

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VII.C.

From: Cary Teague, Community Development Director

Action

Discussion

Date: November 18, 2014

Information

Subject: Second Reading 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:

Approve second reading of the attached Ordinance No. 2014-18.

Information / Background:

The City Council approved first reading of the attached ordinance, and requested staff to prepare some examples of "average of the block" front street setback calculations. The Council is considering adding an option of "average of the block" in addition to averaging or matching the homes on adjacent lots located on the same street.

Attached are examples from many different neighborhoods in Edina. While this will allow added flexibility for home owners building additions to existing homes, and/or tear down and rebuilds it will not address every instance, and variance will likely still be required. Staff believes that it may however eliminate the need for variances in some instances. The attached Ordinance has the option added.

Also as requested, attached are the minutes from when the minimum and maximum apartment sizes were considered.

In summary again; 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.

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; or the front street setback shall be the average front street setback of all dwelling units on the same side of that street, between intersections.
 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 on the same street; or the front street setback shall be the average front street setback of all dwelling units on the same side of that street, between intersections.
 3. ~~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.~~

~~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

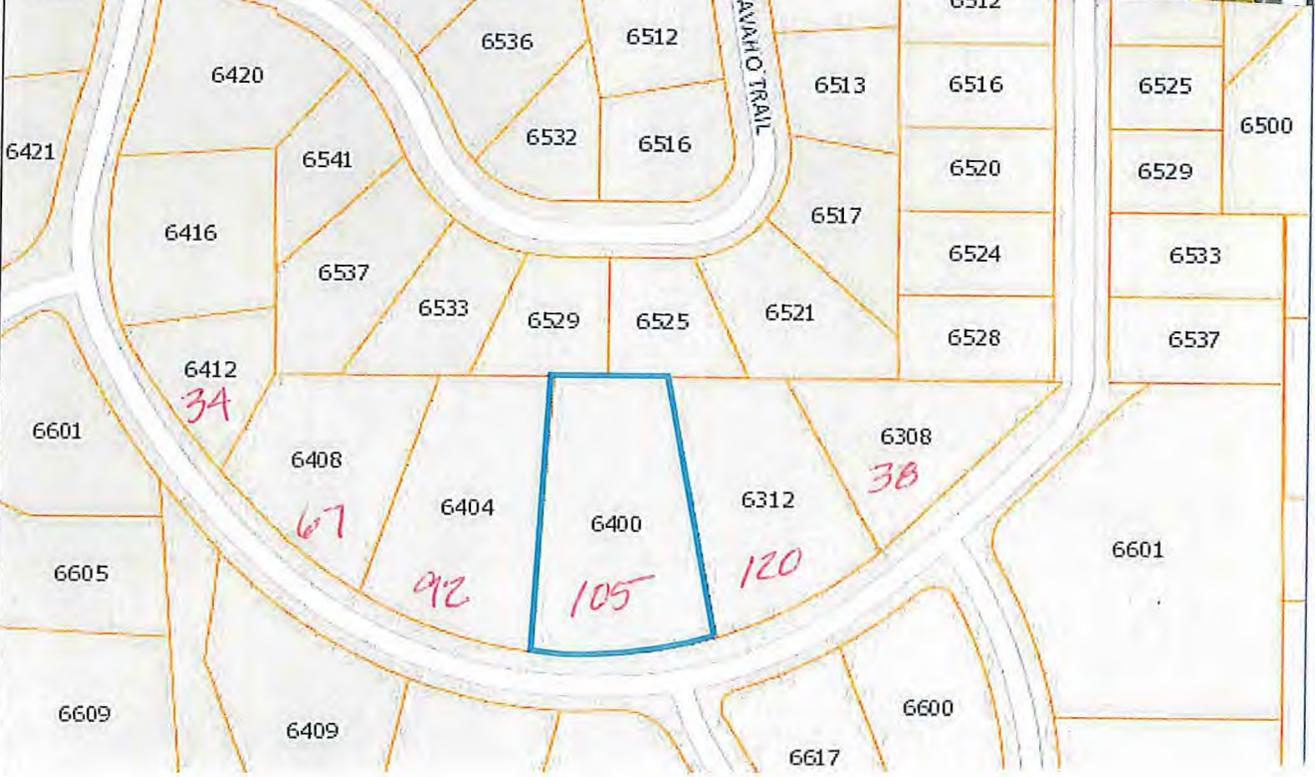
residential and ~~1~~ ten footcandle measured at property lines abutting streets or property zoned nonresidential. No light source, lamp or luminaire shall be directed beyond the boundaries of the lighted or illuminated premises.

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

First Reading:
Second Reading:
Published:

Attest _____
Debra A. Mangen, City Clerk

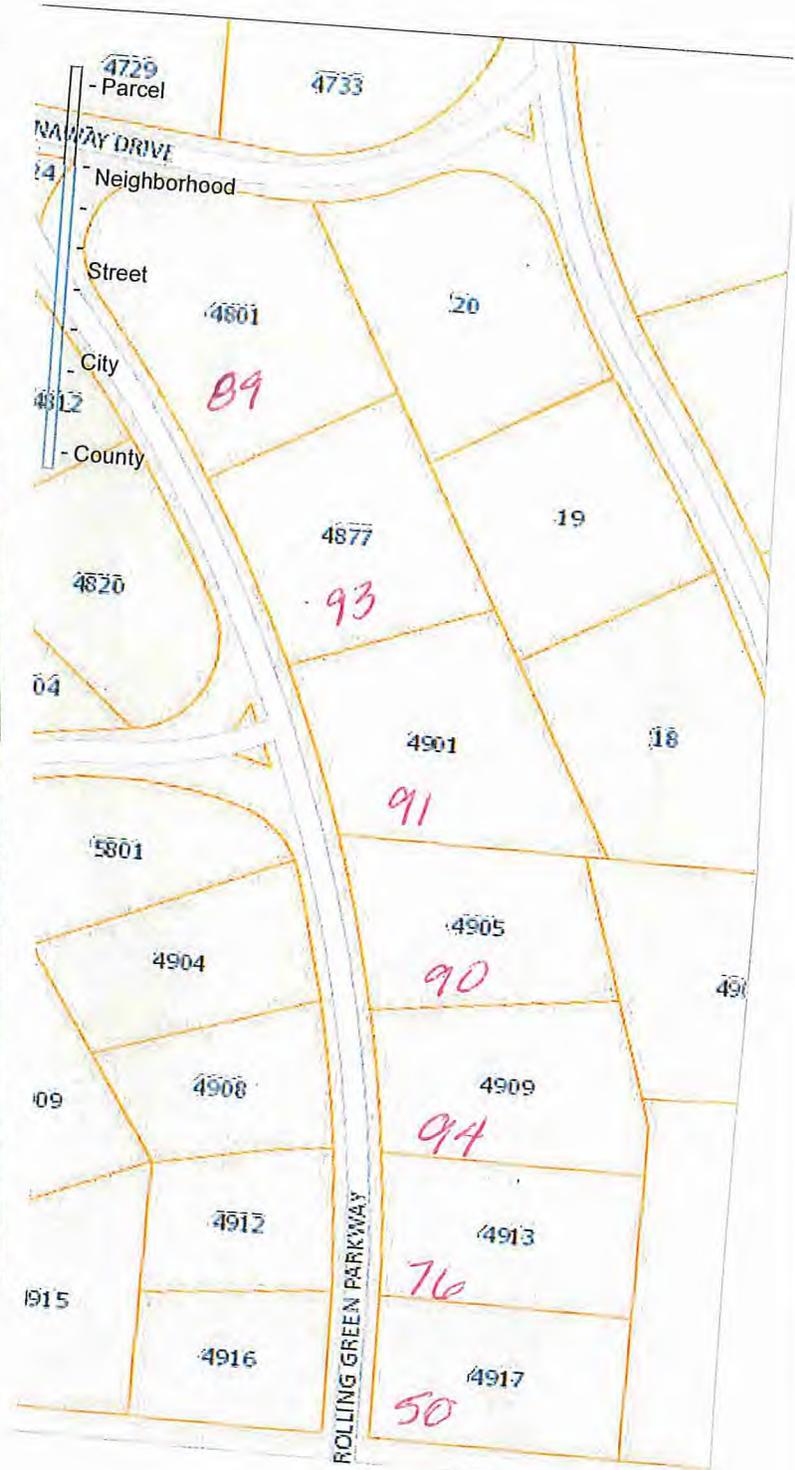
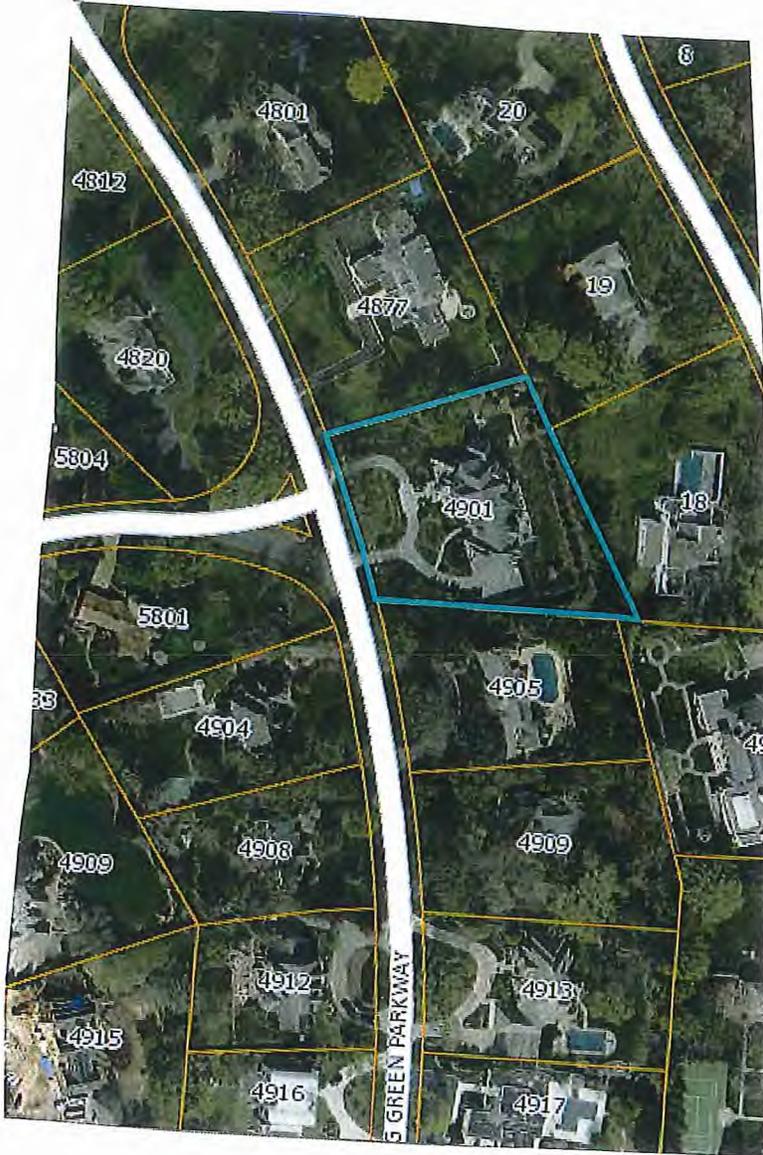
James B. Hovland, Mayor



Indian Hills Pass
76 foot average
Front Yard setback



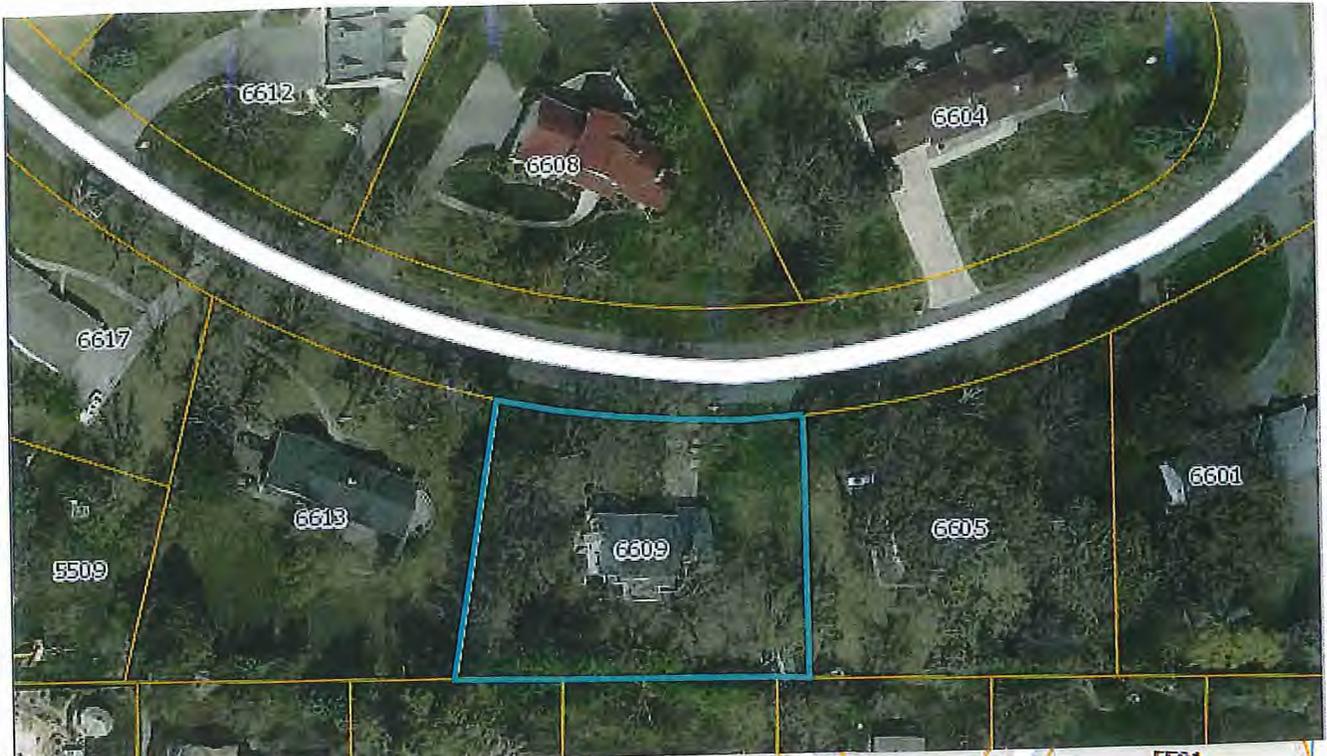
Wood end Drive
31 foot AVERAGE
Front Yard Setback



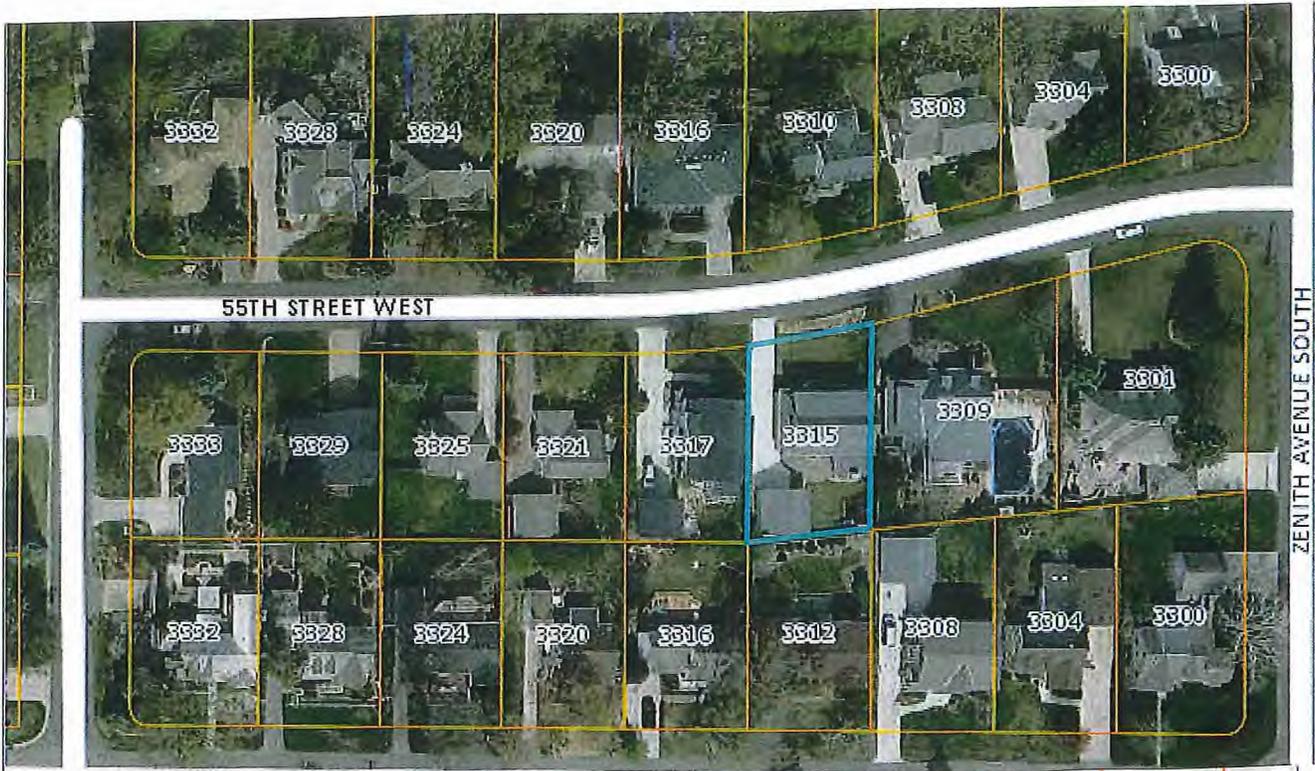
Rolling Green Parkway
83 foot average
 Front Yard setback



CROVE ST.
36 foot AVERAGE
FRONT YARD SETBACK



Parkwood
54 foot AVERAGE
Front Yard setback



55th street

30 foot AVERAGE
FRONT YARD setback

