

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: VI.E.

From: Cary Teague, Community Development Director

Action

Discussion

Information

Date: December 3, 2013

Subject: PUBLIC HEARING – Ordinance No. 2013-12 Minor Revisions for Clarification To Section 850 regarding development in the R-1 Zoning District.

Action Requested:

Waive second reading, & adopt the attached Ordinance amending Section 850.04.

Information/Background:

Attached is a draft ordinance, that clarifies and cleans up language from the recent City Council approved Ordinance regarding residential redevelopment. To summarize the Ordinance clarifies the following:

- Page 1. Clarifies the Ordinance that attached garages are part of a principal dwelling unit. The recently approved ordinance now requires an attached garage to maintain the same setback as the principle dwelling unit. Revising the definitions help clarify the ordinance.
- Page 2. Adds language to help clarify that there are two options in the required side yard setback for lots more than 60 feet in width, but less than 75 feet in width.
- Page 3. Adds #4. This provision was inadvertently not included in the approving Ordinance to regulate setbacks on lots less than 50 feet in width.
- Page 4-5. Clarifies the front yard setbacks to be the same for all buildings and structures.

Planning Commission Recommendation. On November 13, 2013, the Planning Commission unanimously recommended approval of the Ordinance with revisions to the definition of Accessory Building.

ATTACHMENTS:

- Ordinance No. 2013-12
- Planning Commission memorandum dated November 13, 2013

ORDINANCE NO. 2013-12

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. is hereby amended to amend the following definitions:

Accessory Building. ~~A separate building or structure or a portion of a principal building or structure used for accessory uses.~~ **A separate and subordinate building which is located on the same lot on which the principal building is situated, and which relates to and is incidental to the conduct of the principal building.**

Dwelling Unit. One or more rooms connected together, but which is or are separated from all other rooms in the same building, which room constitutes, or rooms constitute, a separate, independent unit with facilities for cooking, sleeping and eating, and used for residential occupancy. A room or rooms shall be deemed to be a dwelling unit if it contains or they contain facilities for cooking, sleeping and eating, if it or they can be separated from all other rooms in the same building, if access can be gained without entering or passing through any living space of another dwelling unit, and if it is or they are used for residential occupancy. **A dwelling unit shall include an attached garage.**

Principal Building. A building which is used for principal uses including enclosed seasonal living areas such as porches, and breezeways, **and garages** which are attached to the principal building.

Section 2.

Subsection 850.11. Subd.1.A. is hereby amended to read as follows:

Subd. 1. **Principal Uses.**

- A. Buildings containing not more than one dwelling unit, **including attached garages.**

Section 3.

Subsection 850.11. Subd. 3.A.1. is hereby amended to read as follows:

Subd. 3 **Accessory Uses.**

- A. The following accessory uses are permitted on the same lot as a single dwelling

unit building:

1. Accessory **detached** garages.

Section 4.

Subsection 850.11. Subd. 6.B. is hereby amended as follows:

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

	Front Street	Side Street	Interior Side Yard	Rear Yard
1. Single dwelling unit buildings on Lots 75 feet or more in width.	30'**	15'	10'	25'
2. Single dwelling unit buildings on lots more than 60 feet in width, but less than 75 feet in width.	30'**	15'	The required interior yard setback of 5 feet shall increase by 1/3 foot (4 inches) for each foot that the lot width exceeds 60 feet and 850.11 Subdivision 7.A.3. shall apply. OR shall meet the table in #5 below:	25'

Lot Width	Total Side Yard Setbacks from both Interior Side Lot Lines
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

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

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
If this option is utilized for the required interior side yard setback, Subdivision 7.A.3. shall not apply.	

3. Single dwelling unit buildings on lots between 50 and 60 feet in width. 30'** 15' 5' and 850.11 Subdivision 7.A.3. shall apply; OR 12' total, with no less than 5' on one side and Subdivision 7.A.3. shall not apply . 25'

4. Single dwelling unit buildings on lots less than 50 feet in width. 30'** 15' 5' 25'

4.5. Buildings and structures accessory to single dwelling unit buildings:

- a. detached garages, tool sheds, greenhouses and garden houses entirely within the rear yard, including the eaves. 30'** 15' 3' 3'
- b. detached garages, tool sheds, greenhouses and garden houses not entirely within the rear yard. 30'** 15' 5' 5'
- c. unenclosed decks and patios. 30'** 15' 5' 5'
- d. swimming pools, including appurtenant equipment and required decking. 30'** 15' 10' 10'
- e. tennis courts, basketball courts, sports courts, hockey and skating rinks, and other

similar recreational accessory uses including appurtenant fencing and lighting.

f. all other accessory buildings and structures. **30'**** 15' 5' 5'

g. egress window wells. NA NA *3' NA
 * Egress window wells may encroach in the side yard setback on one side.

5.6. Other Uses:

a. All conditional use buildings or structures including accessory buildings less than 1,000 square feet; except parking lots, day care facilities, pre-schools and nursery schools 50' 50' 50' 50'

b. All conditional use accessory buildings 1,000 square feet or larger. 95' 95' 95' 95'

c. Driving ranges, tennis courts, maintenance buildings and swimming pools accessory to a golf course. 50' 50' 50' 50'

d. Daycare facilities, pre-schools and nursery schools. 30' 35' 35' 35'

** See Subd. 7.A.1. below for required setback when more than 25 percent of the lots on one side of a street between street intersections, on one street of a street that ends in a cul-de-sac, or on one side of a dead end street are occupied by dwelling units

Section 5.

Subsection 850.11. Height shall be amended as follows:

C. Height

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

- | | |
|--|---|
| 1. Single dwelling units buildings and structures accessory thereto. | 2 ½ stories. 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 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.H. is hereby amended to add Subsection H as follows:

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 at least two (2) of the following architectural or utilitarian features within every thirty (30) feet or less:

1. Structural windows, doors, 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. 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

City Hall • Phone 952-927-8861

Fax 952-826-0389 • www.CityofEdina.com



Date: November 13, 2013

To: Planning Commission

From: Cary Teague, Community Development Director

Re: Zoning Ordinance Amendment Consideration – Residential Redevelopment

Attached is a draft ordinance, that clarifies and cleans up language from the recent City Council approved Ordinance regarding residential redevelopment.

To summarize the Ordinance clarifies the following:

- Page 1. Clarifies the Ordinance that attached garages are part of a principal dwelling unit. The recently approved ordinance now requires an attached garage to maintain the same setback as the principle dwelling unit. Revising the definitions help clarify the ordinance.
- Page 2. Adds language to help clarify that there are two options in the required side yard setback for lots more than 60 feet in width, but less than 75 feet in width.
- Page 3. Adds #4. This provision was inadvertently not included in the approving Ordinance to regulate setbacks on lots less than 50 feet in width.
- Page 4-5. Clarifies the front yard setbacks to be the same for all buildings and structures.

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The City Council Of Edina Ordains:

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Accessory Building. A separate building or structure ~~or a portion of~~ **from** a principal building. ~~or structure used for accessory uses.~~

Dwelling Unit. One or more rooms connected together, but which is or are separated from all other rooms in the same building, which room constitutes, or rooms constitute, a separate, independent unit with facilities for cooking, sleeping and eating, and used for residential occupancy. A room or rooms shall be deemed to be a dwelling unit if it contains or they contain facilities for cooking, sleeping and eating, if it or they can be separated from all other rooms in the same building, if access can be gained without entering or passing through any living space of another dwelling unit, and if it is or they are used for residential occupancy. **A dwelling unit shall include an attached garage.**

Principal Building. A building which is used for principal uses including enclosed seasonal living areas such as porches, and breezeways, **and garages** which are attached to the principal building.

Section 2.

Subsection 850.11. Subd.1.A. is hereby amended to read as follows:

Subd. 1. **Principal Uses.**

- A. Buildings containing not more than one dwelling unit, **including attached garages.**

Section 3.

Subsection 850.11. Subd. 3.A.1. is hereby amended to read as follows:

Subd. 3 **Accessory Uses.**

- A. The following accessory uses are permitted on the same lot as a single dwelling unit building:

1. Accessory **detached** garages.

Section 4.

Subsection 850.11. Subd. 6.B. is hereby amended as follows:

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

	Front Street	Side Street	Interior Side Yard	Rear Yard
1. Single dwelling unit buildings on Lots 75 feet or more in width.	30'**	15'	10'	25'
2. Single dwelling unit buildings on lots more than 60 feet in width, but less than 75 feet in width.	30'**	15'	The required interior yard setback of 5 feet shall increase by 1/3 foot (4 inches) for each foot that the lot width exceeds 60 feet and Subdivision 7.A.3. shall apply. OR shall meet the table in #5 below:	25'

Lot Width	Total Side Yard Setbacks from both Interior Side Lot Lines
74	20' with no less than 10 feet on one side
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If this option is utilized for the required interior side yard setback, Subdivision 7.A.3. shall not apply.	

3. Single dwelling unit buildings on lots between 50 and 60 feet in width. 30'*** 15' 5' and Subdivision 7.A.3. shall apply; OR 12' total, with no less than 5' on one side and Subdivision 7.A.3. shall not apply . 25'

4. Single dwelling unit buildings on lots less than 50 feet in width. 30'*** 15' 5' 25'

4.5. Buildings and structures accessory to single dwelling unit buildings:

a. detached garages, tool sheds, greenhouses and garden houses entirely within the rear yard, including the eaves. 30'*** 15' 3' 3'

b. detached garages, tool sheds, greenhouses and garden houses not entirely within the rear yard. 30'*** 15' 5' 5'

c. unenclosed decks and patios. 30'*** 15' 5' 5'

d. swimming pools, including appurtenant equipment and required decking. 30'*** 15' 10' 10'

e. tennis courts, basketball courts, sports courts, hockey and skating rinks, and other similar recreational accessory uses including 30'*** 15' 5' 5'

appurtenant fencing and lighting.

f. all other accessory buildings and structures.	30 ^{***}	15'	5'	5'
g. egress window wells. * Egress window wells may encroach in the side yard setback on one side.	NA	NA	*3'	NA

5.6. Other Uses:

a. All conditional use buildings or structures including accessory buildings less than 1,000 square feet; except parking lots, day care facilities, pre-schools and nursery schools	50'	50'	50'	50'
b. All conditional use accessory buildings 1,000 square feet or larger.	95'	95'	95'	95'
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** See Subd. 7.A.1. below for required setback when more than 25 percent of the lots on one side of a street between street intersections, on one street of a street that ends in a cul-de-sac, or on one side of a dead end street are occupied by dwelling units

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| 1. Single dwelling units buildings and structures accessory thereto. | 2 ½ stories. For maximum height see #4 below. |
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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 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.

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Section 7. 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

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

City Clerk

ORDINANCE NO. 2013-__

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4. Single dwelling unit buildings on lots less than 50 feet in width. 30'*** 15' 5' 25'

4.5. Buildings and structures accessory to single dwelling unit buildings:

- a. detached garages, tool sheds, greenhouses and garden houses entirely within the rear yard, including the eaves. 30'*** 15' 3' 3'
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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