

City of East Bethel
City Council Agenda
Special Meeting - 6:30 PM
Date: September 25, 2013



Item

- | | | |
|---------|------------|------------------------------|
| 5:30 PM | 1.0 | Call to Order |
| 5:31 PM | 2.0 | Adopt Agenda |
| 5:32 PM | 3.0 | Zoning Text Amendment |
| 6:00 PM | 4.0 | Adjourn |



City of East Bethel City Council Agenda Information

Date:

September 25, 2013

Agenda Item Number:

Item 3.0

Agenda Item:

Zoning Text Amendment

Requested Action:

Review and Consider the Planning Commission recommendation relating to Accessory Structures in the City Zoning Code

Background Information:

As a result of a complaint to the City Council by Mr. Weldon Helstrom, 2459 224th Ave. NE. , at the September 4, 2013 Council meeting, Council directed Mr. Helstrom to present his concerns to the Planning Commission for a recommendation to be returned to City Council. The Planning Commission will hold a Special Meeting on September 23, 2013 to discuss this matter and consider a Zoning Ordinance Text Amendment to Section 14 – Accessory Structures.

Mr. Helstrom’s complaint relates to the prohibition by City Code of exterior stairs on a detached accessory structure, Section 14 of the City Zoning Code. The Planning Commission will forward City Council a recommendation relating to this issue on Tuesday, September 24, 2013 for Council’s consideration at a Special City Council Meeting on September 25, 2013 at 6:30 PM at City Hall.

Attachments:

Proposed Zoning Text Amendment

Fiscal Impact:

Recommendation(s):

Consider the approval or denial of a Zoning Text Amendment as presented by the Planning Commission.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

SECTION 14. DETACHED ACCESSORY STRUCTURES

These standards have been established to preserve the character of the principal structure, promote building compatibility, and provide for minimal adverse impacts to surrounding property through the implementation of height, size, location, and architectural regulations.

1. Permit regulations.

All accessory buildings and/or structures over 120 square feet in size require a building permit prior to construction, unless specifically exempt under this ordinance. Accessory structures less than 120 square feet shall not require a building permit unless otherwise required by any other ordinance or state requirement. Accessory structures less than 120 square feet shall comply with all provisions of this section and zoning district regulations.

2. General regulations.

- A. No accessory building or structure shall be constructed on any lot prior to construction of the principal structure ~~without prior approval by the city council.~~
- B. Accessory structures located on lots that are subsequently subdivided shall be modified accordingly to maintain compliance with zoning districts and/or acreage requirements.
- C. Every exterior walls, foundation, and roof of accessory structure(s) shall be reasonably watertight, weather tight, and rodent proof, and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears, or breaks of deteriorated plaster, stucco, brick, wood, or other material.
- D. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and from decay by painting or other protective covering or treatment. A protective surface of an accessory structure(s) shall be deemed to be out ~~of compliance~~ ~~of repair~~ if more than 25 percent of the exterior surface area is unpainted or paint is blistered ~~or flaking; it must be painted.~~ If 25 percent or more of the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.
- E. Pole-type, steel frame, or any other accessory structure(s) that contain exterior siding or roof of sheet metal must be on lots with more than three acres ~~located behind the principal building.~~
- F. No accessory building or detached private garage shall be located nearer the front lot line than the principal building except when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet from the front lot line. Then the accessory building or detached private garage may be located closer to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling's setback. In the case of a corner lot, the front lot line shall be located on the side on which the principal building is addressed. The remaining lot side with street frontage shall meet the minimum front yard setback.
- FG. Accessory structures shall have a minimum separation of eight feet from all other structure(s).
- GH. The area of a lean-to shall be included in the allowable square footage of detached accessory structures and will be subject to the square footage restrictions for a lot.

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HI. Accessory structures on lakeshore lots may be placed between the principal building and the lakeshore or the right-of-way, and are subject to all setbacks and lot coverage.

IJ. Fish houses shall be included in the calculation of the gross maximum square footage for detached accessory structures. No more than one fish house shall be permitted on a lot. Fish houses must meet all required accessory structure setbacks.

JK. ~~The structure must not be designed or used for human habitation and must not contain sewage treatment facilities. No cellar, garage, tent, or accessory building shall be at any time be used as a residentially occupied space, independent residence or dwelling unit, either temporarily or permanently.~~

KL. ~~Accessory structures shall have exterior doors only at ground level. For purposes of accessing storage, A~~ accessory structures may ~~not~~ have exterior stairs to a second story and a six foot by six foot (6' x 6') landing at the top of the stairs.

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Comment [MV1]: Do you intend that the accessory structure can have either of these or do you intend it must have both of these?

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3. Architectural and design requirements.

Pole-type, steel frame buildings or any other accessory structure that contains exterior siding or roof of sheet metal shall be constructed utilizing the following architectural and design requirements:

- A. Shall incorporate a finished design and color scheme that is coordinated and compatible with the color and design of the principal structure;
- B. Shall include complete eave and corner trim elements;
- C. Shall include a minimum of two different architectural features on the front facade; architectural features may include items such as window treatments, door treatments, or material/color variations; and
- D. Shall include a minimum combination of two architectural and/or landscape features along any sidewall greater than ten feet in height and any sidewall directly adjacent to and visible from a public right-of-way; landscape features shall include medium or upright coniferous and deciduous shrubs or shade, ornamental, or evergreen trees in excess of four feet in height.

Wood frame and concrete block style buildings and any building that is not of a pole or exterior steel wall and/or roof style construction shall have the following location and architectural qualities:

- A. Shall incorporate a finished design and color scheme that is coordinated and compatible with the color and design of the principal structure;
- B. Shall include a minimum of two different architectural features on the front facade; architectural features may include items such as window treatments, door treatments, and material/color variations;
- C. Shall include a minimum combination of two architectural and/or landscape features along any sidewall greater than ten feet in height and any sidewall directly adjacent to and visible from a public right-of-way; landscape features shall include medium or upright coniferous and deciduous shrubs or shade, ornamental or evergreen trees in excess of four feet in height.

4. Size and number of accessory structures.

A. Size of accessory structure:

- 1) All accessory structures greater than 120 square feet ~~in the RR and A~~ districts must comply with the following regulations:

Parcel Size	Maximum Square Feet	Maximum Sidewall Height RR & A Districts	Maximum Sidewall Height R-1 & R-2 Districts
1.0 acre or less	580 square feet	10 feet*	10 feet*
1.01 to 2.0 acres	960 square feet	12 feet*	10 feet*
2.01 to 3.0 acres	1,200 square feet	12 feet*	10 feet*
3.01 to 4.99 acres	1,800 square feet	14 feet*	10 feet*
5.0 or more acres	2,400 sq. ft., plus an additional 240 sq. ft., or increment thereof, for each additional acre	14 feet*	10 feet*

*Maximum height is measured from the floor surface to the underside of the ceiling member.

- a) ~~Accessory structures greater than 120 square feet in the R-1 and R-2 districts shall be limited to a ten-foot sidewall height. Roof pitch and style shall match the principal structure. Roof pitch shall be the minimum required by the Uniform International Building Code and shall not be the focal point of the property.~~
- b) Accessory structures shall be of similar design and building materials as the principal building.
- b_c) Accessory structures less than 120 square feet in all districts shall be limited to a sidewall height no greater than eight feet.

B. Number of accessory structures:

- 1) On parcels 2.5 acres or less, one accessory structure is allowed with one additional single-story storage shed 120 square feet or less.
- 2) On parcels 2.5 acres to five acres, two accessory structures are allowed with one additional single-story storage shed 120 square feet or less.
- 3) On parcels greater than five acres, four accessory structures are allowed with one additional single-story shed 120 square feet or less.

C. Fire escapes, landing places, open terraces, outside stairways, cornices, canopies, eaves, window protrusions, and other similar architectural features that extend no more than two (2) feet into the required front, side, and rear yard setback are exempt from the detached accessory structure square footage calculation.

5. Exemptions.

Properties within the A zoning district are exempt from architectural and design requirements provided the building is used exclusively for agricultural use and is constructed in accordance with all other zoning ordinance regulations.

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Comment [MV2]: I'm not sure what is meant by "focal point of the property" ???

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Structures of a mobile and temporary or recreational nature provided that:

- A. They are not used for storage purposes;
- B. Do not adversely affect surrounding properties;
- C. Are removed or placed more appropriately on the property at the request of the city.

(Ord. No. 19, Second Series, 5-5-2010)

