

City Code DNR Compliance Project Recommendations to Planning Commission

**Special Meeting on Height
March 10, 2023**

Background

In the last planning commission meeting we decided to keep the height definition and rule “the same” instead of adopting the DNR model ordinance definition.

The DNR definition was more generous in definition because

1. it allowed the “bottom” of the height measurement to be 10’ above the lowest grade OR the highest grade, whichever is lower, while our measures from the lowest grade.
2. on the “top” it averaged the top and bottom height of the highest gable.

The DNR rule was less generous in rule because it allowed 25’ height vs. our 40’.

After the meeting I noticed that our 1996 approved code went from the lowest grade to the average of the top and bottom of the highest gable, with 40’ allowed. This is more generous than our current 2017 code definition, which measures to the top of the highest gable, not the average.

Our intent is to return to the 1996 code, so I think we need to modify the motion to use the 1996 definition and the 2017 rule.:

Areas of flexibility

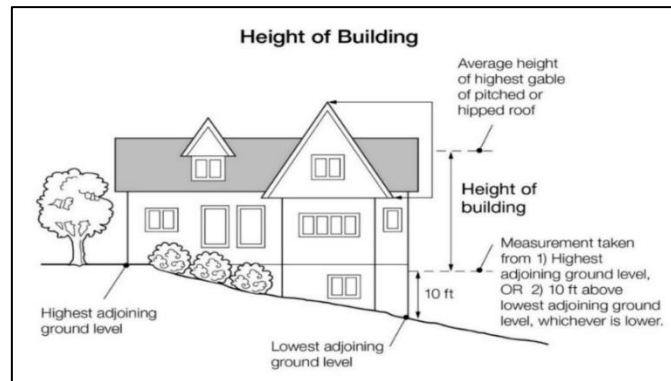
1. Height of Buildings

2022 DNR Model Ordinance: allows 25 feet height rule with a “generous” measurement definition

p. 3 definition

- 2.533 **Height of building.** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof (see Figure 3).

Figure 3. Height of Building



p. 17 rule

- 6.42 Height of Structures. All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

1996 Minnetonka Beach DNR Approved Code, allows 40 feet (more than 30 feet in 1992 letter) with a less generous measurement definition on the bottom side of the measurement

p. 7 definition

- (10) **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.

p. 17 rule

207 Dimensional and Setback Minimum Regulations.

(1) Principal Uses: District R-J.

- (A) Minimum Lot Requirements. One acre size, 150' width at the building setback line and on a public road
- (B) Building Density. 1 dwelling unit per acre
- (C) Building Setbacks
- (i) Lake: 75' inland from the ordinary high water level (929.4 feet), except that in no case shall a building or any part thereof be in front of the average minimum building setback line.
- (ii) Front: 50', except that in no case shall a building or any part thereof be in front of the average minimum building setback line.
- (iii) Rear: 40'
- (iv) Side: 20'
- (D) Maximum Hardcover: 30%
- (E) Maximum Height: 40'

2017 Current Minnetonka Beach Code, has a less generous definition of height measurement, than 1996, as we lost the “average of the top and bottom of the highest gable” on the top.

Recommend returning to the DNR approved 1996 definition of height...

p. 7 definition

- (10) 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.

...and striking the current definition below

(4) Height

(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.

On rule, recommend submitting our current rule with no changes, see p. 65

(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.

And recommend no changes on p. 67 regarding 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			
<p>[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.</p> <p>[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).</p> <p>[3]: The resulting required side yard setback shall be rounded to the nearest whole <u>number</u>, and shall be provided from each side lot line.</p> <p>[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."</p> <p>[5]: Hardcover credits may be provided as outlined in Section 3.7(F)(8)(c)(vi)(7)(e).</p>							
Accessory Structures	<ul style="list-style-type: none"> ▪ 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)	<ul style="list-style-type: none"> ▪ Section 3.3, Common District Requirements ▪ Section 3.7(F), Shoreland District ▪ Section 4.3, Fences & Walls ▪ Section 4.4, Exterior Lighting 				<ul style="list-style-type: none"> ▪ Section 4.7, Parking ▪ Chapter 6: Nonconformities 		