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# ALEXANDRIA TOWNSHIP

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## PLANNING COMMISSION

MEETING PACKET FOR  
**January 27, 2013**



**PRELIMINARY AGENDA**  
**Alexandria Township Planning Commission**  
**January 27, 2014**  
**6:00 p.m. – Township Conference Room**

**Call to Order**

**Adopt Agenda**

**Approve Minutes**

November 25, 2013

**Public Hearing**

**Zoning Administrator's Report**

1. Tree Preservation Ordinance – Douglas County
2. Feedlot Compliance – Parcel 03-1884-000

**New Business:**

1. Northern Natural Gas pipeline

**Old Business:**

1. Training – Developing Effective Comprehensive Plans
2. Discussion – Comprehensive Plan Update
3. Discussion – Possible Ordinance Amendments
  - a. Pervious Pavers (see enclosed changes from Nov. 2013 language)
  - b. Home occupations (see enclosed changes from Nov. 2013 language)
  - c. ~~Variance criteria~~ (changes are ready to adopt)
  - d. ~~Small-scale solar panels~~ (waiting on Douglas County)
  - e. ~~Wind towers/generators~~ (waiting on Douglas County)
  - f. ~~Residential fences~~ (PC consensus was not to change existing language)

**Adjournment**

\*\*NOTE: This is a preliminary agenda, subject to change at any time.



## STAFF REPORT

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**Issue:** Comprehensive Plan Update

**Agenda Item:** Old Business - 2

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**Background:** Once the training session on developing Comprehensive Plans has been completed, the intent is that the Planning Commission begin discussing whether/how it would like to update the Township's 2006 Comprehensive Plan.

The Town Board has provided some direction in this regard. Specifically, they have indicated that they do not see the need for a major update nor the need for a major effort to involve the public in any update (certainly the public is welcome to attend Planning Commission meetings where it is discussed, but the idea would be to not spend resources on having multiple community "workshops" such as were held when the 2006 Comprehensive Plan was first developed.

The Town Board feels that the Commission should discuss and propose updates in "sections" - bringing those proposed updates to the Town Board for their review and approval one or two at a time.



## STAFF REPORT

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**Issue:** Possible Ordinance Updates

**Agenda Item:** Old Business - 3

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**Background:** At the November 2013 meeting, the Commission discussed a number of possible ordinance updates that could be made. One of those was determined to be ready for public hearing (variance criteria), another is awaiting action from Douglas County on their own ordinance amendments (solar/wind energy regulations) and for the third the consensus of the Commission was to make no changes to the current ordinance (residential fences). Two of the discussion items remain - whether to give credit for the use of pervious pavers in the calculation of impervious coverage and whether to create exemptions for certain types of sales on residential properties that do would be exempt from regulation as a home occupation.

1. **Pervious Pavers:** In 2007, when the Township began zoning administration, it decided that it would not be giving any credit to landowners for the use of pervious pavers (i.e. to consider it partially or completely pervious rather than impervious). This was primarily due to a lack of evidence that pervious pavers continue to allow water to infiltrate over time, as they may plug up with leaves, twigs, rocks, sand and other material. The Planning Commission reviewed this policy back in Spring 2012 and the Town Board expressed a desire to allow some credit for pervious pavers in appropriate situations and to draft some amendments along these lines for the end of the year.

At the November 2013 meeting, the Commission requested that Staff consult with Douglas County staff and see what their experience with allowing credit has been. Staff has made a few attempts at making contact with them, but has been unsuccessful thus far. Douglas County does give partial credit for the use of pervious pavers. A copy of the Township ordinance, showing what it would look like if it matched the Douglas County ordinance, is attached.

There are a few considerations when giving some credit for the use of pervious pavers. These include:

- How much credit to give? Usually ranges from 25% to 100%.
- Whether to require engineering/design and professional installation (to function properly, pervious paver systems often cannot just be placed on the ground; they need a specific base of sand/gravel, etc... and need to be installed properly.
- Should credit be given only for non-driving surfaces (i.e. sidewalks, patios)? Or also for driveways and parking areas?
- Should permitting be "over-the-counter" permits or only by conditional use permits?

- 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.~~

a. 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;

a.b. 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;

- (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 Administrator<sup>71</sup> 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 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

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



along with a maintenance schedule, with a copy to the Township to be filed along with the permit;

~~ii.vii.~~ All best management practices must be compatible with local stormwater management plans and NPDES Phase II stormwater permits, where required;

~~iii.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.

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.

6. Water Supply.

a. Water Supply.

(1.) Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

7. Standards for Commercial, Public and Semi-public Uses.

a. Surface water-oriented commercial, public or semipublic uses with similar needs to have access to and use of public waters may be located on parcels with frontage on public waters. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions. Those with water-oriented needs must meet the following standards:

2. **Home Occupations:** The Commission had previously discussed (April 2013 meeting) whether an amendment should be made to the current home occupation ordinance (Section V.U) that would exempt the selling of one or two used vehicles, trailers, or farm machinery. Under the current ordinance, such sales would be considered a high-activity home occupation because they have direct evidence of the “business” and have outdoor storage involved (of the vehicle itself).

The Commission did discuss making an exemption for these types of uses. Draft language reflecting this has been attached.

## U. HOME OCCUPATIONS<sup>80</sup>

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

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

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

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

### 1. Definitions

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

- 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.

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<sup>80</sup> Added 3/21/2011 (Resolution #11-02)

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.
- c. Location and Residency Requirement – All home occupations must be located on the homestead of the business operator or on an adjacent lot under the same ownership. For the purposes of this section, a lot shall be considered “adjacent” if any portion of the lot is within 100 feet of any portion of the homestead lot, unless otherwise approved by the Township.
- d. Minimum Lot Size and Setbacks to Nearby Dwellings
  - i. LAHO and MAHO – no minimum lot size or setback requirements from nearby dwellings unless specifically required by the Planning Commission
  - ii. HAHO – minimum lot size of ten (10) acres and a minimum setback from nearby occupied dwellings of five hundred (500) feet, except that the Township may waive or reduce the setback requirement to no less than two hundred and fifty (250) feet should appropriate screening or other practices be put into place to mitigate likely or potential nuisances.
- e. Outside Storage
  - i. LAHO – no outside storage of supplies, equipment, business vehicles or maintenance items shall be allowed; all work and work related items shall be

- kept in an enclosed structure or building such that they are not visible from neighboring properties or from a public road right-of-way.
- ii. MAHO – no outside storage of supplies, equipment or maintenance items shall be allowed, except that up to two business-related vehicles (under 26,000 lbs GVW) may be stored outdoors; all other work and work related items shall be kept in an enclosed structure or building such that they are not visible from neighboring properties or from a public road right-of-way.
  - iii. HAHO – supplies, equipment, business vehicles or maintenance items may be stored outside of a building or structure, but shall be limited to a combined area of no more than 4,000 square feet and shall be screened from view of neighboring properties or from a public road right-of-way via fences, berms, natural vegetation or other appropriate material as determined by the Township.
- f. Parking – Parking areas shall be limited in size so as not to exceed that typical of the surrounding neighborhood, except where specifically allowed by the Township. In such cases, the Township may impose requirements for screening or landscaping of the parking area so as to minimize its impact on the neighborhood character.
  - g. Noise – Excessive or sustained noise levels are prohibited. Excessive or sustained noises shall be those in violation of Alexandria Township Ordinance 94-17 (Ordinance Regulating Noise).
  - h. Lot Coverage – Shall comply with the limitations of the underlying zoning district.
  - i. Water and Sanitary Facilities – The site must be capable of supporting adequate on-site sanitary (sewer and water) facilities to serve both the primary dwelling and the activities of the home occupation.
  - j. Pollutants and Waste - The operator of a home occupation shall properly dispose of all liquid, gaseous or other pollutants and solid waste including but not limited to garbage, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other waste materials.
  - k. Hours of Operation – No business activities associated with a MAHO or HAHO shall occur between the hours of 7:00 pm and 7:00 am, unless otherwise stated in the interim use permit.
  - l. Signage
    - i. LAHO – No signage allowed.
    - ii. MAHO – No signage allowed.
    - iii. HAHO – One sign, no larger than 35 square feet shall be allowed, whether placed on a building or free-standing. Such signs shall not be located anywhere within a public road right-of-way or so as to interfere with normal traffic and road maintenance activities.
  - m. Impacts on Public Roads
    - i. Weight Limits – All posted weight limits for roads shall be obeyed.

- ii. Dust Control – If located along a township road, a home occupation shall enter into a written agreement with the Township relating to additional dust control measures created by the home occupation
- n. Employees – A home occupation may not have any on-site employees beyond those who reside in the home, in excess of the following:
  - i. LAHO – None (0), unless otherwise approved by the Town Board.
  - ii. MAHO – None (0), unless otherwise approved by the Town Board.
  - iii. HAHO – Two (2), unless otherwise approved by the Town Board.

## 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.

### 1. General

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 section shall be applicable to all parcels of land within the Urban Residential, Rural Residential or shoreland districts that contain five acres or less.

### 2. Definitions

Animal, Small: 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, miniature pigs, mink, ferrets, snakes, 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).

### 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.** 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.
- b. **Small animals kept within an attached or detached accessory building (or in a fenced area 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 interim use, provided that such animals are sufficiently contained so as to