



To: MAYOR AND CITY COUNCIL

Agenda Item #: VIII.E.

From: Scott H. Neal, City Manager

Action

Discussion

Date: April 2, 2013

Information

Subject: Ordinance No. 2013-4 Amending Chapter 4 Concerning Demolition Permits for Single and Double Dwelling Units

Action Requested:

Adopt first reading of Ordinance 2013-3.

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. City staff and City Attorney Knutson produced a draft of a proposed new ordinance that I distributed to the Council at the end of 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.

At the March 19 Work Session and Council meeting, Council Members shared their input and feedback with City staff and City Attorney concerning the proposed new ordinance (Ordinance No. 2013-3) and directed staff to prepare a new draft of the ordinance that incorporated that feedback. City staff and City Attorney embraced the Council's direction and have produced a new draft of proposed Ordinance No. 2013-3 which includes the following changes from the draft Council reviewed on March 19:

- Clarified which provisions apply to building permits, which apply to demolition permits and which apply to both building and demolition permits
- Edited definition of "demolition"
- Reduced insurance requirement from two million to one million
- Deleted letter of credit requirement for \$10,000 and replaced with a \$2,500 cash escrow
- City not applicant takes photos
- Deleted requirement that neighborhood meeting be at City Hall
- Changed work hours from 8 a.m. to 9 p.m. Monday to Friday to 7a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturday
- Misc. wording changes

The Council also provided input to me on my proposed plan to focus the City's new enforcement duties into a single new fulltime enforcement employee (FTE) who would be charged with coordinating all aspects of

the residential redevelopment process for builders, potential new residents, current residents and City staff. I estimated the cost of this new enforcement initiative to be approximately \$100,000 per year. In order to fund this new FTE, I recommended the City increase the price of the demolition permit from its current price of approximately \$200 to \$1,500.

While there appeared to be unanimous support for the increase in the price of the permit, Council also asked me to consider a wider range of options for the implementation of the new enforcement strategy. I am actively working on that request with our Human Resources Department. We will examine not only the option of a new FTE, but also various forms of outsourcing the service, including possible joint service agreements with other cities.

There's no doubt in my mind that this ordinance is not perfect. However, I think there's also no doubt that this ordinance is an improvement on the City's current regulatory powers over residential redevelopment. I recommend the Council give strong consideration to adopting Ordinance 2013-3 at the April 2 Council meeting in order to provide staff sufficient time to inform area builders, developers, realtors, construction contractors and our residents of the new ordinance and enforcement strategy. The sooner we can get started with that educational process, the better compliance we will have during what we all believe is going to be a very busy home construction season in Edina.

ORDINANCE NO. 2013-3

AN ORDINANCE AMENDING CHAPTERS 1 AND 4
OF THE EDINA CITY CODE CONCERNING DEMOLITION PERMITS
AND BUILDING PERMITS FOR SINGLE AND TWO FAMILY 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 AND BUILDING PERMITS FOR SINGLE AND TWO FAMILY DWELLING UNITS

411.01 **Purpose.** Both the demolition of single or two family dwelling units and the construction of new dwelling units 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 two family dwelling units and the construction of new dwellings.

411.02 **Definitions.** The following words and terms, whenever they occur in this Section, are defined as follows.

Demolition: The removal or destruction of more than fifty percent (50%) of the area of the exterior walls of a single or two family dwelling unit.

Building Permit: A permit to construct a new single or two family dwelling unit.

411.03 **Permits.** The demolition of single or two family dwelling units is prohibited without a permit issued by the Building Official pursuant to this Section. The construction of single or two family dwelling units is prohibited without a building permit issued by the Building Official pursuant to this Section and Section 410 of the City Code.

411.04 **Permit Application.** The applicant must complete the application forms provided by the City, pay the permit fee in the amount set forth in section 185 of the City Code, deposit the cash escrow and furnish all other documents and reports required for the permit. The application must be signed by the property owner or the owner's authorized agent.

411.05 **Permit Requirements.** Unless otherwise specifically provided the following are required for both demolition permits and building permits.

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

Commercial general liability, including XCU coverage:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate products and completed operations
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

Comprehensive Automobile Liability (owned, non-owned, hired):

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 each accident
Property Damage:	\$1,000,000 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 of Two Thousand Five Hundred (\$2,500) Dollars. A single escrow is required for both a demolition permit and building permit. The City may draw on the cash escrow to reimburse the City for the repair of damage to public property or to remedy permit violations. If the City draws on the cash escrow, upon the City's demand the permit holder must deposit in escrow additional funds to restore the escrowed amount to Two Thousand Five Hundred (\$2,500) Dollars. The cash escrow must remain in place until the work under the permit for which the escrow was made has been completed.

Subd. 3 Based upon soil types, topography, the location of adjacent structures and other pertinent information, the Building Official shall determine if a soils investigation report is necessary. If the Building Official determines that a soils report is necessary, the applicant shall have a soil report prepared and signed by a licensed professional soil scientist or licensed professional engineer. 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 Before a permit is issued, the Building Official must photograph the existing condition of the property, curbs, sidewalks, streets, boulevard and trees adjacent to the property.

Subd. 5 For a demolition permit, 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 building plans, if applicable, and invite them to a neighborhood meeting. 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 nature of the demolition, 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 dimension of the sign must be between five (5) and six (6) square feet. The sign must be kept in place until the completion of demolition.

Subd. 6 For a building permit, a sign must be posted on the permit site at least five (5) days before construction commences identifying the nature of the construction, 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 dimension of the sign must be between five (5) and six (6) square feet. The sign must be kept in place until a certificate of occupancy has been issued.

Subd. 7 For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the City Engineer 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.

411.06 Permit Standards for Both Demolition Permits and Building Permits.

Subd. 1 The permit holder must comply with the State Building Code, State Statutes and the City Code, including City Code Sections 410, 415, 425 and 830.

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 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on Saturday.

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

Subd. 4 The 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 licensed 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 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, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. 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 after it becomes inoperable or is no longer in use. 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, sidewalks or adjacent property. 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 may be placed within street right-of-way, or on a sidewalk. Motor vehicles may not be parked or stopped 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 charge</u>	<u>amount</u>
411	411.03	demolition permit for single and two family dwelling units	\$1,500.00

Section 3. This ordinance is effective upon passage. This ordinance does not apply to applications that have been approved or that are pending before its effective date.

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