

City of Winsted
Planning Commission
City Council Chambers
January 11, 2016
6:00 p.m.

Present: Jolynn Cafferty
Marvin Ebensperger
Mike Guggemos
Michael Henrich
Allison Moses
Tom Ollig – City Council Liason

Staff Present: Daniel Tienter, City Administrator
Raquel Kirchoff, Administrative Assistant

1) Call the Meeting to Order

Mr. Ebensperger called the meeting to order at 6:07 p.m.

2) Approval of Minutes

Ms. Moses motioned to approve the minutes from the Planning Commission Meeting on December 7, 2015. Ms. Cafferty seconded the motion. Motion carried 5-0.

3) Public Hearings

a) PCR 16-01 – Accessory Buildings, Structures and Uses Text Amendment

Mr. Anderson that previously, the Planning Commission discussed amending the text regarding accessory structures to allow building materials for accessory structures to be similar in nature but not specifically the same material as the principal structure, within residential districts. The text amendment was forwarded on to the City Council for approval but the City Council sent the draft language back to the Planning Commission for further review.

Mr. Anderson stated that the Planning Commission discussed this matter further at the December 7, 2015 Planning Commission meeting and directed staff to review all the language related to accessory buildings and structures, which will be reviewed at tonight's meeting.

Mr. Anderson stated that the accessory building language in each zoning district has been eliminated, and an entirely separate section in the Zoning Ordinance relating to accessory structures and buildings has been created. Within this new section, language related to trash will be included. This new section will be **Section 1501.026 Accessory Buildings, Structures and Uses.**

Mr. Anderson stated that he has prepared the amended language which was provided to the Planning Commission in the materials for this meeting. Mr. Anderson reviewed the following proposed language (italicized) with the Planning Commission Members, stating that proposed deleted language is marked with strike through and proposed new language is marked with underlining.

Section 1501.00 Rules and Definitions, Letter B Definitions, shall be amended to add the language with underlined text and delete the provisions with the strike-through text as follows:

B. Definitions. For the purpose of this Ordinance, certain words and terms are herein defined:

~~*Accessory Building or Facility. "Accessory building" or "facility" means any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.*~~

~~*Accessory Use. A use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.*~~

Accessory Building or Use. A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the principal building or use and can reasonably be located at or greater than normal structure setbacks.

Building. Any structure used or intended for supporting or sheltering any use or occupancy. Any fabric or edifice designed to stand more or less permanently. A structure erected and composed of stone, wood, brick, metal or other proper substance and enclosing a space within its walls usually but not necessarily covered by a roof.

Carport. A structure permanently detached or attached to a dwelling, having a roof supported by posts or columns but not otherwise enclosed and having one or more sides open.

Farm. A tract of land of more than ten (10) acres in size usually with a house and barn plus other buildings on which crops and often livestock are raised for a principal source of livelihood.

Garage, Private (Residential). A detached accessory building or attached accessory portion of the principal building which is primarily intended for and used to store the private motor vehicles of the family resident upon the premises. Private garage structures shall be constructed with four (4) walls and a roof.

Garage, Community. Any space or structure or series of structures for the storage of motor vehicles and personal property for use of two (2) or more occupants of property in the vicinity and have no public shop or service therein. Community garage structures shall be constructed with four (4) walls and a roof.

Principal Use/Building. The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted, interim, conditional, or allowed by administrative permit.
~~Building, Principal.~~ A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

Public Uses. Uses owned or operated by municipal, school districts, county, state, or other governmental units.

~~Structure.~~ Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. ~~Anything constructed, the uses of which require more or less permanent location on the ground or attached to something having a permanent location on the ground.~~

Section 1501.005 R-1A Single Family Residential District, Letter C Permitted Accessory Uses, Letter I Accessory Structure Standards, and Letter J Required Trash Areas shall be amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows, while Letter K shall be renumbered:

C. Permitted Accessory Uses.

- ~~1. Private garages and parking spaces. and carports for passenger cars, trucks, recreational vehicles and equipment.~~

~~I. Accessory Structure Standards.~~

- ~~1. Two residential accessory buildings or structures are allowed per residential lot. The size of one accessory structure shall not exceed 1,000 square feet in size. The size of the second accessory structure shall not exceed 120 square feet in size.~~
- ~~2. An accessory building, including carports, decks and breeze ways, attached to the principal building on a lot, shall be made structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.~~
- ~~3. No accessory building shall exceed one (1) story or sixteen (16) feet in height and shall not occupy more than ten percent (10%) of the lot area.~~
- ~~4. All detached accessory buildings shall be located in the side or rear yards. When located within ten (10) feet of the side or rear wall of the principal building they shall comply with all yard requirements applicable to the principal building in the district. Where such accessory buildings~~

~~are to be located in the rear yard and are located more than ten (10) feet from the rear of the principal building, it shall not be located closer than five (5) feet from the side or rear lot line.~~

~~5. No private garage used or intended for the storage of passenger automobiles or motor vehicles, recreation vehicles, boats, etc. shall exceed one thousand (1,000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet.~~

~~6. Accessory buildings larger than one hundred and twenty (120) square feet shall be constructed of materials similar to the lot's principal structure.~~

~~7. Accessory buildings shall not be constructed prior to or in lieu of the principal building.~~

~~J. Required Trash Areas: For all non-residential uses in the R-1 Zone, exterior garbage and trash collection areas must be screened from residential views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.~~

Section 1501.0051 R-1B Single Family Residential District, Letter C Permitted Accessory Uses, Letter I Accessory Structure Standards, and Letter J Required Trash Areas shall be amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows, while Letter K shall be renumbered:

C. Permitted Accessory Uses.

1. Private garages and parking spaces. ~~and carports for passenger cars, trucks, recreational vehicles and equipment.~~

~~I. Accessory Structure Standards.~~

~~1. Two residential accessory buildings or structures are allowed per residential lot. The size of one accessory structure shall not exceed 1,000 square feet in size. The size of the second accessory structure shall not exceed 120 square feet in size.~~

~~2. An accessory building, including carports, decks and breeze ways, attached to the principal building on a lot, shall be made structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.~~

~~3. No accessory building shall exceed one (1) story or sixteen (16) feet in height and shall not occupy more than ten percent (10%) of the lot area.~~

~~4. All detached accessory buildings shall be located in the side or rear yards. When located within ten (10) feet of the side or rear wall of the principal building they shall comply with all yard requirements applicable to the principal building in the district. Where such accessory buildings are to be located in the rear yard and are located more than ten (10) feet from the rear of the principal building, it shall not be located closer than five (5) feet from the side or rear lot line.~~

~~5. No private garage used or intended for the storage of passenger automobiles or motor vehicles, recreation vehicles, boats, etc. shall exceed one thousand (1,000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet.~~

~~6. Accessory buildings larger than one hundred and twenty (120) square feet shall be constructed of materials similar to the lot's principal structure.~~

~~7. Accessory buildings shall not be constructed prior to or in lieu of the principal building.~~

~~J. Required Trash Areas: For all non-residential uses in the R-1 Zone, exterior garbage and trash collection areas must be screened from residential views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.~~

Section 1501.006 R-2 Multiple Family Residential District, Letter C Permitted Accessory Uses, Letter J Accessory Structure Standards, and Letter K Required Trash Areas shall be amended to

add the provisions with underlined text and delete the provisions with the strike-through text as follows, while Letter L shall be renumbered:

C. Permitted Accessory Uses.

- ~~1. Private garages and parking spaces. and carports for passenger cars, trucks, recreational vehicles and equipment.~~

~~J. Accessory Structure Standards.~~

- ~~1. Two residential accessory buildings or structures are allowed per residential lot. The size of one accessory structure shall not exceed 1,000 square feet in size. The size of the second accessory structure shall not exceed 120 square feet in size.~~
- ~~2. An accessory building, including carports, decks and breeze ways, attached to the principal building on a lot, shall be made structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.~~
- ~~3. No accessory building shall exceed one (1) story or sixteen (16) feet in height and shall not occupy more than ten percent (10%) of the lot area.~~
- ~~4. All detached accessory buildings shall be located in the side or rear yards. When located within ten (10) feet of the side or rear wall of the principal building they shall comply with all yard requirements applicable to the principal building in the district. Where such accessory buildings are to be located in the rear yard and are located more than ten (10) feet from the rear of the principal building, it shall not be located closer than five (5) feet from the side or rear lot line.~~
- ~~5. No private garage used or intended for the storage of passenger automobiles or motor vehicles, recreation vehicles, boats, etc. shall exceed one thousand (1,000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet.~~
- ~~6. Accessory buildings larger than one hundred (100) square feet shall be constructed of materials similar to the lot's principal structure.~~
- ~~7. Accessory buildings shall not be constructed prior to or in lieu of the principal building.~~

~~K. Required Trash Areas: For all non-residential uses, exterior garbage and trash collection areas must be screened from residential views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.~~

Section 1501.008 C-1 Commercial Downtown Business District, Letter G Required Trash Areas shall be amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows, while Letters H through I shall be renumbered:

~~G. Required Trash Areas: For all uses abutting an R-1 Zone, exterior garbage and trash collection areas must be screened from views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material~~

Section 1501.009 C-2 Highway Commercial District, Letter G Accessory Structure Standards and Letter H Required Trash Areas shall be amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows, while Letters I through J shall be renumbered:

~~G. Accessory Structure Standards.~~

- ~~1. Accessory buildings and uses may occupy any of the ground area that the principal building is permitted to occupy. Parking of automobiles and other motor vehicles is permitted in the front and side yards if appropriate screening schemes are employed and approved by the City Council.~~

~~2. Accessory buildings may be located any place to the rear of principal buildings, subject to the building code and the fire zone regulations except where prohibited by other sections of the Ordinance.~~

~~3. Accessory buildings shall not be constructed prior to or in lieu of the principal building.~~

~~H. Required Trash Areas: For all uses that abut an R-1 Zone, exterior garbage and trash collection areas are required to be screened from views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.~~

Section 1501.010 I-1 Industrial District, Letter G Accessory Structure Standards and Letter H Required Trash Areas shall be amended to add the provisions with underlined text and delete the provisions with the strike-through text as follows, while Letters I through J shall be renumbered:

~~G. Accessory Structure Standards.~~

~~1. Accessory buildings and uses may occupy any of the ground area that the principal building is permitted to occupy. Accessory buildings such as buildings for parking attendances, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in the Industrial Districts. Parking of automobiles and other motor vehicles is permitted in the front and side yards if appropriate screening schemes are employed and approved by the City Council.~~

~~2. Accessory buildings may be located any place to the rear principal buildings, subject to the building code and the fire zone regulations except where prohibited by other sections of the Ordinance.~~

~~3. Accessory buildings shall not be constructed prior to or in lieu of the principal building.~~

~~H. Required Trash Areas: For all uses abutting an R-1 Zone, exterior garbage and trash collection areas are required to be screened from residential views on all four sides. The screening used must be at least six feet (6') in height and must be of a completely opaque material.~~

Section 1501.026. Accessory Buildings, Structures & Uses shall be added to Chapter 15 with the underlined text as follows:

A. Purpose. The purpose of this section is to establish provisions regulating the location, type and dimensional standards for accessory buildings, structures and uses.

B. Attached Accessory Structures. An attached structure or building (including private and community garages, decks and breezeways) shall be considered an integral part of the principal building and shall comply in all respects with the requirements of this chapter applicable to the principal building. Attached accessory structures and buildings shall meet all required principal building setbacks of the applicable zoning district and the area of an attached garage shall be measured by interior dimensions.

C. Detached Accessory Structures

1. Permitted Locations. Detached accessory structures are permitted in the side and rear yards.

a. Detached accessory structures shall not be permitted in the required or actual (in front of the front building line of the principal structure) front yard except on properties having both street and lake frontage, provided the accessory structure or building meets the required principal structure setback from the right-of-way. Detached accessory structures may be located in the side or rear yards, provided the minimum setback outlined in this section is provided from the side and rear property lines.

b. Commercial and Industrial Districts and Uses. Accessory buildings, structures and uses in combination with principal and conditional uses shall not be located in the required or actual (in front of the front building line of the principal structure) front yard without approval of a conditional use permit. Accessory buildings and structures such as buildings for parking attendees, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in the I-1 district without approval of a conditional use permit. Detached accessory structures may be located in the side or rear yards, provided the minimum setback outlined in this section is provided from the side and rear property lines.

2. Prohibited Locations. Except as may be specifically provided, no detached accessory building, structure, use or equipment shall be located in any required or actual (in front of the front building line of the principal structure) front yard, within a drainage and/or utility easement unless approved by the Zoning Administrator and City Engineer, or below the ordinary high water mark of a public water or wetland.

a. No accessory structure shall be located within the setback requirements from the ordinary high water mark of any body of water governed by the Municipal Shoreland Management Act Laws of Minnesota, as amended.

3. Approval Process.

a. Zoning Permit Required: Detached accessory buildings not exceeding two hundred (200) square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this section. Such buildings must receive an administrative permit before they are constructed or moved onto property. The Zoning Administrator or designee shall review the site plan and construction drawings to determine compliance with this zoning chapter and other applicable ordinances, laws, and regulations.

b. Building Permit Required: Detached accessory buildings greater than two hundred (200) square feet in floor area shall require a building permit. The Zoning Administrator and building official shall review the site plan and construction drawings to determine compliance with the zoning chapter, building code and other applicable ordinances, laws, and regulations.

D. Setbacks, Standards and Requirements. Attached and detached accessory buildings and structures are subject to the dimensional limits set forth as follows or as specified under the specific Zoning District.

1. For corner lots within the R-1A, R-1B, R-2 and R-M districts, detached garages that are oriented so that vehicle access is directly straight in off of a public street adjacent to the side lot line, shall be set back not less than thirty feet (30') in the R-1A and R-2 districts, twenty feet (20') in the R-1B district and twenty-five feet (25') in the R-M district, from the side lot line abutting the public street right of way.

2. For corner lots within the C-1, C-2, and I-1 districts, detached garages that are oriented so that vehicle access is directly straight in off of a public street adjacent to the side lot line, shall be set back not less than thirty feet (25') in the C-2 and I-1 districts and zero feet (0') in the C-1 district, from the side lot line abutting the public street right of way.

3. For accessory structures two hundred (200) square feet or less, the following requirements shall be met.

a. Such structures shall be set back at least six feet (6') from any other building or structure on the same lot, unless approved by the Building Official following the submittal of plans showing a proposed firewall installation or other mitigation measures.

b. Such structures shall not be located within any drainage and/or utility easement.

c. Such structures may encroach into the required side or rear yard setbacks when located in the rear yard of the lot, except in the case of a side yard of a corner lot abutting a public street, but in no case shall the structure be located closer than five feet (5') to the property line for residential uses or ten feet (10') to the property line for commercial, industrial, public or institutional uses.

4. For accessory structures over two hundred (200) square feet, the following requirements shall be met.

a. Such structures shall be set back at least ten feet (10') from any other building or structure on the same lot, unless approved by the Building Official following the submittal of plans showing a proposed firewall installation or other mitigation measures.

b. Such structures shall not be located within a drainage and/or utility easement.

- c. Such structures may encroach into the required side or rear yard setbacks when located in the rear yard of the lot, except in the case of a side yard of a corner lot abutting a public street, but in no case shall the structure be located closer than five feet (5') to the property line for residential uses or ten feet (10') to the property line for commercial, industrial, public or institutional uses.
- d. A paved driveway shall be constructed for any detached structures having an exterior opening a minimum of eight feet (8') wide.
5. Every single family and two family dwelling unit hereafter erected shall be so located on the lot so that garage space for at least two (2) vehicles, either attached or detached, can be located on said lot. The minimum size of said garage shall be twenty-two (22) feet wide by twenty-two (22) feet deep for a total of four hundred and eighty-four (484) square feet.
6. Attached and detached residential garages for residential districts shall comply with the following dimensional standards.
 - a. Maximum Square Footage. The total square footage of an attached or detached garage shall not exceed seven hundred and fifty (750) square feet in the R-M district or one thousand (1,000) square feet for all other districts, except by conditional use permit. Storage spaces located directly below attached garages shall not be considered in determining allowable accessory building square footage.
 - b. Maximum Height Attached Garages. Shall not exceed sixteen (16) feet in height or the height of the principal building, whichever is greater.
 - c. Maximum Height Detached Garages. In residential districts, no individual detached building or structure shall exceed sixteen (16) feet in height. The maximum side wall height of a detached building shall not exceed ten (10) feet in height.
7. In commercial and industrial districts individual detached buildings and structures shall meet the height requirement of the district.
8. Within the R-1A, R-1B, R-2 and R-M districts, the maximum area of all accessory buildings (including attached garages) shall be limited to a combined total area of ten percent (10%) of the lot area.
9. Commercial, industrial, public and institutional accessory buildings, structures and uses shall not occupy more than thirty percent (30%) of the area of any front, side or rear yard in which it is located in.
10. Accessory buildings and structures such as buildings for parking attendees, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in the I-1 district. Accessory buildings and structures shall meet the same front yard setbacks as the principal structure on the lot, if allowed.
11. Detached accessory buildings shall have not less than a 4:12 roof pitch or more than a 12:12 roof pitch.
12. Limit on Number of Accessory Buildings: No building permit shall be issued for the construction of more than two (2) detached accessory buildings, on a single parcel, except by conditional use permit. In residential districts the size of one accessory structure shall not exceed one thousand (1,000) square feet and the size of the second accessory structure shall not exceed one hundred and twenty (120) square feet.
13. The following table illustrates the setbacks, standards and requirements for accessory buildings, structures and uses.

| | | | | | | | |
|--|-------------|-------------|------------|-----------|------------|------------|------------|
| | <u>R-1A</u> | <u>R-1B</u> | <u>R-2</u> | <u>RM</u> | <u>C-1</u> | <u>C-2</u> | <u>I-1</u> |
|--|-------------|-------------|------------|-----------|------------|------------|------------|

| | | | | | | | |
|---|---|---|---|---|--|--|---|
| <u>Maximum Size Attached and Detached Garage:</u> | <u>1,000 square feet</u> | <u>1,000 square feet</u> | <u>1,000 square feet</u> | <u>750 square feet</u> | <u>30% of the area of the front, side or rear yard in which it is located in</u> | <u>30% of the area of the front, side or rear yard in which it is located in</u> | <u>30% of the area of the front, side or rear yard in which it is located in</u> |
| <u>Max Height Attached Garage:</u> | <u>16' or height of principal structure, whichever is greater</u> | <u>16' or height of principal structure, whichever is greater</u> | <u>16' or height of principal structure, whichever is greater</u> | <u>16' or height of principal structure, whichever is greater</u> | <u>45'</u> | <u>35'</u> | <u>45' but may be increased by 1' for each 5' by which the structure sets back from the front, side and rear property lines in excess of the minimum required</u> |
| <u>Maximum Height Detached Garage:</u> | <u>16'</u> | <u>16'</u> | <u>16'</u> | <u>16'</u> | <u>45'</u> | <u>35'</u> | <u>45' but may be increased by 1' for each 5' by which the structure sets back from the front, side and rear property lines in excess of the minimum required</u> |
| <u>Total Number of Detached Accessory Buildings per Lot:</u> | <u>2</u> | <u>2</u> | <u>2</u> | <u>2</u> | <u>2</u> | <u>2</u> | <u>2</u> |
| <u>Accessory Building Total Combined Area:</u> | <u>10% of lot area</u> | <u>10% of lot area</u> | <u>10% of lot area</u> | <u>10% of lot area</u> | <u>30% of the area of the front, side or rear yard in which it is located in</u> | <u>30% of the area of the front, side or rear yard in which it is located in</u> | <u>30% of the area of the front, side or rear yard in which it is located in</u> |
| <u>Maximum Side Wall Height of Detached Accessory Structure:</u> | <u>10'</u> | <u>10'</u> | <u>10'</u> | <u>10'</u> | <u>10'</u> | <u>10'</u> | <u>10'</u> |
| <u>Side Yard Setback Detached Accessory Structure:</u> | <u>5'</u> | <u>5'</u> | <u>5'</u> | <u>5'</u> | <u>0'</u> | <u>10'</u> | <u>10'</u> |
| <u>Side Yard Setback Detached Accessory Structure Adjacent to Street:</u> | <u>30'</u> | <u>20'</u> | <u>30'</u> | <u>25'</u> | <u>0'</u> | <u>25'</u> | <u>25'</u> |
| <u>Rear Yard Setback Detached Accessory Structure:</u> | <u>5'</u> | <u>5'</u> | <u>5'</u> | <u>5'</u> | <u>0'</u> | <u>10'</u> | <u>10'</u> |
| <u>Front Yard Setback Detached Accessory Structure, if Allowed:</u> | <u>30'</u> | <u>20'</u> | <u>30'</u> | <u>25'</u> | <u>0'</u> | <u>60' from back of curb street edge</u> | <u>25'</u> |
| <u>Minimum Garage Size Single & Two Family (2 stalls):</u> | <u>22' x 22' (484 sq. ft.)</u> | <u>22' x 22' (484 sq. ft.)</u> | <u>22' x 22' (484 sq. ft.)</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> |

E. General Requirements.

1. Time Of Construction: No detached accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

2. Requirements: Any structure which requires a building permit or which is thirty inches (30") or more in height, shall be subject to setback, square footage and other requirements of this chapter.
3. Agricultural Buildings. Agricultural buildings on farm properties are exempt from the requirements of this section.
4. Waste and Recycling Receptacles and Enclosures.
 - a. Storage: Except as provided for by this section, all waste and recycling receptacles shall be stored within the principal structure or within an accessory enclosure for all multiple family dwellings, commercial, industrial, public or institutional uses including those in a residentially zoned districts.
 - b. Enclosures: All waste and recycling receptacles not contained within principal structures shall be enclosed in conformance with the following.
 - 1) Exterior Walls. Exterior wall treatment shall be of similar color and materials. Exterior walls shall be minimum of six feet (6') in height or one foot (1') taller than the dumpster being enclosed and include a maintenance free front gate for access.
 - 2) Location. The enclosure shall be located in the side or rear yard and be set back a minimum of ten feet (10') from the property line and shall not be located within any drainage and utility easement.
 - 3) Accessibility. The enclosure must be accessible to waste and recycling collection vehicles.
 - 4) Screening. The waste and recycling receptacles for multiple-family residential, commercial, industrial and institutional uses shall be fully screened from view of adjacent properties and the public right of way.
 - 5) Approval. The design and construction of the trash enclosure shall be subject to the approval of the City through the site plan approval process according to section 1501.015 of this chapter.
 - 6) Landscaping. Landscaping shall be provided surrounding trash enclosures to screen the structure from view of the public right of way and residential properties.
 - c. Recycling Space. Recycling space shall be provided as required by the Minnesota state building code.
 - d. Maintenance & Security. All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include secure lids or covers to properly contain the waste and all gates and doorways into the enclosure shall be kept closed between garbage pick ups.
 - e. Exceptions.
 - 1) For detached single-family dwellings and two family dwellings, waste and recycling receptacles not contained within principal structures shall be exempt from conformance with this section.
 - 2) Publicly accessible individual receptacles not larger than sixty (60) gallons located on commercial, industrial, institutional or public properties for convenient disposal of trash items shall be exempt from the enclosure requirements of subsection B of this section.
 - 3) In the I-1 district, waste and recycling receptacles do not have to be enclosed in accordance with this section, but shall be located in the side yard of an interior lot line or rear yard and shall be fully screened from view and shall comply with accessory structure setback requirements. All waste and recycling receptacles adjacent to a residentially zoned districts shall also be fully screened from view.
5. Animal Enclosures.
 - a. Domestic animal enclosures shall not be placed in the front yard or in the side yards abutting a street, shall not be placed closer than ten feet (10') to any property line, and shall not be placed closer than twenty five feet (25') to any dwelling unit other than on the owner's property.

b. No encroachment shall be permitted in existing drainage and/or utility easements.

c. Screening and/or a hard surface will be required if problems occur with appearance, noise, odor, and sanitation as determined by the City.

d. No such enclosure shall exceed one hundred twenty (120) square feet, unless approved through an administrative permit.

6. Ice Fishing Houses.

a. Ice fishing houses or other such structures not equipped with wheels or mounted on a trailer shall be considered accessory buildings and shall be subject to the setback, square footage and other regulations of this section.

b. Ice fishing houses or other such structures that are equipped with wheels or mounted on a trailer shall be regulated as recreational vehicles.

7. Compost Structures and Firewood Piles. Compost structures and firewood piles shall be considered accessory uses, shall be limited to rear yards and shall be set back ten feet (10') from all property lines, but shall not be subject to limitations applicable to the number of allowed accessory structures or individual area and total area allowed for accessory structures by this section.

8. Exterior Building Materials. All accessory buildings larger than one hundred and twenty (120) square feet, shall be the same color and shall be constructed with the same or similar quality and scale exterior building materials as in the principal building. Metal corrugated siding or permanent sheet metal shall hereby be prohibited in all zoning districts. All accessory buildings shall be compatible with the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building is not at variance with the principal building from an aesthetic and architectural standpoint as to cause a nuisance or a difference to a degree to cause incongruity.

a. Garage structures shall be constructed with four (4) walls and a roof. Carports shall not be permitted in any Zoning District. Roof overhangs, at the same roof pitch as the structure from which the extension is built, are allowed to extend a maximum of five feet (5') feet from the nearest side wall and must be covered with the same fascia and soffit materials as the rest of the structure.

Mr. Tienter stated that City staff recommends that no Administrative Permit process exist for buildings less than two hundred (200) square feet, to remain consistent with Minnesota State Building Code, and because it will be burdensome for staff to administer. If the Planning Commission decides to recommend an Administrative Permit process for buildings less than two hundred (200) square feet, Mr. Tienter requested that the language for this type of permit would only include buildings from one hundred twenty (120) square feet to two hundred (200) square feet.

The Planning Commission members discussed specific topics of the proposed language including paved driveways for access to accessory structures, roof pitch of detached accessory buildings, carports, and buildings from one hundred twenty (120) square feet to two hundred (200) square feet.

Ms. Cafferty motioned to close the Public Hearing. Mr. Henrich seconded the motion. Motion carried 5-0.

The Planning Commission directed Mr. Anderson to make the following changes to the proposed amendments:

- Remove the requirement for a paved driveway for access to accessory structures in Section 1501.026.D.4.d.
- Change the language in Section 1501.026.D.11 to read "Detached accessory buildings greater than two hundred (200) square feet shall have not less than a 4:12 roof pitch or more than a 12:12 roof pitch".
- Change the language in 1501.026.F. General Requirements.8 to a less restrictive sentence of "All accessory buildings larger than one hundred twenty (120) square feet, **shall be the same or similar color.....**"

- Add language regarding requiring an Administrative Permit for accessory structures over one hundred twenty (120) square feet, but under two hundred (200) square feet that requires review from City staff.

Mr. Guggemos motioned to adopt Planning Commission Resolution PCR-16-01 with the directed changes as discussed to the resolution. Ms. Cafferty seconded the motion. Motion carried 5-0.

4) No Old Business

5) New Business

a) Chairperson and Vice-Chairperson Recommendation

Ms. Cafferty motioned to recommend Mr. Ebensperger as Planning Commission Chairperson and Mr. Guggemos as Vice-Chairperson to the Winsted City Council for 2016. Mr. Henrich seconded the motion. Motion carried 5-0.

6) Other

Mr. Ollig stated that a City Council Member position is open due to Council Member Fasching resigning. Mr. Ollig encouraged persons interested in the vacant City Council Member position to contact City Hall.

7) Adjourn

Ms. Cafferty motioned to adjourn the meeting. Mr. Henrich seconded the motion. Motion carried 5-0. Meeting adjourned at 7:24 p.m.

Daniel Tienter

Daniel Tienter
City Administrator
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff,
Administrative Assistant
City of Winsted