

Recommended Amendments to the Becker County Zoning Ordinance

Proposed language is indicated by underline. Language to be removed has been “strike-throughed”.

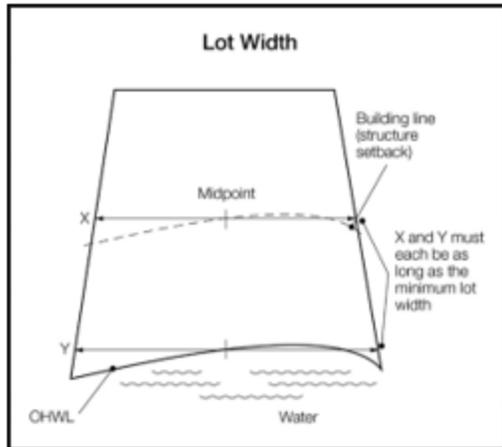
Proposal # 1.) Definitions and Chapter 5, Table 5-4

ZOAC Intent: To require shoreland lots to have a lot width equivalent to DNR standards at the building set back line from the OHW and the line parallel to the shore at each side lot line for riparian lots and the road setback for non-riparian lots, each lot must have 66’ of road frontage or be served by the appropriate size easement. Lots outside of the shoreland shall have a minimum of 8500 square feet of “buildable area” and 66’ of road frontage or be served by the appropriate size easement. This means a lot may include wetlands, bluffs, easements, etc. in the total lot size requirement however they will always have at least 8500 square feet of buildable area.

Buildable Area, The minimum continuous area remaining on a lot or parcel of land after all setback requirements, bluffs, all easements and right-of-ways, and wetlands are subtracted. The buildable area shall be accessible by public road frontage or an appropriate easement with a graded and serviceable driving surface.

Lot width, non-riparian. The shortest distance between lot lines measured at the building setback line from the road or rear setback line if served by an easement.

Lot width, riparian. The shortest distance between side lot lines measured at the building setback line from the OHW. This shall also be the minimum width abutting the ordinary high water level of the adjacent lake or river at the side lot lines.



Lot depth. The measurement of a lot measured at either of the side building set back lines, whichever is shortest.

Lot area. The area of a lot within the lot lines excluding any part of the lot that is below the ordinary high water level of any public water, within any wetland, within the area of a bluff, within the area of any easement for ingress or egress or within the area of any road right of way. Easements for public utilities may be included in the lot area.

Lot width. The measurement of a lot measured at either the front or back building set back lines, whichever is narrower. The width of riparian lots shall be determined as follows: (A) the straight line distance between the intersections of the side lot lines and the ordinary high water level of the lake or the water's edge of the lake if no ordinary high water level is established; and (B) the straight line distance between the intersections of the side lot lines and the building setback line (Exhibit A); OR (C) if the angle between the side lot lines and the ordinary high water level of the lake (or water's edge if no ordinary high water level have been established) is less than seventy (70) degrees or greater than one hundred ten (110) degrees, the lot width is measured at a right angle from the point of intersection of the side lot line and the ordinary high water level perpendicular from the opposite side lot line of the lot and if the angle between the side lot lines and a straight line between the side lot lines and the building setback line is less than seventy (70) degrees or greater than one hundred ten (110) degrees, the lot width is measured perpendicular from the point of intersection of the side lot line and the building setback line perpendicular from the opposite side lot line (Exhibit B). Example A-E

Table 5-4: Height, yard, setback, area, lot width and lot depth requirements for land use districts

Land Use District

Minimum Requirements	General Agriculture	Special Protection	Residential	High Density Residential	Water Oriented Commercial	Commercial	Industry
Minimum lot area size (in acres or square feet)							
On-lot sewer and water	2.5 acres	5 acres	1 acre	1/2 acre	3 acres	1 acre	1 acre
Public or community sewer and water	NA	NA	10,000 sq. ft.	10,000 sq. ft.	3 acres	1 acre	30,000 sq. ft.
Minimum lot width (in feet)							
On-lot sewer and water	200	200	150	150	200	100	150
Public or community sewer and water	150	150	100	75	75	100	150
Minimum lot depth	150	200	120	120	150	150	50
Minimum side yard ¹ setback	20	20	10	10	15/30 ⁷	15/30 ⁷	15/50 ⁸

Proposal # 2.) Chapter 8, Section 16 – Short/Long Term Rentals

The below language would allow vacation rentals without a Conditional Use Permit with a maximum number of guests TBD case by case.

Definition:

Private or 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.

Private/Vacation Home Rental

Where permitted as specified in Table 5-1, Table of Uses, rentals may be operated with an administrative permit only if all of the following requirements are met:

- A. **Permit required.** An annual rental permit is obtained from the Zoning Director. One (1) structure shall be used to determine the maximum occupant density of the parcel. Permits shall be posted on-site and shall include name and contact information for the property owner or property manager. All permitted units shall post the department assigned permit number to all advertisement of the unit and the maximum number of occupants.
- B. **Certificate of Compliance.** A current septic system certificate of compliance shall be provided to the Zoning Department upon permit application submittal.
- C. **Garbage.** Garbage and recycling shall be stored completely enclosed. The owner or operator of the rental unit shall provide sufficient trash storage containers and service to accommodate the demand of the occupants.
- D. **Parking.** On-site vehicle parking shall be designated by the approved permit. Public streets and right-of-way shall not be used for parking of trailers or overnight parking of vehicles by occupants.
- E. **Permit Transfer.** In order for a permit to remain valid upon a change in ownership of the permitted property. All current information must be provided to the Zoning Department.
- F. **Other ordinances and licenses.** All other County ordinance's and agency license's shall apply to this section.
- G. **Recreational Vehicle.** One recreational vehicle on a vacant parcel may operate the rental unit.
- H. **Density.** 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.
 - OR**
 - 2. The maximum number of overnight guests shall not exceed the total treatment capacity of the septic system in gallons per day divided by 50 gallons per overnight guest. (i.e. 450 gallons per day / 50 gallons per person = 9 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.

Proposal # 3.) Chapter 5, Table 5-4 Road Setbacks.

The proposed amendment will allow structures to be used for front yard setback averaging. The Zoning Ordinance Advisory Committee is also considering a reduction in road setbacks at their Jan. 9th, 2020 meeting.

Front Yard Setback Averaging. Is the horizontal distance of a proposed structure obtained by adding the horizontal distances, as measured from the right-of-way or centerline of a public road, of the like structures on the adjacent lots and dividing that sum by two (2). The average shall not exceed the appropriate measurement required by table 5-4.

Proposal #4.) Chapter 3, Section 8, Letter B – Setback Averaging.

This amendment would eliminate the addition of 20 feet after establishing the average between two structures. We've also gathered information on how many variances for OHW setbacks have been approved and denied by the Board of Adjustment. The data pulled shows a vast majority of lake setbacks are approved by the Board of Adjustment, eliminating the 20' would considerably lower the amount of variances applied for. I've also eliminated the specific requirement for how the property owner mitigates the difference in setback. With this language they will still mitigate but can have a variety of options to choose from. The last language eliminated will now allow setback averaging to be used on both conforming and non-conforming lots. Before both adjacent lots had to be conforming, where the method is normally applicable to a non conforming lot due to size.

B. Setback averaging. Setback averaging is the horizontal distance of a proposed structure obtained by adding the horizontal distance, as measured from the ordinary high water mark of the lake, of the like structures on the adjacent lots and dividing that sum by two (2).

1. If structures exist on the adjoining lots on both sides of a proposed building site, the required setbacks shall be that of the average horizontal distance of the like structures ~~plus twenty (20) feet~~, not to exceed the required lake setback. (Example: deck to deck, house to house)

2. If a building on one side of a lot does not comply with the setback requirements of this ordinance and if the lot on the other side is vacant, or if the structure exceeds the required

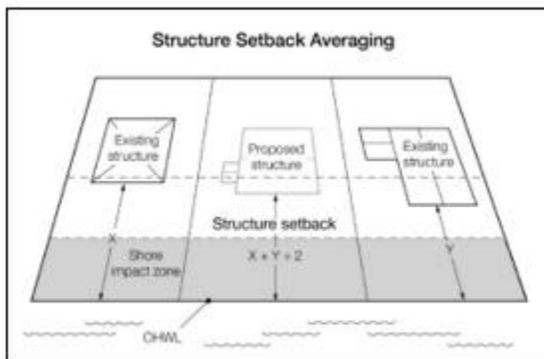
setback, the setback for the lot shall be equal to one half (1/2) the sum of the horizontal distance as measured from the ordinary high water mark of the lake to the like structure and the setback required by this ordinance ~~plus twenty (20) feet~~, not to exceed the required lake setback

3. Notwithstanding the above, a building site shall not be located in whole or in part within a shore impact zone or a bluff impact zone.

4. Whenever the setback averaging method is allowed to establish a lakeside structure setback and the property is a substandard size property, as provided for in subsections B1 and B 2, above, the deficiency area between the setback determined by the setback averaging and the setback required by this Ordinance must be mitigated ~~by the installation of a shoreline vegetative buffer. The criteria and provisions for the shoreline vegetative buffer contained in Chapter 3, Section 11, Mitigation Requirements for Nonconformities in Shoreland Areas, are applicable.~~

5. If a dwelling unit is used for the lakeshore averaging, the dwelling must be of average livable condition.

~~6. Adjacent like structures used for the setback averaging must be located within the width and area of a standard lot size.~~



Proposal # 5.) Chapter 8 Conditional use timeline requirements for previously denied applications.

The intent of the proposed amendment is to prevent applicants from re-applying for a conditional use permit without substantial changes or new circumstances to be determined by the Board of County Commissioners.

No application for a conditional use permit shall be resubmitted for a period of one year from the date that a request is denied by the Becker County Board of Commissioners, except the Board of Commissioners may allow a new application if, in the discretion of the Board of Commissioners, new evidence or a change in circumstances warrant it.

Proposal # 6.) Chapter 9, Section 4, Letter J - Conditional use appeal process.

This proposal comes at the recommendation of Assistant County Attorney Lisa Tufts. The proposal outlines where CUP's are appealed to.

Board of County Commissioner's decision appealable to District Court. The decision of the Board of County Commissioner's shall be final, except that any person having an interest affected by the decision shall have the right to appeal to the District Court, provided the appeal is instituted within thirty (30) days after receipt of notice of the decision by the Board of County Commissioner's. These decisions include conditional use permits, change of zone requests, and all subdivisions.