



Date: July 23, 2014

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Zoning Ordinance Amendment Consideration – Front Yard Setback & One-Foot Rule for a Tear Down/Rebuild.

As mentioned at the last Planning Commission Meeting, the city attorney is recommending that the Zoning Ordinance regulations on these two items be revised.

The attached Ordinance Amendment has been written to meet the intent of the original language, which was as follows:

Front Setback – Required front street setback was to average the front street setback of the homes on either side. The existing ordinance does not account for a side street setback or an abutting lot with a front street setback that faces a different street. (See attached examples.)

One-Foot Rule for Tear Down/Rebuild – The intent of this ordinance is that the first level of the new home was to match or be no taller than one foot above the pedestrian entry of the existing split level. The ordinance did not define front entry. A garage could be considered a front entry. Additionally, it did not account for multiple entries for a new home.

ORDINANCE NO. 2014-__
AN ORDINANCE AMENDMENT REGARDING FRONT YARD SETBACK REQUIREMENTS &
FIRST FLOOR ELEVATION REGULATIONS FOR TEAR DOWN REBUILDS

THE CITY COUNCIL OF EDINA ORDAINS:

Section 1. Subsection 36-439 of the Edina City Code. Special Requirements are amended as follows:

Sec. 36-439. Special requirements

- (1) *Special setback requirements for single dwelling unit lots.*
- a. *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:
1. If there is an existing dwelling unit on an abutting lot on only one side of the lot **that has a front street setback on the same street**, the front street setback requirement shall be the same as the front street setback of the dwelling unit on the abutting lot **on the same street. If an abutting lot is a corner lot with a side street setback; that lot is not considered an abutting lot.**
 2. If there are existing dwelling units on abutting lots on both sides of the lot **that both have a front street setback on the same street**, the front street setback shall be the average of the front street setbacks of the dwelling units on the two abutting lots. **If an abutting lot is a corner lot with a side street setback; that lot is not considered an abutting lot.**
 3. 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.
- b. *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.

- (7) Additions to, or replacement of, single dwelling unit buildings and buildings containing two dwelling units. For additions, alterations and changes to, or rebuilds of, existing single dwelling unit buildings and buildings containing two dwellings, the first floor elevation may not be more than one foot above the existing first floor elevation. If a split level dwelling is torn down and a new home is built, **the first floor elevation of the home being torn down is deemed to be the lowest elevation of an entrance to the dwelling, excluding entrance to the garage and entrances that do not face a street.** ~~the new first floor or entry level elevation may not be more than one foot above the front entry elevation of the home that was torn down.~~

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

First Reading:
Second Reading:
Published:

Attest

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

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