

ORDINANCE NO. 2022-01
AN ORDINANCE AMENDMENT REGARDING IMPERVIOUS SURFACE LOT COVERAGE,
SETBACKS, BASEMENTS AND THE 1-FOOT RULE

THE CITY COUNCIL OF EDINA ORDAINS:

Section 1. Sec. 36-10 Definitions is amended as follows:

Building coverage means the percentage of the lot area occupied by principal and accessory buildings and structures. ~~including, without limitation, patios.~~

***Impervious surface:* A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to placement. Examples include, but are not limited to, buildings, decks, rooftops, sidewalks, patios, permeable pavers, and concrete, asphalt, or gravel driveways.**

Setback, front street, means the shortest horizontal distance from the forward most point of a building or structure to the nearest point on the front lot line. **Within the Greater Southdale District, front street setbacks shall be measured from the forward most point of a building or structure to the face of curb per Section 36-1276.**

Setback, interior side yard, means the shortest horizontal distance from any part of a building or structure to the nearest point on an interior side lot line.

Setback, rear yard, means the shortest horizontal distance from any part of a building or structure to the nearest point on a rear lot line.

Setback, side street, means the shortest horizontal distance from any part of a building or structure to the nearest point on a side lot line that adjoins a street. **Within the Greater Southdale District, side street setbacks shall be measured from the forward most point of a building or structure to face of curb per Section 36-1276.**

Section 2. Subsection 36-438 of the Edina City Code. Requirements for building coverage, setbacks and height Special Requirements are amended to add the following:

Sec. 36-438. - Requirements for building coverage, **impervious surface lot coverage, setbacks and height.**

The minimum requirements for building coverage, **impervious surface lot coverage,** setbacks, and height in the Single Dwelling Unit District (R-1) are as follows:

(1) *Building Coverage.*

- a. Lots 9,000 square feet or greater in area. Building coverage shall be not more than 25 percent for all buildings and structures. On lots with an existing conditional use, if the combined total area occupied by all accessory buildings

Existing text – XXXX

Stricken text – ~~XXXX~~

Added text – **XXXX**

and structures, excluding attached garages, is 1,000 square feet or greater, a conditional use permit is required.

- b. Lots less than 9,000 square feet in area. Building coverage shall be not more than 30 percent for all buildings and structures; provided, however, that the area occupied by all buildings and structures shall not exceed 2,250 square feet.
- c. Combined total area. The combined total area occupied by all accessory buildings and structures, excluding attached garages, shall not exceed 1,000 square feet for lots used for single dwelling unit buildings.
- d. Building coverage shall include all principal or accessory buildings, including, but not limited to:

- 1. Decks ~~and patios~~. The first 150 square feet of an unenclosed deck ~~or patio~~ shall not be included when computing building coverage.
- 2. Gazebos.
- 3. Balconies.
- 4. Breezeways.
- 5. Porches.
- 6. ~~Accessory recreational facilities constructed above grade, such as paddle tennis courts.~~

- e. ~~The following improvements shall be excluded when computing building coverage:~~

- 1. ~~Driveways and sidewalks, but not patios, subject to subsection (1)d.1 of this section.~~
- 2. ~~Parking lots and parking ramps.~~
- 3. ~~Accessory recreational facilities not enclosed by solid walls and not covered by a roof, including outdoor swimming pools, tennis courts and shuffleboard courts.~~
- 4. ~~Unenclosed steps and stoops less than 50 square feet.~~
- 5. ~~Overhanging eaves and roof projections not supported by posts or pillars.~~

(2) **Impervious Surface Lot coverage.** Impervious surface lot coverage shall be limited to a maximum of Fifty percent (50%).

~~(2)~~ (3) **Setbacks.**

~~(3)~~ (4) **Height.**

Section 3. Sec. 36-439. (3) (7) AND (8). Special Requirements is amended as follows:

~~(3) Basements.~~ All single dwelling unit buildings shall be constructed with a basement having a gross floor area equal to at least 50 percent of the gross floor area of the story next above. The floor area of accessory uses shall not be included for purposes of this subsection.

- (7) *Additions to, or replacement of, single dwelling unit buildings and buildings containing two dwelling units.* For additions, alterations and changes to, or rebuilds of, existing single dwelling unit buildings and buildings containing two dwellings, the first-floor elevation may not be more than one foot above the existing first floor elevation, **unless one of the conditions in (8) below exists on the site.** If a split-level dwelling is torn down and a new home is built, the first-floor elevation of the dwelling unit being torn down is deemed to be the lowest elevation of an entrance to the dwelling, excluding entrance to the garage and entrances that do not face a street.
- (8) ~~Additions to, or replacement of, single dwelling unit buildings with a first-floor elevation of more than one foot above the existing first floor elevation of the existing dwelling unit building require a variance per [article II], division 3. Such additions to, or replacements of, single dwelling unit buildings must meet one or more of conditions a-c and always meet condition d.:~~ **If one of the conditions below exist on site, the one-foot requirement in (7) above could be increased to the minimum extent possible, as long as the low floor elevation is no higher than 2.5 feet above the low water elevation and the basement ceiling height is no taller than 9 feet.**
- a. ~~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~~ **There is a** 100-year flood elevation, as established by the Federal Emergency Management Agency (FEMA), or the city's comprehensive water resource management plan; or
 - b. 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
 - c. 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.
 - d. 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. 36-467. (b) (3) - Special requirements is amended as follows:

~~(3) *Basements.* All double dwelling unit buildings shall be constructed with a basement having a gross floor area equal to at least 50 percent of the gross floor area of the story next above. The floor area of accessory uses shall not be included for the purposes of this subsection.~~

Section 5. Sec. 36-1259. – Building Coverage Computation; exclusion and inclusions are amended as follows:

~~(a) The following structures and improvements shall be excluded when computing building coverage:~~

~~(1) Driveways and sidewalks, but not patios.~~

~~(2) Parking lots and parking ramps.~~

~~(3) Accessory recreational facilities not enclosed by solid walls and not covered by a roof, including outdoor swimming pools, tennis courts and shuffleboard courts; but facilities which are constructed above grade, such as paddle tennis courts, shall be included when computing building coverage.~~

~~(4) Unenclosed and uncovered steps and stoops less than 50 square feet.~~

~~(5) Overhanging eaves and roof projections not supported by posts or pillars.~~

~~(b) Building coverage computations, however, shall include all other principal or accessory buildings, including, but not limited to:~~

~~(1) Decks and patios, subject to allowances provided by this chapter.~~

~~(2) Gazebos.~~

~~(3) Balconies.~~

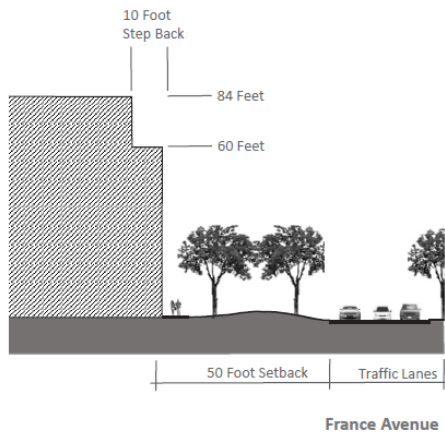
~~(4) Breezeways.~~

~~(5) Porches.~~

~~(6) Accessory recreational facilities constructed above grade, such as paddle tennis courts.~~

Section 6. Sec. 36-1276. – Setbacks in the Greater Southdale District is amended as follows:

(a) 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 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.



- (b) 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.



Section 7. This ordinance is effective immediately upon its passage.

First Reading:
Second Reading:
Published:

Attest

Sharon Allison, City Clerk

James B. Hovland, Mayor