



COMMUNITY
GROWTH
INSTITUTE

Toll Free 866.900.3064 | Fax 866.924.1928

MEMO

Date: March 3, 2011

To: Alexandria Town Board

From: Ben Oleson, Community Growth Institute
Zoning Administrator, Alexandria Township

Re: Zoning Administrator's Report

The Planning Commission held one public hearing at its February 28, 2011 regular meeting. The recommendations and background information related to the hearing(s) are as follows:

Public Hearing #1:

Application: Proposed amendment to the Alexandria Township Zoning Ordinance.

Applicant: Alexandria Township

Background: Over the past year and more, the Planning Commission has been discussing how to clarify its regulation of business activities within non-commercial/non-industrial areas. The Commission has also been discussing a number of areas of the ordinance where clarifications or revised wording was discussed as being needed.

At the January 24, 2011 meeting, after reviewing the proposed amendments, the Commission directed staff to make a few additional amendments and to schedule the amendments for a public hearing at the February 28th meeting.

The attached documents includes the changes requested at the January meeting.

Staff received a letter prior to the January 24th meeting from Douglas County with comments on the proposed "home occupation" ordinance. It is attached.

The letter received prior to the December meeting from the Township Attorney is also attached.

Planning Commission Recommendation: The Planning Commission recommends the ordinance amendments be approved as presented.

Town Board Direction: The Town Board can accept the recommendation of the Planning Commission, render a modified decision on the application, or send the request back to the Commission for further review if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

The required resolutions, to adopt and publicize the amended ordinance, are attached for your consideration and action.

Please note that I will be out of the country from March 6-March 14 and will not be able to attend your March 7 meeting. If you should have any questions, please contact myself prior to March 6th or another planner in our office.

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@communtygrowth.net or by phone at 866-900-3064.

TILLITT McCARTEN JOHNSON & HASEMAN LTD

LAWYERS

PAUL V. McCARTEN
PAUL R. JOHNSON
JULIE A. HASEMAN
MICHELLE L. CLARK

TELEPHONE: 320/762-8171

801 BROADWAY
P.O. BOX 188
ALEXANDRIA, MN 56308-0188

RALPH S. TILLITT (Retired)
JOHN J. McCARTEN (1916-1985)

December 20, 2010

FAX: 320/762-8830
www.tillitmccarten.com

Mr. Ben Oleson, AICP
Community Growth Institute
610 Fillmore Street, Suite 4
Alexandria MN 56308

IN RE: Alexandria Township Zoning Ordinance Amendment
Our File No. 4113.01

Dear Mr. Oleson:

I received your request that I review the proposed Zoning Ordinance amendments. Specifically, I have reviewed the ordinance in regard to home occupations.

All in all I think that the new definitions are very clear, and given the permit requirements I don't think that it opens the floodgates for home occupations or encourages business in residential area other than what would have been traditionally deemed home occupations, for example day cares, hair salons, wood working, home offices, dog boarding and the like. There are protections in place to limit other light industries.

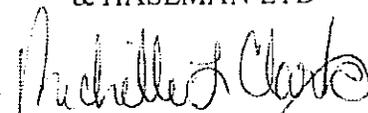
Adding a sentence may be advisable, in bold and underlined, in the home occupations section, perhaps as part of the definition, that such occupations are conditional uses and temporary in nature. The use may be disallowed if conditions change. You have the language in the interim use section, but then no one can say they did not see it associated with home occupations.

Some examples of changed conditions also would be helpful; for example, if the area becomes platted, if the population density increases, if the road becomes a through road or has increased traffic flow.

Other than those suggestions, I think the revisions are very well done. Please contact me if I can be of further assistance. Thank you.

Very truly yours,

TILLITT McCARTEN JOHNSON
& HASEMAN LTD



Michelle L. Clark
(Email: mclark@tillitmccarten.com)

MLC/clc

cc: Mr. Gregg Raisanen

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LAND AND RESOURCE MANAGEMENT
Environment, Planning, Water, Solid Waste & Zoning

Director
David Rush

305 8th Ave. W.
Alexandria, MN 56308
(320) 762-3863

January 10, 2011

Ben Oleson
Alexandria Twp Zoning Administrator
Community Growth Institute
PO Box 445
Alexandria, MN 56308

RE: Review of proposed Alexandria Township Zoning Ordinance changes.

Dear Ben:

After reviewing the copy of the draft Zoning Ordinance amendments for Alexandria Twp., it is my determination that these changes are at least as restrictive as the Douglas County Zoning Ordinance and/or how that ordinance is enforced.

In regard to the changes related to "home occupations", the County ordinance does not distinguish between degrees of home-based businesses, which likely contributed to the Twp's need to make a change. The County has, however, made distinction in type of "home occupation" as to how the ordinance is currently enforced. The Low Activity Home Occupations (LAHO) as defined in the Twp draft rules are typically ignored by the County, if in fact, the County is even aware of them at all. As I interpret the draft rule, LAHOs would include internet businesses, construction contractors with a single work-truck, attorneys or consultants with no visible sign of business activity.

The Moderate and High Activity Home Occupations (MAHO and HAHO) as described are typical of those home businesses that are required by the County to have a conditional use permit. In this way, I feel that the Twp's proposed rules are very much in-line with the interpretation and enforcement of the County Zoning Ordinance.

The remaining proposed changes do not pose any issues for the County, as they are all at least as restrictive. However I do have a few comments that the Twp may find helpful:

- Section 5, subpart 5 – The County has not yet changed the ordinance regarding non-conforming parcels in shoreland areas to reflect the changes in MN Statutes, but is currently enforcing based on the Statute (394.36) rather than the obsolete ordinance.
- Section 5, subpart J – The Twp raises a good point in this section that the County has not encountered, and therefore not considered. A 2700 sq ft accessory

structure attached to a dwelling with 12+ ft sidewall may be an issue, but not one we've encountered yet. Perhaps the County could consider what the Twp decides on this issue for incorporation into our zoning ordinance.

- Section 7 – In the proposed definition of Lot Width, I do not see any conflict with County zoning rules. However, I believe the wording “the average width of the front and rear lot line” is confusing. This definition may also allow riparian lots that do not meet the minimum lot width requirement at OHW.

Thank you for the opportunity to review these proposed changes to the Alexandria Twp Zoning Ordinance. I commend your effort to correct many of the ambiguities that remain from and within the Douglas County Zoning rules. Feel free to contact me if you would like to discuss any of my comments or these proposed amendments further.

Best regards,

A handwritten signature in cursive script that reads "David B. Rush". The signature is written in black ink on a light-colored background.

David B. Rush
Director

enc.

**ALEXANDRIA TOWNSHIP
DOUGLAS COUNTY, MINNESOTA
RESOLUTION # 11-02**

Resolution

**Adopting Alexandria Township Ordinance # 123 (Zoning Ordinance)
and
Repealing Alexandria Township Ordinance # 122 (Zoning Ordinance)**

WHEREAS, Minnesota Statutes 462.357 authorizes a town to adopt zoning regulations for the purpose of promoting the public health, safety, morals, and general welfare; and

WHEREAS, Alexandria Township adopted a Comprehensive Plan on July 3, 2006 to guide the development of official controls, including those of a zoning ordinance and finds the attached zoning ordinance furthers the goals of the Comprehensive Plan; and

WHEREAS, the Alexandria Township Board of Supervisors declares that the amendment of the zoning controls contained in Ordinance #123 are desirable to promote the public health, safety, morals, and general welfare and to better achieve the goals and policies outlined in the Township's Comprehensive Plan;

NOW THEREFORE, the Alexandria Township Board of Supervisors hereby ordains as follows:

1. That the attached Alexandria Township Zoning Ordinance # 123 is hereby adopted;
2. The Township Clerk is directed to cause appropriate publication of Ordinance # 123 and said ordinance shall be effective upon publication;
3. That Zoning Ordinance # 122 is repealed upon the effective date of Township Zoning Ordinance #122;
4. Upon enactment of Ordinance # 123, no action shall be taken within Alexandria Township that is in conflict with the Ordinance.

Voting aye:

Opposed:

Abstained:

Approved by the Township Board of Supervisors on this 7th day of March, 2011.

Roger Thalman – Chairman

Attest: Gregg Raisanen
Alexandria Township Clerk

**Alexandria Township
Resolution 11-03**

**RESOLUTION ORDERING ADOPTION OF SUMMARY OF
ORDINANCE 123
ZONING ORDINANCE**

WHEREAS, on the 28th day of February, 2011, proper notice being provided, the Alexandria Township Planning Commission held a public hearing on the adoption of amendments to Zoning Ordinance #122 and recommended adoption of amendments; and

WHEREAS, on the 7th day of March, 2011, the Alexandria Town Board, at a regularly scheduled meeting, accepted the recommendation of the Planning Commission and adopted Ordinance 123 (Zoning Ordinance); and

WHEREAS, on the 7th day of March, 2011, at a regularly scheduled township board meeting, proper notice being provided, the Alexandria Town Board approved the wording of the Summary of amendments to Ordinance 123; and

WHEREAS, the Town Board has determined that the title and summary of the ordinance clearly tells the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOWN OF ALEXANDRIA, DOUGLAS COUNTY, MINNESOTA:

1. The following Summary of Ordinance 123 clearly tells the public of the intent and effect of amendments to Ordinance 122 and the overall intent of Ordinance 123, Zoning Ordinance, and shall be published in the Alexandria Echo Press, Alexandria, Minnesota, once within 20 days of the date of this Resolution. The original Ordinance in its entirety shall be recorded in the Town's Ordinance Book with proof of publication attached within 20 days after the publication of the Summary.
2. Ordinance 123, shall be posted by the Clerk at the community library, Douglas County Library, 720 Fillmore Street, Alexandria, Minnesota 56308. Additionally, the entire Ordinance shall be available for inspection by any person by contacting Gregg Raisanen, Township Clerk, at Alexandria Township Office, 610 Fillmore Street, Alexandria, Minnesota 56308 or by calling him at (320) 759-5300 or by visiting the Alexandria Township web site at www.alexandriatownship.org.

SUMMARY OF AMENDMENTS TO ORDINANCE 122

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Township of Alexandria, Douglas County, Minnesota, have adopted **Ordinance 123, Zoning Ordinance**, effective immediately to replace Ordinance 122 (Zoning Ordinance). Said Ordinance 123 generally regulates the size, location, and other characteristics of structures and buildings; the use of land, buildings and structures; the density of population; and other related improvements

to land for the purpose of promoting the public health, safety and general welfare of the residents of the Township of Alexandria, Douglas County, Minnesota.

Specific amendments to Ordinance 122 included in Ordinance 123 are: The amendments would create a new ordinance under Section V (Performance Standards) regulating home occupations, amend the list of permitted uses and clarify lakes considered sewered prior to 2001 in Section III, amend Section V.F (Nonconformities) regulating how improvements to nonconforming structures and nonconforming lots of record are regulated, clarify allowed timeframes for updating failing sewer systems in Section V.G, clarify the regulation of Accessory Buildings in Section V.J, clarify the regulation of stairways in shoreland areas (Section V.L), amend setback requirements for structures in Section V.S (Rural Reserve Development), clarify structures requiring permits and require the management of environmental effects when issuing certain permits in Section VI.A, amend section VI.F (Zoning Amendments) to clarify procedures for making certain amendments, amend sections VI.G (Conditional Use Permit) and Section VI.H (Interim Use Permit) to clarify the process for rescinding such permits, and amending several definitions within Section VII.

A printed copy of Ordinance 123 is available for inspection by any person by contacting Gregg Raisanen, Township Clerk, at Alexandria Township Office, 610 Fillmore Street, Alexandria, Minnesota 56308 or by calling him at (320) 759-5300 or by visiting the Alexandria Township web site at www.alexandriatownship.org.

Voting aye:

Opposed:

Abstained:

Approved by the Township Board of Supervisors on this 7th day of March, 2011.

Roger Thalman – Chairman

Attest: Gregg Raisanen
Alexandria Township Clerk

ALEXANDRIA TOWNSHIP ZONING ORDINANCE

Effective:

~~December 2009~~ February 2011

| | |
|-----------------------|--|
| ACCESSORY USES | Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, interim or conditional uses are permitted in all districts. |
|-----------------------|--|

| AGRICULTURAL USES | RCR | RR | UR | RS | CS | C-U | C-R | I |
|---|------------|-----------|-----------|-----------|-----------|------------|------------|----------|
| Agricultural; limited, however, to plant husbandry and sale of plants and produce. | A | A | A | A | A | A | A | A |
| Limited livestock raising of 0.5 animal units <u>per acre</u> up to 49 a.u. (pasture) | A | A | IU | IU | IU | IU | IU | IU |
| Limited livestock raising of more than 0.5 animal units <u>per acre</u> (pasture) | IU | IU | IU | IU | IU | IU | IU | IU |
| Animal Feedlot | X | X | X | X | X | X | X | X |
| Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission | IU | IU | IU | IU | IU | IU | IU | IU |

Key: A = Allowed, no permit required; P = A use allowed, but which may require a land use permit; CU = A use requiring a Conditional Use Permit; IU = A use requiring an Interim Use Permit; X = not permitted.

| RESIDENTIAL USES | RCR | RR | UR | RS | CS | C-U | C-R | I |
|---|------------|-----------|-----------|-----------|-----------|------------|------------|----------|
| Dwelling | | | | | | | | |
| Single Family | P | P | P | P | CU | CU | CU | CU |
| Second single family on a parcel | X | X | X | X | X | X | X | X |
| Multi-Family (2 units) | X | X | CU | X | X | CU | CU | CU |
| Multi-Family (3-4 units) | X | X | CU | X | X | CU | CU | CU |
| Multi-Family (5+ units) | X | X | CU | X | X | CU | CU | CU |
| For security persons and their families located on the premises where they are employed | X | X | X | X | X | IU | IU | IU |
| Guest Cottage (riparian lots only) | X | X | X | CU | CU | X | X | X |
| Travel Trailers/ Campers/ Recreational Vehicles (1 per lot) | A | A | A | A | A | X | X | X |
| Home Occupations, <u>Low Activity</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>X</u> |
| Home Occupations, <u>Moderate Activity</u> ⁶ | IU | IU | IU | IU | IU | X | X | X |
| Home Occupations, <u>High Activity</u> | <u>IU</u> | <u>IU</u> | <u>X</u> | <u>X</u> | <u>IU</u> | <u>X</u> | <u>X</u> | <u>X</u> |

⁶ Home occupations may include uses that are otherwise prohibited in a zoning district, provided they meet the definition of a home occupation.

| | | | | | | | | |
|---|----|----|----|--|--|----|----|----|
| Controlled Access Lot | X | X | X | CU (X in RS- NES distric t) | CU (X in RS- NES distric t) | X | X | X |
| Bed and Breakfast Facilities | CU | CU | CU | CU | CU | X | X | X |
| Planned Unit Developments – Residential (RS District) ⁷ | X | X | X | CU | CU | X | X | X |
| Planned Unit Development – Single-Family ⁸ | X | X | CU | X | X | X | X | X |
| Planned Unit Development – Multi-Family ⁹ | X | X | CU | X | X | CU | X | CU |
| Rural Reserve Development | CU | CU | X | X | X | X | X | X |
| Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission | IU | IU | IU | IU | IU | IU | IU | IU |

Key: A = Allowed, no permit required; P = A use allowed, but which may require a land use permit; CU = A use requiring a Conditional Use Permit; IU = A use requiring an Interim Use Permit; X = not permitted.

| COMMERCIAL USES | RCR | RR | UR | RS | CS | C-U | C-R | I |
|---|-----|----|----|----|----|-----|-----|----|
| Adult Uses | X | X | X | X | X | X | X | CU |
| Auto Repair | IU | X | X | X | X | CU | CU | CU |
| Automobile accessory store with no outdoor storage | X | X | X | X | X | P | P | P |
| Billboard sign | X | X | X | X | X | CU | CU | CU |
| Bowling alley | X | X | X | X | X | CU | X | CU |
| Cabinet Shop ¹⁰ | IU | X | X | X | X | CU | CU | P |
| Commercial uses which serve local permanent residents and the resort industry, such as grocery stores, marine supplies, equipment and service; recreational equipment sales and privately owned and licensed recreational activity. | IU | IU | IU | IU | IU | CU | CU | CU |
| Communications services and utility towers including wind towers, cellular phone towers and other wireless telecommunications towers. | CU | CU | CU | CU | CU | CU | CU | CU |

⁷ Amended 5/21/2007 (Resolution #07-06)

⁸ Amended 5/21/2007 (Resolution #07-06)

⁹ Amended 5/21/2007 (Resolution #07-06)

¹⁰ ~~In residential districts where allowed, structures or outside storage areas related to the use shall meet a minimum lot size of 5 acres and/or a setback of 200 feet from dwellings on nearby properties unless otherwise approved by the Township, who shall consider alternative methods to minimize the impact on nearby properties such as, but not limited to, fencing or screening. Amended 12/7/2009 (Resolution #09-05)~~

| | | | | | | | | |
|---|----|----|----|----|----|----|----|----|
| Contractors offices, shops and yards without outdoor storage | IU | X | X | X | X | P | P | P |
| Contractors offices, shops and yards with outdoor storage | IU | X | X | X | X | CU | CU | CU |
| Gas and convenience store | X | X | X | X | CU | CU | CU | CU |
| Health/fitness center, racquetball club and roller rinks | X | X | X | X | X | CU | X | CU |
| Hospitals, nursing homes | X | X | X | X | X | CU | X | CU |
| Financial institutions | X | X | X | X | X | P | P | P |
| Laundromat/Dry cleaning | X | X | X | X | X | CU | X | CU |
| Machinery, equipment sales, storage and service | X | X | X | X | X | CU | CU | CU |
| Mini-Storage | X | X | X | X | X | P | P | P |
| Motel/Hotel and/or convention centers | X | X | X | X | CU | CU | X | CU |
| Nurseries/garden store | IU | IU | X | X | X | P | P | P |
| Offices of members of recognized professions, such as doctors of medicine, optometry, dentistry and chiropractors; engineers, lawyers and architects. (In RR, R, RS and CS districts, provided such professions are carried on in their respective residents) | CU | CU | CU | CU | CU | P | CU | P |
| Retail sales and/or service, with no outdoor storage | X | X | X | CU | CU | P | CU | CU |
| Retail sales and/or service, with outdoor storage | X | X | X | CU | CU | CU | CU | CU |
| Restaurant, on/off sale liquor sales; supper club and fast food establishments | X | X | X | CU | CU | CU | X | CU |
| Planned Unit Development – Commercial (RS/CS District) ¹¹ | X | X | X | X | CU | X | X | X |
| Planned Unit Development – Non-Residential ¹² | X | X | CU | X | X | CU | CU | CU |
| Veterinary Clinic | IU | X | X | X | X | CU | CU | CU |
| Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission ¹⁰⁺⁰ | IU |

Key: A = Allowed, no permit required; P = A use allowed, but which may require a land use permit; CU = A use requiring a Conditional Use Permit; IU = A use requiring an Interim Use Permit; X = not permitted.

¹¹ Amended 5/21/2007 (Resolution #07-06)

¹² Amended 5/21/2007 (Resolution #07-06)

C. Building Setback, Lot Area and Density Requirements and Regulations¹⁶

The following table establishes the set of dimensional standards that shall be applied within the zoning districts of Alexandria Township. These standards shall be interpreted as the minimum requirements for each district (see Section III.C.5 for dimensional standards within the Residential Shoreland District).

| | RCR | RR | UR | RS & CS | C-U | C-R | I |
|------------------------------------|---|--|-----------------------------|--------------------|---------------------------------------|---|---|
| Max. Density | | | | | | | |
| Lot/block development | 1 du per 20 gross acres | 1 du per 10 gross acres | 1 du per 15,000 gross sq ft | See Section III.D | 75 percent lot coverage ¹⁷ | 75 percent lot coverage ¹⁷⁺⁷ | 75 percent lot coverage ¹⁷⁺⁷ |
| Rural Reserve Development | 1 du per 10 gross acres of buildable area | 1 du per 2.5 gross acres of buildable area | N/A ¹⁸ | | N/A | N/A | N/A |
| Min. Lot Size ¹⁹ | | | | | | | |
| Unsewered Areas | 1 acre | 1 acre | 15,000 sq ft | | 30,000 sq ft | 30,000 sq ft | 30,000 sq ft |
| Sewered Areas | 1 acre | 1 acre | 15,000 sq ft | | 15,000 sq ft | N/A | 15,000 sq ft |
| Minimum Buildable Area | 28,900 sq ft | 28,900 sq ft | 7,400 sq ft | | 19,400 sq ft (unsewered) | 19,400 sq ft (unsewered) | 19,400 sq ft (unsewered) |
| Min. Lot Width | | | | | | | |
| Single Family | 100 ft | 100 ft | 100 ft | | 100 ft | 100 ft | 100 ft |
| Two Family ²⁰ | N/A | N/A | 125 ft | | N/A | N/A | N/A |
| | | | | | | | |
| Min. Lot Depth | | | | | | | |
| Single Family | 150 ft | 150 ft | 125 ft | | 150 ft | 150 ft | 150 ft |
| Two Family | N/A | N/A | 150 ft | | N/A | N/A | N/A |

¹⁶ Amended 7/2/2007 (Resolution #07-09)

¹⁷ Lot coverage maximums also subject to limitations on impervious surface coverage.

¹⁸ Amended 12/17/2007 (Resolution #07-20)

¹⁹ Not applicable within a planned unit development unless private sewer is provided on each individual dwelling lot. An increase of the minimum buildable lot size may be required by the Township if determined to be necessary.

²⁰ Two-family dwelling width only applies if one parcel or lot.

| | RCR | RR | UR | RS & CS | C-U | C-R | I |
|---|------------|-----------|-----------|--------------------|------------|------------|----------|
| Maximum Lot Coverage – Impervious Surfaces | | | | See Section III.D | | | |
| | 25% | 25% | 25% | | 75% | 75% | 75% |
| Height (ft) | | | | | | | |
| Agricultural buildings | 35 | 35 | 35 | | 40 | 40 | 40 |
| Other Structures | 35 | 35 | 35 | | 40 | 40 | 40 |
| Structure Setback from Wetlands | | | | | | | |
| Protected | 50 | 50 | 50 | | 50 | 50 | 50 |
| All Other Wetlands | 25 | 25 | 25 | | 25 | 25 | 25 |
| Sewage Treatment System Setback from Wetlands | | | | | | | |
| | 50 | 50 | 50 | | 50 | 50 | 50 |
| Structure Setback from Road Right-of-Way or Easement ²¹ | | | | | | | |
| Federal Road | 50 | 50 | 50 | 50 | 50 | 50 | |
| State Road | 50 | 50 | 50 | 50 | 50 | 50 | |
| County Road – Urban | - | - | - | - | - | - | |
| County Road – Rural | - | - | - | - | - | - | |
| Township Road | 32 | 32 | 32 | 32 | 32 | 32 | |
| Cartway, Alley, Avenue, Private accesses serving more than two parcels and other roads | 32 | 32 | 32 | 32 | 32 | 32 | |

²¹ The most restrictive of the right-of-way/centerline setback shall apply, unless centerline setback does not apply as per footnote 6.

| | RCR | RR | UR | RS & CS | C-U | C-R | I |
|--|--------------------------|--------------------------|--------------------------|-------------------------|--------------------------|--------------------------|--------------------------|
| Structure Setback from Public Road Centerline²² | | | | | | | |
| Federal Road | - | - | - | See Section III.D | - | - | - |
| State Road | - | - | - | | - | - | - |
| County Road – Urban ²³ | 75 | 75 | 75 | | 75 | 75 | 75 |
| County Road – Rural ^{23,23} | 100 | 100 | 100 | | 100 | 100 | 100 |
| Township Road | 65 | 65 | 65 | | 65 | 65 | 65 |
| Cartway, Alley, Avenue, Private accesses serving more than two parcels and other roads | 48 | 48 | 48 | | 48 | 48 | 48 |
| Structure Setback from Side Yard (See Section VI.A.1.b.i for other <u>improvements required to meet structure setbacks</u>). If an attached two family home is constructed on two contiguous conforming lots a zero (0) lot line setback is permitted between the two lots for the dwelling structure and driveway.) | | | | | | | |
| Lot existence prior to August 9, 1966 | 10 ft (5 ft to eaves) | 10 ft (5 ft to eaves) | 6 ft (3 ft to eaves) | | 10 ft (5 ft to eaves) | 10 ft (5 ft to eaves) | 10 ft (5 ft to eaves) |
| Lot existence on or after August 9, 1966 | 10 ft (5 ft to eaves) | 10 ft (5 ft to eaves) | 10 ft (5 ft to eaves) | | 10 ft (5 ft to eaves) | 10 ft (5 ft to eaves) | 10 ft (5 ft to eaves) |
| Structure Setback from Rear Yard (See Section VI.A.1.b.i for other <u>improvements required to meet structure setbacks</u>) | | | | | | | |
| Dwellings | 25 | 25 | 25 | | 25 | 25 | 25 |
| Commercial/Industrial bldgs | - | - | - | | 25 | 25 | 25 |
| Livestock bldgs | 100 | - | - | | - | - | - |
| Ag/Accessory bldgs | 10 | 10 | 10 | | 10 | 10 | 10 |

²² Center Line setback shall not apply in cases where the adjacent road is in a platted right-of-way of at least sixty-six (66) feet in width and the right-of-way has not been identified in official government documents for future expansion beyond a sixty-six (66) foot right-of-way. If any portion of an existing road is located outside of a right-of-way, regardless of the width of the right-of-way, the right-of-way setback shall apply as measured from the edge of the traveled road surface or the actual right-of-way, whichever is more restrictive.

²³ County Road 81 between State Highway 27 and the Lake Victoria/Lake Jessie channel. All other County Roads in Alexandria Township are considered Rural.

| | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| Federal Road | - | - | - | - |
| State Road | - | - | - | - |
| County Road – Urban | 75 | 75 | 75 | 75 |
| County Road – Rural | 100 | 100 | 100 | 100 |
| Township Road | 65 | 65 | 65 | 65 |
| Cartway, Alley, Avenue, Private accesses serving more than two parcels and other roads | 48 | 48 | 48 | 48 |
| Side Yard Setback | | | | |
| Lot existence prior to August 9, 1966 | 6 ft (3 ft to eaves) |
| Lot existence on or after August 9, 1966 | 10 ft (5 ft to eaves) |
| Rear Yard Setback | | | | |
| Dwellings | 25 | 25 | 25 | 25 |
| Commercial/Industrial buildings | 25 | 25 | 25 | 25 |
| Livestock buildings | - | - | - | - |
| Ag/Accessory buildings | 10 | 10 | 10 | 10 |
| Lake and River Setback – Buildings/Structures | | | | |
| Lake sewered prior to Jan 2001 ³⁴ | 50 | 75 | 150 | 50 |
| Lake sewered on or after Jan 2001 ³⁵ | 75 | 100 | 150 | 50 |
| Unsewered | 75 | 100 | 150 | 100 |
| Lake and River Setback – ISTS System | 75 | 75 | 150 | 75 |
| Building Setback from Wetlands | | | | |
| Protected | 50 | 50 | 50 | 50 |
| All Other Wetlands | 25 | 25 | 50 | 25 |
| Sewage Treatment System Setback from Wetlands | 50 | 50 | 50 | 50 |
| Structure Setback from Bluff (feet) | 30 | 30 | 30 | 30 |

six (66) feet in width and the right-of-way has not been identified in official government documents for future expansion beyond a sixty-six (66) foot right-of-way. If any portion of an existing road is located outside of a right-of-way, regardless of the width of the right-of-way, the right-of-way setback shall apply as measured from the edge of the traveled road surface or the actual right-of-way, whichever is more restrictive.

³⁴ Lakes Burgen, Geneva, Le Homme Dieu and Victoria were sewered prior to Jan 2001. All properties on these lakes shall be considered “sewered” for the purposes of this regulation, regardless of whether they were actually served with a sewer line prior to January 2001. No lakes have been sewered as of Jan 2007 and thus all other lakes are currently unsewered.

³⁵ Any lake other than Burgen, Geneva, Le Homme Dieu and Victoria.

8. Loading and Unloading Requirements.

- a. Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirement for each use.

F. NONCONFORMITIES.⁴⁹

Within the districts established by this Ordinance or amendments that may later be adopted, there will exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue with appropriate restrictions on their operation and maintenance until they are removed or brought into compliance, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as specifically allowed in this Ordinance.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged except in conformance with this Ordinance.

To avoid a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, and upon which actual construction has been diligently carried on the construction may continue. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed actual construction, provided that work shall be diligently carried on until completion of the building involved.

1. Nonconforming Uses of Land.

- a. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1.) No such nonconforming use shall be increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except by conditional or interim use permit. In reviewing said application, the Planning Commission shall recommend denial when the proposed expansion –

⁴⁹ Amended 12/17/2007 (Resolution #07-20)
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whether an activity, a structure or an increase in off-site impacts – would likely result in a new or intensified nuisance or threat to public health, safety and welfare. The Planning Commission may impose reasonable conditions to ensure compliance with the above requirement or to reduce or eliminate existing nuisance characteristics or threat(s) to public health, safety and welfare, including the installation and/or construction of fences or buildings exceeding the dimensions otherwise required by the Zoning Ordinance when deemed necessary.

- (2.) If a nonconforming use ceases to be used for a period of twelve (12) consecutive months, or is changed to a conforming use, any subsequent use shall meet the requirements of the zoning use district wherein located.
 - (3.) A nonconforming use shall not be moved to any other part of its site or to another site where it would still constitute a non-conforming use, except as provided in Section F.1.a.(1.) above.
 - (4.) An otherwise permissible nonconforming use may be subject to additional restrictions for reasons of public health and safety.
- b. This subsection does not apply to recreational equipment as it must be licensed and all provisions of Section V.K. are in full force and effect thirty (30) days from the date of the adoption of this Ordinance by the Alexandria Town Board of Supervisors.

2. Nonconforming Structures.

- a. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, , including through repair, replacement, restoration, maintenance, or improvement, but not including expansion⁵⁰, unless subject to the following provisions:
- (1.) The nonconformity or occupancy is discontinued for a period or more than one year;
 - (2.) Any nonconforming structure or use in a non-shoreland district is

⁵⁰ For the purposes of this section, a replaced or reconfigured structure shall not be considered to have expanded if it maintains the same ground coverage or less and does not create a new nonconformity where one didn't exist previously. A roof may be reconfigured to minimally meet building code requirements and/or to create a reasonable pitch to the roof provided no additional living space is created. A structure need not be replaced in exactly the same location provided it is consistent with these restrictions.

destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.

(3.) Any nonconforming structure or use in the shoreland district with less than 50 percent of the required setback from the ordinary high water level is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(4.) No such structure may be enlarged or altered in any way which increases its nonconformity without a variance, except for:

a. Additions to nonconforming structures, if such additions standing alone, would meet all setbacks of the ordinance.

b. Additions which comply with the "string line test" as defined in Section VII of this Ordinance and meet the requirements of Section III.D.6.c.

~~(2.) Should such structure be destroyed by fire or other peril to an extent of more than fifty (50) percent of the assessor's market value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The fifty (50) percent replacement valuation must be calculated as a cumulative total for the life of the individual nonconforming structure. It is not the intent of this Ordinance to allow multiple construction projects on the individual nonconforming structure to manipulate the fifty (50) percent replacement valuation.~~

(3.) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4.) Notwithstanding the above, any repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in floodplain areas shall be regulated to the extent necessary to maintain eligibility in the National Flood Insurance Program and to not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway. Alterations may be made to a residential structure when they will improve the livability of the building provided that they do not alter the dimensions of the exterior

~~structure, including height, or increase the number of dwelling units, provided that setbacks are met, and that such alteration does not increase the nonconformity of the structure.~~

~~(5.) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this Ordinance. Any deviation from these requirements must be authorized by a variance upon demonstration of a hardship.~~

3. Nonconforming Uses of Structures.

a. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1.) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located or except as provided in Section F.1.a.(1.) above.
- (2.) A nonconforming use may be extended throughout a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building except as provided in Section F.1.a.(1.) above.
- (3.) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use by the Town Board, upon recommendation of the Planning Commission. In permitting such change, the Town Board may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- (4.) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (5.) When a nonconforming use of a structure is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in

conformance with the regulations of the district in which it is located.

- (6.) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

5. CONSTRUCTION ON NONCONFORMING LOTS OF RECORD.

- a. Non-Shoreland Areas: Legally created lots of record in the office of the Douglas County Recorder on the date of enactment of the Zoning Ordinance that do not meet the requirements of Section III of this Ordinance and are not located within a shoreland district may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.

If, in a group of two or more contiguous non-shoreland lots under the same ownership, any individual lot does not meet the requirements of Section III of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section III of this Ordinance as much as possible. Husband and/or wife will be considered same ownership.

- b. Shoreland Areas: In shoreland districts, a legal, nonconforming single lot ~~Lots~~ of record in the office of the Douglas County Recorder on the date of enactment of the Zoning Ordinance, in separate ownership from abutting lands at all times since it became substandard, and that does not meet the requirements of Section III of this Ordinance may be allowed as a building sites without variances from lot size requirements provided ~~the~~that the use is permitted in the zoning district, all structure and septic setback distance requirements can be met, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080 and Alexandria Township regulations can be installed or the lot is connected to a public sewer, and the impervious surface coverage on the lot does not exceed the requirements of the underlying zone.

If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section III of this Ordinance,

no lot must be considered as a separate parcel of land for the purposes of sale or development and must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible, unless the lot meets the following requirements:

- (1) The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the underlying zoning district and with the shoreland classification consistent with Minnesota Rules 6120 if located within a shoreland area; and
- (2) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules 7080 and Alexandria Township SSTS regulations; and
- (3) Impervious surface coverage must not exceed the requirements of the underlying zone; and
- (4) Development of the lot must be consistent with the Alexandria Township Comprehensive Plan.

Husband and/or wife will be considered same ownership.

Notwithstanding the above, contiguous nonconforming lots of record under common ownership must be able to be sold or purchased individually if each lot contained a habitable dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules, section 115.55 and Minnesota Rules, Chapter 7080, or connected to a public sewer.

- b. If the structure or septic setback requirements of this ordinance cannot be met, a variance ~~from setback requirements~~ must be obtained before any use, sewage treatment system, or land use permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- c. ~~If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section III of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. A lot not meeting all of the requirements of Section V.F.5. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section III of this Ordinance as much as possible. Husband and/or wife will be considered same ownership.~~

- d. A subdivision of a nonconforming lot shall not be approved where a later variance from one or more standards in the official controls would be needed to use the lots for their intended purpose.

G. SANITATION.

The purpose of the Sanitation section of this ordinance shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and septage disposal including location, design, construction, operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapters 115. The Township hereby adopts, by this reference, Minnesota Rules Chapter 7080, including sections 7080.0020, 7080.0060-7080.0176, 7080.0178, 7080.0179, and 7080.0600, along with any future amendments.

- 1. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment. "Other establishments" must meet the requirements of the Douglas County Sanitarian in addition to the sanitation requirements of this Ordinance.
 - a. Publicly-owned sewer systems must be used where available. Availability to be determined by the Township Board.
 - b. All private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, specifically Chapter 7080 for Individual Sewage Treatment Systems and any applicable local government standards.
 - c. Sewage treatment systems installed according to all applicable local standards at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with soil treatment area separations that are less than three (3) feet above the highest known groundwater table or seasonally saturated soil conditions or bedrock, as required by the Minnesota Rules Chapter 7080 for Design of On-Site Sewage Treatment Systems shall be considered nonconforming.
 - d. Alexandria Township shall implement programs to identify and upgrade sewage treatment systems that are inconsistent with the sewage treatment system design criteria identified in item C, exclusive of the appropriate setback from the ordinary high water level. These programs shall require reconstruction within a timeframe not to exceed two years or ten months if such system is declared to be an imminent public health threat.

2. Alexandria Township shall conduct:
 - a. A systematic review of existing records to determine which systems in their jurisdiction are nonconforming.
 - b. A systematic onsite inspection program including all properties where adequate record of conformance does not exist, identifying nonconforming or illegal systems.
 - c. An education program that is oriented toward convincing substantial numbers of property owners to evaluate their sewage treatment systems and voluntarily upgrade the sewage treatment systems.
 - d. Once an onsite sewage treatment system is identified to be nonconforming, the Zoning Administrator or designee shall require such system to be brought into conformance with the provisions of Minnesota Rules Chapter 7080 within a timeframe not to exceed two years or ten months, if such system is declared to be an imminent public health threat. These timeframes shall apply even if a public sewer agency has provided a longer time frame for connection to a recently installed public sewer line.
3. Licensing Requirements.
 - a. No person, firm, or corporation shall design, install, construct, repair, or pump onsite sewage treatment systems or haul liquid waste within Alexandria Township without first obtaining a license to carry on such occupation from the Minnesota Pollution Control Agency. A homeowner self-installing or repairing an onsite sewage treatment system at the homeowners property shall be exempt from the license requirement.
4. Permits.
 - a. The fee title owner of property or legal representative thereof shall be responsible for obtaining a permit from the Alexandria Township Zoning Administrator for the installation, alteration, or extension of an on-site sewage treatment system. No person, contractor, firm, or corporation shall install, alter, or extend an on-site sewage treatment system in the Township until such a permit has been issued by the Zoning Administrator.
 - b. Applications for permits shall be made in writing by the fee title owner or agent upon a form furnished by Alexandria Township and pay a fee as listed in the Alexandria Township Permit and License Fee Schedule. Such permit shall be valid for a period of twelve (12) months from the date of issue unless extended by the Zoning Administrator.

- e. The permittee shall provide to Alexandria Township a bond for \$100,000 conditioned upon satisfactory recycling or upon removal and disposal of recyclable demolition material in the event of permittees' unwillingness or inability to recycle or to remove and dispose of such material.
- f. Each site shall be subject to an annual inspection to assure conformance with Section V.I.5.
- g. Permitted concrete and bituminous storage/recycling facilities shall be subject to an annual administrative review by the Zoning Administrator. This review shall not require payment of a fee.

J. ACCESSORY BUILDING

To provide a higher development standard and to control the size and number of accessory buildings in a residential setting. This section shall be applicable to all parcels of land within the Urban Residential⁵⁸ or shoreland districts that contain five acres or less.

1. General Provisions.

- a. No detached accessory structure shall be utilized for human habitation unless specifically approved as a guest cottage.
- b. A garage not exceeding 1200 square feet shall be considered an integral part of the principal building if it is attached to the principal building or is connected to it by a covered passageway. As such, an attached garage is not included as an accessory building and is exempt from the provisions in this subsection.
- c. The floor area of all accessory structures shall not exceed 1500 square feet total. Semi-enclosed or roofed structures, such as attached lean-tos, gazebos, screen porches/patios or other similar structures shall be considered accessory structures for the purposes of this section.⁵⁹ Up to 1200 square feet of an attached garage shall not count against the 1500 square foot limit.
- d. No permit shall be issued for the construction of more than two (2) accessory storage buildings, even if the total allowable square footage (1500 square feet) has not previously been exceeded.
- e. The maximum sidewall height of ~~a~~ detached accessory building shall not exceed twelve (12) feet. Attached accessory buildings are not subject to this maximum sidewall height.
- f. The roof pitch of a detached accessory building is not to exceed 6/12.
- g. Galvanized surfaces shall be prohibited on all accessory buildings.
- h. No detached accessory structure shall be over one story in height.

⁵⁸ Amended 7/2/2007 (Resolution #07-09)

⁵⁹ Amended 12/17/2007 (Resolution #07-20)

2. General Provisions.

- a. The following criteria for recreational equipment shall apply to all applicable zoning districts:
- (1.) Only one (1) recreational equipment unit shall be allowed per lot.
 - (2.) Recreational equipment shall maintain minimum building setbacks as required by Ordinance for the applicable zoning district.
 - (3.) Recreational equipment shall comply with the sanitation standards set forth in this Ordinance.
 - (4.) Recreational equipment shall display and maintain the current year and class of vehicle license in accordance with State regulations.
 - (5.) All tires necessary for safe highway transport must remain mounted and inflated at all times.
- b. Section V. F.1. does not apply to this subsection regarding recreational equipment and all provisions in this subsection are in full force and effect thirty (30) days from the date of the adoption of this Ordinance by the Alexandria Town Board of Supervisors.

L. ADDITIONAL PROVISIONS WITHIN THE SHORELAND DISTRICT (RS and CS⁶⁰).

1. Design Criteria for Structures.

- a. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
- (1.) For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
 - (2.) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all

⁶⁰ Amended 7/2/2007 (Resolution #07-09)
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three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with the Ordinance governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

b. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts within a bluff impact zone, steep slope or a shore impact zone require a shoreland alteration permit and must meet the following design requirements:

- (1.) Stairways and lifts must not exceed four (4) feet in width on residential lots, there is only to be one set of steps for access. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments.
- (2.) Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
- (3.) Landings for stairways and lifts shall be allowed no more than one (1) landing per six (6) vertical feet.
- (4.) Canopies or roofs are not allowed on stairways, lifts, or landings.
- (5.) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
- (6.) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
- (7.) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

c. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate

| Category | Sensitive Feature | Source of Data |
|---------------------|--|--|
| Shallow Groundwater | 1. Shallow and hydric soils (soils classified as “poorly drained” and “very poorly drained”) | Soil Survey Geographical Data Base (SSURGO Douglas County Minnesota) |
| | 2. Wetlands | National Wetland Inventory, U.S. Fish and Wildlife Service |
| Topography | 1. Steep slopes (slope of 12% or greater) | Soil Survey Geographical Data Base (SSURGO Douglas County Minnesota) |
| | 2. Bluffs | As identified by the Douglas County Soil during onsite mapping of Bluffs (data is stored at the Douglas County GIS Department) |
| Aquatic Resources | 1. Aquatic vegetation | Minnesota Department of Natural Resources, Section of Fisheries, Lake Survey Reports. |
| | 2. Fish spawning areas (emergents - hardstem bulrush and cattails, and; floating-leaf plants - yellow and white waterlily) | Minnesota Department of Natural Resources |
| Habitat | 1. Areas of High Ecological Significance | Minnesota Department of Natural Resources – County Biological Survey |
| | 2. Areas of Moderate Ecological Significance | Minnesota Department of Natural Resources – County Biological Survey |

S. RURAL RESERVE DEVELOPMENT.

1. General.

Rural Reserve Development (RRD) is to provide for residential development in rural areas in a way that maintains or enhances the Township’s rural character; reserves land for future development when re-zoning to higher densities is appropriate; is sensitive to the physical characteristics of the site; retains large, undivided parcels of land that provide opportunities for compatible agricultural, forestry and other rural land uses; protects sensitive environmental resources; facilitates creation of open space corridors; and/or minimizes impacts of road and utility systems. Rural reserve developments must be completed by plat unless allowable as a metes and bounds subdivision as per the Alexandria Township Subdivision Controls Ordinance.⁷⁰

⁷⁰ Amended 12/17/2007 (Resolution #07-20)
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2. Establishment of a Rural Reserve Parcel.

- a. Each RRD development shall contain a contiguous Reserve Parcel comprising a minimum of 60% of the land area to be subdivided.
- b. The Reserve Parcel may be owned by a homeowners association, corporation, partnership, land trust, individual, or other legal entity.
- c. The following uses of the Reserve Parcel are permitted, subject to any land use limitations in the underlying district:
 - i. Agriculture,
 - ii. Forestry,
 - iii. Recreation,
 - iv. Natural areas including, but not limited to, critical areas and associated buffers, and wildlife corridors,
 - v. One single family dwelling, which shall count towards the maximum allowable density of the development, and associated accessory structures.
- d. The Reserve Parcel shall contain significant resources identified within the property to be subdivided including but not limited to wetlands, historical sites and wildlife corridors.
- e. In order to retain large, undivided parcels of land that provide opportunities for future development at higher densities, compatible agricultural and forestry uses and protection of sensitive environmental resources, the Reserve Parcel shall, to the greatest extent possible, be a single contiguous parcel and shaped so as to be usable for resource uses. Where the Reserve Parcel is intended for other uses, more flexibility is allowed in the shape of the parcel; however, the reserve parcel may not include narrow strips of land or other portions of land that do not substantially meet the purpose of a Reserve Parcel.
- f. Where consistent with other provisions of this chapter, the Reserve Parcel shall be contiguous with any abutting reserve parcel, open space, greenbelt, agricultural lands, commercial forestry lands, public preserves, parks, or schools. Wildlife corridors shall be linked with other wildlife corridors abutting the proposed subdivision whenever feasible.
- g. Structures not already existing on the Reserve Parcel at the time it is established shall be clustered near the dwelling, unless otherwise approved by the Planning Commission, so as to be consistent with the reservation of the Reserve Parcel for the permitted uses.
- h. The Reserve Parcel shall not be further subdivided, except in conformance with the requirements of the underlying district when higher densities of dwelling units are allowed due to rezoning consistent with future amendments to the Alexandria Township Comprehensive Plan.
- i. Future subdivision of a Reserve Parcel, when allowed, must include existing dwelling lots within the same subdivision, when calculating allowable density. Repeated subdivision of parcels within a Rural Reserve Development may not be used to allow a higher number of dwellings than would have been allowed if the maximum density of dwellings were

achieved in an original subdivision.

- j. The Township may require that a management plan be submitted for the Reserve Parcel to show how the land will be managed and/or restricted so as to maintain its agricultural, forestry, recreation, or natural resource value and/or so as to be compatible with residential uses within or nearby the development.

3. Design Criteria.

- a. Minimum Lot Size. 1 acre when sewage treatment is provided on the same parcel; 15,000 sq ft when sewage treatment is provided by a centralized treatment area outside of the parcel.
- b. Setbacks. ~~Setbacks from the exterior boundary of the site shall be a minimum of 50 feet for any dwelling. Side s~~Setback requirements for structures ~~on internal lots~~ shall be the same as those in the Rural Residential district, except that the Planning Commission may establish greater setbacks, as deemed necessary, to buffer sensitive natural resources, agricultural, forestry or open space activities from residential uses or to allow for a visual buffer from public roads.
- c. Maximum Coverage by Structures. Same as underlying district as applied to the entire parcel prior to subdivision.

4. Development Design – Residential Lots.

- a. The configuration and size of lots shall be varied and blend with the natural features of the site in order to retain the natural, rural character of the site, particularly as viewed from public roadways. Lots should also be designed to allow for increased density and/or future subdivision when rezoning of the property is determined appropriate by the Town Board to allow for higher densities in accordance with the Township’s Comprehensive Plan.
- b. Trees and natural vegetation shall be retained where they would screen residences from adjacent properties, collector roads, arterials or state highways, unless they would unduly impede site development, be incompatible with the intended use of the conservation parcel, or pose a risk to public safety for motorists on those roadways and to private utilities.
- c. A lot created for any existing residence on the property may be discontinuous from the remaining residential lots in the proposed subdivision.

5. Administration and Maintenance Requirements.

Prior to final approval of any Rural Reserve Development where the reserve parcel is to be owned by a homeowner’s association or similar organization of property

- e. A site plan for the property identifying where recyclable materials will be stored while they are on site, existing and proposed contours, access roads and traffic routes around and within the recycling facility, parking and loading areas, provisions for the control of stormwater so that contact with recyclable materials is minimized and for the treatment of stormwater prior to entering any wetlands, waters of the state, public right-of-way or adjacent private property;
 - f. A screening plan (for recyclable materials and any equipment that is used in the operation of the facility) to screen from view any outdoor storage, loading/unloading, or staging areas visible from a public right-of-way or from nearby residential or commercially-zoned property;
 - g. Provisions for controlling odors, dust, litter and noise that may otherwise create a public nuisance;
 - h. Proposed signage, if any;
 - i. Proposed hours of operation;
 - j. A contingency plan that describes the procedures for responding to emergencies that may occur on site, i.e. fires, hazardous spills, etc....
 - k. A plan and timeline for removal of any materials that are already, or may be brought into the site, which are not recyclable or for which market conditions make recycling unfeasible, so that the materials are not stored indefinitely in a manner which constitutes a junk/scrap yard;
 - l. Any other information that may be required by the Zoning Administrator or Township.
3. Operating Standards. The owner or operator of a recycling facility shall:
- a. Inspect daily the area of the facility and adjacent properties and collect and properly dispose of all scattered debris that may originate at the site of the recycling facility or from vehicles delivering materials to/from the site.
 - b. Except in cases of emergency, ensure the removal and proper disposal of residual solid waste from the property which is not recyclable or for which market conditions make recycling unfeasible in a timely manner (generally 48 hours for solid waste which is putrescible and two weeks for solid waste which is non-putrescible).
 - c. Meet any requirements of federal, state or local government agencies that may not be required by this ordinance.

U. HOME OCCUPATIONS

The purpose of these regulations is to permit and regulate the use of buildings, structures and property in non-commercial and non-industrial zoning districts for business or other purposes not typically associated with residential uses and in such a manner that they will not be incompatible with the quiet enjoyment of residential properties in the surrounding areas.

Moderate and High Activity home occupations are considered interim uses, which means that they are only granted for limited periods of time and may not be renewed if the proposed home occupation becomes incompatible with the surrounding properties due to a change in conditions.

Examples of changes in conditions may include, but are not limited to, rezoning to a zoning district allowing for greater housing density, the platting of adjacent or nearby lands into residential lots, a general increase in housing or population density, increases in traffic volumes or characteristics, or amendments to the Zoning Ordinance or other Township ordinances which would make the proposed use less compatible with the surrounding area and the intent of said ordinances.

Buildings and other improvements associated with an allowed home occupation shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the interim use permit expire.

1. Definitions

This ordinance establishes three general categories of “home occupations,” which shall include any business or other use not typically associated with residential use or which would generate nuisance characteristics beyond those normally expected in a residential setting. Activities conducted as a hobby shall not constitute a home occupation. The three general categories are defined as follows:

(1) **Home Occupation, Low Activity (LAHO).** Any non-residential use where there is effectively no evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way. Such uses shall be clearly incidental and secondary to the primary use of the property for residential purposes.

(2) **Home Occupation, Moderate Activity (MAHO).** Any non-residential use where there is only indirect evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way. Such uses shall be clearly secondary to the primary use of the property for residential purposes.

(3) **Home Occupation, High Activity (HAHO).** Any non-residential use where there is direct evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way or which generates regular and sustained nuisance characteristics beyond those normally associated with residential properties in the same or similar neighborhood.

2. Performance Standards

(1) **Customer Activity**

(a) **LAHO – no attempt, either through advertising or signage, shall be made to bring potential or actual customers onto the property.**

- (b) MAHO – may attempt to attract potential or actual customers to physically enter the property but only by appointment and such that limited numbers of customer vehicles are present on the property at any one time.
 - (c) HAHO – may attempt to attract potential or actual customers to physically enter the property, whether “walk-in” customers or by appointment.
 - (2) Pickups and Deliveries – Pickup and delivery activities shall not block traffic or pose a safety hazard.
 - (a) LAHO –by standard delivery van, US postal service or passenger vehicle only.
 - (b) MAHO and HAHO – any pickups or deliveries of products, supplies, equipment or other materials by vehicles larger than 26,000 lbs. GVW shall be limited to no more than one per week and only between the hours of 7:30 am and 7:30 pm unless otherwise determined by the Planning Commission.
 - (3) Location and Residency Requirement
 - (a) All home occupations must be located on the homestead of the business operator or on an adjacent lot under the same ownership. For the purposes of this section, a lot shall be considered “adjacent” if any portion of the lot is within 100 feet of any portion of the homestead lot, unless otherwise approved by the Township.
 - (4) Minimum Lot Size and Setbacks to Nearby Dwellings
 - (a) LAHO and MAHO – no minimum lot size or setback requirements from nearby dwellings unless specifically required by the Planning Commission
 - (b) HAHO – minimum lot size of ten (10) acres and a minimum setback from nearby occupied dwellings of five hundred (500) feet, except that the Township may waive or reduce the setback requirement to no less than two hundred and fifty (250) feet should appropriate screening or other practices be put into place to mitigate likely or potential nuisances.
 - (5) Outside Storage
 - (a) LAHO – no outside storage of supplies, equipment, business vehicles or maintenance items shall be allowed; all work and work related items shall be kept in an enclosed structure or building such that they are not visible from neighboring properties or from a public road right-of-way.
 - (b) MAHO – no outside storage of supplies, equipment or maintenance items shall be allowed, except that up to two business-related vehicles (under 26,000 lbs GVW) may be stored outdoors; all other work and work related items shall be kept in an enclosed structure or building such that they are not visible from neighboring properties or from a public road right-of-way.
 - (c) HAHO – supplies, equipment, business vehicles or maintenance items may be stored outside of a building or structure, but shall be limited to a combined area of no more than 4,000 square feet and shall be screened from view of neighboring

properties or from a public road right-of-way via fences, berms, natural vegetation or other appropriate material as determined by the Township.

- (6) Parking – Parking areas shall be limited in size so as not to exceed that typical of the surrounding neighborhood, except where specifically allowed by the Township. In such cases, the Township may impose requirements for screening or landscaping of the parking area so as to minimize its impact on the neighborhood character.
- (7) Noise – Excessive or sustained noise levels are prohibited. Excessive or sustained noises shall be those in violation of Alexandria Township Ordinance 94-17 (Ordinance Regulating Noise).
- (8) Lot Coverage – Shall comply with the limitations of the underlying zoning district.
- (9) Water and Sanitary Facilities – The site must be capable of supporting adequate on-site sanitary (sewer and water) facilities to serve both the primary dwelling and the activities of the home occupation.
- (10) Pollutants and Waste - The operator of a home occupation shall properly dispose of all liquid, gaseous or other pollutants and solid waste including but not limited to garbage, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other waste materials.
- (11) Hours of Operation – No business activities associated with a MAHO or HAHO shall occur between the hours of 7:00 pm and 7:00 am, unless otherwise stated in the interim use permit.
- (12) Signage
 - (a) LAHO – No signage allowed.
 - (b) MAHO – No signage allowed.
 - (c) HAHO – One sign, no larger than 35 square feet shall be allowed, whether placed on a building or free-standing. Such signs shall not be located anywhere within a public road right-of-way or so as to interfere with normal traffic and road maintenance activities.
- (13) Impacts on Public Roads
 - (a) Weight Limits – All posted weight limits for roads shall be obeyed.
 - (b) Dust Control – If located along a township road, a home occupation shall enter into a written agreement with the Township relating to additional dust control measures created by the home occupation
- (14) Employees – A home occupation may not have any on-site employees beyond those who reside in the home, in excess of the following:
 - (a) LAHO – None (0), unless otherwise approved by the Town Board.
 - (b) MAHO – None (0), unless otherwise approved by the Town Board.
 - (c) HAHO – Two (2), unless otherwise approved by the Town Board.

SECTION VI. ADMINISTRATION

A. LAND USE PERMITS.

1. A land use permit shall be obtained prior to erecting, installing, altering or remodeling, or moving any building, deck, patio or structure, or part thereof, in Alexandria Township outside the corporate limits of cities. All terms of this Ordinance, and Alexandria Township Ordinance #114 (Minnesota State Building Code)⁷³, shall be met before a land use permit is issued.
 - a. The following structures and improvements are exempt from the zoning or land use permit requirements providing all setback requirements applicable to a fence⁷⁴ are met, that the height of such structures or improvements does not exceed the maximum structure height in the relevant zoning district, and that no construction or maintenance activities, including stockpiling of materials, is done on a neighboring property without the consent of said landowner:⁷⁵
 - i. Satellite dishes, sidewalks, driveways, parking areas, flag poles, propane tanks, gardens, playground equipment, above-ground swimming pools of a temporary nature, customary television, radio or wireless internet antennas, underground sprinkler and/or irrigation systems, hot tubs, currently licensed fish houses/dark houses, stairways and landings for the purpose of entering or exiting a building not exceeding four feet in width or 32 square feet for residential buildings or, for commercial or public buildings, as would be customary and reasonable, and pump houses no larger than 4' x 4' x 4'.
2. A dwelling on a parcel of land in all zoning districts must meet the width and depth requirement of 24 feet.
3. A permit fee payable to the Township shall be required for each land use, in accordance with the Alexandria Township Permit and License Fee Schedule.
 - a. Permits applied for after the work has begun must comply in accordance with the provisions of the Alexandria Township Zoning Ordinance and permit and License Fee Schedule.
4. A land use permit issued under the terms of this Ordinance shall be valid for one (1) year from the date of issuance. The project must be completed in one (1) year from date of issuance.

⁷³ Amended 12/15/08 (Resolution #08-16)

⁷⁴ Amended 12/15/08 (Resolution #08-16)

⁷⁵ Amended 12/17/2007 (Resolution #07-20)

5. A land use permit may be extended by yearly intervals in instances where reasonable diligent construction could not complete the proposed structure. No such time extension shall be granted if occupancy is planned before completion of the structure unless a Township approved sewage treatment system is installed and operating.
6. Prior to the issuance of a land use permit, a conditional use permit may be required by the Zoning Administrator for a used building being moved or placed on a tract of land.
 - a. If the building is being moved from the community with building codes, the applicant must provide written documentation from the appropriate official of that community that the building substantially meets the building code and is not currently subject to condemnation as a dilapidated or substandard building.
7. Prior to the issuance of a land use permit for any structure within all districts, any property with a dwelling or where human sewage is otherwise generated on-site (including wastewater from sinks and showers) must provide evidence of connection to a public wastewater treatment system or a compliant onsite sewage treatment system in accordance with the sanitation code as adopted by reference in this ordinance. Prior to the issuance of a land use permit a system which is identified as nonconforming/failing must be upgraded to conform with the Minnesota Individual Sewage Treatment System standards (Minnesota Rules Chapter 7080) or connected to a public sewage treatment system within a time frame not to exceed two years or ten months if such system is declared to be an imminent health threat.⁷⁶
 - a. This requirement shall not apply to conditional or interim use permit applications that are solely for the purpose of constructing a sign or where the proposed use does not involve the construction of any building.
8. A verification of connection to a central sewage treatment system, a certificate of compliance for an existing individual sewage treatment system or an individual sewage treatment system design must be submitted and approved by the Zoning Administrator prior to the issuance of any land use permit for a building/structure containing plumbing. Additional requirements are set forth in Section V., Performance Standards.
9. Prior to the issuance of a land use permit within all districts, all conditional use, interim use and variance conditions on the property must be rectified.⁷⁷

⁷⁶ Amended 12/17/2007 (Resolution #07-20)

⁷⁷ Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

10. No contractor or individual shall perform work upon a project requiring a permit under this Ordinance unless such permit has been issued and posted on the premises and until such contractor has first verified all conditions of the permit.
11. An elevation certificate may be required if the project is located within a flood plain as determined by FEMA maps.
12. Prior to issuance of a land use permit Douglas County Sanitarian approval may be required.
13. A Land Use Permit may be denied administratively by the Zoning Administrator if it is considered to be inconsistent with the protection of health, safety and welfare.
14. In evaluating all variances, zoning and building permit applications, interim or conditional use requests, the Township shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

B. CONTRACTORS.

1. License Requirements.
 - a. No person, firm or corporation shall engage in the business of excavator or landscaping contractor within Alexandria Township without obtaining a license therefore from the Douglas County Commissioners and meeting all applicable county requirements.
 - b. Building contractors shall be licensed with the State of Minnesota.
2. No contractor or individual shall perform work upon a project requiring a permit under this Ordinance unless such permit has been issued and posted on the premises and until such contractor has first verified all conditions of the permit.

C. ADMINISTRATIVE OFFICER.

1. Duties and Responsibilities.

The Board of Township Supervisors hereby delegates to the Zoning Administrator/representative the duties and responsibilities as follows:

- a. Administer the terms of this Ordinance subject to any required approval of the Planning Commission and Town Board.

miles of the affected property, and to property owners of record within one-half (2) mile of the affected property.

- c. The hearing on the amendment application shall be held by the Planning Commission at the first regular meeting after the requirements of the proper notice are complied with.
- d. The Planning Commission shall make its recommendation to the Town Board of Supervisors within sixty (60) days after the date the complete application for amendment was received by the Zoning Administrator, or within a longer period if extended in accordance with the provisions of Minnesota Statutes 15.99.
- e. The Town Board shall take action on the amendment application within sixty (60) days of the date the complete application for amendment was received by the Zoning Administrator, or within a longer period if extended in accordance with the provisions of Minnesota Statutes 15.99. Said action taken by the Town Board shall be by a majority vote of all its members, except that the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the Town Board.~~four-fifths (4/5) vote of its members.~~
The person making the application shall be notified of the Board's action. A certified copy of any amendment shall be filed with the Douglas County Recorder or Registrar of Titles.
- f. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Zoning Administrator may permit a new application if, in the opinion of the Zoning Administrator, new evidence or a change of circumstances warrant it.

G. CONDITIONAL USE PERMIT.

1. Criteria for Granting Conditional Use Permits.

- a. In granting a conditional use permit, the Alexandria Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants or surrounding lands. Among other things, the following findings may be considered:
 - (1.) The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

with the provisions of Minnesota Statutes 15.99. If it grants the conditional use permit, the Board may impose any special conditions it considers necessary to protect the public health, safety and welfare. An appeal from any decision of the Town Board of Supervisors may be taken by any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, officer, department, board of bureau of the municipality to the Court of Appeals by petition for writ of certiorari within sixty (60) days as delineated in Minnesota Statute 606.01 and applicable court rules, as amended.

- c. A certified copy of the granted conditional use permit shall be filed with the Douglas County Recorder or Registrar of Titles by the Zoning Administrator.
- d. No application for a conditional use permit shall be resubmitted for a period of one (1) year from the date that the request is denied except the Zoning Administrator may allow a new application if in the opinion of the Zoning Administrator new evidence or a change in circumstances warrant it.
- e. Work on any project requiring a conditional use permit shall begin within one (1) year of the issuance of the permit and completed within eighteen (18) months of permit issuance or it shall expire.
- ~~f. A conditional use permit shall only be terminated by the Town Board after the Planning Commission has provided its recommendation following a public hearing.~~
- ~~f. If any conditions of the conditional use permit are not adhered to the conditional use permit shall be nullified.~~
- ~~g. A conditional use permit shall be deemed to authorize only one particular use and shall expire if the conditional use ceases for more than one year for any reason.~~

3. Termination.

- ~~a. The Town Board may terminate a conditional use permit upon the occurrence of any of the following events and after the Planning Commission has held a public hearing to provide its recommendation on a termination:~~
 - ~~(1.) When the use has been discontinued for one year or more; or~~
 - ~~(2.) When any of the conditions have not been adhered to and the applicant has not corrected the violation upon written notice of the violation from the Zoning Administrator within the timeframe specified in such written notice; or~~

(3.) When there have been more than two separate violations of any condition of approval (such violations need not be of the same condition) by the same landowner or operator of the use, even if the previous violations have been corrected upon written notice from the Zoning Administrator; or

(4.) When there is a repeated pattern of violations, regardless of ownership or the operator of the use, as documented by the Zoning Administrator.

H. INTERIM USE PERMIT⁸¹.

1. Purpose.

The purpose of an interim use permit is to allow a temporary use that is not designated as permitted or conditionally permitted but is acceptable for a limited period of time subject to conditions set forth in this section. An interim use is granted to a particular individual or other applicant and does not accrue to the subject property.

An interim use is intended to allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future, or will be replaced in the future by a permitted or conditional use allowed within the respective zoning district. Buildings and other improvements allowed by interim use shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the interim use permit expire.

2. Criteria for Granting Interim Use Permits.

a. In granting an interim use permit, the Alexandria Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants or surrounding lands. The criteria used for reviewing conditional use permit shall also be used when considering interim use permits, along with the following additional considerations:

(1.) The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses; and

(2.) The use will terminate upon a date or event that can be identified with certainty and/or clarity; and

⁸¹ Entire section added 12/7/2009 (Resolution #09-05)

- (3.) The use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4.) The use will be subjected to, by agreement with the property owner, any conditions that the Town Board deems appropriate in allowing the proposed interim use, including a condition that the owner will provide an appropriate surety to cover costs that would be necessary to eliminate the interim use from the property, including removal of buildings, equipment, restoration of the landscape to a suitable condition or other appropriate and necessary costs.

3. Termination of an Interim Use Permit.

a. An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:

- (1.) Five (5) years from the initial approval of an interim use, unless a shorter time period is specified in the initial approval. After the initial approval period and if a renewal is approved by the Township, the interim use permit shall terminate upon the date or event stated in the permit approval; or
- (2.) When the use has been discontinued for one year or more; or
- (3.) When there is a change in ownership of the property of any kind, unless the Town Board approves such change in ownership as not substantially changing who is operating and/or managing the use and property. Such requests must be presented to the Planning Commission for a recommendation to the Town Board, but need not require a public hearing; or
- (4.) Within 24 months of the date of an amendment to the Zoning Ordinance that no longer allows the use as an interim or permitted use.
- (5.) When any of the conditions have not been adhered to and the applicant has not corrected the violation upon written notice of the violation from the Zoning Administrator within the timeframe specified in such written notice; or
- (6.) When there have been more than two separate violations of any condition of approval (such violations need not be of the same condition), even if the previous violations have been corrected upon written notice from the Zoning Administrator.

4. Renewal or Amendment of Interim Use Permit.

- a. Renewal: An application to extend an interim use permit may be renewed within 24 months prior to the date or event upon which it is to expire. The application shall be processed and administered as if it were a new application. Should such application to renew be denied, the applicant shall be allowed to continue the use until the expiration of the interim use permit provided all conditions of the original approval are being met. If the application to renew is approved, the Township shall specify a new date or event on which the renewed permit will expire. There shall not be a limit on the number of times an interim use permit may be extended. Application fees for renewal of an interim use permit shall be as established in the Township fee schedule.
- b. Amendment: Any change in an approved interim use permit involving more than minor structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by an interim use permit, as determined by the Zoning Administrator, shall require an amended interim use permit to be reviewed as if it were a new interim use permit.

5. Procedure.

- a. An application for an interim use permit shall follow the same procedures applicable to a conditional use permit, as outlined in this Ordinance.
- b. The township hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.
- c. An interim use permit shall only be terminated by the Town Board after the Planning Commission has provided its recommendation following a public hearing.

I. VARIANCES.

1. Criteria for Granting of Variances.

- a. The Board of Adjustment shall have the exclusive power to order the granting of variances from the terms of this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance in cases when there are practical difficulties or particular hardships. Hardship in the granting of a variance means:

LOT LINE - The dividing line between two platted lots or as further established by the Alexandria Township⁹⁰ Zoning Ordinance.

LOT LINE, FRONT - The front of the lot shall be, for the purposes of complying with this Ordinance, that boundary abutting a public right-of-way or, if no public right-of-way, the boundary from which access to the lot is gained. For lots that abut two or more rights-of-way, the front lot line shall be determined by the Zoning Administrator⁹¹, who shall consider the wishes of the landowner, the layout of the proposed dwelling or other improvements on the lot, and the layout of improvements on adjacent lots.

LOT LINE, REAR - That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot parallel to, and at the maximum distance from the front lot line.

LOT LINE, RIPARIAN – The boundary or boundaries of a lot which are defined by the ordinary high water level of a lake or stream. If a lot includes land located below the ordinary high water level, the lot line, for the purposes of this ordinance, shall be the ordinary high water level.

LOT LINE, SIDE – Any lot line of a lot that is not a front or rear lot line.

LOT WIDTH - The shortest horizontal distance between the side lot lines of a lot measured at the building line and as the average width of the front lot line and the rear lot line~~any point between the front lot line and the rear lot line. For riparian lots, the lot width shall also be the horizontal distance measured between lot corners at the ordinary high water level and at the minimum building setback line from the water body.~~ For the purposes of meeting minimum lot width requirements throughout this ordinance, lot width shall be measured in a straight line rather than along a road or right-of-way. ~~For riparian lots, the lot width shall also be the horizontal distance measured between lot corners at the ordinary high water level and at the minimum building setback line from the water body.~~

MANUFACTURED HOME - A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

MANUFACTURED HOME PARK - A parcel of land under single ownership which has been planned and improved for the placement of manufactured home unit(s) for non-transient use.

MANUFACTURED HOME UNIT - One (1) manufactured home.

MANURE SPILL - Any release of manure on a public road that would impact the safe passage of traffic.

MANURE STORAGE AREA - An area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for the purpose of this ordinance.

⁹⁰ Amended 12/17/2007 (Resolution #07-20)

⁹¹ Amended 12/17/2007 (Resolution #07-20)

RECYCLING FACILITY⁹⁷ – A facility designed and operated to receive, store, or process recyclable material which has been separated at the source from all but residual solid waste. A recycling facility shall not include a compost plant, a hazardous waste recycling facility, an agricultural facility, a landfill, a solid waste transfer station or facilities where the reception, storage or processing of recyclable materials is clearly secondary to the primary use of the property or incidental in amount.

REFUSE - Putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, market and industrial solid wastes, and including sewage treatment wastes which are in solid form.

RESERVE PARCEL⁹⁸ – A parcel of land set aside from development in a Rural Reserve Development, except in compliance with the requirements for Rural Reserve Developments.

RESIDENTIAL PLANNED UNIT DEVELOPMENT (Applicable within the Residential Shoreland (RS) district)⁹⁹ - Use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented (i.e. residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.)

RESORT - One or more, together with accessory buildings, buildings available for rent or lease as a temporary residence to transient visitor and rented on a daily or weekly basis and used for the purpose of providing private recreational opportunities for guests.

RESORT UNIT - One family occupying a single housekeeping unit and using common cooking facilities.

RETAIL SALES AND SERVICE - Establishments which deal directly with the ultimate consumer for whom the goods or services are furnished.

RIGHT OF WAY – The strip of land over which a public road is built, to include the entire area dedicated or set aside.

RIPARIAN LOT - A tract of land located immediately adjacent to a lake, wetland, reservoir, watercourse or flowage.

RUBBISH - Non-putrescible solid wastes, including ashes, consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

RURAL ROAD - A public road constructed with side slopes and ditches to provide for drainage and snow storage. A rural road may include short isolated sections of curb and gutter without underground storm sewer.

⁹⁷ Added 12/15/08 (Resolution #08-16)

⁹⁸ Added 7/2/2007 (Resolution #07-09)

⁹⁹ Amended 5/21/2007 (Resolution #07-06)