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# ALEXANDRIA TOWNSHIP

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## PLANNING COMMISSION

MEETING PACKET FOR  
**September 23, 2013**





**PRELIMINARY AGENDA**  
**Alexandria Township Planning Commission**  
**September 23, 2013**  
**6:00 p.m. – Township Conference Room**

**Call to Order**

**Adopt Agenda**

**Approve Minutes** – August 26, 2013

**Public Hearing**

1. (Tabled from August meeting) Preliminary Plat for a three lot subdivision. Two of the lots would contain existing homes (6 acres each). The third lot would encompass the existing farmland on the western portion of the property (8 acres) and is proposed to be used for farming or other non-residential purposes (i.e. no home would be allowed). Property located at 1966 and 2044 Liberty Road NE. Tim Rock, applicant. Legal description summary as follows: Section 10, Township 128, Range 37; S 333.51' of N 667.35' of SE4NE4 and S 333.17' of N 1000.52' of SE4NE4, 10 acre parcels each. PIN: 03-1202-480 (2044 Liberty Rd NE), 03-1202-500 (1966 Liberty Rd NE).
2. Ordinance amendments to Ordinance #124 (Zoning Ordinance): A revised section V.A (Signs) regulating signs in all zoning districts so as to be at least as restrictive as the recently adopted Douglas County sign ordinance and a revised section V.V (Keeping of Animals) regulating the keeping of small animals in residential areas. Alexandria Township, applicant.

**Zoning Administrator's Report**

**New Business:**

1. Discussion – Pervious Pavers
- 2.

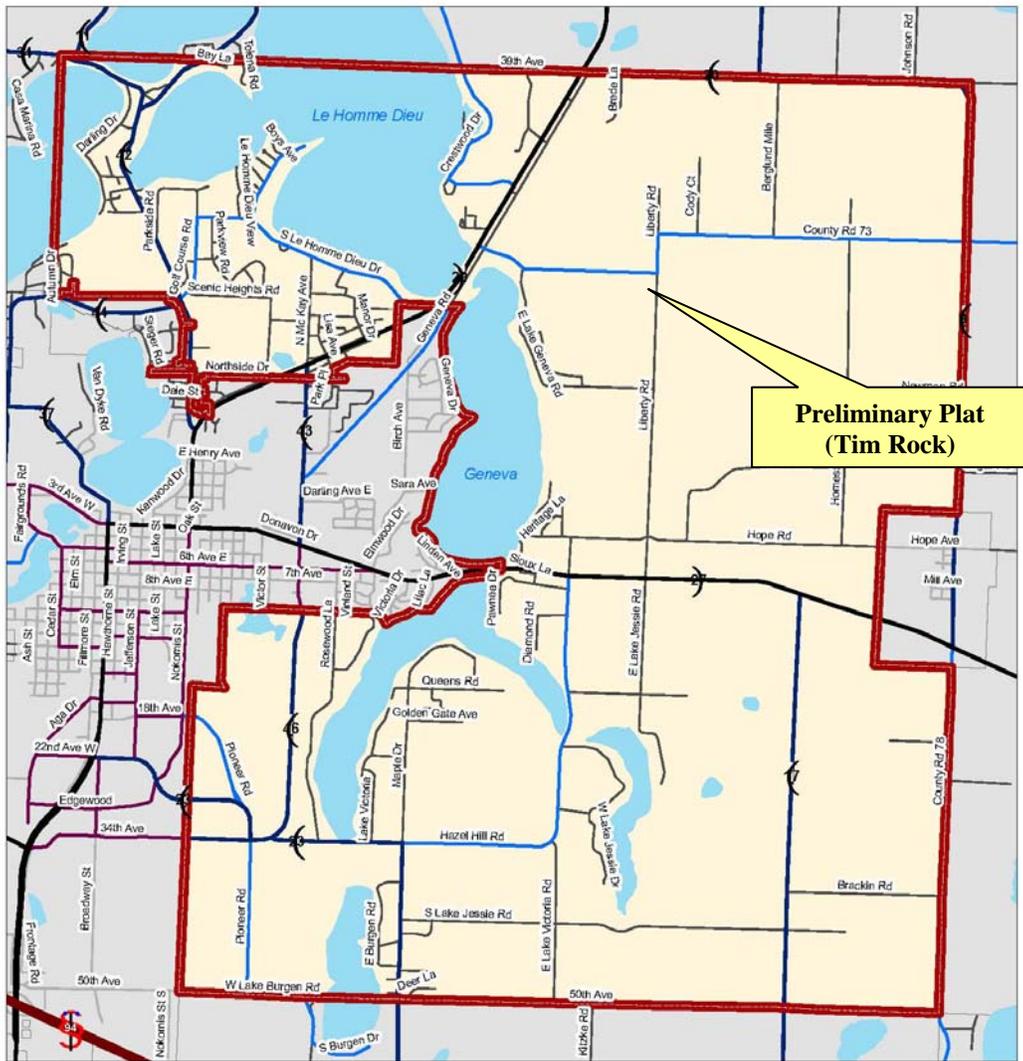
**Old Business:**

1. Training – Developing Effective Comprehensive Plans
2. Discussion – Comprehensive Plan Update

**Adjournment**

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

**LOCATION MAP FOR  
SEPTEMBER 23, 2013  
PLANNING COMMISSION  
APPLICATIONS**



The public hearing will be held on  
September 23, 2013 beginning at 6:00 pm.

The public hearing will held at the Township meeting room at 610 Fillmore Street,  
Alexandria. Enter in middle of building – same entrance for Trumm Home Medical and  
AAEDC.

## STAFF REPORT

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**Application:** Preliminary Plat for a three lot subdivision. Two of the lots would contain existing homes (6 acres each). The third lot would encompass the existing farmland on the western portion of the property (8 acres) and is proposed to be used for farming or other non-residential purposes (i.e. no home would be allowed).

**Applicant:** Tim Rock

**Agenda Item:** 4a

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**Proposal:** This application was tabled at the August meeting for the purpose of conducting additional research on the status of the easement along the west side of these properties. The applicant indicates that the easement would allow for the purchaser of "Lot 3" (the lot to the west that is proposed for agricultural use and not for a dwelling) to access the lot with farm equipment from County Road 73. One or more neighbors questioned this.

*Staff obtained a copy of the easement in question (attached) and reviewed the easement language with the Township Attorney. Staff also obtained a copy of a 2000 survey prepared by Nyberg Surveying that indicates the location of the 33 ft strip of land owned by Gary Brundell (former Gary Spaeth property) and the location of the driveway in relation to that 33 ft strip (also attached). Staff also visited the site and viewed surveyors monuments representing the western edge of the 33 ft (Brundell) strip, and the eastern edge of the driveway easement.*

*From the above information, Staff feels that it is clear that there are two easements involved. The first was from Bernie Rachel to Gary Spaeth and covered the driveway as it is actually located. The second easement was from Spaeth to Rachel for the use of Spaeth's (now Brundell's) 33 ft strip running out to County Road 73. This second easement was "for the benefit of the SE ¼ NE ¼, Section 10." The applicant (Tim Rock) is now one of the owners of property in the SE ¼ NE ¼ (along with Harold Koep and Dean Logan).*

*These easements are both noted in the easement document as being perpetual, running with the land, and binding upon the heirs, successors and assigns of the parties.*

*It also appears clear that the easement over the actual driveway gives the owner of Parcel 03-1211-000 (Brundell) the right to use that driveway to access his property. They are also solely responsible for the maintenance of that driveway. This easement does not apply if the owner of 03-1211-000 decides to subdivide their land, develop a multi-family dwelling, or develop a planned unit development (PUD).*

*What is somewhat less clear (or is at least debatable) is 1) whether the easement originally given to Rachel for the use of the 33 ft strip that is part of Parcel 03-1211-000 automatically transfers to other owners as land is subdivided; and 2) whether the owner of the subdivided Rock property ("Lot 3") would have use of the driveway surface – as the driveway surface appears to be entirely east of the 33 ft strip as it comes off of County Road 73 and only partially in the 33 ft strip the remainder of the distance.*

*The applicant has discussed these documents with his attorney and they accept that they do not have access to the driveway surface coming off of County Road 7. They do indicate that if "Lot 3" were sold to the landowner to the west, that landowner would have the ability to access "Lot 3" from the farmland to the west across the 33 ft easement. It is possible that the other affected landowners could dispute any claims made by the applicant or their attorney.*

The application is to re-subdivide two 10 acre lots into two 6 acre lots to contain the two existing homes on these properties and one 8 acre lot to be used for agricultural or other non-building purposes. The properties lie within the ALASD regional sewer service district.

Proposed "Lot 1" and "Lot 2" are each 6 acres in size and each would contain one of the existing homes on the property. These would represent the eastern portions of each original 10 acre lots and have frontage on Liberty Road. These lots are currently served by private sewer systems.

Proposed "Lot 3" is 8 acres in size and would be intended for agricultural or other non-residential use given that it does not have any road frontage. This represents the western 8 acres of the two existing 10 acre lots (4 acres from each of the existing lots) and it is currently being rented out to an adjacent farmer and planted in row crops. The applicant notes that this parcel has easement access via a pre-existing easement running in from County Road 73 to the north.

Given that "Lot 3" does not have any road frontage, this plat will need a variance to create a lot without public road frontage. If that variance were granted, there would also be a variance required to not connect this development into the ALASD sewer system given that it lies within the sewer district boundaries. Both of these variances will need to be applied for separately and would be decided by the Alexandria Township Board of Adjustment.

- Location:**
  - Property Address: 1966 and 2044 Liberty Road NE
  - Sec/Twp/Range: 10-128-37
  - Legal Description: S 333.51' of N 667.35' of SE4NE4 and S 333.17' of N 1000.52' of SE4NE4, 10 acre parcels each
  - Parcel Number(s): 03-1202-480 (2044 Liberty Rd NE), 03-1202-500 (1966 Liberty Rd NE).
- Zoning:** Urban Residential (UR)
- Lot size:** 20 acres (currently two 10 acre parcels)
- Septic System Status:** There is an existing sewer system serving each of the two parcels on the property. The applicant has had a septic designer identify one alternate sewer site for each of the lots, as is required by state law when creating new parcels.

The northern of these two existing homes had a new sewer system installed in 2004. Staff is verifying the status of the sewer on the southern of the two homes.

□ **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The site is relatively flat and does not contain any bluffs or steep slopes.

Wetlands: There do appear to be wetlands on the property, although they would not significantly impact the proposal as there is plenty of buildable area on the two residential lots and no apparent wetland on the third lot.

Trees: Most of the two residential lots are heavily treed. The third lot, currently being farmed, is entirely into row crops. No trees would need to be removed to develop this property as proposed, unless it were required to connect to the ALASD sewer on Donway Drive.

**Applicable Statutes/ Ordinances:**

**Section III of the Zoning Ordinance:**

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

	<b>UR</b>
<b>Max. Density</b>	
Lot/block development	1 du per 15,000 gross sq ft
Rural Reserve Development	N/A <sup>1</sup>
<b>Min. Lot Size<sup>2</sup></b>	
Unsewered Areas	15,000 sq ft
Sewered Areas	15,000 sq ft
Minimum Buildable Area	7,400 sq ft
<b>Min. Lot Width</b>	
Single Family	100 ft
Two Family <sup>3</sup>	125 ft
<b>Min. Lot Depth</b>	
Single Family	125 ft
Two Family	150 ft
<b>Maximum Lot Coverage - Impervious Surfaces</b>	25%

**Section V of the Subdivision Ordinance:**

**5.1 General.** The following principles, standards and requirements will be applied by the Township in evaluating proposed subdivisions. These are the minimum principles, standards and requirements for the promotion and protection of the

<sup>1</sup> Amended 12/17/2007 (Resolution #07-20)

<sup>2</sup> Not applicable within a planned unit development unless private sewer is provided on each individual dwelling lot. An increase of the minimum buildable lot size may be required by the Township if determined to be necessary.

<sup>3</sup> Two-family dwelling width only applies if one parcel or lot.

public health, safety, morals, and general welfare and shall not preclude the Township from requiring stricter standards or requirements when the conditions merit:

1. **Community context.** Proposed subdivisions shall be coordinated with existing nearby development so that the community as a whole may develop harmoniously based on the minimum standards of this Ordinance.
2. **Comprehensive plan.** Proposed subdivisions shall be designed in recognition of the general policies included in the Alexandria Township Comprehensive Plan.
3. **Land/soil suitability.** Land that the Township finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Township Board to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare. The following areas are unsuitable for development:
4. **Agriculturally Important Lands.**
  - a. The Planning Commission may consider the values of agriculturally important lands when making its recommendation on a plat. The Land Capability Classification System and Crop Equivalency Ratios of the Natural Resources Conservation Service (NRCS) shall be used as guides to determine if agriculturally important lands are within a proposed subdivision.
5. **Conformance to Applicable Rules and Regulations.** In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations unless a variance is granted:
  - a. Any applicable Township ordinance, engineering standards and all other applicable laws of the Township.
  - b. Any adopted official maps, public utilities plans, Public Capital Improvement Programs, or other adopted plans or programs of the Township.
  - c. All applicable statutory provisions.
  - d. The requirements and rules of the Minnesota Health Department, Minnesota Department of Natural Resources, the Minnesota Department of Transportation, the Minnesota Pollution Control Agency or other applicable state or federal agencies.
6. **Self-Imposed Restrictions.** If the developer places restrictions on any of the land contained in the subdivision greater than those required by the

Zoning Ordinance or these regulations, such restrictions or reference to those restrictions shall be recorded in the Developer's Agreement.

7. **Adequate Public Facilities.** No preliminary plat shall be approved unless the Township Board determines that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities shall include roads, electric utilities, telecommunications, stormwater, sanitary sewer (when located in any sanitary sewer district), gas or other energy service, or other public services necessary to serve the development as determined by the Township Board.
8. **Debris and Waste.** No cut trees, timber, or other organic materials of any kind shall be buried in any land, or left or deposited on any lot or street in the subdivision except as approved by the Township. If approved, all areas intended to be used for burying debris shall be shown and noted on the preliminary plat. Areas proposed for the burying of debris shall not be located in or affect the following; buildable areas, driveways, wells, utilities, or drainfield sites.. No debris or waste shall be left in any area of the subdivision at the time of expiration of any developer's agreement or dedication of public improvements.

### 5.3 Lots.

1. **Access<sup>4</sup>.** All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance.
2. **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.
11. **Reduced Lot Widths.** To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) provided the following conditions are met:
  - a. The total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads;
  - b. The minimum required lot width is met at 1) either the front or rear lot line and 2) at the midpoint of the lot depth or 300 feet from the front lot line, whichever is closer to the front lot line.
  - c. Each lot contains the minimum buildable area required by the Zoning Ordinance exclusive of any portion of the lot not meeting minimum width requirements.

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<sup>4</sup> Amended 7/2/2007

- d. The lot width is reduced to no less than 66 feet for lots larger than five-and-a-half (5.5) acres in size or for smaller lots where future resubdivision is anticipated or feasible, as determined by the County Board.
- e. The lot width is reduced to no less than 50 feet for lots that are five-and-a-half (5.5) acres in size or less and where future resubdivision is not feasible, as determined by the County Board.

**5.5 Sewage Disposal.** Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system.

1. **Public sanitary sewer systems<sup>5</sup>.** Sanitary sewer shall be required as a condition of all subdivisions located within public sanitary sewer district boundaries and the Urban Residential district. This requirement for sanitary sewer shall apply to all classes of subdivisions. The following also apply:

- a. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the public sanitary sewer district and other appropriate agencies.
- b. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted.

2. **Private on-site systems.** In subdivisions where municipal sewer services are not presently available, the Township may impose such restrictions and requirements as it deems necessary for the protection of the public health, safety and general welfare. All on-site systems must comply with the regulations and standards of the Township, the Minnesota Department of Health, and Minnesota Rule 7080 of the Minnesota Pollution Control Agency. The Township will consider alternative designs for individual sewage treatment systems (ISTS) such as cluster systems. For more information on delineating ISTS, please see Section 6.3 (7)(d).

**5.6 Water.** Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**5.7 Grading, Drainage and Stormwater Facilities.** All subdivisions shall comply with the requirements of the Alexandria Township Storm Water Management Ordinance (Ordinance #121). In addition, the Planning Commission shall not recommend approval of any subdivision that does not make adequate provision for storm and flood water runoff channels or basins in accordance with the following:

1. **Technical Reference Documents.** The Township officially designates the "Erosion Control Handbook" prepared by the Minnesota Department of

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<sup>5</sup> Amended 7/2/2007

Transportation” “Minnesota Construction Site Erosion Control and Sedimentation Control Planning Handbook” prepared by the Minnesota Board of Water and Soil Resources and “Protecting Water Quality in Urban Areas” prepared by the Minnesota Pollution Control Agency as the technical references for this section. These reference documents will be used to ensure the proper design, construction and maintenance of the stormwater management facilities of a proposed project.

2. **System Design.** The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Township, and a copy of design computations shall be submitted along with plans. Surface water drainage patterns shall be shown for each and every lot and block.
3. **Drainage Easements.** When a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
  - a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements as approved by the Township for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be indicated on the preliminary and final plats.
  - b. Drainage easements shall extend to a natural watercourse or to other drainage facilities, if storm flows from a proposed subdivision are increased. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured.
  - c. Low-lying lands along watercourses subject to flooding or overflowing during stormy periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage easements.
4. **Lot Grading and Erosion Control.**
  - a. **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildable areas. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
  - b. **Soil Preservation and Final Grading.** All areas with disturbed soils shall be replaced with a minimum of 4 inches of top soil and be stabilized by seeding or sod planting as recommended in the “Minnesota Construction Site Erosion Control and Sedimentation

Control Planning Handbook” prepared by the Minnesota Board of Water and Soil Resources and “Protecting Water Quality in Urban Areas” prepared by the Minnesota Pollution Control Agency or as approved by the Township.

- 5.8 Highways, Streets, and Alleys.** Proposed streets shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.
- 5.10 Trails and Sidewalks.** The Township may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width.
- 5.11 Utilities.** All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables should be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat or the construction plans as determined by the Township. Underground service connections to the street property line of each platted lot should be installed when approved by the utility.
- 1. Easements.** Utility easements at least ten (10) feet wide on each lot (for a total of 20 feet) shall be provided for utilities, where necessary. They shall be provided along rear lot lines (except along shorelines) or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.
- 5.12 Natural, Unique or Sensitive Features.** Existing features that would add value to the proposed subdivision, or that are likely to be irreparably damaged or impacted by the proposed development, such as trees, watercourses, beaches, hills and ridges, wetlands, scenic views, wildlife habitat and nesting areas, unique geologic features, steep or erosive slopes and bluffs, woodland areas, prairie lands, shallow groundwater supplies, near-shore aquatic vegetation or habitat, historic sites, structures and features, and similar irreplaceable assets, shall be preserved in the design of the subdivision within all zoning districts. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted, except as may be required for preparing documents for the preliminary plat (e.g. soil tests). The preliminary plat shall show the general outline of existing trees as required by these regulations and shall further indicate all those marked for retention and the location of all proposed shade trees, if provided, along the street side of each lot as required by these regulations. Removal or alteration of trees and other vegetation shall comply with all applicable Alexandria Township Ordinances.

**From the Stormwater Management Ordinance:**

**Section 2.0 Scope.** Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the Township shall apply to the Township for the approval of an erosion and sediment control plan when a land disturbance activity results in one acre or more of exposed soil as part of a construction or grading activity, a common plan of development or sale, the construction of a new commercial or industrial facility and shall be approved by the Zoning Administrator. The Zoning Administrator may require an erosion and sediment control plan for land disturbance less than one acre when determined necessary due to potential impacts of construction on the property or surrounding properties. When a plan is required, no land shall be disturbed until the plan is approved by the Zoning Administrator and conforms to the standards set forth herein.

**2.020 Future Development:** In cases where a common plan of development or sale involves little or no disturbance of soil prior to final approval of the development, but where impervious surfaces will necessarily be created for the intended use, the developer shall provide estimates of future impervious surfaces on each lot to determine whether they are subject to the requirements of Section 4.7 and other applicable requirements of this ordinance. At a minimum, the estimates shall conform to the guidelines in TR-55: Urban hydrology for Small Watersheds (NRCS, 1986). If the specific project is reasonably expected to involve greater disturbance than these guidelines, the greater amount of disturbance shall be used to determine whether the project is subject to Section 4.7 and other applicable requirements of this ordinance.

**3.012 Common Plan of Development or Sale** A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

**4.7 Permanent Storm Water Management Controls.** The purpose of this Section is to prevent or reduce, to the most practicable extent, the effect or impacts of storm water runoff and to provide for the protection of public waters and natural and artificial water storage and retention areas within the Township. Further, this Section clarifies the performance standards as they pertain to standards and specifications for conservation practices and storm water planning activities.

**A. Performance Standards:** Property storm water management practices shall be followed within the Township as described in this Section.

1. General Standards:

- a). Soil laden runoff shall be treated before it is allowed to enter any water body. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes, manmade materials and facilities.
- b). Storm water rate control. When one acre of new impervious surface is added a storm water management plan shall include the design of all storm water management facilities necessary to

manage increased runoff so that the 2-year, 10-year and 100-year storm peak discharge rates from the property boundary do not exceed pre-development conditions and so that accelerated channel erosion on and off-site will not occur as a result of the proposed land disturbing or development activity. If a regional pond has been designated for this area the peak discharge rates may or may not apply.

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**Staff Findings:** Staff proposes the following findings for consideration by the Planning Commission:

1. **Coordination with existing nearby development:** The proposed development would be similar to the surrounding area which is predominately used for single-family residential or agricultural purposes. The land to the north and west of the proposed development mostly contains agricultural uses (although the 80 acre land to the west has received preliminary approval for a residential plat consisting of 4 residential parcels approx. 15-25 acres in size. Land to the south is used residentially. Land to the east is used for open space purposes and is not developed (it is zoned for rural residential housing).
2. **Consistent with Comprehensive plan.** The proposed development is consistent with the Comprehensive Plan. The area of the development is identified on the Future Land Use Map as “Urban Residential”:

Urban Residential: The purpose of this land use category is to provide opportunities for urban density housing in areas that are most readily served by urban infrastructure and services. This category is intended for areas that are currently served by Alexandria Area Sanitary Sewer District (ALASD) infrastructure or are within the identified future service area of ALASD. Within these areas, new residential development will be reviewed to ensure that the proposed density, dimensions, and layout of lots will allow for the efficient use of public infrastructure and the cost-effective provision of public services. A gross urban density of two to three dwelling units per acre or higher is intended for these areas. Proposed subdivisions that would create oversized lots would be reviewed to allow for a transition to urban densities of housing in an orderly and efficient manner. This may be accomplished through ghost platting, conservation subdivision designs that cluster homes on urban-sized lots, provision of urban sewer or road infrastructure at the time of development, or by other appropriate means.

Typical “lot-block” or “conservation” subdivision designs are both considered appropriate in these areas. Where sensitive or unique natural or cultural resources, such as wetlands, shoreland, etc. are present, a conservation subdivision design with lower densities that protects these resources may be required. Long-term commercial/industrial uses that are incompatible with residential uses should not be allowed in this

district. (*Alexandria Township Comprehensive Plan, p. 22*)

3. **Land/soil suitability.** The soils on the site appear to be generally suitable for residential use (which already exists) and agricultural use (for “Lot 3” - which is already being used agriculturally).
4. **Agriculturally Important Lands.** The proposed development would preserve the existing use of the land, part of which is used agriculturally. While the remainder of the land is heavily treed, the proposal would not hinder further agricultural use any more than already exists.
5. **Conformance to Applicable Rules and Regulations.** The proposed subdivision conforms to minimum lot dimension requirements, but “Lot 3” does not meet the minimum requirements for public road frontage. The applicant is also proposing that they not be required to connect to the ALASD sewer system, which is required by ordinance. A separate variance would be required for one or both of these issues.
6. **Self-Imposed Restrictions.** The applicant has not submitted any self-imposed restrictions or covenants.
7. **Adequate Public Facilities.** The applicant is proposing to keep both of the existing homes on these properties served by private sewer systems. The properties do lie within the ALASD sewer district, where connection to the regional sewer system is normally required. In this case, the nearest feasible connection is approximately one mile away and the applicant is requesting they not be required to connect. This will require a separate variance request, as previously noted. Each lot is currently served by a private well, as the Township does not contain a public water supply.
8. **Debris and Waste.** The applicant does not propose to use any area within the development to bury debris or waste.
9. **Access.** Two of the proposed lots has access to public right-of-way. Proposed “Lot 1” and “Lot 2” have access to Liberty Road on their eastern edge. “Lot 3” does not have any public road frontage, but does have easement access to County Road 73 to the north. A variance is required if the lot is to be allowed to be created without public road frontage. There are no public streets or public street extensions planned for the development.
10. **Lot Arrangement.** All of the proposed lots have adequate space to build and Lots 1 and 2 already have homes on them. There are no foreseeable difficulties in securing land use permits for Lots 1 and 2. Lot 3 would be unbuildable for dwelling purposes given the lack of road frontage.
11. **Sewage Disposal.** The applicant is proposing to retain the private sewer systems already existing on “Lot 1” and “Lot 2” and not connect to the ALASD regional sewer lines. “Lot 3” would be unbuildable due to a lack of public road frontage. The lots would not be connected to ALASD sewer, which requires a variance.
12. **Water.** Each of the proposed lots would be served by private wells.

13. **Grading, Drainage and Stormwater Facilities.** There are not any drainage or stormwater facilities planned for the development. The proposed lots have large areas of pervious surface. Because no additional land disturbance is expected for this subdivision request, stormwater ponds or other such facilities are not required.
14. **Highways, Streets, and Alleys.** There are not any proposed streets for the development.
15. **Trails and Sidewalks.** The applicant is not proposing to construct any public trails or sidewalks through this development.
16. **Utilities.** There are no utility facilities (existing or proposed) identified on the preliminary plat.
17. **Natural, Unique or Sensitive Features.** Much of the proposed development is covered with trees and tall grasses. No impact on these areas is expected as a result of the subdivision, unless a future owner decided they wanted to clear these areas.

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**Planning Commission Direction:** The Planning Commission can approve the request, deny the request, or table the request if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

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**Staff Recommendation:** Based on the findings of fact presented in this report, and the lack of practical access to the property from County Road 73 or any other public road, Staff would recommend that the application not be approved in its current form. It does appear possible for the applicant to re-design the proposed subdivision to either provide the required public road frontage for a third lot or to at least provide an easement that will not have so many uncertainties.

If the Planning Commission agrees with this recommendation, it could either table the application to allow the applicant to re-design the proposed subdivision, or it could simply deny the current application and the applicant could submit a new application. Staff is comfortable with tabling the application and allowing for re-design.

If the application is approved, Staff would recommend the following conditions of such approval, at a minimum:

1. The applicant shall apply for, and be approved for, a variance allowing "Lot 3" to be created without public road frontage. If such a variance is not approved, preliminary plat approval shall be considered void as currently proposed and the applicant would need to re-submit a new application should they wish to propose an alternative design that has public road frontage for all proposed lots. Alternatively, the Planning Commission could table this application, pending a decision on the variance(s). If the variances are not approved, the applicant could submit a revised design without having to make an entirely new subdivision request.

*(a.) Note: Given the uncertainties and practical challenges associated with the*

*existing easement, Staff is likely to recommend denial of the needed variance re: lack of public road frontage. It does appear that the applicant has other ways in which to provide either easement access to the rear of the properties (to "Lot 3") from Liberty Road or to re-design the subdivision so as to create adequate public road frontage for a third lot.*

2. If "Lot 3" is allowed, by variance or otherwise, without public road frontage, it shall be identified as an "Outlot" on the final plat to more clearly communicate to potential buyers that it is not buildable without specific approval from the Town Board.
3. Each of the proposed lots shall be connected to the public sanitary sewer, unless a variance is granted allowing private sewer systems. The applicant shall submit plans for extending the sanitary sewer if a variance allowing private sewer systems is not granted prior to any final plat approval. If a variance is granted, the applicant shall submit (prior to final plat approval) more detailed documentation from a licensed SSTS designer indicating where the properties can support two private sewer systems for each lot (current compliance inspections showing a compliant system for each of the two existing systems must also be submitted and can serve as evidence of one available site).
4. The ALASD shall approve of any sanitary sewer connections that may be required. Written approval from ALASD shall be submitted prior to final plat approval.

Application # <u>2013-0105</u>	Date Application Rec'd <u>8/6/13</u>	Fee Collected \$ <u>575.<sup>00</sup></u>
	Date Application Aprvd <u>   </u> / <u>   </u> / <u>   </u>	Zoning Administrator Initials <u>   </u>

(for office use only)

**ALEXANDRIA TOWNSHIP  
MAJOR/MINOR SUBDIVISION & PLANNED UNIT DEVELOPMENT  
APPLICATION**

Name of Applicant Tim Rock Phone 864-354-8354

Property Address (E911#) 1966 Liberty Rd NE

Mailing Address \_\_\_\_\_ Local Phone \_\_\_\_\_  
(if different than above) (if different than above)

City, State, Zip Alexandria, MN 56308

Applicant is:		Title Holder of Property (if other than applicant)
Legal Owner	<input checked="" type="checkbox"/>	_____
Contract Buyer	<input type="checkbox"/>	(Name)
Option Holder	<input type="checkbox"/>	_____
Agent	<input type="checkbox"/>	(Address)
Other _____		_____
		(City, State, Zip)

Signature of Legal Owner, authorizing application (required): Tim Rock  
By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): \_\_\_\_\_  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Full legal description of property involved in this request, including total acreage (required – attach separate sheet if necessary):

① Sect. 10 TWP 128 R637 S 333.17' of N 1000.52' of SE4NE4 (10 AC)

② Sect. 10 TWP 128 R637 S 333.51' of N 667.35' of SE4NE4 (10 AC)

Property ID # ① 03-1202-500  
② 03-1202-480 Zoning District \_\_\_\_\_  
(9 digit # on tax statement)

Nature of request (select all that apply):

- Minor Subdivision (see definitions, Pg. 4-5)
- Major Subdivision – Preliminary Plat (see definitions, Pg. 4-5)
- Planned Unit Development, including Common Interest Communities (CICs)

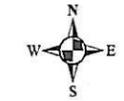
**Note: Applications for preliminary plat approval, if approved, must be followed by an application for final plat approval incorporating any changes or conditions required by the Alexandria Town Board during the approval of the preliminary plat. Applications for final plat approval must be received within 12 months of preliminary plat approval or such approval becomes null and void.**

**Legend**

- Ditch
- Stream
- Parcel Plat Line
- Parcel Water Line
- Parcel Line
- Parcel ROW Line
- Planning Level Parcel
- Parcel Plat Line in ROW
- Parcel Line in ROW
- Plat Line
- Lot Line
- Easement
- Survey Line
- ROW Line
- Delineated Wetland
- Road CL
- GLO Meander Line
- Section Line
- Sub Section Line
- Swamp Symbol
- Water Type
- Swamp
- Water
- City

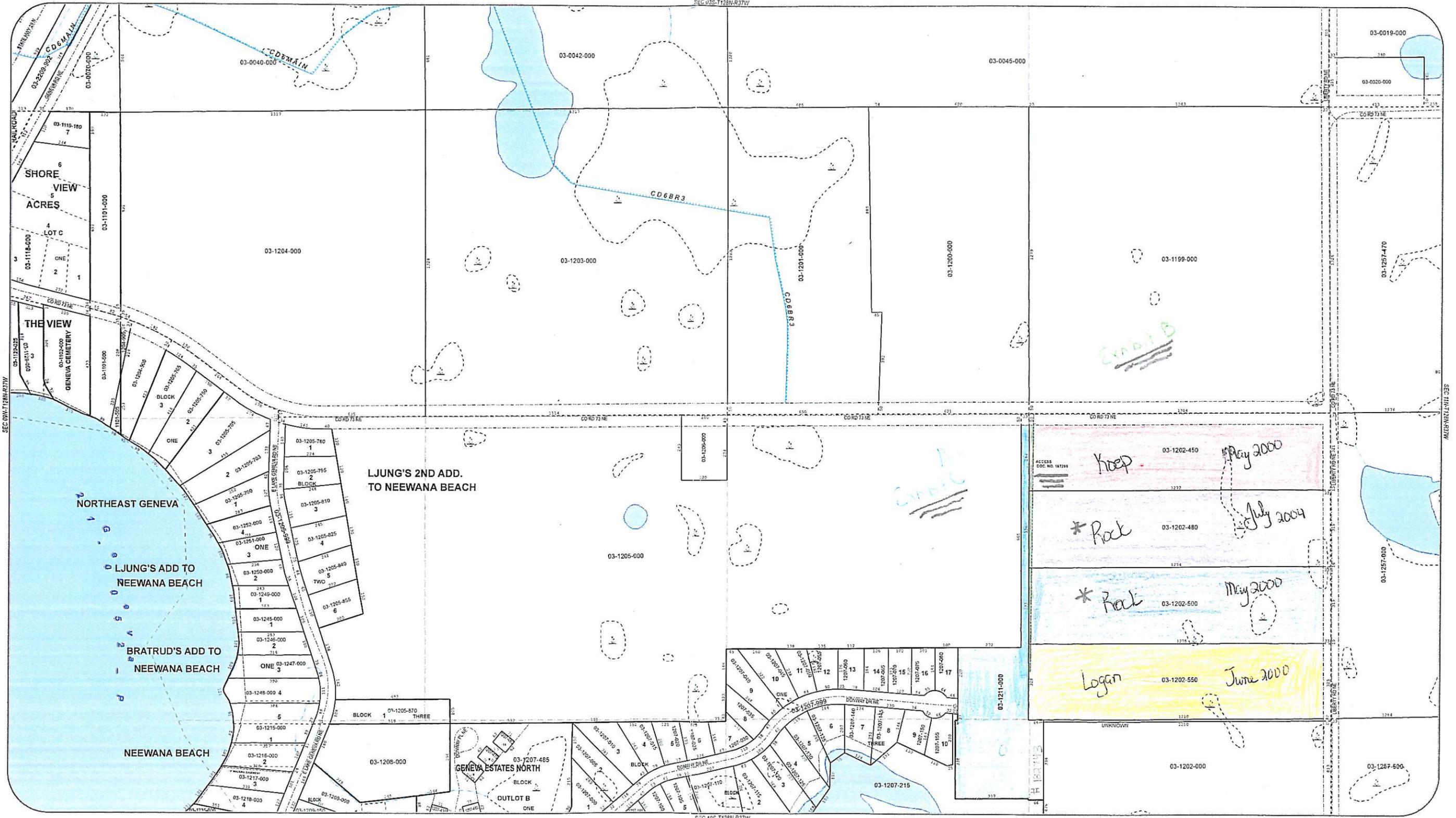
528 Dimension (Approximate Length) Shown to the nearest foot.

**NORTH HALF SECTION 10  
T128N-R37W  
ALEXANDRIA TOWNSHIP**



THIS MAP IS A COMPILATION OF INFORMATION AND DATA IN DOUGLAS COUNTY OFFICES AND IS NOT A SURVEY. THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY AND THE COUNTY IS NOT RESPONSIBLE FOR INACCURACIES HEREIN CONTAINED.

THE WATER FEATURES AND ROAD CENTERLINES SHOWN HEREON ARE BASED ON AERIAL PHOTOGRAPHY DATED APRIL 1996. THE AERIAL PHOTO, IF PRESENT, IS FROM PICTOMETRY INTERNATIONAL CORP., April 2009.

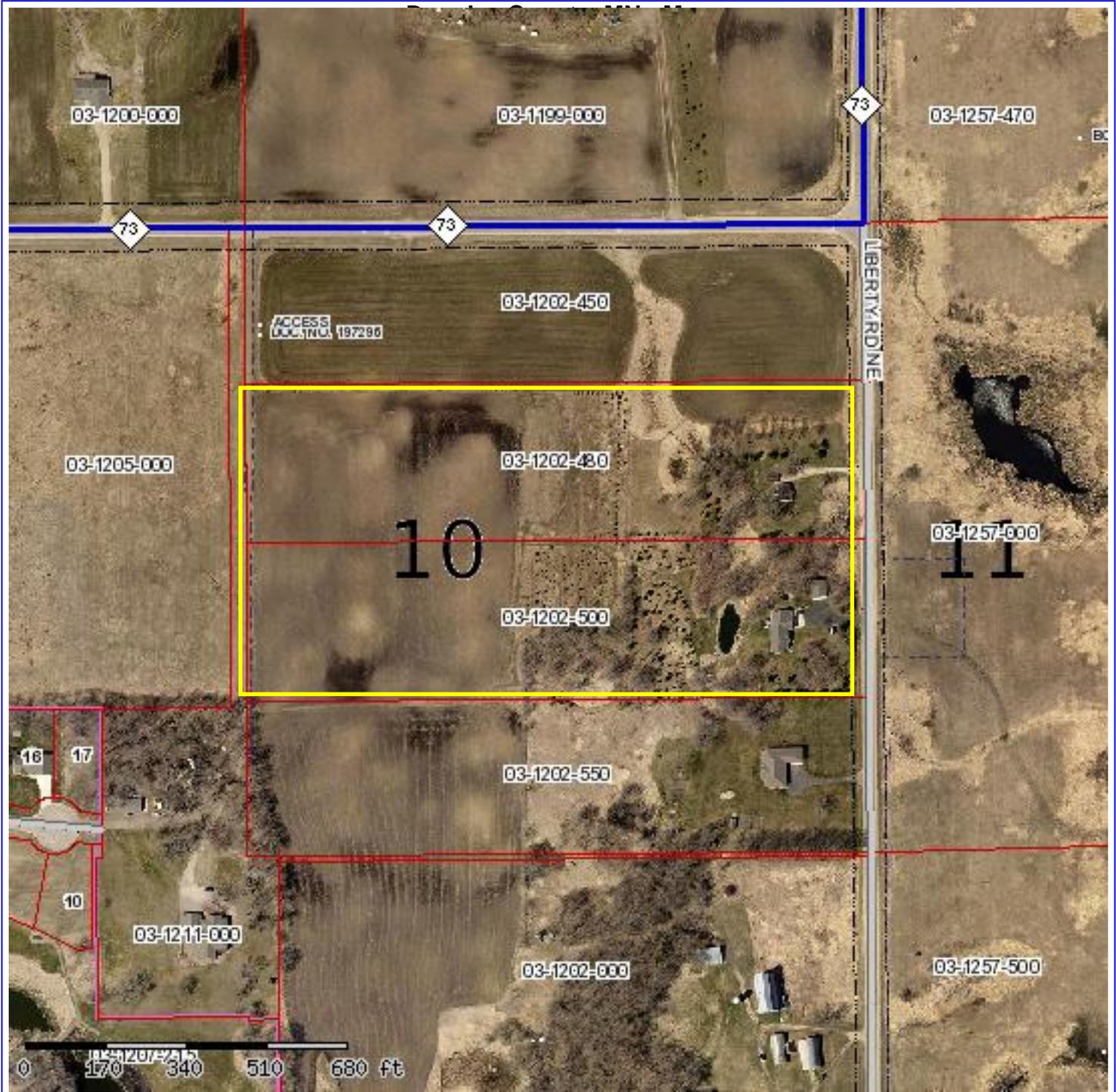


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CREATED DATE: 11/23/2011 4:21:57 PM

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# Douglas County, MN - Map



## PIN: 03-1202-500

Taxpayer: ROCK/TIMOTHY W & SANDRA K

GIS Acres: 10.00

Water Acres: 0.58

ROW Acres: 0.22

Section: 10

Township: 128

Range: 37

Tax Desc.: S 333.17' OF N 1000.52' OF SE4NE4

AC 10

Plat Desc.:

Other Interest:

Disclaimer: Douglas County does not warrant or guarantee the accuracy of the data. The data is meant for reference purposes only and should not be used for official decisions. If you have questions regarding the data presented in this map, please contact the Douglas County GIS Department.

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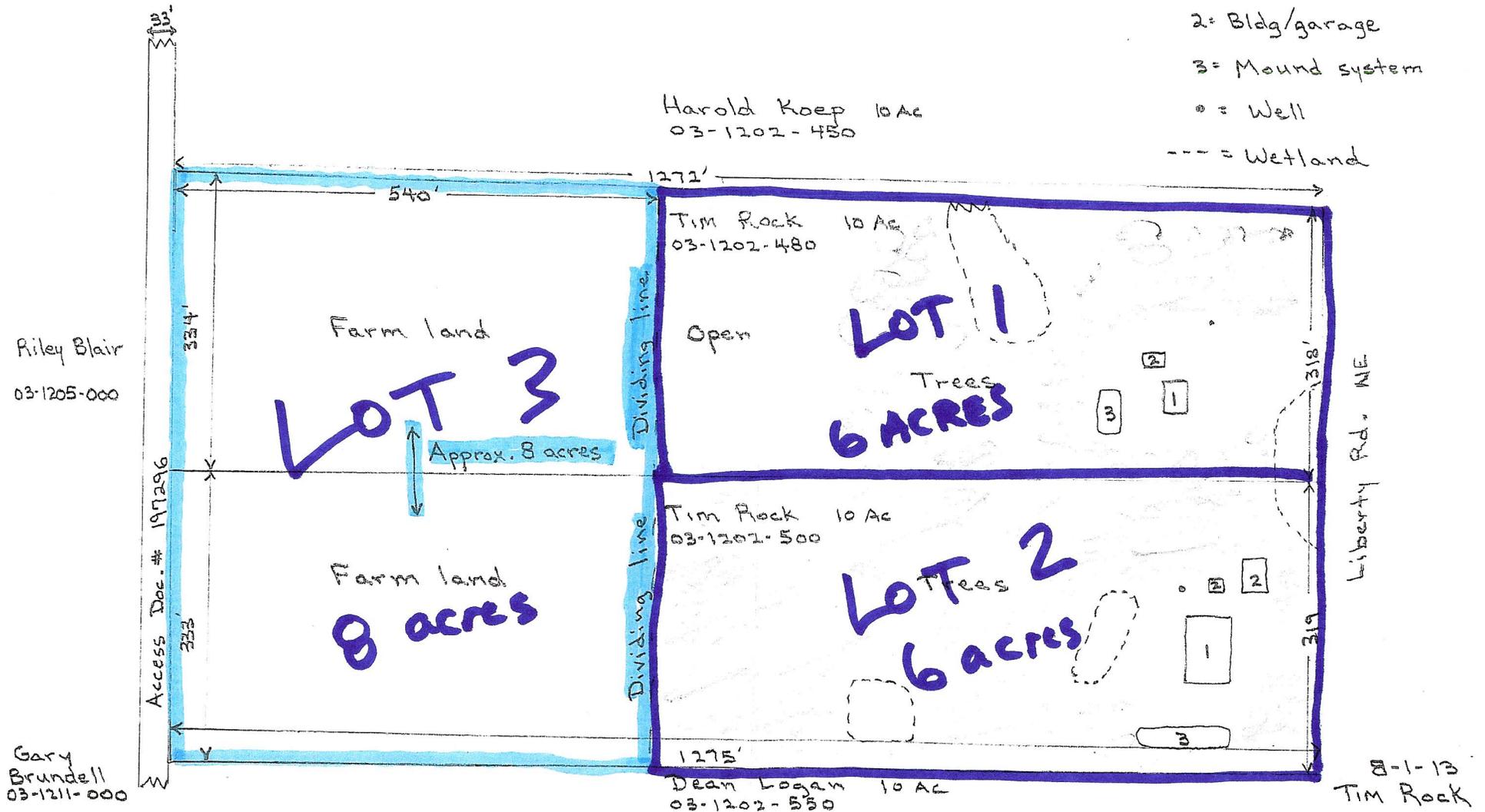


N  
 ↑  
 [shaded square] = 25 sq. ft.

County Rd 73 NE

- 1 = Home
- 2 = Bldg/garage
- 3 = Mound system
- o = Well
- = Wetland

Harold Koep 10 Ac  
 03-1202-450



OFFICE OF COUNTY RECORDER } SS  
County of Douglas, Minn.

I hereby certify that the within instrument  
was filed in this office for record on the 21<sup>st</sup>  
day of March 20 00 at 11:00  
o'clock AM and was duly recorded as

Doc. No.

197296

Barbara Chermak Recorder

Judith Ross Deputy

EASEMENT

THIS EASEMENT is made this 14<sup>th</sup> day of March, 2000, between Bernard L. Rachel, aka Bernard L. Rachel, Jr. and Lorraine C. Rachel, husband and wife, ("Grantors") and Gary L. Spaeth and Patricia J. Spaeth, husband and wife, as joint tenants ("Grantees").

ATI Tillis's  
2550  
University Ave  
St Paul,  
55114  
85740

WITNESSETH:

WHEREAS, Grantors are the fee simple owners of the following-described real estate situated in Douglas County, Minnesota, to-wit:

SE1/4NE1/4, Section 10, Township 128, Range 37 ("Grantors' Lands"); and

WHEREAS, Grantees are the fee simple owners of the following-described real estate situated in Douglas County, Minnesota, to-wit:

SEE ATTACHED EXHIBIT A ("Grantees' Lands"); and

WHEREAS, the access driveway of Grantees encroaches upon the Grantors' Lands, and Grantors are willing to grant an Easement for access purposes across a portion of Grantors' Lands as hereinafter described.

NOW, THEREFORE, IT IS HEREBY AGREED:

1. Grant of Easement. Grantors hereby grant unto Grantees, their heirs, successors and assigns, an Easement for access purposes over and across that part of Grantors' Lands as described on the attached Exhibit B ("Easement Area"). This Easement for access is limited to

single family residential or agricultural purposes for the sole benefit of Grantees' Lands, and cannot be used for multi-family or planned unit development purposes and cannot be used in the event of the subdivision of Grantees' Lands which results in more than one residence being contained upon Grantees' Lands.

Grantees hereby grant unto Grantors, their heirs, successors and assigns, an Easement for access over and across that part of Grantees' Lands as described on the attached Exhibit C for the benefit of the SE1/4NE1/4, Section 10, Township 128 North, Range 37 West, Douglas County, Minnesota.

2. Maintenance. Grantees, their heirs, successors and assigns shall be solely responsible for the maintenance, repair and improvement of the driveway contained within the Easement Area.

3. Duration. This Easement is an easement appurtenant, shall be perpetual and shall run with the land.

4. Binding on Heirs. This Easement shall be binding upon the heirs, successors and assigns of the parties.

IN WITNESS HEREOF, THE PARTIES HAVE EXECUTED THIS EASEMENT ON THE DAY AND YEAR FIRST WRITTEN ABOVE.

GRANTORS:

Bernard L. Rachel  
Bernard L. Rachel, aka Bernard L. Rachel, Jr.

Lorraine C. Rachel  
Lorraine C. Rachel

GRANTEES:

Gary L. Spaeth  
Gary L. Spaeth

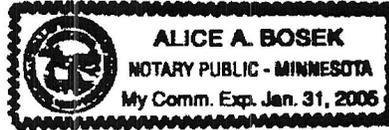
Patricia J. Spaeth  
Patricia J. Spaeth

STATE OF Minnesota )  
 ) ss.  
COUNTY OF Douglas )

On this 25<sup>th</sup> day of February, 2000, before me, a Notary Public within and for said County and State, personally appeared Bernard L. Rachel, aka Bernard L. Rachel, Jr. and Lorraine C. Rachel, husband and wife, to me known to be the same persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

*Alice A. Bosek*  
Notary Public

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF DOUGLAS )



On this 14<sup>th</sup> day of March, 2000, before me, a Notary Public within and for said County and State, personally appeared Gary L. Spaeth and Patricia J. Spaeth, husband and wife, to me known to be the same persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

*Linda C. Elias*  
Notary Public

THIS INSTRUMENT DRAFTED BY:  
  
JOHNSTON LAW OFFICE  
SCOTT T. JOHNSTON, ATTORNEY AT LAW  
613 BROADWAY, P.O. BOX 1218  
ALEXANDRIA, MINNESOTA 56308-1218  
OUR FILE NO. 00-245/AAB/RACHEL SPAETH EASEMENT

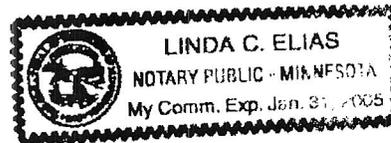


EXHIBIT A  
**197296**

That part of the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) and that part of the Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼) and that part of the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼), all being within Section 10, Township 128 North, Range 37 West, Douglas County, Minnesota, described as follows:

Commencing at the east quarter corner of said Section 10;

thence North 00 degrees 13 minutes 30 seconds West, assumed bearing, along the east line of said Section, 1325.89 feet to the north line of the Southeast Quarter of the Northeast Quarter (SE ¼ NE ¼);

thence South 89 degrees 58 minutes 38 seconds West, along said north line, 1304.16 feet to the northeast corner of aforesaid Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼), said point being the point of beginning of the land to be described:

thence continuing South 89 degrees 58 minutes 38 seconds West, along the north line of said Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼), 33.00 feet;

thence South, parallel with the east line of said Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼), 1006.50 feet;

thence South 89 degrees 50 minutes 44 seconds West, parallel with the south line of said Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼), 272.09 feet to the east line of the West 1003.00 feet of said Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼);

thence South 00 degrees 13 minutes 27 seconds West, along said east line, 322.47 feet to a point on the north line of aforesaid Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼);

thence South 89 degrees 50 minutes 44 seconds West, along said north line, 10.65 feet to the west line of the East 317.00 feet of said Northwest Quarter of the Southeast Quarter (NW ¼ SE ¼);

thence South 00 degrees 00 minutes 26 seconds West, along said west line 329.53 feet ;

thence North 89 degrees 50 minutes 44 seconds East 317.00 feet to the west line of aforesaid Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 10;

thence South 00 degrees 00 minutes 26 seconds West, along said west line, 8.97 feet to the south line of the North 338.50 feet of said Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼);

thence North 89 degrees 50 minutes 44 seconds East, along said south line, 66.00 feet to the east line of the West 66.00 feet of said Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼);

thence North 00 degrees 00 minutes 26 seconds East, along said east line, 338.50 feet to the north line of said Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼);

thence South 89 degrees 50 minutes 44 seconds West, along said north line, 66.00 feet to the east line of aforesaid Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼);

thence North , along said east line, 1328.89 feet to the point of beginning.

The tract contains 5.94 acres more or less subject to an existing public roadway easement over that part of the above described tract lying within the North 50.00 feet of aforesaid Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of Section 10.

Access Easement**197296**

An easement for access purposes over that part of the Southeast Quarter of the Northeast Quarter (SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ) of Section 10, Township 128 North, Range 37 West, Douglas County, Minnesota, described as follows:

Commencing at the east quarter corner of said Section 10;

thence North 00 degrees 13 minutes 30 seconds West, assumed bearing, along the east line of said Section, 1325.89 feet to the north line of said Southeast Quarter of the Northeast Quarter (SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ );

thence South 89 degrees 58 minutes 38 seconds West, along said north line, 1284.48 feet to the point of beginning of the land to be described;

thence continuing South 89 degrees 58 minutes 38 seconds West, along said north line, 19.68 feet to the west line of said Southeast Quarter of the Northeast Quarter (SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ );

thence South, along said west line, 1119.91 feet;

thence East 6.27 feet;

thence North 00 degrees 41 minutes 09 seconds East 1120.00 feet to the point of beginning.

The tract contains 0.33 acres more or less.

197296

EXHIBIT C

An easement for access purposes over that part of the SW1/4NE1/4, Section 10, Township 128 North, Range 37 West, Douglas County, Minnesota, described as follows:

Commencing at the east quarter corner of said Section 10; thence North  $00^{\circ}13'30''$  West, assumed bearing, along the east line of said Section, 1325.89 feet to the north line of the SE1/4NE1/4; thence South  $89^{\circ}58'38''$  West, along said north line 1304.16 feet to the northeast corner of said SW1/4NE1/4, the point of beginning of the land to be described; thence continuing South  $89^{\circ}58'38''$  West, along the north line of said SW1/4NE1/4, 33 feet; thence South and parallel to the east line of said SW1/4NE1/4, 1006.50 feet; thence North  $89^{\circ}50'44''$  East 33 feet more or less to the east line of said SW1/4NE1/4; thence North and along said east line 1006.50 feet, more or less, to the point of beginning.

0033180215

ATI Title Company  
3333 West Division Street  
Suite 118  
St. Cloud, MN 56301







## STAFF REPORT

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**Application:** Ordinance Amendments – Sign Ordinance, Small Animal Ordinance

**Agenda Item:** 4(b)

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**Background:** Enclosed are the proposed ordinance amendments. The Sign Ordinance amendment is a result of Douglas County adopting a new sign ordinance in June 2013. The Township will need to be at least as restrictive as that ordinance.

The small animal ordinance is a result of discussions by the Planning Commission at previous meetings and a desire to amend these regulations.

## SECTION V. PERFORMANCE STANDARDS

### V. SIGNS

#### 1. Findings, Purpose, and Intent.

a. Findings. ~~Douglas County~~Alexandria Township hereby finds as follows:

- (1.) Exterior signs have a substantial impact on the character and quality of the community.
- (2.) Signs provide an important medium through which individuals may convey a variety of messages.
- (3.) Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.

2. Purpose and Intent. It is not the purpose or intent of these sign standards to regulate the message displayed on any sign; nor is it the purpose or intent of this Ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from the outside of a building. The purpose and intent of this Section is to:

- a. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the County in order to protect and promote the public health, safety, and welfare.
- b. Maintain, enhance, and improve the aesthetic environment of the County by preventing visual clutter that is harmful to the appearance of the community.
- c. Improve the visual appearance of the ~~County~~Township while providing for effective means of communication, consistent with constitutional guarantees and the ~~County~~Township's goals of public safety and aesthetics.
- d. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
- e. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
- f. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- g. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the ~~County~~Township.

#### 3. Definitions.

The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

**Abandoned sign** - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

**Awning** – see “Canopy”

**Balloon sign** - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

**Billboard** – see “Off-Premise highway sign”

**Cabinet sign** - any wall sign that is not of channel or individually mounted letter construction.

**Canopy** - a roof-like cover, including an awning, often of fabric, plastic, metal or glass, which projects from the wall or roof of a building- usually over a door, entrance, or window; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service station. A marquee is not a canopy.

**Canopy sign** - any sign attached to the underside or constructed upon a canopy or awning.

**Changeable copy sign, Non-electronic** - A non-electronic sign or portion of a sign which is characterized by interchangeable letters and figures.

**Changeable copy sign, Electronic** – An electronic sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Such signs include, but are not limited to, signs using cathode-ray tubes (CRT), light-emitting diode (LED) displays (including organic LED screens), plasma displays, liquid-crystal displays (LCD), projection screens or other similar technologies.

**Commercial Speech** – speech advertising a business, profession, commodity, service or entertainment.

**Digital sign** – see “Changeable copy sign, Electronic”

**Directional Sign** – A sign whose message is intended to guide the circulation of persons and motorists within a site or to a particular off-site location.

**Flag** - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole - which is itself either freestanding or attached to a building, awning, canopy or other structure - so as to allow movement of the material by

atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

**Freestanding sign** - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

**Hanging sign** - any sign that is suspended from the underside of a horizontal plane surface and is connected to this surface and/or to the surface of structural elements supporting that surface.

**Illuminated sign** - any sign which contains or uses an element designed to emanate light or any sign which has lighting directed upon it to increase its visibility.

**Legally established nonconforming sign** - any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

**Marquee sign** - any sign painted, mounted, constructed or attached in any manner, on a marquee.

**Monument sign** - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

**Motion sign** – any sign which in part or in total rotates, moves, or creates the appearance of movement through changing light or color effect or intermittent illumination or animation, or appears to quiver or vibrate in light or while reflecting heat waves.

**Non-commercial speech** – dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

**Off-premise sign** – a commercial speech sign which directs the attention of the public to a business, service or product sold or offered at a location not on the same parcel where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

**Off-premise directional sign** - an off-premise sign which serves to direct potential customers or visitors to a specific business, service or location located within two (2) miles of the sign location.

**Off-premise highway sign** – an off-premise sign that is located within 100 feet of the right-of-way of a highway, whether federal, state or county, having a posted or statutory speed limit of 55 or greater miles per hour and whose messaging is directed toward motorists on the highway.

**On-Premise sign** - a commercial speech sign which directs the attention of the public to a business, service or product sold or offered at the same parcel where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

**On-Premise directional sign** – A sign, generally informational, that has a purpose secondary to the use of the property upon which it is located, intended to facilitate the movement of pedestrians and vehicles within the site and identify the location and nature of businesses, services or other activities located on the premise.

**On-premise messages** – identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

**Pole sign** - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

**Portable sign** - any sign which is manifestly designed to be transported by vehicle or moved by hand, including those placed or mounted on a vehicle, by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground. Portable signs include sandwich and other signs designed to be easily carried or worn by a person, signs pulled, placed in or on a vehicle and signs on the side of semi-trailers, box trucks or other such equipment.

**Principal building or structure** - the building or structure in which the primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings or structures, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

**Projecting sign** - any sign which is affixed to a building, wall, awning or canopy in such a manner that it displays more than one (1) sign surface or where its leading edge extends more than twelve (12) inches beyond the surface of such building or wall face.

**Roof line** - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

**Roof sign, Constructed** - any sign erected and constructed wholly on and above the roof of a building.

**Roof sign, Painted** – any sign painted on the roof surface of a building

**Sign** – any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed in the public view for informational or communicative purposes.

**Sign face** - the surface of the sign upon, against, or through which the message of the sign is exhibited.

**Sign structure** - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

**Wall sign** - any sign attached parallel to the outside wall of a building, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

**Water-Oriented Business Sign** – A sign which is directed and placed by a permitted or legal nonconforming business so as to be visible to boaters, swimmers or other recreational users of a waterbody.

**Window sign** - any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

4. Permits Required. No sign, unless specifically exempted by this ordinance, shall be erected, altered, reconstructed, or moved without first securing a sign permit from the [CountyTownship](#). The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
5. Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.
  - a. The changing of the display surface on a previously approved or legal nonconforming painted or printed sign provided that no structural changes are made and the sign face does not increase in size.
  - b. Up to three (3) unilluminated signs per parcel which are each six (6) square feet or less in size.
  - c. Personal/Decorative Signs: Unilluminated signs of any size which are 1) attached to a building and do not extend above an eave, and 2) are clearly for non-commercial purposes, and 3) are for personal enjoyment and not intended to draw attention from the general public.
  - d. Public and Traffic Signs: Any public sign (directional, safety, danger, trespassing, traffic, warning, public information or public organization) erected by, or on the order of, a duly constituted public office of City, Township, County, State, or Federal governments.
  - e. Integral Signs: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar

material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

- f. Private Traffic Direction Signs: Signs directing traffic movement onto a premise or within a premise, not exceeding eight (8) square feet in area for each sign.
- g. The established or official flag, pennant or insignia of any nation, organization of nations, state, province, county, city, any religious, civic or fraternal organization, or educational institution: provided, however, that a flag used in connection with commercial promotion or as an advertising device shall be regulated as a sign under this ordinance. Exempt flags may be of any height or size.
- h. Roof signs, Painted
- i. Canopies or awnings which are supported by a building, extend no further than three feet from the façade of the building, and which have a minimum clearance of eight (8) feet above ground level. Signs which are painted on, hanging from, or otherwise affixed to a canopy or awning shall be subject to the requirements of a wall sign.
- j. Temporary signs not exceeding the time limits listed under Section 7 of this ordinance.

6. Prohibited Signs. The following signs are prohibited signs:

- a. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with effectiveness of any official traffic-control device or any railroad sign or signal. Private traffic direction signs shall not be subject to this prohibition.
- b. Signs attached to public street/traffic signs, utility poles, bridges, towers, or similar public structures or property. Signs in violation of this subdivision may be removed by authorized personnel at the [CountyTownship](#)'s discretion, without advance notice to the sign owner.
- c. Any other structure, banner, balloon, trailer, building, portable device, or anything visible from a public road which is used as an advertising device is prohibited unless specifically authorized by this ordinance.
- d. No sign shall be permitted to obstruct any door, fire escape, stairway or other opening intended to provide ingress or egress of any building or structure.
- e. Signs which use highly reflective surfaces and that may create a blinding effect when exposed to light.
- f. Signs shall not be permitted within public right-of-way or easements nor shall a sign extend into the airspace over such a right-of-way or easement, except with the express permission of the regulatory authority.
- g. Signs which are affixed to wireless telecommunication or other tower structures, except as are necessary or required for safety and/or maintenance.

- h. Portable signs (unless exempted as a temporary sign), motion signs and inflatable signs in all zoning districts except Commercial/Industrial districts.
7. Temporary Signs. All temporary signs, whether permitted or exempt, shall meet the following specifications and any applicable requirements of section 8 (General Provisions) of this ordinance.
- a. General:
    - (1.) Height: Shall not exceed 15 feet, except when attached to the wall of a building.
    - (2.) Setbacks: May be placed up to, but not extend over, a property line, except where greater setbacks are required from a lake or stream by this ordinance.
    - (3.) Anchoring: Shall be securely anchored to the ground or to a structure so as to prevent damage or displacement during winds of 80 miles per hour or greater.
    - (4.) Temporary signs shall be allowed as either a on-premise sign or an off-premise directional sign (located within two miles of the business, service or location being advertised).
  - b. The following shall be considered temporary signs when located on a property for twelve (12) months or less:
    - (1.) Signs advertising a new subdivision or development
    - (2.) Real estate signs, pertaining to the sale or lease of a building or property, including off-site directional signs
    - (3.) Unilluminated signs identifying an engineer, architect, contractor or product engaged in or used in the construction of a building
  - c. The following shall be considered temporary signs when located on a property for no more than forty-five (45) days in any six-month period:
    - (1.) Signs announcing any public, charitable, educational or religious event or function
    - (2.) Signs announcing a temporary seasonal event, sale, or service such as for the sale of Christmas trees, pumpkins, corn mazes, or fruit picking or for boat storage, located within two (2) miles of the property where the event is to take place
  - d. Portable signs shall be considered temporary signs when located on a property for no more than fourteen (14) days in any ninety (90) day period:
  - e. Non-commercial speech signs shall be considered temporary signs when located on a property from August 1 to ten (10) days following a general election and thirteen (13) weeks prior to any special or township election until ten (10) days after said election:
  - f. Temporary signs that have not been removed within the specified period may be ordered removed by the CountyTownship, unless permitted as a permanent sign, where allowed.

## 8. General Provisions.

- a. On-Premise/Off-Premise signs. Unless specifically noted otherwise, all non-exempt signs referred to in this ordinance shall be considered on-premise signs.
- b. Spacing. Signs located within twenty-five (25) feet of any other sign may be considered one sign for the purposes of this ordinance if they are placed in such a way as to circumvent the size limitations imposed on any one sign, as determined by the CountyTownship.
- c. Setbacks. All sign setbacks as required by this ordinance shall be measured to the furthest horizontal extent of the sign.
- d. Height. All maximum heights as required by this ordinance shall be measured to the furthest vertical extent of the sign.
- e. Sign Area Calculation. The area within the frame shall be used to calculate the square footage (rounded to the nearest foot), regardless of whether or not more than one side is used. If such letters or graphics are mounted directly on a wall or fascia or in such way as to be without a frame, square footage shall be calculated as the area within the periphery around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage. Double-faced signs which have a 90 degree angle or less between the two faces need only count one face for the purpose of calculating area. Three or more faces on a sign shall be counted against the maximum size allowed.
- f. Illumination. Where allowed, illumination for signs, whether internal or external, shall be so constructed and maintained so that the source of light is diffused and not directly visible by a motorist or pedestrian viewing the sign.
- g. No sign shall be placed in such a way that it creates a safety hazard by obstructing lines of sight for motorists or pedestrians or physically blocks a pedestrian corridor.
- h. Electronic Changeable Copy Signs — Electronic changeable copy signs are not allowed anywhere within the Township. ~~Where allowed, electronic changeable copy signs shall meet the following requirements, in addition to any other requirements that would otherwise apply:~~
  - ~~(1.) Any electronic changeable copy sign capable of displaying pictures, graphics, video or scrolling words/numbers, whether such displays are permitted or not, shall be limited to a total of thirty two (32) square feet of display area. In commercial and industrial zoning districts, display areas may be allowed up to the maximum size sign permitted in that zoning district.~~
  - ~~(2.) Messages or graphics displayed on an electronic changeable copy sign must be presented in a static manner, with the message changing no more than once every five (5) seconds. The images and messages displayed must be complete~~

~~in themselves, without continuation in content to the next image or message or to any other sign.~~

- ~~(3.) Electronic changeable copy signs which scroll, flash, strobe, blink, pulse, fade, illuminate with varying light intensity or changing colors, or create the illusion of movement (including video displays) are prohibited.~~
- ~~(4.) Any electronic changeable copy sign designed for the sole purpose of displaying printable characters (letters, numbers, punctuation marks or symbols) in a static format shall be regulated as a non-electronic changeable copy sign, provided that the digital display may change its message not more than once per hour.~~
- ~~(5.) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle. Electronic changeable copy signs shall automatically dim by at least 50 percent between one-half hour after sunset and one-half hour prior to sunrise.~~
- ~~(6.) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.~~
- ~~(7.) Electronic changeable copy signs must be designed to freeze the display or turn the display completely off if it malfunctions.~~
- ~~(8.) Sign owners must immediately turn off an electronic changeable copy sign when notified by the county that it is not complying with the standards of this ordinance.~~

- i. Sign Lettering: All lettering or numbering shall be such that it is readable by a passing motorist at a glance. Unless otherwise required/allowed by this ordinance or by the requirements of a conditional or interim use permit, all letters, numbers and symbols (except periods, commas, dashes or other punctuation marks typically smaller than letters) shall be at least 6 inches in height (capital letters) and 4.5 inches in height (lowercase letters). This requirement shall not apply to signs identified in Section 5 (Exemptions) or Section 7 (Temporary Signs).
- j. Freestanding Canopies or Awnings: A freestanding canopy, such as above an outdoor service area, or a freestanding awning, when permanently or semi-permanently affixed to the ground, shall be permitted as a structure and are not considered signs for the purposes of this ordinance. Signs that are an integral part of, or which are attached to, a freestanding canopy or awning shall be regulated as a wall or projecting sign.

## 9. Fees.

Sign permit fees are as established by the adopted fee schedule.

## 10. Specific Regulations by Zoning District.

a. Urban Residential and Residential Shoreland Districts

(1.) Signs requiring an administrative permit

- (a) Wall, projecting or marquee signs between six (6) and twelve (12) square feet in size
- (b) Up to one (1) freestanding sign no greater than twelve (12) square feet in size and six (6) feet in height that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

(2.) Signs requiring a conditional use permit

- (a) Wall, projecting or marquee signs between twelve (12) and thirty-two (32) square feet in size
- (b) Off-premise directional signs as follows (lesser sizes may be required by the CountyTownship in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

<b>Posted or Statutory Speed Limit</b>	<b>Maximum sign size</b>
Less than 55 miles per hour	12 square feet
55 - 65 miles per hour	32 square feet

- (c) Freestanding signs up to sixteen (16) square feet in size and up to eight (8) feet in height related to an allowed or permitted business.
- (d) Two (2) freestanding, non-exempt signs per parcel

(3.) Prohibited signs

- (a) Signs larger than thirty-two (32) square feet in size.
- (b) Signs with a total height greater than eight (8) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.
- (c) Off-premise highway signs
- (d) Electronic changeable copy signs
- (e) Roof signs, Constructed
- (f) More than two (2) freestanding, non-exempt signs per parcel.
- (g) Signs identified in Section 6 of this ordinance.

(4.) Setbacks

- (a) Road: Two (2) feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.

(b) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(c) Ordinary High Water Level (not applicable to wall signs):

i. General Development Lakes:

a) Unsewered: 37.5 feet

b) Sewered: 25 feet

ii. Recreational Development Lakes: 50 feet

iii. Natural Environment Lakes: 75 feet

(5.) Illumination

(a) Internal illumination: Not allowed

(b) External illumination: Allowed

b. Rural Residential District

(1.) Signs requiring an administrative permit

(a) Wall, projecting or marquee signs between six (6) and thirty-two (32) square feet in size

(b) Up to one (1) freestanding sign no greater than sixteen (16) square feet in size and six (6) feet in height that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

(2.) Signs requiring a conditional use permit

(a) Wall, projecting or marquee signs greater than thirty-two (32) square feet in size

(b) Off-premise directional signs as follows (lesser sizes may be required by the [CountyTownship](#) in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

<b>Posted or Statutory Speed Limit</b>	<b>Maximum sign size</b>
Less than 55 miles per hour	20 square feet
55 - 65 miles per hour	48 square feet

(c) Freestanding signs up to sixteen (16) square feet in size and up to fifteen (15) feet in height related to an allowed or permitted business.

(d) Two (2) freestanding, non-exempt signs per parcel.

(3.) Prohibited signs

(a) Signs larger than forty-eight (48) square feet in size.

- (b) Signs with a total height greater than fifteen (15) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.
- (c) Off-premise highway signs
- (d) Electronic changeable copy signs
- (e) Roof signs, Constructed.
- (f) More than two (2) freestanding, non-exempt signs per parcel.
- (g) Signs identified in Section 6 of this ordinance.

(4.) Setbacks

- (a) Road: Two (2) feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive. Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(5.) Illumination

- (a) Internal illumination: Not allowed
- (b) External illumination: Allowed

c. Agricultural-Rural Conservation Residential District

(1.) Signs requiring an administrative permit

- (a) Wall, projecting or marquee signs between six (6) and forty-eight (48) square feet in size
- (b) Up to one (1) off-premise, permanent directional sign up to twelve (12) square feet in size
- (c) Up to one (1) freestanding sign no greater than sixteen (16) square feet in size and eight (8) feet in height that is related to an on-premise, licensed childcare business or other nonresidential program regulated under Minnesota Statutes 245A.14 or successor statutes.

(2.) Signs requiring a conditional use permit

- (a) Wall, projecting or marquee signs between forty-eight (48) and sixty-four (64) square feet in size
- (b) Off-premise directional signs as follows (lesser sizes may be required by the CountyTownship in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

<b>Posted or Statutory Speed Limit</b>	<b>Maximum sign size</b>
Less than 55 miles per hour	24 square feet
55 - 65 miles per hour	48 square feet

(c) Freestanding signs up to thirty-two (32) square feet in size and up to fifteen (15) feet in height, and wall signs up to ten percent (10%) of a building façade which faces a street, related to an allowed or permitted business.

(d) Roof signs, Constructed

(e) More than one (1) freestanding, non-exempt signs per parcel.

~~(f) Electronic changeable copy signs up to 32 square feet in size.~~

(3.) Prohibited signs

(a) Electronic changeable copy signs

~~(a)(b)~~ Signs larger than sixty-four (64) square feet in size.

~~(b)(c)~~ Signs with a total height greater than fifteen (15) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.

~~(c)(d)~~ Off-premise highway signs

~~(d)(e)~~ More than two (2) freestanding, non-exempt signs per parcel.

~~(e)(f)~~ Signs identified in Section 6 of this ordinance.

(4.) Setbacks

(a) Road: Two (2) feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.

(b) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(5.) Illumination

(a) Internal illumination: Not allowed

(b) External illumination: Allowed

d. Rural Commercial / Urban Commercial / Light Industrial Zones

(1.) Signs requiring an administrative permit

(a) Wall, projecting or marquee signs between six (6) and sixty-four (64) square feet in size or Wall signs up to ten percent (10%) of a building façade which faces a street. Such signs may be internally or externally illuminated.

(b) Up to two (2) permanent freestanding signs per property as follows:

i. Sign A: No greater than sixty-four (64) square feet in size and thirty five (35) feet in height.

ii. Sign B: No greater than sixty-four (64) square feet in size and fifteen (15) feet in height.

(c) Permanent off-premise directional signs advertising a business within two (2) miles of the sign not greater than thirty-two (32) square feet in size

(2.) Signs requiring a conditional use permit

(a) Wall, projecting or marquee signs greater than sixty-four (64) square feet in size or Wall signs up to ten percent (10%) of a building façade which faces a street.

(b) Permanent off-premise directional signs advertising a business located within two (2) miles of the sign between 32 and 64 square feet in size (lesser sizes may be required by the CountyTownship in areas where normal and customary speeds are deemed to be slower than the posted or statutory speed limit):

~~(c)~~ Off-premise highway signs subject to the following limitations:

i. Messaging area:

a) 675 sq ft: Within 100 feet of the right-of-way of a highway having a posted or statutory speed limit of greater than 65 miles per hour

b) 250 sq ft: All other areas within the Commercial or Industrial zoning districts.

ii. Spacing:

a) No closer than 300 feet to a road or railroad intersection

b) No closer than 500 feet to another off-premise highway sign

~~(d)~~(c) Up to one (1) pole or monument sign no greater than one hundred (100) square feet in size when located along highways with a posted speed limit of greater than 65 miles per hour.

~~(e)~~(d) Illuminated freestanding signs

~~(f)~~ Electronic changeable copy signs

~~(g)~~(e) Non-Temporary Portable signs

~~(h)~~(f) Motion signs

~~(i)~~(g) Inflatable signs

~~(j)~~(h) Roof signs, Constructed

~~(k)~~(i) More than two (2) freestanding signs per parcel.

~~(l)~~(j) Signs with more than two faces

(3.) Prohibited signs

(a) Signs with a total height greater than thirty-five (35) feet above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.

(b) Off-premise highway signs

~~(a)~~(c) Electronic changeable copy signs

~~(b)~~(d) Signs identified in Section 6 of this ordinance.

(4.) Setbacks and Height

(a) Road:

- i. Signs less than 10 feet in height: 2 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.
- ii. Signs from 10 to 20 feet in height: 10 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.
- iii. Signs greater than 20 feet in height: 20 feet from a road or railroad right-of-way or twenty (20) feet from the centerline of a traveled surface, whichever is more restrictive.

(b) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.

(c) Maximum height

- i. Along roads with a posted speed limit of 40 miles per hour or greater: 35 feet
- ii. Along roads with a posted speed limit of less than 40 miles per hour: 20 feet

11. Additional Provisions for Water-Oriented Business Signs

In addition to regulations applicable to the relevant zoning district, on shoreland properties where resorts, bait shops, restaurants or other permitted or legal nonconforming businesses exist, the following shall apply to signs located so as to be visible from a lake or stream:

a. Signs requiring an administrative permit

- (1.) Unilluminated wall signs no greater than twenty-four (24) square feet in size, or ten percent (10%) of a building façade which faces a waterbody, whichever is greater.
- (2.) Projecting signs no greater than twelve (12) square feet in size
- (3.) Up to one (1) unilluminated freestanding sign, no greater than thirty-two (32) square feet in size, per water frontage.

b. Signs requiring a conditional use permit

- (1.) Wall signs greater than twenty-four (24) square feet in size

- (2.) Hanging signs greater than (12) square feet in size.
- (3.) Illuminated signs
- (4.) Roof signs, Constructed
- c. Prohibited signs
  - (1.) Signs larger than thirty-two (32) square feet in size.
  - (2.) Off-premise directional sign
  - (3.) Electronic changeable copy signs
  - (4.) Portable signs
  - (5.) Motion signs
  - (6.) Inflatable signs
  - (7.) More than one (1) freestanding signs per parcel.
  - (8.) Signs with a total height greater than twenty-five (25) feet above the ordinary high water elevation, unless a wall sign placed on a permitted building.
- d. Setbacks
  - (1.) Ordinary High Water Mark: No sign may be placed within a shore impact zone, except wall signs on legal, nonconforming buildings.
  - (2.) Other property lines: 10 feet or a distance equal to 110% of the height of the sign, whichever is greater.
- e. Maximum height: 15 feet
- f. Maximum size: 32 square feet

## 12. Non-Conforming Signs

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that legal nonconforming signs and supporting structures shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs and supporting structures existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs or supporting structures provided such signs are safe, are maintained so as not to be unsightly, and the sign has not been abandoned or removed subject to the following provisions.

- a. No sign or supporting structure shall be enlarged or altered in a way which increases its nonconformity.
- b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.

- c. Should such sign or supporting structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which is it located.

13. Inspection, Maintenance, Removal

a. Inspection

Any sign for which a permit is required may be inspected periodically by the CountyTownship for compliance with this Ordinance and all other applicable laws.

b. Maintenance

- (1.) The owner, lessee or manager of any monument sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
- (2.) All signs shall contain current information. Outdated signs or signs with information that is outdated shall be removed by the property owner.
- (3.) Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made.
- (4.) Any sign located in the CountyTownship which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

c. Removal

- (1.) Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.
- (2.) Illegally erected signs shall be removed by the owner or lessee of the premises upon which the sign is located upon notice by the CountyTownship of its illegal status.
- (3.) If the owner or lessee fails to remove an abandoned or illegally erected sign, the CountyTownship shall remove it in accordance with this section. These

removal provisions shall not apply to abandoned signs where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

- (4.) Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety must be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located.
- (5.) The CountyTownship shall order the removal of any sign erected or maintained in violation of this Ordinance. Ten (10) days notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this notice, the CountyTownship may remove the sign. The CountyTownship may remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the CountyTownship shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary fee collection or in the manner of taxes and all costs shall be assessed against the property. Signs located within the right-of-way of County or Township Roads may be removed by the County or Township at any time without notice.



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 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. Poisonous, venomous, wild or exotic animals are 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 or with a width of 60 feet or less.

~~b. 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 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 are one (1) to two and one-half (2.5) acres in size. 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,

<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)

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

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.** 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. 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 up to 36 sq ft that must be attached to an accessory building setback from neighboring property lines at least 25 feet).** The keeping of ~~up to three (3)~~ small animals shall be allowed as an 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 3 animals.</u>	<u>1 per 12 sq ft of fenced area, up to 6 animals.</u>
<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>Number of animals allowed shall increase by 50% for each half-acre of land above one acre (ex. A 2 acre parcel may have up to 6 small fowl/poultry as a permitted use and 12 as an interim use provided the required amount of enclosed space is provided).</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 run 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

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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.