

MEMO

Date: July 3, 2014

To: Alexandria Town Board

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

Re: Zoning Administrator's Report

Dear Town Board Members:

The Planning Commission held its regular meeting on June 23, 2014. There were two public hearings for which the Planning Commission is passing on its recommendation to the Town Board.

Attachments, drawings and photos related to the applications are available at: www.hometownplanning.com. Public comments (if any) are also at the same location.

PUBLIC HEARING #1

Application: Interim Use Permit application to allow a home occupation of a beauty salon in a residential zoning district.

Applicant: Jacqueline Corcoran

Background Information:

- Proposal:** The applicant is proposing to move an existing beauty salon from a residence in the City of Alexandria to the residence at 3107 W. Lake Jessie Drive SE. The salon would be located in a portion of an attached garage that would be constructed onto the existing home (three garage stalls plus an area for the salon to the north end). The existing detached garage on the property would be moved slightly to the south on the same property and placed in accordance with required setbacks. The applicant states she would be the sole stylist, have no employees, and have no more than two customers at the same time.
- Location:**
 - o Property Address: 3107 W. Lake Jessie Drive SE
 - o Sec/Twp/Range: 27-128-37
 - o Legal Description: Kispert Sub., E'ly Pt of Lot 5 and all of Lot 6, Blk 1 (AC 2.38).
 - o Parcel Number(s): 03-1889-860

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 Planning Commission for further review if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

Planning Commission Action: The Planning Commission has recommended approval of the requested interim use permit based on findings of fact listed in the next section of this report. As part of their recommendation for approval, they are also recommending the following conditions of an approval:

1. That the property maintains an appearance more like a residential setting than a business setting, consistent with the requirements of the ordinance. This shall include, at a minimum:
 - a. No outdoor storage of equipment or materials related to the business except as allowed by the ordinance;
 - b. No signage advertising the home occupation is allowed to be visible to the public;
 - c. All parking associated with customers shall be located on the existing driveway.
2. That the hours of operation allowed for retail sales or outside group activities be limited to between 7:00 am and 7:00 pm to help protect the residential nature of the neighborhood.
3. That the days of operation can be flexible, allowing for Monday through Saturday (noting that the owner has stated she prefers to work 3.5 days per week).
4. That the use must comply with all requirements in the Ordinance relating to “Moderate-Activity Home Occupations”.
5. That the interim use shall terminate five (5) years after the date of its approval by the Town Board, unless one of the earlier events outlined in the Zoning Ordinance triggering a termination occurs first.

Recommended Findings: The following findings of fact are presented by the Planning Commission for consideration by the Town Board, based on the Staff Report presented to the Planning Commission and the discussion at the public hearing:

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:**

Yes. No additional burden on parks or schools would be expected because it will not involve additional residents or school-age children and there will not be a need for any expansion or improvement to utilities. The impact on streets will be minimal.
2. **The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of**

vacant land:

Yes. The proposed use will be entirely within buildings on the property and the only exterior evidence would be the limited traffic coming in and out of the property. The expected maximum number of customers – and customer vehicles – at any one time is two.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties:

Yes. Currently, the property appears to be well-kept and the only exterior evidence of the home occupation would be vehicles coming in and out of the property.

4. The use in the opinion of the Town Board is reasonably related to the overall needs of the Township and to the existing land use:

Yes. The Township, through the Residential Shoreland Zoning district, is generally seeking for this area to be populated with single-family housing and to develop in a manner that will “preserve and enhance the quality of surface waters, conserve the natural environmental values of shorelands, and provide for the wise use of waters and related land resources.” Home occupations are generally seen as compatible with residential uses and these goals, provided they meet the required limitations.

5. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to located the proposed use:

Yes. The area of the proposed development has been zoned as “Residential Shoreland.” The purpose of this district is:

“The Residential Shoreland district is intended to protect and regulate the residential use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the natural environmental values of shorelands, and provide for the wise use of waters and related land resources.

See discussion in Items #1-4 above. Home occupations are generally allowed within residential districts provided they can meet the required minimum requirements and any others deemed necessary during the review by the Planning Commission and Town Board.

6. The use is in conformance with the Comprehensive Plan of the Township:

Yes. The comprehensive plan identifies the area of the proposed development in the Future Land Use Map as Transition Residential:

Tranistion Residential: The purpose of this land use category is to provide opportunities for residential development in areas not currently identified for provision of urban infrastructure, such as sewer, water, or storm drains, but that could efficiently accommodate urban housing densities within the next twenty-five (25) years as the population of the area increases. These areas may be developed at rural or semi-rural

densities, but are intended to be designed in a manner than allows for a transition to urban densities of housing in an orderly and efficient manner as sewer, water, or other public infrastructure or services become available. This may be accomplished through ghost platting, conservation subdivision designs that cluster homes on urban-sized lots, provision of urban sewer or road infrastructure at the time of development, or by other appropriate means.

Where sensitive or unique natural or cultural resources are present, a conservation subdivision design that protects these resources may be required. Long-term commercial/industrial uses that are incompatible with residential uses should not be allowed in this district.

Home occupations, subject to restrictions and public hearings when required, are considered consistent with the residential uses anticipated for this area.

7. The use will not create a traffic hazard or congestion:

Yes. So long as the home occupation (beauty salon) is limited to 1-2 customers at a time, traffic hazards or congestion would not be expected.

8. The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses:

Yes. The existing buildings conform to all applicable zoning regulations for height, size and setbacks. The use of the property for a home occupation is allowable as an interim use.

9. The use will terminate upon a date or event that can be identified with certainty and/or clarity:

Yes. The ordinance specifies that a termination date for all interim uses should be set. If the permit were granted, and then later not renewed, the buildings on the property would not be overly difficult to convert to typical residential use.

10. The use will not impose additional costs on the public if it is necessary for the public to take the property in the future:

Yes. The use of a portion of the garage for a beauty salon would not impose any unusual costs on the Township in such a situation.

11. 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:

Yes. If the Township so chooses, it could require a surety (e.g. bond or cash escrow) to cover the cost of removing materials or buildings from the site. The Planning Commission recommendation did not include a requirement for this due to the nature of the business.

PUBLIC HEARING #2

Application: Amendments to Ordinance #126 (Zoning Ordinance). The proposed amendments are summarized as follows: 1) a revised section V.J (Accessory Building) regulating the construction of detached accessory buildings on certain parcels and Section VII (Definitions) defining certain terms relating to the regulation of detached accessory buildings; 2) A revised section V.U (Home Occupations) to add a section exempting the display for sale of up to two motor vehicles, trailers, farm machinery or other similar items at any given time from being considered a home occupation; 3) A revised section V.L.4 (Storm Water Management) that would allow a 25 percent credit against impervious coverage for the use of pervious paver by conditional use permit and allow existing impervious surfaces to be converted to pervious pavers by permit under certain conditions where a lot already exceeds impervious limits; 4) A revised section VI.I (Variances) to bring the language into compliance with recent amendments to state law.; and 5) A revised section VIII.B (Supremacy) to clarify that more restrictive standards adopted by Douglas County shall be applied to Alexandria Township even when not specifically adopted by Alexandria Township.

Applicant: Alexandria Township

Background Information:

- Proposal:** See attached copy of the staff report presented to the Planning Commission for background information related to this item. A copy of the proposed ordinance amendments, as recommended by the Planning Commission, is attached.

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 Planning Commission for further review if additional information is needed.

Planning Commission Action: The Planning Commission has recommended approval of the proposed ordinance amendments as attached.

Other Items

- A training session and discussion on a Comprehensive Plan update was tabled due to the length of the meeting.

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

Sincerely,

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HOMETOWN PLANNING



Ben Oleson
Planning and Zoning Administrator

ALEXANDRIA TOWNSHIP ZONING ORDINANCE

Effective:

January 30, 2013

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 Residential⁶² or shoreland districts that contain five acres or less.

1. General Provisions.⁶³

- 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 by a common sidewall and shares a common foundation ~~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.⁶⁴ 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~~ shall not have a height greater than that of the primary building.
- f. The roof pitch of a detached accessory building is not to exceed 6/12. For roof styles other than pitched roofs, the peak of the roof shall not be greater than 20 feet.
- g. Galvanized surfaces shall be prohibited on all accessory buildings.
- h. No detached accessory structure shall be over one story in height. For the purposes of this requirement, any area with a floor truss is defined as a story.
- i. Any area within the rafters of the roof shall not be used for anything other than storage and shall not contain any windows or otherwise be designed as living space.

K. RECREATIONAL EQUIPMENT (Recreational Vehicle)

⁶² Amended 7/2/2007 (Resolution #07-09)

⁶³ Amended 3/21/2011 (Resolution #11-02)

⁶⁴ Amended 12/17/2007 (Resolution #07-20)

- (11.) Application of fertilizer, herbicides, pesticides, animal wastes or other chemicals within shorelands must be done in such a way as to eliminate impact on the shore impact zone of public water by the use of earth or vegetation. Use of fertilizer containing phosphorus is prohibited within 50 feet of the ordinary high water level of a public water.
 - (12.) Burning shall be prohibited within 100 feet of the ordinary high water level of a general development and recreational development lake. A wood burning campfire less than three feet in diameter, designed to enclose ash for removal would be exempt from this rule as well as agricultural zoned lands.
 - c. Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.
3. Placement and Design of Roads, Driveways, and Parking Areas.
- a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
 - b. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
 - c. Public watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetation screening and erosion control conditions of this sub-part are met.
4. Storm Water Management.
- a. The following general and specific standards shall apply in addition to those contained in Alexandria Township Storm Water Management Ordinance:
 - (1.) General Standards.
 - (a.) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.

- (b.) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- (c.) When development density, topography features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- (d.) Landowners may only drain surface water upon neighboring land if they act in good faith and;
 - i. there is a reasonable necessity for the drainage;
 - ii. the draining of water onto neighboring land does not create a health or safety hazard;
 - iii. the utility or benefit accruing to the drained land outweighs the gravity of the harm resulting to the burdened land; and
 - iv. the drainage is accomplished by reasonably improving and aiding the natural drainage system, or if, in the absence of a practical natural drain, a reasonable and feasible artificial drainage system is adopted.

(2.) Specific Standards.

- (a.) ~~(a.)~~—Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area or twenty (20) percent of the lot area in Natural Environment Shoreland Zoning. For the purposes of this section, twenty-five (25) percent of the total area covered by pervious “pervious” paver systems designed to allow the infiltration of water between pavers may be considered pervious by conditional use permit provided that:~~shall be considered as completely impervious.~~
 - i. The pervious pavement system shall be designed and certified by a registered engineer or landscape architect and installed by someone qualified in the particular system used, or the installation shall be overseen by a product representative to ensure its proper long-term function;

ii. The pervious pavement designer shall include maintenance instructions to the property owner along with a maintenance schedule, with a copy to the Township to be filed along with the permit;

i.iii. The design of the pervious paver system shall include features or methods intended to direct stormwater runoff away from the system if such runoff would be likely to carry sediments or other debris that would plug the system.

Comment [BJO2]: This language added by Planning Commission to existing County language.

(b.) When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.

(c.) New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(d.) Impervious Surface Replacement.

i. Purpose: The purpose of the regulations in this subsection is to prevent excessive amount of runoff that will be generated during a rainstorm by an enlarged impervious area. Such excessive runoff causes erosion and transport of pollutants to public waters thereby degrading water quality. Existing properties exceeding the standards for impervious surface coverage present a distinct management challenge from that of newly developed properties and there is a need to establish clear and consistent guidelines for how re-development of these lots may occur.

ii. Standards: Parcels that exceed the maximum allowed impervious surface may construct additional impervious surfaces without a variance or conditional use permit if the proposed new impervious surface meets all setback, height and other regulations of this ordinance and if one of the two following conditions are met:

1. The applicant removes existing impervious surfaces at a ratio of one and one-half (1.5) square feet removed for every one (1) square foot added and restores these areas to a permeable surface.

a. Permeable pavement systems are encouraged in the management of sites currently over the impervious surface limit and shall be credited as twenty-five (25) percent pervious for these sites when installed according to the requirements of Section V.L.4.a.(2).(d).iii. Applicants are encouraged

to replace existing impervious surfaces with natural vegetation at the 1.5 to 1 ratio listed above, however permeable pavement systems may also be used. IN these cases they are to replace existing impervious surfaces at a ratio of at least four (4) square feet converted for every one (1) square foot of new impervious surface being added;

2. The applicant removes existing impervious surfaces at a 1:1 ratio and restores those areas to a permeable surface and in addition, submits a comprehensive stormwater management plan that emphasizes infiltration and onsite retention of stormwater for at least the two year 24-hour storm event through a combination of methods including buffer strips, swales, rainwater gardens, and other low impact development methods. The stormwater management plan must be designed by a registered engineer or landscape architect and installed as designed by a qualified professional.

b.a. Permeable pavement systems may be considered as 100% pervious when submitted as part of a stormwater management plan consistent with this section.

- iii. Specific Requirements: The applicant must provided the following evidence, in conjunction with meeting one of the two standards listed in (d).ii. above:
- i. A survey shall be submitted showing calculations of the exact dimensions of all existing impervious surfaces and of the lot before and after completion of the project. This survey must be submitted and approved by the Zoning Administrator⁷¹ before any work may begin on the project;
 - ii. In replacing existing impervious surfaces with surfaces designed to be permeable or porous, the applicant must give priority to replacing those surfaces closest to the lake or those surfaces where the replacement is most likely to improve storm water management;
 - iii. No pervious or porous pavement system shall be allowed in a bluff impact zone or shore impact zone unless specifically approved otherwise by the Zoning Administrator when restoration to natural vegetation would not be practical or advised by a qualified engineer. These areas shall be

⁷¹ Amended 12/17/2007 (Resolution #07-20)
Section 5 – Performance Standards

maintained or restored to a natural vegetative buffer whenever feasible;

- iv. A pervious pavement system shall be designed and certified by a registered engineer or landscape architect and installed by someone qualified in the particular system used, or the installation shall be overseen by a product representative to ensure its proper long-term function;
- v. A pervious pavement system shall be set back from structures having basements, septic system leach fields, steep slopes and wells at least 10 feet unless otherwise designed by a registered engineer so as to prevent impacting these features;
- vi. A pervious pavement design shall include maintenance instructions to the property owner along with a maintenance schedule, with a copy to the Township to be filed along with the permit;
- ~~##vii.~~ All best management practices must be compatible with local stormwater management plans and NPDES Phase II stormwater permits, where required;
- viii. If, in the removal of existing impervious surfaces, the total lot coverage falls below the maximum coverage allowed by this ordinance, the applicant must thereafter conform to the standards of this ordinance.
- ~~##ix.~~ The design of the pervious paver system shall include features or methods intended to direct stormwater runoff away from the system if such runoff would be likely to carry sediments or other debris that would plug the system.

Comment [BJO3]: This language added by Planning Commission to existing County language.

5. Special Provisions for Agricultural Uses.

- a. Agricultural uses within shorelands existing at time of adoption of this Ordinance may continue provided the following standards are met:
 - (1.) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

make recycling unfeasible, so that the materials are not stored indefinitely in a manner which constitutes a junk/scrap yard;

1. 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 OCCUPATIONS⁸⁰

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

⁸⁰ Added 3/21/2011 (Resolution #11-02)
Section 5 – Performance Standards

three general categories are defined as follows:

- a. **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.
- b. **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.
- c. **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. ~~2.~~ Exemptions

- a. The following uses shall not be considered a home occupation for the purposes of this ordinance:

- a. The display for sale of up to no more than two (2) motor vehicles, trailers, pieces of farm machinery or similar items, or any combination of such items, at any given time.

2.3. Performance Standards

- a. Customer Activity
 - i. LAHO – no attempt, either through advertising or signage, shall be made to bring potential or actual customers onto the property.
 - ii. 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.
 - iii. HAHO – may attempt to attract potential or actual customers to physically enter the property, whether “walk-in” customers or by appointment.
- b. Pickups and Deliveries – Pickup and delivery activities shall not block traffic or pose a safety hazard.
 - i. LAHO –by standard delivery van, US postal service or passenger vehicle only.
 - ii. 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.

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 the following criteria have been met, as determined by the Board of Adjustment: y 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:

(1) Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan.

(2) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

(3) "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

(4) Economic considerations alone do not constitute practical difficulties.

(5) A variance may not permit any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located.

(6) The Township may impose conditions in the granting of variances provided it is directly related to and bears a rough proportionality to the impact created by the variance.

Variances shall be issued to the property and are not transferable.

~~(1.) The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.~~

~~(2.) The plight of the landowner is due to circumstances unique to the property and not created by the landowner.~~

~~(3.) The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owners in the same area.~~

~~(4.) The variance, if granted, will not alter the essential character of the locality.~~

~~(5.) No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do, nor for any other reason than a proved hardship. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in granting a variance to insure compliance and to protect adjacent properties and the public interest.~~

~~(6.) For existing developments within the shoreland, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.~~

2. Procedure.

a. Any proposed variance shall be presented to the Board of Adjustment for determination. In support of such determination of applicability, the Board of Adjustment may require preliminary architectural drawings or sketches on all buildings or groups of buildings, showing the front, side and rear elevations of the proposed building, structure or other improvements, and the proposed location of such buildings on the lot as the same will appear after the work has been completed. Such drawings or sketches shall be considered by the Board of Adjustment in an endeavor to ascertain that such buildings, structures and other improvements shall be so designed or constructed that they will not be of unsightly, undesirable or obnoxious appearance. The following procedure shall be used in granting variances:

(1.) The applicant for a variance shall file an application in writing in the office of the Zoning Administrator and pay a fee as listed in the Alexandria Township Permit and License Fee Schedule when the application is filed.

(2.) The Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) day prior to the hearing. Property owners within five hundred (500) feet of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.

SHORELAND ALTERATIONS - Grading and filling in shoreland areas or any alteration of the natural topography of a shoreland subject to the provisions of this Ordinance.

SIDEWALL HEIGHT, ACCESSORY STRUCTURES – The vertical distance between the lowest ground level ~~to the highest eave~~ and the point where the wall meets the lowest roof truss.

SIGN - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, postal box numbers, names of occupants on premises or other identification of premises not having commercial connotations.
- B. Flags and insignia of any government except when displayed in connection with commercial promotion.
- C. Legal notices, identification, information or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E. Signs directing and guiding traffic, but bearing no advertising matter.
- F. Warning signs posted by public utilities.

SIGN, ADVERTISING - A sign which directs attention to a business, commodity service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

SIGN, BILLBOARD¹²⁰ - Sign structures that are periodically re-faced with paper or other form of regularly changing media, including electronic media.

SIGN, FREESTANDING - A portable sign whose supporting structures are not embedded in the ground, affixed to a wall or side of a building or to a roof.

SIGN, GROUND - A device whose supporting structures are embedded in the ground.

SIGN, PROFESSIONAL - A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

SIGN, ROOF - A device whose supporting structures are affixed to a roof.

SIGN, SURFACE AREA OF - The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

SIGN, WALL - A device whose supporting structures are affixed to a wall or side of a building.

¹²⁰ Amended 7/2/2007 (Resolution #07-09)
Section 7 – Definitions

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between such floor and the ceiling or roof above. For the purpose of height regulations a basement shall not be counted as a story.

STRING LINE TEST - A method of establishing a structure setback line by using the closest adjacent points of the principal structure on the two immediately adjacent lots. In the event that there is no structure of like use on one of the immediately adjacent lots, the normal building setback line shall be used.

STRUCTURE - Any building or appurtenance, including decks and patios, except aerial or underground utility lines, such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

SUBDIVISION - The division or re-division of a lot, tract or parcel of land, regardless of how it is to be used, into two or more lots designated by plat, metes and bounds, registered land survey, auditors plat or other accepted means.

SUBSTANDARD SSTS SYSTEM – An existing SSTS not meeting the system requirements defined in this ordinance and Minn. R. chs. 7080-7083.

SURFACE WATERS - All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems.

TEMPORARY EROSION PROTECTION - Methods employed to prevent erosion. Examples of temporary cover include; straw, wood fiber blanket, wood chips, and erosion netting.

TEMPORARY LIVING QUARTERS - A structure is considered to provide temporary living quarters if it:

- A. Is not used as the residence of the owner or occupant;
- B. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities; and
- C. Is self-propelled or towed on the public streets or highways incidental to the recreational or vacation activities.

TOE OF THE BLUFF: - The lower point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from a gentler to a steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen percent (18%).

TOP OF THE BLUFF - The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break is apparent, the top of the bluff shall be determined to be the upper end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen percent (18%).

TOWNSHIP – Alexandria Township or Alexandria Township Board of Supervisors, unless otherwise specified.

SECTION VIII. SEPARABILITY, SUPREMACY AND EFFECTIVE DATE

A. SEPARABILITY

1. Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

B. SUPREMACY

1. When any condition imposed by any provision of this Ordinance on the use of land or buildings/structures or on the bulk of buildings/structures is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community ordinance or regulation, the more restrictive conditions shall prevail.
2. In accordance with the requirements of Minnesota Statutes, if regulations within this Ordinance are determined to be less restrictive than those adopted by the Douglas County Board of Commissioners within the Douglas County Zoning Ordinance, the Township shall enforce the more restrictive regulations.

C. EFFECTIVE DATE

1. This Ordinance shall be in force and effect upon the due passage and publication in the manner provided by law.

Adopted by the Alexandria Town Board of Supervisors this 23rd day of January 2013

Effective date: January 30, 2013

Board of Township Supervisors
Alexandria Township, Minnesota

By: _____
Bryon Alstead, Chairperson

Attest:

Gregg Raisanen, Clerk