

Polk County Section 18- Shoreland regulations proposed changes (red text)

Narrative to be removed (italics)

There is increasing public interest in allowing larger than 2,400 sq. ft. accessory structures on parcels that meet and or exceed the shoreland sizing minimum standards. Polk County Planning Commission and P&Z staff have noticed a reoccurring theme of property owners in the shoreland district that own larger than minimum lot standards with the desire to construct accessory buildings larger than the maximum 2,400 sq. ft. allowed in the current zoning ordinance. The amendment would allow for parcels that are greater than 80,000 sq. ft. in size to develop accessory structures based on parcel acreage to determine the maximum accessory structure sizes through the Conditional use permitting process. This is consistent with the accessory structures' guidelines in the agricultural zoning district which allows larger parcels to construct larger accessory buildings. The amendment would allow accessory structures larger than 2,400 sq. ft. in size located at least 300 feet from the OHWM or on a nonriparian parcel based on the acreage of the parcel. To construct an accessory structure larger than 2,400 sq. ft. in size would still be processed as a conditional use permit not a general building permit application subject to all CUP criteria in the Zoning Ordinance. I am unaware of any accessory structures' limitations for sizing in the DNR model ordinance. Area Counties surrounding us Beltrami, Clearwater, and Hubbard all do not have provisions for maximum accessory structure size. By allowing accessory structures larger than 2,400 sq.ft. in the shoreland district outside of 300 feet or on a nonriparian lot through a conditional use process it still maintains that the County can put conditions or restrictions on vegetative removal, visibility of structures as viewed from the water is limited, prevention of soil erosion, site suitability and other general CUP standards.

18.2225 Accessory structures. The following standards shall apply to accessory structures in the Shoreland Overlay District property:

- (A) On a riparian parcel, one single-story accessory structure with a maximum size of 800 sq. ft., or the placement of an additional single-story accessory structure where the total combined square footage does not exceed 800 sq. ft. shall be permitted. No more than two accessory structures shall be permitted on any riparian parcel. The maximum height of the accessory structure(s) shall be fifteen (15) feet.
- (B) No accessory structure over fifteen (15) feet shall be permitted unless located in excess of 300 feet from the Ordinary High Water mark on a General or Recreational lake as listed in Section 18.1120 or located on a nonriparian parcel.
- (C) For parcels being a non-riparian parcel or on a riparian parcel & the building located a distance of 300 feet or more from the Ordinary High Water mark, a maximum size for an accessory structure shall be permitted or the combined total of all accessory structures shall not exceed 18.2225 (C.3). No more

than two accessory structures shall be permitted on any non-riparian parcel.

1. The maximum height of the accessory structure(s) shall be twenty-five (25) feet.
2. The parcel shall not be allowed to be split to less than the minimum acreage based on allowed accessory structure size in the future 18.2225 (C.3).
3. The square footage of the non-riparian parcel or located a distance of 300 feet or more from the Ordinary High Water mark on a riparian parcel will determine the maximum square footage or combined square footage of the accessory structure(s). See chart below for maximum accessory structure square footage per parcel square footage.

<u>Parcel size in sq. ft.</u>	<u>Max accessory structure (sq.ft.)</u>	<u>Max combined (sq.ft.)</u>
0 – 80,000	2,400 Permitted Use	3,200
80,001 – 240,000	3,200 Conditional Use	4,000
240,001 – 326,700	4,000 Conditional Use	4,800
326,701 – 435,600	4,800 Conditional Use	5,600
435,601 and over	6,000 Conditional Use	6,800

4. All accessory structures over 2,400 square feet must be processed as a conditional use permit for parcels 80,000 sq ft or greater.
5. To exceed the square footage limitations maximum or combined in table 18.2225 (C.3) must be processed as a variance.

- (D) Accessory structures with Agricultural uses shall be permitted in accordance with Section 18.2200.
- (E) No septic systems installed for use in an accessory structure shall be permitted unless first obtaining a C.U.P..
- (F) A Conditional Use Permit (CUP) is required for one single-story accessory structure over 800 sq.ft on a riparian parcel,

or for the placement of an additional single-story accessory structure on any riparian parcel where the total combined square footage of both accessory structures will exceed 800sq.ft. No more than two single-story accessory structures shall be permitted on any parcel. The Conditional Use Permit will be subject to the following criteria:

1. Vegetative screening will be required between the Ordinary High Water Mark (OHW) and the one-story accessory structure(s). Screening must be to the satisfaction of the Polk County Planning and Zoning Office.
2. The maximum height of the one-story accessory structure(s) will be 15 feet.
3. The accessory structure(s) must meet the setback requirement for structures as defined in Section 18.2211 of the Polk County Zoning Ordinance. The string-test rule will be prohibited for determining the setback from the OHW.
4. The square footage of the riparian parcel will determine the maximum square footage or combined square footage of the one-story accessory structure(s). See chart below for maximum accessory structure square footage per riparian parcel square footage.

<u>Parcel size in sq. ft.</u>	<u>Max. acces. structure in sq.ft.</u>
0 – 20,000	800
20,000 – 30,000	1000
30,000 – 40,000	1200
40,000 and over	1600

5. Any additional requirements or restrictions that are deemed necessary to preserve the character of the area and to meet the intent of the Polk County Zoning Ordinance may be placed as a condition of the CUP.

(G) All accessory structures that are 800 sq.ft. or less with a maximum height of 15 feet shall be setback a minimum of 20 feet from the township road right-of-way.

- (H) All non-riparian lot or those located 300 feet or more from the OHWM on a riparian lot, accessory structures between 801 sq.ft. and larger and a maximum height of 25 feet shall be setback 40 feet from the township road right-of-way.

Existing Regulations:

18.2225 Accessory structures. The following standards shall apply to accessory structures in the Shoreland Overlay District property:

(A) On a riparian parcel, one single-story accessory structure with a maximum size of 800 sq. ft., or the placement of an additional single-story accessory structure where the total combined square footage does not exceed 800 sq. ft. shall be permitted. No more than two accessory structures shall be permitted on any riparian parcel. The maximum height of the accessory structure(s) shall be fifteen (15) feet.

(B) No accessory structure over fifteen (15) feet shall be permitted unless located in excess of 300 feet from the Ordinary High Water mark on a General or Recreational lake as listed in Section 18.1120 or located on a nonriparian parcel.

(C) On a nonriparian parcel or located a distance of 300 feet or more from the Ordinary High Water mark on a riparian parcel, a maximum size of 2400 sq.ft. for an accessory structure shall be permitted. The combined total of all accessory structures shall not exceed 3200 sq.ft. on a nonriparian parcel. No more than two accessory structures shall be permitted on any nonriparian parcel. The maximum height of the accessory structure(s) shall be twenty-five (25) feet.

(D) Accessory structures with Agricultural uses shall be permitted in accordance with Section 18.2200.

(E) No septic systems installed for use in an accessory structure shall be permitted unless first obtaining a C.U.P..

(F) A Conditional Use Permit (CUP) is required for one single-story accessory structure over 800 sq.ft on a riparian parcel, or for the placement of an additional single-story accessory structure on any riparian parcel where the total combined square footage of both accessory structures will exceed 800sq.ft. No more than two single-story accessory structures shall be

permitted on any parcel. The Conditional Use Permit will be subject to the following criteria:

1. Vegetative screening will be required between the Ordinary High Water Mark (OHW) and the one-story accessory structure(s). Screening must be to the satisfaction of the Polk County Planning and Zoning Office.
2. The maximum height of the one-story accessory structure(s) will be 15 feet.
3. The accessory structure(s) must meet the setback requirement for structures as defined in Section 18.2211 of the Polk County Zoning Ordinance. The string-test rule will be prohibited for determining the setback from the OHW.
4. The square footage of the riparian parcel will determine the maximum square footage or combined square footage of the one-story accessory structure(s). See chart below for maximum accessory structure square footage per riparian parcel square footage.

<u>Parcel size in sq. ft.</u> <u>structure in sq.ft.</u>	<u>Max. acces.</u>
0 - 20,000	800
20,000 - 30,000	1000
30,000 - 40,000	1200
40,000 and over	1600

5. Any additional requirements or restrictions that are deemed necessary to preserve the character of the area and to meet the intent of the Polk County Zoning Ordinance may be placed as a condition of the CUP.

(G) All accessory structures that are 800 sq.ft. or less with a maximum height of 15 feet shall be setback a minimum of 20 feet from the township road right-of-way.

(H) All nonriparian lot accessory structures between 800 sq.ft. and 2400 sq.ft. and a maximum height of 25 feet shall be setback 40 feet from the township road right-of-way.