

City of East Bethel
Planning Commission Agenda

6:30 PM

Monday, September 23, 2013

SPECIAL MEETING – PLEASE NOTE TIME AND DATE



Agenda

	<u>Item</u>
6:30 PM	1.0 Call to Order
6:32 PM	2.0 Adopt Agenda
6:33 PM	3.0 Public Hearing, Zoning Text Amendment, Zoning Code, Section 14 – Accessory Structures
6:50 PM	4.0 Adjournment



City of East Bethel Planning Commission Agenda Information

Date:

September 23, 2013

Agenda Item Number:

Item 3.0

Agenda Item:

Public Hearing: Zoning Text Amendment – Appendix A, Zoning Code, Section 14 Accessory Structures

Requested Action:

Consider forwarded changes as outlined in the Attachment on Section 14, Accessory Structures for City Council approval.

Background Information:

At the regularly held Planning Commission on March 26, 2013 a discussion took place about Section 14 of the Zoning Code related to Accessory Structures. It was felt that Section 14 needed some additional clarification and better defined language. Nothing more was done at that time. The Planning Commission further discussed that there are other sections of the Zoning Code that need to be modified, changed, etc. and that if changes are going to be made then it would be best to have One public hearing where all changes to the Zoning Code could be made at the same time.

At the regularly held City Council meeting on September 4, 2013 a private citizen appeared before the City Council and was upset because she wanted to construct an outside staircase and landing to their garage where her husband has built a second story and wants to have a wood shop. The Council requested that the Planning Commission meet and consider changing Section 14 of the ordinance.

If changes are going to be made to Section 14 than Staff recommends that changes be made to all sections and has outlined those sections in the attached document.

Staff has further included comments from Eldon Holmes who is not able to attend the meeting on Monday, Sept. 23, 2013, along with Staff comments and clarification in red.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



**NOTICE OF PUBLIC HEARING
CITY OF EAST BETHEL PLANNING COMMISSION
COUNTY OF ANOKA
STATE OF MINNESOTA**

CITY CODE, APPENDIX A. ZONING CODE

NOTICE IS HEREBY GIVEN that the City of East Bethel Planning Commission will hold a public hearing on Monday, September 23, 2013 at 6:30 P.M., at the City Hall, 2241 221st Avenue NE, East Bethel, MN. The hearing will be to consider an amendment to the City Code, Appendix A, Zoning. The proposed change is related to allowing exterior stairs and landings to the second floor of a detached accessory structure.

A copy of the proposed amendment is available at city hall during regular hours between 8:00 A.M. to 4:00 P.M. for the public's review.

The public is invited to provide comment at the hearing. The City Council may consider adoption of the proposed amendments at their regularly scheduled meeting on October 2, 2013.

Published in the Anoka Union
September 13, 2013.

Subscribed and sworn to me
this 10th day of September 2013.

Colleen Winter
Community Development Director

Joan D. Steffen-Baker
Notary Public

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.

~~HJ.~~ 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^[MV1] a six foot by six foot (6' x 6') landing at the top of the stairs.

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

*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~~^[MV2].
- 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.

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)