

AGENDA
Alexandria Township Planning Commission
November 28, 2011
6:00 p.m. – Township Conference Room

Call to Order

Adopt Agenda

Approve Minutes – October 24, 2011

Public Hearing

- 1.
- 2.
- 3.

Zoning Administrator's Report

New Business:

- 1.
- 2.
- 3.

Old Business:

1. Discussion – end-of-year ordinance updates
2. Training Session – Effective enforcement
- 3.

Adjournment



STAFF REPORT

Application: End of Year Ordinance Amendments

Applicant: Alexandria Township

Agenda Item: Old Business

Background: At the end of every calendar year, Staff typically brings a list of “clean-up” ordinance amendments for discussion by the Planning Commission. These are amendments that are assembled over the course of the year as sections of the ordinance are identified as being unclear or in need of clarification. Staff also typically asks for input from the Planning Commission and/or Town Board as to items they wish to see added, subtracted or amended.

At this point, Staff has assembled the following list of items as needing to be reviewed for possible amendment:

1. **Criteria for granting or denying variances:** The Minnesota State Legislature made amendments to state statutes in April/May 2011 that identify new criteria for granting or denying variances. Until this point, Staff has been waiting for Douglas County to make amendments to their ordinance, since state law requires the township to be at least as restrictive as the County with its ordinances and the County may choose to add additional language beyond that in the state statute. At this point, the County has not made any such amendments, although our understanding is that they do intend to sometime in 2012. The changes necessary to meet the new state statute is as follows:

- 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 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.

(7) 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.~~

~~(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. **Definition of “fish house”:** Currently, the zoning definition for “fish house” is as follows:

FISH HOUSE AND/OR DARK HOUSE¹ - A shelter/structure used for angling or spearing on the ice on any water that is no larger than 240 square feet or 10 feet in height. Such structures, if not licensed as may be required by the State of Minnesota or other local government, if in excess of the size and height limitations, or if affixed to any kind of foundation in a permanent or semi-permanent manner shall be considered an accessory structure for the purposes of this ordinance.

In 2008, the Township amended the definition to the current definition in an attempt to draw a line between fish houses that were legitimately used for ice fishing and those that were used primarily for storage.

Staff would appreciate the Planning Commission’s input as to whether this definition should be further discussed for possible amendment.

3. **Regulation of bees, chickens, peacocks and other small animals raised as pets or for personal consumption:** On several occasions, the question has been raised as to whether the Township should more actively regulate the keeping of animals not typically associated as pets (dogs, cats) but that do not rise to the level of being regulated as a feedlot. Staff has attached an ordinance from another city that regulates these and would appreciate the Commission’s input as to what elements of this ordinance it feels are appropriate or not. The other option, of course, is to simply not allow raising animals of this sort at all (in residential areas) or to allow them generally as an interim use permit with no specific regulations. While not specifically addressed in the ordinance, Staff’s interpretation is that the raising of these kinds of animals would be an interim use permit.

¹ Amended 12/15/08 (Resolution #08-16)

SMC 23.42.052 Keeping of animals

The keeping of small animals, farm animals, domestic fowl and bees is permitted outright in all zones as an accessory use to any principal use permitted outright or to a permitted conditional use, in each case subject to the standards of this Section 23.42.052.

A. Small Animals. Up to three small animals may be kept accessory to each business establishment, other than an urban farm, or dwelling unit on a lot, except as follows:

1. In no case is more than one miniature potbelly pig allowed per business establishment or dwelling unit (see subsection 23.42.052.B).

2. In single-family zones,

a. accessory dwelling units shall not be considered separate dwelling units for the purpose of this Section 23.42.052;

b. up to four small animals are permitted on lots of at least 20,000 square feet; and

c. one additional small animal is permitted for each 5,000 square feet of lot area in excess of 20,000 square feet. Accessory structures, including kennels, for four or more animals must be at least 10 feet from any other lot in a residential zone.

B. Miniature Potbelly Pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*) may be kept as a small animal, provided that no swine that is greater than 22 inches in height at the shoulder or more than 150 pounds in weight may be kept in the city.

C. Domestic Fowl. Up to eight domestic fowl may be kept on any lot in addition to the small animals permitted in subsection 23.42.052.A.

1. On lots greater than 10,000 square feet that include either a community garden or an urban farm, one additional fowl is permitted for every 1,000 square feet of lot area over 10,000 square feet in community garden or urban farm use.

2. Roosters are not permitted.

3. Structures housing domestic fowl must be located at least 10 feet away from any structure that includes a dwelling unit on an adjacent lot.

D. Farm Animals. Cows, horses, sheep and other similar farm animals are permitted only on lots of at least 20,000 square feet. The keeping of swine is prohibited, except for miniature potbelly pigs allowed under subsection 23.42.052.B.

1. One farm animal for every 10,000 square feet of lot area is permitted.

2. Farm animals and structures housing them must be kept at least 50 feet from any other lot in a residential zone.

E. Beekeeping. Beekeeping is permitted outright as an accessory use, when registered with the State Department of Agriculture, provided that:

1. No more than four hives, each with only one swarm, are allowed on lots of less than 10,000 square feet.

2. Hives shall not be located within 25 feet of any lot line except when situated 8 feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than 8 feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any lot line within 25 feet of a hive and extending at least 20 feet beyond the hive in both directions.

F. Miniature Goats. The types of goats commonly known as Pygmy, Dwarf and Miniature Goats may be kept as small animals, provided that male miniature goats are neutered and all miniature goats are dehorned. Nursing offspring of miniature goats licensed according to the provisions of this Code may be kept until weaned, no longer than 12 weeks from birth, without violating the limitations of subsection 23.42.052.A.