

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VIII.B.

From: Cary Teague, Community Development Director

Action

Discussion

Information

Date: August 5, 2013

Subject: Second Reading – Zoning Ordinance Amendment regarding the R-1 & R-2, Zoning District requirements for Building Coverage, Setback, Height and General Regulations; Ordinance No. 2013 – 7.

Action Requested:

Adopt the attached Ordinance amending Section 850.04; with consideration given to the attached statement and recommendation from the Planning Commission.

Information/Background:

The following is a summary of the changes recommended by the City Council in each of the nine issues categories:

1. Drainage, retaining walls, egress windows and site access. (Approved as written; with the exception that the setback for egress windows was reduced from 5 to 3 feet.)
2. Building Lot Coverage. (No changes to the existing Ordinance.)
3. Side yard setback including second story setback requirement. (Took out the side yard setback increase for lots under 75 feet in width; approved the three-foot maintenance access; approved the elimination of the second story setback requirement; and approved the elimination of the five foot setback allowance for an attached garage.)
4. Building Height. (Approved as written – Height reduced from 35 to 30 feet to ridge line for lots 75 feet in width or less.)
5. Side wall articulation. (Approved as written.)

6. Front facing garage. (Eliminated the regulations on front facing garages. The Council did however request additional information on nine-foot tall garage doors.) A standard garage door height is typically eight feet height. The framing around it can vary in width. The nine-foot standard is typically used to prevent a taller garage door to house an RV, which is typically 12-14 feet in height.
7. Nonconforming front yard setbacks. (Eliminated the proposed language.)
8. Garage stall requirements (Eliminated the allowance of a one-stall garage.)
9. Miscellaneous Code Revision "clean up." (Approved as written. The flood plain regulations require DNR approval and therefore were removed.)

Based on the direction of the City Council at first reading, staff drafted the attached Ordinance No. 2013-7(a) for consideration. With respect to the attached statement from the Planning Commission, staff drafted a second Ordinance No. 2013-7(b) that includes the recommendation from the Planning Commission in regard to side yard setbacks.

If the Council is in agreement with the Planning Commission version of the Ordinance, the Council is asked to choose between the alternative language that is listed on Pages 9-10. Staff agrees with the Planning Commission in that the alternative side yard setback requirement of 25% of the lot width would bring greater simplicity and clarity than the sliding scale. (Page 10.)

Please note that there are two different effective dates for certain provisions within the Ordinance. Sections 1, 2, 3 and 4 of the Ordinance would take effect immediately. It would put in place the regulations regarding site issues, including maintenance access, grading, drainage, and retaining walls. It also relocates the building coverage requirements into one location in the Code and eliminates the accessory buildings used for dwelling purpose language.

Sections 5, 6 and 7, relating to building structure requirements would take effect January 1, 2014. By delaying to the first of the year, it would allow those that are in the process of designing homes plenty of time to finish their designs, and still begin construction this year. It would also allow plenty of time for builders and architects building in Edina, to inform their clients of the new regulations and when they will take effect. Building typically slows down after the holidays, and therefore, the ordinance should not take people by surprise. New building in 2014 would then all be required to meet the new Ordinance.

ATTACHMENTS:

- Statement/Recommendation from the Planning Commission.
- Email correspondence from Jennifer Janovy. (Provides a table that shows a side yard setback comparison of the existing Ordinance and proposed Planning Commission setbacks.)
- Draft Ordinances dated 8-5-13 as recommended by the City Council.

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Date: August 5, 2013

To: Honorable Mayor and Council Members

From: Cary Teague, Community Development Director

Re: Zoning Ordinance Amendment – Statement from the Planning Commission

At its July 24 meeting, the Planning Commission reviewed the Council's July 16 actions on its recommend revisions to the Zoning Code and asked that the following statement be forwarded to the Council for its consideration as it conducts a second reading on the ordinance revisions:

“We appreciate the Council's thoughtful review of our proposed zoning code amendments at its July 16 meeting. As we considered the results of that review, we wanted to make sure that you understood our intent with respect to the recommendations we made regarding building height and setbacks. Specifically, our recommendations regarding building height, second story setbacks, and side yard setbacks, were intended to work together to address concerns we heard during our process about the mass of new or remodeled structures on smaller lots. In our view, all three changes were necessary to temper the impact of new structures on neighboring properties while also permitting a larger range of design options.

Although your initial decision to adopt only the height and second story setback elements of this recommendation may not make a difference in the total square footage of a new or remodeled structure, it will permit such structures to be built closer (at least on one side) to adjacent properties than what we recommended. In the course of our process we concluded that creating some additional space between structures on small lots was an important goal and, accordingly, want to be sure you intend not to pursue that goal. If you want to pursue this goal, you should know that we are not wedded to any particular mechanics for accomplishing it. In fact, a provision that side yard setbacks on lots narrower than 75 feet be at least a total of 25% of the lot width (with a minimum setback no less than what currently exists) might bring greater simplicity and clarity than the sliding scale we originally proposed while still achieving the policy objective we sought.”



The following highlights the Previous Proposal vs. the Planning Commissions alternative suggestion regarding side yard setbacks. The table on the following page highlights the specific comparisons to the existing City Code:

Previous Proposal:

6. Interior Side Yard Setbacks for lots 60-74 feet in width shall be as follows:

<u>Lot Width</u>	<u>Required Interior Side Yard Setback</u>
74	20' with no less than 10 feet on one side
73	20' with no less than 10 feet on one side
72	20' with no less than 10 feet on one side
71	19'4" with no less than 9 feet on one side
70	18'8" with no less than 9 feet on one side
69	18' with no less than 9 feet on one side
68	17'4" with no less than 8 feet on one side
67	16'8" with no less than 8 feet on one side
66	16' with no less than 8 feet on one side
65	15'4" with no less than 7 feet on one side
64	14'8" with no less than 7 feet on one side
63	14' with no less than 7 feet on one side
62	13'4" with no less than 6 feet on one side
61	12' 8 " total with no less than 6 feet on one side

Alternative:

6. Interior Side Yard Setbacks for lots greater than 49 feet, but less than 74 feet in width, the side yard setback shall be at least a total of 25% of the lot width with a minimum setback no less than the current side yard setbacks.

Interior Side Yard Setbacks Comparison

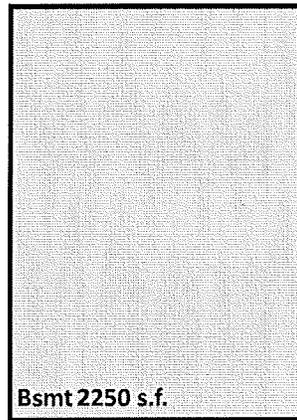
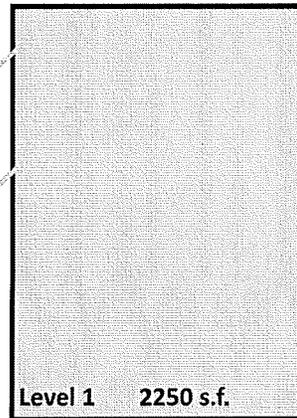
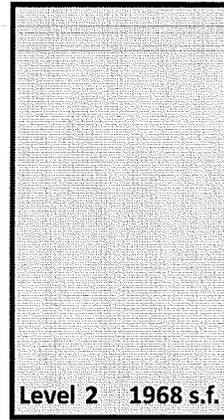
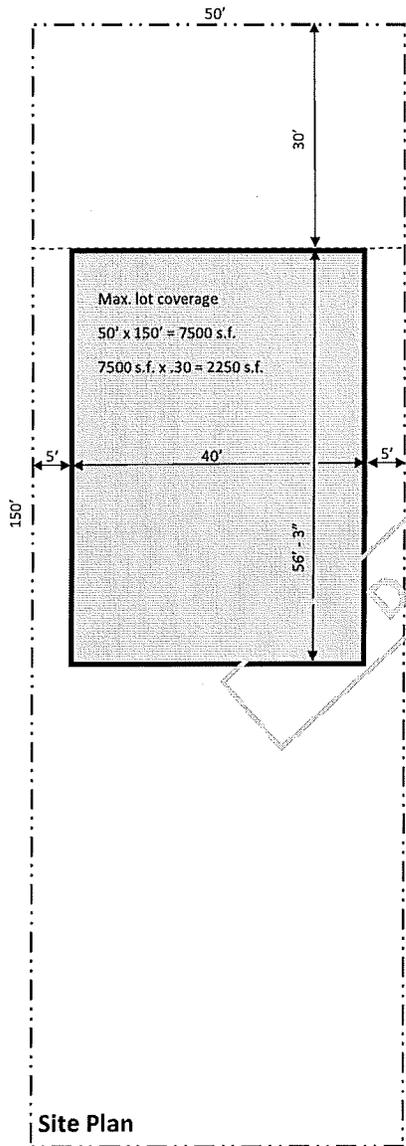
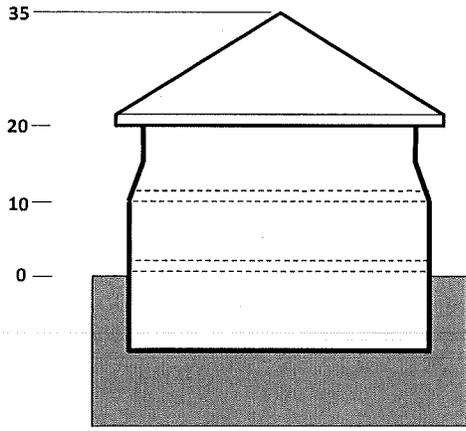
Lot Width	Current Interior Side Yard Setbacks	PC Proposed Interior Side Yard Setbacks	Simplified Setbacks—25% of lot width
Under 50'	10'	same	same
50'	10'	12'	12' 6"
51'	10'	12'	12' 9"
52'	10'	12'	13'
53'	10'	12'	13' 3"
54'	10'	12'	13' 6"
55'	10'	12'	13' 9"
56'	10'	12'	14'
57'	10'	12'	14' 3"
58'	10'	12'	14' 6"
59'	10'	12'	14' 9"
60'	10'	12'	15'
61'	10' 8"	12' 8"	15' 3"
62'	11' 4"	13' 4"	15' 6"
63'	12'	14'	15' 9"
64'	12' 8"	14' 8"	16'
65'	13' 4"	15' 4"	16' 3"
66'	14'	16'	16' 6"
67'	14' 8"	16' 8"	16' 9"
68'	15' 4"	17' 4"	17'
69'	16'	18'	17' 3"
70'	16' 4"	18' 4"	17' 6"
71'	17'	19'	17' 9"
72'	17' 8"	19' 8"	18'
73'	18' 4"	20'	18' 3"
74'	19'	20'	18' 6"
75' and up	20'	20'	same

NOTES

- **Current** interior side yard setbacks are 5' on each side for lots under 60' wide. The setback then increases by 4" for each additional foot of lot width, up to 75'. Setbacks for lots 75' and wider are 10' each side.
- **PC proposed** interior side yard setbacks add 2' to current setbacks.
- The **simplified setback** is 25% of lot width.

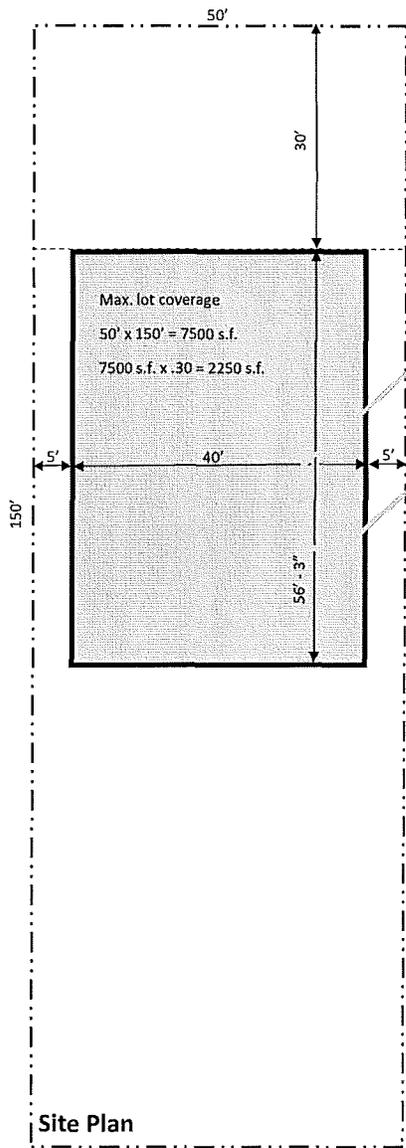
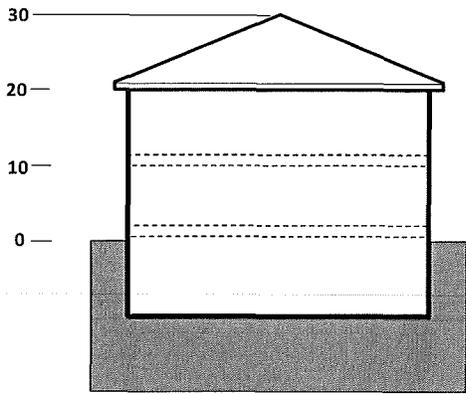
Simplified Setback:

- Applies to lots 50' – 75' wide only.



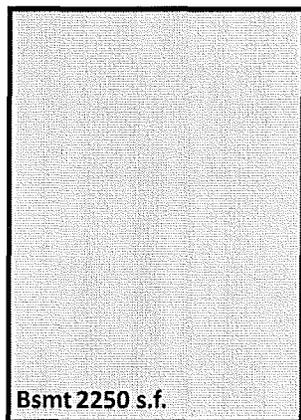
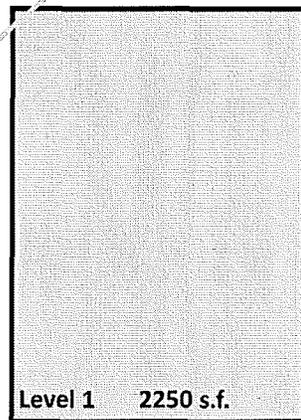
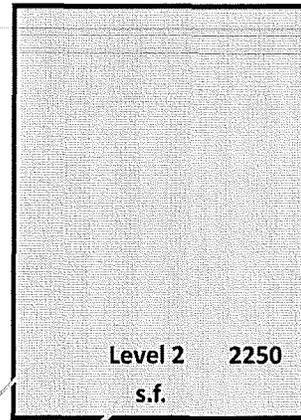
TOTAL ALLOW. 6468 s.f.

Current R-1 Zoning



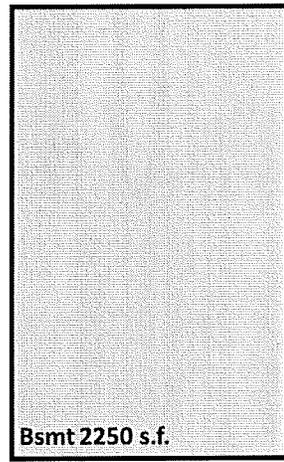
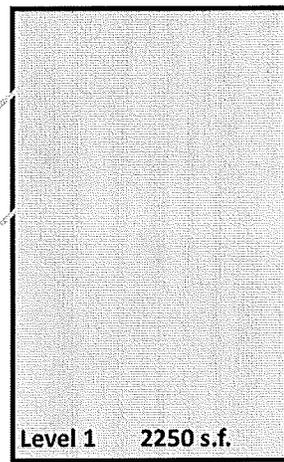
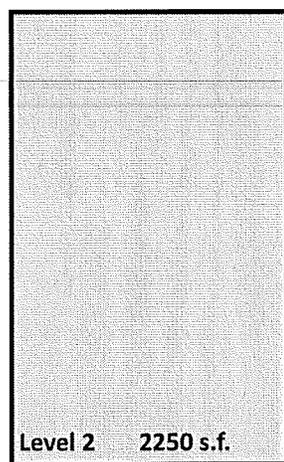
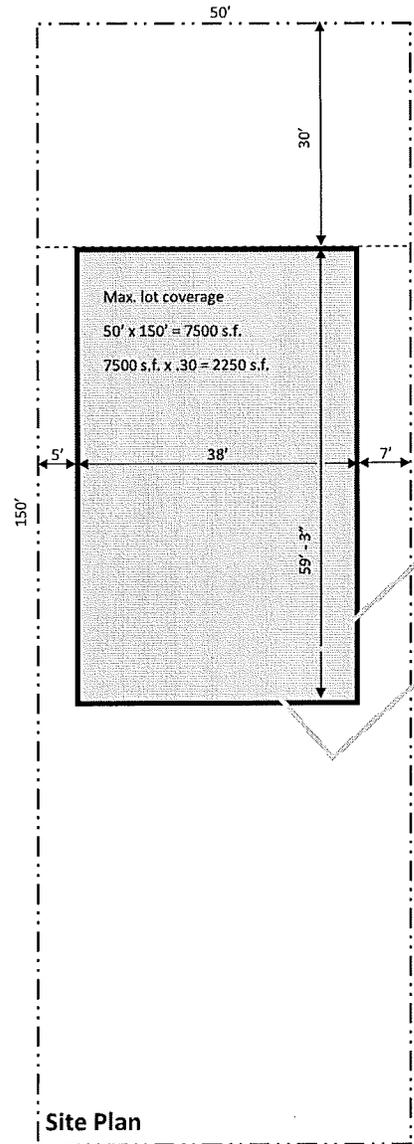
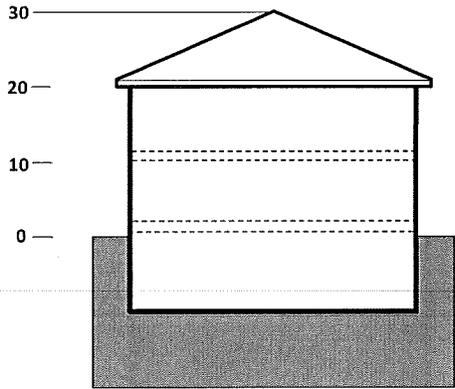
Site Plan

DRAFT



TOTAL ALLOW. 6750 s.f.

Proposed R-1 Zoning based on City Council First Reading July 16, 2013



TOTAL ALLOW. 6750 s.f.

DRAFT

Proposed R-1 Zoning based on Planning Commission recommendation of April 24, 2013

Cary Teague

From: Jennifer <rjmeyovy@comcast.net>
Sent: Saturday, July 27, 2013 7:28 PM
To: Cary Teague; Kris Aaker
Cc: James Hovland
Subject: Simplified interior side yard setbacks
Attachments: Interior Side Yard Setbacks -- Comparison.doc

Cary and Kris,

I shared the following with Kevin Staunton and he suggested I send it to you. As you know, the Planning Commission voted to forward to the City Council a clarification of their recommendations regarding interior side yard setbacks, building height, and elimination of the second story setback requirement. My understanding is this clarification will also include some discussion of setting interior side yard setbacks at 25% of lot width.

I like this idea for a couple of reasons. First, it's simple and fair. It provides a simple way to calculate interior side yard setbacks and applies the same standard to all lots 50' - 75'.

Second, for those who are concerned about increasing interior side yard setbacks, it does not increase setbacks on lots less than 50' wide or more than 75' wide. In fact, for lots 73' - 74' wide the simplified setback is actually less than the current setback. For lots 68' - 75' wide, the simplified setback is actually less than what the Planning Commission proposed. In this way, the simplified setback is also a compromise.

Attached are some tables and further explanation. The larger table compares interior side yard setbacks: current, Planning Commission recommendation, and simplified (25% of lot width). The second table shows the simplified interior side yard setback only.

Please let me know if you have any questions. Thank you for your continued efforts on this topic.

Sincerely,

Jennifer Janovy

Interior Side Yard Setbacks Comparison

Lot Width	Current Interior Side Yard Setbacks	PC Proposed Interior Side Yard Setbacks	Simplified Setbacks—25% of lot width
Under 50'	10'	same	same
50'	10'	12'	12' 6"
51'	10'	12'	12' 9"
52'	10'	12'	13'
53'	10'	12'	13' 3"
54'	10'	12'	13' 6"
55'	10'	12'	13' 9"
56'	10'	12'	14'
57'	10'	12'	14' 3"
58'	10'	12'	14' 6"
59'	10'	12'	14' 9"
60'	10'	12'	15'
61'	10' 8"	12' 8"	15' 3"
62'	11' 4"	13' 4"	15' 6"
63'	12'	14'	15' 9"
64'	12' 8"	14' 8"	16'
65'	13' 4'	15' 4"	16' 3"
66'	14'	16'	16' 6"
67'	14' 8"	16' 8"	16' 9"
68'	15' 4"	17' 4"	17'
69'	16'	18'	17' 3"
70'	16' 4"	18' 4"	17' 6"
71'	17'	19'	17' 9"
72'	17' 8"	19' 8"	18'
73'	18' 4"	20'	18' 3"
74'	19'	20'	18' 6"
75' and up	20'	20'	same

NOTES

- **Current** interior side yard setbacks are 5' on each side for lots under 60' wide. The setback then increases by 4" for each additional foot of lot width, up to 75'. Setbacks for lots 75' and wider are 10' each side.
- **PC proposed** interior side yard setbacks add 2' to current setbacks.
- The **simplified setback** is 25% of lot width.

Simplified Setback:

- Applies to lots 50' – 75' wide only.

- Simple calculation that applies the same setback standard to all lots 50' – 75' wide.
- No change proposed to setbacks on lots less than 50' wide (remains 5' on each side).
- No change proposed to setbacks on lots 75' and up (remains 10' on each side).
- In two cases (lots 73' and 74' wide) simplified setback is less than current setback (by 1 inch and 6 inches respectively)
- On lots 68' – 75' wide, simplified setback is less than PC proposed setbacks.

Lot width	Setback Standard	Note
Under 50'	5' each side	
50' – 75'	Total setback is 25% of lot width.	Setback on each side is ½ total setback
75' and up	10' each side	

ORDINANCE NO. 2013-7(a)

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

The City Council Of Edina Ordains:

Section 1. Subsection 850.03. Subd. 3. Definitions is hereby amended as follows:

Building Height or Structure Height. (Commercial, Industrial and High Density Residential) The distance measured from the average existing ground elevation adjoining the building at the front building line to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, or to the average distance of the highest gable on a pitched or hip roof. References in this Section to building height shall include and mean structure height, and if the structure is other than a building, the height shall be measured from said average existing ground elevation to the highest point of the structure. "Existing ground elevation" means the lowest of the following elevations: (1) the grade approved at the time of the subdivision creating the lot, (2) the grade at the time the last demolition permit was issued for a principal structure that was on the lot, (3) the grade at the time the building permit for a principal structure on the lot is applied for.

Building Height or Structure Height. (Single & Two Dwelling Unit Buildings) The distance measured from the average existing ground elevation adjoining the building at the front building line to the highest point on a roof. References in this Section to building height shall include and mean structure height, and if the structure is other than a building, the height shall be measured from said average existing ground elevation to the highest point of the structure. "Existing ground elevation" means the lowest of the following elevations: (1) the grade approved at the time of the subdivision creating the lot, (2) the grade at the time the last demolition permit was issued for a principal structure that was on the lot, (3) the grade at the time the building permit for a principal structure on the lot is applied for.

Residential Maintenance Access. For a single and double dwelling unit, a clear flat walkway from a front yard to a rear yard. This area allows outside pedestrian access and space to bring equipment from a front yard to a rear yard without any encroachment on neighboring property.

Section 2. Subsection 850.07. Subd. 7. is hereby amended as follows:

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

1. ~~Drainage. Existing drainage rate shall not be increased and direction shall not be altered to redirect water to adjacent properties. No person shall obstruct or divert the natural flow of runoff so as to harm the public health, safety or general welfare. Surface water runoff shall be properly channeled~~ conveyed into storm sewers, watercourses, ponding areas or other public facilities.
As part of the building permit, the applicant must submit a grading and erosion control plan along with a stormwater management plan that is signed by a licensed professional engineer. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans.
~~All provisions for drainage, including storm sewers, sheet drainage and swales, shall be reviewed and approved by the engineer prior to construction or installation.~~
2. **Retaining Walls.** All retaining walls must be shown on a grading plan as part of a building permit application. Plans must demonstrate materials to be used for the retaining wall construction. Retaining walls taller than four (4) feet must meet a three (3) foot setback.
3. **Site Access.** In an R-1 or R-2 Zoning District, a residential maintenance access of at least three (3) feet in width is required on one side of a single or two dwelling unit from the front yard to the rear yard.

Section 3. Subsection 850.11. Subd. 6. is hereby amended as follows:

Subd. 6 Requirements for Building Coverage, Setbacks and Height.

A. Building Coverage.

1. Lots 9,000 Square Feet or Greater in Area. Building coverage shall be not more than 25 percent for all buildings and structures. On lots with an existing conditional use, if the combined total area occupied by all accessory buildings and structures, excluding attached garages, is 1,000 square feet or greater, a conditional use permit is required.
2. Lots Less Than 9,000 Square Feet in Area. Building coverage shall be not more than 30 percent for all buildings and structures, provided, however, that the area occupied by all buildings and structures shall not exceed 2,250 square feet.
3. The combined total area occupied by all accessory buildings and structures, excluding attached garages, shall not exceed 1,000 square feet for lots used for single dwelling unit buildings.
4. **Building Coverage shall include all principal or accessory buildings, including, but not limited to:**
 - a. **Decks and patios. The first 150 square feet of an unenclosed deck or patio shall not be included when computing building coverage.**
 - b. **Gazebos**
 - c. **Balconies.**
 - d. **Breezeways.**
 - e. **Porches.**
 - f. **Accessory recreational facilities constructed above grade, such as paddle tennis courts.**

The following improvements shall be excluded when computing building coverage:

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

- a. Driveways and sidewalks, but not patios, subject to 3.a. above.
- b. Parking lots and parking ramps.
- c. Accessory recreational facilities not enclosed by solid walls and not covered by a roof, including outdoor swimming pools, tennis courts and shuffleboard courts. ~~but facilities which are constructed above grade, such as paddle tennis courts, shall be included when computing building coverage.~~
- d. Unenclosed and uncovered steps and stoops less than 50 square feet.
- e. Overhanging eaves and roof projections not supported by posts or pillars.

Section 4. Subsection 850.11. Subd. 7.A. is hereby amended as follows:

Subd. 7 Special Requirements. In addition to the general requirements described in Subsection 850.07, the following special requirements shall apply.

A. Special Setback Requirements for Single Dwelling Unit Lots.

~~6. Accessory Buildings and Structures Used for Dwelling Purposes. Subject to the requirements of paragraph B. of Subd. 7 of this Subsection 850.11, if any accessory building or structure (including, without limitation, garages), or if any addition to or expansion of (including, without limitation, an additional story on) an accessory building or structure (including, without limitation, garages), is used or intended for use, in whole or in part, for residential occupancy, then such accessory building or structure or such addition or expansion, shall comply with all of the minimum setback requirements for a single dwelling unit building.~~

B. One Dwelling Unit Per Single Dwelling Unit Lot. No more than one dwelling unit shall be erected, placed or used on any lot unless the lot is subdivided into two or more lots pursuant to Section 810 of this Code.

~~C. Decks and Patios. Notwithstanding the provisions of Subsection 850.07,~~

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

~~the first 150 square feet of an unenclosed deck or patio shall not be included when computing building coverage.~~

- C. Basements. All single dwelling unit buildings shall be constructed with a basement having a gross floor area equal to at least 50 percent of the gross floor area of the story next above. The floor area of accessory uses shall not be included for purposes of this paragraph.
- D. Minimum Building Width. No more than 30 percent of the length, in the aggregate, of a single dwelling unit building shall measure less than 18 feet in width as measured from the exterior of the exterior walls.
- E. Parking Ramps Prohibited. No parking ramp shall be constructed in the R 1 District.
- F. Temporary retail sales of evergreen products from Conditional Use properties
 - 1. The Manager may grant a permit for temporary retail sales of evergreen products, if:
 - a. the owner of the property or other non-profit group approved by the owner conducts the sale.
 - b. the duration of the sale does not exceed 45 consecutive days and does not start before November 15 in any year.
 - c. the sale area is located in a suitable off-street location that does not interfere with traffic circulation on the site or obstruct parking spaces needed by the principal use on the site.
 - d. the sale area is not located within 200 feet of a property zoned and used for residential occupancy.
 - e. the hours of operation do not extend beyond 10:00 p.m.
 - f. signage is limited to one sign per street frontage with an aggregate sign area not exceeding 100 square feet.
- G. Additions to or replacement of, single dwelling unit buildings and buildings containing two dwelling units. For additions, alterations and changes to, or rebuilds of existing single dwelling unit buildings and buildings containing two dwellings, the first floor elevation may not be more than one foot above the existing first floor elevation. If a split

level dwelling is torn down and a new home is built, the new first floor or entry level elevation may not be more than one foot above the front entry elevation of the home that was torn down. Subject to Section 850.11 Subd. 2. I. the first floor elevation may be increased more than one (1) foot. The provisions of this paragraph shall apply to all single dwelling unit buildings and buildings containing two dwelling units including units in the flood plain overlay district. Any deviation from the requirements of this paragraph shall require a variance.

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

Section 5. Subsection 850.11. Subd. 6. is hereby amended as follows:

Subd. 6 Requirements for Building Coverage, Setbacks and Height.

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

	Front Street	Side Street	InteriorSide Yard	Rear Yard
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5. Buildings and structures accessory to single dwelling unit buildings:

b. attached garages, tool sheds, greenhouses and garden houses	30'	15'	5'	25'
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g. all other accessory buildings and structures.	30'	15'	5'	5'
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h. egress window wells. *Egress window wells may encroach in the side yard setback on one side.	NA	NA	*3'	NA
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Existing text – XXXX
 Stricken text – XXXX
 Added text – XXXX

C. Height

- | | |
|---|--|
| 1. Single dwelling units buildings and structures accessory thereto. | 2 ½ stories, or 30 feet whichever is less for maximum height see #4 below. |
| 2. Buildings and structures accessory to single dwelling unit buildings, but not attached thereto. | 1 ½ stories or 18 feet whichever is less |
| 3. All other buildings and structures | 3 stories or 40 feet whichever is less |
| 4. The maximum height to the highest point on a roof of a single or double dwelling unit shall be 35 30 feet. For lots that exceed 75 feet in width, the maximum height to the ridge line shall be 35 feet, and the maximum height may be increased by one inch for each foot that the lot exceeds 75 feet in width. In no event shall the maximum height exceed 40 feet. | |

Section 6. Subsection 850.11. Subd. 7.A. is hereby amended as follows:

Subd. 7 Special Requirements. In addition to the general requirements described in Subsection 850.07, the following special requirements shall apply.

A. Special Setback Requirements for Single Dwelling Unit Lots.

~~3. Interior Side Yard Setback. The required interior side yard setback shall be increased by 6 inches for each foot the building height exceeds 15 feet. For purposes of this subparagraph, building height shall be the height of that side of the building adjoining the side lot line and shall be measured from the average proposed elevation of the ground along and on the side of the building adjoining the side lot line to the top of the cornice of a flat roof, to the deck line of a Mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the average distance of the highest gable on a pitched roof, or to the top of a cornice of a hip roof.~~

3.4 Rear Yard Setback - Interior Lots. If the rear lot line is less than 30 feet in length or if the lot forms a point at the rear and there is no

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

rear lot line, then for setback purposes the rear lot line shall be deemed to be a straight line segment within the lot not less than 30 feet in length, perpendicular to a line drawn from the midpoint of the front lot line to the junction of the interior lot lines, and at the maximum distance from the front lot line.

4. Rear Yard Setback - Corner Lots Required to Maintain Two Front Street Setbacks. The owner of a corner lot required to maintain two front street setbacks may designate any interior lot line measuring 30 feet or more in length as the rear lot line for setback purposes. In the alternative, the owner of a corner lot required to maintain two front street setbacks may deem the rear lot line to be a straight line segment within the lot not less than 30 feet in length, perpendicular to a line drawn from the junction of the street frontages to the junction of the interior lot lines, the line segment being the maximum distance from the junction of the street frontages.
5. Through Lots. For a through lot, the required setback for all buildings and structures from the street upon which the single dwelling unit building does not front shall be not less than 25 feet.

H. Sidewall Articulation for a Principal Structure. In order to avoid the monotonous appearance of long, unbroken building facades from abutting properties, the length of an exterior side wall shall not exceed thirty (30) feet without a) a minimum of at least a one (1) foot deep by ten (10) foot wide offset (projecting or recessed) or b) a combination of two (2) of the following architectural or utilitarian features every thirty (30) feet:

1. Structural windows, awnings or canopies
2. Projecting bay or box windows.
3. Stoops
4. Porches
5. Chimneys (minimum depth of one (1) foot)
6. Balconies
7. Pilasters
8. Second story roof overhang (at least twenty percent (20%) of the façade length)
9. Port-cocheres (a roofed structure extending from the building over an adjacent driveway that vehicles drive through, typically

sheltering those getting out of vehicles or as a passageway to a garage)

Section 7. Sections 1, 2, 3, and 4 of this Ordinance is effective immediately upon its passage and publication.

Sections 5 and 6 of this Ordinance shall be effective January 1, 2014.

First Reading:

Second Reading:

Published:

ATTEST:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on:
Send two affidavits of publication.
Bill to Edina City Clerk

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Ordinance was duly adopted by the Edina City Council at its Regular Meeting of _____, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2013.

City Clerk

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

ORDINANCE NO. 2013-7(b)

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

The City Council Of Edina Ordains:

Section 1. Subsection 850.03. Subd. 3. Definitions is hereby amended as follows:

Building Height or Structure Height. (Commercial, Industrial and High Density Residential) The distance measured from the average existing ground elevation adjoining the building at the front building line to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, or to the average distance of the highest gable on a pitched or hip roof. References in this Section to building height shall include and mean structure height, and if the structure is other than a building, the height shall be measured from said average existing ground elevation to the highest point of the structure. "Existing ground elevation" means the lowest of the following elevations: (1) the grade approved at the time of the subdivision creating the lot, (2) the grade at the time the last demolition permit was issued for a principal structure that was on the lot, (3) the grade at the time the building permit for a principal structure on the lot is applied for.

Building Height or Structure Height. (Single & Two Dwelling Unit Buildings) The distance measured from the average existing ground elevation adjoining the building at the front building line to the highest point on a roof. References in this Section to building height shall include and mean structure height, and if the structure is other than a building, the height shall be measured from said average existing ground elevation to the highest point of the structure. "Existing ground elevation" means the lowest of the following elevations: (1) the grade approved at the time of the subdivision creating the lot, (2) the grade at the time the last demolition permit was issued for a principal structure that was on the lot, (3) the grade at the time the building permit for a principal structure on the lot is applied for.

Residential Maintenance Access. For a single and double dwelling unit, a clear flat walkway from a front yard to a rear yard. This area allows outside pedestrian access and space to bring equipment from a front yard to a rear yard without any encroachment on neighboring property.

Section 2. Subsection 850.07. Subd. 7. is hereby amended as follows:

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

1. ~~Drainage. Existing drainage rate shall not be increased and direction shall not be altered to redirect water to adjacent properties.~~ No person shall obstruct or divert the natural flow of runoff so as to harm the public health, safety or general welfare. Surface water runoff shall be properly channeled conveyed into storm sewers, watercourses, ponding areas or other public facilities.

As part of the building permit, the applicant must submit a grading and erosion control plan along with a stormwater management plan that is signed by a licensed professional engineer. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans.

~~All provisions for drainage, including storm sewers, sheet drainage and swales, shall be reviewed and approved by the engineer prior to construction or installation.~~

2. **Retaining Walls.** All retaining walls must be shown on a grading plan as part of a building permit application. Plans must demonstrate materials to be used for the retaining wall construction. Retaining walls taller than four (4) feet must meet a three (3) foot setback.

3. **Site Access.** In an R-1 or R-2 Zoning District, a residential maintenance access of at least three (3) feet in width is required on one side of a single or two dwelling unit from the front yard to the rear yard.

Existing text – XXXX
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Added text – **XXXX**

Section 3. Subsection 850.11. Subd. 6. is hereby amended as follows:

Subd. 6 Requirements for Building Coverage, Setbacks and Height.

A. Building Coverage.

1. Lots 9,000 Square Feet or Greater in Area. Building coverage shall be not more than 25 percent for all buildings and structures. On lots with an existing conditional use, if the combined total area occupied by all accessory buildings and structures, excluding attached garages, is 1,000 square feet or greater, a conditional use permit is required.
2. Lots Less Than 9,000 Square Feet in Area. Building coverage shall be not more than 30 percent for all buildings and structures, provided, however, that the area occupied by all buildings and structures shall not exceed 2,250 square feet.
3. The combined total area occupied by all accessory buildings and structures, excluding attached garages, shall not exceed 1,000 square feet for lots used for single dwelling unit buildings.
4. **Building Coverage shall include all principal or accessory buildings, including, but not limited to:**
 - a. **Decks and patios. The first 150 square feet of an unenclosed deck or patio shall not be included when computing building coverage.**
 - b. **Gazebos**
 - c. **Balconies.**
 - d. **Breezeways.**
 - e. **Porches.**
 - f. **Accessory recreational facilities constructed above grade, such as paddle tennis courts.**

The following improvements shall be excluded when computing building coverage:

Existing text – XXXX
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Added text – XXXX

- a. Driveways and sidewalks, but not patios, subject to 3.a. above.
- b. Parking lots and parking ramps.
- c. Accessory recreational facilities not enclosed by solid walls and not covered by a roof, including outdoor swimming pools, tennis courts and shuffleboard courts, but facilities which are constructed above grade, such as paddle tennis courts, shall be included when computing building coverage.
- d. Unenclosed and uncovered steps and stoops less than 50 square feet.
- e. Overhanging eaves and roof projections not supported by posts or pillars.

Section 4. Subsection 850.11. Subd. 7.A. is hereby amended as follows:

Subd. 7 Special Requirements. In addition to the general requirements described in Subsection 850.07, the following special requirements shall apply.

A. Special Setback Requirements for Single Dwelling Unit Lots.

~~6. Accessory Buildings and Structures Used for Dwelling Purposes. Subject to the requirements of paragraph B. of Subd. 7 of this Subsection 850.11, if any accessory building or structure (including, without limitation, garages), or if any addition to or expansion of (including, without limitation, an additional story on) an accessory building or structure (including, without limitation, garages), is used or intended for use, in whole or in part, for residential occupancy, then such accessory building or structure or such addition or expansion, shall comply with all of the minimum setback requirements for a single dwelling unit building.~~

B. One Dwelling Unit Per Single Dwelling Unit Lot. No more than one dwelling unit shall be erected, placed or used on any lot unless the lot is subdivided into two or more lots pursuant to Section 810 of this Code.

~~C. Decks and Patios. Notwithstanding the provisions of Subsection 850.07,~~

Existing text – XXXX

Stricken text – XXXX

Added text – XXXX

~~the first 150 square feet of an unenclosed deck or patio shall not be included when computing building coverage.~~

- C. Basements. All single dwelling unit buildings shall be constructed with a basement having a gross floor area equal to at least 50 percent of the gross floor area of the story next above. The floor area of accessory uses shall not be included for purposes of this paragraph.
- D. Minimum Building Width. No more than 30 percent of the length, in the aggregate, of a single dwelling unit building shall measure less than 18 feet in width as measured from the exterior of the exterior walls.
- E. Parking Ramps Prohibited. No parking ramp shall be constructed in the R 1 District.
- F. Temporary retail sales of evergreen products from Conditional Use properties
 - 1. The Manager may grant a permit for temporary retail sales of evergreen products, if:
 - a. the owner of the property or other non-profit group approved by the owner conducts the sale.
 - b. the duration of the sale does not exceed 45 consecutive days and does not start before November 15 in any year.
 - c. the sale area is located in a suitable off-street location that does not interfere with traffic circulation on the site or obstruct parking spaces needed by the principal use on the site.
 - d. the sale area is not located within 200 feet of a property zoned and used for residential occupancy.
 - e. the hours of operation do not extend beyond 10:00 p.m.
 - f. signage is limited to one sign per street frontage with an aggregate sign area not exceeding 100 square feet.
- G. Additions to or replacement of, single dwelling unit buildings and buildings containing two dwelling units. For additions, alterations and changes to, or rebuilds of existing single dwelling unit buildings and buildings containing two dwellings, the first floor elevation may not be more than one foot above the existing first floor elevation. If a split

Existing text – XXXX

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Added text – XXXX

level dwelling is torn down and a new home is built, the new first floor or entry level elevation may not be more than one foot above the front entry elevation of the home that was torn down. Subject to Section 850.11 Subd. 2. I. the first floor elevation may be increased more than one (1) foot. The provisions of this paragraph shall apply to all single dwelling unit buildings and buildings containing two dwelling units including units in the flood plain overlay district. Any deviation from the requirements of this paragraph shall require a variance.

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Added text – XXXX

Section 5. Subsection 850.11. Subd. 6. is hereby amended as follows:

Subd. 6 Requirements for Building Coverage, Setbacks and Height.

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

	Front Street	Side Street	InteriorSide Yard	Rear Yard
5. Buildings and structures accessory to single dwelling unit buildings:				

b. attached garages, tool sheds, greenhouses and garden houses	30'	15'	5'	25'
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g. all other accessory buildings and structures.	30'	15'	5'	5'
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h. egress window wells. *Egress window wells may encroach in the side yard setback on one side.	NA	NA	*3'	NA
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 Added text – XXXX

C. Height

- | | |
|---|--|
| 1. Single dwelling units buildings and structures accessory thereto. | 2 ½ stories, or 30 feet whichever is less for maximum height see #4 below. |
| 2. Buildings and structures accessory to single dwelling unit buildings, but not attached thereto. | 1 ½ stories or 18 feet whichever is less |
| 3. All other buildings and structures | 3 stories or 40 feet whichever is less |
| 4. The maximum height to the highest point on a roof of a single or double dwelling unit shall be 35 30 feet. For lots that exceed 75 feet in width, the maximum height to the ridge line shall be 35 feet, and the maximum height may be increased by one inch for each foot that the lot exceeds 75 feet in width. In no event shall the maximum height exceed 40 feet. | |

Section 6. Subsection 850.11. Subd. 7.A. is hereby amended as follows:

Subd. 7 Special Requirements. In addition to the general requirements described in Subsection 850.07, the following special requirements shall apply.

A. Special Setback Requirements for Single Dwelling Unit Lots.

~~3. Interior Side Yard Setback. The required interior side yard setback shall be increased by 6 inches for each foot the building height exceeds 15 feet. For purposes of this subparagraph, building height shall be the height of that side of the building adjoining the side lot line and shall be measured from the average proposed elevation of the ground along and on the side of the building adjoining the side lot line to the top of the cornice of a flat roof, to the deck line of a Mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof, to the average distance of the highest gable on a pitched roof, or to the top of a cornice of a hip roof.~~

3.4 Rear Yard Setback - Interior Lots. If the rear lot line is less than 30

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Added text – XXXX

feet in length or if the lot forms a point at the rear and there is no rear lot line, then for setback purposes the rear lot line shall be deemed to be a straight line segment within the lot not less than 30 feet in length, perpendicular to a line drawn from the midpoint of the front lot line to the junction of the interior lot lines, and at the maximum distance from the front lot line.

4. Rear Yard Setback - Corner Lots Required to Maintain Two Front Street Setbacks. The owner of a corner lot required to maintain two front street setbacks may designate any interior lot line measuring 30 feet or more in length as the rear lot line for setback purposes. In the alternative, the owner of a corner lot required to maintain two front street setbacks may deem the rear lot line to be a straight line segment within the lot not less than 30 feet in length, perpendicular to a line drawn from the junction of the street frontages to the junction of the interior lot lines, the line segment being the maximum distance from the junction of the street frontages.
5. Through Lots. For a through lot, the required setback for all buildings and structures from the street upon which the single dwelling unit building does not front shall be not less than 25 feet.
6. Interior Side Yard Setbacks for lots 60-74 feet in width shall be as follows:

Lot Width	Required Interior Side Yard Setback
74	20' with no less than 10 feet on one side
73	20' with no less than 10 feet on one side
72	20' with no less than 10 feet on one side
71	19'4" with no less than 9 feet on one side
70	18'8" with no less than 9 feet on one side
69	18' with no less than 9 feet on one side

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68	17'4" with no less than 8 feet on one side
67	16'8" with no less than 8 feet on one side
66	16' with no less than 8 feet on one side
65	15'4" with no less than 7 feet on one side
64	14'8" with no less than 7 feet on one side
63	14' with no less than 7 feet on one side
62	13'4" with no less than 6 feet on one side
61	12' 8 " total with no less than 6 feet on one side

OR

6. Interior Side Yard Setbacks for lots greater than 49 feet, but less than 74 feet in width, the side yard setback shall be at least a total of 25% of the lot width with a minimum setback no less than the current side yard setbacks.

H. Sidewall Articulation for a Principal Structure. In order to avoid the monotonous appearance of long, unbroken building facades from abutting properties, the length of an exterior side wall shall not exceed thirty (30) feet without a) a minimum of at least a one (1) foot deep by ten (10) foot wide offset (projecting or recessed) or b) a combination of two (2) of the following architectural or utilitarian features every thirty (30) feet:

1. Structural windows, awnings or canopies
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3. Stoops
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Debra A. Mangen, City Clerk

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WITNESS my hand and seal of said City this _____ day of _____, 2013.

Existing text – XXXX
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