



To: MAYOR AND CITY COUNCIL

Agenda Item #: VIII. B.

From: Scott H. Neal, City Manager

Action

Discussion

Information

Date: March 19, 2013

Subject: Ordinance No. 2013-3 Amending Chapter 4 Concerning Demolition Permits For Single And Double Dwelling Units

Action Requested:

Adopt Ordinance No. 2013-3 Amending Chapter 4 Concerning Demolition Permits For Single And Double Dwelling Units.

Information / Background:

At its February 19 City Council meeting, the Council directed staff and City Attorney to review the City's "Construction Management Plan" (CMP) document and procedures in order to evaluate the overall use and effectiveness of the CMP in regulating residential redevelopment projects. I worked with City Attorney Knutson and City staff leadership on that review, which has resulted in a proposed new regulatory ordinance and enforcement plan. I distributed a draft of the proposed ordinance and enforcement plan to the Council at the March 5 Council meeting and informed the Council of my intent to advance the ordinance to the Council for adoption at the March 19 Council meeting. The material changes in City Code and enforcement strategy can be summarized as follows:

New Regulatory Ordinance - Ordinance 2013-3 is attached to this memorandum. The City Attorney drafted the new ordinance based on the current Construction Management Plan (CMP). The attached draft has been reviewed by City staff and is ready for review and adoption by the City Council. Generally, it incorporates the terms of the CMP into Chapter 4 of the City Code, which gives the City a fully enforceable CMP that is backed by the authority of our City Code.

Ordinance 2013-3 will more strongly leverage the issuance of the demolition permit. A demolition permit will not be issued unless the permit applicant can demonstrate ownership of the property. Ordinance 2013-3 requires a number of new conditions that must be satisfied before the issuance of the demolition permit. Some of those new conditions include:

1. Proof of insurance; naming City as additional insured
2. Submission of \$10,000 cash escrow or letter of credit
3. Submission of soil investigation report
4. Submission of storm water management and erosion control plans
5. Submission of photography of existing conditions in neighborhood

6. Submission of proposed building plans to the Building Official
7. Facilitation of a neighborhood meeting to share building plans with neighbors

New Enforcement Plan – The City's enforcement response to the quality of life issues created by residential redevelopments has been a somewhat passive. Staff responded to calls for service, but did not actively monitor redevelopment sites for compliance. We depended on neighbors and interested residents to assist us with that function. Also, requests for enforcement came to the City in an uncoordinated manner. The City's enforcement actions were also not coordinated well. As I expect the pace and volume of residential redevelopment to increase in Edina, I believe it is necessary to shift our enforcement strategy from passive to active enforcement and also to better coordinate our regulatory enforcement functions. My plan to accomplish both of these objectives is to focus the responsibility and accountability for managing the City's regulatory enforcement duties into a single new fulltime enforcement employee (FTE). The new FTE will be responsible for coordinating all aspects of the residential redevelopment process for builders, potential new residents, current residents and City staff. The new FTE will also coordinate the pre-permit neighborhood meeting; conduct site reconnaissance; answer questions from concerned residents; coordinate City enforcement actions; and keep City staff and Council informed through the redevelopment process.

I estimate the cost of this new enforcement initiative to be approximately \$100,000 per year. In order to fund this new FTE, I recommend the City increase the price of the demolition permit from its current price of approximately \$200 to \$1,500. City staff are projecting the City will issue a total of 100 demolition permits in 2013. If we issue 70 permits under the new permit price, we will be able to cover the cost of the new FTE through this new revenue source. The price change for this permit is included in Ordinance 2013-3.

SUMMARY

The challenge the City is facing with residential redevelopment is not insurmountable. It is a challenge we should welcome because of what it says about the desirability of the community. I believe the City can manage its residential redevelopment challenges better if we, as Council and staff, are willing to change our approach to the challenge. I recommend the City Council approve the proposed new regulatory ordinance and the new enforcement plan, which includes full adoption of Ordinance 2013-3 at the March 19 City Council meeting. If adopted by the Council, staff will immediately begin the search process for the new FTE; begin communicating our new standards to residents, builders and developers; and begin the drafting of new policies and procedures to implement the new ordinance requirements.

**ORDINANCE NO. 2013-3
AN ORDINANCE AMENDING CHAPTERS 1 AND 4
OF THE EDINA CITY CODE CONCERNING
DEMOLITION PERMITS FOR SINGLE AND DOUBLE DWELLING UNITS**

THE CITY COUNCIL OF EDINA ORDAINS:

Section 1. Chapter 4 of the Edina City Code is amended by adding Section 411 to read:

Section 411 – DEMOLITION PERMITS FOR SINGLE AND DOUBLE DWELLING UNITS

411.01 **Purpose.** The demolition of single or double dwelling units and the subsequent construction of a new dwelling unit can disrupt the quietude of the neighborhood, damage adjacent public and private property, create storm water and erosion problems, and result in littering and other nuisances. The purpose of this Section is to prevent problems associated with the demolition of single and double dwelling units and the construction of new dwellings.

411.02 **Permit.** The demolition of single or double dwelling units is prohibited without a permit issued by the Building Official.

411.03 **Demolition Defined.** Demolition is defined as removal or destruction of more than fifty percent (50%) of the area of the exterior walls (in aggregate); or the removal or destruction of more than fifty percent (50%) of the area of the principal roof structure (not including roofing material, fascia, soffit, eave moldings, or dormers).

411.04 **Permit Application.** The applicant must complete the application form provided by the City, pay the permit fee and furnish the City with the certificate of insurance, letter of credit, photographs and plans required by this Section. The application must be signed by the contractor and the property owner. The permit holder must be both the contractor and the property owner.

411.05 **Permit Requirements.**

Subd. 1 The applicant must furnish the City with a certificate of insurance satisfactory to the City evidencing the following required coverage:

Commercial general liability, including XCU coverage:

Bodily Injury:	\$2,000,000 each occurrence \$2,000,000 aggregate products and completed operations
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Property Damage:	\$2,000,000 each occurrence \$2,000,000 aggregate
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Comprehensive Automobile Liability (owned, non-owned, hired):

Bodily Injury:	\$2,000,000 each occurrence
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\$2,000,000 each accident

Property Damage: \$2,000,000 each occurrence

The minimum insurance coverage must be maintained until six (6) months after the demolition has been completed or, if a new dwelling is being constructed, a certificate of occupancy has been issued. The City must be named as an additional insured.

Subd. 2 The applicant must furnish the City a cash escrow or letter of credit from a bank in a form acceptable to the City's Finance Director for Ten Thousand (\$10,000) Dollars. The City may draw on the letter of credit to reimburse the City to pay for the repair of damage to public and private property or to remedy any permit violation. The letter of credit must remain in place until the demolition is completed or, if a new dwelling is being constructed, until a certificate of occupancy has been issued by the Building Official.

Subd. 3 If excavation will occur within ten (10) feet of a property line, the applicant must furnish a soils investigation report prepared and signed by a registered professional engineer, who is competent in soil mechanics. The report must provide detailed plans to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The report must be approved by the Building Official. The permit holder must adhere to the approved plan.

Subd. 4 The applicant must submit stormwater and erosion control plans prepared and signed by a registered professional civil engineer. The plans must be approved by the Building Official and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden storm water runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

Subd. 5 The applicant must provide photographs of the existing condition of the property, curbs, sidewalks, streets, boulevard and trees adjacent to the property.

Subd. 6 If a new dwelling will be constructed on the site, the applicant must furnish the City building plans for the new dwelling, meeting all ordinance requirements, which have been approved by the Building Official.

Subd. 7 At least fifteen (15) days before demolition commences, the permit holder must provide written notification to all property owners within three hundred (300) feet of the demolition site notifying the property owners of the proposed demolition and construction plans, if applicable, and inviting them to a neighborhood meeting at the

Edina City Hall. The neighborhood meeting must be held at least five (5) days before demolition commences. A sign must also be posted on the demolition site at least five (5) days before demolition commences identifying the permit holder, a contact name and phone number, and the site address. The sign must also provide a City phone number to call with any questions, complaints or concerns. The sign may not exceed six (6) square feet. The sign must be kept in place until the completion of demolition or if a new dwelling is being constructed until a certificate of occupancy is issued for the dwelling being constructed.

411.06 Permit Standards.

Subd. 1 The permit holder must comply with the State Building Code, State Statutes and the City Code.

Subd. 2 Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited except between the hours of 8:00 a.m. and 9:00 p.m. Monday through Friday.

Subd. 3 The permit holder must repair any damage to public property, streets, sidewalks and adjacent properties. If damage occurs to the foregoing, it must be repaired within three (3) working days, unless the permit holder has received written permission from the Building Official to delay repairs to a later specified date.

Subd. 4 Permit holder must maintain a five-foot (5') parking setback from driveways and a thirty-foot (30') parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within twelve (12) inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minnesota Statutes § 168B.035. On street parking of equipment other than motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- a. On a boulevard between the sidewalk and roadway;
- b. Within five (5) feet of the intersection of any public or private driveway or alley with any street or highway;
- c. Where the vehicle will block a fire escape or the exit from any building;
- d. Where temporary signs prohibit parking.

Parking is allowed on local streets if a twelve-foot (12') wide area is open for the traveled portion of the road. On collector and arterial roadways, a minimum of twenty-two feet (22') must be open for the traveled portion of the road. Off-street and off-site parking for on site workers is required to the extent practicable.

Subd. 5 The permit holder must install and maintain a rock entrance pad or its equivalent at each location where vehicles enter or exit from the construction site, at locations approved by the Building Official.

Subd. 6 The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, permit holder must remove empty cans, paper, plastic and other material that is not needed for construction. The permit holder must keep streets, sidewalks, boulevard areas and adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within twenty four (24) hours. Where work on any project lies within areas of pedestrian traffic or vehicular traffic, the project area must be cleaned and swept and all materials related to the project must be stockpiled in appropriate areas. Debris must be contained on the project site. No material may be deposited or stockpiled on the public streets, boulevards or sidewalks. At the end of each working day, the permit holder must remove any soil, trash or debris that washed or was deposited on any public sidewalk or street and must remove any trash or debris that washed or was deposited on any adjacent property.

Subd. 7 Dust control is the responsibility of the permit holder. The permit holder must eliminate dust problems within one (1) hour of receiving notice from the Building Official that there is a dust problem.

Subd. 8 No building material, temporary sanitary facilities, dumpster or equipment other than motor vehicles may be placed within street right-of-way, or on a sidewalk. Public sidewalks must be left open and unobstructed at all times.

Subd. 9 Prior to commencing demolition, protective fencing approved by the Building Official must be installed around boulevard trees and trees that will not be removed.

411.07 Stop Work Orders. If the Building Official finds any work being performed in a dangerous or unsafe manner or that is in violation of the provisions of the permit, City Code or the State Building Code, the Building Official may issue a stop work order. The stop work order must be in writing and issued to the permit holder or the person doing the work. Upon issuance of a stop work order, the cited work must immediately cease. The stop work order must state the reason for the order and the conditions under which the cited work will be permitted to resume.

411.08 Misdemeanor. Violations of this Section or of the terms of approval of a permit issued under this Section are a misdemeanor.

Section 2. Chapter 1 of the Edina City Code is amended by adding the following fee:

<u>Section</u>	<u>Subsection</u>	<u>Purpose of Fee or Change</u>	<u>Amount</u>
411	411.04	demolition permit for single and double dwelling Units	\$1,500.00

Section 3. This ordinance is effective 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