

Recommended Amendments to the Becker County Zoning Ordinance

Proposal # 1.)

The intent of the proposed language is to allow storage structures on vacant lots without an existing principle use. As our ordinance reads today a storage structure may only be built on a property if it is incidental to a current principle use.

Chapter 10, Definitions.

Storage Structure: Any building or structure used for non-residential or non-commercial use.

Chapter 5 Table 5-1

Use Type	Table 5-1 Land Use Districts													Commercial			Industry	
	General Agriculture		Special Protection		Residential			High Density Residential		Water Oriented Commercial								
	All Lakes Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes	NE Lakes & Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	M	Ad m. & W h s g	
G. Other Uses																		
<u>Storage Structure</u>	P	P	C	C	P	P	P	C	C	P	P	P	P	P	P	C	C	

Chapter 8, Section 15.

Multi-Unit Storage Structure Developments

- A. **Purpose and applicability:** The purpose of this section is to establish the procedure and criteria to evaluate multi-unit storage structure developments for private ownership. It is intended to provide a means to create a cluster style development for privately owned storage structures.
- B. **Where allowed:** Multi-unit storage structure developments are allowed for new projects on undeveloped land, redevelopment of previously developed land, or conversion of existing buildings in land use districts where storage structures are permitted.
- C. **Definition:** Multi-unit storage structure developments consisting of sites or units that are sold or leased for the purpose of private storage, work space or any other non-residential and non-commercial use associated with storage structures.

- D. **Review process:** Multi-unit storage structure developments shall be considered a plat and processed as subdivisions of land into units, lots or parcels as outlined in Chapter 8, Section 5 of this ordinance.
- E. **Application for a Multi-unit storage structure development** The applicant for a multi-unit storage structure development shall submit the following documents prior to final action being taken on the application requests:
- a. **Preliminary site plan:** A site plan for the project showing locations of property boundaries, surface water features, proposed units or lots, common elements and structures, land alterations, topographic contours at ten foot intervals or less and sewage treatment and water supply systems (if any are being proposed).
 - b. **Property owners association:** A property owner's association agreement with mandatory membership with the following features:
 - i. Membership shall be mandatory for each unit or site purchaser and any successive purchasers;
 - ii. Each member shall pay a pro rata share of the association expenses and unpaid assessments can become liens on units or sites;
 - iii. Assessments shall be adjustable to accommodate changing conditions; and
 - iv. The association shall be responsible for insurance, taxes and maintenance of all commonly owned property and facilities.
 - v. Any changes to the association agreement related to the layout, impervious surface, surface water flow or other uses/features that were included in the approved site plan shall be submitted to the County for Planning Commission and County Board approval.
- F. **Design requirements:**
- a. **Density:** The density of multi-unit storage structure developments shall be determined by the allowable impervious surface coverage for the land use district.
 - b. **Water and Septic:** If water is being supplied to the units, it is recommended that a common well be utilized, if possible. Considering the units are not for habitation, it is acceptable to utilize septic holding tanks designed and installed in accord with Minnesota Department of Health requirements and Section 4 of this ordinance.
 - c. **Erosion control and stormwater management:** Erosion control and stormwater management shall be developed in accord with any Minnesota Pollution Control Agency requirements or Watershed District in which the multi-unit storage structure development is situated. If the multi-unit storage structure development is not located with and Watershed District or if the governing Watershed District nor MPCA does not have or require erosion control and stormwater management standards the multi-unit storage structure development shall:
 - i. **Erosion control design standard:** Erosion control systems shall be designed, and the construction managed, to reduce the likelihood of serious erosion occurring either during or after construction.
 - ii. **Method of control:** Erosion control shall be accomplished by limiting the amount of and the length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques shall be used to reduce erosion impacts on surface water features. Erosion control plans approved by a Soil and Water

Conservation District may be required if project size and site physical characteristics warrant; and

- iii. **Stormwater management design standard:** Stormwater management systems shall be designed and constructed to effectively manage reasonable expected quantities and qualities of stormwater runoff.

Chapter 7, Section 3.

Section 3 Accessory Uses and Storage Structures

- A. **Accessory uses.** The following accessory uses, in addition to those specified elsewhere in this Ordinance, shall be permitted in any residential district if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district.
 1. The operation of accessory facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the district.
 2. Recreation, refreshment and service buildings in public parks and playgrounds.
- B. **Accessory buildings and storage structures.** The following requirements shall apply to accessory buildings and storage structures in all land use districts.
 1. **Attached.** An accessory building or storage structure attached to the main building is part of the main building and shall comply in all respects with the requirements for the main building.
 2. **Not in side yard.** A detached accessory building or storage structure other than a fence shall not be located in any required front or side yard in a residential subdivision.
 - a. **Accessory and storage structure use limited.** A detached accessory building or storage structure, such as a garage, shall not be used as a guest cabin capable of providing independent human habitation.
 3. **Accessory and storage structure height limit.** The height of an accessory building or storage structure shall be limited to twenty-two feet (22') at the peak when located within four hundred feet (400') of a lake or within three hundred feet (300') of a river or stream. The height of an accessory building or storage structure located over four hundred feet (400') from a lake or over three hundred feet (300') from a river or stream shall be limited to the height allowed by the zoning district in which it is located.
 4. **Accessory and storage structure area and size limits.**
 - a. Accessory and storage structures located within two hundred feet (200') of a lake or river/stream cannot exceed one thousand two hundred (1200) square feet in size. The accessory or storage structure must be located within the setback lines and the total impervious surface area cannot exceed twenty-five (25) percent of the lot area.
 - b. Accessory and storage structures located over two hundred feet (200') from a lake and less than four hundred feet (400') from a lake or over two hundred feet (200') from a river/stream and less than three hundred feet (300') from a river/stream cannot exceed two thousand four hundred (2400) square feet in size. The accessory or storage structure must be located within the setback lines and the total impervious surface area cannot exceed twenty-five (25) percent of the lot area.

- c. Accessory and storage structures located over four hundred feet (400') from a lake or three hundred feet (300') from a river/stream must be located within the setback lines and the total impervious surface area cannot exceed twenty-five percent (25%) of the lot area.
5. **Accessory building and storage structure setback.** Accessory or storage structures located within the shoreland district may be permitted twenty feet (20') from the right-of-way of a platted or dedicated township road or fifty-three feet (53') from the centerline of a non-platted or non-dedicated township road. This setback does not apply to a County or State Highway. Accessory and storage structures may be permitted twenty (20) feet from the rear lot line.

Proposal # 2.)

Our current ordinance states the County as well as an Incorporated City which has adopted subdivision authority by resolution within two miles of city limits are both required to approve subdivisions. The proposed amendment would give full authority to said Incorporated City. See Minnesota State Statute 462.358, Subd. 1A.

Chapter 8, Section 5, B., 1., b.

Cities. Where any municipality has adopted extra-territorial subdivision platting regulations as provided by State law, any proposed plat lying within two (2) miles of said municipality shall ~~also~~ be submitted to and approved by said municipality

Proposal # 3.)

Chapter 5 of our ordinance contains a table for our reference when determining land use and permitting requirement in the county. "P" represents a permitted use and can be approved by our office. "C" represents conditional and may be approved by the Planning Commission. "N" designates the use is not permitted or conditional in any land district. The proposed amendment to "Use Interpretation" would allow the Planning Commission to interpret whether or not a use is fitting and compatible to a district instead of the Board of Adjustments.

Chapter 5, Section 1, D.

Use interpretation. If a use is not listed or does not have a designated type of use, the use may be allowed if it is of the same general character as those listed as Permitted (P), or Conditional (C) uses in the use table, provided the use is deemed fitting and compatible to the district by the ~~Becker County Board of Adjustment~~ **Becker County Planning Commission**, and is not listed as a Not Permitted (N) Use.

Proposal # 4.) Number of Final Plats Required Change from Two to One. **-Chapter 8, Section 5, G.**