

ORDINANCE NO. 2020-10
AN ORDINANCE AMENDMENT REGARDING SETBACKS IN THE SOUTHDALE AREA, BUILDING MATERIALS, HOUSING IN COMMERCIAL ZONING DISTRICTS, AND NUMBER OF GARAGE STALLS FOR SINGLE FAMILY HOMES

THE CITY COUNCIL OF EDINA ORDAINS:

Section 1. Sec. 36-525. - Requirements for building coverage, setbacks and height is amended as follows: (PRD & PSR Zoning District)

(b) *Setbacks.* Setbacks shall be measured from the boundary of the tract. The required setbacks shall be increased to equal the building height for those buildings whose height exceeds the minimum setbacks required. The minimum setbacks are as follows:

	Front Street (in feet)	Side Street (in feet)	Interior Side Yard (in feet)	Rear Yard (in feet)
PRD-1	30*	30*	20	25
PRD-2	30*	30*	20	35
PRD-3	35*	35*	20	35
PRD-4, 5	35*	35*	35	35
PSR-3, 4	35*	35*	20	35
Accessory buildings	Same as principal building	10	10	

*** Front and Side Street Setbacks for properties in the Greater Southdale District are subject to Sec. 36-1276**

Section 2. Sec. 36-553. - Requirements for building coverage, setbacks and height is amended as follows: (MDD District)

- (c)

Setbacks. Setbacks shall be measured from the boundary of the tract or from the public street right-of-way.

	Front Street (in feet)	Side Street (in feet)	Interior Side Yard (in feet)	Rear Yard (in feet)
MDD-3	35*	35*	20	35

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 Added text – **XXXX**

MDD-4	35*	35*	20	35
MDD-5	35*	35*	20	35
MDD-6	35*	35*	20	35

* Front and Side Street Setbacks for properties in the Greater Southdale District are subject to Sec. 36-1276

Section 3. Sec. 36-578. - Requirements for building coverage, setbacks and height is amended to add the following: (POD Zoning District)

(4) Front and Side Street Setbacks for properties in the Greater Southdale District are subject to Sec. 36-1276

Section 4. Sec. 36-579. (3) – Special Requirements (POD Zoning District) is amended as follows:

(3) *Building design and construction.* In addition to other restrictions of this section and article III of [chapter 10](#), the use, construction, alteration or enlargement of any building or structure within the Planned Office District shall meet the following standards:

- ~~a. All exterior wall finishes on any building shall be one or a combination of the following:

 - ~~1. Face brick;~~
 - ~~2. Natural stone;~~
 - ~~3. Specially designed precast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture;~~
 - ~~4. Factory fabricated and finished metal framed panel construction, if the panel materials are any of those noted in subsections (3)a.1 through 3 of this section; or~~
 - ~~5. Glass or prefinished metal (other than unpainted galvanized iron).~~~~

a. All new front building façades in the district that face the public realm must have seventy five percent (75%) transparency (ability to see inside the building) at the ground level.

b. All facades on the first vertical 60 feet of a building (above grade) shall use natural materials (brick, stone) facing the public realm (streets, parks, sidewalks).

c. No building façade shall be longer than 200 feet without changing direction by a minimum of 90 degrees.

d. Ground level first floors must have a minimum floor to ceiling height of 20 feet.

b.e. All subsequent additions, exterior alterations and accessory buildings constructed after the erection of an original building shall be constructed of the same materials

as the original building and shall be designed in a manner conforming to the original architectural design and general appearance.

Section 5. Sec. 36-617 (b) – Requirements for building coverage, setbacks and height in the PCD Zoning Districts is amended as follows:

Sec. 36-617 (b). - Requirements for building coverage, setbacks and height.

(b) *Setbacks.* Subject to the requirements of [section 36-618](#) (1) and (2).

	Front Street (in feet)	Side Street (in feet)	Side Yard (in feet)	Rear Yard (in feet)
PCD-1	35*	25*	25*	25*
PCD-2	35*	25*	25*	25*
PCD-3 North of 70th St.	35**	35**	35	35
PDC-3 South of 70th St.	50**	50**	50	50
PCD-4 Gas stations	35	25	25	25
All other uses	45	25	45	25

*Subject to the requirements of [section 36-618](#).

** Subject to the requirements of [section 36-1276](#)

Section 6. Subsection 36-618, Special requirements in the PCD Zoning Districts is amended as follows:

Sec. 36-618. - Special requirements.

~~(3) *Setbacks for PCD-3 subdistrict.* The minimum building setback required by [section 36-617](#)(b) shall be increased as follows:~~

- ~~a. In the area bounded by France Avenue on the west, York Avenue on the east and W. 70th Street on the south, the minimum building setback shall be increased by one third foot for each foot that the building exceeds 50 feet in building height. For purposes hereof, only those portions of buildings which exceeds 50 feet in building height need provide the additional setbacks required by this subsection.~~
- ~~b. In all other areas, the minimum building setback shall be equal to the building height for buildings taller than 50 feet.~~

(11) *Building design and construction.* In addition to the other restrictions of this section and article III of [chapter 10](#), the use, construction, alteration or enlargement of any building or structure within the Planned Commercial District shall meet the following standards:

- ~~a. All exterior wall finishes on any building shall be one or a combination of the following:~~

1. ~~Face brick;~~
2. ~~Natural stone;~~
3. ~~Specially designed precast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture;~~
4. ~~Factory fabricated and finished metal framed panel construction, if the panel materials are any of those noted in subsections (11)a.1 through 3 of this section; or~~
5. ~~Glass or prefinished metal (other than unpainted galvanized iron).~~

a. All new front building façades in the district that face the public realm must have seventy five percent (75%) transparency (ability to see inside the building) at the ground level.

b. All facades on the first vertical 60 feet of a building (above grade) shall use natural materials (brick, stone) facing the public realm (streets, parks, sidewalks).

c. No building façade shall be longer than 200 feet without changing direction by a minimum of 90 degrees.

d. First floors must have a minimum ceiling height of 20 feet.

e. Exceptions may be made to a-d above for an affordable housing project that has over 50% of the units considered to affordable housing as defined in Section 36-612 (1).

f. All subsequent additions, exterior alterations and accessory buildings constructed after the erection of an original building shall be constructed of the same materials as the original building and shall be designed in a manner conforming to the original architectural design and general appearance.

Section 7. Subsection 36-643, Requirements for building coverage, setbacks and height in the PID Zoning District is amended to add the following:

(g) Front and Side Street Setbacks for properties in the Greater Southdale District are subject to Sec. 36-1276

Section 8. Subsection 36-644, Special requirements in the PID Zoning District is amended as follows:

Sec. 36-644. - Special requirements.

(11) *Building design and construction.* In addition to the other restrictions of this section and article III of [chapter 10](#), the use, construction, alteration or enlargement of any building or structure within the Planned Industrial District shall meet the following standards:

a. ~~All exterior wall finishes on any building shall be one or a combination of the following:~~

1. ~~Face brick;~~
2. ~~Natural stone;~~
3. ~~Specially designed precast concrete units, if the surfaces have been integrally treated with an applied decorative material or texture;~~
4. ~~Factory fabricated and finished metal framed panel construction, if the panel materials are any of those noted in subsections (4)a.1 through 3 of this section; or~~
5. ~~Glass or prefinished metal (other than unpainted galvanized iron).~~

a. All new front building façades in the district that face the public realm must have seventy five percent (75%) transparency (ability to see inside the building) at the ground level.

b. All facades on the first vertical 60 feet of a building (above grade) shall use natural materials (brick, stone) facing the public realm (streets, parks, sidewalks).

c. No building façade shall be longer than 200 feet without changing direction by a minimum of 90 degrees.

d. First floors must have a minimum ceiling height of 20 feet.

e. All subsequent additions, exterior alterations and accessory buildings constructed after the erection of an original building shall be constructed of the same materials as the original building and shall be designed in a manner conforming to the original architectural design and general appearance.

Section 9. Sec. 36-664. - Requirements for building coverage, setbacks and height is amended as follows: (RMD Zoning District)

(b) *Setbacks.*

Front Street	Side Street	Interior Side Yard	Rear Yard
35 feet**	35 feet**	20 feet*	20 feet*

*Or the building height, if greater.

**Front and Side Street Setbacks for properties in the Greater Southdale District are subject to Sec. 36-1276

Section 10. DIVISION 2. - GENERAL REQUIREMENTS APPLICABLE TO ALL DISTRICTS EXCEPT AS OTHERWISE STATED is amended to add the following:

Sec. 36-1276. – Setbacks in the Greater Southdale District

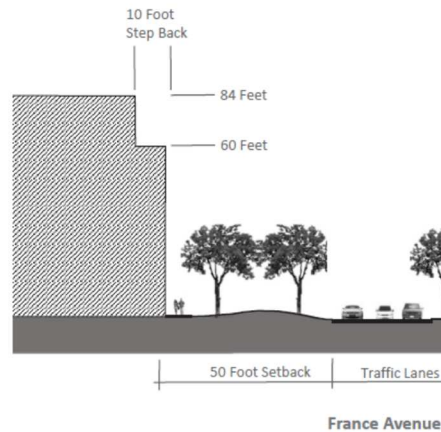
(1) Front Street Setbacks on France Avenue between Highway 62 and Minnesota Drive and the on York Avenue between 66th Street and 78th Street: A 50-foot setback is required

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Added text – XXXX

from the face of the curb to the face of building. Above a building height of 60-feet the additional height must step back 10 feet from the face of the building.



(2) Front Street Setbacks on streets other than France Avenue and York Avenue: A 30-foot setback is required from the face of curb to the face of building with a building podium height of 60 feet. Above the 60-foot height limit, additional height should step back 30 feet from the face of the building, to a maximum height of 105 feet. Any height about 105 feet should step back and additional 10 feet from the face of the building.



(3) All new front building façades in the district that face the public realm must have seventy five percent (75%) transparency (ability to see inside the building) at the ground level.

Section 11. Sec. 36-612. - Conditional uses. (PCD Zoning Districts) is amended as follows:

The following are the conditional uses permitted in the PCD-1 subdistrict:

(1) PCD-1 and PCD-2 subdistricts. Multi-residential uses subject to following:

- a. New rental multi-family developments containing 20-units or more shall provide a minimum of 10% residential units at 50% area median income (AMI) or 20% residential units at 60% AMI.
- b. New for-sale developments shall provide a minimum of 10% of residential units at AMI.
- c. Rental and for-sale/owner occupied affordable units shall provide the following:
 - i. on-site parking (either surface or enclosed) for affordable units and the cost related to parking must be included affordable sales price or affordable rental rate. At least one enclosed parking space shall be included in the purchase price of a for-sale unit in the same manner offered to buyers of market rate units.
 - ii. Affordable and market rate residents will have equal access to all entries, lobbies, elevators, parking and amenities. Examples of amenities include storage lockers, balconies, roof decks, outdoor patios, pools, fitness facilities, and similar unit and project features.
 - iii. Exterior appearance of affordable units shall be visually comparable with market rate units in the development.
- d. New rental housing will remain affordable for a minimum of 20 years and this requirement will be memorialized by a Land Use Restrictive Covenant.
- e. New for-sale or owner-occupied developments will remain affordable for a minimum of 30 years and this requirement will be memorialized by a Land Use Restrictive Covenant. The Land Use Restrictive Covenant will contain a provision providing the Housing and Redevelopment Authority or Edina Housing Foundation the right of first refusal to purchase affordable units.
- f. The owners of multi-family rental housing projects subject to this Policy by receiving financial assistance shall accept tenant-based rental housing assistance including but not limited to Section 8 Housing Choice Vouchers, HOME tenant-based assistance and Housing Support. Tenants with rental assistance may occupy an affordable dwelling unit with the rent charged not exceeding the maximum allowed by Metro HRA or the assistance provider. Furthermore, the rent charged may not exceed the maximum allowed by the most restrictive funding source. This requirement will be enforced through a contract between the City of the project owner pursuant to which the owner will be required to adopt business practices that promote fair housing and provide documentation of compliance with these requirements to the City. This requirement will be further enforced through the City's monitoring policies and procedures.
- g. Owners of City-assisted housing projects shall affirmatively market affordable housing opportunities. All multi-family housing providers subject to this policy must submit an Affirmative Fair Housing Marketing Plan (AFHMP) at least every 5 years and a Survey and Certification regarding AFHMP outcomes annually. Owners must advertise housing opportunities on HousingLink or another medium acceptable to the City concurrent with any other public or private advertising.
- h. Recognizing that affordable housing is created through a partnership between the City and developers, the City and/or Housing and Redevelopment Authority will consider the following incentives for developments that provide affordable housing:

- i. Density bonuses
- ii. Parking requirement reductions
- iii. Tax increment financing for projects that exceed the minimum requirement
- iv. Deferred low interest loans from the Housing and Redevelopment Authority and/or Edina Housing Foundation
- v. Property Tax Abatement
- i. In lieu of providing affordable housing in each new qualifying development, the City may consider the following:
 - i. Dedication of existing units in Edina to 110% of what would have been provided in a proposed new development. These units would need to be of an equivalent quality within the determination of the City.
 - ii. Financial risk and participation in the construction of affordable dwelling units of an equivalent quality by another developer on a different site within the City.
 - iii. An alternative proposed by a developer that directly or indirectly provides or enables provision of an equivalent amount of affordable housing within the city. An alternative could be payment of a Total Buy In (TBI) fee, a cash payment to the City in lieu of providing affordable housing units. The TBI shall be equal to \$125,000 per unit rounding up to the next whole unit, plus a yearly escalator established by the housing price index plus one percent (1%). The TBI would be due in cash or certified funds in full to the City at the time of issuance of the building permit. A building permit will not be issued unless the TBI is paid in full. The City Council may allow the housing developer to pre-pay the TBI to satisfy a future Affordable Housing Opportunity on a case-by-case basis. TBI will be deposited into the Affordable Housing Trust Fund to be used for the development and preservation of affordable housing.

(2) *PCD-3 subdistrict.*

- a. Automobile agencies selling new, unused vehicles.
- b. Boat or marine stores or agencies selling or displaying new, unused boats.
- c. Multi-residential uses subject to following:
 - iv. New rental multi-family developments containing 20 units or more shall provide a minimum of 10% residential units at 50% area median income (AMI) or 20% residential units at 60% AMI.
 - v. New for-sale developments shall provide a minimum of 10% of residential units at AMI.
 - vi. Rental and for-sale/owner occupied affordable units shall provide the following:
 - (1) on-site parking (either surface or enclosed) for affordable units and the cost related to parking must be included affordable sales price or affordable rental rate. At least one enclosed parking space shall be included in the purchase price of a for-sale unit in the same manner offered to buyers of market rate units.
 - (2) Affordable and market rate residents will have equal access to all entries, lobbies, elevators, parking and amenities. Examples of amenities include

storage lockers, balconies, roof decks, outdoor patios, pools, fitness facilities, and similar unit and project features.

(3) Exterior appearance of affordable units shall be visually comparable with market rate units in the development.

vii. New rental housing will remain affordable for a minimum of 20 years and this requirement will be memorialized by a Land Use Restrictive Covenant.

viii. New for-sale or owner-occupied developments will remain affordable for a minimum of 30 years and this requirement will be memorialized by a Land Use Restrictive Covenant. The Land Use Restrictive Covenant will contain a provision providing the Housing and Redevelopment Authority or Edina Housing Foundation the right of first refusal to purchase affordable units.

ix. The owners of multi-family rental housing projects subject to this Policy by receiving financial assistance shall accept tenant-based rental housing assistance including but not limited to Section 8 Housing Choice Vouchers, HOME tenant-based assistance and Housing Support. Tenants with rental assistance may occupy an affordable dwelling unit with the rent charged not exceeding the maximum allowed by Metro HRA or the assistance provider. Furthermore, the rent charged may not exceed the maximum allowed by the most restrictive funding source. This requirement will be enforced through a contract between the City of the project owner pursuant to which the owner will be required to adopt business practices that promote fair housing and provide documentation of compliance with these requirements to the City. This requirement will be further enforced through the City's monitoring policies and procedures.

x. Owners of City-assisted housing projects shall affirmatively market affordable housing opportunities. All multi-family housing providers subject to this policy must submit an Affirmative Fair Housing Marketing Plan (AFHMP) at least every 5 years and a Survey and Certification regarding AFHMP outcomes annually. Owners must advertise housing opportunities on HousingLink or another medium acceptable to the City concurrent with any other public or private advertising.

xi. Recognizing that affordable housing is created through a partnership between the City and developers, the City and/or Housing and Redevelopment Authority will consider the following incentives for developments that provide affordable housing:

(1) Density bonuses

(2) Parking requirement reductions

(3) Tax increment financing for projects that exceed the minimum requirement

(4) Deferred low interest loans from the Housing and Redevelopment Authority and/or Edina Housing Foundation

(5) Property Tax Abatement

xii. In lieu of providing affordable housing in each new qualifying development, the City may consider the following:

(1) Dedication of existing units in Edina to 110% of what would have been provided in a proposed new development. These units would need to be of an equivalent quality within the determination of the City.

- (2) Financial risk and participation in the construction of affordable dwelling units of an equivalent quality by another developer on a different site within the City.
- (3) An alternative proposed by a developer that directly or indirectly provides or enables provision of an equivalent amount of affordable housing within the city. An alternative could be payment of a Total Buy In (TBI) fee, a cash payment to the City in lieu of providing affordable housing units. The TBI shall be equal to \$125,000 per unit rounding up to the next whole unit, plus a yearly escalator established by the housing price index plus one percent (1%).
- (4) The TBI would be due in cash or certified funds in full to the City at the time of issuance of the building permit. A building permit will not be issued unless the TBI is paid in full. The City Council may allow the housing developer to pre-pay the TBI to satisfy a future Affordable Housing Opportunity on a case-by-case basis. TBI will be deposited into the Affordable Housing Trust Fund to be used for the development and preservation of affordable housing.

- d. Offices, except offices allowed as a permitted accessory use.
- e. All nonresidential uses that increase the FAR to more than 0.5.

Subdivision II. - Parking Spaces

Section 12. Sec. 36-1311. Minimum number required is hereby amended as follows:

- (a) *Single dwelling units, double dwelling units and residential townhouses.* ~~Two fully enclosed spaces per dwelling unit.~~ One fully enclosed space per dwelling unit for single, double dwelling units and residential townhouses.

Section 13. This ordinance is effective immediately upon its passage.

First Reading: August 5, 2020
 Second Reading:
 Published:

Attest

 Sharon Allison, City Clerk

 James B. Hovland, Mayor