

MEMO

Date: August 4, 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 July 28, 2014. There was one public hearing for which the Planning Commission is passing on its recommendation to the Town Board. The Commission is also passing on its recommendation relating to ordinance amendments, which had been sent back to the Commission by the Town Board for further discussion after its July 7 meeting.

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: Conditional Use Permit application to allow for temporary use of a dwelling while a new dwelling is constructed.

Applicant: Christ Just

Background Information:

- Proposal:** The applicants are proposing to live in the existing house on this property while a new house is constructed. Once completed, the existing (old) house would be torn down or otherwise removed from the property.

The property is located on Berglund Mile, between County Road 20 and County Road 73. The house would be served with private sewer and water.

- Location:**
 - o Property Address: 3009 Berglund Mile NE
 - o Sec/Twp/Range: 02-128-37
 - o Legal Description: N 725.64' OF THE W 429.72' OF THE NE4SE4. AC 7.16
 - o Parcel Number(s): 03-0022-000

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 conditional 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 existing home be demolished or removed by December 1, 2014. Any extension to this time frame to be approved by the Planning Commission.
2. That all water connections to the existing house be disconnected at the time it is connected to the new house.

The recommendation was unanimous (5-0).

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:**

No. No additional burden on parks or schools or any other public facilities and utilities would be expected because the application involves replacing one single-family home with another.

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 use of the property will not change and it will not impact the ability of adjacent vacant land to develop.

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

Yes. The new house would likely improve the appearance 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 has a general interest in seeing properties improved and invested in by landowners.

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 "Urban Residential." The purpose of this district is:

Urban Residential (UR): The Urban Residential district is intended to provide opportunities for urban density (two to three dwelling units per acre) residential development in areas that are most readily served by urban infrastructure and services. Areas chosen for this district are within existing or planned public sewer district service areas. Proposed residential developments that would create oversized lots would be reviewed to facilitate an efficient and orderly transition to urban densities at a future date should landowners choose to do so.

The proposed use is the same as the current use – residential development served by private sewer.

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 Urban Residential:

Urban Residential: The purpose of this land use category is to provide opportunities for urban density housing in areas that are most readily served by urban infrastructure and services. This category is intended for areas that are currently served by Alexandria Area Sanitary Sewer District (ALASD) infrastructure or are within the identified future service area of ALASD. Within these areas, new residential development will be reviewed to ensure that the proposed density, dimensions, and layout of lots will allow for the efficient use of public infrastructure and the cost-effective provision of public services. A gross urban density of two to three dwelling units per acre or higher is intended for these areas. Proposed subdivisions that would create oversized lots would be reviewed to allow for a transition to urban densities of housing in an orderly and efficient manner. 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.

Typical “lot-block” or “conservation” subdivision designs are both considered appropriate in these areas. Where sensitive or unique natural or cultural resources, such as wetlands, shoreland, etc. are present, a conservation subdivision design with lower densities 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.”

The proposed use is the same as the current use – residential development served by private sewer.

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

Yes. The proposed use will not create any more traffic hazard or congestion than already exists. Traffic levels would be those associated with any single-family use.

PUBLIC HEARING #2

Application: Amendments to Ordinance #126 (Zoning Ordinance). The proposed amendments are summarized as follows: 1) a revised section III.B (Uses Permitted) identifying temporary second dwellings as an interim use and permanent second dwellings as a prohibited use in certain zoning districts; 2) 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; 3) 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; 4) 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; 5) A revised section VI.I (Variances) to bring the language into compliance with recent amendments to state law.; 6) 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:** A copy of the proposed ordinance amendments, as recommended by the Planning Commission at the July 28, 2014 meeting, is attached. The previous recommendations from October/November 2013 relating to signage and the keeping of small animals is also attached (not formally adopted at the November meeting, but reviewed and determined that it was ready for passage when the additional ordinance amendments had also been reviewed).

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

- The Commission discussed their thoughts on streamlining and/or making the process less costly for applicants seeking approval of a temporary second dwelling on a lot while they construct a new home. The Commission generally felt that the process should be at least less costly, given that the Township cannot have a less restrictive ordinance than Douglas County. As a result, they are recommending to the Town Board:

- That the site visit prior to a public hearing relating to an application for a temporary second dwelling be eliminated, provided that the Zoning Administrator has made a site visit and not found any particular reason for a visit by the entire Commission. They felt that the site visit is of limited value and cutting this out could help to reduce the cost of the application.
- That the application fee for temporary second dwellings be reduced from \$400 to \$200. This reduced fee would apply whether or not the Commission ended up making a site visit.
- 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,

HOMETOWN PLANNING



Ben Oleson
Planning and Zoning Administrator

ALEXANDRIA TOWNSHIP ZONING ORDINANCE

**Effective:
January 30, 2013**

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.
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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 (permanent)	X	X	X	X	X	X	X	X
Second single family on a parcel (temporary)	IU	IU	IU	IU	IU	IU	IU	IU
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
Keeping of Animals (as per Section V.V of this ordinance) ⁶	A	IU	IU	IU	IU	A	A	A

⁶ Added 5/21/2012 (Resolution #12-05)
Section 3 – Zoning District Regulations

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.~~
- 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)

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

SECTION III. ZONING DISTRICT REGULATIONS

B. Uses Permitted.^{1 2} The following set of tables establishes the uses permitted, permitted by conditional or interim use permit, or not permitted. **All uses are subject to the requirements or performance standards of this ordinance.** Performance standards applicable to uses in all zoning districts are given in Section V.

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
Keeping of Animals (as per Section V.V of this ordinance) ³	A	A/IU	A/IU	A/IU	A/IU	A	A	A

SECTION V. PERFORMANCE STANDARDS

V. KEEPING OF ANIMALS

The purpose of these regulations is to permit and regulate the keeping of small animals not otherwise regulated by this ordinance as livestock or under Alexandria Township Ordinance #117 (dogs and cats) as may be amended from time to time. These regulations are intended to provide a higher development standard and to control the keeping of small animals so as to preserve the residential nature of certain areas.

1. General

- a. The keeping of animals which are poisonous, venomous, constrictive, dangerous, wild or exotic is prohibited throughout the Township.
- b. Unless kept entirely within a dwelling (not including attached garages), the keeping of animals subject to this ordinance is not allowed on lots less than one acre in size, in platted subdivisions with an average lot size of one (1) acre or less, or on lots with a width of 60 feet or less.
- c. The remainder of this section shall be applicable to all parcels of land which are 1-5 acres in size and within the Urban Residential, Rural Residential or shoreland district zoning districts.

2. Definitions

Small Animal: Animals or fowl not otherwise defined as livestock by this ordinance, as a dog or cat under Alexandria Township Ordinance #117 as may be amended from time to time, or as a “regulated animal” under Minnesota Statutes 346.155. Small animals shall, except for dogs and cats, include any animal kept as a pet or for the purpose of food production (either for personal consumption or sale) such as, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, peacocks, rabbits,

¹ Amended 7/2/2007 (Resolution #07-09)

² Amended 12/7/2009 (Resolution #09-05) to reflect addition of interim uses

³ Added 5/21/2012 (Resolution #12-05)

miniature pigs, mink, ferrets, snakes less than 6 feet in length, parrots and other birds, and other animals or fowl of similar size and type. Small animals or fowl under six (6) weeks of age shall not be included when computing the number of allowed small animals or fowl. Beekeeping shall not be considered a small animal for the purpose of these regulations (see Section V.W for regulations specific to beekeeping).

Fowl/Poultry, Large: Geese, turkeys, peacocks, ostriches

Fowl/Poultry, Small: Chickens, guinea hens, ducks, pigeons, parrots and other birds.

Reptiles/Amphibians, Small: Snakes, lizards, iguanas, chameleons, salamanders, turtles, frogs

Mammals, Small: Rabbit, mink, ferret, miniature/pot-belly pigs

3. Regulations

This ordinance establishes three general categories of regulations affecting small animals. The three general categories are defined as follows:

- a. **Small animals kept within a dwelling.** Unless specifically prohibited by Section 1a of this ordinance, any small animals kept completely and entirely within a dwelling are not regulated by this ordinance. These are animals that are generally kept as pets and are contained within cages, aquariums, or other similar enclosures. Non-poisonous, non-venemous small reptiles/amphibians and talking birds (parrots, parakeets, cockatoos, etc...) are only allowed when kept completely and entirely within a dwelling.
- b. **Small animals kept within an attached or detached accessory building (or in a fenced area of no greater than 400 sq ft setback from neighboring property lines at least 10 feet).** The keeping of small animals shall be an allowed use or an interim use, provided that such animals are sufficiently contained so as to prevent their running at large or entering the premise of any neighboring property. The maximum number of animals allowed shall be as follows:

Type of Animal	Allowed Use*	Interim Use*
Small Fowl/Poultry	1 per 14 sq ft of fenced area, up to 5 animals except that no roosters shall be permitted.	1 per 12 sq ft of fenced area, up to 10 animals except that no roosters shall be permitted.
Large Fowl/Poultry	1 per 26 sq ft of fenced area, up to 2 animals	1 per 26 sq ft of fenced area, up to 4 animals
Talking birds	Only allowed in a	Only allowed in a

	dwelling	dwelling
Small reptiles/amphibians	Only allowed in a dwelling	Only allowed in a dwelling
Small Mammals (except pigs)	1 per 10 sq ft of fenced area, up to 3 animals.	1 per 10 sq ft of fenced area, up to 6 animals.
Miniature/Pot-Belly Pigs	1 per 200 sq ft of fenced area, up to one animal or in a dwelling	1 per 200 sq ft of fenced area, up to 2 animals or in a dwelling.
* The number of animals allowed shall increase by one (1) for each half-acre of land above one acre.		

- c. **Small animals running at large.** Small animals that are running at large or are otherwise uncontained within a building or shelter shall not be permitted.

4. Performance Standards

- a. **Disposal of Animal Feces.** A property owner shall clean and properly dispose of animal feces on a daily or weekly basis, or as necessary to ensure that odors do not become a nuisance to any nearby property owner or the public.
- b. **Noise.** No owner shall permit any animal under his or her custody or control to create a nuisance by way of crying, howling, screeching, growling or other vocalization.
- c. **Maintenance of facilities/enclosures.** All facilities, buildings or other enclosures for the housing of small animals shall be constructed of material appropriate for the animal involved, contain and restrain the animal they are designed or built to contain without causing injury to, or depriving the animal of necessary environmental elements, and be maintained in good repair.

SECTION V. PERFORMANCE STANDARDS

V. SIGNS

1. Findings, Purpose, and Intent.

a. Findings. ~~Douglas County~~Alexandria Township hereby finds as follows:

- (1.) Exterior signs have a substantial impact on the character and quality of the community.
- (2.) Signs provide an important medium through which individuals may convey a variety of messages.
- (3.) Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.

2. Purpose and Intent. It is not the purpose or intent of these sign standards to regulate the message displayed on any sign; nor is it the purpose or intent of this Ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from the outside of a building. The purpose and intent of this Section is to:

- a. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the County in order to protect and promote the public health, safety, and welfare.
- b. Maintain, enhance, and improve the aesthetic environment of the County by preventing visual clutter that is harmful to the appearance of the community.
- c. Improve the visual appearance of the ~~County~~Township while providing for effective means of communication, consistent with constitutional guarantees and the ~~County~~Township's goals of public safety and aesthetics.
- d. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
- e. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
- f. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- g. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the ~~County~~Township.

3. Definitions.

The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Awning – see “Canopy”

Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Billboard – see “Off-Premise highway sign”

Cabinet sign - any wall sign that is not of channel or individually mounted letter construction.

Canopy - a roof-like cover, including an awning, often of fabric, plastic, metal or glass, which projects from the wall or roof of a building- usually over a door, entrance, or window; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service station. A marquee is not a canopy.

Canopy sign - any sign attached to the underside or constructed upon a canopy or awning.

Changeable copy sign, Non-electronic - A non-electronic sign or portion of a sign which is characterized by interchangeable letters and figures.

Changeable copy sign, Electronic – An electronic sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Such signs include, but are not limited to, signs using cathode-ray tubes (CRT), light-emitting diode (LED) displays (including organic LED screens), plasma displays, liquid-crystal displays (LCD), projection screens or other similar technologies.

Commercial Speech – speech advertising a business, profession, commodity, service or entertainment.

Digital sign – see “Changeable copy sign, Electronic”

Directional Sign – A sign whose message is intended to guide the circulation of persons and motorists within a site or to a particular off-site location.

Flag - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole - which is itself either freestanding or attached to a building, awning, canopy or other structure - so as to allow movement of the material by

atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Freestanding sign - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Hanging sign - any sign that is suspended from the underside of a horizontal plane surface and is connected to this surface and/or to the surface of structural elements supporting that surface.

Illuminated sign - any sign which contains or uses an element designed to emanate light or any sign which has lighting directed upon it to increase its visibility.

Legally established nonconforming sign - any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Marquee sign - any sign painted, mounted, constructed or attached in any manner, on a marquee.

Monument sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

Motion sign – any sign which in part or in total rotates, moves, or creates the appearance of movement through changing light or color effect or intermittent illumination or animation, or appears to quiver or vibrate in light or while reflecting heat waves.

Non-commercial speech – dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premise sign – a commercial speech sign which directs the attention of the public to a business, service or product sold or offered at a location not on the same parcel where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Off-premise directional sign - an off-premise sign which serves to direct potential customers or visitors to a specific business, service or location located within two (2) miles of the sign location.

Off-premise highway sign – an off-premise sign that is located within 100 feet of the right-of-way of a highway, whether federal, state or county, having a posted or statutory speed limit of 55 or greater miles per hour and whose messaging is directed toward motorists on the highway.

On-Premise sign - a commercial speech sign which directs the attention of the public to a business, service or product sold or offered at the same parcel where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

On-Premise directional sign – A sign, generally informational, that has a purpose secondary to the use of the property upon which it is located, intended to facilitate the movement of pedestrians and vehicles within the site and identify the location and nature of businesses, services or other activities located on the premise.

On-premise messages – identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Pole sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Portable sign - any sign which is manifestly designed to be transported by vehicle or moved by hand, including those placed or mounted on a vehicle, by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground. Portable signs include sandwich and other signs designed to be easily carried or worn by a person, signs pulled, placed in or on a vehicle and signs on the side of semi-trailers, box trucks or other such equipment.

Principal building or structure - the building or structure in which the primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings or structures, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign - any sign which is affixed to a building, wall, awning or canopy in such a manner that it displays more than one (1) sign surface or where its leading edge extends more than twelve (12) inches beyond the surface of such building or wall face.

Roof line - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Roof sign, Constructed - any sign erected and constructed wholly on and above the roof of a building.

Roof sign, Painted – any sign painted on the roof surface of a building

Sign – any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed in the public view for informational or communicative purposes.

Sign face - the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Wall sign - any sign attached parallel to the outside wall of a building, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Water-Oriented Business Sign – A sign which is directed and placed by a permitted or legal nonconforming business so as to be visible to boaters, swimmers or other recreational users of a waterbody.

Window sign - any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

4. Permits Required. No sign, unless specifically exempted by this ordinance, shall be erected, altered, reconstructed, or moved without first securing a sign permit from the [CountyTownship](#). The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
5. Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.
 - a. The changing of the display surface on a previously approved or legal nonconforming painted or printed sign provided that no structural changes are made and the sign face does not increase in size.
 - b. Up to three (3) unilluminated signs per parcel which are each six (6) square feet or less in size.
 - c. Personal/Decorative Signs: Unilluminated signs of any size which are 1) attached to a building and do not extend above an eave, and 2) are clearly for non-commercial purposes, and 3) are for personal enjoyment and not intended to draw attention from the general public.
 - d. Public and Traffic Signs: Any public sign (directional, safety, danger, trespassing, traffic, warning, public information or public organization) erected by, or on the order of, a duly constituted public office of City, Township, County, State, or Federal governments.
 - e. Integral Signs: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar

material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

- f. Private Traffic Direction Signs: Signs directing traffic movement onto a premise or within a premise, not exceeding eight (8) square feet in area for each sign.
- g. The established or official flag, pennant or insignia of any nation, organization of nations, state, province, county, city, any religious, civic or fraternal organization, or educational institution: provided, however, that a flag used in connection with commercial promotion or as an advertising device shall be regulated as a sign under this ordinance. Exempt flags may be of any height or size.
- h. Roof signs, Painted
- i. Canopies or awnings which are supported by a building, extend no further than three feet from the façade of the building, and which have a minimum clearance of eight (8) feet above ground level. Signs which are painted on, hanging from, or otherwise affixed to a canopy or awning shall be subject to the requirements of a wall sign.
- j. Temporary signs not exceeding the time limits listed under Section 7 of this ordinance.

6. Prohibited Signs. The following signs are prohibited signs:

- a. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with effectiveness of any official traffic-control device or any railroad sign or signal. Private traffic direction signs shall not be subject to this prohibition.
- b. Signs attached to public street/traffic signs, utility poles, bridges, towers, or similar public structures or property. Signs in violation of this subdivision may be removed by authorized personnel at the [CountyTownship](#)'s discretion, without advance notice to the sign owner.
- c. Any other structure, banner, balloon, trailer, building, portable device, or anything visible from a public road which is used as an advertising device is prohibited unless specifically authorized by this ordinance.
- d. No sign shall be permitted to obstruct any door, fire escape, stairway or other opening intended to provide ingress or egress of any building or structure.
- e. Signs which use highly reflective surfaces and that may create a blinding effect when exposed to light.
- f. Signs shall not be permitted within public right-of-way or easements nor shall a sign extend into the airspace over such a right-of-way or easement, except with the express permission of the regulatory authority.
- g. Signs which are affixed to wireless telecommunication or other tower structures, except as are necessary or required for safety and/or maintenance.

- h. Portable signs (unless exempted as a temporary sign), motion signs and inflatable signs in all zoning districts except Commercial/Industrial districts.
7. Temporary Signs. All temporary signs, whether permitted or exempt, shall meet the following specifications and any applicable requirements of section 8 (General Provisions) of this ordinance.
- a. General:
 - (1.) Height: Shall not exceed 15 feet, except when attached to the wall of a building.
 - (2.) Setbacks: May be placed up to, but not extend over, a property line, except where greater setbacks are required from a lake or stream by this ordinance.
 - (3.) Anchoring: Shall be securely anchored to the ground or to a structure so as to prevent damage or displacement during winds of 80 miles per hour or greater.
 - (4.) Temporary signs shall be allowed as either a on-premise sign or an off-premise directional sign (located within two miles of the business, service or location being advertised).
 - b. The following shall be considered temporary signs when located on a property for twelve (12) months or less:
 - (1.) Signs advertising a new subdivision or development
 - (2.) Real estate signs, pertaining to the sale or lease of a building or property, including off-site directional signs
 - (3.) Unilluminated signs identifying an engineer, architect, contractor or product engaged in or used in the construction of a building
 - c. The following shall be considered temporary signs when located on a property for no more than forty-five (45) days in any six-month period:
 - (1.) Signs announcing any public, charitable, educational or religious event or function
 - (2.) Signs announcing a temporary seasonal event, sale, or service such as for the sale of Christmas trees, pumpkins, corn mazes, or fruit picking or for boat storage, located within two (2) miles of the property where the event is to take place
 - d. Portable signs shall be considered temporary signs when located on a property for no more than fourteen (14) days in any ninety (90) day period:
 - e. Non-commercial speech signs shall be considered temporary signs when located on a property from August 1 to ten (10) days following a general election and thirteen (13) weeks prior to any special or township election until ten (10) days after said election:
 - f. Temporary signs that have not been removed within the specified period may be ordered removed by the CountyTownship, unless permitted as a permanent sign, where allowed.

8. General Provisions.

- a. On-Premise/Off-Premise signs. Unless specifically noted otherwise, all non-exempt signs referred to in this ordinance shall be considered on-premise signs.
- b. Spacing. Signs located within twenty-five (25) feet of any other sign may be considered one sign for the purposes of this ordinance if they are placed in such a way as to circumvent the size limitations imposed on any one sign, as determined by the CountyTownship.
- c. Setbacks. All sign setbacks as required by this ordinance shall be measured to the furthest horizontal extent of the sign.
- d. Height. All maximum heights as required by this ordinance shall be measured to the furthest vertical extent of the sign.
- e. Sign Area Calculation. The area within the frame shall be used to calculate the square footage (rounded to the nearest foot), regardless of whether or not more than one side is used. If such letters or graphics are mounted directly on a wall or fascia or in such way as to be without a frame, square footage shall be calculated as the area within the periphery around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage. Double-faced signs which have a 90 degree angle or less between the two faces need only count one face for the purpose of calculating area. Three or more faces on a sign shall be counted against the maximum size allowed.
- f. Illumination. Where allowed, illumination for signs, whether internal or external, shall be so constructed and maintained so that the source of light is diffused and not directly visible by a motorist or pedestrian viewing the sign.
- g. No sign shall be placed in such a way that it creates a safety hazard by obstructing lines of sight for motorists or pedestrians or physically blocks a pedestrian corridor.
- h. Electronic Changeable Copy Signs — Electronic changeable copy signs are not allowed anywhere within the Township. ~~Where allowed, electronic changeable copy signs shall meet the following requirements, in addition to any other requirements that would otherwise apply:~~
 - (1.) ~~Any electronic changeable copy sign capable of displaying pictures, graphics, video or scrolling words/numbers, whether such displays are permitted or not, shall be limited to a total of thirty two (32) square feet of display area. In commercial and industrial zoning districts, display areas may be allowed up to the maximum size sign permitted in that zoning district.~~
 - (2.) ~~Messages or graphics displayed on an electronic changeable copy sign must be presented in a static manner, with the message changing no more than once every five (5) seconds. The images and messages displayed must be complete~~

~~in themselves, without continuation in content to the next image or message or to any other sign.~~

- ~~(3.) Electronic changeable copy signs which scroll, flash, strobe, blink, pulse, fade, illuminate with varying light intensity or changing colors, or create the illusion of movement (including video displays) are prohibited.~~
- ~~(4.) Any electronic changeable copy sign designed for the sole purpose of displaying printable characters (letters, numbers, punctuation marks or symbols) in a static format shall be regulated as a non-electronic changeable copy sign, provided that the digital display may change its message not more than once per hour.~~
- ~~(5.) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle. Electronic changeable copy signs shall automatically dim by at least 50 percent between one-half hour after sunset and one-half hour prior to sunrise.~~
- ~~(6.) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.~~
- ~~(7.) Electronic changeable copy signs must be designed to freeze the display or turn the display completely off if it malfunctions.~~
- ~~(8.) Sign owners must immediately turn off an electronic changeable copy sign when notified by the county that it is not complying with the standards of this ordinance.~~

- i. Sign Lettering: All lettering or numbering shall be such that it is readable by a passing motorist at a glance. Unless otherwise required/allowed by this ordinance or by the requirements of a conditional or interim use permit, all letters, numbers and symbols (except periods, commas, dashes or other punctuation marks typically smaller than letters) shall be at least 6 inches in height (capital letters) and 4.5 inches in height (lowercase letters). This requirement shall not apply to signs identified in Section 5 (Exemptions) or Section 7 (Temporary Signs).
- j. Freestanding Canopies or Awnings: A freestanding canopy, such as above an outdoor service area, or a freestanding awning, when permanently or semi-permanently affixed to the ground, shall be permitted as a structure and are not considered signs for the purposes of this ordinance. Signs that are an integral part of, or which are attached to, a freestanding canopy or awning shall be regulated as a wall or projecting sign.

9. Fees.

Sign permit fees are as established by the adopted fee schedule.

10. Specific Regulations by Zoning District.

a. Urban Residential and Residential Shoreland Districts

(1.) Signs requiring an administrative permit

- (a) Wall, projecting or marquee signs between six (6) and twelve (12) square feet in size
- (b) Up to one (1) freestanding sign no greater than twelve (12) square feet in size and six (6) feet in height that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

(2.) Signs requiring a conditional use permit

- (a) Wall, projecting or marquee signs between twelve (12) and thirty-two (32) square feet in size
- (b) Off-premise directional signs as follows (lesser sizes may be required by the CountyTownship in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

Posted or Statutory Speed Limit	Maximum sign size
Less than 55 miles per hour	12 square feet
55 - 65 miles per hour	32 square feet

- (c) Freestanding signs up to sixteen (16) square feet in size and up to eight (8) feet in height related to an allowed or permitted business.
- (d) Two (2) freestanding, non-exempt signs per parcel

(3.) Prohibited signs

- (a) Signs larger than thirty-two (32) square feet in size.
- (b) Signs with a total height greater than eight (8) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.
- (c) Off-premise highway signs
- (d) Electronic changeable copy signs
- (e) Roof signs, Constructed
- (f) More than two (2) freestanding, non-exempt signs per parcel.
- (g) Signs identified in Section 6 of this ordinance.

(4.) Setbacks

- (a) Road: Two (2) feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.

(b) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(c) Ordinary High Water Level (not applicable to wall signs):

i. General Development Lakes:

a) Unsewered: 37.5 feet

b) Sewered: 25 feet

ii. Recreational Development Lakes: 50 feet

iii. Natural Environment Lakes: 75 feet

(5.) Illumination

(a) Internal illumination: Not allowed

(b) External illumination: Allowed

b. Rural Residential District

(1.) Signs requiring an administrative permit

(a) Wall, projecting or marquee signs between six (6) and thirty-two (32) square feet in size

(b) Up to one (1) freestanding sign no greater than sixteen (16) square feet in size and six (6) feet in height that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

(2.) Signs requiring a conditional use permit

(a) Wall, projecting or marquee signs greater than thirty-two (32) square feet in size

(b) Off-premise directional signs as follows (lesser sizes may be required by the [CountyTownship](#) in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

Posted or Statutory Speed Limit	Maximum sign size
Less than 55 miles per hour	20 square feet
55 - 65 miles per hour	48 square feet

(c) Freestanding signs up to sixteen (16) square feet in size and up to fifteen (15) feet in height related to an allowed or permitted business.

(d) Two (2) freestanding, non-exempt signs per parcel.

(3.) Prohibited signs

(a) Signs larger than forty-eight (48) square feet in size.

- (b) Signs with a total height greater than fifteen (15) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.
- (c) Off-premise highway signs
- (d) Electronic changeable copy signs
- (e) Roof signs, Constructed.
- (f) More than two (2) freestanding, non-exempt signs per parcel.
- (g) Signs identified in Section 6 of this ordinance.

(4.) Setbacks

- (a) Road: Two (2) feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive. Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(5.) Illumination

- (a) Internal illumination: Not allowed
- (b) External illumination: Allowed

c. Agricultural-Rural Conservation Residential District

(1.) Signs requiring an administrative permit

- (a) Wall, projecting or marquee signs between six (6) and forty-eight (48) square feet in size
- (b) Up to one (1) off-premise, permanent directional sign up to twelve (12) square feet in size
- (c) Up to one (1) freestanding sign no greater than sixteen (16) square feet in size and eight (8) feet in height that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

(2.) Signs requiring a conditional use permit

- (a) Wall, projecting or marquee signs between forty-eight (48) and sixty-four (64) square feet in size
- (b) Off-premise directional signs as follows (lesser sizes may be required by the CountyTownship in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

Posted or Statutory Speed Limit	Maximum sign size
Less than 55 miles per hour	24 square feet
55 - 65 miles per hour	48 square feet

(c) Freestanding signs up to thirty-two (32) square feet in size and up to fifteen (15) feet in height, and wall signs up to ten percent (10%) of a building façade which faces a street, related to an allowed or permitted business.

(d) Roof signs, Constructed

(e) More than one (1) freestanding, non-exempt signs per parcel.

~~(f) Electronic changeable copy signs up to 32 square feet in size.~~

(3.) Prohibited signs

(a) Electronic changeable copy signs

~~(a)(b)~~ Signs larger than sixty-four (64) square feet in size.

~~(b)(c)~~ Signs with a total height greater than fifteen (15) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.

~~(c)(d)~~ Off-premise highway signs

~~(d)(e)~~ More than two (2) freestanding, non-exempt signs per parcel.

~~(e)(f)~~ Signs identified in Section 6 of this ordinance.

(4.) Setbacks

(a) Road: Two (2) feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.

(b) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(5.) Illumination

(a) Internal illumination: Not allowed

(b) External illumination: Allowed

d. Rural Commercial / Urban Commercial / Light Industrial Zones

(1.) Signs requiring an administrative permit

(a) Wall, projecting or marquee signs between six (6) and sixty-four (64) square feet in size or Wall signs up to ten percent (10%) of a building façade which faces a street. Such signs may be internally or externally illuminated.

(b) Up to two (2) permanent freestanding signs per property as follows:

i. Sign A: No greater than sixty-four (64) square feet in size and thirty five (35) feet in height.

ii. Sign B: No greater than sixty-four (64) square feet in size and fifteen (15) feet in height.

(c) Permanent off-premise directional signs advertising a business within two (2) miles of the sign not greater than thirty-two (32) square feet in size

(2.) Signs requiring a conditional use permit

(a) Wall, projecting or marquee signs greater than sixty-four (64) square feet in size or Wall signs up to ten percent (10%) of a building façade which faces a street.

(b) Permanent off-premise directional signs advertising a business located within two (2) miles of the sign between 32 and 64 square feet in size (lesser sizes may be required by the CountyTownship in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

~~(c)~~ Off-premise highway signs subject to the following limitations:

i. ~~—~~ Messaging area:

a) ~~—~~ 675 sq ft: Within 100 feet of the right-of-way of a highway having a posted or statutory speed limit of greater than 65 miles per hour

b) ~~—~~ 250 sq ft: All other areas within the Commercial or Industrial zoning districts.

ii. ~~—~~ Spacing:

a) ~~—~~ No closer than 300 feet to a road or railroad intersection

b) ~~—~~ No closer than 500 feet to another off-premise highway sign

~~(d)~~(c) Up to one (1) pole or monument sign no greater than one hundred (100) square feet in size when located along highways with a posted speed limit of greater than 65 miles per hour.

~~(e)~~(d) Illuminated freestanding signs

~~(f)~~ Electronic changeable copy signs

~~(g)~~(e) Non-Temporary Portable signs

~~(h)~~(f) Motion signs

~~(i)~~(g) Inflatable signs

~~(j)~~(h) Roof signs, Constructed

~~(k)~~(i) More than two (2) freestanding signs per parcel.

~~(l)~~(j) Signs with more than two faces

(3.) Prohibited signs

(a) Signs with a total height greater than thirty-five (35) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.

(b) Off-premise highway signs

~~(a)~~(c) Electronic changeable copy signs

~~(b)~~(d) Signs identified in Section 6 of this ordinance.

(4.) Setbacks and Height

(a) Road:

- i. Signs less than 10 feet in height: 2 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.
- ii. Signs from 10 to 20 feet in height: 10 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.
- iii. Signs greater than 20 feet in height: 20 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.

(b) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(c) Maximum height

- i. Along roads with a posted speed limit of 40 miles per hour or greater: 35 feet
- ii. Along roads with a posted speed limit of less than 40 miles per hour: 20 feet

11. Additional Provisions for Water-Oriented Business Signs

In addition to regulations applicable to the relevant zoning district, on shoreland properties where resorts, bait shops, restaurants or other permitted or legal nonconforming businesses exist, the following shall apply to signs located so as to be visible from a lake or stream:

a. Signs requiring an administrative permit

- (1.) Unilluminated wall signs no greater than twenty-four (24) square feet in size, or ten percent (10%) of a building façade which faces a waterbody, whichever is greater.
- (2.) Projecting signs no greater than twelve (12) square feet in size
- (3.) Up to one (1) unilluminated freestanding sign, no greater than thirty-two (32) square feet in size, per water frontage.

b. Signs requiring a conditional use permit

- (1.) Wall signs greater than twenty-four (24) square feet in size

- (2.) Hanging signs greater than (12) square feet in size.
- (3.) Illuminated signs
- (4.) Roof signs, Constructed
- c. Prohibited signs
 - (1.) Signs larger than thirty-two (32) square feet in size.
 - (2.) Off-premise directional sign
 - (3.) Electronic changeable copy signs
 - (4.) Portable signs
 - (5.) Motion signs
 - (6.) Inflatable signs
 - (7.) More than one (1) freestanding signs per parcel.
 - (8.) Signs with a total height greater than twenty-five (25) feet above the ordinary high water elevation, unless a wall sign placed on a permitted building.
- d. Setbacks
 - (1.) Ordinary High Water Mark: No sign may be placed within a shore impact zone, except wall signs on legal, nonconforming buildings.
 - (2.) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.
- e. Maximum height: 15 feet
- f. Maximum size: 32 square feet

12. Non-Conforming Signs

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that legal nonconforming signs and supporting structures shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs and supporting structures existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs or supporting structures provided such signs are safe, are maintained so as not to be unsightly, and the sign has not been abandoned or removed subject to the following provisions.

- a. No sign or supporting structure shall be enlarged or altered in a way which increases its nonconformity.
- b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.

- c. Should such sign or supporting structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which is it located.

13. Inspection, Maintenance, Removal

a. Inspection

Any sign for which a permit is required may be inspected periodically by the CountyTownship for compliance with this Ordinance and all other applicable laws.

b. Maintenance

- (1.) The owner, lessee or manager of any monument sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
- (2.) All signs shall contain current information. Outdated signs or signs with information that is outdated shall be removed by the property owner.
- (3.) Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made.
- (4.) Any sign located in the CountyTownship which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

c. Removal

- (1.) Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.
- (2.) Illegally erected signs shall be removed by the owner or lessee of the premises upon which the sign is located upon notice by the CountyTownship of its illegal status.
- (3.) If the owner or lessee fails to remove an abandoned or illegally erected sign, the CountyTownship shall remove it in accordance with this section. These

removal provisions shall not apply to abandoned signs where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

- (4.) Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety must be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located.
- (5.) The CountyTownship shall order the removal of any sign erected or maintained in violation of this Ordinance. Ten (10) days notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this notice, the CountyTownship may remove the sign. The CountyTownship may remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the CountyTownship shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary fee collection or in the manner of taxes and all costs shall be assessed against the property. Signs located within the right-of-way of County or Township Roads may be removed by the County or Township at any time without notice.