



REPORT TO PLANNING COMMISSION

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Date: February 24th, 2025

Subject: Water Oriented Accessory Structures

Overview: Per the direction of the Planning Commission at the January 2025 Planning Commission meeting, the following report provides an overview of the current regulations for Water Oriented Accessory Structures (WOAS) within the Shoreline Residential Zone.

Report: The following information is derived from the existing Land Use & Subdivision Ordinance for the City of Pequot Lakes and various surrounding communities as denoted in the bulleted items below.

Existing Ordinance Definitions:

270. Water Oriented Accessory Structure or Facility. A small above ground building or other improvement, except stairways, fences, docks and retaining walls, which because of the relationship of its use to a surface water feature is located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish cleaning houses and detached decks.

41. Boat House. A structure designed and used solely for the storage of boats or boating equipment.

213. Setback, Waterfront. The closest horizontal distance between the ordinary high water mark and the foundation or wall or edge of a structure. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over 4 feet wide may protrude into the setback.

216. Shore Impact Zone 1 (SIZ-1). Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the required structure setback.

217. Shore Impact Zone 2 (SIZ-2). Land located between Shore Impact Zone 1 and the structure setback line.

175. Ordinary High Water Mark. The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses the ordinary high water level is the elevation of the top of the bank of the channel, for reservoir and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

5. 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.

Existing Ordinance Language:

Section 17-5.8 Shoreline Residential (SR):

J. Accessory Structure . A permit shall not be required for up to two accessory structures totaling no more than 160 square feet. Accessory structures shall meet all zoning requirements in the Section. Ground-mounted solar panel installations shall not count against this limit.

This report is for referential purposes only, no proposed changes or amendments have been formally introduced to City Council.

Section 17-4.4 Non-Conforming Structures and Uses:

6. Existing water oriented structures may be replaced with a permit on the same parcel provided that:

- A. There must be no increase in horizontal dimensions.
- B. The structure must not exceed ten feet in height and must have a minimum of a 4:12 pitched roof.
- C. The structure must meet a minimum setback of 10 feet from the ordinary high water mark.
- D. The structure must be treated to significantly reduce the visibility, as viewed from public waters and adjacent shorelands, through the use of vegetation, topography and/or color, assuming summer, leaf-on conditions.
- E. The structure shall be used for storage only and may not include elements designed for human habitation.
- F. Storm water runoff from the structure shall be drained away from the lake. There shall be no direct flow of stormwater from the structure to adjacent water bodies.

Excerpt from the Land Use Table:

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

USE	OS	EM	AG	WR	SR	TR	RR	DMU	C	SC	R	UR	LI	P	PD
Solar Collector Systems, Roof Mounted	A	A	A	E	A	A	A	A	A	A	A	A	A	A	A
Studio -art, music, photo, decorating, dance	E	E	E	E	E	E	E	P	P	E	E	E	E	E	E
Telecommunication Tower	E	C	C	E	E	E	E	E	E	E	E	E	E	E	E
Temporary Commercial Structure	E	E	E	E	E	E	E	I	I	E	E	E	E	E	E
Temporary Structure	E	A	A	E	A	A	A	A	A	A	A	A	A	AC	E
Theater, Movie or Performing Arts	E	E	E	E	E	C	C	P	P	E	E	E	E	E	C
Vegetation Removal, Clear Cutting	E	E	E	E	E	E	E	E	E	E	E	E	C	E	E
Vegetation Removal, Intensive	P	P	P	E	E	E	P	E	E	E	P	E	P	P	E
Vehicle, boat, recreational equipment sales	E	E	E	E	E	E	E	E	P	E	E	E	E	E	E
Vetrinary Clinic	E	E	E	E	E	E	E	P	P	E	E	E	E	E	C
Water Oriented Accessory Structure or Facility	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Warehousing	E	AC	AC	E	AC	AC	AC	AC	AC	AC	AC	AC	P	AC	E
Warehousing, Commercial	E	E	C	E	E	E	E	E	E	E	E	E	E	E	E

The City of Pequot Lakes Land Use Table demonstrates that all new (proposed) WOAS are currently excluded in the City.

Surrounding Community Information:

City of Nisswa: Sec. 20-142. - Water oriented accessory structures standards.

(a) One water oriented accessory structure on riparian residential lots not meeting the structure setbacks in section 20-89 of this chapter may be placed with a shoreland alteration permit provided the following standards are met:

- (1) The structure or facility must not exceed ten feet in height and cannot occupy a combined area greater than 120 contiguous square feet (e.g., a patio and storage structure may both be constructed but must be located contiguously and cannot exceed 120 combined square feet);
- (2) The setback of the structure or facility from the OHWL must be at least 20 feet;
- (3) The structure 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 department, assuming summer, leaf-on conditions;
- (4) Construction complies with all other provisions of this chapter;
- (5) The maximum impervious surface limits for the lot are not exceeded;
- (6) The structure shall not be located within a bluff impact zone;
- (7) The structure shall not be used for human habitation; and
- (8) The structure shall not include bathroom facilities.
- (9) The roof shall have a minimum 4/12 pitch.

Crow Wing County:

Water-Oriented Accessory Structures

A 12 ft. tall, 120 sq. ft. shed is allowed by the lakeshore (250 sq. ft. if commercial property). The shed must be located at least 20 ft from the Ordinary High Water level (OHW) and must meet all other setbacks. It cannot have water or sewer connections and cannot be used for human habitation.

These can also be decks, patios, gazebos, etc...check with Land Services for more information.

MN DNR Model Ordinance:

7.3 Water-oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:

7.31 The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;

7.32 The structure or facility is not in the Bluff Impact Zone;

7.33 The setback of the structure or facility from the ordinary high water level must be at least ten feet;

7.34 The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;

7.35 The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

7.36 The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;

7.37 The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;

7.38 As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and

7.39 Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 6.43 if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

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