



PUBLIC HEARING – ACCESSORY STRUCTURES

Application: **Ordinance Amendment regarding Accessory Structures in the Rural Residential, Forest Management and Agriculture Districts**

Applicant: **City of Pequot Lakes**

Agenda Item: **3 (a)**

Background Information: Accessory structures such as pole buildings, garages and storage sheds are not allowed in any zoning classification without a principal structure no matter how large the parcel is. Staff has received requests for such buildings on large tracts. Last month the Planning Commission unanimously directed Staff to prepare an ordinance amendment and hold a public hearing this month.

Crow Wing County allows accessory structures to be built in any zone without a principal structure. For lots that are 5 acres or less in size a site suitability evaluation is required. The site suitability evaluation ensures the property owner does not place the structure on the only area for the installation of a septic system.

Applicable Regulations:

Section 17-3.2. DEFINITIONS

4. **Accessory Structure.** A building or other structure that is supportive, secondary and subordinate in use and/or size to the principle structure on the same parcel or lot which, because of the nature of its use, can reasonably be located at or greater than minimum structure setbacks. Includes all structures not considered the principle structure including, but not limited to, T.V. towers antennas, dish antennas, outdoor swimming pools, outdoor hot-tubs, detached garages, sheds, guest quarters and boathouses.
5. **Accessory Use.** A use naturally and normally incident and subordinate to the main use of the premises.
110. **Garage, Attached.** A part of the principle structure designed for the storage of motor vehicles.
111. **Garage, Detached.** An accessory structure not attached to the principle structure on the property designed and used for storage.

Section 17-5.1 GENERAL

- 6. The following provisions apply to all zoning districts:
 - A. Except where specifically stated, all accessory structures or uses require the prior establishment of a principle structure.

Section 17-5.4 FOREST MANAGEMENT (FM)

- 1. Purpose and Intent: To provide a zoning classification for sustainable management of forested areas, to establish and maintain timber resources, to protect the natural environment, to preserve undeveloped areas and to provide recreation opportunities. Development patterns are characterized as very low-density residential without municipal utility service and with only limited demand for accessibility. Forest Management zoning should be used to preserve rural character.
- 2. Compatibility: Forest Management zones would generally be compatible with and can be established adjacent to Agriculture, Rural Residential, Transition Residential, Commercial and Light Industrial zones. The zone may also be compatible with other zones in areas where forest stands exist.
- 3. Lot, Use and Density Requirements.

Lot Width - feet, minimum	300
Total Lot Area - acres, minimum	10
Buildable Lot Area - acres, minimum	5
Setback, right-of-way, local streets - feet, minimum	50
Setback, right-of-way, collector and arterial streets - feet, minimum	50
Setback, side - feet, minimum	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	50
Maximum impervious coverage	10%
Maximum Building Height - feet	25
Maximum animal unit per acre	0.5

- 4. Performance Standards. The following performance standards apply to all development in this zone:
 - A. Screening. Screening consisting of native trees and shrubs covering a minimum of 75 percent of the setback area (leaf on conditions) is required in the road setback and within 50

foot lake, river, stream, wetland, and bluff buffers in order to retain the scenic beauty and rural character as viewed from roads and lakes.

- B. Best Management Practices. The “Best Management Practices in Minnesota” for “Water Quality in Forest Management”, Minnesota Department of Natural Resources, shall hereby be adopted as the standard for timber management in forested areas.

- C. Management Plan. Cutting, including clearcutting, may be allowed only after the preparation and approval of a specific management plan for the lands being managed for forestry purposes and subject to the following standards and criteria:
 - (1) A specific written management plan shall be prepared by a professional forester and submitted for review and approval to the designated city official.

 - (2) The management plan shall contain a description of the proposed cutting operation and a summary of how the operation will comply with the standards set forth in this section:
 - (a) How the proposed vegetation management plan will protect or enhance the scenic and aesthetic character of the shoreland.

 - (b) Description of the property, including both a legal description and a general description.

 - (c) The general description shall include a description of the location, size, topography, soils, and access to the vegetation management area.

 - (d) The name, address and phone number of the person or persons who will be in charge of the proposed vegetation management project.

 - (e) Additional information that may be required for proper review of the management plan.

 - (3) The management plan shall be made available by the Zoning Administrator for review and, upon, request, to the Minnesota Department of Natural Resources.

Section 17-5.5 AGRICULTURE (AG)

1. Purpose and Intent: To provide a zoning classification for the preservation of family farms and small-scale agricultural uses and to allow for low density residential development compatible with those uses. Development patterns are characterized as very low-density residential without municipal utility service and with only limited demand for accessibility. Agriculture zoning should be used to preserve rural character.

2. Compatibility: Agriculture zones would generally be compatible with and can be established next to Forest Management, Rural Residential, Transition Residential, Commercial and Light Industrial zones.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum	500
Total Lot Area - acres, minimum	20
Setback, right-of-way, local streets - feet, minimum	50
Setback, right-of-way, collector and arterial streets - feet, minimum	50
Setback, side - feet, minimum	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	50
Maximum impervious coverage	10%
. Non-Agricultural Use Structure Height – feet, maximum	25
Agricultural Use Structure Height – feet, maximum	none
Maximum animal unit per acre	4

4. Performance Standards. The following performance standards apply to all development in this zone:

A. Single Family Dwelling, accessory structure. A second single-family dwelling may be established on a parcel and is to be occupied by the owner, operator or manager of the farm.

B. Vegetation Removal, Intensive. The submittal requirements and procedures contained in Section 5.4 “Forest Management (FM)”, Subparts 4b and 4c shall be met and followed.

Section 17-5.6 RURAL RESIDENTIAL (RR)

1. Purpose and Intent: To provide a zoning classification that allows for low-density residential development. Development in this zone is without municipal utility service and with only limited demand for accessibility. Rural Residential zoning should be used to preserve rural character.

2. Compatibility: The Rural Residential zone is compatible with and can be established adjacent to Forest Management and Agriculture zones, but may not be completely surrounded by those zones. The Rural Residential zone must be adjacent to land zoned Rural Residential, Transition Residential, Light Industrial or Commercial. The Rural Residential zone may be established next to the Shoreline Residential zone or the Water Resource zone.

3. Lot, Use and Density Requirements.

Lot Width - feet, minimum	200
Buildable Lot Area - acres, minimum	5
Setback, right-of-way, local streets - feet, minimum	50
Setback, right-of-way, collector and arterial streets - feet, minimum	50
Setback, side - feet, minimum	25
Setback, corner side - feet, minimum	40
Setback, sign - feet, minimum	1
Setback, wetland - feet, minimum	50
Maximum impervious coverage	15%
Maximum Building Height - feet	25
Maximum animal unit per acre	0.5

4. Performance Standards. The following performance standards apply to all development in this zone:
 - A. Outside Storage. Storage of a fish house and a recreational vehicle is allowed if stored not less than 10 feet distance from any property line and not within the OHW setback.

 - B. Fences. Fences not exceeding 72 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is

not to be used where frequent human contact is anticipated.

- C. Vegetation Removal, Intensive. The submittal requirements and procedures contained in Section 5.4 “Forest Management (FM)”, Subparts 4b and 4c shall be met and followed.

Section 17-5.15 LAND USE MATRIX

A- allowed w/o a permit, P - permitted, C- conditional use, I - interim use, AC - accessory use, E - excluded

<u>USE</u>	<u>OS</u>	<u>FM</u>	<u>AG</u>	<u>WR</u>	<u>SR</u>	<u>TR</u>	<u>RR</u>	<u>DMU</u>	<u>C</u>	<u>SC</u>	<u>R</u>	<u>UR</u>	<u>LI</u>
Accessory Structure	E	AC	AC	E	AC	AC	AC	AC	AC	AC	AC	AC	AC

Currently “Accessory Structures” are excluded in the Open Space and Water Resource Districts and allowed as an Accessory Use in the remaining zoning classifications in the Land Use Matrix. Staff has prepared an ordinance amendment that would allow accessory structures in the Rural Residential, Forest Management and Agriculture zones. The red underlined text is the proposed language to be added. The ~~strikethrough~~ language is proposed to be removed.

Section 17-5.4 FOREST MANAGEMENT (FM)

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2. Compatibility: Forest Management zones would generally be compatible with and can be established adjacent to Agriculture, Rural Residential, Transition Residential, Commercial and Light Industrial zones. The zone may also be compatible with other zones in areas where forest stands exist.
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- B. Best Management Practices. The “Best Management Practices in Minnesota” for “Water Quality in Forest Management”, Minnesota Department of Natural Resources, shall hereby be adopted as the standard for timber management in forested areas.
- C. Management Plan. Cutting, including clearcutting, may be allowed only after the preparation and approval of a specific management plan for the lands being managed for forestry purposes and subject to the following standards and criteria:
 - (1) A specific written management plan shall be prepared by a professional forester and submitted for review and approval to the designated city official.
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- (c) The general description shall include a description of the location, size, topography, soils, and access to the vegetation management area.
 - (d) The name, address and phone number of the person or persons who will be in charge of the proposed vegetation management project.
 - (e) Additional information that may be required for proper review of the management plan.
- (3) The management plan shall be made available by the Zoning Administrator for review and, upon, request, to the Minnesota Department of Natural Resources.

D. Establishment of Primary Use. Garages and storage sheds may be permitted in the Forest Management zone without principle dwelling units. Properties with garages and storage sheds without a principal use shall have adequate buildable area for a principle dwelling unit, a sewer treatment system and a well. Applicants for garages without principle dwelling units shall submit a sewer design by a licensed designer for the future principle structure before obtaining a permit.

Section 17-5.5 AGRICULTURE (AG)

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B. Vegetation Removal, Intensive. The submittal requirements and procedures contained in Section 5.4 “Forest Management (FM)”, Subparts 4b and 4c shall be met and followed.

C. Establishment of Primary Use. Garages and storage sheds may be permitted in the Agriculture zone without principle dwelling units. Properties with garages and storage sheds without a principal use shall have adequate buildable area for a principle dwelling unit, a sewer treatment system and a well. Applicants for garages without principle dwelling units shall submit a sewer design by a licensed designer for the future principle structure before obtaining a permit.

Section 17-5.6 RURAL RESIDENTIAL (RR)

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2. Compatibility: The Rural Residential zone is compatible with and can be established adjacent to Forest Management and Agriculture zones, but may not be completely surrounded by those zones. The Rural Residential zone must be adjacent to land zoned Rural Residential, Transition Residential, Light Industrial or Commercial. The Rural Residential zone may be established next to the Shoreline Residential zone

or the Water Resource zone.

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D. Establishment of Primary Use. Garages and storage sheds may be permitted in the Rural Residential zone without principle dwelling units. Properties with garages and storage sheds without a principal use shall have adequate buildable area for a principle dwelling unit, a sewer treatment system and a well. Applicants for garages without principle dwelling

units shall submit a sewer design by a licensed designer for the future principle structure before obtaining a permit.

Staff Findings: Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. The amendment creates a more flexible ordinance that allows property owners more options for use of larger tracts of land.
2. Accessory structures constructed on larger tracts without a principal use established would not destroy the rural character of the Forest Management, Agriculture and Rural Residential Zones.

Planning Commission Direction: The Planning Commission can recommend approval of the ordinance amendment, denial of the application, or the request may be tabled if additional information is needed. If the motion is to recommend approval or denial to the City Council, Findings of Fact should be cited.

Staff Recommendation: We recommend that the application be approved.
