

## MEMO

Date: November 4, 2013

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 October 25, 2013. There were no public hearings, however the Planning Commission reviewed the "small animal" ordinance that the Town Board had sent back for further review and is passing on its recommendation to the Town Board regarding that ordinance.

### "SMALL ANIMAL" ORDINANCE

**Application:** Ordinance Amendments - Section V.V - Keeping of Animals

**Applicant:** Alexandria Township

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**Background Information:** The Planning Commission had previously sent a recommendation to the Town Board for the adoption of amendments to the section of the ordinance regulating the keeping of small animals (chickens, geese, miniature pigs, snakes, etc...). The original recommendation came after a public hearing at the September 2013 meeting of the Planning Commission. The Town Board, after reviewing and discussing the original recommendation, sent the matter back to the Commission for further research and discussion. The Planning Commission made that review at its October meeting and is now passing on a revised recommendation that takes into account the issues and concerns raised by the Town Board.

The small animal ordinance was an ordinance that the Township originally adopted in the Spring of 2012 (it is not a section that is within the County ordinance and the keeping of such animals is essentially unregulated<sup>1</sup>). Having had some experience with the ordinance, and hearing from several property owners who were unhappy with how restrictive it was in certain respects (mostly in terms of how many chickens they were allowed to raise), the Commission began discussing possible amendments. However, there was not universal agreement on the

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<sup>1</sup> The County does have feedlot regulations and these would apply at the point that the number of small animals on a property reached 10 animal units in shoreland areas (higher in non-shoreland areas). However, since one animal unit = 1,000 pounds of animal, it would take 200 chickens to reach even one animal unit (2000 chickens to reach the point where it would potentially be regulated by the County). For ducks, it would take 1000 animals to reach the point of being regulated.

Commission as to whether the ordinance was too restrictive or not restrictive enough. The recommended amendment to this section represents a bit of a compromise in that respect. A summary of the changes (from the current ordinance – including both rounds of recommended changes by the Commission) are as follows:

### **More Restrictive**

1. The keeping of poisonous, venomous, wild or exotic animals is prohibited throughout the Township.
2. The minimum lot size to keep small animals (not including dogs and cats, which are regulated under a separate ordinance) is recommended to be set at one (1) acre (there was no minimum lot size in the current ordinance). The Commission also recommends that this restriction be applied through an entire subdivision if the average lot size within that subdivision is one acre or less (i.e. if you have a 1.5 acre lot within a subdivision where the other lots are mostly one acre or less, you would not be able to keep small animals).
3. It is clarified that certain animals must be kept entirely within a dwelling (small reptiles/amphibians and talking birds).
4. The minimum setback for outdoor fenced animal areas is increased from 0 feet to 10 feet (down from 25 feet in the original Planning Commission recommendation from last month).

### **Less Restrictive**

1. The lot size at which the keeping of small animals (not including dogs and cats) is not regulated was reduced from five (5) acres to two and one-half (2.5) acres. Feedlot regulations would still apply (new feedlots are not allowed anywhere within the Township).
2. The number of animals which may be kept (on lots larger than one acre) would now be based on a formula that takes into account actual lot size and the square footage of fenced area to enclose the animals. The current ordinance limits the number of animals to three (3) for any lot size under five acres and requires an interim use permit – whether the lot is ½ acre or 4.9 acres.
  - a. As an example, under the current recommendation, the maximum number of chickens that a landowner may keep on a 1-2.5 acre lot without a permit of any kind is increased from 0 to 5 and with an interim use permit (public hearing required) the number of allowed chickens increases from 3 to 10. Other animals are treated similarly with varying numbers allowed based on the type of animal.
  - b. See attached table for a more complete summary of the maximum number of animals allowed for different lot sizes and animal types.
3. The maximum size area in which small animals can be kept outdoors is increased from 36 sq ft to 400 sq ft. Minimum fenced areas are also imposed, based on the type of animal and the amount of space they need to be healthy.

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- **Planning Commission Action:** The Planning Commission has recommended adoption of the amended ordinances (Section V.V). The recommended language is attached, highlighting differences from the current ordinance and from the recommendation following the September meeting.

**Other Items**

- A number of other ordinance amendments were also discussed – either for amending current ordinances or adding new sections. These included:
  - Variance criteria – the Township had previously decided to wait to make these state-mandated amendments to ensure that the County’s parallel update would not be more restrictive than the state. Based on staff conversations with County L&R staff, they do not have a timeline for making this update anymore and they do not expect to be more restrictive than the state language when they do make the update. The Planning Commission asked for language to be presented at their November meeting which highlights any differences from the state language.
  - Home occupation ordinance – Tabled due to the length of the meeting.
  - Solar/Wind power ordinance – Tabled to allow for the County’s process in developing ordinances around these technologies to complete. The Commission directed Staff to request that the Township Zoning Administrator be allowed to sit in on the County’s future meetings around this topic. Commissioner Dokken-McFann was identified as an alternate should the Zoning Administrator be unavailable for those meetings. Staff did talk to the County staff and they said they will send notices of upcoming meetings so that the Township may sit in (Note: Supervisor Niskanen is a member of the County’s committee reviewing these ordinances as well – since he is a County Planning Commission member).
  - Residential fences – The Commission reviewed the City of Alexandria’s recently adopted ordinance regarding residential fences and the request from a Township resident previously regarding regulating temporary fences in particular. The Commission directed staff to draft changes to the current regulations that better defines temporary vs. permanent fences. They will continue discussions as to whether they feel the Township should regulate residential fences or adopt voluntary guidelines.
  - Pervious Paves – Tabled due to the length of the meeting.
- A training session and discussion on a Comprehensive Plan update was tabled due to the length of the meeting.
- The Commission changed the time for its site visits, beginning January 2014, to the 2<sup>nd</sup> Friday of each month at 10am (or whatever Friday happens to be two Fridays prior to the public hearing).

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

**MAXIMUM NUMBER OF ANIMALS ALLOWED**

**Alexandria Township "Small Animal" Ordinance**

**November 4, 2013 DRAFT Ordinance Amendments (as recommended by Planning Commission)**

**"By Right" (No permit necessary)**

| Type of Animal                     | < 1 acre     | 1 acre       | 1.5 acres    | 2 acres      | 2.5 acres    | > 2.5 acres   |
|------------------------------------|--------------|--------------|--------------|--------------|--------------|---------------|
| <b>Small Poultry</b>               | In-home only | 5            | 6            | 7            | 8            | Not regulated |
| <b>Large Poultry</b>               | In-home only | 2            | 3            | 4            | 5            | Not regulated |
| <b>Talking Birds</b>               | In-home only | In-home only | In-home only | In-home only | In-home only | Not regulated |
| <b>Small Reptiles/Amphibians</b>   | In-home only | In-home only | In-home only | In-home only | In-home only | Not regulated |
| <b>Small Mammals (except pigs)</b> | In-home only | 3            | 4            | 5            | 6            | Not regulated |
| <b>Miniature-Pot-Belly Pigs</b>    | In-home only | 1            | 2            | 3            | 4            | Not regulated |

**With an Interim Use Permit (Public hearing required + \$400 application fee)**

| Type of Animal                     | < 1 acre     | 1 acre       | 1.5 acres    | 2 acres      | 2.5 acres    | > 2.5 acres   |
|------------------------------------|--------------|--------------|--------------|--------------|--------------|---------------|
| <b>Small Poultry</b>               | In-home only | 10           | 11           | 12           | 13           | Not regulated |
| <b>Large Poultry</b>               | In-home only | 4            | 5            | 6            | 7            | Not regulated |
| <b>Talking Birds</b>               | In-home only | In-home only | In-home only | In-home only | In-home only | Not regulated |
| <b>Small Reptiles/Amphibians</b>   | In-home only | In-home only | In-home only | In-home only | In-home only | Not regulated |
| <b>Small Mammals (except pigs)</b> | In-home only | 6            | 7            | 8            | 9            | Not regulated |
| <b>Miniature-Pot-Belly Pigs</b>    | In-home only | 2            | 3            | 4            | 5            | Not regulated |

**Definitions:**

|                                    |   |
|------------------------------------|---|
| <b>Fowl/Poultry, Large:</b>        | Geese, turkeys, peacocks, ostriches                               |
| <b>Fowl/Poultry, Small:</b>        | Chickens, guinea hens, ducks, pigeons, parrots and other birds.   |
| <b>Reptiles/Amphibians, Small:</b> | Snakes, lizards, iguanas, chameleons, salamanders, turtles, frogs |
| <b>Mammals, Small:</b>             | Rabbit, mink, ferret, miniature/pot-belly pigs                    |

~~Strikethrough~~ – deleted from current ordinance

Underline – added to current ordinance

**Highlight** – change from 9/23/2013 draft

### SECTION III. ZONING DISTRICT REGULATIONS

B. Uses Permitted.<sup>1 2</sup> 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) <sup>3</sup> | A   | <u>A/IU</u> | <u>A/IU</u> | <u>A/IU</u> | <u>A/IU</u> | 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 ~~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. ~~To provide a higher development standard and to control the keeping of small animals so as to preserve the residential nature of certain areas. This~~ The remainder of this section shall be applicable to all parcels of land ~~within which are~~ **1-2.5 one (1) to two and one half (2.5) acres** in size and within the Urban Residential, Rural Residential or shoreland district zoning districts ~~that contain five acres or less.~~

2. Definitions

**Animal, 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

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

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

<sup>3</sup> Added 5/21/2012 (Resolution #12-05)

~~Strikethrough~~ – deleted from current ordinance

Underline – added to current ordinance

**Highlight** – change from 9/23/2013 draft

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, miniature pigs, mink, ferrets, **nonvenemous** 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 3 months in 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, ~~A~~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 2510 feet**). ~~of up to 36 sq ft that must be attached to an accessory building~~.** The keeping of ~~up to three (3)~~ small animals shall be ~~allowed as~~ 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:

| <u>Type of Animal</u>     | <u>Allowed Use*</u>  | <u>Interim Use*</u>   |
|---------------------------|--|---|
| <u>Small Fowl/Poultry</u> | <u>1 per 14 sq ft of fenced area, up to <b>53</b> animals <b>except that no roosters shall be permitted.</b></u> | <u>1 per 12 sq ft of fenced area, up to <b>106</b> animals <b>except that no roosters shall be permitted.</b></u> |

~~Strikethrough~~ – deleted from current ordinance

Underline – added to current ordinance

**Highlight** – change from 9/23/2013 draft

|   |  |  |
|---|--|--|
| <u>Large Fowl/Poultry</u>   | <u>1 per 26 sq ft of fenced area, up to 2 animals</u>                    | <u>1 per 26 sq ft of fenced area, up to 4 animals</u>                    |
| <u>Talking birds</u>  | <u>Only allowed in a dwelling</u>  | <u>Only allowed in a dwelling</u>  |
| <u>Small reptiles/amphibians</u>  | <u>Only allowed in a dwelling</u>  | <u>Only allowed in a dwelling</u>  |
| <u>Small Mammals (except pigs)</u>  | <u>1 per 10 sq ft of fenced area, up to 3 animals.</u>                   | <u>1 per 10 sq ft of fenced area, up to 6 animals.</u>                   |
| <u>Miniature/Pot-Belly Pigs</u>   | <u>1 per 200 sq ft of fenced area, up to one animal or in a dwelling</u> | <u>1 per 200 sq ft of fenced area, up to 2 animals or in a dwelling.</u> |
| <u>* The number of animals allowed shall increase by one (1) for each half-acre of land above one acre.</u> |  |  |

~~b.c.~~ **Small animals running at large or in numbers greater than three.** Small animals ~~in numbers greater than three (3), or small animals that are~~ **allowed to 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.