

MEMO

To: Planning Commission
From: Minnetonka Beach Task Force, TF Chair Susan Swanson
Re: Building Height
Septic Systems
Date: February 27, 2023 meeting
CC: Nell Mathews, Susan Enlow

Building Height. The Task Force (along with Heidi Honey and Jennifer Halvorsen, CC liaison to PC) conferred with Wes Saunders-Pearce, the DNR Area Hydrologist, regarding the promises made to the DNR for upward deviation in building height from 25' to 40',

Wes reviewed the current language in the 2017 Code, which has additional clarifying language to the 1996 Code language, and compared it to the DNR Model Ordinance. Wes agreed that the current clarifying language as provided below, was acceptable.

Sec. 8.2(B)(4)(a)(i) Height

(a) Definitions/Measurement

(2) 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.

In addition, the 2017 Code includes exceptions to the 40' building height for 'appurtenances'. According to Wes, 'appurtenances' such as chimneys, antennas, parapet walls, are generally not included in calculating building height and the language below in the 2017 Code is acceptable.

. [Sec. 3.3\(D\)\(6\)\(b\)](#) (page 65) provides exceptions to the height requirements.

(b) 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.

Recommendation: The 2017 language is acceptable to the DNR but has not been formally approved. Therefore, it should be submitted to the DNR for conditional approval.

Septic Systems.

The 2017 Code provides as follows:

3.7(D)(3) Development Restricted; Prohibition

Except as hereinafter specifically permitted, no filling, grading, dredging, excavation, hardcover, temporary or permanent structures, obstructions, **septic systems**, well or other construction shall be allowed within Wetland Overlay District.

The Wetland Overlay District does not include all of Minnetonka Beach.

Recommendation: The Code needs to be amended to prohibit septic systems in all of Minnetonka Beach. The amendment should be submitted to the DNR for conditional approval.