CITY OF THE VILLAGE OF MINNETONKA BEACH, MINNESOTA

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING: 3.3. COMMON DISTRICT REQUIREMENTS - BUILDING HEIGHT AND SEPTIC SYSTEMS; 3.4. LOT SIZE; 3.7. (F) SHORELAND DISTRICT – WATER-ORIENTED ACCESSORY STRUCTURES AND HARDCOVER; AND 8.4. - DEFINITIONS

The city council of the City of the Village of Minnetonka Beach ordains as follows:

Section 1. Section 8.2. of Appendix A of the city code is amended by deleting the stricken language as follows:

~~**(a) Definitions/Measurement**~~

~~**(i) Building Height**~~

~~The vertical distance between the lowest ground level of the building and the highest point of a flat roof or the highest point of any gable on a pitched or hipped roof.~~

~~1. For a slab-on-grade home, a home with a full basement, or a walkup home; the "lowest ground level of the building" shall be the lowest grade level adjacent to the building.~~

~~2. For a walkout home, the lowest ground level of the building may be considered as the top of the finished ground floor elevation if the grade adjacent to the walkout side of the home maintains an elevation within 12 inches of the finished ground floor elevation.~~

Section 2. Section 8.2. of Appendix A of the city code is amended by inserting the double-underlined language as follows:

BUILDING HEIGHT. The vertical distance between the lowest ground level of the building and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Section 3. In Section 3.3. of Appendix A of the city code is reaffirmed with no changes as shown with double -underlined language as follows:

(6) Height Requirements

(a) In general

The total height of any structure shall not exceed the maximum height limit established for the applicable zoning district unless expressly stated otherwise in this ordinance.

(b) Exceptions

Height limits shall not apply to cupolas, flagpoles, chimneys, spires, flag poles, antennas, rooftop dish antennas, skylights, water towers, heating and ventilation equipment, fire escapes or roof access stairways, mechanical equipment required to operate and maintain a building, parapet walls extending not more than three (3) feet above the limiting height of the building, or similar appurtenances, provided:

(i) The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;

(ii) The appurtenance does not extend more than five (5) feet above the maximum permitted building height, except as specifically allowed by this ordinance;

(iii) The appurtenance is not constructed for the purpose of providing additional floor area in the building; and

(iv) The appurtenance complies with any screening requirements that may be required by this ordinance.

Section 4. Section 3.4. of Appendix A of the city code: Maintain Table 3-6: R-1 Development Standards with regard to Building Height

(C) R-1: Single Family Residential District Development Standards

Table 3-6 details the minimum development standards applicable in the R-1 zoning district:

TABLE 3-6: R-1 DEVELOPMENT STANDARDS

	MINIMUM REQUIRED YARDS (in feet)				Minimum Lakeshore Setback	Maximum Height	Maximum Impervious Surface Coverage [5]
	Front [1] [2]	Sides	Aggregate Side Yards [4]	Rear			
Lot with a width less than 102 feet	50	15% of the lot width [3]	22% of the lot width	40	See Section 3.7(F)(6)(d)	40 feet	30%
Lot with a width of 102 feet or greater	50	20	30% of the lot width	40			

[1]: For non-lake lots, where the average depth of at least two (2) existing front yards for buildings within 150 feet of the lot in question (along the same street frontage) are greater than or less than the minimum front yard depth, the required front yard along the same street frontage shall not be less than the average depth of such existing front yards.

[2]: Bisected lots shall maintain the required front yard from the right-of-way. This yard will overlap with the required lakeshore setback as dictated by Section 3.7(F)(6)(d).

[3]: The resulting required side yard setback shall be rounded to the nearest whole number, and shall be provided from each side lot line.

[4]: Only applicable when an existing non-conforming home is increased in volume and expanded into the conforming side setback. See the definition for "Aggregate of Both Side Setbacks."

[5]: Hardcover credits may be provided as outlined in Section 3.7(F)(8)(c)(vi)(7)(e).

The reference to hardcover will be removed – see hardcover.

Accessory Structures	▪ See Section 5.3(A) for all general standards and limitations on accessory structures. ▪ Accessory Uses are listed in Table 5-2 ▪ Temporary Uses are listed in Table 5.3
Other Regulations to Consult (not all inclusive)	▪ Section 3.3, Common District Requirements ▪ Section 3.7(F), Shoreland District ▪ Section 4.3, Fences & Walls ▪ Section 4.4, Exterior Lighting ▪ Section 4.7, Parking ▪ Chapter 6: Nonconformities

Section 5. Section 3.7.(F) of Appendix A of the city code is amended by inserting the double-underlined language as follows:

Section 3.7.(F)(6)(d) Shoreland District:

(iv) Water-oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented accessory structure or facility as defined in this code if it complies with the following provisions;

1. The structure or facility must not exceed four feet in height and cannot occupy an area greater than 20 square feet,
2. An allowed structure or facility as identified in the definition of a water-oriented accessory structure in this code may be approved via permit and placed within 10 feet of the Ordinary High Water Level.

Section 6. Section 8.4 of Appendix A of the city code is amended by inserting the double-underlined language as follows:

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A single small, above ground building or other improvement, except stairways, 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 building setback line. Examples of such structures and facilities allowed in the City include watercraft equipment storage and pump houses. Boathouse, given the meaning under Minnesota Statutes, Section 103G.245, are not water-oriented accessory structures.

Section 7. Section 3.7. of Appendix A of the city code is amended by deleting the stricken language as follows:

Section 3.7(F)(8)(c)(vi)(7)(e)

~~Except as provided below,~~ hardcover shall not exceed thirty percent (30%) of a lot or combination of adjacent lots under one ownership or Planned Unit Development. ~~In calculating hardcover, a twenty-five percent (25%) credit shall be given for hardcover that the City Engineer or Zoning Administrator approves in writing for a particular lot as qualifying for one or more of the following Design and Treatment Best Management Practices ("BMPs"). The total adjustment credit received for the use of items 1 through 4 below may not exceed five percent (5%) of the lot area.~~

~~i. Pervious pavers, pervious asphalt or pervious concrete that allows for stormwater infiltration.~~

~~ii. Boulder walls that reduce the impact of impervious surface to storm water runoff.~~

~~iii. Decks that all free flow of stormwater to pervious surface below the deck.~~

~~iv. Stone or crushed granite surfacing that allows for stormwater infiltration.~~

Section 8. Section 3.4. of Appendix A of the city code is amended by deleting the stricken language from (5) from Table 3-6: R-1 Development Standards

(C) R-1: Single Family Residential District Development Standards

Table 3-6 details the minimum development standards applicable in the R-1 zoning district:

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Lot with a width less than 102 feet	50	15% of the lot width [3]	22% of the lot width	40	See Section 3.7(F)(6)(d)	40 feet	30%
Lot with a width of 102 feet or greater	50	20	30% of the lot width	40			

[1]: For non-lake lots, where the average depth of at least two (2) existing front yards for buildings within 150 feet of the lot in question (along the same street frontage) are greater than or less than the minimum front yard depth, the required front yard along the same street frontage shall not be less than the average depth of such existing front yards.

[2]: Bisected lots shall maintain the required front yard from the right-of-way. This yard will overlap with the required lakeshore setback as dictated by Section 3.7(F)(6)(d).

[3]: The resulting required side yard setback shall be rounded to the nearest whole number, and shall be provided from each side lot line.

[4]: Only applicable when an existing non-conforming home is increased in volume and expanded into the conforming side setback. See the definition for "Aggregate of Both Side Setbacks."

[5]: Hardcover credits may be provided as outlined in Section 3.7(F)(8)(c)(vi)(7)(e).

Remove (5)

Accessory Structures	▪ See Section 5.3(A) for all general standards and limitations on accessory structures. ▪ Accessory Uses are listed in Table 5-2 ▪ Temporary Uses are listed in Table 5.3
Other Regulations to Consult (not all inclusive)	▪ Section 3.3, Common District Requirements ▪ Section 3.7(F), Shoreland District ▪ Section 4.3, Fences & Walls ▪ Section 4.4, Exterior Lighting ▪ Section 4.7, Parking ▪ Chapter 6: Nonconformities

Section 9. Section 8.4. of Appendix A of the city code is amended by deleting the stricken language and inserting the double-underlined language as follows:

IMPERVIOUS SURFACE (HARD COVER). ~~Any structure or other surface including but not limited to buildings, driveways, sidewalks, patios, decks, clay concrete, and other similar surfaces; tennis and other sport courts; rock and timber walls; any landscaping materials such as rocks or mulch under which is a non-permeable material such as plastic; or other materials which interfere with the direct absorption of stormwater into the ground.~~

IMPERVIOUS SURFACE (HARD COVER). A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete; asphalt; gravel driveways, or permeable pavers; and other similar surfaces. Retaining walls are not counted as hardcover if they do not exceed what is customary and necessary to control an erosion problem. Individual ~~L~~landscaping boulders are not counted as hardcover. Any wall used for aesthetic purposes is considered impervious surface ~~if they conform with typical landscaping use of boulders~~. Riprap is not counted as hardcover if it is consistent with what is required on a given lot to protect shoreline.

Commented [PD(1]: What is "typical landscaping use of boulders?" This is a slippery slope. Every year we see more and bigger boulder walls. They are the current trend in landscaping, mostly for aesthetic purposes. Their construction heavily disturbs soil and removes vegetation in sensitive shoreland areas. Any wall not correcting an erosion problem should be considered a hard surface subject to the 30% limit. Please consider these edits or something similar achieving the same purpose.

Section 10. Section 3.4. (B) R-1: Single Family Residential District Minimum Lot Standards of Appendix A of the city code is amended by deleting the stricken language and inserting the double-underlined language as follows:

(A) R-1: Single Family Residential District Minimum Lot Standards

(1) Minimum Lot Width

All lots shall have at least ~~100~~ 150 feet of frontage on a Public Street measured at the minimum Front Yard setback, or in the case of Lake Lots, at the minimum Rear Yard setback and at the Ordinary High Water Level.

Section 11. Section 3.3 of Appendix A of the city code is amended by inserting the double-underlined language as follows:

(E) No Septic Systems
Septic Systems are not allowed in the city of Minnetonka Beach.

Section 12. Effective Date. This Ordinance shall become effective immediately following adoption and publication as required by law.

Adopted by the city council of the City of the Village of Minnetonka Beach this _____ day of _____, 2023.

_____
Joe Pagano, Mayor

ATTEST:

_____
Jane Burgess, City Clerk