

ORDINANCE NO. 2023-__
AN ORDINANCE AMENDMENT REGARDING
ACCESSORY DWELLING UNITS

The City Council Of Edina Ordains:

Section 1. Chapter 36, Article I – IN GENERAL is amended as follows:

Sec. 36-10 Definitions

~~Accessory Dwelling Unit means a dwelling unit located on the same parcel as a principal residential structure to which it is accessory. secondary dwelling unit located on the same parcel as a single dwelling unit building, which includes provisions for living independent of the principal dwelling, such as areas for sleeping, cooking, and sanitation.~~

Commented [AML1]: Dwelling Unit is defined as: one or more rooms connected together, but which is or are separated from all other rooms in the same building, which room constitutes, or rooms constitute, a separate, independent unit with facilities for cooking, sleeping and eating, and used for residential occupancy. A room or rooms shall be deemed to be a dwelling unit if it contains or they contain facilities for cooking, sleeping and eating, if it or they can be separated from all other rooms in the same building, if access can be gained without entering or passing through any living space of another dwelling unit, and if it is or they are used for residential occupancy. If a dwelling unit has an attached garage, then the attached garage is deemed a part of the dwelling unit.

Section 2. Chapter 36, Article III – Site Plan Review is amended as follows:

Sec. 36-124. Exceptions. Except in those cases specifically cited within this chapter, the following shall be exempt from the foregoing requirements of this chapter:

- (1) Construction or alteration of a single-family or two-family residential building, ~~accessory dwelling unit~~ or accessory building;

Commented [AML2]: This is intended to exempt an ADU from the formal Site Plan Review process in Article III of the Zoning Ordinance, similar to single-family and two-family residential buildings.

Section 3. Chapter 36, Article VIII, Division 2 of the Edina City Code is amended as follows:

DIVISION II. SINGLE DWELLING UNIT DISTRICT

Sec. 36-433. Principal uses. The principal uses permitted in the Single Dwelling Unit District (R-1) are as follows:

- (1) Buildings containing not more than one dwelling unit, including attached garages, ~~except that the building may also contain an accessory dwelling unit pursuant to this chapter.~~

Commented [AML3]: This is to avoid a contradiction with allowing ADUs to be internal or attached to the primary dwelling.

Sec. 36-435. Accessory uses. Accessory uses permitted in the Single Dwelling Unit District (R-1) are as follows:

- (1) The following accessory uses are permitted on the same lot as a single dwelling unit building:

j. ~~Accessory dwelling units subject to the requirements of this Chapter.~~

Commented [AML4]: This would make ADUs a permitted (by-right) accessory use, subject to the provisions outlined.

Existing text – XXXX
Stricken text – ~~XXXX~~
Added text – XXXX

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

(1) *Building coverage.*

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

1. Unenclosed steps and stoops less than 50 square feet.
2. Overhanging eaves and roof projections not supported by posts or pillars.

3. The first 250 square feet of an accessory dwelling unit.

Commented [AML5]: Building coverage is likely to be a barrier to building ADUs. This provision is intended to provide some relief to building coverage, while maintaining the requirement for impervious surface.

(4) *Height.*

1. Single dwelling unit buildings and attached structures accessory thereto.	2½ stories. For maximum height see 4. below.
2. Buildings and structures accessory to single dwelling unit buildings, but not attached thereto.	1½ stories or 18 feet whichever is less.
<u>3. Accessory dwelling units located above a detached garage when all principal structure setbacks are met but including properties abutting an alley where a 5-foot setback from the alley right-of-way is maintained.</u>	<u>2 stories or 25 feet whichever is less.</u>
4. All other buildings and structures.	3 stories or 40 feet whichever is less.
4 5 . The maximum height to the highest point on a roof of a single or double dwelling unit shall be 30 feet. For lots that exceed 75 feet in width, the maximum height to the ridge line shall be 35 feet, and the maximum height may be increased by one inch for each foot that the lot exceeds 75 feet in width. In no event shall the maximum height exceed 40 feet.	

Commented [AML7R6]: Does the Planning Commission wish to allow ADUs at this height if not part of a detached garage?

Commented [AML6]: The ADU survey indicated strong support for ADUs above detached garages; however, the existing height limit of 18 feet for detached structures would make this impossible. The intent with this provision is to treat a detached garage with an ADU similarly to one that is attached to the primary dwelling, but also differentiate between properties where the detached garage is accessed from an alley and, therefore, has additional separation from the property to the rear.

Sec. 36-439. Special requirements.

(2) ~~One dwelling unit per single dwelling unit lot. No more than one dwelling unit shall be erected, placed or used on any lot unless the lot is subdivided into two or more lots pursuant to chapter 32. Accessory dwelling units shall comply with the following:~~

- a. Accessory dwelling units shall only be permitted on lots where the principal use is a single dwelling unit.
- b. There shall be no more than one (1) accessory dwelling unit permitted per lot.
- c. Accessory dwelling units may be attached to, detached from, or internal to a single dwelling unit. Accessory dwelling units must be fully separated from the single dwelling unit by means of a wall or floor and have a separate entrance than the single dwelling unit. The separating wall may have a door connecting the accessory dwelling unit to the single dwelling unit.
- d. The accessory dwelling unit shall not be sold independently of the principal single dwelling unit and may not be a separate tax parcel.

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 Added text – XXXX

- e. Rental of either the accessory dwelling unit or associated single dwelling unit requires a rental license pursuant to Chapter 10 of the City Code. Only one unit (either the accessory dwelling unit or primary home) may be rented at one time.
- f. Accessory dwelling units shall not exceed 1,000 square feet of floor area except that an accessory dwelling unit located in the basement of a single dwelling unit may occupy the entire basement.
- ~~g. Accessory dwelling units shall be at least 250 square feet of floor area.~~
- h. Accessory dwelling units shall be constructed on a frost protected foundation.
- i. The accessory dwelling unit and principal dwelling unit must comply with all current Minnesota Residential Code provisions.
- j. The accessory dwelling unit must be connected to municipal sewer and water. Connections for water and sanitary sewer shall be provided from service lines shared with the principal dwelling unless otherwise approved by the Public Works Director.
- ~~k. Exterior stairs shall be built of durable materials that match the finish of the principal structure. Raw or unfinished lumber shall not be permitted.~~
- l. Accessory dwelling units that are attached or internal to the principal structure shall be subject to the following:
 - i. Shall abide by the height and setback requirements for the principal structure.
 - ii. Only one exterior entrance to the principal structure, including for an accessory dwelling unit, shall be allowed on any side facing a public street.
 - iii. Exterior stairs are not allowed on the front of the principal structure.
- m. Accessory dwelling units that are detached from the principal structure shall be subject to the following:
 - i. Shall be located behind the rear building line of the principal structure.
 - ii. Rooftop decks are not permitted.

Commented [AML8]: This would mean either the single family home or ADU could be rented but not both. The other unit could be occupied by the owner or a qualifying relative.

Commented [AML9]: 1,000 square feet is the existing maximum for accessory structures in the R-1 District.

Commented [AML10]: This exemption for basements is from the City of Crystal. It may not be practical to break up a basement and still provide separate access to the ADU.

Commented [AML11]: The Planning Commission discussed eliminating the minimum square footage requirement on 11-15-23.

Sec. 4. Chapter 36, Article XII, Division 3 – PARKING AND CIRCULATION of the Edina City Code is amended as follows:

Sec. 36-1311. Minimum number required.

- ff. Accessory dwelling unit. One space in addition to the number of spaces required for the principal building on the property. Parking for an accessory dwelling unit is not required to be enclosed and shall be provided on a paved surface.

Existing text – XXXX
 Stricken text – ~~XXXX~~
 Added text – XXXX

Section 2. This ordinance is effective _____.

First Reading:
Second Reading:
Published:

ATTEST:

Sharon Allison, 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 _____, 2023, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 2023.

City Clerk

Existing text – XXXX
Stricken text – ~~XXXX~~
Added text – XXXX