

CHAPTER 5 LAND USE DISTRICT ALLOWED USES AND DIMENSIONAL REQUIREMENTS

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Section 1 Table of Permitted, Conditional and Not Permitted Uses by District

The following table, Table 5-1, establishes the allowed uses in zoning districts within Becker County. The following rules shall apply to the use table:

- A. **Permitted uses.** Uses specified with a “P” are permitted uses in the district designated provided that the use complies with all other applicable provisions of this Ordinance.
- B. **Conditional uses.** Uses specified with a “C” are allowed as conditional uses in the district designated if granted through the conditional use process and provided that the use complies with all other applicable provisions of this Ordinance.
- C. **Uses specifically not permitted.** Uses specified with an “N” are not permitted in the district designated.
- 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, and is not listed as a Not Permitted (N) Use.
- E. **Industrial land use classes.** All allowable industrial uses will be categorized in one or more of the following general classifications:
 - 1. **Manufacturing** - Any manufacturing use or process including repairing, assembling, fabricating, altering, converting, finishing, processing, treating, testing, packaging, crop drying, or bottling of the itemized materials;
 - 2. **Warehousing, Storage, Wholesaling** - The storage, handling, assembly and distribution of goods and materials for wholesaling or on-site use of the itemized materials; or
 - 3. **Administrative offices** for the conduct of the allowable manufacturing, warehousing, storage and wholesaling operations.
 - 4. **Determination of use type.** The products or materials involved and the type of operation will determine whether the use is permitted or conditional and in which zoning district the use is allowed.

Table 5-1 Permitted, conditional and not permitted uses by land use district on following pages.

Use Type	Table 5-1 Land Use Districts																
	General Agriculture		Special Protection		Residential			High Density Residential		Water Oriented Commercial			Commercial			Industry	
	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	Mfg	Adm. & Whsg
A. Agricultural Uses																	
Agricultural building	P	P	P	P	C	C	C										
Cropland and pasture	P	P	P	P	C	C	C										
Feedlots, agricultural	P	P	C	C													
Feedlots, commercial	C	C	C	C													
Forestry	P	P	P	P	P	P	P			P	P		P	P	P		
B. Residential Uses																	
Single-family residence-one per lot	P	P	C	C	P	P	P	P	P								
Duplex residential, twin homes					P	N-NE P-Rivers	P	P	P								
Home occupation ¹	C	C			C	C	C	C	C								
Group care facility	C	C			C	C	C	C	C								
Conservation subdivision development	C		C		C	C		C	C								
C. Recreational Uses																	
Parks and historic sites	C	C	C	C	C	C	C	C	C	C	C		C	C	C		
Public										C	C		P	C	C		
Semipublic					C	C	C	C	C	C	C		P	C	C		
Single recreational vehicle ²	P	P			P	P	P										

¹ When home occupation use does not exceed one-third (1/3) the floor area of the dwelling or an accessory building not exceeding the floor area of the building.

	Table 5-1 Land Use Districts																
	General Agriculture		Special Protection		Residential			High Density Residential		Water Oriented Commercial			Commercial			Industry	
Use Type	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	Mfg	Adm. & Whsg
D. Institutional Uses																	
Cemetery	C	C	C	C													
Church ³	P	P	P	P	P	P	P	P	P	P	P		P	P	P		
School ⁴	C	C			C	C	C	C	C								
Nursing home	C	C															
E. Commercial and Industrial Uses																	
Airports, helicopters																C	C
Apparel manufacturing																C	P
Chemicals and allied products																C	C
Commercial, general	C	C	C	C						C	C		P	P	P		
Commercial, surface water oriented								C	C	P	C						
Commercial, planned unit development (PUD)										C	C		C	C	C		
Extractive use	C	C	C	C	C	C	C						C	C	C		
Fabricated metal products																C	P
Food and kindred products																C	P
Furniture and fixtures																C	P

² Limited to a one (1) year renewable permit.

³ A church must not be located closer than fifty feet (50') to any agricultural or residential lot line.

⁴ A school must not be located closer than fifty feet (50') to any agricultural or residential lot line.

	Table 5-1 Land Use Districts																
	General Agriculture		Special Protection		Residential			High Density Residential		Water Oriented Commercial			Commercial			Industry	
Use Type	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	Mfg	Adm. & Whsg
Junk or salvage yard	N	C											N	N	C	C	C
Lumber yard																C	P
Paper and allied products																C	P
Petroleum refining																C	C
Printing																C	P
Professional, scientific instruments, photographic, optical, watches, clocks, etc.																C	P
Retail sales of manufactured or warehoused products																C	P
Rubber and plastic products																C	P
Saw mills	C	C											C	C	C	C	P
Saw mills, portable	P	P	P	P									P	P	P		
Stone, clay and glass products																C	P
Textile mill																C	P
Truck terminal, shop and yard																C	P
Wholesaling																C	P
F. Essential Services and Towers																	

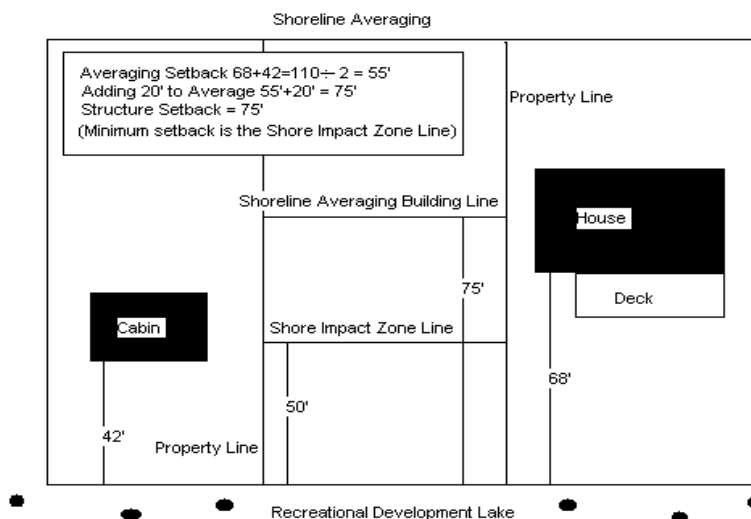
	Table 5-1 Land Use Districts																
	General Agriculture		Special Protection		Residential			High Density Residential		Water Oriented Commercial			Commercial			Industry	
Use Type	All Lakes Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes	NE Lakes & Rivers	Non Shore land	All Lakes Rivers	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	GD & RD Lakes Rivers	NE Lakes	Non Shore land	Mfg	Adm. & Whsg
Essential services ⁵ - Water supply buildings, reservoirs, elevated tanks, sewage treatment facilities, gas regulator stations, electric substations, microwave relay towers, radio or television transmission towers and stations and service buildings, or transmission lines over 100,000 volts	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	P
Essential services – all others	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P
Tower facilities	N	C	N	C	N	N	C	N	C	N	N	C	N	N	C		
G. Other Uses																	
Mass gathering	C	C											C	C	C	C	C

⁵ Essential services of this type must not be located closer than fifty feet (50') to any agricultural or residential lot line.

Section 2 Height, Yard, Setback, Area and Lot Width and Depth Requirements

The following provisions regarding height, yard, setback, area, lot width and lot depth shall be met for structures, buildings and individual subsurface sewage treatment systems in Becker County.

- A. **Multiple setbacks.** If more than one setback applies to a site all setbacks shall be observed.
- B. **Lot width measurement.** Lot width standards shall be met at both the ordinary high water level and at the building setback line.
- C. **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 on the lot 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 C.1 and C.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 10, 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 size lot.



D. **Structure and sewage treatment system setbacks in shoreland areas.** In addition to all other setback requirements, structures and sewage treatment systems shall be setback a minimum of the following distances from the ordinary high water level in shoreland areas. Setbacks are indicated in feet.

Table 5-2 Minimum setbacks for structures and sewage treatment systems in shoreland areas

	Public Water Classification – See Appendix A						
	Lakes			Rivers and Streams			
	Natural Environment	Recreational Development	General Development	Remote	Forested & Transition	Agriculture & Tributary	Protected Waters & Wetlands
Structure setback lake lots	150	100	75	200	150	100	50
Sewage treatment system setback	150	75	50	150	100	75	50

E. **Protected Waters and Wetlands.** Protected waters and wetlands that are not currently classified as natural environment lakes shall have a buffer of natural vegetation between the protected water/wetland and any structure, septic system or use.

F. **Bluff impact zones.** Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

G. **Bluff, cemetery, historic site setbacks.** In shoreland areas, the following additional structure setbacks apply, regardless of the classification of the waterbody:

Table 5-3 Minimum setbacks for bluffs, cemeteries and historic sites in shoreland areas

Setback from	Setback
Top of bluff	30 feet
Unplatted cemetery	50 feet
Significant historic site	50 feet

H. **Setbacks for commercial uses without water-oriented needs.** A commercial use that has no need to be located on the water but is located on a lot or parcel with public water frontage, shall either:

1. **Double setback.** Be set back double the normal ordinary high water level setback or;
2. **Screening.** Be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

I. **Docks and piers.** Docks and piers shall be exempt from the setbacks for shoreland areas except that any projection into the water shall maintain a minimum side yard setback equal to that required in the applicable zoning district and shall be parallel with an extension into the water of the side yard lot line. Projections into water shall not exceed a distance of one-third (1/3) the lakeshore frontage and shall never extend one hundred (100) feet beyond the ordinary high water level.

- J. **Residential planned unit developments.** Residential subdivisions with lot sizes smaller than or dwelling unit densities exceeding those in Table 5-5, below, shall be designed and approved as a Conservation Subdivision Development under Chapter 8, Section 7.
1. **Limit on multi-family development.** No more than twenty-five percent (25%) of a lake's shoreline can be in duplex, triplex, or quad developments.
- K. **Additional setbacks requirements for specific uses.** The following setbacks are required for the specified uses.
1. Churches shall not be located closer than fifty feet (50') to any lot line of an adjoining parcel that is used for agricultural or residential use.
 2. Essential services shall not be located closer than fifty feet (50') to any lot line of an adjoining parcel that is used for agricultural or residential use.
 3. Schools shall not be located closer than fifty feet (50') to any lot line of an adjoining parcel that is used for agricultural or residential use.
 4. A twin home shall be exempt from the side yard requirements of this Ordinance on the common boundary between the dwellings.
- L. **Guest cottages.** One guest cottage may be located on a lot, which meets or exceeds the duplex lot area and width dimensions presented in Table 5-5, below, provided the following standards are met:
1. **Cottage located with smallest duplex building envelope possible.** If the lot exceeds the minimum lot dimensions for duplex lot, the guest cottage shall be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
 2. **Size and height limits.** A guest cottage shall not cover more than seven hundred (700) square feet of land surface and shall not exceed fifteen feet (15') in height; and
 3. **Screening.** A guest cottage shall be located or designed to reduce its visibility from public waters and adjacent shorelands by use of vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.
 4. **Detached accessory building not a guest cabin.** A detached accessory building or structure, such as a garage, shall not be used as a guest cabin capable of providing independent human habitation. The accessory building shall be considered a guest cottage when the structure is equipped with the following three elements: cooking or kitchen facilities; water supply and/or sanitary disposal facilities; and sleeping accommodations.
- M. **Temporary guest cottage.** One (1) recreational vehicle may be occupied temporarily as a guest cottage on a lot, which meets or exceeds single lot area and width dimensions if occupied for less than seven (7) days in any thirty (30) day period. A recreational vehicle occupied as a guest cottage shall meet all setback requirements.
- N. **Number of stories.** Table 5-4 establishes the maximum number of stories allowed by district. If the average slope of a lot is greater than one (1) foot rise or fall in seven feet (7') of horizontal distance from the established street elevation at the property line, one (1) story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.
- O. **Double frontage lots.** On double frontage lots, the required front yard setback shall be provided on both streets.
- P. **Table 5-4,** on the following page, establishes the minimum height, yard, setback, area, lot width and lot depth requirements for the land use districts.

Q. **Table 5-5**, establishes the minimum lot area and lot width requirements for shoreland areas in any land use district.

1. Riparian lots are any lot with shoreline.
2. Nonriparian lots are lots within shoreland areas with no shoreline.

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

Minimum Requirements	Land Use District						
	General Agriculture	Special Protection	Residential	High Density Residential	Water Oriented Commercial	Commercial	Industry
Minimum lot area (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 setback⁶	20	20	10	10	15/30 ⁷	15/30 ⁷	15/50 ⁸
Minimum front yard setback							
Township easement road (from centerline)	78/53 ⁹	78/53 ⁹	78/53 ⁹	78/53 ⁹	78/53 ⁹	78	78
Platted or Dedicated township road right-of-way (from right-of-way line)	45/20 ¹⁰	45/20 ¹⁰	45/20 ¹⁰	45/20 ¹⁰	85/20 ¹⁰	45	100

⁶ A twin home is exempt from the side yard requirements on the common boundary.

⁷ Minimum side yard setbacks is 15 feet when adjacent property is the same district but 30 feet when adjacent property is a different district.

⁸ Minimum side yard setbacks is 15 feet when adjacent property is the same district but 50 feet when adjacent property is a different district.

⁹ Setback for primary structure is 78 feet and setback for a detached accessory structure is 53feet.

¹⁰ Setback for primary structure is 45 feet and setback for a detached accessory structure is 20 feet.

Table 5-4 continued

Minimum Requirements	Land Use District						
	General Agriculture	Special Protection	Residential	High Density Residential	Water Oriented Commercial	Commercial	Industry
County easement road (from centerline)	95	95	95	95	95	95	95
Platted or Dedicated County roads (from right-of-way line)	45	45	45	45	75	45	80
U.S. and State Highways (from right-of-way line)	85	85	85	85	85	85	100
Expressway and four lane highways (from right-of-way line)	110	110	110	110	110	110	110
Minimum rear yard setbacks (in feet)	40/20 ¹¹	40/20 ¹¹	40/20 ¹¹	40/20 ¹¹	50	40/20 ¹¹	NA/50
Maximum building height (stories/feet)	2.5/30 22 ¹²	2.5/35 22 ¹²	2.5/30 22 ¹²	2.5/30 22 ¹²	45	45	45
Maximum impervious surface coverage	25%	20%	25%	25%	25%	30%	35%
Maximum floor area coverage	NA	NA	NA	35%	35%	40%	50%

¹¹ Setback for primary structure is 40 feet and setback for a detached accessory structure is 20 feet.

¹² Maximum height for accessory structure is 22 feet and 1 ½ stories within the shoreland district and/or in a residential area.

Table 5-5: Minimum lot area and minimum width standards for shoreland areas in any land use district

Minimum area in square feet and minimum lot width in feet

Minimum lot area and minimum lot width standards for Lakes - Lake lots	Lake Classification – See Appendix A									
	RD Recreational Development					GD General Development				
	Riparian lots		Nonriparian lots			Riparian lots		Nonriparian lots		
	Area	Width	Area	Width	Area	Width	Area	Width		
Single	40,000	150	40,000	150	20,000	100	40,000	150		
Duplex	80,000	225	80,000	265	40,000	180	80,000	265		
Special Protection	100,000	250	100,000	250	100,000	250	100,000	250		
Minimum lot area and minimum lot width standards for Lakes - Lakelots	Lake Classification – See Appendix A									
	NE Natural Environment Lakes									
	Riparian lots				Nonriparian lots					
	Area		Width		Area		Width			
Lakes 250 acres and larger in size	100,000		250		200,000		400			
Lakes 100 to 250 acres in size	160,000		400		200,000		400			
Lakes 50 to 100 acres in size	200,000		500		200,000		400			
Lakes 50 acres and smaller in size	240,000		600		200,000		400			
Minimum lot area and minimum lot width standards for Rivers and Streams	River or Stream Classification – See Appendix A									
	Remote River		Forested River		Transition River		Agriculture River		Tributary River	
	Area	Width	Area	Width	Area	Width	Area	Width	Area	Width
	Single	80,000	300	80,000	200	40,000	250	40,000	150	40,000
Duplex	80,000	450	80,000	300	40,000	375	40,000	225	40,000	150