

ORDINANCE NO. 2018-03

AN ORDINANCE AMENDING THE ZONING ORDINANCE CONCERNING ROOFTOP RESTAURANTS IN THE PLANNED COMMERCIAL (PCD) ZONING DISTRICTS AND CONDITIONALLY PERMITTED USES IN THE R-2 DISTRICT

The City Council Of Edina Ordains:

Section 1. Sec. 36-612 (Conditional Uses within the PCD-1, PCD-2 and PCD-3 District) shall be amended to add the following:

(3) Rooftop restaurants, subject to the following conditions:

- a. The outside seating area shall not be permitted if located within one hundred (100) feet of any residential use at the time the rooftop restaurant is established.
- b. Hours of operation are limited to 7:00 am to 10:00 pm. The City Council may further restrict the hours of operation based upon the proximity of the area to residential dwelling units and upon considerations relating to the safety and welfare of residents, businesses, and other uses near the establishment.
- c. Amplified sound audible to adjacent property is prohibited.
- d. The rooftop dining area shall be kept in a clean and orderly manner. No food or beverages may be stored on the rooftop unless a suitable means for such storage has been reviewed and approved by the City as part of the CUP.
- e. Rooftop restaurants must be adequately screened from adjacent residential uses at the time the rooftop restaurant is established.
- f. A liquor license is required to serve alcohol in the rooftop dining area.
- g. Fencing or a guard is required around the perimeter of the rooftop dining area per the Minnesota State Building Code.

Existing text – XXXX

Stricken text – ~~XXXX~~

Added text – **XXXX**

- h. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause a glare upon other public or private property outside the designated area, and subject to Sec. 36-1260.

Section 2. Sec. 36-464 shall be amended to delete the following:

~~**Sec. 36-464. – Conditional uses.** The conditional uses permitted in the Double Dwelling Unit District (R-2) are additions to, or replacement of, single dwelling unit buildings and buildings containing two dwelling units with a first floor elevation of more than one foot above the existing first floor elevation of the existing dwelling unit building. Such additions to or replacements of single or two dwelling unit buildings must meet one or more of the first three conditions listed in subsection (1) of this section, and always meet condition four set forth in subsection (2) of this section.~~

- ~~(1) The first floor elevation may be increased to the extent necessary to elevate the lowest level of the dwelling to an elevation of two feet above the 100-year flood elevation, as established by the Federal Emergency Management Agency (FEMA), or the city's comprehensive water resource management plan; or the first floor elevation may be increased to the extent necessary to reasonably protect the dwelling from groundwater intrusion. Existing and potential groundwater elevations shall be determined in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a professional civil engineer licensed under Minn. Stats. ch. 326, or a hydrologist certified by the American Institute of Hydrology. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval; or the first floor elevation may be increased to the extent necessary to allow the new building to meet the state building code, this Code or other statutory requirements; and~~
- ~~(2) An increase in first floor elevation will only be permitted if the new structure or addition fits the character of the neighborhood in height, mass and scale.~~

Section 4. Sec. 36-1274 shall be amended to delete the following:

- ~~(c) Rooftop restaurants shall be prohibited in all zoning districts.~~

Section 3. This ordinance is effective immediately upon its passage and publication.

First Reading:

Second Reading:

Published:

ATTEST:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on:

Send two affidavits of publication.

Bill to Edina City Clerk

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Ordinance was duly adopted by the Edina City Council at its Regular Meeting of _____, 2018, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____,
2018.

City Clerk