



MEMORANDUM

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**DATE:** February 16, 2021

**TO:** Honorable Mayor and City Councilmembers  
Dave Perrault, City Administrator

**FROM:** Mike Mrosla, Community Development Manager/City Planner

**SUBJECT:** Accessory Structure Size within the Ordinary High Water Level Setback Discussion

Budgeted Amount:  
N/A

Actual Amount:  
N/A

Funding Source:  
N/A

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**Council Should Consider**

Council may consider the permitted size of accessory structures with Ordinary High Water Level (OHWL) setback and if changes are necessary

**Background**

At its January 11, 2021 meeting the City Council reviewed Planning Case 20-017. The Applicant was requesting a variance for a larger than ordinance permitted accessory structure located within the Ordinary High Water Level (OHWL) setback of Lake Johanna. The rationale provided by the applicant for the variance was that the structure would be used for the storage of modern day recreational water equipment and the hardship was due to the rear yard topography. The City Council voted unanimously to table this planning case to allow them to review the existing OHWL accessory structure size standards.

City Code Section 1330.03 Subd. 5, E states that lakeshore lots are permitted one (1) accessory storage shed within the required structure setback from the OHWL, provided that it is not located within the Shore Impact Zone. The Shore Impact Zone is the land located between the OHWL and a line parallel to it at a setback of 50 percent of the structure setback. The structure setback standards vary depending on the lake classification as established by Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Ramsey County. The table below breakdown the setback standards for accessible Arden Hills lakes.

Lake	OHWL	Lake Classification	Structure Setback	Shore Impact Zone Width
Lake Johanna	878 ft.	General	50 ft.	25 ft.
Little Johanna	NA	Recreational	75 ft.	35ft.
Lake Josephine	884.4 ft.	General	50 ft.	25 ft.
Karth Lake	934.95 ft.	General	50 ft.	25 ft.

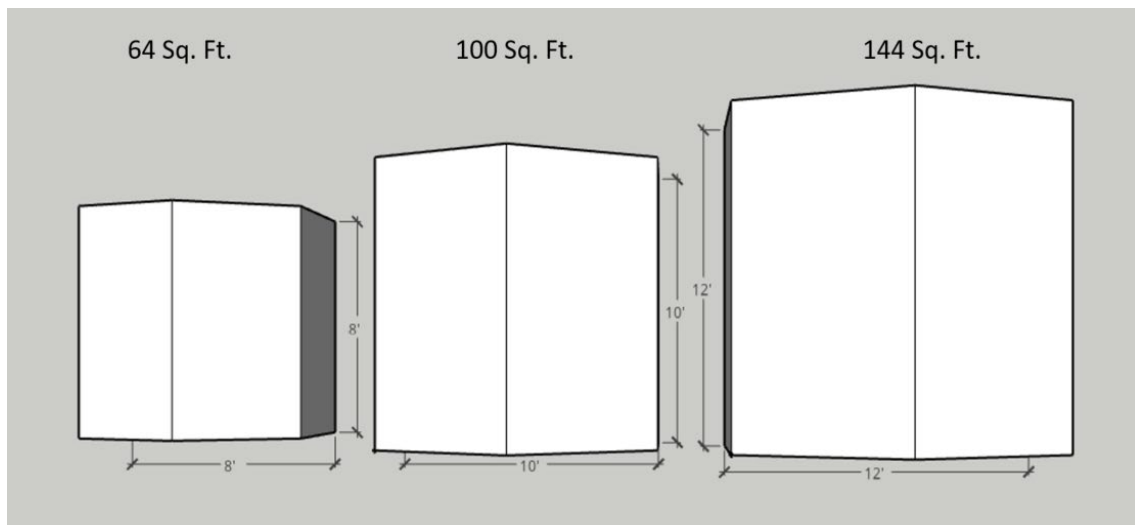
City Code Section 1330.03 Subd. 5, E also states that accessory structures within the OHWL shall not exceed sixty-four (64) square feet in size or eight (8) feet by eight (8) feet and eight (8) feet in height measured to the highest point of the structure; and is not used for human habitation and does not contain a water supply or sewage treatment facilities.

It worth noting that no more than two (2) accessory structures shall be permitted on a lot primarily used for residential uses and the structures shall not exceed seven hundred and twenty-eight (728) square feet in floor area. The accessory structures shall not occupy more than 25 percent of the rear yard. The exterior finish of accessory structures shall be compatible in appearance and material used with the principal structure.

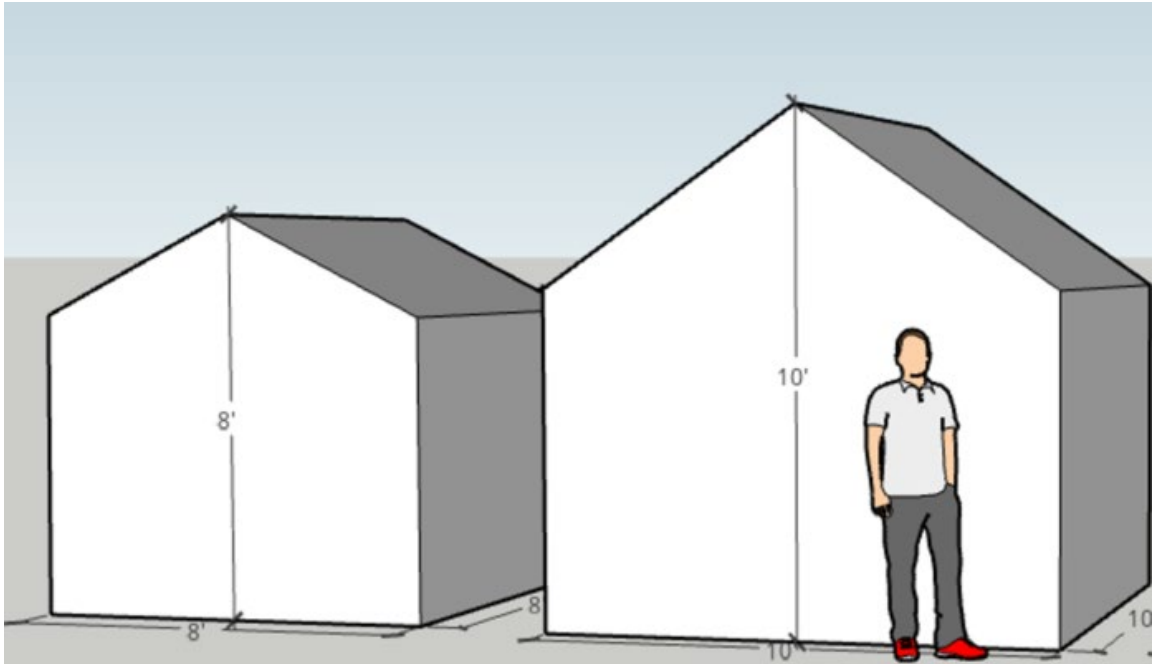
**Discussion**

Staff is looking for Council direction on the following items.

1. Does Council support increasing the size of the accessory structures located within the OHWL? Yes/No
2. If Council supports increasing the size of the accessory structures what should the maximum floor area be?



3. Should the maximum height be increased from eight (8) feet? The DNR model ordinance has a maximum height of ten (10) feet.



4. Current ordinance language is silent on the matter of screening accessory structures within the OHWL. Should screening language be added? Yes/No
  - a. If yes, should the language address screening from view from the lake and from adjoining properties? Yes/No
  - b. Should the screening be landscaping plus the use of natural color(s) on the structure? Yes/No

### **Next Steps**

Staff will incorporate the feedback provided by Council into the draft language. Staff will bring forward draft language to review at an upcoming work session.

### **Budget Impact**

N/A

### **Attachments**

1. Community Ordinance Review