

# **ALEXANDRIA TOWNSHIP ZONING ORDINANCE**

**Effective:**

**September 20, 2021**



# ALEXANDRIA TOWNSHIP ZONING ORDINANCE

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# **ZONING ORDINANCE**

## **ALEXANDRIA TOWNSHIP, DOUGLAS COUNTY, MINNESOTA**

AN ORDINANCE REGULATING USE OF LAND IN ALEXANDRIA TOWNSHIP LYING OUTSIDE ANY AREAS IDENTIFIED IN THE ORDERLY ANNEXATION AGREEMENT REACHED WITH THE CITY OF ALEXANDRIA (RESOLUTION 2-16, NOVEMBER 2002).

The Board of Supervisors of Alexandria Township does ordain:

### **SECTION I. GENERAL PROVISIONS**

**A. TITLE**

This Ordinance from the date of its passage shall be entitled:

**ZONING ORDINANCE  
ALEXANDRIA TOWNSHIP, DOUGLAS COUNTY, MINNESOTA**

**B. PURPOSE**

The purpose of this Ordinance is to promote the public health, safety, comfort and general welfare of the people of Alexandria Township. To this end, this Ordinance regulates and restricts the location of buildings proposed for specific uses, the height and bulk of buildings hereafter erected, provides for minimum sanitation standards, and regulates and determines the areas of yards, to a considerable degree depending on the provision of central water supply and/or sewage treatment facilities.

**C. LEGAL AUTHORITY**

This Ordinance is enacted pursuant to Minnesota Statutes Chapter 462, as amended, and State-Wide Standards for Management of Shoreland Areas, Chapter 105, Minnesota Regulations, Parts 6120.2500-6120.3900.

**D. COMPLIANCE**

No structure located in Alexandria Township shall be erected, altered or otherwise which does not comply with the regulations of this Ordinance for the zoning use district wherein located, nor shall any building or premises be used or occupied for any purpose or in any manner other than as permitted by this Ordinance in the district wherein located. Nor shall any shoreland alteration be performed within shoreland districts without following the requirements of this Ordinance.

**E. PUBLIC UTILITY BUILDINGS AND ESSENTIAL SERVICES**

Essential services are permitted uses in all zoning districts and are not subject to height, yard or setback requirements and are not required to obtain land use permits, except as provided below:

1. All underground telephone lines, pipelines for local distribution, underground transmission lines, overhead utility lines, and electric transmission lines less than 33 kv, gas regulator services, electric substations and similar essential services structures,

as well as public utility buildings not customarily considered industrial in use, are permitted uses in all zoning districts subject to the following:

- a. Any building is subject to the provisions of this Ordinance concerning buildings.
  - b. No such building shall be located within fifty (50) feet of any lot line of an abutting lot in any residential district (RCR, RR, UR, RS).<sup>1</sup>
  - c. Before construction of any essential services, the owner shall file with the zoning administrator such maps and drawings of the proposed service relating to site location as shall be requested. The zoning administrator shall consult with the Planning Commission and make suggestions to the owner as to modifications considered desirable under this Ordinance. Failure by the zoning administrator to respond within ninety (90) days of receipt of such maps or plans shall constitute approval.
2. Conditional Use Permit Required. All transmissions pipelines (i.e., pipelines not required for local distributing network), and overhead transmission and substation lines in excess of 33 kv shall be subject to the following procedural requirements; in addition cellular towers shall be a conditional use in all districts and shall be subject to the following procedural requirements:
- a. Prior to the installation of any of the previous essential services, the owner of such service shall file with the zoning administrator, all maps and other pertinent information as deemed necessary for the Planning Commission to review the proposed project.
  - b. The Zoning Administrator shall transmit the map and accompanying information to the Planning Commission for its review and recommendations regarding the project's relationship to the Comprehensive Plan and parts thereof.
  - c. The Planning Commission shall hold the necessary public hearings as prescribed by this section for conditional uses.
  - d. The Planning Commission shall report in writing to the Town Board its findings as to compliance of the proposed project with the Comprehensive Plan.
  - e. In considering the applications for the placement of essential services, as regulated by this section, the Township shall consider the advice and recommendations of the Planning Commission and the effect of the proposed project upon the health, safety and general welfare of the Township, existing and anticipated; and the effect of the proposed project upon the Comprehensive Plan.

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

## SECTION II. ZONING USE DISTRICTS

### A. DESCRIPTION<sup>2</sup>

For the purpose of this Ordinance, Alexandria Township is hereby divided into zoning use districts which shall be designated as follows:

1. Rural Conservation Residential (RCR)
2. Rural Residential (RR)
3. Urban Residential (UR)
4. Residential Shoreland (RS)
5. Commercial Shoreland (CS)
6. Commercial – Urban (C-U)
7. Commercial – Rural (C-R)
8. Light Industrial (I)

### B. APPLICATION

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as herein. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by other provisions of this Ordinance, rules or regulations of the Township, the ordinance, rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail. The Zoning Administrator shall determine which is more "restrictive" and appeals from such determination may be made in the manner provided herein.

1. No land shall be used or occupied, and no building or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least minimum requirements established by this Ordinance.

### C. BOUNDARIES

The Township is hereby divided into zoning use districts as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

1. The official zoning map shall be identified by the signature of the Chairman of the

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<sup>2</sup> Amended 7/2/2007 (Resolution #07-09)



Town Board of Supervisors, attested by the Township Clerk, and bearing the seal of the Township under the following words: "This is to certify that this is the official zoning map of Alexandria Township, Douglas County, Minnesota."

2. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the Town Board.
3. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under the provisions of this Ordinance.
4. Regardless of the existence of purported copies of the official zoning map which may, from time to time, be made or published, the official zoning map, which shall be located in the office of the Township, shall be the final authority as the current zoning status.

#### D. INTERPRETATION

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits and Township borders shall be construed as following such lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the center lines or shoreline or rivers or lakes shall be construed to follow such centerlines or shorelines.
6. Boundaries indicated as approximately following sections, half sections, quarter sections, sixteenth sections, and government lots, shall be construed to follow such lines.
7. Boundaries indicated as parallel to or extensions of features indicated in Sub-section 1 through 6 above, shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsection 1 through 6 above, the Planning Commission shall interpret the district boundaries.

## SECTION III. ZONING DISTRICT REGULATIONS

### A. ZONING DISTRICTS – PURPOSE<sup>3</sup>

The following zoning districts are established in Alexandria Township for the purpose of implementing the goals and purposes of the Comprehensive Plan and of this Ordinance. While each purpose statement is intended to generally describe the locational criteria and the types of land uses allowed for each district, the Township's official zoning map and specific regulations stated elsewhere in this Ordinance shall take precedence over any particular purpose statement.

1. Rural Conservation Residential (RCR)

The Rural Conservation Residential district is intended to provide opportunities for low-density residential development of a rural character. Areas chosen for this district are generally located far from any public sewer or water or roads capable of handling significant additional traffic. It is intended that non-intensive agricultural, low-density residential and recreational open space will be the primary uses in this district. Urban density development and associated infrastructure are not expected to be feasible or desirable in this district for at least thirty (30) years.

2. Rural Residential District (RR)

The Rural Residential district is intended to provide opportunities for moderate density (one dwelling per 2.5 acres) residential development of a semi-rural, suburban character. Areas chosen for this district are generally located far from any public sewer or water but are located within about one-quarter (1/4) mile of roads capable of handling significant additional traffic. It is intended that non-intensive agricultural and recreational open space will be the primary uses initially, but that these areas will slowly convert to moderate density residential development over a period of twenty (20) years or more. Urban density development and associated infrastructure are not expected to be feasible or desirable in this district for at least fifteen (15) years.

3. Urban Residential (UR)

The Urban Residential district is intended to provide opportunities for urban density (two to three dwelling units per acre) residential development in areas that are most readily served by urban infrastructure and services. Areas chosen for this district are within existing or planned public sewer district service areas. Proposed residential developments that would create oversized lots would be reviewed to facilitate an efficient and orderly transition to urban densities at a future date should landowners choose to do so.

4. Residential Shoreland (RS)

The Residential Shoreland district is intended to protect and regulate the residential use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the natural environmental values of shorelands, and

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<sup>3</sup> Amended 7/2/2007 (Resolution #07-09)

provide for the wise use of waters and related land resources.

5. Commercial Shoreland (CS)

The Commercial Shoreland district is intended to provide opportunities for existing commercial, recreationally oriented uses within the shoreland area comprised of campgrounds, resorts, bars, restaurants, marinas and similar water oriented uses that are compatible with the natural resources of lakes and streams. Areas chosen for this district are located where existing resorts or commercial planned unit developments are located and in other areas deemed appropriate by the Township. The zone is not intended to be established in an area where it is incompatible with surrounding or nearby residential shoreland zones or where public sanitary sewer service is not available.

6. Commercial – Urban (C-U)

The Commercial – Urban district is intended to provide opportunities for commercial uses that are best located in areas providing urban services, such as centralized sewer treatment and urban streets. Examples of such uses include those that generate high-strength or problem wastes not typically found in residential wastewater, those generating large amounts of wastewater, or facilities that discharge chemical or other non-organic wastes in amounts not suitable for treatment in an individual sewage treatment system. Areas chosen for this district are located along state highways at intersections with county or township roads capable of handling additional traffic and within current public sewer district service areas.

7. Commercial – Rural (C-R)

The Commercial - Rural district is intended to provide opportunities for commercial uses that do not require urban sewer infrastructure, urban streets or substantial water supply. Examples of such uses include those that generate only those wastes typically found in residential wastewater and that do not create nuisance characteristics incompatible with residential uses. Areas chosen for this district are located along state highways at intersections with county or township roads capable of handling additional traffic, but that are not within current public sewer district service areas.

8. Light Industrial (I)

The Light Industrial district is intended to provide opportunities for light industrial uses that do not generate significant nuisance characteristics including excessive smoke, vibration, noise, traffic, odor or other similar characteristics incompatible with residential uses in the area. Areas chosen for this district are located along state highways at intersections with county or township roads capable of handling additional traffic.

B. **USES PERMITTED.**<sup>4 5</sup>

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<sup>4</sup> Amended 7/2/2007 (Resolution #07-09)

<sup>5</sup> Amended 12/7/2009 (Resolution #09-05) to reflect addition of interim uses

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.

<b>ACCESSORY USES</b>	Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, interim or conditional uses are permitted in all districts.
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<b>AGRICULTURAL USES</b>	<b>RCR</b>	<b>RR</b>	<b>UR</b>	<b>RS</b>	<b>CS</b>	<b>C-U</b>	<b>C-R</b>	<b>I</b>
Agricultural; limited, however, to plant husbandry and sale of plants and produce.	A	A	A	A	A	A	A	A
Limited livestock raising of 0.5 animal units <u>per acre</u> up to 49 a.u. (pasture)	A	A	IU	IU	IU	IU	IU	IU
Limited livestock raising of more than 0.5 animal units <u>per acre</u> (pasture)	IU	IU	IU	IU	IU	IU	IU	IU
Animal Feedlot	X	X	X	X	X	X	X	X
Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission	IU	IU	IU	IU	IU	IU	IU	IU

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.

<b>RESIDENTIAL USES</b>	<b>RCR</b>	<b>RR</b>	<b>UR</b>	<b>RS</b>	<b>CS</b>	<b>C-U</b>	<b>C-R</b>	<b>I</b>
Dwelling								
Single Family	P	P	P	P	CU	CU	CU	CU
Second single family on a parcel (permanent)	X	X	X	X	X	X	X	X
Second single family on a parcel (temporary) <sup>6</sup>	IU	IU	IU	IU	IU	IU	IU	IU
Multi-Family (2 units)	X	X	CU	X	X	CU	CU	CU
Multi-Family (3-4 units)	X	X	CU	X	X	CU	CU	CU
Multi-Family (5+ units)	X	X	CU	X	X	CU	CU	CU

<sup>6</sup> Added 8/4/2014 (Resolution #14-02)

For security persons and their families located on the premises where they are employed	X	X	X	X	X	IU	IU	IU
Guest Cottage (riparian lots only)	X	X	X	CU	CU	X	X	X
Private/Vacation Home Rental (meeting occupancy and capacity standards) <sup>7</sup>	P	P	P	P	N/A	P	P	CU
Private/Vacation Home Rental (exceeding overnight guests capacity) <sup>7</sup>	CU	CU	CU	CU	N/A	P	P	CU
Private/Vacation Home Rental (exceeding property capacity) <sup>7</sup>	CU	CU	CU	CU	N/A	CU	CU	CU
Travel Trailers/ Campers/ Recreational Vehicles (1 per lot)	A	A	A	A	A	X	X	X
Keeping of Animals (as per Section V.V of this Ordinance) <sup>8</sup>	A	IU	IU	IU	IU	A	A	A
Home Occupations, Low Activity <sup>9</sup>	P	P	P	P	P	X	X	X
Home Occupations, Moderate Activity <sup>9</sup>	IU	IU	IU	IU	IU	X	X	X
Home Occupations, High Activity <sup>9</sup>	IU	IU	X	X	IU	X	X	X
Controlled Access Lot	X	X	X	CU (X in RS-NES district)	CU (X in RS-NES district)	X	X	X
Bed and Breakfast Facilities	CU	CU	CU	CU	CU	X	X	X
Planned Unit Developments – Residential (RS District) <sup>10</sup>	X	X	X	CU	CU	X	X	X
Planned Unit Development – Single-Family <sup>11</sup>	X	X	CU	X	X	X	X	X
Planned Unit Development – Multi-Family <sup>12</sup>	X	X	CU	X	X	CU	X	CU
Rural Reserve Development	CU	CU	X	X	X	X	X	X

<sup>7</sup> Added 8/6/2018 (Resolution #18-01)

<sup>8</sup> Added 5/21/2012 (Resolution #12-05)

<sup>9</sup> Amended 3/21/2011 (Resolution #11-02)

<sup>10</sup> Amended 5/21/2007 (Resolution #07-06)

<sup>11</sup> Amended 5/21/2007 (Resolution #07-06)

<sup>12</sup> Amended 5/21/2007 (Resolution #07-06)

Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission	IU	IU	IU	IU	IU	IU	IU	IU
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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.

<b>COMMERCIAL USES</b>	<b>RCR</b>	<b>RR</b>	<b>UR</b>	<b>RS</b>	<b>CS</b>	<b>C-U</b>	<b>C-R</b>	<b>I</b>
Adult Uses	X	X	X	X	X	X	X	CU
Auto Repair	IU	X	X	X	X	CU	CU	CU
Automobile accessory store with no outdoor storage	X	X	X	X	X	P	P	P
Billboard sign	X	X	X	X	X	CU	CU	CU
Bowling alley	X	X	X	X	X	CU	X	CU
Cabinet Shop	IU	X	X	X	X	CU	CU	P
Commercial uses which serve local permanent residents and the resort industry, such as grocery stores, marine supplies, equipment and service; recreational equipment sales and privately owned and licensed recreational activity.	IU	IU	IU	IU	IU	CU	CU	CU
Communications services and utility towers including wind towers, cellular phone towers and other wireless telecommunications towers.	CU	CU	CU	CU	CU	CU	CU	CU
Contractors offices, shops and yards without outdoor storage	IU	X	X	X	X	P	P	P
Contractors offices, shops and yards with outdoor storage	IU	X	X	X	X	CU	CU	CU
Gas and convenience store	X	X	X	X	CU	CU	CU	CU
Health/fitness center, racquetball club and roller rinks	X	X	X	X	X	CU	X	CU
Hospitals, nursing homes	X	X	X	X	X	CU	X	CU
Financial institutions	X	X	X	X	X	P	P	P
Laundromat/Dry cleaning	X	X	X	X	X	CU	X	CU
Machinery, equipment sales, storage and service	X	X	X	X	X	CU	CU	CU
Mini-Storage	X	X	X	X	X	P	P	P
Motel/Hotel and/or convention centers	X	X	X	X	CU	CU	X	CU
Nurseries/garden store	IU	IU	X	X	X	P	P	P

Offices of members of recognized professions, such as doctors of medicine, optometry, dentistry and chiropractors; engineers, lawyers and architects. (In RR, R, RS and CS districts, provided such professions are carried on in their respective residents)	CU	CU	CU	CU	CU	P	CU	P
Retail sales and/or service, with no outdoor storage	X	X	X	CU	CU	P	CU	CU
Retail sales and/or service, with outdoor storage	X	X	X	CU	CU	CU	CU	CU
Restaurant, on/off sale liquor sales; supper club and fast food establishments	X	X	X	CU	CU	CU	X	CU
Planned Unit Development – Commercial (RS/CS District) <sup>13</sup>	X	X	X	X	CU	X	X	X
Planned Unit Development – Non-Residential <sup>14</sup>	X	X	CU	X	X	CU	CU	CU
Veterinary Clinic	IU	X	X	X	X	CU	CU	CU
Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission	IU	IU	IU	IU	IU	IU	IU	IU

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.

<b>INDUSTRIAL USES</b>	<b>RCR</b>	<b>RR</b>	<b>UR</b>	<b>RS</b>	<b>CS</b>	<b>C-U</b>	<b>C-R</b>	<b>I</b>
Temporary concrete/bituminous storage or recycling facilities related to a specific project lasting less than 12 months. <sup>15</sup>	IU	IU	X	X	X	CU	CU	CU
Permanent concrete/bituminous storage or recycling facilities. <sup>16</sup>	X	X	X	X	X	CU	CU	CU
Heavy manufacturing and assembly	X	X	X	X	X	X	X	CU
Light manufacturing of parts and assembly	X	X	X	X	X	P	CU	CU
Mining/Extraction of gravel or other materials	IU	IU	IU	IU	IU	CU	CU	CU
Hot mix plant, Temporary	IU	IU	X	X	X	IU	IU	IU
Hot mix plant, Non-temporary	X	X	X	X	X	CU	CU	CU

<sup>13</sup> Amended 5/21/2007 (Resolution #07-06)

<sup>14</sup> Amended 5/21/2007 (Resolution #07-06)

<sup>15</sup> Amended 12/15/08 (Resolution #08-16)

<sup>16</sup> Added 12/15/08 (Resolution #08-16)

Ready mix plant	X	X	X	X	X	CU	CU	CU
Transportation or freight terminal	X	X	X	X	X	CU	CU	P
Warehouse	X	X	X	X	X	CU	CU	P
Wholesale business	X	X	X	X	X	CU	CU	P
Salvage Yard	X	X	X	X	X	X	X	CU
Recycling facilities (including processing and transferring) <sup>17</sup>	X	X	X	X	X	X	X	CU
Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission	IU	IU	IU	IU	IU	IU	IU	IU

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.

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<sup>17</sup> Added 12/15/08 (Resolution #08-16)



<b>PUBLIC/ SEMI-PUBLIC USES</b>	<b>RCR</b>	<b>RR</b>	<b>UR</b>	<b>RS</b>	<b>CS</b>	<b>C-U</b>	<b>C-R</b>	<b>I</b>
Cemetery	CU	CU	CU	CU	CU	CU	CU	CU
Churches, chapels, temples, synagogues and other places of worship, including related buildings and parsonage	CU	CU	CU	CU	CU	CU	CU	CU
Educational institutions and incidental uses when situated on the same site or unit of property	CU	CU	CU	CU	CU	CU	CU	CU
Essential services, governmental use buildings and storage.	CU	CU	CU	CU	CU	CU	CU	CU
Parking lot	CU	CU	CU	CU	CU	P	P	P
Public parks, playgrounds, public recreation areas, and historic monuments	P	P	CU	CU	CU	CU	CU	CU
Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the district by the Planning Commission	IU	IU	IU	IU	IU	IU	IU	IU

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.

C. Building Setback, Lot Area and Density Requirements and Regulations<sup>18</sup>

The following table establishes the set of dimensional standards that shall be applied within the zoning districts of Alexandria Township. These standards shall be interpreted as the minimum requirements for each district (see Section III.C.5 for dimensional standards within the Residential Shoreland District).

	<b>RCR</b>	<b>RR</b>	<b>UR</b>	<b>RS &amp; CS</b>	<b>C-U</b>	<b>C-R</b>	<b>I</b>
<b>Max. Density</b>				See Section III.D			
Lot/block development	1 du per 20 gross acres	1 du per 10 gross acres	1 du per 15,000 gross sq ft		75 percent lot coverage <sup>19</sup>	75 percent lot coverage <sup>19</sup>	75 percent lot coverage <sup>19</sup>
Rural Reserve Development	1 du per 10 gross acres of buildable area	1 du per 2.5 gross acres of buildable area	N/A <sup>20</sup>		N/A	N/A	N/A
<b>Min. Lot Size<sup>21</sup></b>							
Unsewered Areas	1 acre	1 acre	15,000 sq ft		30,000 sq ft	30,000 sq ft	30,000 sq ft
Sewered Areas	1 acre	1 acre	15,000 sq ft		15,000 sq ft	N/A	15,000 sq ft
Minimum Buildable Area	28,900 sq ft	28,900 sq ft	7,400 sq ft		19,400 sq ft (unsewered)	19,400 sq ft (unsewered)	19,400 sq ft (unsewered)
<b>Min. Lot Width</b>							
Single Family	100 ft	100 ft	100 ft		100 ft	100 ft	100 ft
Two Family <sup>22</sup>	N/A	N/A	125 ft		N/A	N/A	N/A
<b>Min. Lot Depth</b>							
Single Family	150 ft	150 ft	125 ft		150 ft	150 ft	150 ft
Two Family	N/A	N/A	150 ft		N/A	N/A	N/A

<sup>18</sup> Amended 7/2/2007 (Resolution #07-09)

<sup>19</sup> Lot coverage maximums also subject to limitations on impervious surface coverage.

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

<sup>21</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>22</sup> Two-family dwelling width only applies if one parcel or lot.

	RCR	RR	UR	RS & CS	C-U	C-R	I
Maximum Lot Coverage – Impervious Surfaces				See Section III.D			
	25%	25%	25%		75%	75%	75%
Height (ft)							
Agricultural buildings	35	35	35		40	40	40
Other Structures	35	35	35		40	40	40
Structure Setback from Wetlands							
Protected	50	50	50		50	50	50
All Other Wetlands	25	25	25		25	25	25
Sewage Treatment System Setback from Wetlands							
	50	50	50		50	50	50
Structure Setback from Road Right-of-Way or Easement <sup>23</sup>							
Federal Road	50	50	50		50	50	50
State Road	50	50	50		50	50	50
County Road – Urban	-	-	-		-	-	-
County Road – Rural	-	-	-		-	-	-
Township Road	32	32	32		32	32	32
Cartway, Alley, Avenue, Private accesses serving more than two parcels and other roads	32	32	32		32	32	32

<sup>23</sup> The most restrictive of the right-of-way/centerline setback shall apply, unless centerline setback does not apply as per footnote 6.

	RCR	RR	UR	RS & CS	C-U	C-R	I
<b>Structure Setback from Public Road Centerline<sup>24</sup></b>				See Section III.D			
Federal Road	-	-	-		-	-	-
State Road	-	-	-		-	-	-
County Road – Urban <sup>25</sup>	75	75	75		75	75	75
County Road – Rural <sup>25</sup>	100	100	100		100	100	100
Township Road	65	65	65		65	65	65
Cartway, Alley, Avenue, Private accesses serving more than two parcels and other roads	48	48	48		48	48	48
<b>Structure Setback from Side Yard</b> (See Section VI.A.1.b.i for other improvements required to meet structure setbacks). If an attached two family home is constructed on two contiguous conforming lots a zero (0) lot line setback is permitted between the two lots for the dwelling structure and driveway.)							
Lot existence prior to August 9, 1966	10 ft (5 ft to eaves)	10 ft (5 ft to eaves)	6 ft (3 ft to eaves)		10 ft (5 ft to eaves)	10 ft (5 ft to eaves)	10 ft (5 ft to eaves)
Lot existence on or after August 9, 1966	10 ft (5 ft to eaves)	10 ft (5 ft to eaves)	10 ft (5 ft to eaves)		10 ft (5 ft to eaves)	10 ft (5 ft to eaves)	10 ft (5 ft to eaves)
<b>Structure Setback from Rear Yard</b> (See Section VI.A.1.b.i for other improvements required to meet structure setbacks)							
Dwellings	25	25	25		25	25	25
Commercial/Industrial bldgs	-	-	-		25	25	25
Livestock bldgs	100	-	-		-	-	-
Ag/Accessory bldgs	10	10	10		10	10	10

<sup>24</sup> Center Line setback shall not apply in cases where the adjacent road is in a platted right-of-way of at least sixty-six (66) feet in width and the right-of-way has not been identified in official government documents for future expansion beyond a sixty-six (66) foot right-of-way. If any portion of an existing road is located outside of a right-of-way, regardless of the width of the right-of-way, the right-of-way setback shall apply as measured from the edge of the traveled road surface or the actual right-of-way, whichever is more restrictive.

<sup>25</sup> County Road 81 between State Highway 27 and the Lake Victoria/Lake Jessie channel. All other County Roads in Alexandria Township are considered Rural.

1. Other Requirements and Regulations

- a. Fences.<sup>26</sup> Fences shall be regulated as per section V.Z.
- b. Planned Unit Developments. The lot requirements in each district need not necessarily apply to planned unit developments, which shall meet the requirements of Section IV of this Ordinance and be submitted to the Planning Commission for their consideration. Plans for such developments shall include plans and other architectural drawings indicating function, floor plans, elevations, and typical vehicular circulation system, ingress and egress points and control, special landscape and fencing treatment along abutting land uses of a different type and the layout of adequate off-street parking and loading and unloading facilities.<sup>27</sup>
- c. Buffer. A buffer may be required to be established between a C–R, C–U<sup>28</sup> or I district and all other districts. The type of buffer required shall be determined by the Planning Commission.
- d. Screening and Fencing. The Township may require the screening or fencing of commercial or agricultural uses, to prevent visual blight, especially on side yards which face all other zoning districts. The height of such fencing shall be determined by the Township as appropriate to effectively screen the visual blight.<sup>29</sup> All storage within five hundred (500) feet of a residential zone or public right-of-way shall be completely enclosed by a building or effectively screened by landscaping and a solid wall or fence.
- e. General Regulations. Additional requirements set forth in Section V, Performance Standards apply within all districts.

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<sup>26</sup> Amended 9/20/2021 (Resolution #21-01)

<sup>27</sup> Amended 5/21/2007 (Resolution #07-06)

<sup>28</sup> Amended 7/2/2007 (Resolution #07-09)

<sup>29</sup> Amended 12/17/2007 (Resolution #07-20)

D. SHORELAND DISTRICT (RS & CS<sup>30</sup>)

1. Purpose.

To protect and regulate the use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the natural environmental values of shorelands, and provide for the wise use of waters and related land resources.

2. Boundaries.

The boundaries of the Shoreland District are lands located within the following distances from public waters: one thousand (1,000) feet from the ordinary high water level of a lake, pond or flowage greater than twenty-five (25) acres, and three hundred (300) feet from a river or stream or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater.

3. Lake and River Classification.

Shorelands in Douglas County have been divided into three lake and one river categories for purposes of shoreland management. The two lake categories are Natural Environment Lakes, Recreational Development Lakes, and General Development Lakes. The river category is Tributary Rivers.

Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.

General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.

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<sup>30</sup> Amended 7/2/2007 (Resolution #07-09)

Tributary river segments consist of water courses mapped in the Protected Waters Inventory map that have not been assigned one of the river classes above. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.

The following is a list of lakes and rivers, whose district boundaries are located wholly or partly in Alexandria Township, as classified by the State of Minnesota and Douglas County. Lakes categorized as Natural Environment are broken down in accordance with Douglas County’s classifications:

The following are the DNR/Douglas County lake and river classifications:

a. NATURAL ENVIRONMENT SHORELAND LAKES (NES)

(1) Class A, Category 1  
None.

(2) Class A, Category 2  
None.

(3) Class A, Category 3  
ID. No. Lake Name  
21-039 ----- (Hudson Township)

- i. Landowners who disagree with the classification of their property in the NES categories only, may petition the Zoning Administrator in writing to request that their land classification be re-evaluated only after they have submitted evidence that the Douglas County Board has approved the reclassification in accordance with their requirements. It is not possible to petition for the reclassification of a lake categorized as NES to a GDS or RDS classification in this manner.

b. RECREATIONAL DEVELOPMENT LAKES (RDS)

Lake  
ID. No. Lake Name  
21-49 Burgen  
21-55 Jessie

c. GENERAL DEVELOPMENT LAKES (GDS)

Lake  
ID. No. Lake Name  
21-52 Geneva  
21-54 Victoria  
21-56 LeHomme Dieu

d.      TRANSITION RIVER.  
None.

e.      AGRICULTURAL RIVERS.  
None.

f.      TRIBUTARY RIVERS.

<b>Name</b>	<b>From Section</b>	<b>Township</b>	<b>Range</b>	<b>To Section</b>	<b>Township</b>	<b>Range</b>
Unnamed to Lake Victoria	3 (Hwy. 94)	127	37	27 (Basin 54)	128	37
Unnamed to Lake Victoria	9 (Basin 41)	127	37	27 (Basin 54)	128	37
Unnamed to Lake Geneva	21 (Basin 54)	128	37	21 (Basin 52)	128	37
Unnamed to Lake Le Homme Dieu	9 (Basin 52)	128	37	9 (Basin 56)	128	37

4.      Wetlands.

Wetlands are regulated by local, state and federal governments. In this Ordinance wetlands are subject to building and sewage treatment setback regulations. For the purposes of this Ordinance wetlands are divided into two categories:

Protected Wetlands - consist of wetlands identified on the Protected Waters Inventory map that have not been assigned a shoreland management classification.

All Other Wetlands - consist of all wetlands not identified on the Protected Waters Inventory map.



## 5. Building Setback and Lot Area Requirements and Regulations

The following table establishes the set of dimensional standards that shall be applied within the appropriate zoning districts of Alexandria Township. These standards shall be interpreted as the minimum requirements for each district (see Section III.C.5 for dimensional standards within the Shoreland District).

	<b>Gen. Dev. (GDS)</b>	<b>Rec. Dev. (RDS)</b>	<b>Nat. Env. (NES) A-3</b>	<b>River – Tributary</b>
<b>Lot Size – Unsewered Areas (sq ft unless noted)</b>				
Riparian Lots	20,000	40,000	90,000	30,000
Non-Riparian Lots	40,000	40,000	90,000	40,000
Commercial Shoreland <sup>31</sup>	Not allowed	Not allowed	Not allowed	Not allowed
<b>Minimum Buildable Area – Unsewered Areas (sq ft unless noted)</b>				
Riparian Lots	7,400	17,400	17,400	17,400
Non-Riparian Lots	17,400	17,400	17,400	17,400
<b>Lot Size – Sewered Areas (sq ft unless noted)</b>				
Riparian Lots	20,000	40,000	70,000	30,000
Non-Riparian Lots	20,000	40,000	70,000	40,000
Commercial Shoreland <sup>32</sup>	1 acre	1 acre	1 acre	1 acre
<b>Minimum Buildable Area – Sewered Areas (sq ft unless noted)</b>				
Riparian Lots	7,400	7,400	7,400	7,400
Non-Riparian Lots	7,400	7,400	7,400	7,400
Commercial Shoreland <sup>33</sup>	17,400	17,400	17,400	17,400
<b>Lot Width</b>				
Unsewered – Riparian	100	150	300	100
Unsewered - Non-Riparian	150	150	300	100
Sewered	100	150	300	100
Commercial Shoreland <sup>34</sup>	100	150	300	100
<b>Lot Depth – (ft)</b>	150	150	150	150
<b>Maximum Lot Coverage – Impervious Surfaces</b>	25%	25%	20%	20%
<b>Height (ft)</b>				
Agricultural buildings	25	25	25	25
Other Structures	25	25	25	25
<b>Setback from Road Right-of-Way or Easement</b>				
Federal Road	50	50	50	50
State Road	50	50	50	50
County Road – Urban	-	-	-	-
County Road – Rural	-	-	-	-
Township Road	32	32	32	32
Cartway, Alley, Avenue, Private accesses serving more than two parcels	32	32	32	32

<sup>31</sup> Added 7/2/2007 (Resolution #07-09)

<sup>32</sup> Added 7/2/2007 (Resolution #07-09)

<sup>33</sup> Added 7/2/2007 (Resolution #07-09)

<sup>34</sup> Added 7/2/2007 (Resolution #07-09)

and other roads				
<b>Setback from Public Road Centerline<sup>35</sup></b>				
Federal Road	-	-	-	-
State Road	-	-	-	-
County Road – Urban	75	75	75	75
County Road – Rural	100	100	100	100
Township Road	65	65	65	65
Cartway, Alley, Avenue, Private accesses serving more than two parcels and other roads	48	48	48	48
<b>Side Yard Setback</b>				
Lot existence prior to August 9, 1966	6 ft (3 ft to eaves)	6 ft (3 ft to eaves)	6 ft (3 ft to eaves)	6 ft (3 ft to eaves)
Lot existence on or after August 9, 1966	10 ft (5 ft to eaves)	10 ft (5 ft to eaves)	10 ft (5 ft to eaves)	10 ft (5 ft to eaves)
<b>Rear Yard Setback</b>				
Dwellings	25	25	25	25
Commercial/Industrial buildings	25	25	25	25
Livestock buildings	-	-	-	-
Ag/Accessory buildings	10	10	10	10
<b>Lake and River Setback – Buildings/Structures</b>				
Lake sewered prior to Jan 2001 <sup>36</sup>	50	75	150	50
Lake sewered on or after Jan 2001 <sup>37</sup>	75	100	150	50
Unsewered	75	100	150	100
<b>Lake and River Setback – ISTS System</b>	75	75	150	75
<b>Building Setback from Wetlands</b>				
Protected	50	50	50	50
All Other Wetlands	25	25	50	25
<b>Sewage Treatment System Setback from Wetlands</b>	50	50	50	50
<b>Structure Setback from Bluff (feet)</b>	30	30	30	30

<sup>35</sup> Center Line setback shall not apply in cases where the adjacent road is in a platted right-of-way of at least sixty-six (66) feet in width and the right-of-way has not been identified in official government documents for future expansion beyond a sixty-six (66) foot right-of-way. If any portion of an existing road is located outside of a right-of-way, regardless of the width of the right-of-way, the right-of-way setback shall apply as measured from the edge of the traveled road surface or the actual right-of-way, whichever is more restrictive.

<sup>36</sup> Lakes Burgen, Geneva, Le Homme Dieu and Victoria were sewered prior to Jan 2001. All properties on these lakes shall be considered “sewered” for the purposes of this regulation, regardless of whether they were actually served with a sewer line prior to January 2001. (Amended 3/21/2011 – Resolution #11-02)

<sup>37</sup> Any lake other than Burgen, Geneva, Le Homme Dieu and Victoria.

6. Other Requirements and Regulations

- a. Bluff Impact Zone. Buildings and accessory facilities, except stairways, landings and those items regulated by shoreland alteration permits, must not be placed within this designated area.
- b. Shore Impact Zone. Buildings and accessory facilities, except stairways, landings and those items regulated by shoreland alteration permits must not be placed within this designated area.
- c. Multiple Setbacks. When more than one setback applies to a site, buildings and facilities must be located to meet all setbacks. Where principal buildings exist on the adjoining lots on both sides of a proposed building site, building setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
- d. Fences.<sup>38</sup> Fences shall be regulated as per section V.Z.
- e. Overlapping Zoning Classifications in Shoreland Districts. In the event that different zoning classifications in shoreland districts overlap, riparian lots will be regulated according to the lake upon which they have frontage. All other parcels and land uses will be governed by the most restrictive classification.
- f. General Regulations. Additional requirements are set forth in Section V, Performance Standards.

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<sup>38</sup> Amended 9/20/2021 (Resolution #21-01)

## SECTION IV. PLANNED UNIT DEVELOPMENT

### A. PURPOSE.

The purpose of a planned unit development is to enable imaginative and creative land uses which emphasizes flexibility, open space and the preservation of unique or sensitive features of the property. The customary one lot - one building requirement is altered in an effort to accomplish the following:

1. To encourage a more creative and efficient approach to the use of land than the traditional “lot-block” style of development that allows for variety in the types of developments available to the residents of the Township. Planned Unit Developments are to be characterized by integrated site planning that may involve aspects of landscape design, building architecture, common use of structures and facilities, mixing of complementary land uses, clustering of dwelling lots and buildings or through other means. Planned Unit Developments are not intended simply as a means to increase densities or otherwise vary standard zoning regulations or land use planning principles, but to allow for greater flexibility in the design of developments that achieves the intent of the Comprehensive Plan or serves a public purpose in ways that other development styles may not.
2. To create open spaces and conserve unique or sensitive features of the property by preserving or minimizing the disturbance or alteration of areas with unique natural or cultural value. These may include hills and ridges, streams, 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 structures and features, and other sensitive or unique aspects of the property.
3. To create opportunities for greater efficiency in the provision and long-term maintenance of water and sewer facilities, streets and roads, parking areas, and other similar infrastructure or facilities by reducing the amount of land that is altered, disturbed or otherwise changed to accommodate the development.

### B. APPLICATION.

All planned unit developments shall comply with all requirements of this Ordinance.

#### 1. Pre-application Meeting.

Prior to the submission of any plat for consideration to the Planning Advisory Commission under the provisions of this Ordinance, the developer/applicant shall meet with the Zoning Administrator to describe the proposed project and be made aware of applicable regulations or guidelines.

2. Application.

The developer/applicant shall file a plat for residential PUDs and plans for commercial PUDs to the Zoning Administrator for consideration by the Planning Commission.

C. ZONING USE DISTRICT REGULATIONS

1. Shoreland District.

A planned unit development may be allowed in a shoreland district provided a conditional use permit has been approved by the Township. Developments must contain a tract of land 2.5 acres or larger and have a minimum of three hundred (300) feet of shoreline for riparian property or a minimum lot width of three hundred (300) feet for non-riparian property.

a. Residential and Commercial Planned Unit Development Density.

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine development density:

(1.) Site "suitable area" evaluation.

(a.) Planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/site density evaluation.

i. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

<b>Shoreland Tier Dimensions</b>		
	<b>Unsewered (feet)</b>	<b>Sewered (feet)</b>
<b>General Development Lakes - First Tier</b>	200	200
<b>General Development Lakes - Second and Additional Tiers</b>	267	200
<b>Recreational Development Lakes</b>	267	267
<b>Natural Environment Lakes</b>	400	320
<b>River Classifications</b>	300	300

- ii. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.
- iii. If any tier, or portion of a tier, is inaccessible by passenger vehicle without creating an access drive, road, or bridge through or across a bluff, wetland, public water or other environmentally sensitive feature, the Planning Commission may find that those inaccessible tiers or portions of tiers are unsuitable for the construction of dwelling units or sites. The subdivider may be allowed to create walk-in tent sites or recreational areas within such tiers or portions of tiers, or may be allowed to transfer the dwelling units or sites that would have been allowed to accessible tiers further from the waterbody provided that the open space and other requirements of this Ordinance are met. Access to such areas shall be by means that minimize the disturbance or alteration of the sensitive environmental feature, such as stairways, floating walkways or other such minimal improvements.

(2.) Residential and Commercial PUD Density Evaluation.

The procedures for determining the "base" density of a PUD are as follows: (Allowable densities may be transferred from any tier to any other tier further from the waterbody, provided that the receiving area is suitable for and able to accommodate the additional units consistent with the intent of this Ordinance. Density transfers must not be transferred to any other tier that is closer to the waterbody.)

(a.) Residential PUD "Base" Density Evaluation:

- i. The suitable area within each tier is divided by the single residential lot size standard for the relevant lake or river classification (Tier 1 shall be divided by the riparian lot size standard and all other tiers shall be divided by the non-riparian lot size standard). If any tier is within two or more classifications, the more restrictive lot size standard shall apply.

- ii. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density and suitability analyses herein and the design criteria in Section IV.D.2.b.

(b.) Commercial PUD "Base" Density Evaluation:

- i. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
- ii. Select the appropriate floor area ratio from the following table (if any tier is within two or more classifications, the more restrictive floor area ratio shall apply.):

Commercial Planned Unit Development

Floor Area Ratio

Public Waters Classes

*Average unit floor area (sq. ft.)	Sewered general development lakes; first tier on unsewered general development lakes; agricultural, tributary river segments		Second and additional tiers on unsewered general development lakes; recreational development lakes; transition river segments		Natural environment lakes
200	.040		.020		.010
300	.048		.024		.012
400	.056		.028		.014
500	.065		.032		.016
600	.072		.038		.019
700	.082		.042		.021
800	.091		.046		.023
900	.099		.050		.025
1,000	.108		.054		.027
1,100	.116		.058		.029

1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

\*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- iii. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- iv. Divide the total floor area by tier computed in Item iii above by the average inside living area size determined in Item i. above. This yields a base number of dwelling units and sites for each tier.
- v. Proposed locations and number of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section IV.D.2.b.

### (3.) Density Increase Multipliers.

- (a.) Increases to the dwelling unit or site base densities previously determined are allowable if the standards in Section IV are met or exceeded and the design criteria in Section IV.D.2.b. are satisfied. The allowable density increases listed below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the Township and the setback is at least 25 percent greater than the minimum setback. All fractional numbers are rounded to the lowest whole number to determine the allowable dwelling unit or site base density per tier.

#### i. Residential PUD Density Increase Multipliers:

<u>Density Evaluation</u> <u>Tier</u>	<u>Maximum Density Increase</u> <u>Within Each Tier</u> (Percent) (Multiplier)
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First	25	1.25
Second	50	1.50
Third and Beyond	100	2.00

ii. Commercial PUD Density Increase Multipliers:

<u>Density Evaluation Tier</u>	<u>Maximum Density Increase Within Each Tier</u>	
	(Percent)	(Multiplier)
First	50	1.50
Second	100	2.00
Third and Beyond	200	3.00

iii. Existing Commercial PUD Density Increase Multipliers: (Those operations in existence as of the adoption of the ordinance revision dated, April 6, 2005.)

<u>Density Evaluation Tier</u>	<u>Maximum Density Increase Within Each Tier</u>	
	(Percent)	(Multiplier)
First	50	1.50
Second	100	2.00
Third and Beyond	200	3.00

(4.) PUD Crowding Indicator Evaluation and Lake Frontage.

(a.) Crowding Indicator.

During consideration of applications for commercial and residential planned unit developments, particular attention shall be paid to the crowding of the lake. The crowding indicator is defined as the total acres of water divided by the total sum of potential riparian lot development around the entire lake plus the number of potential units within the planned unit developments, as shown in the following formula:

$$\text{Crowding Indicator} = \frac{\text{Total Acres of Water}}{(\text{Total Feet of Shoreline/Min. Single Residential Riparian Lot Width}) + \text{number of dwelling units/sites proposed within the PUD}}$$

Applications for conditional use permits for commercial planned unit development may be legitimately denied if the crowding indicator is less than:

- 2.5 acres on a General Development Lake
- 3.0 acres on a Recreational Development Lake
- 3.5 acres on a Natural Environment Lake

(b.) Lake Frontage.

Commercial planned unit developments adjacent to a lake must have sufficient lake frontage per unit as follows:

	Minimum Lake Frontage (feet)		
	GDS	RDS	NES
Manufactured Home	25	37.5	50
Recreational Equipment	8	12	16
Small Resort Cabin	25	37.5	50
Large Resort Cabin	50	75	100

(5). Placement of Dwelling Units, Structures and Other Improvements.

(a.) Dwelling units or sites, structures and other improvements shall only be allowed within the suitable area of each tier.

(b.) If unique or important resources or features exist or are likely to exist on or adjacent to the project site (in addition to those features subtracted during the suitable area analysis), such as historical sites, significant wildlife habitat, rare or endangered plant or animal species, shallow water table, bedrock outcroppings, gravel resources, agriculturally important soils, public hunting areas or others, the Planning Commission may prohibit, or require that the subdivider minimize, the placement of structures, roads or other improvements in or near these areas to protect their historic, cultural or environmental significance.

b. Existing Resort Conversions To Residential Planned Unit Developments.

The conversion of a resort to a residential planned unit development often reduces lake usage. Many existing resorts are nonconforming and contain resort facility deficiencies. The conversion of resorts are often supported by neighboring property owners and may be allowed provided a conditional use permit has been approved by the Township. In resort conversions units must remain the same type of use that was initially allowed, cabins must remain cabin sites and recreational vehicles must remain recreational vehicle sites. Resort conversions are subject to the following standards and additional standards may be required by the Town Board if deemed necessary for health, safety and welfare purposes:

(1.) Resort conversions must be initially evaluated using the same procedures for residential planned unit developments. Inconsistencies

between existing features of the development and these standards must be identified. Resort conversions are exempt from the conventional minimum land tract requirement of 2.5 acres and three hundred (300) feet of shoreline.

- (2.) Resort conversions with density deficiencies that exceed standards in Section IV.C.1.a. shall remove one (1) unit for every three (3) of the units exceeding density standards, with the odd number of units rounded to the nearest multiple of three (3). Therefore, removal would be as follows and continues in multiples of three (3) with removal of one (1) additional unit:

1 through 4 units - remove 1  
5 through 7 units - remove 2  
8 through 10 units - remove 3  
11 through 13 units - remove 4  
14 through 16 units - remove 5  
17 through 19 units - remove 6  
20 through 22 units - remove 7  
23-through 25 units - remove 8  
26 through 28 units - remove 9  
29 through 31 units - remove 10

The Town Board shall have the authority to determine which units are to be removed based on the following considerations:

- Size, age and condition of the units.
- Inadequate building setbacks from road, lake, wetland or side property line.
- Buildings fronting the lake are minimized.

All further resort density deficiencies may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future.

- (3.) Resort conversions with deficiencies involving water supply, sewage treatment, impervious coverage, open space and shore recreational facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- (4.) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

- (a.) Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
  - (b.) Remedial measures to correct erosion sites, improve vegetative cover and screening of buildings and other facilities as viewed from the water.
  - (b.) If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- (5.) Planned unit developments shall have adequate parking and storage for all units. At a minimum, each unit within the development shall be provided two (2) parking spaces
- (6.) The entire land area of the resort must be included in the planned unit development unless new planned unit development guidelines can be met.
- c. Improvements on existing resorts and residential PUD's that have received a conditional use permit for a resort conversion.

Resorts and resorts converted to Residential Planned Unit Developments are important to our local economy and tourism is an industry that needs to be maintained; it is with this understanding that existing resorts shall be able to be improved, without increasing the number of dwelling units or bedrooms, provided the following items can be met.

- 1. Impervious surface requirements will need to be proven and met in accordance with this Ordinance.
- 2. Open space requirements must be proven and met in accordance with this Ordinance.
- 3. Replacements and improvements, including additions may be made to existing units provided that the improvements meet the non PUD structure setbacks of the appropriate Residential Shoreland District.

## 2. Other Zoning Districts (UR, C-U, C-R, I)<sup>39</sup>

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<sup>39</sup> Amended 5/21/2007 (Resolution #07-06) and Amended 7/2/2007 (Resolution #07-09)

A planned unit development may be allowed in the UR, C-U, C-R and I districts, provided a conditional use permit has been approved by the Town Board. Developments must contain a tract of land 2.5 acres or larger and have a minimum lot width of three hundred (300) feet.

Three types of planned unit developments are established:

- i. Single-family PUDs, comprising detached dwelling units on individual lots; the necessary streets and other public and/or private rights-of-way to serve such dwelling units; and any appurtenant common open space, recreational facilities or other areas or facilities. Proposals for single-family PUDs are allowed in the Urban Residential district.
- ii. Multi-family PUDs, comprising attached dwelling units, detached dwelling units not on individual lots, the necessary streets and other public and/or private rights-of-way to serve such dwelling units; and any appurtenant open space, recreational facilities or other areas or facilities. Proposals for multi-family PUDs are allowed in the Urban Residential
- iii. Non-residential PUDs, comprising retail, office, service or industrial buildings, or any combination thereof, the necessary streets and other public and/or private rights-of-way to serve such uses, and any appurtenant common open space, recreational facilities or other areas or facilities. Proposals for non-residential PUDs area allowed in the Urban Residential, Commercial –Urban, Commercial –Rural and Light Industrial districts.

A PUD may comprise of combinations of the above types, subject to compliance with the use regulations of the zone in which the PUD is proposed to be located.

- b. Single-Family, Multi-Family and Non-Residential Planned Unit Development Density  
Planned unit developments must be evaluated using the following procedures and standards to determine development density:

(1.) Site "Suitable Area" Evaluation.

- (a.) Planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/site density evaluation.
  - i. The project parcel must first calculate the total area covered by wetlands and bluffs and subtract this from the total area of the property.
  - ii. If any portion of the property is inaccessible by passenger vehicle without creating an access drive, road, or bridge through or across a bluff, wetland, public water or other environmentally sensitive feature, the Planning Commission may find that those inaccessible tiers or portions of tiers are unsuitable for inclusion in the developed area of the PUD and may

exclude this area, or a percentage of the area, from the calculation of allowable density. If such areas are to be used for open space, recreational or other non-detrimental purposes, access to such areas shall be by means that minimize the disturbance or alteration of the sensitive environmental feature, such as stairways, floating walkways or other such minimal improvements.

- ii. This suitable area and the proposed project are then subjected to the development density evaluation steps to arrive at an allowable number of dwelling units or sites.

(2.) Single-Family, Multi-Family and Non-Residential PUD Density Evaluation.

The procedures for determining the "Base" density of a planned unit development are as follows:

(a.) Single-family and Multi-family PUD "Base" Density Evaluation:

- i. The suitable area within the development is divided by the single residential lot size standard for the relevant zoning classification (if in a commercial or industrial district, the single residential lot size standard for the Urban Residential district shall apply). If the development includes land within two or more classifications, a density evaluation shall be separately conducted for each classification. If a building or unit is to be constructed across two or more zoning classifications, the building or unit and the land on which it sits shall be subject to the more restrictive classification.
- ii. Proposed locations and number of dwelling units for the planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section IV.D.2.b.

(b.) Non-residential PUD Density Evaluation:

- i. Non-residential PUDs are not subject to a density limitation, except as may occur from limitations on impervious surface coverage or other requirements of this Ordinance.

(3.) Density Increase Multipliers.

- (a.) Increases to the dwelling unit base densities previously determined for a single- or multi-family PUD are allowable in the UR district if the standards in Section III are met or exceeded and the design criteria in Section IV.D.2.b. are satisfied. The maximum increase is 20 percent above the base density. Fractional numbers shall be rounded down to the nearest whole number when calculating allowable density bonus.

(4.) Placement of Dwelling Units, Structures and Other Improvements.

- (a.) Dwelling units or sites, structures and other improvements shall only be allowed within the suitable area of the development.

- (b.) If unique or important resources or features exist or are likely to exist on or adjacent to the project site (in addition to those features subtracted during the suitable area analysis), such as historical sites, significant wildlife habitat, rare or endangered plant or animal species, shallow water table, bedrock outcroppings, gravel resources, agriculturally important soils, public hunting areas or others, the Planning Commission may prohibit, or require that the subdivider minimize, the placement of structures, roads or other improvements in or near these areas to protect their historic, cultural or environmental significance.

D. REQUIREMENTS AND REGULATIONS.

1. Building setback requirements and regulations footprints of PUD must meet setbacks.

		Planned Unit Development	
		Residential	Commercial
		<u>(Feet)</u>	<u>(Feet)</u>
a.	Residential Shoreland District.		
(1.)	Height	25	25
(2.)	Roads		
(a.)	Federal and State Right-of-Way	50	50
(b.)	Urban County -Right-of-Way	50	50
(c.)	Rural County - Right-of-Way	50	50
(d.)	Township - Right-of-Way	32	32
(3.)	Side Yard	50	50*
(4.)	Rear Yard		
(a.)	Riparian		



	i.	Gen Dev	115	115
	ii.	Rec Dev	150	150
	iii.	Nat Env	225	225
	iv.	Top of Bluff	30	30
(b.)		Nonriparian		
	i.	Rear Yard	50	50

(5.)	Wetland.		
(a.)	Protected Wetland		
i.	Unsewered	50	50
ii.	Sewered	50	50
(b.)	All Other Wetlands		
i.	Unsewered	25	25
ii.	Sewered	25	25

b. Other Zoning Districts<sup>40</sup>

(1.)	Height	35	35
(2.)	Roads		
(a.)	Federal and State		
	Right-of-Way	50	50
(b.)	Urban County- Right-of-Way	50	50
(c.)	Rural County- Right-of-Way	50	50
(d.)	Township - Right-of-Way	32	32

		Planned Unit Development	
		Single-Family	Multi-Family and Non-Residential
		<u>(Feet)</u>	<u>(Feet)</u>
(3.)	Side Yard (external boundary)	50	50*
(4.)	Rear Yard (external boundary)	50	50*
(5.)	Wetland		
(a.)	Protected Wetland		
i.	Unsewered	50	50
ii.	Sewered	50	50
(b.)	All Other Wetlands		
i.	Unsewered	25	25
ii.	Sewered	25	25

\*There shall be a buffer between a commercial (RS district), multi-family or non-residential planned unit development and adjacent properties. The type of buffer is to be determined by the Township. In a commercial or industrial district, the buffer requirements shall only be waived for those portions of the lot abutting another commercial or industrial zoned property; in addition the minimum side and rear yard setbacks may be reduced to setbacks consistent with non-PUD developments for those portions of the lot abutting another commercial or industrial zoned property.

<sup>40</sup> Amended 5/21/2007 (Resolution #07-06)

2. General Requirements and Regulations.<sup>41</sup>

a. Maintenance and Design Criteria.

(1.) Maintenance and Administration Requirements.

- (a.) Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- (b.) Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
  - i. Commercial uses prohibited (for residential PUDs).
  - ii. Vegetation and topographic alterations other than routine maintenance prohibited.
  - iii. Construction of additional buildings or storage of vehicles and other materials prohibited.
  - iv. Uncontrolled beaching of watercraft prohibited.
- (c.) Development Organization and Functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
  - i. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
  - ii. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
  - iii. Assessments must be adjustable to accommodate changing conditions.

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<sup>41</sup> Amended 5/21/2007 (Resolution #07-06)

- iv. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(2.) Open Space Requirements.

Planned unit developments must contain open space meeting all of the following criteria:

- (a.) For residential and commercial (shoreland) and single-family (non-shoreland) PUDs, at least fifty (50) percent of each tier (where applicable), and of the total project area must be permanently preserved as common open space. At least thirty-three (33) percent of the common open space shall be retained in a contiguous area and at least fifty (50) percent of the common open space must be upland. The Township shall consider whether the proposed open space meets the purpose and intent of this Ordinance and shall require amended plans if it finds that it does not.<sup>42</sup>

For multi-family and non-residential PUDs (non-shoreland), at least twenty-five (25) percent of the total project areas must be permanently preserved as common open space. Such open space shall be contiguous as much as possible and must be approved by the Township, which shall consider whether the space meets the purpose and intent of this Ordinance.<sup>43</sup>

- (b.) All land within 25 feet of any structure and any road right-of-ways or public road easements shall not be included in the computation of common open space. A ten (10) foot buffer, which cannot be considered open space, must be placed around all existing and proposed impervious surfaces.<sup>44</sup>
- (c.) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
- (d.) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites by guests staying in commercial dwelling units or sites and by the general public. Open space must not include commercial facilities or uses.

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<sup>42</sup> Amended 12/17/2007 (Resolution #07-20)

<sup>43</sup> Amended 5/21/2007 (Resolution #07-06)

<sup>44</sup> Amended 12/17/2007 (Resolution #07-20); Amended 12/15/08 (Resolution #08-16)

- (e.) Open space may include sub-surface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- (f.) The appearance of open space areas, including topography, vegetation and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
- (g.) The shore impact zone, based on normal structure setbacks, must be included as open space. At least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural or existing state.

(3.) Erosion Control and Storm Water Management.

Erosion control and storm water management plans must be developed in accordance with this Ordinance, the Alexandria Township Storm Water Management Ordinance<sup>45</sup> and the PUD must:

- (a.) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district or a professional engineer may be required if project size and site physical characteristics warrant.
- (b.) Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff and prevent flood or other storm water-related damage to property on- or off-site. Impervious surface coverage of the development must not exceed 25%. Impervious surface coverage of the first tier must not exceed 25%. The first tier of commercial PUD's on general development lakes may be allowed 35% impervious surface coverage with an approved stormwater management plan and consistency with Section V.L.2.

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<sup>45</sup> Amended 5/21/2007 (Resolution #07-06)

(4.) Centralization and Design of Facilities.

Centralization and design of facilities and structures must be done according to the following standards:

- (a.) Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards of the Minnesota Department of Health and Minnesota Individual Sewage Treatment System (Minnesota Rules Chapter 7080). On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- (b.) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Residential planned unit developments must maintain a minimum of eighteen (18) feet of open air space between units.
- (c.) Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). A controlled access lot to serve those units outside of the first tier may be requested and any such request must be noted on the conditional use permit application and shown on the preliminary plat. Controlled access lots within planned unit developments must be double the overall square footage requirement of a standard lot and must have double the minimum lot width requirement for a standard lot within the zoning district in which the property is located. A controlled access lot within a planned unit development may contain up to four (4) mooring sites that will be in addition to any mooring sites granted to first tier units. Additional mooring sites may be granted if the controlled

access lot is enlarged in accordance with the dimension and frontage requirements found in Section V.L.9.a.(2.). Notwithstanding the above paragraph, the number and location of docks and/or mooring sites may be limited by the Township Board after consideration of the relevant factors listed above.

- (d.) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- (e.) Accessory structures and facilities must meet the required principal structure setback and must be centralized.

(5.) Street and Access Requirements<sup>46</sup>

- (a.) For all residential and commercial (shoreland) and single-family (non-shoreland) PUDs, a Public Road (Street) right-of-way must be dedicated and must serve all new lots within the proposed subdivision and must connect to an existing public road. Road construction standards shall be the same as those for any other subdivision, as described in the Alexandria Township Subdivision Ordinance or other applicable Township standards.
- (b.) For multi-family and non-residential PUDs (non-shoreland), a public road (street) right-of-way need not be dedicated within the development provided that the applicant shows how adequate traffic flow will be provided and provides evidence of how adequate legal access to all separate tax parcels and units within the development will be provided. All separate tax parcels and units must have legal access to an existing public road of sufficient design and capacity to accommodate the traffic created by the development. All parking and driving areas must be constructed to the road construction standards of a public road, unless otherwise approved by the Town Board.
- (c.) Where a proposed plat adjoins a principle or minor arterial or major collector (as identified in the Douglas County Comprehensive Plan or official Township document), the Township Board may require the developer to provide an

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<sup>46</sup> Amended 5/21/2007 (Resolution #07-06)

access street (frontage or backage road) or they may require that lots back on the thoroughfare, in which case vehicular and pedestrian access between the lots and thoroughfare shall be prohibited and shall be obtained from an alternative existing public road or road right-of-way dedicated by the applicant.

3. Presentation Requirements for all PUDS.

a. Preparation.

- (1.) The preliminary plat must be prepared by a Minnesota licensed land surveyor.
- (2.) The preliminary plat must include a density study.
- (3.) All preliminary plats must show the footprints of all structures to be built including accessory structures.

b. Scale.

- (1.) Plats shall be submitted at a true engineering scale no less than one (1 inch equals two hundred (200) feet.

c. Plat Legend.

- (1.) Proposed name of the subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat recorded in the County.
- (2.) Location by section, township, range or by other identifying description including township name, lake name and number.
- (3.) Names and addresses of the fee title owner, subdivider and surveyor.
- (4.) Zoning district: existing and proposed (if requested).
- (5.) Floodplain.
- (6.) Easements.
- (7.) Articles of Incorporation, Association Bylaws and Declaration of Covenants.
- (8.) Watersource.
- (9.) Sewage treatment.



- (10.) School district.
  - (11.) Telephone company.
  - (12.) Power company.
  - (13.) Fire district.
  - (14.) Soil type.
  - (15.) Soil percolation test data, if the development will not be served by public sanitary sewer service.<sup>47</sup> One (1) percolation test shall be performed for every five hundred (500) square feet of buildable area within a tier.
  - (16.) Date of preparation.
- d. Existing Conditions in Tract and in Surrounding Area to a Distance of Three Hundred (300) Feet.
- (1.) Boundary line of proposed subdivision clearly indicated.
  - (2.) Total acreage.
  - (3.) Platted streets, rights-of-way, utility and other easements.
  - (4.) Boundary lines and ownership of adjoining land.
  - (5.) Sewers, wells, water mains, culverts, utilities or other underground facilities.
  - (6.) Buildings and structures.
  - (7.) Topography showing a lake, wetland, reservoir, watercourse or flowage; bluffs and steep slopes; and the one hundred (100) year floodplain (if applicable). Topography for the entire land area shall be shown in two (2) foot contour intervals.
  - (8.) The ordinary high water level (if established by the DNR) shall be shown.
  - (9.) Historic sites.
- e. Subdivision Design Features.

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<sup>47</sup> Amended 5/21/2007 (Resolution #07-06)

- (1.) A conceptual drawing depicting the number and location of lots, which would be allowed if no regulations were modified under this section.<sup>48</sup>
- (2.) Layout and width of proposed streets and utility easements showing lake setback boundaries, buffer zone boundaries, lot boundaries, dedicated roads, parking and internal traffic circulation areas<sup>49</sup> and proposed location of sewage system with alternate location, if applicable.
- (3.) Preliminary street grades and drainage plans shall be shown on a copy of the contour map.
- (4.) Graphic scale.
- (5.) North point.
- (6.) A line or contour representing the ordinary high water level (if determined by the DNR), the toe and top of a bluff and the minimum building setback for the bluff and lake, wetland, reservoir, watercourse or flowage if the subdivision is on a riparian lot.

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<sup>48</sup> Amended 5/21/2007 (Resolution #07-06)

<sup>49</sup> Amended 5/21/2007 (Resolution #07-06)

## SECTION V. PERFORMANCE STANDARDS

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that may cause a blight or are detrimental to the environment. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated.

Before any land use permit is approved, the Zoning Administrator, or a representative thereof, shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal, and type and location of exterior storage.

### A. SIGNS<sup>50</sup>

1. Findings, Purpose, and Intent.
  - a. Findings. 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 Township in order to protect and promote the public health, safety, and welfare.
  - b. Maintain, enhance, and improve the aesthetic environment of the Township by preventing visual clutter that is harmful to the appearance of the community.
  - c. Improve the visual appearance of the Township while providing for effective means of communication, consistent with constitutional guarantees and the 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.

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<sup>50</sup> Entire section replaced 8/4/2014 (Resolution #14-02). Amendments throughout adopted on 12/7/2020 (Resolution #20-04).

- 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 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.

**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-premises 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-premises sign.

**On-Premises 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-premises sign.

**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 Township. 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 be counted against the maximum square footage of signage allowed per parcel. 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 size, height, location and other 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; or provided that the replacement sign is consistent with a previously issued permit, unless such sign has been deemed abandoned.
  - b. Individual signs not exceeding one (1) square foot in size.
  - c. Up to three (3) unilluminated signs per parcel which are each six (6) square feet or less in size.
  - d. Signs which are:
    - (1.) Located no closer than seventy-five (75) feet to the edge or curb of any traveled road surface; and
    - (2.) Not greater in size than six (6) square feet with any letters or numbers not greater than three (3) inches in height.
  - e. **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.
  - f. **Integral Signs:** Signs of any size carved into stone, concrete or similar material and an integral part of the structure and not larger than 32 square feet.
  - g. **Certain Signs Attached to Non-Building Structures:** Signs up to two (2) square feet in size which are made of bronze, aluminum, plastic, wood or other permanent type construction and which are attached to a non-building structure and do not exceed the height of the structure.
  - h. **Private Traffic Direction Signs:** Signs directing traffic movement onto a premises or within a premises, not exceeding eight (8) square feet in area for each sign.
  - i. 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.

- j. Roof signs, Painted
- k. 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.
- l. Temporary signs listed elsewhere in this Ordinance.
- m. Any signs which are required to be posted by state or federal law.

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 Township'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 or exempted 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.
- i. Signs which are prohibited by Alexandria Township Ordinance No. 112 (Adult Entertainment Uses and Establishments Ordinance), or successor ordinance.
- j. Any sign which is prohibited by other local, state or federal law.



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.
  - b. The following shall be considered temporary signs:
    - (1.) One (1) sign, up to the maximum size allowed in the relevant zoning district, per subdivision or development which has undeveloped lots actively listed for sale, except where such subdivision or development fronts more than one (1) public road, it may have one sign per public road frontage.
    - (2.) Up to one (1) portable sign, up to thirty-two (32) square feet in size, shall be considered a temporary sign when located on a property for no more than fourteen (14) days in any ninety (90) day period.
    - (3.) All 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, or when otherwise exempted from local sign ordinances by state law during election season, as defined by the state.
  - c. Temporary signs that have not been removed within the specified period may be ordered removed by the Township, unless permitted as a permanent sign, where allowed.
8. General Provisions.
  - a. On-Premises/Off-Premises signs. Except where specifically noted otherwise, all non-exempt signs referred to in this Ordinance shall be regulated without regard as to whether the sign has an on-premises or off-premises message.
  - b. Spacing. Signs located within twenty-five (25) feet of any other sign may be considered one (1) 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 (1) sign, as determined by the Township.
  - c. Setbacks. All sign setbacks as required by this Ordinance shall be measured to the furthest horizontal extent of the sign.
    - (1.) Side and rear yard minimum setbacks, in all zoning districts shall be ten (10) feet or 110% the height of the sign, whichever is greater.
    - (2.) Public road and railroad minimum setbacks, in all zoning districts, shall be at least two (2) feet from the right-of-way or 110% the height of the sign from the edge of the road surface, whichever is greater.

- (3.) Ordinary high water level (lake or river) minimum setbacks shall be no less than 50% of the minimum structure setback applicable to a dwelling.
- d. Height. All 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<sup>51</sup> – 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.
  - (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.

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<sup>51</sup> Amended 8/21/2017 (Resolution #17-03)

- (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 Township that it is not complying with the standards of this Ordinance.
- (9.) Messages displayed on electronic changeable copy signs may not be of an off-premises commercial nature.
- (10.) Electronic changeable copy signs must be turned off between 10 p.m. and 5 a.m., unless otherwise permitted by conditional use permit.
- 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 six (6) inches in height (capital letters) and four and one-half (4.5) inches in height (lowercase letters). This requirement shall not apply to signs identified in Section 5 (Exemptions) or Section 7 (Temporary Signs), above.
- 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, when not otherwise exempted by this Ordinance.
  - (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 located on the same property as a

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) Freestanding signs up to sixteen (16) square feet in size and up to eight (8) feet in height that is located on the same property as an allowed or permitted business.
- (c) 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-premises 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.) Illumination

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

b. Rural Residential District

(1.) Signs requiring an administrative permit, when not otherwise exempted by this Ordinance.

- (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 located on the same property as a 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) and up to forty-eight (48) square feet in size
- (b) Freestanding signs up to sixteen (16) square feet in size and up to fifteen (15) feet in height that is located on the same property as an allowed or permitted business.
- (c) Two (2) freestanding, non-exempt signs per parcel.

(3.) Prohibited signs

- (a) Signs larger than forty-eight (48) square feet in size.
- (b) Signs greater than fifteen (15) feet in height above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.
- (c) Off-premises 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.) Illumination

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

c. Rural Conservation Residential District

(1.) Signs requiring an administrative permit, when not otherwise exempted by this Ordinance.

- (a) Wall, projecting or marquee signs between six (6) and forty-eight (48) square feet in size
- (b) Up to one (1) freestanding sign no greater than sixteen (16) square feet in size and eight (8) feet in height that is located on the same property as a 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) Freestanding signs up to thirty-two (32) square feet in size and up to fifteen (15) feet in height, and wall signs greater than sixty-four (64) square feet up to ten percent (10%) of a building façade which faces a street that is located on the same property as an allowed or permitted business.
- (c) Roof signs, Constructed
- (d) More than one (1) freestanding, non-exempt signs per parcel.

(3.) Prohibited signs

- (a) Electronic changeable copy signs
- (b) Signs larger than those allowed as a permitted or conditional use.
- (c) Signs greater than fifteen (15) feet in height above the grade of the adjoining roadway, unless a wall sign placed on a permitted building.

(4.) Illumination

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

d. Rural Commercial/ Urban Commercial / Light Industrial Zones

(1.) Signs requiring an administrative permit, when not otherwise exempted by this Ordinance.

- (a) Wall, projecting or marquee signs between six (6) and sixty-four (64) square feet in size. 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 twenty (20) feet in height except that up to twenty-five (25) feet of height may be allowed when located within one hundred (100) feet of the edge of a roadway with a posted speed of fifty-five (55) miles per hour or higher..
  - ii. Sign B: No greater than sixty-four (64) square feet in size and fifteen (15) feet in height.

(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 greater than sixty-four (64) square feet up to ten percent (10%) of a building façade which faces a street.
- (b) 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.
- (c) Illuminated freestanding signs
- (d) Electronic changeable copy signs
- (e) Non-Temporary Portable signs
- (f) Motion signs
- (g) Inflatable signs
- (h) Roof signs, Constructed
- (i) More than two (2) freestanding signs per parcel.
- (j) Signs with more than two (2) 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) Signs identified in Section 6 of this Ordinance.

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.) Electronic changeable copy signs
  - (3.) Portable signs
  - (4.) Motion signs
  - (5.) Inflatable signs
  - (6.) More than one (1) freestanding signs per parcel.
  - (7.) 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.

## 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 one hundred eighty (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 it is located.

### 13. Inspection, Maintenance, Removal

#### a. Inspection

Any sign for which a permit is required may be inspected periodically by the Township 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 Township 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 Township of its illegal status.



- (3.) If the owner or lessee fails to remove an abandoned or illegally erected sign, the Township 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 Township 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 Township may remove the sign. The Township 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 Township 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.

**B. OUTDOOR STORAGE.**

In all zoning use districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties and/or a public road except for the following: operable equipment for recreational use and equipment being temporarily used on the premises, agricultural equipment and materials if they are used or intended for use on the premises, off-street parking of operable passenger automobiles and pick-up trucks and storage of firewood for home heating.

**C. REFUSE.**

In all zoning use districts, the fee title owner shall be responsible for keeping such land free of the following waste material, debris, discarded or inoperable machinery, and other refuse.

**1. Inoperable Automobiles.**

- a. Any inoperative or unlicensed automobile, truck or other machinery shall be kept in an enclosed building or screened in such a manner as not to be visible from any public road or street or adjacent properties. This provision shall

include but not be limited to auto salvage yards, implement yards and equipment yards.

- b. Any inoperative automobiles, trucks, implements or equipment not so screened shall be deemed abandoned and shall be ordered removed within a specified time by the Zoning Administrator.

## 2. Solid Waste.

- a. The following shall apply to all solid waste generators in any zoning use district established by this Ordinance:

- (1.) All solid waste shall be kept in a closed container until it is delivered to a Township, County or State approved final disposal site.
- (2.) The occupant of all properties shall be responsible for the proper handling of all said waste containers taken to the road, street or alley for pick up by a licensed collector.
- (3.) All solid waste containers shall be placed in the location designated by the licensed collector not more than twelve (12) hours before collections. All containers shall be removed from the pick up location within twelve (12) hours after collection.
- (4.) All generators of solid waste shall be responsible for legally disposing of the material either by directly depositing the material either by directly depositing the material at a licensed facility or by contracting with a licensed collector. No generator of solid waste shall combine solid waste with another generator.
- (5.) The incineration of all solid waste at an unauthorized waste processing facility is prohibited. This includes, but is not limited to “burning barrels.”
- (6.) All incinerated ash will be disposed of in an approved landfill. The transportation and management plan must be approved by the Zoning Administrator.

- b. All demolition material shall be disposed of in an approved demolition landfill or recycled.

## 3. Nuisances.

- a. The following are declared to be nuisances affecting public health or safety:

- (1.) The effluent from any cesspool, septic tank, drainfield or human sewage disposal system discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
- (2.) The pollution (point or nonpoint) of any public well or cistern, stream or lake, canal or body of water by sewage, domestic animal waste runoff, industrial waste or other substances.
- (3.) The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, to be exposed and accessible to the public without removing the doors, lids, hinges or latches, or providing locks to prevent access by the public.

#### D. SCREENING.

Where any business or industry (i.e., building, parking or storage) is located adjacent to property zoned for residential use or where residential housing exists or where it is located adjacent to a public or private institution or park and recreational area, that business or industry shall provide appropriate screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone or residential housing.

The screening required in this section shall consist of earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object. The use of discarded tires is an inappropriate form of screening material.

#### E. PARKING REQUIREMENTS.

##### 1. Minimum Size Regulations

- a. Each space shall contain a minimum area of not less than three hundred thirty-five (335) square feet, a width of not less than nine (9) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by an access drive of at least twenty-six (26) feet in width.

##### 2. Reduction and Use of Parking Space.

- a. On-site parking facilities existing at the effective date of this Ordinance shall not be reduced to an amount less than that required under this Ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance. Such required parking space shall not be used for the storage of goods or for storage of vehicles that are inoperable or for sale or rent.

3. Computing Requirements.

- a. In computing the number of parking spaces required, the following rules shall govern:
  - (1.) Floor space shall mean the gross floor area of the specific use.
  - (2.) When fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
  - (3.) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Zoning Administrator or the Township Planning Commission.

4. Sale of Parking Areas.

- a. Property that constitutes required off-street parking may not be separated through sales or other means from the property containing the principal use for which the parking area is required.

5. Yards.

- a. On-site parking requirements shall not be subject to front, side and rear yard regulations for the district in which parking is located, except that:

In any commercial or industrial district, no parking shall be located within ten (10) feet of any property line that abuts any residential (UR, RR, RCR) or shoreland district.

6. Buffer Fences and Planting Screens.

- a. On-site parking areas near or abutting a residential (UR, RR, RCR) or shoreland district shall be screened by a buffer fence of adequate design or a planting buffer screen. Plans of such screen or fence shall be submitted for approval as part of the site plan, and such fence or landscape shall be installed as a part of the initial construction.

7. Required Number of On-Site Parking Spaces.

- a. On-site parking area of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises for each use. The minimum number of required on-site parking spaces for the following uses shall be as follows:

Land Use	Number of Parking Spaces	Unit Measure
Residential Dwelling Units	2	Unit
Private/Vacation home rental	1	Bedroom
Offices, Service, Research or Testing Uses	1	200 Sq.Ft. Floor Area
Automotive, Trailer or Marine Sales and Service	1	800 Sq.Ft.
Elementary and Junior High Schools	1 +1	Classroom 50 Student Capacity
High School, College, Private and Day and Church Schools	1 +1	7 Students 3 Classrooms
Public or Religious Assembly, Auditoriums or Exhibition Halls	1	4 Seats in Main Area
Automotive Service Stations	4 +2	Service Bay
Bowling Alleys	5	Bowling Lane
Fast Food	1	15 Sq.Ft Service Floor Area
Motel, Hotel	1 +1 +1	Rental Unit Each 10 Units Employee on Shift
Restaurant, Cafe, or Night Clubs	1 +1	40 Sq.Ft. Seating Floor Area 80 Sq.Ft. of Kitchen Area
Retail Sales and Service Establishments	1	200 Sq.Ft. Floor Area
Storage, Wholesale and Warehousing	That space which is solely used as office shall comply with the office use requirements.	
	+1 +1	750 Sq. Ft. Floor Area Company owned Truck (if not stored inside building).
Manufacturing and Processing	1 +1	350 Sq. Ft. Floor Area Company Owned Truck (if not stored inside building).

8. Loading and Unloading Requirements.

- a. Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirement for each use.

F. NONCONFORMITIES.<sup>52</sup>

Within the districts established by this Ordinance or amendments that may later be adopted, there will exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted

<sup>52</sup> Amended 12/17/2007 (Resolution #07-20)

under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue with appropriate restrictions on their operation and maintenance until they are removed or brought into compliance, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as specifically allowed in this Ordinance.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged except in conformance with this Ordinance.

To avoid a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, and upon which actual construction has been diligently carried on the construction may continue. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed actual construction, provided that work shall be diligently carried on until completion of the building involved.

1. Nonconforming Uses of Land.

- a. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1.) No such nonconforming use shall be increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except by conditional or interim<sup>53</sup> use permit. In reviewing said application, the Planning Commission shall recommend denial when the proposed expansion – whether an activity, a structure or an increase in off-site impacts – would likely result in a new or intensified nuisance or threat to public health, safety and welfare. The Planning Commission may impose reasonable conditions to ensure compliance with the above requirement or to reduce or eliminate existing nuisance characteristics or threat(s) to public health, safety and welfare, including the installation and/or construction of fences or buildings exceeding the dimensions otherwise required by the Zoning Ordinance when deemed necessary.
- (2.) If a nonconforming use ceases to be used for a period of twelve (12) consecutive months, or is changed to a conforming use, any subsequent use shall meet the requirements of the zoning use district wherein

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<sup>53</sup> Amended 3/21/2011 (Resolution #11-02)

located.

(3.) A nonconforming use shall not be moved to any other part of its site or to another site where it would still constitute a non-conforming use, except as provided in Section F.1.a.(1.) above.

(4.) An otherwise permissible nonconforming use may be subject to additional restrictions for reasons of public health and safety.

b. This subsection does not apply to recreational equipment as it must be licensed and all provisions of Section V.K. are in full force and effect thirty (30) days from the date of the adoption of this Ordinance by the Alexandria Town Board of Supervisors.

## 2. Nonconforming Structures<sup>54</sup>.

a. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, , including through repair, replacement, restoration, maintenance, or improvement, but not including expansion<sup>55</sup>, unless:

(1.) The nonconformity or occupancy is discontinued for a period or more than one year;

(2.) Any nonconforming structure or use in a non-shoreland district is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.

(3.) Any nonconforming structure or use in the shoreland district with less than 50 percent of the required setback from the ordinary high water level is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or

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<sup>54</sup> Amended 3/21/2011 (Resolution #11-02)

<sup>55</sup> For the purposes of this section, a replaced or reconfigured structure shall not be considered to have expanded if it maintains the same ground coverage or less and does not create a new nonconformity where one didn't exist previously. A roof may be reconfigured to minimally meet building code requirements and/or to create a reasonable pitch to the roof provided no additional living space is created. A structure need not be replaced in exactly the same location provided it is consistent with these restrictions (Amended 3/21/2011 - Resolution #11-02).

water body.

- (4.) No such structure may be enlarged or altered in any way which increases its nonconformity without a variance, except for:
  - a. Additions to nonconforming structures, if such additions standing alone, would meet all setbacks of the Ordinance.
  - b. Additions which comply with the "string line test" as defined in Section VII of this Ordinance and meet the requirements of Section III.D.6.c.
- (5.) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (6.) Notwithstanding the above, any repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in floodplain areas shall be regulated to the extent necessary to maintain eligibility in the National Flood Insurance Program and to not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

3. Nonconforming Uses of Structures.

- a. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - (1.) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located or except as provided in Section F.1.a.(1.) above.
  - (2.) A nonconforming use may be extended throughout a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building except as provided in Section F.1.a.(1.) above.
  - (3.) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use by the Town Board, upon recommendation of the Planning Commission. In permitting such change, the Town Board



may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

- (4.) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (5.) When a nonconforming use of a structure is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (6.) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

5. CONSTRUCTION ON NONCONFORMING LOTS OF RECORD<sup>56</sup>.

- a. Non-Shoreland Areas: Legally created lots of record in the office of the Douglas County Recorder on the date of enactment of the Zoning Ordinance that do not meet the requirements of Section III of this Ordinance and are not located within a shoreland district may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.

If, in a group of two or more contiguous non-shoreland lots under the same ownership, any individual lot does not meet the requirements of Section III of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section III of this Ordinance as much as possible. Husband and/or wife will be considered same ownership.

- b. Shoreland Areas: In shoreland districts, a legal, nonconforming single lot of record in the office of the Douglas County Recorder on the date of enactment of the Zoning Ordinance, in separate ownership from abutting lands at all times since it became substandard, and that does not meet the requirements of Section III of this Ordinance may be allowed as a building site without variances from lot size requirements provided that the use is permitted in the zoning district,

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<sup>56</sup> Amended 3/21/2011 (Resolution #11-02)

all structure and septic setback distance requirements can be met, a Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080 and Alexandria Township regulations can be installed or the lot is connected to a public sewer, and the impervious surface coverage on the lot does not exceed the requirements of the underlying zone.

If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section III of this Ordinance, no lot must be considered as a separate parcel of land for the purposes of sale or development and must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible, unless the lot meets the following requirements:

- (1) The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the underlying zoning district and with the shoreland classification consistent with Minnesota Rules 6120 if located within a shoreland area; and
- (2) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules 7080 and Alexandria Township SSTS regulations; and
- (3) Impervious surface coverage must not exceed the requirements of the underlying zone; and
- (4) Development of the lot must be consistent with the Alexandria Township Comprehensive Plan.

Husband and/or wife will be considered same ownership.

Notwithstanding the above, contiguous nonconforming lots of record under common ownership must be able to be sold or purchased individually if each lot contained a habitable dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules, section 115.55 and Minnesota Rules, Chapter 7080, or connected to a public sewer.

- b. If the structure or septic setback requirements of this Ordinance cannot be met, a variance must be obtained before any use, sewage treatment system, or land use permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- c. A lot not meeting all of the requirements of Section V.F.5.

- d. A subdivision of a nonconforming lot shall not be approved where a later variance from one or more standards in the official controls would be needed to use the lots for their intended purpose.

G. SANITATION.<sup>57</sup>

1. This is a section authorizing and providing for sewage treatment and soil dispersal in unsewered areas of the Township. It establishes:
  - a. Minimum standards for and regulation of individual sewage treatment systems (Individual Sewage Treatment Systems (ISTS) and Mid-sized Subsurface Sewage Treatment Systems (MSTS) (collectively referred to as SSTS) in unsewered incorporated and unincorporated areas of Alexandria Township incorporating by reference minimum standards established by Minnesota Statutes and administrative rules of the Minnesota Pollution Control Agency;
  - b. Requirements for issuing permits for installation, alteration, repair or expansion of SSTS;
  - c. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan;
  - d. Standards for upgrade, repair, replacement, or abandonment of SSTS;
  - e. Penalties for failure to comply with these provisions;
  - f. Provisions for enforcement of these requirements; and
  - g. Standards which promote the health, safety and welfare of the public as reflected in Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the Township Comprehensive Plan and the Township Zoning and Shoreland Ordinance.
2. TITLE, PURPOSE, INTENT, AND AUTHORITY.
  - a. Title, Purpose, and Intent.

- i. Title.

This section shall be known, cited, and referred to as the “Alexandria Township Subsurface Sewage Treatment System Ordinance”. When referred to herein, it shall be known as “this Ordinance”.

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<sup>57</sup> Entire Section replaced 1/23/2013 (Resolution #13-03). Amendments throughout adopted on 12/7/2020 (Resolution #20-04).

ii. Purpose.

The purpose of this Ordinance is to establish minimum requirements for regulation of SSTS for the treatment and dispersal of sewage within the applicable jurisdiction of the Township to protect public health and safety, groundwater quality, and to prevent or eliminate the development of public nuisances. It is intended to serve the best interest of the Township's citizens by protecting its health, safety, general welfare and natural resources.

iii. Intent.

It is intended by the Township that this Ordinance will promote the following:

1. The protection of lakes, rivers and streams, wetlands, and groundwater in the Township essential to the promotion of the public health, safety, welfare, socioeconomic growth and development of the Township in perpetuity.
2. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
3. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
4. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
5. The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

iv. Authority.

This Ordinance is adopted pursuant to Minnesota Statutes, Chapters 115, 145A, 375, or successor statutes, and Minnesota Rules, Chapters 7080, 7081, 7082, or successor rules.

3. GENERAL PROVISIONS.

a. Scope.

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the Township's applicable jurisdiction including but not limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the Township shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

b. Jurisdiction.

The jurisdiction of this Ordinance shall include all lands of the Township except for parcels within sanitary sewer districts that are served by municipal sewer.

c. Administration.

i. Township.

The Township Board, or their designee, here after referred to as "Township," shall administer the SSTS program and all provisions of this Ordinance. At appropriate times, the Township shall review, revise, and update this Ordinance as necessary. The Township shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

ii. State of Minnesota.

1. When a single SSTS or group of SSTSs under single ownership within one-half (.5) mile of each other have a design flow greater than ten thousand (10,000) gallons per day, the owner or owners shall make application for and obtain a state disposal system permit from the MPCA in accordance with Minnesota Rules, Chapter 7001. If the measured daily flows for a consecutive seven-day period exceed ten thousand (10,000) gallons per day, a state disposal system permit is required.
2. A state disposal system permit is also required for any SSTS or group of SSTSs that the MPCA commissioner determine has the potential or an increased potential to cause adverse public health or environmental impacts if not regulated under a state permit. Conditions for these permits include systems in environmentally sensitive areas, unsubstantiated or unexpected flow volumes, and systems requiring exceptional operation, monitoring, and management. (Minnesota Rules, Chapter 7081.0040, Subpart

1(C)).

4. GENERAL REQUIREMENTS.

a. Retroactivity.

i. All SSTS.

Except as provided in section VI.C.1.b., Existing permits, below, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

ii. Existing Permits.

Unexpired permits, which were issued prior to the effective date of this Ordinance, shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership whichever is earlier.

iii. SSTS on Lots Created After January 1, 1996.

All lots created after January 1, 1996, must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds or at-grade systems as described in Minn. R. Chs. 7080.2200 through 7080.2230; or successor rules, and must have site conditions as described in Minn. R. Ch. 7081.0270, Subpart 3 through 7; or successor rules. The two (2) identified soil treatment and dispersal areas shall be located on the lots they are intended to serve, unless the soil treatment and dispersal areas are approved by the County as part of a cluster SSTS. If a cluster SSTS is utilized, then all the lots within the plat shall be part of the cluster SSTS, unless otherwise approved by the Township.

b. Upgrade, Repair, Replacement, and Abandonment.

i. SSTS Capacity Expansions.

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the provisions of this Ordinance. For parcels with multiple SSTS, the upgrades shall be limited to the system that is adding capacity.

ii. Failure to Protect Groundwater.

An SSTS that is determined not to be protective of groundwater in accordance with Minn. R. Ch. 7080.1500, Subpart 4(B), shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within two (2) years of receipt of a notice of

noncompliance.

iii. **Imminent Threat To Public Health Or Safety.**

An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minn. R. Ch. 7080.1500, Subpart 4(A), shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within ten (10) months of receipt of a notice of noncompliance.

iv. **Abandonment.**

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with section VI.E.4. of this Ordinance., SSTS Permitting, below, and Minn. R. Ch. 7080.2500.

c. **SSTS in Floodplains.**

SSTS for new construction shall not be located within any part of the General Floodplain District. Locating a replacement SSTS for an existing structure within the General Floodplain District should be avoided. If no option exists to locate a SSTS outside of the General Floodplain District, location within the District may be permitted if the requirement of Minn. R. Ch. 7080.2270, and all requirements of this Ordinance are met.

d. **Class V Injection Wells.**

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the United States Environmental Protection Agency and the MPCA. Owners are also required to identify all Class V injection wells in property transfer disclosures. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited (*See* 40 C.F.R. Parts 144 and 146).

e. **SSTS Practitioner Licensing.**

No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of SSTS without an appropriate and valid license issued by the MPCA in accordance with Minn. R. Ch. 7083; or successor rules, except as exempted in Minn. R. Ch. 7083.0700; or successor rules.

f. **Prohibitions.**

i. **Sewage Discharge to Ground Surface or Surface Water.**

It is unlawful for any person to willfully discharge raw or partially treated wastewater/sewage to the ground surface or into any surface water, unless permitted by the MPCA under the National Pollutant Discharge Elimination System program.

ii. Sewage Discharge to a Well or Boring.

It is unlawful for any person to willfully discharge raw or treated wastewater/sewage into any well or boring as described in Minn. R. Ch. 4725.2050, or any other excavation in the ground that is not in compliance with this Ordinance.

iii. Discharge of Hazardous or Deleterious Materials.

It is unlawful for any person to willfully discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

5. SSTS STANDARDS.

a. Standards Adopted by Reference.

The County hereby adopts and incorporates by this reference MPCA's SSTS Rules in Minn. R. Chs. 7080 and 7081 as amended in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

b. Amendments to the Adopted Standards.

i. List of Various Adopted Local Standards.

1. Land application of septage must be done on sites that are filed and approved by the Township prior to the Licensed SSTS Maintenance Business land applying septage.
2. All new and replacement SSTS systems must establish a relative benchmark. A written description and photo documentation of the benchmark must be submitted to the Township as part of the design.
3. Any activity involving an existing system that requires a SSTS construction permit shall require that the entire SSTS system meet Minn. R. Chs. 7080 -7083.
4. A Management Plan is required in the Residential Shoreland



District when a compliance inspection is needed and no management plan exists.

5. All SSTS existing prior to the effective date of this Ordinance that would require an operating permit now shall require an operating permit upon transfer of ownership, replacement, any modification or expansion that requires a permit, compliance inspection or following any SSTS enforcement action.
6. All documentation submitted to the Township for evidence of vertical soil separation for existing SSTS shall be completed on forms made available through the University of Minnesota Onsite Sewage Treatment Program, or on an equivalent form. The form shall include, but not be limited to, elevations of the surface grade; dispersal media/soil interface and limiting layers; soil profile as outlined in Minn. R. Ch. 7080.1720, Subpart 5, item A through H; or successor rules; a statement clearly indicating the vertical separation distance; a sketch showing the location of the SSTS; soil observation(s); and a certification statement signed by the licensed professional conducting the observation(s).
7. For all new and replacement SSTS designs submitted to the Township for review, documentation shall be provided on the SSTS Professional Worksheets and Forms made available through the University of Minnesota Onsite Sewage Treatment Program, or on an approved equivalent form. The Township may reject any design that does not meet the minimum of the SSTS Professional Worksheets and Forms. Digitally submitted forms are preferred.
8. All systems designed for dwellings shall be based upon design flows of a Classification I dwelling. The minimum estimated flow must be sized for a two (2) bedroom dwelling as outlined in Minn. R. Ch. 7080.1860 Table IV; or successor rules.
9. A written easement shall be recorded with the deed for any SSTS that is installed on a property held in ownership separate than that of the systems owner.
10. Soil verifications shall be conducted according to Section E., 2., a., (5.) (c.), below.
11. Licensed/Certified SSTS professional(s) completing a certification of compliance on their own private existing system must have a soil verification conducted by a Qualified Employee of the Township or their contracted inspector.
12. Existing soil dispersal systems that are located under or within a

structure or other impermeable surface shall be considered non-complaint and shall be repaired or replaced in accordance with Minn. R. Ch. 7080.1500, Subpart 4(B).

13. The owner of a holding tank shall maintain a valid contract with a Licensed SSTS Maintenance Business to pump and effectively handle the sewage in accordance with all applicable Minnesota Rules. The owner shall also submit to the Township, by January 31<sup>st</sup> of each calendar year, maintenance records for the previous year's tank maintenance.
14. All property owners and Certified SSTS Professionals shall ensure all portions of any SSTS placement, design or construction meet or exceed any applicable setbacks, including the specified setbacks as listed in Table A below.
15. Commercial Establishments that utilize a private SSTS, and do not have an operating permit shall operate under a standing Certificate of Compliance with the Township. These establishments shall certify the existing SSTS once every three (3) years, or upon the Township finding evidence of noncompliance.
16. In cases where a sewage pipe must cross a waterline, the sewage pipe must be pressure tested to hold five (5) pounds of pressure for fifteen (15) minutes and meet or exceed the standards set forth in Minn. R. Ch. 4715.1710, Subpart 2, item E; or successor rules.
17. New Structures. Sewage tanks for new structures shall not be buried deeper than four (4) feet from final grade, unless the tank manufacturers designed depth for the tank allows the tank to be buried deeper, but not to exceed seven (7) feet from final grade.
18. Existing Structures. Sewage tanks for existing structures cannot exceed the tank manufacturers designed depth for the tank and shall not be buried deeper than seven (7) feet from final grade.
19. All pump tanks and holding tanks must have an electric visual and/or audio alarm device to warn of failure and prevent of overflow.
20. An effluent screen with an alarm must be employed on all new and replacement systems excluding holding tanks.
21. All SSTS shall be located as specified in Table A Minimum Setback Distances (feet) listed below:

TABLE A  
Minimum Setback Distances (feet)

	Sewage or Holding Tank	Soil Treatment or Absorption area	Building Sewer or Supply Pipes
Water Supply Wells*	50	50	50**
(50 feet of continuous casing or encountering 10 feet of continuous impervious material)			
Water Supply Wells*	50	100	50**
(less than 50 feet of continuous casing)			
Buried water suction pipe*	50	50	50**
Buried pipe distributing water under pressure*	10	10	10
Buildings***	10	20	-
Property Lines****	10	10	-
State, County, and Township Road Rights-of-Way	10	10	-

The ordinary high water level of the following types of waterbodies:

Natural Environmental Lakes and Trout Streams	150	150	-
Recreational Development Lakes	75	75	-
General Development Lakes	75	75	-
Transition Rivers	100	100	-
Agriculture and Tributary Rivers	75	75	-
Public drainage systems as defined in <i>Minnesota Statutes, section 103E.005, or successor statutes.</i>	50	50	-
All public waters protected wetlands as defined by <i>Minnesota Statutes, section 103G.005, or successor statutes</i>	50	50	-
Unprotected wetlands within NES Zoning	50	50	-
All Other Wetlands	25	25	-

\* Setbacks from buried water pipes and water supply wells are governed by *Minn. R. Ch. 4715 and 4725, or successor rules*, respectively.

\*\* If building sewer or supply pipe and water line are schedule 40 (or equivalent) and holds 5 pounds of air pressure for 15 minutes, the setback can be reduced from 50 to 20 feet. In no case shall a building sewer or supply pipe be installed less than 20 feet from a water supply well.

\*\*\* For structures other than buildings, these setbacks are allowed to be reduced if necessary due to site conditions (as determined by the Township), but in no case shall any part of a SSTS be located under or within the structure or other impermeable surface.

\*\*\*\* Infringement on property line setbacks may be permitted with the approval of the Township prior to installation of the system.

22. A Management Plan is required for any system without a management plan when a property is transferred.

23. The major components of a new or replacement SSTS must be marked (flagged or staked) on site at the time of application for system installation to protect those areas from disturbance and compaction. Major components include but are not limited to tanks and soil treatment area.

24. If any proposed construction or alteration to an existing dwelling requires a land use permit and would increase the design flow to the SSTS, then the system must be sized to accommodate the increased flow regardless of the compliance status. Design flows shall be calculated in accordance with Minn. R. Ch. 7080.1860.

25. Maintainers must submit a copy of the required reporting responsibilities in Minn. R. Ch. 7083.0770, Subpart 2. to the Land and Resource office by January 31<sup>st</sup> of each calendar year for work completed during the previous calendar year.

ii. Local Standard for Determination of Hydraulic Loading Rate and SSTS Sizing.

1. Table IX entitled “Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions” and Table IXa entitled “Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests” from Minn. R. Ch. 7080.2150, Subpart 3, item E; or successor rules, and herein adopted by reference shall both be allowed for utilization to size SSTS infiltration areas based on the following criteria:

a. Table IX or Table IXa shall be allowed to be utilized by those certified design professionals/licensed design companies that hold an Advanced Designer certification from the MPCA.

b. Table IXa shall be utilized by all certified design

professionals/licensed design companies that hold a Basic Designer certification from the MPCA.

iii. Local Compliance Criteria for Existing SSTS.

1. SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two (2) feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.
2. SSTS built after March 31, 1996, or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under Minn. R. Ch. 7080.1100, Subp. 84 shall have a three (3)-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a fifteen percent (15%) reduction in this separation distance (a separation distance no less than thirty and six tenths (30.6) inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this Ordinance. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. Minn. R. Ch. 7080.1500, Subp.4.
3. An existing SSTS System installed prior to April 1, 1996, and located in a Shoreland Zoning District shall be considered substandard if the tank capacity does not meet Minn. R. Ch. 7080.1930 and/or the soil dispersal area of the SSTS does not meet the design flows of a Classification I dwelling. Substandard SSTS systems shall be upgraded and reclassified as a Type III system, which requires an operating permit and annual reporting or repaired or replaced in accordance with Minn. R. Ch. 7080.1500, Subp. 4(B). The minimum estimated flow must be sized for a two (2) bedroom dwelling as outlined in Minn. R. Ch. 7080.1860, Table IV; or successor rules.

iv. Local Standards for Holding Tanks.

1. Undeveloped lots of record on which a holding tank is the only practical means of sewage treatment are unsuitable for residential use.
2. Holding tanks may be used as an alternative for existing failing SSTS, or SSTS that pose an imminent threat to public health or safety only when no other reasonable alternative exists.

3. For vault toilets built in any public facility.
4. For residential accessory structures with lavatory facilities where it is not feasible to connect to an existing SSTS on the property.
5. For replacement dwellings constructed under Minnesota Statutes, Section 394.36; or successor statutes, with a previous existing, permitted holding tank.
6. For recreational vehicle dump stations located in a licensed recreational vehicle campground.
7. A holding tank designed to service a recreational vehicle may be installed and used on an undeveloped lot of record if:
  - a. A design, completed by a licensed designer, is submitted that states the lot has an acceptable area to accommodate a standard soil treatment system, and;
  - b. The designated future soil treatment area is protected from compaction and/or development.
8. Note that to qualify as a holding tank, tanks must comply with Minn. R. Ch. 7080.2290, items A through F. Further, all owners of holding tanks shall be issued an operating permit (Minn. R. Ch. 7082.0600, Subpart 2A), which must include the minimum provisions listed in Minn. R. Ch. 7082.0600, Subpart 2B, (1) through (8).
9. Conditions for holding tanks installed or changes made to holding tanks after the enactment of this Ordinance include:
  - a. Maintain a current operating permit.
  - b. At the time of the final installation inspection, evidence of a water tightness test as described in Minn. R. Ch. 7080.2010, Subpart 3; or successor rules, shall be submitted to the Township.
  - c. A water meter, accessible to be read at time of pumping, shall be installed on the incoming waterline servicing fixtures attached to the holding tank, recorded at time of pumping, to verify the water usage.
  - d. The owner of a holding tank shall maintain a valid contract with a Licensed SSTS Maintenance Business to pump and

effectively handle the sewage in accordance with all applicable Minnesota Rules.

- e. The owner shall also submit to the Township, by January 31<sup>st</sup> of each calendar year, maintenance records and flow readings for the previous year's tank maintenance.
- f. Holding tanks must have an electric visual and/or audio alarm for the prevention of overflow.
- g. Failure to meet any of the above requirements shall be cause for the operating permit to be revoked and holding tank to be considered non-compliant.

10. Holding Tank Installation Requirements. The installation of a holding tank shall occur in accordance with Minn. R. Ch. 7080.2290.

11. At the time of property transfer, the new property owner must apply for a continuation of the operating permit and meet the conditions of the operating permit and provide a current pumping contract.

12. Storage of septage at a centralized location. Centralized storage of septage by maintenance businesses is not allowed anywhere in the Township.

c. Variances.

i. Variance Requests.

A property owner may request a variance from the standards as specified in this Ordinance pursuant to Section VI, I of the Alexandria Township Zoning Ordinance.

ii. Affected Agency.

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

6. SSTS PERMITTING.

a. Permit Required.

It is unlawful for any person to construct, install, modify, replace or operate an SSTS without the appropriate permit from the Township. The issuing of any permit, variance, or conditional use shall not absolve the applicant of responsibility

to obtain any other required permit. Conducting work on an SSTS without first securing the appropriate permits shall result in the imposition of additional fees, as set forth in the Township's current fee schedule.

b. SSTS Construction Permit.

An SSTS construction permit shall be obtained by the property owner or an agent of the property owner from the Township prior to the installation, construction, replacement, modification, alteration, and repair or capacity expansion of an SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed and constructed in accordance with the provisions of this Ordinance by an appropriately licensed MPCA practitioner.

i. Activities Requiring a SSTS Construction Permit.

A SSTS construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

ii. Activities Not Requiring a Permit.

A SSTS construction permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

iii. SSTS Construction Permit Required to Obtain Land Use Permit.

For any property on which a SSTS construction permit is required, approval and issuance of a valid SSTS Construction Permit must be obtained before a land use permit may be issued by the Township.

iv. Conformance to Prevailing Requirements.

When an SSTS Construction Permit is required for an activity such as a repair, addition or replacement of a component of an existing SSTS that activity shall require the entire system is brought into compliance with this Ordinance.

v. SSTS Construction Permit Application Requirements.

1. SSTS Construction Permit applications shall be made on forms provided by the Township and signed by the property owner, or their authorized agent. The applications shall include the following



information:

- a. Name, mailing address and telephone number of the property owner.
  - b. Parcel Identification Number, property address and legal description of property location.
  - c. Site Evaluation Report as described in Minn. R. Ch. 7080.1730; or successor rules.
  - d. Design report as described in Minn. R. Ch. 7080.2430; or successor rules.
  - e. Management plan and operating permit as described in Minn. R. Ch. 7082.0600; or successor rules.
  - f. Township soil verification sheet.
  - g. Site relative benchmark which includes:
    - i. Descriptive location of the benchmark.
    - ii. Elevation of the limiting layers, installed soil treatment area, tank excavation bottom, and the top of the installed tank.
  - h. If applicable, a copy of a recorded easement agreement allowing installation of a SSTS on property held in ownership separate than that of the systems owner.
2. Preliminary Design Criteria for SSTS Construction Permit Applications. During the period between December 1st and April 15th, or when a comprehensive SSTS design cannot be determined due to frozen soil conditions, a preliminary SSTS design may be submitted. A preliminary SSTS Construction Permit application shall be made on forms provided by the Township and signed by the property owner, or their authorized agent. A complete SSTS design shall be submitted for review and the issued SSTS Construction Permit amended accordingly prior to any SSTS construction activity. The applications shall include the following information:
- a. Name, mailing address and telephone number of property owner.
  - b. Property Identification Number, property address and legal

description of property location.

- c. Site Evaluation Report as described in Minn. R. Ch. 7080.1730; or successor rules.
  - d. A site map and soil descriptions generated from the United States Department of Agriculture Natural Resources Conservation Service web soil survey. <http://websoilsurvey.nrcs.usda.gov/app/>
  - e. Proposed management plan and operating permit as described in Minn. R. Ch. 7082.0600; or successor rules.
  - f. If applicable, a copy of a recorded easement agreement allowing installation of a SSTS on property held in ownership separate than that of the systems owner.
3. Soil Verification Process. A soil verification, as described in Minn. R. Ch. 7082.0500, Subpart 3, item A, and Ch. 7082.0700 Subpart 4, item B (2); or successor rules, shall be conducted as follows:
- a. New Designs.
    - i. Soil verifications shall be conducted by a Qualified Employee, or a Qualified Contract Inspector hired by the Township for all new/replacement SSTS designs/installations.
    - ii. Soil verifications are to be completed prior to the application of an SSTS permit. Design contractors shall arrange a meeting time with the Township or their contracted inspector to meet at the site and complete the soil verification. A twenty-four (24) hour notice by the contractor to the Township is required.
    - iii. Soil pits are the preferred method of observation, with appropriate access into, and out of, the pit provided by the contractor. If soil pits cannot be completed, then manual auguring of soil samples may be allowed. Other accommodations will be considered on an as-needed basis, with extended completion timeframes subject to Township inspector availability.
    - iv. Upon completion of soil verifications, a copy of the verification form will be given to the designer and

a copy retained by the Township. The original copy of the verification form shall be submitted as part of the SSTS design for permit review. If the verification form does not accompany the design submittal, and the Township copy cannot be located, the design will not be accepted. This soil verification can be used as one of the three (3) soil observations per site as required by Minn. R. Ch. 7080.1720, Subpart 4; or successor rules.

- v. A fee established by resolution of the Alexandria Township Board of Supervisors for the soil verification will be charged in addition to the cost of the SSTS Construction Permit application fee, and both will be due at the time of permit application. Multiple verification fees shall be charged for multiple trips to a single site if the multiple verifications are due to system relocations, contractor changes or other conditions caused by the property owner or authorized representative.
- vi. The design contractor is responsible for all utility locates, time arrangements and actual excavation/boring activities.
- vii. All property owners and Certified SSTS Professionals shall ensure all portions of any SSTS placement, design or construction meet or exceed the specified setbacks as listed in Table A (Section VI.,D. 2.).

b. Existing Systems.

- i. A total of two (2) soil observations shall be required for existing SSTS compliance certifications unless lifetime verification has been completed. The soil observation shall be completed in an area that is anticipated to have the most limiting soil conditions and shall be conducted outside the area of influence and along the same contour.
- ii. Lifetime verifications may be used to verify the soils for the life of the system. A lifetime verification is completed by an independent, private, licensed professional and the Township inspector prior to certification of an existing SSTS.

A total of two (2) soil observations shall be required. The soil observation shall be completed in an area that is anticipated to have the most limiting soil conditions and shall be conducted outside the area of influence and along the same contour. Only soils verified on or after January 1, 2010 will qualify for lifetime verification.

iii. A fee established by resolution of the Alexandria Township Board of Supervisors for the Lifetime verification will be charged.

c. If a documented discrepancy arises on the depth of the periodically saturated soil between licensed businesses for SSTS design or compliance purposes, all disputing parties must follow the dispute resolution procedure described in Minn. R. Ch. 7082.0700, Subpart 5.

vi. Application Review and Response.

The Township shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Township shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification or operation. The Township shall complete the review within fifteen (15) days of receipt of a complete application. If the permit application is incomplete, or does not meet the requirements of this Ordinance, the Township shall deny the application. A notice of denial shall be provided to the applicant, stating the reason(s) for the denial.

vii. Design change to application or permit.

In the event a significant change is proposed to be made to an approved application, the applicant or his agent must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification or operation. The proposed changes must be approved by the signature of the licensed designer who completed the design for the application.

viii. Appeal.

The applicant may appeal the Township's decision to deny the SSTS Construction Permit in accordance with the Township's established policies and appeal procedures.

ix. Permit Expiration.

An SSTS Construction Permit is valid for a period of no more than one year from its date of issue. Satisfactory completion of construction shall be determined by a Qualified Employee of the Township or a Qualified Contract Inspector and shall include an as-built drawing and a signed certification that the construction or installation of the system was completed in conformance with the approved design documents.

x. Extension and Renewals.

The Township may grant an extension of the SSTS Construction Permit if the construction has commenced prior to the original expiration date of the permit. The permit may be extended for a period of no more than one (1) additional year.

xi. Suspension or Revocation.

The Township may suspend or revoke a SSTS Construction Permit issued under this section for any false statements, misrepresentations of facts on which the SSTS Construction Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid SSTS Construction Permit is obtained.

c. Operating Permit.

i. SSTS Requiring an Operating Permit.

An operating permit is required for all new holding tanks, Type III, Type IV, Type V, Commercial Establishments, and MSTs. Sewage shall not be discharged to a holding tank or MSTs until the Township certifies that the holding tank or MSTs was installed in substantial conformance with the approved plans, receives the final record drawings of the MSTs, and a valid operating permit is issued to the owner. Owners of existing SSTS that are not operated under a management plan must inspect and remove solids from septic tanks as necessary but in no case less frequently than every three years.

ii. Operating Permit Application Requirement.

1. Application for an operating permit shall be made on a form

provided by the Township and shall include the following information:

- a. Property owner name, mailing address and telephone number.
- b. SSTS Construction Permit reference number and date of issue.
- c. Final as-built drawings of the SSTS.
- d. Owners of holding tanks must submit and keep current, a copy of a valid executed monitoring and disposal contract with a licensed maintenance business. Any change due to property ownership or contractor listed on the monitoring and disposal contract shall require the current property owners to obtain a valid executed monitoring and disposal contract with a licensed maintenance business.
- e. Payment of application fee.

2. Monitoring and Disposal Contract.

Owners of holding tanks shall provide the Township a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minn. R. Ch. 7082.0100, Subpart 3, item G; or successor rules. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, Section 115.56, subdivision 2, paragraph (b), clause (3); or successor statutes. The owner must hold a valid contract with a licensed maintenance business at all times until such time the holding tank is abandoned or the property sold.

3. SSTS Existing Prior to the Effective Date of this Ordinance.

All SSTS existing prior to the effective date of this Ordinance that would require an operating permit now shall require an operating permit upon transfer of ownership, replacement, any modification or expansion that requires a permit, compliance inspection or following any SSTS enforcement action.

iii. Application Review.

The Township shall review the complete application, any other pertinent documents as appropriate for accuracy and completeness. If any

deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Township. If the submitted application and documents fulfill the requirements, the Township shall issue an operating permit within 15 working days of receipt of the complete permit application.

iv. Operating Permit Terms and Conditions. The Operating Permit shall include the following:

1. System performance requirements.
2. System operating requirements.
3. Monitoring locations, procedures and recording requirements.
4. Maintenance requirements and schedules.
5. Compliance limits and boundaries.
6. Reporting requirements.
7. Township notification requirements for non-compliant conditions.
8. Valid contract between the owner and a licensed maintenance business.
9. Disclosure, location and condition of acceptable soil treatment and dispersal system site.
10. Descriptions of acceptable and prohibited discharges.

v. Permit Expiration and Renewal.

1. Operating permits issued in conjunction with a new SSTS Construction Permit shall have an initial five (5) year timeframe of compliance. Renewal operating permits and all other operating permits issued shall be valid for a three (3) year timeframe.
2. An operating permit must be renewed when one of the following conditions exists: expiration of an existing operating permit, transfer of ownership, replacement, any modification or expansion that requires a permit, or following any SSTS enforcement action. Renewal of an operating permit must occur within thirty (30) days of its expiration. If not renewed, the Township may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within ninety (90) days of the expiration date, the Township may require that the system be

abandoned in accordance with Section VI. E. 4, Abandonment Certification, below.

3. The Township shall notify the holder of an operating permit at least ninety (90) calendar days prior to expiration of the permit. The Owner must apply for renewal at least thirty (30) calendar days before the expiration date.
4. Application shall be made on a form provided by the Township and shall include:
  - a. Property owner name, mailing address and phone number.
  - b. Reference number of expired operating permit.
  - c. Any and all outstanding Compliance Monitoring Reports as required by the operating permit.
  - d. Certified SSTS inspection signed by a certified designer, maintenance contractor or operator.
  - e. Any revisions made to the operation and maintenance manual.
  - f. Payment of application fee.
5. Amendments to Existing Operating Permits Not Allowed.

The Township may not amend an existing permit to reflect changes in this Ordinance until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

6. Transfers.

The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with Section VI. E. 3.

- b. The Township shall not terminate the current permit until sixty (60) calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Township may require a compliance inspection of the treatment system.

vi. Suspension or Revocation.

1. The Township may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of



facts on which the Operating Permit was issued.

2. Notice of suspension revocation and the reasons for revocation shall be conveyed in writing to the owner.
3. If suspended or revoked, the Township may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Section VI.E.4.
4. Failure to follow the conditions of the operating permit or management procedures prescribed in the management plan shall result in the systems being deemed non-compliant by the Township.
5. At the Township's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

vii. Performance Monitoring.

1. Performance monitoring of a SSTS shall be performed by an appropriately licensed professional hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
2. A monitoring report shall be prepared and certified by an appropriately licensed professional. The report shall be submitted to the Township on a form provided by the Township on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
  - a. Owner name and address.
  - b. Operating Permit number.
  - c. Average daily flow since last compliance monitoring report.
  - d. Description of type of maintenance and date performed.
  - e. Description of samples taken (if required), analytical laboratory used, and results of analyses. Include a statement that the results are within a defined parameter.
  - f. Problems noted with the system and actions proposed or

taken to correct them.

- g. A clear description of process used to determine compliance including the use of sampling and field verification.
- h. Name, signature, license and license number of the licensed professional who performed the work.

d. Abandonment Certification.

i. Purpose.

The purpose of the System Abandonment Certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety and water quality. It also terminates all permits associated with the system.

ii. Abandonment Requirements.

1. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this Ordinance shall be prohibited.
2. Continued use of a treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires the prior written approval of the Township.
3. An owner of a SSTS must abandon all components of the treatment system not in use within five (5) calendar days of a system replacement. Abandonment shall be completed in accordance with Minn. R. Chs. 7080.2500. The owner or owner's agent must provide the Township notification two (2) days prior to abandoning a system.
4. Abandonment's must be certified and shall be completed by either of the following methods within five (5) days of a new SSTS system construction:
  - a. A licensed SSTS business may abandon all components of the discontinued SSTS. Abandonment shall be completed in accordance with Minn. R. Ch. 7080.2500; or successor

rules. An abandonment report shall be submitted to the Township. The report shall include:

- i. Property owner's name and contact information.
  - ii. Property address.
  - iii. SSTS Construction Permit and operating permit reference numbers.
  - iv. The reason(s) for abandonment.
  - v. A brief description of the abandonment methods used, description of the system components removed or abandoned in place and final disposal method for any materials or residuals.
- b. An owner of an SSTS may abandon all components of the discontinued SSTS by personally performing the required work. Abandonment shall be completed in accordance with Minn. R. Ch. 7080.2500; or successor rules. Prior notification of the Township of an owner's intent to abandon a system is necessary, and the Township shall conduct an abandonment inspection.

iii. Abandonment Approval.

Upon receipt of an abandonment report, the Township shall determine if the SSTS has been abandoned according to the requirements of this Ordinance. If the abandonment is not completed according the requirements of this Ordinance the Township shall notify the owner of the SSTS of the deficiencies, which shall be corrected within (30) calendar days of the notice. Once the abandonment is completed according to the requirements of the Ordinance, the Township shall approve the report and place into the Township records.

7. MANAGEMENT PLAN.

a. Purpose.

The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by a certified designer to the system owner when the SSTS has been designed and submitted to the Township for a SSTS Construction Permit.

b. Management Plan Requirements.

i. SSTS Requiring Management Plans:

1. Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Township with the SSTS construction permit application for review and approval. The Township shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.
2. Management plans shall be required for any existing system requiring a permit for a repair, modification, or expansion and for any system without a management plan when a property is transferred.
3. Systems in the Residential Shoreland District shall not be considered compliant unless they have a valid management plan.

ii. Required Contents of a Management Plan. Management plans shall include:

1. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform.
2. Monitoring requirements.
3. Maintenance requirements including maintenance procedures and a schedule for routine maintenance.
4. Statement that the owner is required to notify the Township when the management plan requirements are not being met.
5. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
6. Any performance component; which shall include a description of the performance system component, how the system functions, equipment specifications, emergency operating procedures in the event of a malfunction, and a troubleshooting guide.
7. Other requirements as determined by the Township.

iii. Requirements for Systems not operated under a Management Plan.

Owners of SSTS that are not operated under a management plan or operating permit must have septic tanks inspected and provide for the

removal of solids as necessary, but in no case less frequently than every three (3) years. Solids must be removed when their accumulation meets the limit described in Minn. R. Ch. 7080.2450; or successor rules.

iv. Required Submission of Maintenance Reports.

Licensed maintenance businesses must abide by the requirements described in Minn. R. Ch. 7083.0770, Subpart 2. All written reports of any noncompliance required by Minn. R. Ch. 7083.0770, Subpart 2 must be provided to the homeowner and the Township within thirty (30) days after any maintenance work is performed.

8. COMPLIANCE MANAGEMENT.

a. Public Education Outreach.

Programs shall be provided by the Township and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.

b. Compliance Inspections.

i. Required Inspections.

1. Inspections must be performed:

- a. Any time deemed appropriate by the Township to ensure compliance with this Ordinance.
- b. Prior to issuance of any Land Use Permit, Conditional Use Permit or Variance within all districts, the onsite sewage treatment system must be verified for compliance. Exceptions to this requirement include construction, repair, or modification of certain buildings or structures, which are not used for human habitation and do not generate wastewater, that are located in the Rural Conservation Residential and Rural Residential Districts on properties ten (10) acres in size or greater or on properties less than ten (10) acres in size where the applicant possesses contiguous parcel(s) of land greater than forty (40) acres in size, and where any septic system(s) on the property have been determined to be compliant by inspection within the last twenty (20) years. If the inspection requires the upgrade or replacement of any portion of the system, a design must be submitted to the Township and SSTS permit obtained in order to obtain a Land Use permit, Conditional

Use Permit, or Variance. The inspection may be delayed if the permit application is made during the period when a compliance inspection is not able to be completed due to winter conditions. A Land Use Permit may not be able to be issued until a Certificate of Compliance is issued. A compliance inspection must be performed and submitted before the following June 1.

- c. For all new SSTS construction or replacements.
  - d. Upon the transfer of property ownership,
  - e. Any time there is an expansion of use of the building being served by an existing SSTS, which may impact the performance of the system.
  - f. Any time there is a change in use of the property being served by an existing SSTS, which may impact the performance of the system.
  - g. Anytime there is a permit issued in the Shoreland District.
- 2. All Compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
  - 3. The Township shall be given access to enter a property at any reasonable time to inspect and/or monitor a SSTS. As used in this paragraph, “property” does not include a residence.
  - 4. No person shall hinder or otherwise interfere with the Township’s employees in the performance of their duties and responsibilities pursuant to this Ordinance.

ii. Compliance Inspection Procedure.

- 1. For New SSTS installation, repair, replacement, or modification of existing systems:
  - a. Compliance inspections must be performed on new SSTS installations or repair and replacement of SSTS to determine compliance with Minn. R. Chs. 7080 or 7081. SSTS found not to be in compliance with Minn. R. Ch. 7080.1500, Subpart 4A or 7081.0080, Subpart 3 must be repaired or replaced within 10 months. SSTS that are determined to have operation or monitoring deficiencies must immediately be maintained, monitored or otherwise

managed according to the operating permit.

- b. It is the responsibility of the SSTS owner or the owner's agent to notify the Township one (1) calendar day prior to any permitted work on the SSTS.
- c. It is the responsibility of the installer to verify the design benchmark elevation of the soil treatment area depth with a laser level for the inspector.
- d. A Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years, shall be issued by the Township if the Township determines that the system was built in accordance with the applicable requirements as specified in the zoning ordinance and SSTS construction permit.
- e. The Township shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within fifteen (15) calendar days of the completed inspection. No SSTS shall be placed into operation until a valid certificate of compliance has been issued.
- f. Certificates of compliance for new construction or replacement shall remain valid for five (5) years from the date of issue unless the Township finds evidence of noncompliance.
- g. The property owner shall be responsible for elimination of defects in the SSTS. No SSTS shall be placed in service until all defects have been corrected, the necessary inspections made and a Certificate of Compliance has been issued by the Township.

## 2. Existing Systems:

- a. Compliance inspections of existing SSTS shall be reported on the Existing SSTS Compliance Inspection Form provided by the Township. The following conditions must be assessed or verified:
  - i. Water tightness assessment of all treatment tanks including a leakage report.
  - ii. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated Procedure described in soil

verification process Section VI., E. 2. a. (5.) (c.) above.

- iii. Sewage backup, surface seepage or surface discharge, including a hydraulic performance report.
  - iv. A Management Plan is required for any system without a management plan when a property is transferred.
  - v. Systems in the Residential Shoreland District shall not be considered compliant unless they have a valid management plan.
  - vi. All SSTS existing prior to the effective date of this Ordinance that would require an operating permit now shall require an operating permit following a compliance inspection.
  - vii. Existing soil dispersal systems that are located under or within a structure or other impermeable surface shall be considered non-complaint and shall be repaired or replaced in accordance with Minn. R. Ch. 7080.1500, Subpart 4(B).
  - viii. An existing SSTS System installed prior to April 1, 1996 and located in a Shoreland Zoning District shall be considered substandard if the tank capacity does not meet Minn. R. Ch. 7080.1930 and/or the soil dispersal area of the SSTS does not meet the design flows of a Classification I dwelling. Substandard systems shall be upgraded and reclassified as a Type III system, which requires an operating permit and annual reporting or repaired or replaced in accordance with Minn. R. Ch. 7080.1500, Subpart 4(B). The minimum estimated flow must be sized for a two (2) bedroom dwelling as outlined in Minn. R. Ch. 7080.1860 Table IV; or successor rules.
- b. The certificate of compliance must include a certified statement by a Qualified Employee or Licensed Inspector, indicating whether the SSTS is in compliance with the requirements of this Ordinance. If the SSTS is determined not to be in compliance with this Ordinance, a Notice of Noncompliance must be issued and include a statement



specifying the provisions in which the SSTS does not comply with this Ordinance.

- c. The complete inspection report must be submitted to the Township within fifteen (15) days of the inspection.
- d. Certificates of compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Township finds evidence of noncompliance.
- e. Continued use of a treatment tank(s) where the tank(s) is/are to become an integral part of a replacement system or a sanitary sewer system requires the existing tank(s) to be inspected by the Township unless the tank(s) is/are currently operated under a valid Certificate of Compliance.
- f. Continued use of a soil dispersal system, whether in part or in whole, must have a lifetime soil verification, where it is to become an integral part of a replacement system requires the existing soils dispersal system to be inspected by the Township unless the soil dispersal system is currently operated under a valid Certificate of Compliance.

c. Transfer of Properties.

- i. Whenever a conveyance of land upon which a dwelling is located, or a tract of land upon which a structure that is required to have an SSTS occurs, the following requirements shall be met:
  - 1. A compliance inspection has been performed and a Certificate of Compliance has been issued by the Township within three (3) years for SSTS older than five (5) years or within five (5) years if the system is less than five (5) years old prior to the intended sale or transfer of the property, unless evidence is found identifying and Imminent Threat to Public Health and Safety.
  - 2. The compliance inspection must have been performed by a qualified employee of the Township or a licensed inspection business following procedures described in Section VI., G. 2. b. above.
  - 3. The seller of the property must disclose in writing information about the status and location of all known SSTS on the property to the buyer on the form acceptable to the Township.
  - 4. If the seller fails to provide a Certificate of Compliance or the system is non-compliant, the seller shall provide the buyer

sufficient security in the form of an escrow agreement to assure the installation of a complying SSTS. The security shall be placed in escrow with a licensed and certified agent and meet the following criteria:

- a. The amount escrowed shall be equal to either seven thousand, five hundred dollars (\$7,500) or one hundred fifty percent (150%) of a written estimate by a licensed and certified installer to install a compliant SSTS, but at no time shall the escrow be less than five thousand dollars (\$5,000).
    - b. The agent shall file with the Township at closing a signed statement on a form provided by the Township, or the form's equal, confirming the escrow of such funds. The statement shall be executed by the buyer and the seller and shall establish responsibility for the costs in excess of the escrow amount and to whom excess monies will be refunded following issuance of a Certification of Compliance and notice of release issued by the Township.
  5. All property conveyances subject to this Ordinance occurring during winter conditions (snow cover and/or frozen ground), when SSTS compliance cannot be determined, shall require a winter agreement that meets the requirements of VI.G.3.a(4) above. A compliance inspection must be performed and submitted before the following June 1.
  6. If upon inspection the SSTS is found to be in compliance, the Township will issue a letter to the escrow agent allowing the funds to be immediately released. If upon inspection the system is found to be non-compliant, the system shall be required to be upgraded according to Minnesota Rules 7080- 7082.
- ii. The compliance portion of the Certificate of Compliance need not be completed if the sale or transfer involves the following circumstances:
1. The affected tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
  2. The transfer does not require filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, subdivision 1.
  3. The transfer is foreclosure, tax forfeiture, or court ordered.
  4. The sale or transfer completes a contract for deed or purchase

agreement entered into prior to the effective date of this Ordinance. This subsection applies only to the original vendor and vendee on such contract.

5. Any dwellings or other buildings that are connected exclusively to a wastewater treatment system.
6. There is an existing Certificate of Compliance less than three (3) years old.
7. In the case where a contract for deed is paid off or otherwise satisfied in its entirety and the SSTS servicing the property was certified or replaced at the time the original contract for deed was entered. This exemption only applies to the original vendor and vendee on such a contract for deed.
8. When title to real property is held jointly by a husband and wife and one spouse becomes deceased and the only change that occurs is to remove the deceased spouse's name from the title.

iii. Neither the issuance of permits, certificates, or notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

d. Conflict of Interest.

A licensed inspection business that inspects an existing SSTS is allowed to subsequently design and install a new SSTS for that property provided the inspection business is also licensed to design and install. A licensed inspection business working on behalf of the Township must not design or install a system if there is likelihood that the inspector or business will be responsible for permitting or inspecting the system or system site. A person working for or on behalf of the Township shall not use the person's position to solicit for private business gain. [Minn. R. Ch. 7082.0700, Subpart 2(B)]

9. ENFORCEMENT.

- a. Enforcement of this Ordinance may be through criminal prosecution and/or administrative actions and/or civil judicial action.
- b. Violations are Misdemeanors.

Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this

Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

c. Administrative Enforcement Actions.

i. Notice of Violation.

1. The Township shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:

- a. A statement documenting the findings of fact determined through observations, inspections, or investigations;
- b. A list of specific violation(s) of this Ordinance;
- c. Specific requirements for correction or removal of the specified violation(s); and
- d. A mandatory time schedule for correction, removal and compliance with this Ordinance.

ii. Cease and Desist Orders.

Cease and desist orders may be issued when the Township has probable cause that an activity regulated by this or any other Township Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the cease and desist order lifted.

d. Civil Judicial Enforcement Actions.

In the event of a violation or threatened violation of this Ordinance, the Township may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the Township Attorney shall have authority to commence such civil action. The Township and Township Attorney may take such actions as may be necessary to enforce the provisions of this Ordinance.

e. Notification of violations to other agencies.

i. General Provisions.

The Township may notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS that is performed in violation of the provisions of this Ordinance.

ii. Straight-pipe Act.

The Township may notify the MPCA of violations of the Straight-pipe Act of 2006 (Minnesota Statutes 115.55 Subpart 11), in cases involving any system that transports raw or partially settled sewage directly to; a surface water, lake, stream, drainage system, or onto the ground surface.

f. Costs and Reimbursements.

i. Property Owner Responsibility.

All costs associated with the repair, replacement, or abandonment of a failing/noncompliant SSTS shall be the responsibility of the property owner or as otherwise provided for in a written, notarized agreement between two parties.

ii. Abatement.

If the Township is required to remove or abate an imminent threat to public health or safety, the Township may recover all costs incurred in removal or abatement in a civil action, including legal fees; at the discretion of the Township Board, the cost of an enforcement action under this Ordinance may be assessed and charged against the real property on which the public health nuisance was located. The County Auditor shall extend the cost as assessed and charged on the tax roll against said real property.

10. RECORD KEEPING.

The Township shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the Township's jurisdiction sorted by licensed installation businesses, and other records relevant to each system.

11. ANNUAL REPORT.

The Township shall provide an annual report of SSTS permitting activities to the MPCA for the previous calendar year. The report must include the information required by Minn. R. Ch. 7082.0040, Subpart 5.

H. ABANDONMENTS

No use, structure, sign, building, vehicle, machine, or any other piece or article of real estate or personal property may be abandoned or permitted in any public or private place, because of disuse or neglect, to become unsightly or offensive to the public.

1. Removal and Restoration.

- a. Any nonconforming use or use authorized by this Ordinance, when abandoned or discontinued, shall be removed or restored to as near its original state as is practicable. Non-use for a period of twelve (12) months shall be presumptive evidence of intention to abandon or discontinue.

2. Enforcement.

- a. The penalty for such offense shall be the obligation to remove or correct such unsightly or offensive thing or condition or remove or restore such abandoned or discontinued use within a time to be fixed by the Zoning Administrator. The same may be ordered, removed, or corrected and the cost thereof assessed against the owner of such property or the real estate on which the same is found to exist, together with all costs of prosecution.

I. MINING AND EXTRACTION.

1. Purpose and Intent.

Modern lifestyles create a continuing demand for the various subsurface resources used throughout this Township. These resources are unevenly and sometimes sparsely distributed, thus creating a continual shortage of some materials. In the past, excavation of these resources has presented conflicts with adjacent land uses, caused rapid soil erosion and left unsightly scars upon the landscape.

By requiring restoration of the mined areas, it is the intent of this Ordinance to minimize conflicts with adjacent land uses, prevent soil erosion of the mined areas and reduce the scarring of the landscape.

2. Jurisdiction.

The removal, crushing, washing, refining, stockpiling and/or processing of gravel or rock in any area shall be governed by this section unless such removal is being performed pursuant to a validly issued construction permit.

3. Permits.<sup>58</sup>

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<sup>58</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

- a. An interim or conditional use permit shall be required for all mining operations and storage/recycling facilities except for temporary mining areas as defined by this section.
- b. A mining and extraction permit shall be required for temporary mining operations which meet the specifications of Section V.I.4.
- c. Permitted mining operations shall be subject to an administrative review by the Zoning Administrator every five (5) years. This review shall not require payment of a fee.

4. Information Required.

- a. The following information shall be provided by the applicant requesting the permit:
  - (1.) Name and address of person or agency requesting the mining permit.
  - (2.) A copy of the recorded deed of the property.
  - (3.) A map of the proposed operation showing the following:
    - i. Structures to be erected.
    - ii. Location of sites to be mined, showing depth of proposed excavation.
    - iii. Description of stationary machinery to be used in the mining operation.
    - iv. Approximate location of storage and mined materials.
    - v. Location of access roads and local routes to truck routes.
    - vi. Approximate location of storage and mined materials.
    - vii. All setbacks from roads and property lines.
    - viii. Location of adjacent residences.
    - ix. All lakes, streams and wetlands on property.
    - x. Extent of vegetation in buffer area.
    - xi. Location of explosives storage, if applicable.
  - (4.) A plan for dust, storm water run off and noise control.

- (5.) A full and adequate description of the proposed operation to include an estimate of the duration of the mining operation, location and acreage of each stage, and time schedule of completion.
- (6.) Reclamation plan and cost estimate of reclamation.
- (7.) For all pits developed for the extraction or mining of sand, gravel, stone or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence, an Environmental Assessment Worksheet completed at the owner's expense pursuant to Minnesota Rules 4410.4300, Subd. 12B.
- (8.) Any other information requested by the Planning Commission or Town Board of Supervisors.

5. Performance Standards.

All mining operations, whether they are in operation at the time of this Ordinance adoption or are proposed shall follow the standards set forth in this section.

- a. Operators shall utilize all practical means to reduce the amount of dust caused by the operation. In no case shall the amount of dust or other particulate matter exceed the standards established by the Minnesota Pollution Control Agency.
- b. All entrances and exits shall be constructed so as not to create a safety hazard.
- c. It shall be the responsibility of the pit operator and/or fee title owner to control activity within the pit area and to clean up any debris or other material left on site.
- d. Excavation below the water table is permitted provided there is no adverse impact upon the quality and quantity of nearby surface water or nearby wells.
- e. All barriers installed at the operators discretion which control access to a gravel pit such as gates, etc., shall be clearly visible to prevent safety hazards to snowmobiles and other members of the public. The use of cable, chain or similar types of barriers is prohibited.
- f. To minimize problems with dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties and/or between the mining or processing operation. The screening barrier shall be constructed or planted in accordance with the recommendations of the Town Board and can include, but is not limited to, trees or shrubs adequately shielding the operations.



- g. Any operations within three hundred (300) feet of two (2) or more residential structures may be required to install safety fencing around all or portions of the mining operation.
- h. Processing of minerals shall not be conducted closer than one hundred (100) feet from the property line nor closer than one hundred (100) feet from any residential, commercial or industrial structures without the written consent of all owners and residents of said structures.
- i. All buildings, structures and plants used for the production of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice as to assure that such buildings, structures and plants shall not become dangerously dilapidated.
- j. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance.
- k. No storage of concrete and/or bituminous shall be allowed unless it meets the requirements of Section V. of this Ordinance.
- l. The provisions of this Ordinance apply to any acreage mined after June 28, 1988.

6. Reclamation Plan.

Before any permit is issued, the applicant must submit a reclamation plan for approval by the Township.

For all mining operations, the reclamation plan shall contain a description of planned after-use of affected areas and the nature and extent of reclamation. A detailed reclamation map drawn at a scale of 1" = 100' or larger shall be provided designating which parts of the land shall be reclaimed for forest, pasture, crop, homesite, recreational, industrial, or other uses including food shelter and ground cover for wildlife. The reclamation plan and map shall contain:

- a. The planned contours of the land when the mineral removal operations are completed; based upon the best information available.
- b. Proposed depth of topsoil, if applicable.
- c. Location and nature of any structures to be erected in relation to the after-use plan.
- d. Type of fill, if fill is proposed.
- e. Type of planting or reforestation. Planting shall be in accordance with the desires of the property owner. If no active planting or reforestation is proposed,

the natural vegetation shall be monitored and any noxious weeds sprouting shall be cut and/or controlled.

- f. A written statement containing an explanation of the character of the site to be mined and/or the character of the surrounding territory and explanation of the reclamation plan; and an explanation of the schedule of development which shall include phase development. If a development schedule can not feasibly be prepared, it shall be so stated and written reasons submitted.
- g. In the event the operator finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation plan by mutual consent of the operator and the Township Planning Commission. Such change shall preserve as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables.
- h. To assure the reclamation plan approved by the Planning Commission and Town Board is being followed, the Zoning Administrator<sup>59</sup> may make those field measurements deemed necessary.
- i. The Board of Township Supervisors may require either the applicant or the owner or user of the property on which the mining operation is located to post a bond, in such form and sum as the Board shall determine, not to exceed \$50,000 with sufficient surety running to the Township, to comply with all the requirements of this Ordinance and to pay any expense the Township may incur by reason of doing anything required to be done by any applicant to whom an Interim or Conditional Use Permit is issued.<sup>60</sup>

7. Land Reclamation Standards.

Reclamation shall be a continuing operation occurring as quickly as possible after the mining operation has moved sufficiently into another part of the extraction site.

Reclamation activities shall progress on a phased basis, that is, prior to opening additional mining area, an exhausted mining area of equal or larger area shall be reclaimed.

- a. The peaks and depressions of the area shall be graded and backfilled to a surface which result in a gently rolling topography and substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall.

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<sup>59</sup> Amended 12/17/2007 (Resolution #07-20)

<sup>60</sup> Amended 12/7/2009 (Resolution #09-05)

- b. All banks and slopes shall be left in accordance with the reclamation plan submitted with the permit application.
- c. Reclaimed areas shall be surfaced with a soil quality at least equal to the topsoil which existed prior to the mining operation. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted by not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosion.
- d. Excavations completed to a water producing depth need not be backfilled if the banks are sloped to the waterline.
- e. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which excavation operations have been conducted. The finished plan shall restore the excavation site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after excavation operations cease.
- f. After the applicant has completed the reclamation project, he shall notify the Township. Upon notification the Zoning Administrator shall inspect the site to determine if it is in accordance with the approved reclamation plan. If the site is not in accordance with the reclamation plan, the Township shall notify the applicant of its deficiencies and the applicant shall correct the deficiencies. If the site is in accordance with the plan, the Township shall issue a letter of acceptance of the site to the applicant.

8. Temporary Mining Permit.

The temporary use of real estate property for uses customarily incidental to the construction of public roads and bridges may be allowed upon approval of an interim or conditional use<sup>61</sup> permit by the Township.<sup>62</sup>

A temporary mining operation shall meet<sup>63</sup> the following criteria and provisions:

- i. The applicant shall specify the volume of material intended to be excavated or processed for specified construction.
- ii. The applicant shall file with the Zoning Administrator a plan. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, maintenance of haul roads, anticipated vegetative and topographic alterations along with any actions that will be taken to minimize and/or mitigate adverse impact to the area.

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<sup>61</sup> Amended 7/2/2007 (Resolution #07-09)

<sup>62</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

<sup>63</sup> Amended 7/2/2007 (Resolution #07-09)

- iii. All temporary mining permits issued shall be valid for only the duration of the particular construction project, not to exceed 180 days. One extension, not to exceed 90 days in the subsequent construction season, may be granted by the Zoning Administrator.
- iv. A temporary hot mix and/or concrete plant may be allowed in conjunction with the temporary mining operation.
- v. The operator shall provide traffic control devices in the area proximate to the operation as necessary.
- vi. Processing machinery must be located consistent with setback standards for structures.
- vii. The applicant shall file with the Zoning Administrator a reclamation plan.

9. Concrete and Bituminous Storage/Recycling Facility Permit.<sup>64</sup>

Concrete and bituminous material resulting from, but not limited to, the demolition, or construction of, buildings, roads and other manmade structures (hereafter "recyclable demolition materials") may be stored for recycling purposes at sites other than an MPCA permitted demolition landfill, for a period of up to two (2) years, subject to annual review, once the site has been approved by the Minnesota Pollution Control Agency, if applicable, the Alexandria Township Planning Commission and the Alexandria Town Board of Supervisors. This storage/recycling facility shall be subject to the following requirements:

- a. A conditional or interim use permit shall be required prior to the depositing of any recyclable demolition materials at the proposed site.
- b. A conditional or interim use permit to allow a concrete and bituminous storage/recycling facility may only be granted in conjunction with permitted ready mix plants, permitted mining operations and/or permitted hot mix plants.
- c. All unprocessed demolition recyclable material accumulated onsite during the permitted two (2) year storage timeframe shall be recycled or removed and deposited in an approved demolition landfill or other approved site within the subsequent twelve (12) month period. The responsibility for this removal shall rest with the party that originally was granted the permit for said site. The Alexandria Township Zoning Administrator shall be notified upon completion of recycling.
- d. All concrete stockpiles shall be screened from public view and shall maintain a neat, piled appearance until such time as they are recycled or removed from site.
- e. The permittee shall provide to Alexandria Township a bond for \$100,000 conditioned upon satisfactory recycling or upon removal and disposal of

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<sup>64</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

recyclable demolition material in the event of permittees' unwillingness or inability to recycle or to remove and dispose of such material.

- f. Each site shall be subject to an annual inspection to assure conformance with Section V.I.5.
- g. Permitted concrete and bituminous storage/recycling facilities shall be subject to an annual administrative review by the Zoning Administrator. This review shall not require payment of a fee.

## J. ACCESSORY BUILDING

To provide a higher development standard and to control the size and number of accessory buildings in a residential setting. This section shall be applicable to all parcels of land within the Urban Residential<sup>65</sup> or shoreland districts that contain five acres or less.

### 1. General Provisions.<sup>66</sup>

- a. No detached accessory structure shall be utilized for human habitation unless specifically approved as a guest cottage.
- b. Semi-enclosed or roofed structures, such as attached lean-tos, gazebos, screen porches/patios or other similar structures shall be considered accessory structures or part thereof for the purposes of this section.<sup>67</sup>
- c. A garage not more than 1600 square feet shall be considered an integral part of a dwelling, and not an accessory building or part thereof, if it is attached to the dwelling or is connected to it by a covered passageway. Up to 300 additional square feet may be included as part of an attached garage but the square feet exceeding 1600 shall be subtracted from the allowable amount of accessory building in the table below.
- d. Unpainted galvanized surfaces shall be prohibited on all accessory buildings.
- e. In shoreland areas only:
  - i. No detached accessory building shall be over one story in height. For the purposes of this requirement, at a minimum, any area with a floor truss is defined as a story. No detached accessory building shall have a basement or other sub-grade level in addition to a main floor level.
  - ii. Dormers within the roof of a detached accessory building shall not exceed three (3) feet in width and there shall not be more than three (3) dormers per side of the roof.

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<sup>65</sup> Amended 7/2/2007 (Resolution #07-09)

<sup>66</sup> Amended 3/21/2011 (Resolution #11-02), Amended 8/4/2014 (Resolution #14-02), Amended 8/6/2018 (Resolution #18-01)

<sup>67</sup> Amended 12/17/2007 (Resolution #07-20)

iii. There shall not be any direct exterior access to or from the attic or other upper level storage area of a detached accessory building.

iv. Attic or other storage areas within the rafters of a roof shall be accessed only by attic ladders or pull-down stairways if the storage areas is fully separated from the main level. This requirement shall not apply to lofted or other storage areas that are open to the main level.

f. In non-shoreland areas:

i. A detached accessory building may have a second level provided that such second level is contained completely within the roof rafters.

## 2. Dimensional Limits

The maximum dimensions of detached accessory buildings shall be no greater than as listed in the following table:

Lot Size:	Maximum footprint (individually or combined):	Maximum sidewall height:	Maximum roof pitch:		Maximum number per parcel:
			Shoreland	Non-Shoreland	
0 – 60,000 sq ft	1,500 sq ft	12 feet*	6/12	No limit**	2
60,001 sq ft – 2.5 acres	2,400 sq ft	14 feet*	6/12	No limit**	3
2.51 – 5 acres	3,200 sq ft	16 feet*	8/12	No limit**	4
Greater than 5 acres	No limit**	No limit**	No limit**	No limit**	No limit**

\* For roof styles other than gable roofs, the peak of the roof shall not be greater in height than what would be achieved with the highest allowable roof pitch and sidewall in the table above.

\*\*Subject to other applicable ordinance limitations, such as overall height limits and impervious coverage limits.

## K. RECREATIONAL EQUIPMENT (Recreational Vehicle)

To provide standards for recreational equipment utilized as temporary living quarters during recreational/vacation or other activities without the infringement upon and/or depreciation of neighborhood or adjacent properties.

The parking of uninhabited recreational equipment for strictly storage purposes is allowed and is subject to the general provisions of this subsection.

The parking of recreational equipment by a guest on the property of a permanent dwelling shall be allowed for a period not to exceed thirty (30) consecutive days and is subject to the general provisions K.2a 2-5 of this subsection.

1. This section applies to the following types of recreational equipment:

- a. Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.
- b. Pick Up Coach - A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- c. Motor Home - A portable, temporary structure to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- d. Camping Trailer - A folding structure, mounted on wheels and designed for travel, recreation and vacation uses.
- e. Slip-In Campers - A structure designed to be mounted into a pickup truck in the pickup box, either by bolting through the floor of the pickup box or firmly clamping to the side of the pickup box.
- f. Park Trailers - A structure not exceeding 8.5 feet in width but which is no larger than 400 square feet when the collapsible components are fully extended or at maximum horizontal width that is licensed for over the road and that is used for temporary living quarters except that in planned unit developments only, the directives in Section V.K.1.f. (1) shall control.
  - (1) In planned unit developments only, park trailers or park models may exceed 8.5 feet in width and need not be licensed for over the road but must contain no more than 400 square feet on the main level when the collapsible components are fully extended, must be no greater than fifteen (15) feet in height from the ground to the peak of the roof and must be used as temporary living quarters only.

2. General Provisions.

- a. The following criteria for recreational equipment shall apply to all applicable zoning districts:
  - (1.) Only one (1) recreational equipment unit shall be allowed per lot.
  - (2.) Recreational equipment shall maintain minimum building setbacks as required by Ordinance for the applicable zoning district.

- (3.) Recreational equipment shall comply with the sanitation standards set forth in this Ordinance.
  - (4.) Recreational equipment shall display and maintain the current year and class of vehicle license in accordance with State regulations.
  - (5.) All tires necessary for safe highway transport must remain mounted and inflated at all times.
- b. Section V. F.1. does not apply to this subsection regarding recreational equipment and all provisions in this subsection are in full force and effect thirty (30) days from the date of the adoption of this Ordinance by the Alexandria Town Board of Supervisors.

L. ADDITIONAL PROVISIONS WITHIN THE SHORELAND DISTRICT (RS and CS<sup>68</sup>).

1. Design Criteria for Structures.

- a. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
- (1.) For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
  - (2.) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with the Ordinance governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
- b. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts within a bluff impact zone, steep

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<sup>68</sup> Amended 7/2/2007 (Resolution #07-09)



slope or a shore impact zone<sup>69</sup> require a shoreland alteration permit and must meet the following design requirements:

- (1.) Stairways and lifts must not exceed four (4) feet in width on residential lots, there is only to be one set of steps for access. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments.
  - (2.) Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
  - (3.) Landings for stairways and lifts shall be allowed no more than one (1) landing per six (6) vertical feet.
  - (4.) Canopies or roofs are not allowed on stairways, lifts, or landings.
  - (5.) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
  - (6.) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
  - (7.) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- c. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- d. Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

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<sup>69</sup> Amended 3/21/2011 (Resolution #11-02)

## 2. Alterations Within The Shoreland.

- a. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

(1.) Removal or alteration of vegetation is allowed with a shoreland alteration permit and is subject to the following standards<sup>70</sup>:

- (a.) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
- (b.) Intensive vegetation clearing for forest land conversion to another use is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Douglas County Soil and Water Conservation District.
- (c.) Intensive vegetation clearing outside of shore and bluff impact zones and steep slopes for preparation of a building site is allowable with a shoreland alteration permit when the related building construction is not expected to occur within sixty (60) days of the disturbance of the area if an erosion control and sedimentation plan is developed and implemented by the applicant as approved by the Zoning Administrator, who may request review by the Douglas County Soil and Water Conservation District or other qualified agency. Where building construction is expected to occur within sixty (60) days of the disturbance of the area, the Zoning Administrator may exempt the applicant from need for a separate shoreland alteration permit, but shall require implementation of an erosion and sedimentation plan as a condition of their land use/building permit approval.
- (d.) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed without a shoreland alteration permit to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas. This limited clearing cannot exceed twenty five (25) feet or twenty five percent (25%) of the shoreline frontage, whichever is the lesser of the two provided that:

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<sup>70</sup> Amendments adopted on 12/7/2020 (Resolution #20-04).

- the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
- along rivers, existing shading of water surfaces is preserved.
- the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- Should the limited clearing of trees and shrubs allowed by this section expose significant areas of a bluff or shore impact zone or steep slopes to potential erosion into a lake, stream or wetland, the Zoning Administrator may require a shoreland alteration permit and an erosion control and sedimentation plan be developed and implemented by the applicant as approved by the Zoning Administrator, who may request review by the Douglas County Soil and Water Conservation District or other qualified agency.

(e.) Violations: Should there be a violation of the restrictions on the clearing of vegetation listed above, the Township may require that the applicant submit for approval, implement and maintain a vegetation restoration plan designed to restore the site to a similar condition as it was prior to the clearing of vegetation.

- (2.) Public roads and parking areas are regulated by Section V.L.3. of this Ordinance.
- (3.) No excavation for walkout basements shall be allowed within a bluff impact zone.
- (4.) A shoreland alteration permit shall be required for:
  - (a.) The movement of less than ten (10) cubic yards of material on steep slopes or within shore and/or bluff impact zones, if the Zoning Administrator determines that the potential for erosion exists.
  - (b.) The movement of more than fifty (50) cubic yards of material located outside of steep slopes and shore and/or bluff impact zones unless the Zoning Administrator determines that there is a potential for erosion necessitating a conditional use permit.

- (c.) Any alteration with significant erosion potential, as determined by the Zoning Administrator. In such cases, the Zoning Administrator shall require that an erosion control and sedimentation plan be developed and implemented as part of the shoreland alteration permit (or as a condition of an issued land use permit for the construction activity) by the applicant as approved by the Zoning Administrator, who may request review by the Douglas County Soil and Water Conservation District or other qualified agency.
- (5.) In addition to the above, a shoreland alteration permit shall also be required for all of the following, within the shore impact zones, and shall be done in accordance with the applicable restrictions.
- (a.) Ice ridge removal - maximum width not to exceed 10 feet, maximum height not to exceed 2 feet.
  - (b.) Sand beach, or patio or combination - maximum size of 200 square feet, which may be located anywhere within the minimum required structure setback to a lake or stream provided it is not attached to a dwelling or other structure. Retaining walls are allowed when necessary to construct a sand beach or patio provided it does not exceed 3 feet in height. The cut must be a minimum of 12 inches above the ordinary high water level. The sand must be washed and cleaned and free of pollutants and nutrients.<sup>71</sup>
  - (c.) Retaining walls - may be allowed where there is a demonstrated need, the design is consistent with the existing uses in the area, and is not an aesthetic intrusion upon the land. The height of new retaining walls should not exceed three (3) feet in height, some existing walls are higher than three (3) feet and these may be reconstructed with a shoreland alteration permit. If greater heights are needed for new retaining walls they may be granted with a conditional use permit.
    - i. within steep slopes, bluff and/or shore impact zones retaining wall construction may be allowed where erosion problems preclude the use of vegetation or natural rock.
    - ii. the repair and reconstruction of existing walls may be allowed subject to review by the Zoning Administrator

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<sup>71</sup> Amended 12/17/2007 (Resolution #07-20)

- (d.) Permanent docks, piers, and boardwalks – may be allowed and if destroyed can only be repaired or replaced one (1) time, thereafter a seasonal dock must be used.
- (6.) A conditional use permit shall be required for:
  - (a.) The movement of more than ten (10) cubic yards of material on a steep slope or within a shore or bluff impact zone.
  - (b.) The movement of more than fifty (50) cubic yards of material located outside of steep slopes and shore and/or bluff impact zones, if the Zoning Administrator determines that the potential for erosion exists.
  - (c.) Any alteration with erosion potential, as determined by the Zoning Administrator.
- (7.) Shoreland alteration permit: A shoreland alteration permit shall be issued upon the order of the Zoning Administrator
  - (a.) Application for a shoreland alteration permit shall be accompanied by a fee designated by the appropriate fee schedule, shall be on a form prescribed by the Zoning Administrator and may require an erosion control plan as specified in Section V.L.2.a.(9.) of this Ordinance.
  - (b.) No alteration or excavation shall be undertaken prior to the issuance of the permit. Such permit shall be posted in a conspicuous location and shall be visible from the water.
  - (c.) The permit shall require that the alteration or excavation be conducted in compliance with the restrictions and requirements of this Ordinance. The Zoning Administrator may establish restrictions to govern the alteration/excavation actively consistent with the provisions of the Ordinance. The department may require that an applicant submit an erosion control plan. The special restrictions shall be set forth in the permit and shall be binding upon the land owner.
- (8.) Application for a conditional or interim use permit as required by this section shall be accompanied by a fee designated by the appropriate fee schedule, shall be on a form prescribed by the Zoning Administrator and shall include an erosion control plan as specified in Section V.L.2.a.(9.) of this Ordinance.<sup>72</sup>

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<sup>72</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

- (9.) An erosion control plan shall include at least the following:
- (a.) A location map drawn to a scale of not less than two hundred (200) feet to one inch showing the relationship of the site to its general surroundings.
  - (b.) A plan of the site drawn to an appropriate scale showing:
    - i. The boundary lines of the site on which the work is to be performed, including the approximate acreage of the site.
    - ii. Existing topography including, but not limited to, existing streams, water bodies, wetlands, structures, road and vegetative cover of the site and on land adjacent to the site.
    - iii. Existing contours with intervals of not more than ten (10) feet where the slope is twenty percent (20%) or greater, and not more than five (5) feet where the slope is from ten percent (10%) to twenty percent (20%) and not more than two (2) feet where the slope is less than ten percent (10%). In any event, the drainage pattern will be indicated.
    - iv. Proposed improvements of the site, including present development and future use, if known, proposed changes to the land surface and vegetative cover, and areas of cuts and fills.
    - v. A stormwater removal system, including culverts, piping, ditches, sediment basins, diversions, or other devices, any non-vegetative protection or support including paving, rip-rap, walls or other structures or surfaces, any vegetative measures in connection with, or as part of, the proposed work.
    - vi. Title, scale, north arrow, date and name of person preparing the plan.
    - vii. A timing schedule and sequence of operations, stating the expected starting and completion dates of the development sequence.
    - viii. The estimated time of exposure of each area prior to the completion of effective erosion and sedimentation

control measures and other related data such as seeding mixtures and rates, types of sod, seed bed preparation, lime and fertilizer application and mulching.

- ix. A general description of the predominant soil types on the site.

(10.) The following considerations and conditions must be adhered to during the issuance of construction permits, land use permits, grading and filling permits, shoreland alteration permits, conditional or interim use permits, variances and subdivision approvals:<sup>73</sup>

(a.) Grading or filling in any type 1, 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine if allowable under the Wetland Conservation Act and how extensively the proposed activity would affect the following functional qualities of the wetland.

- i. Sediment and pollutant trapping and retention.
- ii. Storage of surface runoff to prevent or reduce flood damage.
- iii. Fish and wildlife habitat.
- iv. Recreational use.
- v. Shoreline or bank stabilization.
- vi. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

\*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, Soil and Water Conservation Districts, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

(b.) Special Wetland Provisions for Natural Environment Lakes. Within 1000 feet of an NES lake, no filling of Type 3-8 wetlands is allowed. In addition, within 1000 feet of an NES

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<sup>73</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

lake, Type 1 and Type 2 wetlands may be filled only for the purpose of establishing or maintaining infrastructure.

- (c.) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- (d.) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
- (e.) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- (f.) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
- (g.) Fill or excavated material must not be placed in a manner that creates an unstable slope.
- (h.) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.
- (i.) Fill or excavated material must not be placed in bluff impact zones.
- (j.) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 105.42.
- (k.) Alterations of topography must only be allowed if they are accessory to approved uses and do not adversely affect adjacent or nearby properties.<sup>74</sup>
- (l.) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is allowed if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within five (5) feet of the ordinary high water level, and the height of

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<sup>74</sup> Amended 12/7/2009 (Resolution #09-05)



the riprap above the ordinary high water level does not exceed three (3) feet.

(11.) Application of fertilizer, herbicides, pesticides, animal wastes or other chemicals within shorelands must be done in such a way as to eliminate impact on the shore impact zone of public water by the use of earth or vegetation. Use of fertilizer containing phosphorus is prohibited within 50 feet of the ordinary high water level of a public water.

(12.) Burning shall be prohibited within 100 feet of the ordinary high water level of a general development and recreational development lake. A wood burning campfire less than three feet in diameter, designed to enclose ash for removal would be exempt from this rule as well as agricultural zoned lands.

c. Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

3. Placement and Design of Roads, Driveways, and Parking Areas.

a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

b. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

c. Public watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetation screening and erosion control conditions of this sub-part are met.

4. Storm Water Management.

a. The following general and specific standards shall apply in addition to those contained in Alexandria Township Storm Water Management Ordinance:

(1.) General Standards.

- (a.) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
- (b.) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- (c.) When development density, topography features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- (d.) Landowners may only drain surface water upon neighboring land if they act in good faith and;
  - i. there is a reasonable necessity for the drainage;
  - ii. the draining of water onto neighboring land does not create a health or safety hazard;
  - iii. the utility or benefit accruing to the drained land outweighs the gravity of the harm resulting to the burdened land; and
  - iv. the drainage is accomplished by reasonably improving and aiding the natural drainage system, or if, in the absence of a practical natural drain, a reasonable and feasible artificial drainage system is adopted.

(2.) Specific Standards.<sup>75</sup>

- (a.) Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area or twenty (20) percent of the lot area in Natural Environment Shoreland Zoning. For the purposes of this section, twenty-five (25) percent of the total area covered by pervious paver systems designed to allow the infiltration of water

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<sup>75</sup> Amended 8/4/2014 (Resolution #14-02)

between pavers may be considered pervious by conditional use permit provided that:

- i. The pervious pavement system shall be designed and certified by a registered engineer or landscape architect and installed by someone qualified in the particular system used, or the installation shall be overseen by a product representative to ensure its proper long-term function;
  - (1) The pervious pavement designer shall include maintenance instructions to the property owner along with a maintenance schedule, with a copy to the Township to be filed along with the permit;
  - (2) The design of the pervious paver system shall include features or methods intended to direct stormwater runoff away from the system if such runoff would be likely to carry sediments or other debris that would plug the system.
- (b.) When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- (c.) New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
  - a. Impervious Surface Replacement.
    - i. Purpose: The purpose of the regulations in this subsection is to prevent excessive amount of runoff that will be generated during a rainstorm by an enlarged impervious area. Such excessive runoff causes erosion and transport of pollutants to public waters thereby degrading water quality. Existing properties exceeding the standards for impervious surface coverage present a distinct management challenge from that of newly developed properties and there is a need to establish clear and consistent guidelines for how re-development of these lots may occur.
    - ii. Standards: Parcels that exceed the maximum allowed impervious surface may construct additional impervious

surfaces without a variance or conditional use permit if the proposed new impervious surface meets all setback, height and other regulations of this Ordinance and if one of the two following conditions are met:

(1) The applicant removes existing impervious surfaces at a ratio of one and one-half (1.5) square feet removed for every one (1) square foot added and restores these areas to a permeable surface.

- a. Permeable pavement systems are encouraged in the management of sites currently over the impervious surface limit and shall be credited as twenty-five (25) percent pervious for these sites when installed according to the requirements of Section V.L.4.a.(2).(d).iii. Applicants are encouraged to replace existing impervious surfaces with natural vegetation at the 1.5 to 1 ratio listed above, however permeable pavement systems may also be used. In these cases they are to replace existing impervious surfaces at a ratio of at least four (4) square feet converted for every one (1) square foot of new impervious surface being added;

(2) The applicant removes existing impervious surfaces at a 1:1 ratio and restores those areas to a permeable surface and in addition, submits a comprehensive stormwater management plan that emphasizes infiltration and onsite retention of stormwater for at least the two year 24-hour storm event through a combination of methods including buffer strips, swales, rainwater gardens, and other low impact development methods. The stormwater management plan must be designed by a registered engineer or landscape architect and installed as designed by a qualified professional.

- a. Permeable pavement systems may be considered as 100% pervious when submitted as part of a stormwater management plan consistent with this section.

- iii. Specific Requirements: The applicant must provided the following evidence, in conjunction with meeting one of the two standards listed in (d).ii. above:

(1) A survey shall be submitted showing calculations of the exact dimensions of all existing impervious surfaces and of the lot before and after completion of the project. This survey must be submitted and approved by the Zoning Administrator<sup>76</sup> before any work may begin on the project;

(2) In replacing existing impervious surfaces with surfaces designed to be permeable or porous, the applicant must give priority to replacing those surfaces closest to the lake or those surfaces where the replacement is most likely to improve storm water management;

(3) No pervious or porous pavement system shall be allowed in a bluff impact zone or shore impact zone unless specifically approved otherwise by the Zoning Administrator when restoration to natural vegetation would not be practical or advised by a qualified engineer. These areas shall be maintained or restored to a natural vegetative buffer whenever feasible;

(4) A pervious pavement system shall be designed and certified by a registered engineer or landscape architect and installed by someone qualified in the particular system used, or the installation shall be overseen by a product representative to ensure its proper long-term function;

(5) A pervious pavement system shall be set back from structures having basements, septic system leach fields, steep slopes and wells at least 10 feet unless otherwise designed by a registered engineer so as to prevent impacting these features;

(6) A pervious pavement design shall include maintenance instructions to the property owner along with a maintenance schedule, with a copy to the Township to be filed along with the permit;

(7) All best management practices must be compatible with local stormwater management plans and NPDES Phase II stormwater permits, where required;

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<sup>76</sup> Amended 12/17/2007 (Resolution #07-20)

(8) If, in the removal of existing impervious surfaces, the total lot coverage falls below the maximum coverage allowed by this Ordinance, the applicant must thereafter conform to the standards of this Ordinance.

(9) The design of the pervious paver system shall include features or methods intended to direct stormwater runoff away from the system if such runoff would be likely to carry sediments or other debris that would plug the system.

5. Special Provisions for Agricultural Uses.

a. Agricultural uses within shorelands existing at time of adoption of this Ordinance may continue provided the following standards are met:

(1.) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

6. Water Supply.

a. Water Supply.

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

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

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

- (1.) In addition to meeting impervious coverage limits, setbacks and other zoning standards set forth in this Ordinance the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
- (2.) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
- (3.) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
  - (a.) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
  - (b.) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
  - (c.) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

8. Guest Cottage.

- a. One guest cottage may be allowed with a conditional use permit on a riparian lot only, meeting or exceeding the following lot area and width dimensions and conditions set forth in this section.

		<u>Lot Area Requirements and Regulations</u>			
		Unsewered		Sewered	
		Area	Width	Area	Width
		<u>Sq. Ft.</u>	<u>Ft.</u>	<u>Sq. Ft.</u>	<u>Ft.</u>
(1.)	Natural Environment Lake	120,000	300	70,000	225

(2.)	Recreational Development Lake	80,000	225	50,000	150
(3.)	General Development Lake	40,000	180	26,000	135
(4.)	Transition River	90,000	375	90,000	375
(5.)	Agricultural River	60,000	225	60,000	225
(6.)	Tributary River	45,000	150	35,000	115

b. A guest cottage must meet the following standards:

- (1.) The guest cottage must be located within the smallest lot area that could be created including the principal dwelling unit.
- (2.) The guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height from ground to peak.
- (3.) The guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

#### 9. Controlled Access Lots.

a. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions may be allowed by a conditional use permit and must meet or exceed the following standards.

- (1.) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
- (2.) If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length ( <u>acres/mile</u> )	Required increase in frontage ( <u>percent</u> )
Less than 100	25



100-200	20
201-300	15
301-400	10
Greater than 400	5

- (3.) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot.
- (4.) Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

#### M. BED AND BREAKFAST FACILITIES.

1. Facilities used for the purposes of providing lodging with breakfast being served to transient guests for compensation may be allowed by conditional use permit and shall meet or exceed the following standards.
  - a. The lot must meet the minimum lot size standard of the applicable zone.
  - b. The property owner, manager or operator must reside in the facility.
  - c. A maximum of five (5) guest rooms are allowed for each facility.
  - d. The occupants shall include registered guests, the owner, manager or operator, and not more than two (2) employees.
  - e. All guest rooms must be contained in the principle building.
  - f. Dining facilities are not open to the public but limited to residents, employees and registered guests.

- g. No cooking facilities shall be allowed in the guest rooms.
- h. The facility must be inspected by the State Fire Marshal.
- i. A license from the health department, obtained from the Pope/Douglas Environmental Health Department, as a food, beverage and lodging facility must be maintained in good standing.
- j. Signage is limited to one wall or pylon sign not exceeding eight (8) square feet in size and hooded if lighted.
- k. Any exterior lighting must be concealed, hooded or screened from adjoining properties.
- l. The parking area must be screened from adjacent properties.
- m. The facility shall have at least one (1) parking stall per guest room, one (1) parking stall per employee and two (2) parking stalls for the owner, manager or operator.

N. FISH HOUSE AND DARK HOUSE STORAGE.

- 1. A fish house and/or a dark house is allowed to be stored on a tract of land without obtaining a land use permit. For the purposes of definition, a fish house and/or a dark house is not considered to be an accessory building. The following standards shall apply:
  - a. A fish house and/or dark house shall maintain minimum building setbacks as required by this Ordinance.
  - b. A fish house and/or dark house shall maintain licensing requirements set forth by the Minnesota Department of Natural Resources Fishing Regulations.

O. ANIMAL FEEDLOT REGULATIONS.

1. Policy and Intent.

It is the intent of these regulations to apply to all existing feedlots within Alexandria Township that were in existence and registered with Douglas County as of the date of adoption. Consistent with Douglas County regulations, new animal feedlots are not allowed anywhere within the Township.

These regulations address production sites. These regulations comply with the policy and purpose of the State of Minnesota statutes and rules regarding control of pollution. The goals of these regulations are to address economic and environmental needs as

they specifically relate to necessary regulation of animal feedlots and to optimize the general welfare of the citizens of Alexandria Township.

2. Jurisdiction.

The provisions of these regulations shall apply to all existing animal feedlots in Alexandria Township that were registered with Douglas County as of the date these regulations were adopted.

3. Existing Feedlot Standards.

a. Existing feedlots may continue to operate provided that they are not abandoned and in compliance with applicable state and county regulations.

(1.) Expansions of feedlots located within the shoreland are prohibited.

(2.) Expansions of existing feedlots may be allowed, regardless of the acreage of the property, without a permit provided they do not exceed a total of 49 animal units.

4. New Feedlot Requirements.

a. New feedlots located within Alexandria Township are prohibited in all districts.

5. Feedlot Setbacks and Separations.<sup>77</sup>

a. No residential dwellings, not owned by a family member or employee of the feedlot operation, shall be built or placed within 1000 feet of a Tier 1 or Tier 2 feedlot or within 2 mile of a Tier 3 feedlot. Notwithstanding issues of ownership, no more than two residential dwellings (including any dwellings on the same property as the feedlot) shall be built or placed within 1000 feet of a Tier 1 or Tier 2 feedlot or within 2 mile of a Tier 3 feedlot.

P. WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAE.

1. Purpose.

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Township finds that these regulations are necessary in order to:

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<sup>77</sup> Added 12/17/2007 (Resolution #07-20)

- a. Facilitate provision of wireless communications services to the residents and businesses of the Township;
  - b. Minimize adverse visual effects of towers through careful design and siting standards;
  - c. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;
  - d. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community; and
  - e. Minimize the adverse effects on aviation safety.
2. In making siting decisions for new towers, applicants should:
- a. Be sensitive to placement of towers near densely settled residential areas.
  - b. Be aware that the location of these facilities in shoreland districts is not permitted.
  - c. Select a site with a Crop Equivalency Rating (CER) of 50 or less, see Alexandria Township Soil Survey.
  - d. Select a site which will not adversely affect aviation safety, considering, amongst other things, the traffic zone within a five (5) mile radius of the Alexandria airport, the extended areas and clear zones from the approach end of each runway, and the various instrument landing and departure procedures.
3. Co-location requirements – All wireless telecommunication towers erected, constructed, or located within the Township shall comply with the following requirements:
- a. Documentation must be provided showing the area to be served including maps demonstrating size search rings for the antenna location. This documentation is to include a narrative describing a search ring of not less than a one (1) mile radius for the requested site, clearly explaining why the site was selected, what existing structures were available, and why they are not suitable as locations or co-locations.
  - b. Documentation must also be provided showing that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search ring of the service area due to one or more of the following reasons:

- (1.) The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a qualified professional radio frequency (RF) engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost, or
  - (2.) The planned equipment would cause interference with other existing or planned equipment, at the tower or building as documented by a qualified professional radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost; or
  - (3.) No existing or approved towers or commercial/industrial buildings within one (1) mile radius meet the radio frequency (RF) design criteria, or
  - (4.) Existing or approved towers and commercial/industrial buildings within a one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency (RF) engineer.
  - (5.) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- c. A statement showing that a good faith effort was made to co-locate on existing towers and structures within a one (1) mile radius, but an agreement could not be reached.
4. Standards for telecommunication towers.
- a. All telecommunication towers erected within Alexandria Township shall be freestanding towers. No guyed telecommunication towers will be allowed.
  - b. The tower shall be setback a distance equal to the tower height from all property lines and said setback shall not cross a public right of way. All accessory structures shall be setback a minimum of fifty (50) feet from all side yard and rear yard property lines and one hundred (100) feet from all public right of ways.
  - c. Proposed commercial wireless telecommunication service towers are to be designed, structurally, electrically, and in all respects to accommodate the applicants antennas and comparable antennas for at least three additional users if the tower is over 100 feet in height, or for at least one additional user if the tower is less than 100 feet in height. Towers must be designed to allow for future rearrangement of antennae upon the tower and to accept antennas mounted at varying height. An agreement shall be signed by the applicant and the property owner and shall be attached to, and become a part of the

permit. Note that any prohibition of additional users on a tower will be considered a violation of the permit and Township policy.

- d. All towers shall utilize materials, colors, textures, screening and landscaping that effectively blend the tower facilities with the surrounding natural setting and built environment to the greatest extent possible.  
  
Metal towers shall be constructed of, or treated with, corrosive resistant materials.
- e. Towers and their antennae shall not be illuminated by artificial means, except for camouflage purposes or the illumination is specifically required by the Federal Aviation Administration or other authority.
- f. All towers shall be reasonably protected against unauthorized climbing. The area around the base of the tower shall be enclosed by a fence with a minimum height of a six (6) foot chain link fence with a locked gate. A minimum of three (3) strands of barbed or razor wire shall be installed on top of the chain link fencing.
- g. No part of any tower or its appurtenances shall at any time extend across or over any part of the right of way, platted street, private road or sidewalk.
- h. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities.
- i. All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Town Board. After the facilities are removed, the site shall be restored to its original or an improved state. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers. Failure to remove the structure shall be cause for the Township to remove the tower and associated equipment and assess the cost against the property for collection with the real estate taxes.
- j. Applicant must submit proof of liability and workers compensation insurance.
- k. Towers must be designed and inspected by a qualified and licensed professional engineer (at the applicants expense). The towers and their antenna must conform to applicable state structural building standards and/or all other applicable reviewing agencies, including but not limited to electrical engineering methods and practices as specified in the National Electrical Code.
- l. Applicants must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed.
- m. A statement must be filed not more than thirty (30) days before the application is filed with the Township showing that the applicant has notified the Federal Aviation Agency of the intent to file such application, further that

the applicant has provided a copy of such application to the Federal Aviation Agency. No conditional or interim use permits shall be granted prior to approval of the FAA.<sup>78</sup>

- n. Zoning permits shall be applied for and issued before any construction is started.
5. Minimum requirements for wireless telecommunication conditional or interim use permit submittal shall include the following:<sup>79</sup>
- a. A completed Alexandria Township conditional or interim use permit application, such application is to be signed by the property owner and any lease agreements must be included with the application.
  - b. A site plan showing:
    - (1.) North arrow.
    - (2.) Graphic scale of the plan, not less than one inch to twenty (20) feet.
    - (3.) Location and size of the proposed tower facility, support structures, accessory buildings and access driveways.
    - (4.) Vicinity map showing land uses and existing residences and businesses within one-half mile of the proposed tower.
    - (5.) Dimensions of the property (all property corners must be identified).
    - (6.) Setback distances from all property lines, roads and lakes.
    - (7.) Elevations.
    - (8.) Proposed locations for tower, fence and accessory structures.
    - (9.) Topography and drainage.
  - c. Plans for fencing and a gate for around the tower to protect from unauthorized climbing.
  - d. Co-location information.
  - e. Documentation providing FCC approval.
  - f. Documentation providing FAA approval (or application for approval) for said

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<sup>78</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

<sup>79</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

tower.

- g. A signed agreement between the property owner and applicant providing for the removal of the tower at the end of its use.

6. Conditions which preclude the issuance of a permit:

- a. No permit shall be issued if the Federal Aviation Administration or the Township finds that such proposed tower would pose a hazard, in any way, to air navigation.

7. Effect of Ordinance on existing towers and antennas:

Antenna and towers in existence as of the date of the adoption of this Ordinance, which do not conform to or comply with this Ordinance are subject to the following provisions:

- a. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Ordinance.

8. Statement of Operation and Abandonment and removal.

- a. The owner of an existing tower facility or any tower facility erected or constructed after the passage of this Ordinance shall file an annual “statement of operation” on or before January 10 of each year following the construction of the tower. This “statement of operation” shall certify that the tower is operational and shall include a summary of the current antenna configuration on the tower. If the statement is not filed by January 10 of any year, the Township shall notify the owner in writing of failure to file. Failure to file a statement within sixty (60) days of receiving a notice of failure to file shall be prima facie evidence that the tower facility is no longer in use and may be considered abandoned. If it is determined to be abandoned the Township may contract for the removal of the obsolete tower and assess the fee title owner for the charges to be assessed against the property.

Q. EROSION CONTROL AND STORMWATER MANAGEMENT.

1. Purpose and Intent.

The Alexandria Town Board of Supervisors finds that construction site erosion and uncontrolled stormwater runoff from land disturbing and land development activities have significant adverse impacts upon regional water resources and the health, safety and general welfare of the community, and diminish the public enjoyment and use of natural resources. The purpose of this section of the Ordinance is to set requirements for construction site erosion control and stormwater management that will diminish



threats to public health, safety, public and private property and natural resources of Alexandria Township.

This section is intended to regulate construction site erosion and stormwater runoff to accomplish the following objectives:

- a. Promote local stormwater management;
- b. Minimize sedimentation, water pollution from nutrients, heavy metals, chemical and petroleum products and other contaminants, flooding and thermal impacts to the water resources of Alexandria Township;
- c. Promote infiltration and groundwater recharge;
- d. Protect functional values of natural water courses and wetlands;
- e. Provide a single, consistent set of performance standards for Alexandria Township;
- f. Protect public and private property from damage resulting from runoff or erosion.

The Alexandria Town Board of Supervisors finds that effective sediment and stormwater management depends on proper planning, design, and timely installation of conservation and management practices and their continuing maintenance.

2. Jurisdiction and Administration.

Alexandria Township hereby incorporates into this Ordinance, by reference, the standards put forth in the Alexandria Township Storm Water Management Ordinance #107, along with any future amendments.

3. Additional Provisions for the Natural Environment Shoreland Zoning Classification.

- a. Temporary erosion and sediment control measures must be inspected, maintained, and remain functional until final stabilization has occurred on disturbed areas.
- b. The creation of a half (.5) acre up to one (1) acre of new impervious surface shall require permanent stormwater structures for water quality treatment. Said structures are to be designed and inspected by a licensed professional engineer.
- c. Multiple cell stormwater ponds are required if one (1) or more acres of new impervious surface is created.

R. SENSITIVE FEATURES.<sup>80</sup>

1. Purpose and Intent.

The purpose of this section is to identify environmentally or culturally sensitive features which serve important ecological or other purposes to the people of Alexandria Township. Areas identified as sensitive features are based on the best available data and are general in nature in terms of exact locations and boundaries. The Township intends that the data be used to provide additional information to landowners, developers, staff and the Planning Commission so that the sensitive nature of the resources is considered as land is developed and/or altered. Properties where development or alteration is proposed are encouraged to avoid alteration of or impacting sensitive features or to mitigate potential negative impacts on sensitive features as much as is reasonably possible. In reviewing applications where sensitive features may be impacted, the Planning Commission may impose conditions as necessary to protect such features, including requirements to determine exact boundaries, avoidance of sensitive features during development or alteration, or specific practices intended to mitigate potential negative impacts.

Natural features considered by Alexandria Township to be sensitive features are listed below. Maps depicting these features will be available at the Township Office and are intended to be updated as new or improved data become available from the relevant data source.

Category	Sensitive Feature	Source of Data
Shallow Groundwater	1. Shallow and hydric soils (soils classified as “poorly drained” and “very poorly drained”)	Soil Survey Geographical Data Base (SSURGO Douglas County Minnesota)
	2. Wetlands	National Wetland Inventory, U.S. Fish and Wildlife Service
Topography	1. Steep slopes (slope of 12% or greater)	Soil Survey Geographical Data Base (SSURGO Douglas County Minnesota)
	2. Bluffs	As identified by the Douglas County Soil during onsite mapping of Bluffs (data is stored at the Douglas County GIS Department)
Aquatic Resources	1. Aquatic vegetation	Minnesota Department of Natural Resources, Section of Fisheries, Lake Survey Reports.

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<sup>80</sup> Added 7/2/2007 (Resolution #07-09)

	2. Fish spawning areas (emergents - hardstem bulrush and cattails, and; floating-leaf plants - yellow and white waterlily)	Minnesota Department of Natural Resources
Habitat	1. Areas of High Ecological Significance	Minnesota Department of Natural Resources – County Biological Survey
	2. Areas of Moderate Ecological Significance	Minnesota Department of Natural Resources – County Biological Survey

## S. RURAL RESERVE DEVELOPMENT.

### 1. General.

Rural Reserve Development (RRD) is to provide for residential development in rural areas in a way that maintains or enhances the Township's rural character; reserves land for future development when re-zoning to higher densities is appropriate; is sensitive to the physical characteristics of the site; retains large, undivided parcels of land that provide opportunities for compatible agricultural, forestry and other rural land uses; protects sensitive environmental resources; facilitates creation of open space corridors; and/or minimizes impacts of road and utility systems. Rural reserve developments must be completed by plat unless allowable as a metes and bounds subdivision as per the Alexandria Township Subdivision Controls Ordinance.<sup>81</sup>

### 2. Establishment of a Rural Reserve Parcel.

- a. Each RRD development shall contain a contiguous Reserve Parcel comprising a minimum of 60% of the land area to be subdivided.
- b. The Reserve Parcel may be owned by a homeowners association, corporation, partnership, land trust, individual, or other legal entity.
- c. The following uses of the Reserve Parcel are permitted, subject to any land use limitations in the underlying district:
  - (1.) Agriculture,
  - (2.) Forestry,
  - (3.) Recreation,
  - (4.) Natural areas including, but not limited to, critical areas and associated buffers, and wildlife corridors,
  - (5.) One single family dwelling, which shall count towards the maximum

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<sup>81</sup> Amended 12/17/2007 (Resolution #07-20)

- allowable density of the development, and associated accessory structures.
- d. The Reserve Parcel shall contain significant resources identified within the property to be subdivided including but not limited to wetlands, historical sites and wildlife corridors.
  - e. In order to retain large, undivided parcels of land that provide opportunities for future development at higher densities, compatible agricultural and forestry uses and protection of sensitive environmental resources, the Reserve Parcel shall, to the greatest extent possible, be a single contiguous parcel and shaped so as to be usable for resource uses. Where the Reserve Parcel is intended for other uses, more flexibility is allowed in the shape of the parcel; however, the reserve parcel may not include narrow strips of land or other portions of land that do not substantially meet the purpose of a Reserve Parcel.
  - f. Where consistent with other provisions of this chapter, the Reserve Parcel shall be contiguous with any abutting reserve parcel, open space, greenbelt, agricultural lands, commercial forestry lands, public preserves, parks, or schools. Wildlife corridors shall be linked with other wildlife corridors abutting the proposed subdivision whenever feasible.
  - g. Structures not already existing on the Reserve Parcel at the time it is established shall be clustered near the dwelling, unless otherwise approved by the Planning Commission, so as to be consistent with the reservation of the Reserve Parcel for the permitted uses.
  - h. The Reserve Parcel shall not be further subdivided, except in conformance with the requirements of the underlying district when higher densities of dwelling units are allowed due to rezoning consistent with future amendments to the Alexandria Township Comprehensive Plan.
  - i. Future subdivision of a Reserve Parcel, when allowed, must include existing dwelling lots within the same subdivision, when calculating allowable density. Repeated subdivision of parcels within a Rural Reserve Development may not be used to allow a higher number of dwellings than would have been allowed if the maximum density of dwellings were achieved in an original subdivision.
  - j. The Township may require that a management plan be submitted for the Reserve Parcel to show how the land will be managed and/or restricted so as to maintain its agricultural, forestry, recreation, or natural resource value and/or so as to be compatible with residential uses within or nearby the development.

### 3. Design Criteria.

- a. Minimum Lot Size. 1 acre when sewage treatment is provided on the same parcel; 15,000 sq ft when sewage treatment is provided by a centralized treatment area outside of the parcel.
- b. Setbacks<sup>82</sup>. Setback requirements for structures shall be the same as those in the Rural Residential district, except that the Planning Commission may establish greater setbacks, as deemed necessary, to buffer sensitive natural

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<sup>82</sup> Amended 3/21/2011 (Resolution #11-02)

resources, agricultural, forestry or open space activities from residential uses or to allow for a visual buffer from public roads.

- c. Maximum Coverage by Structures. Same as underlying district as applied to the entire parcel prior to subdivision.

4. Development Design – Residential Lots.

- a. The configuration and size of lots shall be varied and blend with the natural features of the site in order to retain the natural, rural character of the site, particularly as viewed from public roadways. Lots should also be designed to allow for increased density and/or future subdivision when rezoning of the property is determined appropriate by the Town Board to allow for higher densities in accordance with the Township's Comprehensive Plan.
- b. Trees and natural vegetation shall be retained where they would screen residences from adjacent properties, collector roads, arterials or state highways, unless they would unduly impede site development, be incompatible with the intended use of the conservation parcel, or pose a risk to public safety for motorists on those roadways and to private utilities.
- c. A lot created for any existing residence on the property may be discontinuous from the remaining residential lots in the proposed subdivision.

5. Administration and Maintenance Requirements.

Prior to final approval of any Rural Reserve Development where the reserve parcel is to be owned by a homeowner's association or similar organization of property owners within the development, the Township will require adequate provisions developed for maintenance of the reserve parcel and for the continued existence and functioning of the development as a community.

T. RECYCLING FACILITIES<sup>83 84</sup>

1. General

- a. A recycling facility shall not be operated unless the location, design and operating plans of the facility have been approved by a conditional or interim use permit.
- b. A conditional or interim use permit allowing a recycling facility shall be reviewed annually by the Township and conducted according to the same requirements for application fees, hearings, public notice and review by the

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<sup>83</sup> Entire Section added 12/15/08 (Resolution #08-16)

<sup>84</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

Planning Commission as if it were a new application. The review shall be for the purpose of ensuring compliance with the requirements of the original conditional or interim use permit and the Township ordinance at the time it was originally approved. No expansions shall be allowed without approval of a revised conditional or interim use permit – either in terms of the area of the property to be included in the recycling facilities operations or in the size of buildings on the property.

2. Application Requirements

- a. The applicant shall identify a plan for closure of the recycling facility that estimates the costs for removal and proper disposal of the maximum amount of materials that may be on site at any one time. A surety bond or other financial assurance in the amount of 125% of the estimated amount, or as otherwise approved or required by the Township, shall be submitted prior to approval of a conditional or interim use permit. The financial assurance must be payable to the Township and sufficient to cover the cost of closing the facility, including, but not limited to, the removal and proper disposal of the maximum inventory of residual solid waste and recyclable materials for which the facility is designed. The bond shall be renewed and updated at least every two (2) years to ensure it covers the current cost of closure.
- b. A list of the anticipated types, quantities and sources of recyclable materials that will be received and processed at the recycling center;
- c. A list of materials accepted and excluded from the facility;
- d. A description of the final use, or the available markets, for the recyclable materials;
- e. A site plan for the property identifying where recyclable materials will be stored while they are on site, existing and proposed contours, access roads and traffic routes around and within the recycling facility, parking and loading areas, provisions for the control of stormwater so that contact with recyclable materials is minimized and for the treatment of stormwater prior to entering any wetlands, waters of the state, public right-of-way or adjacent private property;
- f. A screening plan (for recyclable materials and any equipment that is used in the operation of the facility) to screen from view any outdoor storage, loading, unloading, or staging areas visible from a public right-of-way or from nearby residential or commercially-zoned property;
- g. Provisions for controlling odors, dust, litter and noise that may otherwise create a public nuisance;
- h. Proposed signage, if any;

- i. Proposed hours of operation;
  - j. A contingency plan that describes the procedures for responding to emergencies that may occur on site, i.e. fires, hazardous spills, etc.....
  - k. A plan and timeline for removal of any materials that are already, or may be brought into the site, which are not recyclable or for which market conditions make recycling unfeasible, so that the materials are not stored indefinitely in a manner which constitutes a junk/scrap yard;
  - l. Any other information that may be required by the Zoning Administrator or Township.
3. Operating Standards. The owner or operator of a recycling facility shall:
- a. Inspect daily the area of the facility and adjacent properties and collect and properly dispose of all scattered debris that may originate at the site of the recycling facility or from vehicles delivering materials to/from the site.
  - b. Except in cases of emergency, ensure the removal and proper disposal of residual solid waste from the property which is not recyclable or for which market conditions make recycling unfeasible in a timely manner (generally 48 hours for solid waste which is putrescible and two weeks for solid waste which is non-putrescible).
  - c. Meet any requirements of federal, state or local government agencies that may not be required by this Ordinance.

#### U. HOME OCCUPATIONS<sup>85</sup>

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

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

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

Buildings and other improvements associated with an allowed home occupation shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations

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<sup>85</sup> Added 3/21/2011 (Resolution #11-02)

for permitted or conditional uses should the interim use permit expire.

1. Definitions

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

- a. **Home Occupation, Low Activity (LAHO).** Any non-residential use where there is effectively no evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way. Such uses shall be clearly incidental and secondary to the primary use of the property for residential purposes.
- b. **Home Occupation, Moderate Activity (MAHO).** Any non-residential use where there is only indirect evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way. Such uses shall be clearly secondary to the primary use of the property for residential purposes.
- c. **Home Occupation, High Activity (HAHO).** Any non-residential use where there is direct evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way or which generates regular and sustained nuisance characteristics beyond those normally associated with residential properties in the same or similar neighborhood.

2. Exemptions<sup>86</sup>

- a. The following uses shall not be considered a home occupation for the purposes of this Ordinance:
  - i. The display for sale of up to no more than two (2) motor vehicles, trailers, pieces of farm machinery or similar items, or any combination of such items, at any given time.

3. Performance Standards

- a. Customer Activity
  - (1.) LAHO – no attempt, either through advertising or signage, shall be made to bring potential or actual customers onto the property.

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<sup>86</sup> Added 8/4/2014 (Resolution #14-02)



- (2.) MAHO – may attempt to attract potential or actual customers to physically enter the property but only by appointment and such that limited numbers of customer vehicles are present on the property at any one time.
  - (3.) HAHO – may attempt to attract potential or actual customers to physically enter the property, whether “walk-in” customers or by appointment.
- b. Pickups and Deliveries – Pickup and delivery activities shall not block traffic or pose a safety hazard.
  - (1.) LAHO –by standard delivery van, US postal service or passenger vehicle only.
  - (2.) MAHO and HAHO – any pickups or deliveries of products, supplies, equipment or other materials by vehicles larger than 26,000 pounds GVW shall be limited to no more than one per week and only between the hours of 7:30 am and 7:30 pm unless otherwise determined by the Planning Commission.
- c. Location and Residency Requirement – All home occupations must be located on the homestead of the business operator or on an adjacent lot under the same ownership. For the purposes of this section, a lot shall be considered “adjacent” if any portion of the lot is within 100 feet of any portion of the homestead lot, unless otherwise approved by the Township.
- d. Minimum Lot Size and Setbacks to Nearby Dwellings
  - (1.) LAHO and MAHO – no minimum lot size or setback requirements from nearby dwellings unless specifically required by the Planning Commission
  - (2.) HAHO – minimum lot size of ten (10) acres and a minimum setback from nearby occupied dwellings of five hundred (500) feet, except that the Township may waive or reduce the setback requirement to no less than two hundred and fifty (250) feet should appropriate screening or other practices be put into place to mitigate likely or potential nuisances.
- e. Outside Storage
  - (1.) LAHO – no outside storage of supplies, equipment, business vehicles or maintenance items shall be allowed; all work and work related items shall be kept in an enclosed structure or building such that they are not visible from neighboring properties or from a public road right-of-way.
  - (2.) MAHO – no outside storage of supplies, equipment or maintenance items shall be allowed, except that up to two business-related vehicles (under 26,000 pounds GVW) may be stored outdoors; all other work and work related items shall be kept in an enclosed structure or building such that they are not visible from neighboring properties or from a public road right-of-way.
  - (3.) HAHO – supplies, equipment, business vehicles or maintenance items may be stored outside of a building or structure, but shall be limited to a combined area of no more than 4,000 square feet and shall be screened from view of neighboring properties or from a public road right-of-way via

fences, berms, natural vegetation or other appropriate material as determined by the Township.

- f. Parking – Parking areas shall be limited in size so as not to exceed that typical of the surrounding neighborhood, except where specifically allowed by the Township. In such cases, the Township may impose requirements for screening or landscaping of the parking area so as to minimize its impact on the neighborhood character.
- g. Noise – Excessive or sustained noise levels are prohibited. Excessive or sustained noises shall be those in violation of Alexandria Township Ordinance 94-17 (Ordinance Regulating Noise).
- h. Lot Coverage – Shall comply with the limitations of the underlying zoning district.
- i. Water and Sanitary Facilities – The site must be capable of supporting adequate on-site sanitary (sewer and water) facilities to serve both the primary dwelling and the activities of the home occupation.
- j. Pollutants and Waste - The operator of a home occupation shall properly dispose of all liquid, gaseous or other pollutants and solid waste including but not limited to garbage, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other waste materials.
- k. Hours of Operation – No business activities associated with a MAHO or HAHO shall occur between the hours of 7:00 pm and 7:00 am, unless otherwise stated in the interim use permit.
- l. Signage
  - (1.) LAHO – No signage allowed.
  - (2.) MAHO – No signage allowed.
  - (3.) HAHO – One sign, no larger than 35 square feet shall be allowed, whether placed on a building or free-standing. Such signs shall not be located anywhere within a public road right-of-way or so as to interfere with normal traffic and road maintenance activities.
- m. Impacts on Public Roads
  - (1.) Weight Limits – All posted weight limits for roads shall be obeyed.
  - (2.) Dust Control – If located along a township road, a home occupation shall enter into a written agreement with the Township relating to additional dust control measures created by the home occupation
- n. Employees – A home occupation may not have any on-site employees beyond those who reside in the home, in excess of the following:
  - (1.) LAHO – None (0), unless otherwise approved by the Town Board.
  - (2.) MAHO – None (0), unless otherwise approved by the Town Board.
  - (3.) HAHO – Two (2), unless otherwise approved by the Town Board.

## V. KEEPING OF ANIMALS<sup>87</sup>

The purpose of these regulations is to permit and regulate the keeping of small animals not otherwise regulated by this Ordinance as livestock or under Alexandria Township Ordinance #117 (dogs and cats) as may be amended from time to time. These regulations are intended to provide a higher development standard and to control the keeping of small animals so as to preserve the residential nature of certain areas.

### 1. General

- a. The keeping of animals which are poisonous, venomous, constrictive, dangerous, wild or exotic is prohibited throughout the Township.
- b. Unless kept entirely within a dwelling (not including attached garages), the keeping of animals subject to this Ordinance is not allowed on lots less than one acre in size, in platted subdivisions with an average lot size of one (1) acre or less, or on lots with a width of 60 feet or less.
- c. The remainder of this section shall be applicable to all parcels of land which are 1-5 acres in size and within the Urban Residential, Rural Residential or shoreland district zoning districts.

### 2. Definitions

Small Animal: Animals or fowl not otherwise defined as livestock by this Ordinance, as a dog or cat under Alexandria Township Ordinance #117 as may be amended from time to time, or as a “regulated animal” under Minnesota Statutes 346.155. Small animals shall, except for dogs and cats, include any animal kept as a pet or for the purpose of food production (either for personal consumption or sale) such as, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, peacocks, rabbits, miniature pigs, mink, ferrets, snakes less than 6 feet in length, parrots and other birds, and other animals or fowl of similar size and type. Small animals or fowl under six (6) weeks of age shall not be included when computing the number of allowed small animals or fowl. Beekeeping shall not be considered a small animal for the purpose of these regulations (see Section V.W for regulations specific to beekeeping).

Fowl/Poultry, Large: Geese, turkeys, peacocks, ostriches

Fowl/Poultry, Small: Chickens, guinea hens, ducks, pigeons, parrots and other birds.

Reptiles/Amphibians, Small: Snakes, lizards, iguanas, chameleons, salamanders, turtles, frogs

Mammals, Small: Rabbit, mink, ferret, miniature/pot-belly pigs

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<sup>87</sup> Amended 8/4/2014 (Resolution #14-02)

### 3. Regulations

This ordinance establishes three general categories of regulations affecting small animals. The three general categories are defined as follows:

- a. Small animals kept within a dwelling. Unless specifically prohibited by Section 1a of this Ordinance, any small animals kept completely and entirely within a dwelling are not regulated by this Ordinance. These are animals that are generally kept as pets and are contained within cages, aquariums, or other similar enclosures. Non-poisonous, non-venemous small reptiles/amphibians and talking birds (parrots, parakeets, cockatoos, etc.) are only allowed when kept completely and entirely within a dwelling.
- b. Small animals kept within an attached or detached accessory building (or in a fenced area of no greater than 400 sq ft setback from neighboring property lines at least 10 feet). The keeping of small animals shall be an allowed use or an interim use, provided that such animals are sufficiently contained so as to prevent their running at large or entering the premise of any neighboring property. The maximum number of animals allowed shall be as follows:

Type of Animal	Allowed Use*	Interim Use*
Small Fowl/Poultry	1 per 14 sq ft of fenced area, up to 5 animals except that no roosters shall be permitted.	1 per 12 sq ft of fenced area, up to 10 animals except that no roosters shall be permitted.
Large Fowl/Poultry	1 per 26 sq ft of fenced area, up to 2 animals	1 per 26 sq ft of fenced area, up to 4 animals
Talking birds	Only allowed in a dwelling	Only allowed in a dwelling
Small reptiles/amphibians	Only allowed in a dwelling	Only allowed in a dwelling
Small Mammals (except pigs)	1 per 10 sq ft of fenced area, up to 3 animals.	1 per 10 sq ft of fenced area, up to 6 animals.
Miniature/Pot-Belly Pigs	1 per 200 sq ft of fenced area, up to one animal or in a dwelling	1 per 200 sq ft of fenced area, up to 2 animals or in a dwelling.
* The number of animals allowed shall increase by one (1) for each half-acre of land above one acre.		

- c. Small animals running at large. Small animals that are running at large or are otherwise uncontained within a building or shelter shall not be permitted.
- 4. Performance Standards
  - a. Disposal of Animal Feces. A property owner shall clean and properly dispose of animal feces on a daily or weekly basis, or as necessary to ensure that odors do not become a nuisance to any nearby property owner or the public.
  - b. Noise. No owner shall permit any animal under his or her custody or control to create a nuisance by way of crying, howling, screeching, growling or other vocalization.
  - c. Maintenance of facilities/enclosures. All facilities, buildings or other enclosures for the housing of small animals shall be constructed of material appropriate for the animal involved, contain and restrain the animal they are designed or built to contain without causing injury to, or depriving the animal of necessary environmental elements, and be maintained in good repair.

## W. BEEKEEPING

### 1. General

To provide requirements for beekeeping within the Township so as to avoid issues which might otherwise be associated with beekeeping in populated areas. Compliance with this Ordinance shall not be considered an attempt by the Township to eliminate all potential nuisances or issues that may be associated with beekeeping and landowners keeping bees are solely responsible for the keeping of their bees in a safe and responsible manner and any liability that may arise from their activities.

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

### 2. Definitions

- a. *Apiary* means the assembly of one (1) or more colonies of honeybees at a single location.
- b. *Beekeeper* means a person who owns or has charge of one (1) or more colonies of honeybees.
- c. *Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- d. *Colony* means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.

- e. *Hive* means the receptacle inhabited by a colony that is manufactured for that purpose.
- f. *Honeybee* means all life stages of the common domestic honeybee, *Apis mellifera* species of European origin.
- g. *Lot* means a contiguous parcel of land under common ownership.
- h. *Nucleus colony* means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- i. *Undeveloped property* means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

### 3. Standards of Practice

- a. Each beekeeper shall provide written evidence that they have notified all adjacent (including those across a road) landowners.
- b. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and useable condition.
- c. Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.
- d. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials, once removed from the site, shall be handled and stored in sealed containers or placed within a building or other insect-proof container.
- e. For each colony permitted to be maintained under this Ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9-5/8 inch depth 10-frame hive body with no supers.
- f. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this Ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.
- g. Where a hive is located on a lot of one (1) acre or less, each beekeeper shall maintain a fence sufficient to prevent access to the hives by pets and children. Such fence shall be no less than four (4) feet and no more than six (6) feet in height and shall be located three to four (3-4) feet away from the hives.

4. Colony Density

- a. Except as otherwise provided in this Ordinance, in each instance where a colony is kept less than 25 feet from a property line of the lot upon which the apiary is located, as measured from the nearest point of the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or combination thereof, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for at least ten (10) feet in either direction from the hive, or contain the hive or hives in an enclosure at least six feet in height. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped or is recreational land with no horse or foot trails located within 25 feet of the apiary lot line.
- b. No person is permitted to keep more than the following numbers of colonies on any lot within the Township, based upon the size or configuration of the apiary lot.
  - (1.) 0 – 0.5 acres – 2 colonies
  - (2.) 0.51 acres – 0.75 acres – 4 colonies
  - (3.) 0.76 acres – 1 acre – 6 colonies
  - (4.) 1.1 acres – 5 acres – 8 colonies
  - (5.) Larger than 5 acres – no restriction
- c. Regardless of lot size, so long as all lots within a radius of at least 200 feet from any hive, measured from any point on the front of the hive, remain undeveloped, there shall be no limit to the number of colonies. No grandfathering rights shall accrue under this subsection. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation of the portion of this Ordinance limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this Ordinance for no more than thirty (30) days from the date acquired.

5. Inspection

A designated Township official shall have the right to inspect any apiary for the purpose of ensuring compliance with this Ordinance between 8am and 5pm once annually upon prior notice to the owner of the apiary property, and more often upon complaint without prior notice.

6. Presumed Colony/Hive Value

For the purpose of enforcing Township ordinances against destruction of property, each

colony/hive shall be presumed to have a value of \$275.

## X. PRIVATE/VACATION HOME RENTAL<sup>88</sup>

### 1. Purpose and intent

- a. Alexandria Township and the Alexandria Area have a long history as a tourism and recreational destination. Private/vacation home rentals appear to benefit Alexandria Township economically in the areas of tourism and real estate. However, the use of residential properties for short-term vacation rental can have a negative impact on neighbors. The Alexandria Township Board of Supervisors makes the following findings concerning private/vacation home rentals:

- (1.) Private/vacation rentals provide primarily economic benefits to the community that may be realized through tourism revenue, increased sales of vacation properties, increased property values, improved maintenance of properties, all contributing to a greater property tax base.
- (2.) Some behavior of tenants using private/vacation rentals can impact neighboring residents with disruptive or annoying noise; traffic, congestion, and inappropriate parking; and unknowing or purposeful trespass.
- (3.) Frequent and continuous short-term rental use may affect health and safety of communities through impacts on air quality from campfires, over-use of septic systems, and risky or illegal behaviors.
- (4.) Inconsistent management, lack of rental policies, and limited communications between owners/managers and renters, neighbors, and regulators can exacerbate issues.
- (5.) Laws, statutes, and rules that control noise, parking, and trespass have not been widely adopted at the county or township level, and at the state level are largely aimed at criminal activity rather than recurring nuisances.
- (6.) State and county regulations exist to address health and safety concerns related to short-term lodging, but definitions has previously exempted private/vacation home rental from the requirements.

- b. The intent of these proposed amendments to the zoning ordinance is to allow the use of private/vacation home rentals in appropriate zoning districts, but establish standards with the intent of mitigating or eliminating potential impacts to the health, safety, general wellbeing of neighboring property owners and tenants. Specifically the amendments are intended to:

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<sup>88</sup> Section added 8/6/2018 (Resolution #18-01)



- (1.) Establish basic performance standards for health and safety, and controls to address nuisance issues, that can be enforced through the licensing of private/vacation home rental properties.
- (2.) Require licensing of private/vacation home rentals to address most health, safety, capacity, and sanitation issues specific to this use.
- (3.) Establish rental management standards that require owners or managers to be informed and locally available, as well as to proactively communicate with renters, neighbors, county and township agencies to ensure the vacation rental is operated in compliance with state and local regulations while maintaining a positive relationship with neighboring homeowners.
- (4.) Hold rental property owners and managers responsible for guest conduct through clearly defined enforcement measures, the severity of which should increase with the documentation of repeated violations.

## 2. License/Permits

- a. All uses that meet the definition of private/vacation home rental in this Ordinance shall be licensed by the County (Horizon Public Health) for each year in which the rental use occurs and shall meet all requirements of the applicable sections of the Douglas County Lodging Ordinance.
- b. License holder must post the current license number on all advertisements or web-based reservation service pages.
- c. The following information shall be submitted to Horizon Public Health annually with the license application:
  - (1.) Name and contact information for the local contact per Subpart 4.a below.
  - (2.) The aerial image of property and features per Subpart 4.c(4) below.
  - (3.) A current State/County/Township septic compliance inspection form showing the system to be compliant, if one is present.
- d. A conditional use permit shall be required for private/vacation home rental where:
  - (1.) There is more than one rental unit on a parcel and/or where two (2) or more Private/vacation home rentals are on contiguous parcels under common ownership (including immediate family members).
  - (2.) The overnight guest occupancy in Subpart 3.d will be exceeded.
  - (3.) Events exceed the maximum capacity of persons on the property as set forth in Subpart 3.g.

## 3. General requirements

- a. Noise levels shall not exceed the standards established in MN Rules, chapter

7030, or successor rules. Noise levels shall not exceed 50 dB for more than 30 minutes, as measured at the property line of the rental property, between the hours of 10 pm and 7 am.

- b. Parking shall meet the standards listed in Section V, Subpart E of the zoning ordinance and:
  - (1.) Public streets and rights-of-way shall not be used for parking of trailers or overnight parking of vehicles by tenants.
  - (2.) On-site vehicle parking shall be on a designated improved surface (gravel, class-5, asphalt, concrete, pavers)
  - (3.) Trailer parking shall be designated and meet setback requirements below.
  - (4.) Designated parking shall be set-back 10-ft from property boundaries.
- c. The boundaries of the rental property shall be visually demarcated by signs, a fence, vegetation, landscaping, or other method as approved by the Zoning Administrator.
- d. Overnight guest occupancy is the maximum number of overnight guests allowed at a private/vacation home rental without a conditional use permit. Overnight guest occupancy shall not exceed the lesser of the following limits unless a conditional use permit has been granted to do so:
  - (1.) Three (3) overnight guests per bedroom.
  - (2.) For a rental property with an individual septic treatment system considered to be substandard under Section VI, the maximum number of overnight guests shall not exceed the total treatment capacity of the system in gallons per day divided by 75 gallons per overnight guest. (i.e.;  $450\text{gal/day} / 75\text{gal} = 6$  overnight guests)
  - (3.) Not more than a total of 12 overnight guests unless a conditional use permit has been issued where such a use is conditionally permitted.
- e. e) The use of detached or temporary sleeping accommodations such as RVs, tents, fish-houses, campers or others to increase the overnight guest capacity shall be prohibited.
- f. f) Not more than one private/vacation home rental unit shall be allowed on a parcel. More than one rental unit on the same parcel or single units on contiguous parcels under common ownership shall require a conditional use permit where the use is conditionally permitted.
- g. g) The property capacity is the total number of overnight guests and visitors allowed to be present on the property at any given time. The property capacity shall not exceed the following thresholds unless a conditional use permit has been granted as per Subpart 2.d above:
  - (1.) Two times (2x) the overnight guest occupancy for properties where neighboring dwellings are 200 ft or less from the rental dwelling or the property is less than 2 acres in area.

- (2.) Three times (3x) the overnight guest occupancy for properties where neighboring dwellings are more than 200 ft from the rental dwelling and the property is 2 acres or greater in area

4. Rental Property Management and Notifications

- a. The rental owner, operator, or manager shall designate a local contact who meets the following requirements:
  - (1.) Is available 24 hours/day, seven days per week.
  - (2.) Can respond by phone within 60 minutes and in-person within 120 minutes of notification.
  - (3.) Has administrative authority over the property and guests.
  - (4.) Has knowledge of the vacation rental unit, the property, rental and County/Township rules, standards, and procedures.
- b. The rental owner, operator, or manager shall provide the name and phone number of the contact in Subpart a) above to the Township at the time of licensing and to all property owners within 200 ft of the rental property boundary. Any change of contact or contact information shall be noticed as above to the Township and neighbors within 10 days of the change.
- c. The following information shall be posted within the rental unit in a prominent location so as to be easily visible and read by the guests:
  - (1.) The full name and phone number of the owner or operator
  - (2.) The full name and phone number of the local contact person or local management agent
  - (3.) Local emergency contact information (police, fire, ambulance, septic maintainer)
  - (4.) Aerial image of the property clearly showing property boundaries, parking areas, shore recreational facilities, garbage receptacles, septic treatment system.
  - (5.) The maximum number of overnight guests and total guest capacity of the property.
  - (6.) The maximum number of parking spaces.
  - (7.) Any applicable County or township ordinances governing noise, parking, pets, or lakes (AIS laws, water surface zoning).
  - (8.) A copy of the Douglas County Good Neighbor Brochure.
- d. The total permitted overnight guest occupancy and the total number of persons permitted on the property shall be included on all advertisements or web-based reservation service pages.
- e. e) Prior to occupancy, the owner, operator, or manager shall:
  - (1.) Obtain the full name, address, and vehicle license plate information from the person renting the property.

- (2.) Record the number of guests and dates of the rental.
- (3.) Require the guest(s) to formally acknowledge responsibility for the compliance by all tenants or guests with the applicable laws, rules, and ordinances pertaining to vacation rentals in Alexandria Township.
- (4.) Maintain a copy of the above records for one year and make available to the Township upon request.

5. Sanitation

- a. The private/vacation home rental shall be served by central sanitary sewer (ALASD) or be connected to a compliant individual septic treatment system (ISTS). If connected to an ISTS, the following shall be required:
  - (1.) A current compliance inspection showing the system to be in compliance with State and local requirements shall be submitted with the application for license with Horizon Public Health.
  - (2.) An operating permit shall be required by the Township
  - (3.) The ISTS shall be pumped not less than annually and records shall be submitted to the Township before the end of the calendar year.
- b. Garbage, refuse, or recycling shall be stored completely enclosed within designated refuse containers. The owner or operator of the rental unit shall provide sufficient trash storage containers and service to accommodate the demand of the occupants.

Y. RENEWABLE ENERGY<sup>89</sup>

1. Purpose and Intent. The intent of this Section is to create standards for the reasonable capture and use, by households, businesses, and property owners, of their solar energy resource and wind energy resource, and encourage the use of non-carbon energy generation. This Section also sets limitations on wind energy development that is not compatible with priority natural resources or preferred land development as described in the Comprehensive Plan.
2. Solar Energy Systems by Type.

Solar Energy System Type				
Zoning District	Rooftop	Ground-Mount	Community	Solar Farm
Rural Conservation Residential	P	P	P	C
Rural Residential	P	P	P	C

<sup>89</sup> Entire Section adopted on 12/7/2020 (Resolution #20-04).

Residential Shoreland GDS, RDS, NES	P	P	C	C
Urban Residential	P	P	C	C
Commercial	P	P	P	C
Industrial	P	P	P	C

P – Permitted C - Conditional

- a. Roof. The following standards apply to rooftop solar energy systems:
  - (1) These systems are permitted accessory uses in all districts in which buildings are permitted.
  - (2) A land use permit is required to install a rooftop solar energy system.
  - (3) In the Residential Shoreland Districts, in lots of forty-thousand (40,000) square feet or less and in all riparian lots, rooftop solar energy systems shall be designed to blend into the building or roof design. On pitched roofs [with slope greater than fifteen percent (15%)] panels shall be flush-mounted and shall not extend above the peak of the roof. Systems that do not meet these standards are not prohibited but shall require a conditional use permit.
- b. Ground-mount solar energy systems. The following standards apply to ground-mount solar energy systems that are accessory to the principal land use, designed primarily to supply energy for the principal use on the site.
  - (1) Ground-mount systems are permitted accessory uses in all districts in which buildings are permitted.
  - (2) Ground-mount systems require a land use permit and are subject to the accessory use standards for the district in which the system is located, including setback, height, and impervious surface coverage limits, except as noted below.
  - (3) Ground-mount solar energy systems shall not be counted as an accessory structure in regard to the limit of two (2) accessory structures per lot and one thousand, five hundred (1,500) square feet in Section V., J., 1., c. and d.
  - (4) In the Residential Shoreland District, in lots of forty-thousand (40,000) square feet or less and in all riparian lots, ground-mount systems shall be located to limit visibility from the water in leaf-on conditions.
- c. Community solar energy systems. The following standards apply to roof or ground-mount solar energy systems that may be either an accessory or principal use, and are designed to supply energy for off-site uses consistent with Minnesota Statutes 216B.1641; or successor statute:
  - (1) Rooftop community solar energy systems are permitted in all districts in which buildings are permitted.
  - (2) Ground-mount community solar energy systems are conditional uses in Residential and Residential Shoreland Districts and are permitted in all other districts in which buildings are permitted.

- (3) An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
  - (4) All structures must comply with setback and coverage limitations for the district in which the system is located.
  - (5) All ground-mount systems shall not exceed height limits for the district in which the collector is located, when the solar collector is at its maximum (steepest) design tilt.
  - (6) Ground-mount systems must comply with all required set back coverage standards for structures in the district in which the system is located.
  - (7) Ground-mount community solar energy systems are limited to one (1) per parcel.
  - (8) In Residential Shoreland Districts, rooftop community energy systems must comply with rooftop solar energy system standards for that district.
- d. Solar farms. The following standards apply to ground-mount solar energy arrays that are the principal use on the lot, designed to provide energy to off-site uses or export to the wholesale market:
- (1) Conditional use. Solar farms require a conditional use permit in all districts.
  - (2) Stormwater and erosion control. Solar farms are subject to stormwater management and erosion and sediment control requirements of Section V., R., Erosion Control and Stormwater Management.
  - (3) Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
  - (4) Other standards and codes. All solar farms shall be in compliance with any applicable local, state, and federal regulatory standards for solar energy systems.
  - (5) Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations with buildings that are on adjacent parcels shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or the distance to a substation reasonably precludes burial.
  - (6) Site plan required. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all structures, property lines, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the County.
3. General Solar Standards. In addition to the standards above, all solar energy systems shall comply with the following standards:
- a. Interconnection. All electric solar energy systems that are connected to the electric distribution or transmission system, either directly or through the existing service of the principal use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.

- b. UL listing. Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing or have been independently tested by a Nationally Recognized Testing Laboratory (NRTL).
  - c. Electric code. All solar energy systems must comply with the Minnesota and National Electric Code.
  - d. Impervious surface, solar collector. The collector surface of a ground-mount system is considered impervious surface, as is any foundation, compacted soil or other component of the solar installation that rests on the ground but is not under the collector surface.
  - e. Reflector systems. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system or other remedies that limit glare.
  - f. Height standards. Building or roof mounted solar systems shall not exceed the maximum allowed height in any zoning district, except that solar energy systems shall be restricted or allowed consistent with other rooftop mechanical devices for the zoning district in which the system is being installed.
4. Wind Energy Conversion Systems (WECS) uses and setbacks. The following requirements are applicable to all WECS:

	Class of Wind Development		
	Individual Turbines		Aggregated
	Small WECS	Large WECS	Wind Farm
Agricultural	P	C	C
Rural Residential	P	C	C
Residential	NA	NA	NA
Residential Shoreland GDS, RDS	NA	NA	NA
Residential Shoreland NES	P	NA	NA
Commercial	P	NA	NA
Industrial	P	NA	NA
Wind Energy Overlay <sup>1</sup>	P	C	C
Viewshed Overlay <sup>1</sup>	C	NA	NA

P - Permitted  
 C - Conditional  
 NA - Not  
 Allowed

<sup>1</sup>Where applied, the two overlay districts are the controlling standard in regard to wind development, including standards for use, design, and submittals.

Setback Feature	Class of Wind Development		
	Individual Turbines		Aggregated
	Small WECS	Large WECS	Wind Farm

Property Lines <sup>1</sup>	250 feet or 1.1 times the total height, whichever is greater	250 feet or 1.1 times the total height, whichever is greater	250 feet or 1.1 times the total height, whichever is greater
Right of Way	250 feet or 1.1 times the total height, whichever is greater	250 feet or 1.1 times the total height, whichever is greater	250 feet or 1.1 times the total height, whichever is greater
Occupied Structure <sup>2</sup> – Participating	250 feet or 1.1 times the total height, whichever is greater	500 feet and sufficient distance to meet the state noise standard	500 feet and sufficient distance to meet the state noise standard
Occupied Structure <sup>2</sup> - Nonparticipating	250 feet or 1.1 times the total height, whichever is greater	1,000 feet and sufficient distance to meet the state noise standard	1,000 feet and sufficient distance to meet the state noise standard
Project Boundary <sup>3</sup>		5 times the rotor diameter	5 times the rotor diameter <sup>4</sup>
Internal Turbine Spacing <sup>5</sup>			5 rotor diameters downwind spacing, 3 rotor diameters apart for crosswind spacing

<sup>1</sup>A recorded fall zone easement may be allowed in lieu of the required setback, provided all other setbacks are met.

<sup>2</sup>For the purpose of this Section, an occupied structure shall include, but is not limited to, structures such as residential dwelling units, schools, churches and places of business. In instances where a fall zone easement has been recorded, the occupied structure setback is not required. For small WECS, the setback for an occupied structure does not apply to structures on the same parcel as the WECS.

<sup>3</sup>Project boundary shall include all parcels of land which have a wind easement for one wind project.

<sup>4</sup> It has been documented that the most important directions to access wind energy production is north, northwest, southwest, and south therefore the County may authorize a setback of less than 5 times the rotor diameter if the applicant demonstrates that due to the wind direction, the wake interference is less than 5 rotor diameters.

<sup>5</sup> If required during final micro siting of the turbine towers to account for topographical conditions, up to 20 percent of the towers may be cited closer than the above spacing but the permittee shall minimize the need to site the turbine towers closer.

a. Safety design standards. All WECS shall meet the following safety design standards:

- (1) Engineering Certification. The manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation, and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.



- (2) Clearance. Rotor blades or airfoils must maintain at least twenty-five (25) feet of clearance between their lowest point and the ground.
  - (3) Access. All WECS utilizing a tower as the support structure shall be guarded against unauthorized climbing. The first twelve (12) feet of the tower shall be unclimbable by design or be enclosed by a six (6) foot high unclimbable fence with a secured access.
- b. Established wind resource.
- (1) WECS shall only be installed where there is an established wind resource. An established wind resource can be documented in any of the following ways:
    - (a) The planned turbine site has a minimum eleven (11) MPH (four and eight tenths (4.8) meters/second) average wind speed at the designed hub height, as documented on the Minnesota Department of Commerce statewide wind speed maps.
    - (b) The planned turbine has a minimum hub height of eighty (80) feet and the blade arc is thirty (30) feet higher, on a vertical measurement, than all structures and trees within three hundred (300) feet of the tower.
    - (c) The applicant submits an analysis conducted by a certified wind energy installer or site assessor (North American Board of Certified Energy Professional, NABCEP, or equivalent) that includes estimates of wind speed a turbine height based on measured data, estimated annual production, and compliance with the turbine manufacturer's design wind speed.
    - (d) The proposed turbine is within the Wind Energy Overlay district.
  - (2) Electronic transmission. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions. The burden of proof shall be placed on the applicant to document that the proposed WECS will not interfere with the line of sight of other towers.
  - (3) Braking. All WECS to be installed shall be equipped with redundant braking systems, including aerodynamic, variable pitch over speed controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in the case of loss of load on the generator. Stall regulation shall not be considered a sufficient braking system for over speed protection.
  - (4) Design. To the extent feasible, projects involving multiple WECS shall consist of turbines of similar design, height, and size. All turbines shall rotate in the same direction and shall be consistent in design, color, and rotational direction with adjacent facilities.
  - (5) Noise. WECS shall, at a minimum, meet the noise standard of Minnesota Rules, chapter 7030; or successor rules. Additional, local limit relative to impulsive and pure tone noises may be imposed if the County determines it is appropriate and necessary to protect the public health and welfare.
  - (6) Feeder lines. All feeder lines used to collect power from individual turbines and all associated communication lines shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock interferes with the

ability to bury lines. Feeder lines installed as part of a WECS shall not be considered an essential service.

- (7) Color and finish. All large wind turbines and towers shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finish shall be matte or nonreflective.
- (8) Decommissioning.
  - (a) All WECS must be decommissioned at the end of the WECS' useful life or upon becoming a discontinued use. All applications for installing a WECS shall include a decommissioning plan to ensure that facilities are properly removed after their useful life:
    - (i) Decommissioning Standards. The decommissioning shall include removal of all structure, feeder lines, and foundations, and restoration of soil and vegetation. Disposal of structures and/or foundations shall meet the provisions of the Douglas County Solid Waste Ordinance.
    - (ii) Plan. The decommissioning plan shall address all aspects of decommissioning and shall include a cost estimate made by a competent party—such as a Professional Engineer—a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
    - (iii) Financial assurances. In the case of facilities requiring a conditional use permit or interim use permit, the County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
    - (iv) Discontinued use. A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed by a qualified individual or firm acceptable to the Township Zoning Administrator, and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. Decommissioning shall be completed within one hundred twenty (120) days.
- (9) Signs. Each WECS shall have one (1) sign not exceeding three (3) square feet posted at the base of the tower specifying the following information: warning, high voltage; manufacturer's name; and emergency phone numbers. No other signage is permitted on a WECS.
- (10) MnDOT tower registry. WECS less than two hundred (200) feet in total height must be registered with the Minnesota Department of Transportation small tower registry.
- (11) Road and easement protection. All applicants shall identify all county, city, or township roads or drainage systems to be impacted by or used for the purpose of transporting any equipment or supplies related to construction, operation and maintenance of a WECS and obtain applicable weight and size permits from the applicable road authority(ies) prior to construction. The applicant shall conduct a pre-construction survey with the local road and drainage authority(ies) to

determine existing road conditions and the conditions of any drainage utilities potentially impacted and shall document said conditions photographically and thereafter enter into written agreement with the appropriate road and drainage authority(ies) to document the road and/or drainage utility conditions. The applicant is responsible for restoring roads, bridges, or drainage utilities to preconstruction conditions or for paying damages as agreed to by the applicable road and drainage authority(ies).

5. Wind energy system standards by type.

a. Small WECS (rotor swept area less than two hundred (200) sq. meters and total height of less than one hundred thirty (130) feet, except as allowed under a conditional use permit as described below). The following standards apply to small WECS:

- (1) Tower configuration. Small WECS must use self-supporting towers. Towers are also subject to the safety design standards of this Ordinance.
- (2) Maintenance. All WECS must have routine maintenance as recommended by the manufacturer and at a minimum of once every three (3) years. Maintenance must be completed by a qualified individual acceptable to the Township Zoning Administrator. Record of performed maintenance must be available for inspection by the County upon request.
- (3) Total height. Total height of the WECS is measured as the highest point, above ground level, reached by a rotor tip or any other part of the WECS. All small WECS must be less than one hundred thirty (130) feet in total height, except in the Wind Energy Overlay, where the height must be less than two hundred (200) feet. Small WECS up to two hundred (200) feet in height outside the Wind Energy Overlay may be allowed under a conditional use permit.
- (4) Turbine certification. Small WECS turbines shall be certified of in the process of being certified by the Small Wind Certification Council (SWCC), Micro-generation Certification Scheme (MCS), or must be listed by the Interstate Turbine Advisory Council.

b. Large WECS (rotor swept area greater than two hundred (200) sq. meters and total heights greater than one hundred thirty (130) feet, except for small WECS allowed under a conditional use permit as described in the Ordinance). The following standards apply to large WECS:

- (1) Total height. Total height of the WECS is measured as the highest point, above ground level, reached by rotor tip or any other part of the WECS. All large WECS must be less than two hundred fifty (250) feet in total height, except in the Wind Energy Overlay, where there is no height limit.
- (2) Maintenance. A copy of the required maintenance report shall be filed with the County. Maintenance must be completed by a qualified individual acceptable to the Township Zoning Administrator.
- (3) Tower configuration. All large WECS must use self-supporting towers. The base for such towers shall be designed to anchor and support the tower for the site, and is further subject to the safety design standards of this Ordinance.

- (4) Additional information. The County may choose to consult with outside agencies and/consultants to determine if the application meets the requirements of this Ordinance, state, and federal laws. Any charges of fees resulting from such consultation will be the responsibility of the applicant for payment.
  - c. Aggregated projects. Aggregated projects shall meet all the requirements for large WECS. Aggregated projects may only be located within the Wind Energy Overlay.
- 6. Conformance with Other Standards. In addition to the standards above, all WECS shall comply with the following standards:
  - a. All WECS shall be in compliance with any applicable local, state, and federal regulatory standards, including the following:
    - (1) The State of Minnesota Uniform Building Code, as amended; and
    - (2) The National Electric Code, as amended; and
    - (3) All applicable MNDOT Department of Aviation and Federal Aviation Administration requirements; and
    - (4) The City of Alexandria Airport Zoning Ordinance.
  - b. Setbacks from private air strips shall be determined on a case-by-case basis.
  - c. Equipment for all WECS shall conform to the applicable industry standards, including the American Wind Energy Association Standard for Wind Turbine and related standards adopted by the American National Standards Institute (ANSI).
  - d. Lighting of WECS, including lighting intensity and frequency of strobe shall adhere to, but not exceed, requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent bulbs should be avoided.
  - e. WECS shall be located such that they do not cause interference with legal commercial or private telecommunication devices including, but not limited to radios, televisions, telephones, personal communication devices, and other electronic equipment or devices in accordance with the Federal Communications Commission.
- 7. Application Procedures – Small WECS. All WECS projects shall be required to submit a Land Use Permit application. The WECS Land Use Permit application shall contain, or be accompanied by, the following information:
  - a. Site plan required.
    - (1) Applicants requesting a construction site permit or conditional use permit for a WECS shall furnish a site plan showing the following information:
      - (a) Lot lines for the parcel where the WECS interconnects to a utility line or a building.
      - (b) Identification of zoning and overlay district(s) on the development lot and adjacent lots.
      - (c) The accurate location and height of all buildings, structures, above-ground utilities, and trees on the site and within five hundred (500) feet of each proposed

small WECS.

- (d) The proposed location of the WECS and any related guy wires, poles, or anchors.
  - (e) Interconnection points with the electric grid.
  - (f) A sketch elevation of the premises accurately depicting the proposed WECS and its relationship to structures on adjacent lots.
  - b. Wind resource. Evidence that an adequate wind resource has been documented, consistent with Section V., G., 4., b. c.
  - c. Evidence of contract. WECS that are not net metered, as defined under Minnesota Statutes 216B.164, or successor statutes, shall submit evidence of power purchase contracts.
  - d. Designated safety standards. Manufacturer's description of all equipment and certifications as per safety design standards.
  - e. Natural and scenic resources. Location of wetlands, scenic designations (by federal, state, county, or local government), areas that have been mapped or designated as habitat or natural area, parks, and shoreland within six hundred fifty (650) feet of each proposed small WECS.
  - f. Noise. An acoustical analysis identifying noise levels in decibels at multiple distances from the turbine (manufacturer's testing and rating are acceptable documentation).
  - g. Decommissioning. A decommissioning plan.
  - h. Communications equipment. Identify all communications equipment within line of sight of the proposed turbine hub and document that the proposed WECS will not interfere with the line of sight between communication towers or emergency communications equipment.
  - i. Interconnection. Means of interconnecting with the electrical grid.
8. Application Procedures – Large WECS. All WECS projects shall be required to submit a Conditional Use Permit application. The application shall contain, or be accompanied by, the following information:
- a. Site plan.
    - (1) Applicants requesting a construction site permit or conditional use permit for a WECS shall furnish a site plan showing the following information:
      - (a) Lot lines for the parcel on which the WECS is to be installed and, if different, the lot lines for the parcel where the WECS interconnects to a utility line or a building.
      - (b) Identification of zoning and overlay district(s) on the development lot and adjacent lots.
      - (c) The accurate location and height of all buildings, structures, above-ground utilities, and trees on the site and within three (3) rotor diameters of each large WECS.
      - (d) The proposed location of the WECS and any related guy wires, poles, or anchors.

- (e) Interconnection points with the electrical grid.
    - (f) A sketch elevation of the premises accurately depicting the proposed WECS and its relationship to the structures on adjacent lots.
  - b. Wind resource. Evidence that an adequate wind resource has been documented, consistent with Section V., G., 4., b.
  - c. Protection from turbulence. An analysis of the impact from the wind turbulence or other diminishment of wind resources to adjoining property owners from the proposed installation, affecting the adjoining property owner's ability to site WECS on their property.
  - d. Communications equipment. Documentation that the applicant notified all communication tower operators within five (5) miles of the proposed WECS location and that the proposed WECS will minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signal. Document that the proposed WECS will not interfere with the line of sight of other towers.
  - e. Access roads. Location of existing or proposed access roads.
  - f. Power purchase contracts. WECS that are not net metered, as defined under Minnesota Statutes 216B.164, or successor statutes, shall submit evidence of power purchase contracts.
  - g. Safety design standards. Manufacturer's description of all equipment and certifications as per safety design standards.
  - h. Natural and scenic resources. Location of wetlands, scenic designations (by federal, state, county, or local government), areas that have been mapped or designated as habitat or natural area, parks, and shoreland within one thousand, three hundred twenty (1,320) feet of each proposed large WECS.
  - i. Noise. An acoustical analysis identifying noise levels in decibels at multiple distances from the turbine (manufacturer's testing and rating are acceptable documents).
  - j. Decommissioning. A decommissioning plan.
  - k. Interconnection. Means of interconnecting with the electrical grid.
9. Aggregated Projects - Procedures.
- a. State oversight. Aggregated projects having combined capacity equal to or greater than the threshold for State oversight as set forth in Minnesota Statutes 216F.01 through 216F.08; or successor statutes, shall be regulated by the State of Minnesota.
  - b. Single application. Proposers of Aggregated Projects must jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews, and as appropriate, approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project.
  - c. Submittal procedures.
    - (1) Aggregated projects must follow the submittal procedures identified in Section V., G., and must also submit the following information:

- (a) Provide the latitude and longitude of individual wind turbines, a USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the proposed WECS, and a FAA permit application.

## Z. FENCES<sup>90</sup>

This section shall be applicable to all parcels of land within the Township, except those with a tax classification of Agricultural or Agricultural Residential.

Fences shall be permitted in all yards, subject to the following:

1. Residential Zoning Districts (UR, RR, RCR, RS). Fences in residential districts must comply with the height and setback requirements as listed below:

<b>Location</b>	<b>Maximum Height</b>	<b>Setback Required</b> (see Section V.Z.3.c. for exceptions)
Front yard	6 feet	2 feet, unless abutting a public right-of-way or public easement, then 0 feet.
Interior or street side yard	6 feet	2 feet
Rear yard (nonshoreland)	6 feet	2 feet
Shoreline	6 feet, unless a lesser height is required as part of a required conditional use permit.	The same setback required of a structure (see Section III.D.5) OR a setback consistent with the “string line test” as defined in Section VII of this Ordinance.  Lesser setbacks shall be allowed only by conditional use permit and a finding by the Township that views of neighboring property owners to the lake will not be significantly affected.
Buildable area (applicable to buildings)	8 feet	Not applicable

<sup>90</sup> Entire Section adopted on September 20, 2021 (Resolution #21-01).

Any property line adjoining a business or industrial zoned property	6 feet unless otherwise allowed by conditional use	2 feet
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2. Commercial/Industrial Zoning Districts (C-U, C-R and I). Fences in business and industrial districts must comply with the height and setback requirements as listed below:

<b>Location</b>	<b>Maximum Height</b>	<b>Setback Required From Lot Line</b>
Any lot line	6 feet, unless otherwise allowed by conditional use	2 feet

3. General Standards for Fences in All Zoning Districts

- a. All fences shall require a permit approved by the Zoning Administrator regardless of height or where on a property they are located, except for the following exceptions:
  - (1) temporary fencing not exceeding six feet (6') in height for the purpose of securing the perimeter of a construction site, provided that any such fencing is removed upon completion of the construction project.
  - (2) temporary fencing for the purpose of blocking snow drifts between October 15 and April 15 of each year.
- b. Prior to issuance of a fence permit, a certificate of survey and/or clearly marked property corners shall be required by the Zoning Administrator for all fences or walls to be constructed on a property line or when the fence or wall is not clearly entirely on the subject property.
- c. Setbacks from property lines may be reduced to zero (0) feet only if the fence is constructed as a low-maintenance fence, as defined by this ordinance, and if the applicant provides a signed and notarized statement from the neighboring property owner that they do not object to the fence being located closer than the setback required in Section V.Z.1 and 2 above.
- d. Approved fencing materials include stone, brick, finished wood, rigid plastic, chain link, split rail fences or other materials commonly used for fencing. Other materials may only be approved by conditional use permit, except that the following types of fencing are prohibited: razor wire, creosote lumber, galvanized roofing/siding panels, chicken wire (unless used for the enclosure of gardens or livestock), concrete block or poured concrete, plastic webbing (except when used as temporary construction or snow fencing), plywood or pressed wood.



- (1) Barbed wire and electric fencing is permitted only for the enclosure of livestock. The use of such fencing for other reasons shall be permitted only by an approved conditional use permit.
- e. Fence height shall be determined by the body of the fence, starting no greater than six inches (6") above the natural grade. Fence posts may extend a maximum of twelve inches (12") above the body of the fence.
- f. That side of the fence considered to be the face, the side not attached to the primary structural supports, shall face the abutting property or street right-of-way.
- g. No fence may be erected:
  - (1) on either street side of a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic.
  - (2) where it will impede, in the opinion of the City Engineer or their designee the flow of water across or through a drainageway, drainage easement, wetland or a required stormwater management facility, (i.e., water quality/detention pond, rain garden, etc.).
- h. Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Minor chipping of paint, rusting, cracks or other blemishes shall not require repair.
- i. Notwithstanding height limitations elsewhere in this subsection, fences enclosing or adjacent to sport courts or fields, in any zoning district, may be allowed by conditional use permit up to twelve feet (12') in height with a minimum ten foot (10') setback from any property line.
- j. Swimming Pools – All swimming pools capable of holding water to a depth of greater than two (2) feet shall be:
  - (1) completely covered with a power safety cover complying with ASTM F 1346; or
  - (2) completely enclosed with fencing and self-closing and self-latching gates of a height of not less than four (4) feet and with openings, holes or gaps not larger than four (4) inches in any dimension. Pools accessed from an exterior deck shall provide such gates or railings on any exterior stairways leading to the deck.

Above-ground swimming pools inaccessible from an adjacent building or deck or other structure and with a side height of at least four (4) feet above the ground or structure need not have such a fence provided they are equipped with a fold-up ladder sufficient to prevent unsupervised entry to the pool.

## SECTION VI. ADMINISTRATION

### A. LAND USE PERMITS.

1. A land use permit shall be obtained prior to erecting, installing, altering or remodeling, or moving any building, deck, patio or structure, or part thereof, in Alexandria Township outside the corporate limits of cities. All terms of this Ordinance, and Alexandria Township Ordinance #114 (Minnesota State Building Code)<sup>91</sup>, shall be met before a land use permit is issued.
  - a. The following structures and improvements are exempt from the zoning or land use permit requirements providing all setback requirements applicable to a fence<sup>92</sup> are met, that the height of such structures or improvements does not exceed the maximum structure height in the relevant zoning district, and that no construction or maintenance activities, including stockpiling of materials, is done on a neighboring property without the consent of said landowner:<sup>93</sup>
    - i. Satellite dishes, sidewalks, driveways, parking areas, flag poles, propane tanks, gardens, playground equipment, above-ground swimming pools of a temporary nature, customary television, radio or wireless internet antennas, underground sprinkler and/or irrigation systems, hot tubs, currently licensed fish houses/dark houses, stairways and landings for the purpose of entering or exiting a building not exceeding four feet in width or 32 square feet for residential buildings or, for commercial or public buildings, as would be customary and reasonable<sup>94</sup>, and pump houses no larger than 4' x 4' x 4'.
2. A dwelling on a parcel of land in all zoning districts must meet the width and depth requirement of 24 feet.
3. A permit fee payable to the Township shall be required for each land use, in accordance with the Alexandria Township Permit and License Fee Schedule.
  - a. Permits applied for after the work has begun must comply in accordance with the provisions of the Alexandria Township Zoning Ordinance and permit and License Fee Schedule.
4. A land use permit issued under the terms of this Ordinance shall be valid for one (1) year from the date of issuance. The project must be completed in one (1) year from date of issuance.

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<sup>91</sup> Amended 12/15/08 (Resolution #08-16)

<sup>92</sup> Amended 12/15/08 (Resolution #08-16)

<sup>93</sup> Amended 12/17/2007 (Resolution #07-20)

<sup>94</sup> Amended 3/21/2011 (Resolution #11-02)

5. A land use permit may be extended by yearly intervals in instances where reasonable diligent construction could not complete the proposed structure. No such time extension shall be granted if occupancy is planned before completion of the structure unless a Township approved sewage treatment system is installed and operating.
6. Prior to the issuance of a land use permit, a conditional use permit may be required by the Zoning Administrator for a used building being moved or placed on a tract of land.
  - a. If the building is being moved from the community with building codes, the applicant must provide written documentation from the appropriate official of that community that the building substantially meets the building code and is not currently subject to condemnation as a dilapidated or substandard building.
7. Prior to the issuance of a land use permit for any structure within all districts, any property with a dwelling or where human sewage is otherwise generated on-site (including wastewater from sinks and showers) must provide evidence of connection to a public wastewater treatment system or a compliant onsite sewage treatment system in accordance with the sanitation code as adopted by reference in this Ordinance. Prior to the issuance of a land use permit a system which is identified as nonconforming/failing must be upgraded to conform with the Minnesota Individual Sewage Treatment System standards (Minnesota Rules Chapter 7080) or connected to a public sewage treatment system within a time frame not to exceed two years or ten months if such system is declared to be an imminent health threat.<sup>95</sup>
  - a. This requirement shall not apply to conditional or interim use permit applications that are solely for the purpose of constructing a sign or where the proposed use does not involve the construction of any building.<sup>96</sup>
8. A verification of connection to a central sewage treatment system, a certificate of compliance for an existing individual sewage treatment system or an individual sewage treatment system design must be submitted and approved by the Zoning Administrator prior to the issuance of any land use permit for a building/structure containing plumbing. Additional requirements are set forth in Section V., Performance Standards.
9. Prior to the issuance of a land use permit within all districts, all conditional use, interim use and variance conditions on the property must be rectified.<sup>97</sup>
10. No contractor or individual shall perform work upon a project requiring a permit under this Ordinance unless such permit has been issued and posted on the premises and until such contractor has first verified all conditions of the permit.

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<sup>95</sup> Amended 12/17/2007 (Resolution #07-20)

<sup>96</sup> Amended 3/21/2011 (Resolution #11-02)

<sup>97</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

11. An elevation certificate may be required if the project is located within a flood plain as determined by FEMA maps.
12. Prior to issuance of a land use permit Douglas County Sanitarian approval may be required.
13. A Land Use Permit may be denied administratively by the Zoning Administrator if it is considered to be inconsistent with the protection of health, safety and welfare.
14. In evaluating all variances, zoning and building permit applications, interim or conditional use requests, the Township shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.<sup>98</sup>

**B. CONTRACTORS.**

**1. License Requirements.**

- a. No person, firm or corporation shall engage in the business of excavator or landscaping contractor within Alexandria Township without obtaining a license therefore from the Douglas County Commissioners and meeting all applicable county requirements.
  - b. Building contractors shall be licensed with the State of Minnesota.
2. No contractor or individual shall perform work upon a project requiring a permit under this Ordinance unless such permit has been issued and posted on the premises and until such contractor has first verified all conditions of the permit.

**C. ADMINISTRATIVE OFFICER.**

**1. Duties and Responsibilities.**

The Board of Township Supervisors hereby delegates to the Zoning Administrator/representative the duties and responsibilities as follows:

- a. Administer the terms of this Ordinance subject to any required approval of the Planning Commission and Town Board.
- b. Issue permits.

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<sup>98</sup> Amended 3/21/2011 (Resolution #11-02)

- c. Receive applications for conditional and interim use permit requests, provide proper notification and forward, along with recommendations, to the Planning Commission.<sup>99</sup>
- d. Receive applications for variance requests, provide proper notification and forward, along with recommendations to the Board of Adjustment.
- e. Receive applications for zoning amendments, provide proper notification and forward, along with recommendations, to the Planning Commission.
- f. Inspect construction and development to insure that the standards of this Ordinance are being complied with. The Zoning Administrator<sup>100</sup> or its agent may require an on-site inspection of any property before, during or after construction has begun and after completion.
- g. Provide and maintain a public information bureau relative to matters arising out of this Ordinance.
- h. Maintain the Alexandria Township official zoning maps.
- i. File all matters required by Minnesota Statutes 462.3595, Subdivision 4 and 462.36 or as otherwise required by state law.
- j. Perform any additional duties required in the administration and enforcement of this Ordinance and the Alexandria Township Subdivision Controls Ordinance.
- k. Serve as staff to the Planning Commission and Board of Adjustments.
- l. Undertake such other matters and responsibilities as the Town Board may assign from time to time.
- m. Right of entry upon land.
- n. Notice of Abatement to landowners in violation of any provision of this Ordinance.

#### D. PLANNING COMMISSION.

##### 1. Establishment.

- a. The Board of Township Supervisors hereby establishes a Planning Commission which shall be composed of five (5) members appointed and

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<sup>99</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

<sup>100</sup> Amended 12/17/2007 (Resolution #07-20)

approved by the Town Board. No more than two members' terms shall expire in any given calendar year. No more than one (1) voting member of the Planning Commission shall be an officer or employee of the Township. No voting member of the Commission shall have received, during the two (2) years prior to appointment, any substantial portion of his/her income from business operations involving the development of land within the Township for urban and urban-related purposes.

- b. The following Township officers or employees shall be ex-officio members of the Planning Commission without vote and shall serve at the pleasure of the Town Board of Supervisors: Township Attorney, Township Engineer, Township Clerk, Township Auditor, and Township Zoning Administrator.
- c. The Township Zoning Administrator shall act as recording secretary of the Commission and the Commission shall elect a chairperson from among its members and any other such officers as it deems necessary and proper.

2. Duties and Responsibilities.<sup>101</sup>

- a. The Planning Commission shall review all applications for zoning amendments, conditional or interim use permits, plans for subdivision of land and all categories of planned unit development and make its recommendations to the Town Board. The Town Board shall be the final authority for the approval or disapproval of all applications of zoning amendments, conditional or interim use permits, plans for subdivision of land and all categories of planned unit developments. The Commission may review all comprehensive plan and official controls and any plans for public land acquisition and development sent to the Township for that purpose by any local unit of government or any State or Federal agency and shall make its recommendations to the Town Board. The Planning Commission shall hold public hearings pursuant to law to assist it in making any decision or recommendation. The Commission may view the property before or after the public hearing.

3. Removal and Vacancies.

- a. Removal.

- (1.) The Town Board of Supervisors may, by a majority vote, remove any members of the Planning Commission from office for nonperformance of duty or misconduct in office. Nonperformance of duty shall include non-attendance at two (2) consecutive meetings of the Planning Commission without a valid reason.

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<sup>101</sup> Amended 12/7/2009 (Resolution #09-05)

b. Vacancies.

- (1.) Vacancies on the Planning Commission shall be filled by a majority vote of the Town Board of Supervisors on the proposed appointment for the remainder of the term of office.

E. BOARD OF ADJUSTMENT AND APPEALS.

1. Authority. A Board of Adjustment and Appeals is hereby established pursuant to Minnesota Statutes 462.354.
2. Membership. The Town Board shall act as the Board of Adjustment and Appeals.
3. Powers. The Board of Adjustment and Appeals shall have the power to hear and decide requests in the following cases:
  - a. Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of a zoning ordinance.
  - b. Interpretation. Interpret the boundary lines between zoning districts when such questions arise and interpret the provisions of these Ordinances in such a way as to carry out the intent and purpose of these Ordinances.
  - c. Variances. To hear requests for variances from the literal provisions of the Ordinance in instances where their strict enforcement would cause undue hardship, using the criteria for granting variances given in Section VI.H.1.
4. Compensation. The members of the Board of Adjustment and Appeals shall serve without compensation, but may be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board.
5. General. The Board of Adjustment and Appeals shall elect a chairman and vice-chairman from among its members, and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business, and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings that shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order. The meetings of the Board of Adjustment and Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.
6. Meetings. Meetings of the Board of Adjustment and Appeals shall be held within such time and upon such notice to interested parties, as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter, and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.
7. Voting/Conflict of Interest. Each member, including the chairman, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend into discussion. Testimony, however, may be offered. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Board of Adjustment shall disclose such interest and either

disqualify him or herself or seek a ruling pursuant to this Ordinance. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Board shall decide the question pursuant to this Ordinance.

F. ZONING AMENDMENTS.

1. The Town Board may adopt amendments to the Zoning Ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the Township. The following procedures shall be followed in issuing zoning amendments:
  - a. The Planning Commission, Town Board of Supervisors or property owner may initiate an amendment. Property owners wishing to initiate an amendment which would affect their property shall make application to the Zoning Administrator. No amendments will be made unless the request has already been approved by Douglas County or unless the request would involve an amendment that is more restrictive than Douglas County regulations, is adjacent to property of a similar zoning classification, central sewer is servicing the property or the request is in accordance with the Comprehensive Plan. The application shall be accompanied by a fee in the amount specified in the Alexandria Township Permit and License Fee Schedule to be used for the cost of processing the application.
  - b. The Zoning Administrator shall set a date for the hearing of the application before the Planning Commission and cause notice of such hearing to be properly published in the legal newspaper ten (10) days prior to the hearing. The Zoning Administrator shall also give written notification of the hearing to Douglas County, the governing bodies of all cities located within two (2) miles of the affected property, and to property owners of record within one-half (2) mile of the affected property.
  - c. The hearing on the amendment application shall be held by the Planning Commission at the first regular meeting after the requirements of the proper notice are complied with.
  - d. The Planning Commission shall make its recommendation to the Town Board of Supervisors within sixty (60) days after the date the complete application for amendment was received by the Zoning Administrator, or within a longer period if extended in accordance with the provisions of Minnesota Statutes 15.99.
  - e. The Town Board shall take action on the amendment application within sixty (60) days of the date the complete application for amendment was received by the Zoning Administrator, or within a longer period if extended in accordance with the provisions of Minnesota Statutes 15.99. Said action taken by the Town



Board shall be by a majority vote of all its members, except that the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds majority vote of all members of the Town Board.<sup>102</sup> The person making the application shall be notified of the Board's action. A certified copy of any amendment shall be filed with the Douglas County Recorder or Registrar of Titles.

- f. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Zoning Administrator may permit a new application if, in the opinion of the Zoning Administrator, new evidence or a change of circumstances warrant it.

G. **CONDITIONAL USE PERMIT.**

1. Criteria for Granting Conditional Use Permits.

- a. In granting a conditional use permit, the Alexandria Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants or surrounding lands. Among other things, the following findings may be considered:
  - (1.) The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
  - (2.) The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
  - (3.) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
  - (4.) The use in the opinion of the Town Board is reasonably related to the overall needs of the Township and to the existing land use.
  - (5.) The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

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<sup>102</sup> Amended 3/21/2011 (Resolution #11-02)

- (6.) The use is in conformance with the Comprehensive Plan of the Township.
  - (7.) The use will not create a traffic hazard or congestion.
- b. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures of this subsection along with the following additional evaluation criteria and conditions:
  - (1.) Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
    - (a.) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
    - (b.) The visibility of structures and other facilities as viewed from public waters is limited.
    - (c.) The site is adequate for water supply and on-site sewage treatment.
    - (d.) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- c. Conditions Attached to Shoreland Conditional Use Permits. The Planning Commission, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
  - (1.) Increased setbacks from the ordinary high water level.
  - (2.) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
  - (3.) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
- d. Conditions attached to Adult Uses Conditional Use Permits. The Planning Commission, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions shall include, but are not limited to, a requirement that no adult use shall be located within five hundred (500) feet of:

- (1.) Any area zoned as a Residential District (UR, RR, RCR) or Residential Shoreland District.
- (2.) Any school, as defined in Minnesota Statutes Section 120.101.
- (3.) Any church.
- (4.) Any daycare facility.
- (5.) Any residential or nonresidential program, as defined in Minnesota Statutes Section 245A.02.
- (6.) Any hotel or motel.
- (7.) Any public park.
- (8.) Hospitals as defined by Minnesota Statutes, Section 144.50.
- (9.) Nursing homes as defined by Minnesota Statutes, Section 144.50.

## 2. Procedure.

- a. Any proposed conditional use shall be presented to the Planning Commission for the determination of its applicability to the zoning district wherein permitted. In support of such determination of applicability, the Planning Commission may require preliminary architectural drawings or sketches on all buildings or groups of buildings, showing the front, side and rear elevations of the proposed building, structure or other improvements, and the proposed location of such buildings on the lot as the same will appear after the work has been completed. Such drawings or sketches shall be considered by the Planning Commission in an endeavor to ascertain that such buildings, structures and other improvements shall be so designed or constructed that they will not be of unsightly, undesirable or obnoxious appearance. The following procedure shall be used in issuing conditional use permits:
  - (1.) The applicant for a conditional use permit shall file an application in writing in the office of the Zoning Administrator and pay a fee as listed in the Alexandria Township Permit and License Fee Schedule when the application is filed.
  - (2.) The Zoning Administrator shall refer the application to the Planning Commission for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter (1/4) mile of the affected property or the ten (10) properties nearest the affected

property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Planning Commission will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed conditional use.

- (3.) The applicant or a representative shall appear before the Planning Commission and answer any questions concerning the proposed conditional use. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse effects.
  - (4.) The recommendations of the Planning Commission shall be referred to the Town Board of Supervisors within sixty (60) days of the date the complete application was received by the Zoning Administrator, or within a longer period if extended in accordance with the provisions of Minnesota Statutes 15.99, and placed on the agenda of the Board at its regular meeting following referral from the Planning Commission.
- b. The Town Board of Supervisors shall take action on the application within sixty (60) days of the date the complete application was received by the Zoning Administrator, or within a longer period if extended in accordance with the provisions of Minnesota Statutes 15.99. If it grants the conditional use permit, the Board may impose any special conditions it considers necessary to protect the public health, safety and welfare. An appeal from any decision of the Town Board of Supervisors may be taken by any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, officer, department, board or bureau of the municipality to the Court of Appeals by petition for writ of certiorari within sixty (60) days as delineated in Minnesota Statute 606.01 and applicable court rules, as amended.
  - c. A certified copy of the granted conditional use permit shall be filed with the Douglas County Recorder or Registrar of Titles by the Zoning Administrator.
  - d. No application for a conditional use permit shall be resubmitted for a period of one (1) year from the date that the request is denied except the Zoning Administrator may allow a new application if in the opinion of the Zoning Administrator new evidence or a change in circumstances warrant it.
  - e. Work on any project requiring a conditional use permit shall begin within one (1) year of the issuance of the permit and completed within eighteen (18) months of permit issuance or it shall expire.

f. A conditional use permit shall only be terminated by the Town Board after the Planning Commission has provided its recommendation following a public hearing.<sup>103</sup>

3. Termination.<sup>103</sup>

a. The Town Board may terminate a conditional use permit upon the occurrence of any of the following events and after the Planning Commission has held a public hearing to provide its recommendation on a termination:

- (1.) When the use has been discontinued for one year or more; or
- (2.) When any of the conditions have not been adhered to and the applicant has not corrected the violation upon written notice of the violation from the Zoning Administrator within the timeframe specified in such written notice; or
- (3.) When there have been more than two separate violations of any condition of approval (such violations need not be of the same condition) by the same landowner or operator of the use, even if the previous violations have been corrected upon written notice from the Zoning Administrator; or
- (4.) When there is a repeated pattern of violations, regardless of ownership or the operator of the use, as documented by the Zoning Administrator.

H. INTERIM USE PERMIT<sup>104</sup>.

1. Purpose.

The purpose of an interim use permit is to allow a temporary use that is not designated as permitted or conditionally permitted but is acceptable for a limited period of time subject to conditions set forth in this section. An interim use is granted to a particular individual or other applicant and does not accrue to the subject property.

An interim use is intended to allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future, or will be replaced in the future by a permitted or conditional use allowed within the respective zoning district. Buildings and other improvements allowed by interim use shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the interim use permit expire.

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<sup>103</sup> Amended 3/21/2011 (Resolution #11-02)

<sup>104</sup> Entire section added 12/7/2009 (Resolution #09-05)

2. Criteria for Granting Interim Use Permits.

- a. In granting an interim use permit, the Alexandria Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants or surrounding lands. The criteria used for reviewing conditional use permit shall also be used when considering interim use permits, along with the following additional considerations:
- (1.) The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses; and
  - (2.) The use will terminate upon a date or event that can be identified with certainty and/or clarity; and
  - (3.) The use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
  - (4.) The use will be subjected to, by agreement with the property owner, any conditions that the Town Board deems appropriate in allowing the proposed interim use, including a condition that the owner will provide an appropriate surety to cover costs that would be necessary to eliminate the interim use from the property, including removal of buildings, equipment, restoration of the landscape to a suitable condition or other appropriate and necessary costs.

3. Termination of an Interim Use Permit.

- a. An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:
- (1.) Five (5) years from the initial approval of an interim use, unless a shorter time period is specified in the initial approval. After the initial approval period and if a renewal is approved by the Township, the interim use permit shall terminate upon the date or event stated in the permit approval; or
  - (2.) When the use has been discontinued for one year or more; or
  - (3.) When there is a change in ownership of the property of any kind, unless the Town Board approves such change in ownership as not substantially changing who is operating and/or managing the use and property. Such requests must be presented to the Planning Commission for a recommendation to the Town Board, but need not require a public hearing; or

- (4.) Within 24 months of the date of an amendment to the Zoning Ordinance that no longer allows the use as an interim or permitted use.
- (5.) When any of the conditions have not been adhered to and the applicant has not corrected the violation upon written notice of the violation from the Zoning Administrator within the timeframe specified in such written notice;<sup>105</sup> or
- (6.) When there have been more than two separate violations of any condition of approval (such violations need not be of the same condition), even if the previous violations have been corrected upon written notice from the Zoning Administrator.<sup>105</sup>

4. Renewal or Amendment of Interim Use Permit.

- a. Renewal: An application to extend an interim use permit may be renewed within 24 months prior to the date or event upon which it is to expire. The application shall be processed and administered as if it were a new application. Should such application to renew be denied, the applicant shall be allowed to continue the use until the expiration of the interim use permit provided all conditions of the original approval are being met. If the application to renew is approved, the Township shall specify a new date or event on which the renewed permit will expire. There shall not be a limit on the number of times an interim use permit may be extended. Application fees for renewal of an interim use permit shall be as established in the Township fee schedule.
- b. Amendment: Any change in an approved interim use permit involving more than minor structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by an interim use permit, as determined by the Zoning Administrator, shall require an amended interim use permit to be reviewed as if it were a new interim use permit.

5. Procedure.

- a. An application for an interim use permit shall follow the same procedures applicable to a conditional use permit, as outlined in this Ordinance.
- b. The township hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.

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<sup>105</sup> Amended 3/21/2011 (Resolution #11-02)

- c. An interim use permit shall only be terminated by the Town Board after the Planning Commission has provided its recommendation following a public hearing.<sup>106</sup>

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<sup>106</sup> Amended 3/21/2011 (Resolution #11-02)



## I. VARIANCES.

### 1. Criteria for Granting of Variances.

- a. The Board of Adjustment shall have the exclusive power to order the granting of variances from the terms of this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted when the following criteria have been met, as determined by the Board of Adjustment:
  - i. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Ordinance and when the variances are consistent with the comprehensive plan.
  - ii. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.
  - iii. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
  - iv. Economic considerations alone do not constitute practical difficulties.
  - v. A variance may not permit any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located.
  - vi. The Township may impose conditions in the granting of variances provided it is directly related to and bears a rough proportionality to the impact created by the variance.
  - vii. Variances shall be issued to the property and are not transferable.

### 2. Procedure.

- a. Any proposed variance shall be presented to the Board of Adjustment for determination. In support of such determination of applicability, the Board of Adjustment may require preliminary architectural drawings or sketches on all buildings or groups of buildings, showing the front, side and rear elevations of the proposed building, structure or other improvements, and the proposed location of such buildings on the lot as the same will appear after the work has been completed. Such drawings or sketches shall be considered by the Board of Adjustment in an endeavor to ascertain that such buildings, structures and other improvements shall be so designed or constructed that they will not be of

unsightly, undesirable or obnoxious appearance. The following procedure shall be used in granting variances:

- (1.) The applicant for a variance shall file an application in writing in the office of the Zoning Administrator and pay a fee as listed in the Alexandria Township Permit and License Fee Schedule when the application is filed.
  - (2.) The Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) day prior to the hearing. Property owners within five hundred (500) feet of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - (3.) The applicant or a representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
- b. A decision shall be made by the Board of Adjustment within sixty (60) days of the date the complete application was received by the Zoning Administrator, or within a longer period if extended in accordance with the provisions of Minnesota Statutes 15.99. All decisions by the Board of Adjustment in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the jurisdiction of the State shall have the right to appeal to the District Court in the Township in which the land is located on questions of law and fact within thirty (30) days of the decision of the Board of Adjustment.
  - c. A certified copy of the granted variance shall be filed with the Township recorder or Registrar of Titles by the Zoning Administrator.
  - d. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section VI.I.2. shall also include the Board of Adjustment's summary of the public record/testimony and the findings of fact and conclusions which supported the issuance of the variance.
  - e. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in the opinion of the Zoning Administrator, new evidence or a change in circumstances warrant it.

- f. Work on any project requiring a variance shall begin within one (1) year and shall be completed within eighteen (18) months of the issuance of the variance or it shall expire.

J. NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES.<sup>107</sup>

1. Copies of all notices of any public hearings to consider variances, amendments, conditional uses or interim uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances, conditional uses or interim uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten (10) days of final action.

K. APPEALS.

1. General.

- a. An appeal from any order, requirement, decision or determination of any administrative official charged with enforcing this Ordinance may be made to the Board of Adjustment. An appeal must be filed within thirty (30) days after the time the administrative determination is made. The appeal stops all proceedings on the action appealed unless the Board of Adjustment certifies that the stay would cause imminent threat to life or property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may direct the issuance of a permit.

2. Procedure.

- a. Appeals shall be filed with the Zoning Administrator.
- b. The Zoning Administrator shall refer the appeal to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within five-hundred (500) feet of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice

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<sup>107</sup> Amended 12/7/2009 (Resolution #09-05) to include interim uses.

shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the appeal and to the Town Board of the Township.

- c. The applicant or a representative shall appear before the Board of Adjustment and answer any questions concerning the appeal.
- d. A decision shall be made by the Board of Adjustment within sixty (60) of the date the appeal was received by the Zoning Administrator, or within a longer period if extended in accordance with the provisions of Minnesota Statutes 15.99. All decisions by the Board of Adjustment in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons or any department, board of commission of the jurisdiction of the State shall have the right to appeal to the District Court in the Township in which the land is located on questions of law and fact within thirty (30) days after the approval or denial of the variance.
- e. A certified copy of any order resulting from the Board's decision on an appeal shall be filed with the Township Recorder or Registrar of Titles by the Zoning Administrator.

L. **ENFORCEMENT AND PENALTIES.**<sup>108</sup>

Definitions: The following definitions will be codified alphabetically in Section VII of the Alexandria Township Zoning Ordinance:

**MISDEMEANOR** - Misdemeanor means a criminal infraction punishable by up to 90 days incarceration, a \$700 fine, or both.

**VIOLATION** - Violation means a failure to comply with any directive of this Ordinance or with any conditions lawfully placed on any property right by Alexandria Township, by one of its agents or by the State of Minnesota, including but not limited to, conditions or stipulations on a conditional or interim use permit, variance, plat or any other permit.

**PERSON** - Person includes any natural person acting either personally or in any representative capacity, a corporation, firm partnership, limited liability company, trust or other recognizable legal entity.

1. **POLICY STATEMENT.**

- a. Through systematic and fair enforcement of this Ordinance, it is the intent of the Alexandria Town Board of Supervisors to promote the safety and well being of the citizens of this Township by enforcing reasonable land use regulations on conduct that is potentially injurious or detrimental to the value and enjoyment of property. While it is the responsibility of every person to be

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<sup>108</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

aware of laws enacted in their jurisdiction, Alexandria Township, through the Zoning Administrator, will make every effort to educate people as to the regulations present in this Ordinance. By enforcing this Ordinance against not only landowners, but also contractors, builders, landscapers and excavators, it is the intent of the Board to encourage those who make a living through the modification of real property in Alexandria Township to be aware of the provisions of this Ordinance, follow those provisions, and advise their clients accordingly.

## 2. ENFORCEMENT.

- a. Who may be charged with a violation: This Ordinance may be enforced against any person who violates any of its provisions. This includes a person who owns the property on which the violation takes place and knowingly allows that violation to occur, a person who has authority or implies that he or she has the authority to direct actions on the property and knowingly allows or encourages a violation to occur, or any person who in any way acts in accomplishing a violation, whether physically, by arrangement or direction or otherwise.
- b. Enforcing agency: This Ordinance shall be administered and enforced by the Zoning Administrator or an agent thereof who is hereby designated the enforcing officer.
- c. Penalties: Any person who violates any of the terms and provisions of this Ordinance, including the failure to comply with the stipulations or conditions on a conditional or interim use permit, variance or plat shall, after approval by the Township's designated attorney, be charged with a misdemeanor. Each day that a violation occurs or continues shall constitute a separate offense. All fines paid as a result of violations of this Ordinance shall be paid to the Township and shall be credited to the general revenue fund.
- d. Civil Remedies: In addition to any possible criminal penalties imposed for violations of this Ordinance, Alexandria Township reserves the right to enforce this Ordinance through any legal civil means, including but not limited to civil penalties, injunctions, law suits and the withholding of deeds for the transfer of any property right, if that property right was conveyed in violation of this Ordinance.
- e. Citations for violations:
  - (1.) Who may issue: Any certified peace officer having probable cause to believe any person has violated any provision of this Ordinance may issue a citation to said entity, citing the provision that has been violated, and directing the person to appear in Court, or pay the appropriate fine if a fine schedule is adopted by District Court.

(2.) Process: Citations shall be issued to the person alleged to have committed the violation either by personal delivery or by registered or certified mail. In the case of a public, private or municipal corporation, the citation shall be issued to any officer or agent, expressly or impliedly authorized to accept such citation. Citations shall be made out in quadruplicate. One copy shall be issued to the person alleged to have committed the violation, one copy shall be filed with the Township Zoning Administrator, one copy shall be filed with the Township Attorney, and one copy shall be filed with the District Court, in Douglas County.

(3.) Form: Citations shall be on such form(s) as approved by the Township and shall contain at least the following:

The name and address of the person alleged to have committed the violation and, when known, the owner or person in charge of the premises at which the violation occurs.

The date and place of violation

A short description of the violation followed by reference to the section of this Ordinance violated.

The name of the person who issued the citation.

The date and place at which the person receiving the citation shall appear and a notice that if such person does not respond, a warrant may be issued for such persons arrest.

Such other information as the District Court may specify.

- f. No arrests or detention: No representative of the Township shall be permitted to physically arrest or take into custody any violator. In the event that the person cited fails to appear in court, the citation shall be forwarded by the Court Administrator to the Township Attorney who shall issue a long form complaint for review by a judge prior to any warrant being issued.
- g. Additional remedies: The penalties and provisions provided herein are in addition to and supplemental to any other provisions authorized by this Ordinance or authorized by law, and shall not be considered to exclude other remedies.
- h. Threatened violations: In the event of a violation or a threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the Town Board of Supervisors, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or

threatened violations, and it shall be the duty of the Township Attorney to institute such actions.

M. DENIAL, REFUSAL TO RENEW, SUSPENSION AND/OR REVOCATION PROCEDURES.<sup>109</sup>

a. Authority.

- (1.) The Alexandria Town Board of Supervisors, or in the case of a variance the Alexandria Town Board of Adjustment, may, by Order, deny, refuse to renew, suspend or revoke the application, variance, interim use permit or conditional use permit of a person if the Board finds that it is in the public interest in that, based upon a preponderance of the evidence.
- (2.) The person violated a statute, ordinance, or condition that the Board is empowered to enforce, including all conditions set forth on variances, licenses and permits; or
- (3.) The person committed a violation, as stated above, on a previous application, variance or permit; or
- (4.) The person employed fraud or deception obtaining permit or variance or renewal or reinstatement of the same; or
- (5.) A person failed to meet any requirement for the issuance or renewal of the persons permit or variance; or
- (6.) The person has committed an act, engaged in conduct, or committed practices that may result or may have resulted, in the opinion of the Board, in an immediate threat to the public.

b. Procedure for Denial of Applications.

- (1.) The procedure for denial of an application for a variance, or permit shall be the procedure stated generally throughout this Ordinance.

c. Procedure for Revocation, Suspension or Refusal to Renew.

- (1.) Jurisdiction: Upon obtaining information that will indicate a basis for revocation, suspension or refusal to renew, the Zoning Administrator or their<sup>110</sup> designee shall initiate proceedings for revocation, suspension, or refusal to renew. The matter shall be heard by the authority that originally granted the applicable variance or permit. A decision on whether to revoke, suspend or refuse to renew a permit that

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<sup>109</sup> Amended 12/7/2009 (Resolution #09-05) to reference interim uses.

<sup>110</sup> Amended 12/17/2007 (Resolution #07-20)



was originally issued by the Zoning Administrator shall be made by the Zoning Administrator.

- (2.) Hearing: The issuing authority shall establish a time, date and location for a hearing for revocation, suspension, or refusal to renew, at the request of the Zoning Administrator or the Administrator's designee. The Administrator or designee shall mail notice of the date of the hearing to the affected party no less than ten (10) days prior to the date of the hearing. At the hearing, the issuing entity will take such evidence as it deems appropriate. In all cases, the affected party shall be entitled to present such evidence as they deem appropriate either personally, or through an attorney. Should the affected party fail to appear either in person, or through counsel, the issuing entity shall still have the authority to take evidence and make a decision upon the request for revocation, suspension or refusal to renew.
- (3.) Findings at hearing: Should the issuing authority find, by a preponderance of the evidence, that the affected party has failed to comply with the conditions set forth on the variance or permit, the issuing party shall make that finding and state the reasons for its determination.
- (4.) Remedies: Upon finding that the affected party has failed to comply with the conditions set forth in the variance or permit, the issuing entity will then ascertain the appropriate sanction to impose. Sanctions include revocation, suspension for a stated period of time, or the refusal to renew. Suspensions may also be conditional upon the conduct of the affected party. A variance, or permit may be suspended until such time as the affected party comes into compliance with the terms of the variance, or permit. The criteria for determining the appropriate sanction shall include, but are not limited to the length of time of the violation, the severity of the violation, and risk to the health, welfare, and safety of the neighboring residents and/or community as a whole.

d. Appeals.

- (1.) Appeals from the decision of the Alexandria Town Board of Adjustment shall be made to the District Court. Appeals of decisions of the Alexandria Town Board of Supervisors shall be made by Writ of Certiorari to the Minnesota Court of Appeals, unless other law specifically grants the aggrieved party the authority to appear in District Court.
- (2.) Appeals of decisions of the Zoning Administrator shall be taken to the Alexandria Town Board. All requests for appeals of the decision of the Administrator shall be made in writing and shall be presented to the Alexandria Township Clerk within ten (10) days of the mailing of the

Administrator's decision to the affected party. Appeals to the Alexandria Town Board shall be scheduled by the Chair of the Board, or the Chair's designee. At an appeal of the decision of the Administrator, the Board shall hear an explanation for the decision from the Administrator or the Administrator's designee, and shall hear the basis for requesting the Board to overturn the Administrator's decision from the appealing party or that party's legal representative. The Board may take such evidence as it deems appropriate, including but not limited to reasonable hearsay. The Board shall either sustain the decision of the Administrator, or overturn the decision of the Administrator, and it shall state its reasons on the record for its decision. Any appeal of the Alexandria Town Board's decision as to the propriety of the Administrator's actions may be taken by Writ of Certiorari to specifically stated in statute or state law.

## SECTION VII. DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word **PERSON** includes a firm, association, partnership, trust, company, or corporation, as well as an individual.

The word **SHALL** is mandatory; the word **MAY** is permissive.

Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.

The word **LOT** shall include the words **PIECE** and **PARCEL**.

### **ABANDONED MOTOR VEHICLE** -

- A. One that has remained for a period of more than forty-eight (48) hours on public property, illegally parked or missing vital component parts.
- B. One that has remained more than forty-eight (48) hours on private property without the consent of the person in control at such property.
- C. One that is in an inoperable condition such that it has no substantial potential further use consistent with its usual functions unless it is kept in an enclosed garage or storage building.
- D. One that is voluntarily surrendered by its owner to a unit of government.
- E. Classic or pioneer cars and vehicles on the premises of junk yards or automobile salvage yards shall not be defined as abandoned motor vehicles.
- F. One that has been voluntarily unlicensed and is not licensed for use on a public street.

**ACCESSORY BUILDING OR FACILITY** Any non-dwelling building that is detached from a principal building. A use or structure on the same lot width and of a nature customarily incidental and subordinate to the principal use or structure.

**ACCESSORY USE** - A use subordinate to the principal use on a lot and used for purposes customarily incidental to those of the principal use.

**ADULT BOOKSTORE** - A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" or the barter, rental or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities, "Substantial or significant portion of items," for purposes of this Ordinance, shall mean more than fifteen (15) percent of usable floor area.

**ADULT CABARET** - A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such

dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas."

**ADULT CONVERSATION/RAP PARLORS** - A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT HEALTH/SPORTS CLUB** - A health/sports club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT MASSAGE PARLOR** - A massage parlor which restricts minors by reason of age, or which provides the service of "massage," if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT MINI-MOTION PICTURE THEATER** - A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT MOTION PICTURE THEATER** - A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT STEAM ROOM/BATHHOUSE FACILITY** - A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas"

**ADULT USES** - Adult uses include adult bookstores, adult motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.

**AGGREGATED PROJECT** – Aggregated projects are large WECS installations which are developed and operated in a coordinated fashion, but which may have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included in the aggregated project.

**AGRICULTURAL BUILDING** - For the purposes of this Ordinance, an agricultural building shall imply any building existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

**AGRICULTURAL LAND** - Land which is or has been historically tilled for the purpose of raising grains, fruits or vegetables.

**AGRICULTURE** - The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**ALLEY** - Any strip of land publicly or privately owned set aside for public access to abutting property.

**ANIMAL FEEDLOT:** - Is a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover can not be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

**ANIMAL LAGOON:**A biological treatment system designed and operated for biodegradation, to convert organic matter such as feed, bedding and body byproducts in animal wastes to more stable end products.

**ANIMAL MANURE:** - Is poultry, livestock or other animal excreta with feed, bedding and other materials.

**ANIMAL UNIT** - A unit of measure used to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. Units are calculated by dividing the average animal weight for a species by 1,000 pounds-

**APPURTENANCE** – That which belongs to something else; an adjunct; an appendage; an accessory.

**AQUACULTURE** - the cultivation of the natural produce of water.

**AS BUILT** – Are “record drawings” as defined below.

**AVENUE** - any strip of land publicly or privately owned set aside for public access to abutting property.

**BASEMENT** - A portion of a building/structure located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground. Lower level having exposed windows no higher than 3 ½ feet.

**BED AND BREAKFAST FACILITY** - An owner, manager or operator occupied dwelling unit, other than a motel, hotel or boarding house, where lodging and breakfast are provided to transient guests for compensation.

**BEDROOM** – a part of the inside of a private/vacation home that is divided from other areas by walls and a doorway and that has its own floor and ceiling that is furnished primarily as sleeping quarters, containing a bed or furniture that can convert to a bed, and having more than one egress.

**BEST MANAGEMENT PRACTICES (BMPs)**- means erosion and **sediment control** and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

**BLADE ARC** - The arc created by the edge of the rotor blade that is farthest from the nacelle.

**BLOCK** - That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or railroad right-of-way or unsubdivided acreage. An area of land consisting of one or more lots, which is bounded by rights-of-way, another subdivision, a river, lake or combination thereof.

**BLUFF** - A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shoreland area.
- B. The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body.
- C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater.
- D. The slope must drain toward the water body.

**BLUFF IMPACT ZONE** - A bluff and land located within thirty (30) feet from any part of a bluff.

**BUFFER** - Unused parcel of land between adjoining property and kept in a sightly manner.

**BUILDABLE AREA** - The area of a lot which is sufficient to accommodate the construction of water supply systems, sewage treatment systems, buildings, driveways and other customary improvements to a lot, while still providing for adequate setbacks. Buildable area shall not include land below the ordinary high water level of a waterbody, wetlands, bluffs, non-buildable easements, minimum yard setbacks, buildable portions of land that are non-contiguous to each other, or when the Town Board<sup>111</sup> otherwise determines that an area is unsuitable for proposed or likely improvements. Buildable areas

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<sup>111</sup> Amended 12/17/2007 (Resolution #07-20)

must include sufficient area for two standard sewer systems. An area shall not be considered in the calculation of buildable area if it is not at least fifty (50) feet in width and length.

**BUILDING** - Any structure or appurtenance which is built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include manufactured housing.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**BUILDING HEIGHT**—The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of flat roof or average height of the highest gable of a pitched or hipped roof.

**BUILDING SEWER** - The building sewer is that part of the horizontal portion of the building drainage system extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

**BUILDING WIDTH** - The main part of a building, excluding ells, breezeways, and porches.

**CARTWAY** - A land access road, generally two rods in width, established by specific action of a town board to provide access to otherwise land-locked property. Public maintenance may be provided at the direction of the town board.

**CENTERLINE** – A real or imaginary line that is equidistant from the surface or sides of a road as driven.

**CENTRAL SEWAGE TREATMENT SYSTEM** - A central sewage treatment system shall mean only a sewage treatment system managed or operated by any governmental authority, except in case of Planned Unit Development, the sewage treatment system may be managed and operated by the Homeowner's Association.

**CENTRAL WATER DISTRIBUTION SYSTEM** - A central water distribution system managed or operated by any governmental authority, except in case of Planned Unit Development, the water system may be managed and operated by the Homeowner's Association.

**CERTIFICATE OF COMPLIANCE**-.A document written after an individual sewage treatment inspection certifying that a system is in compliance with applicable requirements at the time of the inspection.

**CHANGE IN OPERATION**: An increase beyond the permitted maximum number of animal units, an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction operation of an animal feedlot that would affect the storage, handling, utilization or disposal of animal manure.

**CLASS V INJECTION WELL**- SSTS that are designed to receive sewage or nonsewage from a two-family dwelling or greater or receive sewage or nonsewage from another establishment that serves more than 20 persons per day, are regulated under Code of Federal Regulations, title 40, parts 144 and 146.

**CLEAR-CUTTING** - The removal of an entire stand of timber and natural vegetation.

**CLUSTER SYSTEM** – A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

**COLLECTION** - The gathering or consolidating of abandoned motor vehicles and other scrap metal at regional collection sites.

**COLLECTOR** - A person holding a valid license from the Pollution Control Agency and/or the County to engage in the collection of abandoned motor vehicles and other scrap metal.

**COLLECTOR SEWAGE TREATMENT SYSTEM** - A soil treatment system using a common drainfield serving two or more dwellings or resort units.

**COMMERCIAL PLANNED UNIT DEVELOPMENTS** (Applicable within the Residential Shoreland (RS) district)<sup>112</sup> - Uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented (i.e. hotel/motel accommodations, resorts, recreational equipment and camping parks, and other primarily service-oriented activities are commercial planned unit developments.)

**COMMERCIAL ESTABLISHMENT** - A business with a private SSTS serving food, beverage, and lodging establishments that are required to obtain a license under Minnesota Statutes, section 157.16, subdivision 1; or successor statutes, including manufactured home parks and recreational camping areas licensed according to Minnesota Statutes, chapter 327; or successor statutes.

**COMMERCIAL USE** - The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**COMMISSIONER** - The Commissioner of the Department of Natural Resources.

**COMMON DISCHARGE LOCATION** - means a common point where water would flow naturally or where with minor modifications, the surface water would flow to a single point.

**COMMON PLAN OF DEVELOPMENT OR SALE** - means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

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<sup>112</sup> Amended 5/21/2007 (Resolution #07-06)



**COMMUNITY SOLAR ENERGY SYSTEM** – A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, under the provisions of Minn. Statutes 216B.1641 or successor statute. A community solar garden may be either an accessory or a principal use.

**COMPREHENSIVE PLAN** - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the Township and its environs, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**CONDITIONAL USE** - A land use or development as defined by Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning Ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

**CONDOMINIUM** - A form of individual ownership within a multi-family building with a joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

**CONSTRUCTION ACTIVITY** - includes small construction activity and means a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples can include clearing, grading, filling and excavating. Construction activity includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five (5) acres or more.

**CONSTRUCTION PERMITS** – Permits issued for construction, same as land use permit.

**CONTROLLED ACCESS LOT** - Lots intended to provide access to public waters or as recreation areas for use by others by easement or percentage of lot.

**COUNTY** - Designates Douglas County, Minnesota or Douglas County Board of Commissioners.

**CROWDING INDICATOR** - Acres of water divided by the sum of potential lot development plus commercial planned unit development units.

**CUMULATIVE VERTICAL SOIL TREATMENT AND DISPERSAL ZONE** - A thirty-six (36) inch accumulation of suitable soil either continuous or in multiple segments that provide final treatment and dispersal of septic tank effluent.

**DECK** - A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site. For the purposes of building setbacks, a deck shall be considered to be a structure.

**DEMOLITION DEBRIS** - Solid waste resulting from the demolition of buildings, roads, and other man-made buildings including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts. Demolition debris does not include asbestos wastes.

**DEPARTMENT** - The Alexandria Township Zoning Administrator.

**DESIGN FLOW** - The daily volume of wastewater for which an onsite/cluster system is designed to treat and discharge.

**DEWATERING** - The removal of water for construction activity. It can be a discharge of appropriated surface or groundwater to dry and/or solidify a construction site. It may require Minnesota Department of Natural Resources permits to be appropriated and if contaminated may require MPCA permits to be discharged.

**DOCK** – A narrow platform extending waterward from the shoreline intended for ingress and egress for moored watercraft or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

**DOMESTIC FERTILIZER:** Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or animal manure that is used as compost, to enhance soil conditions, or specialized plant beds.

**DOMESTIC STRENGTH WASTE** - waste typical of a residential source with average influent concentrations no greater than: BOD5 170 mg/l, TSS 60mg/l and Oil & Grease 25 mg/l or effluent values equal to or less than treatment level C.

**DRAINAGEWAY** - Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, waterways, gullies, rains, or washes, in which waters flow in a definite direction or course, either continually or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

**DWELLING HEIGHT** - The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of flat roof or average height of the highest gable of a pitched or hipped roof.

**DWELLING, MULTIPLE FAMILY** - A residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a larger structure (detached), with separate housekeeping and cooking facilities.

**DWELLING, SINGLE FAMILY** - A freestanding (detached) residence structure designed for and occupied by one (1) family only. A single family dwelling must be a minimum of twenty-four (24) feet wide.

**DWELLING SITE** - A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational equipment sites.

**DWELLING, TWO FAMILY** - A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. Residences must be attached and be a minimum of twenty-four (24) feet wide.

**DWELLING UNIT** - Any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

**EARTHEN BASIN**: An impoundment made by excavation of earth fill for the temporary storage of animal or other agricultural waste and not designed for the treatment of waste.

**EASEMENT** - A grant by a property owner for the use of land for the purpose of constructing and maintaining utilities; including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways, and gas lines.

**ENERGY DISSIPATION** - means methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

**EROSION** - The detachment and movement of soil or rock fragments by wind, water, ice, or gravity.

**EROSION PREVENTION** - The measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

**ESSENTIAL SERVICES** - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings. For the purpose of this Ordinance, the word "buildings" does not include "structures" for essential services.

**EXCAVATING OR EXCAVATION** - Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the resulting conditions.

**EXISTING GRADE** - Ground level prior to any alterations.

**EXPANDED DISCHARGE** - A discharge that changes in volume, quality, location, or any other manner after January 1, 1988, such that an increased loading of one or more pollutants results. In determining whether an increased loading of one or more pollutants would result from the proposed change in discharge, the agency shall compare the loading that would result from the proposed discharge with the loading allowed by the agency on January 1, 1988.

**EXTRACTIVE USE** - The use of land for surface or sub-surface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

**FAILURE TO PROTECT GROUNDWATER** - At a minimum, a SSTS that does not protect groundwater such as a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance described in Minn. R. Ch. 7080.1500, Subps. 4(D) and 4(E); and a system not abandoned in accordance with Minn. R. Ch. 7080.2500. The determination of the threat to groundwater for other conditions must be made by a qualified employee or a licensed inspection business.

**FAMILY** - One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage;

**FARM** - A tract of land for producing crops and/or raising livestock/poultry.

**FEEDLOT EXPANSION**- Construction or any activity that has resulted, or may result, in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in storage capacity of a manure storage area (except when such expansion of manure storage capacity is required to bring the existing feedlot into compliance with minimum county, state or federal requirements).

**FEEDLOT EXISTING**: - Operational at the date the feedlot ordinance amendment is adopted.

**FEEDLOT, NEW**- An animal feedlot constructed and operated on a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of five years or more;

**FENCE** - Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure, but not including hedges, shrubs or other natural vegetation.

**FENCE, LOW-MAINTENANCE** – Any fence constructed entirely from one or more of the following materials and which makes use of fasteners rated for outdoor construction: stone, brick, vinyl or other rigid plastic, wrought iron, or chain link. Split rail fences constructed of wood shall also be considered low-maintenance fencing.

**FEEDLOT OPERATOR** - An individual, a corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more animal feedlots.

**FILL** - Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

**FILLING** - The introduction of material onto a lot or the movement of material from one location within a lot to fill a cavity or excavation.

**FINAL STABILIZATION** – Either:

- A. All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed; or
- B. For individual lots in residential construction by either: (a) The homebuilder completing final stabilization as specified above, or (b) the homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to final stabilization as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or
- C. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) or (2) above

**FISH HOUSE AND/OR DARK HOUSE**<sup>113, 114</sup> - A shelter/structure that is designed for angling or spearing on the ice and that is no larger than 240 square feet or 10 feet in height. Such structures, if not licensed by the State of Minnesota or other local government, if in excess of the size and height limitations, or if affixed to any kind of foundation in a permanent or semi-permanent manner (not easily moved for use) shall be considered an accessory structure for the purposes of this Ordinance.

**FLAG LOT** – a parcel of land shaped like a flag and flag pole; the staff or pole being a narrow strip of land not meeting the minimum width requirement and which may provide vehicular and pedestrian access to a street, and the flag being the portion of the lot located primarily to the rear of other lots.

**FLOOR AREA** - The sum of the gross horizontal area of all floors/levels of a building/structure.

**FOOTPRINT** – The area on a surface covered by something.

**GARAGE** - A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles and equipment. A space within a building shall be considered part of the dwelling space, and not the attached garage, if it shares a wall with the dwelling, is separated by a full wall from the garage portion, and is not accessible from the outside by an overhead door or other opening 7 feet in width or greater.

**GARBAGE** - Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

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<sup>113</sup> Amended 12/15/08 (Resolution #08-16)

<sup>114</sup> Amended 5/21/2012 ( Resolution #12-05)

**GENERAL CONTRACTOR** - The party who signs the construction contract with the owner to construct the project described in the final plans and specifications. Where the construction project involves more than one contractor, the general contractor will be the party responsible for managing the project on behalf of the owner. In some cases, the owner may be the general contractor. In these cases, the owner may contract an individual as the operator who would become the Co-Permittee.

**GOOD NEIGHBOR BROCHURE** – A brochure to be given to guests that includes a summary of the County’s regulations relating to private/vacation home rentals; local rules or ordinances related to lakes, aquatic invasive species, and water use; and best practices for neighborly behavior.

**GRADE** - The average of the finished levels at the center of the exterior walls of the building.

**GRADING** - The movement of material to change a soil level.

**GROUND-MOUNT SOLAR ENERGY SYSTEM** – A solar energy system mounted on a rack or pole that sits on the ground or has its own foundation and is not attached to a building.

**GUEST COTTAGE** - A structure used as a dwelling unit that may contain sleeping spaces and bathroom facilities, but not housekeeping or cooking facilities, in addition to those provided in the primary dwelling unit on a lot. A guest cottage shall be considered as an accessory structure in relation to overall square footage.

**HARDSHIP** - Property in question cannot be put to a reasonable use if used under conditions allowed by the official controls. The plight of the property owner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.

**HEAVY MANUFACTURING** - The manufacturing and assembly of machines.

**HOME OCCUPATION** - Any occupation of a service character which is clearly secondary to the main use of the premise as a dwelling and does not change the character thereof and has limited exterior evidence of such a secondary use.

**ICE RIDGE** - A modification to the topographic characteristics of the shore resulting from a water basins expanding and contracting ice sheet and consisting of a linear, unvegetated mound of soil generally parallel to the water edge.

**INDUSTRIAL USE.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

**INTERIM USE PERMIT**<sup>115</sup> – A temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

**IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY** - At a minimum a SSTS with a

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<sup>115</sup> Added 12/7/2009 (Resolution #09-05)

discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; sewage tanks with unsecured, damaged, or weak maintenance access covers; or any other situation with the potential to immediately and adversely affect or threaten public health or safety. The determination of protectiveness for other conditions must be made by a qualified employee inspector or a licensed inspection business.

**IMPERVIOUS SURFACE** - any surface that retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples of impervious surfaces include, but are not limited to, concrete, bituminous, tar, wood, plastic, compacted gravel, landscaping block and retaining walls, areas underlain with plastic or other liners (including semi-permeable landscaping fabric). Permeable or porous pavement systems or other materials designed to allow infiltration of water may not be considered pervious for the purposes of this Ordinance.

**INTENSIVE VEGETATION CLEARING** - The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**ISTS** - An individual sewage treatment system as defined in Minn. R. Ch. 7080.1100, Subpart 41.

**JUNK YARD** - Land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled; including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles.

**LAND USE PERMIT** - A permit for the erection and/or alteration of any structure controlled by this Ordinance issued to insure compliance with all requirements of this Ordinance.

**LANDING** - A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features not to exceed thirty-two (32) square feet in area. A landing is located at the top, bottom or between a flight of a stairway and should not be construed with the definition of a deck.

**LANDSCAPING** - To arrange, improve, develop or decorate the natural vegetation or ground.

**LARGE RESORT CABIN** – Resort cabins over seven hundred square feet and/or those serving as more than one dwelling unit.

**LICENSED MPCA PRACTITIONER** - An individual or business which provides services described in Minn. R. Chs. 7080 through 7082; or successor rules, and is licensed by the commissioner of the MPCA under the appropriate license category in Minn. R. Chs. 7083.0720 to 7083.0800; or successor rules, allowing the provision of those services.

**LIGHT MANUFACTURING** - The manufacturing of parts.

**LIVESTOCK**<sup>116</sup> - Domestic animals typically kept for use on a farm or raised for sale and profit, to include cattle, sheep, swine, horses, mules, farmed cervidae (e.g. deer, elk, moose), llamas, ratitae (e.g. ostrich, emu), bison (buffalo), and goats.

**LODGING ESTABLISHMENT** - Lodging establishment means a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public. For the purpose of this Ordinance, lodging establishment shall also include boarding establishment, hotel, motel, private/vacation home rental, and resort.

**LOT** - A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

**LOT AREA** - The gross lot area is the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

**LOT, CORNER** - A lot situated at the junction or abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment on a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

**LOT COVERAGE** - The area of a lot occupied by the principal buildings, accessory buildings and other areas that do not have natural vegetation.

**LOT DEPTH** - The horizontal length of a straight line drawn from the midpoint of the front lot line of the lot to the midpoint of the rear lot line.

**LOT LINE** - The dividing line between two platted lots or as further established by the Alexandria Township<sup>117</sup> Zoning Ordinance.

**LOT LINE, FRONT** - The front of the lot shall be, for the purposes of complying with this Ordinance, that boundary abutting a public right-of-way or, if no public right-of-way, the boundary from which access to the lot is gained. For lots that abut two or more rights-of-way, the front lot line shall be determined by the Zoning Administrator<sup>118</sup>, who shall consider the wishes of the landowner, the layout of the proposed dwelling or other improvements on the lot, and the layout of improvements on adjacent lots.

**LOT LINE, REAR** - That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot parallel to, and at the maximum distance from the front lot line.

**LOT LINE, RIPARIAN** – The boundary or boundaries of a lot which are defined by the ordinary

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<sup>116</sup> Amended 5/21/2012 ( Resolution #12-05)

<sup>117</sup> Amended 12/17/2007 (Resolution #07-20)

<sup>118</sup> Amended 12/17/2007 (Resolution #07-20)



high water level of a lake or stream. If a lot includes land located below the ordinary high water level, the lot line, for the purposes of this Ordinance, shall be the ordinary high water level.

**LOT LINE, SIDE** – Any lot line of a lot that is not a front or rear lot line.

**LOT WIDTH**<sup>119</sup> - The shortest horizontal distance between the side lot lines of a lot measured at the building line and as the average width of the front lot line and the rear lot line. For riparian lots, the lot width shall also be the horizontal distance measured between lot corners at the ordinary high water level and at the minimum building setback line from the water body. For the purposes of meeting minimum lot width requirements throughout this Ordinance, lot width shall be measured in a straight line rather than along a road or right-of-way.

**MALFUNCTION** - The partial or complete loss of function of an SSTS component, which requires a corrective action to restore its intended function.

**MANAGEMENT PLAN** – A plan that requires the periodic examination, adjustment, testing, and other operational requirements to meet system performance expectations and potentially lower risk to human and environmental health, including a planned course of action in the event a system does not meet performance expectations.

**MANUFACTURED HOME** - A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

**MANUFACTURED HOME PARK** - A parcel of land under single ownership which has been planned and improved for the placement of manufactured home unit(s) for non-transient use.

**MANUFACTURED HOME UNIT** - One (1) manufactured home.

**MANURE SPILL** - Any release of manure on a public road that would impact the safe passage of traffic.

**MANURE STORAGE AREA** - An area associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for the purpose of this Ordinance.

**METES AND BOUNDS DESCRIPTION** - A description of real property which is not described by reference to a lot or block shown on a map or a recorded plot, but is described by starting at a known point and describing the direction and length of the lines forming the boundaries of the property.

**MINI STORAGE** - Any building for rental purposes which provides individual storage units or areas which may be accessed only by the individual who is storing materials in the unit or area.

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<sup>119</sup> Amended 3/21/2011 (Resolution #11-02)

**MINOR REPAIR** - The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concepts of the SSTS.

**MIXED MUNICIPAL SOLID WASTE** - Garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

**MPCA** - The Minnesota Pollution Control Agency.

**MSTS** - A midsize subsurface sewage treatment system as defined in Minn. R. Ch. 7081.0020, Subpart 4.

**MULTI-FAMILY PLANNED UNIT DEVELOPMENT**<sup>120</sup> - (Applicable outside of the Residential Shoreland (RS) district) – A planned unit development comprising attached dwelling units, detached dwelling units not on individual lots, or any combination thereof, the necessary streets and other public and/or private rights-of-way to serve such uses, and any appurtenant common open space, recreational facilities or other areas or facilities.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)** - The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code Title 33, Sections 1317, 1328, 1342, and 1345.

**NES CLASS A** – Those NES lakes that display the physiology, morphology and other physical and chemical characteristics common to larger lakes.

**NES CLASS A CATEGORY 1 (NES A-1)** – Those Class A lakes that have a maximum depth of 15 feet or greater.

**NES CLASS A CATEGORY 2 (NES A-2)** – Those Class A lakes that are less than 15 feet in depth and have a surface acre to shoreline miles ratio of over forty (40).

**NES CLASS A CATEGORY 3 (NES A-3)** – Those Class A lakes that are less than 15 feet in depth and have a surface acre to shoreline miles ratio of under forty (40).

**NES CLASS B** - Those NES lakes that predominantly display the physical characteristics of Type 3 or greater wetlands.

**NEW DISCHARGE** - A discharge that was not in existence before January 1, 1988.

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<sup>120</sup> Added 5/21/2007 (Resolution #07-06)

**NONCONFORMING USE** - Any use which, after the passage of this Ordinance, does not meet the requirements of this Ordinance.

**NONCONFORMITY** - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

**NON-RESIDENTIAL PLANNED UNIT DEVELOPMENT<sup>121</sup>** – A planned unit development comprising retail, office, service or industrial buildings, or any combination thereof, the necessary streets and other public and/or private rights-of-way to serve such uses, and any appurtenant common open space, recreational facilities or other areas or facilities.

**NONRIPARIAN LOT** - A tract of land not located adjacent to a lake, wetland, reservoir, watercourse or flowage.

**NORMAL WETTED PERIMETER** - The area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur once every year.

**NOTICE OF NONCOMPLIANCE** - A document written and signed by a qualified employee or licensee after a compliance inspection that gives notice that an individual sewage treatment system is not in compliance.

**NOTICE OF TERMINATION** - Notice to terminate coverage under this permit after construction is complete, the site has undergone final stabilization, and maintenance agreements for all permanent facilities have been established, in accordance with all applicable conditions of a permit.

**NRCS**: - National Resources Conservation Service

**ON-SITE SEWAGE TREATMENT SYSTEM** - A sewage treatment system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated, the word "system" as it appears in the Ordinance, means "individual sewage treatment system".

**OPERATOR** - The person (usually the general contractor), designated by the owner, who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The person must be knowledgeable in those areas of the permit for which the operator is responsible, and must perform those responsibilities in a workmanlike manner.

**ORDINARY HIGH WATER LEVEL** - The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water

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<sup>121</sup> Added 5/21/2007 (Resolution #07-06)

level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool.

**OTHER ESTABLISHMENTS** - Any public or private structure other than a dwelling or a portion of a dwelling used for any business purpose that generates sewage that discharge to a SSTS.

**OUTDOOR STORAGE** - The storage of goods, materials, equipment, manufactured products and similar items in an area not fully enclosed by a building.

**OVERNIGHT GUEST** – a person that is boarding overnight at a private/vacation home rental, hotel, motel, bed and breakfast, or resort.

**OWNER** - Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record.

**PARK TRAILER** – A trailer that: Does not exceed eight and one-half (8.5) feet in width but is no larger than four hundred (400) square feet when the collapsible components are fully extended or at maximum horizontal width that is licensed for over the road and that is used for temporary living quarters except that in planned unit developments only, the directives in Section V.K.1.f.(1) shall control.

**PARKING LOT** - A suitably surfaced and permanently maintained area sufficient in size to store more than six (6) vehicles.

**PARKING SPACE, ON-SITE** - An on-site parking space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than eight and one-half (8-1/2) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives.

**PASTURE** - Areas where grass or other growing plants are used as food for grazing. A pasture shall be deemed a livestock feedlot, poultry lot, or other animal lot when the concentration of livestock, poultry or other animals is such that a vegetation cover is not maintained except in the immediate vicinity of temporary supplemental feeding or watering devices.

**PATIO** – An open recreation area that is made out of any material within one foot of pre-existing grade. A patio may not have attached railings, trellises, seats or other features that extend more than one foot above pre-existing or natural grade.

**PERMANENT COVER** - Final stabilization. Examples include grass, gravel, asphalt, and concrete.

**PERMITTEE** - A person or persons, firm, or governmental agency or other institution that signs the application and is responsible for compliance with the terms and conditions of permit.

**PERSON** - a natural person over the age of 5 years, that is patronizing, staying, or visiting a private/vacation home either as the renter of the facility or a guest of the renter; or an individual, firm

partnership, association, or corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

**PLANNED UNIT DEVELOPMENT** - A type of development characterized by a unified site design for a number of residential and/or commercial dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and the provision of common open space. These developments may be organized and operated in a variety of ways, including as cluster subdivisions, conservation subdivisions, condominiums, time share condominiums, cooperatives, full fee ownership, any similar form of organization or ownership, or any combination of these. They also include the conversion of existing structures and land uses to these types of ownership structures and land use designs.

**PLAY HOUSE** - permit required - considered an accessory structure.

**PRIVATE/VACATION HOME RENTAL** – any home, cabin, condominium, bedroom or similar building that is advertised as, or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day time period, and is not a bed and breakfast, resort, hotel or motel.

**PROPERTY LINE** - The division between two (2) parcels of land, or between a parcel of land and the street or road.

**PROTECTED WATERS INVENTORY MAP** - The official Minnesota Department of Natural Resources map setting forth the inventoried waters and wetlands.

**PUBLIC WATERS** - Any waters defined as:

- A. Waterbasins assigned a shoreland management classification by the commissioner under Sections 103F.201 to 103F.221, except wetlands less than 80 acres in size that are classified as natural environment lakes;
- B. Waters of the state that have been finally determined to be public waters or navigable waters by a court of competent jurisdiction;
- C. Meandered lakes, excluding lakes that have been legally drained;
- D. Waterbasins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws;
- E. Waterbasins designated as scientific and natural areas under Section 84.033;
- F. Waterbasins located within and totally surrounded by publicly owned lands;
- G. Waterbasins where the State of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purposes of the public ownership;
- H. Waterbasins where there is a publicly owned and controlled access that is intended to provide for public access to the waterbasin;
- I. Natural and altered watercourses with a total drainage area greater than two square miles;
- J. Natural and altered watercourses designated by the commissioner as trout streams; and

K. Public water wetlands, unless the statute expressly states otherwise.

- (1.) Public waters are not determined exclusively by the proprietorship of the underlying, overlying, or surrounding land or by whether it is a body or stream of water that was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union.

**PROHIBITED WASTE**<sup>122</sup> – Materials that cannot be accepted at a recycling facility due to their potential threat to public health and the environment and their potential to create nuisance odors or gases. These include, but are not limited to:

- (1.) Putrescible wastes in an amount significant enough to generate significant odors or gases if left for longer than 48 hours;
- (2.) Hazardous wastes, as defined by local, state or federal agencies;
- (3.) PCBs;
- (4.) Asbestos;
- (5.) Materials with lead-based paint;
- (6.) Contaminated soils;
- (7.) Raw sewage;
- (8.) Septic tank pumpings;
- (9.) Medical wastes.

**PROTECTED WATERS** - Those lakes, streams and wetlands within the definition of public waters as defined by Minnesota Statute 103G.005 as amended.

**PUMP HOUSE** - A structure not exceeding 4 x 4 x 4 in size that is used for housing of a well and associated plumbing and wiring.

**PUTRESCIBLE**<sup>123</sup>– Waste or other materials capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases.

**QUALIFIED CONTRACT INSPECTOR** - Inspector, licensed by the State of Minnesota to perform the duties related to onsite sewage treatment, who may be hired by the Township to conduct inspections and soil verifications of any new or existing SSTs. A contract inspector shall not perform any subsurface sewage treatment system design or installation work within Alexandria Township while working for the Township as a contract inspector.

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<sup>122</sup> Added 12/15/08 (Resolution #08-16)

<sup>123</sup> Added 12/15/08 (Resolution #08-16)

**QUALIFIED EMPLOYEE** - An employee of the state or local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is a certified SSTS professional in the specialty areas applicable to the work being conducted.

**RECORD DRAWINGS** - A set of drawings which reasonably document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system. Record drawings were previously known as "as built."

**RECREATIONAL CAMPGROUND** - A parcel of land under single ownership which has been planned and improved for the placement of recreational equipment, park trailers or tent unit(s).

**RECREATIONAL EQUIPMENT** - Travel trailers including those which telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, park trailers and converted buses that provide temporary human living quarters.

**RECYCLABLE MATERIAL**<sup>124</sup> – Non-putrescible materials that can be processed and returned to the economic mainstream in the form of raw materials or products including, but not limited to:

- (1.) Newspaper;
- (2.) Corrugated cardboard;
- (3.) Aluminum;
- (4.) Office paper;
- (5.) Glass;
- (6.) Tin and steel cans;
- (7.) Metals and Scrap Metals, including iron, steel, copper;
- (8.) Motor oil;
- (9.) Plastic;
- (10.) Antifreeze;
- (11.) Wood;

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<sup>124</sup> Added 12/15/08 (Resolution #08-16)

**RECYCLING FACILITY**<sup>125, 126</sup> – A facility designed and operated to receive, store, or process recyclable material which has been separated at the source from all but residual solid waste. A recycling facility shall not include a compost plant, a hazardous waste recycling facility, an agricultural facility, a landfill, a solid waste transfer station or facilities where the reception, storage or processing of recyclable materials is clearly secondary to the primary use of the property or incidental in amount.

**REFUSE** - Putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, market and industrial solid wastes, and including sewage treatment wastes which are in solid form.

**RESERVE PARCEL**<sup>127</sup> – A parcel of land set aside from development in a Rural Reserve Development, except in compliance with the requirements for Rural Reserve Developments.

**RESIDENCE/RESIDENTIAL USE** – Any building or dwelling which includes, or is intended to include, sleeping spaces, cooking areas, eating areas and sanitation facilities so as to allow for human occupation. When used in this Ordinance, the word residential shall mean that a dwelling or building is being used as a residence.

**RESIDENTIAL PLANNED UNIT DEVELOPMENT** (Applicable within the Residential Shoreland (RS) district)<sup>128</sup> - Use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented (i.e. residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.)

**RESIDENTIAL USE** - Structure used or intended to be used wholly or principally for human habitation

**RESORT** - An establishment that includes buildings, campgrounds, lodges, structures, dwelling units/sites, homes, enclosures or any part thereof kept, used, maintained or advertised as or held out to the public to be, a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one (1) day, one (1) week, or longer, and having for rent two (2) or more homes, cabins, units, campsites or enclosures. All cabins, rooms, dwelling units/sites or enclosures must be included in the resort rental business. The entire parcel(s), lot(s), or tract(s) of land must be controlled and managed by the licensee.

**RESORT UNIT** - One family occupying a single housekeeping unit and using common cooking facilities.

**RESTRICTIVE LAYER** - Layer in the soil treatment system area as shown by redoximorphic features, altered structure, bedrock, or a geologic aquifer formation.

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<sup>125</sup> Added 12/15/08 (Resolution #08-16)

<sup>126</sup> Amended 3/21/2011 (Resolution #11-02)

<sup>127</sup> Added 7/2/2007 (Resolution #07-09)

<sup>128</sup> Amended 5/21/2007 (Resolution #07-06)



**RETAIL SALES AND SERVICE** - Establishments which deal directly with the ultimate consumer for whom the goods or services are furnished.

**RIGHT OF WAY** – The strip of land over which a public road is built, to include the entire area dedicated or set aside.

**RIPARIAN LOT** - A tract of land located immediately adjacent to a lake, wetland, reservoir, watercourse or flowage.

**ROOFTOP SOLAR ENERGY SYSTEM** – A solar energy system mounted on the roof of a building.

**RUBBISH** - Non-putrescible solid wastes, including ashes, consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

**RURAL ROAD** - A public road constructed with side slopes and ditches to provide for drainage and snow storage. A rural road may include short isolated sections of curb and gutter without underground storm sewer.

**RURAL RESERVE DEVELOPMENT**<sup>129</sup> – A method of developing land that provides for reservation of land for future development or for the preservation of open space and clustering of individual lots.

**SATURATED SOIL** - The highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.

**SCRAP METAL** - Scrap metal, other than abandoned motor vehicles; including, but not limited to, discarded metal in the form of machinery, appliances and motor vehicle parts.

**SEDIMENTS** - Material of any kind that may run-off into a lake or public waterway.

**SEDIMENT CONTROL** - The methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

**SEMIPUBLIC USE** - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

**SENSITIVE RESOURCE MANAGEMENT** - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

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<sup>129</sup> Added 7/2/2007 (Resolution #07-09)

**SETBACK** - The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

**SEWAGE** - Waste from toilets, bathing, laundry or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

**SEWAGE TREATMENT SYSTEM** - A septic tank and soil treatment area or other individual or cluster type sewage treatment system as described and regulated in this Ordinance.

**SEWER PERMIT** - A permit issued for new construction, replacement, alteration, or extension of an individual sewage treatment system or collector system.

**SEWER SYSTEM** - Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

**SHORE IMPACT ZONE** - Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

**SHORELAND** - Land located within the following distances from public waters: 1000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

**SHORELAND ALTERATIONS** - Grading and filling in shoreland areas or any alteration of the natural topography of a shoreland subject to the provisions of this Ordinance.

**SIDEWALL HEIGHT** - The vertical distance between the lowest exposed floor and the point where the wall meets the roof truss. Wall dormers, whose facial plane is integral with the facial plane of the wall that it is built into, shall be considered part of the sidewall height if they are greater than 4 feet in width. The lower portion of a “tuck-under” garage shall not be considered part of the sidewall height provided only one wall is more than 25% exposed and the exposed wall is no more than twice the allowable sidewall height.

**SIGN** - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, postal box numbers, names of occupants on premises or other identification of premises not having commercial connotations.
- B. Flags and insignia of any government except when displayed in connection with commercial promotion.

- C. Legal notices, identification, information or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E. Signs directing and guiding traffic, but bearing no advertising matter.
- F. Warning signs posted by public utilities.

**SIGN, ADVERTISING** - A sign which directs attention to a business, commodity service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

**SIGN, BILLBOARD**<sup>130</sup> - Sign structures that are periodically re-faced with paper or other form of regularly changing media, including electronic media.

**SIGN, FREESTANDING** - A portable sign whose supporting structures are not embedded in the ground, affixed to a wall or side of a building or to a roof.

**SIGN, GROUND** - A device whose supporting structures are embedded in the ground.

**SIGN, PROFESSIONAL** - A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

**SIGN, ROOF** - A device whose supporting structures are affixed to a roof.

**SIGN, SURFACE AREA OF** - The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

**SIGN, WALL** - A device whose supporting structures are affixed to a wall or side of a building.

**SIGNIFICANT HISTORIC SITE** - Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**SINGLE-FAMILY PLANNED UNIT DEVELOPMENT**<sup>131</sup> - (Applicable outside of the Residential Shoreland (RS) district) - A planned unit development comprising detached dwelling units on individual lots; the necessary streets and other public and/or private rights-of-way to serve such dwelling units; and any appurtenant common open space, recreational facilities or other areas or facilities.

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<sup>130</sup> Amended 7/2/2007 (Resolution #07-09)

<sup>131</sup> Added 5/21/2007 (Resolution #07-06)

**SITE OPERATOR** - The operator of a regional collection site, whether the operation be by a unit of government or by a person under contract with a unit of government to operate the site.

**SMALL CONSTRUCTION ACTIVITY** - Construction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five (5) acres.

**SMALL RESORT CABIN** - Those cabins up to seven hundred square feet and not serving as more than one dwelling unit.

**SMOKE** - Small gas-borne particles resulting from incomplete combustion predominantly, but not exclusively, of carbon, ash and other combustible materials that form a visible plume in the area.

**SOIL PIT** - An excavation into the soil of sufficient depth to allow for assessment of variability in the soil physical properties. The pit should have at least one face that extends through the entire profile cross-section, may range from three (3) to over seven (7) feet in depth, and is large enough for two (2) people to examine the soil profile.

**SOLAR COLLECTOR** - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

**SOLAR ENERGY SYSTEM** – A mechanical system whose principal purpose is to harvest energy by transforming direct sunlight into another form of energy by capturing energy in a collector and converting or storing the energy to through mechanical, electrical, or chemical means.

**SOLAR FARM** – A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

**SOLID WASTE** - Garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

**SPECIFIED ANATOMICAL AREAS** -

- (1.) Less than completely or opaquely covered:

- a. Human genitals;
- b. Pubic region;
- c. Buttocks; and
- d. Female breast below a point immediately above the top of the areola; and

(2.) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** -

- (1.) Human genitals in a state of sexual stimulation or arousal;
- (2.) Acts of human masturbation, sexual intercourse or sodomy; and
- (3.) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

**SSTS** - A subsurface sewage treatment system as defined in Minn. R. Ch. 7080.1100, Subpart 82.

**SSTS CONSTRUCTION** - Any excavation or preparation of soil for the purpose of placing a sewage tank(s), soil dispersal system and/or any related piping within or upon said excavation or soil preparation.

**STABILIZED** - The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Grass seeding is not stabilization.

**STANDARD PLATES** - General drawings having or showing similar characteristics or qualities that are representative of a construction practice or activity.

**STATE** - The State of Minnesota.

**STEEP SLOPE** - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

**STOP WORK ORDER** - An order issued by the Zoning Administrator or his/her designee to stop work on an illegal, nonconforming or nonpermitted use or structure.

**STORM WATER** - Under Minn. R. 7077.0105, Subpart 41(b) storm water, “means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.

**STORM WATER POLLUTION PREVENTION PLAN** - A plan for storm water discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease off-site nonpoint pollution.

**STORY**<sup>132</sup> - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between such floor and the ceiling or roof above. For the purpose of height regulations a basement shall not be counted as a story.

**STRING LINE TEST** - A method of establishing a structure setback line by using the closest adjacent points of the principal structure on the two immediately adjacent lots. In the event that there is no structure of like use on one of the immediately adjacent lots, the normal building setback line shall be used.

**STRUCTURE** - Any building or appurtenance, including decks and patios, except aerial or underground utility lines, such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

**SUBDIVISION** - The division or re-division of a lot, tract or parcel of land, regardless of how it is to be used, into two or more lots designated by plat, metes and bounds, registered land survey, auditors plat or other accepted means.

**SUBSTANDARD SSTS SYSTEM** – An existing SSTS not meeting the system requirements defined in this Ordinance and Minn. R. Chs. 7080-7083.

**SURFACE WATERS** - All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems.

**SWEPT AREA, WECS** – The area of wind energy capture for a WECS, measured by the area within the WECS' blade arc.

**TEMPORARY EROSION PROTECTION** - Methods employed to prevent erosion. Examples of temporary cover include; straw, wood fiber blanket, wood chips, and erosion netting.

**TEMPORARY LIVING QUARTERS** - A structure is considered to provide temporary living quarters if it:

- A. Is not used as the residence of the owner or occupant;
- B. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities; and
- C. Is self-propelled or towed on the public streets or highways incidental to the recreational or vacation activities.

**TOE OF THE BLUFF**: - The lower point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from a gentler to a steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen percent (18%).

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<sup>132</sup> Added 8/4/2014 (Resolution #14-02)

**TOP OF THE BLUFF** - The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break is apparent, the top of the bluff shall be determined to be the upper end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen percent (18%).

**TOWER** - Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

**TOWNSHIP** – Alexandria Township or Alexandria Township Board of Supervisors, unless otherwise specified.

**TOXIC AND HAZARDOUS WASTES** - Waste material, including, but not limited to, poison, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner to conserve the environment and protect public health and safety.

**TRANSFER OF PROPERTY** - The act of a party by which the title of property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily, by or without judicial proceeding as a conveyance, sale, gift, or otherwise.

**TRANSMISSION SERVICES** - Public utility service such as electric power lines of a voltage of 35 kv or greater, or bulk gas or fuel being transferred from station to station and not intended for en route consumption.

**TRAVEL TRAILER** - A trailer, mounted on wheels that:

- A. Is designed to provide temporary living quarters during recreation, camping or travel.
- B. Does not require a special highway movement permit based on its size or weight when towed by a motor vehicle.
- C. Has a gross trailer area of less than three hundred twenty (320) square feet.
- D. Does not exceed eight (8) feet in width.

**TREATMENT LEVEL** - Treatment system performance levels as defined in Minn. R. Ch. 7083.4030, Table III for testing of proprietary treatment products.

**TYPE I SYSTEM** - An SSTS that meets all flow requirements and other sizing requirements of this Ordinance and Minn. R. Chs. 7080-7083, has three feet of separation, and uses original soils.

**TYPE II SYSTEM** - Holding tanks, privies, and SSTS on lots within the General Floodplain Zoning District.

**TYPE III SYSTEM** - An SSTS specifically designed to overcome site deficiencies and size restrictions. A Type III is intended to meet state tank effluent quality standards as found in Minn. R. Ch. 7080.2150 Subp. 3. K.

**TYPE IV SYSTEM** - An SSTS designed to include a registered pretreatment device and incorporate pressure distribution and time dosing, allowing application of a higher Soil Hydraulic Loading Rate and reduced soil separation distances.

**TYPE V SYSTEM** - An SSTS that does not meet the definition for a Type I – Type IV system and/or uses non-registered treatment technology. These systems require a licensed engineer and advanced designer.

**UNCLASSIFIED PUBLIC ROADS** - A public right-of-way which affords primary means of access to abutting property.

**UNDERGROUND WATERS** - Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground. The term ground water shall be synonymous with underground water.

**URBAN ROAD** - A public road constructed (actual or planned) with a curb and gutter street section to control drainage rather than with side ditches. To be determined by the Alexandria Township Engineer.

**USE** - The purpose for which land or premises or building therein is designated, arranged, or intended, or for which it is or may be occupied or maintained.

**USE, ACCESSORY** - A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

**USE, PERMITTED** - A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

**USE, PRINCIPAL** - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may either be permitted or conditional.

**VARIANCE** - A modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

**VITAL COMPONENT PARTS** - Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle; including, but not limited to, the motor, drive train and wheels.

**WATERS OF THE STATE** - (as defined in Minn. Stat. § 115.01, Subd. 22) means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

**WATER QUALITY VOLUME** - ½ inch of runoff from the new impervious surfaces created by this project and is the volume of water to be treated in the permanent storm water management system.



**WECS** - Wind Energy Conversion System - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

**WECS, SMALL** – A WECS with a swept area of no more than 200 square meters and a total height of no more than 130 feet, except when a greater height is allowed as provided for in this Ordinance.

**WECS, LARGE** – A WECS with a swept area greater than 200 square meters and a total height typically greater than 130 feet.

**WECS, TOTAL HEIGHT** – The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

**WETLAND** - Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- A. have a predominance of hydric soils.
- B. are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.
- C. under normal circumstances support a prevalence of such vegetation.

**YARD** - An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. The yard extends along the line at right angles to such lot line to a depth or width specified in the setback regulations for the use proposed.

**YARD, FRONT** - The portion of the yard on the same lot with the principal building located between the front line of the building and the front lot line and extending for the full width of the lot. The front lot line is coterminous with the right-of-way line of the public street which the lot abuts, Riparian lots must consider the lake side the front yard.

**YARD, REAR** - The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot. Riparian lots must consider rear yard opposite the front yard.

**YARD, SIDE** - The yard extending along the side lot line between the front and rear yards.

**ZONING ADMINISTRATOR** – The person employed or contracted with by the Alexandria Township Board of Supervisors responsible for administering and enforcing the zoning and subdivision ordinances and having other responsibilities, as outlined in this Ordinance.

**ZONING AMENDMENT** - A change authorized by the Township, either in the allowed use within a district or in the boundaries of a district.

**ZONING DISTRICT** - An area or areas within the limits of the Township for which the regulations and requirements governing use are uniform.

**ZONING MAP** - The official Alexandria Township zoning map setting forth zoning districts.

## SECTION VIII. SEPARABILITY, SUPREMACY AND EFFECTIVE DATE

### A. SEPARABILITY

1. Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

### B. SUPREMACY

1. When any condition imposed by any provision of this Ordinance on the use of land or buildings/structures or on the bulk of buildings/structures is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community ordinance or regulation, the more restrictive conditions shall prevail.
2. In accordance with the requirements of Minnesota Statutes, if regulations within this Ordinance are determined to be less restrictive than those adopted by the Douglas County Board of Commissioners within the Douglas County Zoning Ordinance, the Township shall enforce the more restrictive regulations.<sup>133</sup>

### C. EFFECTIVE DATE

1. This Ordinance shall be in force and effect upon the due passage and publication in the manner provided by law.

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Adopted by the Alexandria Town Board of Supervisors this 7<sup>th</sup> day of December 2020

Effective date: Upon publication

Board of Township Supervisors  
Alexandria Township, Minnesota

By: \_\_\_\_\_  
Rod Eldevik, Chairperson

Attest:

\_\_\_\_\_  
Gregg Raisanen, Clerk

<sup>133</sup> Added 8/4/2014 (Resolution #14-02)