

City of Excelsior  
Planning Commission Meeting

AGENDA

Monday, July 15, 2019

New Council Chambers – Former Library

343 Third Street

7:00 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
  - a) Planning Commission Meeting of June 24, 2019
4. PUBLIC HEARINGS
  - a) Single Family Standards Task Force Recommendations
  - b) Appendix E Interim Policy Language
5. DISCUSSION ITEMS
  - a) None
6. COMMUNICATIONS & REPORTS
  - a) Next City Council Meeting – August 5, 2019
  - b) Next Planning Commission Meeting – August 26, 2019
7. MISCELLANEOUS
  - a) Recent City Council Actions
8. ADJOURNMENT

**Notice: Some items on this agenda are important enough to City Council Members that a quorum of the Council may be present to receive information leading to their future deliberations and eventual decision.**

Auxiliary aid for individuals with disabilities is available upon request. Requests must be made at least 96 hours in advance to the City Clerk at (952) 653-3675.

Agenda  
 Planning Commission Meeting  
 July 15, 2019  
 Page 2 of 2

Meeting	Jan	Feb	April	May	June 10th	June	July	Aug	Sept	Oct	Nov	Dec
Barnes	X	X	A	A	A	P						
Craig	X	P	P	A	A	P						
DiLorenzo	X	A	P	A	P	P						
Emfield	X	X	P	P	P	P						
Harrison	X	P	P	P	P	P						
Holste	X	P	P	A	A	P						
Wallace	X	X	P	A	P	P						

P – Present

A – Absent but gave prior notice

U – Absent without notice

City of Excelsior  
Hennepin County, Minnesota

Minutes  
Planning Commission

Monday, June 24, 2019

1. CALL TO ORDER

Chair Wallace called the meeting to order at 7:01 p.m.

2. ROLL CALL

Commissioners Present: Chair Wallace, Barnes, Craig, DiLorenzo, Emfield, Harrison, Holste

Commissioners Absent: None

Also Present: City Planner Becker

3. APPROVAL OF MINUTES

a) Planning Commission Meeting of April 22, 2019

Motion by Craig, seconded by Holste, to approve the Planning Commission meeting minutes of April 22, 2019. Motion carried 7/0.

b) Planning Commission Work Session of June 10, 2019

Motion by DiLorenzo, seconded by Emfield, to approve the Planning Commission work session minutes of June 10, 2019. Motion carried 7/0.

4. PUBLIC HEARINGS

***a) Single Family Standards Task Force Recommendations***

Step downs were discussed. Craig feels that the photo example should be modified, as the home is very large and doesn't feel as though the stepdown makes a difference in this case. DiLorenzo was concerned that stepdowns would limit architectural options. Staunton suggested that maybe an increased side yard setback could be an option instead of requiring a stepdown.

Bruce Noll, 242 First Street, spoke regarding stepdowns. He iterated that stepdowns were suggested by the Single-Family Standards Task Force in order to regulate mass and scale.

The Planning Commission was polled regarding stepdowns. Many were in favor but did not like the specificity of requiring a specific quantity for a stepdown. Commissioner Harrison would like to look into other cities and discuss this later.

Front and side wall planes were discussed. Wallace felt that the length of walls without architectural interest should not exceed 32 feet instead of 30 feet, and the offset should be two feet deep and eight feet wide. They also felt that rear walls

should be included in the requirement for an offset and architectural interest. option to add at least two architectural or utilitarian interest such as awnings, canopies, projecting bay or box windows, stoops, porches, balconies, pilasters or second story roof overhang every 32 feet should be removed.

Regulating mass and scale was discussed. The Commission generally felt that allowing a new build on a vacant lot and improvements or additions to existing structures that result in the demolition or removal should be allowed the current building coverages, and a tear down and rebuild should only be allowed 80% of the current building coverage regulations. The Commission wanted to ensure that the exterior walls would remain exterior walls.

Maximum projections in to required yards were discussed. The Commission felt that decks should be allowed to project ten feet into the rear yard setback and that the minimum setback from the side yard property lines should be nine and five feet. The Commission felt that a definition of patio should be added and that their required setback be three feet. They also felt that driveways should be added to the table, keeping the required setback of three feet.

***b) Variance Amendments***

Becker presented the staff report. DiLorenzo moved, Craig seconded, to recommend approval of an ordinance amending the zoning code by adding provisions for variance amendments. Motion carried 7/0.

***c) Shoreland Grading***

Becker presented the staff report. DiLorenzo moved, Emfield seconded, to recommend approval of an ordinance amending the zoning code as it pertains to grading in the shoreland district. Motion carried 7/0.

***d) Administrative Lot Combinations***

Becker presented the staff report. DiLorenzo moved, Harrison seconded, to recommend approval of an amendment to the subdivision ordinance as it pertains to administrative approval of lot combinations within the R-1 or R-2 zoning district. Motion carried 7/0.

5. ADJOURNMENT

DiLorenzo moved, Harrison seconded, to adjourn at 10:27 pm. Motion carried 7/0.

Respectfully submitted,

Emily Becker  
City Planner

Minutes  
Planning Commission  
June 24, 2019  
Page 3 of 3



# MEMORANDUM

**Re:** Item 5 (a) - Single Family Standards  
Task Force Recommendations

**Date:** July 15, 2019

**To:** Excelsior Planning Commission

**From:** Emily Becker, City Planner

## BACKGROUND/REQUEST

The Planning Commission had a work session on June 10 and held a public hearing on June 24 to consider what changes should be made to residential design standards

## DETAILS/ANALYSIS

**Design Standards.** The following design standards were suggested by the Task Force.

- *Step Downs.* Step down the height of a building near adjacent properties, as shown below. A specific quantity or some sort of formula should be provided for this step-down.
  - *Proposed Amendment:* Proposed language is added to the ordinance requiring a step-down for new homes that exceed the height of adjacent homes by five feet or more. The height of the step-down must not exceed the height of the adjacent home.
  - *Commission Suggestion:* The Commission felt that the rendering below does not properly convey the intent of the ordinance, as the home is very large, and the stepdown doesn't make a difference. They also felt that the width of the stepdown should be nine feet on the side of the closest adjacent structure and five feet on the side of the further away adjacent structure. Language has been updated to reflect this. There was also mention that setbacks should be increased if the height exceeds the height of the adjacent home by five feet or more. Language has been added that requires that the setback be increased by one foot on each side for every one foot higher the proposed home is than the adjacent structure. The Commission was a bit unsure about step-downs because they felt it may limit architectural options.



- *Wall Planes.* The City of Durango, CO does not allow front wall planes to exceed 24 feet in width for one and a half story buildings, 16 feet in width for two story buildings, and has no

standard for one story buildings. The City of Edina does not allow exterior side walls to be more than 30 feet without a minimum of at least a one-foot deep by ten-foot wide offset (projecting or recessed) or a combination of at least two of the following every 30 feet or less: structural windows, doors, awnings or canopies, projecting bay or box windows, stoops, porches, chimneys (minimum depth of one foot), balconies, pilasters, second story roof overhang (at least 20 percent of the façade length), 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).

- *Proposed Amendment:* Proposed language is added to the ordinance requiring a maximum front and side wall plane, mirroring a combination of the aforementioned standards of the Cities of Durango, CO and Edina, MN.
- *Commission Suggestion.* The Commission wanted the 30-foot wall plane changed to 32 feet and to require at least two, rather than one, foot deep and eight, rather than ten, foot wide offset. They also felt that the option to add at least two architectural or utilitarian interest such as awnings, canopies, projecting bay or box windows, stoops, porches, balconies, pilasters or second story roof overhang every 32 feet should be removed. Finally, they felt that rear walls should be included in the requirement for offset walls.
- *Regulating Mass.* There was suggestion to regulate mass by regulating the percentage by which a building can expand. There was suggestion to allow a home to increase by 20% in size from the current structure if building new and allow a home to increase by 30% more in size if remodeling.
  - *Proposed Amendment:* Proposed language has been added to the ordinance to allow a home to increase in size by 20% if building new but allow a home to increase by 30% more in size if retaining at least 50% of the exterior walls of a home. This has been added to the Maximum Building Coverage Table. There is also an alternative amendment proposed that allows building coverage to be at the current maximum-allowed amount if remodeling an existing home and retaining at least 50% of exterior walls but only a fraction of the building coverage (65%) allowed currently if a new home is being built.
  - *Commission Suggestion.* The Commission generally felt that allowing a new build on a vacant lot and improvements or additions to existing structures that result in the demolition or removal should be allowed the current building coverages, and a tear down and rebuild should only be allowed 80% of the current building coverage regulations. The Commission wanted to ensure that the exterior walls would remain exterior walls. Language has been updated to reflect this.

**Design Schematics.** The Task Force suggested requiring schematics of adjacent properties as part of a variance application in order to determine if the proposed new home altered the essential character of the locality. There was also discussion regarding if such schematics should also be required as part of the building permit application submittals. There was thought that it was too subjective for one person (typically the City Planner) to determine if in fact the house fit in to the character of the neighborhood, even though it met all standards outlined in the Zoning Code. The Task Force asked that the Planning Commission discuss whether schematics of a proposed new home in relation to existing adjacent properties be required as part of both the variance and building permit applications submittal requirements or just the variance application submittal requirements. An ordinance has been prepared requiring this submittal as part of both application requirements.

- *Commission Suggestion.* The Commission felt that design schematics would be necessary for a building permit application if a review board were to go forth.

**Stillwater Conservation District Design Guidelines.** The Task Force cited the Stillwater Conservation District Design Guidelines and asked that the Planning Commission review these guidelines and see which of these could be applied to properties in Excelsior. These guidelines are attached for review.

It should still be considered, however, that many of these guidelines are still subjective and very difficult to enforce. Objective language should be used that contains specific measurements (i.e. instead of saying that it is required that the garage impact be minimized on a new structure massing and street front, require that a garage with street-facing garage door be recessed at least ten feet from the principal structure).

At its June 10, 2019 work session, the Planning Commission liked, from the City of Stillwater's Design Guidelines, #5 regarding choosing building height in choosing roof forms, architectural styles and relating to context. They also liked #2 requiring the new home to respect the existing rhythm of the streetscape, #7, #23, and #25. They also wanted to make sure that stepdowns and wall width be incorporated in to these standards.

At its June 24, 2019 meeting, the Planning Commission did not come up with a final list of standards from this list to recommend. The Planning Commission should make final recommendations on this so that this recommendation can go to Council.

**Recessed Garages.** At the City Council meeting on April 23, 2019, Council ask that the Planning Commission send a representative to a meeting to explain the recommendation that side-loaded garages be recessed at least six feet from the longest front or side wall plane of the principal building. The Planning Commission indicated at its June 10, 2019 work session that the reason they suggested requiring a six-foot recession was because side-loaded garages aren't as impactful as garages with street-facing garage doors and because it would save pavement by not requiring the additional four feet as is required for garages with street-facing garage doors. Additionally, at the May 6, 2019 City Council meeting, Jon Monson of Landschute asked that the Council clarify if this requirement should apply towards corner side yard setbacks. At its May 20, 2019 meeting, the Council asked that the Planning Commission further discuss the requirement for recessed garages, specifically providing a detailed explanation of why the Planning Commission recommended that side-loaded garages be recessed six feet from the longest front or side wall plane of the principal building and providing recommendation on whether the recessed garage requirements should apply to corner side yards.

- *Commission Recommendation.* The Commission felt that side loaded garages should not need to be recessed from the longest side wall plane of the principal building; this requirement should only apply to front wall planes.

**Projections into Required Setbacks.** The Planning Commission had previously communicated that they would like to discuss projections into required setbacks. No amendments have been proposed by staff, but the Planning Commission should discuss these and make recommendations on any amendments they would like to see made. At the June 10, 2019 work session, the Planning Commission explained that they would like to revisit the current projections in to required yards for decks and uncovered patios.

- *Commission Recommendation.* The Commission felt that decks should be allowed to project ten feet into the rear yard setback and that the minimum setback from the side yard property lines should be nine and five feet. The Commission felt that a definition of patio should be added and that their required setback be three feet. They also felt that driveways should be added to the table, keeping the required setback of three feet.



## **PLANNING COMMISSION ACTION RECOMMENDED**

The Planning Commission should hold a public hearing and make recommendation on proposed amendments to Sections 41-16, 41-10, 9-7, 10-4, and 14-1 of Appendix E of the City Code.

### **Attachments:**

1. Proposed Ordinance
2. Stillwater Design Guidelines
3. Renderings of garage setbacks

City of Excelsior  
Hennepin County, Minnesota

Ordinance No. 597

An Ordinance Amending the Zoning Ordinance of  
the Excelsior City Code to Amend Article 41 —  
Residential Districts, Article 6 – Administration - Variances, and Article 10 –  
Administration General

---

THE CITY OF EXCELSIOR DOES HEREBY ORDAIN:

**SECTION 1:** Amendment. That Appendix E, Article 41, Section 41-16 be amended as follows:

**Sec. 41-5. - Building coverage in the R-1 and R-2 zoning districts.**

(a) Building coverage in the R-1 and R-2 zoning districts shall not exceed the following:

**Table 41.4  
Maximum Building Coverage  
(principal + accessory)**

<u>Type of Build</u>	Lot Size (square feet)		
	Less than 7,000	7,000 to 14,000	Greater than 14,000
<u>New structure on vacant lot</u>	35%	5% (lot area) + 2100	20%
<u>Improvements or additions to existing structures that result in the demolition, moving or removal of less than 50 percent of the exterior structure. Such walls must remain exterior, and the character of such walls must be preserved.</u>	35%	5% (lot area) + 2100	20%

<u>Type of Build</u>	Lot Size (square feet)		
<u>Tear down and rebuild</u>	<u>28%</u>	<u>4% (lot area) + 2100</u>	<u>16%</u>

**SECTION 2:** Amendment. That Appendix E, Article 41, Section 41-10 be amended as follows:

Single family and multiple family containing up to five units including all new construction and remodeling shall meet the following design standards:

- (a) *Entrances*. Primary entrances on principal structures shall face the primary abutting public street or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Primary entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
- (b) *New construction and remodeling*. New construction and remodeling shall relate to the design of surrounding traditional buildings, where these are present. Design features such as similar setbacks, scale, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors are possible design techniques, while allowing desirable architecture innovation, variation, and visual interest. All sides of buildings shall use the same building materials and other architectural treatments as principal facades.
- (c) *Window and door openings*. For principal residential buildings, above grade window and door openings shall comprise at least 15 percent of the total area of exterior walls (excluding the area of garage doors) facing a public street or sidewalk. In addition, above grade window and door openings shall comprise at least ten percent of the total area of all exterior walls.
- (d) Step downs. When a proposed principal structure requires setbacks of five and nine feet and is more than five feet taller in height than the height of an existing principal located on either adjacent lot on the same block and same side of the street, the height of the proposed principal structure shall be stepped down near the property on which a principal structure more than five feet shorter than the proposed principal structure exists to a maximum height equal to that of the existing adjacent principal structure. The width of the step down shall be a minimum of nine feet on the side of the property with the closest neighboring principal structure to the shared property line and a minimum of five feet on the side of the property with

the furthest neighboring structure to the shared property line.

(e) Front and Side Wall Plane Limitations.

(1) Front wall planes of the living portion of principal structures shall not exceed 16 feet in width for structures more than 20 feet in height or 24 feet in width for structures up to 20 feet in height.

(2) The length of an exterior side or rear wall shall not exceed 32 feet without a minimum of at least a two-foot deep by eight-foot-wide offset (projecting or recessed) within every 32 feet or less:

(f) *Garage design.* The following requirements do not apply to detached garages located behind the principle building.

(1) When a garage has wall(s) facing a street, these wall(s) shall include windows and other architectural details that mimic the features of the living portion of the dwelling

(2) Street facing garage doors shall

a. Have individual garage doors that do not exceed 64 square feet, each;

b. Not exceed 50 percent of the combined façade width of the dwelling and garage; and

c. Be recessed at least ten feet from the longest front or side wall plane of the principal building. For tuck-under garages, in lieu of a ten-foot setback, provide a decorative trellis or other feature that will provide a shadow line giving the perception that the garage opening is recessed. The feature shall be provided across the top and along the width of the garage doors and be at least 12 inches deep.

(3) Garages with non-street facing garage doors must be recessed at least six feet from the longest front wall plane of the principal building.

**SECTION 3: Amendment.** That Appendix E, Article 9, Section 9-7 be amended as follows:

**Sec. 9-7. - Information requirement.**

The information required for all site plan, zoning text and map amendments, conditional use permits, interim use permits, and variance applications consists of the following items:

(5) Other plans and information as required by the zoning administrator including, but not limited to:

- a. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
- b. Architectural elevations showing proposed structure or project in relation to structures on adjacent properties.
- c. "Typical" floor plan and "typical" room plan drawn to scale with a summary of square footage for each use or activity.
- d. Fire protection plan.
- e. Extent of and any proposed modifications to land, wetland, shoreline, or waterbodies.
- f. Type, location and size (area and height) of all signs to be erected upon the property in question.
- g. Vicinity map showing the subject property in reference to nearby highways or major street intersections.
- h. Sound source control plan.
- i. Lighting plan.
- j. Snow removal plan.

**SECTION 4:** Amendment. That Appendix E, Article 10, Section 10-4 be amended as follows:

**Sec. 10-4. – Survey/Elevation requirements.**

- (a) *Initial survey.* Every application for building permit shall be accompanied by a certified site survey per the requirements of [section 9-7](#) of this Code.
- (b) Architectural elevations. Every application for a building permit shall be accompanied by architectural elevations of the proposed structure in relation to structures on adjacent properties.
- (c) *As-built survey.* The zoning administrator may require an as-built survey when necessary to verify compliance with this Appendix E and/or other applicable permits.

**SECTION 5:** Amendment. That Appendix E, Article 14, Section 14-1 be amended as follows:

**Table 14.1**  
**Projections into Required Setback**

Obstruction/Projection	Maximum Projection into Required Setback	Minimum Setback from Property Lines
------------------------	--	-------------------------------------

Obstruction/Projection	Maximum Projection into Required Setback	Minimum Setback from Property Lines
Air conditioning or heating equipment [1]	N/A	5 feet rear and side yard setbacks
Arbors, trellises, and pergolas	N/A	5 feet rear, side and front yard setbacks No min. setback from right-of-way
Balconies and breezeways [2]	N/A	N/A
Bay Widows, sills, fire escapes, fireplaces, chimneys, and similar wall projections	2 feet	N/A
Clothesline [1]	N/A	5 feet rear and side yard setbacks
Cornices, eaves, canopies, and similar roof projections	2 feet	N/A
Decks [3]	<del>5</del> <u>10</u> feet to front or side <del>rear</del> yard adjacent to right-of-way	2 <u>9/5</u> feet side yard setback <del>10</del> feet rear yard setback [5]
Gazebos and covered patios [1]	N/A	5 feet rear and side yard setbacks
Open, unenclosed, and uncovered entry porches, platforms or landing places,	5 feet to front or side yard adjacent	2 feet side yard setback 10 feet rear yard setback

Obstruction/Projection	Maximum Projection into Required Setback	Minimum Setback from Property Lines
and similar entry features [3]	to right-of-way	
Patios, uncovered [4]	None	<del>None [4]</del> <u>3 feet</u>
Steps (for access to building or lot; max. 4 feet above grade)	<u>N/A</u>	1 foot
<u>Window wells and retaining walls</u>	<u>N/A</u>	<u>5 feet</u>
Wheelchair ramps and similar features for the disabled [4]	None	None [4]
<u>Driveways</u>	<u>N/A</u>	<u>3 feet</u>

Notes:

[1] Prohibited in front yards.

[2] Prohibited in front and side yards.

[3] Limited to the height of the ground floor level of the principal structure.

[4] May be located in required yards with no restrictions.

[5] Side yard setbacks of the greatest distance shall be placed on the side of the lot with the closest neighboring principal structure to the shared property line unless both adjacent property owners' consent in writing to a different arrangement.

SECTION 7. Amendment. That Appendix E, Article 41 – Residential Districts be amended to read as follows:

**Sec. 41-3. - Lot and building regulations.**

Table 41.2 establishes lot and building regulations for the residential districts, except as otherwise expressly stated in this zoning ordinance.

**Table 41.2  
Residential District Lot and Building Regulations**

	R-1	R-2	R-3	R-4
<b>Lot and Density Standards (minimums)</b>				
Lot Area (square feet)	10,000	10,000	15,000	15,000
Lot Area per Dwelling Unit (square feet)	10,000	8,500 for duplexes	8,500 [1]	Individual private entrances: 1 and 2 bedrooms: 3,600 3 or more bedrooms: 4,800 With common entrance: 1 and 2 bedrooms: 2,800 3 or more bedrooms: 3,600
Lot Width (feet)	70	60	100	150
<b>Primary Structure Standards (minimums)</b>				
Front Yard Setback (feet)	20—30 [2]	20—30 [2]	25	20
Side Yard Setback (feet) lots 70 feet and less: one side/other side lots 70 and greater: each side [6]	Lots 60 wide and less - 9/5 [5]; Lots between 60 & 70 - 9/20% of the lot width minus 6[5]; Lots 70 and greater - 10% of the lot width + 2		15	30
Side Yard Setback Abutting a Street Right-of-Way (feet)	15	15	20	20
Rear Yard Setback (feet)	35	25	20	30



	R-1	R-2	R-3	R-4
Max. Building Height (feet)	See <a href="#">Sec. 41-4</a>		35 [3]	35 [3]
Other Standards				
Maximum Building Coverage (%)	20—35 See <a href="#">Sec. 41-5</a>		35	35
Maximum Lot Coverage (%)	27—42 See <a href="#">Sec. 41-6</a>		40 [4]	40
Accessory Structures	See <a href="#">Article 11</a>			
Projections into Required Yards	See <a href="#">Article 14</a>			
Setbacks from Ordinary High Water Mark	See <a href="#">Section 60-4</a>			

Notes:

[1] For each parking space provided within residential structures or underground, subtract 500 feet.

[2] The front yard setback of a principal structure (or addition thereto) shall be no closer to the street than the average of the front yard setbacks for the principal structures on either adjacent lot on the same block and same side of the street provided that it shall not be closer than 20 feet from the front property line, or farther than 30 feet from the front lot line In the case that the average of the front yard setbacks for the principal structures on either adjacent lot on the same block and same side of the street is greater than 30 feet, the front yard setback of the proposed principal structure shall be 30 feet. Principal structures on corner lots or next to only one existing principal structure shall match the front yard setback of the adjacent home.

[3] Building height exceptions are found in [Article 14](#).

[4] Maximum impervious surface exceptions for office, banks, and clinics are located in Sec 12.1 and 12.2.

[5] Side yard setbacks of greatest distance shall be placed on the side of the lot with the closest neighboring ~~building~~ principal structure to the

shared property line unless both adjacent property owners' consent in writing to a different arrangement.

[6] If a structure is more than five feet taller in height than the height of an existing principal structure located on either adjacent lot on the same block and same side of the street, the minimum side yard setback must be increased by one foot for every one foot taller the structure is than the adjacent structure plus five feet (i.e. if a structure is 26 feet in height, and the adjacent structure is 20 feet in height, the minimum side yard setback shall increase by one foot). The increase in minimum side yard setbacks shall be on the side of the property on which the shorter principal structure exists (i.e. if a structure is 26 feet in height, and the adjacent structure is 20 feet in height, the increased minimum side yard setback shall be to the shared property line of the shorter principal structure).

**SECTION 6. EFFECTIVE DATE.** This ordinance shall take effect 30 days after its passage and publication.

Adopted by the City Council of the City of Excelsior, Minnesota, this \_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Todd R. Carlson, Mayor

\_\_\_\_\_  
Lynette R. Peterson, City Clerk

\_\_\_\_\_  
Kristi Luger, City Manager

First Reading: \_\_\_\_\_, 2019  
Second Reading and Adoption: \_\_\_\_\_, 2019  
Publication of Ordinance: \_\_\_\_\_, 2019  
Effective Date: \_\_\_\_\_, 2019

## STAUNTONLAW MEMORANDUM

---

5277 lochloy drive  
edina, minnesota 55436  
www.stauntonlaw.com  
(952) 836.1020

TO: Planning Commission

FROM: Kevin P. Staunton  
City Attorney

RE: Interim Mass and Scale Regulations

DATE: July 11, 2019

Attached is a draft ordinance amending the zoning code to adopt certain interim regulations designed to address the mass and scale of new and remodeled structures while the Single-Family Standards Task Force work is completed. These interim standards are intended to protect against residential reconstruction between now and the time complete revised single-family redevelopment standards can be crafted and adopted.

Also attached are a set of potential single-family redevelopment standards distilled by Council Member Caron from the Stillwater, Minnesota regulations along with annotations explaining which of the standards are met by the proposed interim regulations.

**RECOMMENDED ACTION:** Hold a public hearing, review the draft Ordinance, and make recommendations to the city council regarding the draft ordinance.

ORDINANCE NO. \_\_\_\_

AN EMERGENCY ORDINANCE AMENDING THE EXCELSIOR ZONING CODE

The City Council of the City of Excelsior hereby ordains as follows:

Section 1. PREAMBLE.

The City of Excelsior is a community of unique character. Its single-family housing stock and historic downtown have evolved gradually since the city was first platted in the mid-1850's. The resulting diverse collection of single-family structures in the community has contributed to making the city a uniquely desirable place to live.

In recent years, the city has experienced a surge in single-family residential redevelopment activity. While some of that redevelopment has taken the form of renovations to existing structures, much of it has come from replacement of existing structures with entirely new houses. In the past several years, this has resulted in more than 25 homes (over 5% of the existing single-family housing stock) being completely demolished and replaced. As these existing structures have been replaced by new structures, concerns have been raised regarding the impact such changes are having on the character of the community. These concerns led to the imposition of a moratorium on residential redevelopment in 2018. A study conducted during the moratorium led to changes to single family zoning regulations that reduced the permitted mass and scale of newly constructed single-family structures in the community.

Despite these changes, concerns about changes in the character of the community resulting from residential redevelopment have persisted. A Single-Family Standards Task Force ("Task Force") was appointed and is working with the planning commission to make further changes to the zoning code designed to preserve the character of the community while simultaneously permitting revitalization of the city's housing stock. While not complete, that effort has produced some preliminary concepts upon which future changes can build. In order to protect the community from residential redevelopment that would further erode the character of the community while those future changes are crafted, the City Council finds that it is necessary to adopt interim changes to the zoning code that will protect the character of the city's single-family residential neighborhoods. The Council finds there is a substantial chance that redevelopment could take place in the R-1 and R-2 zoning districts before the final changes are adopted and, therefore, that adoption of these interim changes is necessary.

Moreover, the city council finds that following the ordinary legislative process will unduly delay the effective date of these interim changes to the zoning code and risk the possibility that redevelopment inconsistent with the new regulations will occur. Accordingly, the city council finds that permitting such a delay in the effective date of the new regulations will pose an immediate threat to public peace, health, moral safety, or welfare. This threat makes it necessary for these regulations to be adopted as an emergency ordinance that shall be effective upon publication of the ordinance.

Section 2. DESIGN STANDARDS. Section 41-10 of the Excelsior Zoning Code shall be amended to add the following:

(e) *Height Stepbacks*. Notwithstanding any provisions of this Appendix E to the contrary, the second story of any principal structure located 14 feet or closer to a principal structure on an adjacent lot shall be required to step back at least 8 additional feet from the required side yard setback. For purposes of this section, a “second story” shall be that portion of the principal structure exceeding 12 feet above the finished first floor. Also, for purposes of this section, “adjacent lot” shall mean any lot abutting the subject lot on the same street as the subject lot.

(f) *Principal Structure Depth*. To the extent that a new or remodeled principal structure exceeds 133% of the depth of the principal structure on an adjacent lot, the sidewall of the new or remodeled structure shall be set back at least an additional two feet for each 12 feet of wall length exceeding the depth of the principal structure on the closest adjacent lot. In lieu of this setback, the side wall of the new or remodeled structure may include at least two of the following features at least every 12 feet beyond the depth of the nearest principal structure:

- Structural windows, doors, awnings, or canopies;
- Projecting bays or box windows;
- Stoops;
- Porches;
- Chimneys (with a minimum depth of one foot);
- Pilasters;
- Second story roof overhangs (extending at least 20 percent of the length of the side wall); or
- 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).

(g) *Wall Heights on Sloped Terrain*. To the extent that any wall height of a new or remodeled structure exceeds 28 feet in height, it shall step back at least two feet for each foot it exceeds 28 feet in height. For purposes of this section, “wall height” shall mean the distance from the place it emerges from the ground to the top of a cornice or a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or an arch type or to the mean distance of the highest ridge of a pitched, hip, or gambrel roof.

Section 3. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication.

Adopted by the City Council of the City of Excelsior, Minnesota, this 22<sup>nd</sup> day of July, 2019.

ATTEST:

\_\_\_\_\_  
Todd R. Carlson, Mayor

\_\_\_\_\_  
Lynette Peterson, City Clerk

\_\_\_\_\_  
Kristi Luger, City Manager

First Reading of Ordinance and Adoption:  
Publication of Ordinance:  
Effective Date:

July 22, 2019  
August 1, 2019  
August 1, 2019

## Annotated Explanation of Impact of Emergency Ordinance

### Scale:

- The height-to-width ratio of a new structure should be consistent with the existing adjacent structures on the block.

*This item is satisfied partially by the requirement that the new or remodeled principal structure step back from the adjacent principal structure on a adjacent lot if it is 14 feet or closer to that structure.*

### Setbacks:

- A new structure's placement and general orientation on the site should match the predominant pattern on the block.

*This item is satisfied partially by the requirement that the new or remodeled principal structure step back from the adjacent principal structure on a adjacent lot if it is 14 feet or closer to that structure.*

- A greater side yard setback is required when the height of a new side wall is greater than that of a neighboring building.

*This item is satisfied partially by the requirement that the new or remodeled principal structure step back from the adjacent principal structure on a adjacent lot if it is 14 feet or closer to that structure.*

- A new building should be set back from the street the average distance of building setbacks on the block.

*This item is not addressed by the interim regulations.*

- Projects should maintain the predominant pattern of yard open space found in the block and minimize encroachments into the side yard setbacks.

*This item is satisfied partially by the requirement that the new or remodeled principal structure step back from the adjacent principal structure on a adjacent lot if it is 14 feet or closer to that structure. It is also partially*

*achieved by the depth regulations which will increase the amount of green space in the rear and side of the lot.*

Roof lines:

- Roof forms should be consistent with established patterns of roof forms on the block.

*This item is not addressed by the interim regulations.*

- Projects should utilize lower eave lines to eliminate the need for full height two-story walls where they would be next to single-story houses.

*This item is satisfied partially by the requirement that the new or remodeled principal structure step back from the adjacent principal structure on a adjacent lot if it is 14 feet or closer to that structure. It is also partially achieved by options for addressing extended depth of a new or remodeled principal structure.*

Lot coverage:

- Projects should use less than the allowed maximum lot coverage to vary the building footprint to create a variety of outdoor spaces and provide enough space for sunlight and air to reach neighboring properties.

*This was not addressed by the interim regulations because of concerns about application to different sized lots.*

- On sloped properties, new structures should step down one story with the slope to reduce the visual impact of a tall wall.

*This item is addressed by the “Wall Heights on Sloped Terrain” section of the interim regulations.*

- Use of retaining walls should be minimized and existing topography and tree cover maintained.

*This item is not addressed by the interim regulations. It could be addressed by specific limitations on the height and horizontal separation of retaining wall segments.*



- Long horizontal walls should be broken up by the use of architectural elements and recessed setbacks.

*This item is specifically addressed by the Principal Structure Depth portion of the interim regulations.*

Design details:

- The proportion of window and door openings to solid surfaces should be consistent with the predominant ratio on the block.

*This item is not addressed by the interim regulations.*

- Large wall expanses on any side of a structure should be visually interrupted by windows in a balanced, rhythmic pattern.

*This item is addressed by the Principal Structure Depth portion of the interim regulations.*

- Single-story porches on the street side are strongly encouraged to reduce the structure's perceived mass as seen from the street.

*This item is not addressed by the interim regulations.*