
ALEXANDRIA TOWNSHIP

PLANNING COMMISSION

MEETING PACKET FOR
November 25, 2013



PRELIMINARY AGENDA
Alexandria Township Planning Commission
November 25, 2013
6:00 p.m. – Township Conference Room

Call to Order

Adopt Agenda

Approve Minutes

October 28, 2013

Public Hearing

None

Zoning Administrator's Report

New Business:

Old Business:

1. Update – Town Board Action on “Small Animal” Ordinance
2. Discussion – Possible Ordinance Amendments
 - a. Variance criteria
 - b. Home occupation ordinance
 - c. Small-scale solar panels
 - d. Residential fences
 - e. Pervious Pavers
 - f. Wind towers/generators
3. Training – Developing Effective Comprehensive Plans
4. Discussion – Comprehensive Plan Update

Adjournment

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

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.



STAFF REPORT

Issue: Small Animal Ordinance

Agenda Item: Old Business - 1

Background: At the September 23 meeting of the Planning Commission, a recommendation was made regarding a small animal ordinance. The Town Board reviewed that recommendation at their October 7 meeting, raised a number of areas where they would like further research/discussion and sent the matter back to the Planning Commission.

The Commission then made revisions at the October 28 meeting and sent it back to the Board with a recommendation to adopt. The Town Board reviewed that recommendation at its November 4 meeting and adopted the ordinance, but with several changes from what was recommended by the Commission.

A summary of these changes are:

1. The Town Board retained the current ordinances requirement that the keeping of small animals be regulated on lots up to 5 acres in size (not the reduced 2.5 acres as recommended by the Commission).

Note that there are about 106 properties in the Township that are between 2.5 and 5 acres (the Township has about 1,950 properties overall). Some of these would be not in the Urban Residential, Rural Residential or Shoreland districts (and therefore not subject to the small animal ordinance anyways). The exact number would take some more analysis, but Staff expects most of the 106 properties would be subject to the small animal ordinance.

2. The age at which a small animal would not be counted against the limits was reduced from 3 months to 6 weeks. This was not something that the Commission really discussed much.
3. The number of allowed animals per $\frac{1}{2}$ acre above 1 acre remained as the Commission recommended (one additional animal for each additional $\frac{1}{2}$ acre), but was continued all the way up to the 5 acre lot size that is regulated.

The vote of the Town Board to adopt the ordinance with the above changes from what was recommended by the Planning Commission was 5-0.

A copy of the ordinance, as adopted, is attached.



STAFF REPORT

Issue: Possible Ordinance Updates

Agenda Item: Old Business - 2

Background: Earlier this year, the Commission discussed a number of possible ordinance updates that could be made. The decision at that time was to make ordinance amendments regarding the sign ordinance and small animals the initial priority – and a public hearing to adopt these was held last month. A number of other items were identified as secondary priorities – which include:

1. **Variance Criteria:** The State Legislature made changes to the criteria by which variances are reviewed in 2011. We were awaiting changes along these lines from Douglas County so that if they adopted any stricter standards, we could react to those. However, County staff has indicated they do not have a timeline to make these changes at this time. They did indicate that they do not intend to make any additional changes beyond the minimum required in state law and that we should be safe to make changes on our own timeline.

The changes necessary to meet the 2011 amendments to state statute are as follows (portions that are highlighted indicate the direct language from the statute that is altered in the proposed ordinance):

I. VARIANCES.

1. Criteria for Granting of Variances.

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

(1) Variances shall only be permitted when they are in harmony with the general purposes and intent of the ~~official control~~ 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 ~~official control~~ 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 an official control 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. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

(6) The Township board of adjustment 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. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(7) Variances shall be issued to the property and are not transferable. (This is not a statement in the state statutes)

~~(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.~~

~~(3.) The variance, if granted, will not alter the essential character of the locality.~~

~~(4.) 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.~~

~~(5-)(3.)~~ 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. **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).

If the Commission agrees to some kind of exception for such sales (which include limits on the number of days per year this is allowed, or the total number of vehicles per year, etc...), it might consider whether there are other such types of sales that would be listed as exceptions to the home occupation regulations.

To make such a change, a new section would be added to the current ordinance roughly as follows:

2. Exemptions

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

- a. The display, for sale, of up to two (2) motor vehicles, trailers, or pieces of farm machinery at any given time.
- b. Other exemption?
- c. Other exemption?

3. **Residential Solar Panels/Wind Generators:** The Commission previously discussed at its October meeting that the Township should try to coordinate with Douglas County, which has already begun a process of working with a consultant that has expertise in alternative energy ordinances. Staff contacted the County and they indicated they would let us know when they had meetings coming up. Supervisor Russ Niskanen is also involved in the County process as a County Planning commission member.
4. **Residential Fences:** At the October meeting, the Commission asked Staff to develop a draft definition of temporary vs. permanent fencing. Initially,

residential fences were a discussion because of a resident's complaint about a "temporary" fence that had been in place for more than one year. We discussed at that time that the Township does not have any ordinances regarding what a fence may be constructed from or how long temporary fences can be in place. Our ordinance currently states:

SECTION III. ZONING DISTRICT REGULATIONS

C. Building Setback, Lot Area and Density Requirements and Regulations¹

1. Other Requirements and Regulations

a. Fences.² Fence setbacks shall be as follows:

- i. Ordinary High Water Level of a lake or stream: Same setback as other buildings or structures;
- ii. Public Road Right-of-Way: No setback required provided no part of the fence projects into the right-of-way or otherwise would present a hazard;
- iii. Other Property Lines: Fences may be placed on the property line if they are maintenance free or can be maintained from within the perimeter and two (2) feet from the property line if they are maintained outside of the perimeter or are not maintenance free.

All fences are to have a height of no greater than six (6) feet from the original ground to the highest point, except as otherwise allowed by this ordinance.

Staff would present the following as examples of definitions for "temporary" and "permanent" fences in other ordinances:

Temporary

"Fences that are installed and removed on a seasonal basis, such as snow fences, garden fences and seasonal recreational fences, such as hockey boards." (City of Lake Elmo, MN)

"A plastic safety fence, plastic snow fence, slatted wood snow fence, or chain link fence if temporarily erected in a construction zone or temporarily erected as a snow fence or garden fence or plastic safety fences, plastic snow fence or slatted wood snow fence erected for any other purpose." (Hermantown, MN)

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

² Amended 12/17/2007 (Resolution #07-20)

“Structure used to enclose an outdoor activity or use for a period as set forth in Section 703.C that is contained fully above ground and includes no permanently implanted or affixed footings.” (Phoenix, AZ)

Permanent

“Fences that are installed in a fixed or enduring manner that are not intended for seasonal or temporary purpose.” (City of Lake Elmo, MN)

“Any fence, other than a temporary fence as defined herein” (Hermantown, MN)

Some possible regulations regarding temporary and permanent fencing might be (as presented at the October meeting):

“Temporary fencing may be placed upon a property without a permit, provided that the fencing is in place for no longer than 60 consecutive days and, where appropriate, is marked with white or brightly colored streamers or other such warning devices at intervals not exceeding four (4) feet. On construction sites, fencing may be placed for as long as reasonably necessary to complete the construction, grading or excavating project. Fences placed to prevent snow drifting may be placed only during winter months.”

AND/OR

“Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, preformed concrete block, concrete, brick, wrought iron and chain link. All parts of a fence must be of sturdy construction and adequately maintained so as not to be easily removed or pushed over if a person were to lean against them.”

Another question arising from fence ordinances is whether planted shrubs (hedges) or trees constitute a fence and are subject to height limitations.

5. **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. As the Commission was busy with sign ordinance and septic ordinance updates, the matter of pervious pavers has not yet arisen again.

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?

Once these questions have been discussed, Staff would intend to draft specific language for consideration by the Commission.



STAFF REPORT

Issue: Comprehensive Plan Update

Agenda Item: Old Business - 3

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.