

City of East Bethel
Planning Commission Agenda
7:00 PM
January 26, 2010



Item

- | | | |
|---------|-----------|---|
| 7:00 PM | | 1.0 Call to Order |
| 7:03 PM | | 2.0 Adopt Agenda |
| 7:05 PM | Pp. 1 | 3.0 Commission Member Appointment |
| 7:10 PM | Pp. 2 | 4.0 Elect 2010 Chairperson |
| 7:20 PM | Pp. 3-47 | 5.0 Continuation of Public Hearing/Proposed Amendments to City Code: Appendix A. Zoning. |
| | | The hearing will be to consider proposed amendments to the zoning code to promote public health, safety, and general welfare of the City of East Bethel and its people through establishment of minimum regulations governing the development and use of property within the City. The proposed changes include, but are not limited to, creating regulations for permanent and portable swimming pools, nonconforming lots of record, retreat centers, detached accessory structures, and restaurant outdoor dining areas. |
| 7:55 PM | Pp. 48-59 | 6.0 Approve November 24, 2009 Planning Commission Meeting Minutes |
| 7:50 PM | | 7.0 Adjourn |



City of East Bethel Planning Commission Agenda

Date:

January 26, 2010

Agenda Item Number:

Item 3.0

Agenda Item:

Commission Member Appointment

Background Information:

Commission Members Landborg and Bonin terms expire February 2010. Members Landborg and Bonin expressed interested to continue to serve on the Planning Commission and on January 20, 2010, City Council reappointed each of them to the commission.

As you are aware, there is a vacancy on Planning Commission as Mr. Channer has been appointed to fill the vacancy on City Council. At the January 20, 2010 City Council meeting, Ms. Heidi Moegerle was appointed to fill the vacancy. She will fill the remainder of Mr. Channer's term which expires January 2011.



City of East Bethel Planning Commission Agenda

Date:

January 26, 2010

Agenda Item Number:

4.0

Agenda Item:

Elect Planning Commission Chairperson

Requested Action:

Elect Planning Commission Chairperson

Background Information:

The Planning Commission is to elect a chairperson from among the appointed members for the term of one (1) year.

Recommendation:

City Staff is requesting the Planning Commission to elect a member of the commission as chairperson for the term of one (1) year, starting on February 23, 2010 and expiring on January 31, 2011.



City of East Bethel Planning Commission Agenda Information

Date:

January 26, 2010

Agenda Item Number:

5.0 REVISED

Agenda Item:

Continuation of the Public Hearing – Ordinance 19, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Requested Action:

Consider Recommending Approval of Ordinance 19, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Background Information:

East Bethel zoning regulations were adopted on September 14, 2007. Staff has had the opportunity to enforce the regulations for two years. During the past two years of enforcement, staff found areas within the zoning code that need to be fine tuned and areas in which significant changes and additions are needed. The recommended proposed changes by staff will ensure staff has the ability to enforce the regulations efficiently and to regulate uses that have not been previously regulated by code.

On November 24, 2009, Planning Commission held a public hearing for the proposed changes. Planning Commission directed staff to make additional changes and bring the changes back to Planning Commission for review. The changes have been incorporated by staff with the exception of language regarding required fencing around outdoor patios for establishments serving intoxicating liquors.

Planning Commission members directed staff to eliminate the wording that would require fencing; however, after review and comments from the City Attorney and the Anoka County Sheriff's Department, staff concluded it is in the best interest of the city to require fencing around outdoor patio areas serving intoxicating liquors. These letters are attached for your review as attachments 4 and 5. If Planning Commission does not agree with the opinions of the City Attorney and Anoka County Sheriff's Department, staff recommends the Planning Commission make a motion to City Council to eliminate the proposed changes.

Also, the City Attorney reviewed the proposed changes and has provided comments to staff. The City Attorney did not have comments on the substance of the changes, rather some housekeeping items such as grammar, definitions, etc.

State law requires that the Minnesota Department of Natural Resources (DNR) review and approve any changes to municipal shore land regulations. Initially, staff submitted the changes to the DNR. However, DNR staff would not accept the changes since the document was

significantly different than what was originally approved in 1993. After staff investigation, it was determined that the changes to the shore land regulations that took place in 2003 as it was incorporated into Zoning Ordinance 168 was not reviewed or approved by DNR. In the past months, staff has worked with the DNR to approve the changes. On November 19, 2009, DNR approved the City of East Bethel shore land regulations.

For your review, attached is Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code (attachment 1) with the recommended Planning Commission and staff changes.

Heidi Moegerle was appointed to the Planning Commission on January 20, 2010. She was given a copy of the proposed changes to the Zoning Ordinance and has had an opportunity to thoroughly review the document; this document is known as Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code. She is suggesting some changes to make the document more consistent, concise, and easier to interpret. A few examples of those changes include:

1. Section 4, Applications and Procedures, outlines the procedures for revocation of IUP's, CUP's, variances, and site plan approvals. The revocation process is similar in each case, however, the language and procedure process in the code is not consistent.
2. "Lot" is defined as a parcel of land; however, throughout the code, the words lot, parcel, properties and home site are used interchangeably. A parcel of land should be as a defined as a "lot" throughout the document for consistency.
3. "Agricultural composting" is defined as the direct incorporation by disking or plowing of yard waste into the soil surface of agricultural production lands. Per definition, this type of composting would not be practiced on the majority of lots within the city, however; code states that agricultural composting in the residential districts shall not be permitted in the front, side, or front yard setback. This discrepancy should be addressed.

Ms. Moegerle's changes are considered housekeeping items since the changes do not affect the content but rather makes the document more consistent, concise, and easier to interpret. Staff recommends Ms. Moegerle's changes be reviewed by Planning Commission. Staff suggests the changes be reviewed in one of two ways:

1. Planning Commission set a work session the week of February 1, 2010 to review the changes. Available meeting dates and times are Monday, February 1 from 6 -8 P.M., Wednesday, February 3 from 6 – 7 P.M., or Thursday, February 4 from 6 – 8 P.M., or
2. Planning Commission direct staff to make the additional proposed changes and present it at the February 23, 2010 Planning Commission meeting.

Planning Commission could also recommend the document remain unchanged and forward it onto the February 3, 2010 City Council meeting.

Attachments:

1. Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code
2. MNDNR Letter, Dated November 19, 2009
3. City Attorney Letter, Dated November 18, 2009, Regarding Proposed Language Changes
4. City Attorney Letter, Dated January 11, 2010, Regarding Fence Regulations

5. Anoka County Sheriff Department Letter, Dated December 28, 2009, Regarding Fence Regulation

Fiscal Impact:

Not Applicable

Recommendation(s):

Staff recommends Planning Commission make of the following motions:

1. Planning Commission set a work session the week of February 1, 2010 to review the changes presented by Ms. Moegerle. Available meeting dates and times are Monday, February 1 from 6 -8 P.M., Wednesday, February 3 from 6 – 7 P.M., or Thursday, February 4 from 6 – 8 P.M., or
2. Planning Commission direct staff to make the additional proposed changes presented by Ms. Moegerle and present it at the February 23, 2010 Planning Commission meeting, or
3. Planning Commission can recommend approval to City Council of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code with the condition that all Planning Commission and public comments and concerns are taken into consideration during the approval process.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel Planning Commission Agenda Information

Date:

January 26, 2010

Agenda Item Number:

5.0

Agenda Item:

Continuation of the Public Hearing – Ordinance 19, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Requested Action:

Consider Recommending Approval of Ordinance 19, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Background Information:

East Bethel zoning regulations were adopted on September 14, 2007. Staff has had the opportunity to enforce the regulations for two years. During the past two years of enforcement, staff found areas within the zoning code that need to be fine tuned and areas in which significant changes and additions are needed. The recommended proposed changes by staff will ensure staff has the ability to enforce the regulations efficiently and to regulate uses that have not been previously regulated by code.

On November 24, 2009, Planning Commission held a public hearing for the proposed changes. Planning Commission directed staff to make additional changes and bring the changes back to Planning Commission for review. The changes have been incorporated by staff with the exception of language regarding required fencing around outdoor patios for establishments serving intoxicating liquors.

Planning Commission members directed staff to eliminate the wording that would require fencing; however, after review and comments from the City Attorney and the Anoka County Sheriff's Department, staff concluded it is in the best interest of the city to require fencing around outdoor patio areas serving intoxicating liquors. These letters are attached for your review as attachments 4 and 5. If Planning Commission does not agree with the opinions of the City Attorney and Anoka County Sheriff's Department, staff recommends the Planning Commission make a motion to City Council to eliminate the proposed changes.

Also, the City Attorney reviewed the proposed changes and has provided comments to staff. The City Attorney did not have comments on the substance of the changes, rather some housekeeping items such as grammar, definitions, etc.

State law requires that the Minnesota Department of Natural Resources (DNR) review and approve any changes to municipal shore land regulations. Initially, staff submitted the changes to the DNR. However, DNR staff would not accept the changes since the document was

significantly different than what was originally approved in 1993. After staff investigation, it was determined that the changes to the shore land regulations that took place in 2003 as it was incorporated into Zoning Ordinance 168 was not reviewed or approved by DNR. In the past months, staff has worked with the DNR to approve the changes. On November 19, 2009, DNR approved the City of East Bethel shore land regulations.

For your review, attached is Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code (attachment 1) with the recommended Planning Commission and staff changes.

Attachments:

- 1. Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code
- 2. MNDNR Letter, Dated November 19, 2009
- 3. City Attorney Letter, Dated November 18, 2009, Regarding Proposed Language Changes
- 4. City Attorney Letter, Dated January 11, 2010, Regarding Fence Regulations
- 5. Anoka County Sheriff Department Letter, Dated December 28, 2009, Regarding Fence Regulation

Fiscal Impact:

Not Applicable

Recommendation:

City staff requests Planning Commission recommend approval to City Council of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code with the condition that all Planning Commission and public comments and concerns are taken into consideration during the approval process.

City Council Action

Motion by: _____ Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

ORDINANCE NO. 19, Second Series

AN ORDINANCE AMENDING APPENDIX A. ZONING, OF THE EAST BETHEL CITY CODE

The City Council of the City of East Bethel ordains:

SECTION 01: 9. Definitions

Fish House: A structure set on the ice of state waters to provide shelter while taking fish by angling.

Garden supply store and nursery yard: A building or premises used primarily for the wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products, ~~excluding power tools, tractors, decorative rock, tree bark, gravel, and compost.~~ Accessory products are those products that are used in the culture, display and decoration of lawns, gardens, and indoor plants.

Habitable space: A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Portable swimming pool: Any artificially enclosed body of water contained within in a rubber or plastic vessel which can be erected without permanent support.

Retail sales and services: Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicles ~~and boats,~~ or ~~exterior open sales lots and repair garages~~ are not included in this category of uses.

Retreat center: A place designed to serve individuals and groups by offering a natural setting for study, interaction, and reflection.

~~*Story:* That part of a building included between the surface of one floor and the surface of the next floor or ceiling above. A basement shall not be counted as a story~~Vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and for the topmost story, from the top of the finished floor surface to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Swimming pool: Any artificially enclosed body of water contained by steel, concrete, or fiberglass vessel and includes, but is not limited to, a portable swimming pool, such swimming pools being used for swimming or bathing, and capable of containing over 18 inches in water depth, or with a surface area exceeding 150 square feet.

Attachment #1

SECTION 04: 3. General procedures.

D. Applications that require a public hearing. The following applications require public hearings:

5) ~~Minor subdivisions~~Subdivision concept plans;

G. Revocation.

1) A violation of any condition set forth in a CUP or IUP shall be a violation of this chapter, and failure to correct said violation within 30 days of written notice of the violation from the city ~~shall may terminate result in revocation of the permit~~ by city council unless the permittee files a request for a hearing as hereinafter provided.

2) Upon a finding by the city council that a violation of any condition of a CUP or an IUP has occurred and not been corrected within 30 days of written notice from the city, the city council may grant an extension up to sixty (60) days to correct the violation(s).

3) Revocation shall not occur earlier than ten city working days from the time the written notice of revocation is served upon the permittee, or if a hearing is requested, until written notice of the city council action has been served on the permittee.

4) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that if the permittee desires to appeal, s/he must within ten city working days, exclusive of the day of service, file a request for a hearing with the city administrator.

5) The hearing request shall be in writing stating the grounds for appeal and served personally or by registered or certified mail on the City of East Bethel by midnight of the tenth city working day following service.

6) Following the receipt of a request for a hearing, the city shall set a time and place for the hearing which shall be conducted in accordance with the procedures to appeal decisions of the city as set forth in this chapter.

7) Upon approval of the variance by city council, the property owner/applicant must satisfy the approved conditions within 60 days otherwise the approval of the variance shall be considered void, unless the property owner/applicant requests and receives an extension from city council.

SECTION 04: 10. Variances

J. Revocation.

1) A violation of any condition set forth in a variance shall be a violation of this chapter, and failure to correct said violation within 30 days of written notice of the violation from the city may result in revocation of the permit by city council unless the permittee files a request for a hearing as hereinafter provided.

2) Upon a finding by the city council that a violation of any condition of a variance has occurred and not been corrected within 30 days of written notice from the city, the

property owner/applicant must correct the violation(s) within 60 days, otherwise the approval of the variance shall be considered void unless the property owner/applicant requests and receives an extension from city council.

3) Upon approval of the variance by city council, the property owner/applicant must satisfy the approved conditions within 60 days otherwise the approval of the variance shall be considered void, unless the property owner/applicant requests and receives an extension from city council.

SECTION 04: 12. Site plan approval.

C. Concept/site plan review. Prior to developing a final site plan for submission, applicants are encouraged to ~~must~~ submit a concept plan to the city for review and comment.

F. Revocation: Upon approval by city council, the property owner/applicant must satisfy the approved conditions within 60 days otherwise the approval of the site plan shall be considered void, unless the property owner/applicant requests and receives an extension from city council.

SECTION 05: 3. Nonconforming lot of record.

A. The ~~lot or~~ parcel shall have frontage on an improved public road or on a private road approved by the city council. The city council must, by resolution, specify the private road, verify that the private road is capable of supporting emergency vehicles, and specify that provisions exist for ongoing maintenance of the private road.

~~B. A vacant lot or parcel served by public sewer may be used for a permitted use by the provision of the zoning district provided that all setback and lot coverage requirements can be met.~~

~~CB. A vacant lot or parcel not served by public sewer may be used for a permitted use provided it has at least one acre of buildable area, and it can be demonstrated that a safe and adequate sewage treatment system can be installed to serve such use and meet required setbacks and lot coverage. Vacant parcels may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district and the lot was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.~~

SECTION 10: 1. Purpose

The purpose of this section is to provide minimum standards and regulations for the establishment and use of permitted uses, accessory uses, interim uses, and conditional uses within the zoning districts for the City of East Bethel.

6. Agricultural composting.

~~A. Composting shall not be allowed within the front yard setback.~~

~~B.A. In residential districts, composting shall not be allowed within any front, side yard, or rear yard setbacks that abuts a rural residential district.~~

~~CB. Composting shall comply with Anoka County composting licensing requirements.~~

14. Driveway, and off-street parking access and standards.

A. Access requirements.

- 1) Properties in the R-1 and R-2 districts are allowed one access point from a public street.
- 2) Properties in the RR district over two acres in size are may be allowed two access points from a public street; however, properties located on municipal state aid streets, major thoroughfares, and major streets are allowed one access point from a public street.

B. ~~Surface and drainage.~~

1) ~~Off-street parking areas and driveways~~ In the R-1, R-2, B-1, B-2, B-3, and I districts, and conditional uses in the RR districts, off-street parking areas and driveways shall be constructed of a bituminous or concrete surface.

2) ~~A bituminous or concrete driveway is required in the RR district extending from the street a minimum of 75 feet or to the garage apron, whichever is less. In the RR, R-1, and R-2 districts, new construction of residential and accessory structures require a bituminous or concrete driveway extending a minimum of 75 feet from the street or to the garage apron, whichever is less. Driveway width shall be a minimum of 12 feet wide and cannot exceed 24 feet in width at the right-of-way with a minimum culvert diameter of 15 inches. A turn-around, located entirely on a the residential lot, will be required for driveways that directly access a street with a posted speed limit greater than 45 miles per hour.~~

3) ~~Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement.~~

19. Motor vehicle repair.

A. No vehicles shall be parked on the premises other than those used by employees and customers awaiting service. Storage of salvage vehicles shall be prohibited.

B. The exterior storage area for vehicles awaiting service must be fenced and screened from view the public right-of-way and neighboring properties.

C. All structures and ground shall be maintained in an orderly, clean, and safe manner.

20. Motor vehicle repair, major.

A. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall be in compliance with the Minnesota Pollution Control Agency in the control of emission of fumes, dust, or other particulate matter in compliance with Minnesota pollution control standards.

B. All flammable materials, including liquids and rags, shall conform to the applicable provisions of the Minnesota Uniform Fire Code.

C. Outside storage of equipment, parts, or materials used in the conduct of the business shall be prohibited. The storage of damaged vehicles waiting for repair must be completely inside a building or within an area screened from view of all adjacent properties and the public right-of-way, in accordance with the provisions of Section 23. Screening Regulations.

D. Outdoor display of used vehicles for sale is not permitted.

21. Motor vehicle repair, minor.

A. All flammable materials, including liquids and rags, shall conform to the applicable provisions of the Minnesota Uniform Fire Code.

B. Outside storage of equipment, parts, or materials used in the conduct of the business shall be prohibited. The storage of damaged vehicles waiting for repair must be completely inside a building, or within an area screened from view of all adjacent properties and the public right-of-way, in accordance with the provisions of Section 23. Screening Regulations.

C. Outdoor display of used vehicles for sale is not permitted.

25. Outdoor dining area.

Outdoor dining shall be allowed accessory to a permitted restaurant, coffee shop, or other eating and drinking facility subject to the following:

A. The outdoor dining area must be a well-defined space, designed and serviced to keep debris from blowing off of the premises.

B. Design of the outdoor dining area shall be compatible with the main structure to which the facility is an accessory use.

C. Outdoor dining establishments serving alcoholic beverages shall be enclosed with a six (6) foot barrier constructed in such a way that items cannot be passed through the barrier. Outdoor dining areas not serving alcoholic beverages shall be enclosed with a minimum of a four (4)-foot barrier such as fencing and/or landscape hedges.

BD. Patrons must gain entrance to the outdoor area from within the main facility, however, at least one exit must be provided for fire safety.

EE. Temporary seating on a sidewalk adjacent to the building shall be allowed subject to the following:

1) The seating, including benches, and chairs and tables shall be limited to no more than ten seats and shall not be left out overnight or when the business is closed.

2) Patrons shall not be served food and beverages outsidein the temporary seating area, except that employees may refill beverage containers in the seating area. At no time shall the seating area be used for the consumption of alcoholic beverages.

30. Pools.

A. A building permit is required for swimming pools exceeding 24 inches in depth or exceeding 5,000 gallon capacity.

B. All swimming pools or portable swimming pools of a water depth greater than eighteen (18) inches must be enclosed by a fence as regulated by Section 25. Fence Regulations of this code.

C. No portion of a swimming pool or portable swimming pool or appurtenances thereto shall be located at a distance less than ten feet from any side or rear property line, or extend into the minimum front yard setback of a property.

D. No swimming pool accessory equipment which generates noise such as, but not limited to, pumping or filtering equipment, shall be located in a sideyard unless all of the following requirements are met:

1) The equipment is fully screened from view.

2) The equipment, screening, and any appurtenances thereto are at least ten feet from the nearest property line; and

3) The noise generated by equipment when operating satisfies the requirements of Section 34. Environmental Regulations.

E. The provisions in subsection (c) of this section shall not apply in sideyards abutting streets if equipment is fully screened from view.

33. Retreat center.

A. Retreat centers may be located in the residential district with an approved CUP, and provided the parcel is a minimum of five acres in size.

B. It is intended that the retreat center be a converted or renovated single-family residence. No structure shall be constructed for the sole purpose of being utilized as a retreat center; an existing structure enlarged for the purpose of providing additional rooms for guests must be specifically approved by the CUP.

C. The exterior appearance of the structure shall not be altered from its single-family character.

D. Maximum guest occupancy is twenty individuals.

E. The primary entrance to guest rooms shall be within the dwelling unit.

F. Guests are limited to a length of stay of no more than seven consecutive nights.

G. No food preparation or cooking shall be conducted within any guestrooms. Meals provided shall only be served to a maximum of twenty guests taking lodging in the center.

H. On-site parking sufficient to handle all guest and owner vehicles shall be provided.

I. Adequate screening from abutting residential uses and landscaping shall be provided.

36. Temporary/seasonal sales.

F. Temporary structures placed on the property for such sales must be removed at the end of the selling season. ~~The size of the temporary structure shall not exceed 100 square feet.~~

M. Temporary/seasonal sales may occur ~~120-150~~ days during a calendar year on a specific property of a business or businesses. with the exception of temporary/seasonal sales located on a parcel without a principal use may occur 50 days during a calendar year.

SECTION 12. B. Eligibility requirements. To be eligible for using metes and bounds divisions as outlined in this section, the following conditions must be met:

- 1) The parcel must be a minimum of five-ten acres ~~as defined in other portions of this ordinance.~~
- 2) The parcel must have a minimum road frontage of 300 feet; ~~however, the planning commission and city council may reduce the road frontage requirement to 200 feet in roads that have a 66-foot easement.~~

C. Procedure.

7) Certificate of approval. Following city council approval, payment of park dedication fees and compliance with or proper securement of any conditions(s), the instrument creating the division will be certified by the city clerk-treasurer (or designated city representative) that the division has been approved and the city's seal affixed in order for the division to be entered in the county auditor's records and the instrument recorded in the county recorder's records. The metes and bounds division must be filed at Anoka County within sixty (60) days of city council approval or the division shall be null and void.

SECTION 13. [1.] General regulations.

A. All single-family dwellings and accessory structures in the A, RR, R-1, and R-2 districts shall meet the following design requirements:

3) Single-family dwellings shall have an address according to the numbering system of East Bethel. Numbers shall be at a minimum of three inches in height and displayed in such a way as to clearly identify the structure from the roadway. ~~If the address cannot be identified from the roadway, a~~ An address plate shall be installed at the right-of-way. Mailbox must clearly identify the address on both sides.

4) Each dwelling unit shall include, at a minimum, a 24-foot by 24-foot garage. ~~The size of the garage shall not exceed 100 percent of the main floor square footage of the principal structure.~~ Driveways must meet a minimum setback of 5 feet from neighboring properties.

5) Garages shall not be constructed prior to the principal structure and shall be constructed no later than six months after the construction of the dwelling.

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. ~~General~~ 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 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

~~DA.~~ 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.

~~EB.~~ Accessory buildings located on lots or parcels that are subsequently subdivided shall be modified accordingly to maintain compliance with zoning districts and/or acreage requirements.

~~FC.~~ Every exterior wall, foundation, and roof of any accessory structure or structures 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.

~~GD.~~ 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 or structures shall be deemed to be out of repair if more than 25 percent of the exterior surface area is unpainted or paint is blistered; 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.

~~H.~~ ~~Detached accessory structures must meet front yard setbacks of the zoning district but no closer than 40 feet to the front lot line on lots or parcels that abut city streets and no closer than 100 feet on lots that abut county or state highways.~~

~~IE.~~ Pole-type, steel frame, or any other accessory structure that contain exterior siding or roof of sheet metal shall be located behind the rear wall of the principal building on the property and only on parcels larger than three acres in size.

~~JF.~~ Accessory structures shall have a minimum separation of eight feet from the principal structure.

~~KG.~~ (Lean-to) shall be included into the allowable square footage of a building and will be subject to the square footage restrictions for a parcel.

H. Accessory structures may be placed between the principal structure and the public right-of-way on lakeshore lots meeting all required setbacks and lot coverage.

I. Accessory structures placed between the principal structure and the lakeshore must meet all required setbacks for the applicable district.

- J. 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 residential home site. Fish houses must meet all required accessory structure setbacks.
- K. The structure must not be designed or used for human habitation and must not contain sewage treatment facilities.
- L. Pole-type, steel frame, or any other accessory structure that contains exterior siding or a roof of sheet metal shall be located behind the rear wall of the principal building on the property and only on parcels larger than three acres in size.
- M. Accessory structures shall have a minimum separation of eight feet from the principal structure.
- N. (Lean-to) shall be included into the allowable square footage of a building and will be subject to the square footage restrictions for a parcel.
- O. Exterior doors and exterior stairs to access second story storage spaces is not permitted.

3. Size and number of accessory structures.

All accessory structures shall comply with the following requirements:

A. 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:

a) Accessory structures greater than 120 square feet in the R-1 and R-2 districts shall be limited to a ten (10) foot sidewall height. Roof pitch and style shall match the principal structure.

b) Accessory structures less than 120 square feet in all districts shall be limited to a sidewall height no greater than eight (8) feet.

TABLE INSET:

Parcel Size	Maximum Square Feet	Maximum Sidewall Height <u>in the RR and A Districts</u>
Less than 1.0 acres	580 sq.-ft. square feet	10 ft. feet*
1.01 to 2.0 acres	960 sq.-ft. square feet	12 ft. feet*
2.01 to 3.0 acres	1,200 sq.-ft. square feet	12 ft. feet*

3.01 to 4.99 acres	1,800 sq.-ft. <u>square feet</u>	14 ft. <u>feet</u> *
5.0 or more acres	2,400 sq.-ft. <u>square feet</u> plus an additional 240 sq.-ft. <u>square feet</u> , or increment thereof, for each additional acre	14 ft. <u>feet</u> *

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

SECTION 22. 3. General provisions.

B. Prohibited uses in required parking areas. Required off-street parking areas, ~~including parking facilities accessory to residential uses in the B-1, B-2, B-3, and I districts,~~ shall not be used for open storage of goods, recreational vehicles and equipment, commercial vehicles and equipment, unlicensed/inoperable vehicles, or vehicles displayed for sale.

C. Prohibited parking.

1) Single-family residential (R-1) and single-family and townhome (R-2) zoning districts:

a) Parking of truck-tractors and/or semi-trailers on city streets and on individual properties is prohibited.

b) Parking of vehicles on lots created after the adoption of [this] Ordinance [No.] 203 is prohibited in any portion of the front yard or rear yard except on designated bituminous or concrete driveways or on one open, bituminous, or concrete space located on the side of the driveway.

c) Parking of vehicles on existing R-1 and R-2 parcels is prohibited ~~except on a designated driveway or on one open space located on the side of the driveway, in any portion of the front yard or rear yard except on a designated driveway or on one open space located on the side of the driveway.~~

2) Rural residential (RR) zoning district:

a) Parking of truck-tractors and/or semi-trailers on city streets is prohibited.

b) Parking of vehicles is prohibited in any front ~~yard, side,~~ or rear ~~yards~~ except on designated driveways.

7. Required off-street parking spaces and garages.

B. Garage size. The minimum garage size for single and townhome dwellings, attached or detached, shall be ~~576 square feet (24' x 24')~~, at a minimum, 24 foot by 24 foot for each dwelling unit.

SECTION 24. EXTERIOR STORAGE

1. Exemptions.

~~C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.~~

~~D. Construction and landscaping materials or equipment, if these are used or intended for use on the premises within a period of three months, unless there is an active building permit issued for improvements on the property that these materials will be used for, or as otherwise approved by the zoning administrator or building official.~~

3. A, RR, R-1, and R-2 residential districts.

B. A maximum of five motor vehicles, or recreational vehicles, or boat/trailer combinations, or snowmobile/trailer combinations, or items of lawn equipment, or items of construction equipment with a weight limit of 12,000 pounds, or other equipment or trailers, or any combination thereof, may be stored outside of structures at any time. The storage of ~~such motor vehicles, recreational vehicles, items of equipment, or trailers~~ must be on the driveway of the residence or within an outside storage area located in a side or rear yard. The storage area shall be screened from the public right-of-way and from adjacent properties. Motor vehicles stored outside on a designated driveway must maintain and display current licensing and registration and must be operational and roadworthy.

4. I district.

H. Up to three commercial vehicles, such as delivery and service trucks up to 12,000 pounds GVWR, may be parked without screening if the vehicles relate to the principal use.

~~Construction equipment, trailers, and vehicles over 12,000 pounds GVWR~~ Vehicles over 12,000 pounds GVWR, construction equipment, and trailers shall require screening.

5. B-3 district.

A. Exterior storage is permitted with a ~~conditional use permit (CUP)~~ Conditional Use Permit.

SECTION 25. 1. Fence Regulations

All fences in any district shall conform to the following regulations:

A. Fences within the R-1 and R-2 districts need a Certificate of Compliance in accordance to with Section 04. Applications and Procedures.

B. Barbed wire or electrical fences shall be prohibited, except when located in an agriculture zone to confine livestock or protect crops on a parcel with an approved Interim Use Permit for the keeping of farm animals to confine livestock or to protect crops.

3. Fences around swimming pools.

A. All swimming pools 24 inches or greater in depth shall be fenced with a chain link or other type of impenetrable barrier fence at least four feet in height and equipped with a self-locking gate or portable swimming pools of a water depth greater than 18 inches shall be completely enclosed by a type of fence resistant to being climbed unless specifically exempted from this subsection (3).

B. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence shall comply with all construction specifications pursuant to this section.

C. The fence and gates shall be at least four feet in height and shall be constructed of a minimum no. 11 gauge woven wire mesh corrosion-resistant material, or other materials approved by the building department.

D. One gate shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. Any other gate in the fence will be presumed to be solely for maintenance purposes and shall remain locked at all times when not used for maintenance purposes. Each such maintenance gate shall convey the message that the gate is to remain locked and is for maintenance purposes only.

E. All fence posts shall be decay- or corrosion-resistant and shall be set in concrete bases or other suitable protection.

F. The openings between the bottom of the fence and the ground or other surface shall not be more than four inches.

G. Aboveground pools of four feet or more in wall height shall be exempt from complete enclosure by a type of fence resistant to being climbed. However, aboveground pools shall be equipped with a fence and gate system at all points of entry to the pool. Such fence and gate system shall effectively control access to the pool and shall be constructed pursuant to the specifications listed in this section.

H. Except where otherwise noted, the following are specifically exempted from this section:

1) Hot tub or spa that accommodates no more than ten adults and has a locking cover.

4. Placement of fences along property lines.

5. Fences in the Shoreland District.

Fences constructed within the shoreland setback area shall not exceed a maximum of four feet in height and shall maintain a see-through visibility level equal to that of a chainlink-type fence.

SECTION 27. 3. Minimum landscaping requirements.

In instances where healthy plant materials of acceptable species exist on site prior to its development, the application of the standards in this section may be adjusted by the city to allow credit for such material provided that such adjustment is consistent with the intent of this section. The city may permit the seeding of areas reserved for future expansion of the development if consistent with the intent of this chapter.

A. New subdivisions:

sSingle-family (R-1 and R-2).

1. A minimum of ~~one~~ two boulevard trees per residential lot shall be planted prior to the issuance of a certificate of occupancy.

2. ~~Parcels in the R-1 and R-2 districts~~ created after the adoption of [this] Ordinance [No.] 203 shall establish grass ~~or groundcover~~ in the front, side, and rear yard within one year after the issuance of the certificate of occupancy.

Single-family (RR).

1. A minimum of two boulevard trees per residential lot shall be planted prior to the issuance of a Certificate of Occupancy.

2. Parcels created after the adoption of [this] Ordinance [No.] 203 shall establish grass in the front vard within one year after the issuance of a Certificate of Occupancy.

6. Landscape guarantee.

All new plants and groundcover shall be guaranteed for one full year from the time planting has been completed. All plants and groundcover shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.

7. Retaining walls.

Retaining walls exceeding four feet in height, including staged walls that cumulatively exceed four feet in height, must receive a certificate of compliance and be constructed in accordance with plans prepared by a registered engineer. Plans shall be submitted to the City of East Bethel Building Department for review and approval. Retaining walls shall not impede drainage.

SECTION 35. GRADING, FILLING, AND EXCAVATION

2. Permit required.

No person shall undertake, authorize, or permit any of the following actions without first having obtained the proper grading or interim use permit from the city:

A. Any excavating, grading, filling, or other change in the earth's topography in any designated wetlands, floodplain, or shoreland district;

B. Any excavating, grading, filling, or other change in the earth's topography resulting in the movement of more than ~~1,000~~ 50 cubic yards of material;

5. Administrative grading permit application and review.

A. Grading plans that would result in the movement of more than ~~500~~ 50 cubic yards but less than 1,000 cubic yards of material ~~per acre~~ may be approved by the zoning administrator. The applicant shall submit the following information unless waived by the zoning administrator:

SECTION 41. AGRICULTURAL DISTRICT (A)

2. Permitted uses.

D. Animal husbandry, including the raising of livestock, ~~dairy animals,~~ or game animals, and excluding animal feed lots and commercial stockyards.

3. Accessory use.

~~C. Agricultural seasonal business: Stands for the sale of agricultural products grown on the premises provided the stands are temporary and do not exceed 1,000 square feet in area.~~ Temporary/Seasonal sales as permitted in Section 10. General Development Regulations.

4. Conditional uses.

B. Electric power and communications transmission lines.

SECTION 42. RURAL RESIDENTIAL (RR) DISTRICT

4. Conditional uses.

G. Bed and breakfast inn.

H. Retreat center.

I. Electric power and communications transmission lines.

5. Interim uses.

The following interim uses are permitted in the RR district with an interim use permit:

F. Domestic farm animals as regulated by Ordinance 115A City Code Chapter 10.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 0410. General Provisions of Administration Development Regulations.

C. Maximum height.

TABLE INSET:

- | | |
|---------------------------------|--|
| 1) Principal structure | Measured to the eave, maximum height of three stories or 30 feet, whichever is less. |
| 2) Detached accessory structure | Shall be limited to one story with a maximum sidewall height of ten feet, measured from the floor surface to the underside of the ceiling member <u>comply with Section 14.3.A.</u> Roof pitch and style shall match the principal structure. |

SECTION 43. SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

4. Conditional uses.

~~A. 1) Essential services--governmental.~~

~~B. 2) Places of worship.~~

~~C. 3) Essential services--utility substations.~~

~~D. 4) Schools.~~

~~E. B. Other uses similar to those permitted in this section as determined by city council.~~

~~F. Bed and breakfast inn.~~

~~G. Electric power and communications transmission lines.~~

5. Interim uses.

The following interim uses are permitted in the R-1 district with an interim use permit:

~~E. Domestic farm animals as regulated by Ordinance 115A City Code Chapter 10.~~

6. Certificate of compliance.

~~A. Temporary/seasonal sales as permitted in Section 0410. General Provisions of Administration Development Regulations.~~

~~B. Fences as permitted in Section 25. Fence Regulations.~~

7. Development regulations.

B. Setbacks.

TABLE INSET:

1) Principal structure

- | | | |
|-----|----------------------------|----------------|
| (a) | Front yard | |
| (1) | City right-of-way | 30 feet |
| (2) | >County/state right-of-way | >100 feet |
| (3) | <u>Shoreland overlay</u> | <u>25 feet</u> |

2) Detached accessory structure

- | | | |
|-----|------------|--|
| (a) | Front yard | 30 feet <u>Must meet required setback of principal structure</u> and cannot be located between the principal structure and the street |
|-----|------------|--|

~~C. Maximum Building height: Measured to the eave, maximum height of three stories or 30 feet, whichever is less.~~

TABLE INSET:

1) Principal structure	<u>30 feet Measured to the eave, maximum height of 3 stories or 30 feet, whichever is less.</u>
------------------------	---

SECTION 44. SINGLE-FAMILY AND TOWNHOME RESIDENTIAL (R-2) DISTRICT

4. Conditional uses.

G. Electric power and communications transmission lines.

7. Development regulations.

B. Setback.

TABLE INSET:

1) Principal structure

a) Front yard

(1)	City right-of-way	30 feet from the public right-of-way
(2)	County/state right-of-way	100 feet from the public right-of-way
(3)	Side yard	10 feet
(4)	Side street	25 feet
(5)	Rear yard	25 feet
(6)	Internal	20 feet between principal structures
(7)	<u>Shoreland overlay</u>	<u>25 feet from public right-of-way</u>
(7)	<u>Maximum height</u>	<u>Measured to the eave, maximum height of three stories or 30 feet, whichever is less</u>

2) Detached accessory structure

a)	Front yard	30 feet <u>Must meet required setback of principal structure and cannot be located between the principal structure and the street</u>
----	------------	--

8. Maximum lot coverage.

TABLE INSET:

A.	R-2 not located in the shoreland overlay district	50 percent
----	---	------------

B. All properties located in the shoreland overlay district

As regulated by Section 57. Shoreland Overlay District

SECTION 45. LIMITED BUSINESS (B-1) DISTRICT

4. Conditional uses.

E. Electric power and communications transmission lines.

EE. Other uses similar to those permitted in this section as determined by the city council.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Provisions of Administration Development Regulations.

SECTION 46. CENTRAL BUSINESS (B-2) DISTRICT

4. Conditional uses.

P. Electric power and communication transmission lines.

QP. Other uses similar to those permitted in this section as determined by the city council.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section ~~0410~~. General Provisions of Administration/Development Regulations.

SECTION 47. HIGHWAY COMMERCIAL (B-3) DISTRICT

4. Conditional uses.

N. Electric power and communications transmission lines.

~~NO.~~ Other uses similar to those permitted in this section as determined by the planning commission and city council.

~~OP.~~ Exterior storage associated with permitted and conditional uses.

5. Interim uses.

D. Temporary/seasonal sales if located on a parcel without a principal use.

~~EA.~~ [D.] Other uses similar to those permitted in this section as determined by the city council.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section ~~0110~~. **General Provisions of Administration**Development Regulations.

SECTION 48. LIGHT INDUSTRIAL (I) DISTRICT

4. Conditional uses.

M. Electric power and communications transmission lines.

M. Other similar uses to those permitted in this section as determined by the planning commission and city council.

5. Interim uses.

D. Temporary/seasonal sales if located on a parcel without a principal use.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section ~~0110~~, General Provisions of Administration Development Regulations.

7. Development regulations.

B. Setbacks.

TABLE INSET:

2) Side yard 10 feet

SECTION 49. CITY CENTER (CC) DISTRICT

5. Conditional uses.

A. Electric power and communications transmission lines.

67. Certificate of compliance.

Temporary/seasonal sales as permitted in Section ~~0410~~, ~~General Provisions of Administration~~Development Regulations

SECTION 50. PUBLIC/INSTITUTIONAL (P/I) DISTRICT

5. Conditional uses.

A. Electric power and communications transmission lines.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations

SECTION 55. PLANNED BUSINESS OVERLAY DISTRICT (PBD)

4. Conditional uses.

A. Electric power and communications transmission lines.

SECTION 56. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

2. Conditional uses.

A. Electric power and communications transmission lines.

SECTION 57. 5. Definitions.

B. Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

BC. Bluff-line. A line along the top of a slope connecting points at which the slope, proceeding away from the water body or adjoining watershed channel, becomes less than 18 percent and it only includes slopes greater than 18 percent that meet the following criteria:

K. Conditional use. A use as this term is defined in Minnesota Statutes, chapter 394.

NP. Hardship. A property cannot be put to reasonable use if: the conditions of the zoning ordinances are followed; the landowner's particular circumstances are unique and not self-created; and, granting a variance will not alter the essential character of the locality, as defined in MN Statutes, Chapter 394.462.

SV. Lake--natural development environment. Generally small, often shallow lakes with limited capacities for assimilation of the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils.

Y. Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

AA. Nonconformity. The same as that term is defined or described in Minnesota Statutes 394.

∇BB. Non-riparian. A lot with no lake frontage on a water body.

DD. Planned unit development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

XEE. Public waters. Any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a. However, no lake, pond, or flowage of less than ten acres in size will be regulated for the purposes of this code. A body of water created by a private user where there was no previous shoreland map, at the discretion of the local government, be exempted from parts of this code.

∇FF. Riparian. A lot with lake frontage on a water body.

GG. Shoreland. Land which meets all of the following criteria from public waters:

1) A portion of the lot must be located within 1,000 feet from the ordinary high water level of a lake, or 300 feet from a river or stream, or the landward extent of a floodplain designated by an ordinance on a river or stream, whichever is greater.

~~2) A portion of the lot must fall within the shoreland zoning district as delineated on the zoning map.~~

~~3) A lot must have public water frontage or be in the next tier of lots landward that has primary access from the same public or private road that serves the public water frontage lots (tier two lots).~~

PP. Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

QQ. Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit development.

RR. Surface water-oriented commercial use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

AAA. 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, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

6. Administration.

B. Permits required.

3) A water use permit from the City of East Bethel is required for all users withdrawing less than 10,000 gallons of water per day or less than 1 million gallons per year from a public body of water. The pumping system must be enclosed in a structure not to exceed 4 feet by 4 feet and no more than two feet in height.

7. Shoreland classification system and land use districts.

[b) Rivers and streams.]

TABLE INSET:

Tributary Streams

Cedar Creek

*

*All protected watercourses in the city shown on the Protected Waters Inventory Map for Anoka County, a copy of which is hereby adopted by reference, not given a classification in items a) and b) above, shall be considered "tributary."

8. Shoreland overlay district standards.

C. Placement, design, and height of structures.

1) Lot Area. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

a) Structure and on-site sewage system setbacks from ordinary high water level:

TABLE INSET:

Classes of Public Waters	Setbacks		
	Structures		Sewage Treatment System
	Sewered	Unsewered	
Lakes			
Natural Environment	150 <u>ft.feet</u>	150 <u>ft.feet</u>	50-150 <u>ft.feet</u>
Recreational Dvlp	75 <u>ft.feet</u>	100 <u>ft.feet</u>	75 <u>ft.feet</u>
General Dvlp	50 <u>ft.feet</u>	75 <u>ft.feet</u>	50 <u>ft.feet</u>
Creeks and Streams	100 <u>ft.feet</u>	100 <u>ft.feet</u>	75 <u>ft.feet</u>

3) Design criteria for structures.

a) High water elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed is at a level at least three feet above the highest known water level or three feet above the ordinary high water level, whichever is less, of the lake, creek, or stream fronted by the property.

Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to that elevation, electrical and mechanical equipment is placed above that elevation, and if long-duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

b) Accessory structures. ~~Each lot may have one accessory structure.~~ Said structures shall meet the normal structure setback in item c) of this subpart and comply with the following provisions:

5) For lakes, rivers, and streams, the lowest floor level must be placed at a level at least 3-three feet above the highest known water level, or 3-three feet above the ordinary high water level, whichever is greater.

D. Shoreland alterations. Alterations to vegetation and topography shall be regulated to preserve shoreland aesthetics, preserve historic values, prevent bank slumping, fix nutrients, protect fish and wildlife habitat, and prevent erosion into public waters, according to the MPCA's Best Management Practices.

2) Removal or alteration of vegetation within a SML district, except for agricultural and forest management uses as regulated in subparts b and c of subpart 8 of this subdivision [subsections B. and C. of item 11 of this section 57], respectively, is allowed subject to the following standards:

a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas but within a SML District is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

E. Topographic alterations/grading and filling.

3) Notwithstanding items 1.) and 2.) above, a grading and filling permit will be required for:

a) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and

b) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones within a SML District.

SECTION 58. FLOODPLAIN MANAGEMENT (FP) OVERLAY DISTRICT

2. Conditional uses.

Electric power and communications transmission lines.

**SECTION 59. SIGNIFICANT NATURAL ENVIRONMENTAL AREAS (SNEA)
OVERLAY DISTRICT**

3. Conditional uses.

Electric power and communications transmission lines.

Adopted by the City Council of the City of East Bethel, Minnesota, this (insert date), 2010.

For the City:

Greg Hunter, Mayor

ATTEST:

Douglas Sell, City Administrator

Adopted: (Insert Date)

Published: (Insert Date)

Effective: (Insert Date)

Minnesota Department of Natural Resources
Central Region Waters - 1200 Warner Road, St. Paul, MN 55106-6793
Telephone: (651) 259-5845 Fax: (651) 772-7977



November 19, 2009

Stephanie Hanson, City Planner
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011

RE: CITY OF EAST BETHEL SHORELAND MANAGEMENT ORDINANCE (SECTION 57.
SHORELAND OVERLAY DISTRICT)

Dear Ms. Hanson:

Thank you for submitting the draft amendments to your city's shoreland management ordinance for the Department of Natural Resources' review.

Upon review of the draft amended ordinance submitted to me via email on November 10, 2009, I am pleased to inform you that it substantially complies with Minnesota Rules, Parts 6120.2500 - 6120.3900. A copy of the officially adopted ordinance should be sent to me upon City Council approval.

We remain available to assist the City with implementation and enforcement of the ordinance. As required by the ordinance, notices of all hearings and notices of decisions for variances, conditional uses, and amendments in shoreland areas must be submitted to the Department. These should be sent directly to me at: DNR Waters, 1200 Warner Road, St. Paul, MN 55106.

We appreciate your community's continued cooperation in providing for shoreland protection through the adoption and administration of this ordinance.

Sincerely,

A handwritten signature in cursive script that reads "Kate Drewry".

Kate Drewry
North Metro Area Hydrologist
DNR Waters

Attachment #2

Zoning Code Amendment - Comments

Section 01:9. Definitions.

- In the definition of **Retail sales and services**, third line, the words “exterior sales lot” s/b changed to “open sales lot,” which is a defined term.
- In the definition of **Story**, third line of the new definition, the words “floor finish” s/b changed to “finished floor surface,” the same words used in the second line.

Section 04:3. General procedures.

- In G.1) replace the word “terminate” with the words “shall be cause for revocation of the permit.”
- In G.6) replace the words “Upon approval by the city council” with “ Upon a finding by the city council that a violation of any condition of a CUP or an IUP has occurred and not been corrected within 30days of written notice from the city” and replace the words “satisfy the approved conditions” with “correct the violation(s).”
- Subsection J. appears to be a repeat of G.6).

Section 0.5: Nonconformities.

- In new paragraph B, replace “A vacant parcel” with “Vacant parcels.”

Section 10: General Development Regulations.

- In 14. **Driveway and standards.**, B. Surface, 1) add the word “and” after “B-3.”
- In 25. **Outdoor dining area.**, C. change the second line to read “(6) foot barrier constructed in such a way that items cannot be passed through the barrier....”
- In 33. **Retreat center.**, G. the word “lodging” is misspelled.
- In 36. **Temporary/seasonal sales.**, M. change word “of” in second line to “that.”

Section 14. Detached Accessory Structures.

- Both subsections 1. and 2. are captioned “General regulations.”
- Paragraph J. of the first subsection n2 addresses fish houses. I recommend that the words “fish house” be defined to clearly identify the characteristics/specifics of what constitutes a fish house as distinguished from other detached accessory uses.
- There are two subsections numbered 2.
- In the second subsection 2., paragraph L., the word “is” should be “are.”

Section 24. Exterior Storage.

- In subsection 5., paragraph A., the words “Conditional Use Permit” are repeated. Is there a reason for this?

Section 27. Landscaping Regulations.

Zoning Code Amendment - Comments

- Do you want all of the provisions of subsection 3 to apply only to new subdivisions (paragraphs B. and C.)? The same would be true for subsections 4., 5., and 6. This should be clarified.
- Single-family (RR) should be identified as a separate paragraph of subsection 3.

I have reviewed all of the District Provision amendments and find no concerns with any of them.

GMR

November 18, 2009

RANDALL and GOODRICH, P.L.C.

ATTORNEYS AT LAW

2140 FOURTH AVENUE NORTH
ANOKA, MINNESOTA 55303-2268

GERALD M. RANDALL
WILLIAM K. GOODRICH

TELEPHONE (763) 421-5424
FACSIMILE (763) 421-4213

CLAIRE D. HELMER
CHRISTIAN R. PETERSON

geraldr@anokalaw.com

Tara K. Jacob, Paralegal
taraj@anokalaw.com

January 11, 2010

BY US MAIL AND E-MAIL
stephanie.hanson@ci.east-bethel.com

Stephanie Hanson
East Bethel City Planner
2241 -2221st Avenue N.E.
East Bethel, MN 55011

Re: Zoning Code Amendments

Dear Stephanie:

You have asked that I write in regard to requiring areas of outdoor sales of alcoholic beverages to be enclosed by fencing.

Minnesota laws impose strict requirements in connection with the sale of alcoholic beverages, both to "off-sale" sales and to sales for consumption of the beverage on the premises. Similarly, the East Bethel ordinances regulating the sale of alcoholic beverages strictly control such sales.

A liquor license must specifically describe the premises where liquor will be served. In cases of sales and consumption of liquor on a patio or other outdoor area, the license must explicitly describe the outdoor area.

There are potential negative effects of moving indoor bar activities to an outdoor area. These include the increased potential for minors to be served and for sales to intoxicated persons. There also is the increased possibility of litter being scattered or blown from the outdoor area onto other properties.

To control and limit the potential negative effects of outdoor sales many cities require the outdoor service/consumption area to be segregated from pedestrian access by fencing, ropes, etc. and that litter be picked up on a regular basis.

For liability reasons and to limit the potential for illegal sales, I recommend the segregation of patios or other outdoor areas where liquor is sold/served from access by persons who are not customers of the pertinent bar and that access to the outdoor areas be limited to one access point

Attachment #4

Stephanie Hanson
January 11, 2010
Page 2

through the indoor bar area. Fencing the outdoor area would be the most practical means of accomplishing this goal.

Yours truly,

A handwritten signature in cursive script, appearing to read "Gerald M. Randall". The signature is written in black ink and is positioned above the printed name.

Gerald M. Randall

GMR/tkj

Enclosure



Office of the Sheriff

Anoka County
Sheriff Bruce Andersohn

13301 Hanson Boulevard NW, Andover, MN 55304-4009 (763)323-5000 Fax (763)422-7503

City of East Bethel
Attn: Stephanie Hanson
2241 221st St NE
East Bethel, MN 55011

December 28, 2009

Dear Stephanie;

I am writing this letter to you in support of an ordinance pertaining to having fencing placed around outdoor drinking establishments, from the law enforcement standpoint. The fencing serves the purpose of not allowing alcoholic beverages to be taken off site, including into the parking lot, while keeping patrons safe. It also would help eliminate underage drinking, by not allowing anyone to come onto the patio, without having gone through the bar and id checks first. The fencing would need to have a one way gate attached in case of emergencies. We would recommend a fence that would be approximately four feet tall, presumably made of iron. Thank you for allowing this into your consideration.

Sincerely;

Lt. Shelly Orlando

Attachment #5



EAST BETHEL PLANNING COMMISSION MEETING

November 24, 2009

The East Bethel Planning Commission met on November 24, 2009 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Eldon Holmes Steve Channer Lori Pierson Glenn Terry
Julie Moline Tim Landborg Lorraine Bonin

ALSO PRESENT: Stephanie Hanson, City Planner

Adopt Agenda

The November 24, 2009 meeting was called to order by Chairperson Terry at 7:00 PM. **Terry made a motion to adopt the November 24, 2009 agenda. Holmes seconded; all in favor, motion carries.**

Public Hearing Variance – Oversized Garage

Hanson said on October 27, 2009, Planning Commission conducted a public hearing for a variance request to allow increased square footage of a detached accessory structure by the applicants. Planning Commission tabled the request with the recommendation to Ms. Bielefeld to seek alternatives such as attaching a garage to the principal structure thus eliminating the variance request. The applicants have made the decision to continue with the variance request.

Therefore, the applicants are requesting a variance to increase the square footage of a detached accessory structure from 580 square feet (24 feet by 24 feet) to 784 square feet (28 feet by 28 feet) on a parcel 0.28 (12,004 square feet) acres in size.

The parcel is located in the Coon Lake Beach area, however, is not located within the shore land overlay district so the 25 percent impervious rule does not apply to this particular parcel.

Currently, there is a 12 foot by 20 foot detached accessory structure that is dilapidated. The applicants would like to remove the existing structure and replace it with a 28 foot by 28 foot detached accessory structure.

The applicants are requesting the variance to build a larger structure allowed by code because they have a son with special needs; they need the extra space to store his equipment, and because it has been especially challenging loading and unloading him into the vehicle outside during adverse conditions such as rain and snow. The current structure is not large enough to park vehicles in and store the necessary equipment needed to assist their son with his special needs. The applicants have submitted a letter and photos (attachment 3) that describe the type of equipment currently in use.

It was discussed at the October Planning Commission meeting.

Variance Findings of Fact:

1. The applicants would like to use the property in a reasonable manner. Questions to ask:
 - a. Is the proposed use of a detached accessory structure on the parcel reasonable?

An accessory structure is a reasonable and permitted use. City Code Appendix A, Zoning, allows parcels less than an acre in size to have a 580 square foot structure. The applicants are not being denied a larger accessory structure, however, there are size limitations regulated by city code.

- b. Will the size of the accessory structure alter the character of the neighborhood? The slight increase in size may not alter the character of the residential neighborhood.
2. The circumstances requiring the variance request are not unique to the property. The applicants are permitted to construct a 580 square foot detached accessory structure. The applicants' son has equipment needed for his special needs and the existing 12 foot by 20 foot structure is not large enough to store the equipment and vehicles. The applicants do not think a 580 square foot structure is large enough to store the equipment either.
3. The property owners did not create the unique situation that warranted the variance request.
4. The variance would not be harmful to neighboring properties or depreciate values, however, the increase in size may set precedence.
5. The variance may/may not be in the keeping with the spirit and intent of the code. The intent of granting variances is because a hardship has been established.

If Planning Commission recommends approval to City Council of a variance to increase the square footage requirements for a detached accessory structure from 580 square feet to 784 square feet at the property, staff recommends the conditions in the staff memo.

Planning Commission may recommend denial to City Council for a variance request to increase the square footage requirements for a detached accessory structure from 580 square feet to 784 square feet at the property based on the findings of fact.

Hanson explained the applicants are here to answer any questions you may have.

The Bielefeld's said they had two contractors out to provide ideas for adding the structure and having it attached. Both of the plans would really hinder their son's independence. He has learned how to get around on his own and it took him quite a while to learn that, such as getting to the bus in a timely fashion. But both of the plans would really hinder his independence. One of the plans would not make it easy for him to get around the house alone and he would actually need assistance to get through some of the new structure.

Commissioners asked, were you looking at options of attaching the garage. The Bielefeld's said yes. One contractor recommended making the mud room longer but the room is really narrow and their son would need quite a bit of help to get through that area. Bonin clarified now he can get out by himself or into the garage by himself by what you are planning.

Mr. Bielefeld does not want his son to have to relearn how to get to the bus by himself and also need other persons help to get there. Mrs. Bielefeld explained it would really hinder his independence. We had two designers come out to the house. One guy said it really isn't feasible. The other guy took a long time to try to figure it out. Mr. Bielefeld said all we are asking for is to be able to unload him in the garage and make it easier on him. We have

pictures of all of his stuff. Mr. Bielefeld declared all we want the addition for is our son's needs. Every inch you can spare, it would be a big help. Bonin stated we are not sparing it, you are from your yard.

Bonin made a motion to recommend approval to the City Council the variance to increase the square footage requirements for a detached accessory structure from 580 square feet to 784 square feet at the property known as 345 Elm Road, East Bethel, PIN 363323240044 with staff's recommended conditions.

- 1. The exterior design and color of the structure must be compatible with that of the principal structure and meet all other zoning code requirements.**
- 2. The applicants must obtain a building permit prior to the construction of the structure.**
- 3. A Variance Agreement must be signed prior to the issuance of a building permit and by no later than November 18, 2009. Failure to execute the variance agreement will void City Council's motion of approval.**

This recommendation is based on the special needs of the resident and the special situation due to the difficulties of making a ramp that would be usable for him and the configuration of the house makes it a hardship for a variance. Seconded by Holmes; Channer and Landborg, nay; Holmes; Pierson; Terry; Moline and Bonin, aye; motion carries.

Landborg said he has been out to the property, but how do you justify this variance. Terry explained there is only the administrative aspect of saying how come they can do it but we can't. Landborg clarified there are obviously some special reasons.

Public
Hearing/
Proposed
Amendment
to City
Code:
Appendix
A. Zoning

Hanson passed out a revised draft of the changes to the City Code: Appendix A - Zoning. She explained there are a couple of changes in this revision versus the one in your packet of information. One change is located on page 9, section 14.3.A. - 1, 2 and 3 were added to it. Another change was on page 12, section 27.1, a minor change was made under single family residential. The changes was two trees would be required not one would be required.

Hanson explained East Bethel zoning regulations were adopted on September 14, 2007. Staff has had the opportunity to enforce the regulations for two years. During the past two years of enforcement staff found areas within the zoning code that need to be fine tuned and areas in which significant changes and additions are needed. The recommended proposed changes by staff will ensure staff has the ability to enforce the regulations efficiently and to regulate uses that have not been previously regulated by code.

The City Attorney reviewed the proposed changes and has provided comments to staff. The City Attorney did not have comments on the substance of the changes, rather some housekeeping items such as grammar, definitions, etc.

State law requires that the Minnesota Department of Natural Resources (DNR) review and approve any changes to municipal shore land regulations. Initially, staff submitted the changes to the DNR. However, DNR staff would not accept the changes since the document was significantly different than what was originally approved in 1993. After staff investigation it was determined that the changes to the shore land regulation that took place in 2003 as it was incorporated into Zoning Ordinance 168 was not reviewed or approved by

the DNR. In the past months, staff has worked with DNR to approve the changes. On November 19, 2009, the DNR approved the City of East Bethel shore land regulations.

For Planning Commissions review is Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the City of East Bethel City Code (attachment 1) with the recommended staff changes.

Hanson presented the proposed amendments with explanations as part of a PowerPoint presentation.

Section 01:9 Definitions

Hanson said after two years of enforcement there were a number of housekeeping issues, clarification of language, expansion of regulations and new regulations. There were some changes in the definitions, a number of definitions added and the building official really wanted to change the definition of story.

Bonin asked in the retreat center definition in the way it was written, it should say retreat centers may be located in the rural residential area.

Section 04:3. General procedures

Terry asked in the general procedures of revocation it states 60 days. He asked is that for new construction. Hanson clarified it would be for a CUP or IUP. We really had nothing for enforcement in the old code. It is not for building, it is if they are in violation of the CUP. There was not much in the code for non-compliance.

Hanson said there was not a timeline for completion of conditions, so we added that in this section 2. They have 60 days to meet those conditions, unless they come in and ask for an extension.

Section 04-10. Variances

Hanson explained again in variances we added the same language as in the CUP. Again we added the same thing with site plan approval.

Landborg said the dates drag on. The City grants the variance at the final plat, so the 60 days could drag on. Hanson said if they had to finalize a plat, the City Council would probably go ahead and give an additional 60 days. Landborg declared with platting it doesn't normally get done within 60 days. Hanson acknowledged that is something we would have to work out with City Council.

Section 05-3.A

Hanson said regarding non-conformities you cannot build on them if it is deemed non-conforming properties.

Section 10-6. Agricultural composting.

Hanson explained we are short on composting regulations. This section came about because neighbors are dumping compost on property lines.

Section 10-14. Driveway, and off-street parking and standards.

Hanson said the driveway and off-street parking regulations were changed a little bit.

Section 10-14B. Surface

Hanson explained regarding the parking lots at churches and businesses need to be bituminous. Additionally in RR, R-1 and R-2 driveways are required to be bituminous.

Hanson elaborated if they are doing a 24 x 24 structure, the driveway would have to be paved. The reason being is to keep the dirt off the road. Hanson clarified a lot of people do not have a second driveway.

Channer asked regarding the two driveways, should we say are allowed or may be allowed. The Commission agreed it should state may be allowed. Hanson agreed, it should be may be. Channer said he was thinking the long skinny lots off of Viking.

Section 10-25.B

Hanson explained the outdoor dining areas section was brought forward by the Fire Chief. Items to consider is making sure the outdoor dining area would have a six foot barrier, so items cannot be passed outside the area.

Landborg asked what is the reason for this change. Hanson said so alcoholic beverages are not given away and new construction would require this. Bonin said that is only if you have a seating area that is close to the area. Landborg declared that is kind of ugly and defeats the purpose of sitting outside. Terry asked if this is a problem. Hanson confirmed this is a problem and is in other cities code. Landborg asked do you think it will really make a difference. Hanson said it doesn't have to be an ugly wood fence, for example Boston's in Coon Rapids has a clear glass fence. Holmes asked like at Hidden Haven if they are on the deck that wouldn't need a six-foot fence. He said if you are ten feet off the ground, then you don't need a fence. Hanson said in a case like that you would look at site plan review.

Channer said a four-foot barrier seems kind of high. Hanson explained that is what is required. Bonin said you could have plexi-glass. Landborg asked do we have anything that says they can't serve alcohol outside of the building. He asked what do you do when they have a tent party or a party in the parking lot. Hanson said they are governed by their permit. Landborg said the reason you sit outside is because you want to be outside and enjoy the outdoors. Channer asked would you take a four-foot fence with barb wire. Landborg said if it is illegal to have alcohol in the parking lot, give them a ticket for the rule they are already breaking, not make more rules. Channer said they are taking alcohol off the premises and somewhere else it is illegal. Landborg reiterated it is not going to stop someone that wants to get rid of it.

Terry made a motion to remove in section 10.25.b to strike the six-foot fence. Landborg seconded; all in favor, motion carries.

Landborg asked do we have something that spells out they need a four-foot fence. Hanson said no we do not.

Temporary seating on sidewalks and waiting areas. Hanson said seating cannot be left out overnight or when the business is closed. However now businesses have permanent benches, they do not have to bring it in every night. Bonin asked do you want to make a distinction between permanent and non-permanent seating. Holmes asked 10 seats, do you want to clarify that. Hanson explained that was in the ordinance before. Bonin asked you are saying no more than 10 seats, would that depend on the size of the business. Channer inquired how do we handle it based on fire safety. Hanson responded this is just for waiting overflow to get your table. Holmes asked why do we even need it. Channer said they will

put out as many seats as they need. Bonin said they cannot be served food there, but cannot bring things out to you. Landborg asked are you sure you want to strike that area about seating, should it be temporary. Bonin said should you care if they leave them out there or should they. Channer said it is probably illegal to steal those benches. Landborg explained they probably would want to bring them in so they don't disappear. Holmes said if they want them they are going to put them inside. Holmes explained like Outback they leave their benches out all the time.

Channer made a motion to strike Section 10-25.B. E 1. Terry seconded; all in favor, motion carries.

Bonin said this section would need to be renumbered, change 2 to 1 is that okay. Hanson explained we do have a lot of areas in the code where there is only one under it. Hanson stated are you comfortable with how the beverage area is stated. Channer said it sounds like it is taking orders. Holmes said wouldn't this be the health departments concern. Landborg asked is this regarding the seating capacity. Channer said if there are 20 people there he wasn't going to wait. Bonin explained it seems kind of inconsistent in that part. Channer said if you took out the refill part, then you could go inside to get a refill. Hanson clarified to change 2 to titled beverages and strike the section.

Section 10-30. Pools.

Hanson explained on pools we had no regulations on them. She does not know much about the building code and that was the reason for many of the changes. Biggest issues would some pools would need permits, if they exceed 24 inches in depth or 5,000 gallon capacity. The pool cannot generate a lot of noise and must meet the environmental issues. Terry asked why would you need a fence. Hanson said this is probably due to the state building code. Holmes explained in Otsego you need to remove the steps going to a pool.

Holmes said this goes back to the definitions, we should put in there artificially enclosed regarding swimming pools. He said if someone left out a wash tub and it filled, then it is a swimming pool. Holmes said this is kind of picky, but we probably should have it. Hanson clarified we are just adding a definition of pool. Holmes said, yes add it to the definition of pool. Terry asked why is a swimming pool dangerous and a pond is not. Bonin explained there is generally a slope going into a pond, but pools do not have that. Holmes elaborated a swimming pool is a magnet to kids. Bonin said when something is natural, you can't control them.

Section 10-33. Retreat center.

Hanson said retreat centers were added. She said this was brought forward because in 2008, an applicant wanted to do a scrap booking retreat out of their home. Hanson said currently they are not allowed in the City. She said this is something that staff came up with regarding it because we have had quite a few inquiries on it. Terry asked are you familiar with a retreat center, you couldn't have a retreat center where people stayed in cabins. Hanson explained staff worked on this and proposed it would have to be a single family residence where there was a retreat center component to it. Terry asked what about a retreat center that is a business, or a religious retreat center. Bonin said so you could have a lot of meetings. Terry said we do have beautiful land that would support that. Landborg asked section 10-33 H, what is that all about. He said if you have the place, why couldn't you have an outside wedding for 30 people. Terry said he thinks this area needs more consideration. Landborg said we need to address parking and how many people can stay there. Holmes said look at the Boy Scout area. Bonin said maybe it should be regulated by

acreage and how many people can attend.

Resident explained the scrap booking and sewing retreats they aren't leaving the building.

Landborg said there could be a 40 person wedding and 20 will stay overnight. Bonin said that is not a retreat. Holmes read the definition of a retreat center. Resident explained there are state guidelines to be able to have a bed and breakfast in your home. She said most retreat centers are on a Friday, Saturday and Sunday. Resident said her passion is quilting, so that is what she would be looking at, but would not limit it. Bonin said this whole idea of a retreat center is very different. Terry said regardless of that he doesn't see what we are trying to regulate. Hanson explained we do not allow them at all and we have had people come forward that would like to have a retreat center. Terry said it seems like we are trying to keep a certain type. Resident explained she is concerned about the 8 acres, she has 6 acres and that should be enough. She said most of the homeowners have an average of 5 acres. Holmes said if a boy scout camp wanted to come in would this be allowed. Bonin said that is a camp. Landborg said he would change this to 5 acres. Bonin said that term retreat center is too broad of a definition. Landborg explained a retreat center falls under the state code for bed and breakfast.

Resident said the State has a license and then Anoka County has a license. Landborg explained section H states how many people are at a banquet. He said he doesn't see the point in defining. Channer said this sounds like we are regulating events. Landborg clarified if it was a house and they were just living there, they would need a special permit.

Hanson ask should we omit H. Consensus was to omit H.

Terry explained it should be 5 acres and are we striking rural residential and he doesn't think we should we should restrict this to a residential area. Hanson stated the intention was to only have them in a rural residential area. Bonin said if it is a retreat center it would be an area that already allows it to happen. Terry declared that it should be amended to have a section that is a retreat center in a rural residential area. Landborg said anything new would be a commercial operation. He said if it is something that is zoned now R1, would it be allowed now. Hanson stated no, that would not be allowed now.

Hanson clarified the commission would like to change section A to a residential area, five acre minimum. Consensus was to change it to residential area, five acre minimum.

The commission members also wanted the spelling of lodging corrected.

Section 10-36.F.

Hanson explained temporary seasonal sales may occur should be changed from 120 to 150, and we added M. An owner wanted to put up a seasonal sales structure, they aren't allowed to put up a temporary structure and sale. Channer asked would you have to deal with parking. Hanson replied yes.

Section 12. Platted, and Unplatted Land

Hanson declared the metes and bounds ordinance has been deleted. What Met Council requires of us contradicts what our code requires. The changes are required to be in compliance with Met Council. Landborg asked why would you want to plat a 20-acre area, why wouldn't you want to still be able to split it with metes and bounds. He said we should

clean up the language and leave the metes and bounds. Landborg said otherwise you really have no code to change the lots around. Channer said we will be continually re-platting. Consensus of the Commission agrees.

Section 13. General Regulations

Building standards, section 13, this is cleaning up language. Also making sure all mailboxes are clearly identified and that all houses will have numbers on the houses. Currently the fire department is applying for a grant for address plates. Landborg asked is this something new for having them on the houses. Hanson stated yes, the name plate would be on the house and on the mailbox. Holmes asked doesn't the postal service make you have your address on it.

Hanson said the next change was for driveway setbacks and a setback of five feet from the property line. This is also for drainage purposes. The City Code was not clear on accessory structures. Bonin said she cannot imagine why someone wouldn't want an attached garage. Holmes said a lot of communities require you to have them attached. Terry declared he doesn't believe it is a one size fits all.

Terry made a motion to remove specifying it needs to be attached. Pierson seconded; Landborg, Channer and Holmes in opposition, motion carries.

Terry asked he wanted to know why the opposition. Channer said people were upset because people wanted to build an attached garage. He has a hard time with it in the modern construction. Landborg stated he agrees with the attached garage. Terry asked if someone has a different vision where the garage is not in the front of the house. Holmes said you may not be the only one living there and your property is worth less. Bonin clarified this is saying you have to have a garage and you have to have it attached.

Channer said there seems to be more stuff lying around when they are not attached. Moline said there are lots of outbuildings where there is nothing in the garage and it is all outside. Channer said for him it is an aesthetic problem. Bonin explained we would do more good for aesthetics if we limit the amount of cars outside. Channer said in some of the smaller lot areas, this might really tie the hands of the landowner.

Section 14-1 Permit Regulations

Hanson explained some language was added in Section 14. Channer stated it doesn't make any sense and the language needs to be clarified. Hanson said it won't occur on a lot by Coon Lake. On the larger lots on some of the lakes, you wouldn't be able to build a garage behind your house. Terry explained it is prohibiting normal living.

Terry stated strike 14-1 2 I. Consensus was in agreement.

Holmes asked why do you have it is as a calculation of an accessory structure. Hanson explained this came to a head because we always are getting complaints on a number of fish houses. It is because it isn't defined. Landborg declared we are creating another law and we can tell you what to do, like your detached garage.

Moline asked why only one fish house. Hanson said there are properties that rent out their properties to store fish houses and we do have that issue here. This will be enforced based on complaints. Terry said he doesn't understand number O. Hanson said it is due to K, we have that because people are building their detached accessory structures into apartments.

Landborg asked why can't a resident have water and sewer at that location. Hanson explained that would restrict the ability to have a mother-in-law apartment. Hanson explained on K you could strike and must not contain water supply or sewage treatment facilities, so it reads "The structure must not be designed or used for human habitation." Bonin asked if you live in an area like this, why can't you have a guest house. Landborg said why do we care, as long as it matches a house. Terry said we are trying to prevent two families living on a property. Landborg said you still should regulate access and egress. Terry said people might be more likely to have another person living there on their property if they don't have to see them every day. Terry asked what is the issue with stairs and doors, letter L. Hanson explained exterior stairs and doors would not be allowed, for people having an apartment on the second story. They cannot have an exterior door on the second story. Landborg said we already have the code that doesn't allow for two principal structures on a property.

The commission recommended omitting L.

Hanson explained in accessory structures what we added the language of RR and A districts. Staff discussed in the smaller lots and the larger lots, do you allow them to go higher than the 16 feet. Holmes said that 16 feet can't be at the ceiling top. Hanson said it was suppose to be the peak. Landborg said it should be at the sidewall height. Hanson explained she cannot comment on it because it is the building department, and to change it back to the sidewall height. Everyone agreed on that change.

Section 22

Hanson said in section 22, businesses cannot use their parking lots for open storage of their goods. Also the section regulates parking in their driveways and yard, permanent parking. Holmes asked don't we allow people to sell cars on their property. Hanson explained yes the City does, but they have to be parked on their driveway.

Section 24

Hanson said for exterior storage, section 24, this section changed the gross weight from 12,000 pounds to 9,000 pounds. Landborg asked why 9,000. He said most larger trucks are 12,000 pounds.

The Commission recommends leaving it at 12,000 pounds.

Hanson said 24.3.2 is to make sure it is not stacked right on the property line. Terry explained he is concerned about not allowing residents to stack wood in their front yard. He said he doesn't not know where the boundaries are, but on 229th there is stacked firewood and he is not sure if it is in their front or side yard. Bonin asked the zoning setback is it five feet or is it ten feet. Hanson answered ten feet. Bonin asked why do they have to have it set back ten feet. Landborg said if his fence is on the line, why can't his wood be there. Terry explained he would motion to remove the side and rear yard element and just focus on set back. Bonin asked why you have any concern about what anyone else is doing. Landborg said it looks trashy. Moline said there are people selling it by where she lives. Bonin said there is one neighbor that has it on the side lot, and stacked and it is just as visible as if it was in there front yard. Landborg said he thinks we should just leave it the way it was and it is has been in here forever. He said he could put eight truck loads out there and there is nothing that could be done. Channer said we shouldn't define stacked. Terry explained piles are not regulated under this ordinance.

Section 24.1.B.

Hanson said do we want to put a weight limit on what people can store outside. Terry asked about screening, how would you screen this. Hanson explained if it is on the driveway they wouldn't need to be screened. This area would need to be changed to 12,000 pounds also. Holmes asked what about a dump truck with a blade. He said they would need to be screened.

Section 24.1.4.H

Hanson explained this section has to do with the industrial district and it clarifies what needs to be screened.

Section 25.1.b

Hanson explained this section was recommended for change for electrical fences.

Section 25.3.A

Hanson explained fences around pools are code requirements. Holmes said if the pool is above ground, if there is a fence around the pool when the pool is not in use, the steps should be removed.

Section 25.5

Terry asked fences in the shoreland setback, are you referring to the 75 foot setback area. Hanson replied yes. Hanson said at this time we do not have any regulations on fences in shoreland area. This is something we get complaints on and also the DNR does not regulate them. Bonin asked "All fence materials must be treated so as to blend with the natural surroundings of the setback", how would you do that.

Hanson stated we could strike that section out "All fence materials must be treated so as to blend with the natural surroundings of the setback." It was agreed it should be.

Section 27. Single-family (RR).

Hanson said a minimum of two boulevard trees per residential lot shall be planted prior to the Certificate of Occupancy being issued. Landborg asked what is this grass requirement, not everyone can grow grass. Channer said he agrees, not everyone can grow grass. Hanson explained that our ordinance requires trees for new construction, but we didn't have any requirements for ground cover established. Hanson said there are huge erosion problems in some areas. She said this is to make sure something is established.

Section 27.7 Retaining walls.

Hanson said staff wanted to make sure retaining walls do not restrict drainage. The City does not want to have the flow of water going onto a neighbor's property. Channer said we should modify the language to "shall not change the natural flow of water." Terry said he doesn't believe residents should have to consult with an engineer. Landborg explained there are engineering standards books that you can purchase that say how to build a retaining wall.

Section 35.2 Permit required.

Hanson explained this was changed to 50 cubic yards. Landborg said it probably stated 1000 yards and it is contradictory to go to 50 cubic yards. He said if someone puts three truckloads of black dirt on your yard, you would need to get a permit. Hanson said she needs to look at this further. Landborg said he thinks it should stay at 1,000. Hanson said there is a reason for this. Landborg said when someone starts digging in a pond, people are

probably complaining about removal and digging. Hanson was directed to look into this.

Section 41.4. Electric power and communications transmission lines.

Hanson explained this section needed to be added to be in compliance with the transmission line ordinance.

Section 42.4 Bed and breakfast inn.

Hanson clarified the City code didn't address these, we allowed them, but we didn't have any district they were allowed in.

Section 42.6 Certificate of Compliance

Hanson explained this section was added to make sure it was compliant with the table. 42.6 making sure they comply with the table. Same with in the single family sections adding the transmission line and the accessory structures. She said regulating building height and setbacks and also saying how they will be measured. Hanson will make sure this area is clarified.

Terry asked why do the roof pitch and style need to match. Moline said so they match. Terry said a shed doesn't have the same pitch. Holmes said the ones behind don't have to match, but the ones in front have to be the same. Landborg said the accessory structure cannot be located between the principal structure and the street. He said so you cannot build it by the street. Hanson stated no you cannot. Landborg asked is it R1. Hanson stated yes. Terry asked are we permitted to change that roof pitch matching. Terry said there are so many types of accessory structures. Landborg stated if you are going to R1, 3 units per acre, then we should have rules. He said there is a difference between R1 now and developed R1. Landborg asked if the structure is in front of the house they don't have to match. Hanson stated you can put it front of the structure but it needs to meet the 40 foot setback. Holmes said mine is in front of the house but on the side.

Section 43.8 Maximum lot coverage.

Hanson said staff is concerned about reducing hard surface run off on the properties and thinking of the natural resource areas. She said when a new development comes in, we are thinking of reducing it to 40%. Terry said on the one hand you want to reduce run off, but other the other hand properties are required to have bituminous driveways. He said the consensus of the Commission was to leave it at 50%.

Section 44.4 G. Electric power and communications transmission lines.

Hanson explained this section needed to be added to be in compliance with the transmission line ordinance.

Hanson explained the shoreland area changes are to make it consistent with what has been in place.

Sections 46-48

Hanson explained Sections 46 – 48 changed from 80 percent to 65 percent, but they can be changed back to 80%. Consensus was to change them back.

Hanson said the shoreland overland district is regulated by the DNR. Many of the changes in this section were required by the DRN and were adopted from the MN Rules which we have to abide by.

Section 57.6 3).

Hanson said a water use permit would be required for anything less than 10,000 gallons. Terry asked is it really supposed to be less than 10,000 gallons. Hanson stated yes, everything over 10,000 is regulated by the DNR.

Section 57.8.C 1).

Hanson explained this section is defined by the DNR. Holmes asked shouldn't that be the ordinary water level. Channer said no, they are now going by the high water level.

Section 57.8.C 5).

Channer asked the "highest known" is that standard language. Hanson stated yes it is from the Minnesota rules.

Hanson said she was originally recommending approval of changes, however she now is going to recommend the commission table this, staff make changes and bring back to Planning Commission before going to City Council.

Holmes motioned to table this item until the next Planning Commission meeting. Terry seconded; all in favor, motion carries.

Approve Minutes

Terry made a motion to approve the Planning Committee October 27, 2009 minutes. Holmes seconded; all in favor, motion carries.

Adjourn

Pierson made a motion to adjourn the meeting at 9:45 PM. Terry seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary