



WORKSHOP AGENDA  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
September 16, 2015  
5:15 P.M.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

**CITY BUSINESS – REGULAR AGENDA**

- A. Interim Ordinance Regarding Structure Height, Section 302.045\*
- B. Review A Resolution Directing The Study Of The City Of Birchwood Village's Zoning And Planning Cose As It Relates To Structure Height, Section 302.045\*

**ADJOURN**

\*Denotes items that have supporting documentation

## **An Interim Ordinance Regarding Structure Height, Section 302.045**

Whereas, the City of Birchwood Village (the City) has a Zoning Code that regulates the overall height of structures in the City pursuant to City Code Section 302.045, and,

Whereas, the City amended its Zoning Code provisions regarding the same in 2000 to include 'averaging' with respect to its overall height regulation for structures as written here:

### **302.045 HEIGHT RESTRICTIONS**

#### **1. Structure Height Limitation.**

No structure height (as defined in subsection 3 below) shall exceed the structure height limitation specified below for each type of structure.

<b><u>Limitation</u></b>	<b><u>Structure type</u></b>	<b><u>Structure Height</u></b>
	All except unattached accessory	25 feet
	Unattached accessory storage shed	12 feet
	Unattached accessory garages	18 feet

#### **2. Tallest Point Limitation**

Regardless of the structure height limitations specified in subsection 1 above, which measure to an average roof level, the tallest point of a structure shall not exceed 35 feet above the grade plane (as defined in subsection 3 below). Also, the tallest point of an attached garage shall not exceed the height of the tallest point of the principal structure.

#### **3. Method of Measurement**

##### **a. Structure Height**

The structure height is the vertical distance between the grade plane and a point on the highest roof as defined by (1) the highest point of the coping of a flat roof or (2) the deck line of a mansard roof or (3) a level halfway between the highest and lowest point of a sloped roof.

##### **b. Grade Plane**

The grade plane is the average level of finished grade at the structure as determined by the following:

- 1) Points of grade elevation are taken at the structure foundation where grade is level to the building façade or where grade slopes down to a building façade.
- 2) Where grade slopes away from a structure and the property line is less than six feet from the structure, grade plane is the average level of the lowest points between the building and property line.
- 3) Where grade slopes away from a structure and the property line is greater than six feet from the structure, grade plane is the average level of the lowest points less than 6 feet from the structure.

Note: When more than 4 corner points are used to determine the grade plane, points should be evenly distributed along any façade.

#### 4. Exceptions.

The structure height and tallest point limitations established herein shall not apply to chimneys and flues provided the footprint or horizontal area of the chimney or flue does not exceed 16 square feet and the top of the chimney or flues does not extend more than three feet above the tallest point of the structure.

And,

Whereas, the City has, by Agreement, subjected itself to the authority of the Department of Natural Resources (the DNR) and its shoreland overlay authority and,

Whereas, the City is required to provide ANY changes to its Code to the DNR for its consent and approval prior to approval and adoption of any changes thereto and,

Whereas, the City has been advised that the current Zoning Code (as amended and hereinabove-cited) as it relates to overall structural height in section 302.045 was NOT properly presented, reviewed or approved by the DNR, and

Whereas, the City acknowledges that its current version of the Zoning Code as it relates to structural height is therefore not approved by the DNR and thus not valid to employ and apply and,

NOW, THEREFORE, The City does hereby a ENACT pursuant to Minn. Stat. Section 462.355 Subd. 4, an INTERIM ORDINANCE that restates the section of its previously approved Code that read:

302.045: HEIGHT RESTRICTIONS

1. The maximum height of a structure as calculated by Method A or Method B (see below) must not exceed that listed here:

<u>Structure Type</u>	<u>Maximum Height</u>
<u>All except accessory</u>	<u>30 feet</u>
<u>All accessory</u>	<u>15 feet</u>
<u>Fences</u>	<u>6 feet</u>

Method A: (Applicable to 3-dimensional structures, e.g. houses and garages.) The maximum height of a structure is the difference between the elevation of the highest point of the structure and the average elevation of the structure perimeter at ground level.

Method B: (Applicable to structures which are 1- or 2- dimensional, e.g. towers, fences, and walls.) The maximum height of a structure is the largest difference in elevation between any point on a structure and the ground level directly below that point.

This INTERIM ORDINANCE, No. 302.045 is in effect for one (1) year for the purposes of studying the deficiencies in the process of approval of the existing Code and assigns to the Planning Commission the task of making recommendations regarding any changes to the Zoning Code as it relates to structure height in Birchwood as an official act pursuant to section 462.352, subdivision 15, regarding official controls.

AND, THEREFORE, The City of Birchwood Village Planning Commission shall submit recommendations regarding this matter to the City Council within one year of this Ordinance being Adopted.

All applications for building permits shall, during the course of the City's INTERIM STUDY, be subject to its companion Ordinance.

**A Resolution Directing the Study of the City of Birchwood Village's Zoning and Planning Code as it Relates to Structure Height, Section 302.045.**

Whereas, the City of Birchwood Village (the City) has a Zoning Code that regulates the overall height of structures in the City pursuant to City Code Section 302.045, and,

Whereas, the City amended its Zoning Code provisions regarding the same in 2000 to include 'averaging' with respect to its overall height regulation for structures as written here:

302.045 HEIGHT RESTRICTIONS

1. Structure Height Limitation.

No structure height (as defined in subsection 3 below) shall exceed the structure height limitation specified below for each type of structure.

<u>Limitation</u>	<u>Structure type</u>	<u>Structure Height</u>
	All except unattached accessory	25 feet
	Unattached accessory storage shed	12 feet
	Unattached accessory garages	18 feet

2. Tallest Point Limitation

Regardless of the structure height limitations specified in subsection 1 above, which measure to an average roof level, the tallest point of a structure shall not exceed 35 feet above the grade plane (as defined in subsection 3 below). Also, the tallest point of an attached garage shall not exceed the height of the tallest point of the principal structure.

3. Method of Measurement

a. Structure Height

The structure height is the vertical distance between the grade plane and a point on the highest roof as defined by (1) the highest point of the coping of a flat roof or (2) the deck line of a mansard roof or (3) a level halfway between the highest and lowest point of a sloped roof.

b. Grade Plane

The grade plane is the average level of finished grade at the structure as determined by the following:

- 1) Points of grade elevation are taken at the structure foundation where grade is level to the building façade or where grade slopes down to a building façade.
- 2) Where grade slopes away from a structure and the property line is less than six feet from the structure, grade plane is the average level of the lowest points between the building and property line.
- 3) Where grade slopes away from a structure and the property line is greater than six feet from the structure, grade plane is the average level of the lowest points less than 6 feet from the structure.

Note: When more than 4 corner points are used to determine the grade plane, points should be evenly distributed along any façade.

#### 4. Exceptions.

The structure height and tallest point limitations established herein shall not apply to chimneys and flues provided the footprint or horizontal area of the chimney or flue does not exceed 16 square feet and the top of the chimney or flues does not extend more than three feet above the tallest point of the structure.

And,

Whereas, the City has, by Agreement, subjected itself to the authority of the Department of Natural Resources ( the DNR) and its shoreland overlay authority and,

Whereas, the City is required to provide ANY changes to its Code to the DNR for its consent and approval prior to approval and adoption of any changes to its Code and,

Whereas, the City has been advised that the current Zoning Code (as amended) as it relates to overall structural height in section 302.045 was NOT properly presented, reviewed or approved by the DNR, and

Whereas, the City acknowledges that its current version of the Zoning Code as it relates to structural height is therefore not approved by the DNR and thus not valid to employ and apply and,

NOW, THEREFORE, The City does hereby call for and direct a STUDY, pursuant to Minn. Stat. Section 462.355 Subd. 4, and simultaneously does revoke its City Zoning Code, section 302.045, regarding structural height and hereby restates the section of its previously approved Code that read:

302.045: HEIGHT RESTRICTIONS

1. The maximum height of a structure as calculated by Method A or Method B (see below) must not exceed that listed here:

<u>Structure Type</u>	<u>Maximum Height</u>
<u>All except accessory</u>	<u>30 feet</u>
<u>All accessory</u>	<u>15 feet</u>
<u>Fences</u>	<u>6 feet</u>

Method A: (Applicable to 3-dimensional structures, e.g. houses and garages.) The maximum height of a structure is the difference between the elevation of the highest point of the structure and the average elevation of the structure perimeter at ground level.

Method B: (Applicable to structures which are 1- or 2- dimensional, e.g. towers, fences, and walls.) The maximum height of a structure is the largest difference in elevation between any point on a structure and the ground level directly below that point.

This STUDY is in concert with the City's INTERIM ORDINANCE, No. 302.045 and is in effect for one (1) year for the purposes of studying the deficiencies in the process of approval of the existing Code and assigns to the Planning Commission the task of making recommendations regarding any changes to the Zoning Code as it relates to structure height in Birchwood as an official act pursuant to section 462.352, subdivision 15, regarding official controls.

AND, THEREFORE, The City of Birchwood Village Planning Commission shall submit recommendations regarding this matter to the City Council within one year of this Study being Ordered.

All applications for building permits shall, during the course of the City's INTERIM STUDY, be subject to its companion Ordinance.