

# REPORT / RECOMMENDATION



**To:** MAYOR AND COUNCIL

**Agenda Item #:** VI.A.

**From:** Cary Teague, Community Development Director

**Action**

**Discussion**

**Date:** November 3, 2014

**Information**

**Subject:** Public Hearing – Ordinance No 2014-18; An Ordinance Amendment to Chapter 36, regarding front street setback; first floor elevation for tear down/rebuilds; elimination of minimum and maximum unit size for multi-family apartments; and lighting.

## **Action Requested:**

Grant first reading of the attached Ordinance No. 2014-18, as recommended by the Planning Commission.

## **Information / Background:**

Over the past several months, the Planning Commission has been considering an Ordinance Amendment regarding front street setback; first floor elevation for tear down/rebuilds; elimination of minimum and maximum unit size for multi-family apartments; and lighting.

The city attorney is recommending that the Zoning Ordinance regulations regarding front yard setback and the one-foot rule be revised. The other amendments are per the Planning Commission's 2014 Work Plan. That would include the lighting ordinance, and the elimination of the minimum and maximum unit size for multi-family housing.

The Planning Commission has discussed eliminating the CUP requirement for the one foot rule, and requiring a variance instead. The CUP requirement was added to the Ordinance, at a time when variances were not possible. Staff and the Planning Commission are recommending that the conditions required for a CUP would remain in effect, and they would now be required as part of the variance.

In regard to the front setback and one-foot rule, 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.

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.

The City Council is asked to hold a public hearing, and grant first reading of the Ordinance Amendment. If the Council is comfortable with the language as written, you may waive second reading and adopt the Ordinance. If the Council would like to recommend changes; staff would recommend first reading of the Ordinance, with the Ordinance and changes to come back for second reading.

**ATTACHMENTS:**

- Draft Ordinance 2014-18
- Planning Commission minutes: October 8, 2014
- Past Planning Commission minutes from past discussions on the topics
- Planning Commission report dated October 8, 2014

**ORDINANCE NO. 2014-18**  
**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**.
  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.
  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.
- c. *Interior side yard setback.* The required interior side yard setback shall be increased by six inches for each foot the building height exceeds 15 feet. For purposes of this subsection, 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.

- d. *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.
- e. *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.
- f. *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.

**Section 2.** Subsection 36-439 of the Edina City Code. Special Requirements are amended as follows:

**Sec. 36-439. Special requirements**

- (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 dwelling unit 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.~~

(8) Additions to, or replacement of, single dwelling unit buildings with a first floor elevation of more than one foot above the existing first floor elevation of the existing dwelling unit building require a Variance per Sec. 36-69. Division 3. Such additions to, or replacements of, single dwelling unit buildings must meet one or more of the first three conditions listed in subsection (8)a of this section, and always meet condition four listed in subsection (8)b of this section.

a. The first floor elevation may be increased to the extent necessary to elevate the lowest level of the dwelling to an elevation of two feet above the 100-year flood elevation, as established by the Federal Emergency Management Agency (FEMA), or the city's comprehensive water resource management plan; or the first floor elevation may be increased to the extent necessary to reasonably protect the dwelling from groundwater intrusion. Existing and potential groundwater elevations shall be determined in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a professional civil engineer licensed under Minn. Stats. ch. 326, or a hydrologist certified by the American Institute of Hydrology. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval; or the first floor elevation may be increased to the extent necessary to allow the new building to meet the state building code, this Code or other statutory requirements; and

b. An increase in first floor elevation will only be permitted if the new structure or addition fits the character of the neighborhood in height, mass and scale.

**Section 3.** Subsection 36-434, Conditional Uses is amended as follows:

~~(9) Additions to, or replacement of, single dwelling unit buildings with a first floor elevation of more than one foot above the existing first floor elevation of the existing dwelling unit building. Such additions to, or replacements of, single dwelling unit buildings must meet one or more of the first three conditions listed in subsection (9)a of this section, and always meet condition four listed in subsection (9)b of this section.~~

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- b. — An increase in first floor elevation will only be permitted if the new structure or addition fits the character of the neighborhood in height, mass and scale.

**Section 4.** Subsection 36-527 (2), Special requirements is amended as follows:

**Sec. 36-527. Special requirements.**

In addition to the general requirements described in article XII, division 2 of this chapter, the following special requirements shall apply:

~~(2) Minimum floor area. Per dwelling unit.~~

	PSR (in square feet)	PRD (except PRD-5) (in square feet)
Efficiency	—	500
One bedroom	500 minimum 700 maximum	750
Two bedroom	750 minimum 850 maximum	950
Additional bedrooms	—	150

~~For purposes hereof, floor area shall be the area within and measured from the inside of exterior walls and from the center of interior walls bounding the dwelling unit, but shall not include furnace rooms, utility rooms, storage areas not within the dwelling unit, garages or any common areas which are used by residents of two or more dwelling units, including stairways, entries, foyers, balconies and porches.~~

**Section 5.** Subsection 36-1260 of the Edina City Code. Lighting is amended as follows:

**Sec. 36-1260. Lighting.**

All exterior lighting and illuminating devices shall be provided with lenses, reflectors or shades so as to concentrate illumination on the property of the owner or operator of the lighting or illuminating devices. Rays of light or illumination shall not pass beyond the property lines of the premises utilizing the lights or illumination at an intensity greater than **0.5** ~~three~~ footcandle measured at property lines abutting property zoned residential and **1** ~~ten~~ footcandle measured at property lines abutting streets or property zoned nonresidential. No light source, lamp or luminaire shall be directed beyond the boundaries of the lighted or illuminated premises.

**Section 5.** This ordinance is effective immediately upon its passage.

First Reading:  
Second Reading:  
Published:

Attest

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Debra A. Mangan, City Clerk

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James B. Hovland, Mayor

City can run into problems when revisions to plans/surveys are made after the fact and resubmitted.

Chair Staunton thanked everyone for their input, adding developing a checklist is the correct way to proceed. Staunton said he is a little unclear on if the Commission should weigh in on the content of the checklist or not, pointing out in reality that's a staff function. The focus for the Commission is land use. Commissioner Platteter agreed that he doesn't have the expertise on developing these checklists, however would like to see the final outcome.

Planner Teague informed the Commission City staff (building, planning, and engineering) would formulate a draft list and provide the Commission with a copy for their review before it is finalized.

Commissioner Forrest questioned if the Commission is making decisions without feedback from all stakeholders/residents/builders/development/surveyors. She said she wonders as mentioned by Staunton if this was outside the Commissions realm of land use.

A discussion ensued with Commissioners supporting the maintenance declaration on deeds and that creating a residential application checklist was good. Commissioners noted that clarity is extremely important and that further study needs to occur on what happens during the transition period (pulling a permit and getting the final certificate of occupancy). Continuing, Commissioners wondered if maybe there was a legitimate reason residential is treated differently from commercial on the building permit end; however, this is a beginning. It was noted that much of the current concerns appear to be about storm water runoff and water quality. It was further suggested that the Commission look at a better way to encourage the use of pervious surfaces (which may trigger an ordinance change).

Chair Staunton suggested that staff "take another stab" at the 2015 work plan and bring the draft back for further review.

### **C. Zoning Ordinance Amendments**

#### **Staff Comments**

Planner Teague addressed the Commission and explained that the continuing work on amending the zoning ordinance continues with the Commission zeroing in on four topics. 1) Front setback, 2) one-foot rule for tear down/rebuild, 3) elimination of the minimum and maximum unit size for multi-family housing and 4) adopt part A of lighting ordinance. Teague said after discussion and formalization of the ordinance amendments the Planning Commission would hold a public hearing. Teague said the public hearing date is tentatively scheduled for the Planning Commission meeting on the 8<sup>th</sup> of October. In concluding, Teague noted that item 2, (one-foot rule) was adopted in response to a moratorium on variances; that moratorium has been lifted and the Commission has expressed the desire to return this back to a variance process

Chair Staunton invited the Commission to comment on the proposed changes.

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8-27-14

## **Discussion**

A brief discussion ensued on the Established Front Street Setback with Commissioners agreeing that the proposed changes would add clarity; however, it was noted that Edina has some unique streetscapes that haven't been specifically addressed and in those instances the property owner can request a variance.

Further discussion continued on paragraph (7) page 2; clarifying that it relates to the present Conditional Use Permit Process and the "One-Foot Rule". Planner Teague said it is the hope that the Conditional use Permit one-foot rule process is eliminated and handled through the variance process (as it was prior to the moratorium). Teague explained that staff would remove the language drafted for the conditional use permit process one-foot rule and incorporate it into the variance process. Teague said that the one-foot rule conditions are very good and they should remain in ordinance form; however, moved to the variance process. Commissioners agreed noting the increase in request for Conditional Use Permit because of the 1-foot requirement.

Planner Teague also noted the implementation of Step 1 Lighting and the request by the Commission for continued study.

The discussion ensued on unintended consequences with the Commission acknowledging an ordinance can't be written to address every issue.

## **VII. CORRESPONDENCE AND PETITIONS**

Chair Staunton acknowledged back of packet materials.

## **VIII. CHAIR AND COMMISSION COMMENTS**

Chair Staunton introduced and welcomed new Planning Commissioner Steve Hobbs. Hobbs said he was excited to be "on board" and looks forward to working with the Commission.

Commissioner Lee updated the Commission on the progress of Wooddale Valley View small area plan. Lee said a public discovery workshop will be held on the 4<sup>th</sup> of October from 8-12 at the Senior Center. Lee said all are welcome to attend. Continuing, Lee said their goal as previously mentioned in the work plan discussion is to finalize the plan by the end of 2014 and present it to the Council in January or February 2015. Forrest also informed Commissioners that the planning team meets on the off-Wednesdays in the Edina Community Room between 6-8 PM. Forrest said public and Commissioners are always welcome to attend those meetings.

and Carr accepted that motion subject to findings.

A brief discussion ensued with Mr. Anderson pointing out with regard to the request for additional plantings on the boulevard there is a concern that tenant identification and signage could be compromised. Commissioner Lee commented that with careful selection of plantings such as deciduous trees any impact should be minimal.

**Chair Staunton called for the vote; all voted aye; preliminary rezoning and preliminary development plan approved 7-0.**

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## VIII. REPORTS AND RECOMMENDATIONS

### A. Zoning Ordinance Amendment – Front Yard Setback and First Floor I-foot rule for tear down and rebuild.

#### Planner Presentation

Planner Teague reminded the Commission that at their last meeting they discussed front yard setback and the one-foot rule for teardown and rebuild. Teague said in speaking with the city attorney he is recommending that the zoning ordinance regulations on these two items be revised. With graphics Teague highlighted proposed changes to the ordinance.

Continuing, Teague explained front setback reads “average the front street setback of the homes on either side”. He pointed out this does not account for a side street setback or an abutting lot with a front street setback that faces a different street. The intent of the one-foot rule was 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 so a garage could be considered a front entry. Additional, it did no account for multiple entries for a new home.

Chair Staunton noted much of the ordinance was written to address the east side and the traditional grid pattern, adding it’s extremely difficult in some areas of Edina like Indian Hills or Rolling Green where the lots are large and oddly formed to achieve a uniform front yard standard.

Planner Teague stated he agrees with that observation; however, Zoning Ordinance requirements are across the board. He explained the only way to remedy the problems that arise would be to establish different zoning districts within the R-I umbrella. Teague also said the new I-foot front yard rule has been difficult because split-level homes are not adequately addressed. Teague pointed out that the City doesn’t define front entry, adding there are areas of the code that are clearly defined in every instance.

Chair Staunton acknowledged the difficulty pointing out the City, with regard to the I-foot rule didn’t want residents to artificially raise the grade of the house. Teague

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agreed.

Commissioner Forrest stated the ordinance changes proposed by Planner Teague are a great improvement; however, she questioned if it would be beneficial to provide illustrations interpreting the changes.

Commissioner Carr said it would really help her if she could see illustrations and asked Planner Teague to provide illustrations used by other cities to clarify ordinance requirements. She added as previously mentioned by Forrest visuals would be beneficial.

Chair Staunton asked Planner Teague to place these two topics back on the Planning Commission for their August 27<sup>th</sup> meeting.

## **B. Conflict of Interest/Bylaws**

### **Planner Presentation**

Planner Teague stated as a follow up to our previous discussions on Bylaws and conflict of interest he indicated that the city attorney has suggested the following:

### **SECTION 21. ETHICAL AND RESPECTFUL CONDUCT**

#### **(A) Conflict of Interest**

Members may not use their position on the Planning Commission for personal benefit. The interests of the Planning Commission must be the first priority in all decisions and actions. Any member who has a financial interest in or who is employed by a business that has a financial interest in, or who may receive a financial benefit as a result of, any Planning Commission action, decision or recommendation must promptly disclose this fact as a conflict of interest. A member who has disclosed a conflict of interest should abstain from discussion and voting on the matter and should sit in the audience when the matter comes before the Planning Commission.

#### **Discussion**

Commissioner Schroeder stated he understands the need for conflict of interest language; however, he pointed out Edina is a small community and the question becomes at what point does it become financial gain or interest. Chair Staunton agreed adding financial interest is difficult to define, adding it's hard to make a blanket move. Schroeder agreed pointing out for those of us that work for large companies we may not even know if certain sectors of our company are working with or for the City.

Commissioner Carr said in her opinion the language as written is too restrictive. She suggested the Commission look at the guidelines written by the League of Women Voters. Continuing, Carr pointed out conflict isn't only financial there can be conflict if

“commercial creep”. Staunton suggested engaging the neighborhood to discuss the proposed use.

Commissioner Schroeder pointed out that this location isn’t commercial and the proposed change in use in his opinion isn’t compatible with the nature of Indianola.

Commissioner Forrest questioned the applicant on the timing of this request pointing out the renovations occurred a number of years ago. Mr. Duffy responded that the scale of the property owners business is changing and he would like to formally accommodate this change.

Commissioner Forrest acknowledged she resides in the neighborhood and did inquire about the use of the residential building as office. Continuing, Forrest pointed out the permitted use of this site is only residential- permitting apartment units; not office, and asked Mr. Duffy how many residents now reside in the building. Mr. Duffy responded he is unaware of the current tenant count; but did acknowledge the nature of the residential tenants is mostly transient. Concluding, Forrest said she is concerned that presently there is a violation of use occurring on this site, adding her main concerns are that at present the building appears deserted and rezoning the site to PUD would be an extension of commercial creep. Forrest stated she would keep an open mind if the rezoning moves forward; however, reiterated she doesn’t like the introduction of commercial into this area.

Chair Staunton explained to the applicant in a request to rezone a site to PUD there needs to be a community benefit. Staunton said when a formal application is made the applicant needs to address what the benefit to the community would be if this property was rezoned from residential to PUD. Staunton thanked the team for their presentation.

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## C. Lighting Ordinance

### Staff Comments

Planner Teague submitted a draft copy of an ordinance amendment regarding lighting and asked the Commission for their comments. Teague further asked the Commission to note the attached candle requirements from other cities.

### Discussion/Comments

A discussion ensued with Commissioners acknowledging that the City of Edina appears to allow much brighter lighting in comparison with other cities. All agreed that it was time to craft an ordinance that aligns more closely with standards found in neighboring cities.

Concluding, the Commission stated more work needs to be done on the proposed ordinance that would include definitions, light pollution standards and a more comprehensive look at all lighting issues. The discussion continued with Commissioners acknowledging that while the proposed ordinance may not be as comprehensive as the City needs the current language is an excellent start providing the City with standards while a more comprehensive discussion ensues on lighting. It was further discussed that during this period that the presented Ordinance should

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be adopted; and a public hearing set. Adoption would make the Ordinance more in line with other cities and provide the Commission more time to study the issue.

Chair Staunton suggested setting a public hearing to adopt the proposed Code.

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#### **D. Conflict of Interest/Bylaws**

Chair Staunton said the City of Edina has excellent volunteers with a wide range of talents and expertise, adding this can be perceived as a conflict of interest when considering quasi-judicial and legislative application requests (Commissioner works for a company that's an applicant or representing as applicant, etc.). Staunton said it is important with new Commission Members that the Commission is clear on what is and what is not a conflict of interest. Continuing, Staunton said he spoke with both Planner Teague and the City Attorney Roger Knutson and requested that language be drafted to more clearly define the role of the Commission when/if there is a conflict of interest. Staunton said he would like further discussion on this at the next Planning Commission meeting.

Commissioner Scherer agreed there needs to be some clarification or guideline adding that she would like to also see addressed "what recusing oneself looks like". Scherer said she has seen this handled in different ways; either - indicating a conflict but remain at the dais and engage in the discussion but not the vote, indicating a conflict remain at the dais; however, do not participate in either the discussion or vote, indicate a conflict and sit in the audience or indicate a conflict and completely leave the chambers. Scherer said it would be helpful if more guidance was given on this issue so a mixed message wasn't sent to the public.

Chair Staunton stated he agrees; he said there are also times when a Commissioner has disclosed they know someone personally or professionally but feel they can be objective. Chair Staunton asked Planner Teague to work with Roger Knutson, City Attorney and bring something back to the Commission on this topic for further discussion.

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#### **VIII. CORRESPONDENCE AND PETITIONS**

Chair Staunton acknowledged back of packet materials.

#### **IX. CHAIR AND COMMISSION COMMENTS**

Commissioners Carr and Platteter apprised the Commission on the progress of the Living Streets work group. It was mentioned that at this time the working group views the materials as a guide and not part of the City Code. Carr further suggested that Mark Nolan of the Engineering Department speak to the Commission on Living Streets.



**Date:** October 8, 2014

**To:** Planning Commission

**From:** Cary Teague, Community Development Director

**Re:** Zoning Ordinance Amendment Consideration – Ordinance Clean up per the 2014 Work Plan – Front Street Setback, One-Foot Rule for a Tear Down/Rebuild, Lighting, and minimum square footage multi-family housing.

The city attorney is recommending that the Zoning Ordinance regulations regarding front yard setback and the one-foot rule be revised. Staff is recommending additional ordinance amendments per the Planning Commission's 2014 Work Plan. That would include the lighting ordinance, and the elimination of the minimum and maximum unit size for multi-family housing as previously discussed.

The Planning Commission has discussed eliminating the CUP requirement for the one foot rule, and requiring a variance instead; therefore, staff has added that to the Ordinance. The CUP requirement was added to the Ordinance, at a time when variances were not possible. Staff would recommend that the conditions required for a CUP would remain in effect, and they would now be required as part of the variance.

In regard to the front setback and one-foot rule, the attached Ordinance Amendment in regard to 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.

**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.

The Commission is asked to hold a public hearing, and recommend an Ordinance Amendment on these issues to the City Council.

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AN ORDINANCE AMENDMENT REGARDING FRONT YARD SETBACK REQUIREMENTS &  
FIRST FLOOR ELEVATION REGULATIONS FOR TEAR DOWN REBUILDS

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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 when establishing front street setback.
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 when establishing front street setback.
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.

c. *Interior side yard setback.* The required interior side yard setback shall be increased by six inches for each foot the building height exceeds 15 feet. For purposes of this subsection, building height shall be the height of that

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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.

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- e. *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.
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~~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.

(8) Additions to, or replacement of, single dwelling unit buildings with a first floor elevation of more than one foot above the existing first floor elevation of the existing dwelling unit building require a Variance per Sec. 36-69. Division 3. Such additions to, or replacements of, single dwelling unit buildings must meet one or more of the first three conditions listed in subsection (8)a of this section, and always meet condition four listed in subsection (8)b of this section.

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**Section 3.** Subsection 36-434, Conditional Uses is amended as follows:

~~(9) — Additions to, or replacement of, single dwelling unit buildings with a first floor elevation of more than one foot above the existing first floor elevation of the existing dwelling unit building. Such additions to, or replacements of, single dwelling unit buildings must meet one or more of the first three conditions listed in subsection (9)a of this section, and always meet condition four listed in subsection (9)b of this section.~~

a. — The first floor elevation may be increased to the extent necessary to elevate the lowest level of the dwelling to an elevation of two feet above the 100-year flood elevation, as established by the Federal Emergency Management Agency (FEMA), or the city's comprehensive water resource management plan; or the first floor elevation may be increased to the extent necessary to reasonably protect the dwelling from groundwater

~~intrusion. Existing and potential groundwater elevations shall be determined in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a professional civil engineer licensed under Minn. Stats. ch. 326, or a hydrologist certified by the American Institute of Hydrology. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval; or the first floor elevation may be increased to the extent necessary to allow the new building to meet the state building code, this Code or other statutory requirements; and~~

- ~~b. An increase in first floor elevation will only be permitted if the new structure or addition fits the character of the neighborhood in height, mass and scale.~~

**Section 4.** Subsection 36-527 (2), Special requirements is amended as follows:

**Sec. 36-527. Special requirements.**

In addition to the general requirements described in article XII, division 2 of this chapter, the following special requirements shall apply:

*(2) Minimum floor area. Per dwelling unit.*

	PSR (in square feet)	PRD (except PRD-5) (in square feet)
Efficiency	—	500
One bedroom	500 minimum 700 maximum	750
Two bedroom	750 minimum 850 maximum	950
Additional bedrooms	—	150

For purposes hereof, floor area shall be the area within and measured from the inside of exterior walls and from the center of interior walls bounding the dwelling unit, but shall not include furnace rooms, utility rooms, storage areas not within the dwelling unit, garages or any common areas which are used by residents of two or more dwelling units, including stairways, entries, foyers, balconies and porches.

**Section 5.** Subsection 36-1260 of the Edina City Code. Lighting is amended as follows:

**Sec. 36-1260. Lighting.**

All exterior lighting and illuminating devices shall be provided with lenses, reflectors or shades so as to concentrate illumination on the property of the owner or operator of the lighting or illuminating devices. Rays of light or illumination shall not pass beyond the property lines of the premises utilizing the lights or illumination at an intensity greater than **0.5** ~~three~~ footcandle measured at property lines abutting property zoned residential and **1** ~~ten~~ footcandle measured at property lines abutting streets or property zoned nonresidential. No light source, lamp or luminaire shall be directed beyond the boundaries of the lighted or illuminated premises.

**Section 5.** This ordinance is effective immediately upon its passage.

First Reading:  
Second Reading:  
Published:

Attest

\_\_\_\_\_  
Debra A. Mangan, City Clerk

\_\_\_\_\_  
James B. Hovland, Mayor

① - OPTION 1. APPLIES (FRONT STREET SETBACK)  
 ② - OPTION 2. APPLIES (FRONT STREET SETBACK)













