CONTEMPORARY RESIDENTIAL CONSTRUCTION ISSUES IN REGARDS TO TEAR DOWN DEVELOPMENT IN

Edina, Minnesota

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Cover Image:
Source: From the Collections of the Minnesota Historical Society
Circa 1940 new housing in Edina

Executive Summary

The American residential landscape has taken a surprising turn. Over the last several decades, we've believed that large new houses were only built in "sprawl" suburbs on the metro edge. But the market and cultural forces behind them is now heavily affecting established, inner-ring suburbs.

"Tear down" construction can be described as a complement to sprawl, providing the homeowner the best of both worlds. The process of demolishing an older residence within an established first ring neighborhood gives developers the ability to construct large homes formerly associated with gated communities and development on former farmland without the extended commute.

However, as this type of development becomes more frequent, the drawback to tear down development is becoming increasingly apparent. Immediate concerns are how these new homes loom over adjacent properties, and how the bulk of the structure affects the entire neighborhood. Other concerns involve the rights of property owners and affect the value of surrounding homes.

As a historic suburb, Edina is also experiencing the effects of tear down development. On several occasions, community members have expressed their concerns regarding new residential construction not in character with their neighborhood. Recognizing that the phone calls will only increase in number, the City of Edina created a task force in order to examine tear down construction in the city. Hay Dobbs, P.A. worked in conjunction with the task force to prepare this document describing a number of possible future policy, public education and tax incentive options.

As a national trend, the reaction to tear downs and the policy written to address it vary greatly. This report documents the actions and procedures executed by six communities in order to manage tear down construction while allowing for future development to occur.

Introduction

Source: From the Collections of the Minnesota Historical Society
Aerial view of Edina and Lake Harvey

American suburbs are not homogenous. Nor are they entirely new. Since the 18th century, Americans have lived on the outskirts of the business districts in which they worked. Like many established suburbs, Edina was once a free-standing farm community that was later surrounded by urban expansion.

As a community, Edina represents many of the most significant residential architecture and site planning trends of the 20th century. It is a collection of neighborhoods, often built by one developer and planner. Each has its own scale and character-defining features. One of the most important lessons of the city's design history is that no single set of regulations can guide compatible infill development for the future. Rather, each neighborhood has a character of its own dependent on street layout, lot size, topography, spatial patterns, vegetation, architectural style, scale, materials and massing. Each of these variables adds up to a rich tableau with a character that can be respected by new construction that does not necessarily have to literally mimic the past.

Chapter I:
Edina's Historic Periods and Change

Source: From the Collections of the Minnesota Historical Society

"The challenge for stewarding neighborhood identity is: can neighborhood, architecture, character and scale be documented and respected while remaining relevant for modern needs?"

In the 20th century, a number of social and entrepreneurial forces shaped the development and quality of housing in emerging suburbs such as Edina. These include the Better Homes movement of the 1920s and the influential housing and subdivision principles of the Federal housing Administration in the 1930s.[1] The Small House Architect' Service Bureau was established in Minneapolis in 1919 with the goal of making architect-designed plans available to builders nationwide. Sponsored by the American Institute of Architects, this non-profit organization helped to make quality architect affordable for many.

Edina's oldest neighborhoods such as Morningside reflect the relatively small scale and stylistic diversity of housing options during this time. Many houses were built from pattern books like those of the Small House Service Bureau or even pre-manufactured and shipped to the site offering significant value for the price.

The challenge for stewarding neighborhood identity is: can neighborhood, architecture, character and scale be documented and respected while remaining relevant for modern needs.

Source: From the Collections of the Minnesota Historical Society

THE COUNTRY CLUB ERA

Developed by Thorpe Bros., Edina's Country Club District is the state's premier example of inter-war era planned residential development. Designed with unified covenants for housing style and size, the overall neighborhood mirrored national trends of the time with its picturesque curving roads and accommodation for the rising importance of the automobile. Houses were designed in nostalgic period-revival styles including Tudor Revival, Colonial Revival and French Norman Revival among others. More ominously, Edina's Country Club District, like most of its counterparts nationwide, was racially-restricted, with minorities allowed to reside there only as domestic servants. This policy continued until outlawed by a Supreme Court fair housing ruling in 1948.

Source: From the Collections of the Minnesota Historical Society

FINE-GRAINED NEIGHBORHOODS: 1935-1950

Just before and after WWII, developers such as Carl Hansen and Bloomberg Builders built well-detailed houses in the eastern part of the city near France Avenue. Today, streets such as Halifax Lane contain unified collections of small houses, many under 2,000 SF at a fine-grained scale. Now over fifty years old, such neighborhoods may be eligible for nomination to the National Register of Historic Places for their architectural quality, integrity and representation of an important chapter in social history. Yet, because of their fine grained scale, the historic spatial patterns of such areas is highly vulnerable and could easily be weakened by renovation or rebuilding of wider or taller houses.

AUTOMOBILE SCALE AND ACCESS

Unlike much of Minneapolis and Saint Paul, Edina was built around the automobile and not the streetcar. A major factor in Edina's growth was the development of "Lilac Way" or the beltline highway that is now Hwy. 100. Initiated in the 1930s, Lilac Way introduced to Minnesota new highway concepts being pioneered in the German autobahns including limited access, cloverleafs, and directional separation. As part of the nationwide park improvements efforts of the New Deal CCC and WPA, relief workers build charming rest stops with limestone pools, benches, tables and historical markers.

THE PASTORAL MODERN NEIGHBORHOOD: 1950-1970

After World War II, developer-builders such as Carl Hansen and Ecklund & Swedlund worked with some of Minnesota's most experienced landscape architects, especially the venerable firm of Morell & Nichols to plan numerous mid-century subdivisions.

By the 1950s, the influence of Frank Lloyd Wright's prairie style horizontal roofs and functional "Usonian" houses had filtered down to the developers' vernacular. Edina's subdivisions of the 1950s, such as Parkview Circle, are home to superb examples of upper-level housing from this era, with three to five bedroom homes on large lots. Many Edina houses of this era are well-crafted with stone exterior elements, hardwood floors and plaster walls.

Source: From the Collections of the Minnesota Historical Society

GROWING SIZES FOR NEW HOUSES: CONTEXT FOR THE TEAR DOWN PHENOMENON

Throughout all of these historic chapters, the average size of Edina's houses has grown. This tradition continues today. The median size for a new American house is today 2162 SF, up more than 600 SF since 1975.[2] According to the National Association of Home builders, 18 percent of the houses built in 2001 provided at least 3,000 SF of living space. Seventeen percent of American homes now have garage space for at least three cars.[3]

Source: From the Collections of the Minnesota Historical Society

In understanding homeowner desires to tear down and build larger, we should consider how most new houses are produced in the country today. Architects design fewer than 5% of new houses for specific owners. Rather, builders, as they have been for over a century, design most houses. Since 1980, many national developers such as Toll Brothers have come to the Twin Cities to compete with local builders. They term their houses their "product" and create essentially standardized designs that can be customized with options for home entertainment systems, bathrooms, kitchens and detailing. Developers compete on the allure of live-in kitchens, spa baths, and impressive "Great Rooms," all of which add to the overall footprint.

Source: From the Collections of the Minnesota Historical Society

Source: From the Collections of the Minnesota Historical Society

According to a *New York Times* article reprinted in the *Star Tribune*, one in four new American houses is built by a large publically-traded builder. "Several Wall Street analysts and most of the big home builders seem confident that their companies will build half of all new houses in the United States within 10 years."[4]

One of the greatest challenges for these "custom" builders is to acquire land on which to develop new houses either on speculation or as pre-sold. The growth limitation of the Municipal Urban Service Area (MUSA) posed by the Metropolitan Council limit new building and available land. Increasing traffic to distant suburbs such as Plymouth, Maple Grove and Victoria are also making inner-ring, well-located suburbs such as Edina increasingly attractive.

The conflict between older Edina neighborhoods and new or renovated construction today occurs when homeowners seek to live in the community yet achieve the spatial scale and character of new houses on the suburban fringe where lots are generally larger and there exist no smaller homes in the context.

NATIONWIDE REACTION TO "MCMANSIONS"

Recently, there has been a growing reaction to the large house trend nationwide with homeowners seeking new alternatives. Based in Massachusetts, the Taunton Press publishes "dwell books," the most celebrated of which are the *Not So Big House* series by former Minnesota architect, Sarah Susanka. To date, her books have sold well over a million copies reflecting a deep desire among many to live in smaller, but more thoughtfully-designed homes tailored to their needs.

In 2002, The National Trust for Historic Preservation documented more than 100 communities in 20 states that are experiencing significant numbers of tear downs.[5] Often located in inner-ring suburbs near vibrant economic centers, the tear down phenomenon introduces new or expanded houses of 3,000 to 10,000 SF in neighborhoods of much smaller bulk and height.

An Internet search on the pejorative keyword "McMansions" yields surprisingly abundant results, many of which focus on neighborhood dismay at new construction. Such a search leads to many of the community ordinances and policies across the country that are discussed in the pages to follow. The National Trust Study listed a number of policy and zoning procedures now being applied by affected communities.

(Endnotes)

1. National Register Bulletin. *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places,* National Park Service, 2002.

2. "Are McMansions Going Out of Style?" by Fred A. Bernstein, *New York Times,* October 2, 2005.

3. National Association of Homebuilders, Housing Facts, Figures and Trends, 2001.

4. "Big builder on the prowl," Jon Gertner, *New York Times*

5. *Protecting America's Historic Neighborhoods: Taming the Teardown Trend*, by Adrian Scott Fine and Jim Lindberg, National Trust for Historic Preservation, 2002.

Chapter II:
Case Studies

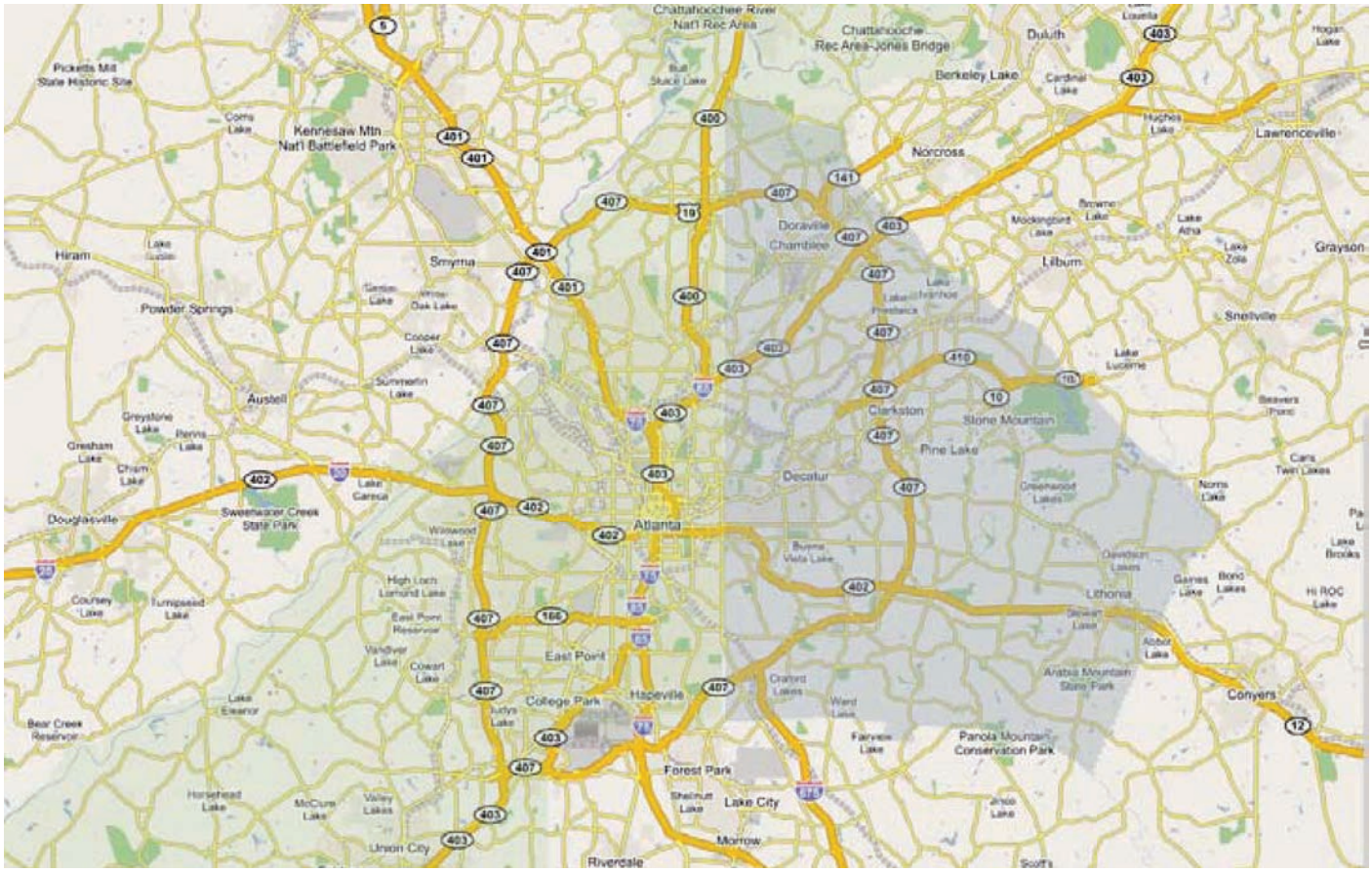
To determine the most appropriate course of action if for the City of Edina, the study of other communities facing similar issues is a valuable tool for considering regulatory options.

The following case studies describe how six communities addressed tear down construction through the use of zoning regulation and ordinances. In some cases, the use of regulation proved controversial and was ultimately rejected or pared back.

These case studies provide context for understanding the nationwide reactions to tear downs and larger houses. They can help Edina to decide what steps, if any, are required to address the neighborhood change with architectural guidelines. The list of communities is as follows:

- Atlanta, Georgia
- Boulder, Colorado
- Chapel Hill, North Carolina
- Evanston, Illinois
- Oak Park, Illinois
- Rockville, Maryland

Atlanta and Dekalb County, Georgia



Regulation Type:	*None at this time. Zoning code update under study by task force.*
Criteria for Selection:	*NA*
Nomination & Approval:	*NA*
Activities Regulated:	*NA*
Managed By:	*NA*
Approved:	*NA*

In Atlanta, extreme traffic congestion in new suburbs is accelerating the tear down phenomenon within the Perimeter, the older core of the region. Many of Atlanta's new infill houses are three times the national median size (2162 SF). New homes generally replace houses ranging from 1600-1800 SF, only a fraction of their expanded size.[1] Atlanta has once the highest levels of tear downs in the country and much citizen support for regulation. City Council member Mary Norwood has advocated regulation for several years resulting in a Housing Task Force formed in 2004.

ATLANTA'S SELF-STUDY PROCESS

The City of Atlanta's Infill Housing Task Force worked with the Georgia Tech City and regional Planning Program to measure infill housing scale.[2] The goal was to create a database of neighborhood housing characteristics to tailor guidelines to each area.

The Study addressed three questions:

- Would current zoning regulations control the scale of single family houses?
- If not, what methods are available to measures the scale of houses?
- Could these measures be used to develop appropriate regulations?

In December 2004, Council Member Norwood released the study which concluded that current zoning limitations on height, lot coverage, front and side setbacks and floor to area ratio "were not capturing the concept of scale that was needed in examining infill residential construction," according to the report.

REGULATION THROUGH THE "WEIGHTED FACEPRINT"

The study and task force concluded than none of the current measurements were appropriate for shaping and respecting neighborhood scale. The study proposed a new concept called the "weighted faceprint," which has two components: "Faceprint" and "observed building height."

"Faceprint" is the percentage of a photo frame taken from the curb farthest from the house that is occupied by the façade. The same base photo is used to determine observed height. The composite rating must be compared with the weighted faceprint of neighboring houses for an accurate sense of scale appropriateness.

POLITICAL CONTROVERSY

The prospect of house size regulation in Atlanta and Dekalb County has spurned heated debate over property rights and government intrusion. Citizens and real estate groups opposed to new regulations questioned the validity and reliability of the Georgia Institute of Technology Study and the methodology of the "Weighted Faceprint" given varying camera types. Citizens have argued that the method is subjective and discourages change in even neighborhoods of 1000 SF ramblers that do not meet contemporary needs.

Citizen arguments in favor of property rights and continued unregulated tear downs in Atlanta include:

- New infill housing capitalizes on existing infrastructure and often improves it without the use of public funds
- Infill increases property values and tax revenues
- Infill reduces land consumption on the fringe
- It brings people and jobs closer together and reduces traffic pollution
- It revitalizes depressed areas

In January 2006, Atlanta mayor Shirley Franklin issued a temporary building ban on large new houses. She called for the city to address the infill issue by rewriting city zoning codes that have not been updated since 1982.

After the city council defeated the highly-controversial moratorium in mid-February, a new task force of real estate experts is crafting legislation that would prevent construction of out-of scale homes in existing neighborhoods.

The task force will include engineers, real estate lawyers, developers, residents, some city's planners and lawyers and others who are vested in the issue

DEKALB COUNTY 2006 SPECIAL ZONING OVERLAY DISTRICT

In February 2006, response to significant pressure on older neighborhoods, the Dekalb County, Georgia commissioners approved a zoning code that allows neighborhoods to seek special overlay district. At least 55% of residents in a defined geographic area must sign a petition to request the overlay.

The overlay districts will be regulated by a two-point code that forbids new houses higher than 28 feet from the front threshold to the highest roof peak. Also prohibited is raising the threshold more than two feet higher than that of the previous house.

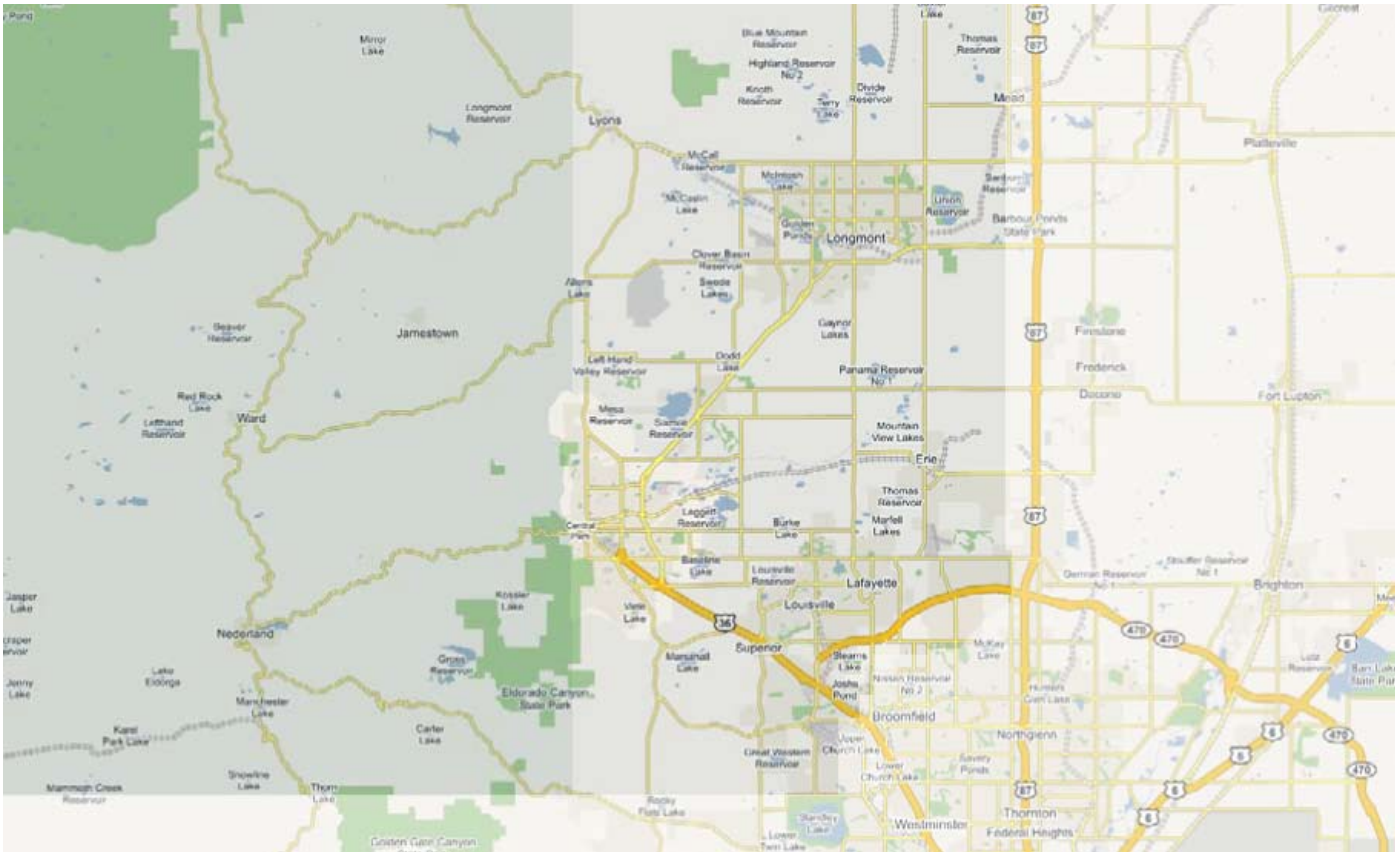
The overlay district approach is a compromise between no regulation and a proposed countywide infill ordinance that would have limited new houses in existing neighborhoods to a size not much larger than the houses they replace.

(Endnotes)

1 "Fitting into intown: Incompatible infills anger neighborhoods," by David Pendered, Atlanta Journal-Constitution, June 20, 2005.

2 "Measuring the Scale of infill Residential Properties," Georgia Institute of Technology, December 2004.

Boulder County



Regulation Type:	*Neighborhood Conservation Overlay District Regulations*
Criteria for Selection:	*Neighborhood initiated (minimum 15 homes)*
Nomination & Approval:	*Nomination of the district require signature from a minimum of 50% of the proposed district residents*
	Approval requires 60% or residents signature
Activities Regulated:	*Regulation requires review and Adoption by the Boulder County Land Use Department*
Managed By:	*County of Boulder after Adoption*
Approved:	*June 2002*

BACKGROUND

In Boulder Colorado, McMansions were originally associated with the development boom and resulting issues of sprawl. However, with the decline of the first ring suburbs and old neighborhoods within the limits of the city, the issue of tear down construction and infill housing became one and the same. The Land Use Department has received numerous requests to limit the height or footprint of new development throughout the county, each with a specific set of issues and criteria associated with it. As a result, the question was how the city would control this type of development without infringing upon the rights or desires within individual neighborhoods.

OVERLAY DISTRICTS

Rather than rely upon the creation of one set of complex rules that applied to the entire City, the County Land Use Department determined that Overlay Districts would prove to be a much more efficient use of time and resources. Overlay regulations are used, when applicable, in conjunction with the Site Plan Review currently used by the Land Use Department in order to review projects. The Site Plan Review does consider the compatibility of any future development within the neighborhood, but the Overlay District Regulations provide additional governance regarding the construction provided that they are not in conflict or supersede the zoning codes regulated by the county.

The goal of the Neighborhood Overlay District is to create a set of guidelines that reduce the number of conflicts that arise with exiting and new development. At the same time it is managed in such a way that it also tries to lessen the impact that this additional regulation would have on the County review process.

LOCAL CONTROL

The unique aspect of the Neighborhood Conservation Overlay Districts in Boulder County is that they are not controlled by the County. Instead of creating another level of bureaucracy in defining districts or neighborhoods, the County has created a set of guidelines that members of the community may use in order to establish a Conservation District. This is submitted for review and adoption to the County Land Use Department. This proposal process is structured by the Neighborhood Conservation Overlay District Regulations, a document prepared by the County in order to ensure that each Overlay District organization understand the purpose and requirements in order to create the District.

THE PURPOSES OF OVERLAYS

As a document that is designed to assist in the regulation of a range of development types, the Overlay Regulations, a general set of provisions were established as follows.

- To preserve and protect the character or valued features of established Neighborhoods
- To recognize the diversity of issues and character in individual neighborhoods in the unincorporated parts of Boulder County.
- To reduce conflicts between new construction and existing development in established neighborhoods.
- To provide knowledge and reliance about the parameters of neighborhood character.
- To allow neighborhoods to work together with the County to formulate a plan that defines their community of common interest and that fosters a defined community character consistent with County zoning, the Land Use Code, and the Comprehensive Plan.
- To complement the County's Site Plan Review process in neighborhoods that have defined their community character pursuant to these regulations.

These purposes are further defined by the creation of a map delineating a Neighborhood Conservation District, in which all future development shall be required to comply with the adopted regulations. However, it is important to note that the guidelines set forth by the Overlay District do not replace zoning codes already in place. Nor shall they apply existing structures, making them compliant or noncompliant, based on the wording of the Overlay. Finally, all Overlay districts must be in compliance with the County Comprehensive Plan and Land Use Code.

BOTTOM-UP DESIGNATION

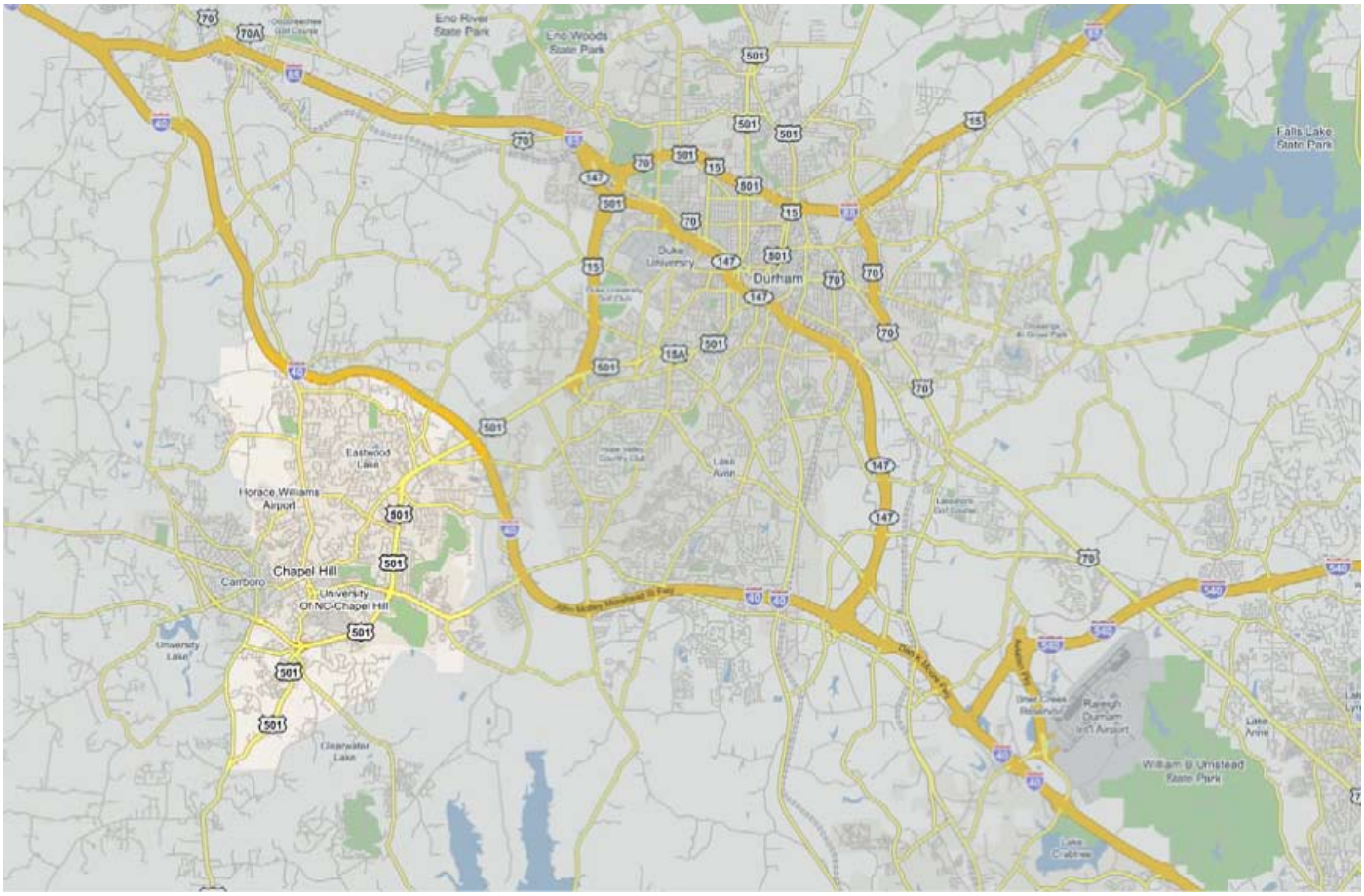
The creation of an Overlay District must be initiated by members of the community, and in no instances may the County Board of Commissioners or the Planning Commission initiate the creation of an Overlay District. In order to create a District, the following requirements must be met for Adoption by the County:

- Shall include a minimum of 15 adjacent privately-owned parcels, unless the area proposed is an extension of the boundaries of an approved Neighborhood Conservation Overlay District.
- Shall include privately-owned parcels that are closely settled and of similar size, and which are associated by common characteristics of geography, development, services, and interests.
- Should consider other adjacent privately-owned parcels having shared distinguishing characteristics that could be found to comprise a logical neighborhood unit, when determining the boundaries of a Neighborhood Conservation Overlay District.
- Shall exempt privately-owned parcels of five acres or greater, unless the owner of the parcel agrees to inclusion of that parcel into the Neighborhood Conservation Overlay District.

The establishment of defined district requires signatures from a minimum of 50 percent of the property owners within the delineated area. In the application for the Overlay District, a statement of purpose explaining the intent of the District with a description of the neighborhood and the valued features is required. Also required is a description of land use within the proposed area and history describing the evolution of the history. Finally, a list of homeowner associations or other parties interested in the potential Overlay District must be included in to be considered for adoption.

Once this information has been compiled for processing, the proposed Overlay district will go through a series of public meeting reviews prior to final submission to the County for review and adoption. Signed approval of 60 percent of the residents of the district is required for this to occur. Subsequently, the County shall review the proposed Overlay District, evaluating the similar character of the land use types and sizes, and compliancy with Land Use code.

Chapel Hill, North Carolina



Regulation Type:	*Neighborhood Conservation Districts*
Criteria for Selection:	*(see Designation Criteria below)*
Nomination and Approval:	*51% landowner signatures*
Activities Regulated: materials, garage entrance	*massing, lot coverage, orientation, hardscape, roof line and pitch, site planning, floor area ratio, style,*
Managed By:	*Town Manager*
Approved:	*January 2003*

BACKGROUND

In January 2003, the Town of Chapel Hill adopted a Land Use Management Ordinance that includes provision for the creation of Neighborhood Conservation Districts (NCD). Since that time, five neighborhoods have enrolled or are undergoing the enrollment process. An application by at least 51% of the land/ property owners within a defined district is needed to begin the process.

The Town of Chapel Hill Website contains the following information on NCD's in the city:

Purpose Statement

Within the Town of Chapel Hill there are unique and distinctive older in-town residential neighborhoods, or commercial districts, which contribute significantly to the overall character and identity of the Town and are worthy of preservation and protection. Some of these districts are designated as historic districts, others may lack sufficient historical, architectural or cultural significance at the present time to be designated as Historic Districts. As a matter of public policy, the Town Council aims to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods or commercial districts through the establishment of Neighborhood Conservation Districts.

Purpose

The purposes of a Neighborhood Conservation District in older Town residential neighborhoods or commercial districts are as follows:

- to promote and provide for economic revitalization and/or enhancement
- to protect and strengthen desirable and unique physical features, design characteristics, and recognized identity, charm and flavor;
- to protect and enhance the livability of the Town;
- to reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
- to stabilize property values;
- to provide residents and property owners with a planning bargaining tool for future development;
- to promote and retain affordable housing;
- to encourage and strengthen civic pride; and to encourage the harmonious, orderly and efficient growth and redevelopment of the Town.

DESIGNATION CRITERIA

To be designated a Neighborhood Conservation District, the area must meet the following criteria:

1. The area must contain a minimum of one block face (all the lots on one side of a block);

2. The area must have been platted or developed at least 25 years ago;

3. At least 75% of the land area in the proposed district is presently improved; and

4. The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association;

    a. scale, size, type of construction, or distinctive building materials;

    b. lot layouts, setbacks, street layouts, alleys or sidewalks;

    c. special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;

    d. land use patterns, including mixed or unique uses or activities; or

    e. abuts or links designated historic landmarks and/or districts.

5. The area must be predominantly residential in use and character.

6. Any designated Historic Overlay District shall be deemed to satisfy the criteria listed above.

ZONING AUTHORITY

Separate ordinances are required to designate each district. Ordinances designating each Neighborhood Conservation District shall identify the designated district boundaries, and specify the individual purposes and standards for that district.

1. **Overlay District** - Neighborhood Conservation Districts are designed as overlays to the regular zoning districts. Property designated within these districts must also be designated as being within one of the General Use Districts. Authorized uses must be permitted in both the General Use District and the overlay district. Property designated as a Neighborhood Conservation District may have additional designations. Such property shall comply with all applicable use restrictions.

2. **Zoning Designation**

a. The zoning designation for property located within a Neighborhood Conservation District shall consist of the base zone symbol and the overlay district symbol (CD) as a suffix. Neighborhood Conservation Districts shall be numbered sequentially to distinguish among different districts, i.e., R-4 (CD-1), R-1 (CD-2), etc.

b. The designation of property within a Neighborhood Conservation District places such property in a new zoning district classification and all procedures and requirements for zoning/rezoning must be followed.

c. In the event of a conflict between the provisions of a specific Neighborhood Conservation District ordinance and the General Use District regulations, the provisions of the Neighborhood Conservation District ordinance shall control.

d. Except as modified by this Section, the procedures for zoning changes set forth in Section 4.4 shall otherwise apply to the designation of an area as a Neighborhood Conservation District.

e. Upon designation of an area as a Neighborhood Conservation District, the Town Council shall cause notice of such designation to be recorded in the official public records of real property of Orange County.

Application Procedures

1. proposal for designation as a Neighborhood Conservation District may be initiated:

a. at the direction of Town Council, or

b. at the request of owners representing 51% of the land area within the proposed district, or

c. at the request of 51% of property owners in a proposed district.

2. Following initiation for designation of a Neighborhood Conservation District, the Planning Board shall develop a neighborhood conservation plan for the proposed district that includes:

a. maps indicating the boundaries, age of structures and land use of the proposed district;

b. maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district; and

c. design standards for new construction, additions or alterations to the street facades of existing buildings or structures within the proposed district.

3. All property owners within the proposed district shall be afforded the opportunity to participate in drafting the conservation plan. A conservation plan shall be approved as part of a Zoning Atlas Amendment creating a Neighborhood Conservation District.

DESIGN STANDARDS

1. The conservation plan approved as part of the zoning ordinance creating a Neighborhood Conservation District shall include design standards for new construction or placement of any building, structure, foundation, sign, public art or outdoor apparatus or equipment (including visible utility boxes or mechanical equipment; trucks; lawn or landscaping equipment, but not including lawnmowers or hand tools; playground equipment; or sports equipment), and any additions, alterations, relocation or rehabilitation to the street facades of existing buildings, structures, foundations, sign, public art, or outdoor apparatus or equipment.

2. The conservation plan, and requisite design standards shall not apply to those activities which constitute ordinary repair and maintenance, i.e., using the same material and design.

3. The Design Standards for the Neighborhood Conservation District shall include the minimum following elements governing the physical characteristics and features of all property (public or private) within the proposed district:

a. building height, number of stories;

b. building size, massing (frontage, entrance location/features);

c. lot size, coverage;

d. front and side yard setbacks;

e. off-street parking and loading requirements;

f. roof line and pitch;

g. paving, hardscape covering.

In addition, the Design Standards may include, but shall not be limited to, the following elements:

a. building orientation;

b. general site planning (primary, ancillary structures);

c. density;

d. floor area ratio;

e. signage;

f. architectural style and details;

g. building materials;

h. garage entrance location;

i. front window, dormer size and location;

j. landscaping;

k. fences and walls;

l. entrance lighting;

m. driveways and sidewalks;

n. satellite dishes, utility boxes;

o. street furniture;

p. public art;

q. demolition (see subsection E).

ADMINISTRATION OF ORDINANCE

1. No building permit shall be issued for new construction or an alteration or addition to the street facade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of design plans and the issuance of a Zoning Compliance Permit by the Town Manager.

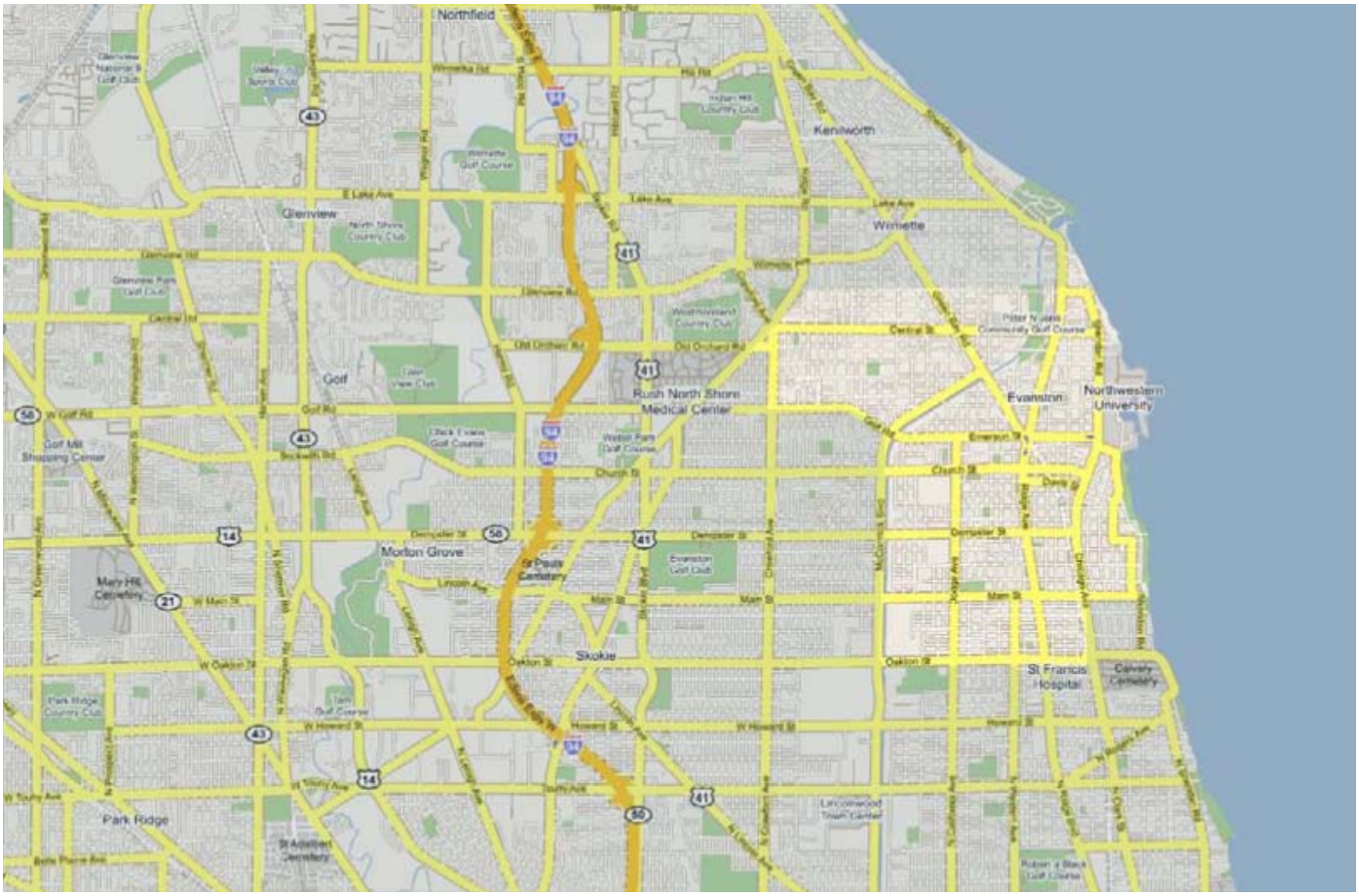
2. The Town Manager shall review the design plans to determine compliance with the design standards contained in the neighborhood conservation plan adopted for the district.

3. If the Town Manager determines that the design plans are in conformance with the design standards adopted for the district, the Town Manager shall approve the plans and issue a Zoning Compliance Permit and the Department of Building Inspections may issue a building permit.

4. If the Town Manager determines that the design plans are not in conformance with the design standards adopted for the district, the Town Manager shall not approve the plans, and will issue Notification of Non-Compliance, identifying the specific Design Standards violated.

5. The applicant may appeal the Town Manager's determination to the Board of Adjustment for a final determination.

Evanston, Illinois



Regulation Type:	*Part of zoning code*
Criteria for Selection:	*NA*
Nomination and Approval:	*NA*
Activities Regulated:	*Height, lot percentage, and garage regulation*
Managed By:	*City planning office*
Approved:	*NA*

BACKGROUND

Like Edina, Evanston is a first-ring residential suburb just north of Chicago. Developed along Lake Michigan and commuter rail lines, Evanston focuses on a historic downtown and nearby Northwestern University. Numerous historic neighborhoods, especially near the lake and University have faced significant pressure for larger houses. In 2003, led by Alderman Eb Moran, the Zoning Committee of the City's Plan Commission worked to develop a Sixth Ward Conservation District to fill gaps in the existing zoning ordinance to control large tear downs and renovations.

REGULATIONS OF THE PROPOSED NEIGHBORHOOD CONSERVATION DISTRICT

In a guest essay for *The Round Table of Evanston*, Alderman Moran wrote that in the last five years, the city's Sixth Ward had seen a steady rise in new houses that are much larger than the homes they replaced. In November, the Committee voted unanimously to create a Neighborhood Conservation District that regulated the following:

1. The maximum height of a house will be measured from street level rather than from the top of the basement, often four feet above street level;
2. The height of rebuilds could exceed the height of their predecessors. However, the height could not exceed a 20 percent increase in the average height of its four neighboring houses. Thus, neighborhoods need not be static. Change, however, would be evolutionary - not overwhelming;
3. The side yard setbacks for rebuilds would have to be at least 15 percent of the lot width but, in any event, no less than five feet on each side;
4. The impervious surface of the entire lot could not exceed 45 percent;
5. 50 percent of the area of a front porch would be exempt from lot coverage and impervious surface limitations.

The regulations proved controversial. In February 2004, the Evanston City Council voted not to consider the conservation overlay district in the Sixth Ward. The case of Evanston is, as far as the research of this study has found, the only occasion in which a city council has rejected a task force or planning commission proposed neighborhood conservation district.

LIMITED REGULATIONS AS PART OF ZONING CODE

Instead, the Council adopted a few of the Plan Commission's recommendations as part of the zoning code including:

- a formula for height limitation that includes a measurement from grade level rather than first floor
- a limit on percent of a lot that can be covered by impervious surfaces
- the prohibition of garages with street access, if there is an alley behind the house.

The Round Table of Evanston editorialized the following week:

"… the City Council took the path of least resistance, adopting a piecemeal solution, adding a few more patches to a zoning ordinance that still does not fully address the problem of single-family home infill development that is out of scale and sync with the harmony of the neighborhood…

Left unattended is the problem of side-yard setbacks. A 40-foot-tall house may still be built seven feet away from a modest, older home, if that home is only two feet away from the lot line because it is a legal non-conforming use. Left unattended is the issue of dwarfing and shadowing. A 40-foot-tall house may still be erected next to an 18-foot-tall ranch house."[1]

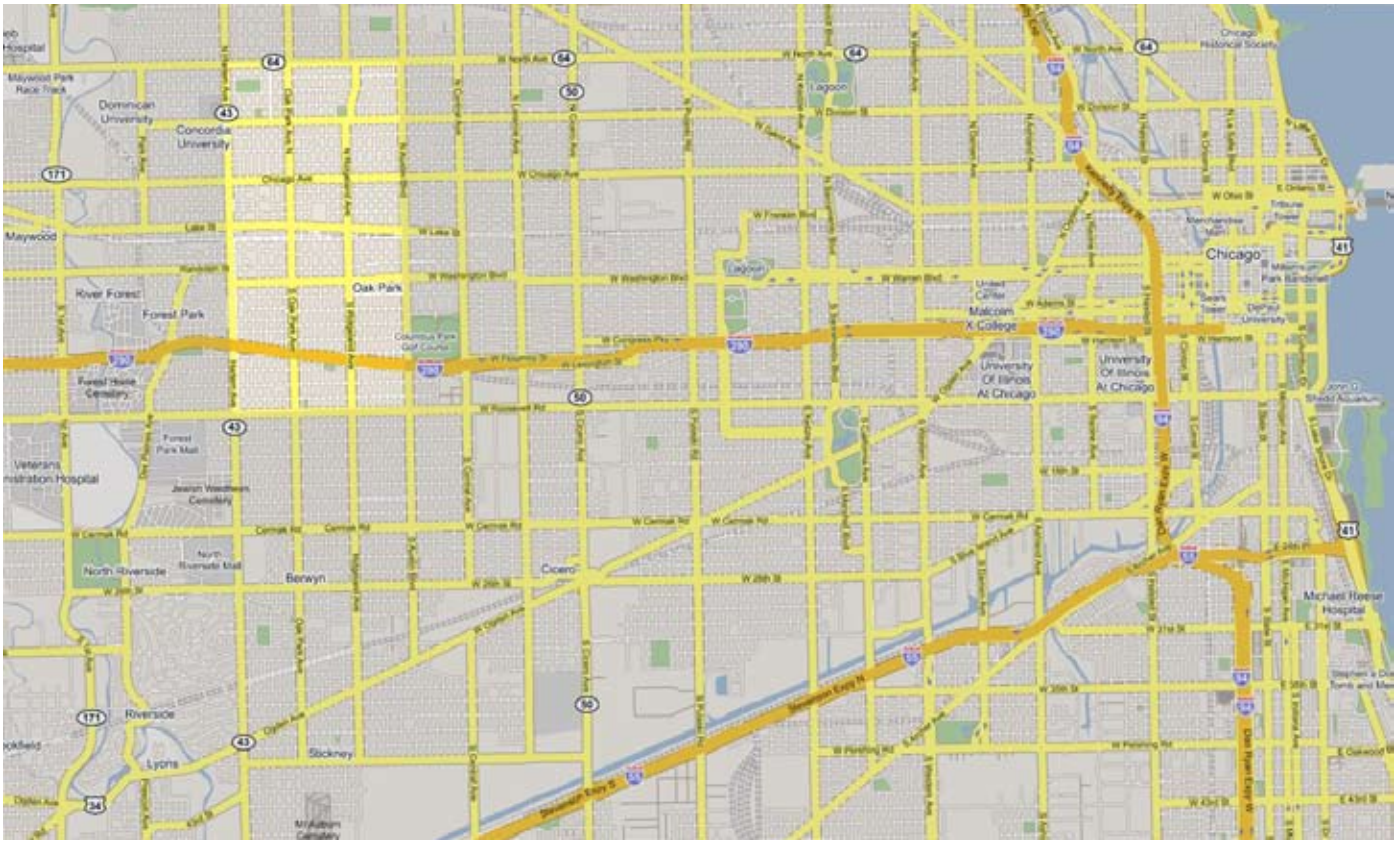
The editorial went on to recommend using a different tool – "the resurrection of floor area ratios, which would tie the size of a house to the size of the lot, in the City's Zoning Ordinance."

Since that time, the City's zoning ordinance was supplemented with a "porch allowance" that permits a builder to increase impermeable surfaces if he or she could build a house with a front porch. A second change was a clearer definition of a "remodel" and a "renovation" in the code to prevent projects from being grandfathered in that are essentially an entirely new, and larger house, built on an existing structure.

(Endnotes)

1. Evanston Round Table, Feb. 11, 2004

Oak Park Illinois



Regulation Type: *Zoning Ordinance*

Criteria for Selection: *Tear down construction was defined as construction or remodeling of single-family and certain two family residences to "at or near the maximum allowable size" under the zoning ordinance in neighborhoods characteristically containing substantially smaller homes.*

Nomination and Approval: Approval is awarded based on compliance to the revised Zoning Ordinance

Activities Regulated: *Zoning Districts R-1, R-2, R-3 and R-4 Single Family Districts*

Managed By: *Village of Oak Park*

Approved: *January 2003*

BACKGROUND

The population of the community is approximately 52,000 people with a median age of 36. More significant is the diversity within the community with a non-white component of thirty percent. The city claims this that it has one of the most diverse ranges of ethnicity, race and culture in the region. A goal of the community is to maintain this range of diversity and providing persons from the City of Chicago with a means to purchase homes in the suburbs. These goals were effectively identified in the housing objective of the 1990 Comprehensive Plan, which are as follows:

•To support racial integration throughout Oak Park and prevent resegregation in any part of the village.

•To support an economically diverse housing stock for all income and age groups living or working in Oak Park.

•To enhance and maintain the quality of housing stock for all income and age groups living or working in Oak Park.

•To maintain and enhance the residential character of existing residential areas.

•To preserve and maintain structures of historical or architectural value and their immediate environment.

•To stabilize the size of Oak Park's population.

Is has been the concern of the community the trend in tear down construction would be contrary to the goals set forth in the plan, creating a community that did not reflect their identity with in the greater Chicago region. In September of 2002, a present a draft ordinance in regarding the tear down phenomenon was presented for public review.

It was acknowledged in the proposal that property values were going to continue to increase, but the concern was that tear down construction was going to create a situation in which property values would raise at a rate that would transform Oak Park into an exclusive community. Tear down construction was defined as construction or remodeling of single-family and certain two family residences to "at or near the maximum allowable size" under the zoning ordinance in neighborhoods characteristically containing substantially smaller homes.

THE COMMISSION REPORT

Recognizing the potential for problems relative to future tear down construction, the Village board directed the Plan Commission to hold a series of public meetings in order to study the issue relative to the concerns of the community members. Based on the community input, research and site visits, and case studies the Commission made recommendations to the Village board. It was proposed that changes be made to the zoning ordinance regarding the following residential types:

R-1: Single Family District

R-2: Single Family District

R-3: Single Family District

R-4: Single Family District

For each district type, the general description placed emphasis on the preservation and protection of the physical qualities of the within the respective neighborhoods. This goal was supported through the revised Zoning regulations, presumably designed to lessen the impact of tear down construction. These regulations were structured around the use of set backs in order to maintain a consistent appearance on the street.

In the case of the front street, setback was determined first by a minimum number off the property line, with the added requirement that it be within the average setback around the house. The average setback was determined by the following formula:

a. The average front setback is equal to one half of

the following sum: the Average Adjacent Front

Setback (as hereinafter defined) plus the Average

Non-Adjacent Front Setback (as hereinafter

defined).

(1) The Average Adjacent Front Setback is the

average front setback of the buildings or

structures on the lots immediately adjoining

the subject lot, weighted in accordance with

the width of each such lot.

(2) The Average Non-Adjacent Front Setback is the average front setback of the buildings or structures on all of the non-adjacent lots that are in the same or more-restrictive district, in the same block and on the same side of the street as the subject lot, weighted in accordance with the width of such lot.

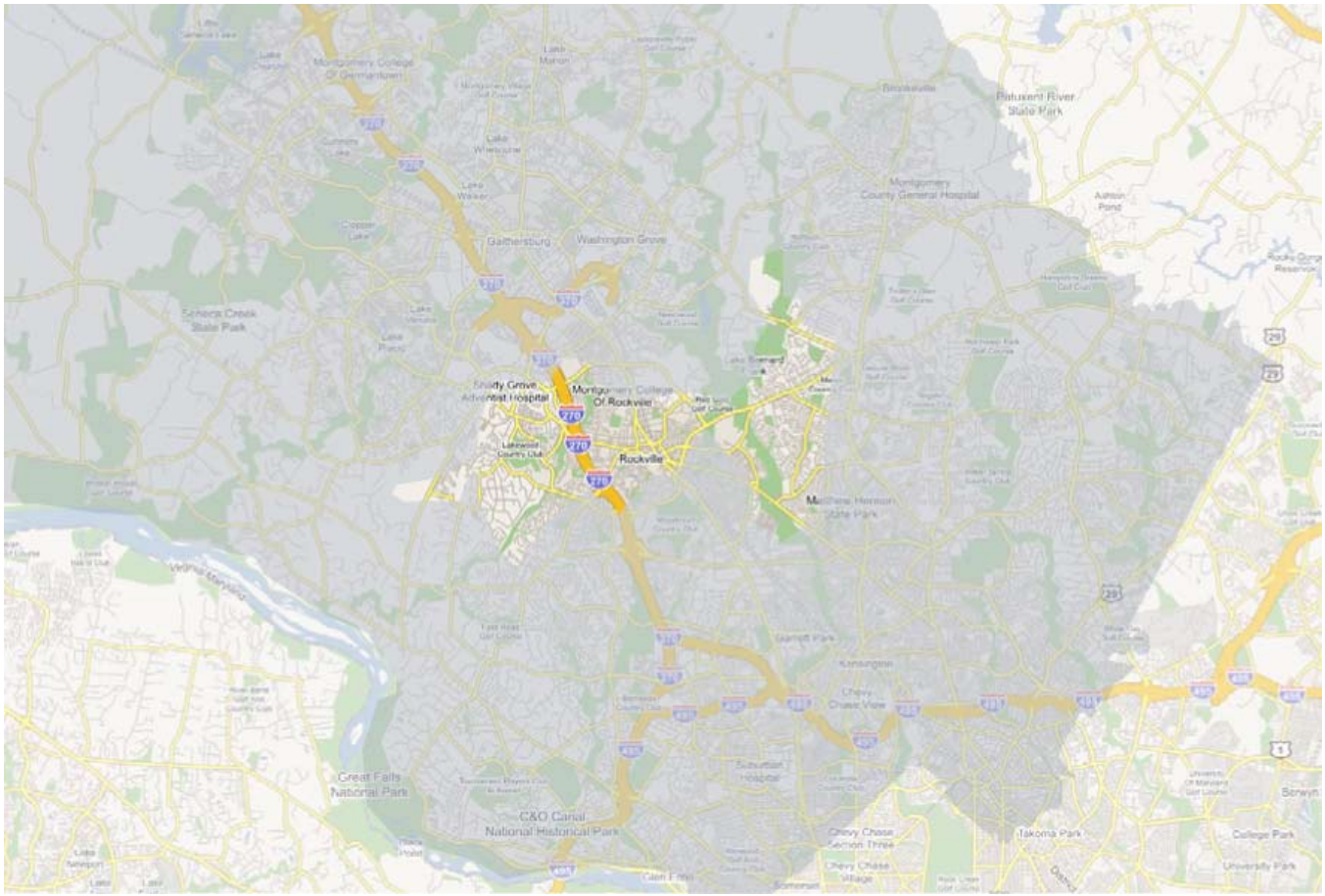
b. For averaging purposes, vacant lots shall be treated as having the minimum required setback of 30 feet. When the subject lot is a corner lot, the side street shall be treated as a lot having the minimum required setback of 30 feet.

Side yards were determined by a using a fixed dimension or a percentage of the lot depth, whichever number was the lesser. Side yards were defined as minimum distances setback from the property line. Building heights were also defined as a set maximum height, although exceptions were described for use types that were not residential.

Because this formula was applied to four different zoning types, they were used relative to a base dimension appropriate to the zoning district. As an example, in R-1 and R-2 districts the front yard was required to be set back a minimum of 30 feet whereas the require set back in districts R-3 and R-4 require a set back of only 20 feet.

Based on the recommendations the zoning ordinances for R-1 through R-4 were revised in January of 2003. However, the Commission did stress the continued observation would be required in order to determine if this first round of changes would be appropriate for use as a means to regulate tear down construction.

Rockville, Maryland



Regulation Type: *None at this time. Topic presently under review*

Criteria for Selection: *NA*

Nomination and Approval: *NA*

Activities Regulated: *NA*

Managed By: *NA*

Approved: *NA*

BACKGROUND

Rockville and the surrounding Montgomery County is a densely populated suburb of Washington D.C. While the phenomenon of constructing large houses was not new to the area it was previously limited to areas of development with strict development guidelines and review processes. With continued growth and development of the city and county, this construction trend has increasingly spilled over into neighborhoods where the houses have smaller footprints and lower roof heights.

WHITEPAPER STUDY

The City has taken the process of updating zoning ordinances in order to respond to current needs and concerns. Among these concerns is mansionization and how it has started to impact the City. As a construction trend, mansionization was not something that was new in the City or the surrounding Montgomery County, let alone the entire region surrounding Washington, D.C. Typically, it was managed through neighborhood covenants and architectural reviews. However, it has become an issue of increasing concern as the city is continued to be developed.

The Study addressed four concerns:

- Property Value
- Infrastructure
- Environment
- Compatibility

SPRAWL AND PROPERTY VALUE

At the heart of the all the concerns regarding mansionziantion are the issues of sprawl, development and property values. Rockville continues to develop as a community, but is rapidly becoming built-out, rapidly decreasing the number of lots available. Residential development opportunities were also limited by the increase of development of property in the county adjacent to the city limits.

This has resulted in tear down residential development that is increasingly evident within the limits of the city, but not restricted by any of the residential covenants used in other neighborhoods. While the pattern of re-development is not entirely clear, preference is given to areas close to mass transit, location relative to the central core and the amount of land attached to the property that was purchased.

Current residents of the more desirable neighborhoods are concerned that the value of their homes will be limited by tear down development. They are also concerned that the sudden change in property values may change the demographic character of the neighborhood, making the homes less affordable to middle-class home buyers. Some residents are concerned that the increase property values may result in increased taxes while other feel their property values may decrease relative to the new homes.

The city recognizes these concerns, but also is faced with the demands of a highly competitive housing market within the county and Washington D.C. region. Rapid transformation of the neighborhood character could place a burden on the current residents in the form of taxes. On the other side of this issue is the concern that a lack of development within a community could generate stagnant market conditions, resulting in decreased property values. This was compounded with the fact that housing stock must be repaired or replaced as it becomes inadequate for use. While renovation is a an option, it had become economically more sensible to tear down the existing residence in many case. Hence the charge of the white paper was to describe a number of options that could be used in order to regulate mansionaization, while allowing for development to occur without the use of covenants or other elaborate forms of regulation.

REGULATION ALTERNATIVES

Within the white paper, five methods of regulating mass were described in addition to a brief discussion of architectural requirements. The five methods of regulating mass were as follows:

- Building Envelope Regulations
- Floor Area Ratios
- Cubic Content Ratios
- Second Story regulation
- Daylight Plane Regulation

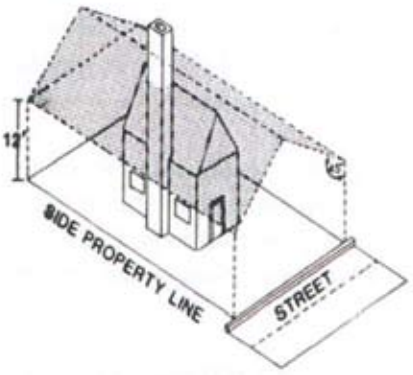
Building envelope regulations were described as the traditional means of regulating building construction through the use of defined setbacks on a sliding scale. This is traditionally defined in terms of the footprint occupying a percentage of the lot. This is used with a defined height limit in order to determine the cubic volume of the residence. Presently, the footprint a house may occupy on a lot in Rockville ranges from 25 to 35 percent. Of significance is the manner in which the building height is measured. The maximum height of a house is 35 feet, measured from

the mid-point on a gabled roof. Depending on the slope of the gable, this means of measurement may allow for what appears to be an additional floor within the house. This may create a significant difference in visual appearance relative to home neighboring this house.

FLOOR AREA RATIOS

Floor Area Ratios are typically used to regulate commercial development or multiple residences, units such as apartment buildings. In Rockville, they are typically used in situations where setbacks were not an issue. The paper does note that FAR regulations does not allow for regulations regarding the height of a building, as it defines only the gross area of a house. Hence, a height restriction would still be required in order ensure that the bulk of a new house does not impede of the exiting neighboring structures. In addition to this, the setback regulations would also be required, as this is not regulated by FAR regulations. Cubic content ratios operate in a similar manner and face the same regulatory hurdles as Floor Area Ratios.

THE DAYLIGHT PLANE



SECOND STORY REGULATIONS

Second Story Regulation involves control of the allowable square footage of a second floor on a house in conjunction with defined setbacks in order to diminish the bulk and visual impact of new construction. Defined as a percentage of the footprint and additional fixed setbacks, this form of regulation is a stepped appearance in the house. However, this form of regulation best suites new construction as exiting homes that are renovated with a second floor may not have load bearing points that correspond with the setback prescribed by regulations.

DAYLIGHT PLANE REGULATION

Day Light Plane Regulation is the most difficult of all five methods to regulate. In this method, the maximum height of a house is defined by projecting imaginary planes through the lot from a defined height at the side property lines. The imaginary planes define the maximum height of the house at any given location on the lot. However, there may be exemptions such as towers and dormers, and sloping topography on the site exaggerates the maximum height through the site. In addition, as the heights are determined by the lot area, they require additional review for each project. Finally, the Daylight Plane only serves as a supplement to regulation regarding setbacks and footprint areas.

CROSS SECTION OF THE DAYLIGHT PLANE

IMPLEMENTATION

An equally difficult task to the means of regulation is the means of implementation. The methods of implementation discusses were Additional Neighborhood Review, Overlay Districts and New Permitting Definitions. The Neighborhood Review

would require that the proposed construction go through additional review procedures in order to gain approval. One example requires that the house builders gain the approval of the property owners on the adjacent lots after construction exceeded a certain limit.

DEFINING HISTORIC AND CONSERVATION OVERLAY DISTRICTS

Overlay Districts were separated into two subcategories, Historic districts and Conservation Overlay Districts. In each case specific polices and requirements are written in order to protect and retain the visual quality of the existing neighborhood. In the case of Historic Overlay Districts, attention may be placed on material selection and color. More significantly, development is subject to review by a board or commission in order to gain approval for construction. Conservation Overlay Districts lack this final review and approval process. Research into the architectural history and character of the specific overlay district is required in order to create a set of regulation that regulates future development in a manner that reflects the neighboring buildings.

The creation of new definitions involves changing definition of the terms "demolition" and "substantial alteration" in order to discourage tear down construction. This would also involve alteration of review procedures within the City or Rockville.

Based on the review, the following recommendations were made in the white paper

- Limit mansionization regulation to the smallest three lot zones. The remaining residential lot types were thought to be adequate to absorb any large residential development without any adverse impact on the adjacent properties.

- Modify and add definitions for demolition and substantial alteration. The current definitions are too lenient, as they were not written with the expectation that this construction pattern would occur as a phenomenon,

- Establish polices and procedures to create Neighborhood Conservation Districts. This will assist in retaining the architectural character of neighborhoods that are seen as potential areas of redevelopment, while retaining flexibility applicable to each neighborhood.

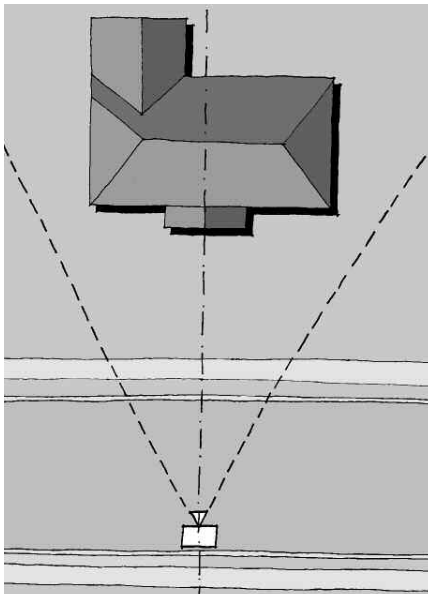
- Additional side yard setbacks after a certain level. The recommended additional setback was 2 feet when the house reached a height beyond 25 feet.

Chapter III:
Methods of Evaluation

Case studies of previous zoning ordinances serves as a useful method of exploring means of regulation, but evaluation is limited by the definitions set forth in the each case study. This makes it difficult to evaluate the physical conditions of a specific community relative to the housing stock. In the previous section, a number of approaches were taken according to the respective social agendas. What was not evident in these case studies was the appearance of the historic building fabric. The appearance of the homes, placing the previous zoning ordinances into question, also not evident in these studies. Typically, these houses are described as being "out of scale" or as the odd tooth in a smile. How is it that this is determined?

How the bulk of a building is measured relative to the street and the neighboring properties should be examined as part of this process. Hay Dobbs has executed a secondary research exercise examining three means of identifying or measuring the bulk of a residence. The Methods of evaluation are as follows:

- Faceprint Assessment, the results of a Georgia Tech research project on tear downs
- Evaluation Criteria for the National Register, prepared by the National Park Service
- Highway Visual Impact Assessment, Prepared by MnDot



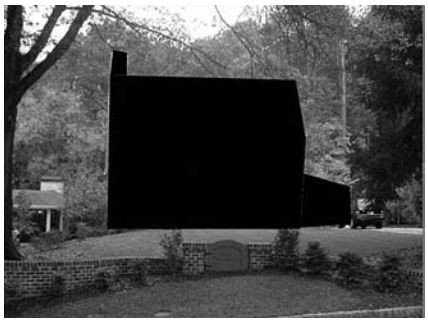
Face Print Analysis

In 2003, Georgia Tech University was contacted regarding the visual impact that the tear down development was having on adjacent properties and neighborhoods. The goal of the project was to address three key questions that were identified by the City of Atlanta's Infill Housing Task Force. The questions that were brought to bear were as follows

- Would current zoning regulations control the scale of single-family residential structures?
- If not, what methods are available (or could be developed) to measure the scale of residential structures?
- Could these measures be used to develop appropriate control mechanisms in parts of Atlanta?

The Georgia Tech study took an approach that primarily addressed the second question in an effort to find answers for the other two. The result of their research and study was a photogrammetrical process called "faceprinting." Rather than rely upon more traditional means of measurement, such as measuring the foot print of a building or using established setbacks, their goal was to create a system of measurement that would measure the house's visual impact relative to the street.

The first part of the process involves photographing the house from the street. The photographer would face the house in question with their heels placed against the curb on the opposite side of the street. The camera settings are to be set at the widest angle possible in order to get as much of the house in the frame as possible. The resulting image is then used in order to determine the relative size of the house.



The image would be imported into any computer application that was capable of measuring polygons, such as cad. This part of the process involves creating an outline of the house in order to measure the area of the house relative to the area of the photograph. The measured area of the house is then divided by the area of the photograph, yielding a percentage. This is then multiplied by the observed building height, yielding a number that is the weighted faceprint.

While the study does serve as a means to measure the scale of an object relative to the frame, it does not provide a clear means by which a house may be measured relative to the context that is in. As an example, two houses may have identical faceprint ratios while having drastically different footprints. Secondly, each house is considered as an object within a frame, with no concern as to how it is situated of the property. How a residence is placed **within the boundaries of the lot play** an important part in their visual impact on the adjacent properties and the neighboring houses.

Technically, there were some parts of this process that are not clear. It is assumed that the camera used will have settings similar to any other camera used to execute the same process. These setting include those of the aperture and the physical position (height) of the camera. Hence, two different cameras could yield drastically different results when measurements of the same house are taken. Granted, the measurements for each set of studies would be consistent, but lens selection could skew the calculations. This would result in lower number, making the house appear smaller based on the measured value of construction.

In addition, the measured faceprint does not take the side elevations of the house into account. In a effort to be in compliance within the designated range for a faceprint, a the bulk of a house could be positioned on along the property line. This would result in a house that was compliant, but would still be visually encroaching on the adjacent property.

Finally, this appears to be a method of evaluation that is reactionary, using existing out of scale construction as a means to determine the maximum allowable ratio. However, it would be difficult to enforce future construction limitations based on the notion that the house with the highest number exceeds the a number set post construction.

National Register Requirements

Another method of determining could be based on restructuring the guidelines used to designate Historic Suburbs prepared by the U.S. Department of the Interior. Written in 2002, the Bulletin, *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places* identifies significant suburban forms in order to preserve their historic fabric for future generations.

This Bulletin is of particular relevance to Edina because the community embodies many of the qualities identified that make properties eligible for the National Register. Of particular note is the historic Country Club district, which has a distinct history as a community within Edina. Contemporary construction is still driven by a strict set of covenants and guidelines. While the rest of the community may not have the advantage of covenants as construction guidelines, they are all parts of a rich tapestry of developed landscapes, each with its own unique history and relationship with the surrounding landscape.

An advantage over the Faceprint study is that the analysis could occur prior to the construction of any homes that seem out of scale. The resulting guidelines could be used to ensure that future construction be done in such a manner that is not only appropriately scaled, but also is in keeping with the architectural fabric surrounding it. Evaluation involves the following three activities:

- Defining historic significance, and assessing the historic integrity of the community.
- Intensive building and site inventories of the history and condition of a neighborhood is related to the historic patterns of suburbanization that shaped the locality or metropolitan area where it is located.
- Final evaluation to determine whether or not a property meets the National Register criteria for evaluation and is eligible for National Register listing.

For the purposes of the creating construction guidelines, the second and third point would not be stressed in favor of a more extensive examination of the physical attributes of the community in order to generate construction guidelines. In keeping with the requirements set forth by the Department of the Interior, appropriate means of evaluating the community could be:

- Spatial Organization and Land Patterns
- Topography
- Vegetation
- Circulation
- Structures, Furnishings and Objects

In addition to these points, histories of the developers should be examined, along with an examination regarding the history of how the parcels were developed. This would allow for some flexibility in regulation, recognizing that the community was developed in phases, and not as a single event.

While this would have the advantage of allowing for some flexibility in regulation, the adoption the National Register guidelines as a foundation for construction regulation could ultimately prove problematic. The first issue would be the assumption that all the neighborhoods had historic value of some form. If that was not the case, it could be a contentious matter to determine which neighborhoods deserve designation versus those that do not. Granted, evaluation on historical merit could be apparent, but those communities that were not selected for conservation would most likely experience a backlash possibly resulting in an even faster rate of tear down construction. This could possibly be interpreted as a form of redlining in the community.

Highway Visual Impact Assessment, Prepared by MnDot

The final method of evaluation that could be used to identify restrictions could be the Highway Visual Impact Assessment prepared by the Minnesota Department of Transportation. Based on a 1999 visual survey and published in 2001, the Visual Impact Assessment documents the results of three different highway view sheds in the state of Minnesota.

In each of the surveys the highway view sheds of urban corridors were selected andused as the basis of examination. In each survey, volunteers were required to ride as a group through the corridor, calling out points of interest, regardless of whether they were deemed attractive or otherwise.

In the course of the survey, several key elements were identified as a means to determine the legibility of the surrounding landscape and to identify any unsightly conditions. Individuals would call out to identify points of significance while the other volunteers would note and assess the view on a scale of 1-5. While these points were assessed by the passengers, MnDOT staff gave the point an identification number and wrote down the mileage to allow for further review and photographs at a later date. In addition to the areas that were identified by the volunteers, a number of locations had been identified by MnDOT for assessment. In these locations, specific elements of the landscape were evaluated as required.

The advantage of this format was that it allowed for a broad range of considerations with relative anonymity. Because the volunteers were required to identify and rate the points on the tour, a more comprehensive assessment of the corridors was compiled. Based on this, MnDOT was able to identify a number of identifiers that were common to the evaluation of the highways. These were as follows:

- Maintenance
- Planting design
- Structural design
- Vistas from the highway

In the case of evaluating tear downs, this process may provide means of determining common aesthetic themes in the built community. A similar process in Edina could involve a tour of the city in order to identify a range of housing conditions in order to determine how residents of the city feel about recent construction trends. This information could be used to create a foundation for a set of guidelines to regulate future development in the city.

As a tool, it combines the means of assessment used in the face print study with that of the National Register Requirements. It allows people to visually assess and rank residential construction as a visual exercise, with the ability to compile data for quantification. That being said, it embodies the problems involved with both of the methods as well.

The unspoken caveat in the Visual Assessment method is that there is a group of undesirable residences by default. Most likely these will be determined not by a common sense of aesthetics but by the tastes of the individual who have volunteered for the exercise. This could generate dissent among members of the community as their homes would be singled out as being "bad" or in "poor taste." It could also have the potentially undesirable effect of creating additional incentives for tear down construction in areas with smaller homes.

Chapter IV:
Alternate Means of Regulation

LIMITATIONS OF CONVENTIONAL ZONING

Based on our research, the use of conventional methods of zoning will not be suitable for the regulation of tear down construction patterns as they appear today. Conventional zoning should be considered as a method of regulation that determines the maximum bulk that a residence may have relative to the size of the property, defined by a maximum foot print and defined maximum height or construction.

What is not taken into account in this method of assessment is *context*. While a new residence may be designed and constructed in full compliance with the zoning code, the difference in size may be significant enough to make it "stand out" from the older homes in the neighborhood. Therefore, it seems clear that part of the process of regulating tear down construction would be creating policies or process that takes the neighborhood, or the physical context into account. Any alternate means of regulation should take into account relationships between the builder, community regulation and existing residents in the neighborhood.

To that end, there are possibly three different approaches that may be taken in order to establish a process in which the physical qualities of new construction are considered relative to existing physical character of the neighborhood. These are: flex zoning regulations, community education and tax incentives.

1. Flex Zoning

Flex zoning is a method of encouraging and regulating growth in dense areas where mixed use types may be effectively combined in a manner not permitted with traditional zoning definitions. It is important to note that typically, this form of regulation is not defined as an overlay district, but is intended to serve as part of a revitalization or redevelopment process. Hence, the goal is to encourage growth and development with areas that are traditionally commercial and residential in nature. In these cases, bulk is not regulated by building height, but is examined on a case by case basis, with emphasis placed on the effective combination of use types.

Commonly associated with principles of smart growth, Flex zoning serves as a means to create efficient urban environments while preserving undeveloped land for future use. In the context of saturated building environments, it creates an opportunity to make new districts based on the exiting urban fabric. Relative to the process of regulating residential construction, flex zoning can create opportunities

in communities that encourages the continuous evaluation of residential renovation and construction in order to maintain or encourage growth. As a principle of smart growth, it is recommended that flex zoning be used as part of a comprehensive set of regulations and guidelines that include community education and tax incentives. It must be stressed that flex zoning typically does not address bulk specifically. Instead, new regulations and guidelines would be required in order to properly address how new construction is situated within the existing residential fabric.

Form-based building code from Salinas, CA showing setback and massing limitations. This very general level of regulation, tailored to the scale of each neighborhood, can be written into Edina's general code in tandem with the update of the Comprehensive Plan.

2. Community Education

In addition to regulatory options and visual assessment, Edina has the opportunity to take an educational outreach approach to addressing neighborhood change. In many historic districts across the country, business and homeowners are encouraged to follow voluntary guidelines for materials replacement, setbacks, and signage. For Edina, there are several strategies through which appropriate yet varied construction and renovations can take place under voluntary programs with clear recommended guidelines.

Some of the strategies to disseminate information as follows:

THE EDINA DESIGN FORUM: CITIZENS COMMITTED TO RESIDENTIAL DESIGN

Whatever form they take, Edina's design education, review and outreach programs will need coordination. The current task-force could continue as the Edina Design Forum—a mix of residents of varied backgrounds and expertise, this group would work with city staff to coordinate and evaluate the success of the possible programs. Overtime, ineffective programs could be phased out and popular programs improved.

GRAPHIC ILLUSTRATIONS AND DISCUSSION MATERIALS

Future forums, discussion groups and consulting will require visual examples of models for renovation and new design. A first task can be writing an illustrative booklet demonstrating appropriate massing, setback, window patterns and materials for various Edina neighborhoods. The book can describe the historic evolution of Edina, how lots and houses changed in scale, and how best to adapt them to today's needs without overwhelming smaller nearby properties.

The book would be filled with photo, sketches, simulations of appropriate and inappropriate alterations, text, and sources for further information and materials.

WEB SITE AND INFORMATION FORUM

The Task Force can operate a website to include the graphic booklet along with links to appropriate city officials or other information sources.

PUBLIC PRESENTATIONS

Regular public presentations can be planned for each of the city's neighborhoods to review Edina's history and change, the contents of graphic booklet and to answer homeowner questions. This presentation can also be brought to specific neighborhoods at their request.

ARCHITECT AND CONTRACTOR CONTINUING EDUCATION

Because most residential projects involve contractors and designers, the Forum can host special workshops for the building trades and professions. Topics can include Edina codes, review process, recommended materials, appropriate scale and approaches for conflict resolution with neighbors. Relevant city staff can also attend to introduce themselves. The goal would be to create a common understanding of high-quality design that can avoid community protest, delayed approvals, and costly redesigns.

VOLUNTARY DESIGN REVIEW

Homeowners seeking to build or renovate should be able to come to the Forum for voluntary design review. A volunteer panel of design professionals from Edina can provide advice, critique and support for projects when they are in the early schematic design phase. This input will help owners and contractors to have a clear sense of expectations and the opportunity to address them in the most cost-effective way possible.

PRO-BONO PROFESSIONAL ADVICE

The Forum can also establish a program whereby local design experts can provide 2-3 hours of pro-bono advice for residents who are beginning to consider a building project.

ANNUAL AWARDS PROGRAM

This program can recognize complementary new construction and renovation in Edina while also lauding the work of specific volunteers or groups. Models include awards programs from the Minneapolis Committee on the Urban Environment (CUE) and awards programs from the Preservation Alliance of Minnesota. See the Preservation Alliance website and awards at:

www.mnpreservation.org/awards2005

3. Tax Incentives

With a possible model of historic preservation tax credits at the federal level, Edina can offer tax incentives in the form of delayed valuation increases or abatements for homeowners who pursue the voluntary design review process and follow volunteer panel advice.

Current house assessed values could be frozen for five years after the project's completion. A second option is to reduce the tax mill rate for a set period of time.

Chapter V:

Task Force Findings and Recommendations

The following findings and recommendations are supported by the Task Force based on discussion and the research presented herein:

Findings:

1. Massing is a nationwide issue. The Task Force defines "**massing**" as:

"The overall volume and scale of a building relative to the height, roof peek, setbacks, width, and side yards of neighboring houses. 'Massing' is not an absolute set of measurements but is contextual. Massing is based on existing neighborhood character, especially that experienced when moving along the street."

- Many cities are addressing the issue .
- No city has found an ideal solution.
- The Issue revolves around property rights.

2. Overall, residential rebuilding in Edina has been positive

- Design has been pleasing and a good fit for the neighborhood;
- Construction has been of good quality;
- While the mass of new houses generally has been larger than neighboring houses, the mass has typically not been overwhelming; and
- Residential rebuilding signals rebirth of neighborhoods.

3. Where residential reconstruction has raised concerns, the following were generally true:

- The rebuilt house was in a neighborhood of small and/or narrow lots; and
- The most common concern was that the rebuilt house was "too high," and/or too close to the lot line or too large for the lot relative to neighbors.

4. Residents expressed concern about lack of notification for teardowns and expansions.

5. Residents expressed strong concerns about disruption and neighborhood livability during the construction of a new house or a major remodeling of an existing house.

6. To address neighborhood livability, the existing city codes may not be adequate to regulate residential projects. Some projects meeting city codes have raised citizen concerns.

7. In addressing new residential construction and expansions, the challenge is to find the appropriate balance between:

-The right of a land owner to develop property; and

-The right of neighboring land owners to the "peaceful enjoyment" of their property.

Recommendations:

1. Mandatory neighbor notification prior to permit letting.

Property owners who intend to build a new house or substantially rebuild an existing house should be required to notify neighboring property owners. The notification should involve demolition and construction start and completion dates along with elevation and site plans. Preferably, a perspective drawing showing the view of the completed project from the street should also be provided as part of the notification.

The City should not issue a building permit until the notification has taken place. Ideally, the city should post these and other permit-related drawings on the city web site for public review.

2. Neighborhood design education.

Create and support an ongoing outreach program for neighborhood education and project review. Staffed by the city, volunteers, and possibly outside consultants, this group could create "neighborhood handbooks" tailored to the scale, history, style and setbacks of each neighborhood. This handbook could identify character-defining features for each neighborhood and how to meet modern needs while protecting them.

3. Neighborhood focus for comprehensive plan update.

When the Comprehensive Plan is updated in 2008, neighborhood geographic definition and character should be addressed. After completion of the update, the zoning and building codes could be adjusted to address issues including: height, bulk, driveway coverage, and setback. These guidelines would be customized by lot size and neighborhood context. They would not restrict style, materials, or colors.

4. Voluntary Neighborhood Conservation Districts

Groups of adjoining homeowners could have the option to create their own Neighborhood Conservation Districts which could further guide construction activity.

5. Proactive Residential Construction Oversight and Regulation:

- Start time
- Parking
- Congestion
- Safety
- Damage to adjoining property
- Time to complete
- Trees – loss & damage
- Road damage
- Storm water system damage
- Propane tanks
- Dumpsters
- Portable toilets

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Appendix-

This Appendix is divided into the following sub-sections:

- National and regional news articles
- Community case studies and white papers
- National Trust for Historic Preservation Studies
- Sample research and perception study methodologies
- Task Force Meeting Minutes
- Other

All of these sources informed the contents of this study and recommended options.