CITY OF EDINA

City Hall • Phone 952-927-8861

Fax 952-826-0389 • www.CityofEdina.com

MEMO

Date: June 26, 2013

To: Planning Commission

From: Cary Teague, Community Development Director

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

The following issues or topics have been considered by the Planning Commission over the past several months in regard to addressing the issue of "residential redevelopment" of single and two-family homes in Edina:

1. Drainage, retaining walls, egress window and site access.
2. Building Lot Coverage.
3. Side yard setback including second story setback requirement.
4. Building Height
5. Side wall articulation.
6. Front facing garage.
7. Nonconforming front yard setbacks.
8. Garage stall requirements
9. Miscellaneous Code Revision "clean up."

The Planning Commission has had some differing opinions and recommendations on each issue as they have been discussed. The Commission held public hearing on June 12, 2013 to gain additional input, and again consider each of these issues. Based on the discussion of the issues, the input gathered from the public hearing, the Planning Commission made recommendations to staff on amendments to the draft Ordinance to regulate the issues. The summary of the draft Ordinance below includes the changes that were recommended. Changes made to the Ordinance as recommended by the Planning Commission on June 12th, have been highlighted in green in the attached Ordinance dated June 26.

1. <u>Drainage, retaining walls, egress window and site access.</u> (Pages 1, 2 and 6 of the draft Ordinance.)The intent of the Ordinance is to make the drainage regulations clear, prohibit redirection of water to adjacent properties.

   The city engineer and the city's Stormwater consultants have reviewed the proposed Ordinance language, and are recommending language that is currently found in the recently adopted Ordinance putting the Construction Management Plan into Ordinance as it regulates tear down rebuilds. There is a larger issue in

regard to drainage with the added impervious surface as result of the large number of new larger homes being built in the City of Edina. Therefore, a bigger study will be taking place over the next several months to address this issue further. (See attached memo from the city engineer on pages A41.)

The city engineer will be at the Planning Commission meeting to address the issues and answer any questions that the Commission may have.

The Ordinance also requires a building permit and a three foot setback for retaining walls taller than four feet. A three-foot residential maintenance access from a front yard to a rear yard is required and defined. As requested by the Planning Commission, staff has provided some additional information on how other cities regulate retaining walls. (See pages A13–A40.) Please note the City of Minneapolis only allows "retaining walls, where natural grade is retained." (See pages A13-A20.) This type of regulation would prohibit a property owner from "flattening" out their yard by bringing in fill.

Egress windows wells now require a 5-foot setback on one side; but allows an encroachment on the other.

2. Building Lot Coverage. (Page 3.) Building Coverage was originally recommended to be revised to be uniform throughout the City at 25%. That would have been a change for lots less than 9,000 square feet in size, as they are now allowed 30% lot coverage, with a 2,250 square foot cap. At the April 24 meeting, Planning Commission recommended that no changes be made in regard to building lot coverage. Building Coverage requirements (which helps define "building coverage") have been moved to one place within the Ordinance, to make it easier to understand.

3. Side yard setback including second story setback requirement. (Pages 4-6 and 9.) Side yard setback requirements have been increased up to 2 feet for lots less than 75 feet in width. (See examples on pages A1b–A1e.) Requirements have been revised as follows:
   - Lots 49 feet wide or less = 5 feet on each side. (No change.)
   - Lots 50-59 feet wide = 12 feet total, with no less than 5 feet on one side. (Increased setback.)
   - Lots 60-74 feet wide = Increase the required setback 4 inches on each side for each foot the lot exceeds 60 feet. (Increased setback.)
   - Lots 75 feet wide and above = No change; 10 feet on each side.

The second-story setback increase based on height has been eliminated. (Pages 7-8.)

As recommended by the Planning Commission on June 12th, the side-yard setback for attached garages is now be the same as a principal dwelling unit for all lots. Current Code requirement allows an attached garages, tool sheds, greenhouses and garden houses, to have a 5-foot side yard setback. This entire provision has been eliminated. (Page 5.)

4. Building Height. (Page 1 and 6.) Maximum height to the ridge line for lots less than 75 feet in width has been reduced from 35 to 30 feet. Lots over 75 feet in width remain 35-40 feet. (See attached examples on page A1 and A1a for what the height regulation might look like.) 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.

5. Sidewall Articulation. (Pages 11-12.) The following language is suggested, based on the City of Alamo Heights, Texas regulation: 1. Sidewall Articulation for a Principal Structure. In order to avoid the monotonous appearance of long, unbroken building facades from abutting properties, the length of an exterior side wall shall not exceed thirty (30) feet without a) a minimum of at least a one (1) foot by ten (10) foot offset (projecting or recessed) or b) a combination of two (2) of the following architectural or utilitarian features every thirty (30) feet:

   a) Structural window awnings or canopies
   b) Projecting bay or box windows, cantilevered, rather than supported by a permanent foundation
   c) Stoops
   d) Porches
   e) Chimneys (minimum depth of one (1) foot)
   f) Balconies
   g) Roof dormers
   h) Pilasters
   i) Second story roof overhang (at least twenty percent (20%) of the façade length)
   j) Port-cocheres (a roofed structure extending from the building over an adjacent driveway that vehicles drive through, typically sheltering those getting out of vehicles or as a passageway to a garage)

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

6. Front Facing Garage. (Page 11.) A front facing attached garage on lots less than 75 feet in width. For attached garages that face a public street, the door 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.)

Based on recommendation of the Planning Commission language has been added to not allow an attached front facing garage to extend more than five (5) feet beyond the front building line. (Page 12.)

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

7. Nonconforming Front yard setback. (Page 7-8.) 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. Based on the discussion at the June 4th meeting, the Ordinance has been revised to not allow greater building mass into the nonconforming setback beyond 200 square feet.

8. Garage Stall Requirement. (Page 2.) Lots over 75 feet in width are required to have at least a two-stall garage, as required under the existing Zoning Ordinance. Lots 75 feet in width or less must have at least a one-stall garage.

9. Miscellaneous Code Revisions "clean up."

   - Accessory Buildings and Structures Used for Dwelling Purposes. (Pages 8-9.) This provision is stricken, as the City Code does not allow accessory building to be used for dwelling purposes in the R-1 District.

   - Variance and CUP process Floodplain. (Pages 12-17.) 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.

Draft 6-26-2013

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.

Residential Maintenance Access. For a single and double dwelling unit, a clear flat walkway from a front yard to a rear yard. This area allows outside

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

pedestrian access and space to bring equipment from a front yard to a rear yard without any encroachment on neighboring property.

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~~ conveyed into storm sewers, watercourses, ponding areas or other public facilities.
   As part of the building permit, the applicant must submit a grading and erosion control plan along with a stormwater management plan that is signed by a licensed professional engineer. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans.
   ~~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. In an R-1 or R-2 Zoning District, a residential maintenance access of at least three (3) feet in width is required on one side of a single or two 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.

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	InteriorSide Yard	Rear Yard
1. Single dwelling unit buildings on Lots 75 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 feet in width.	30'**	15'	~~The required interior yard setback of 5 feet shall increase by 1/3 foot (4 inches) for each foot that the lot width exceeds 60 feet.~~ See Subd.7.A.6. Below	25'
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'
4. Single dwelling unit buildings on lots less than 50 feet in width.	30'**	15'	5'	25'
5. 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'~~

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

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 required decking.	30'	15'	10'	10'
f. tennis courts, basketball courts, sports courts, hockey and skating rinks, and other similar recreational accessory uses including appurtenant fencing and lighting.	30'	15'	5'	5'
g. all other accessory buildings and structures.	30'	15'	5'	5'
h. egress window wells. *Egress window wells may encroach in the side yard setback on one side.	NA	NA	*5'	NA

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

C. Height

1. Single dwelling units buildings and structures accessory thereto.	2 ½ stories. ~~or 30 feet whichever is less~~ for maximum height see #4 below.
2. Buildings and structures accessory to single dwelling unit buildings, but not attached thereto.	1 ½ stories or 18 feet whichever is less
3. All other buildings and structures	3 stories or 40 feet whichever is less

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.

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

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 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; and

i. the addition shall not exceed the existing square footage encroachment into the nonconforming setback or two hundred (200) square feet, whichever is less; and

ii. the addition may only be constructed on the same floor as the existing encroachment into the nonconforming setback.

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 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.~~

6. Interior Side Yard Setbacks for lots 60-74 feet in width shall be as follows:

Lot Width	Required Interior Side Yard Setback
74	20' with no less than 10 feet on one side

73	20' with no less than 10 feet on one side
72	20' with no less than 10 feet on one side
71	19'4" with no less than 9 feet on one side
70	18'8" with no less than 9 feet on one side
69	18' with no less than 9 feet on one side
68	17'4" with no less than 8 feet on one side
67	16'8" with no less than 8 feet on one side
66	16' with no less than 8 feet on one side
65	15'4" with no less than 7 feet on one side
64	14'8" with no less than 7 feet on one side
63	14' with no less than 7 feet on one side
62	13'4" with no less than 6 feet on one side
61	12' 8 " total with no less than 6 feet on one side

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. Attached Garages that Face a Public Street on lots less than 75 feet in width.

1. The garage door 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.

2. The garage may not extend beyond the front building line by more than five (5) feet.

I. Sidewall Articulation for a Principal Structure. In order to avoid the monotonous appearance of long, unbroken building facades from abutting properties, the length of an exterior side wall shall not exceed thirty (30) feet without a) a minimum of at least a one (1) foot by ten (10) foot offset (projecting or recessed) <u>or</u> b) a combination of two (2) of the following architectural or utilitarian features every thirty (30) feet:

1. Structural window awnings or canopies
2. Projecting bay or box windows, cantilevered, rather than supported by a permanent foundation
3. Stoops
4. Porches
5. Chimneys (minimum depth of one (1) foot)
6. Balconies
7. Roof dormers
8. Pilasters
9. Second story roof overhang (at least twenty percent (20%) of the façade length)
10. Port-cocheres (a roofed structure extending from the building over an adjacent driveway that vehicles drive through, typically sheltering those getting out of vehicles or as a passageway to a garage)

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. 1 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 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 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 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 subpararaph 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:

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

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

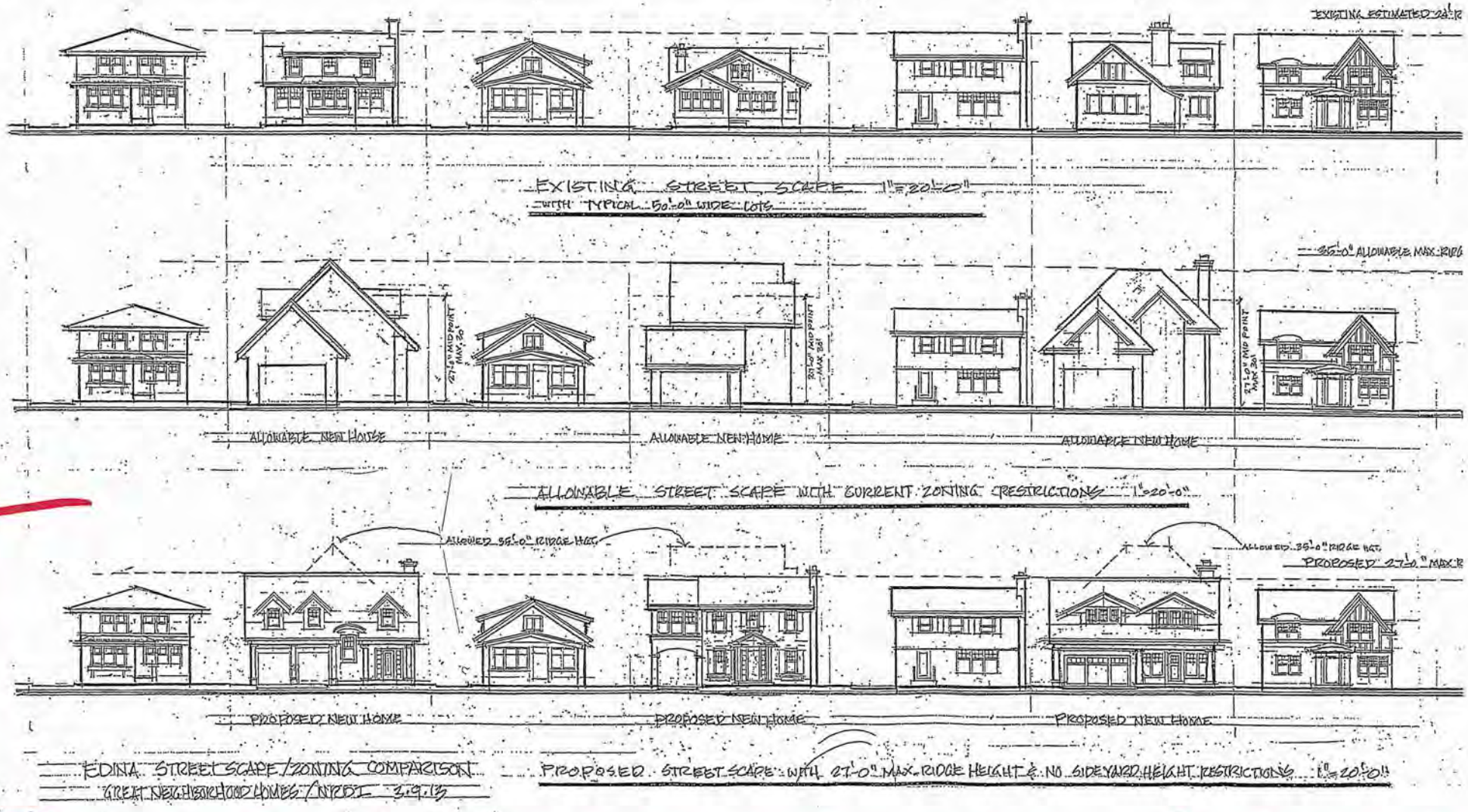
CERTIFICATE OF CITY CLERK

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.

_____

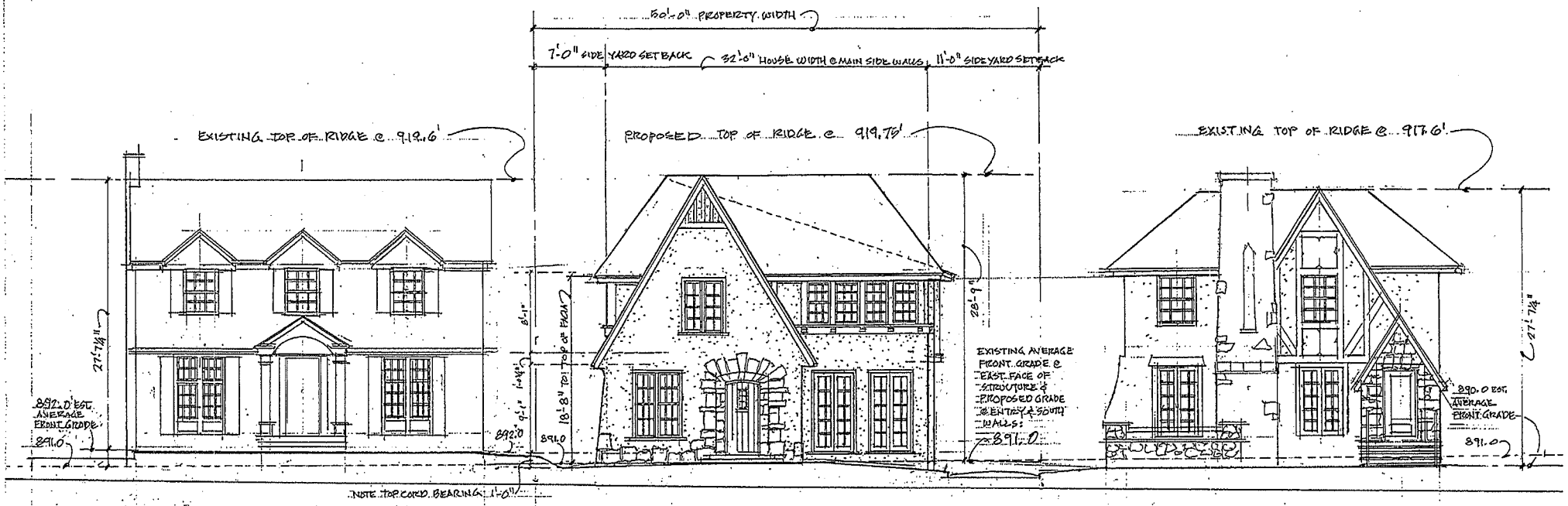
City Clerk



*

EXAMPLE OF STREETSCAPE WITH 30' RIDGE HT.

CREATED BY GREAT NEIGHBORHOOD HOMES



4626 EXISTING HOME

4624 PROPOSED NEW HOME

4622 EXISTING HOME

4626 TO 4622 BRUCE AVENUE SOUTH STREET ELEVATION

1/8" = 1'-0"

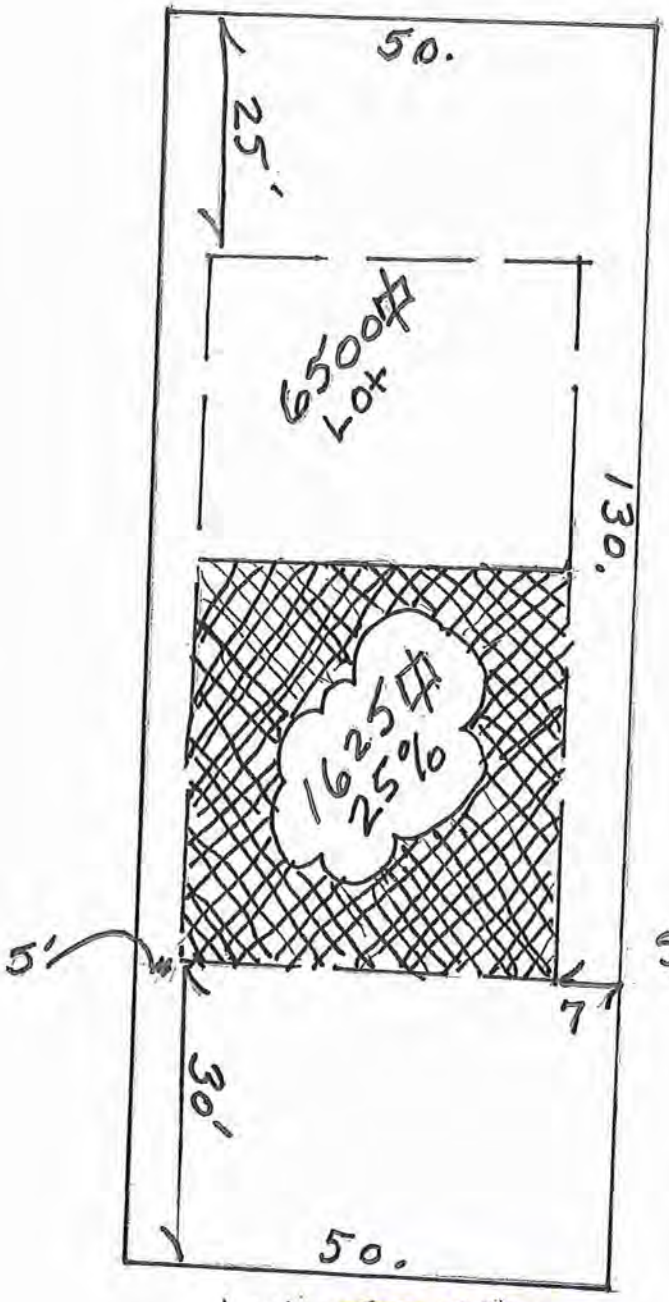
4624 BRUCE AVE SOUTH, EDINA

DONNAY HOMES

6-31-12

NELSON RESIDENTIAL DESIGN INCORPORATED

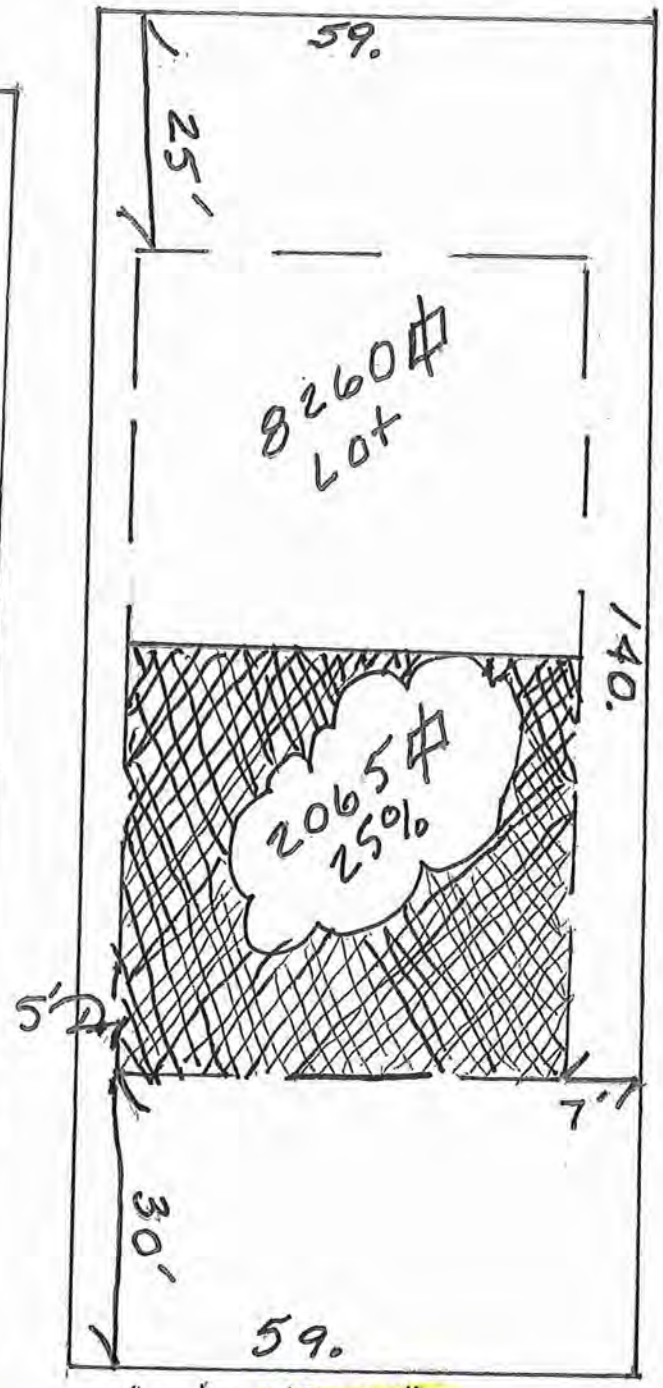
PROPOSED CODE EXAMPLES



Lot: 50. x 130

AREA: 6500 ☐

25% = 1625 ☐

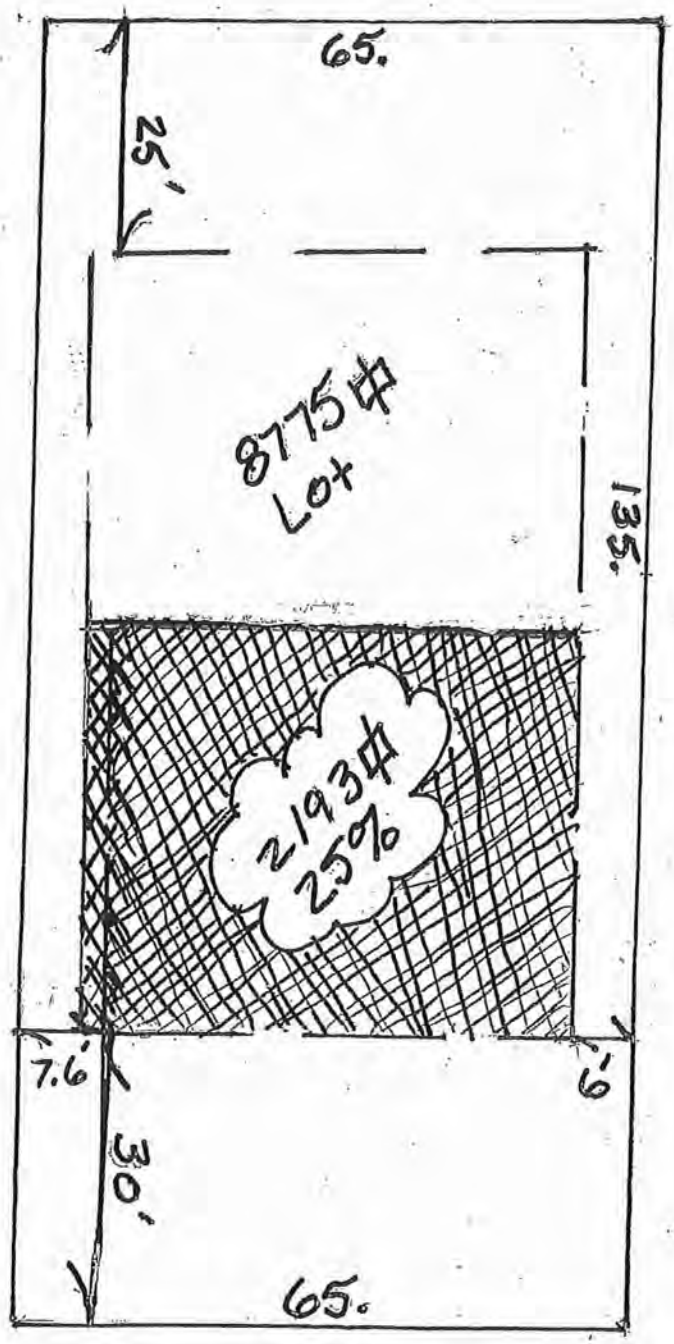


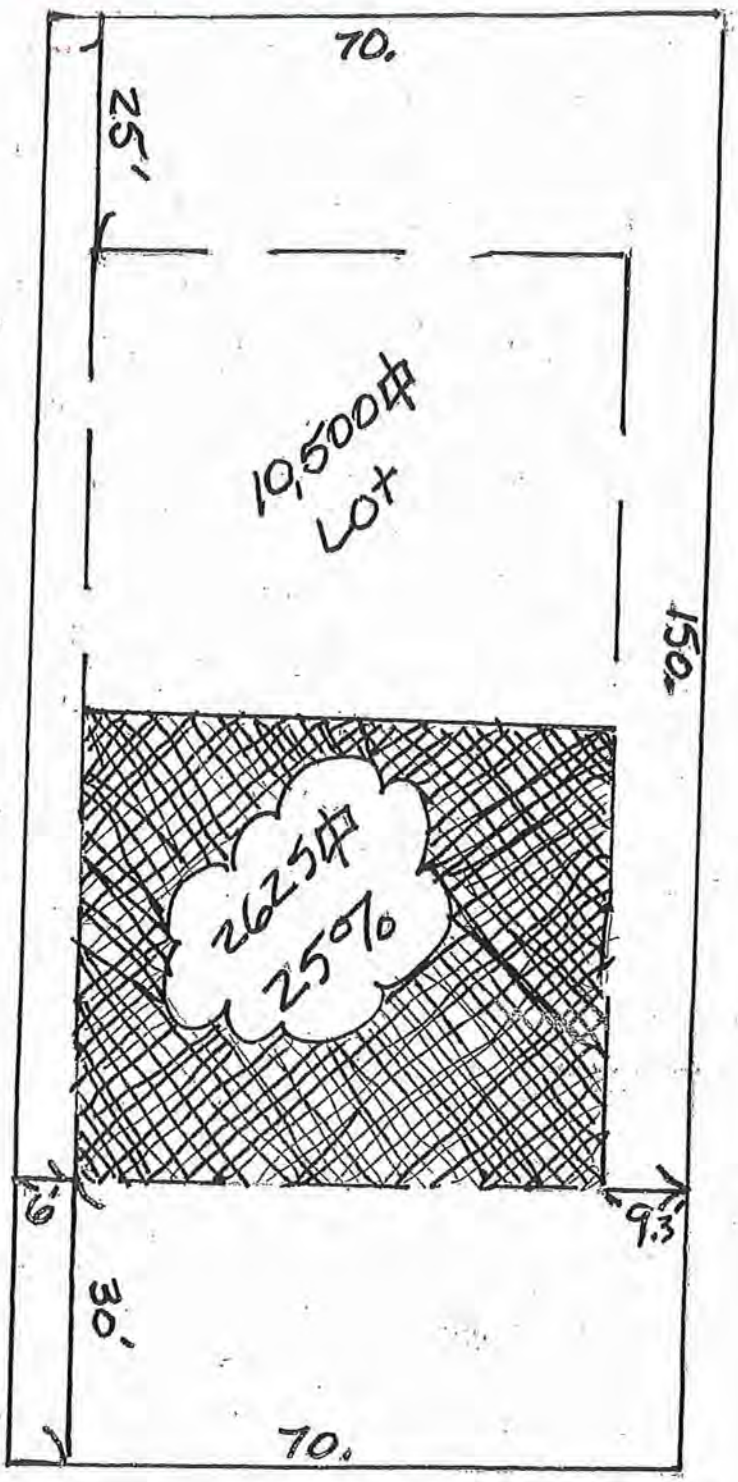
Lot: 59. x 140.

AREA: 8260

25%: 2065 ☐

PROPOSED CODE EXAMPLES



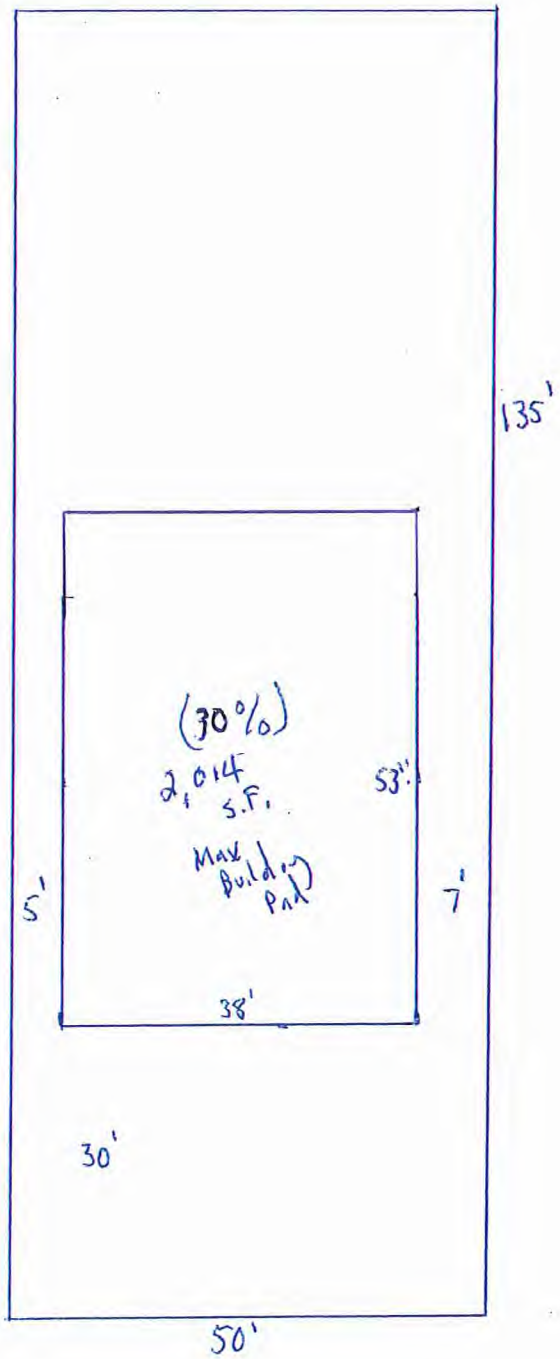


Lot: 65. X 135
AREA: 8775 ⌗
25% = 2193 ⌗

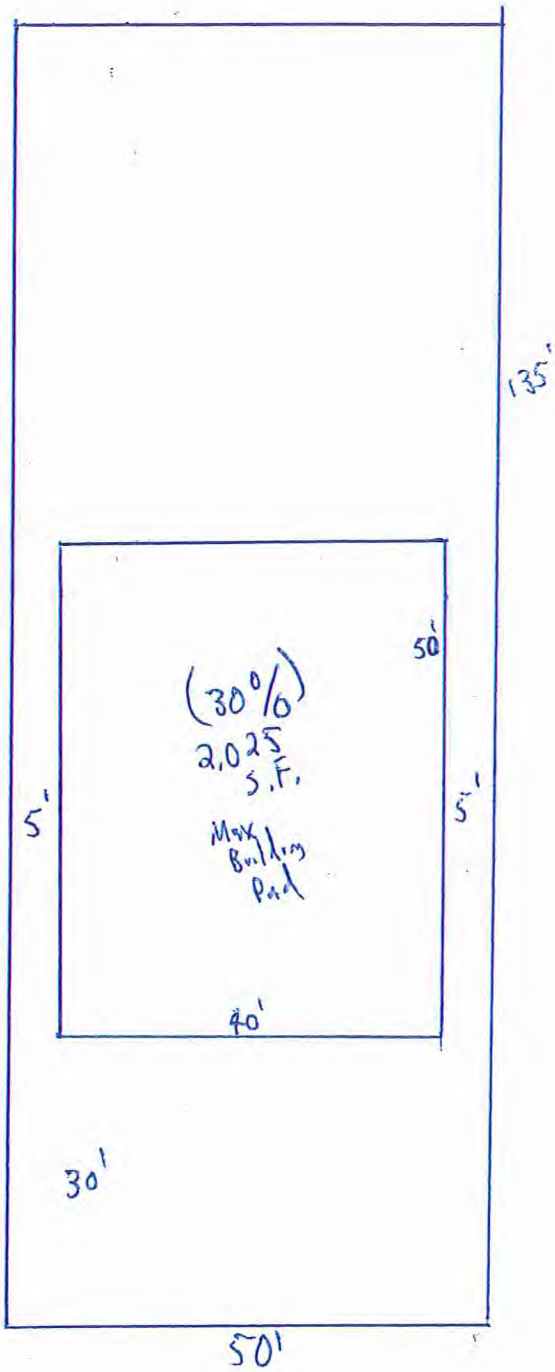
Lot: 70. X 150.
AREA: 10,500 ⌗
25% = 2625 ⌗

A|C

PROPOSED CODE



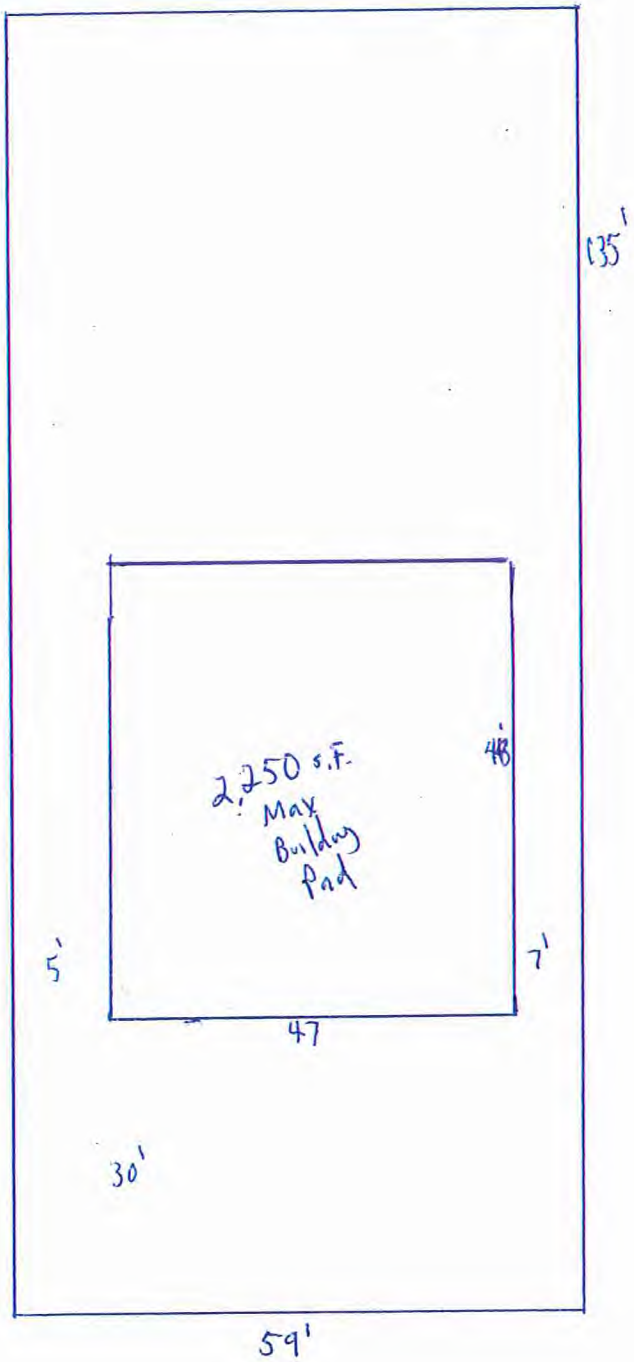
EXISTING CODE



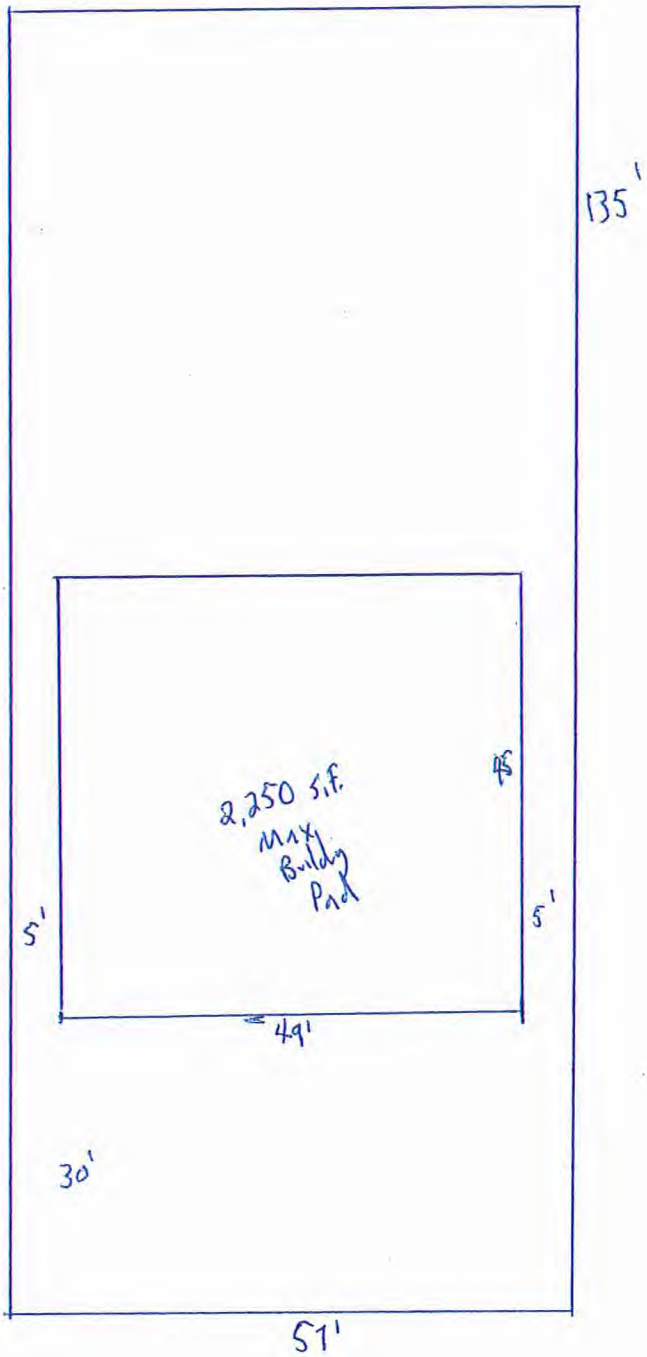
50-FOOT LOTS (6,750 S.F.)

A1d

PROPOSED CODE



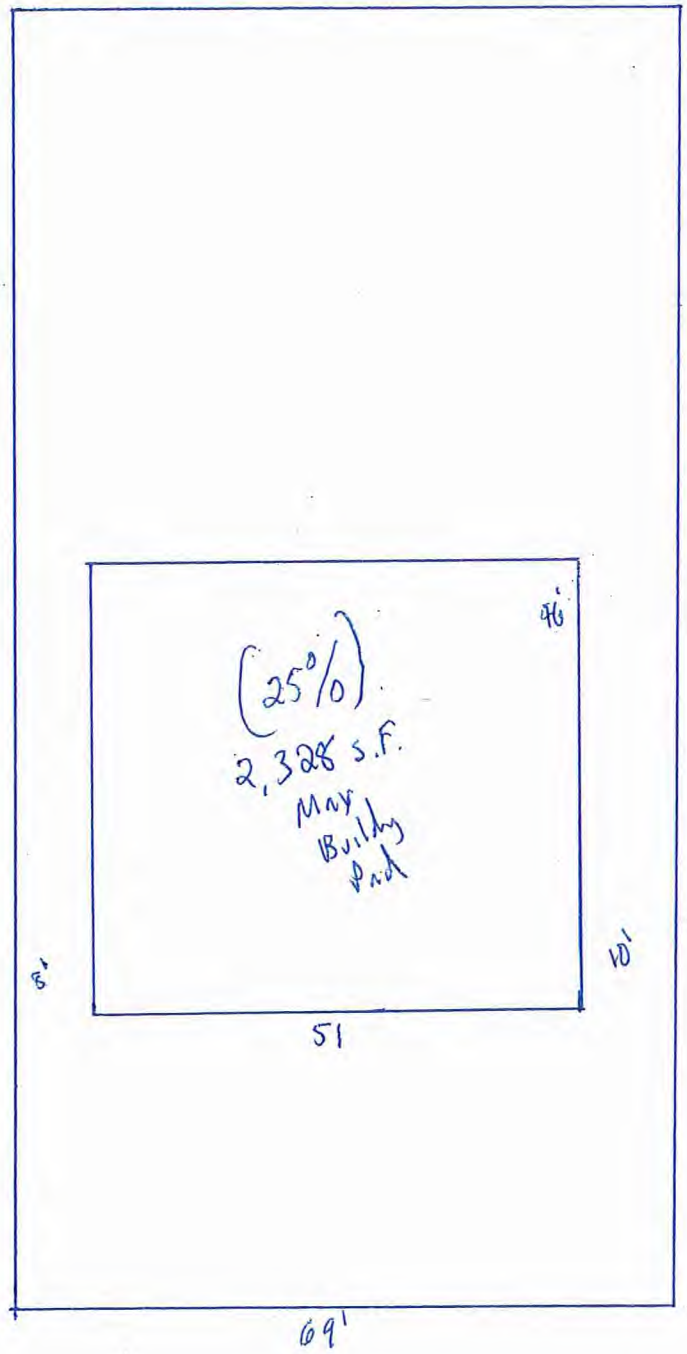
EXISTING CODE



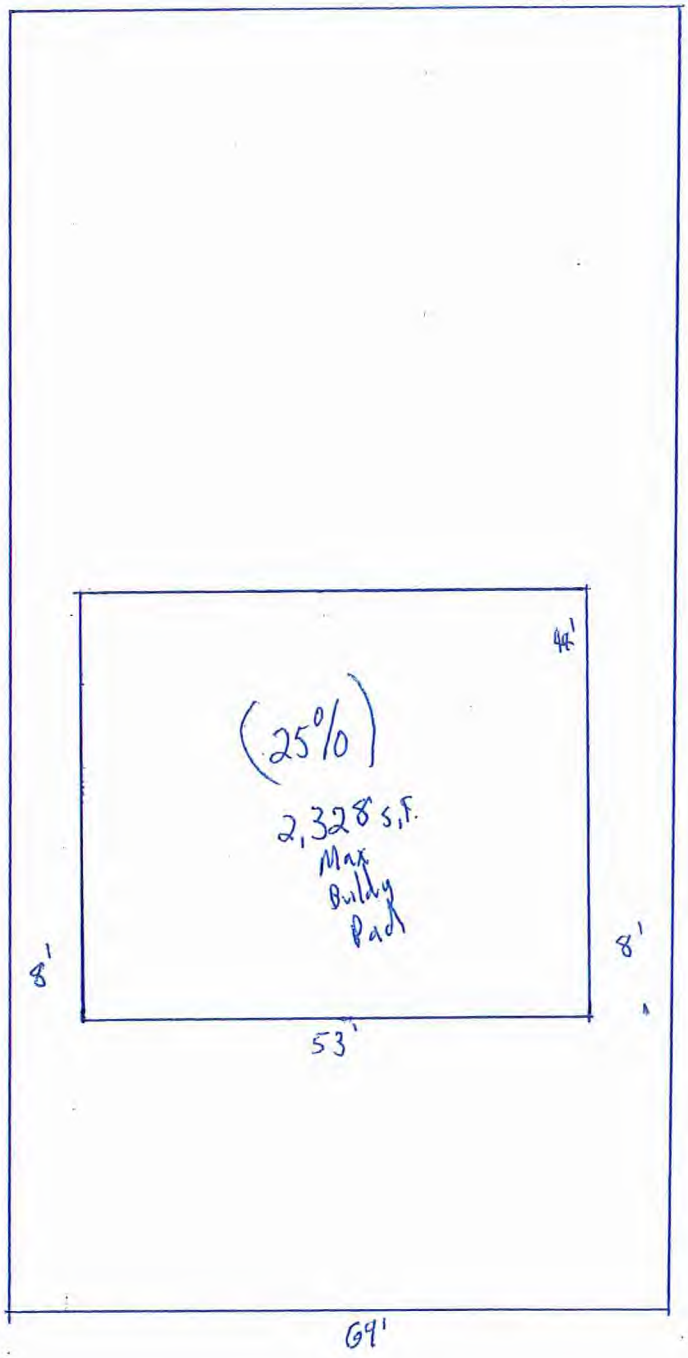
59-FOOT LOTS (7,965 S.F.)

Ale

PROPOSED CODE



EXISTING CODE



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

Minneapolis

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 OR1 Districts.* A detached accessory structure, accessory to a principal use located in a residence or OR1 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 OR1 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.

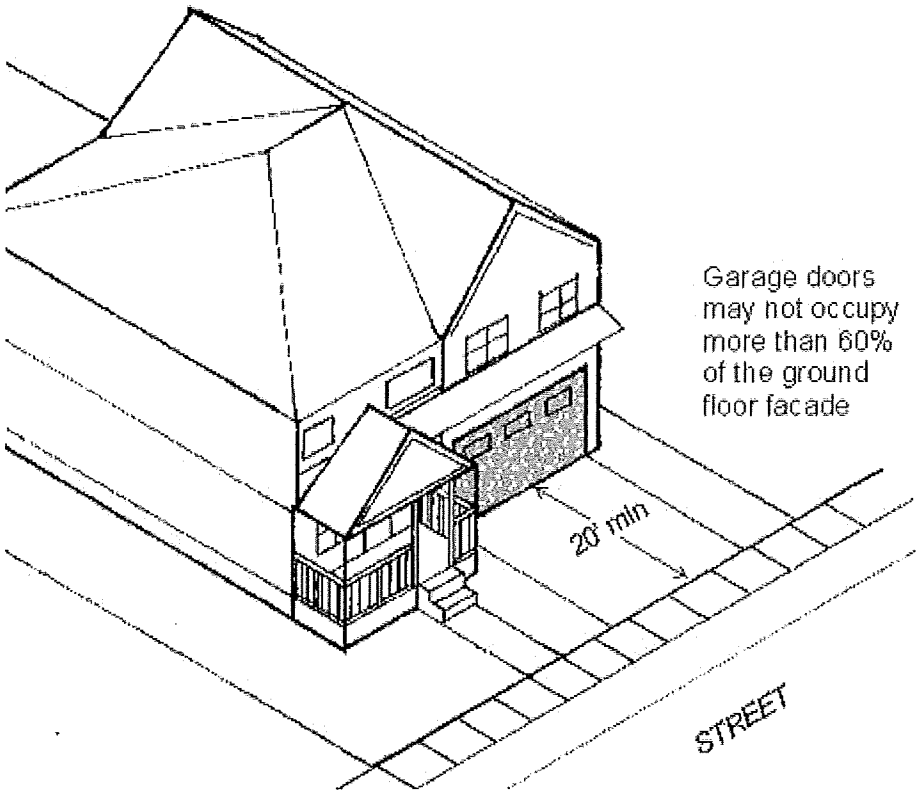
535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses. (c) *Attached garage facing the front lot line.* Attached accessory uses designed or intended for the parking of vehicles accessory to single and two-family dwellings and 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 yards[2] (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 eave edge is also required. The building code may require a larger setback or shorter eave 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.

A4

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

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.

A6

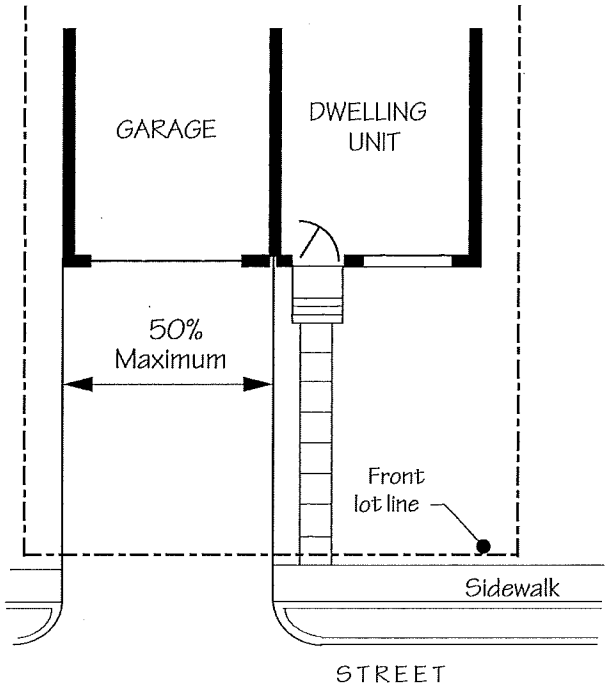
☒ Garage is not set back at least as far as non-garage part of structure

☒ 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



A69

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.

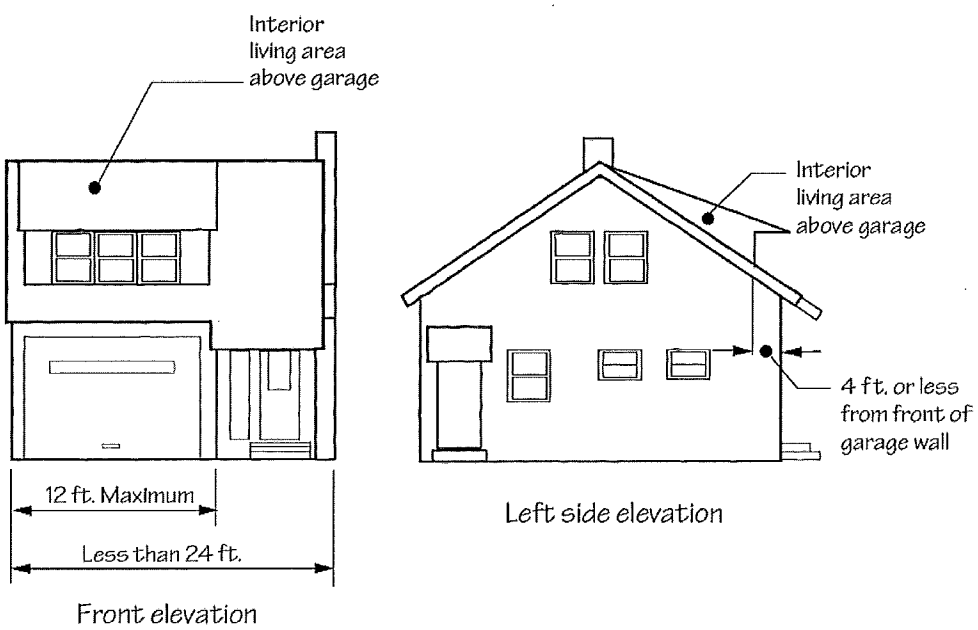
b. Exception. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 130-4.

(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



A6c

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.

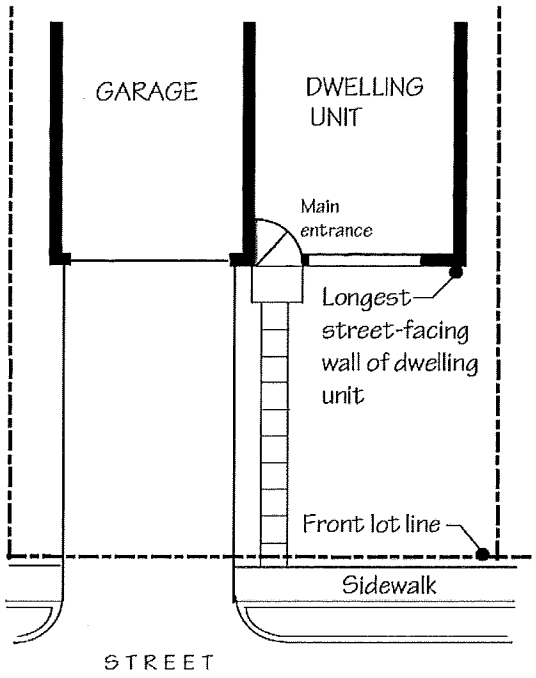
Initially, the proposed standards required the garage to be at least 3 ft. behind the longest street-facing wall of the dwelling unit. The Planning Commission changed the general requirement to allow a garage to be flush with the street-facing wall. The Planning Commission made these changes based on 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



A6e

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

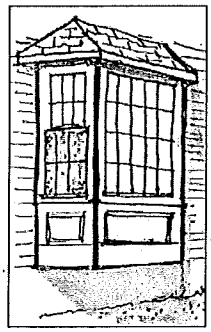
Maximum front yard setback

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.

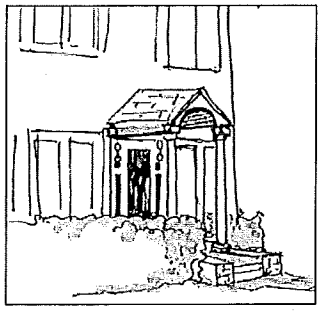
SF-A and SF-B Districts.

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 <u>or a combination of one (1) of the following</u> architectural or utilitarian features every thirty (30) feet to break up the monotony of the facade:

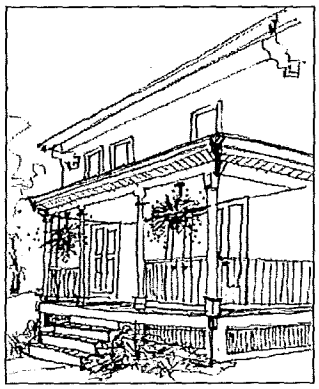
1. Projecting bay or box windows, cantilevered, rather than supported by a permanent foundation (not to exceed twenty-five (25) percent of the façade length)



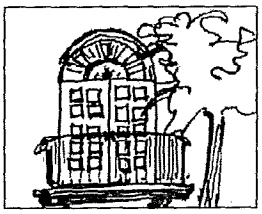
2. Stoops



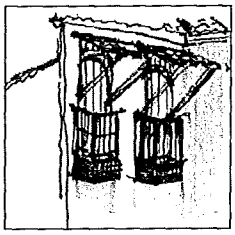
3. Porches (covered and unenclosed)



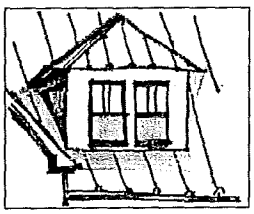
4. Balconies



5. Structural window awnings or canopies

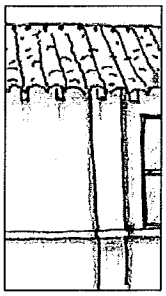


6. Roof dormers



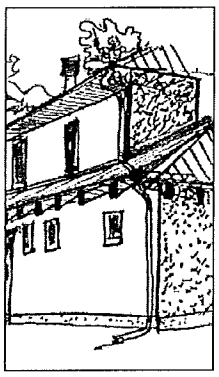
A8.

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)



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 <u>or a combination of one (1) of the following</u> 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

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

Los Angeles

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

CPED-PLANNING
BY ORDER OF THE ZONING ADMINISTRATOR

ADMINISTRATIVE ANNOUNCEMENT

Minneapolis
City of Lakes

DATE ISSUED:	DATE EFFECTIVE:	NUMBER:	PAGES:
12/2/2010	Immediately	2010-002	1

SUBJECT:	APPROVED BY:
Retaining Walls – Retaining Natural Grade	Steve Poor

Background:

There has been an increase in the number of retaining walls proposed in required yards where the proposed natural grade would be altered on the interior side of the wall. The intent is to raise the level of grade by adding fill and permanently alter the topography.

Determination:

Table 535-1 Permitted Obstructions in Required Yards specifies the following:

"Retaining walls, where natural grade is retained" are permitted obstructions in a front or corner side yard, interior side yard or rear yard.

A retaining wall in a required yard that *does not retain natural grade* is not listed in the permitted obstructions table and is therefore not permitted.

Note: For the purposes of this determination, backfill shall not be allowed behind any fence or wall that would otherwise be permitted by Chapter 535, Article VI of the zoning code.

CHAPTER 520. INTRODUCTORY PROVISIONS

520.160. Definitions.

520.160. Definitions.

Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. Additional definitions may be found within specific chapters of this zoning ordinance. All words and phrases not defined shall have their common meaning.

Fence. A structure providing a barrier or screening, but not protection against the elements, erected to provide privacy or security which defines a private space and enhances the design of individual sites.

Grade. The lowest point of elevation of the surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grade, natural. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.

Height, structure or building. The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the structure including parapets, or to the top of the highest point of the roof on a flat or shed roof, the deck line on a mansard roof, or the average distance between the eave edge and the ridge level for gable, hip and gambrel roofs. Dormers exceeding fifty (50) percent of the building width below a gable, hip and gambrel roof shall be included in the measured vertical distance. Except in the SH Shoreland Overlay District, roof-top mechanical equipment and enclosures less than fourteen (14) feet tall on a flat roof shall not be included in the height provided the equipment and enclosures are set back from the exterior walls one (1) foot for every one (1) foot they extend above the roof surface.

ARTICLE III. YARD CONTROLS

535.220. Purpose.

535.230. Required yards.

535.280. Obstructions in required yards.

535.220. Purpose.

Yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses.

535.230. Required yards.

Yard requirements shall be as specified in the applicable zoning district. Yards provided for an existing structure or use shall not be reduced below, or further reduced if already less than, the minimum requirements of the zoning code for equivalent new construction, except as otherwise provided in Chapter 531, Nonconforming Uses and Structures. All yards and other open spaces allocated to a structure or use shall be located on the same zoning lot as such structure or use. No required yards or other open spaces allocated to any structure or use shall be used to satisfy yard or other open space requirements for any other structure or use.

535.280. Obstructions in required yards.

(a) *In general.* All required yards shall remain open and unobstructed from ground level to the sky, except as otherwise provided below.

(b) *Permitted obstructions.* Accessory uses and structures and projections of the principal structure may be located in a required yard only as indicated by a "P" for permitted in Table 535-1 Permitted Obstructions in Required Yards.

(c) *Additional limitations.* In no case shall any permitted obstruction be located closer than one (1) foot from the property line, except for driveways, walkways, fences, detached accessory buildings, the storage of firewood and containers for the removal of household refuse, subject to the provisions of this section. In addition, notwithstanding Table 535-1 Permitted Obstructions in Required Yards, required interior side yards for nonresidential uses shall remain unobstructed from the ground level to the sky, except that fencing and retaining walls shall be allowed.

(h) *Rear yards.* For purposes of Table 535-1 Permitted Obstructions in Required Yards, a rear yard abutting a required side yard shall be considered an interior side yard and shall be subject to the permitted obstructions regulations for such interior side yard.

ARTICLE III. YARD CONTROLS

Table 535-1 Permitted Obstructions in Required Yards

Type of Obstruction	Front or Corner Side Yard	Interior Side Yard	Rear Yard
Fences including trellises, subject to Article VI of this chapter	P	P	P
Retaining walls, where natural grade is retained	P	P	P

(2001-Or-063, §§ 2, 3, 5-18-01; 2003-Or-027, § 1, 2-28-03; 2003-Or-123, § 2, 10-10-03; 2005-Or-152, § 1, 12-23-05; 2009-Or-069, § 1, 8-14-09; 2012-Or-018, § 1, 3-30-2012)

City of Minneapolis - Shawna @

→ more to come

On this page...
Before You Start
About Permits
About the Inspections Process
Handouts for the Project

Building or Repairing a Retaining Wall

At-a-glance

Walls of 4 feet in height or less

(Measured from the bottom of the footing to the top of the wall.)

Is a ...	Required?
Permit	No
Contractor	No*
Zoning Check and Site Plan	Yes*
Inspection	No*
Construction Plan Review	No

Homeowners can perform work on their own property.

Zoning Check is required for walls above 2 feet in height

Inspections are part of the permit process

Walls of more than 4 feet in height

(Measured from the bottom of the footing to the top of the wall.)

Is a ...	Required?
Permit	Yes
Contractor	No*
Zoning Check and Site Plan	Yes
Inspection	Yes
Construction Plan Review	Yes

Homeowners can perform work on their own property.

Note: The above facts apply ONLY to retaining walls totally enclosed on the homeowner's property. Walls on neighboring properties or public areas require additional permissions and procedures.

Before You Start

Look at these pages:

Requirements for Additions and Alterations (pdf)

A17

Minimum Standards for Dwellings (pdf)

Interior Remodeling or Alterations

Exterior Remodeling or Alterations

Finding a licensed contractor

Hiring a Residential Contractor – what do I need to know? (pdf)

Site Plan

Zoning Approval

Property Line Information

Property Line Location (pdf)

About Permits

Applying for a Permit

Permits Overview

Timeline for Completion

About the Inspections Process

Site Plan

Inspections Process

Handouts for the Project

Concrete Block Retaining Walls

Timber Retaining Walls

Last updated Apr. 11, 2012

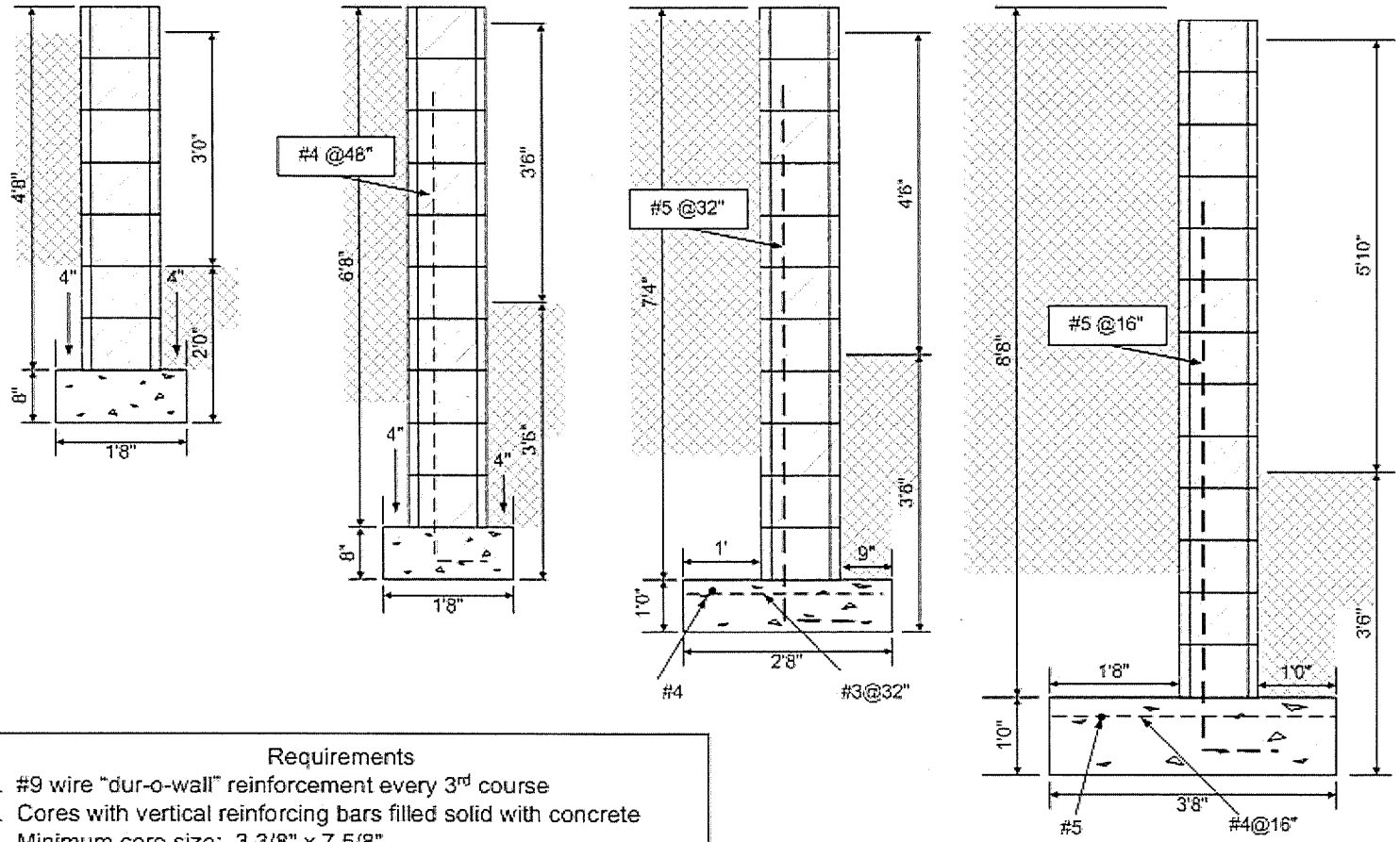
©1997-2013 City of Minneapolis, MN

A18

12" CONCRETE BLOCK RETAINING WALLS

Minneapolis Department of Inspections — Revised September 2005

Informational Bulletin



Requirements

1. #9 wire "dur-o-wall" reinforcement every 3rd course
2. Cores with vertical reinforcing bars filled solid with concrete
3. Minimum core size: 3 3/8" x 7 5/8"
4. If autos will be close than 6' to wall, height must be reduced 1'6"
5. Weep holes

A16

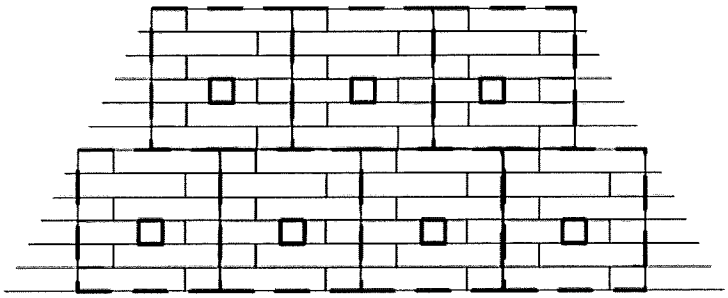
TIMBER RETAINING WALLS

Minneapolis Department of Inspections
Informational Bulletin

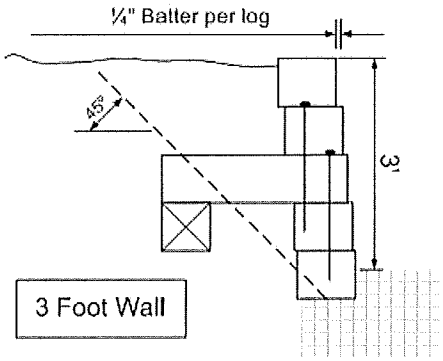
Revised September 2005

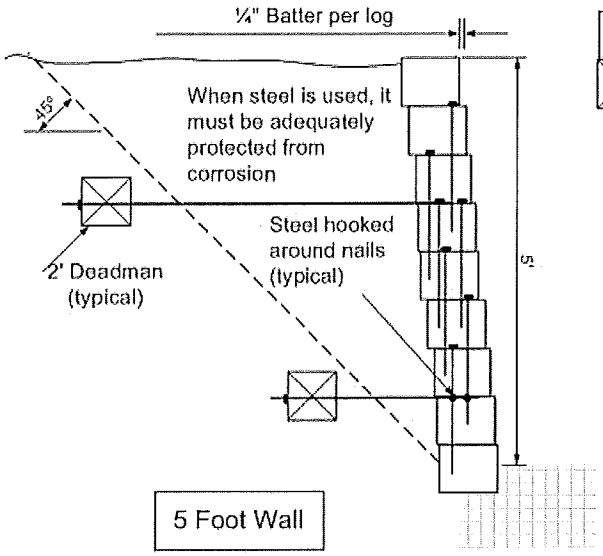
Requirements

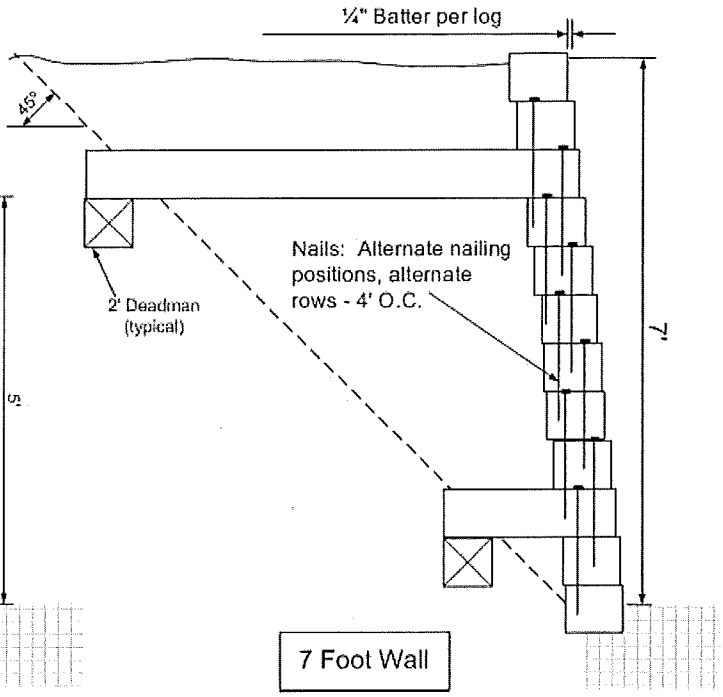
- Walls over four (4) feet need a permit
- Treated timbers required
- Walls over seven (7) feet or with special loading require a licensed engineer
- Deadman tiebacks may be timber or steel; they must be outside 45° line
- Nails must pass through two (2) timbers into third



Typical elevation showing typical deadman layout. 1 deadman per 16 square feet of wall staggered rows







City of St. Louis Park
Craig Morrison
#952-924-2542

Sec. 36-73. Yard encroachments.

(a) Any yard. The following shall not be encroachments on yard requirements provided all structures are located entirely upon the private property of the party requiring or requesting the construction of the structure, the encroachment is within height limitations of this Code, no permanent structure is placed in an easement without first obtaining approval of an encroachment agreement and ornamental structures are constructed so the finished side is facing towards the neighboring properties, exposing the structural side to the party requiring or requesting the structure:

(10) Fences and retaining walls subject to the requirements of section 36-74 and provided the retaining walls are necessary to correct grade differences and height is minimized via terracing where feasible. Where a fence is attached to a retaining wall structure, the retaining wall shall be included in the fence height measurement.

Sec. 36-74. Fences.

(a) General provisions.

(1) *Permit required.* A permit shall be required prior to the installation of any fence.

(2) *Submission requirements.* The following information shall be submitted prior to a fence permit being issued:

a. Application form and fee.

b. Site plan indicating location of fence.

c. Fence design indicating height and style of fence.

(b) Fence location.

(1) All fences shall be located entirely upon the private property of the party requiring or requesting the construction of the fence. It shall be the responsibility of the party installing the fence to ensure that it is constructed on private property.

(2) No fence shall be constructed or permitted on any public property, right-of-way or easement without the express authorization from the public agency having jurisdiction over the property or right-of-way.

(c) Prohibited fences.

(1) Electrical fences.

(2) Barbed wire fences, unless permitted by an exception.

(3) Any fence, wall, hedge, or other visual obstruction of any kind which is not in compliance with section 36-76.

(d) Height. The height shall be measured from the ground level to the top of the fence or wall section. In the case where a fence has variable heights or where the ground slopes, the height of the fence shall be the average height, but in no case shall the height of any one point exceed six inches above the maximum allowed by this section. Fence posts may exceed eight inches above the maximum allowed by this section.

(1) A fence or wall shall not exceed six feet in height if it is located in any side or rear yard.

(2) A fence, wall or hedge shall not exceed 3 1/2 feet in height if located in a front yard.

(e) Exceptions.

(1) A fence or wall may be up to eight feet in height if placed in any side or rear yard which abuts Interstate 394, State Highway 100, State Highway 7, State Highway 169, or their adjacent frontage road.

(2) A fence or wall may be up to eight feet in height if placed in any side or rear yard in an R district which abuts property in the C, O or I districts, or abuts a railroad right-of-way, school, church, or other public building.

(3) A fence or wall may be up to eight feet in height if placed in any side or rear yard when it is required for screening.

(4) A fence or wall in one front yard of any through lot may be at the height permitted in a rear yard if it complies with all of the provisions of section 36-76, is used as a rear yard, and the fenced yard used as the rear yard does not adjoin a yard used as a front yard.

(5) Barbed wire may be used by certain industrial and public service users for health and safety purposes. However, the barbed wire cannot be used at a height lower than six feet six inches, and the overall height of the fence including the barbed wire cannot exceed eight feet.

(Ord. No. 2325-07, 5-7-07)

(f) Construction and maintenance.

(1) Every fence shall be constructed so the finished side of the fence is facing towards the neighboring properties, exposing the structural side to the party requiring or requesting the fence. Alternating board fences which are finished on both sides shall be considered as complying with this section.

(2) Both sides of the fence shall be maintained in a condition of good repair.

(3) Any fence that is potentially dangerous to the public safety or health by reason of construction or sharp projections or protrusions shall be removed or repaired.

(4) Any fence over six feet in height shall be constructed of a nonmetallic material and shall be 90 percent opaque, unless the fence is used for security purposes in the I districts.

(5) Any fence or wall constructed over six feet in height shall be considered a structure, require a building permit, and meet all uniform building code requirements for a structure.

Kris Aaker

From: Julie Klima
Sent: Thursday, June 13, 2013 3:33 PM
To: Kris Aaker
Subject: FW: Retaining Walls

Hi Kris,

In response to your question regarding retaining walls in Eden Prairie:

- Can be constructed to up to the property line;
- Anything over 4 feet would require approval of a building permit;
- There is not a requirement for terracing;
- Building permit may be reviewed for potential conflicts with drainage;
- Staff recommends that retaining walls be outside of easement areas.

I hope this is helpful information – if you have any other questions, please let me know.

Thank you,
Julie

Julie Klima

Senior Planner

City of Eden Prairie

8080 Mitchell Road | Eden Prairie, MN 55344-4485

org

Please consider the environment before printing

A23

Planning

Permit Center
210 Lottie Street
Bellingham, WA 98225
phone: 360-778-8300
fax: 360-778-8301
www.cob.org

FENCES, WALLS AND HEDGES

AT SINGLE FAMILY RESIDENCES
(Bellingham Municipal Code 20.30.110)

1. HOW HIGH CAN I HAVE A FENCE, RETAINING WALL, OR HEDGE?

Fences, walls, and hedges that are located within a required yard* shall not exceed the following height limits (see also Figure 1.):

- Front yard on an interior lot: 54"(4'6")
- Front yard on a corner lot: 42"(3'6")
- Side yard on a flanking street: 42"(3'6")
- Interior side and rear yards: 72"(6')
- Vision Clearance Triangle: 36"(3')

Height is measured from the ground level adjacent to the outside edge of the wall or fence. When fences are constructed on top of walls, both are included in the calculation of height.

* The zoning code sets height limits for fences, walls (including retaining walls), and hedges when they are located between a property line and a setback line. This area is called a required "yard". See the "Yards and Setbacks for Single Family Homes" handout if you need to determine the required yards for your lot.

2. WHAT IF I WANT A TALLER FENCE, RETAINING WALL OR HEDGE THAN IS ALLOWED?

You may submit a request for an over-height fence or wall (a building permit may also be required, see question 4). An over-height fence request is subject to joint approval by the Planning and Public Works Departments.

Application forms and fee information are available in the Permit Center. You will need a site plan showing the location of the proposed fence and all buildings within 50' and an illustrative drawing of the fence, type of construction material, and the proposed height. The application also requires the written consent of all property owners abutting the proposed fence, wall or hedge.

Tip: Over-height retaining walls are discouraged. Terraced retaining walls separated by at least a five-foot (5') wide planting area are preferred when higher slopes must be supported. The heights of retaining walls that are separated horizontally by at least five feet (5') are not added for the purpose of determining total allowed height under the zoning code (inquire with Building Services to determine whether the terraced retaining wall will require a building permit.)

Tip: Sight obscuring over-height fences that extend across the full width of a lot on the street side are also discouraged. If a taller fence is desired for privacy, it should only enclose a portion of the front yard or the side yard on a flanking street.

If you are not able to obtain approval, you may consult with Planning staff to determine whether there are other options through variance or appeal.

3. HOW CLOSE TO THE PROPERTY LINE CAN A FENCE, RETAINING WALL OR HEDGE BE PLACED?

There are no setback requirements if your proposed fence, wall, or hedge does not exceed these maximum height limits and does not require a building permit.

4. WHEN DO I NEED A BUILDING PERMIT FOR MY FENCE, RETAINING WALL, OR HEDGE?

Fences: A building permit is required for fences over 6 feet high.

Retaining walls: A building permit is required for retaining walls if they are either over 4 feet in height measured from the bottom of the footing to the top of the wall, or supporting a surcharge (like a building or a parking area) or certain liquids.

5. WHERE DO I GET A BUILDING PERMIT?

Building permits are applied for with Building Services in the Permit Center. You may submit your building permit application at the same time as your over-height fence request, but any changes required to be made to the building permit submittal by the over-height fence review are the applicant's responsibility.

6. DO I NEED ANY OTHER PERMITS FOR MY FENCE, RETAINING WALL OR HEDGE?

An encroachment permit is only required for the construction of a fence in the right-of-way since block or rock walls and hedges are considered landscaping and do not require a permit. However, in the event the right-of way is needed for public improvements the fence, wall or hedge will need to be removed at the owner's expense. Poured in place retaining walls, or any wall that would require a building permit, are not allowed to be constructed in the right-of-way and any trees to be planted in the right-of way require a Street Tree Permit. If you are not sure where your property lines are, Permit Center staff may be able to help identify them. If not, a survey by a Professional Land Surveyor (PLS) may be required.

7. HOW CLOSE TO THE EDGE OF THE ROAD OR BACK OF THE SIDEWALK CAN A FENCE, RETAINING WALL OR HEDGE BE PLACED?

- No sidewalks present - a **10'** (ten foot) setback from the paved edge of the road is required (per City of Bellingham Development Guidelines 4-13, Construction Specifications) for clear-zone distance.

- Only a curb and gutter present - a **10'** (ten foot) setback from the face of the curb to any fixed object is required (per Development Guidelines 4-11, Lateral Clearance) for clear-zone distance.

- Sidewalk is present - a **3'** (three foot) setback from the back edge of the sidewalk is required for potential use of other street side features such as traffic signs or for access for sidewalk maintenance.

*IMPORTANT: Utility locates are required prior to any digging per RCW 19.122.030 and although setbacks are required, they will be determined on a case by case basis. Fences are not permitted to be constructed on top of water, sanitary or storm sewer mains or any other pipelines; however landscaping is permitted, but at the owner's risk and responsibility in the event maintenance or repairs are required. Contact Public Works Staff at the Permit Center for assistance.

8. **Figure 1. Fence, Wall and Hedge Height Limits when located in Required Yards**

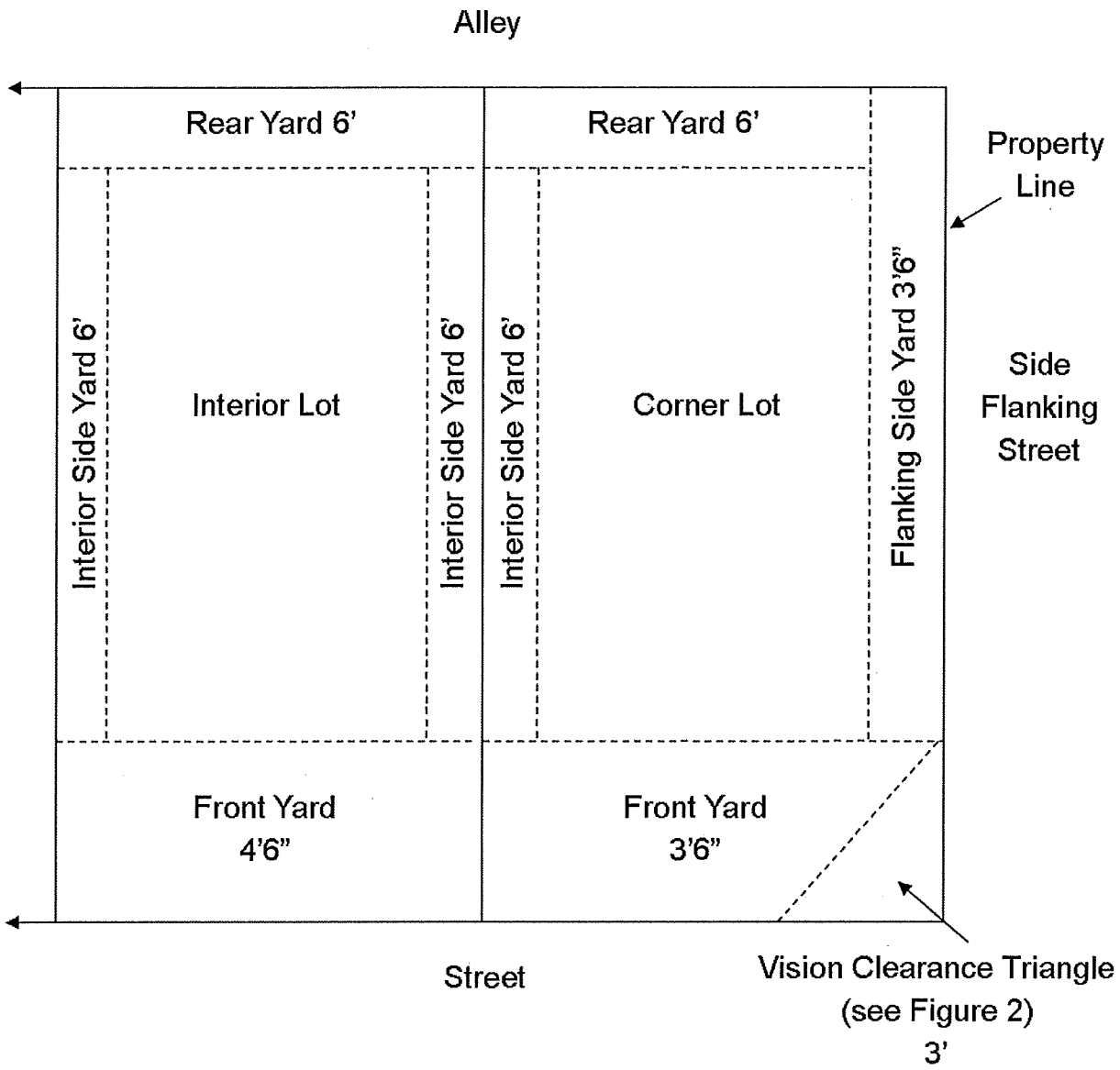
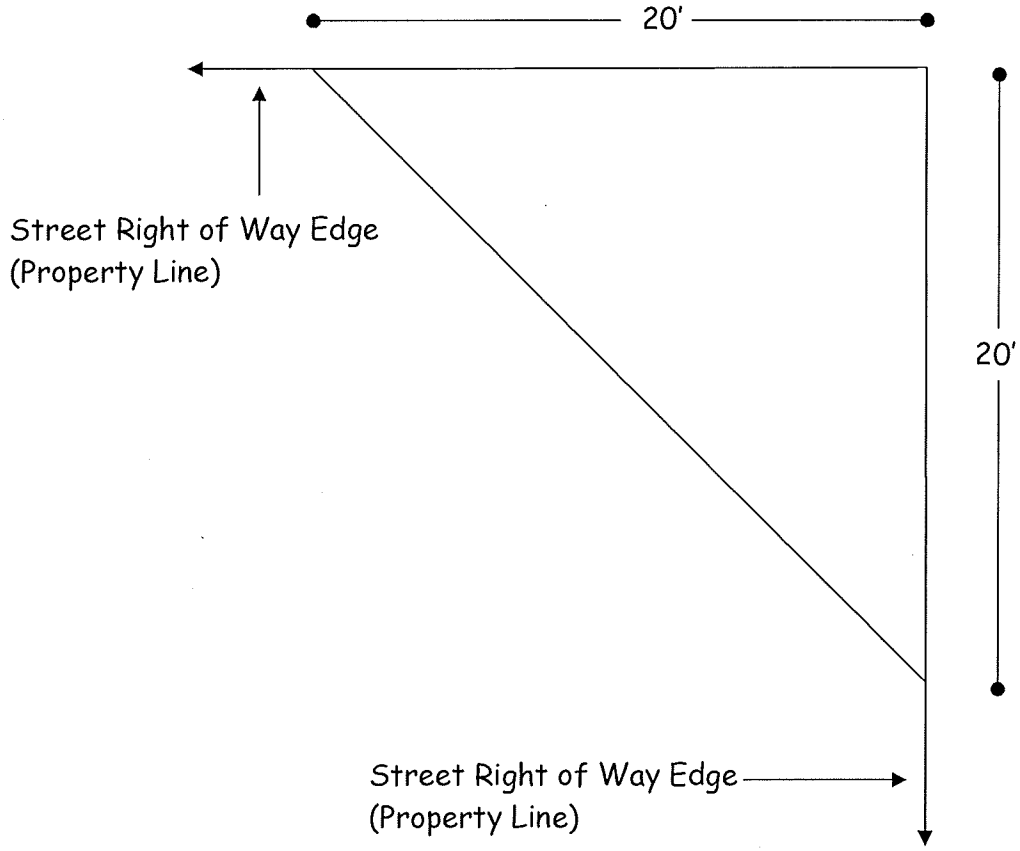


Figure 2. Vision Clearance Triangle



mesa·az
www.mesaaz.gov

Development & Sustainability
55 North Center Street
P.O. Box 1466
Mesa Arizona 85211-1466
480-644-4273 Tel
480-644-2418 Fax

MASONRY FENCE WALLS AND RETAINING WALLS

* See last page - requires neighbors to sign-off on adjacent retaining walls

This handout is for informational purposes only and should not be relied on in place of official regulations and/or policies. The CITY OF MESA makes no representations, guarantees, or warranties as to the accuracy, completeness, currency, or suitability of the information provided via the handout. Customers and citizens are personally responsible for complying with all local, state and federal laws pertaining to projects within the city. Copies of the CITY OF MESA adopted codes and Zoning Ordinances can be found on the city website at www.mesaaz.gov or at the CITY OF MESA Development Services located at 55 North Center street, Mesa, Arizona.

A29

mesa·az
www.mesaaz.gov

Development & Sustainability
55 North Center Street
P.O. Box 1466
Mesa Arizona 85211-1466
480-644-4273 Tel
480-644-2418 Fax

This information covers the basic requirements for the construction or replacement of a residential masonry fence wall or a masonry retaining wall for single-family residence. A building permit is NOT required for construction of a new residential masonry fence or masonry retaining wall to include replacement or modification of an existing fence or retaining wall per City of Mesa Design Guidelines Chapter 14 at Mesa City Code - Title 11, Chapter 14

Building Permits. A building permit shall not be required for the following: (4242). (b) Fences not more than six feet (6') (1,829 mm) high located on property zoned for single residence uses, provided the fence is not located on a property subject to the Desert Uplands Development Standards, is not located in a Historic Preservation Overlay District or on a site designated as a historic landmark and is not located on a public easement. (4242,4579,4807)

However, the construction of the fence or retaining wall must meet structural code requirements and City of Mesa Zoning Ordinance. The code requirements for each installation will vary depending upon the size of the structure, the materials of construction, the proposed location on property and the zoning district of the property. Additional information can be found at the Arizona Masonry Guild.

PLEASE NOTE: The following information is made available to assist you in preparing for and obtaining your project specifications and/or working drawings.

MASONRY FENCE WALLS
And
RETAINING WALLS

Masonry wall construction is used for fencing and is an element in landscape design. It can be an impressive feature, but building one can be an intimidating task. This is especially true if you have never attempted this before. But it is a project you can do if you do the proper planning and learn the right techniques or hire a well experienced contractor. You will also need some patience since this project can take time. At the end you will have a permanent feature you can feel proud of.

Often retaining walls and landscape walls are low structures. There are a couple of different kinds of walls. One type is dry-set with no mortar to hold it together. These are usually made of stone and no footing is required. The other type uses mortar to hold the masonry together and they require a footing. Usually a mortared wall is made of brick, concrete blocks, or stone. Freestanding walls are decorative in function. Aesthetics are a major consideration. Another kind of wall is a retaining wall, a wall that retains earth behind the wall. They also must be pleasing to the eye but they must be strong enough to support the earth they are supporting. These are often on a hillside or slope and can level an area of the landscape or keep soil from eroding.

DEFINITIONS

FENCE, SCREEN WALL, AND/OR RETAINING WALL: Freestanding, self-supporting structures constructed of durable wood, chain link, metal, masonry, or other standard fencing materials. Designed to provide privacy, security, screening, or bank retention between grade separations. (3388)

mesa·az
www.mesaaz.gov

Development & Sustainability
55 North Center Street
P.O. Box 1466
Mesa Arizona 85211-1466
480-644-4273 Tel
480-644-2418 Fax

CORRAL FENCING: An enclosure or pen for horses, cattle, or similar livestock with a maximum height of six feet (6'). Between the height of three feet six inches (3' 6") and six feet (6') the fence shall be constructed so that a minimum of sixty-six percent (66%) of the fence is open or transparent. (4681)

STRUCTURE: Anything which is built or constructed or any piece of work artificially built up or composed of parts, including but not limited to, buildings, fences, towers, overhead transmission lines, and mechanical equipment. (2658)

MASONRY FENCING: Masonry fencing can typically be of 4 basic construction types, however, there are many other types of masonry/concrete product available. The most common type found in the majority of residential developments is the **Interlocking Fence Block** system. Interlocking Fence Block are designed so that there is no mortar used at the vertical joints, making it easier for the do-it-yourselfer to construct a block fence or garden wall. The block interlocks with each other in a tongue and grove fashion, allowing for quicker installation while maintaining the highest quality. Pilaster block are designed to vertically reinforce the interlocking fence block at specified intervals. Interlocking Fence Block is available in a variety of architectural textures and colors to give virtually unlimited design possibilities. As with all construction, please follow all manufacture recommended design and installation requirements. Interlocking Fence Block is available as a medium weight hollow non load bearing masonry unit. Interlocking Fence Block units are available in 4", 6" and 8" (normal) widths by 8" height. Colors generally come in gray, beige, brown, rose, buff and purple haze.

Another common block type used in fence walls and retaining walls is the **Gray Concrete Block**, typically 8x8x16 in size, is used in a wide range of applications wherever solid, dependable and economical walls are required. As with all concrete masonry units (CMU), gray block is strong and weather resistant. It does not rust, nor warp, nor does it provide a cellulose food for mold or insects. With thermal mass, it's energy efficient, fire resistant, and termite resistant with great sound dampening qualities - perfect for today's residential and industrial building needs. Gray block like all CMU's are GREEN building materials and can contribute to LEED building points. They are available in a multitude of shapes, sizes, strengths, and weights.

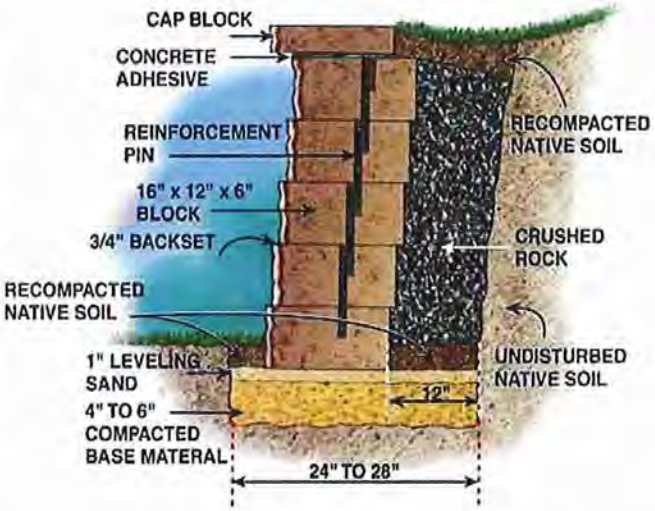
Slump Block, The spirit of the Southwest is unmistakable with Slump Block. This block maintains the same basic standard dimensions as regular units. To give slump block is character, the mix "slumps" when removed from its mold. Because of the unpredictable roll in texture when removing the block from the mold, units take the appearance of handmade adobe. Slump block is available in a variety of colors and in some cases; colors can be customized for larger orders (construction of homes or commercial buildings). Slump block is a normal weight hollow load bearing concrete unit. Units are commonly available in 4", 6", 8" and 12" widths with 4" (most common), 6" and 8" heights.

mesa·az
www.mesaaz.gov

Development & Sustainability
55 North Center Street
P.O. Box 1466
Mesa Arizona 85211-1466
480-644-4273 Tel
480-644-2418 Fax

LANDSCAPE MASONRY (Dry Stack/Garden):

Landscape masonry has many specialized categories such as retaining wall block and their accessories, pavers, patio stepping pavers, outdoor barbeques, architectural castings, rock and stone, etc. Many retaining wall blocks are colorful split face units utilizing mortarless methods. Pavers are increasing in their presence in the American landscape. Because of their intimate relationship with the earth, ground preparation and proper overall design is part of successful outdoor enrichment and property value enhancement.



Expanding infill land usage, exercise and sports courts, patio development, pet areas, terraces, streetscapes, ponds, beautifying and stabilizing land contours, bird and wildlife sanctuaries, waterfalls, and hanging gardens are but a few of the breathtaking uses of this extraordinary category. Yet another example of GREEN building materials they can be designed to encourage ground water recharge by absorbing storm water run-off, thus adding LEED points in both residential and commercial applications. The supplier and local building officials are often glad to give assistance regarding design guidance of these products.

ABBREVIATIONS:

W/N = WITHIN
O.C. = ON-CENTER
PRESS. = PRESSURE TREATED
P.U.E. = PUBLIC UTILITY EASEMENT
DIM = DIMENSIONS
IBC = INTERNATIONAL BUILDING CODE
IRC = INTERNATIONAL RESIDENTIAL CODE
NEC = NATIONAL ELECTRICAL CODE
UBC = UNIFORM BUILDING CODE
FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY

mesa·az
www.mesaaz.gov

Development & Sustainability
55 North Center Street
P.O. Box 1466
Mesa Arizona 85211-1466
480-644-4273 Tel
480-644-2418 Fax

Retaining Walls

Retaining walls are built in order to hold back ground which would otherwise move downwards. Their purpose is to stabilize slopes and provide useful areas at different elevations, e.g. terraces for agriculture, buildings, roads and railways.

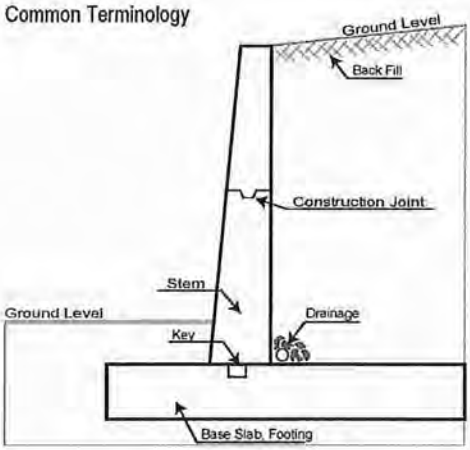
Definition

A retaining wall is a structure designed and constructed to resist the lateral pressure of soil when there is a desired change in ground elevation that exceeds the angle of repose of the soil.

The basement wall is thus one form of retaining wall.

However, the term is most often used to refer to a cantilever retaining wall, which is a freestanding structure without lateral support at its top.

Common Terminology



Typically retaining walls are cantilevered from a footing extending up beyond the grade on one side and retaining a higher level grade on the opposite side. The walls must resist the lateral pressures generated by loose soils or, in some cases, water pressures.

The most important consideration in proper design and installation of retaining walls is to recognize and counteract the fact that the retained material is attempting to move forward and downslope due to gravity. This creates lateral earth pressure behind the wall which depends on the angle of internal friction (phi) and the cohesive strength (c) of the retained material, as well as the direction and magnitude of movement the retaining structure undergoes.

Lateral earth pressures are zero at the top of the wall and - in homogenous ground - increase proportionally to a maximum value at the lowest depth. Earth pressures will push the wall forward or overturn it if not properly addressed. Also, any groundwater behind the wall that is not dissipated by a drainage system causes hydrostatic pressure on the wall. The total pressure or thrust may be assumed to act at one-third from the lowest depth for lengthwise stretches of uniform height.

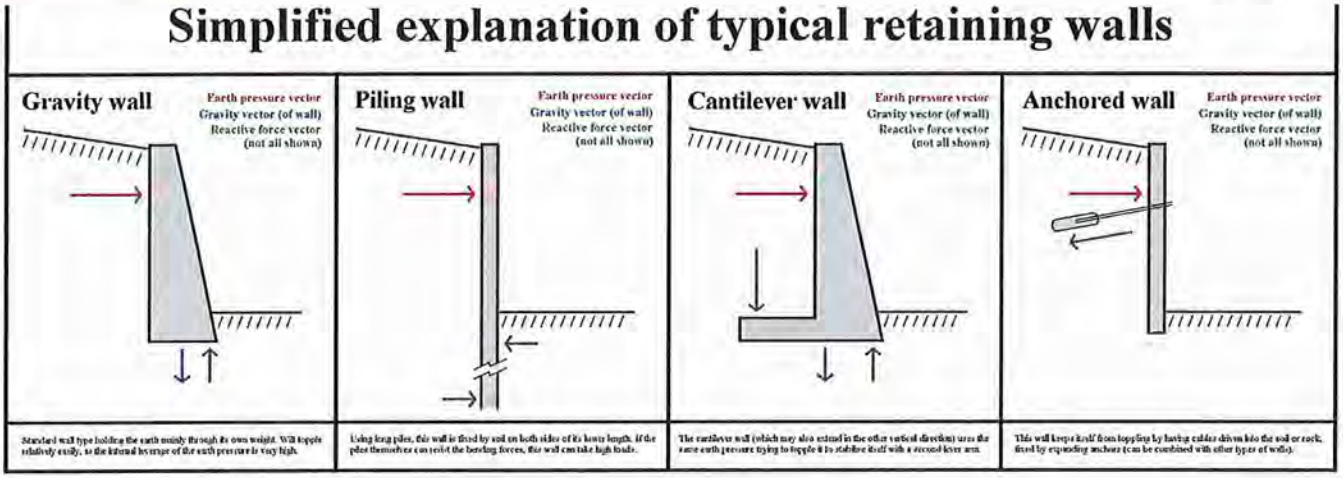
Unless the wall is designed to retain water, It is important to have proper drainage behind the wall in order to limit the pressure to the wall's design value. Drainage materials will reduce or eliminate the hydrostatic pressure and improve the stability of the material behind the wall. Drystone retaining walls are normally self-draining.

As an example, the International Building Code requires retaining walls to be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift; and that they be designed for a safety factor of 1.5 against lateral sliding and overturning.

A33

mesa·az
www.mesaaz.gov

Development & Sustainability
55 North Center Street
P.O. Box 1466
Mesa Arizona 85211-1466
480-644-4273 Tel
480-644-2418 Fax

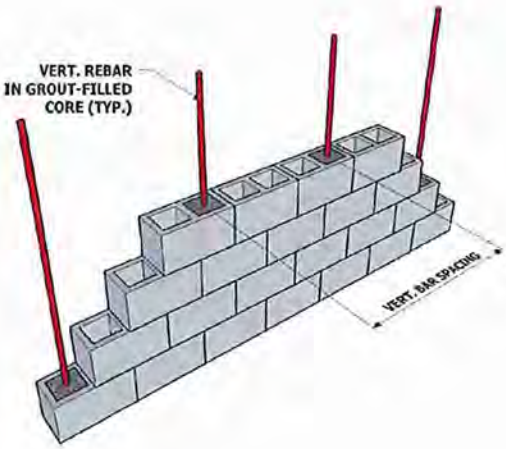


Block Wall Construction Tips

- Build the corner first and then fill in between the corners to form the courses. Build the leads several layers high before filling them in with the blocks between them.
- If you have to apply mortar to block ends then set then on in end and apply the mortar to all of them at once.
- When excess mortar needs to be removed wait until it starting to dry and then scrape it off. If you remove it from soft mortar you can mar the surface.
- Strike the joints in small sections. If you are going to put a finish like stucco on the wall then just scrape off the extra mortar instead of spending the time to strike the joints.
- When you have finished the wall and the mortar has dried use a stiff brush to remove any dirt or excess mortar.

Brick Wall Construction Tips

- A foundation or footing of the wall is essential for a durable brick wall. The ratio of foundation to wall is 3:1. For every 3 feet of wall height the foundation should be set 1 foot deep. The width of your foundation should be four times the brick width.
- Pour water on the brick so they don't absorb the water in the mortar.
- Be sure to use a level when laying each course.
- Use a trowel to fill in any gaps in the brick with mortar.
- If using vertical rebar, the core that the rebar is in must be filled with grout.



These tips will help you to build a wall you can take pride in.

mesa·az
www.mesaaz.gov

Development & Sustainability
55 North Center Street
P.O. Box 1466
Mesa Arizona 85211-1466
480-644-4273 Tel
480-644-2418 Fax

Additional Reference Information and Examples:

Fence/Wall on Common Property Line

Neighboring Property Owner Authorization

Authorization is required to be signed by all affected property owners.

Name: _____

Address: _____

Subject Property Address: _____

I hereby authorize my neighbor (above) to construct a fence/wall on our common property line. I acknowledge that the construction of such wall will require footings that extend into my property and that workers will require access to my property during construction.

Neighbor Name (please print): _____

Neighboring Property Address: _____

Neighbor Signature: _____ Date: _____

Maintenance of the fence/wall will be the responsibility of:

☐ Both property owners jointly
☐ Solely the responsibility of: _____

Neighbor Name (please print): _____

Neighboring Property Address: _____

Neighbor Signature: _____ Date: _____

Maintenance of the fence/wall will be the responsibility of:

☐ Both property owners jointly
☐ Solely the responsibility of: _____

Neighbor Name (please print): _____

Neighboring Property Address: _____

Neighbor Signature: _____ Date: _____

Maintenance of the fence/wall will be the responsibility of:

☐ Both property owners jointly
☐ Solely the responsibility of: _____

Walls constructed on a common property line may require written approval from your homeowners association and adjacent neighbor(s) at the discretion of the city. It shall be the responsibility of the property owner performing the work to secure such approval(s).

Palmer Township, Pennsylvania

Fence and Wall Zoning Regulations

Based on Palmer Township's Zoning Ordinances

(Designed and Printed January 2012)

See pages 4 + 5

THE USE OF THIS PACKAGE IN LIEU OF SUBMITTED DRAWINGS APPLIES TO RESIDENTIAL FENCES. FENCES MUST BE CONSTRUCTED IN CONFORMANCE WITH PALMER TOWNSHIP'S ZONING ORDINANCES AND THE 2009 INTERNATIONAL BUILDING CODE, WHICH SUPERCEDES ANY DISPREPANCY LOCATED HERE WITHIN.

A31

FENCE — A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or other materials shall be considered a wall. The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms "fence" and "wall" do not include hedges, trees or shrubs. (amended 12-17-2001 by Ord. No. 2001-311)

FENCES, WALLS, HEDGES

(a) Unless otherwise stated, these uses shall be allowed in all districts.

(b) Setback from roads. No fence, structure, wall or continuous hedge shall be located within the existing right-of-way of a public street. In addition, the sight-distance requirements of § 190-194C shall be satisfied (see Figure 1).

(c) Fences.

[1] Any fence located in the required front yard of a use in the LDR, MDR, HDR or HDR-II Districts or of any primarily residential use shall have a minimum ratio of 1:1 of open to structural areas and shall not exceed four feet in height. Such fences shall be of split-rail or picket-fence type of wood construction.

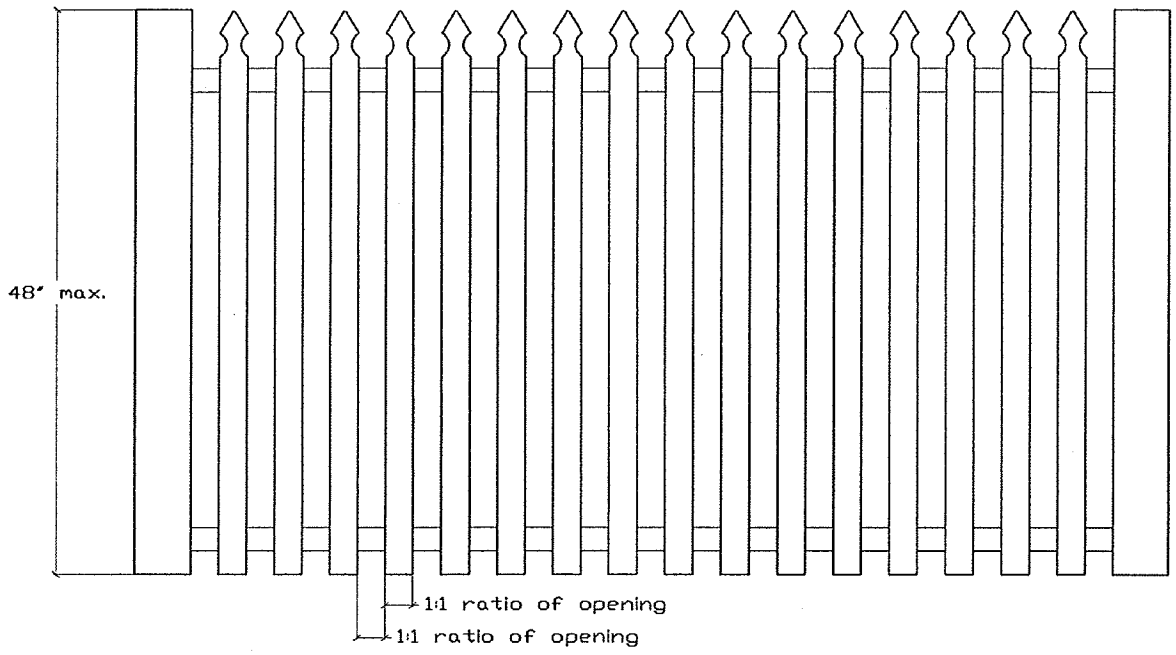


Figure 1: Example of open ratio 1:1

[2] Fences may be located on a lot line.

[3] A fence that is not regulated under Subsection E(7)(c)[1] above or Subsection E(7)(c)[4] below may have a height of up to six feet and may be solid.

[4] For nonresidential principal uses or within the RA districts, fences may have a maximum height of nine feet.

[5] A fence of up to 10 feet may be allowed in a rear yard in any district for the sole purpose of enclosing a court for racquet sports.

[6] If one side of a fence is more finished or flatter than another side of a fence and the fence

faces onto an abutting dwelling or street, then the more finished or flatter side should face onto the abutting dwelling or street.

[7] Barbed wire or electrified fences shall not be used surrounding a dwelling.

If a property is located on a corner, front yard setbacks occur for any property line abutting a street, which relates to the sight triangle.

C. Sight distance (or triangle). – An area required to be kept free of visual obstruction.

(1) Sight distance at intersections.

(a) Purpose. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.

(b) A triangular area as described in this section shall be graded and shall be kept free of sight obstructions between the ground level and a height of 10 feet above the center-line grade of the intersecting streets, including structures, nontransparent fences, vegetation and signs (but not including mowed grass, posts of official signs which must be located in the sight triangle because of their function or the trunks of existing trees whose branches are kept clear of the sight triangle). [Amended 12-17-2001 by Ord. No. 2001-311]

(c) This sight distance triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.

(d) Such triangular area shall be bounded by the intersecting street center lines and a diagonal connecting two points, one which is at each end of the center lines of each street as follows:

[1] One hundred fifty feet from the intersection of such street center lines, if either street is an arterial street (see Figure 2).

[2] One hundred feet from the intersection of such street center line if either street is a collector street (see Figure 2).

[3] Seventy-five feet from the intersection of such street center line if both streets are local streets (see Figure 2).

(2) Sight distance at intersections of driveways or accessways with streets.

(a) A triangular area as described in Subsection C(1) above shall be graded and shall be kept free of sight obstructions between the ground level and a height of 10 feet above the center-line grade of the intersecting driveway, accessway or street, including structures, nontransparent fences, vegetation and signs (but not including mowed grass, posts of official signs which must be located in the sight triangle because of their function or the trunks of existing trees whose branches are kept clear of the sight triangle). [Amended 12-17-2001 by Ord. No. 2001-311]

(b) This sight distance triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.

(c) Such triangular area shall be bounded by the intersecting street center lines and a

diagonal connecting two points, one of which is at each end of the center line of each street, accessway or driveway 30 feet from the intersection of such center lines.

(d) No sign shall be placed or vehicle parking located in such locations that would obstruct clear sight lines necessary for the safe movement of traffic out of any driveway or accessway onto a street.

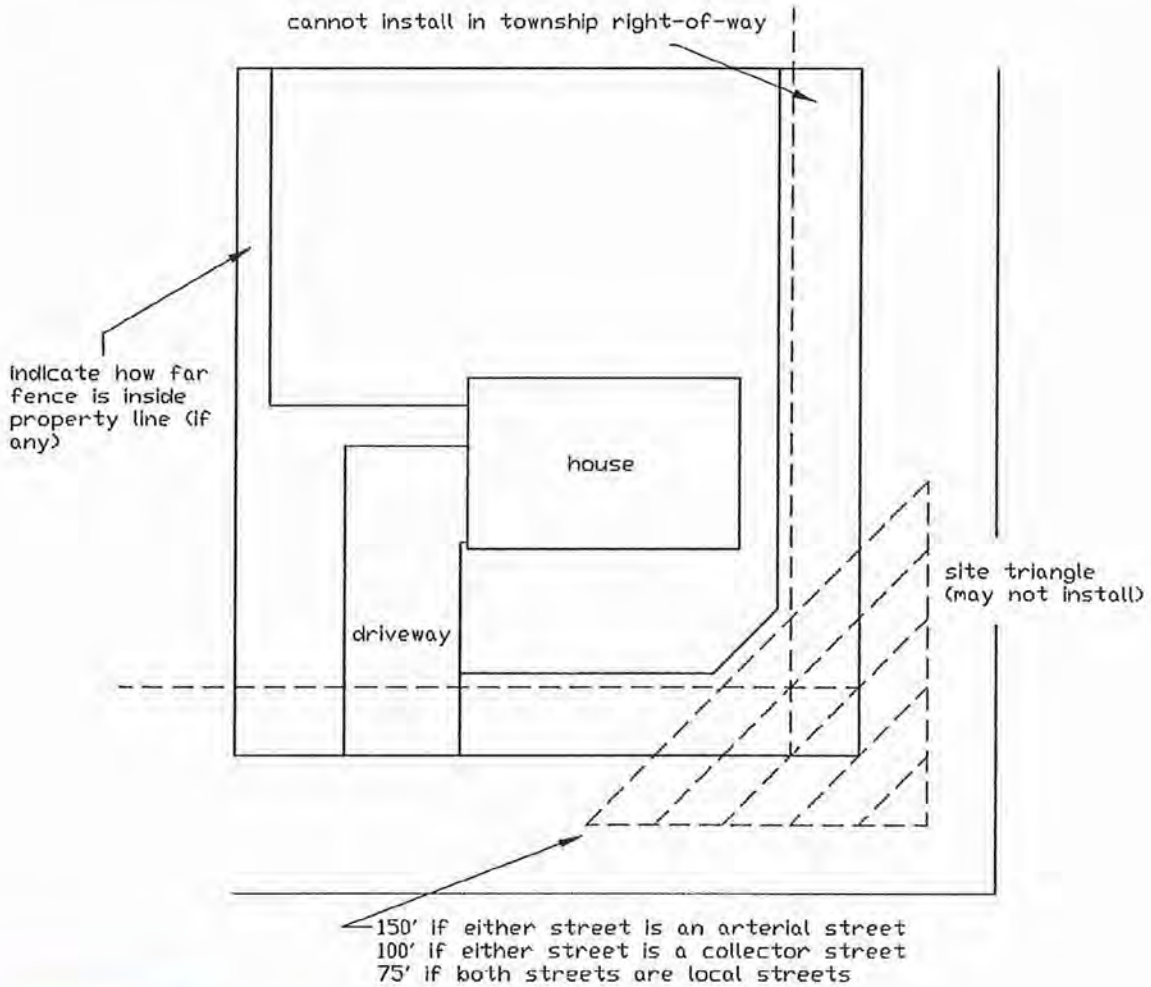


Figure 2

RETAINING WALLS

Retaining walls that are not laterally supported at the top and that retain in excess of 24 inches of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against later sliding and overturning. Engineering retaining walls to hold back slopes of earth shall be permitted upon approval of a zoning permit containing a complete set of construction plans. Guards may be required (check with Building Official).

Any wall higher than three (3) feet in the required front yard of a residential use in the LDR, MDR, or HDR districts shall require a special exception, and shall be permitted only if compatible with the character of the area.

A31

Walls may be one (1) foot in height for every two (2) feet they are set back from a lot line, up to a maximum height of six feet. All walls shall be architecturally compatible with the structure and the landscape.

PERMIT APPLICATION SUBMITTALS

Site plan and fence/wall details are required to be submitted when applying for a fence permit. The site plan must include the fence in reference to the house and property lines (see example below). This shall indicate the setbacks of the fence/wall, if any, from the property lines. Any misrepresentation will be handled by our Zoning and Building Department and may impose violations, fines and the removal of such installed structures.

Fence details including the size, measurements and cost of the materials of the fence or barrier shall be included when applying for a permit. If a contractor is installing a fence, please supply contractor's name, address and phone number.

Once one has applied and paid for the permit, it will undergo the approval process. The zoning and building departments shall have 15 days to review each application and contact the owner or agent with any questions/concerns. When the permit is approved, it will be mailed to the applicant's house. Please post such permit in a window/door visible from the street during the construction project.

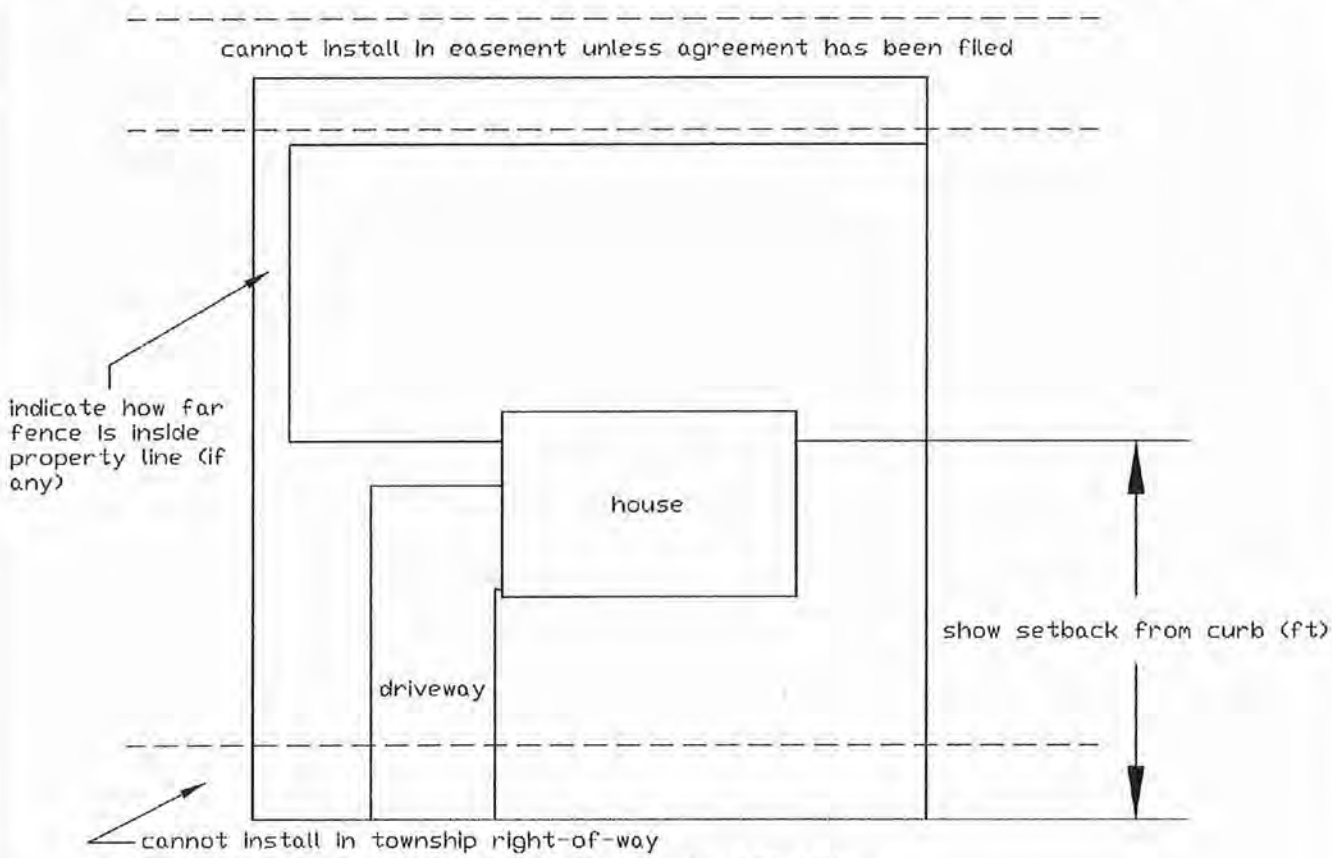


Figure 3: Example of Plot Plan

Permit price for fence:	Under 32 linear feet = $25.00 / 32 linear feet or greater = $50.00
Permit price for wall:	$25.00

A40

CITY OF EDINA

Engineering Department • Phone 952-826-0371
Fax 952-826-0392 • www.CityofEdina.com

MEMO

Date: **June 21, 2013**

To: **Cary Teague – Community Development Director**

From: **Wayne D. Houle, PE – Director of Engineering**

Re: **Proposed Code Changes**

Engineering has reviewed the proposed code changes and recommend the following;

850.07. subd.7.

Drainage: We recommend that you minimally modify this section until staff has an in-depth discussion on how the reconstruction projects affect the City both globally and on individual sites. For instance, if we substantially increase the imperviousness of the City it will adversely affect the storm sewer system, including flood storage within the City. Staff is anticipating that we will have this discussion prior to the December submittal of the City's Municipal Separate Storm Sewer System (MS4) permit that is required by the Minnesota Pollution Control Agency. Therefore we recommend the following changes to this section:

1. Drainage - 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 conveyed into storm sewers, watercourses, ponding areas or other public facilities. As part of the building permit, the applicant must submit a grading and erosion control plan along with a stormwater management plan that is signed by a licensed professional engineer. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans.

Retaining Walls: We agree with the proposed change of requiring a three foot setback for retaining walls taller than four feet.

G:\Engineering\OUTSIDE\storm water code revision.doc

A41

Mickie Turk
6141 Brookview Avenue
Edina, MN 55424

Mayor Hovland and Edina City Council members
Edina Zoning Commission members
Edina Planning Commission members
City Manager Scott Neal
City Planners Cary Teague and Kris Aake

June 10, 2013

Dear Sirs and Madams,

My name is Mickie Turk, and I reside at 6141 Brookview Avenue. Next door to me, Traditions by Donnay Homes is constructing a new house on a fifty-foot lot. As respectful and helpful, and code-abiding, and as much attention as he has paid to design value, Mr. Donnay is building a house far too big for the space. From every direction, the house looks like a mistake.

My former neighbor, Barb Nelson, sold her house to Traditions by Donnay Homes after learning JMS was going to build a huge house next to her on the north side. Afterwards, she left me with a giant house on my north side.

Right now, on seventy-five-foot lots, coverage is twenty five percent. The coverage on fifty-foot lots is thirty percent. There should be no difference. Too much coverage causes water run-off problems. When there is too much hard surface, especially when you consider the addition of ten or twelve-foot driveways, water cannot soak into the ground. Instead, the water can potentially flood the neighbor's yard and driveway, and/or overwhelm storm sewers and streets.

Next, code states that setbacks for garages are different than for houses. When a garage is attached to a house, it still feels like it is part of the house. If the garage is attached, it should be considered the same way a house is, whether it has living space over it or not.

Fire hazards: if houses are built too close to each other, there is the potential for fire to spread easily and quickly. A good example of this is the massive house on Fairfax, between 59th and 60th, which sits between two small ramblers. On the south side, the difference between the two homes' eaves is two-and-a-half feet. They are practically touching.

I am also worried about my house taxes going up to reflect the erection of new massive and expensive homes on my block. After living in my home for twenty-five years, and finding retirement around the corner, I am not looking forward to an additional financial burden.

Finally, I believe that Edina City Council member, Josh Sprague should recuse himself from voting on amendments to Zoning Ordinance 850. He is a residential realtor for Edina Realty and makes a living from selling homes; the bigger the house the more he stands to gain in profit. Mr. Sprague cannot therefore, be considered impartial in voting matters such as mass, setback, and height of new construction.

Respectfully,

Mickie Turk

Lot size	Area	Current lot coverage %	Current max. footprint sq. ft.	Proposed lot coverage 25% max footprint	Max footprint difference sq. ft. (%)[1]	Current interior side yard setback	Setback as % of lot width	Proposed interior side yard setback (25% of lot width)	Interior side yard setback difference
48 x 125	6,000	30%	1,800	1,500	-300 (-5%)	10' total	About 20%	12' total	+2'
48 x 150	7,200	30%	2,160	1,800	-360 (-5%)	10' total	About 20%	12' total	+2'
48 x 175	8,400	About 27%	2,250*	2,100	-150	10' total	About 20%	12' total	+2'
50 x 125	6,250	30%	1,875	1,563	-312 (-5%)	10' total	20%	12' 6" total	+2' 6"
50 x 150	7,500	30%	2,250	1,875	-375 (-5%)	10' total	20%	12' 6" total	+2' 6"
50 x 175	8,750	About 26%	2,250*	2,188	-62 (-1%)	10' total	20%	12' 6" total	+2' 6"
55 x 125	6,875	30%	2,063	1,719	-344 (-5%)	10' total	18%	13' 9" total	+3' 9"
55 x 150	8,250	About 27%	2,250*	2,063	-187 (-2%)	10' total	18%	13' 9" total	+3' 9"
55 x 175	9,625	25%	2,406	2,406	-0	10' total	18%	13' 9" total	+3' 9"
60 x 125	7,500	30%	2,250	1,875	-375 (-5%)	10' total	17%	15' total	+5'
60 x 150	9,000	25%	2,250	2,250	-0	10' total	17%	15' total	+5'
60 x 175	10,500	25%	2,625	2,625	-0	10' total	17%	15' total	+5'
65 x 125	8,125	About 28%	2,250*	2,031	-237 (-3%)	13' 4" total	About 20%	16' 4" total	+3'
65 x 150	9,750	25%	2438	2,438	-0	13' 4" total	About 20%	16' 4" total	+3'
65 x 175	11,375	25%	2,844	2,844	-0	13' 4" total	About 20%	16' 4" total	+3'
70 x 125	8,750	About 26%	2,250*	2,188	-62 (-1%)	16' 8" total	About 24%	17' 6" total	+10 inches
70 x 150	10,500	25%	2,625	2,625	-0	16' 8" total	About 24%	17' 6" total	+10 inches
70 x 175	12,250	25%	3,063	3,063	-0	16' 8" total	About 24%	17' 6" total	+10 inches
75 x 125	9,375	25%	2,344	2,344	-0	20' total	About 27%	20' total	same
75 x 150	11,250	25%	2,813	2,813	-0	20' total	About 27%	20' total	same
75 x 175	13,125	25%	3,281	3,281	-0	20' total	About 27%	20' total	same
80 x 125	10,000	25%	2,500	2,500	-0	20' total	25%	20' total	same
80 x 150	12,000	25%	3,000	3,000	-0	20' total	25%	20' total	same
80 x 175	14,000	25%	3,500	3,500	-0	20' total	25%	20' total	same

*2,250 cap

[1] Elimination of second story setback will provide option of additional second floor sq. ft. and offset reduction lot coverage

Janovy 6-12-13

Cary Teague

From: Jennifer <rjmeyovy@comcast.net>
Sent: Tuesday, June 11, 2013 12:49 PM
To: Cary Teague
Cc: Kris Aaker; Kevin Staunton (kevin@stauntonlaw.com); 'Michael.Platteter'
Subject: Re: Questions about June 12 staff report

Thanks, Cary. Yes, it's ok to share with the planning commission. Please share the answers, too.

The impact of eliminating the additional second story setback will also impact lots 50'-60' wide if the option of a 5' minimum on one side is utilized. A house may currently be at 5' setback on one side, and with the changes, it could still stay at 5' on that side and the second story could be closer to the lot line.

Jennifer

On Jun 11, 2013, at 11:08 AM, Cary Teague wrote:

Hi Jennifer,

Very good questions. In regard to lot coverage; the Planning Commission is aware of the cap on lot coverage for lots less than 9,000 square feet in size. Your table is helpful. I would be glad to put your email in front of the Planning Commission tomorrow night if you would like?

I have asked engineering to prepare a response to your question on drainage.

In regard to side yard setback, you are right that a 5-foot setback would still be required for lots 49 feet wide or less, and the second story would be closer. For lots 50 feet or wider, the side yard setback is increasing up to two feet.

Good catch on the window well question for front yard setbacks; you are right that the concern is for side yard setbacks. It may be best to exempt them from a front or rear setback requirement.

Cary

<image001.gif>

Cary Teague, Community Development Director
952-826-0460 | Fax 952-826-0389 | Cell 952-826-0236
cteague@EdinaMN.gov | www.EdinaMN.gov/Planning
...For Living, Learning, Raising Families & Doing Business

From: Jennifer [mailto:rjmeyovy@comcast.net]
Sent: Monday, June 10, 2013 1:25 PM
To: Cary Teague; Kris Aaker
Subject: Questions about June 12 staff report

Cary and Kris,

Thank you for all the work you have put into revising the residential zoning code. I've reviewed the materials in the June 12 Planning Commission packet and am writing to seek clarification about a few points.

Lot Coverage
The staff report reads: "Building Coverage was originally recommended to be revised to be uniform throughout the City at 25%. That would have been a change for lots less than 9,000 sq. feet in size, as they are now allowed 30% lot coverage."

The current code reads: "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."

It's possible I'm misreading the code, but lot coverage on lots less than 9,000 sq. ft. appears to be less than 30% in some cases because of the cap:

Lot size	Max building coverage	Percentages (rounded in some cases)
7,000	2,100	30%
7,500	2,250	30%
7,750	2,250	29%
8,000	2,250	28%
8,250	2,250	27%
8,500	2,250	26%
8,750	2,250	25.5%
9,000	2,250	25%

Is this accurate? If yes, does an understanding of this point in any way change the discussion?

Drainage
The current code, in part, reads: "Surface water runoff shall be properly channeled into storm sewers, watercourses, ponding areas or other public facilities." I remember some discussion on the Council about what that means. Does it mean that water must be directly channeled into one of these facilities, or can water be channeled over other private property and into a facility? If the latter, then if Property A drains through Property B and Property B redevelops and Property A can no longer drain onto Property B, what happens? Will the issues be identified in the review process and addressed?

How is "drainage rate" defined (and should it be defined in the code)? Is rate the speed at which water flows, or the volume and speed? If the speed only, does this mean it's OK to increase the volume of water that flows onto adjacent properties?

Elimination of second story setback
The elimination of this requirement will allow the option of a full second story at maximum interior side yard setbacks. This will have the impact of bringing the second story closer to the interior side lot line. In some cases (where the regular or minimum setback is 5'), the house will be closer to the lot line than it can be today. Was the impact of this considered?

Egress window well setback

The front setback for an egress window well is proposed to be 30'. If a house is at 30' now, or less than 30' now, would a front egress window well require a variance? My memory is that the concern about window wells had to do with window wells on side lots, not front or back. Is it necessary to have a front setback for egress window wells?

Thanks for your time on this. Please let me know if you have any questions.

Sincerely,

Jennifer Janovy

P R O U D H O M E O W N E R I N E D I N A

February 26, 2013

Cary Teague
Community Development Director
4801 W. 50th Street
Edina, MN 55424

Kevin Staunton
Community Development member

Dear Mr. Teague and Staunton,

I am attaching a letter I sent to the contractors, Elevation and Refined. I realize you have been battling this issue for sometime now and hopefully you are making progress with setting protocols and limitations. This over abundance of building in our neighborhoods - especially the South Harriett neighborhood in which I live - is REALLY getting to be too much.

There is SIMPLY no regards for our neighborhood, the noise violations, the constant toll on our new streets with the various large trucks up and down the block, and the end result of how the new construction may not work. I currently live in a beautiful 2100 sq' home that has been MORE THAN ADEQUATE for our family. I understand that new families want "new", they want "spacious" and user-friendly spaces - but why must we allow them to tear down our smaller scaled homes? As I state in my letters to the two contractors, what is being built in the absence of the quaint and different smaller homes, are boring, repetitive homes. We truly are losing our quaint aesthetic footprint and looking more and more like Eden Prairie. Is this what you want?

I am begging you and your peers to PLEASE look at what is happening to our neighborhoods. You have heard all the comments before, but it truly a travesty. Please look out for the betterment of our neighborhoods.

Thank you.

Frustrated Edina homeowener

P R O U D H O M E O W N E R I N E D I N A

February 26, 2013

Nate Wissink
Project Director, Elevation Homes
18312 Minnetonka Blvd
Wayzata, MN 55391

Dear Mr. Wissink,

I am writing to you on behalf of your once-again soliciting letter regarding our house and our desired neighborhood.

Your letter wrote about having so many "interested buyers" and not "enough homes available". I can not tell you how sick I was to receive, yet again, another contractor's letter describing a desire for us to sell our home to an "interested party". We must get one every other couple weeks.

We GET that our South Harriet neighborhood home is positioned in a much desired area, but thanks to you and your peers, our neighborhood is very QUICKLY looking like a new subdivision of Eden Prairie. Thanks to you and your style of construction - we now have neighborhoods being overwhelmed with same-style houses, no yards what-so-ever, and nothing but 30+ young, wealthy families moving in and wiping out our multi-generational neighborhoods. With your big pillar front stoops and your beige siding, we are becoming a very bland neighborhood. I can pick an Elevation Home out in a heartbeat - not to mention how you decide to pick pockets where your same-ole architecture prevails, one after another. Let me site West 56th Street as a prime example. With the two very nice holes you have chosen to simultaneously dig in the last couple of weeks, I have come across about three near accidents with your various trucks in the way and a congested area of people turning off of Concord Avenue. Not only is your traffic of trucks a huge hassle, but it is very dangerous with the slew of kids that walk to and from Concord and South View. We saw this happen on Woodland Road a year or two ago, with your many projects with repetitive appeal - same, same same.

I understand you run a business. I understand that if buyers are willing to buy a perfectly fine home, tear it down and disgustingly build a brand new home, why not? And for this I blame our City officials for not putting an adequate plug on the problem - which is why I am cc:ing them as well. It has become VERY APPARENT that they obviously do not care about the integrity of our neighborhoods and for the multi-generational aspects of our neighborhoods, but only on the greediness of the young buyers and contractors (such as Elevation) and their own business objective - GET MONEY, GET BUILT no matter who goes down and what is left!

I am asking you to no longer send out solicitation letters. If we want to sell our beautiful, smaller than average house to you and your peers, we know how to find you and your conglomerating, greedy, creative-less selves. Until then - let us be. Quit taking over our streets, making the messes, producing the constant noise, and tearing down our mature lots with the same "Stepford" homes you and your peers (Great Neighborhood Homes, Refined, etc.) continue to do. Please take your business back to YOUR corporate neighbor in Wayzata - we don't want you here.

Signed,

A very concerned and frustrated Edina homeowner who would like to look back over my years here and be proud of the neighborhood and how it looked, how it aged and how there was a variety of architecture - all just fine and appropriate to **hand** down to the next generation without **tearing** it down and building beige mcMansions.

cc: Cary Teague, Edina Planning Commission, Edina City Hall
Kevin Staunton, Edina Planning Commission

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 <u>only an additional 200 feet</u> 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 commision

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.

Andy Porter
REFINED
Cell: 612.991.9301
Fax: 952.303.3170
Email: aporter@RefinedLLC.com
www.RefinedLLC.com

Cary Teague

From: Cary Teague
Sent: Tuesday, June 11, 2013 11:09 AM
To: 'Jennifer'; Kris Aaker
Cc: Kevin Staunton (kevin@stauntonlaw.com); 'Michael.Platteter'
Subject: RE: Questions about June 12 staff report

Hi Jennifer,

Very good questions. In regard to lot coverage; the Planning Commission is aware of the cap on lot coverage for lots less than 9,000 square feet in size. Your table is helpful. I would be glad to put your email in front of the Planning Commission tomorrow night if you would like?

I have asked engineering to prepare a response to your question on drainage.

In regard to side yard setback, you are right that a 5-foot setback would still be required for lots 49 feet wide or less, and the second story would be closer. For lots 50 feet or wider, the side yard setback is increasing up to two feet.

Good catch on the window well question for front yard setbacks; you are right that the concern is for side yard setbacks. It may be best to exempt them from a front or rear setback requirement.

Cary

Cary Teague, Community Development Director
952-826-0460 | Fax 952-826-0389 | Cell 952-826-0236
cteague@EdinaMN.gov | www.EdinaMN.gov/Planning
...For Living, Learning, Raising Families & Doing Business

From: Jennifer [mailto:rjmeyovy@comcast.net]
Sent: Monday, June 10, 2013 1:25 PM
To: Cary Teague; Kris Aaker
Subject: Questions about June 12 staff report

Cary and Kris,

Thank you for all the work you have put into revising the residential zoning code. I've reviewed the materials in the June 12 Planning Commission packet and am writing to seek clarification about a few points.

Lot Coverage
The staff report reads: "Building Coverage was originally recommended to be revised to be uniform throughout the City at 25%. That would have been a change for lots less than 9,000 sq. feet in size, as they are now allowed 30% lot coverage."

The current code reads: "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."

It's possible I'm misreading the code, but lot coverage on lots less than 9,000 sq. ft. appears to be less than 30% in some cases because of the cap:

Lot size	Max building coverage	Percentages (rounded in some cases)
7,000	2,100	30%
7,500	2,250	30%
7,750	2,250	29%
8,000	2,250	28%
8,250	2,250	27%
8,500	2,250	26%
8,750	2,250	25.5%
9,000	2,250	25%

Is this accurate? If yes, does an understanding of this point in any way change the discussion?

Drainage
The current code, in part, reads: "Surface water runoff shall be properly channeled into storm sewers, watercourses, ponding areas or other public facilities." I remember some discussion on the Council about what that means. Does it mean that water must be directly channeled into one of these facilities, or can water be channeled over other private property and into a facility? If the latter, then if Property A drains through Property B and Property B redevelops and Property A can no longer drain onto Property B, what happens? Will the issues be identified in the review process and addressed?

How is "drainage rate" defined (and should it be defined in the code)? Is rate the speed at which water flows, or the volume and speed? If the speed only, does this mean it's OK to increase the volume of water that flows onto adjacent properties?

Elimination of second story setback
The elimination of this requirement will allow the option of a full second story at maximum interior side yard setbacks. This will have the impact of bringing the second story closer to the interior side lot line. In some cases (where the regular or minimum setback is 5'), the house will be closer to the lot line than it can be today. Was the impact of this considered?

Egress window well setback
The front setback for an egress window well is proposed to be 30'. If a house is at 30' now, or less than 30' now, would a front egress window well require a variance? My memory is that the concern about window wells had to do with window wells on side lots, not front or back. Is it necessary to have a front setback for egress window wells?

Thanks for your time on this. Please let me know if you have any questions.

Sincerely,

Jennifer Janovy