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Date: July 24, 2013

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Residential Redevelopment – Zoning Ordinance Amendment

At its July 16 meeting, the City Council considered the zoning ordinance amendments the Planning Commission recommended at the June 26, 2013 meeting. Commission members Potts and Forrest, along with Chair Staunton, attended the meeting, provided some background and answered questions as the Council considered the amendments.

After considerable discussion and receipt of public comment, the Council — on a 4-1 vote — authorized first reading and directed staff to revise the proposed ordinance language and place it on the agenda for August 5th, for second reading and adoption. The Council acted as follows on the Commission's recommendations:

1. Drainage, retaining walls, egress windows and site access. (Approved as written; with the exception that the setback for egress windows was reduced from 5 to 3 feet. The Council believed that a five foot setback was too restrictive.)
2. Building Lot Coverage. (Agreed with the Planning Commission – No changes to the existing Ordinance.)
3. Side yard setback including second story setback requirement. (Took out the side yard setback increase for lots under 75 feet in width; approved the three-foot maintenance access; approved the elimination of the second story setback requirement; and approved the elimination of the five foot setback allowance for an attached garage.)
4. Building Height. (Approved as written – Height reduced from 35 to 30 feet to ridge line.)
5. Side wall articulation. (Approved as written.)
6. Front facing garage. (Eliminated the regulations on front facing garages. The Council did however request additional information on nine-foot tall garage doors.)
7. Nonconforming front yard setbacks. (Eliminated the proposed language.)



8. Garage stall requirements (Eliminated the allowance of a one-stall garage.)
9. Miscellaneous Code Revision “clean up.” (Approved as written. The flood plain regulations require DNR approval.)

Chair Staunton has asked that I place this item on the agenda to have the Commission consider a statement to be provided to the Council in advance of their second reading on the proposed ordinance revisions. He is drafting a statement — which relates to the unbundling of side yard setbacks, second story setbacks, and building height reduction — and will circulate it to you next week before your July 24 meeting.

ORDINANCE NO. 2013-7

AN ORDINANCE AMENDMENT REGARDING THE R-1, SINGLE-DWELLING UNIT DISTRICT, AND R-2, DOUBLE DWELLING UNIT DISTRICT REQUIREMENTS FOR BUILDING COVERAGE, SETBACK, HEIGHT & GENERAL REGULATIONS

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.

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Added text – **XXXX**

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 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 engineer prior to 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 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.

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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.
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.
4. 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

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- 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.	25'
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See
Subd. 7.A.6.
Below

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

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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

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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.

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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 new dwelling unit shall not exceed the existing square footage encroachment into the nonconforming setback by more than two hundred (200) square feet; and

ii. the existing square footage encroachment and two hundred (200) square feet of additional encroachment 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.
2. The garage facade shall not exceed 60% of the width of the principal structure.
3. 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 deep by ten (10) foot wide offset (projecting or recessed) or b) a combination of two (2) of the following architectural or utilitarian features every thirty (30) feet:

1. Structural windows, awnings or canopies
2. Projecting bay or box windows.
3. Stoops
4. Porches
5. Chimneys (minimum depth of one (1) foot)
6. Balconies
7. Pilasters
8. Second story roof overhang (at least twenty percent (20%) of the façade length)
9. 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~~

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~~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~~

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Added text – XXXX

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

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

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

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

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

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

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

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

Existing text – XXXX
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Added text – XXXX

- ~~f. The requirements of the facility for a waterfront location.~~
- ~~g. The availability of alternative locations not subject to flooding for the proposed use.~~
- ~~h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.~~
- ~~i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.~~
- ~~j. The safety of access to the property in times of flood for ordinary and emergency vehicles.~~
- ~~k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.~~
- ~~l. Such other factors which are relevant to the purposes of this Subsection.~~

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

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

architect that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

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

First Reading:

Second Reading:

Published:

ATTEST:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on:

Send two affidavits of publication.

Bill to Edina City Clerk

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.

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

City Clerk

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