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Date: October 24, 2012

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Zoning Ordinance Amendment Consideration:

- Subdivisions that result in lots less than 9,000 s.f. in area and 75 feet width.
- Grading, drainage & retaining walls

As a following up to the September 4th, 2012 Work Session with the City Council, the Planning Commission is asked to again discuss the above two topics, and determine a path on how to move forward getting public input on these topics.

Attached are the minutes from the Council Work Session. The City Council indicated that it was not interested in pursuing an Ordinance that would allow a PUD in the R-I District. They agreed with the Planning Commission that public meetings should be held to get input from residents if changes are contemplated. Public input was also suggested on the issue of grading, drainage and retaining wall usage.

Attached are draft Ordinances for each topic, based on direction from previous discussions, to help facilitate conversation on two topics.

Also attached are the minutes, staff memos and draft Ordinances from our previous discussions.

ORDINANCE NO. 2012-__

**AN ORDINANCE AMENDMENT REGARDING GRADING, DRAINAGE AND
RETAINING WALLS IN THE R-1 & R-2 ZONING DISTRICTS**

The City Council Of Edina Ordains:

Section 1. Subsection 850.07. Subd. 7. is hereby amended as follows:

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

1. **Drainage.** Existing drainage patterns shall not be altered to redirect water to adjacent properties. Surface water runoff shall be properly channeled into storm sewers, watercourses, ponding areas or other public facilities. All provisions for drainage, including storm sewers, sheet drainage and swales, shall be reviewed and approved by the city engineer prior to construction or installation.
2. **Retaining Walls.** 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 4 feet require a building permit, and must meet a three-foot setback.
3. **Site Access.** Retaining walls shall not be constructed to prevent pedestrian access from front yards into rear yards.

Section 2. This ordinance is effective immediately upon its passage and publication.

First Reading:

Second Reading:

Published:

Existing text – XXXX

Stricken text – ~~XXXX~~

Added text – XXXX

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 _____, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2012.

City Clerk

ORDINANCE NO. 2012-__

AN ORDINANCE AMENDMENT REGARDING MINIMUM LOT SIZE
REQUIREMENTS IN THE R-1 ZONING DISTRICT

The City Council Of Edina Ordains:

Section 1. Subsection 850.11. Subd. 5. is hereby amended as follows:

Subd. 5. Requirements for Lot Areas and Dimensions.

A. Minimum Lot Area.

1. Single Dwelling Unit. 9,000 square feet provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lots with a median lot area greater than 9,000 square feet, then the minimum lot area shall be not less than the median lot area of the lots in the neighborhood.

B. Minimum Lot Width.

1. Single Dwelling Unit. 75 feet, provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lot with a median lot width greater than 75 feet, then the minimum lot width shall be not less than the median lot width of lots in the neighborhood.

C. Minimum Lot Depth.

1. Single Dwelling Unit. 120 feet, provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lot with a median lot depth greater than 120 feet, then the minimum lot depth shall be not less than the median lot depth of lots in such neighborhood.

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Added text – XXXX

D. Minimum Lot Width to Perimeter Ratio. Each lot shall have a lot width to perimeter ratio of not less than 0.1.

E. Subdivisions of Previously Platted 50-foot wide lots. The City will consider exceptions to the above requirements for subdivision of property within areas that were previously platted with 50-foot wide lots. The following shall be considered when reviewing variance requests:

1. The proposed new lots shall not be less than 50-feet in width or narrower than the width of the underlying plat.

2. The structural design of the new housing must be compatible and complimentary with surrounding housing.

3. In order to be compatible with the surrounding housing, the new home(s) must have a floor area ratio, and height to the ridge line that is no more than 10% more than the largest and tallest home within 100 feet of the proposed house, and within 1,000 feet of the proposed house on the same street.

Section 2. This ordinance is effective immediately upon its passage and publication.

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WITNESS my hand and seal of said City this _____ day of _____, 2012.

City Clerk

**MINUTES
OF THE WORK SESSION OF THE
EDINA CITY COUNCIL AND EDINA PLANNING COMMISSION
HELD AT CITY HALL
SEPTEMBER 4, 2012
5:00 P.M.**

Mayor Hovland called the meeting to order at 5:05 p.m. in the Community Room of City Hall. Answering rollcall were Members Brindle, Sprague, Swenson and Mayor Hovland. Member Bennett entered the meeting at 5:07 p.m.

Edina Planning Commissioners attending were: Michael Fischer, Arlene Forrest, Floyd Grabel, Chair, Michael Platteter, Ken Potts, Nancy Nyrop Scherer, and Kevin Stanton.

Edina City Staff attending the meeting: Kris Aaker, Assistant City Planner; Jennifer Bennerotte, Communications and Technology Services Director; Wayne Houle, Director of Engineering; Ari Klugman, City Manager Intern; Karen Kurt, Assistant City Manager; Jeff Long, Police Chief; Debra Mangen, City Clerk; Scott Neal, City Manager; Bill Neuendorf, Economic Development Manager; Brian Olson, Public Works Director; Shelagh Stoerzinger, Appraiser; Cary Teague, Director of Community Development; Bob Wilson, City Assessor.

HILLCREST DEVELOPMENT (PENTAGON PARK PLANS)

James Nelson, Adviser to Hillcrest Development introduced Scott Tankenoff and Charlie Nestor of Hillcrest Development. Mr. Tankenoff gave an overview of Hillcrest's plan for the potential renovation and redevelopment of Pentagon Park.

The Mayor thanked the men for their presentation and suggested the Planning Commission and City Council begin their portion of the work session.

CITY COUNCIL/PLANNING COMMISSION DISCUSSION

The City Council and Planning Commission discussed the consideration of subdivisions resulting in lots less than 9,000 square feet and 75 feet in width and Building Height/Grading concurrently. Concerns included: impact of redevelopment when larger homes are built, how to regulate the maximum size homes allowed on the smaller (50 foot) lots, desire to not quell redevelopment in balance with neighborhood concerns, height and impact on neighborhood character, grading and drainage. Generally the Council did not indicate any desire to use PUD for residential areas, and suggested further work continue on the issues surrounding height and subdivisions. Public meetings were suggested if changes are contemplated to minimum lot size.

The Commission's ongoing work on the City's Zoning Code was acknowledged to be an important part of the 2013 Work Plan.

The Council indicated they liked the outcome of the projects that have utilized the Sketch Plan review process and encouraged its continued use.

Minutes - Work Session/Edina City Council/September 4, 2012

The Council and Commission briefly discussed the Grandview Framework's next steps. Discussion included need to develop a vision for the public realm, how to move forward with so many individual property owners, was there a need for a master developer, and public involvement in the next phase. It was suggested some long term discussion with the community regarding the public space realm was needed. Further, all parties should be at the table including the City, the School District and the land owners. Manager Neal suggested that the City's new Economic Development Manager, Bill Neuendorf be allowed to begin his work. One possible outcome might include a Small Area Plan.

Mayor Hovland declared the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, September 19, 2012.

James B. Hovland, Mayor

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Date: September 4, 2012

To: Honorable Mayor and City Council

From: Cary Teague, Community Development Director

Re: Consideration of Subdivisions that result in lots less than 9,000 s.f. in area and 75 feet in width. (R-1/PUD)

Over the past several months the Planning Commission has been considering a Zoning Ordinance Amendment regarding subdivision of smaller lots in the R-1 Zoning District. Attached are staff memos, minutes highlighting the Planning Commission discussions, and the latest draft Ordinance.

The Planning Commission would like to have a discussion with the City Council in regard to the Ordinance prior to submitting a formal Ordinance Amendment for the City Council to consider.

There are three options to consider:

1. Continue to review these subdivisions on a case by case basis, using the variance criteria.
2. Amend the Ordinance to establish a city-wide minimum lot size by using the median lot area, width and depth of lots within 500 feet. (Current minimum lot area is 9,000 s.f.; 75 feet in width; and 125 feet in depth. In areas of lots greater in area, width and depth, the median within 500 establishes the minimum lot size.)
3. Amend the Ordinance to allow a PUD in the R-1 District. (See attached draft Ordinance.) Small lot subdivisions could be considered on a case by case basis using PUD rezoning. Specific site conditions could be placed on the PUD, such as regulating house size, height, tree protection and site grading.

CURRENT
DRAFT

Draft 8-27-2012

ORDINANCE NO. 2012-__

**AN ORDINANCE AMENDMENT REGARDING MINIMUM LOT SIZE
REQUIREMENTS AND PUD ELIGIBILITY IN THE R-1 ZONING DISTRICT**

The City Council Of Edina Ordains:

Section 1. Subsection 850.04. Subd. 4.D is amended as follows:

D. Procedure for Rezoning to a Planned Unit Development (PUD) District.

1. Purpose and Intent. The purpose of the PUD District is to provide comprehensive procedures and standards intended to allow more creativity and flexibility in site plan design than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity. The purpose and intent of a PUD is to include most or all of the following:
 - a. provide for the establishment of PUD (planned unit development) zoning districts in appropriate settings and situations to create or maintain a development pattern that is consistent with the City's Comprehensive Plan;
 - b. promote a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City;
 - c. provide for variations to the strict application of the land use regulations in order to improve site design and operation, while at the same time incorporate design elements that exceed the City's standards to offset the effect of any variations. Desired design elements may include: sustainable design, greater utilization of new technologies in building design, special construction materials, landscaping, lighting, stormwater management, pedestrian oriented design, and podium height at a street or transition to residential neighborhoods, parks or other sensitive uses;

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Added text – XXXX

- d. ensure high quality of design and design compatible with surrounding land uses, including both existing and planned. **In the case of a PUD in a low density residential area, the structural design of the housing must be compatible and complimentary with surrounding housing.**

In order to be compatible with the surrounding housing, the new home(s) must have a floor area ratio, and height to the ridge line that is no more than 10% more than the largest and tallest home within 100 feet of the proposed house, and within 1,000 feet of the proposed house on the same street.

- e. maintain or improve the efficiency of public streets and utilities;
- f. preserve and enhance site characteristics including natural features, wetland protection, trees, open space, scenic views, and screening;
- g. allow for mixing of land uses within a development;
- h. encourage a variety of housing types including affordable housing; and
- i. ensure the establishment of appropriate transitions between differing land uses.

2. Applicability/Criteria

- a. Uses. All permitted uses, permitted accessory uses, conditional uses, and uses allowed by administrative permit contained in the various zoning districts defined in Section 850 of this Title shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the Comprehensive Plan. ~~Property currently zoned R-1, R-2 and PRD-1 shall not be eligible for a PUD.~~
- b. Eligibility Standards. To be eligible for a PUD district, all development should be in compliance with the following:
 - i. where the site of a proposed PUD is designated for more than one (1) land use in the Comprehensive Plan, the City may require that the PUD include all the land uses so designated or such combination of the designated uses as the City Council shall deem appropriate to achieve the purposes of this ordinance and the Comprehensive Plan;

- ii. any PUD which involves a single land use type or housing type may be permitted provided that it is otherwise consistent with the objectives of this ordinance and the Comprehensive Plan;
- iii. permitted densities may be specifically stated in the appropriate planned development designation and shall be in general conformance with the Comprehensive Plan; and
- iv. the setback regulation, building coverage and floor area ratio of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purpose and intent described in #1 above.

Section 2. Subsection 850.11. Subd. 5. is hereby amended as follows:

Subd. 5. Requirements for Lot Areas and Dimensions.

A. Minimum Lot Area.

- 1. Single Dwelling Unit. 9,000 square feet provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lots with a median lot area greater than 9,000 square feet, then the minimum lot area shall be not less than the median lot area of the lots in the neighborhood.

B. Minimum Lot Width.

- 1. Single Dwelling Unit. 75 feet, provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lot with a median lot width greater than 75 feet, then the minimum lot width shall be not less than the median lot width of lots in the neighborhood.

C. Minimum Lot Depth.

- 1. Single Dwelling Unit. 120 feet, provided however, if the lot is in a neighborhood as defined in

Section 810 of this Code, which has lot with a median lot depth greater than 120 feet, then the minimum lot depth shall be not less than the median lot depth of lots in such neighborhood.

Section 3. This ordinance is effective immediately upon its passage and publication.

First Reading:

Second Reading:

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ATTEST:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

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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 _____, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2012.

City Clerk

Edina Single Family Residential Subdivision Study

Introduction

The City of Edina initiated a study of its subdivision regulations in response to comments about the appropriateness of some newer single-family residential subdivisions. The purposes of the study were to:

- Objectively analyze the subdivision regulations,
- Evaluate the subdivisions that result from the regulations,
- Compare Edina's subdivision regulations to other cities regulations,
- Determine if changes are needed to the City subdivisions regulations, and
- If changes are needed, prepare recommendations for ordinance amendments.

The fundamental question of the study is:

Do City subdivision codes promote or inhibit good development?

In order to assure an objective study, the City hired Ingraham & Associates, a land planning consulting firm to conduct the study and used a citizen task force to independently review a cross section of city subdivisions and to evaluate the city subdivision regulations. A list of study participants is attached on page 4.

Edina Subdivision Regulations

The City of Edina uses a unique method for regulating lot size, width, etc. in single-family residential subdivisions. Most cities use a fixed minimum lot size (i.e. 12,000 square feet), lot width, etc. for a given residential zoning district. Those cities typically have multiple residential zones with varying minimum lot sizes, widths, etc. Edina has one single-family residential zoning district. The single-family zoning district regulations specify a minimum lot size, width and depth. City regulations also require the lot size, lot width, lot depth and width-to-lot perimeter ratio of new subdivisions must be equal to or greater than the median lot size, lot width, lot depth and width to perimeter ratio of the surrounding neighborhood (properties within 500 feet of the proposed subdivision). For example, if the median lot size in the neighborhood is 20,000 square feet, a landowner must have at least 40,000 square feet of land in order to subdivide the property. They would also have to meet the minimum dimensional and median lot width, depth and ratio requirements to qualify for a potential subdivision. These Code provisions have been in place since 1990. A summary of the Edina single-family residential subdivision code is attached as Appendix A.

The Edina code results in lot sizes that are similar to the surrounding neighborhood and the transitions between adjacent lot sizes are fairly uniform. The more typical zoning district method (use of fixed minimum lot sizes only within a given zoning district) results in uniform lot sizes within a given zone and fairly distinct differences in lot size and house type between zones and along zoning boundaries. Edina's code in general results in larger lot sizes than required by most cities of a similar nature.

Study Process

Ingraham & Associates visited and evaluated all of the subdivisions that occurred in the City since 1990 and reviewed existing City subdivision regulations. A meeting was held with the five Task Force members to review the regulations and issues. Task Force members were asked to visit seven subdivisions located throughout the City. The seven subdivisions represent a cross section of the subdivisions approved in the City since 1990. See the attached map of subdivision locations, Figure 1.

Ingraham & Associates reviewed other cities ordinances to determine if there were subdivision regulations that would be applicable to Edina. A summary of that research is attached as Appendix B.

Task Force members visited and evaluated each subdivision. A summary of their evaluations is attached as Appendix C. A meeting was held with the Task Force to review their subdivision analysis and to discuss the need for any code revisions. The Task Force members, consultant and city planner discussed the quality of the subdivisions and their fit with the neighborhood and community. The Task Force members reached a consensus that the existing regulations worked well and the subdivisions were appropriate and of high quality. No changes to the existing regulations were recommended. Their findings and recommendations are noted below.

Task Force Findings and Recommendations

Summary of the Task Force evaluations of the subdivisions and subdivision regulations.

1. Some new subdivisions are "islands" within older or slightly different housing, but this is OK, particularly when the subdivision is large enough or is designed to act as its own neighborhood (i.e. using a new cul-de-sac street).
2. Setbacks seem tight (too small) in some subdivisions, but in general, larger houses on smaller lots are OK.
3. The quality of the new subdivisions and new homes is high and matches or exceeds the values and quality of the surrounding neighborhood.
4. In general, Task Force members felt that the subdivisions they examined were appropriate for the neighborhood and the city. Opinions vary and beauty (and what is a good subdivision) is in the eye of the beholder.
5. The city should maintain setbacks and lot coverage limits that are similar to the surrounding area and city. Continue to monitor variance requests and consider code adjustments if needed (current City practice).
6. The existing subdivision code promotes good development and is appropriate and no changes in the subdivisions code are recommended.

Consultant Comments and Recommendations

Neighborhood median lot size

The Edina requirement that new subdivisions meet the average lot size, width, etc. of the surrounding neighborhood assures that new lots will "fit" into the generally scale and context of the neighborhood. That alone is not a guarantee of a successful and well-received subdivision, but it does prevent major differences in lot size within neighborhoods (i.e. a new subdivision of five 10,000 square foot lots within an existing neighborhood of 50,000 square foot lots).

Cities that use the more traditional approach of multiple single-family residential zoning districts (i.e. R1 zone -20,000 square foot minimum lot size, R2 -12,000 square foot minimum lot size, R3 - 8,000 square foot minimum lot size) have issues when larger remnant parcels are subdivided into smaller lots.

Subdivision quality

The subdivisions created since 1990 are of a uniformly high quality and few issues were apparent. The existing code provisions and process seem to work well and result in high quality subdivisions.

Housing size

The real estate trend has been toward larger homes. As a result the homes in new subdivisions tend to be larger than the older homes surrounding the new development. This does not appear to have a negative affect upon the property values or livability of the neighborhoods.

Larger lots

Requiring new lots to meet the median lot size of the neighborhood results in larger lots than typically found in cities using traditional minimum lot area zoning requirements only. The larger lots contribute toward higher housing costs. However, Edina's higher value real estate market is the biggest influence on housing price and affordable detached single-family homes are difficult to achieve in most parts of the Twin Cities.

Estate lots

The City regulations requiring new lots to meet the median lot size of the neighborhood protect areas or groups of large "estate" size lots by requiring any new subdivision to meet the median lot size of the neighborhood. The result of a new subdivision in an area of existing large lots is that any new lots would be substantially similar to the typical lot size in the surrounding area. However, the City regulations do not prevent an existing isolated large estate lot from being subdivided into smaller lots if the large lot is located in a neighborhood of smaller lots. If the neighborhood median lot size is substantially smaller than the isolated estate lot, the estate lot would be able to be subdivided into lots similar to the typical lot size in the area.

Infill subdivisions

By their very nature, new subdivisions in Edina create change in a neighborhood. Change can be controversial. Controversy and change are inevitable and are best managed through an open and informative process with clear guidelines and standards. The median lot size requirement minimizes the extent of the change by assuring that new lots will be similar in size to the existing neighborhood lots.

Required Findings

Edina City Code Section 810 requires all proposed subdivisions to meet a set of considerations or findings. Those findings ensure conformance of new subdivisions to city goals and policies and regulations, compatibility with the surrounding area, protection of health safety and welfare, provision of adequate street and emergency service and protection of natural resources. These findings serve as an additional review mechanism to ensure well-designed and compatible subdivisions.

Recommendation

The neighborhood median lot size, width, etc. provision is an appropriate subdivision regulation that assures that there is no abrupt lot size differences within neighborhoods. The subdivisions created under the current regulations are high quality and in general, blend in well with the neighborhood. The existing code promotes good development. The City Code findings assure additional review and compatibility of new subdivisions. No change in subdivision regulations is recommended.

Edina Subdivision Study Participants

Study Task Force Members:

Rod Hardy
N. Craig Johnson
Robert Johnson
Meg Mannix
Mary Vasaly

City Staff:

Craig Larsen, City Planner

Consultant:

Greg Ingraham, AICP
Ingraham & Associates Inc.

Figure One - Map of Subdivisions Occurring Since 1990

Insert map showing all subdivisions created since 1990 and highlight the seven subdivisions studied by the Task Force.

The map shows the subdivisions that were built since 1990 (date the current city residential subdivision code was adopted) and the seven representative subdivisions evaluated by the Task Force.

Appendix A

Selections from Sections 810 (Subdivisions) and 850 (Zoning) of the Edina City Code - Single Family Residential Subdivisions

Definitions:

Neighborhood. All lots in the Single Dwelling Unit District as established by Section 850 of this Code which are wholly or partially within 500 feet of the perimeter of the proposed plat or subdivision, except:

- A. Lots used for publicly owned parks, playgrounds, athletic facilities and golf courses;
- B. Lots used for conditional uses as established by Section 850 of this Code; or
- C. Lots separated from the proposed plat or subdivision by the right of way of either T.H. 100 or T.H. 62.

If the neighborhood includes only a part of a lot, then the whole of that lot shall be included in the neighborhood. As to streets on the perimeter of the proposed plat or subdivision, the 500 feet shall be measured from the common line of the street and the proposed plat or subdivision.

Neighborhood Analysis Required

Subd. 5 Additional Requirements for Platting or Subdivision of Property in the Single Dwelling Unit District. In addition to the requirements of Subd. 4 of this Subsection, the applicant for a proposed plat or subdivision of land wholly or partially within the Single Dwelling Unit District as then determined by Section 850 of this Code, shall also deliver to the Planner the following information from a source acceptable to the Planner:

- A. A complete list of all lots which are within the neighborhood of the property proposed to be platted or subdivided with the following information:
 - 1. The lot area for each lot
 - 2. The mean and median lot area (in square feet) of all lots;
 - 3. The lot width, as defined by Section 850 of this Code, for each lot;
 - 4. The mean and median lot width, as defined by Section 850 of this Code, of all lots;
 - 5. The lot depth, as defined by the Section 850 of this Code, for each lot;
 - 6. The mean and median lot depth, as defined by Section 850 of this Code, of all lots; and
 - 7. The name and address of each lot.
- B. The location of the proposed building pad for each lot in the proposed plat or subdivision.

C. The lot width to perimeter ratio (as defined in Section 850 of this Code) for each lot in the proposed plat or subdivision.

Subdivision Criteria/Findings

Subd. 1 **Considerations.** The Commission in reviewing proposed plats and subdivisions and in determining its recommendation to the Council, and the Council in determining whether to approve or disapprove of any plat or subdivision, may consider, among other matters, the following:

- A. The impact of the proposed plat or subdivision, and proposed development, on the character and symmetry of the neighborhood as evidenced and indicated by, but not limited to, the following matters:
 - 1. The suitability to the size and shape of the lots in the proposed plat or subdivision relative to the size and shape of lots in the neighborhood; and
 - 2. The compatibility of the size, shape, location and arrangement of the lots in the proposed plat or subdivision with the proposed density and intended use of the site and the density and use of lots in the neighborhood.
- B. The impact of the proposed plat or subdivision, and proposed development, on the environment, including but not limited to, topography, steep slopes, vegetation, naturally occurring lakes, ponds and streams, susceptibility of the site to erosion and sedimentation, susceptibility of the site to flooding and water storage needs on and from the site.
- C. The consistency of the proposed plat or subdivision, and proposed development, and compliance by the proposed plat or subdivision, and the proposed development, with the policies, objectives, and goals of the Comprehensive Plan.
- D. The compliance of the proposed plat or subdivision, and the proposed development with the policies, objectives, goals and requirements of Section 850 of this Code including, without limitation, the lot size provisions and the Floodplain Overlay District provisions of Section 850 of this Code.
- E. The impact of the proposed plat or subdivision, and proposed development on the health, safety and general welfare of the public.
- F. The relationship of the design of the site, or the improvements proposed and the conflict of such design or improvements, with any easements of record or on the ground.
- G. The relationship of lots in the proposed plat or subdivision to existing streets and the adequacy and safety of ingress to and egress from such lots from and to existing streets.
- H. The adequacy of streets in the proposed plat or subdivision, and the conformity with existing and planned streets and highways in surrounding areas. Streets in the proposed plat or subdivision shall be deemed inadequate if designed or located so as to prevent or deny public street access to adjoining properties, it being the policy of the City to avoid landlocked tracts, parcels or lots.

- I. The suitability of street grades in relation to the grades of lots and existing or future extension of the City's water, storm and sanitary sewer systems.
- J. The adequacy and availability of access by police, fire, ambulance and other life safety vehicles to all proposed improvements to be developed on the proposed plat or subdivision.
- K. Whether the physical characteristics of the property, including, without limitation, topography, vegetation, susceptibility to erosion or siltation, susceptibility to flooding, use as a natural recovery and ponding area for storm water, and potential disturbance of slopes with a grade of 18 percent or more, are such that the property is not suitable for the type of development or use proposed.
- L. Whether development within the proposed plat or subdivision will cause the disturbance of more than 25 percent of the total area in such plat or subdivision containing slopes exceeding 18 percent.
- M. Whether the proposed plat or subdivision, or the improvements proposed to be placed thereon are likely to cause substantial environmental damage.

Subd. 3 **Additional Considerations.** In addition to the foregoing matters, the Commission, in connection with its recommendation to the Council, and the Council in determining whether to approve or disapprove a proposed plat or subdivision, shall specifically and especially consider the following matters:

- A. Whether the proposed plat or subdivision complies with the policies, objectives and goals of the Comprehensive Plan.
- B. Whether the proposed plat or subdivision complies with the policies, objectives, goals and requirements of Section 850 of this Code, including, without limitation, the lot size and dimension requirements of Section 850 of this Code, and the Flood Plain Overlay District and Heritage Preservation Overlay District of Section 850 of this Code, as varied by variances therefrom, if any, granted pursuant to this Section or Section 850 of this Code.
- C. Whether the design of the proposed plat or subdivision, or the design or type of improvements proposed to be placed thereon, may be detrimental to the health, safety or general welfare of the public.
- D. Whether the proposed plat or subdivision conforms to, and complies with the requirements of, applicable State Law.
- E. Whether the proposed plat or subdivision complies with the policies, objectives, goals and requirements of this Section, as varied by variances therefrom, if any.

Single Family Lot Requirements

Subd. 2 **Lot Dimensions.** If the proposed plat is wholly or partially within the Single Dwelling Unit District, then the minimum lot area, lot width, lot depth and lot width to perimeter ratio shall be as follows:

- A. The minimum lot area, as defined in Section 850 of this Code, shall be the greater of 9,000 square feet, or the median lot area of lots in the neighborhood.
- B. The minimum lot width, as defined in Section 850 of this Code, shall be the greater of 75 feet, or the median lot width of lots in the neighborhood.
- C. The minimum lot depth, as defined in Section 850 of this Code, shall be the greater of 120 feet, or the median lot depth of lots in the neighborhood.

The lot width to perimeter ratio, as defined in Section 850 of this Code, for any lot in the proposed plat or subdivision shall not be less than 0.1.

Appendix B

Comparative Subdivision Regulation Analysis

The City of Edina uses a unique method for regulating lot size, width, etc. in single-family residential subdivisions. City regulations require the lot size, lot width, lot depth and width-to-lot perimeter ratio of new subdivisions must be equal to or greater than the median lot size, lot width, lot depth and width to perimeter ratio of the surrounding neighborhood. Most cities use a fixed minimum lot size, lot width etc. for a given residential zoning district. Those cities typically have between multiple residential zones with varying minimum lot sizes, widths, etc.

The Edina code results in lot sizes that are similar to the surrounding neighborhood and the transitions between adjacent lot sizes are fairly uniform. The more typical "Euclidean" zoning method results in uniform lot sizes within a given zone and fairly distinct differences in lot size and house type between zones and along zoning boundaries. Edina's code in general results in larger lot sizes than required by most cities of a similar nature.

Ingraham & Associates evaluated zoning and subdivision codes from 20 cities to see how they treated subdivision of lots and to determine if any of their codes contained regulations that would be helpful and applicable to the City of Edina. The 20 cities were ones that were selected previously as part of an evaluation of newly updated city codes for organization and clarity. All 20 cities used the traditional Euclidean method of zoning (separate districts and standards based on intensity). All cities have a fixed minimum lot size for each residential zoning district. Almost all of them had methods for imparting flexibility through use of a Planned Development or other flexible zoning tool. Many cities had codes to vary setback requirements.

Two cities had lot size/subdivision regulations that may be helpful to Edina.

The City of Minneapolis requires lot area to not be less than the greater of (1) the minimum requirements set forth by the zoning ordinance or (2) the average of the single-family and two-family zoning lots located in whole or in part within three hundred fifty (350) feet or the average of the single-family and two-family zoning lots located in whole or in part within the same zoning district within three hundred fifty (350) feet, whichever is greater, where such average lot area exceeds the minimum zoning requirement by fifty (50) percent or more.

In residential infill/estate lot split situations, Boulder, Colorado requires the smaller of the two lots be at least forty percent of the square footage of the original lot.

Subdivision: #1 Arrowhead Pointe

1. Impact upon natural resources? Acceptable to unknown.
2. Influence upon surrounding properties? Positive to neutral.
3. House spacing? Fits with neighborhood. Neighborhood unto itself. Well done.
4. Lot size? Appropriate. Big houses on small lots are OK.
5. Fit with neighborhood? Yes (3) - Some adjacent houses are less value than new homes. That is ok. No (1) - OK on cul-de-sac. Road too wide for the area.
6. Other comments: Subdivision contributes nicely to Edina.
Question impact of new neighborhood pockets like this?

Subdivision: #2 Brendan Glen

1. Impact upon natural resources? Acceptable to unknown.
2. Influence upon surrounding properties? Positive
3. House spacing? Fits with neighborhood. Houses a bit close, but OK.
4. Lot size? Appropriate.
5. Fit with neighborhood? Yes
6. Other comments: Nice houses. Well done subdivision. , Upgrade in relation to surrounding neighborhood. Hwy 169 noise. Lots next to 169 are undeveloped.

Subdivision: #3 Ratelle Hill

1. Impact upon natural resources? Acceptable(2), unknown (1), Negative (1)
God retention of woods and additional landscaping. Tree loss seems significant.
2. Influence upon surrounding properties? Positive (2), Neutral (1), Negative (1)
Similar to those across the street, but not too the side or rear.

3. House spacing? Fits with neighborhood (2), Does not fit with neighborhood (2). Not similar to surrounding homes, but OK.

4. Lot size? Appropriate.

5. Fit with neighborhood? Yes.

6. Other comments: Good use of hilly terrain. Very large homes on the east side. Close on the west.

Subdivision: #4 Jyland Whitney

1. Impact upon natural resources? Acceptable to unknown.

2. Influence upon surrounding properties? Positive

3. House spacing? Acceptable. Except for #42 is too crowded and close to the street. OK, as it is its own cul-de-sac.

4. Lot size? Appropriate.

5. Fit with neighborhood? Fits well with the neighborhood.

6. Other comments: Subdivision is carved out of large natural and private area - a favorite area of the Edina.

Subdivision: #5 Waterman Addition

1. Impact upon natural resources? Acceptable (3), Negative (1). Looks like a large impact.

2. Influence upon surrounding properties? Positive (2), Neutral (2)

3. House spacing? Not a good fit - larger than typical. Somewhat close. Too close for their size.

4. Lot size? Appropriate (3), Not appropriate (1). Home elevations dominate the lots. Only within the subdivision.

5. Fit with neighborhood? Yes (2), No (2) - New homes stuck into an older neighborhood.

6. Other comments: New homes an "island" on their own. Would townhouses been better?

Subdivision: #6 Mark Dahlquist Addition

1. Impact upon natural resources? Acceptable.
2. Influence upon surrounding properties? Positive (3), Positive to neutral (1). Comparable values.
3. House spacing? Acceptable (2), Not appropriate (2). Too close to street.
4. Lot size? Appropriate (2), Not appropriate (2). Lots should be deeper. Seem too small. OK, clustered as these are.
5. Fit with neighborhood? Yes
6. Other comments: Lots too shallow. Maximum buildings on wooded or sloped sites. Least desirable subdivision.

Subdivision: #7 Granger Addition

1. Impact upon natural resources? Acceptable. Nice tree saving. Older development - maximum mature trees.
2. Influence upon surrounding properties? Neutral - Same as surrounding. Comparable style and value. Two houses are out of character- would not be so apparent if homes were not two stories.
3. House spacing? Acceptable (3), Does not fit (1).
4. Lot size? Appropriate
5. Fit with neighborhood? Yes (3), No (1).
6. Other comments: Would better with more newer homes, but not likely in this neighborhood. Good fit. Fits with the rest of the area.

July 11, 2012
P.C. minutes

Planner Teague added that for every change to the ordinance there are consequences.

Subdivision of lots less than 9,000 square feet in area and 75-feet in width

Planner Teague reminded the Commissioner they directed staff to draft an Ordinance amendment that would allow PUD rezoning as a tool to subdivide lots that are less than 9,000 square feet in area and 75 feet in width. Continuing, Teague said that recently the City Council has expressed interest in considering a uniform median lot area, lot width and depth as the minimum lot size requirement in the R-1 district. If established the median of all lots within 500-feet becomes the minimum lot size requirement. This approach is what is currently done.

Commissioner Platteter said the last time this was discussed it did appear that PUD "may be the way to go" but now without specific guidelines the 500-foot neighborhood approach the City has been utilizing may be best and fairest.

Commissioner Carpenter agreed. He pointed out if a PUD would be developed for residential subdivisions of smaller lots he foresees residents applying for "a lot of PUD's". Carpenter said as previously mentioned by Commissioner Platteter that specific guidelines would need to be established for lots under 75-feet in width or else there would be no regulator. Carpenter stated in his opinion the 500-foot rule has value. It's across the board.

Commissioner Staunton commented if some form of guidelines need to be developed for allowing a PUD in an R-1 zoning district adding the present "500-foot rule" may be best because it establishes guidelines. Staunton suggested that if the Commission was uncomfortable with the present subdivision code using the 500-foot standard to establish neighborhood maybe in the smaller lots neighborhoods the radius could be lessened.

A discussion ensued with Commissioners agreeing that they should proceed with caution in developing a PUD for R-1 lots that require variances. It was also noted there needs to be fairness with the City's approach to this topic. It was suggested that a simple way to approach this on the PUD level may be "what's in it for the City". It was acknowledged that could be considered subjective.

Planner Teague suggested that the Commission could develop a low density PUD or something to the effect of subdivision requiring variances. That could be done in ordinance form. Continuing, Teague added that a number of City's have policies; not ordinances that regulate neighborhood character, etc. Teague told the Commission he would draft something reflecting those sentiments.

The discussion continued with Commissioners requesting that Planner Teague do an informal survey of how other City's deal with subdivisions of non-conforming lots. Commissioners suggested that staff first tackle this from a policy position not ordinance.

Building Height

Planner Teague informed the Commission there has been some concern expressed on building height for new construction especially in the small lot neighborhoods. A request has been made by builders to relax the present standard of increasing the setback 6-inches for each foot the average building height exceeds 15-feet. Teague referred to an ordinance he drafted that would amend the existing ordinance exempting the second story setback requirement if the ridge line of a house is reduced to 30-feet. Teague explained that builders have indicated to him that this amended provision would allow more creativity for building design by giving incentives to builders to reduce the ridge line in order to achieve more square footage on the second story. This could also impact grading and retaining wall issues.

Commissioner Staunton asked the purpose of this amendment. Planner Teague further explained that the way the ordinance is now written makes it very difficult for builders to construct a colonial two story home on these smaller lots. To achieve the adequate upstairs ceiling height builders now create pitches to gain that living space; however it gives the appearance of greater roof height and building mass. Relaxing the present requirement would allow a builder to achieve more living space on the 2nd floor without pitching the roof.

Commissioner Platteter stated he likes this approach. Commissioners agreed, adding if in reality the ordinance is driving the steep pitched roof it would be good to modify the ordinance.

A discussion ensued with Commissioners wondering if there would be a "down side" to this change. The consensus was that this approach was simple and would work. Commissioners suggested letting this percolate; noting the ordinance changes to address height and mass are relatively new. It was further noted that building height and the previously mentioned grading have similar components.

Work Plan

Planner Teague said the City Council has requested that each Board and Commission create a yearly work plan. The purpose of the plans are to ensure that the priorities of the City Council and Commissions are aligned, and that the City has the appropriate financial and staff resources to support the work.

Teague said over the next few months, the Commission is asked to develop their plan for the next year. Teague suggested that the Commission think about their goals for 2013 and at the September work session with the City Council.

Commissioner Scherer said that she feels this is a good idea and suggested that the Commission "pick a few topics" and commit.

Commissioner Staunton agreed with Scherer and added that the Commission should also prioritize our goals. Staunton said he is interested in the next steps for the Grandview Development Framework and noted that he heard the City of Edina was hiring an Economic Development Director. Planner Teague informed Commissioners he sat in on the interviews for the new Economic and Development Director and that it has been narrowed down to three very good candidates. Teague said he would let the Commission know who was hired.

Commissioner Platteter said he believes a work plan is a great idea and agreed with Commissioners Staunton and Scherer that the Commission needs to prioritize our goals. Platteter suggested identifying our top five goals.

Planner Teague told the Commission that he has continually added topics to the Commissions "bucket list". Teague said the Commission could go through that list and develop our work plan using that list and add other issues we believe are pertinent.

Planner Teague also informed Commissioners that the City has submitted a grant to offset the cost of tearing down old municipal buildings. Teague said that the old public works building would be an excellent candidate for these monies.

VII. CORRESPONDENCE AND PETITIONS

Chair Grabiell acknowledged back of packet materials. Chair Grabiell congratulated Platteter and Forrest on their 100% attendance record.

VIII. CHAIR AND COMMISSION MEMBER COMMENTS

Chair Grabiell asked Planner Teague if he would give a brief account on what's happening with "The Waters", "Southdale Apartments" and Byerly's. Commissioner Scherer also asked what was occurring with the France Avenue corridor roadway study.

Planner Teague responded that "The Waters" was almost ready to pull their building permit. He stated he believes it will be pulled next week. Continuing, Teague told the Commission that he just met with Byerly's and they informed him they have retained a housing developer. More information should be coming from them. With regard to the "Southdale Apartments" WSB is initiating the parking study. Concluding, Teague reported that an estimate on the improvements along France Avenue came back and the estimates on those improvements are many many many times over budget.

IX. STAFF COMMENTS

None

May 9, 2012
P.C. minutes

Commissioner Carpenter asked Planner Teague if the City's noise ordinance was sufficient to address these new systems or should the EEC take a look at noise. Planner Teague said the Health Department enforces the noise ordinance and Edina has adopted State requirements.

Commissioner Staunton said he observed that the Ordinance uses different terms to define energy systems; adding in his opinion it should be uniform; either Energy Generation Systems or Energy Collection Systems. Commissioners agreed.

Commissioner Forrest asked for clarification on setbacks pointing out corner lots and large commercial lots could be difficult. Teague explained that the energy systems must maintain the same setbacks as are required for principal building or structures in the underlying zoning district. Teague also noted that energy systems can't be located in the front yard. Rapidly changing field don't want to be too restrictive.

Commissioner Platteter said front yard may need to be defined or clarified more. He said the City needs to encourage sustainability while remaining reasonable.

Commissioner Carpenter said it appears to him that it's necessary that the City have some control. Commissioners agreed.

Commissioner Schroeder expressed concern with on-site consumption, and questioned if any excess energy could be sold to the neighbors or back to the utility company. Schroeder wondered if this was a concern and something that needs further discussion and clarification. The discussion ensued with Commissioners acknowledging that potential; however, Commissioners didn't believe the Ordinance should encourage it. It was also noted that excess energy would probably go back into the grid.

The discussion continued with Commissioner suggesting that the City refer to other communities to see how they regulate energy systems. It was also noted that energy systems are continually changing and the City needs to keep pace with these changes.

Chair Grabiell said it appears the EEC should take another look at the proposed Ordinance and clarify certain aspects. The Commission also expressed interest in meeting again with the EEC.

Subdivision of lots less than 9,000 square feet in area and 75-feet in width

Planner Presentation

Planner Teague informed the Commission this topic was discussed by the Planning Commission last on January 25, 2012. Teague said the general consensus of the Planning Commission at that time was to consider an Ordinance Amendment that established the

minimum lot size in Edina to be consistent across the R-1 Zoning District.

Chair Grabiell informed the Commission he read a recent article in the Star & Tribune on "in-fill" housing. Grabiell said that the article referred to "in-fill" housing as a way to prevent blight in older neighborhoods. Grabiell said he thinks the City needs to take a more positive approach to encourage in-fill development.

Commissioner Carpenter noted there are a fair amount of 50-foot lots in Edina, adding there is no way the City can prevent development or redevelopment of these lots. Commissioners agreed if a new house meets setbacks tear down and rebuild can occur.

Commissioner Scherer said with regard to subdivision the Ordinance has stipulated the lot width and lot depth standards for decades. She added she doesn't know how successful it would be to change the minimum lot size at this point.

Commissioner Forrest said in-fill housing is hard to compare. She added she supports density; however it needs to be appropriate for the lot size. Continuing Forrest acknowledged there is a trend to tear down and rebuild; however, there are arguments on both sides on what's right and what's wrong. Forrest suggested that instead of focusing on lot size maybe one should consider building size; what can be built etc., noting in many areas the "pocket neighborhood" would work but may not work so much in other neighborhoods.

Commissioner Staunton noted that 500-feet is used as the tool to establish neighborhood standards for lots in excess of 75-feet in width. Staunton asked if there was a better way to do this, adding 500-feet could be considered arbitrary. He noted at times people say the "neighborhood" is smaller than the 500-feet and other times the "neighborhood" needs to be expanded. Chair Grabiell agreed, adding he's not sure of a median width, depth or area formula.

Commissioner Schroeder said if the outcome of these discussions is to achieve the proper control mechanism for the City it may be of benefit to allow PUD's in the R-1 Zoning District as a way to "subdivide". This way the applicant needs to prove to the City there's a real benefit in granting the subdivision.

The discussion focused on combining lots. Planner Teague said it has been his experience that combining lots to build an overly large house happens rarely. However, Teague said he can understand concerns that this could occur.

Commissioner Staunton said it appears to be a solution in search of a problem when trying to be consistent with subdivision standards. The Ordinance appears to exempt large lots from the minimum lot requirements, adding one would think that same exemption would also hold true for the smaller lots. Continuing, Staunton said the Commission needs to be mindful that we can't rezone every lot in the City. Concluding Staunton said he agrees with the comment from Commissioner Schroeder that there needs to be some form of articulation on how subdivision benefits the City. Staunton said the City needs to find its

voice on this issue so people can get a sense of what to expect

Commissioner Fischer said he doesn't know how he feels about opening this up for PUD. He asked if a PUD could only be allowed in specific instances and not generally.

Chair Grabiell said the next step would be to have staff retool the ordinance and develop a ordinance that could use PUD as a subdivision method.

Planner Teague said from the discussion tonight it doesn't appear there's much support for the median adding that staff would look at addressing subdivision through the PUD process. Continuing, Teague noted that if the Commission takes this route the PUD option would be open to all R-1 zoned properties. Teague said the Commission should keep that in mind as they move forward.

VIII. REPORTS AND RECOMMENDATIONS

Chair Grabiell acknowledged receipt of the Council Connection and Attendance.

IX. CHAIR AND COMMISSION COMMENTS

None.

X. STAFF COMMENTS

None.

XI. ADJOURNMENT

Commissioner Scherer moved meeting adjournment at 9:00 pm. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker
Respectfully submitted

Jan. 25, 2012
P.C. minutes

Kim Montgomery, 5300 Evanswood Lane said she had questions on sidewalks and the purchase of private land for public civic use.

Jessica Cook said the funds could be used for basic public improvements but not the extra "niceties" such as brick pavers for sidewalks or landscaping. TIF money cannot be used for residential street improvements, public civic or community buildings or to facilitate private redevelopment. TIF money can be used for sewer, water road improvements in support of a redevelopment within the Project Area and purchase for the purposes of providing affordable housing.

Commissioner Carpenter stated that the Commission's role is to determine if the expanded Plan Area is consistent with the Comprehensive Plan. Carpenter stated in his opinion that it is.

Motion

Commissioner Staunton moved to recommend adoption of the Resolution. Commissioner Fischer seconded the motion; noting the funds can be spent not will be spent. Fischer also noted the role of the Commission on this subject is limited and that the Resolution is in keeping with the Comprehensive Plan. All voted aye; motion carried.

Discussion – Consideration of a Zoning Ordinance Amendment regarding lots smaller than 9,000 square feet and 75-feet in width.

Planner Presentation

Planner Teague reported that as a result of recent subdivision requests on Brookview and Oaklawn Avenues, members of the Planning Commission expressed concern in regard to approving subdivisions that require variances.

Teague noted that in the last five years the City has received five (5) requests to subdivide properties into lots that were less than 9,000 square feet in area and 75 feet in width. Teague acknowledged that all of the requests were made in the area around Pamela Park. Three of those requests were approved; one is pending review by the City Council, and one was withdrawn by the applicant before action was taken.

Teague said there are options on how to address the issue and suggested that a goal should be established up front as to what the City wishes to accomplish in changing the ordinance.

Discussion

Chair Grabiell asked the Commission for their comments, adding in his opinion the City should encourage redevelopment; noting there is a catch on how that can be correctly accomplished. Grabiell said he believes, at this point, if the City allows subdivisions to expand up meeting 500-foot neighborhood requirements for lot width, depth and area; shouldn't the same be true if one wants to expand down.

Commissioner Schroeder said he likes the idea of allowing a PUD for residentially zoned parcels. He noted other cities permit PUD's in their residential districts, adding that some cities like St. Louis Park are more like Edina. Schroeder added the reason he likes this option is that PUD is project specific. He pointed out in this instance a PUD process would answer many of the neighbors questions; like trees, house placement etc. Concluding, Schroeder said PUD could be another "subdivision" tool. Planner Teague pointed out that the City's ordinance precludes PUD in R-1 zoning districts; however that doesn't mean PUD in an R-1 zoning district shouldn't be reconsidered.

Commissioner Fischer pointed out that it wasn't that long ago that the Commission was considering amending the ordinance to allow PUD ; however, during the discussion on allowing PUD zoning many residents expressed concern" with allowing PUD in the City's R-1 zoning district. Continuing, Fischer noted since those discussions the Commission has come across a couple of instances where a PUD zoning would be a benefit in an R-1 zoning district and would make sense. Concluding, Fischer said permitting PUD in an R-1 zoning district may be something the Commission should reconsider.

Commissioner Potts agreed and added if the City's goal was to protect the character of all neighborhoods using PUD as another tool besides lot width, depth, area, etc. may not be a bad idea.

Commissioner Carpenter said in reviewing the most recent request for subdivision in a small lot neighborhood; including past similar requests that he was struck by the fact on how few people contested these subdivisions; if at all. Carpenter noted there have been five subdivision requests in small lot neighborhoods in five years, questioning if that's really a lot. He said he also wonders if the Commission really needs to do anything to "fix " the ordinance if in reality it works and wasn't broken.

Commissioner Scherer said her concern is that residents feel undercut on how the Commission addresses subdivisions, adding some residents don't agree with the original plat theory. Scherer said to her it's about reliance on the code. Continuing, Scherer said she doesn't believe it is unreasonable to clarify the code so the Commission has a reliance factor. Concluding Scherer stated she likes the idea of a PUD and also likes option 3 presented by staff, acknowledging that each request becomes unique and emotional.

Commissioner Potts said he understands about reliance on the code and asked Planner Teague if he knows "how many more of these combined small lots" are out there that may come up for subdivision". Planner Teague responded that staff would look into that.

Commissioner Carpenter observed there are many 50-foot wide lots in Edina with both new and older homes on them, pointing out the vast majority of these homes can be torn down and rebuilt without Commission or Council comment.

Commissioner Forrest said in her opinion the Commission needs to revisit this issue. She noted that part of the problem is our current code that allows generous buildings to be built on these small lots. Forrest agreed that the one size fits all may not work.

Chair Grabiell commented that in the Comprehensive and Land Use Plan the goal is to preserve the character of the neighborhoods and maintain Edina's housing stock. Grabiell said he doesn't see how in an area of predominately 50-foot wide one can to argue that maintaining those 50-foot lots doesn't make sense. Concluding, Grabiell also said the opinion that ordinances "never change" isn't true, pointing out ordinances do change.

Commissioner Forrest said in theory she agrees but the Commission also needs to consider how these subdivisions affect neighborhoods. She added the Commission needs some form of individual approach or a creatively crafted ordinance to address these issues.

Commissioner Platteter pointed out if someone wants to buy three 50-foot wide lots and conjoin them there is no review process; questioning if the code should work the same both ways. Platteter said in his opinion maintaining the original plat is important. He said the plats in reality defined Edina's neighborhoods, adding in his opinion these small lot neighborhoods also need protection. Concluding Platteter reiterated there are no limits on combining lots; which to him is a concern and more out of character than going the other direction and honoring the original plat.

Commissioner Staunton said the discussion was good, adding he agrees with Commissioners Scherer and Schroeder that there shouldn't be just one way, adding having a city wide lot width requirement may not be the best approach. Staunton pointed out that the Comprehensive Plan recognizes character districts, adding that number 3 also makes sense to him. He pointed out currently code requires that all applicants identify the 500-foot neighborhood standards, and even if the lots within that 500-foot neighborhood don't meet current code variances are required for the "new" lot(s). Staunton concluded he was also intrigued by allowing PUD in the R-1 zoning district.

Chair Grabiell said this discussion needs to be continued and requested that staff look at the calendar and see if time was available for the Commission and Council to meet jointly. Grabiell added that more research also needs to be done on how a PUD would "work" in the R-1 zoning district and on how many "lots" are out there that were combined plat that now could be "subdivided".

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Date: July 25, 2012

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Subdivision of lots less than 9,000 square feet in area and 75 feet in width

At the July 11, 2012 meeting, the Planning Commission directed staff to prepare a draft of a potential policy that would limit the size of homes built on newly created lots through a PUD rezoning.

Below is a beginning draft of such a policy. The Planning Commission is asked to discuss at the July 25th Work Session following the regular meeting.

Low Density PUD or New Lots Requiring Variances

Purpose. This policy applies to homes being built in established neighborhoods on newly created lots that require variances or PUD, Planned Unit Development rezoning. The purpose is to require new homes built on these lots to be consistent with the character of the existing homes in the neighborhood.

Policy. The City may require that new homes built on lots requiring variances or PUD rezoning be consistent with the character of the existing homes in the neighborhood. Neighborhood character, for the purpose of this policy means the following:

The new home must have a floor area ratio, and height to the ridge line that is no more than 10% more than the largest or tallest home within 100 feet of the proposed house, and within 1,000 feet of the proposed house on the same street. The City may disallow any existing lot(s) that the City determines are not visually part of the applicant's neighborhood. The City may also add any existing lot(s) that the City determines is visually part of the applicant's neighborhood.

Cary Teague

From: Kevin Staunton <kevin@stauntonlaw.com>
Sent: Wednesday, July 25, 2012 2:26 PM
To: Cary Teague; Gabiel, Floyd
Cc: Jackie Hoogenakker
Subject: Zoning Ordinance Amendments

I can't attend tonight's meeting but wanted to pass along a couple of thoughts on the issues on our work session agenda. Please pass this along to the rest of the Commission.

1. Subdivision of Lots of less the 9,000 square feet in area and 75 feet in width. First, I think we are mis-labeling this item. I don't think we are contemplating subdivisions of lots less than 75 feet wide but are, instead, contemplating permitting subdivisions that would *result* in lots less than 75 feet wide (and presumably *result* in lots less than 9,000 square feet in area). Assuming my understanding is correct, we should make that clear. We may also want to consider setting *minimum* width and area thresholds so that there could not be subdivision of lots smaller than certain dimensions (I certainly don't think we want to create lots narrower than 40-50 feet in any area). I also think we need additional thinking on the criteria we use to determine whether the proposed structures on such lots are "compatible and complimentary" with the neighborhood (more on that in the process section below). Finally, I am uncomfortable with promulgating those criteria in a policy; I think they ought to be part of the ordinance so that people can easily find them when contemplating such proposals.
2. Building Wall Heights/Grading. I think we need to think about the problem we are trying to solve before we solve it. Having watched a number of rebuilds on small lots come before us (and hear about a number that don't have to), it does not seem to me that the problem is a lack of mass. To the contrary, we are constantly hearing about too much house on too small a lot. In that context, it seems to me that we ought to — at a minimum — proceed with caution when contemplating ordinance changes that will permit greater mass (albeit in exchange for reduced height). In addition, the proposed ordinance change does nothing to address two other problems we are hearing about — drainage and retaining walls. Rather than take a piecemeal approach to the code on these issues, I'd like to see us be comprehensive. On retaining walls, there are a number of things we could consider — adopting a fence-type "good side/bad side" rule that would require the property owner creating the retaining wall situation to have the "bad" side (i.e., the side with the shear face) facing their property. In the example we heard about at our last meeting, that would have required the builder to dig down on the other side of the property rather than build up on the side he did. We could also consider retaining wall setbacks after so many feet of height or some kind of average grade requirement. On drainage, it seems unacceptable to me that a builder has no restrictions on the amount he may increase the rate of runoff associated with a new house so long as the runoff follows the same path it did before construction. Why can't we require the builder to engineer solutions (such as downspouts to underground stormwater pipes that go directly to the city's stormwater system) that don't make the neighbor suffer the consequences of the new construction. On both of these issues, I am sure there are other good ideas that could address the problems while still permitting reasonable redevelopment of residential properties.
3. Process. The more I think about these issues, the more I understand how much I don't know. To date, we have dealt with this dynamic by staff visiting with some selected local developers to get their suggestions about how to proceed. I'm fine with that being part of our information gathering process (although I'd like to hear from them directly, too) but think we're missing some other experts. People who live in the neighborhoods that have had these issues also know a lot about the how the problems develop and, I'm betting, will have some good ideas about potential solutions. I think we should be working to reach out to folks like those *before* we go to a public hearing (we have, after all, done such outreach with the developers). Such an effort would give us some suggestions to consider on the PUD issues (what is it that makes a new structure "compatible" with a neighborhood?) as well as the mass, scale, drainage, and retaining wall issues. I think it is critical, though, that we do more than merely put out a blanket notice that we want to hear from people. We know people who have

had first hand experiences with these issues. We should be reaching out directly to them and asking them to help us figure out the right answers.

Thanks for considering my suggestions. Sorry I can't be there tonight.

kevin

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Date: July 11, 2012

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Subdivision of lots less than 9,000 square feet in area and 75 feet in width

At the May 9th meeting, the Planning Commission directed staff to draft an Ordinance amendment that would allow PUD rezoning as a tool to subdivide lots that are less than 9,000 square feet in area and 75 feet in width. Attached is an Ordinance amendment that would allow PUD in the R-I Zoning District. Current City Code regulations do not allow PUD zoning in the R-I areas of the City.

The City Council has generally expressed interest in considering a uniform median lot area, lot width and depth as the minimum lot size requirement in the R-I District. Currently the minimum lot size in Edina is 9,000 square feet in area; 75 feet in width; and 120 feet in depth; unless located in an area where lots are larger than this, then the median of all lots within 500 feet becomes the minimum lot size requirement. Therefore, that language is still within the Ordinance amendment for final consideration.

The general consensus of the Planning Commission at the May 9th meeting was that the PUD Ordinance would allow the City more discretion in its review of Subdivisions to ensure that the new lots better fit the neighborhood. Having the median established by lots within 500 feet does not necessarily create a lot size that is consistent with the immediate neighborhood.

The Planning Commission is asked to consider and discuss the attached ordinance, and make a recommendation that we bring to the City Council at our September work session.

For background, attached is the history of this topic including minutes from our past discussions.

ORDINANCE NO. 2012-__

**AN ORDINANCE AMENDMENT REGARDING MINIMUM LOT SIZE
REQUIREMENTS AND PUD ELIGIBILITY IN THE R-1 ZONING DISTRICT**

The City Council Of Edina Ordains:

Section 1. Subsection 850.04. Subd. 4.D is amended as follows:

D. Procedure for Rezoning to a Planned Unit Development (PUD) District.

1. Purpose and Intent. The purpose of the PUD District is to provide comprehensive procedures and standards intended to allow more creativity and flexibility in site plan design than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity. The purpose and intent of a PUD is to include most or all of the following:

- a. provide for the establishment of PUD (planned unit development) zoning districts in appropriate settings and situations to create or maintain a development pattern that is consistent with the City's Comprehensive Plan;
- b. promote a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City;
- c. provide for variations to the strict application of the land use regulations in order to improve site design and operation, while at the same time incorporate design elements that exceed the City's standards to offset the effect of any variations. Desired design elements may include: sustainable design, greater utilization of new technologies in building design, special construction materials, landscaping, lighting, stormwater management, pedestrian oriented design, and podium height at a street or transition to residential neighborhoods, parks or other sensitive uses;
- d. ensure high quality of design and design compatible with surrounding land uses, including both existing and planned. **In the case of a PUD in a low density residential area, the**

structural design of the housing must be compatible and complimentary with surrounding housing.

- e. maintain or improve the efficiency of public streets and utilities;
- f. preserve and enhance site characteristics including natural features, wetland protection, trees, open space, scenic views, and screening;
- g. allow for mixing of land uses within a development;
- h. encourage a variety of housing types including affordable housing; and
- i. ensure the establishment of appropriate transitions between differing land uses.

2. Applicability/Criteria

- a. Uses. All permitted uses, permitted accessory uses, conditional uses, and uses allowed by administrative permit contained in the various zoning districts defined in Section 850 of this Title shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the Comprehensive Plan. ~~Property currently zoned R-1, R-2 and PRD-1 shall not be eligible for a PUD.~~
- b. Eligibility Standards. To be eligible for a PUD district, all development should be in compliance with the following:
 - i. where the site of a proposed PUD is designated for more than one (1) land use in the Comprehensive Plan, the City may require that the PUD include all the land uses so designated or such combination of the designated uses as the City Council shall deem appropriate to achieve the purposes of this ordinance and the Comprehensive Plan;
 - ii. any PUD which involves a single land use type or housing type may be permitted provided that it is otherwise consistent with the objectives of this ordinance and the Comprehensive Plan;
 - iii. permitted densities may be specifically stated in the appropriate planned development designation and shall be in general conformance with the Comprehensive Plan; and

- iv. the setback regulation, building coverage and floor area ratio of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purpose and intent described in #1 above.

Section 2. Subsection 850.11. Subd. 5. is hereby amended as follows:

Subd. 5. Requirements for Lot Areas and Dimensions.

A. Minimum Lot Area.

- 1. Single Dwelling Unit. ~~9,000 square feet provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lots with a median lot area greater than 9,000 square feet, then~~ The minimum lot area shall be not less than the median lot area of the lots in the neighborhood **as defined in Section 810 of this Code.**

B. Minimum Lot Width.

- 1. Single Dwelling Unit. ~~75 feet, provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lot with a median lot width greater than 75 feet, then~~ the minimum lot width shall be not less than the median lot width of lots in the neighborhood **as defined in Section 810 of this Code.**

C. Minimum Lot Depth.

- 1. Single Dwelling Unit. ~~120 feet, provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lot with a median lot depth greater than 120 feet, then~~ the minimum lot depth shall be not less than the median lot depth of lots in such neighborhood **as defined in Section 810 of this Code.**

Section 3. 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 _____, 2012, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2012.

City Clerk

Commissioner Carpenter asked Planner Teague if the City's noise ordinance was sufficient to address these new systems or should the EEC take a look at noise. Planner Teague said the Health Department enforces the noise ordinance and Edina has adopted State requirements.

Commissioner Staunton said he observed that the Ordinance uses different terms to define energy systems; adding in his opinion it should be uniform; either Energy Generation Systems or Energy Collection Systems. Commissioners agreed.

Commissioner Forrest asked for clarification on setbacks pointing out corner lots and large commercial lots could be difficult. Teague explained that the energy systems must maintain the same setbacks as are required for principal building or structures in the underlying zoning district. Teague also noted that energy systems can't be located in the front yard. Rapidly changing field don't want to be too restrictive.

Commissioner Platteter said front yard may need to be defined or clarified more. He said the City needs to encourage sustainability while remaining reasonable.

Commissioner Carpenter said it appears to him that it's necessary that the City have some control. Commissioners agreed.

Commissioner Schroeder expressed concern with on-site consumption, and questioned if any excess energy could be sold to the neighbors or back to the utility company. Schroeder wondered if this was a concern and something that needs further discussion and clarification. The discussion ensued with Commissioners acknowledging that potential; however, Commissioners didn't believe the Ordinance should encourage it. It was also noted that excess energy would probably go back into the grid.

The discussion continued with Commissioner suggesting that the City refer to other communities to see how they regulate energy systems. It was also noted that energy systems are continually changing and the City needs to keep pace with these changes.

Chair Grabiell said it appears the EEC should take another look at the proposed Ordinance and clarify certain aspects. The Commission also expressed interest in meeting again with the EEC.

Subdivision of lots less than 9,000 square feet in area and 75-feet in width

Planner Presentation

Planner Teague informed the Commission this topic was discussed by the Planning Commission last on January 25, 2012. Teague said the general consensus of the Planning Commission at that time was to consider an Ordinance Amendment that established the

minimum lot size in Edina to be consistent across the R-1 Zoning District.

Chair Grabiell informed the Commission he read a recent article in the Star & Tribune on "in-fill" housing. Grabiell said that the article referred to "in-fill" housing as a way to prevent blight in older neighborhoods. Grabiell said he thinks the City needs to take a more positive approach to encourage in-fill development.

Commissioner Carpenter noted there are a fair amount of 50-foot lots in Edina, adding there is no way the City can prevent development or redevelopment of these lots. Commissioners agreed if a new house meets setbacks tear down and rebuild can occur.

Commissioner Scherer said with regard to subdivision the Ordinance has stipulated the lot width and lot depth standards for decades. She added she doesn't know how successful it would be to change the minimum lot size at this point.

Commissioner Forrest said in-fill housing is hard to compare. She added she supports density; however it needs to be appropriate for the lot size. Continuing Forrest acknowledged there is a trend to tear down and rebuild; however, there are arguments on both sides on what's right and what's wrong. Forrest suggested that instead of focusing on lot size maybe one should consider building size; what can be built etc., noting in many areas the "pocket neighborhood" would work but may not work so much in other neighborhoods.

Commissioner Staunton noted that 500-feet is used as the tool to establish neighborhood standards for lots in excess of 75-feet in width. Staunton asked if there was a better way to do this, adding 500-feet could be considered arbitrary. He noted at times people say the "neighborhood" is smaller than the 500-feet and other times the "neighborhood" needs to be expanded. Chair Grabiell agreed, adding he's not sure of a median width, depth or area formula.

Commissioner Schroeder said if the outcome of these discussions is to achieve the proper control mechanism for the City it may be of benefit to allow PUD's in the R-1 Zoning District as a way to "subdivide". This way the applicant needs to prove to the City there's a real benefit in granting the subdivision.

The discussion focused on combining lots. Planner Teague said it has been his experience that combining lots to build an overly large house happens rarely. However, Teague said he can understand concerns that this could occur.

Commissioner Staunton said it appears to be a solution in search of a problem when trying to be consistent with subdivision standards. The Ordinance appears to exempt large lots from the minimum lot requirements, adding one would think that same exemption would also hold true for the smaller lots. Continuing, Staunton said the Commission needs to be mindful that we can't rezone every lot in the City. Concluding Staunton said he agrees with the comment from Commissioner Schroeder that there needs to be some form of articulation on how subdivision benefits the City. Staunton said the City needs to find its

voice on this issue so people can get a sense of what to expect

Commissioner Fischer said he doesn't know how he feels about opening this up for PUD. He asked if a PUD could only be allowed in specific instances and not generally.

Chair Grabiell said the next step would be to have staff retool the ordinance and develop a ordinance that could use PUD as a subdivision method.

Planner Teague said from the discussion tonight it doesn't appear there's much support for the median adding that staff would look at addressing subdivision through the PUD process. Continuing, Teague noted that if the Commission takes this route the PUD option would be open to all R-1 zoned properties. Teague said the Commission should keep that in mind as they move forward.

VIII. REPORTS AND RECOMMENDATIONS

Chair Grabiell acknowledged receipt of the Council Connection and Attendance.

IX. CHAIR AND COMMISSION COMMENTS

None.

X. STAFF COMMENTS

None.

XI. ADJOURNMENT

Commissioner Scherer moved meeting adjournment at 9:00 pm. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker
Respectfully submitted

City Hall • Phone 952-927-8861
Fax 952-826-0389 • www.CityofEdina.com



Date: May 9, 2012

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Subdivision of lots less than 9,000 square feet in area and 75 feet in width

This topic was discussed by the Planning Commission last on January 25, 2012. The general consensus of the Planning Commission at that time was to consider an Ordinance Amendment that established the minimum lot size in Edina to be consistent across the R-1 Zoning District. To accomplish that, the median lot width, depth and area of all properties within 500 feet would establish the minimum lot size requirement. This would be consistent with the current regulations for lots over 9,000 square feet in size.

Additionally, the Commission suggested offering the PUD Zoning District to all properties within the R-1 or low density zoning districts, in an effort to provide an additional tool for the City to encourage more creative development when considering new redevelopment projects.

Attached is an Ordinance amendment that would establish both of these items.

Staff was also asked to investigate the number of 100-foot lots in the 50-foot lot platted area. The attached maps demonstrate that there are about 26 100-foot lots in the Morningside area; there is about 20 100-foot lots in the middle section of Edina, south of 52nd Street, north of the Crosstown; and about 20 more in the north west corner of Edina.

ORDINANCE NO. 2012-__

AN ORDINANCE AMENDMENT REGARDING
MINIMUM LOT AREA AND DIMENSIONS IN THE R-1 DISTRICT

The City Council Of Edina Ordains:

Section 1. Subsection 850.11. Subd. 5. is amended to add the following definitions:

Subd. 5 **Requirements for Lot Areas and Dimensions.**

A. Minimum Lot Area.

1. Single Dwelling Unit

~~9,000 square feet provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lots with a median lot area greater than 9,000 square feet, then~~ The minimum lot area shall be not less than the median lot area of the lots in such neighborhood **as defined in Section 810 of this Code.**

B. Minimum Lot Width.

Single dwelling unit building

~~75 feet, provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lot with a median lot width greater than 75 feet, then~~ The minimum lot width shall be not less than the median lot width of lots in such neighborhood **as defined in Section 810 of this Code.**

Existing text – XXXX

Stricken text – ~~XXXX~~

Added text – **XXXX**

C. Minimum Lot Depth.

Single dwelling unit building 120 feet, provided, however if the lot is in a neighborhood as defined in Section 810 of this Code, which has lots with a median lot depth greater than 120 feet, then The minimum lot depth shall be not less than the median lot depth of the neighborhood **as defined in Section 810 of this Code.**

For reference, below is the regulation in Section 810:

Section 810

Median. The value (being, in this Section, lot area, lot depth or lot width, as the case may be) in an ordered set of such values below which and above which there is an equal number of such values, or which is the arithmetic mean of the two middle values if there is no one such middle value.

Neighborhood. All lots in the Single Dwelling Unit District as established by Section 850 of this Code which are wholly or partially within 500 feet of the perimeter of the proposed plat or subdivision, except:

- A. Lots used for publicly owned parks, playgrounds, athletic facilities and golf courses;*
- B. Lots used for conditional uses as established by Section 850 of this Code; or*
- C. Lots separated from the proposed plat or subdivision by the right of way of either T.H. 100 or T.H. 62.*

If the neighborhood includes only a part of a lot, then the whole of that lot shall be included in the neighborhood. As to streets on the perimeter of the proposed plat or subdivision, the 500 feet shall be measured from the common line of the street and the proposed plat or subdivision.

Section 2. Subsection 850.04. Subd. 4.D.2.a is amended to add the following definitions:

D. Procedure for Rezoning to a Planned Unit Development (PUD) District.

2. Applicability/Criteria

- a. Uses. All permitted uses, permitted accessory uses, conditional uses, and uses allowed by administrative permit contained in the various zoning districts defined in Section 850 of this Title shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the Comprehensive Plan. ~~Property currently zoned R-1, R-2 and PRD-1 shall not be eligible for a PUD.~~

Section 3. 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 _____, 2012, and as recorded in the Minutes of said Regular Meeting.

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

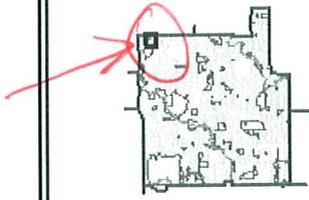
City of Edina



- Legend**
- Highlighted Feature
 - Surrounding House Number Labels
 - Street Name Labels
 - City Limits
 - Creeks
 - Lake Names
 - Lakes
 - Parks
 - Parcels

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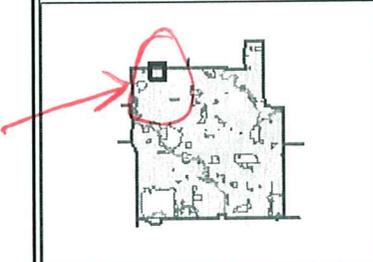
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Edina, MN 55343**



City of Edina



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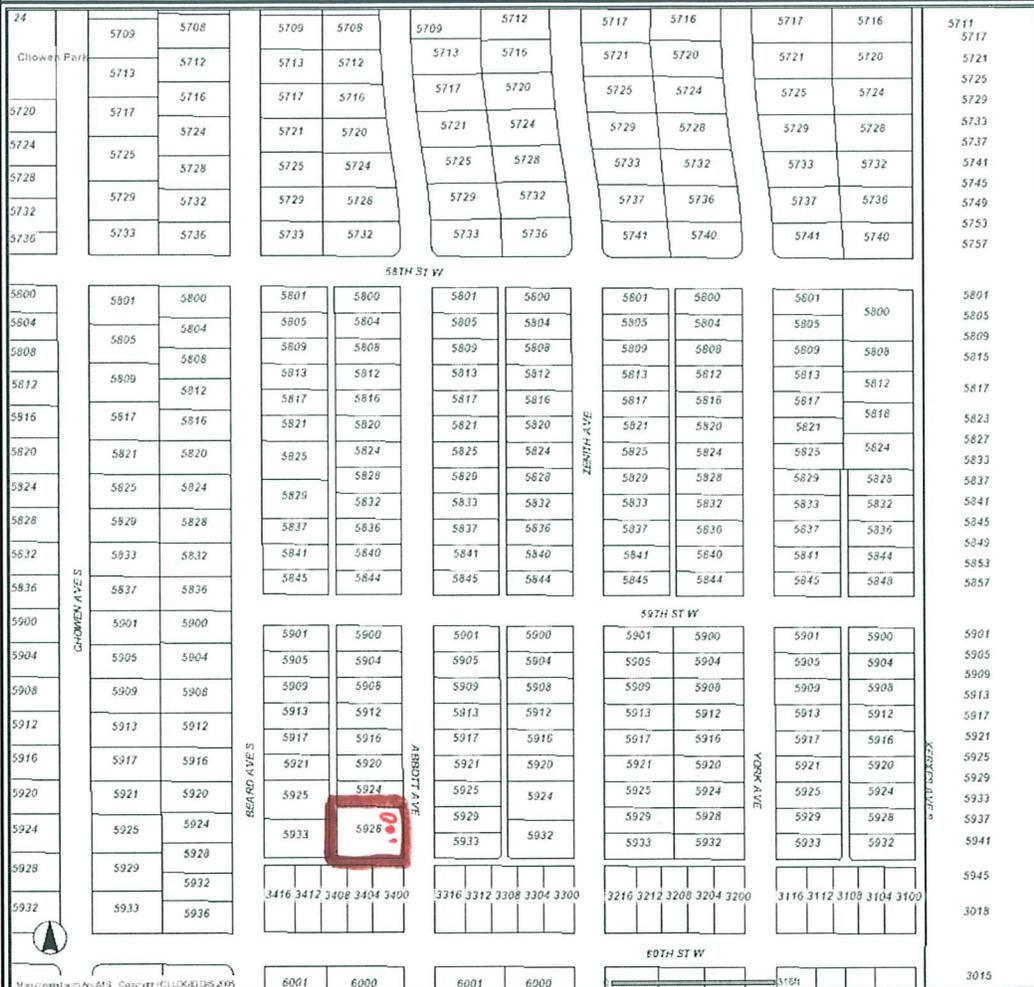


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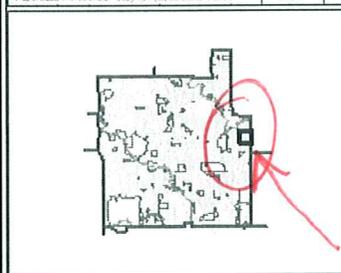
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City of Edina



- Legend**
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 - Lakes
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 - Parcels



PID: 2002824310184

5928 Abbott Ave S
Edina, MN 55410



City of Edina



- Legend**
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 - Parcels

Strachauer Park



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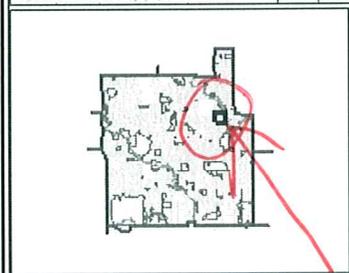
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Edina, MN 55410**



City of Edina



- Legend**
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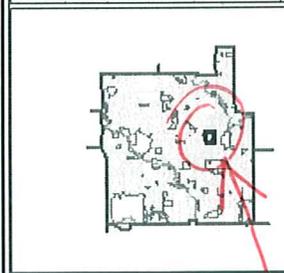
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5940 Ashcroft Ave
Edina, MN 55424



City of Edina

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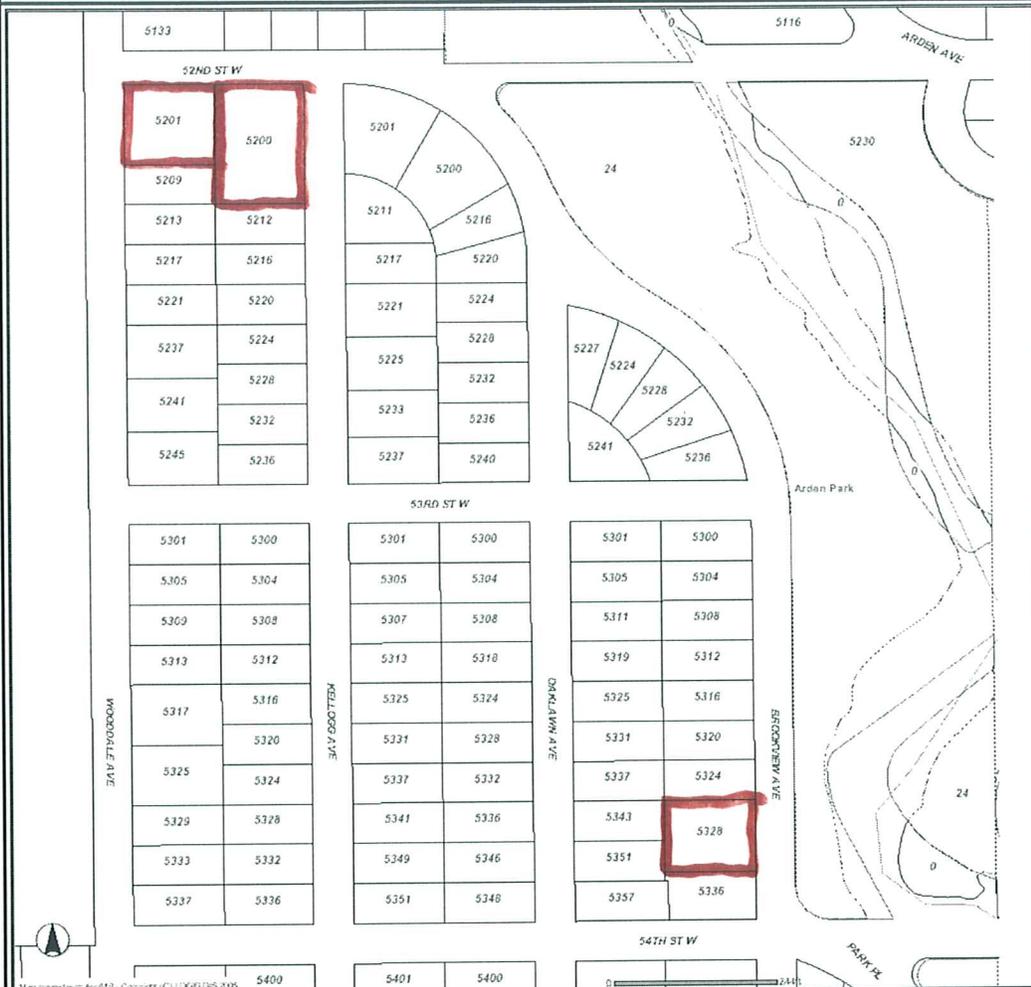


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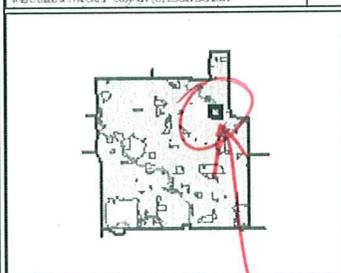
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Edina, MN 55424**



City of Edina

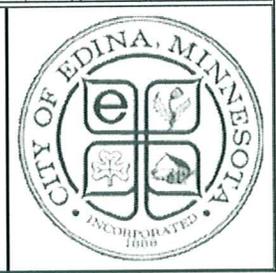


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5201 Wooddale Ave
Edina, MN 55424



PHILBROOK LA

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58TH ST W

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5825	5824
5829	5828
5833	5832
5837	5836
5841	5840
5845	5844

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5841	5840
5845	5844

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5841
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WOODDALE AVE

KELLOGG AVE

OAKLAWN AVE

BROOKVIEW AVE

59TH ST W

5901	5900
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5941	5940

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59TH ST W

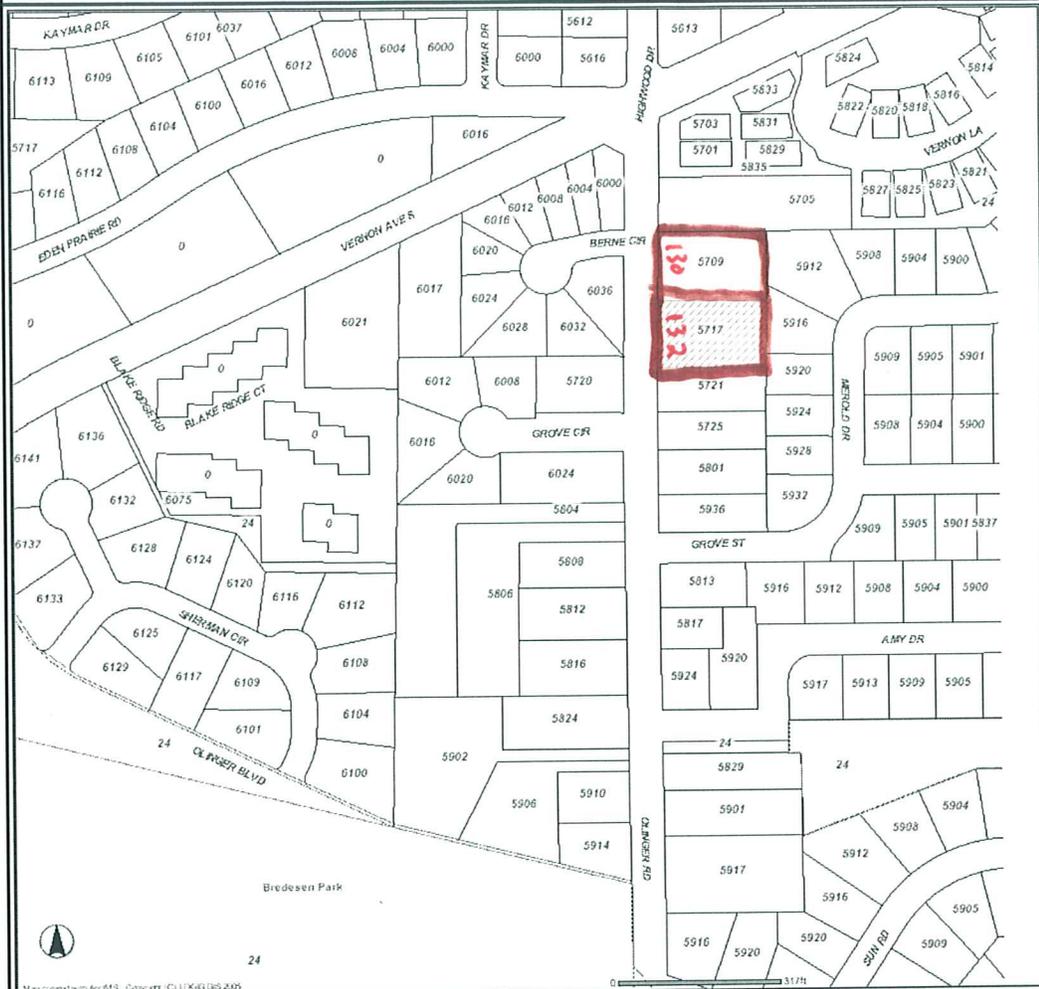
Pamela Park



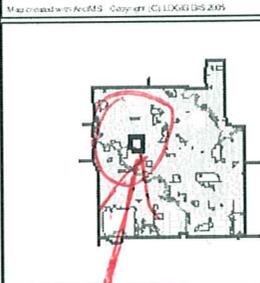
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City of Edina



- Legend**
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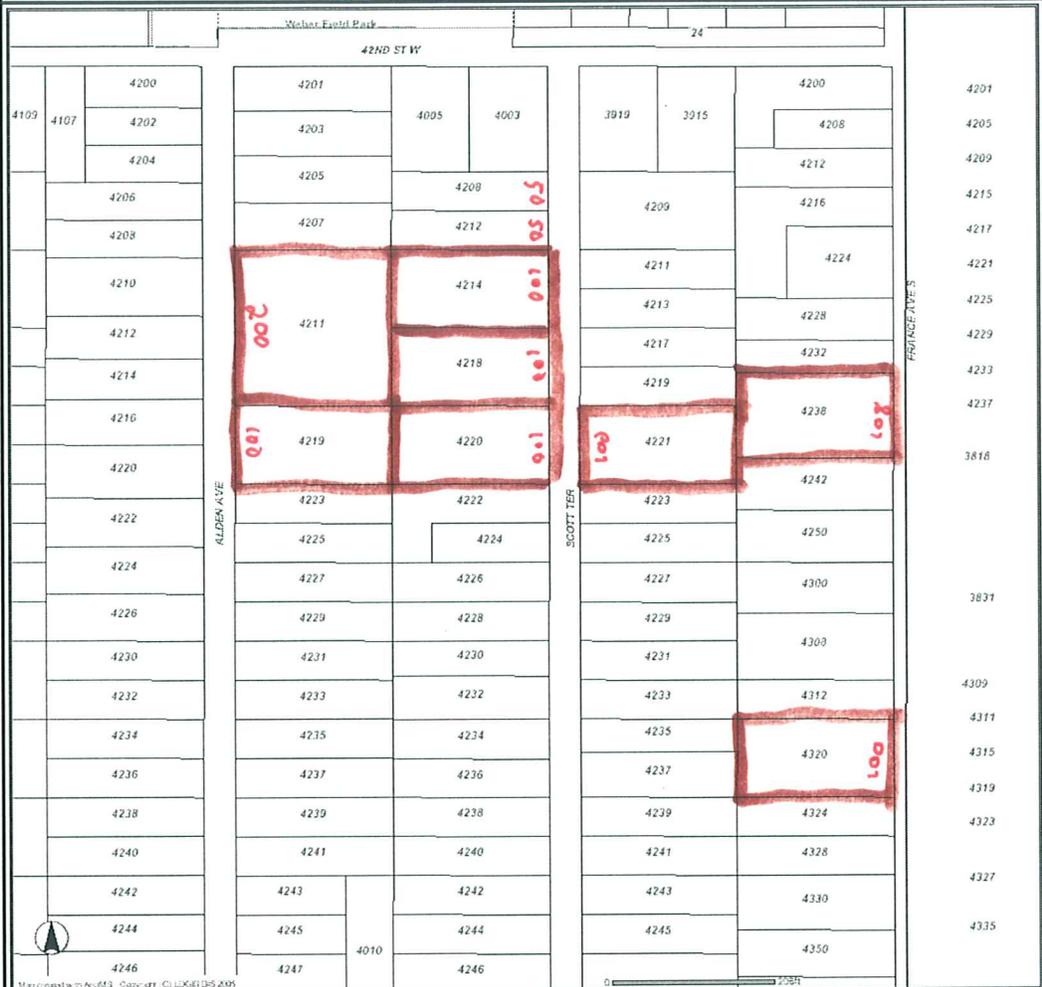


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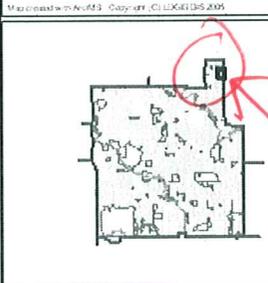
**5717 Olinger Rd
Edina, MN 55436**



City of Edina



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 - Lake Names
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 - Parcels



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4024 Grimes Ave
Edina, MN 55416

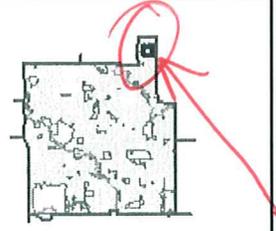


City of Edina



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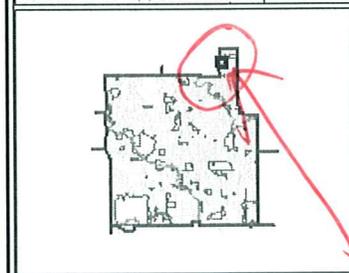
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City of Edina



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**4024 Grimes Ave
Edina, MN 55416**

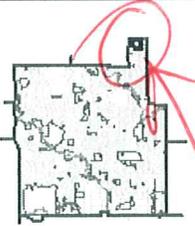


City of Edina



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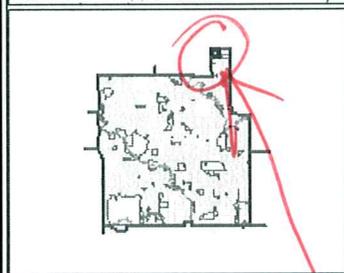
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Edina, MN 55416**



City of Edina



- Legend**
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PID: 3211721240025

5709 Olinger Rd
Edina, MN 55436



Topic: Subdivision of lots less than 9,000 square feet in area and 75 feet in width

Date Introduced: January 25, 2012

Date of Discussion: January 25, 2012

Why on the list: As a result of the recent subdivision requests on Brookview and Oaklawn, members of the Planning Commission have expressed concern in regard to approving subdivisions that require lot width and area variances.

History: In the last five years the city has received five (5) requests (listed below) to subdivide properties into lots that were less than 9,000 square feet in area and 75 feet in width. (See the locations on the attached Exhibit A1.) Please note that all of these requests were made in the area around Pamela Park. Three of these requests were approved; one is pending review by the City Council, and one was withdrawn by the applicant before action was taken.

Requested Subdivisions in the last five years

1. In 2006, the property at 5901 France Avenue received variances to build four (4) 66-foot wide lots consistent with the area.
2. In 2008, 6120 Brookview (a 100-foot wide lot) was proposed to be divided into two (2) 50-foot lots; however, the applicant withdrew the request before action was taken.
3. In 2009, a 100-foot lot at 5920 Oaklawn was granted variances to divide into two (2) 50-foot lots.
4. In 2011, the property at 5829 Brookview was granted variances to divide into two (2) 50-foot lots.
5. In 2012, the property at 6109 Oaklawn received a recommendation of approval from the Planning Commission to divide the property into two (2) 50-foot lots.

Decision Point: Should the City amend its ordinances regarding the city's minimum lot size requirements in the R-1 Zoning District.

Options: There are many options on how to address the issue. Before deciding on any one option, a goal should be established up front as to what the City wishes to accomplish in changing the ordinance. As an example, do we wish to prohibit this type of subdivision, or do wish put greater control or review authority

over them? If it is the size of the homes that are being built on these lots that is the concern, than do we need to tighten up our setback and lot coverage standards. As Planning Commission is aware, we spent over a year considering changes to address the massing issue. When compared to other similar cities we have some of the toughest regulations on development on smaller lots.

Some options that may be considered:

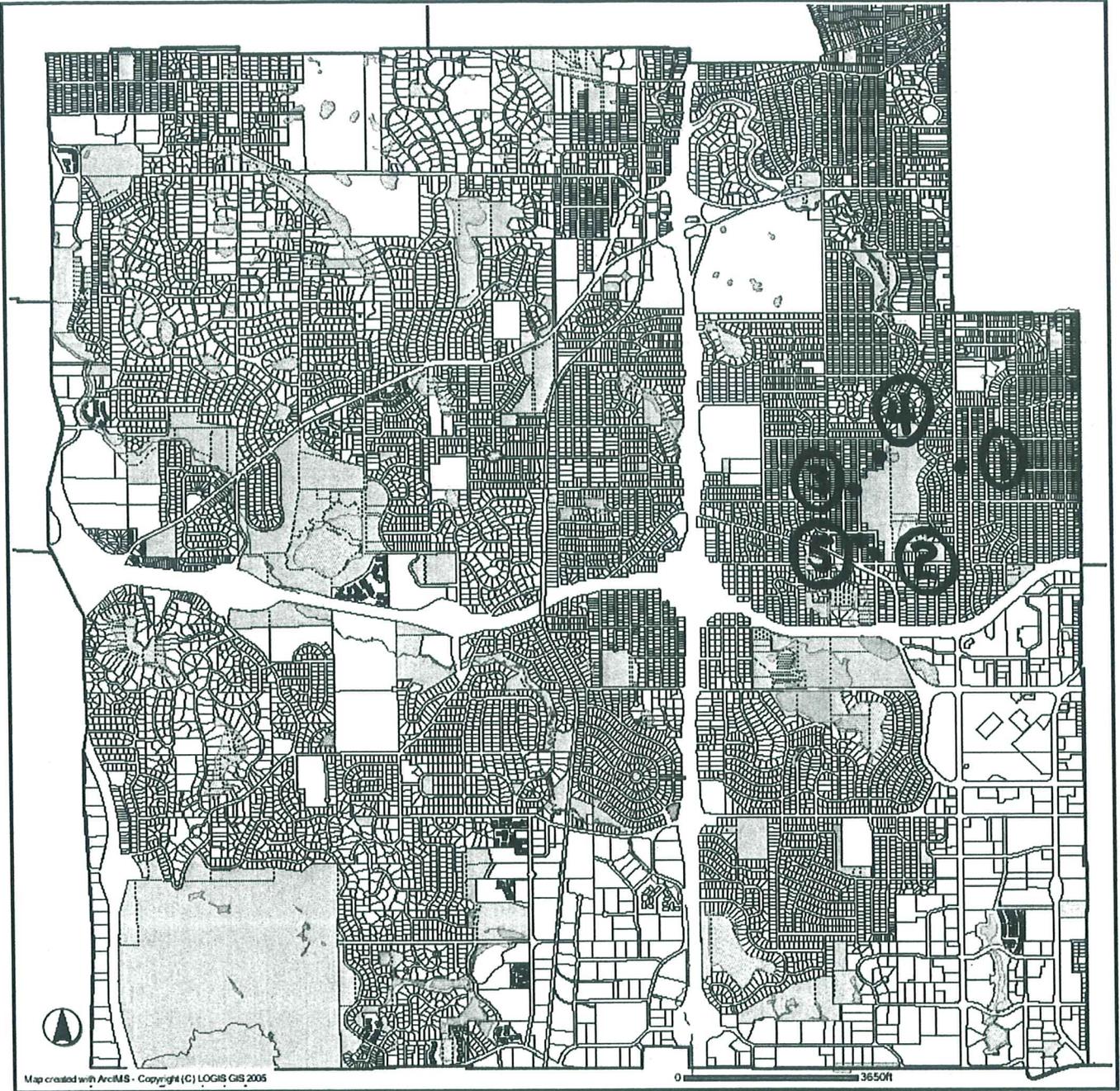
1. Leave the requirement as it is today. This would enable the City discretion in approving these types of subdivisions on a case by case basis.
2. Amend the Zoning Ordinance to allow 50-foot lots in the Pamela Park area. This would require a rezoning of the area, so to separate it from the current R-1 standards in other residential areas of the City.
3. Amend the Ordinance to establish the minimum lot size to the median of all lots with 500 feet, similar to the minimum lot size in neighborhoods where lots exceed 9,000 square feet in size and 75 feet in width. That would establish a consistent minimum lot size all across Edina.
4. Create an overlay district.

Again, there may be several other options to consider?

For Discussion: The City Council has expressed interest in having a work session with the Planning Commission to discuss the issue further.

The Planning Commission is asked to discuss the issue and frame up a potential work session agenda with the City Council on how to address the issue.

Attached for consideration is a map that shows where these subdivision requests have occurred; (Exhibit A1.) sections from the Comprehensive Plan regarding residential districts; (Exhibit A2–A12.) and the current zoning ordinance requirements.(Exhibit A13–A17.)



- ① 5901 France
- ② 6130 Brookview
- ③ 5920 Oaklawn
- ④ 5829 Brookview
- ⑤ 6109 Oaklawn



The mall was constructed with two stories to shorten walking distances and an open garden court to facilitate a pleasant walking experience.

Southdale is now over fifty years old. Victor Gruen's vision of mixing uses on a single property has been refined to include the vertical mix of uses. The significance of mixed use development lies in its ability to create synergies between different land uses, similar to Southdale's inclusion of two large stores. The benefits are many: different land uses can reinforce one another, have the potential to reduce vehicle trips, and inject more community life into commercial areas. When residential is in close proximity to certain types of retail, there is a "built-in" market that provides a market for the retail. In this manner the Future Land Use Plan seeks to provide a greater flexibility to allow mixed use in areas where it is appropriate.

Existing Land Use Categories

Figure 4.1 illustrates the pattern of existing land use as of 2005. The categories on the map are described as follows:

Single-Family Residential

Single-Family Detached. Residential neighborhoods are the dominant land use within the city, and single-family housing is the dominant housing type. Neighborhood character varies based on era of construction, scale of development, and landscape influences, as described in the Community Design section of this chapter. The most common residential type consists of post-war contemporary single-family homes on wooded lots along curvilinear streets. About 53 percent of the city's land area is occupied by single-family detached housing.

Multi-Family Residential

Single-Family Attached. This land use consists of residential units with common walls, where each unit has direct exterior access. In Edina the most common building types are townhouses and duplexes (two-family dwellings). Townhouses tend to be clustered close to highway or major road corridors, while duplexes are often found in narrow strips along major thoroughfares such as Vernon and France avenues as a kind of buffer for adjacent single-family detached housing.

Multi-Family. This land use is defined by the multiple-unit building type where each individual unit does not have direct ground floor access to the outside. Multiple family developments are concentrated primarily along the main traffic arteries and are generally located toward the edges of the city, often in proximity to retail business establishments. Concentrations of multi-family development are found along York and France avenues, Vernon Avenue, Lincoln Drive and Cahill Road.



Character Districts

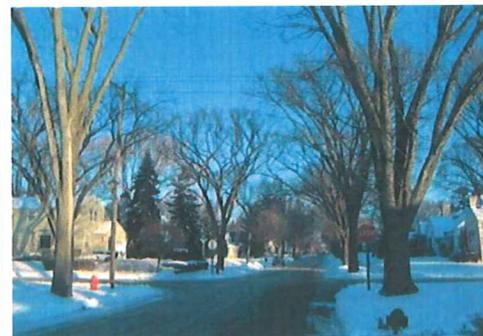
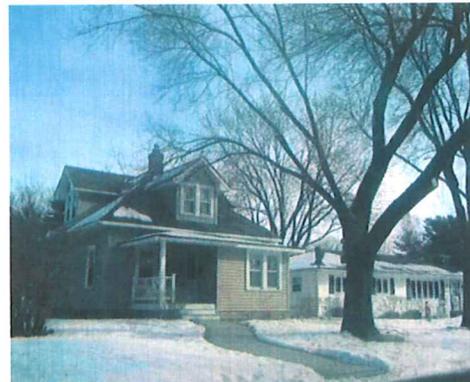
In order to establish principles for community design in the future, it is important to understand the City's historical development patterns and existing character. Historical development is discussed in Chapter 6. The manner in which the City evolved from rural village to streetcar suburb to postwar planned community allows us to define a series of character districts: neighborhoods, commercial nodes and districts or corridors that share a distinctive identity based on their built form, street design, landscape elements and other features, sometimes including prevalent architectural styles. Character districts are broadly delineated in Figure 4.2 and described below. It should be recognized that the 'boundaries' between these districts are often quite indistinct and that many districts share common features or elements. Principles and guidelines for character districts are described in the next section of this chapter. This section also includes specific guidance for a few geographically defined areas where redevelopment is most likely to occur.

Residential Character Districts

Traditional Neighborhood

The oldest areas of suburban development, built in the early 20th century in what was then a largely agricultural village, served by streetcar lines to Hopkins and Lake Harriet - Minneapolis. Areas are centered in and around the formerly independent village of Morningside, the 50th and France commercial district, and the West Minneapolis Heights and Mendelssohn subdivisions bordering the streetcar line in northwest Edina.

Characteristics: straight streets, smaller blocks and relatively smaller lots than in later development. Most streets have sidewalks. Bungalow styles are common in the Morningside area. West Minneapolis Heights contains a variety of vernacular Midwest styles, combined with significant numbers of postwar homes. Garages, where present, are usually detached and served by side yard drives or (rarely) alleys.

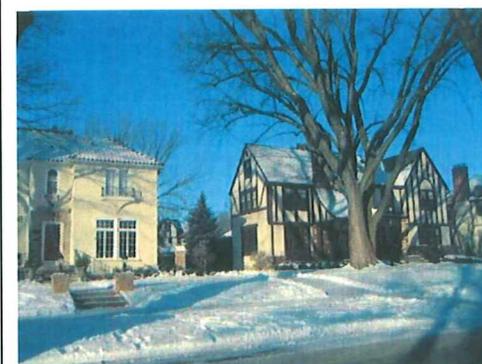
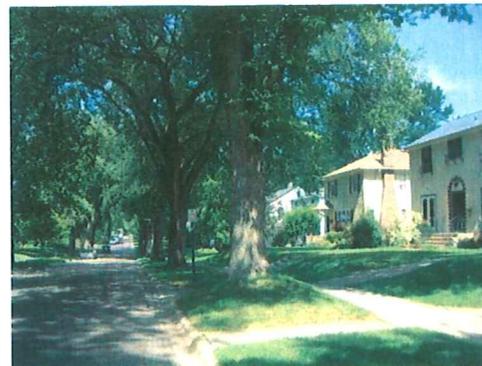




Garden Suburb

Planned communities designed to provide high standards of services, amenities and maintenance for upper-class residents. The Country Club District is a nationally recognized example of this type, developed by realtor Samuel Thorpe beginning in 1924 on 300 acres in the old Edina Mills community. The district was designed by landscape architects Morell and Nichols with contoured streets, shade trees, parks and landscaped open space, north of the Edina Country Club golf course. Building restrictions covered all aspects of architectural style, siting and property maintenance, as well as racial and ethnic restrictions.

While the Country Club District is a historic district with defined boundaries, two nearby areas share similar characteristics: the Sunnyslope area west of Minnehaha Creek and the Interlachen area (Rolling Green and Hilldale), built adjacent to that country club. Both areas have larger lots than the Country Club District but similar street layouts.





Common characteristics: mature trees, regular building setbacks and massing, similar historical revival architectural styles (i.e., American Colonial, English Tudor, French Colonial). Interconnected and gently curved street pattern is punctuated by landscaped triangles and islands at intersections. The Country Club District has sidewalks and generous boulevards; the other areas do not. The Interlachen area is characterized by larger lots, larger homes and proportionally more green space.



Postwar Housing makes up the largest component of the City's housing stock, with about 85% of all units built after 1950. Street patterns in postwar neighborhoods vary widely, from a loosely rectilinear or contoured grid (one that often predated the housing) to an almost circular grouping focused on an internal park (i.e., Brookview Heights).

Postwar Traditional housing is typified by the Cape Cod, Rambler, and split-level styles. Garages, where present, may be detached or attached but recessed behind the primary façade. These districts are located primarily in the northern half of the city. Street patterns are generally a loosely organized grid, but become more curvilinear in areas west of Hanson Road. Sidewalks are uncommon.



“By the 1950s, the influence of Frank Lloyd Wright’s prairie style horizontal roofs and functional “Usonian” houses had filtered down to the developers’ vernacular. . . . Many Edina houses of this era are well-crafted with stone exterior elements, hardwood floors and plaster walls.” *Edina Massing Study*



Postwar Contemporary housing includes a more diverse and eclectic mix of architectural styles, collectively termed “Pastoral Modern” in the *Edina Massing Study*. Homes are oriented with the long axis parallel to the street (like the earlier rambler style), and lots tend to be wider than in older neighborhoods. Garages tend to be attached and front-loaded. Mature vegetation gives these neighborhoods a settled character.



Duplexes were located along more heavily-traveled streets (France Avenue, West 70th Street) as a transitional element, apparently in order to buffer adjacent single-family housing from traffic while perhaps providing more affordable housing options.

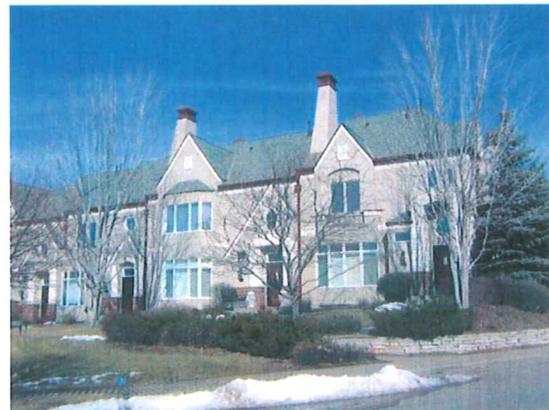




Postwar Garden Revival is a term used to describe one specific district: the Indian Hills neighborhood and vicinity north of the Braemar Park golf course in the city's hilly southwest quadrant. This area is similar to the earlier Interlachen area in that streets wind around the steep contours, lots are large, and a high proportion of trees have been retained.



Multifamily Concentrations. Multifamily housing, including townhouse condominium, and apartment complexes, tends to be clustered in specific districts or enclaves close to major thoroughfares and often in proximity to parks and shopping districts. Building size, scale, style and materials vary greatly among these developments. Landscaping is frequently used to define entries or as a buffer from adjoining roads or surrounding development.



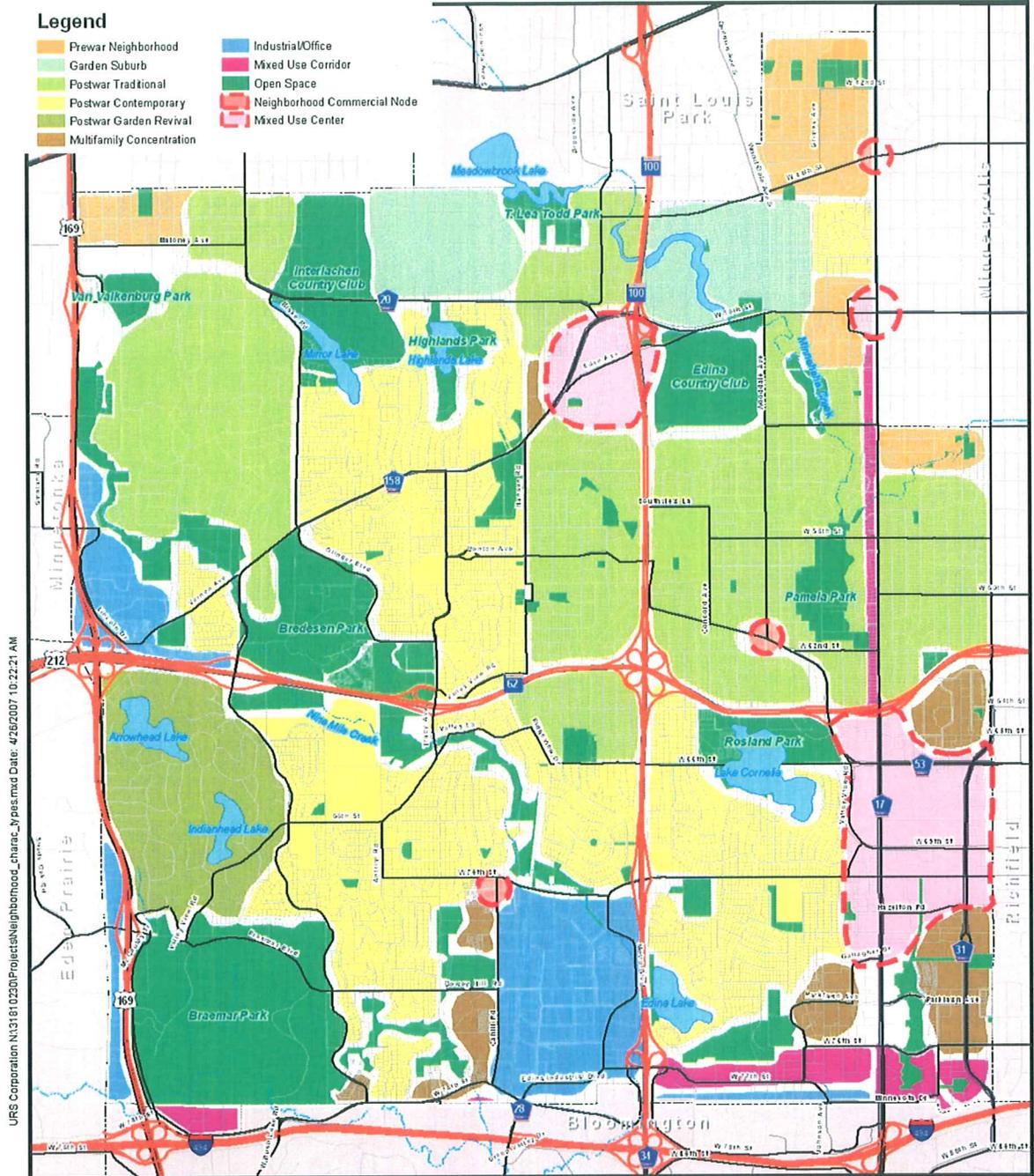


Figure 4.2

Character Districts



City of Edina
2008 Comprehensive Plan Update



ASG



4.3 TRENDS AND CHALLENGES

The city of Edina, as a “developed” municipality, has a host of land use issues that it shares with other similarly-designated municipalities, as well as some challenges that are unique to the community. As the City continues to mature, redevelopment of existing land uses becomes a priority in order to adapt to changing conditions and future challenges, and to retain Edina’s high degree of livability and commercial success as a regional retail and office center. Current land use issues include the following:

- **Redevelopment.** The city currently has very little undeveloped land that has the potential for development. Therefore, it is redevelopment that will meet the needs posed by changing demographics and private market conditions.. Redevelopment projects should dynamically respond to the rigors of the marketplace, provide excellence in design and offer clear community benefits. What guidance can the city provide developers regarding acceptable design elements and project intensity?
- **Development review and approval process.** The current zoning and land development review system provides limited scope and discretion to adequately address building, site, and community design issues.
- **Transportation choices.** How can the land use plan foster transportation options for residents and workers who desire an alternative to the private automobile? A transportation network that allows for additional transit and non-motorized travel options increases the movement capacity of the existing public right-of-way and capitalizes on resident needs for more active lifestyles.
- **Teardowns and infill development.** High land prices and scarcity of available land within the city have resulted in a sharp increase in single-family home redevelopment. New housing is often significantly larger than existing adjacent housing, particularly in small-lot neighborhoods, and can appear to visually overwhelm these homes, block views or cast shadows on them. There has been considerable public discussion about the appropriate massing, height and proportions of architectural elements in established neighborhoods. How can the City balance the desire of some residents for larger homes with state-of-the-art features and developers seeking to offer housing units that appeal to today’s market, with the interests of neighbors who object to the size and scale of some new construction?





visually prominent, signage is designed to be legible at driving speeds, landscaping remains limited, and connectivity to surrounding uses is inconvenient or even dangerous for non-driving customers.

Although in some cases, zoning requirements may have guided the placement of buildings within large expanses of parking, site plans are often lacking in landscaping and pedestrian amenities that could mitigate environmental and transportation-related impacts. When buildings are set within wide expanses of parking, customers and workers are discouraged from walking to nearby destinations, so travel for short trips is predominantly by car, further adding to traffic congestion.

- **Superblocks and Lack of Connectivity.** The development of large parcels as signature planned developments, such as Southdale Shopping Center, Edinborough and Centennial Lakes, has contributed significantly to Edina’s identity and differentiation from comparable Metro area communities. However, one consequence of this type of development is an absence of street connectivity to surrounding neighborhoods and through the development itself. Instead, vehicular traffic is funneled onto a few local streets where capacity is often not adequate to meet the need. For instance, France and York avenues bear a local traffic burden that could be better accommodated through a more diffuse street network. The “superblocks” created in the southeast quadrant of the city reshape traffic patterns and travel modes to discourage non-motorized transportation within the district and fracture linkages to surrounding residential neighborhoods.

4.4 GOALS AND POLICIES: FUTURE LAND USE PLAN AND COMMUNITY DESIGN GUIDELINES

Land Use Goals

- * 1. Protect and preserve the essential character of existing residential neighborhoods.
- 2. Preserve and maintain housing that serves a range of age groups and economic situations.
- 3. Facilitate the development of new housing and recreation facilities that accommodate the special needs of aging City residents.
- * 4. Encourage infill/redevelopment opportunities that optimize use of city infrastructure and that complement area, neighborhood, and/or corridor context and character.



Guidelines: Low- Density Design (Residential)

1. Control the scale and massing of infill housing to make it reasonably compatible with established residences. Recent zoning changes have addressed this issue. Future zoning changes should refer to and consider the

Recent zoning changes to address the massing issue:

- Measuring building heights from existing grade, rather than proposed grade;
- Creation of a sliding scale of setback requirements based on lot width to increase the separation between houses on narrow lots;
- The elimination of bay windows as an exception into the required setback;
- The first floor elevation of a new home may not increase the first floor elevation from the previous home on the lot by more than one foot.

Character Districts described earlier in this chapter. Other techniques that may be considered include:

- a graduated scale, or floor area ratio that relates building size to lot size;
- an impervious surface maximum to ensure that a reasonable percentage of each lot remains as green space, for aesthetics and stormwater management;
- design standards that guide the stepping back of building mass and height from adjacent residential buildings and parks.

2. Building and garage placement. Many neighborhoods and individual blocks have an established pattern of building placement, spacing, landscape treatments, front yard setbacks and garage placement that combine to convey a particular neighborhood character. For example, most garages in the City's older traditional neighborhoods are detached and located within the rear yard. While new construction is likely to vary from this pattern, some limits on the degree of variation may be appropriate in areas such as historic districts. For example, the following guidelines should be considered:



- The width of front-loaded garages is limited so that they occupy no more than a defined percentage of the front façade;
- Driveway width at the curb is limited;
- Front-loaded garages may be required to meet the same setback as the rest of the front façade.

These and similar techniques could be considered as part of a 'conservation overlay' option within the zoning code.



3. Integration of multi-unit housing into transitional areas. As mentioned under "Character Districts, Postwar Contemporary Housing," duplexes were located along many major thoroughfares in Edina as a kind of buffer or transition to the adjacent single-family housing.

Today this housing type is in need of updating or replacement in many locations, and high land and redevelopment costs create pressure for higher-density housing types. Townhouse complexes have been constructed in locations such as north France Avenue. The challenge is that in many locations the duplexes are only one lot deep, which makes it difficult to provide an adequate transition to single-family scale. The following guidelines broadly address the issue of integrating multi-unit housing into lower-density, primarily single-family neighborhood transitional areas.



Single-family characteristics. Attached and multifamily housing should emulate single-family housing in its basic architectural elements – pitched roofs, articulated facades, visible entrances, porches or balconies. Taller buildings should step down to provide a height transition to existing adjacent residential buildings.



uses shall cease and the building and land shall then be used for only principal uses, and accessory uses permitted in the zoning district in which the land is situated, or allowed conditional uses pursuant to the grant of a conditional use permit.

D. Conditional Interim Uses.

1. Only the following interim uses are allowed subject to the grant of a conditional use permit:

a. administrative offices and meeting rooms for private non-profit organizations, and counseling services, which, together with the other such offices and meeting rooms in the same public school building will, in the aggregate, occupy 35 percent or more of the gross floor area of the building; and

b. administrative offices and meeting rooms for private non-profit organizations, and counseling services and schools for teaching music, arts, dance or business vocations which are open for operations between 6:00 P.M. and 7:00 A.M. on three or more days per week.

2. No conditional use permit shall be issued unless the Council finds that the hours of operation of the proposed use(s) will be complementary to other uses in the building or on the property and will not adversely impact the residential character of surrounding properties.

Subd. 5 Requirements for Lot Areas and Dimensions.

A. Minimum Lot Area.



- 1. Single Dwelling Unit 9,000 square feet provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lots with a median lot area greater than 9,000 square feet, then the minimum lot area shall be not less than the median lot area of the lots in such neighborhood.
- 2. Elementary School 5 acres
- 3. Junior high schools, senior high schools, seminaries, monasteries, nunneries, and community centers 10 acres, plus 1 acre for each 150 pupils of planned maximum enrollment.
- 4. Religious institutions 3 acres.
- 5. Day care facilities, pre-schools and nursery schools 2 acres

B. Minimum Lot Width.

A13

 Single dwelling unit building 75 feet, provided however, if the lot is in a neighborhood as defined in Section 810 of this Code, which has lot with a median lot width greater than 75 feet, then the minimum lot width shall be not less than the median lot width of lots in such neighborhood

C. Minimum Lot Depth.

Single dwelling unit building 120 feet, provided, however if the lot is in a neighborhood as defined in Section 810 of this Code, which has lots with a median lot depth greater than 120 feet, then the minimum lot depth shall be not less than the median lot depth of lots in such neighborhood.

D. Minimum Lot Width to Perimeter Ratio. Each lot shall have a lot width to perimeter ratio of not less than 0.1.

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.

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

	Front Street	Side Street	Interior Side Yard	Rear Yard
1. Single dwelling unit buildings on Lots 75 feet or more in width.	30'**	15'	10'	25'

A14

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'
3. Single dwelling unit buildings on 60 feet or less in width.	30'***	15'	5'	25'
4. Buildings and structures accessory to single dwelling unit buildings:				
a. detached garages, tool sheds, greenhouses and garden houses entirely within the rear yard, including the eaves.	--	15'	3'	3'
b. attached garages, tool sheds, greenhouses and garden houses.	30'	15'	5'	25'
c. detached garages, tool sheds, greenhouses and garden houses not entirely within the rear yard.	--	15'	5'	5'
d. unenclosed decks and patios.	30'	15'	5'	5'
e. swimming pools, including appurtenant equipment and 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'

5. Other Uses:

A15

a. All conditional use buildings or structures including accessory buildings less than 1,000 square feet; except parking lots, day care facilities, pre-schools and nursery schools	50'	50'	50'	50'
b. All conditional use accessory buildings 1,000 square feet or larger.	95'	95'	95'	95'
c. Driving ranges, tennis courts, maintenance buildings and swimming pools accessory to a golf course.	50'	50'	50'	50'
d. Daycare facilities, pre-schools and nursery schools.	30'	35'	35'	35'

** See Subd. 7.A.1. below for required setback when more than 25 percent of the lots on one side of a street between street intersections, on one street of a street that ends in a cul-de-sac, or on one side of a dead end street are occupied by dwelling units

C. Height

1. Single dwelling units buildings and structures accessory thereto. 2 ½ stories or 30 feet whichever is less
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 feet. 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.

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.
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.
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.
5. 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.
6. 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.