
ALEXANDRIA TOWNSHIP

PLANNING COMMISSION

MEETING PACKET FOR
October 28, 2013



PRELIMINARY AGENDA
Alexandria Township Planning Commission
October 28, 2013
6:00 p.m. – Township Conference Room

Call to Order

Adopt Agenda

Approve Minutes

1. Planning Commission Site Visits
 - a. February 19, 2013
 - b. July 16, 2013
 - c. August 21, 2013
 - d. September 18, 2013
2. Regular Planning Commission Meeting
 - a. September 23, 2013

Public Hearing

1. None

Zoning Administrator's Report

New Business:

Old Business:

1. Small Animal Ordinance – sent back from Town Board
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.



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.

A revised draft of the ordinance amendments is attached, highlighting where changes have been made from the September 23 version previously recommended by the Commission (Staff's edits based on the issues/suggestions brought up at the Town Board meeting).

~~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.^{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 | <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

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)

~~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, 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~~ **allowed** 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 63 animals except that no roosters shall be permitted.</u> | <u>1 per 12 sq ft of fenced area, up to 126 animals except that no roosters shall be permitted.</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.



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:

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. **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 had brief discussions about whether changes are needed to the ordinance to lessen any barriers that might exist for homeowners wishing to install small-scale solar panels or wind generators on their property (there was discussion that solar panels should certainly be allowed to be installed on a building, but perhaps not on a free-standing pole or other such support). The Commission has not discussed wind generators much to this point, but there was recently a debate about such a tower in Douglas County (Osakis area) and the Township does have at least one private wind tower that was built in recent years.

Staff is enclosing an example ordinance from Minneapolis which specifies the height and other regulations that apply to the installation of solar panels. The intent would be to clarify that such installations are allowed and what types of regulations apply.

Also, Douglas County has been having discussions about writing an “alternative energy” ordinance that would likely both solar panels and wind generators. It may be wise to wait until the County adopts its ordinance before the Township does so.

Staff has not prepared any draft amendments at this point, pending further discussion and more information about Douglas County’s efforts and timeline.

4. **Residential Fences:** 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.

The City of Alexandria recently instituted a fence ordinance. It is attached for your reference. The ordinance requires permits for most fences and limits height. It has only limited reference to what a fence may be built from and does not seem to directly address maximum timelines for the placement of “temporary” fences.

Possible language that might address temporary fences could be similar to the following:

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

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

“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.

**City of Minneapolis, Minnesota
Code of Ordinances (2011)
Title 20, Zoning Code**

**Chapter 535, Regulations of General Applicability
Article XII. Solar Energy Systems**

535.820. Purpose. Regulations governing solar energy systems are established to provide for appropriate locations for solar energy systems, to ensure compatibility with surrounding uses, and to promote safe and effective use of solar energy to increase opportunities for generation of renewable energy.
(2011-Or-008, § 1, 2-11-11)

535.830. Definitions. As used in this article, the following words shall mean:

Building-integrated solar energy system. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to active photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.

Building-mounted solar energy system. A solar energy system affixed to a principal or accessory building.

Freestanding solar energy system. A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure. Garages, carports or similar structures that incorporate building-integrated or building-mounted solar energy systems shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

Solar collector surface. Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar energy system. A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.
(2011-Or-008, § 1, 2-11-11)

535.840. Permitted uses and specific standards, subject to administrative review and approval.

(a) In general. Solar energy systems shall be permitted in all zoning districts, subject to the standards of this article. Solar collector surfaces and all mounting devices shall comply with the minimum yard requirements of the district in which they are located. Screening of solar collector surfaces shall not be required.

(b) Building-mounted solar energy systems.

(1) Notwithstanding the height limitations of the zoning district, building mounted solar energy systems shall not extend higher than three (3) feet above the ridge level of a roof on a structure with a gable, hip, or gambrel roof and shall not extend higher than ten (10) feet above the surface of the roof when installed on flat or shed roof.

(2) The solar collector surface and mounting devices for building-mounted solar energy systems shall be set back not less than one (1) foot from the exterior perimeter of a roof for every one (1) foot that the system extends above the parapet wall or roof surface, if no parapet wall exists, on which the system is mounted. Solar energy systems that extend less than three (3) feet above the roof surface shall be exempt from this provision.

(c) Freestanding solar energy systems.

(1) Freestanding solar energy systems, measured to the highest point of the system, shall not exceed the height of the principal structure or twenty (20) feet, whichever is less. The height of the principal structure shall be measured as provided in Chapter 520, Introductory Provisions. Freestanding solar energy systems up to sixteen (16) feet in height shall be subject to the minimum yard requirements of an accessory structure. Freestanding solar energy systems greater than sixteen (16) feet in height shall be subject to the minimum yard requirements of a principal structure. The required yard shall be measured from the property line to the closest part of the structure at minimum design tilt.

(2) In the residence and office residence districts, the area of the solar collector surface of freestanding solar energy systems shall not exceed five (5) percent of the lot area. Notwithstanding any other provision to the contrary, the maximum area of solar energy systems shall be calculated independently of the floor area of all other accessory structures on the zoning lot.

(3) The supporting framework for freestanding solar energy systems shall not include unfinished lumber.

(4) All abandoned or unused freestanding solar energy systems shall be removed within twelve (12) months of the cessation of operations.
(2011-Or-008, § 1, 2-11-11)

535.850. Administrative review process.

(a) In general. The zoning administrator, in consultation with the planning director, shall have up to fifteen (15) working days following the submittal of a complete application to approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(b) Submittal requirements. An application for a solar energy system shall be filed on a form approved by the zoning administrator, as specified in Chapter 525, Administration and Enforcement. In addition, the applicant shall submit the following:

(1) Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a solar energy system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

(2011-Or-008, § 1, 2-11-11)

535.860. Conditional uses. Solar energy systems that do not comply with the standards of section 535.840 above may be allowed by conditional use permit, subject to the provisions of Chapter 525, Administration and Enforcement, provided that requests to reduce minimum yard requirements shall be by variance.

(2011-Or-008, § 1, 2-11-11)

535.870. Solar access. Solar access easements may be filed consistent with Minn. Statute Section 500.30. Any property owner may purchase an easement across nearby properties to protect access to sunlight. The easement is purchased or granted by owners of nearby properties and can apply to buildings, trees, or other structures that would diminish solar access.

(2011-Or-008, § 1, 2-11-11)

Chapter 537, Accessory Uses and Structures

537.110. Allowed accessory uses and structures. The following accessory uses and structures shall be allowed, subject to the following development standards:

* * *

Solar energy system. Solar energy systems shall be allowed as an accessory use, subject to the applicable zoning district regulations and the regulations contained in Chapter 535, Regulations of General Applicability.



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.