



STAFF REPORT

DATE: November 5th, 2019

REGULAR MOTION

TO: City Council
FROM: Ben Prchal, City Planner
AGENDA ITEM: Accessory Structures – Height Limitations
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND:

The City Council has directed Staff to look into height limitations which are set for accessory buildings in the zoning code. The amendment comes after working through a project and realizing that the existing 22 ft. height limitation may be unnecessarily restrictive for property owners who would like to design a structure that is visually similar to the principle structure. Furthermore, Staff also believes it will be worthwhile to make adjustments to the building height definition. The Planning Commission did review the Staff suggested language at their October 16th meeting and has recommended approval with amendments.

ISSUE BEFORE THE PLANNING COMMISSION

Would the City Council like to approve the amended zoning code language for Accessory Building Height?

REVIEW AND ANALYSIS:

Planning Staff was directed by the City Council to review the zoning code pertaining to the height of accessory structures in the rural residential districts. At this point the rural districts and the urban districts have different expectations when it comes to accessory buildings with some overlap. Because the height limitations are the same, this report will touch on the urban standards as well as the rural residential standards. *For this Report, Staff is assuming for the sake of discussion, that the homes are built to the maximum height in their respective zoning districts.*

Urban Residential

Detached Structures, Urban Residential Districts. Detached accessory structures shall be permitted in residential districts in accordance with the following requirements:

2. Detached garages shall not exceed 1,000 square feet at ground floor level and shall not exceed a height of 22 feet or the height of the principal structure. The maximum size and height may be increased upon approval of a conditional use permit, provided that lot coverage requirements are satisfied.

The Urban residential district is relatively new and Staff has not had many requests for accessory buildings so it is unknown if the 22 ft. limitation would ever become a burden for these districts. However, before adjusting the height the City should also consider the visual aspect of potentially allowing a 35 ft. tall accessory building in the LDR, MDR, and GCC districts and a 50 ft. height limit in the HDR district. Although the 35 ft. height maximum would be the same for the Rural Districts. The Rural District lots (*in most cases*) should be quite a bit larger in size than the Urban Districts. A tall building on a large lot may not be as visually impactful as a tall building on a small lot.

Rural Residential

Staff has been able to find a past discussion about building height in 2008 and then again in March 2013, which is when the existing standard was set. Generally speaking communities will set a limitation on height of accessory buildings so that there is a not a disproportion between the principle structure (home) and the accessory structure. Furthermore there could be a home that is 30 ft. tall on one lot and the neighboring lot may be set at 20 ft. Beyond that it is worth noting that whether or not a building can be considered for agricultural purposes is determined by the Assessor’s office (See 154.213). Essentially if the property is taxed as being agricultural in nature then the property would be allowed to have a building taller than 22 ft. (existing) and or taller than the principle structure.

Existing Code Language

154.406 Accessory Structures, Rural Districts

C. Structure Height, Rural Districts. No accessory building shall exceed twenty-two (22) feet in height or the height of the principal structure, with the exception of agricultural buildings, as defined in §154.213. Building projections or features

on accessory structures that are not agricultural buildings, as defined in §154.213, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.

154.213 Agricultural Building. An accessory building means a structure that is on agricultural land as determined by the governing assessor of the City under section 273.13, subdivision 23 and meets all other requirements of State Statute 362B.103. A Minnesota Pollution Control Agency permit may be required.

At this point the recommendations that Staff is suggesting are relatively simple and are very similar to other Communities. As you will see in the table many Communities follow a similar trend to what is proposed while others do have a restricted limit, similar to the existing code. Many Cities also imposed a maximum wall height for accessory buildings. This is another mechanism to reduce the potential height of the accessory building. Staff does not necessarily care for this additional criteria because it is yet another aspect of a project that would need to be reviewed. It can also be very frustrating to residents to read the code and see a fixed height of “X ft.” and then when discussing the build with Staff yet another set of criteria, i.e. the wall height is brought to their attention. Generally this leads to frustration if it has a perceived negative impact on their build.

City	Code
Forest Lake	Each District has a separate standard but at best the accessory buildings could go up to 1 story or the highest found limit of 20 ft.
Hugo	Cannot exceed the height of the principle building.
Mounds View	Cannot exceed 18 ft. or the principle structure, whichever is less.
Orono	The maximum shall be 30 ft. or the height of the principle structure, whichever is less.
Rogers	The maximum height is determined by the principle structure.
Stillwater	Cannot exceed 1 story and 20 ft. in height.
Woodbury	Shall not exceed 1 story and shall not have walls that exceed 12 ft. in height.

Staff is recommending the following amendment to the height for accessory buildings:

154.406 Accessory Structures, Rural Districts

C. Structure Height, Rural Districts. No accessory building shall exceed ~~twenty-two (22) feet in height or~~ the height of the principal structure, with the exception of agricultural buildings, as defined in §154.213. Building projections or features on accessory structures that are not agricultural buildings, as defined in §154.213, such as chimneys, cupolas, and similar decorations ~~that do not exceed twenty-five (25) feet in height~~ are permitted ~~in rural districts~~.

This change would help residents who are living in the rural districts by no longer having two height restrictions to contend with. If this amendment(s) were approved and assuming that there are not homes taller than the currently listed maximum height, an accessory building could now be 35 ft. in height. If this is the case it would also seem appropriate to eliminate the maximum door height restriction. Many people would like the ability to store an RV or taller vehicle on their property and the 14 ft. door height restriction could hinder that ability.

154.406 Accessory Structures, Rural Districts:

F. Openings and Doors. Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.

There is also an accessory building height limitation listed out in the OP PUD code. Staff is recommending that the City remove the language from this section of the Zoning code as well. These lots are generally smaller in size but because the OP developments are only permitted in the rural zones it seems unnecessary.

The next aspect of the code that should be reviewed is how the City defines a buildings height. The definition is intended to be beneficial but it is not clear of how to apply it in practice. Because it is not straight forward it should be amended for sake of functionality. The proposed definition is intended to aide some flexibility to those who would not be building on a grade.

Existing building height is as follows:

BUILDING HEIGHT. The vertical distance from the average of the highest and lowest point of grade for that portion of the lot covered by building to the highest point of the roof for flat roofs; to the roof deck line of mansard roofs; and to the mean height between eaves and highest ridge for gable, hip, and gambrel roofs.

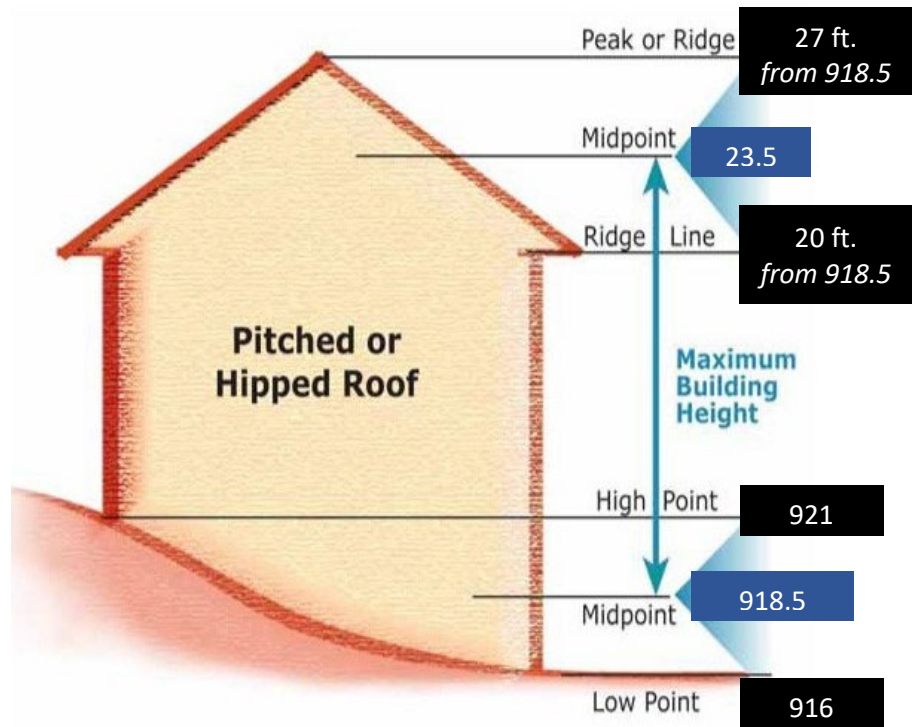
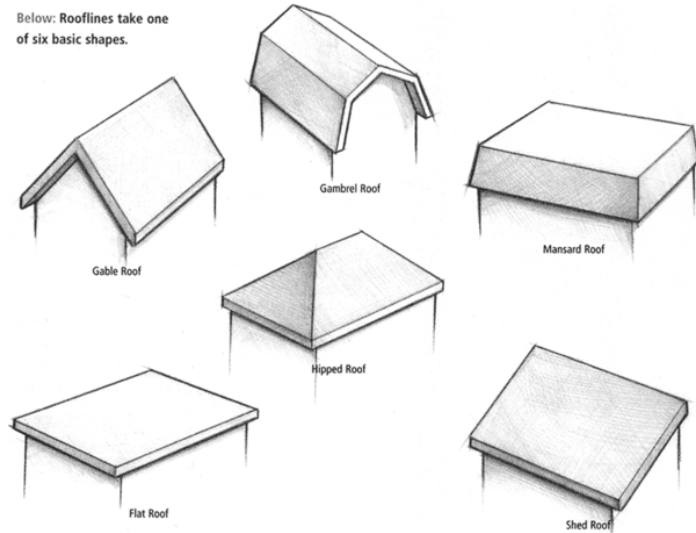
To maintain that flexibility Staff proposes the following language and further believes a graphic would be beneficial to include with the code.

Proposed Building Height:

BUIDLING HEIGHT - Means the vertical distance between the average of the ground level elevation(s) to the top of a flat roof, the deck line of a mansard roof, or the midpoint on a pitched roof which is between the highest point (*peak of building*) and lowest point (*bottom of the truss at the top plate of the wall*) on the roof.

Staff has applied the definition to the graphic below and after doing so the example the building height would be 23.5 ft.

Below: Rooflines take one of six basic shapes.



FISCAL IMPACT:

Staff does not foresee a fiscal impact with the proposed code change.

COMMENTS/RECOMMENDATION

The Planning Commission voted to recommend approval with amendments by a 4-0 vote. The Planning Commission did also have a discussion regarding legal non-conforming principle buildings that exceed the height limitation for their district. The proposed code would allow accessory buildings to match the legal non-conforming height of the principle structure. The amendments do not cap the accessory building at the height for the zoning district but instead the principle structure.

“Motion to approve Ordinance 08-229 which removes the 22 ft. accessory building height limitation in the rural district and clarifies the building height definition.”

“Motion to Adopt Resolution 2019-085 approving summary publication of Ordinance 08-229”

ATTACHMENTS

- Ordinance 08-229
- Summary Publication Resolution

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-~~229~~

AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF ORDINANCES BY AMENDING THE HEIGHT STANDARDS FOR ACCESSORY STRUCTURES AND REDEFINING HOW BUILDING HEIGHT IS DETERMINED.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XI Rural District: by amending Section 154.406 Accessory Structures, Rural Districts;

154.406 ACCESSORY STRUCTURES, RURAL DISTRICTS.

C. *Structure Height, Rural Districts.* No accessory building shall exceed ~~twenty-two (22) feet in height or~~ the height of the principal structure, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City. Building projections or features, such as chimneys, cupolas, and similar decorations that do not exceed twenty-five (25) feet in height are permitted in rural districts.

F. ~~*Openings and Doors.* Garage doors and other openings shall not exceed fourteen (14) feet in height for all accessory structures, with the exception of buildings that are intended for a farming or other agricultural use in the judgment of the City.~~

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XVII Open Space Planned Unit Development: by amending Section 154.658 Openspace Development Standards, Building Standards;

C. Building Standards

~~2. Accessory structures within open space planned unit developments shall not exceed 22 feet in height.~~

SECTION 3. The City Council of the City of Lake Elmo hereby amends the Code of Ordinances Title I: Chapter 11 General Code Provisions; by amending 11.01 Definitions;

11.01 DEFINITIONS.

BUILDING HEIGHT. ~~The vertical distance from the average of the highest and lowest point of grade for that portion of the lot covered by building to the highest point of the roof for flat roofs; to the roof deck line of mansard roofs; and to the mean height between eaves and highest ridge for gable, hip, and gambrel roofs.~~

BUIDLING HEIGHT - Means the vertical distance between the average of the ground level elevation(s) to the top of a flat roof, the deck line of a mansard roof, or the midpoint on a pitched roof which is between the highest point (*peak of building*) and lowest point (*bottom of the truss at the top plate of the wall*) on the roof.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance 08-~~_____~~229 was adopted on this _____ day of _____ 2019, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-_____ was published on the _____ day of _____, 2019.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2019-085

RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 08-229

WHEREAS, the Lake Elmo City Council has adopted Ordinance No. 08-229, an ordinance amending the City’s Zoning Ordinance language in Section 154.406 C. and removing Section 154.406 F. and Section 154.658 C in the City Code. While also amending the City’s Definition of “Building Height.”

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Clerk shall cause the following summary of Ordinance No. 08-229 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-229, which amends the language for accessory buildings in the Rural Residential Zoning Districts within the City’s Zoning Code. The following is a summary of the adopted ordinance language:

- Accessory buildings in the Rural Residential Districts will no longer be limited to 22 ft. in height. Instead the limitation is the height of the principle structure
- The building height definition has been amended to improve function and clarity.

The full text of Ordinance No. 08-229 is available for inspection at Lake Elmo City Offices during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: November 5th, 2019

Mayor Mike Pearson

ATTEST:

Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.