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Date: May 8, 2013

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Zoning Ordinance Amendment Consideration – Residential Redevelopment (Issues Identified)

Based on the discussion at the April 24, 2013 Planning Commission meeting, attached is a latest draft of an ordinance amendment.

A summary of the changes as recommended is as follows:

- Page 1. Eliminated the measurement for building height to the mid-point of a single and two family dwelling units. Regulations for commercial, industrial and high density residential development do not change.
- Page 2. Re-worded the drainage, retaining walls and site access provision per Planning Commission recommendation.
- Page 2. Lots over 75 feet in width are required to have at least a two-stall garage, and lots 75 feet in width or less must have at least a one-stall garage.
- Page 3. Building Coverage. Building Coverage has been revised to go back to the current regulations. Building Coverage requirements have been moved to one place within the Ordinance.
- Pages 4-6. There was a flaw in the last Ordinance proposal regarding side yard setback requirements. When a lot was between 73-74 feet in width the formula for the setback required a setback greater than 10 feet. Therefore, the table has been revised. Requirements have been revised as follows:
 - Lots 49 feet wide or less = 5 feet on each side
 - Lots 50-59 feet wide = 12 feet total, with no less than 5 feet on one side.
 - Lots 60-73 feet wide = Increase the required setback 4 inches for each foot the lot exceeds 60 feet.
 - Lots 73 feet wide and above = No change; 10 feet on each side.Revisions increase the side yard setback requirement by two feet for all lots 50-73 feet in width.



- Page 6. No change recommended. Egress windows wells now require a 5-foot setback.
- Page 6. Building now measured only to the ridgeline.
- Page 7. No changes recommended. Nonconforming Front yard setback. For a lot with an existing dwelling unit with a nonconforming front street setback, the existing nonconforming front street setback may be maintained for an addition or a tear down and rebuild of a new home, as long as the new construction is not closer to the front lot line than the existing nonconforming structure and shall not be closer than 30 feet to the front lot line.
- Pages 7-8. No changes recommended. The second story setback increase based on height has been eliminated.
- Page 8. No changes recommended. Accessory buildings and structures used for dwelling purposes language is eliminated. City Code does not allow accessory buildings or structures to be used for dwelling purposes.
- Page 10. Front Facing Garage. Change made from 50% to 60% as recommended by the Planning Commission.

A front facing garage on lots less than 75 feet in width. Garage doors that face a public street shall be no more than nine (9) feet in height and twenty-four (24) feet in width and shall not exceed 60% of the width of the principal structure. (See attached examples on pages A2–A6d.)

Attached are examples of this regulation from Lacy Washington, Plainfield Indiana, Portland Oregon, Minneapolis and St. Paul. (See pages A2–A6.)

- Page 10. Sidewall Articulation for a Principal Structure. This language was revised to mirror the City of Alamo Heights regulation.

Attached are other examples of “articulation” requirements from the City of Alamo Heights, and Los Angeles. (See pages A7–A12.)

- Page 11-16. This section was added since the last Planning Commission meeting. The City Attorney has recommended this change. It simply eliminates the flood plain variance and conditional use permit process. These provisions are already covered in the Zoning Ordinance. There is no need for this Section. It was copied from the template provided for cities that were to adopt flood plain regulations. Current variance and CUP process would apply.

ORDINANCE NO. 2013-__

AN ORDINANCE AMENDMENT REGARDING THE R-1, SINGLE-DWELLING UNIT DISTRICT REQUIREMENTS FOR BUILDING COVERAGE, SETBACK AND HEIGHT

The City Council Of Edina Ordains:

Section 1. Subsection 850.03. Subd. 3. Definitions is hereby amended as follows:

Building Height or Structure Height. (Commercial, Industrial and High Density Residential) The distance measured from the average existing ground elevation adjoining the building at the front building line to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, or to the average distance of the highest gable on a pitched or hip roof. References in this Section to building height shall include and mean structure height, and if the structure is other than a building, the height shall be measured from said average existing ground elevation to the highest point of the structure. "Existing ground elevation" means the lowest of the following elevations: (1) the grade approved at the time of the subdivision creating the lot, (2) the grade at the time the last demolition permit was issued for a principal structure that was on the lot, (3) the grade at the time the building permit for a principal structure on the lot is applied for.

Building Height or Structure Height. (Single & Two Dwelling Unit Buildings) The distance measured from the average existing ground elevation adjoining the building at the front building line to the highest point on a roof. References in this Section to building height shall include and mean structure height, and if the structure is other than a building, the height shall be measured from said average existing ground elevation to the highest point of the structure. "Existing ground elevation" means the lowest of the following elevations: (1) the grade approved at the time of the subdivision creating the lot, (2) the grade at the time the last demolition permit was issued for a principal structure that was on the lot, (3) the grade at the time the building permit for a principal structure on the lot is applied for.

Section 2. Subsection 850.07. Subd. 7. is hereby amended as follows:

Subd. 7. Drainage, Retaining Walls & Site Access.

1. **Drainage.** Existing drainage rate shall not be increased and direction shall not be altered to redirect water to adjacent properties. No person shall obstruct or divert the natural flow of runoff so as to harm the public health, safety or general welfare. Surface water runoff shall be properly channeled into storm sewers, watercourses, ponding areas or other public facilities. All provisions for drainage, including storm sewers, sheet drainage and swales, shall be reviewed and approved by the city engineer prior to issuance of a building permit to ensure the provisions of this Section are met. ~~construction or installation.~~
2. **Retaining Walls.** All retaining walls must be shown on a grading plan as part of a building permit application. Plans must demonstrate materials to be used for the retaining wall construction. Retaining walls taller than four (4) feet require a building permit, and must meet a three (3) foot setback.
3. **Site Access.** Clear maintenance access of at least three (3) feet in width is required on one side of a single dwelling unit from the front yard to the rear yard.

Section 3. Subsection 850.08. Subd. 1 is hereby amended as follows:

Subd. 1 Minimum Number of Spaces Required.

- A. Single Dwelling Units, Double Dwelling Units and Residential Townhouses. Two fully enclosed spaces per dwelling unit for single or double dwelling unit lots that exceed 75 feet in width. One fully enclosed space per dwelling unit for single or double dwelling unit lots 75 feet in width or less. Townhouses must have two fully enclosed spaces.

Section 4. Subsection 850.11. Subd. 6. is hereby amended as follows:

Subd. 6 Requirements for Building Coverage, Setbacks and Height.

Existing text – XXXX
Stricken text – XXXX
Added text – XXXX

A. Building Coverage.

1. Lots 9,000 Square Feet or Greater in Area. Building coverage shall be not more than 25 percent for all buildings and structures. On lots with an existing conditional use, if the combined total area occupied by all accessory buildings and structures, excluding attached garages, is 1,000 square feet or greater, a conditional use permit is required.
2. Lots Less Than 9,000 Square Feet in Area. Building coverage shall be not more than 30 percent for all buildings and structures, provided, however, that the area occupied by all buildings and structures shall not exceed 2,250 square feet.
2. 3. The combined total area occupied by all accessory buildings and structures, excluding attached garages, shall not exceed 1,000 square feet for lots used for single dwelling unit buildings.
3. **Building Coverage shall include all principal or accessory buildings, including, but not limited to:**
 - a. **Decks and patios. The first 150 square feet of an unenclosed deck or patio shall not be included when computing building coverage.**
 - b. **Gazebos**
 - c. **Balconies.**
 - d. **Breezeways.**
 - e. **Porches.**
 - f. **Accessory recreational facilities constructed above grade, such as paddle tennis courts.**

The following improvements shall be excluded when computing building coverage:

 - a. **Driveways and sidewalks, but not patios, subject to 3.a. above.**

- b. Parking lots and parking ramps.
- c. Accessory recreational facilities not enclosed by solid walls and not covered by a roof, including outdoor swimming pools, tennis courts and shuffleboard courts; but facilities which are constructed above grade, such as paddle tennis courts, shall be included when computing building coverage.
- d. Unenclosed and uncovered steps and stoops less than 50 square feet.
- e. Overhanging eaves and roof projections not supported by posts or pillars.

B. Minimum Setbacks (subject to the requirements of paragraph A. of Subd. 7 of this Subsection 850.11).

	Front Street	Side Street	Interior Yard	Side Yard	Rear Yard
1. Single dwelling unit buildings on Lots 75 73 feet or more in width.	30 ^{**}	15'	10'		25'
2. Single dwelling unit buildings on lots more than 60 feet in width, but less than 75 73 feet in width.	30 ^{**}	15'	The required interior yard setback of 5-6 feet shall increase by 1/3 foot (4 inches) on each side for each foot that the lot width exceeds 60 feet.		25'

Existing text – XXXX
 Stricken text – XXXX
 Added text – XXXX

3. Single dwelling unit buildings on lots between 50 and 60 feet or less in width.	30**	15'	5' — 12' total, with no less than 5' on one side.	25'
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4. Single dwelling unit buildings on lots less than 50 feet in width.	30**	15'	5'	25'
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4. Buildings and structures accessory to single dwelling unit buildings:

a. detached garages, tool sheds, greenhouses and garden houses entirely within the rear yard, including the eaves.	--	15'	3'	3'
b. attached garages, tool sheds, greenhouses and garden houses.	30'	15'	5'	25'
c. detached garages, tool sheds, greenhouses and garden houses not entirely within the rear yard.	--	15'	5'	5'
d. unenclosed decks and patios.	30'	15'	5'	5'
e. swimming pools, including appurtenant equipment and	30'	15'	10'	10'

Existing text – XXXX

Stricken text – ~~XXXX~~

Added text – XXXX

Section 5. Subsection 850.11, Subd. 7.A, is hereby amended as follows:

4. The maximum height to the highest point on a roof of a single or double dwelling unit shall be 35 30 feet. For lots that exceed 75 feet in width, the maximum height to the ridge line shall be 35 feet, and the maximum height may be increased by one inch for each foot that the lot exceeds 75 feet in width. In no event shall the maximum height exceed 40 feet.

3. All other buildings and structures 3 stories or 40 feet whichever is less

2. Buildings and structures accessory to single dwelling unit buildings, but not attached thereto. 1 1/2 stories or 18 feet whichever is less

1. Single dwelling units buildings and structures accessory thereto. 2 1/2 stories, or 30 feet whichever is less for maximum height see #4 below.

C. Height

required decking.					
f. tennis courts, basketball courts, sports courts, hockey and skating rinks, and other similar recreational accessory uses including appurtenant fencing and lighting.	30'	15'	15'	30'	5'
g. all other accessory buildings and structures.	30'	15'	15'	30'	5'
h. egress window wells.	30'	15'	15'	30'	5'

Subd. 7 Special Requirements. In addition to the general requirements described in Subsection 850.07, the following special requirements shall apply.

A. Special Setback Requirements for Single Dwelling Unit Lots.

1. Established Front Street Setback. When more than 25 percent of the lots on one side of a street between street intersections, on one side of a street that ends in a cul-de-sac, or on one side of a dead end street, are occupied by dwelling units, the front street setback for any lot shall be determined as follows:

a. If there is an existing dwelling unit on an abutting lot on only one side of the lot, the front street setback requirement shall be the same as the front street setback of the dwelling unit on the abutting lot.

b. If there are existing dwelling units on abutting lots on both sides of the lot, the front street setback shall be the average of the front street setbacks of the dwelling units on the two abutting lots.

c. In all other cases, the front street setback shall be the average front street setback of all dwelling units on the same side of that street.

d. For a lot with an existing dwelling unit with a nonconforming front street setback, the existing nonconforming front street setback may be maintained for an addition or a tear down and rebuild of a new home, as long as the new construction is not closer to the front lot line than the existing nonconforming structure and shall not be closer than 30 feet to the front lot line.

2. Side Street Setback. The required side street setback shall be increased to that required for a front street setback where there is an adjoining interior lot facing on the same street. The required side street setback for a garage shall be increased to 20 feet if the garage opening faces the side street.

~~3. Interior Side Yard Setback. The required interior side yard setback shall be increased by 6 inches for each foot the building height~~

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

~~exceeds 15 feet. For purposes of this subparagraph, building height shall be the height of that side of the building adjoining the side lot line and shall be measured from the average proposed elevation of the ground along and on the side of the building adjoining the side lot line to the top of the cornice of a flat roof, to the deck line of a Mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, to the average distance of the highest gable on a pitched roof, or to the top of a cornice of a hip roof.~~

- 3.4-Rear Yard Setback - Interior Lots.** If the rear lot line is less than 30 feet in length or if the lot forms a point at the rear and there is no rear lot line, then for setback purposes the rear lot line shall be deemed to be a straight line segment within the lot not less than 30 feet in length, perpendicular to a line drawn from the midpoint of the front lot line to the junction of the interior lot lines, and at the maximum distance from the front lot line.
4. Rear Yard Setback - Corner Lots Required to Maintain Two Front Street Setbacks. The owner of a corner lot required to maintain two front street setbacks may designate any interior lot line measuring 30 feet or more in length as the rear lot line for setback purposes. In the alternative, the owner of a corner lot required to maintain two front street setbacks may deem the rear lot line to be a straight line segment within the lot not less than 30 feet in length, perpendicular to a line drawn from the junction of the street frontages to the junction of the interior lot lines, the line segment being the maximum distance from the junction of the street frontages.
5. Through Lots. For a through lot, the required setback for all buildings and structures from the street upon which the single dwelling unit building does not front shall be not less than 25 feet.
- ~~6. Accessory Buildings and Structures Used for Dwelling Purposes. Subject to the requirements of paragraph B. of Subd. 7 of this Subsection 850.11, if any accessory building or structure (including, without limitation, garages), or if any addition to or expansion of (including, without limitation, an additional story on) an accessory building or structure (including, without limitation, garages), is used or intended for use, in whole or in part, for~~

~~residential occupancy, then such accessory building or structure or such addition or expansion, shall comply with all of the minimum setback requirements for a single dwelling unit building.~~

- B. One Dwelling Unit Per Single Dwelling Unit Lot. No more than one dwelling unit shall be erected, placed or used on any lot unless the lot is subdivided into two or more lots pursuant to Section 810 of this Code.
- ~~C. Decks and Patios. Notwithstanding the provisions of Subsection 850.07, the first 150 square feet of an unenclosed deck or patio shall not be included when computing building coverage.~~
- C. Basements. All single dwelling unit buildings shall be constructed with a basement having a gross floor area equal to at least 50 percent of the gross floor area of the story next above. The floor area of accessory uses shall not be included for purposes of this paragraph.
- D. Minimum Building Width. No more than 30 percent of the length, in the aggregate, of a single dwelling unit building shall measure less than 18 feet in width as measured from the exterior of the exterior walls.
- E. Parking Ramps Prohibited. No parking ramp shall be constructed in the R 1 District.
- F. Temporary retail sales of evergreen products from Conditional Use properties
 - 1. The Manager may grant a permit for temporary retail sales of evergreen products, if:
 - a. the owner of the property or other non-profit group approved by the owner conducts the sale.
 - b. the duration of the sale does not exceed 45 consecutive days and does not start before November 15 in any year.
 - c. the sale area is located in a suitable off-street location that does not interfere with traffic circulation on the site or obstruct parking spaces needed by the principal use on the site.
 - d. the sale area is not located within 200 feet of a property zoned and used for residential occupancy.

- e. the hours of operation do not extend beyond 10:00 p.m.
 - f. signage is limited to one sign per street frontage with an aggregate sign area not exceeding 100 square feet.
- G. Additions to or replacement of, single dwelling unit buildings and buildings containing two dwelling units. For additions, alterations and changes to, or rebuilds of existing single dwelling unit buildings and buildings containing two dwellings, the first floor elevation may not be more than one foot above the existing first floor elevation. If a split level dwelling is torn down and a new home is built, the new first floor or entry level elevation may not be more than one foot above the front entry elevation of the home that was torn down. Subject to Section 850.11 Subd. 2. I. the first floor elevation may be increased more than one (1) foot. The provisions of this paragraph shall apply to all single dwelling unit buildings and buildings containing two dwelling units including units in the flood plain overlay district. Any deviation from the requirements of this paragraph shall require a variance.

H. Front Facing Garage Doors on lots less than 75 feet in width. Garage doors that face a public street shall be no more than nine (9) feet in height and twenty-four (24) feet in width and shall not exceed 60% of the width of the principal structure.

Attached are examples of this regulation from Lacy Washington, Portland Oregon, Plainfield Indiana, Minneapolis and St. Paul.

I. Sidewall Articulation for a Principal Structure. The maximum exterior side wall plane width without a minimum of a one (1) foot by ten (10) foot offset is thirty (30) feet to break up the monotony of the façade:

1. Windows, awnings or canopies
2. Stoops
3. Porches
4. Balconies
5. Roof dormers
6. Pilasters

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

7. Chimneys

8. A second-story roof overhang

The language above was taken from the City of Alamo Heights.

Attached are other examples of "articulation" requirements from the City of Alamo Heights, and Los Angeles.

Section 6. Subsection 850.21 Subd. 11.C. is hereby amended as follows:

Subd. 11—**Administration**

C.—Board of Approvals:

1.—Rules.—The Board shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Board by State law.

2.—Administrative Review.—The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Subsection, and all requests for variances in connection with this Subsection 850.21, in the same manner, including notices, as it hears and decides appeals and requests for variances under Subsection 850.04, except as otherwise provided herein.

3.—Variances.—The Board may authorize variances from the terms of this Subsection only in the event that strict enforcement of the literal provisions of this Subsection 850.21 will cause undue hardship because of circumstances unique to the individual property under consideration and only if the action will be in keeping with the spirit and intent of this Subsection 850. Undue hardship shall have the same meaning and shall be interpreted in the same way, as in Subd. 4 of Subsection 850.04. In the granting of such variance, the Board shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Subsection 850.21 and Section 850.04, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

~~effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:~~

~~a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.~~

~~b. Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Subsections.~~

~~c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~4. Hearings. Upon filing with the Board of an appeal from a decision of the Planner, or an application for a variance, the Board shall hold a hearing therein as provided in Subd. 1 of Subsection 850.04. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.~~

~~5. Decisions. The Board shall arrive at a decision on such appeal or variance as provided in Subd. 1 of Subsection 850.04. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this Subsection, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Planner or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board may prescribe appropriate conditions and safeguards such as those specified in subparagraph 6 of paragraph D of Subd. 11 of this Subsection 850.21, which are in conformity with the purposes of this Subsection. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a~~

Existing text – XXXX
Stricken text – XXXX
Added text – **XXXX**

~~violation of this Subsection 850.21 punishable under Subd. 13 of this Subsection 850.21. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.~~

~~6. Appeals. Appeals from any decision of the Board may be made, and as specified in Subd. 1 of Subsection 850.04.~~

~~7. Flood Insurance Notice and Record Keeping. The Planner shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.~~

~~D. Conditional Uses.~~

~~1. Notice to Commissioner. Upon filing with the City of an application for a conditional use permit, the City shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.~~

~~2. Planning Commission. The Commission shall hear all requests for conditional use permits under this Subsection 850.21, and shall make its recommendation to the Council, in the same manner, including notices, as it hears and reviews applications for conditional use permits under Subsection 850.04.~~

~~3. Council. The Council shall hear all requests for conditional use permits under this Subsection 850.21, and shall make its decision thereon, in the same manner, including notices, and subject to the same requirements and conditions, as it hears and decides upon applications for conditional use permits under Subsection 850.04. In granting a conditional use permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in subparagraph 6. of paragraph D. of Subd. 11 of this subsection, which are in conformity with the purposes of this Subsection. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be~~

Existing text – XXXX
Stricken text – XXXX
Added text – XXXX

~~deemed a violation of this Subsection punishable under Subd. 13 of this Subsection. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.~~

~~4. Procedures to be followed by the City Council in Passing on Conditional Use Permit Applications Within all Flood Plain Districts:~~

~~a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the City Council for determining the suitability of the particular site for the proposed use:~~

~~(i) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and~~

~~(ii) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.~~

~~b. Transmit one copy of the information described in subparagraph a. above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.~~

~~c. Based upon the technical evaluation of the designated engineer or expert, the Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.~~

~~5. Factors Upon Which the Decision of the Council Shall Be Based. In passing upon conditional use applications, the Council shall consider all relevant factors specified in other sections of this Subsection 850.21, and:~~

~~a. The danger to life and property due to increased flood heights or velocities caused by encroachments.~~

~~b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.~~

~~c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.~~

~~d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.~~

~~e. The importance of the services provided by the proposed facility to the community.~~

~~f. The requirements of the facility for a waterfront location.~~

~~g. The availability of alternative locations not subject to flooding for the proposed use.~~

~~h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.~~

~~i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.~~

~~j. The safety of access to the property in times of flood for ordinary and emergency vehicles.~~

~~k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.~~

~~l. Such other factors which are relevant to the purposes of this Subsection.~~

~~6. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Subsection 850.21, the City Council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Subsection 850.21. Such conditions may include, but are not limited to, the following:~~

- ~~a. Modification of waste treatment and water supply facilities.~~
- ~~b. Limitations on period of use, occupancy, and operation.~~
- ~~c. Imposition of operational controls, sureties, and deed restrictions.~~
- ~~d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.~~
- ~~e. Flood proofing measures, in accordance with the Building Code and this Subsection. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.~~

Section 7. This ordinance is effective immediately upon its passage and publication.

First Reading:

Second Reading:

Published:

ATTEST:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on:
Send two affidavits of publication.
Bill to Edina City Clerk

Existing text – XXXX
Stricken text – XXXX
Added text – **XXXX**

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Ordinance was duly adopted by the Edina City Council at its Regular Meeting of _____, 2013, and as recorded in the Minutes of said Regular Meeting.

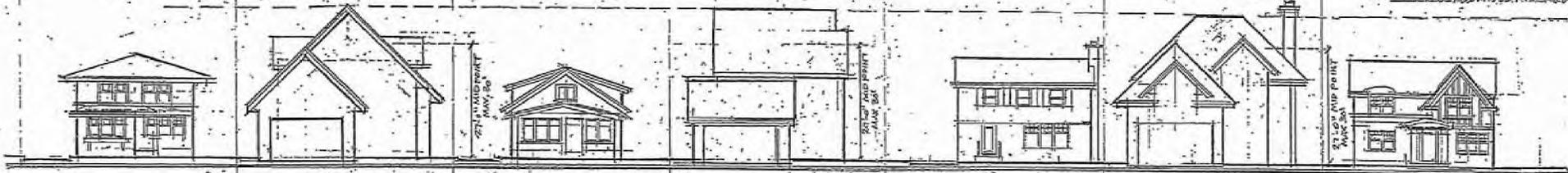
WITNESS my hand and seal of said City this _____ day of _____, 2013.

City Clerk



EXISTING ESTIMATED 2016

EXISTING STREET SCAPE 1"=20'-0"
WITH TYPICAL 50'-0" WIDE LOTS



55'-0" ALLOWABLE MAX. RIDG

ALLOWABLE NEW HOUSE

ALLOWABLE NEW HOME

ALLOWABLE NEW HOME

ALLOWABLE STREET SCAPE WITH CURRENT ZONING RESTRICTIONS 1"=20'-0"



PROPOSED NEW HOME

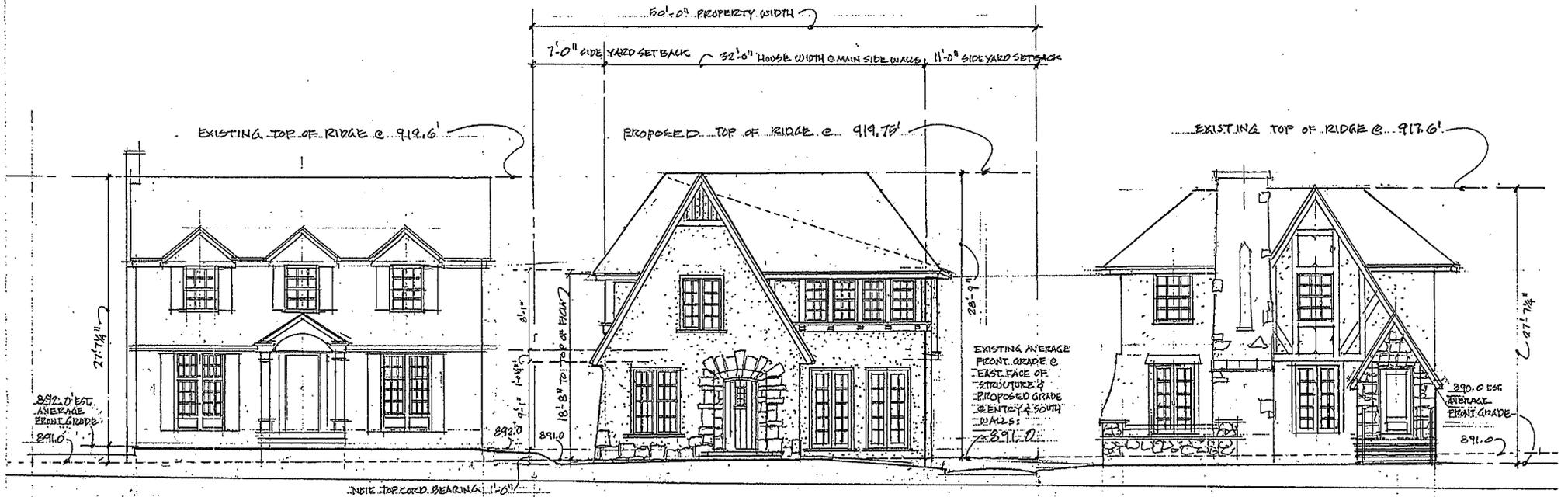
PROPOSED NEW HOME

PROPOSED NEW HOME

EDINA STREET SCAPE / ZONING COMPARISON
GREAT NEIGHBORHOOD HOMES / NPHDI 3.9.15

PROPOSED STREET SCAPE WITH 30'-0" MAX. RIDGE HEIGHT & NO SIDEYARD HEIGHT RESTRICTIONS 1"=20'-0"

EXAMPLE OF STREETScape WITH 30' RIDGE HT.



4626 EXISTING HOME

4624 PROPOSED NEW HOME

4622 EXISTING HOME

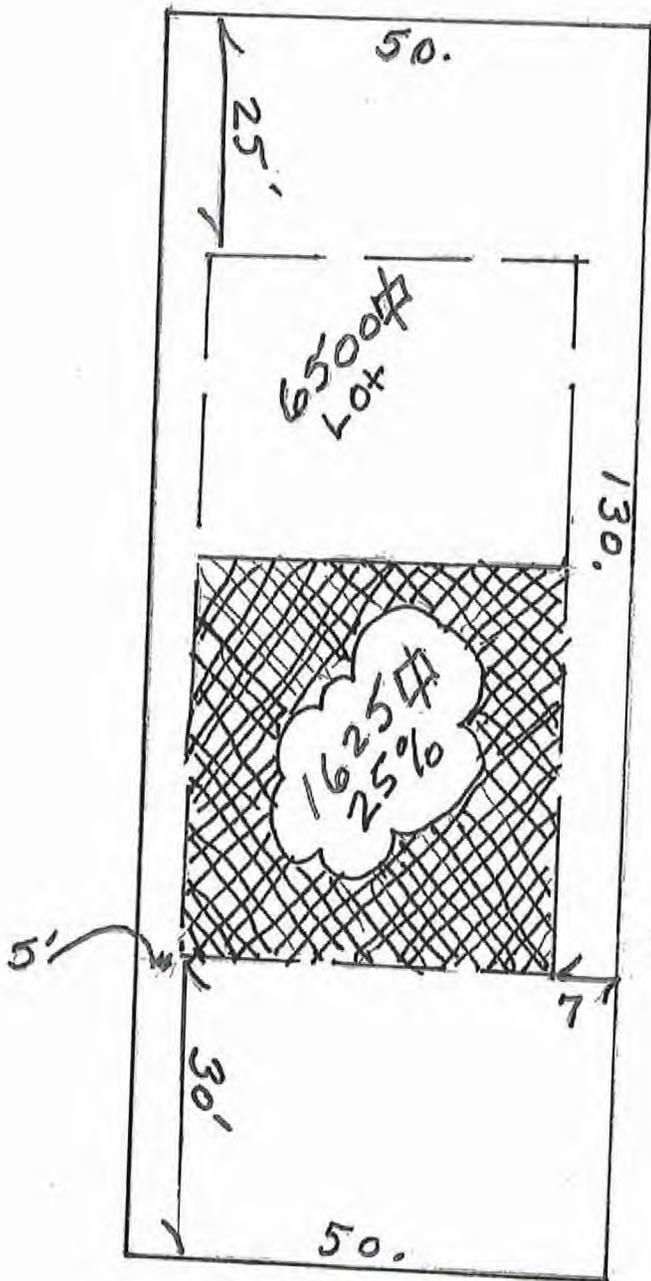
4626 TO 4622 BRUCE AVENUE SOUTH STREET ELEVATION
1/8" = 1'-0"

4624 BRUCE AVE SOUTH, EDINA
DONNAY HOMES

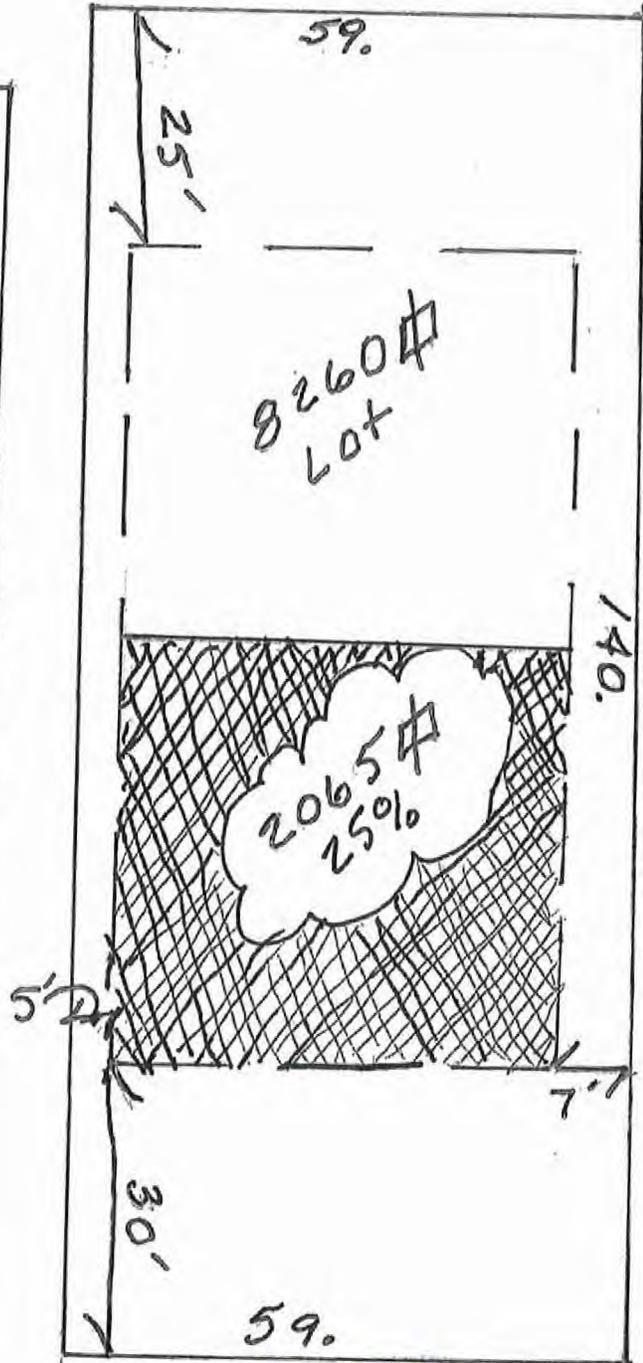
6-31-12



PROPOSED CODE EXAMPLES

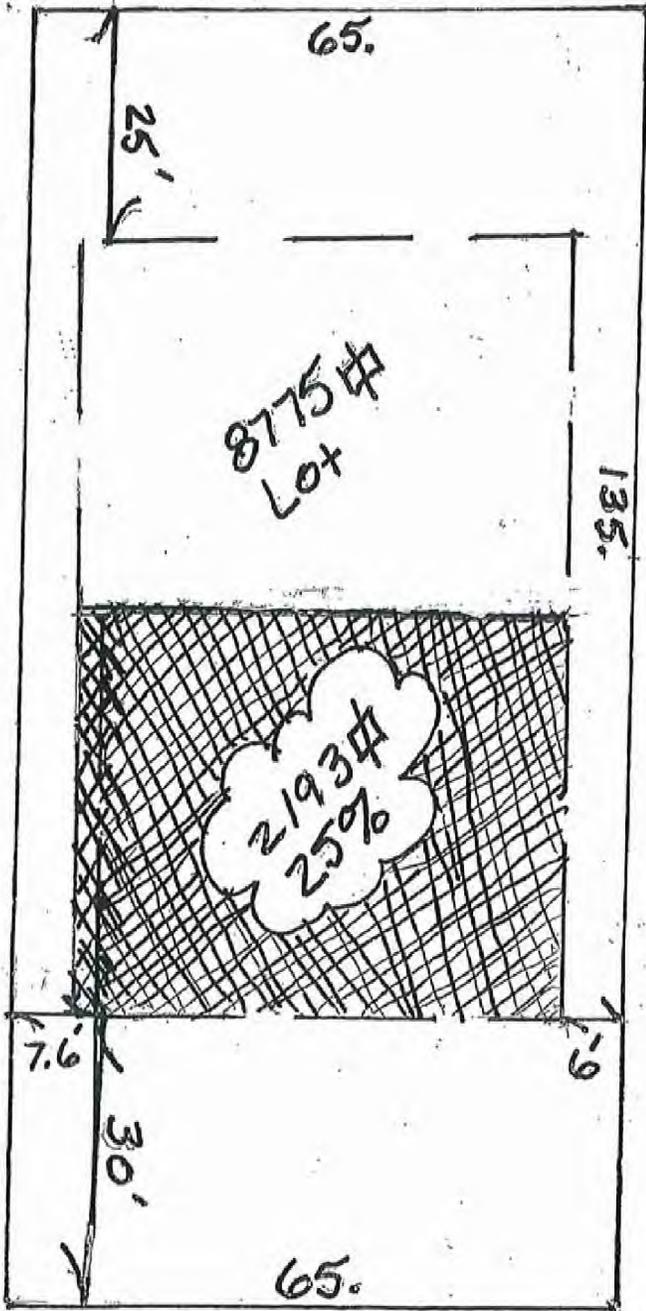


Lot: 50. x 130
 AREA: 6500 中
 25% = 1625 中

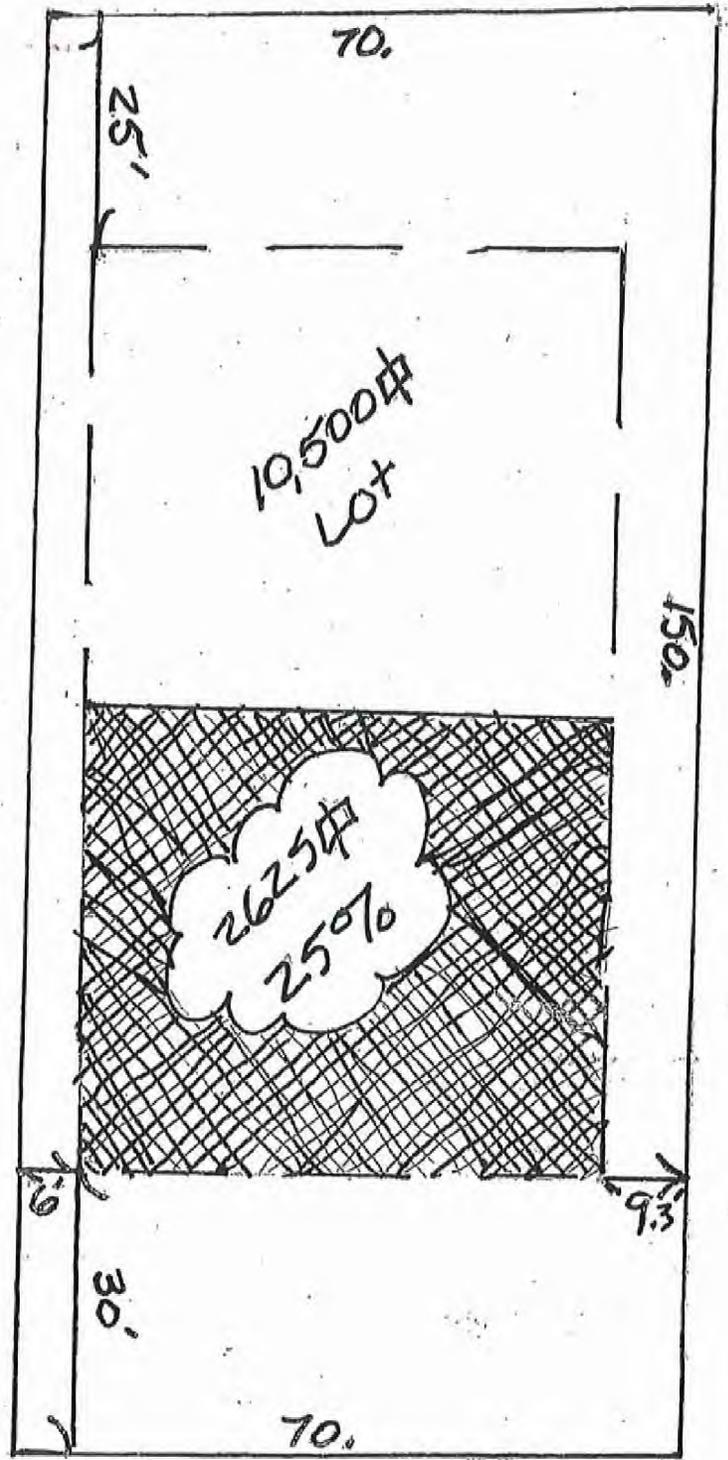


Lot: 59. x 140.
 AREA: 8260 中
 25%: 2065 中

PROPOSED CODE EXAMPLES



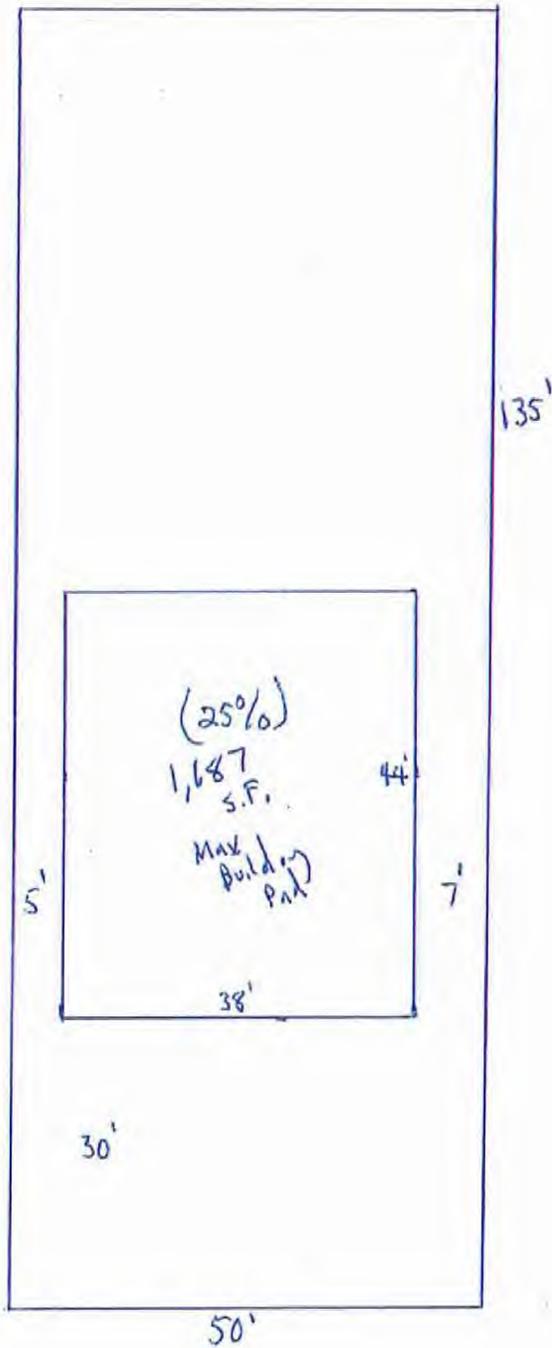
Lot: 65. x 135
AREA: 8775 sq ft
25% = 2193 sq ft



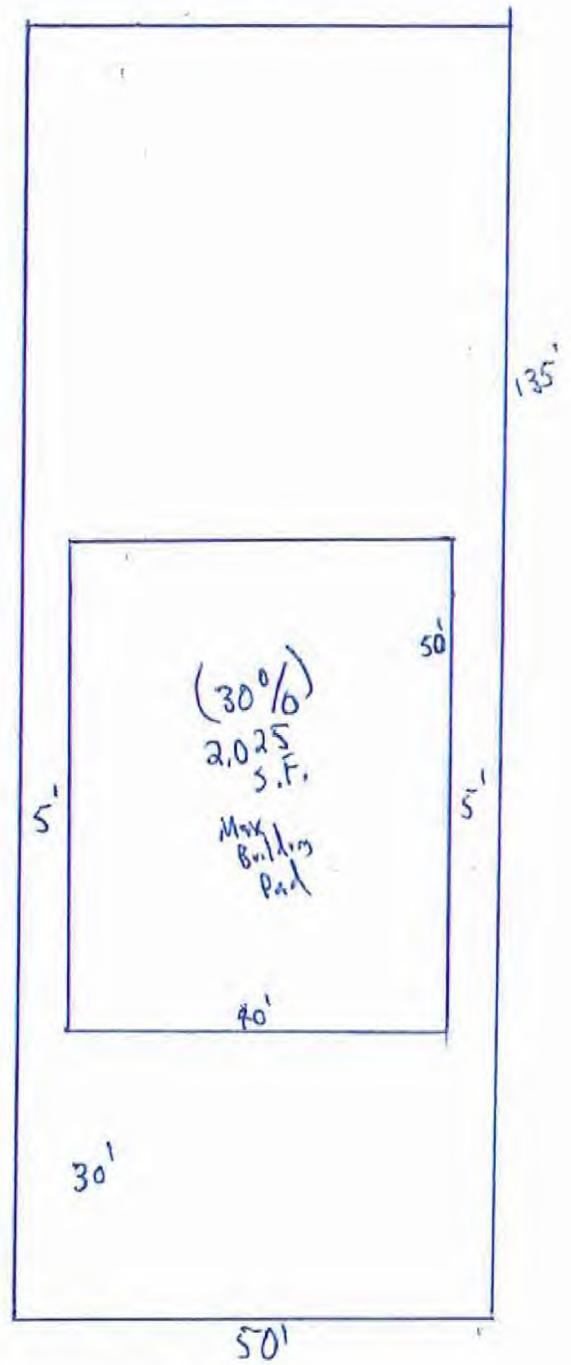
Lot: 70. x 150.
AREA: 10,500 sq ft
25% = 2625 sq ft

A/C

PROPOSED CODE



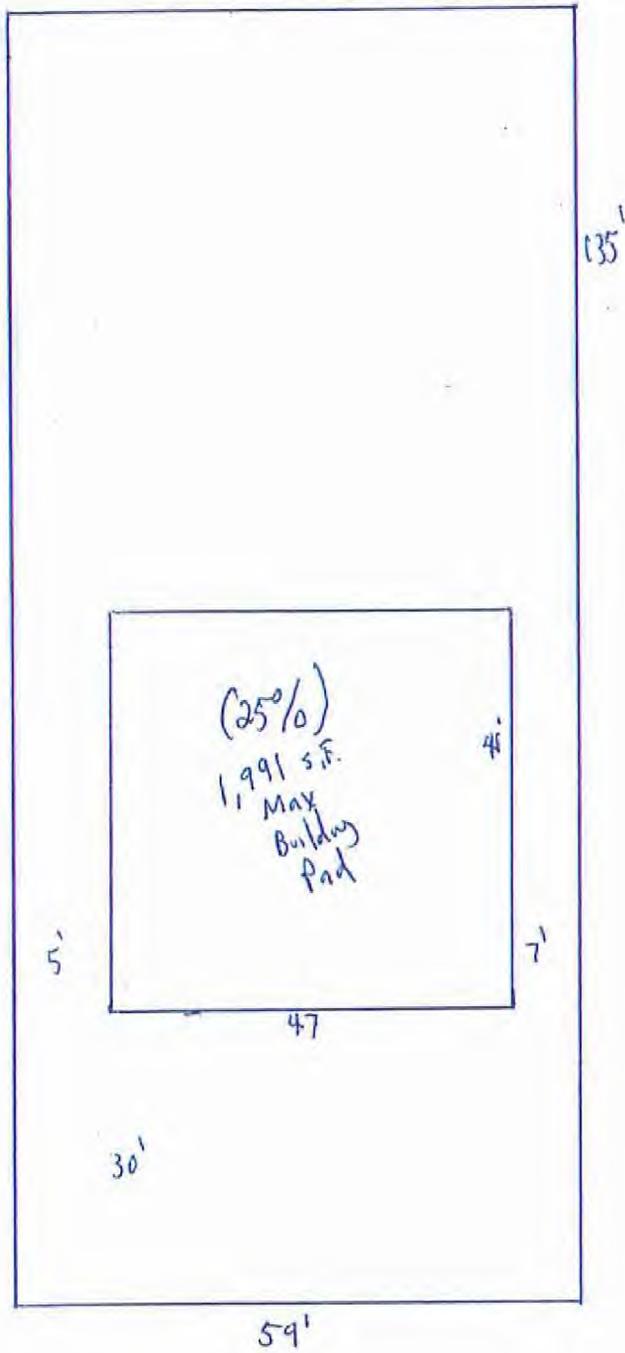
EXISTING CODE



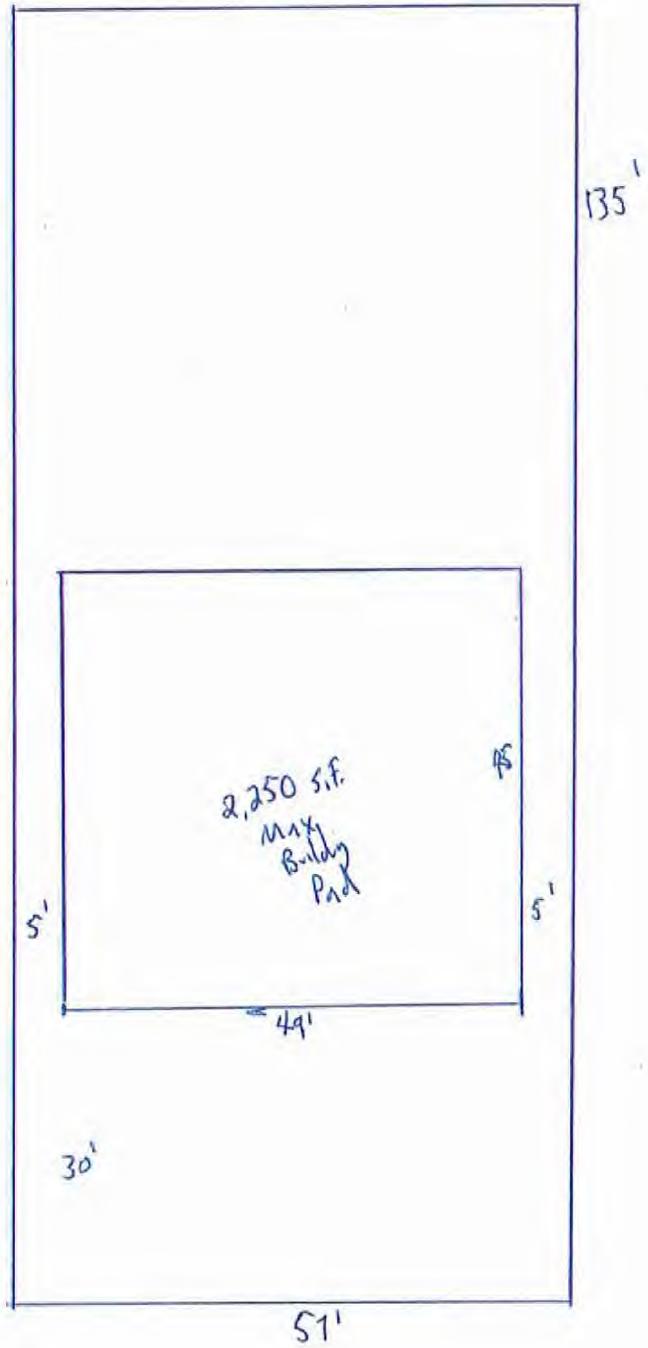
50-FOOT LOTS (6,750 s.f.)

Ald

PROPOSED CODE



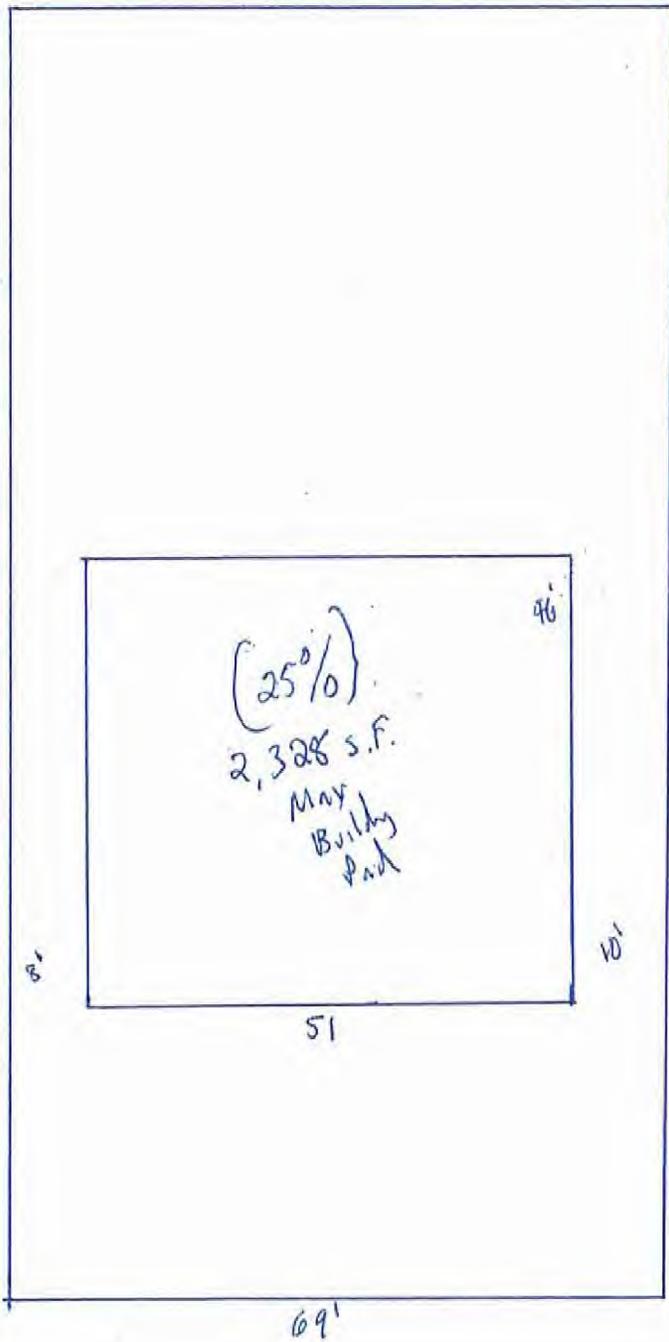
EXISTING CODE



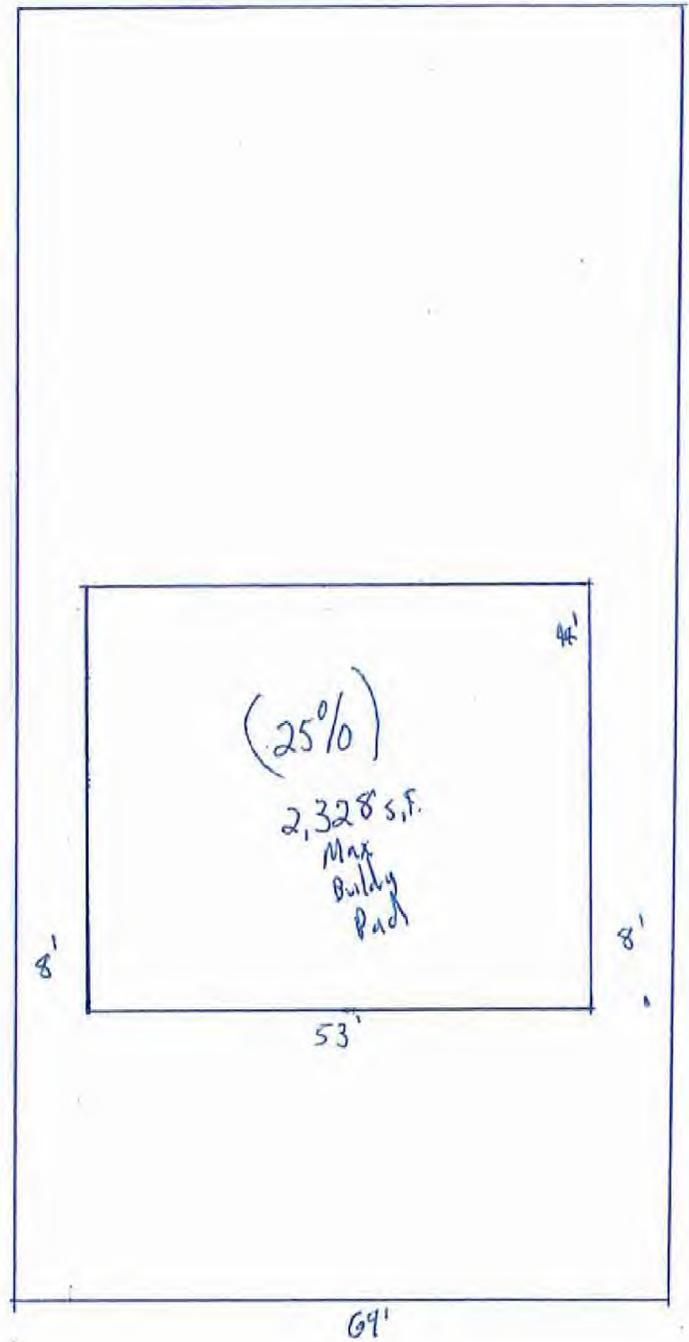
59-FOOT LOTS (7,965 S.F.)

Ale

PROPOSED CODE



EXISTING CODE



69-FOOT LOTS (9,315 s.f.)

If

537.50. Maximum height. (See height definition and Maximum Height Diagram.) (a) *In general.* The maximum height for all accessory structures shall be limited to the maximum height requirements for principal structures in the district in which the accessory structure is located, except as otherwise provided in this zoning ordinance.

(b) *Accessory structures located in the residence and ORI Districts.* A detached accessory structure, accessory to a principal use located in a residence or ORI district shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure and the roof pitch matches the primary roof pitch of the principal structure, and provided the wall height shall not exceed ten (10) feet from the floor to the top plate.

(c) *Accessory structures located in all other districts.* Structures accessory to a structure originally designed or intended as a single or two-family dwelling or a multiple-family dwelling of three (3) or four (4) units, shall not exceed the height of the principal structure or twelve (12) feet, whichever is less. The maximum height may be increased to sixteen (16) feet or the height of the principal structure, whichever is less, where the primary exterior materials of the accessory structure match the primary exterior materials of the principal structure, and provided the wall height shall not exceed ten (10) feet from the floor to the top plate.

537.60. Maximum floor area. (a) *In general.* The floor area of any accessory structure shall be included in the total allowable floor area permitted on the zoning lot.

(b) *Accessory uses and structures located in the residence and ORI Districts.*

(1) *Single and two-family dwellings.* The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater, not to exceed one thousand (1,000) square feet. Detached accessory structures greater than six hundred seventy-six (676) square feet in area shall utilize primary exterior materials that match the primary exterior materials of the principal structure and the roof pitch shall match the roof pitch of the principal structure.

(2) *All other uses.* The maximum floor area of all detached accessory structures, and any attached accessory use designed or intended to be used for the parking of vehicles, except for a parking garage within the building, entirely below grade or of at least two (2) levels, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater.

(c) *Accessory uses and structures located in all other zoning districts.* The maximum floor area of all detached accessory structures and any attached accessory use designed or intended to be used for the parking of vehicles, accessory to a structure originally designed or intended as a single or two-family dwelling or a multiple-family dwelling of three (3) or four (4) units, shall not exceed six hundred seventy-six (676) square feet or ten (10) percent of the lot area, whichever is greater.

537.80. Distance from dwelling. No detached accessory building or open parking space shall be located closer than six (6) feet from a dwelling of any type. Detached parking garages serving residential uses shall be located entirely to the rear of the principal residential structure.

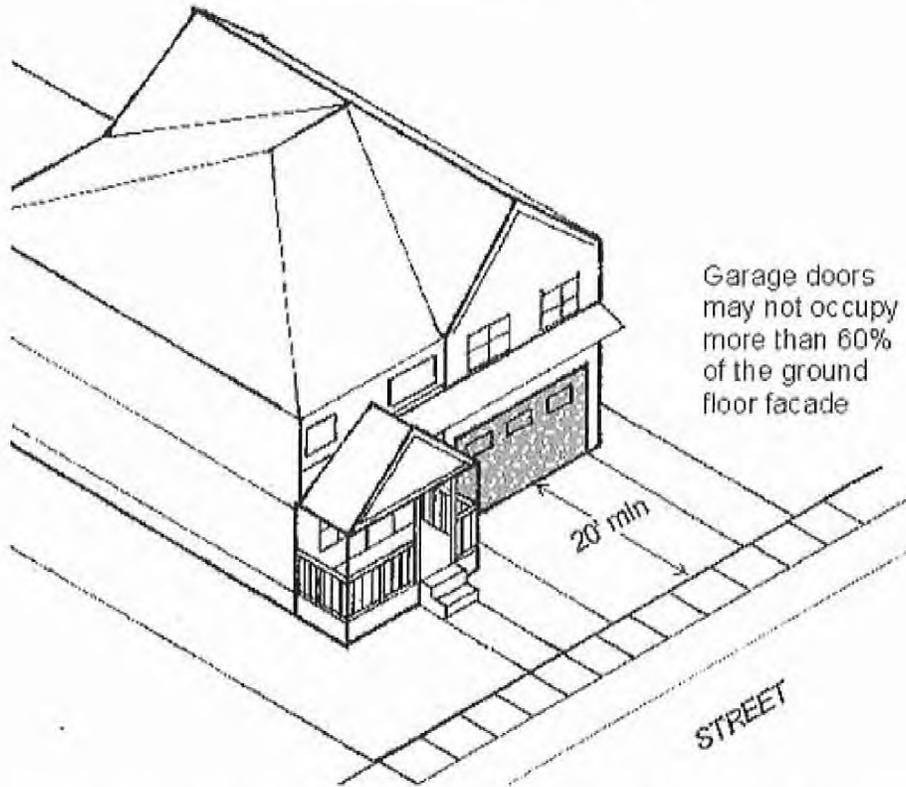
535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses. (c) *Attached garage facing the front lot line.* Attached accessory uses designed or intended for the parking of vehicles accessory to single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall extend no more than five (5) feet closer to the front lot line than the facade of a habitable portion of the dwelling when the garage door or doors face the front lot line. In addition, the width of the garage wall facing the front lot line shall not exceed sixty (60) percent of the width of the entire structure.

535.280. Obstructions in required yards² (See Required Setbacks Diagrams.) (d) *Interior side yards for detached buildings accessory to dwellings.* The interior side yard requirement for a detached accessory building

² A minimum 6-inch setback from the property to the cave edge is also required. The building code may require a larger setback or shorter cave based on distance to property line.

TABLE 14T-25

(Referred from LMC 14.23.072)



Garage doors facing the street may not occupy more than sixty percent of the ground floor facade.

View [Web Version](#)

A3

f. Additional Siding Materials: Those portions of a wall area not required to utilize a brick or stone veneer may use other durable siding materials.

Siding materials such as: "HARDIPLANK(R)" Siding by James Hardie, "Weatherboard(R)" by Certainteed, or other similar fiber cement products; wood clapboard siding; wood beaded siding; or, stucco/dryvit/E.I.F.S, shall be considered acceptable siding materials. Aluminum siding less than 0.024 thickness shall not be permitted (except in soffit areas). Vinyl siding shall not be permitted (except in soffit areas), unless complying with provisions of Table 7A - Specifications for Use and Installation of Vinyl Siding.

g. Compatibility of Garages: Garages should use exterior siding materials and architectural elements consistent with and in the same proportions as required for the primary building.

If a residential developer / builder desires to not follow the basic standards desired by the Town of Plainfield for single family or two family residential developments, then the design guidelines and design features set forth below are recommended.

B. Design Guidelines and Design Features.

The Town of Plainfield encourages developers / builders to use the following guidelines to create variety and interest in all elevations of a home. The Town also strongly encourages builders to exceed the recommendations contained in these guidelines on all model homes built in a subdivision.

1. Garages - All single family dwellings and two family dwellings with accessory garages, either detached or attached, should comply with the following guidelines:

a. Design Features for One or Two Car Garages - All one or two car garages, either detached or attached, should utilize at least one (1) of the following three (3) design features:

 (1) Garage Off-Set - Development of single family dwellings or two family dwellings in which the front facade of an attached or detached front loading garage is off-set and stepped back from the front building line by at least ten (10) feet.

 (2) Garage as Percent of Facade - Garage doors shall not comprise more than forty (40) percent of the linear length of the ground floor, street facing facade of the primary building containing a dwelling unit.

 (3) Side or Rear Loaded Garages - Utilization of a side loaded or rear loaded garage to minimize the impact of the garage doors on the streetscape.

(See pages 2-2 and 2-3 of the pdf version of this section for photographs and drawings of appropriate design features for One or Two Car Garages.)

b. Additional Design Features:

 (1) More than Two-Car Garages - No more than two (2) one-car garage doors nor one (1) two-car garage door should be located on the same architectural plane of a front elevation. Architectural planes for additional sets of garage doors on a front elevation should be off-set by a minimum of twelve (12) inches.

(2) Maximum Driveway Width - No driveway should exceed twenty (20) feet in width at the sidewalk.

AA



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

ZONING REGULATIONS FOR RESIDENTIAL USES GARAGE, SHED, ACCESSORY STRUCTURES AND PARKING SPACES

Sec. 63.501. - Accessory buildings and uses.

Accessory buildings, except as otherwise provided in this code, shall be subject to the following regulations:

- (a) When the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this code applicable to main buildings.
- (b) Accessory buildings, structures or uses shall not be erected in or established in a required yard except a rear yard. The following additional standards shall apply to residential parking:
 - (1) Access to off-street parking shall be from an abutting improved alley when available, except where it is determined in the review of a site plan application that there are circumstances unique to the property that make this impractical, unreasonable, or harmful to the public safety. On corner lots, access to parking may be from the side street.
 - (2) Off-street parking spaces shall not be located within the front yard.
 - (3) Garages shall be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).
 - (4) Except in the rear yard, garage doors that face a public street shall be no more than nine (9) feet in height and shall not exceed sixty (60) percent of the width of the principal structure facing the same street.
 - (5) Passenger vehicles may be parked on an approved driveway in front or side yards provided the driveway leads to a legal parking space.
- (c) On corner lots, accessory buildings, structures or uses shall be set back from the street a distance equal to that required of the principal structure.

When an accessory building, structure or use is constructed in a rear yard which adjoins a side yard or front yard, the accessory building, structure or use shall be set back from the interior lot line a distance equal to the minimum side yard required of the principal structure.

On all other lots, accessory buildings shall be set back at least three (3) feet from all interior lot lines, and overhangs shall be set back at least one-third (1/3) the distance of the setback of the garage wall or one (1) foot, whichever is greater.

- (d) This setback requirement from all interior lot lines for accessory buildings in rear yards shall be waived when a maintenance easement is recorded as to the affected properties, when proof of such recorded easement is provided at the time of application for a building permit and when the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement shall be interpreted to mean that

Garage regulations (doors and width of structure)

3. Garages shall be set back from the front lot line at least as far as the principal structure (in the case of attached garages, this refers to the non-garage part of the structure).
4. Except in the rear yard, garage doors that face a public street shall be no more than nine (9) feet in height and shall not exceed sixty (60) percent of the width of the principal structure facing the same street.



✘ Garage is not set back at least as far as non-garage part of structure

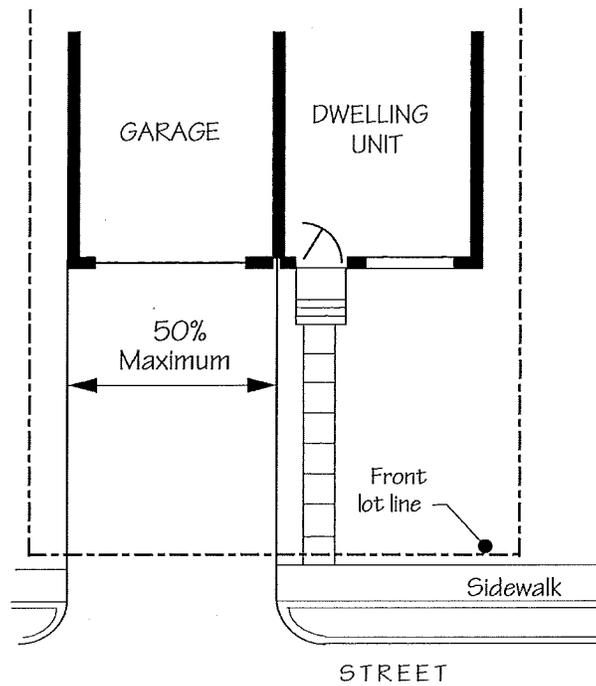


✘ Garage is over 60% of width of house

3. Length of street-facing garage wall.

- a. Generally. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 130-3. On corner lots, only one street-facing garage wall must meet this standard.

Figure 130-3
Length of Street-Facing Garage Wall



AG

Commentary

33.130.250.E. Garages (continued)

3.b. Exception.

All houses—regardless of their width—are guaranteed a 12 ft. wide attached garage. On buildings less than 24 ft. wide, if the garage exceeds more than 50 percent of the length of the building's street-facing façade, then there must be interior living area or a covered balcony above the garage. The balcony or living area may not be located more than 4 feet behind the garage wall. This dimension is required to ensure that these areas above the garages are large enough to bring the living area of the house closer to the street on narrow houses where the garage dominates the length of the street-facing façade.

Figures 130-4.

This figure will be included in the *Zoning Code*. It illustrates a typical development scenario of a dwelling less than 24 ft. wide that meets the length of street-facing garage wall standard by providing living area over the garage.

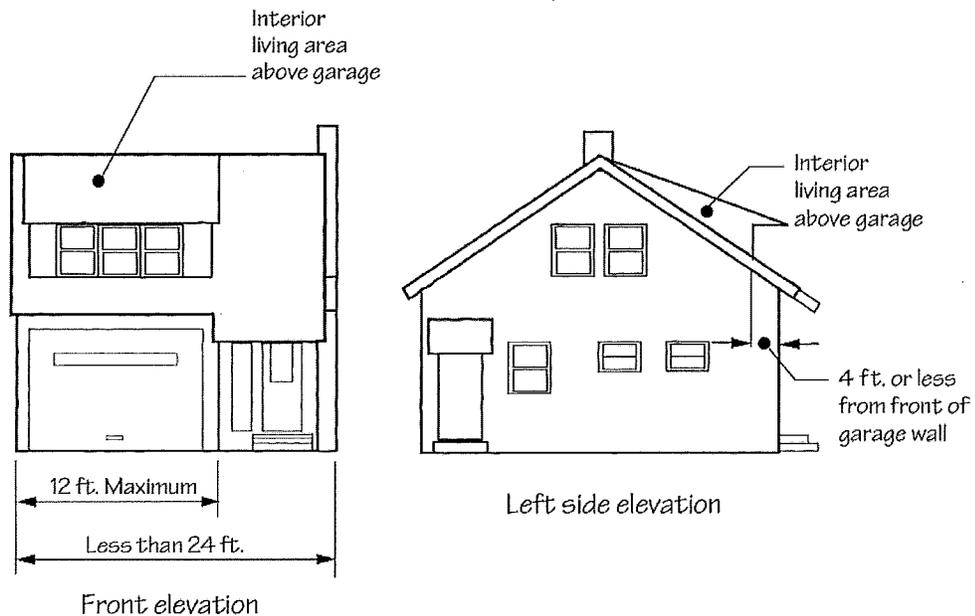
b. Exception. Where the street-facing facade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 130-4.

(1) Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or

(2) A covered balcony above the garage that is:

- At least the same length as the street-facing garage wall;
- At least 6 feet deep; and
- Accessible from the interior living area of the dwelling unit.

**Figure 130-4
Length of Street-Facing Garage Wall Exception**



Commentary

33.130.250.E. Garages (continued)

4.a. Generally.

The street lot line setback garage standard requires that the garage be no closer to the street than the longest street-facing wall of the dwelling unit. (The *Zoning Code* describes the dwelling unit as the portion of a building that is living area. The garage is not included; it is an accessory structure.) Requiring the garage to be flush with, or behind, the longest street-facing wall of the dwelling unit ensures that the living areas are as close, or closer, to the street than the garage. This strengthens the connection the living areas have to the public realm.

Initially, the proposed standards required the garage to be at least 3 ft. behind the longest street-facing wall of the dwelling unit. The Planning Commission changed the general requirement to allow a garage to be flush with the street-facing wall. The Planning Commission made these changes based on public testimony they heard. Their recommended standard allows more design flexibility.

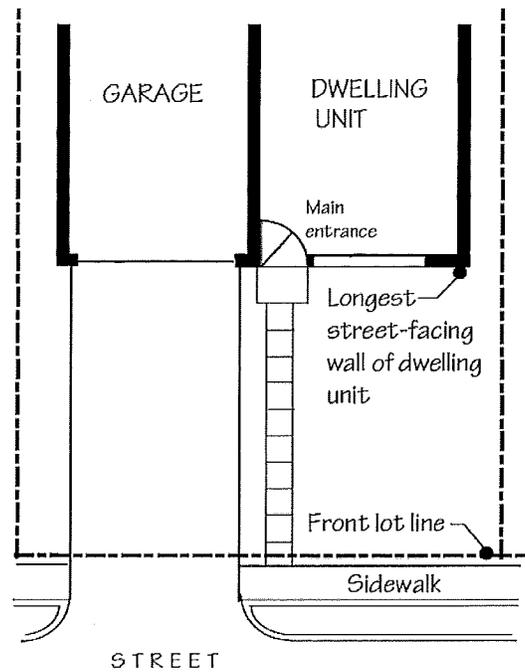
Figure 130-5.

This figure will be included in the *Zoning Code*. It illustrates a typical development scenario that would meet the street lot line setback standard for garages. Although the garage is flush with the longest street-facing wall of the dwelling unit, it could also be located behind it.

4. Street lot line setbacks.

- a. Generally, A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.
See Figure 130-5.

**Figure 130-5
Street Lot Line Setback**



**Single-Family Districts Zoning Code
City of Alamo Heights Code of Ordinances**

five (25) feet, except as specifically provided in section 3-81, special front yard regulations.

Maximum front yard setback

No building, structure or use shall hereafter be located, erected or altered in the SF-A District so as to have a greater front yard than thirty (30) feet.

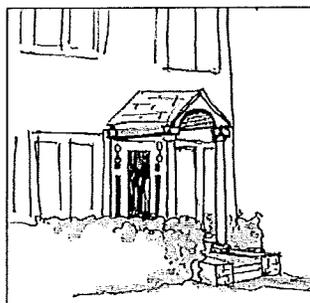
SF-A and SF-B Districts.

Main Structure Articulation: The maximum exterior front wall plane width without a minimum of a two (2) foot by ten (10) foot offset is thirty (30) feet or a combination of one (1) of the following architectural or utilitarian features every thirty (30) feet to break up the monotony of the facade:

1. Projecting bay or box windows, cantilevered, rather than supported by a permanent foundation (not to exceed twenty-five (25) percent of the façade length)

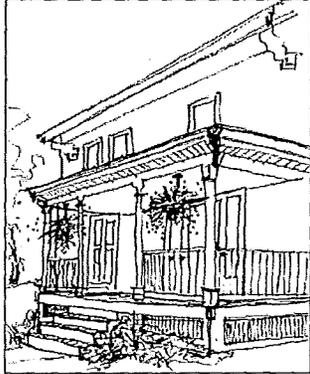


2. Stoops



**Single-Family Districts Zoning Code
City of Alamo Heights Code of Ordinances**

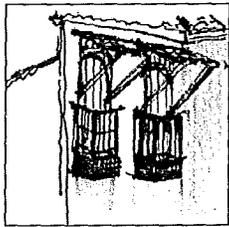
3. Porches (covered and unenclosed)



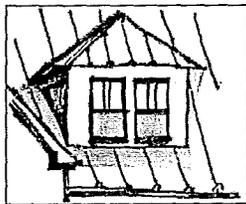
4. Balconies



5. Structural window awnings or canopies

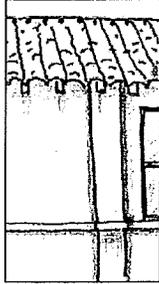


6. Roof dormers

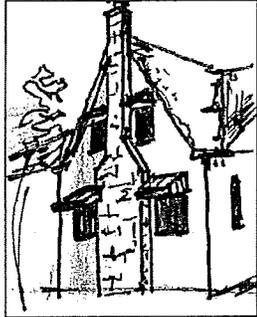


**Single-Family Districts Zoning Code
City of Alamo Heights Code of Ordinances**

7. Pilasters



8. Chimneys (minimum depth of one (1) foot and not to exceed twenty-five (25) percent of the façade)



9. A second-story roof overhang (at least twenty-five 25 percent of the façade length)



**Single-Family Districts Zoning Code
City of Alamo Heights Code of Ordinances**

Exception: A one-story unenclosed roofed front porch up to fifteen (15) feet in height may encroach into the required front yard setback up to six (6) feet if it is at least six (6) feet deep.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-15. - Side yard setbacks and side articulation.

SF-A and SF-B Districts.

No building, structure or use shall hereafter so as to have a smaller side yard on each side of a building than hereinafter specified, except as specifically provided in section 3-82, special side yard regulations.

(1) The minimum side yard setback for the main structure on the driveway side is ten (10) feet.

(2) The minimum side yard setback for the main structure on the non-driveway side is six (6) feet.

(3) The minimum side yard setback for an accessory structure is three (3) feet.

Main Structure Articulation: The maximum exterior side wall plane width without a minimum of a two (2) foot by ten (10) foot offset is thirty (30) feet or a combination of one (1) of the following architectural or utilitarian features every thirty (30) feet to break up the monotony of the façade:

1. Projecting bay or box windows cantilevered, rather than supported by a permanent foundation (not to exceed twenty-five (25) percent of the façade length)
2. Stoops (not to exceed twenty-five (25) percent of the façade)
3. Porches (covered and unenclosed, not to exceed twenty-five (25) percent of the façade)
4. Chimneys (minimum depth of one (1) foot and not to exceed twenty-five (25) percent of the façade)
5. Structural window awnings or canopies (not to exceed twenty-five (25) percent of the façade)
6. Roof dormers

**Single-Family Districts Zoning Code
City of Alamo Heights Code of Ordinances**

7. Pilasters
8. A second-story roof overhang (at least twenty-five 25 percent of the façade length)
9. Porte-cocheres (see definition in Sec. 3-2 and Sec. 3-21. *Required Off-Street Parking* exception #4)

Exception: The minimum an air conditioning unit or pool unit can be located from a property line or fence is three (3) feet and air conditioning units must be located as close as possible to a main or accessory structure.

(Ord. No. 1750-C, § 2, 1-28-08)

Sec. 3-16. - Rear yard setbacks.

SF-A and SF-B Districts.

No building, structure or use shall hereafter be located, erected or altered so as to have a smaller rear yard than hereinafter specified, except as specifically provided in section 3-83, special rear yard regulations.

(1) The minimum rear yard setback for the main structure is twenty (20) feet for the first story and thirty (30) feet for a second story.

(2) The minimum setback of a garage from a main structure is four (4) feet.

(3) The minimum rear yard setback of an accessory structure is three (3) feet.

Exceptions:

(1) The minimum an air conditioning unit or a pool unit can be located from a property line or fence is three (3) feet and air conditioning units must be located as close as possible to a main or accessory structure.

(2) For purposes of calculating rear yard setbacks for the main structure, a covered breezeway attached to both the accessory and main structures shall not be considered part of the main structure. The breezeway must be no more than eight (8) feet wide and twelve (12) feet tall, must be unenclosed, must be

This ordinance also prevents the irreversible adverse impacts associated with the new construction and additions at the current 3:1 FAR which result in out-of-scale structures that will otherwise be permitted by-right, and further degrade the quality of life in existing single-family residential neighborhoods.

Another reason for the proliferation of out-of-scale structure is the use of Buildable Area to determine maximum development potential on a single-family zoned lot. The proposed solution utilizes the lot area as a base from which FAR is determined, rather than the Buildable Area currently used in the Municipal Code. By tying development potential directly to lot size and to individual zones, the ratio of house size to lot size is maintained proportionally across different lot sizes within each zone, and the development standards for each of the eight zones are further distinguished.

New Floor Area Ratios for Each Single-Family Zone

There are eight distinct single-family zones affected by the proposed ordinance. The proposed solution reflects the differences in the eight zone designations and establishes a base floor area ratio for each zone, based on lot size. As a direct result, two-story structures will automatically have larger setbacks than single-story structures of the same floor area.

Under the current code standards, setbacks do not increase by default as the lot size increases. This has resulted in the construction of two-story homes on large lots with little air space between neighboring structures. To remedy this, the reduced floor area ratio is tied directly to lot size and is in addition to setback requirements in the zone, resulting in larger setbacks on two-story structures.

The new base Floor Area Ratios ranging from 0.25:1 on RA lots to 0.5:1 on R1 lots respect the characteristics of these zones and address most of the factors that contribute to Mansionization.

Articulation Bonus

The purpose of the Articulation Bonus is to encourage quality design of single-family homes. There are two ways of achieving the bonus. The Proportional Stories method allows for slightly larger two-story structures by granting a floor area bonus of 20% of the maximum Single-Family Residential Floor Area as long as the stories other than the Base Floor are not greater than seventy-five percent of the Base Floor. This tool will provide a floor area incentive that encourages articulation by requiring that the second floor be smaller than the first floor, thereby changing the perception of size and scale of a structure. The Facade Modulation Bonus allows for slightly larger two-story structures by granting a floor area bonus of 20% of the maximum Single-Family Residential Floor Area as long as 25% of the building frontage facing the street is stepped back from the front façade by a minimum of 20% of the total building depth. To ensure that the FAR reduction does not result in inequitable restrictions on substandard R1 lots, the Bonus is raised to 30% in order to allow for reasonably-sized homes that are also well-designed on the exterior. Both the Proportional Stories method and the Facade Modulation method are flexible in terms of design, allowing the property owner to determine where this area is to be used.

b) Amend Height Limits for Single-Family Zones

Roofs are a defining characteristic of single-family homes; articulated roofs add visual interest to a structure and provide transitions between properties. Therefore, the proposed ordinance establishes new standards to differentiate between sloped and flat roofs. The proposed ordinance lowers the allowable

A12

Jackie Hoogenakker

From: Lynette Biunno on behalf of Edina Mail
Sent: Tuesday, April 16, 2013 2:24 PM
To: Jackie Hoogenakker
Subject: FW: Possible residential zoning changes

Hi there,

Can you assist this person??



Lynette Biunno, Receptionist

952-927-8861 | Fax 952-826-0389

lbiunno@EdinaMN.gov | www.EdinaMN.gov

...For Living, Learning, Raising Families & Doing Business

From: lane ayres [<mailto:lanebfa@gmail.com>]
Sent: Tuesday, April 16, 2013 2:20 PM
To: Edina Mail
Subject: Possible residential zoning changes

Dear Planning Commission: I appreciate the list of options to be discussed regarding changes to zoning codes for new and extensive construction. Please consider one additional item; a fee for tear-down and basement excavation. This could be based on the volume of debris, or number of trucks/axles, or some other system. The large trucks (sometimes huge 18 wheelers, weighing many tons, much bigger than even garbage trucks, and making many many trips) used to haul away debris or earth in major renovations and tear-downs causes significant cracking and damage to residential streets. You can see what it has done to our small street, but much of the damage is probably unapparent at the time. This increases the need for resurfacing or replacing streets sooner. Fees collected in this way could be set aside to reduce city and homeowner costs for street replacement. Thanks for considering this.

--

Lane Ayres
4407 Branson St., Edina

Cary Teague

From: Mark C. Dietzen <mdietzen@lindquist.com>
Sent: Monday, April 22, 2013 1:15 PM
To: Cary Teague
Subject: Zoning Ordinance Amendment Consideration

Mr. Teague,

My name is Mark Dietzen. I am an Edina resident and live at 4901 Bruce Avenue. I have been monitoring the Planning Commission's discussions on amending the residential zoning ordinances, and wanted to briefly comment on this matter. Although I understand that the amendments are currently being drafted, it appears from a review of your April 10 memo and from watching the April 10 Planning Commission meeting online that several changes are being explored including increasing side yard setbacks, requiring that window wells be included in the side yard setbacks, decreasing total building height restrictions, and reducing building coverage amounts.

As discussed below, I believe that these proposed changes will have a significant unintended consequence - they will drastically limit an existing Edina homeowner's ability to remodel his or her home.

The April 10 proposals and the discussion of the Planning Commission make it clear that perceived abuses in recent new home construction has generated concern in portions of Edina and with the commission. Some residents of Edina are very upset with large, tall houses being built next to much smaller houses and are also fed up with the lack of knowledge, supervision, and monitoring of the building of these massive structures.

Many of these concerns were addressed when the Edina City Council passed an ordinance creating a full-time coordinator position that will oversee teardowns and improve enforcement and consistency of the new home construction market in Edina. The new zoning amendment proposals are intended to go a step further and stop a builder from constructing a house that is too big for the neighborhood. Unfortunately, the proposed amendments will also apply to existing homes in Edina.

I am in the process of finalizing remodeling plans for my home in the Country Club District of Edina. I am bound by the same ordinances that would apply to new home construction. In addition, because I live in the Country Club District, I must also have my plans approved by the Historic Preservation Board (assuming the front or side façade of my home is changing (I am on a corner lot)).

The proposed zoning changes will significantly constrain my project if they are applied to existing homes. For example:

Side Yard Setback: If the proposed side yard setback proposals are approved, my home, and I suspect that a great number of homes in the Country Club District and Edina as a whole, will be non-conforming. If this occurs, the existing ordinance allows me to use only an additional 200 feet of non-conforming space. This very small amount of space will dramatically reduce my options for an addition. Basically, I will be unable to build an addition of a size that justifies the construction expense.

Further, my lot is irregular in shape. The commission's discussions seem to assume that the lots are all rectangular. Although the front of my lot is 50 feet wide, the rear lot line is 90 feet. Because of this irregular lot, the current ordinance requires that the width of the lot be taken 50 feet from the front of the lot. Will this continue to be the case?

Finally, it is my understanding that both a minimum side yard setback and a combined total side yard setback will be proposed. Because I am on a corner lot, combining the side yard setbacks will not work for my property. Will I be able to use the minimum side yard setback for one side of my home and disregard the total side yard setback requirement? To make matters more complicated, both the side yard and the street side portion of my home is non-conforming with current setback requirements. How would this fact impact the calculations and impact on my ability to remodel my home and build a modest addition?

Window Well Exception: If the window well exception is removed, again, a significant number of homes in the Country Club District and Edina as a whole would be non-conforming. This proposed change would also more significantly limit my ability to build an addition to my home with a window well on the side of the house. I understand that there needs to be space to get from the front yard to the back yard, but including a window well into the setback requirement would force residents in the Country Club District to stop building egress windows on the side of their houses. This does not seem to be the intended result.

Height Restriction: I do not understand how the height restriction is to be applied. Will my proposed addition be in violation of this ordinance if its height matches the existing height of my home (assuming my home is 35 feet tall)? Will new homes being built in the country club district be limited to 30 feet in height when nearly all of the homes in the area are over 30 feet in height?

Building Coverage: I believe that a significant number of the lots in the Country Club District are less than 9,000 square feet. If this proposed amendment is passed, a great number of homes in the district will have very limited space to build an addition due to the high density nature of the district. This does not seem to be the intended result.

I believe that applying the proposed amendments to existing homes in the Country Club District will significantly impact the ability of homeowners in the district to remodel their homes in a modest way in fitting with the neighborhood and surrounding properties. In addition, I believe it will cause new homes being built in the district to be much smaller than the existing homes in the neighborhood. I found the Star Tribune's editorial from March 26, 2013, to be directly on point when the editorial board stated:

"Complaints from residents have led Edina officials to consider additional steps. Hiring a full-time coordinator to oversee residential teardowns may improve enforcement and consistency. It's a good move. But the town should be cautious in tweaking its current regulations, which seem to be working on most projects. The aim should be to improve consistency, not drive away investment. Another avenue might involve reaching out to builders proactively, letting them know graphically what the community expects, showing them the projects that have worked over the past five years and the ones that have not."

Some neighbors will always oppose change, but successful cities are in a constant state of renewal. The trick is to insist on the highest standards and to make sure that new homes, while they may be a bit larger, don't detract from the character of the existing community."

I would urge the Planning Commission to consider the unintended consequences of the proposed zoning ordinance changes on homes in the Country Club District and forego the proposed changes. The new coordinator and the Historic Preservation Board will protect the overall character of the Country Club District and ensure that remodeling, additions and new construction are appropriate. I believe that the proposed zoning ordinance changes tip the balance too far in favor of the status quo. Neighborhoods should be allowed to grow modestly and new investment in properties should be encouraged or neighborhoods will stagnate and decay.

Please let me know if you have any questions.

Sincerely,

Mark Dietzen

Cary Teague

From: aporter@refinedllc.com
Sent: Wednesday, April 24, 2013 9:52 AM
To: Cary Teague; Kris Aaker
Subject: Planning commission

Cary/Kris,

I spent a little bit of time reviewing the agenda for tonight's planning commission meeting and have some concerns. Although I will be unable to be present for the meeting I wanted to make sure the commissioners have a few of my thoughts. Please forward this to the them.

1. It appears the suggested changes would affect everyone on lots under 75 in one way or another. We live in a neighborhood of homes which most lots are 50 x 135. Most of the homes were built in the 40's and 50's and are one story or 1 1/2 story homes with detached garages. These are modest homes with main floor living spaces in the 900 to 1200 sq feet. When you add in the detached garage you are already at/near/over the new proposed hardcover max. The proposed hardcover rules of 25% versus 30% would essentially eliminate the ability of these homeowners to expand their foot print at all; to add a porch, expand a living room/kitchen, add a strongly needed 3rd bedroom on the main floor. This would force the homeowner to move to a larger lot, or take on a much more expensive project forcing them to build a less desired 2nd story on the home.
2. Why is the Heritage District allowed to have 30% and not required to have 25%? Are we saying that that street-scape is desirable for that 50 foot lot neighborhood, but not for the other 50 foot lot neighborhoods?
3. Isn't increasing the current sideyard setbacks on 50 lots (not on 49' 11" lots) an extra 2 feet going to make the houses narrower and longer? Doesn't that affect the solar orientation of the neighbor for more of the day?
4. I think the reduced ridge height and eliminated sideyard wall height are great ideas and should be adopted. These alone should help with a lot of the street-scape issues of concern. Remodels and new homes will blend much better in with existing homes with this single change....more cape cods, more colonials, less "A" frames.
5. Accessing ones own rear yard without trespassing onto the neighbors property seems to be logical, but if it requires more regulation to happen...so be it. That being said I do not understand why a homeowner cannot add a lower level bedroom to their home in one side yard set back as long as the other side allows access to the rear yard. It seems like #3 in the "Drainage" paragraph should suffice.
6. Sidewall articulation requirement seems so impractical on 50' lots, I don't know where to begin. This was well vetted in Wayzata and doesn't make sense.

Thank you for considering my comments.

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