming, ranching, or operating a home-based business.
- Recent trends in the United States and in Minnesota are that people are living longer into retirement and seeking to age-in-place, more care for the disabled is being provided at home, and multiple generations of families are more frequently living together.

The purpose and intent of these proposed amendments is to address the various temporary housing needs that have frequently arisen or are expected to arise in the county. The purpose and intent of these amendments are to:

- a. Regulate the type of use and occupancy of dwellings within the County in order to protect and promote the public's health, safety, and welfare.
- b. Preserve the character of rural areas as well as single- and two-family neighborhoods within certain zoning districts.
- c. Support diversified housing options that preserve neighborhood character in areas where the use is compatible while serving the needs of county residents.
- d. Provide for fair and consistent enforcement of regulations related to housing set forth herein under the zoning authority of the County.

### **Definitions**

\*Family - An individual, or two or more persons, each related by blood, marriage, adoption, foster care arrangement, court order, or any unrelated person(s) who resides therein as though a member(s) of the family, living together as a single housekeeping unit, but as distinguished from a group occupying a boarding house, lodging house or hotel.

\*Dwelling Unit - Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

\*Dwelling, Single-family - A freestanding (detached) residential structure consisting of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or occupied as living quarters for one (1) family or household.

\*Dwelling, Two-family - A dwelling designed, arranged, or used so as to provide separate cooking, sleeping, living and sanitary facilities for two (2) families. Separation may be but not limited to wall, floor or lockable door.

**Dwelling, Temporary during construction – a lawfully established single-family dwelling that continues to be used as the primary residence during the construction of a new dwelling.**

**Dwelling, Temporary family supportive care – a second dwelling temporarily placed on a lot or parcel already occupied by a legally established principal dwelling to accommodate the care of a family member(s) or an on-site licensed home-healthcare provider for a family member(s).**

\*existing definitions included for reference

| Permit type by zoning district     |           |           |           |   |           |         |
|------------------------------------|-----------|-----------|-----------|---|-----------|---------|
| Use                                | Ag        | Rural Res | Res       | Shore GD-RD                                     | NES       | Com/Ind |
| Temp during construction > 5 acres | Permitted | Permitted | CUP/IUP   | CUP/IUP   | Permitted | NA      |
| Temp during construction < 5 acres | CUP/IUP   | CUP/IUP   | CUP/IUP   | NA  | CUP/IUP   | NA      |
| Family supportive care >5 acres    | Permitted | Permitted | Permitted | CUP/IUP   | Permitted | NA      |
| Family supportive care <5 acres    | CUP/IUP   | CUP/IUP   | CUP/IUP   | CUP/IUP as a two family dwelling or guest house | CUP/IUP   | NA      |

### **Standards for Temporary Second Dwelling for Construction of a New Dwelling:**

- The following lot/parcel size minimum shall be met:
  - The lot/parcel where the temporary second dwelling is to be located must be five (5) acres or larger; or
  - The applicant possess contiguous parcels of land greater than 40 acres in size; or
  - A conditional use permit has been granted.
- A land use permit for the new primary dwelling must be issued.
- Use as a temporary second dwelling shall be for not longer than 18 months from the date of the issuance of the land use permit for the new primary dwelling. A conditional use permit shall be required for temporary second dwelling use longer than 18 months in all zoning districts were permitted.
- Within 18 months from the date of the issuance of the land use permit for the new primary dwelling, the temporary second dwelling shall be removed from the property or rendered non-inhabitable and converted to an accessory structure that conforms to the standards for accessory structures in the zoning ordinance for the applicable zoning district and a land use permit for accessory structure obtained. This standard shall not apply in cases where a CUP has been approved for a longer period of time.

### **Standards for Temporary Second Dwelling for Family Supportive Care:**

- The lot/parcel on which the temporary dwelling is placed shall be five (5) acres or larger in size.
- The temporary second dwelling shall be accessory to the principal dwelling.
- A land use permit for the temporary dwelling must be issued.
- The temporary second dwelling shall be located within the existing building site and shall meet all the setback requirements of the applicable zoning district for dwellings.
- The temporary second dwelling shall meet the following dimensional and construction requirements:
  - The dwelling or portion of an accessory structure finished as a dwelling shall be no greater than 1200 sq ft.
  - If the proposed temporary dwelling is not a portion of a permitted accessory structure, then it shall be limited to a manufactured home or park model recreational vehicle placed upon temporary footings with trailer tongue, axles and wheels attached.
  - The temporary dwelling shall meet the dimensional standards for accessory structures.
- The occupant(s) of either the temporary second dwelling or the principle dwelling must be family members or a licensed health care provider.
- Access to the temporary second dwelling shall be from an existing approach to the public road.
- The temporary second dwelling shall be connected to an approved individual septic treatment system (ISTS), or connected to the compliant ISTS of the

primary dwelling if it is sized to accommodate the additional bedrooms of the temporary dwelling, or connected to a central sanitary sewer system (ALASD).

- Within 180 days after the use of the temporary second dwelling for family supportive care ceases, the structure shall be removed from the property or rendered non-inhabitable and converted to an accessory structure that conforms to the standards for accessory structures in the zoning ordinance for the applicable zoning district, and a land use permit for an accessory structure obtained.
- Only one (1) temporary second dwelling shall be permitted per lot/parcel.