



EDINA
MINNESOTA

Planning Commission Work Session Meeting Agenda

August 12, 2026, 5:30 PM

Edina City Hall, Community Room, 4801 W. 50th St.



Accessibility Support:

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1. Call to Order

2. Roll Call

3. Meeting Topics

3.1. Zoning and Subdivision Ordinance Update

4. Adjournment



Item Number: 3.1

Department: Community Development

Item Activity: Discussion

Prepared By: Addison Lewis, Community Development
Coordinator

Item Title: Zoning and Subdivision Ordinance Update

Action Requested:

None. Discussion only.

Information/Background:

This work session will continue discussion on the Zoning and Subdivision Ordinance Update with the focus on Module 1, which contains the chapter introduction, district regulations, uses and use standards. Staff and consultants from ZoneCo will provide updates since the last work session on June 24. At the last meeting, a lot of discussion was had about the need for the zoning ordinance to better accommodate the needs of an aging population. Changes proposed by staff and ZoneCo are summarized in the attached memo "Addressing the Needs of an Aging Population".

[Link to Project Story Map](#)

Supporting Documentation:

Documents marked with "Board Portal" do not meet [ADA Web Content Accessibility Guidelines \(URL\)](#) and are not included in the public packet. To request a board portal document, please [submit a data request \(URL\)](#).

1. Memo - Addressing the Needs of an Aging Population
2. Proposed Zoning Map
3. Draft Zoning Code - Module 1



Memo

Planning Division

EdinaMN.gov

Date: August 12, 2026

To: Planning Commission

From: Addison Lewis, Community Development Coordinator

Subject: Zoning and Subdivision Ordinance Update – Addressing the Needs of an Aging Population

Previous discussions with the Planning Commission have highlighted the importance for zoning code changes to address the needs of an aging population. This need is supported by multiple chapters of the Comprehensive Plan and supported by findings in the Zoning and Subdivision Ordinance Update Survey and the 2025 Quality of Life Survey. Previous discussions with the Planning Commission identified the need to address residential options for seniors, such as assisted living facilities and nursing homes, as well as inpatient medical care facilities that may involve short term stays, such as transitional care facilities and skilled nursing facilities.

The existing zoning ordinance is very limiting in where it allows nursing homes and convalescent homes. These uses are only permitted in the PRD-5 district, of which there are currently only three parcels in the City. Inpatient medical care uses are not clearly addressed in the current code, creating confusion on where they are allowed. Since the last Planning Commission work session on June 24, staff and consultants from ZoneCo have revised the draft zoning ordinance to more clearly allow these uses in more places so that the City can better adapt to an aging population. Uses generally fall under one of the following categories:

- Assisted living facility
 - *Definition.* A residential establishment providing room, board, personal care services, and medical care services to adult residents.
 - *Examples.* Assisted living community, nursing home, rest home, extended care facility, memory care center, and adult family home.
- Independent senior housing
 - *Definition.* A residential use providing dwelling units for individuals over the age of 62 who are capable of living independently, with optional common amenities but without personal care or medical services.
 - *Examples.* Senior apartments, age-restricted community, retirement village, congregate housing, shared senior housing, and senior co-living.



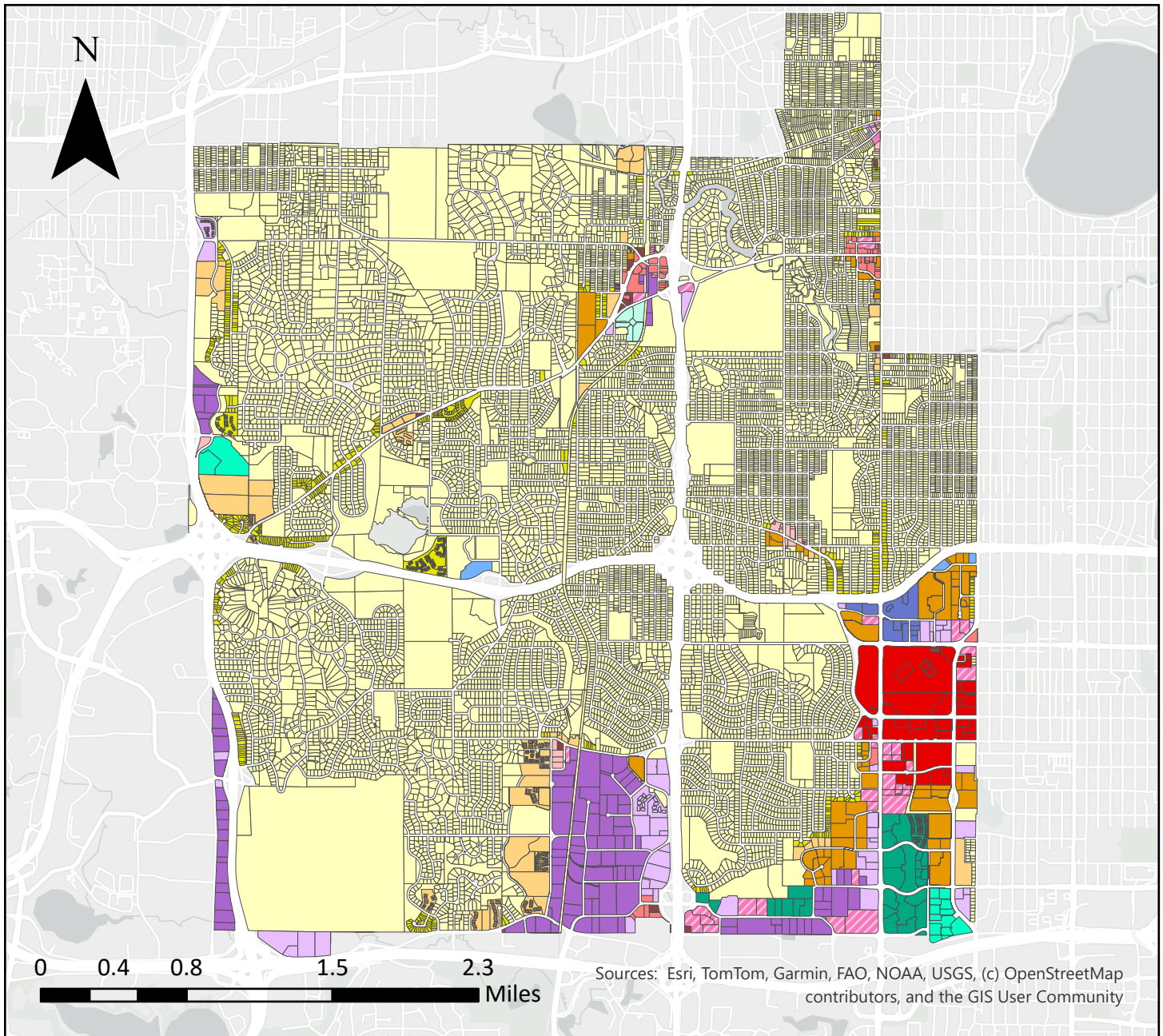
- Inpatient medical care
 - *Definition.* A facility providing medical diagnosis and treatment containing sleeping rooms, specialized therapeutic equipment, or continuous on-site clinical staffing that provides sub-acute medical care and rehabilitation services to patients for a defined, temporary period, generally not exceeding 120 days, but not including hospitals. This term does not include indefinite assisted living operations which may be better classified as an assisted living facility use.
 - *Examples.* Psychiatric clinic, hospice facility, birthing center, sanatorium, post-surgical orthopedic rehabilitation center, inpatient stroke recovery center, traumatic brain injury step-down facility, skilled nursing facility, and cardiac recovery facility.
- Outpatient medical care
 - *Definition.* A facility providing medical diagnosis and treatment but not overnight care.
 - *Examples.* Medical office, dental office, physical therapist, chiropractor, imaging center, occupational therapy clinic, medical spa, holistic care studio, speech-language pathology clinic, dietitian office, and rehabilitation center without beds.
- Hospital (now a distinct use from inpatient medical care)
 - *Definition.* A facility providing medical, surgical, and nursing care to sick or injured persons on an overnight, in-patient basis, typically featuring large-scale infrastructure designed for the frequent routing of emergency vehicles and integral accessory operations such as clinical laboratories, medical training facilities, and food services.
 - *Examples.* Hospital, children's hospital, and emergency room.

	Existing	Proposed
Assisted Living	Permitted only in PRD-5	Permitted use in AR, HDR, MDD-4, MDD-5, MDD-6 and CMU-3.
Independent Senior	Permitted use in any residential district except PRD-5	Permitted use in any residential district except in the AR district where it is allowed as an accessory use to an assisted living facility or inpatient medical care.
Inpatient Medical Care (skilled nursing facility or transitional care facility)	Permitted only in PRD-5	Permitted use in AR, MDD-4, MDD-5, MDD-6, CMU-3, O, and RM. Accessory use in HDR
Outpatient Medical Care	Permitted use in PCD-1, PCD-2, PCD-3, MDD-4, MDD-5, MDD-6, POD, PID, and RM.	Permitted use in CMU-1, CMU-2, CMU-3, MDD-4, MDD-5, MDD-6, O, IF, RM. Accessory use in HDR and AR.
Hospital	Permitted only in RM	Permitted only in RM



The proposed changes are an improvement over the existing code in that they provide greater clarity and improve flexibility on where these uses are allowed. By allowing more overlap, it better accommodates the potential for combined facilities – for example, a campus that could have assisted living, independent living, and transitional care.

Proposed Zoning Map - Edina, MN | August 2026



Legend

 R-1 Single Dwelling Unit District	 AC Automotive Commercial District
 MM Mixed Middle Residential District	 MDD-4 Mixed Development District 4
 MDR Medium Density Residential District	 MDD-5 Mixed Development District 5
 HDR High Density Residential District	 MDD-6 Mixed Development District 6
 AR Assisted Residential District	 O Office District
 CMU-1 Commercial Mixed Use District 1	 IF Industrial Flex District
 CMU-2 Commercial Mixed Use District 2	 RM Regional Medical District
 CMU-3 Commercial Mixed Use District 3	 PUD Planned Unit Development District

Chapter 36 – Zoning

The City of Edina, Minnesota

MODULE 1 REVIEW DRAFT / AUGUST 2026

ARTICLE I. INTRODUCTION

DIVISION 1. TITLE, PURPOSE, AND EFFECTIVE DATE

Sec. 36-1. Title.

Chapter 36 of the Edina City Code shall be known as the “Edina Zoning Code” except where referenced within this Chapter. Where referenced in this Chapter, the Edina Zoning Code shall be referred to as “this Chapter.”

Sec. 36-2. Purpose.

This Chapter is intended to promote and implement the following objectives:

- (a) Advance the goals established in the Comprehensive Plan;
- (b) Encourage the orderly development of multi-unit dwellings to provide a wide range of housing choice, density, and location while maintaining the overall quality of residential development;
- (c) Facilitate the orderly development, use, and maintenance of nonresidential uses which are compatible with the residential character of the City;
- (d) Provide an enjoyable living environment by preserving existing topography, vegetation, streams, water bodies and other natural land and water forms;
- (e) Encourage mixed use developments which provide housing for persons of low and moderate income, integrate residential and nonresidential uses, and encourage the use of mass transit;
- (f) Reduce employment-related automobile trips;
- (g) Promote an aesthetically pleasing natural environment through the establishment of landscaping and screening;
- (h) Preserve buildings, lands, areas and districts which possess historical or architectural significance;
- (i) Protect surface water and groundwater supplies, minimize the possibility of periodic flooding resulting in loss of life and property, health and safety hazards and related adverse effects; and
- (j) Promote, protect, and enhance the public health, safety, and welfare.

ARTICLE I. DIVISION 1. Title, Purpose, and Effective Date

Sec. 36-3. Effective date.

This Chapter shall be effective as of [Month XX, YYYY].

ARTICLE I. DIVISION 2. Legal Provisions

DIVISION 2. LEGAL PROVISIONS

Sec. 36-4. Applicability.

Except as specified herein, no land shall be subdivided, no building, structure, premises, or part thereof shall be used, occupied, located, moved, erected, constructed, reconstructed, converted, extended, enlarged, or altered except in conformity and full compliance with the regulations herein specified for the zoning district in which it is located.

Sec. 36-5. Conflicting provisions.

Where this Chapter imposes greater restrictions than another applicable statute, ordinance, rule, or regulation, this Chapter shall control when and to the extent allowed by state law. Where another applicable statute, ordinance, rule, or regulation imposes greater restriction than this Chapter, the other applicable statute, ordinance, rule, or regulation shall control.

Sec. 36-6. Severability.

If any section, subsection, subdivision, paragraph, subparagraph, sentence, clause or phrase of this Chapter is held to be invalid or unenforceable by any court of competent jurisdiction as to any person or circumstance, the application of such section, subsection, subdivision, paragraph, subparagraph, sentence, clause, or phrase to persons or circumstances other than those to which it shall be held invalid or unenforceable, shall not be affected thereby, and all other provisions of this Chapter, in all other respects, shall be and remain valid and enforceable.

ARTICLE I. DIVISION 3. How to Use This Chapter

DIVISION 3. HOW TO USE THIS CHAPTER

Sec. 36-7. Rules of construction.

In construing this Chapter, the following rules of construction shall govern unless their observance would involve a construction inconsistent with the manifest intent of the City Council or be repugnant to the context of this Chapter.

- (a) The use of the term "used for" includes the terms "designed for," "intended for," "improved for," "maintained for," "offered for" and "occupied for."
- (b) Words, terms, and phrases shall be construed according to rules of grammar and according to their common and accepted usage.
 - (1) Words, terms, phrases, and such others having definitions in Sec. 36-XX shall have acquired a meaning as defined in Sec. 36-XX.
 - (2) Technical words, terms, phrases and such others as have acquired a special meaning shall be construed according to such special meaning.
- (c) References in this Chapter to another provision in the Edina City Code provision, whether or not by specific number, shall mean the applicable section of the Edina City Code, as amended.

Sec. 36-8. Rules of interpretation.

The provisions of this Chapter shall be the minimum requirements for the promotion of the public health, safety, morals, and general welfare.

- (a) It is not the intention of this Chapter to interfere with, abrogate, or annul any covenant or agreement between parties.
- (b) The section, subsection, and paragraph headings are for reference only and shall not be used to interpret, enlarge, or detract from the provisions of this Chapter.

Sec. 36-9. Rules of measurement.

The measurements and calculations provided in this Chapter shall comply with the following standards.

- (a) *Distances.* Horizontal distances including lot widths and setbacks shall be measured in a straight line along a horizontal plane from the closest point of one object to the closest point of the other.

ARTICLE I. DIVISION 3. How to Use This Chapter

- (b) *Lot area.* The area within the lot lines exclusive of land located below the ordinary high-water elevation of lakes, ponds, and streams.
- (c) *Lot depth.* The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.
 - (1) On a corner lot, the lot depth shall be measured between the midpoint of the shortest front lot line and the midpoint of the rear lot line.
 - (2) On a triangular lot, the lot depth shall be measured from the midpoint of the front lot line to the intersection of the side lot lines.
 - (3) On a through lot, the lot depth shall be measured from the midpoint of one lot line abutting the street to the midpoint of the other lot line abutting the street.
- (d) *Lot width.* The horizontal distance between side lot lines, measured at right angles to the line establishing the lot depth at a point of 50 feet from the front lot line.
 - (1) On a corner lot, the lot width shall be the distance between longest front lot line and the side lot line, measured parallel to and at a point of 50 feet from the shortest front lot line.
- (e) *Lot width to perimeter ratio.* The lot width divided by the perimeter of the lot.
- (f) *Building coverage.* The building coverage shall be the area of a lot occupied by principal and accessory buildings and structures expressed as a percentage of the total lot area. The following buildings and structures shall be excluded from the building coverage calculation.
 - (1) Unenclosed steps and stoops less than 50 square feet.
 - (2) Overhanging eaves and roof projections not supported by posts or pillars.
- (g) *Impervious surface coverage.* The impervious surface coverage shall be the total area of all impervious surfaces on a lot expressed as a percentage of the total lot area. For the definition of an impervious surface, see Sec. 36-XX.
- (h) *Floor area ratio.* The gross floor area expressed as a percentage of the lot area.
- (i) *Gross floor area.*
 - (1) The sum of the horizontal areas of all the floors of a building as measured from:
 - A. The exterior faces of the exterior walls;

ARTICLE I. DIVISION 3. How to Use This Chapter

- B. The exterior window line of the exterior walls in the case of a building with recessed windows; or
 - C. The centerline of any party wall separating two buildings.
- (2) Gross floor area includes basements, hallways, interior balconies and mezzanines, enclosed porches, breezeways, and accessory buildings not used for parking.
 - (3) On lots containing a single-unit, two-unit, or townhouse dwelling, gross floor area does not include accessory garages, areas not enclosed by exterior walls, patios, and decks.
 - (4) On lots not containing a single-unit, two-unit, or townhouse dwellings, gross floor area does not include accessory garages, parking ramps, parking structures, areas not enclosed by exterior walls, mechanical rooms, patios, decks, restrooms, elevator shafts, and stairwells.
- (j) *Setbacks.*
- (1) The front setback shall be the shortest horizontal distance from the forward most point of a building or structure to the nearest point on the front lot line as measured in a straight line.
 - A. 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 Sec. 36-XX.
 - (2) The street side setback shall be 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.
 - A. 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 Sec. 36-XX.
 - (3) The interior side setback shall be the shortest horizontal distance from any part of a building or structure to the nearest point on an interior side lot line.
 - (4) The rear setback shall be the shortest horizontal distance from any part of a building or structure to the nearest point on a rear lot line.
 - A. For the purposes of measuring the rear setback on a corner lot, the rear lot line shall be determined in one of the following ways.

ARTICLE I. DIVISION 3. How to Use This Chapter

1. The lot owner may designate an interior lot line as the rear lot line for the purpose of measuring the rear setback.
 2. The lot owner may designate a straight line segment within the lot not less than 30 feet in length, perpendicular to a line drawn from the junction of the lot lines abutting the street to the junction of the interior lot lines, the line segment being the maximum distance from the junction of the lot lines abutting the street.
- B. For the purpose of measuring the rear setback on a triangular lot, the rear lot line shall be considered a straight line segment within the lot not less than 30 feet in length, perpendicular to a line drawn from the midpoint of the front lot line to the junction of the interior lot lines, and at the maximum distance from the front lot line.
- (k) *Building height.*
- (1) In measuring the height of a structure other than a building, the following rules of measurement shall be used.
 - A. The height shall be measured as the vertical distance between the existing ground elevation adjoining the structure and the highest point of the structure.
 - (2) In measuring the height of a building containing a single-unit dwelling, two-unit dwelling, or townhouse dwelling, the following rules of measurement shall be used.
 - A. The height shall be measured from the average existing ground elevation adjoining the building at the front building line to the highest point on a roof.
 - (3) In measuring the height of a building containing any use other than a single-unit dwelling, two-unit dwelling, or townhouse dwelling, the following method of measurement shall be used.
 - A. The height shall be measured from the average existing ground elevation adjoining the building at the front building line to:
 1. The highest point of the cornice of a flat roof;
 2. The deck line of a mansard roof;
 3. The highest point of a mono-pitched roof;

ARTICLE I. DIVISION 3. How to Use This Chapter

4. The highest point on a round or arch-type roof; or
 5. The average distance of the highest gable on a pitched or hip roof.
- (l) *Existing ground elevation.* The existing ground elevation shall be the lowest elevation adjoining the structure at the front building line measured as the lower of the following.
- (1) The grade at the time the last demolition permit was issued for a principal structure that was on the lot; or
 - (2) The grade at the time of application for the Building Permit for the most recently constructed principal structure on the lot.

ARTICLE II. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 36-10. Classification of districts.

For the purposes of this Chapter, the City shall be geographically divided into the following zoning districts which are established and categorized according to Table 10-1 below.

Table 10-1: Establishment of Zoning Districts.

Category	Symbol	District Name
Residential	R-1	Single Dwelling Unit District
	R-2	Double Dwelling Unit District
	MM	Mixed Middle Residential District
	MDR	Medium Density Residential District
	HDR	High Density Residential District
	AR	Assisted Residential District
Nonresidential	CMU-1	Commercial Mixed Use District 1
	CMU-2	Commercial Mixed Use District 2
	CMU-3	Commercial Mixed Use District 3
	AC	Automotive Commercial
	MDD-4	Mixed Development District 4
	MDD-5	Mixed Development District 5
	MDD-6	Mixed Development District 6
	O	Office District
	IF	Industrial Flex District
	RM	Regional Medical District
Overlay	HPD	Historic Preservation Overlay District
	FD	Floodplain Overlay District
	HOD	Building Height Overlay District
Planned	PUD	Planned Unit Development Districts.

Sec. 36-11. District boundaries.

The boundaries of all such districts, except the Floodplain Overlay District, shall be as shown in the official zoning map entitled "Official Zoning Map," a composite copy of which, reduced in size, is appended to this Chapter.

- The Official Zoning Map, with all explanatory information, is adopted by reference and declared to be a part of this Chapter.
- The boundaries shown on the Official Zoning Map may be changed by amendment to this section.
- The Official Zoning Map shall be on file in the Office of the Planning Department and shall be open to public inspection during normal business hours of the City.

ARTICLE II. DIVISION 1. Generally

- (d) The boundaries of the Floodplain Overlay District shall be as shown on the Official Floodplain Zoning Map described and identified in Article X of this Chapter, as such map is to be interpreted and used as provided in Article X of this Chapter.

ARTICLE III. DIVISION 2. Single Dwelling Unit District (R-1)

DIVISION 2. SINGLE DWELLING UNIT DISTRICT (R-1)

Sec. 36-12. Purpose.

The purpose of the Single Dwelling Unit (R-1) District is to provide a district primarily for detached single unit dwelling and complementary uses. The R-1 district is also used to provide for certain non-residential uses, which have minimal undesirable impacts and are compatible near single-unit dwelling neighborhoods. The R-1 District is intended primarily, though not exclusively, for areas guided Low Density Residential in the Comprehensive Plan.

Sec. 36-13. Dimensional standards.

- (a) All lots in the R-1 District which contain residential uses shall be developed in accordance with Table 13-1: R-1 District Dimensional Standards for Residential Uses.

Table 13-1: R-1 District Dimensional Standards for Residential Uses

Standard		Requirement
Minimum Lot Area	A-8 Lot Size Subarea	8,712 square feet
	A-10 Lot Size Subarea	10,000 square feet
	A-15 Lot Size Subarea	15,000 square feet
	A-20 Lot Size Subarea	20,000 square feet
	A-35 Lot Size Subarea	35,000 square feet
Minimum Lot Width	A-8 Lot Size Subarea	50 feet
	A-10 Lot Size Subarea	75 feet
	A-15 Lot Size Subarea	90 feet
	A-20 Lot Size Subarea	100 feet
	A-35 Lot Size Subarea	150 feet
Minimum Lot Depth		120 feet
Minimum Lot Width-to-Perimeter Ratio		0.1
Maximum Building Coverage	Lots < 9,000 Square Feet in Size	30 percent or 2,250 square feet, whichever is less. ¹
	Lots ≥ 9,000 Square Feet in Size	25 percent ¹
Maximum Impervious Surface Coverage		50 percent
Minimum Front Setback		30 feet ^{2 3}
Minimum Street Side Setback		15 feet ³
Minimum Interior Side Setback	Lot Width > 71 Feet Wide	10 feet each
	Lot Width ≤ 71 Feet but > 60 Feet	See Table 13-2: R-1 District Total Side Yard Setback.
	Lot Width ≤ 60 Feet but > 50 Feet	5 feet and 12 feet cumulatively
	Lot Width ≤ 50 Feet	5 feet each
Minimum Rear Setback		25 feet
Maximum Building Height	Lot Width ≤ 75 Feet	30 feet
	Lot Width > 75 Feet	35 feet
¹	The first 150 square feet of an unenclosed deck, the first 50 square feet of steps or stoops, and overhanging eaves not supported by pillars shall not be included when computing building coverage.	
²	Where the average front setback of the abutting lots which front on the same street is less than 30 feet, the minimum front setback shall be the same as the average front setback for the abutting lots.	

ARTICLE III. DIVISION 2. Single Dwelling Unit District (R-1)

Standard	Requirement
³	Unless a different setback is required by the Street Frontage Setback Map.

Table 13-2: R-1 District Total Side Yard Setback

Lot Width	Total Side Yard Setbacks from both Interior Side Lot Lines
71	19 feet 4 inches with one side being at least 9 feet
70	18 feet 8 inches with one side being at least 9 feet
69	18 feet with one side being at least 9 feet
68	17 feet 4 inches with one side being at least 8 feet
67	16 feet 8 inches with one side being at least 8 feet
66	16 feet with one side being at least 8 feet
65	15 feet 4 inches with one side being at least 7 feet
64	14 feet 8 inches with one side being at least 7 feet
63	14 feet 0 inches with one side being at least 7 feet
62	13 feet 4 inches with one side being at least 6 feet
61	12 feet 8 inches with one side being at least 6 feet

- (b) All lots in the R-1 District which contain nonresidential uses shall be developed in accordance with Table 13-3: R-1 District Dimensional Standards for Nonresidential Uses.

Table 13-3: R-1 District Dimensional Standards for Nonresidential Uses

Standard	Requirement
Minimum Lot Area	School (Primary)
	School (Secondary)
	Religious Facility
	All Other Uses
Minimum Lot Width	75 feet ¹
Minimum Lot Depth	120 feet ²
Minimum Lot Width-to-Perimeter Ratio	0.1
Maximum Building Coverage	25 percent
Minimum Front Setback	Day Care
	Driving Ranges, Tennis Courts, Maintenance Buildings and Swimming Pools Accessory to a Golf Course
	All Other Principal Buildings
	Day Cares
Minimum Street Side Setback	Driving Ranges, Tennis Courts, Maintenance Buildings and Swimming Pools Accessory to a Golf Course
	All Other Principal Buildings
	Day Cares
	Driving Ranges, Tennis Courts, Maintenance Buildings and Swimming Pools Accessory to a Golf Course
Minimum Interior Side Setback	Day Cares
	Driving Ranges, Tennis Courts, Maintenance Buildings and Swimming Pools Accessory to a Golf Course
	Day Cares
	Driving Ranges, Tennis Courts, Maintenance Buildings and Swimming Pools Accessory to a Golf Course

ARTICLE III. DIVISION 2. Single Dwelling Unit District (R-1)

Standard		Requirement
	All Other Principal Buildings	50 feet
Minimum Rear Setback	Day Cares	35 feet
	Driving Ranges, Tennis Courts, Maintenance Buildings and Swimming Pools Accessory to a Golf Course	50 feet
	All Other Principal Buildings	50 feet
Maximum Building Height		40 feet
¹	If the lot is in a neighborhood which has lots with a median lot width greater than 75 feet, then the minimum lot width shall be not less than the median lot width of lots in such neighborhood.	
²	If the lot is in a neighborhood which has lots with a median lot depth greater than 120 feet, then the minimum lot depth shall be not less than the median lot depth of lots in such neighborhood.	
³	Unless adjusted in accordance with Sec. 36-XX.	
⁴	Unless a different setback is required by the Street Frontage Setback Map.	

Sec. 36-14. Accessory structure standards.

All accessory structures developed in the R-1 District shall comply with Table 14-1: R-1 District Accessory Structure Setback Standards as well as the standards below.

- (a) All accessory structures shall be located on the same lot as a principal use meeting the dimensional standards requirement established for the R-1 District.
- (b) The cumulative surface coverage of all accessory buildings including detached garages, storage sheds, accessory dwelling units, and the like shall not exceed 1,000 square feet for lots containing single-unit dwellings.
 - (1) Accessory structures shall not be more than 18 feet tall, except as allowed below.
 - (2) Accessory dwelling units meeting the minimum setback standards established for principal buildings, except that only a five-foot setback is required from an alley right-of-way, may be more than 18 feet tall but shall not be more than 25 feet tall.
- (c) Accessory buildings with a floor area totaling 1,000 square feet or more and located on a lot containing a principal use permitted by conditional use permit approval shall comply with the following standards.
 - (1) If the accessory building is located within 1,500 feet of the principal building, the accessory building must be architecturally compatible with the principal building.
 - (2) The accessory building height shall be limited to 20 feet.
 - (3) An accessory building with a floor area of 1,000 square feet or larger must be set back at least 95 feet from all lot lines. Accessory structures with a floor area less than 1,000 square feet must be set back at least 50 feet from all lot lines.

ARTICLE III. DIVISION 2. Single Dwelling Unit District (R-1)

- (4) If the accessory structure is visible from an abutting lot, screening shall be required pursuant to Sec. 36.XX.

Table 14-1: R-1 District Accessory Structure Setback Standards

Structure	Minimum Front Setback	Minimum Street Side Setback	Minimum Interior Side Setback	Minimum Rear Setback
Detached accessory dwelling units 18 feet in height or less	Prohibited in front yard. ^{1 2}	15 feet	5 feet	5 feet
Detached accessory dwelling units more than 18 feet in height	Prohibited in front yard. ^{1 2}	15 feet	Same as required for principal building.	12 feet ³
Detached garages and storage buildings located entirely in the rear yard	Same as principal building minimum front setback.	15 feet ⁴	3 feet	3 feet
Detached garages and storage buildings not located entirely in the rear yard	Same as principal building minimum front setback.	15 feet ⁴	5 feet	5 feet
Swimming pools (to edge of required decking and equipment)	Same as principal building minimum front setback.	15 feet	10 feet	10 feet
A/C units and other privately owned mechanical equipment	Same as principal building minimum front setback.	15 feet	5 feet	5 feet
Window Wells	n/a	n/a	3 feet ⁵	n/a
Sport courts and all other accessory structures	Same as principal building minimum front setback.	15 feet	5 feet	5 feet
¹	The maximum building height for an accessory dwelling unit shall be increased to 30 feet if the accessory dwelling unit meets the required principal building side yard setback and a 12-foot rear yard setback, except that only a 5-foot setback is required from an alley right-of-way.			
²	See Sec. 36.XX. for required setback when more than 25 percent of the lots on a block face are occupied by dwelling units.			
³	May be reduced to 5 feet when abutting an alley.			
⁴	If a garage opening faces the street side lot line, the garage must be set back at least 20 feet from the street side lot line in accordance with Sec. 36-XX.			
⁵	Window wells will be exempt from the interior side setback requirement on one side of the lot.			

Sec. 36-15. Setback adjustments.

The minimum setback standards established in this Chapter shall be adjusted according to the following standards.

- (a) *Special setback requirements for lots containing single-unit dwellings.*

ARTICLE III. DIVISION 2. Single Dwelling Unit District (R-1)

- (1) *Established front setback.* Where the average front or street side setback of the abutting lots which front on the same street is less than the minimum front or street side setback established by this Chapter, the minimum front or street side setback shall be the same as the average front or street side setback for the abutting lots.
 - A. If the subject lot abuts only one lot containing a dwelling unit on the same block face, the minimum front or street side setback shall be the minimum established in this Chapter or the established front or street side setback on the adjacent lot containing the dwelling unit, whichever is less.
- (2) *Street side setback.*
 - A. The required street side setback shall be increased to that required for a front setback where there is an adjoining interior lot facing on the same street.
 - B. If an attached or detached garage door faces a street side lot line, the minimum street side setback requirement for the garage shall be increased to 20 feet.
- (3) *Through lots.*
 - A. On a through lot, the minimum front setback requirement shall only be required from the lot line which principal entrance of the single-unit dwelling faces. On the other lot line abutting a street, the minimum setback for all buildings and structures shall be 25 feet.

Sec. 36-16. Special requirements.

In addition to the dimensional requirements described in this Chapter, the following standards shall apply to all lots in the R-1 District.

- (a) No structured parking shall be constructed in the R-1 district. This provision shall not restrict the establishment of an accessory garage.

Sec. 36-17. Lot size subareas.

- (a) *Applicability.*
 - (1) No lot containing dwelling units shall be created, subdivided, or rezoned into the R-1 District unless said lot complies with the minimum lot size standard established for its applicable lot size subarea.
- (b) *Establishment of subareas.*

ARTICLE III. DIVISION 2. Single Dwelling Unit District (R-1)

- (1) The R-1 District shall be geographically divided into four subareas as follows.
 - A. A-8 Subarea.
 - B. A-10 Subarea.
 - C. A-15 Subarea.
 - D. A-20 Subarea.
 - E. A-35 Subarea.
 - (2) The official boundaries for each R-1 District lot size subarea shall be as delineated on Appendix B of the Official Zoning Map.
- (c) *Dimensional standards.*
- (1) The minimum lot size and minimum lot width for a lot in a R-1 District lot size subarea shall be as established in Table 17-1: R-1 District Lot Size Subarea Standards.

Table 17-1: R-1 District Lot Size Subarea Standards

R-1 District Lot Size Subarea	Minimum Lot Size	Minimum Lot Width
A-8	8,712 square feet	50 feet
A-10	10,000 square feet	75 feet
A-15	15,000 square feet	90 feet
A-20	20,000 square feet	100 feet
A-35	35,000 square feet	150 feet

ARTICLE III. DIVISION 3. Mixed Middle Residential District (MM)

DIVISION 3. MIXED MIDDLE RESIDENTIAL DISTRICT (MM)

Sec. 36-18. Purpose.

The purpose of the Mixed Middle (MM) District is to provide a district allowing a variety of housing types compatible in scale with single unit dwellings. The MM District is intended primarily, though not exclusively, for areas guided for Low Density Attached Residential or Medium Density Residential in the Comprehensive Plan.

Sec. 36-19. Application of standards.

Standards established for lots in the MM District shall be applied to the entire site containing dwelling units, regardless of any subdivision of a building or lot which has been, or may be, made in order to convey each dwelling unit separately.

Sec. 36-20. Dimensional standards.

All lots in the MM District shall be developed in accordance with Table 20-1: MM District Dimensional Standards.

Table 20-1: MM District Dimensional Standards

Standard		Requirement
Minimum Lot Area per Dwelling Unit		5,445 square feet
Minimum Front Setback		30 feet ^{1 2 3}
Minimum Street Side Setback		15 feet ^{1 2 3}
Minimum Interior Side Setback		10 feet ³
Minimum Rear Setback		25 feet ³
Minimum Green Space Coverage		35 percent
Maximum Building Coverage		40 percent
Maximum Building Height		35 feet
¹	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.	
²	Unless adjusted in accordance with Sec. 36-XX.	
³	Unless a different setback is required by the Street Frontage Setback Map.	

Sec. 36-21. Accessory structure standards.

All accessory structures developed in the MM District shall comply with the standards established for accessory structures in the R-1 District in **Sec. 36-14.**

ARTICLE III. DIVISION 4. Medium Density Residential District (MDR)

DIVISION 4. MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

Sec. 36-22. Purpose.

The purpose of the Medium Density Residential (MDR) District is to provide a district for a variety of housing types at moderate densities. The MDR District is intended primarily, though not exclusively, for areas guided Medium Density Residential in the Comprehensive Plan.

Sec. 36-23. Dimensional standards.

All lots in the MDR District shall be developed in accordance with Table 23-1: MDR District Dimensional Standards.

Table 23-1: MDR District Dimensional Standards

Standard		Requirement
Minimum Lot Area per Dwelling Unit		3,630 square feet ¹
Minimum Front Setback		35 feet ^{2 3}
Minimum Street Side Setback		35 feet ^{2 3}
Minimum Interior Side Setback		20 feet
Minimum Rear Setback		35 feet
Minimum Green Space Coverage		30 percent
Maximum Building Coverage		45 percent
Maximum Building Height		See Building Height Overlay District
¹	The minimum lot area may be adjusted by the schedule of allowances provided in Sec. 36-24. , provided that the cumulative effect of such allowances shall not change the minimum lot area requirement by more than 1,500 square feet.	
²	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.	
³	Unless a different setback is required by the Street Frontage Setback Map.	

Sec. 36-24. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 23-1: MDR District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) The maximum building coverage may be increased to 60 percent if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-25. Accessory structure standards.

All accessory structures developed in the MDR District shall comply with Table 25-1: MDR District Accessory Structure Setback Standards as well as the standards below.

ARTICLE III. DIVISION 4. Medium Density Residential District (MDR)

- (a) The exterior of all accessory structures shall be constructed of the same material as the principal building.

Table 25-1: MDR District Accessory Structure Setback Standards

Structure	Front Setback	Street Side Setback	Interior Side Setback	Rear Setback
All Accessory Structures	Same as principal building.	15 ft.	10 ft.	10 ft.

Sec. 36-26. Efficiency dwelling units.

- (a) Efficiency dwelling units shall be permitted in the MDR District provided that no more than 10 percent of the dwelling units in any building shall counted as efficiency dwelling units.

ARTICLE III. DIVISION 5. High Density Residential District (HDR)

DIVISION 5. HIGH DENSITY RESIDENTIAL DISTRICT (HDR)

Sec. 36-27. Purpose.

The purpose of the High Density Residential (HDR) District is to provide a district primarily for multi-unit dwellings exceeding a density of 12 units per acre. The HDR District is intended for areas in the Comprehensive Plan where residential densities exceed 12 units per acre.

Sec. 36-28. Dimensional standards.

All lots in the HDR District shall be developed in accordance with Table 28-1: HDR District Dimensional Standards.

Table 28-1: HDR District Dimensional Standards

Standard		Requirement
Minimum Lot Area per Dwelling Unit		See Comprehensive Plan ¹
Minimum Front Setback		35 feet ^{2 3 4}
Minimum Street Side Setback		35 feet ^{2 3 4}
Minimum Interior Side Setback		35 feet
Minimum Rear Setback		35 feet
Minimum Green Space Coverage		25 percent
Maximum Floor Area Ratio		1.2
Maximum Building Height		See Building Height Overlay District
¹	The minimum lot area may be adjusted by the schedule of allowances provided in Sec. 36-29. , provided that the cumulative effect of such allowances shall not change the minimum lot area requirement by more than 1,500 square feet.	
²	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.	
³	The minimum setback requirements shall be increased to equal the building height for those buildings whose height exceeds the minimum setback requirements in this table.	
⁴	Unless a different setback is required by the Street Frontage Setback Map.	

Sec. 36-29. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 28-1: HDR District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-30. Accessory structure standards.

ARTICLE III. DIVISION 5. High Density Residential District (HDR)

All accessory structures developed in the HDR District shall comply with Table 30-1: HDR District Accessory Structure Setback Standards as well as the standards below.

- (a) The exterior of all accessory structures shall be constructed of the same material as the principal building.

Table 30-1: HDR District Accessory Structure Setback Standards

Structure	Front Setback	Street Side Setback	Interior Side Setback	Rear Setback
All Accessory Structures	Same as principal building.	15 ft.	10 ft.	10 ft.

Sec. 36-31. Efficiency dwelling units.

Efficiency dwelling units shall be permitted in the HDR District provided that no more than 10 percent of the dwelling units in any building shall counted as efficiency dwelling units.

Sec. 36-32. Building design standards.

All lots in the HDR District must comply with the building design standards established in Sec. 36-XX, as applicable.

ARTICLE III. DIVISION 6. Assisted Residential District (AR)

DIVISION 6. ASSISTED RESIDENTIAL DISTRICT (AR)

Sec. 36-33. Purpose.

The purpose of the Assisted Residential (AR) District is to provide a district primarily for residential uses where services are commonly provided, such as nursing homes and assisted living facilities, but also including accessory independent senior housing to enable continuum of care facilities. The AR District is intended for areas in the Comprehensive Plan where residential densities exceed 12 units per acre.

Sec. 36-34. Dimensional standards.

All lots in the AR District shall be developed in accordance with Table 34-1: AR District Dimensional Standards.

Table 34-1: AR District Dimensional Standards

Standard		Requirement
Maximum Lot Area		n/a
Minimum Front Setback		35 feet ^{2 3 4}
Minimum Street Side Setback		35 feet ^{2 3 4}
Minimum Interior Side Setback		20 feet ³
Minimum Rear Setback		35 feet ³
Minimum Green Space Coverage		30 percent
Maximum Floor Area Ratio		1.2
Maximum Building Height		See Building Height Overlay District
¹	The minimum lot area may be adjusted by the schedule of allowances provided in Sec. 36-36. , provided that the cumulative effect of such allowances shall not change the minimum lot area requirement by more than 1,500 square feet.	
²	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.	
³	The minimum setback requirements shall be increased to equal the building height for those buildings whose height exceeds the minimum setback requirements in this table.	
⁴	Unless a different setback is required by the Street Frontage Setback Map.	

Sec. 36-35. Proximity to the R-1 District.

- (a) If a building in the AR is more than four stories tall, the following minimum distance shall be provided between the closest point of the building and the nearest lot line of an R-1 district used for residential purposes. In no circumstance shall this provision require a setback greater than 680 feet.

Minimum Distance in Feet = 10 (h-40) + 80; where h = building height.

Sec. 36-36. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table

ARTICLE III. DIVISION 6. Assisted Residential District (AR)

34-1: AR District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-37. Efficiency dwelling units.

- (a) Efficiency dwelling units shall be permitted in the AR District provided that no more than 10 percent of the dwelling units in any building shall counted as efficiency dwelling units.

Sec. 36-38. Building design standards.

All lots in the AR District must comply with the building design standards established in Sec. 36-XX, as applicable.

ARTICLE III. DIVISION 7. Commercial Mixed Use District 1 (CMU-1)

DIVISION 7. COMMERCIAL MIXED USE DISTRICT 1 (CMU-1)

Sec. 36-39. Purpose.

The purpose of the Commercial Mixed Use 1 (CMU-1) District is to provide a mixed use district primarily for neighborhood serving businesses. These businesses are typically small to moderate in size, associated with minimal undesirable impacts and are compatible near single-unit dwelling neighborhoods. Multi-dwelling unit buildings are also allowed if located above a ground floor commercial use. The CMU-1 District is intended primarily, though not exclusively, for areas guided Neighborhood Node in the Comprehensive Plan.

Sec. 36-40. Dimensional standards.

All lots in the CMU-1 District shall be developed in accordance with Table 40-1: CMU-1 District Dimensional Standards.

Table 40-1: CMU-1 District Dimensional Standards

Standard	Requirement
Minimum Lot Area	n/a
Minimum Front Setback	35 feet ^{1 2 3}
Minimum Street Side Setback	25 feet ^{1 2 3}
Minimum Interior Side Setback	25 feet ^{2 3}
Minimum Rear Setback	25 feet ^{2 3}
Minimum Building Footprint	1,000 square feet
Minimum Green Space Coverage	10 percent ⁴
Maximum Floor Area Ratio	1.0
Maximum Building Height	See Building Height Overlay District
¹	Unless a different setback is required by the Street Frontage Setback Map.
²	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.
³	The minimum setback requirements shall be increased to equal the building height for those buildings whose height exceeds the minimum setback requirements in this table.
⁴	Lots in the 50 th and France or 44 th and France commercial node, as identified in a Small Area Plan, shall be exempt from the minimum green space coverage ratio.
⁵	The maximum individual use are shall only apply to nonresidential ground floor uses. Office uses shall be exempt from this requirement.

Sec. 36-41. Setback adjustments.

The minimum setback standards established in this Chapter shall be adjusted according to the following standards.

- (a) *Established front setback.* Where the average front or street side setback of the abutting lots which front on the same street is less than the minimum front or street side setback established in this Chapter, the minimum front or street side setback shall be the same as the average front or street side setback for the abutting lots.

ARTICLE III. DIVISION 7. Commercial Mixed Use District 1 (CMU-1)

- (1) If the subject lot abuts only one lot on the same block face, the minimum front or street side setback shall be the minimum established in Table 40-1: CMU-1 District Dimensional Standards or the established front or street side setback on the adjacent lot, whichever is less.
- (b) *Interior side setback and rear setback.* Interior side setbacks and rear setbacks, including parking setbacks and loading facility setbacks, apply only where the applicable side or rear lot line abuts a lot outside the CMU-1, CMU-2, CMU-3, or AC Districts.

Sec. 36-42. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 40-1: CMU-1 District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-43. Building design standards.

All lots in the CMU-1 District must comply with the building design standards established in Sec. 36-XX, as applicable.

Sec. 36-44. Special requirements.

In addition to the general requirements described in this Division, the following special requirements shall apply.

- (a) *Storage.* All materials, supplies, merchandise, and other similar materials not on display for direct sale, rental, or lease to the ultimate consumer shall be stored within a completely enclosed building.
 - (1) Under no circumstance shall such wall or fence be less than five feet in height.
- (b) *Displays.* In the CMU-1 District, merchandise may be offered for sale or displayed outside of the principal building provided that the area occupied by the display shall not exceed 10 percent of the gross floor area of the building, or portion thereof, housing the principal use.

ARTICLE III. DIVISION 7. Commercial Mixed Use District 1 (CMU-1)

- (1) No displays shall be permitted within that half of the required front or street side setback nearest the street.
 - (2) No displays shall be permitted within any required interior side or rear setback.
 - (3) Agencies selling automobiles or boats may display automobiles or boats outside of a building if the area used for the displays shall comply with all the standards for a parking lot established in Sec. 36.XX of this Chapter.
- (c) *Outdoor sales, tent sales, and trailer sales prohibited.* Except for the dispensing of motor fuels and the use of drive-through facilities, the sale of products and merchandise and the dispensing of services shall be conducted from within the confines of a permanent building totally enclosed by four walls and a roof. The sale of products and merchandise and the dispensing of services from a motor vehicle, trailer, tent, or other temporary structure or shelter, or outside of a permanent building is prohibited.
- (d) *Performance standards.* At the lot line of the lot on which the use occurs, all business operations shall conform to the performance standards established by Sec. 36-XX.

ARTICLE III. DIVISION 8. Commercial Mixed Use District 2 (CMU-2)

DIVISION 8. COMMERCIAL MIXED USE DISTRICT 2 (CMU-2)

Sec. 36-45. Purpose.

The purpose of the Commercial Mixed Use 2 (CMU-2) District is to provide a mixed use district primarily for businesses serving areas larger than one neighborhood and beyond city boundaries. These uses may be slightly larger and have additional impacts than uses allowed in CMU-1. Multi-dwelling unit buildings are also allowed if located above a ground floor commercial use. The CMU-2 District is intended primarily, though not exclusively, for areas guided Mixed Use Center in the Comprehensive Plan.

Sec. 36-46. Dimensional standards.

All lots in the CMU-2 District shall be developed in accordance with Table 46-1: CMU-2 District Dimensional Standards.

Table 46-1: CMU-2 District Dimensional Standards

Standard	Requirement
Minimum Lot Area	n/a
Minimum Front Setback	35 feet ^{1 2 3}
Minimum Street Side Setback	25 feet ^{1 2 3}
Minimum Interior Side Setback	25 feet ^{2 3}
Minimum Rear Setback	25 feet ^{2 3}
Minimum Building Footprint	1,000 square feet
Minimum Green Space Coverage	15 percent ⁴
Maximum Floor Area Ratio	1.5
Maximum Building Height	See Building Height Overlay District
¹	Unless a different setback is required by the Street Frontage Setback Map.
²	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.
³	The minimum setback requirements shall be increased to equal the building height for those buildings whose height exceeds the minimum setback requirements in this table.
⁴	Lots in the 50th and France or 44th and France commercial node, as identified in a Small Area Plan, shall be exempt from the minimum green space coverage ratio.

Sec. 36-47. Setback adjustments.

The minimum setback standards established in this Chapter shall be adjusted according to the following standards.

- (a) *Established front setback.* Where the average front or street side setback of the abutting lots which front on the same street is less than the minimum front or street side setback established in this Chapter, the minimum front or street side setback shall be the same as the average front or street side setback for the abutting lots.

ARTICLE III. DIVISION 8. Commercial Mixed Use District 2 (CMU-2)

- (1) If the subject lot abuts only one lot on the same block face, the minimum front or street side setback shall be the minimum established in Table 46-1: CMU-2 District Dimensional Standards or the established front or street side setback on the adjacent lot, whichever is less.
- (b) *Interior side setback and rear setback.* Interior side setbacks and rear setbacks, including parking setbacks and loading facility setbacks, apply only where the applicable side or rear lot line abuts a lot outside the CMU-1, CMU-2, CMU-3, or AC Districts.

Sec. 36-48. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 46-1: CMU-2 District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-49. Building design standards.

All lots in the CMU-2 District must comply with the building design standards established in Sec. 36-XX, as applicable.

Sec. 36-50. Special requirements.

In addition to the general requirements described in Article XX, Division XX of this Chapter, the following special requirements shall apply.

- (a) *Storage.* All materials, supplies, merchandise, and other similar materials not on display for direct sale, rental, or lease to the ultimate consumer shall be stored within a completely enclosed building.
 - (1) Under no circumstance shall such wall or fence be less than five feet in height.
- (b) *Displays.* In the CMU-3 District, merchandise may be offered for sale or displayed outside of the principal building provided that the area occupied by the display shall not exceed 10 percent of the gross floor area of the building, or portion thereof, housing the principal use.

ARTICLE III. DIVISION 8. Commercial Mixed Use District 2 (CMU-2)

- (1) No displays shall be permitted within that half of the required front or street side setback nearest the street.
 - (2) No displays shall be permitted within any required interior side or rear setback.
 - (3) Agencies selling automobiles or boats may display automobiles or boats outside of a building if the area used for the displays shall comply with all the standards for a parking lot established in Sec. 36.XX of this Chapter.
- (c) *Outdoor sales, tent sales and trailer sales prohibited.* Except for the dispensing of motor fuels and the use of drive-through facilities, the sale of products and merchandise and the dispensing of services shall be conducted from within the confines of a permanent building totally enclosed by four walls and a roof. The sale of products and merchandise and the dispensing of services from a motor vehicle, trailer, tent, or other temporary structure or shelter, or outside of a permanent building is prohibited.
- (d) *Performance standards.* At the lot line of the lot on which the use occurs, all business operations shall conform to the performance standards established by Sec. 36-XX.

ARTICLE III. DIVISION 9. Commercial Mixed Use District 3 (CMU-3)

DIVISION 9. COMMERCIAL MIXED USE DISTRICT 3 (CMU-3)

Sec. 36-51. Purpose.

The purpose of the Commercial Mixed Use 3 (CMU-3) District is to provide a mixed use district for large scale commercial uses, which may attract visitors from the broader metropolitan area. Multi-dwelling unit buildings are also allowed. These uses may be larger and have more impacts than uses allowed in CMU-2. The CMU-3 District is intended primarily, though not exclusively, for areas guided Community Activity Center in the Comprehensive Plan.

Sec. 36-52. Dimensional standards.

All lots in the CMU-3 District shall be developed in accordance with Table 52-1: CMU-3 District Dimensional Standards.

Table 52-1: CMU-3 District Dimensional Standards

Standard		Requirement North of West 70 th Street	Requirement South of West 70 th Street
Minimum Lot Area		n/a	
Minimum Front Setback		n/a ^{1 2 3}	
Minimum Street Side Setback		35 feet ^{1 2 3}	50 feet ^{1 2 3}
Minimum Interior Side Setback		35 feet ³	50 feet ³
Minimum Rear Setback		35 feet ³	50 feet ³
Minimum Building Footprint		1,000 square feet	
Minimum Green Space Coverage		20 percent	
Maximum Floor Area Ratio	Nonresidential Uses	0.75	0.5
	Residential Uses	1.0	0.5
Maximum Building Height		See Building Height Overlay District	
Minimum Ground Floor Transparency		75 percent	
¹	Unless a different setback is required by the Street Frontage Setback Map.		
²	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.		
³	The minimum setback requirements shall be increased to equal the building height for those buildings whose height exceeds the minimum setback requirements in this table.		

Sec. 36-53. Setback adjustments.

The minimum setback standards established in this Chapter shall be adjusted according to the following standards.

- (a) All buildings shall be set back from all lot lines in accordance with the standards listed below, unless this Chapter imposes a more restrictive standard.
 - (1) In the area bounded by France Avenue on the west, York Avenue on the east, and W. 70th Street on the south, the minimum setback shall be increased by one-third-foot for each foot that the building exceeds 50 feet in building height.

ARTICLE III. DIVISION 9. Commercial Mixed Use District 3 (CMU-3)

- A. In the administration of this provision, only that portion of a building which exceeds 50 feet in building height need provide the additional setbacks required by this subsection.
- (2) In all other areas in the CMU-3 District or Greater Southdale District, the minimum building setback shall be equal to the building height for buildings taller than 50 feet.
- (b) Interior side setbacks and rear setbacks, including parking setbacks and loading facility setbacks, apply only where the applicable side or rear lot line abuts a lot outside the CMU-1, CMU-2, CMU-3, or AC Districts.
- (c) Lots on France Avenue between Highway 62 and Minnesota Drive and on York Avenue between 66th Street and 78th Street shall have a minimum front setback of 50 feet, as measured the face of the curb to the face of building.
 - (1) All portions of such a building above 60 feet in height shall be stepped back at least 10 feet from the face of the building.
- (d) Lots on streets other than France Avenue and York Avenue shall have a minimum front setback of 30 feet, as measured from the face of curb to the face of building.
 - (1) All portions of such a building above 60 feet in height shall be stepped back at least 30 feet from the face of the building. All portions of such a building above 105 feet in height shall be stepped back an additional 10 feet from the face of the building.

Sec. 36-54. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 52-1: CMU-3 District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-55. Building design standards.

All lots in the CMU-3 District must comply with the building design standards established in Sec. 36-XX, as applicable.

ARTICLE III. DIVISION 9. Commercial Mixed Use District 3 (CMU-3)

Sec. 36-56. Special requirements.

In addition to the general requirements described in Article XX, Division XX of this Chapter, the following special requirements shall apply.

- (a) *Travel demand management.* In the CMU-3 District, any office which required the approval of a conditional use permit shall include a travel demand management (TDM) plan in the final development plans.
 - (1) The TDM plan shall be prepared by an independent TDM professional.
 - (2) The TDM plan must document measures and performance measures to be implemented. Approval of the TDM plan by the city shall be a condition of the issuance of the conditional use permit.
- (b) *Storage.* All materials, supplies, merchandise, and other similar materials not on display for direct sale, rental, or lease to the ultimate consumer shall be stored within a completely enclosed building.
 - (1) Under no circumstance shall such wall or fence be less than five feet in height.
- (c) *Displays.* In the CMU-3 District, merchandise may be offered for sale or displayed outside of the principal building provided that the area occupied by the display shall not exceed 10 percent of the gross floor area of the building, or portion thereof, housing the principal use.
 - (1) No displays shall be permitted within that half of the required front or street side setback nearest the street.
 - (2) No displays shall be permitted within any required interior side or rear setback.
 - (3) Agencies selling automobiles or boats may display automobiles or boats outside of a building if the area used for the displays shall comply with all the standards for a parking lot established in Sec. 36.XX of this Chapter.
- (d) *Outdoor sales, tent sales and trailer sales prohibited.* Except for the dispensing of motor fuels and the use of drive-through facilities, the sale of products and merchandise and the dispensing of services shall be conducted from within the confines of a permanent building totally enclosed by four walls and a roof. The sale of products and merchandise and the dispensing of services from a motor vehicle, trailer, tent, or other temporary structure or shelter, or outside of a permanent building is prohibited.

ARTICLE III. DIVISION 9. Commercial Mixed Use District 3 (CMU-3)

- (e) *Performance standards.* At the lot line of the lot on which the use occurs, all business operations shall conform to the performance standards established by Sec. 36-XX.

ARTICLE III. DIVISION 10. Automotive Commercial District (AC)

DIVISION 10. AUTOMOTIVE COMMERCIAL DISTRICT (AC)

Sec. 36-57. Purpose.

The purpose of the Automotive Commercial (AC) District is to provide a district for automotive convenience uses, such as sale of motor fuels and automotive parts, carwashes, and minor servicing of vehicles. These uses are generally small in scale. The district is not intended for the sale of automobiles. The AC District is intended for areas guided for commercial use in the Comprehensive Plan and where impacts to residential uses are minimal.

Sec. 36-58. Dimensional standards.

All lots in the AC District shall be developed in accordance with Table 58-1: AC District Dimensional Standards.

Table 58-1: AC District Dimensional Standards

Standard		Requirement
Minimum Lot Area		n/a
Minimum Front Setback		35 feet ^{1 2 3}
Minimum Street Side Setback		25 feet ^{1 2 3}
Minimum Interior Side Setback		25 feet ³
Minimum Rear Setback		25 feet ³
Minimum Green Space Coverage		15 percent
Maximum Floor Area Ratio		0.3
Maximum Building Height		See Building Height Overlay District
¹	The minimum lot area may be adjusted by the schedule of allowances provided in Sec. 36-59. , provided that the cumulative effect of such allowances shall not change the minimum lot area requirement by more than 1,500 square feet.	
¹	Unless a different setback is required by the Street Frontage Setback Map.	
²	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.	
³	The minimum setback requirements shall be increased to equal the building height for those buildings whose height exceeds the minimum setback requirements in this table.	

Sec. 36-59. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 58-1: AC District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

ARTICLE III. DIVISION 10. Automotive Commercial District (AC)

Sec. 36-60. Building design standards.

All lots in the AC District must comply with the building design standards established in Sec. 36-XX, as applicable.

Sec. 36-61. Special requirements.

In addition to the general requirements described in Article XX, Division XX of this Chapter, the following special requirements shall apply.

- (a) *Storage.* All materials, supplies, merchandise, and other similar materials not on display for direct sale, rental, or lease to the ultimate consumer shall be stored within a completely enclosed building.
 - (1) Under no circumstance shall such wall or fence be less than five feet in height.
- (b) *Displays.* In the AC District, merchandise may be offered for sale or displayed outside of the principal building provided that the area occupied by the display shall not exceed 10 percent of the gross floor area of the building, or portion thereof, housing the principal use.
 - (1) No displays shall be permitted within that half of the required front or street side setback nearest the street.
 - (2) No displays shall be permitted within any required interior side or rear setback.
 - (3) Agencies selling automobiles or boats may display automobiles or boats outside of a building if the area used for the displays shall comply with all the standards for a parking lot established in Sec. 36.XX of this Chapter.
- (c) *Outdoor sales, tent sales and trailer sales prohibited.* Except for the dispensing of motor fuels and the use of drive-through facilities, the sale of products and merchandise and the dispensing of services shall be conducted from within the confines of a permanent building totally enclosed by four walls and a roof. The sale of products and merchandise and the dispensing of services from a motor vehicle, trailer, tent, or other temporary structure or shelter, or outside of a permanent building is prohibited.
- (d) *Performance standards.* At the lot line of the lot on which the use occurs, all business operations shall conform to the performance standards established by this Chapter for the IF District.

ARTICLE III. DIVISION 11. Mixed Development District 4 (MDD-4)

DIVISION 11. MIXED DEVELOPMENT DISTRICT 4 (MDD-4)

Sec. 36-62. Purpose.

The purpose of the Mixed Development 4 (MDD-4) District is to provide a mixed use district primarily for residential buildings containing not fewer than ten dwelling units along with commercial uses with minimal undesirable impacts that are compatible near residential uses. The Mixed Development District is intended for areas guided for mixed use in the Comprehensive Plan.

Sec. 36-63. Dimensional standards.

All lots in the MDD-4 District shall be developed in accordance with Table 63-1: MDD-4 District Dimensional Standards.

Table 63-1: MDD-4 District Dimensional Standards

Standard		Requirement
Minimum Lot Area		n/a
Minimum Front Setback		35 feet ^{1 2}
Minimum Street Side Setback		35 feet ^{1 2}
Minimum Interior Side Setback		20 feet
Minimum Rear Setback		35 feet
Minimum Green Space Coverage		25 percent
Maximum Floor Area Ratio	Nonresidential Uses	0.5
	Residential Uses	1.0
Maximum Building Height		See Building Height Overlay District
Minimum Open Space per Dwelling Unit		400 square feet
¹	Subject to the frontage setback map.	
²	Front and street side setbacks for properties in the Greater Southdale District are subject to 36.XX.	

Sec. 36-64. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 63-1: MDD-4 District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-65. Building design standards.

ARTICLE III. DIVISION 11. Mixed Development District 4 (MDD-4)

All lots in the MDD-4 District must comply with the building design standards established in Sec. 36-XX, as applicable.

Sec. 36-66. Special requirements.

In addition to the general requirements described in Article XX, Division XX of this Chapter, the following special requirements shall apply:

- (a) *Ownership or control.* The tract proposed for transfer to the MDD-4 District shall be under common ownership and shall be planned and developed as an integral unit.
- (b) *Proposed development schedule.* The final development plan required by Article XX through Article XX of this Chapter shall include a proposed schedule of construction of the major components of the development as such major components are determined by the City Planner.
 - (1) The proposed schedule, as approved by the City Council, shall become part of the final development plan.
 - (2) No more than 50 percent of the permitted gross floor area of nonresidential uses on the tract shall be constructed until a Building Permit has been issued for, and construction begun on, at least 25 percent of the permitted dwelling units.
- (c) Conditional uses shall comply with the following standards.
 - (1) Be contained within the same building as a principal use, except for drive-through facilities.
 - (2) Provide goods and services beneficial to the needs of the occupants and residents of the principal uses and surrounding properties.
 - (3) Have enclosed pedestrian access to the principal use.
- (d) In cases where pedestrian connections are made across and above a street, the required setback for such connections may be reduced to zero feet for a width of 120 feet.
- (e) Retail uses shall comply with the special requirements provided by Sec. 36-55.

ARTICLE III. DIVISION 12. Mixed Development District 5 (MDD-5)

DIVISION 12. MIXED DEVELOPMENT DISTRICT 5 (MDD-5)

Sec. 36-67. Purpose.

The purpose of the Mixed Development 5 (MDD-5) District is to provide a mixed use district primarily for residential buildings containing not fewer than ten dwelling units along with commercial uses with minimal undesirable impacts that are compatible near residential uses. The Mixed Development District is intended for areas guided for mixed use in the Comprehensive Plan.

Sec. 36-68. Dimensional standards.

All lots in the MDD-5 District shall be developed in accordance with Table 68-1: MDD-5 District Dimensional Standards.

Table 68-1: MDD-5 District Dimensional Standards

Standard		Requirement
Minimum Lot Area		n/a
Minimum Front Setback		35 feet ^{1 2}
Minimum Street Side Setback		35 feet ^{1 2}
Minimum Interior Side Setback		20 feet
Minimum Rear Setback		35 feet
Minimum Green Space Coverage		25 percent
Maximum Floor Area Ratio	Nonresidential Uses	0.5
	Residential Uses	1.0
Maximum Building Height		See Building Height Overlay District
¹	Unless a different setback is required by the Street Frontage Setback Map.	
²	Front and street side setbacks for properties in the Greater Southdale District are subject to 36.XX.	

Sec. 36-69. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 68-1: MDD-5 District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-70. Building design standards.

All lots in the MDD-5 District must comply with the building design standards established in Sec. 36-XX, as applicable.

ARTICLE III. DIVISION 12. Mixed Development District 5 (MDD-5)

Sec. 36-71. Special requirements.

In addition to the general requirements described in Article XX, Division XX of this Chapter, the following special requirements shall apply:

- (a) Conditional uses shall comply with the following standards.
 - (1) Be contained within the same building as a principal use, except for drive-through facilities.
 - (2) Provide goods and services beneficial to the needs of the occupants and residents of the principal uses and surrounding properties.
- (b) In cases where pedestrian connections are made across and above a street, the required setback for such connections may be reduced to zero feet for a width of 120 feet.

ARTICLE III. DIVISION 13. Mixed Development District 6 (MDD-6)

DIVISION 13. MIXED DEVELOPMENT DISTRICT 6 (MDD-6)

Sec. 36-72. Purpose.

The purpose of the Mixed Development 6 (MDD-6) District is to provide a mixed use district primarily for residential buildings containing not fewer than ten dwelling units along with commercial uses with minimal undesirable impacts that are compatible near residential uses. The Mixed Development District is intended for areas guided for mixed use in the Comprehensive Plan.

Sec. 36-73. Dimensional standards.

All lots in the MDD-6 District shall be developed in accordance with Table 73-1: MDD-6 District Dimensional Standards.

Table 73-1: MDD-6 District Dimensional Standards

Standard		Requirement
Minimum Lot Area		n/a
Minimum Front Setback		35 feet ^{2 3}
Minimum Street Side Setback		35 feet ^{2 3}
Minimum Interior Side Setback		20 feet
Minimum Rear Setback		35 feet
Minimum Green Space Coverage		25 percent
Maximum Floor Area Ratio	Nonresidential Uses	0.5
	Residential Uses	1.0
Maximum Building Height		See Building Height Overlay District
¹	The following uses shall not count towards the maximum nonresidential use area calculation: publicly owned or operated civic, cultural, and recreational facilities; transit facilities; and uses accessory to a principal residential use.	
²	Unless a different setback is required by the Street Frontage Setback Map.	
³	Front and street side setbacks for properties in the Greater Southdale District are subject to 36.XX.	

Sec. 36-74. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 73-1: MDD-6 District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-75. Building design standards.

ARTICLE III. DIVISION 13. Mixed Development District 6 (MDD-6)

All lots in the MDD-6 District must comply with the building design standards established in Sec. 36-XX, as applicable.

Sec. 36-76. Special requirements.

In addition to the general requirements described in Article XX, Division XX of this Chapter, the following special requirements shall apply:

- (a) In cases where pedestrian connections are made across and above a street, the required setback for such connections may be reduced to zero feet for a width of 120 feet.

ARTICLE III. DIVISION 14. Office District (O)

DIVISION 14. OFFICE DISTRICT (O)

Sec. 36-77. Purpose.

The purpose of the Office (O) District is to provide a district for office and limited service uses. The O District is intended primarily, though not exclusively, for areas guided Office or Office Residential in the Comprehensive Plan.

Sec. 36-78. Dimensional standards.

All lots in the O District shall be developed in accordance with Table 78-1: O District Dimensional Standards.

Table 78-1: O District Dimensional Standards

Standard	Requirement
Minimum Lot Area	n/a
Minimum Front Setback	35 ft.; or building height, if greater. ^{1 2}
Minimum Street Side Setback	35 ft.; or building height, if greater. ^{1 2}
Minimum Interior Side Setback	20 ft.; or building height, if greater.
Minimum Rear Setback	20 ft.; or building height, if greater.
Minimum Green Space Coverage	25 percent
Maximum Floor Area Ratio	0.5
Maximum Building Height	See Building Height Overlay District
¹	Unless a different setback is required by the Street Frontage Setback Map.
²	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.

Sec. 36-79. Setback adjustments.

The minimum setback standards established in this Chapter shall be adjusted according to the following standards.

- (a) If a lot is located across the street from a lot in the R-1 District containing a residential use, the front or street side setback shall be increased to at least 50 feet.

Sec. 36-80. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 78-1: O District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

ARTICLE III. DIVISION 14. Office District (O)

Sec. 36-81. Building design standards.

All lots in the O District must comply with the building design standards established in Sec. 36-XX, as applicable.

ARTICLE III. DIVISION 15. Industrial Flex District (IF)

DIVISION 15. INDUSTRIAL FLEX DISTRICT (IF)

Sec. 36-82. Purpose.

The purpose of the Industrial Flex (IF) District is to provide a district for a variety of office, industrial, and limited service uses. Some uses may include a small accessory retail or customer serving space if complementary to the principal use. The IF District is intended primarily, though not exclusively, for areas guided Industrial in the Comprehensive Plan.

Sec. 36-83. Dimensional standards.

All lots in the IF District shall be developed in accordance with Table 83-1: IF District Dimensional Standards.

Table 83-1: IF District Dimensional Standards

Standard	Requirement
Minimum Lot Area	2 acres
Minimum Front Setback	50 ft. ^{1 2}
Minimum Street Side Setback	50 ft. ^{1 2}
Minimum Interior Side Setback	20 ft.
Minimum Rear Setback	20 ft.
Minimum Building Footprint	10,000 square feet
Minimum Green Space Coverage	15 percent
Maximum Floor Area Ratio	0.5
Maximum Building Height	See Building Height Overlay District
¹	Unless a different setback is required by the Street Frontage Setback Map.
²	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.

Sec. 36-84. Setback adjustments.

The minimum setback standards established in this Chapter shall be adjusted according to the following standards.

- (a) The minimum front and street side setback shall be increased to 75 feet if the lot is located across the street from a lot zoned R-1 or R-2 District.
- (b) The minimum interior side setback shall be increased to 100 feet if the lot line adjoins a lot in the R-1 or R-2 District.

Sec. 36-85. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 83-1: IF District Dimensional Standards shall be adjusted in accordance with the following standards.

ARTICLE III. DIVISION 15. Industrial Flex District (IF)

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy or if the site provides green space coverage exceeding XX percent.

Sec. 36-86. Building design standards.

All lots in the IF District must comply with the building design standards established in Sec. 36-XX, as applicable.

ARTICLE III. DIVISION 16. Regional Medical (RM) District

DIVISION 16. REGIONAL MEDICAL (RM) DISTRICT

Sec. 36-87. Purpose.

The purpose of the Regional Medical (RM) District is to provide a district for more intensive healthcare services, such as a hospital or clinics with inpatient care. The RM District is intended primarily, though not exclusively, for areas guided Regional Medical in the Comprehensive Plan.

Sec. 36-88. Dimensional standards.

All lots in the RM District shall be developed in accordance with Table 88-1: RM District Dimensional Standards.

Table 88-1: RM District Dimensional Standards

Standard	Requirement
Minimum Tract Size	10 acres ¹
Minimum Front Setback	35 ft. ^{2 3}
Minimum Street Side Setback	35 ft. ^{2 3}
Minimum Interior Side Setback	20 ft.
Minimum Rear Setback	20 ft.
Minimum Green Space Coverage	n/a
Maximum Floor Area Ratio	1.0
Maximum Building Height	See Building Height Overlay District
¹	A tract of land less than 10 acres in size may be rezoned into the RM District if the tract is contiguous with a tract of land in the RM District and the cumulative area of such tract is at least 10 acres.
²	Unless a different setback is required by the Street Frontage Setback Map.
³	Front and street side setbacks for properties in the Greater Southdale District are subject to Sec. 36-53.

Sec. 36-89. Schedule of allowances.

In certain circumstances, the City finds that allowing adjustments to a zoning district's dimensional standards is a useful tool in promoting the purpose of this Chapter and the goals of the Comprehensive Plan. Recognizing as such, the dimensional standards established in Table 88-1: RM District Dimensional Standards shall be adjusted in accordance with the following standards.

- (a) There shall be no maximum floor area ratio if the principal building or site complies with the Sustainable Building Policy.

Sec. 36-90. Special requirements.

In addition to the general requirements described in Article XX, Division XX of this Chapter, the following special requirements shall apply.

- (a) All district standards applying to lots and uses in the O and IF Districts shall apply to lots and uses in the RM District.

ARTICLE III. DIVISION 16. Regional Medical (RM) District

ARTICLE III. DIVISION 17. Heritage Preservation Overlay District (HPD)

DIVISION 17. HERITAGE PRESERVATION OVERLAY DISTRICT (HPD)

Sec. 36-91. Purpose.

The zoning classification of Edina Heritage Landmark is established to promote the preservation, protection and use of significant heritage resources in the city. Heritage landmarks shall be nominated by the Heritage Preservation Commission and designated by council resolution. Unless otherwise stated, the list of definitions in Sec. 2-186 of the Edina City Code shall govern this Division 18.

Sec. 36-92. Eligibility criteria.

The following criteria will guide the Heritage Preservation Commission and the City Council in evaluating potential heritage landmark designations:

- (a) The quality of significance in history, architecture, archeology and culture present in buildings, sites, structures, objects and districts that reflects:
 - (1) Association with important events or patterns of events that reflect significant broad patterns in local history;
 - (2) Association with the lives of historically significant persons or groups;
 - (3) Embodiment of the distinctive characteristics of an architectural style, design, period, type or method of construction; or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - (4) Important archeological data or the potential to yield important archeological data.
- (b) The retention of specific aspects of historical integrity, including location, design, setting, materials, workmanship, feeling, and association, that convey significance as a heritage resource worthy of preservation.

Sec. 36-93. Determination of eligibility.

The Heritage Preservation Commission shall review the inventory of heritage resources and evaluate the significance of all properties identified by survey. If it determines that a surveyed heritage resource appears to meet at least one of the heritage landmark eligibility criteria, the Heritage Preservation Commission may, by majority vote, issue a determination of eligibility for planning purposes.

Sec. 36-94. Nomination of a heritage landmark.

ARTICLE III. DIVISION 17. Heritage Preservation Overlay District (HPD)

Nomination of a property to be considered for designation as an Edina Heritage Landmark shall be submitted to the City Council by the Heritage Preservation Commission. Each nomination shall be accompanied by a heritage landmark nomination study prepared by the City Planner. This study shall:

- (a) Identify and describe in detail the heritage resource being nominated;
- (b) Explain how the property meets one or more of the heritage landmark eligibility criteria;
- (c) Make the case for historical significance and integrity; and
- (d) Recommend a plan of treatment for the heritage resource, with guidelines for design review and specific recommendations for preservation, rehabilitation, restoration and reconstruction, as appropriate.
- (e) Identify the resource's character defining features.

The study shall be accompanied by a map that clearly locates the property, a detailed plan of the nominated heritage resource, and archival quality photographs that document significant features of the building, site, structure, object or district.

Sec. 36-95. State historic preservation office review.

The City Planner shall submit all heritage landmark nominations to the state historic preservation officer for review and comment within 60 days.

Sec. 36-96. Planning commission review.

The City Planner shall submit all heritage landmark nominations to the city Planning Commission for review and recommendations prior to any council action.

Sec. 36-97. Public hearing.

On receipt of the heritage landmark nomination documents and the comments of the state historic preservation office and the city Planning Commission, the City Council shall hold a public hearing to consider the proposed landmark designation.

Sec. 36-98. City council designation.

The City Council may designate a property as an Edina Heritage Landmark by resolution.

Sec. 36-99. Plan of treatment.

The Heritage Preservation Commission and City Council have adopted a plan of treatment document for each Heritage Landmark Property or District to assist in the administering of this Article. The plan of treatments are incorporated by reference into this Article. In case of a

ARTICLE III. DIVISION 17. Heritage Preservation Overlay District (HPD)

conflict, the Historic Preservation Ordinance shall govern. The plan of treatment may be amended from time to time by resolution.

Sec. 36-100. Review of land use applications.

To ensure compliance with the goals and policies of the comprehensive heritage preservation plan, the Heritage Preservation Commission shall review every application for a preliminary plat, conditional use permit, variance or rezoning, in relation to a designated heritage landmark; and the city Planning Commission shall give the Heritage Preservation Commission a reasonable opportunity to comment on such projects before making its recommendation to the City Council.

Sec. 36-101. Certificate of Appropriateness – when required in a Historic District.

- (a) *Certificate of Appropriateness.* Except as provided herein, a Certificate of Appropriateness is required prior to making any of the following changes to a site located within a Historic District:
- (1) Removal, modification, or addition to character-defining features on street-facing facades as defined in Sec. 2-186 of the Edina City Code.
 - (2) Replacement of exterior materials that are not in-kind replacement.
 - (3) The addition of and/or replacement of windows that are not the same size, shape, style of operation and or pane arrangement on street-facing facades as defined in Sec. 2-186 of the Edina City Code.
 - (4) The addition of and/or replacement of doors that are not the same size and shape on street-facing facades as defined in Sec. 2-186 of the Edina City Code.
 - (5) Demolition of an existing detached garage and the construction of a new detached garage or an addition to an existing detached garage.
 - (6) An addition to a street-facing facade as defined in Sec. 2-186 of the Edina City Code.
 - (7) Change in pitch or height of a roofline visible from the street as defined in Sec. 2-186 of the Edina City Code.
 - (8) Demolition of a contributing resource (to designate as a non-preservation resource) structure.
 - (9) Design and construction of a new home within a Historic District. This includes the demolition and new construction for properties built outside the period of significance.

ARTICLE III. DIVISION 17. Heritage Preservation Overlay District (HPD)

- (b) *City actions.* City activities (including but not limited to activities on city property or in the city right-of-way) shall not require a Certificate of Appropriateness provided that the Heritage Preservation Commission shall review and make recommendations to the City Council concerning city activity that could change the nature or appearance of a site located within a Historic District.
- (c) *Exempt work.* The following types of projects shall not require a Certificate of Appropriateness:
 - (1) Ordinary maintenance, such as repainting.
 - (2) In-kind replacement of exterior materials, such as replacement of deteriorated wood lap siding with new wood lap siding or replacement of windows and doors of the same shape, size, and type.
 - (3) Work affecting only the interior of a structure.
 - (4) Furnishings and moveable items, such as window boxes, light fixtures, shutters.
 - (5) Site work, including retaining walls, fences, and pools.
 - (6) Items that do not require a building permit.
- (d) *City permits.* In addition to a Certificate of Appropriateness required by Sec. 36-XX, applicants must also obtain a Certificate of Appropriateness permit and all other necessary permits required by City Code or other City ordinances for the proposed work.

Sec. 36-102. Certificate of Appropriateness – when required for a historic landmark property.

- (a) *Certificate of Appropriateness.* Except as provided herein, a Certificate of Appropriateness is required prior to making any of the following changes to a landmark structure:
 - (1) Demolition of any building or structure, as defined in Sec. 2-186 of the Edina City Code;
 - (2) Moving a building or structure to another location;
 - (3) Excavation of archeological features, grading, earth moving in areas believed to contain significant buried heritage resources; and
 - (4) New construction as defined in Sec. 2-186 of the Edina City Code.
- (b) *City actions.* City activities (including but not limited to activities on city property or in the city right-of-way) shall not require a Certificate of Appropriateness provided that the

ARTICLE III. DIVISION 17. Heritage Preservation Overlay District (HPD)

Heritage Preservation Commission shall review and make recommendations to the City Council concerning city activity that could change the nature or appearance of a landmark site.

- (c) *City permits.* In addition to a Certificate of Appropriateness required by Sec. 36-XX, applicants must also obtain a Certificate of Appropriateness permit and all other necessary permits required by City Code or other City ordinances for the proposed work.

Sec. 36-103. Certificate of Appropriateness process and criteria.

- (a) Preapplication meeting with City Planner.
- (b) *Application.* An application for a Certificate of Appropriateness shall include all information that the City Planner and the Heritage Preservation Commission determine is necessary for a complete application, including, but not limited to, photographs of the existing structure, scaled plans and written description fully describing the proposed work and information about the building materials to be used, and drawings or photographs showing the property in the context of its surroundings. Following receipt of a complete application and all supporting documentation including fee established by resolution of the City Council, the City Planner shall begin the review process.
- (c) *Providing notice.* Notices of a review of a Certificate of Appropriateness by the Heritage Preservation Commission shall be sent to properties in the same manner outlined in Sec. 36-XX and Sec. 36-XX.
- (d) *Commission review.* The Commission may approve, approve with conditions, continue or deny in whole, or part, an application. Subject to the requirements of Minn. Stat. § 15.99, the Heritage Preservation Commission may continue consideration of an application if it finds that additional documentation or expert technical advice from outside its membership is needed to properly evaluate the application. All findings and decisions of the Heritage Preservation Commission shall be final, subject to appeal to the City Council as specified in Sec. 36-XX.
- (e) *Action by commission.* If the Heritage Preservation Commission approves the application, it shall direct the City Planner to issue a Certificate of Appropriateness subject to such conditions established by the Heritage Preservation Commission. The Commission shall notify the applicant of their right to appeal and furnish the applicant with a copy of the decision.
- (f) *Time limitation.* Upon issuance of a Certificate of Appropriateness the recipient must apply for a building permit and Certificate of Appropriateness permit within 12 months.

ARTICLE III. DIVISION 17. Heritage Preservation Overlay District (HPD)

- (1) A one-time extension may be granted by the Heritage Preservation Commission for a period up to 12 months from the date of expiration provided that:
 - A. The original Certificate of Appropriateness has not expired at the time of application for an extension is filed; and
 - B. The site or building conditions have not changed on the subject property and adjacent properties.
 - (2) Upon expiration or expiration of an extension, the applicant must reapply for a Certificate of Appropriateness.
- (g) *Certificate of Appropriateness criteria.* In deciding whether to approve or deny an application for a Certificate of Appropriateness, the Heritage Preservation Commission shall be guided by the following criteria:
- (1) Secretary of the Interior's Standards and Guidelines for Rehabilitation.
 - (2) Plan of treatment documents- the design guidelines and standards listed in the plan of treatment.
 - (3) Additional criteria for proposed alterations within designated Historic Districts. Before approving a Certificate of Appropriateness to a property within a Historic District, the Heritage Preservation Commission (or City Council on appeal) shall make the following findings:
 - A. The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the Historic District based on the period of significance for which the district was designated.
 - B. Granting the Certificate of Appropriateness will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the Historic District.
 - (4) Criteria for moving and demolition is located in Sec. 36-XX.
- (h) *Changes to approved Certificate of Appropriateness.*
- (1) Minor changes. Minor changes to an approved Certificate of Appropriateness may be authorized by the City Planner where it is determined by the City Planner that the proposed changes are not changes to character defining features and are consistent with the approval made by the Heritage Preservation Commission.

ARTICLE III. DIVISION 17. Heritage Preservation Overlay District (HPD)

- (2) Other changes. Changes to an approved Certificate of Appropriateness other than changes set forth in (1) above determined by the City Planner to be minor are considered material changes and shall require an amendment to the Certificate of Appropriateness by the Heritage Preservation Commission. The requirements for application and approval of an amended Certificate of Appropriateness shall be the same as the requirements for original approval, including a fee.

Sec. 36-104. Demolition or relocation.

- (a) *Purpose.* The demolition or relocation of historic resources is deemed detrimental to the public interest and shall only be permitted pursuant to prescriptions of this section.
- (b) *Concept review.* Prior to submission of a formal Certificate of Appropriateness application seeking demolition approval, a concept plan may be submitted for the purpose of obtaining the Heritage Preservation Commission's comments and recommendations prior to the owner spending significant time and expense in the preparation of reuse plans when applying for a Certificate of Appropriateness for the demolition or moving of a historic resource.
 - (1) The property owner requesting a concept review shall submit preliminary drawings of any proposed building or addition, current photographs of the property and reasons for the requested demolition or moving of the historic resource.
 - (2) After discussion with the owner, the Heritage Preservation Commission may provide preliminary feedback on the proposed reuse of the property and the removal or demolition of the historic resource. The Commission's comments on such a concept plan shall not be binding on any subsequent Certificate of Appropriateness applications seeking demolition approval.
- (c) *Engineer study.* In any case involving the demolition or relocation of a historic resource, before granting approval, the Heritage Preservation Commission may require a structural engineer, or historic preservation architect, at the owner's expense, to provide them with a report on the state of repair and structural stability of the structure under consideration.
- (d) *Demolition or relocation criteria.* In determining the appropriateness of any application for the demolition or relocation of a landmark or contributing building in a Historic District, the Heritage Preservation Commission shall use the following criteria:
 - (1) The architectural significance of the building or structure.

ARTICLE III. DIVISION 17. Heritage Preservation Overlay District (HPD)

- (2) The historical significance of the building or structure.
- (3) The condition and structural integrity of the building or structure, as indicated by documentation prepared by a qualified professional or licensed contractor, or other information, provided to the Heritage Preservation Commission for examination.
- (4) Effect on surrounding properties.
- (5) Effect on the Historic District if a contributing building is in a Historic District.
- (e) *Additional matters considered.* In addition to the general criteria listed in section 36-725(g), the applicant must also demonstrate:
 - (1) If requesting relocation, that structure can be moved without significant damage to its integrity of design, materials, and workmanship and the applicant can show the relocation activity is the best preservation method for the retention of the structure.
 - (2) If requesting relocation, whether the resource is on its original site.
 - (3) If requesting relocation, that the structure will retain sufficient historic integrity in its new location to remain a historic landmark.
- (f) If the Heritage Preservation Commission denies application, the Heritage Preservation Commission shall notify the applicant of their right to appeal and furnish the applicant with a copy of the decision.
- (g) *Demolition permit.* No permit to demolish a landmark, a contributing or non-contributing resource may be issued without the issuance of a Certificate of Appropriateness and Certificate of Appropriateness permit for a replacement structure or project for the property involved.

Sec. 36-105. Appeals.

Any party aggrieved by a decision of the Heritage Preservation Commission or an administrative official may appeal such decision by filing a written appeal with the city clerk no later than ten days after the decision of the Heritage Preservation Commission or the administrative official. If not so filed, the right of appeal shall be deemed waived, and the decision of the Heritage Preservation Commission or administrative official shall be final. Upon receipt of the appeal, the city clerk shall transmit a copy of said appeal to the Heritage Preservation Commission. The City Council shall hear and decide all appeals in the manner provided by Sec. 36-XX.

Sec. 36-106. Emergency repair.

ARTICLE III. DIVISION 18. Building Height Overlay District (HOD)

In emergency situations where immediate repair is needed to protect the safety of a building or structure and its inhabitants, the City Planner, City Building Official, Community Health Administrator, or Fire Chief may approve the repair or demolition without prior Commission action. Emergencies are defined as life or health threatening conditions requiring immediate attention, as determined by the City Building Official, Community Health Administrator, or Fire Chief. In the case of an emergency repair permit issued pursuant to this section, the City Planner shall notify the Heritage Preservation Commission of its action and specify the facts or condition constituting the emergency situation.

Sec. 36-107. Maintenance of historic resources.

Owners of historic resources shall keep such resources in good condition and repair and not allow their buildings or structures to deteriorate by neglect (i.e. failing to provide ordinary maintenance or repair.)

- (a) The building official and community health administrator shall have the authority to monitor the condition of historic resources to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements to enter, the deterioration of exterior character-defining features, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
- (b) In the event the building official or community health administrator determines that there has been a failure to provide ordinary maintenance or repair, the building official or community health administrator will notify the owner of the property and set forth the steps necessary to comply with the provisions of the Building Code and City Code

Sec. 36-108. Enforcement.

In case any building or structure subject to the regulation of this Chapter is to be erected or constructed, reconstructed, altered, repaired, maintained, moved, or subjected to demolition in violation with this Chapter, the City Planner, building official, or community health administrator in addition to any other remedies, may:

- (a) Institute civil action for injunctive relief to stop, prevent, or abate a violation of this Chapter.
- (b) Issue a stop work order to prevent a continuing violation of this Chapter.

DIVISION 18. BUILDING HEIGHT OVERLAY DISTRICT (HOD)

Sec. 36-109. Purpose.

ARTICLE III. DIVISION 18. Building Height Overlay District (HOD)

The Building Height Overlay District (HOD) is established to minimize the visual impact of tall buildings built within established neighborhoods in and around commercial and industrial neighborhoods.

Sec. 36-110. Boundaries.

The official boundaries for each HOD District are established on Appendix A of the Official Zoning Map.

Sec. 36-111. Maximum building heights.

The maximum building height shall not exceed the height established for the applicable HOD District as set forth in Table 111-1: Maximum Building Heights.

Table 111-1: Maximum Building Heights

HOD District	Maximum Building Height
HOD-1	20 ft.
HOD-2	24 ft.
HOD-3	36 ft.
HOD-4	48 ft.
HOD-8	96 ft.
HOD-9	108 ft.
HOD-10	120 ft.
HOD-12	144 ft.

ARTICLE III. DIVISION 19. Planned Unit Development Districts (PUD)

DIVISION 19. PLANNED UNIT DEVELOPMENT DISTRICTS (PUD)

Sec. 36-112. Planned Unit Development District 1 (PUD-1), Phoenix Plaza at 6996 France Avenue and 3901 70th Street.

- (a) *Legal description.* The east 215 feet of the south 190 feet of the southeast quarter of Section 30, Township 28, Range 24, Hennepin County Minnesota; and that part of Tract A, Registered Land Survey No. 677, Hennepin County, Minnesota, lying west of a line parallel with and 50 feet westerly of the east line of Section 31, Township 28, Range 24.
- (b) *Approved plans.*
 - (1) *6996 France.* Incorporated herein by reference are the FE 70 LLC plans received by the city on February 24, 2012, March 2, 2012 and March 14, 2012, including the building plans, except as amended by city council Resolution No. 2012-39, on file in the office of the planning department under file number 2011-011.11a.
 - (2) *3901 70th Street.* Incorporated herein by reference are the plans received by the city on August 26, 2016, including the building plans, except as amended by city council Resolution No. 2016-82, on file in the office of the planning department under file number 2016-0007a.
- (c) *Principal uses.*
 - (1) All principal uses allowed in the CMU-1 District, except drive-through uses, bakeries, coffee shops. In addition, the following uses are allowed:
 - A. Catering.
 - B. Clothing store over 2,500 square feet.
 - C. Department store.
 - D. Dry goods.
 - E. Electrical and appliance store.
 - F. Furniture store.
 - G. Medical offices up to a maximum of 7,950 square feet total for the site.
 - H. Office supplies.
 - I. Paint and wallpaper.

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- J. Sporting goods.
- (2) If the entire building at 6996 France is occupied by retail uses, then the mezzanine shall be turned into storage space and shall not be used for retail.
- (d) *Accessory uses.*
 - (1) Off-street parking facilities.
 - (2) Produce stands, pursuant to permit issued by the city manager.
 - (3) Signs allowed per the CMU-1 District standards, except as follows:
 - A. Wall signage on the two sides of the southeast corner of the building shall not exceed two feet by 13 feet in size.
 - B. There shall be no window signage above the entry doors on the first level.
 - C. The monument sign setback shall be three feet from the right-of-way.
- (e) *Conditional uses.* There are no conditional uses for Planned Unit Development District-1 (PUD-1).
- (f) *Development standards.* Development standards per the CMU-1 District, except the following:
 - (1) Building setbacks.
 - A. 6996 France:
 - 1. Front – France Avenue: 16 feet.
 - 2. Side Street – 70th Street: 10 feet.
 - 3. Side – North: 39 feet.
 - 4. Rear – West: 68 feet.
 - B. 3901 70th Street:
 - 1. Front – France Avenue: 16 feet.
 - 2. Side Street – 70th Street: 15 feet.
 - 3. Side – South: 45 feet.
 - 4. Rear – West: 68 feet.

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- (2) Parking lot setbacks.
 - A. Front.
 - 1. France Avenue: 10 feet.
 - 2. 70th Street: four feet.
 - B. Side: four feet. Zero feet on the west lot line of 3901 70th Street.
- (3) Building height: one story.
- (4) Maximum floor area ratio: 37 percent.
- (g) Drive-through uses. Coffee shops, bakeries and banks, medical office over 7,950 square feet, and retail space over 6,600 square feet shall be prohibited.

Sec. 36-113. Planned Unit Development District 2 (PUD-2), Erik's Ranch.

- (a) *Legal description.* Lot 2, Block 1, Rembrandt Manor, Hennepin County, Minnesota.
- (b) *Principal uses.* Buildings containing four or more dwelling units which are senior citizen dwelling units or dwelling units that meet the criteria for senior citizen dwelling units, but which are occupied by a single adult with autism spectrum disorders (ASD) or by two individuals at least one of whom has ASD.
- (c) *Accessory uses.* The following are allowed within the HDR District:
 - (1) Accessory uses.
 - (2) Signs.
- (d) *Development standards.* Development standards for the HDR District shall apply.

Sec. 36-114. Planned Unit Development District 3 (PUD-3), Aurora on France.

- (a) *Legal description.*
 - (1) All of Lot 4 and the easterly 56.44 feet of Lot 3, Block 2, Southdale Office Park Second Addition, Hennepin County, Minnesota; and
 - (2) Lot 3, Block 2, except the easterly 56.44 feet thereof, Southdale Office Park Second Addition, Hennepin County, Minnesota.
- (b) *Approved plans.* Incorporated herein by reference are the 6500 France Aurora on France plans received by the city on October 15 and 27, 2014 except as amended by city council

ARTICLE III. DIVISION 19. Planned Unit Development Districts (PUD)

Resolution No. 2014-152, on file in the office of the planning department under file number 2012.003.14a.

- (c) Principal uses.
 - (1) All principal uses allowed in the RM District, except drive-through uses.
 - (2) Senior independent, assisted living/nursing home, transitional care suites and memory care suites as proposed in the approved plans above.
- (d) Accessory uses. The following are the accessory uses allowed in the RM District:
 - (1) Off-street parking facilities.
 - (2) Produce stands, pursuant to permit issued by the city manager.
 - (3) Signs allowed per the RM District.
- (e) Conditional uses. There are no conditional uses for Planned Unit Development District-3 (PUD-3).
- (f) Development standards. Development standards per the RM District, except the following:
 - (1) Building setbacks.
 - A. Front.
 - 1. France Avenue: 25 feet.
 - 2. 65th Street: 25 feet.
 - B. Side – West: 43 feet.
 - C. Rear – South: 20 & 30 feet.
 - (2) Reserved.
 - (3) Building height: five stories or 62 feet.
 - (4) Maximum floor area ratio: 220 percent.
 - (5) Chiller/mechanical equipment setbacks. If the footprint is larger than 36 square feet in area or six feet in height, utility and/or mechanical equipment shall be required to meet the front setback requirements in subsection (f)(1) of this section. The side

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and rear setback requirements shall be six feet. Mechanical equipment must also meet the following conditions:

- A. All mechanical equipment accessory to any building shall be screened from all lot lines and streets in accordance with section 36-1459.
- B. Noise from mechanical equipment shall be subject to the city's noise regulations in accordance with Article II, Division 5 of Chapter 16.

(6) Signage per Sec. 36-XX.

Sec. 36-115. Planned Unit Development District 4 (PUD-4), 71 France Avenue.

- (a) Legal description. Lots 1 through 4, Block 1, 71 France Addition, Hennepin County.
- (b) Approved plans. Incorporated herein by reference are the redevelopment plans received by the city on April 26, 2013, except as amended by city council Resolution No. 2013-45, on file in the office of the planning department under file number 2013-004.13a.
- (c) Principal uses. All principal and conditional uses allowed in the CMU-3 District.
- (d) Accessory uses. All accessory uses allowed in the CMU-3 District.
- (e) Conditional uses. There are no conditional uses allowed in the Planned Unit Development District-4 (PUD-4).
- (f) Development standards. Development standards per the CMU-3 District, except the following:
 - (1) Building setbacks.
 - A. Front.
 - 1. France Avenue: 50 feet.
 - 2. Hazelton Road: 24 feet.
 - B. Side.
 - 1. North: 22 feet.
 - 2. East (lot line setback): 46 feet.
 - 3. East (promenade setback).
 - a. 11 feet (story 1).
 - b. 22 feet (stories 2 through 8).

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- C. Rear-South.
 - 1. 11 feet (story 1).
 - 2. 40 feet (stories 2 through 8).
- (2) Building height: eight stories or 108 feet.
- (3) Maximum floor area ratio: 80 percent.
- (4) Parking stalls.
 - A. Residential: 350 enclosed and 33 surface.
 - B. Retail: 314 stalls.
- (5) Signage.

Type	Maximum Number	Maximum Area	Maximum Height
Building ID Residential	One per building.	12 square feet.	6 feet.
Building/ Store ID Retail	One per building front.	15 % of wall area.	n/a
Freestanding (Retail)	One per entrance.	100 square feet (France Ave).	20 feet.
		50 square feet (Hazelton Rd).	20 feet.
Neighborhood ID Sign	One per street front.	60 square feet.	2 feet.
	Promenade	25 square feet.	7 feet.
	Directional monument.	6 square feet.	4 feet.

Sec. 36-116. Planned Unit Development District 5 (PUD-5), 5109-5125 West 49th Street – The Villas.

- (a) Legal description:
 - (1) Lot 3, 4, 5 and 6, and all that part of Lots 9, 10, 11 and 12 lying North of State Highway No. 5, Block 4, Tingdale Bros.' Brookside, except that part of Lot 12 which lies southeasterly of the following described line: Beginning at a point on the east line of said Lot 12 distant 35 feet south of the northeast corner thereof; thence run southwesterly to the southwest corner of the above described Lot 12 and there terminating together with:
 - A. A 25-foot wide strip of land lying east of the Minneapolis, Northfield and Southern Railroad between West 49th Street and Vernon Avenue in Section 28, Township 117 North, Range 21 West, Hennepin County, Minnesota.
 - B. Being Torrens Property, Certificate Number: 577550.

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- (2) Lots 7 and 8, Block 4, Tingdale Bros.' Brookside, except that part of said Lot 8 described as follows: Beginning at a point on the east boundary of said Lot 8 distant 28 feet north of the southeast corner thereof; thence south along said east boundary 28 feet; thence west along the south boundary of said lot, 50 feet; thence north along the west boundary of said lot, 12 feet; thence northeasterly to the point of beginning, including any part or portion of any street or alley adjacent to said premises vacated or to be vacated, Hennepin County, Minnesota.
- (b) Approved plans. Incorporated herein by reference are the re-development plans received by the city on July 25, 2017 except as amended by City Council Resolution No. 2017-81 on file in the office of the planning department under file number 2013-005.17a.
- (c) Principal uses. Residential buildings containing 12 or fewer units.
- (d) Accessory uses.
 - (1) All accessory uses allowed in the MM District.
 - (2) Signs allowed per the MM District.
- (e) Conditional uses. There are no conditional uses for Planned Unit Development District-5 (PUD-5).
- (f) Development standards. Development standards per the PRD-2 Zoning District, except the following:
 - (1) Building setbacks.
 - A. Front.
 - 1. 49th Street:
 - a. 14 feet-structure (east building).
 - b. 5 feet-structure (west building).
 - c. 6 feet-stair.
 - 2. Vernon: 3 feet.
 - B. Side—East: 15 feet.
 - C. Rear— West: 10 feet.
 - (2) Building height: 3½ stories 54 feet
 - (3) Building coverage: 45 percent.

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- (4) Parking stalls (Residential): 2 enclosed stalls per unit.

Sec. 36-117. Planned Unit Development District 6 (PUD-6), 6725 York Avenue.

- (a) *Legal description.* (Per Certificate of Title No. 1159936). All that part of vacated West 67th Street dedicated in the plat of "York Terrace" lying West of a line drawn from the Southeast corner of Tract Q, Registered Land Survey No. 432 to the Northeast corner of Tract P of said Registered Land Survey and lying East of a line drawn from the Southwest corner of said Tract Q to the Northwest corner of Tract P; and All that part of vacated York Avenue South, dedicated in the plat of "York Terrace", and all that part of Tract P, Registered Land Survey No. 432, and all that part of Tract F, Registered Land Survey No. 629, lying North of the following described line: Beginning at the Northwest corner of Lot 5, Block 2, "York Terrace", thence running Westerly parallel with the South line of vacated West 68th Street dedicated in the plat of "York Terrace", and its Westerly extensions to a point in the Westerly line of said Tract F, and there terminating, and all that part of said Tract F, all that part of Tract Q, Registered Land Survey No. 432, and all that part of vacated York Avenue South dedicated in the plat of "York Terrace", lying South of the following described line: Beginning at a point in the East line of said Tract Q, said point being 1.81 feet North of the Southeast corner of said Tract Q as measured along the East line thereof, thence running Westerly parallel with said South line of vacated West 68th Street and its Westerly extension to a point in the Westerly line of said Tract F, and there terminating; and
- (1) Lot 1, Block 2, "York Terrace" (Certificate of Title No. 193410); and
 - (2) Lot 2, Block 2, "York Terrace" (Certificate of Title No. 1328257); and
 - (3) Lot 3, Block 2, "York Terrace" (Certificate of Title No. 1100460); and
 - (4) Lot 4, Block 2, "York Terrace" (Certificate of Title No. 1145680); and
 - (5) Lot 5, Block 1, "York Terrace" (Certificate of Title No. 1380227); and part of vacated West 67h Street per City Resolution Doc. No. 4734665 Property is located in Hennepin County, Minnesota.
- (b) *Approved plans.* Incorporated herein by reference are the redevelopment plans received by the city on May 12, 2014, except as amended by City Council Resolution No. 2014-69, on file in the office of the planning department.
- (c) *Principal uses.*
- (1) All principal uses allowed in the CMU-3 District.

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- (2) Multi-family residential.
- (d) *Accessory uses.* All accessory uses allowed in the CMU-3 District.
- (e) *Conditional uses.* All conditional uses allowed in the CMU-3 District except multi-family residential.
- (f) *Development standards.* Development standards per the CMU-3 District, except the following:
- (1) *Building setbacks.*

Building setbacks.	Front – York Avenue		124 feet.
	Front – Xerxes Avenue	Stories 1 and 2	47 feet.
		Porch	40 feet.
		Stories 3 – 6	55 feet.
		Porch/ Deck Stories 3 – 6	50 feet.
Building Height			Six stories and 68 feet.*
Maximum Floor Area Ratio (FAR)			1.22 %

- (g) *Signs.* Signs shall be allowed per the CMU-3 District standards in section 36-1714, with the exception that no signage shall be allowed on the Xerxes Avenue side of the development.

Sec. 36-118. Planned Unit Development District 7 (PUD-7), 66th Street Apartments.

- (a) *Legal description.* The South 300 feet of Lot 2, as measured along the West line of said lot from the Southwest corner thereof in Block 3, Southdale Acres, Hennepin County, Minnesota. Torrens Property Certificate of Title No: 361393.
- (b) *Approved plans.* Incorporated herein by reference are the redevelopment plans received by the city on June 20, 2014 as amended by City Council Resolution No. 2014-139, on file in the office of the planning department.
- (c) *Principal uses.* Affordable housing with supportive services to assist residents with maintaining stability in housing and employment, as proposed and described by Beacon Interfaith Housing collaborative in their project description on file in the office of the planning department. Any change in use of the site will require an amendment to this section of the City Code.
- (1) All uses allowed in the O District, as listed in section 36-575 of the City Code.
- (d) *Accessory uses.* Off-street parking facilities.

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- (e) Conditional uses. None.
- (f) Development standards. Development standards per the O District, except the following:
 - (1) Building setbacks.

Building setbacks.	Front – 66 th Street	43 feet.
	Front – Barrie Road	25 feet.
	Side – North	50 feet.
	Side – East	23 feet.
Building height.		2 stories
Maximum floor area ratio (FAR).		0.77
Building coverage.		30 %
Parking stalls (Affordable housing with services).		19 surface; Proof-of-parking for 37.
Parking stalls (Office uses per Sec. 36-575).		Per the parking requirements of Sec. 36-1311.

- (g) Signs for O District uses shall be allowed per the O District standards in Sec. 36-1714. Signs for affordable housing with supportive services shall be allowed per section 36-1712.

Sec. 36-119. Planned Unit Development District 8 (PUD-8), 7700 France.

- (a) Legal description. Lot 2, Block 1, Edina Office Center.
- (b) Approved plans. Incorporated herein by reference are the redevelopment plans received by the city on September 13 and 26, 2016, except as amended by City Council Resolution No. 2016-112 on file in the office of the planning department.
- (c) Principal uses.
 - (1) All uses allowed in the O District.
 - (2) A freestanding restaurant.
- (d) Accessory uses. All accessory uses allowed in the O District.
- (e) Conditional uses. All conditional uses allowed in the O District.
- (f) Development standards. In addition to the development standards per the O District, the following shall apply:

New Building Setbacks (Phase 1)	Front – Minnesota Drive	35 feet.
	Front – 77 th Street	40 feet.
	Side – North	100 feet.
	Side – East	100 feet.

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Parking Deck Setbacks (Phase 1)	Front – Minnesota Drive	100 feet.
	Front – 77 th Street	100 feet.
	Side – North	25 feet.
	Side – East	30 feet.
New Building Setbacks (Phase 2)	Front – Minnesota Drive	35 feet.
	Front – 77 th Street	200 feet.
	Side – North	45 feet.
	Side – East	200 feet.
Parking Deck Setbacks (Phase 2)	Front – Minnesota Drive	100 feet.
	Front – 77 th Street	100 feet.
	Side – North	25 feet.
	Side – East	30 feet.
Maximum Floor Area Ratio (FAR)		1.0 of the tract.
Parking Stalls (Site)		2,103 spaces at full buildout of Phase 2.

- (g) Signs shall be regulated per the O District for the office uses and CMU-1 District for the restaurant.

Sec. 36-120. Reserved.

Sec. 36-121. Planned Unit Development District 9 (PUD-9), Envi Edina.

- (a) *Legal description.* Lot 1, Block 1, Southdale Addition; and RLS Number 629 Tract B; and Lot 1, Block 1, York Terrace, Hennepin County, Mn.
- (b) *Approved plans.* Incorporated herein by reference are the redevelopment plans received by the city on June 14, 2017 except as amended by City Council Resolution No. 2016-124, on file in the office of the planning department.
- (c) *Principal uses.* All principal uses allowed in the CMU-3 District. Multi-Family Residential.
- (d) *Accessory uses.* All accessory uses allowed in the CMU-3 District.
- (e) *Conditional uses.* All conditional uses allowed in the CMU-3 District except multifamily residential.
- (f) *Development standards.* Development standards per the CMU-3 District, except the following:
- (1) Building setbacks.

Building setbacks.	Front – York Avenue		15 feet.
	Front – 66 th Street	Story 1	15 feet.
		Story 2 – 6	28 feet.
	Front – Xerxes	Story 1	6 feet (per the plan).

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	Story 2 – 6	13 feet (per the plan).
	Rear – Southdale Circle	15 feet.
	Rear – South Side	12 feet.
	Rear – South to Residential	Story 1 Story 2 – 6
		50 feet. 60 feet.
Building height.		Six stories and 75 feet.
Maximum floor area ratio (FAR).		2 %

- (g) Signs shall be allowed per the CMU-3 District standards in section 36-1714, with the exception that no signage shall be allowed on the Xerxes Avenue side of the building that directly faces residential uses. Signage may be allowed above the garage opening on Xerxes.

Sec. 36-122. Planned Unit Development District 10 (PUD-10), Millenium at Southdale.

(a) *Legal description.*

(1) Parcel 1: 6550 York Ave S

- A. Owner: 6550 York Avenue South, LLC
- B. PID: 2902824240007
- C. Current Zoning: POD-2
- D. That part of Lot 5, Cassin's Outlot, Hennepin County, Minnesota, lying West of a line beginning at a point on the South line of said Lot 5, distant 219.1 feet West from the Southeast corner thereof and running Northerly to a point on the North line of said Lot 5, distant 221.1 feet West from the Northeast corner thereof and there terminating; and lying South of the South line of Cassin's Replat; and lying Northwesterly of the Northwesterly line of York Avenue South and Northerly line of West 66th Street, EXCEPT the West 229.86 feet thereof.
- E. *Abstract property.* Together with non-exclusive appurtenant easements for parking and ingress and egress purposes as contained in the Cross Easement Agreement dated December 31, 2014, filed January 6, 2015, as Document No. 10151478 and 10151530.

(2) Parcel 2: 3250 66th St W

- A. Owner: 3250 West 66th Street, LLC
- B. PID: 2902824240005

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- C. Current Zoning: POD-1
 - D. The West 229.86 feet of that part of Lot 5, Cassin's Outlots, Hennepin County, Minnesota, lying West of a line beginning at a point on the South line of said Lot 5, distant 219.1 feet West from the Southeast corner thereof and running Northerly to a point on the North line of said Lot 5, distance 221.1 feet West from the Northeast corner thereof and there terminating; and lying South of the South line of Cassin's Replat, EXCEPT the North 116.5 feet thereof.
 - E. *Abstract property.* Together with non-exclusive appurtenant easements for parking and ingress and egress purposes as contained in the Cross Easement Agreement dated December 31, 2014, filed January 6, 2015, as Document No. 10151478 and 10151530.
- (3) Parcel 3: Address Unassigned
- A. Owner: 6550 York Avenue South, LLC
 - B. PID: 2902824240004
 - C. Current Zoning: POD-1
 - D. The North 116.5 feet of the West 229.86 feet of that part of Lot 5, Cassin's Outlots lying West of a line beginning at a point on the South line of said Lot 5, distant 219.1 feet West from the Southeast corner thereof and running Northerly to a point on the North line of said Lot 5, distant 221.1 feet West from the Northeast corner thereof and there terminating; and lying South of the South line of Cassin's Replat, Hennepin County, Minnesota.
 - E. *Abstract property.* Together with non-exclusive appurtenant easements for parking and ingress and egress purposes as contained in the Cross Easement Agreement dated December 31, 2014, filed January 6, 2015, as Document No. 10151478 and 10151530.
- (b) *Approved plans.* Incorporated herein by reference are the redevelopment plans received by the city on April 1, 2016, except as amended by City Council Resolution No. 2016-53, on file in the office of the planning division.
- (c) *Principal uses.*
- (1) All principal uses allowed in the O District.
 - (2) Retail uses allowed in the CMU-1 District.

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- (3) Multi-family residential.
- (d) *Accessory uses.* All accessory uses allowed in the O District.
- (e) *Conditional uses.* None.
- (f) *Development standards.* Development standards per the O District, except the following:

Building setbacks.	Front – 66 th / York Avenue	20 feet.
	Side – East	10 feet.
	Side – West	20 feet.
	Rear -- North	90 feet.
Maximum FAR		2.00 %

- (g) Signs for office uses shall be allowed per the O District standards in section 36-1714. Signs for commercial uses shall be allowed per section 36-1714, CMU-1 District regulations. Signs for residential uses shall be allowed per the section 36-1712 Residential Districts.

Sec. 36-123. Planned Unit Development District 11 (PUD-11), The Avenue on France.

- (a) Legal description:
 - (1) That part of the Southeast Quarter of Section 30, Township 28, Range 24 lying Easterly of the Westerly line of Valley View Road except that part thereof lying South of the North line, and its Westerly extension, of the plat of South Office Park First Addition.
- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the City on October 7, 2016 except as amended by City Council Resolution No. 2016-121 and 2017-47 on file in the Office of the Planning Department.
- (c) Principal uses:
 - (1) All uses allowed in the O District.
 - (2) All uses allowed in the CMU-2 District.
 - (3) Multifamily residential.
- (d) Accessory uses:
 - (1) All accessory uses allowed in the O District.
 - (2) All accessory uses allowed in the CMU-2 District.

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- (e) Conditional uses:
- (1) All conditional uses allowed in the O District.
 - (2) All conditional uses allowed in the CMU-2 District.
- (f) Development standards. In addition to the development standards per the O District and CMU-2 District, the following shall apply:

New building setbacks.	Front – France Ave	45 feet.
	Front – Valley View	100 feet.
	Front – 66 th Street	50 feet.
Parking setbacks.	Front – France Ave	10 feet.
	Front – Valley View	10 feet.
	Front – 66 th Street	10 feet,
Building height.		8 stories and 96 feet. (No building shall be taller than the existing building at 6800 France.)
Maximum floor area ratio (FAR).		1.0 of the tract.
Parking stalls (site).		488 surface spaces; 1,399 underground spaces; 1,887 total.

- (g) Signs shall be regulated per the O District for the office uses and CMU-2 District for retail uses, and PRD, for the residential uses.
- (h) Twenty percent of all dwelling units shall be reserved for occupancy by residents whose median family income is equal to or less than 60 percent of the median family income for the Minneapolis, St. Paul statistical area, and limited to the maximum rates established and reported by the Minnesota Housing Finance Agency.
- (i) There shall be a site improvement performance agreement for each phase of development. No phase may be built without a site improvement performance agreement. Overall development phasing plan is an estimate. The specific phasing may not occur in the exact order identified on the phasing plan.

Sec. 36-124. Planned Unit Development District 12 (PUD-12), Edina Market Street.

- (a) Legal description.
- (1) Parcel 1: Center Ramp (East).
 - A. PID: 1802824140023.
 - B. 3925 W 49½ St W

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- C. All of Lot 30, Auditor's Subdivision No. 172, Hennepin County, Minnesota, except the East 1 foot thereof and except that part of Lot 30 lying South of a line drawn parallel with and 119.90 feet North of the South line of said Lot 30.
 - 1. Hennepin County, Minnesota.
 - 2. Abstract property.
- (2) Parcel 2: Center Ramp (East Center).
 - A. PID: 1802824140123.
 - B. No address assigned.
 - C. Lot 33, Auditor's Subdivision No. 172, according to the map or plat thereof on file and of record in the office of the County Recorder within and for said County, except that part described as follows: The South 119.9 feet of Lot 33, Auditor's Subdivision No. 172, according to the map or plat thereof on file and of record in the office of the County Recorder within and for Hennepin County, Minnesota.
 - 1. Hennepin County, Minnesota.
 - 2. Abstract property.
- (3) Parcel 3: Center Ramp (West Center).
 - A. PID: 1802824140120.
 - B. No address assigned.
 - C. The South Half of Lot 34 and the East 13 feet of the South Half of Lot 35, Auditor's Subdivision No. 172, Hennepin County, Minnesota, except that part thereof lying South of a line drawn parallel with and 126.0 feet North of the South lines of said Lots 34 and 35.
 - 1. Hennepin County, Minnesota.
 - 2. Abstract property.
- (4) Parcel 4: Surface Pkg/Center Ramp (West).
 - A. PID: 1802824140032.
 - B. No address assigned.

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- C. All that part of the South Half of Lot 35, Auditor's Subdivision No. 172, according to the recorded plat thereof, lying West of the East 13 feet thereof, except that part thereof lying South of a line drawn parallel with and 126.0 feet North of the South line of said Lot 35 and except that part of the Westerly 74.20 feet thereof lying South of a line drawn parallel with and 160.30 feet North of the South line of said Lot 35.
 - 1. Hennepin County, Minnesota.
 - 2. Torrens property.
- (5) Parcel 5: Surface parking.
 - A. PID: 1802824140036.
 - B. No address assigned.
 - C. Par 1: All that part of the West 100 feet of the East 122 feet of the South Half of Lot 36, Auditor's Subdivision No. 172, Hennepin County, Minnesota, according to the recorded plat thereof, lying North of a line drawn parallel with and 150.30 feet North of the South line of said Lot 36.
 - 1. Hennepin County, Minnesota.
 - 2. Abstract property.
 - D. Par 2: All that part of the East 22 feet of the South Half of Lot 36, Auditor's Subdivision No. 172, lying North of a line drawn parallel with and 150.30 feet North of the South line of said Lot 36.
 - 1. Hennepin County, Minnesota.
 - 2. Torrens property.
- (6) Parcel 6: Hooten Cleaner.
 - A. PID: 1802824140035.
 - B. 3944 49.5 W.
 - C. The East 85 feet of the West 120 feet of the East 172 feet of the South 150 feet of the North 1/2 of Lot 36, Auditor's Subdivision No. 172.
 - 1. Hennepin County, Minnesota.

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2. Abstract property.
- (7) Parcel 7: North Ramp (West side).
- A. PID: 1802824140034.
 - B. 3940 49.5 W.
 - C. The East 52 feet of the Southerly 150 feet of the North one-half of Lot 36, Auditor's Subdivision No. 172.
 1. Hennepin County, Minnesota.
 2. Abstract property.
- (8) Parcel 8: Edina Realty Site.
- A. PID: 1802824140026.
 - B. 3930 49½ St W
 - C. That part of the North ½ of Lot 34, Auditor's Subdivision No. 172, lying Southerly of the Westerly extension of the North line of the South 177.5 feet of Lot 32, except the West 14.75 feet thereof; also
 - D. The South 177.5 feet of Lot 32, Auditor's Subdivision No. 172.
 1. Hennepin County, Minnesota.
 2. Abstract property.
- (9) Parcel 9: North Ramp (East Side).
- A. PID: 1802824140030.
 - B. 3936 49½ St W
 - C. Par 1: That part of the North Half of Lot 35, Auditor's Subdivision No. 172, lying South of Allata's First Addition, the West line of said parcel being marked by Judicial Landmarks set pursuant to Torrens Case No. 16224, according to the recorded plat thereof.
 1. Hennepin County, Minnesota.
 2. Torrens property.

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D. Par 2: The West 14.75 feet of that part of the North 1/2 of Lot 34, Auditor's Subdivision No. 172, Hennepin County, Minnesota, lying Southerly of the Westerly extension of the North line of the South 177.5 feet of Lot 32, said Auditor's Subdivision No. 172, according to the plat thereof on file and of record in the office of the Register of Deeds.

1. Hennepin County, Minnesota.
2. Abstract property.

(b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the City on June 5, 2017 except as amended by City Council Resolution No. 2017-60 on file in the Office of the Planning Department.

(c) Principal uses.

- (1) All uses allowed in the CMU-2 District.
- (2) Jazz clubs.
- (3) Multifamily residential.

(d) Accessory uses.

- (1) All accessory uses allowed in the CMU-2 District.

(e) Conditional uses:

- (1) All conditional uses allowed in the CMU-2 District.

(f) Development standards. In addition to the development standards per the CMU-2 District, the following shall apply:

Structure setbacks.	Front – 49 ½ / Market Street	Match existing setbacks on the block per Sec. 36-618.
	Side	0 feet.
	Rear – North	4 feet.
	Six story setback to R-1 District.	175 feet.
Building height.		Four stories and 48 feet (North side of Market Street).
		Six Stories and 75 feet (South side of Market Street).
Maximum floor area ratio (FAR).		1.50 %
Parking stalls.	Residential.	150 stalls enclosed.
	Retail (139 new public stalls provided).	May rely on parking ramp.

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- (g) Signs shall be regulated per the CMU-2 District for the retail uses and PRD, for the residential uses.
- (h) The wall murals on the buildings and parking ramps shall be for public art and shall not be used for signage.
- (i) Of the residential units, ten percent shall be at 60 percent area median income (AMI), subject to the terms in the land use restriction filed on the property.

Sec. 36-125. Planned Unit Development District 13 (PUD-13).

- (a) Legal description:
 - (1) Parcel 1: That part of Government Lot 8, Section 28, Township 117, Range 21, described as beginning at a point on the North line of said Government Lot 8 distant 155 feet East from the Northwest corner thereof; thence East along said North line 125 feet; thence South parallel with the West line of said Government Lot 8 to the center line of Eden Avenue; thence Southwesterly along said center line to its intersection with a line drawn South and parallel with the West line of said Government Lot 8 from the point of beginning; thence North to the point of beginning. (TORRENS PROPERTY: Certificate of Title No. 356070)
 - (2) Parcel 2: That part of Government Lot 8, Section 28, Township 117, Range 21, in Hennepin County, Minnesota, described as follows: Beginning at a point on the North line of said Government Lot 8 distant 280 feet East, measured along said North line, from the Northwest corner thereof; thence East along said North line to the intersection with the Southerly extension of the centerline of Brookside Avenue, as shown on the plat of "Grand View Heights" on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota; thence South along the Southerly extension of the centerline of said Brookside Avenue to the centerline of Eden Avenue (also known as Eden Prairie Road); thence Southwesterly along said centerline to its intersection with a line drawn South parallel with the West line of said Government Lot 8 from the point of beginning; thence North along said parallel line to the point of beginning. (ABSTRACT PROPERTY)
- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the city on October 19, 2017, except as amended by city council Resolution No. 2017-109 on file in the office of the planning department.

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- (c) Principal uses. All uses allowed in the CMU-2 District.
- (d) Senior Residential, including senior independent living.
- (e) Accessory uses. All accessory uses allowed in the CMU-2 District.
- (f) Conditional uses. All conditional uses allowed in the CMU-2 District.
- (g) Development standards. In addition to the development standards per the CMU-2 District, the following shall apply:

Building setbacks.	Front – Eden Ave	4 feet.
	Side – West	10 feet.
	Side – East	10 feet (2 feet – screened transformer).
	Rear – North	26 feet.
Building height.		Six stories and 80 feet.
Maximum floor area ratio (FAR).		2.21 %
Parking stalls.		212 stalls enclosed.
Parking stall size.		8.5 x 18 feet.
Drive aisle width.		24 feet.

- (h) Signs shall be regulated per the **PRD Zoning District**.
- (i) Subject to the terms and conditions of that certain development agreement by and between the City of Edina and CRP/TCC AA II Edina, L.L.C. ("owner"), dated November 8, 2017, for a period of 15 years after the issuance of a certificate of occupancy for the residential building to be constructed by owner (or equal, including, temporary certificate of occupancy), ten percent of the rentable area of the apartment units shall be reserved for affordable housing for occupancy by residents whose income is equal to or less than 50 percent of the area median gross income (including adjustments for family size), for the Minneapolis-Saint Paul-Bloomington Metropolitan Statistical Area, as established and reported by the Minnesota Housing Finance Agency.

Sec. 36-126. Planned Unit Development District 14 (PUD-14).

- (a) Legal description: Lot 4, Block 1, Yorktown, Hennepin County, MN.
- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the City on June 24, 2019 except as amended by City Council Resolution No. 2019-57 on file in the Office of the Planning Department.
- (c) Principal uses:

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- (1) All uses allowed in the CMU-3 District
- (2) Multi-family apartments/ condos.
- (d) Accessory uses:
 - (1) All accessory uses allowed in the CMU-3 District.
- (e) Conditional uses:
 - (1) All conditional uses allowed in the CMU-3 District.
- (f) Development standards. In addition to the development standards per the CMU-3 District, the following shall apply:

		Podium	Tower
Building setbacks.	Front – Hazelton Road	45 feet.	70 feet.
	Side – East	10 feet.	30 feet.
	Side – West	15 feet.	70 feet.
	Rear – North	10 feet.	10 feet.
Building height.		18 stories and 210 feet.	
Maximum floor area ratio (FAR).		4.6 %	
Parking stalls.		277 stalls enclosed.	
Parking stall size.		8.5 x 18 feet.	
Drive aisle width.		24 feet.	

- (g) Signs shall be regulated per the PRD Zoning District.
- (h) All new development must conform to the city's affordable housing policy as determined by the city council.

Sec. 36-127. Planned Unit Development District 15 (PUD-15), 4500 France Avenue Apartments.

- (a) Legal description:
 - (1) Parcel 1:
 - A. Lots 1 and 2 and that part of Lot 6 described as follows: Commencing at the most Northerly corner of said Lot 6; thence South along the East line of said lot; 40.62 feet; thence Northwesterly 30.2 feet to a point on the Northerly line of said Lot 6, distant 27.19 feet Westerly from the point of beginning; thence Northeasterly to the point of beginning, all in Block 2, "Fairbairn's Rearrangement" in Waveland and Waveland Park, including all of the vacated alley which lies North of the South line of said Lot 2 extended West, Hennepin County, Minnesota. (Abstract Property) Parcel 2:

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(2) Lots 3, 4 and 5;

- A. That part of Lot 6, described as follows: Commencing on the Easterly line of said Lot at a point distant 40.62 feet Southerly from the most Northerly corner of said Lot, thence Northwesterly 30.2 feet to a point on the Northwesterly line of said Lot distant 27.19 feet Southwesterly from the most Northerly corner of said Lot; thence Southwesterly along the Northwesterly line of said Lot to the most Westerly corner of said Lot, thence Southeasterly along the Southwesterly line of said Lot to the most Southerly corner of said Lot, thence Northerly along the Easterly line of said Lot to the point of beginning;
- B. That part of the alley now vacated, described as follows: Commencing at the point of intersection of the center line of alley, now vacated with the North line of Lot 3 extended Westward, thence East on said extended line to the Northwest corner of said Lot 3, thence along the Easterly line of said alley to the most Southerly corner of Lot 5, thence Southwesterly along an extension of the Southeasterly line of said Lot to the center line of said alley, thence Northwesterly along the center line of said alley to a point of its intersection with a line erected to bisect the angle existing in the Westerly line of said alley, thence Southwest along said line to the West line of said alley, thence North along said West line to a point in said line 40.62 feet South of the most Northerly corner of Lot 6, the same being the point of intersection to said West line of alley with the extension Westward of the North line of Lot 3, thence East along said extended line to the point of beginning;
- C. All in Block 2, "Fairbairn's Rearrangement" In Waveland and Waveland Park (Torrens Property) Parcel A:
- D. Lot 7, Block 2, Fairbairn's Rearrangement in Waveland and Waveland Park, Hennepin County, Minnesota. Together with that part of the adjacent vacated alley that accrued thereto by reason of the vacation thereof. (Abstract Property)

(3) Parcel B:

- A. Lot 8, Block 2, Fairbairn's Rearrangement in Waveland and Waveland Park, Hennepin County, Minnesota. (Abstract Property)

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- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the City on July 27, 2018 except as amended by City Council Resolution No. 2018-137 on file in the Office of the Planning Department.
- (c) Principal uses:
 - (1) All uses allowed in the CMU-1 District.
 - (2) Multi-family apartments/ condos.
 - (3) Senior housing.
- (d) Accessory uses: All accessory uses allowed in the CMU-1 District.
- (e) Conditional uses: None.
- (f) Development standards.

Setbacks – Buildings	Front – France Avenue	8 feet.
	Front – Sunnyside Road	3 feet.
	Side – West	25 feet.
	Side – South	15 feet.
Building height.		4 stories and 50 feet.
Parking lot and drive aisle setback.	Street	20 feet.
	Side and Park	10 feet.
Maximum floor area ratio (FAR).		1.5 FAR
Parking stalls.		Shall be regulated per the Planned Commercial District Parking Regulations Section 36-1312.

- (g) Signs shall be regulated per the **Planned Commercial District** Regulations.
- (h) Three units within the project must be provided for residents earning no more than 50 percent AMI for 15 years from the date of the certificate of occupancy.

Sec. 36-128. Planned Unit Development District 16 (PUD-16).

- (a) Legal description:
 - (1) Lot 44, Block 1, Oscar Roberts 1 st Addition, Hennepin County.
 - (2) The North 325 Feet of the East 520 Feet of the Southeast 1/4 of the Northeast 1/4 Except Road. (7200 & 7250 France Avenue).

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- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the City on January 10, 2023, except as amended by City Council Resolution No. 2023-11, City Council Resolution No. 2025-25 and City Council Resolution No. 2025-34, on file in the Office of the Planning Department.
- (c) Principal uses:
- (1) All uses allowed in the CMU-2 District.
 - (2) Multi-family apartments/ townhomes/ condos.
 - (3) Hotel.
- (d) Accessory uses:
- (1) All accessory uses allowed in the CMU-2 District.
- (e) Conditional uses: All conditional uses allowed in the CMU-2 District.
- (f) Development standards. In addition to the development standards per the CMU-2 District, the following shall apply:

Building setbacks.	Front – France	50 feet.
	Front – Gallagher	25 feet.
	Front – 72 nd Street (Apartments)	30 feet.
	Side – West (North Half)	90 feet.
	Side – West (Sout Half)	45 feet.
Building height.	Phase 1 - 76 feet with a ceiling height of 20 feet on the main level. Phase 2 - 72 feet with a ceiling height of 14 feet on the main level. (Building to be constructed per the approved plans)	
Maximum floor area ratio (FAR).	1.8 %	
Parking stalls.	Phase 1 - 317 total stalls. Phase 2 - 483 total stalls.	
Parking stall size.	8.5 x 18 feet.	
Drive aisle width.	24 feet.	

- (g) Signs shall be regulated per the **PCD Zoning District** based on the use.
- (h) For any housing development, affordable housing units must be included in the project per the City's affordable housing policy at the time of final approval.

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Sec. 36-129. Planned Unit Development District 17 (PUD-17), Pentagon Park South.

- (a) Legal description: All of the following described land:
- (1) Those parts of Tracts A and B lying Southerly of the following described line:
Beginning at a point on the West line of said Tract B distant 220 feet North of the Southwest corner thereof; thence run Northeasterly to a point on the North line of said Tract B distant 170 feet West of the Northeast corner thereof; thence run Northeasterly to a point on the East line of said Tract A distant 40 feet North of the Southeast corner thereof and there terminating.
 - (2) Tract C,
 - (3) Tracts E and F, except those parts thereof lying Northerly of the following described line: Beginning at a point on the East line of Tract A, distant 40 feet North of the Southeast corner thereof; thence run Northeasterly to a point distant 120 feet West and 32 feet South of the Northeast corner of said Tract E; thence run Easterly parallel with the North line of said Tract E for 30 feet; thence deflect to the left at an angle of 90 degrees 00 minutes 00 seconds for 12 feet; thence run Easterly and Southeasterly parallel with the Northerly and Northeasterly lines of said Tracts E and F to its intersection with the following described line: Beginning at a point on the Southwesterly line of Tract S distant 105 feet Southeasterly of the West line of said Tract S (when measured along said Southwesterly line); thence run Southwesterly at right angles to said Southwesterly line for 100 feet and there terminating,
 - (4) Tract G, except the East 58 feet of the Southerly 300 feet thereof,
 - (5) That part of Tract H, lying North of the South 300 feet thereof;
 - (6) All in Registered Land Survey No. 1050, Hennepin County, Minnesota.
 - (7) Torrens Property—Certificate of Title No. 1362156.
 - (8) Added property:
 - (9) Together with: (Parcels not included in First American Title Insurance Company Title Commitment Number NCS-904068-MPLS, but included as part of this survey)
 - (10) The East 58 feet of the southerly 300 feet of Tract G and

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- (11) That part of Tract H, lying south of the South 300 feet thereof, both in Registered Land Survey No. 1050, Files of the Registrar of Titles in and for Hennepin County, Minnesota.
- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the City on January 17, 2019 except as amended by City Council Resolution No. 2019-17 on file in the Office of the Planning Department.
- (c) Revised plans. Incorporated herein by reference are the revised plans for 4911 77th Street West as approved by City Council Resolution No. 2021-61 on file in the office of the Planning Department.
- (d) Principal uses:
- (1) All uses allowed in the MDD-6 Zoning District.
 - (2) Multi-family apartments/ condos.
- (e) Accessory uses: All accessory uses allowed in the MDD3 – 6 Districts.
- (f) Conditional uses: All conditional uses allowed in the MDD-3 – 6 Districts.
- (g) Development standards.

Setbacks – Buildings	77 th Street	15 feet.
	Computer Avenue	15 feet.
	Normandale Boulevard	50 feet.
	Viking Drive	10 feet.
Building height.		12 stories and 144 feet per the height overlay district.
Parking lot and drive aisle setback.		20 feet.
Building coverage.		30 %
Maximum floor area ratio (FAR).		1.5 %
Parking stalls – Mixed Development District Phase 1 (Based on the uses).		602 stalls + 152 enclosed stalls for the residential use on Lot 3, Block 1.

- (h) Signs shall be regulated per the Mixed Development District. Signs for the First Bank and Trust located on Lot 4, shall be allowed per their approved site plan, including the non-street front wall signage facing the interior of the development.
- (i) Ninety percent of the parking stalls within the development shall be available to all uses within the development.

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- (j) Ten percent of the units must be provided for affordable housing for families or individuals earning 60 percent area median income (AMI) for the Twin Cities.

Sec. 36-130. Planned Unit Development District 18 (PUD-18).

- (a) Legal description:
- (1) Lot 2, Block 1, AMUNDSON'S TERRACE; and
 - (2) That part of the most Northerly 70 feet of Tract B, REGISTERED LAND SURVEY NO. 1193, Hennepin County, Minnesota lying West of the Southerly extension of the East line of Lot 2, Block 1, AMUNDSON TERRACE.
- (b) Approved plans. Incorporated herein by reference are the re-development plans, dated April 5, 2019, except as amended by City Council Resolution No. 2020-27 on file in the Office of the Planning Department.
- (c) Principal uses: Multi-family apartments/ townhomes/ condos.
- (d) Accessory uses: All accessory uses allowed in the CMU-1 District.
- (e) Conditional uses: None.
- (f) Signs shall be regulated per the **PCD Zoning District**.
- (g) Income levels for all dwelling units shall be limited such that the average household income is 60 percent or less of the Area Median Income for a minimum of 40 years from the date of the Certificate of Occupancy.
- (h) Development standards. In addition to the development standards per the CMU-1 District, the following shall apply:

Building setbacks.	Front – Amundson Ave	0 – 11 feet.
	Rear – East	24 – 48 feet.
	Side – North	15 feet.
	Side – South	68 feet.
Parking lot setbacks.	Front – Amundson Ave	0 feet.
	Rear – East	0 feet.
	Side – North	100 feet.
	Side – South	17 feet.
Building height.		5 stories and 54 feet.
Floor area ratio (FAR).		1.50
Parking.		94 stalls total (62 enclosed – includes up to 3 compact).

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Sec. 36-131. Planned Unit Development District 19 (PUD-19), 4100 76 Apartments.

- (a) Legal description: Tract J, Registered Land Survey No. 1129
- (b) Approved plans. Incorporated herein by reference are the re-development plans, dated February 7, 2020 except as amended by City Council Resolution No. 2020-32 on file in the Office of the Planning Department.
- (c) Principal uses:
 - (1) Multi-family apartments/ townhomes/ condos.
- (d) Accessory uses: All accessory uses allowed in the CMU-1 District.
- (e) Conditional uses: None.
- (f) Signs shall be regulated per the PCD Zoning District.
- (g) Income levels for all dwelling units shall be limited such that the average household income is 60 percent or less of the Area Median Income for a minimum of 40 years from the date of the Certificate of Occupancy.
- (h) Development standards. In addition to the development standards per the FI District, the following shall apply:

Building setbacks.	Front – 76 th Street	50 feet.
	Side – East	29 feet.
	Side – West	15 feet.
	Rear	100 feet.
Parking lot setbacks.	Front – 76 th Street	20 feet.
	Side -- West	15 feet.
Building height.		4 stories & 50 feet.
Floor area ratio (FAR).		1.5
Parking.		88 stalls total (65 encloses – 10 proof-of-parking stalls).

Sec. 36-132. Planned Unit Development District 20 (PUD-20), 70 & France.

- (a) Legal description:
 - (1) Lot 44, Block 1, Oscar Roberts 1 st Addition, Hennepin County.
 - (2) The North 325 Feet of the East 520 Feet of the Southeast 1/4 of the Northeast 1/4 Except Road. (7200 & 7250 France Avenue)
- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the City on January 10,

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2023 except as amended by City Council Resolution No. 2023-11 on file in the Office of the Planning Department.

- (c) Principal uses:
 - (1) All uses allowed in the CMU-2 District.
 - (2) Multi-family apartments/ townhomes/ condos.
 - (3) Hotel.
- (d) Accessory uses: All accessory uses allowed in the CMU-2 District.
- (e) Conditional uses: All conditional uses allowed in the CMU-2 District.
- (f) Development standards. In addition to the development standards per the CMU-2 District, the following shall apply:

Building setbacks.	Front – France	50 feet.
	Front – Gallagher	25 feet.
	Front – 72 nd Street (Apartments)	30 feet.
	Side – West (North Half)	90 feet.
	Side – West (South Half)	45 feet.
Building height.		Phase 1 - 76 feet with a ceiling height of 20 feet on the main level. Phase 2 - 72 feet with a ceiling height of 16 feet 14 feet on the main level. (Building to be constructed per the approved plans)
Maximum floor area ratio (FAR).		1.8 %
Parking stalls.		Phase 1 - 317 total stalls. Phase 2 - 483 total stalls.
Parking stall size.		8.5 x 18 feet.
Drive aisle width.		24 feet.

- (g) Signs shall be regulated per the PCD Zoning District based on the use.
- (h) For any housing development, affordable housing units must be included in the project per the City's affordable housing policy at the time of final approval.

Sec. 36-133. Planned Unit Development District 21 (PUD-21), Maison Green 4917 Eden Avenue.

- (a) Legal description: Tract A and C, Registered Land Survey No. 1501 Hennepin County Minnesota.

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- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the city on October 5, 2021 except as amended by City Council Resolution No. 2021-97 on file in the Office of the Planning Department.
- (c) Principal uses:
 - (1) All uses allowed in the CMU-1 District.
 - (2) Multifamily residential.
- (d) Accessory uses: All accessory uses allowed in the CMU-1 District.
- (e) Conditional uses: None.
- (f) Development standards. In addition to the development standards per the CMU-1 District, the following shall apply:

Building setbacks.	Front – Eden Avenue	10 feet building – 5 feet posts.
	Front – Wilson Road	15 feet.
	Side – Highway 100	100+ feet.
	Side – South	10 feet.
Building height.		7 stories and 76 feet.
Density.		94 units per acre.
Floor area ratio (FAR).		2.5 %
Parking.	277 spaces.	
	29 + 8 on east side, with room for more on west side if needed.	

- (g) Signs shall be regulated per the CMU-1 District for the retail uses, and PRD, for the residential uses.
- (h) The residential housing on the site shall include ten percent of all the dwelling units to meet the city's definition of affordable housing.

Sec. 36-134. Planned Unit Development District 22 (PUD-22), 5132 and 5136-48 Hankerson Avenue – Hankerson Townhomes.

- (a) Legal description: The South Half of Lot 8 and all of Lots 9, 10, 11 and 12, Block 9, Brookside Heights, Hennepin County, Minnesota
- (b) Approved plans. Incorporated herein by reference are the re-development plans, dated May 4, 2020 except as amended by City Council Resolution No. 2020-92 on file in the office of the planning department.
- (c) Principal uses:

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- (1) Multi-family townhomes/ condos.
- (d) Accessory uses: All accessory uses allowed in the R-1 District.
- (e) Conditional uses: None.
- (f) Signs shall be regulated per the R-1 Zoning District.
- (g) Development standards. In addition to the development standards per the R-1 Zoning District, the following shall apply:

Front – Hankerson Avenue	35 feet (porch 30 feet).
Front – 52 nd Avenue	32 feet.
Side – North	12 feet.
Side/ Rear – West	20 feet.
Building height.	2 ½ stories & 33 feet.
Building coverage.	0.45
Density.	8 units.

Sec. 36-135. Planned Unit Development District 23 (PUD-23), Pentagon Park Apartments.

- (a) Legal description: Tract A, Registered Land Survey No. 1218 Hennepin County Minnesota.
- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the City on April 22 and September 9, 2021 except as amended by City Council Resolution No. 2021-76 on file in the Office of the Planning Department.
- (c) Principal uses:
 - (1) Office and medical office.
 - (2) Multifamily residential.
- (d) Accessory uses:
 - (1) All accessory uses allowed in the CMU-1 District.
- (e) Conditional uses: None.
- (f) Development standards.

Building setbacks.	Front – 77 th Street	40 – 50 feet.
	Rear – Fred Richards Park	20 feet.
	Side – West	50 feet.

ARTICLE III. DIVISION 19. Planned Unit Development Districts (PUD)

	Side – East	45 feet.
Building height.		5 – 7 stories and 52 – 86 feet.
Density.		75 units per acre.
Floor area ratio (FAR).		1.5 %
Parking.		550 spaces.

- (g) Signs shall be regulated per the CMU-1 District for the retail uses, and **PRD**, for the residential uses. Signs shown on the final development plans shall be allowed.

Sec. 36-136. Reserved.

Sec. 36-137. Planned Unit Development District 25 (PUD-25), 7235 France Avenue.

- (a) Legal description:
- (1) Lot 3, Block 7, Yorktown Addition, Hennepin County Minnesota (PID #3202824230004).
- (b) Approved plans. Incorporated herein by reference are the re-development plans, including the master development plan for the site received by the City on September 3 rd , 2024 except as amended by City Council Resolution No. 2024-60 on file in the Office of the Planning Department.
- (c) Principal uses:
- (1) Office.
 - (2) Medical office.
 - (3) Multifamily residential.
 - (4) All uses allowed in the CMU-3 District for the first floor within each building.
- (d) Accessory uses: None.
- (e) Conditional uses: None.
- (f) Development standards.

Building setbacks.	Measured from the front building line to the curb.	Front – France Avenue	50 feet.
		Side – North Lot Line	35 feet (NW building). 20 feet (NE building).
		Side – South Lot Line	130 feet (SW building). 49 feet (SE building).
		Rear – East Lot Line (Promenade)	34 feet (NE building) 35 feet (SE building).

ARTICLE III. DIVISION 19. Planned Unit Development Districts (PUD)

		Setback to R-1 Property	700 feet. 800 feet.
Building height.			7 – 11 stories and 160 feet
First floor height.			15 feet (per the approved plans for each site).
Floor area ratio (FAR).			2.5 %*
Parking.			1,324 spaces total proposed per Section 36-1311.
Transparency at ground level.			60 %

- (g) Signs for the retail and office space shall be regulated per the CMU-3 District and for the residential use the **PRD Zoning District**.
- (h) The residential housing on the site shall include ten percent of all the dwelling units to meet the City's definition of affordable housing at the time of approval.

Sec. 36-138. Reserved.

ARTICLE III. USES AND USE STANDARDS

DIVISION 1. USE PERMISSION TABLE.

Sec. 36-139. Interpretation of comprehensive use table.

(a) *Number of uses per lot.*

- (1) The maximum number of principal uses permitted on a lot shall be determined as established below. The provisions of this subsection shall not prohibit the establishment of an accessory use.
 - A. In the R-1 and MM Districts, no more than one principal use shall be permitted on a lot.
 - B. In the PUD Districts, the maximum number of principal uses permitted on a lot shall be established in Article II, Division 19.
 - C. In all districts other than R-1, R-2, and PUD Districts, multiple principal uses shall be permitted on the same lot provided that all such uses comply with the standards established in this Chapter

(b) *How to use the comprehensive use table.*

- (1) Uses shall be permitted as established by Table 140-1: Comprehensive Use Permissions Table. To interpret the use permissions table, follow the rules below.
 - A. Find the desired use in the column titled “use.”
 - B. Find the intersection of the desired use and applicable zoning district.
 - C. Interpret the symbol as set forth in Table 139-1: Comprehensive Use Table Legend.
- (2) In PUD Districts, use permissions shall not be established in Table 140-1: Comprehensive Use Permissions Table. Instead, use permissions for PUD Districts shall be established in Article II, Division 19.

Table 139-1: Comprehensive Use Table Legend

Symbol	Interpretation	Approving Authority
P	Permitted by right subject to use standards established in Sec. 36-142. through Sec. 36-207.	City Planner

ARTICLE III. DIVISION 1. Use Permission Table.

Symbol	Interpretation	Approving Authority
C	Permitted by conditional use permit approval subject to use standards established in Sec. 36-142. through Sec. 36-207. as well as reasonable standards determined by the Planning Commission.	City Council
A	Permitted by right as an accessory use only subject to use standards established in in Sec. 36-142. through Sec. 36-207.	City Planner
	Prohibited.	N/A

(c) *Uses not listed.*

- (1) Uses not explicitly permitted by right or conditional use permit shall be prohibited unless such use is determined by the City Planner to be substantially similar in definition and impact to a use permitted by right or permitted by conditional use permit.
 - A. Any person may submit to the City Planner an application for determination of substantial similarity in definition and impact between a proposed use excluded from Table 140-1: Comprehensive Use Permissions Table and a use included in Table 140-1: Comprehensive Use Permissions Table.
 - B. The City Planner shall then determine whether the use is similar in definition and impact to a listed use permitted by right or conditional use permit.
 1. If the City Planner determines that the proposed use is similar in definition and impact to a listed use permitted by right or conditional use permit, the proposed use shall be determined to be likewise permitted by right or conditional use permit.
 - a. Any use determined to be substantially similar to a use listed in Table 140-1: Comprehensive Use Permissions Table shall be subject to all use standards provided for the listed use.
 - C. The applicant shall have the right to appeal the decision of the City Planner to the Board of Appeals and Adjustments in accordance with Sec. 36-XX.
 - D. The determination by the City Planner or Board of Appeals and Adjustments shall be for the purpose of enabling the applicant to otherwise comply with this Chapter regarding necessary applications or permits to be obtained. The decision shall in no way act as a commitment by the City as to future zoning, approval of conditional use permit, or any other matter relating to this Chapter.

(d) *Example uses.*

ARTICLE III. DIVISION 1. Use Permission Table.

- (1) In Sec. 36-142. through Sec. 36-207. , this Article provides examples for each use listed in Table 140-1: Comprehensive Use Permissions Table. Such examples shall not be considered exhaustive and shall not be regulatory in nature. Where an example use conflicts with the definition of a use provided in Table 140-1: Comprehensive Use Permissions Table, the definition shall control.
- (e) *Use standards.*
- (1) Certain uses shall comply with specific standards established for that use and referenced in Table 140-1: Comprehensive Use Permissions Table.
 - (2) Unless otherwise stated, where a use standard established in this Article permits an accessory use in association with a principal use, such accessory use shall be permitted the same as the principal use, regardless of the underlying use permission established in Table 140-1: Comprehensive Use Permissions Table.
 - A. For example, if an indoor recreation facility is permitted to establish an accessory restaurant, the accessory restaurant shall be subject to the use permissions established for indoor recreation facilities in Table 140-1: Comprehensive Use Permissions Table rather than the use permissions established for restaurants.
- (f) *References to the comprehensive use permissions table.*
- (1) *Use categories.* To better organize different uses, this Chapter divides uses by their predominant intent into six categories. Throughout this Chapter, use categories shall be referenced to include all uses within the use category. Use categories shall be as established and contain the uses included in Table 140-1: Comprehensive Use Permissions Table.
 - (2) *Permitted uses and conditionally permitted uses.* Throughout this Chapter, references to permitted uses shall include all uses permitted by right or conditional use permit, including accessory uses permitted as such. References to conditionally permitted or conditional uses shall include only uses permitted by conditional use permit.

ARTICLE III. DIVISION 1. Use Permission Table.

Sec. 36-140. Comprehensive use permissions table.

Table 140-1: Comprehensive Use Permissions Table

Category	Proposed Use	Use Standards	R-1 Single Dwelling Unit District	MM Mixed Middle Residential District	MDR Medium Density Residential District	HDR High Density Residential District	AR Assisted Residential District	CMU-1 Commercial Mixed Use District 1	CMU-2 Commercial Mixed Use District 2	CMU-3 Commercial Mixed Use District 3	AC Automotive Commercial District	MDD-4 Mixed Development District 4	MDD-5 Mixed Development District 5	MDD-6 Mixed Development District 6	O Office District	IF Industrial Flex District	RM Regional Medical District
Residential	Assisted Living Facility	36.XXX.xxx.				P	P			P		P	P	P			
	Dwelling, Multi-Unit	36.XXX.xxx.		P	P	P		P	P	P		P	P	P			
	Dwelling, Single-Unit	36.XXX.xxx.	P	P	P												
	Dwelling, Townhouse	36.XXX.xxx.		P	P	P				P		P	P	P			
	Dwelling, Two-Unit	36.XXX.xxx.		P	P												
	Independent Senior Housing	36.XXX.xxx.		P	P	P	A	P	P	P		P	P	P			
Commercial	Animal Care Facility	36.XXX.xxx.							P	P		C	C	P		P	
	Cannabis Retailer	36.XXX.xxx.						P	P	P		C	C	P			
	Catering	36.XXX.xxx.							P	P		C	C	P		P	
	Commercial Kennel	36.XXX.xxx.							P	P		C	C	P		A	
	Day Care	36.XXX.xxx.	C		P	P		P	P	P		P	P	P	P	P	
	Event Space	36.XXX.xxx.						P	P	P					P	P	
	Funeral Home	36.XXX.xxx.							P	P					C		

ARTICLE III. DIVISION 1. Use Permission Table.

Category	Proposed Use	Use Standards	R-1 Single Dwelling Unit District	MM Mixed Middle Residential District	MDR Medium Density Residential District	HDR High Density Residential District	AR Assisted Residential District	CMU-1 Commercial Mixed Use District 1	CMU-2 Commercial Mixed Use District 2	CMU-3 Commercial Mixed Use District 3	AC Automotive Commercial District	MDD-4 Mixed Development District 4	MDD-5 Mixed Development District 5	MDD-6 Mixed Development District 6	O Office District	IF Industrial Flex District	RM Regional Medical District
	Golf Course	36.XXX.xxx.	P														
	Hotel	36.XXX.xxx.							P	P		P	P	P	P		
	Indoor Entertainment	36.XXX.xxx.							P	P		C	C	P			
	Indoor Recreation	36.XXX.xxx.						P	P	P		C	C	P	P	P	
	Mortuary Service	36.XXX.xxx.													C	P	
	Office	36.XXX.xxx.						P	P	P		P	P	P	P	P	
	Personal Services	36.XXX.xxx.				A	A	P	P	P		P	P	P		P	
	Restaurant	36.XXX.xxx.				A	A	P	P	P		C	C	P	A	A	
	Retail	36.XXX.xxx.				A	A	P	P	P	A	C	C	P	A	A	A
	Sexually-Oriented Business	36.XXX.xxx.								P							
Institutional	Country Club	36.XXX.xxx.	P														
	Hospital	36.XXX.xxx.															P
	Medical Care, Inpatient	36.XXX.xxx.				A	P			P		P	P	P	P		P
	Medical Care, Outpatient	36.XXX.xxx.				A	A	P	P	P		P	P	P	P	P	P
	Park	36.XXX.xxx.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Public Facility, General	36.XXX.xxx.	C					P	P	P		P	P	P	P		
	Public Facility, Limited	36.XXX.xxx.														P	

ARTICLE III. DIVISION 1. Use Permission Table.

Category	Proposed Use	Use Standards	R-1 Single Dwelling Unit District	MM Mixed Middle Residential District	MDR Medium Density Residential District	HDR High Density Residential District	AR Assisted Residential District	CMU-1 Commercial Mixed Use District 1	CMU-2 Commercial Mixed Use District 2	CMU-3 Commercial Mixed Use District 3	AC Automotive Commercial District	MDD-4 Mixed Development District 4	MDD-5 Mixed Development District 5	MDD-6 Mixed Development District 6	O Office District	IF Industrial Flex District	RM Regional Medical District
	Public Facility, Municipal	36.XXX.xxx.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Religious Facility	36.XXX.xxx.	C												C	C	
	School	36.XXX.xxx.	C					P	P	P		C	C	P	P	P	
Industrial	Alcoholic Beverage Production	36.XXX.xxx.													P	P	
	Cannabis Production	36.XXX.xxx.														P	
	Contractor Business	36.XXX.xxx.														P	
	Industrial, Light	36.XXX.xxx.														P	
	Mini-Storage	36.XXX.xxx.														P	
	Research and Development	36.XXX.xxx.							P	P		C	C	P	P	P	P
	Utility Facility, Municipal	36.XXX.xxx	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Transportation	Utility Facility, Nonmunicipal	36.XXX.xxx.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Automobile and Marine Sales	36.XXX.xxx.								C							
	Automobile Convenience Station	36.XXX.xxx.									P						
	Automobile Service Center	36.XXX.xxx.								A	P						
	Automobile Component Store	36.XXX.xxx.							P	P	P						

ARTICLE III. DIVISION 1. Use Permission Table.

Category	Proposed Use	Use Standards	R-1 Single Dwelling Unit District	MM Mixed Middle Residential District	MDR Medium Density Residential District	HDR High Density Residential District	AR Assisted Residential District	CMU-1 Commercial Mixed Use District 1	CMU-2 Commercial Mixed Use District 2	CMU-3 Commercial Mixed Use District 3	AC Automotive Commercial District	MDD-4 Mixed Development District 4	MDD-5 Mixed Development District 5	MDD-6 Mixed Development District 6	O Office District	IF Industrial Flex District	RM Regional Medical District
	Car Wash	36.XXX.xxx.									P						
	Helistop	36.XXX.xxx.															A
	Parking, Structured	36.XXX.xxx.			A	A	A	A	A	A		A	A	A	A	A	A
	Parking, Surface	36.XXX.xxx.	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Transit Facility	36.XXX.xxx.								P		A	A	A			
Accessory	Accessory Dwelling Unit	36.XXX.xxx.	A														
	Drive-Through Facility	36.XXX.xxx.						A	A	A	A	A	A	A			A
	Dwelling, Caretaker	36.XXX.xxx.	A														A
	Dwellings, Temporary Family Health Care	36.XXX.xxx.	A	A													
	Electric Vehicle Supply Equipment	36.XX.xxx.		A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Energy Collection Systems	36.XXX.xxx.	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Garage	36.XXX.xxx.	A	A	A	A						A	A	A			
	Home Day Care	36.XXX.xxx.	A	A													
	Home-Based Business	36.XXX.xxx.	A	A	A	A						A	A	A			
	Mobile Food Unit	36.XXX.xxx.														A	
	Outdoor Storage	36.XXX.xxx.						A	A	A	A					A	

ARTICLE III. DIVISION 1. Use Permission Table.

Category	Proposed Use	Use Standards	R-1 Single Dwelling Unit District	MM Mixed Middle Residential District	MDR Medium Density Residential District	HDR High Density Residential District	AR Assisted Residential District	CMU-1 Commercial Mixed Use District 1	CMU-2 Commercial Mixed Use District 2	CMU-3 Commercial Mixed Use District 3	AC Automotive Commercial District	MDD-4 Mixed Development District 4	MDD-5 Mixed Development District 5	MDD-6 Mixed Development District 6	O Office District	IF Industrial Flex District	RM Regional Medical District
	Produce Stand	36.XXX.xxx.						A	A	A							A
	Recreational Structure	36.XXX.xxx.	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Storage Shed	36.XXX.xxx.	A	A	A	A											
Temporary	Temporary Retail Sale	36.XXX.xxx.	P	P		P		P	P	P	P	P	P	P	P	P	
	Temporary Retail Sale of Evergreen Products	36.XXX.xxx.	C					C	C	C						C	

ARTICLE III. DIVISION 1. Use Permission Table.

Sec. 36-141. Permitted placement of small wireless facilities and wireless support structures.

Notwithstanding any other provision of this Chapter, the placement of small wireless facilities and wireless support structures to accommodate small wireless facilities are a permitted use in a public right-of-way.

ARTICLE III. DIVISION 2. Residential Uses.

DIVISION 2. RESIDENTIAL USES.

Sec. 36-142. Assisted living facility.

- (a) *Definition.* A residential establishment providing room, board, personal care services, and medical care services to adult residents.
- (b) *Examples.* Assisted living community, nursing home, rest home, extended care facility, memory care center, and adult family home.

Sec. 36-143. Dwelling, multi-unit.

- (a) *Definition.* A building containing three or more independent dwelling units, each with separate cooking, sanitary, and sleeping facilities.
- (b) *Examples.* Apartment building, apartment complex, condominium, fourplex, mixed-use building (residential portion only), loft conversion, and garden apartments.
- (c) *Standards.*
 - (1) The number of dwelling units per acre must be within the density range as prescribed for the property on the Future Land Use Map of the Comprehensive Plan.
 - (2) Emergency generators. Outdoor emergency power generators required to support continuous clinical staffing and life-safety systems shall be set back at least 50 feet from any lot line abutting the R1, MM, MDR, HDR, or AR District. Generators must be acoustically shielded and visually screened by an opaque masonry wall that matches the principal building's primary exterior materials.
 - (3) In CMU-1 and CMU-2 Districts, the following standards shall apply to all multi-unit dwellings.
 - A. No part of any dwelling unit shall be located in a basement or on the first story of the building. The first level and basement within a multi-unit dwelling building must be a commercial or institutional use permitted by-right or conditional use permit approval in the underlying district.
 - B. The floor area of that portion of a building containing a multi-unit dwelling shall not be included for the purpose of calculating the maximum floor area ratio allowed in the underlying district.
 - (4) In the CMU-3 District, the following standards shall apply to all multi-unit dwellings.

ARTICLE III. DIVISION 2. Residential Uses.

- A. The floor area of buildings, or portions thereof, used for multi-unit dwellings shall be included for the purpose of calculating the maximum floor area ratio allowed in the underlying district.
 - B. The maximum floor area ratio allowed in the underlying district may be increased by 0.25 by including the floor areas of dwelling units classified as affordable housing units pursuant to an agreement with the Edina Housing and Redevelopment Authority.
- (5) Efficiency dwelling units shall be permitted only in subdistricts MDR, HDR, and AR Districts. In the MDR and HDR, no more than ten percent of the dwelling units in any building shall be efficiency dwelling units.
- (6) If a multi-unit dwelling contains affordable housing units, the following standards shall apply. *[This section will be completed following further guidance from Planning Commission and City Council.]*

Sec. 36-144. Dwelling, single-unit.

- (a) *Definition.* A building containing one independent dwelling unit with cooking, sanitary, and sleeping facilities.
- (b) Examples. Single-unit dwelling.
- (c) *Standards.*
 - (1) Sidewall articulation for a principal structure. To avoid the monotonous appearance of long, unbroken building facades from abutting properties, the length of an exterior side wall shall not exceed 30 feet without one of the following.
 - A. A projection or recession at least one foot in depth and extending at least 10 feet in width; or
 - B. A combination of at least two of the following architectural or utilitarian features within every 30 feet or less.
 - 1. Structural windows, doors, awnings or canopies.
 - 2. Projecting bay or box windows.
 - 3. Stoops.
 - 4. Porches.

ARTICLE III. DIVISION 2. Residential Uses.

5. Chimneys projecting at least one foot from the exterior wall face.
6. Balconies.
7. Pilasters.
8. Second story roof overhang extending along at least 20 percent of the exterior wall face.
9. Port-cocheres.

Sec. 36-145. Dwelling, townhouse.

- (a) *Definition.* A single-unit dwelling unit within a building containing three or more attached single-unit dwellings, each separated by at least one common vertical wall and each with individual exterior access.
- (b) *Examples.* Townhouse, rowhouse, and brownstone.
- (c) *Standards.*
 - (1) Where a development contains townhouse dwellings, the dimensional standards established in Article II District Regulations shall be interpreted and administered according to the following standards.
 - A. Where multiple townhouse dwellings are established on the same lot, each lot shall individually comply with the dimensional standards established in Article II District Regulations.
 - B. Where each townhouse dwelling is established on its own lot, each row of townhouse dwellings shall collectively comply with the dimensional standards established in Article II District Regulations so that such standards may be administered as though the entire row of townhouse dwellings is located on the same lot.
 - (2) All townhouse dwellings shall provide a ground floor entrance on the front façade. A garage provided on the front façade shall not count as a ground floor entrance.
 - (3) Each townhouse dwelling shall be separately and independently connected to public sanitary sewer mains and water mains, unless a waiver is granted in accordance with Sec. 36-XX.

Sec. 36-146. Dwelling, two-unit.

ARTICLE III. DIVISION 2. Residential Uses.

- (a) *Definition.* A building containing two independent dwelling units, each with separate cooking, sanitary, and sleeping facilities.
- (b) *Examples.* Stacked duplex, side-by-side duplex, and twin home.
- (c) *Standards.*
 - (1) The standards established in Article II District Regulations shall be interpreted and administered as though both dwelling units are located in one building on one lot, ignoring any subdivision of building or lot which has been, or may be, made in order to convey each dwelling unit separately.
 - (2) Each dwelling unit must be separately and independently connected to public sanitary sewer and water mains, unless a waiver is granted according to Sec. 36-XX.
 - (3) A two-unit dwelling building and lot may be subdivided pursuant to Chapter 32 along the common party walls between the dwelling units, provided that the following standards are met.
 - A. A Building Permit shall be issued, and the building foundation shall be in place prior to any such subdivision.
 - B. Each parcel resulting from the subdivision must have frontage on a public street of not less than 25 feet.
 - C. The parcels resulting from the subdivision shall each comprise approximately the same number of square feet.
 - D. Each lot shall provide a rear setback not less than 25 feet in depth.
 - (4) If the conditions set forth in subsection (c)(3) of this section cannot be met, the lot may be subdivided by means of a townhouse plat provided the following standards are met.
 - A. Two-unit dwelling buildings shall comply with the requirements for single-unit dwelling setbacks, as provided in ARTICLE III. DIVISION 2 of this Chapter.
 - B. No more than 30 percent of the length, in the aggregate, of a two-unit dwelling building shall measure less than 18 feet in width, as measured from the exterior of the exterior walls.
 - (5) If a two-unit dwelling is provided on two parcels, the first 200 square feet of an unenclosed deck or patio shall not be included when computing building coverage.

ARTICLE III. DIVISION 2. Residential Uses.

Sec. 36-147. Independent senior housing.

- (a) *Definition.* A residential use providing dwelling units for individual over the age of 62 who are capable of living independently, with optional common amenities but without personal care or medical services.
- (b) *Examples.* Senior apartments, age-restricted community, retirement village, congregate housing, shared senior housing, and senior co-living.
- (c) *Standards.*
 - (1) Independent senior housing will be a use within an otherwise permitted single-unit, two-unit, townhouse, or multi-unit dwelling. An independent senior housing use must comply with all use standards established for the underlying residential use.
 - (2) In the AR District, independent senior housing must be provided as an accessory use to a permitted assisted living facility and shall not constitute more than 50 percent of the dwelling units provided on the site.

ARTICLE III. DIVISION 3. Commercial Uses.

DIVISION 3. COMMERCIAL USES.

Sec. 36-148. Animal care facility.

- (a) *Definition.* An establishment providing regularly scheduled veterinary and emergency medical services for household animals.
- (b) *Examples.* Animal hospital, veterinary clinic, animal dentist, animal emergency room, veterinary specialist, animal rehabilitation and physical therapy, and spay and neuter clinic.
- (c) *Standards.*
 - (1) Outdoor runs shall be prohibited.

Sec. 36-149. Cannabis retailer.

- (a) *Definition.* Any establishment holding a cannabis retailer license, medical retailer license, or retail endorsement from the State of Minnesota Office of Cannabis Management.
- (b) *Examples.* Cannabis dispensary and medical cannabis dispensary.
- (c) *Standards.*
 - (1) A cannabis retailer must have a cannabis retailer license or retail endorsement from the State of Minnesota Office of Cannabis Management.
 - (2) Compliance with State license requirements shall be maintained at all times.
 - (3) A cannabis retailer shall be located at least 500 feet from any day care, residential treatment facility, or K-12 school as measured from lot line to lot line.

Sec. 36-150. Catering.

- (a) *Definition.* An establishment preparing food and beverages for off-site consumption or events, with no on-site dining except incidental tasting or pickup.
- (b) *Examples.* Bakery, commercial kitchen, ghost kitchen, commissary kitchen, meal prep kitchen, incubator kitchen, culinary studio, teaching kitchen, and testing kitchen.
- (c) *Standards.*
 - (1) Catering uses may include an accessory retail area or accessory restaurant for the sale of products made on site provided that such area is no more than 10 percent of the gross floor area used by the catering establishment or 2,500 square feet, whichever is less.

ARTICLE III. DIVISION 3. Commercial Uses.

Sec. 36-151. Commercial kennel.

- (a) *Definition.* As defined in the Edina City Code Sec. 8-5.
- (b) *Examples.* Animal boarding facility, pet hotel, dog day care, pet training center, breeding kennel, pet grooming, and pet spa.
- (c) *Standards.*
 - (1) Outdoor runs shall be prohibited.

Sec. 36-152. Day care.

- (a) *Definition.* An establishment providing care and supervision for part of a day for individuals who are not residents of the principal building on the lot.
- (b) *Examples.* Child care center, preschool, nursery, religious day care, early learning center, adult day care, and pre-kindergarten.

Sec. 36-153. Event space.

- (a) *Definition.* An establishment other than a Restaurant or Entertainment Venue providing indoor or outdoor areas for private gatherings, receptions, meetings, or similar events.
- (b) *Examples.* Club, lodge, meeting rooms, wedding venue, banquet hall, labor union, reception hall, civic club, ballroom, and conference center.

Sec. 36-154. Funeral home.

- (a) *Definition.* An establishment providing funeral services and the viewing and preparation of the deceased.
- (b) *Examples.* Funeral home, funeral chapel, and pet funeral home.

Sec. 36-155. Hotel.

- (a) *Definition.* An establishment offering lodging to transient guests.
- (b) *Examples.* Hotel, motel, inn, boutique hotel, hostel, resort, extended stay hotel, and corporate housing.

Sec. 36-156. Indoor entertainment.

- (a) *Definition.* An establishment designed for the presentation of live or recorded performances, including motion pictures, plays, and musical concerts. This use is characterized by a permanent stage or screen and fixed or tiered seating arrangements.

ARTICLE III. DIVISION 3. Commercial Uses.

- (b) *Examples.* Theater, cinema, performance venue, live music venue, comedy club, auditorium, and e-sports venues.
- (c) *Standards.*

Sec. 36-157. Indoor recreation.

- (a) *Definition.* Enclosed buildings or portions of buildings designed, constructed, or equipped primarily for active physical play, leisure, or competitive sports activities for participants of all ages.
- (b) *Examples.* Fitness center, gym, weightlifting, cardiovascular exercise, health club, athletic club, indoor court, climbing gym, martial arts studio, dance studio, batting cage, indoor turf field, specialized athletic coaching, sauna, cold plunge, arcade, bowling alley, trampoline park, laser tag arena, indoor miniature golf, roller skating rink, ice rink, ropes course, indoor paintball, axe throwing, pool hall, escape room, indoor skydiving, and indoor playground.
- (c) *Standards.*
 - (1) In the O and IF Districts, indoor recreation uses may include accessory food and beverage service provided that the recreational activity remains the primary function of the premises.

Sec. 36-158. Mortuary service.

- (a) *Definition.* An establishment where the body of a deceased person is prepared for burial or cremation, which may include facilities for embalming, cosmetology, and storage of the deceased, the display and sale of caskets and urns, and the storage of funeral vehicles.
- (b) *Examples.* Crematorium, mortuary, and embalming facility.
- (c) *Standards.*
 - (1) Any building cremating dead human bodies must be set back at least 100 feet from any residential zoning district.

Sec. 36-159. Office.

- (a) *Definition.* A place of business where professional, administrative, or clerical services are provided.

ARTICLE III. DIVISION 3. Commercial Uses.

- (b) *Examples.* Corporate office, legal office, tax firm, engineering firm, medical billing office, real estate brokerage, call center, non-profit administrative office, wealth management office, marketing agency, title company, and coworking space.
- (c) *Standards.*

Sec. 36-160. Personal service.

- (a) *Definition.* An establishment providing frequent or recurring services of a personal nature, generally to individuals.
- (b) *Examples.* Barbershop, beauty parlor, body art establishment, tattoo parlor, dry cleaning, financial institution, massage establishment, package delivery service, post office, salons, shoe repair, tailoring, music schools, and tutoring establishment.
- (c) *Standards.*
 - (1) In the HDR District, personal service uses must be located on the ground floor of a building and accessed from an entrance independent of an entrance used to access the residential portion of the building.
 - (2) In the AR District, personal service uses must be accessible only from the interior of the principal building, located only on the ground floor of the principal building, and have no signs or displays visible from the outside of the principal building.

Sec. 36-161. Restaurant.

- (a) *Definition.* An establishment that serves food in individual portions to be consumed on or off premises.
- (b) *Examples.* Sit-down restaurant, café, bistro, tavern, pub, fast food restaurant, fast casual restaurant, sandwich shop, food court, wine bar, juice bar, and smoothie shop.
- (c) *Standards.*
 - (1) A restaurant seeking to serve alcoholic beverages shall receive a liquor license in accordance with Sec. 36-XX.
 - (2) No drive-through facility shall be permitted unless permitted in the underlying district as established in Table 140-1: Comprehensive Use Permissions Table.
 - (3) If located on a rooftop, a restaurant shall require conditional use permit approval and comply with the following standards.
 - A. Hours of operation are limited to 7:00 a.m. to 10:00 p.m.

ARTICLE III. DIVISION 3. Commercial Uses.

1. 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.
 - B. Amplified sound shall be subject to the City's Noise Ordinance Chapter 23, Division 5 of the Edina City Code.
 - C. 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 conditional use permit.
 - D. Rooftop restaurants must be adequately screened from adjacent residential uses at the time the rooftop restaurant is established.
 - E. A liquor license is required to serve alcohol in the rooftop dining area.
 - F. Fencing or a guard is required around the perimeter of the rooftop dining area per the Minnesota State Building Code.
 - G. 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- XX of this Chapter.
- (4) In the HDR District, a restaurant must be located on the ground floor of a building and accessed from an entrance independent of an entrance used to access the residential portion of the building.
 - (5) In the AR District, a restaurant shall only serve residents of the principal use and their guests, must be accessible only from the interior of the principal building, located only on the ground floor of the principal building, and have no signs or displays visible from the outside of the principal building.
 - (6) In the O and IF Districts, a restaurant shall be an accessory use and shall not comprise more than 10 percent of the principal building's gross floor area.

Sec. 36-162. Retail.

- (a) *Definition.* An establishment selling goods or merchandise directly to consumers for personal or household use.

ARTICLE III. DIVISION 3. Commercial Uses.

- (b) *Examples.* Bookstore, clothing store, drug store, convenience store, florist, grocery store, hardware store, household furnishings store, jewelry store, liquor store, and tobacco store.
- (c) *Standards.*
 - (1) Pawn shops and large resale shops are prohibited.
 - (2) No retail use shall convey firearms for sale or lease. The sale or lease of firearms shall be prohibited in all zoning districts.
 - (3) A retail use seeking to sell alcoholic beverages shall receive a liquor license in accordance with Sec. 36-XX.
 - (4) In the HDR District, a retail use must be located on the ground floor of a building and accessed from an entrance independent of an entrance used to access the residential portion of the building.
 - (5) In the AR District, a retail use must be accessible only from the interior of the principal building, located only on the ground floor of the principal building, and have no signs or displays visible from the outside of the principal building.
 - (6) In the CMU-1 District, no individual retail use shall exceed 12,000 square feet in gross floor area.
 - (7) In the CMU-2 District, no individual retail use shall exceed 40,000 square feet in gross floor area.
 - (8) In the MDD-4, MDD-5, and MDD-6 Districts, retail uses shall comply with the special requirements provided by Sec. 36-55.
 - (9) In the O and RM District, a retail use shall comply with the following standards.
 - A. The use must be located in the same building as the principal use.
 - B. The use shall not occupy more than 10 percent of the principal building's gross floor area.
 - (10) In the IF District, a retail use shall comply with the following standards. Where multiple tenant spaces are provided in the same building, these provisions shall apply to each individual tenant space.
 - A. The use must be located in the same building as the principal use.

ARTICLE III. DIVISION 3. Commercial Uses.

- B. The use shall not occupy more than 5,000 square feet or 10 percent of the principal building's gross floor area, whichever is less.
- C. The retail use may only offer for sale items produced or distributed on-site or items directly related thereto.

Sec. 36-163. Sexually-oriented business.

- (a) *Definition.* Premises, enterprises, establishments, businesses, or places at or in which there is an emphasis on the presentation, display, depiction, or description of specified sexual activity or specified anatomical areas which are capable of being seen by members of the public. The term "sexually-oriented businesses" shall not be construed to include:
 - (1) Schools or professional offices of licensed physicians, chiropractors, psychologists, physical therapists, teachers or similar licensed professionals performing functions authorized under the licenses held;
 - (2) Establishments or businesses operated by or employing licensed cosmetologists or barbers performing functions authorized under licenses held;
 - (3) Businesses or individuals licensed in accordance with Article VIII of Chapter 12; or
 - (4) The sale of clothing.
 - (5) Businesses performing spray tanning.
- (b) *Examples.* Adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, and adult body painting studios.
- (c) *Standards.*
 - (1) No sexually-oriented business shall be located closer than 500 feet from a day care or another sexually-oriented business.
 - A. Measurements shall be made in a straight line, without regard to intervening structures or objections, from the nearest point of the actual premises of the sexually-oriented business or day care.

ARTICLE III. DIVISION 3. Commercial Uses.

- (2) No sexually-oriented business shall be located closer than 500 feet from any property in the R-1, R-2, MM, MDR, HDR, AR, MDD-4, MDD-5, or MDD-6 District or any residentially zoned property in a city adjoining the City.
 - A. Measurements shall be made in a straight line, without regard to intervening structures objects, from the nearest point of the actual business premises of the sexually-oriented business to the nearest boundary of the R-1, R-2, MM, MDR, HDR, AR, MDD-4, MDD-5, or MDD-6 District.

ARTICLE III. DIVISION 4. Institutional Uses.

DIVISION 4. INSTITUTIONAL USES.

Sec. 36-164. Country club.

- (a) *Definition.* An establishment providing recreational facilities such as a golf course, tennis court, pool, and club house exclusively to private members and their guests.
- (b) *Examples.* Country club.
- (c) *Standards.*
 - (1) A country club must comply with the use standards established for a golf course in Sec. 36-XX of this Code. For the purposes of complying with the provisions of this Code, a club house, swimming pool, sports court, storage facility, or other structure associated with a country club shall be considered an accessory structure.

Sec. 36-165. Golf course.

- (a) *Definition.* An open area improved with tees, greens, fairways, and related facilities for playing golf.
- (b) *Examples.* 18-hole golf course, par three golf course, driving range, and putting green.
- (c) *Standards.*
 - (1) Accessory uses associated with a golf course, including but not limited to a club house, half-way house, swimming pool, tennis court, play structure, equipment storage shed, and parking facility, shall require Conditional Use Permit approval.
 - (2) All outdoor storage areas, maintenance equipment storage sheds, pool pumps, and HVAC equipment must be screened from view from the public right-of-way and adjacent lots in the R-1, MM, MDR, HDR, and AR Districts. Screening shall be provided in accordance with Article XX, Division XX of this Chapter.

Sec. 36-166. Hospital.

- (a) *Definition.* A facility providing medical, surgical, and nursing care to sick or injured persons on an overnight, in-patient basis, typically featuring large-scale infrastructure designed for the frequent routing of emergency vehicles and integral accessory operations such as clinical laboratories, medical training facilities, and food services.
- (b) *Examples.* Hospital, children's hospital, and emergency room.
- (c) *Standards.*

ARTICLE III. DIVISION 4. Institutional Uses.

- (1) A hospital may dedicate up to 10 percent of the gross floor area to principal uses allowed in the CMU-1 and CMU-2 Districts.
- (2) Outdoor emergency power generators required to support continuous clinical staffing and life-safety systems shall be set back at least 50 feet from any lot line abutting the R1, MM, MDR, HDR, or AR District. Generators must be acoustically shielded and visually screened by an opaque masonry wall that matches the principal building's primary exterior materials.

Sec. 36-167. Medical care, inpatient.

- (a) *Definition.* A facility providing medical diagnosis and treatment containing sleeping rooms, specialized therapeutic equipment, or continuous on-site clinical staffing that provides sub-acute medical care and rehabilitation services to patients for a defined, temporary period, generally not exceeding 120 days. This term does not include indefinite assisted living operations which may be better classified as an assisted living facility use.
- (b) *Examples.* Psychiatric clinic, hospice facility, birthing center, sanatorium, post-surgical orthopedic rehabilitation center, inpatient stroke recovery center, traumatic brain injury step-down facility, skilled nursing facility, and cardiac recovery facility.
- (c) *Standards.*
 - (1) Outdoor emergency power generators required to support continuous clinical staffing and life-safety systems shall be set back at least 50 feet from any lot line abutting the R1, MM, MDR, HDR, or AR District. Generators must be acoustically shielded and visually screened by an opaque masonry wall that matches the principal building's primary exterior materials.

Sec. 36-168. Medical care, outpatient.

- (a) *Definition.* A facility providing medical diagnosis and treatment but not overnight care.
- (b) *Examples.* Medical office, dental office, physical therapist, chiropractor, imaging center, occupational therapy clinic, medical spa, holistic care studio, speech-language pathology clinic, dietitian office, and rehabilitation center without beds.
- (c) *Standards.*
 - (1) In the HDR District, outpatient medical care uses must be located on the ground floor and shall be accessed from an entrance independent of any upper floor dwelling unit.

ARTICLE III. DIVISION 4. Institutional Uses.

Sec. 36-169. Park.

- (a) *Definition.* An open area improved or reserved for public recreation or natural resource protection.
- (b) *Examples.* Park, plaza, greenway, nature reserve, dog park, splash park, arboretum, botanical garden, woodland preserve area, linear park, publicly-owned sport field, publicly-owned sport court, and publicly-owned playground.

Sec. 36-170. Public facility, general.

- (a) *Definition.* A building or area which houses meeting rooms, libraries, civic and cultural organizations, publicly sponsored recreational facility, or some combination thereof, all of which are intended for the use and benefit of residents of the City.
- (b) *Examples.* Meeting room, library, museum, cultural art center, administrative service center, and publicly-owned health and wellness center.
- (c) *Exceptions.* Administrative and public safety services provided by the City of Edina shall be classified as a municipal public facility.

Sec. 36-171. Public facility, limited.

- (a) *Definition.* A public facility involving activities of an industrial nature including, but not limited to, the storage, maintenance, and repair of publicly owned vehicles, equipment, and materials.
- (b) *Examples.* Public works facility, park equipment storage, and bus garage.
- (c) *Exceptions.* Administrative and public safety services provided by the City of Edina, including the storage of publicly owned vehicles related thereto, shall be classified as a municipal public facility.
- (d) *Standards.*
 - (1) A municipal storage and maintenance facility may include associated administrative offices.
 - (2) A facility owned by the City of Edina used for the generation of utilities shall be considered a municipal utility facility.

Sec. 36-172. Public facility, municipal.

- (a) *Definition.* Administrative and public safety services provided by the City of Edina.

ARTICLE III. DIVISION 4. Institutional Uses.

- (b) *Examples.* City hall, police station, fire station, emergency medical service station, governmental office, and publicly-owned meeting room.

Sec. 36-173. Religious facility.

- (a) *Definition.* A building or site used for worship, religious instruction, and related activities, and may include meeting rooms, offices, and accessory uses.
- (b) *Examples.* Church, chapel, mosque, synagogue, temple, meeting house, cathedral, kingdom hall, and shrine.

Sec. 36-174. School.

- (a) *Definition.* A public, private, or charter institution providing primary or secondary education, but not higher education.
- (b) *Examples.* Kindergarten, elementary school, middle school, high school, public school, private school, charter school.
- (c) *Standards.*
 - (1) Schools owned by Independent School District No. 273 shall be allowed to operate “interim” uses according to the standards established below.
 - A. *Purpose and intent.* The City Council recognizes that several public elementary, junior high and senior high school buildings owned by Independent School District No. 273 (the "school district") have been, or will be, wholly or partly, closed for public education purposes due to the decreasing school age population of the school district. It further recognizes that many such buildings will be retained in school district ownership in order that they may be reused for public education purposes in the future if the school district's school age population increases. Therefore, the City Council has determined that the school buildings should be allowed to be temporarily occupied by appropriate uses during this interim period in order to preserve a substantial public investment, to prevent the deterioration of such public properties, thereby adversely impacting surrounding private properties, to prevent an undue financial burden upon the school district, and to promote the general health, safety and welfare of the residents of the City. However, it is not the purpose and intent of this section to allow the permanent reuse of such public school buildings for the interim uses permitted or allowed by this section.

ARTICLE III. DIVISION 4. Institutional Uses.

- B. The following uses shall be permitted as interim uses.
 - 1. Schools for teaching music, dance, arts, or business vocations, except for uses which require a conditional use permit pursuant to subsection (c)(1)(D) of this section.
 - 2. Administrative offices and meeting rooms for private nonprofit organizations and counseling services, except for uses which require a conditional use permit pursuant to subsection (c)(1)(D) of this section.
 - a. Together with the other such offices and meeting rooms in the same public school building, such uses shall not occupy more than the minimum percentage of gross floor area established in subsection (c)(1)(D)(1) of this section.
- C. If all or any part of any public school building, or the land upon which it is located, is disposed of or transferred to private ownership by deed, contract for deed, lease for more than three years, or by other means, all interim uses shall cease, and the building and land shall then be used for only principal uses and accessory uses permitted in the underlying district.
- D. The following interim uses shall be allowed subject to conditional use permit approval. No conditional use permit shall be issued unless the City Council finds that the hours of operation of the proposed uses will be complementary to other uses in the building or on the property and will not adversely impact the residential character of surrounding properties.
 - 1. Offices and meeting rooms for private nonprofit organizations and counseling services, which, together with the other such offices and meeting rooms in the same public school building occupy more than 35 percent of the building's gross floor area.
 - 2. Offices and meeting rooms for private nonprofit organizations and counseling services and schools for teaching music, arts, dance, or business vocations which are open for operations between 6:00 p.m. and 7:00 a.m. on three or more days per week.

ARTICLE III. DIVISION 5. Industrial uses.

DIVISION 5. INDUSTRIAL USES.

Sec. 36-175. Alcoholic beverage production.

- (a) *Definition.* An establishment that produces beverages containing more than one-half percent of alcohol by volume.
- (b) *Examples.* Brewery, taproom, winery, distillery, cocktail room, microbrewery, micro distillery, micro winery.
- (c) *Standards.*
 - (1) An alcoholic beverage production shall comply with all alcoholic beverage regulations within Chapter 4 of the Edina City Code.
 - A. The hours of operation shall comply with Sec. 4-8-6 of the Edina City Code.
 - (2) No outdoor storage shall be permitted on the site, including the storage of a mobile food unit. However, waste, refuse, and recycling handling may occur in an enclosure that is fully screened from adjoining streets and residentially zoned lots.
 - (3) All exterior lighting shall be designed in such a way as to have no direct source of light visible from adjacent property and shall comply with the requirements of Sec. 36-XX.

Sec. 36-176. Cannabis production.

- (a) *Definition.* A cannabis business licensed by the Minnesota Office of Cannabis Management engaging in the following activities: cultivation, delivery service, manufacturing, processing, testing, transportation, or wholesaling.
- (b) *Examples.* Cannabis cultivation business, cannabis delivery business, cannabis manufacturing business, cannabis processing business, cannabis testing business, cannabis transportation business, and cannabis wholesaling business.
- (c) *Standards.*
 - (1) All cannabis production uses must have a license or endorsement from the State of Minnesota Office of Cannabis Management.
 - (2) Compliance with State license requirements shall be maintained at all times.
 - (3) All operations of the business shall take place within an enclosed building.

ARTICLE III. DIVISION 5. Industrial uses.

- (4) A cannabis production use shall not be located closer than 500 feet from any day care, assisted living facility, inpatient medical care, or school as measured from lot line to lot line.
- (5) A cannabis lounge is a permitted accessory use to cannabis production.

Sec. 36-177. Contractor business.

- (a) *Definition.* A business that provides a service to the consumer on the consumer's property and not on the lot occupied by the principal use.
- (b) *Examples.* Building contractor, plumbing contractor, swimming pool construction and service company, exterminator, HVAC repair, electrician, roofing and siding company, arborist, landscaping company, and sign fabrication and installation.

Sec. 36-178. Industrial, light.

- (a) *Definition.* An establishment engaged in the indoor warehousing, manufacturing, assembly, fabrication, packaging, or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products and showrooms for objects produced on site but does not include basic industrial processing from raw materials.
- (b) *Examples.* Electronics assembly, textile manufacturing, furniture shops, appliance manufacturing, jewelry production, commercial printing, commercial laundry, food processing and packaging, last-mile distribution center, cold storage, and wholesale trade establishments.
- (c) *Standards.*

Sec. 36-179. Mini-storage.

- (a) *Definition.* An establishment providing individual, enclosed storage units for rent to the public.
- (b) *Examples.* Self-storage facility, POD storage facility, and multi-story indoor storage.
- (c) *Standards.*
 - (1) No doors through which personal property is loaded or unloaded shall be located on a side of a building which faces the R-1, R-2, MM, MDR, HDR, or AR District.

ARTICLE III. DIVISION 5. Industrial uses.

- (2) Only nonperishable and nonvolatile products may be stored.
- (3) If a temporary retail sale is conducted in association with a mini-storage uses, the temporary retail sale shall comply with following standards in addition to the standards established for Temporary Retail Sales Permits in Sec. 36-XX.
 - A. No more than two Temporary Retail Sale Permits per principal building, or per lot if there is more than one principal building on the lot, shall be issued annually in accordance with the provisions of this subsection; and
 - B. The permit shall be applied for only by the owner of the principal building, the intention being that each lessee within the mini-storage building shall not be eligible individually for a Temporary Retail Sales Permit.

Sec. 36-180. Research and development.

- (a) *Definition.* A building or area engaged in scientific, technological, or product research, design, testing, or prototype development.
- (b) *Examples.* Medical laboratory, material testing, environmental testing, forensic laboratory, product testing and certification, and biotechnology laboratory.
- (c) *Exceptions.* Cannabis testing is classified as cannabis production.

Sec. 36-181. Utility facility, municipal.

- (a) *Definition.* A building or structure owned by the City of Edina and used for rendering service to all or any part of the city.
- (b) *Examples.* Water treatment station, water storage tank, pumping station, sewage treatment facility, and reservoir.
- (c) *Exceptions.* This term does not include warehouses, maintenance buildings, and storage yards associated with municipal public facilities. Such uses shall be considered limited public facilities.
 - (1) This term does not include warehouses, maintenance buildings, and storage yards associated with nonmunicipal utility facilities.
- (d) *Standards.*
 - (1) Municipal utility facilities shall be a permitted principal or accessory use in all districts.

ARTICLE III. DIVISION 5. Industrial uses.

Sec. 36-182. Utility facility, nonmunicipal.

- (a) *Definition.* A building or structure owned by a private utility company or governmental units other than the City of Edina and used for rendering service to all or any part of the city.
- (b) *Examples.* Electrical substation, natural gas regulation station, water treatment station, water storage tank, pumping station, sewage treatment facility, and reservoir.
- (c) *Exceptions.* This term not include warehouses, maintenance buildings, and storage yards associated with nonmunicipal utility facilities. Such uses shall be considered limited public facilities.
- (d) *Standards.*
 - (1) If the footprint is 36 square feet in area or less, and six feet in height, utility and mechanical equipment shall be permitted at any location in a front, street side, interior side, or rear yard with no minimum setback from any property line. Electric Vehicle Supply Equipment (EVSE) height is allowable to eight feet. If utility or mechanical equipment is located within a city right-of-way, a permit is required.
 - (2) If the footprint is larger than 36 square feet in area or six feet in height, utility or mechanical equipment shall be required to meet all setback requirements in the applicable zoning district. Utility and mechanical equipment that is grouped together, excluding electric vehicle supply equipment (EVSE) owned by electrical utilities with an active franchise agreement with the City, and in the aggregate exceeds 36 square feet in area shall also be required to meet all setback requirements in the underlying zoning district. EVSE with a height greater than eight feet must abide by these requirements.

ARTICLE III. DIVISION 6. Transportation Uses.

DIVISION 6. TRANSPORTATION USES.

Sec. 36-183. Automobile and marine sales.

- (a) *Definition.* An establishment engaged in the sale, lease, or rental of new or used motor vehicles.
- (b) *Examples.* New car dealership, used car dealership, boat dealership, car rental agency, RV and motor home dealership, motorcycle and powersports dealership, equipment sales, golf cart and low-speed vehicle sales, truck rental agency.
- (c) *Standards.*
 - (1) An automobile and marine sales use selling or storing used automobile or boats must be accessory to and on the same lot as a related principal use selling new automobiles or boats.
 - A. The total floor area and lot area devoted to su accessory use does not exceed that of the principal use.

Sec. 36-184. Automobile convenience station.

- (a) *Definition.* A building or area used for the sale of motor fuels and oils where automotive accessories and convenience goods may be sold, but where repair and servicing of motor vehicles does not occur; provided however an accessory car wash is permitted. If repair or servicing is provided, the use shall be classified as an automobile service center.
- (b) *Examples.* Gas station, travel stop, convenience store with gas station, fueling center, limited service station, and automated fueling facility.
- (c) *Standards.*
 - (1) The minimum lot area shall be 15,000 square feet. The maximum lot area shall be 60,000 square feet.
 - (2) Interior curbs of not less than six inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas, and streets.
 - (3) All driving surfaces shall be constructed and maintained in the same manner as prescribed for parking lots by Sec. 36-XX.
 - (4) No merchandise shall be displayed for sale outside a building, except in that area within four feet of the building or within pump islands used for dispensing motor fuels.

ARTICLE III. DIVISION 6. Transportation Uses.

- (5) No motor vehicles, except those owned by the operators and employees of the principal use shall be parked on the lot occupied by the principal use.
- (6) No buildings, driveway surfaces, parking areas, or other improvements shall be located within 110 feet of a lot in the R-1, R-2, MM, MDR, or HDR District if separated by a street. If not separated by a street, no buildings, driveway surfaces, parking areas, or other improvements shall be located within 50 feet of a lot in the R-1, R-2, MM, MDR, or HDR District.
- (7) Pump islands shall maintain a front and street side setback of at least 20 feet and an interior side and rear setback of at least 25 feet.
- (8) Notwithstanding the requirements of Article XX, Division XX of this Chapter, driveways and drive aisles need only provide a setback of not more than five feet from all lot lines, subject to the requirements of subsection (c)(6) of this section.

Sec. 36-185. Automobile service center.

- (a) *Definition.* A principal building and its accessory buildings in which batteries, tires, brakes, exhaust systems, or other automobile parts are repaired or replaced, including tune-ups, wheel balancing and alignment. Gasoline and oil may be dispensed as an accessory use. This term does not include body and chassis repair, painting, engine rebuilding, and any repair to vehicles over two-ton capacity.
- (b) *Examples.* Repair garage, automobile workshop, fleet maintenance facility, engineer machine shop, transmission shop, muffler and exhaust shop, brake and alignment clinic, electrical diagnostic center, radiator and cooling system shop, and automobile body repair shop.
- (c) *Standards.*
 - (1) The minimum lot area shall be 20,000 square feet, plus 5,000 square feet for each service bay in excess of three. The maximum lot area shall be 60,000 square feet.
 - (2) Interior curbs of not less than six inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas, and streets.
 - (3) All driving surfaces shall be constructed and maintained in the same manner as prescribed for parking lots by Sec. 36-XX.

ARTICLE III. DIVISION 6. Transportation Uses.

- (4) No merchandise shall be displayed for sale outside a building, except in that area within four feet of the building or within pump islands used for dispensing motor fuels.
- (5) No motor vehicles, except those owned by the operators and employees of the principal use shall be parked on the lot occupied by the principal use.
- (6) No buildings, driveway surfaces, parking areas, or other improvements shall be located within 110 feet of a lot in the R-1, R-2, MM, MDR, or HDR District if separated by a street. If not separated by a street, no buildings, driveway surfaces, parking areas, or other improvements shall be located within 50 feet of a lot in the R-1, R-2, MM, MDR, or HDR District.
- (7) Pump islands shall maintain a front and street side setback of at least 20 feet and an interior side and rear setback of at least 25 feet.
- (8) Notwithstanding the requirements of Article XX, Division XX of this Chapter, driveways and drive aisles need only provide a setback of not more than five feet from all lot lines, subject to the requirements of subsection (c)(6) of this section.
- (9) Hydraulic hoists, pits, lubrication, washing, repairing and diagnostic equipment shall be used and stored within a building.
- (10) No automobile service station on a lot adjoining a lot in a residential district shall be operated between the hours of 11:00 p.m. and 6:00 a.m.
- (11) No motor vehicles, except those owned by the operators and employees of the principal use, and vehicles awaiting service, shall be parked on the lot occupied by the principal use. Vehicles being serviced may be parked for a maximum of 48 hours.
- (12) Body work and painting is prohibited.

Sec. 36-186. Automobile component store.

- (a) *Definition.* A retail use primarily selling motor vehicle parts, tools, and accessory with incidental installation services.
- (b) *Examples.* Automobile parts and accessory store, retail tire sales without service, automobile audio and electronics store, and tool and equipment showroom.
- (c) *Standards.*

ARTICLE III. DIVISION 6. Transportation Uses.

- (1) No automobile component store shall include a repair or maintenance services unless an automobile service center use is permitted in the underlying zoning district.

Sec. 36-187. Car wash.

- (a) *Definition.* An establishment equipped mechanical equipment and facilities for the handwashing or mechanical washing of motor vehicles.
- (b) *Examples.* Self-service car wash, automatic car wash, fleet washing service, interior sanitization and steam cleaning center, and vacuum or air station.
- (c) *Standards.*
 - (1) A car wash shall be subject to the same standards as specified for automobile service centers in Sec. 36-XX.
 - (2) All wastewater disposal facilities, including sludge, grit removal, and disposal equipment, must be approved by the City Engineer prior to installation.
 - (3) Not more than one point of ingress and one point of egress shall be allowed from any one public street to the car wash.

Sec. 36-188. Helistop.

- (a) *Definition.* An area designed for the landing and takeoff of helicopters without on-site fueling or major maintenance service.
- (b) *Examples.* Heliport, helipad, vertiport, rooftop emergency evacuation facility, and emergency medical service landing site.

Sec. 36-189. Parking, structured.

- (a) *Definition.* A building or portion of a building used provided a parking area for more than three motor vehicles.
- (b) *Examples.* Commercial parking garage and underground parking facility.
- (c) *Standards.*
 - (1) Parking ramps, garages, or other structures shall be set back at least 50 feet from any lot line abutting a lot in the R-1, R-2, MM, MDR, HDR, or AR District containing a dwelling unit.

ARTICLE III. DIVISION 6. Transportation Uses.

- A. Structured parking attached to a multi-unit dwelling shall be except from this requirement provided that the structured parking complies with the minimum principal building setbacks established in the underlying district.
- (2) If a structured parking use is located across the street from a lot in the R-1 District, parking ramps, garages, and other structures shall be set back at least 50 feet from the front and street side lot lines.
- (3) The exterior walls shall be brick, natural stone, or specially designed precast concrete units and compatible with those of existing nearby structures as determined by the City Council in connection with the granting of the conditional use permit.
- A. Specially designed precast concrete units shall only be used if the surfaces have been integrally treated with an applied decorative material or texture.

Sec. 36-190. Parking, surface.

- (a) *Definition.* An at-grade parking area for motor vehicles.
- (b) *Examples.* Commercial parking lot.

Sec. 36-191. Transit facility.

- (a) *Definition.* An area providing boarding, transfer, or support services for public transit.
- (b) *Examples.* Bus station, light rail station, transit hub, intermodal passenger terminal, transfer center, and park-and-ride facility.

ARTICLE III. DIVISION 7. Accessory Uses.

DIVISION 7. ACCESSORY USES.

Sec. 36-192. Accessory dwelling unit.

- (a) *Definition.* A dwelling unit located on the same parcel as a principal residential building to which it is accessory.
- (b) *Examples.* Backyard cottage, converted accessory structure, over-garage suite, basement apartment, attic suite, granny flat, in-law suite, and backyard cottage.
- (c) *Standards.*
 - (1) Accessory dwelling units shall only be permitted on lots where the principal use is a single-unit dwelling.
 - (2) There shall be no more than one accessory dwelling unit permitted per lot.
 - (3) Accessory dwelling units may be attached to, detached from, or internal to a single-unit dwelling.
 - A. Accessory dwelling units must be fully separated from the principal dwelling unit by means of a wall or floor and have a separate entrance than the principal dwelling unit. The separating wall may have a door connecting the accessory dwelling unit to the principal dwelling unit.
 - (4) The accessory dwelling unit shall not be sold independently of the principal dwelling unit and may not be a separate tax parcel.
 - (5) Rental of either the accessory dwelling unit or principal dwelling unit shall require a Rental License pursuant to Chapter 10 of the Edina City Code. The accessory dwelling unit and principal dwelling unit may not be rented at the same time.
 - (6) Accessory dwelling units shall not exceed 1,000 square feet of gross floor area except that an accessory dwelling unit located within an existing basement of a single-unit dwelling may occupy the entire basement.
 - (7) The accessory dwelling unit and principal dwelling unit must comply with all current Minnesota Residential Code provisions.
 - (8) The accessory dwelling unit must be connected to municipal sewer and water.
 - A. 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.

ARTICLE III. DIVISION 7. Accessory Uses.

- (9) Accessory dwelling units that are attached or internal to the single-unit dwelling shall be subject to the following standards.
 - A. The accessory dwelling unit shall abide by the height and setback requirements for the single-unit dwelling.
 - B. The creation of the accessory dwelling unit shall not result in additional entrances facing the public street.
 - C. Exterior stairs leading to an accessory dwelling unit are not allowed in the front or street side yard.
- (10) Accessory dwelling units that are detached from the single-unit dwelling shall be subject to the following standards.
 - A. The accessory dwelling unit be located behind the rear building line of the single-unit dwelling.
 - B. Rooftop decks shall be prohibited.

Sec. 36-193. Drive-through facility.

- (a) *Definition.* An area providing goods and services to customers waiting in vehicles who then consume or utilize such good off-site.
- (b) *Examples.* Drive-through restaurant service, drive-through bank teller, dry cleaner pickup, and curbside liquor pickup.
- (c) *Standards.*
 - (1) The minimum number of stacking spaces required within a drive-through facility shall be determined by the principal use associated with the facility according to Table 193-1: Minimum Number of Stacking Spaces. If the facility for placing an order is separated from the location at which the product or merchandise is received, at least three stacking spaces shall be provided between the ordering point and reception point.

Table 193-1: Minimum Number of Stacking Spaces

Principal Use	Stacking Spaces Required Per Drive-Through Window
Personal Services	3 spaces
Car Wash	25 spaces
Accessory Car Wash	2 spaces
Restaurant	10 spaces

ARTICLE III. DIVISION 7. Accessory Uses.

Principal Use	Stacking Spaces Required Per Drive-Through Window
All Other Uses	4 spaces

- (2) All stacking spaces shall be designed in according with Sec. 36-XX as well as the standards below.
 - A. No stacking space shall encroach into any drive aisle necessary for the circulation of vehicles. All stacking spaces shall provide the same setbacks as are required by Sec. 36-XX.
 - B. The minimum size of each stacking space shall be nine feet wide by 18 feet deep.
 - C. No part of the public street or boulevard may be used for stacking of automobiles.
- (3) All canopies and equipment appurtenant to a drive-through facility shall provide the same setbacks as are required for principal buildings.
- (4) Drive-through facilities accessory to restaurants shall be limited to two service windows and two audio systems and menu boards.
- (5) Noise levels shall be measured at property lines and shall satisfy established state regulations.
- (6) No menu board and audio system shall be located on a side of a building that faces a lot in the R-1 District or a lot containing a single-unit dwelling.
- (7) All restaurants with a drive-through facility in the CMU-1 District shall comply with the following requirements.
 - A. The minimum lot size shall be one acre.
 - B. The restaurant may only sell coffee, nonalcoholic beverages, pastries, and doughnuts from the drive-through window.
 - C. The drive-through facility shall not operate prior to 6:00 a.m. or after 6:00 p.m.
 - D. Drive-through facilities shall be limited to one service window and one audio system and menu board.

Sec. 36-194. Dwelling, caretaker.

ARTICLE III. DIVISION 7. Accessory Uses.

- (a) *Definition.* A dwelling unit located on the same parcel as a principal nonresidential use and providing housing for an individual related to or employed by the principal use.
- (b) *Examples.* Mini-storage manager dwelling, manufacturing facility manager dwelling, workforce housing, park ranger residence, cemetery caretaker house, and parsonage.
- (c) *Standards.*
 - (1) No caretaker dwelling shall be provided on the same lot as a principal residential use.
 - (2) A caretaker dwelling must be occupied by the owner or an employee of the principal use.
 - (3) Caretaker dwellings may be located within, attached to, or detached from the principal building, except in the RM District where a caretaker dwelling must be located within or contiguous to the principal building.
 - (4) Caretaker dwellings shall comply with the minimum setback requirements established for the underlying district, except that the minimum rear setback may be reduced to the same as the minimum interior side setback.

Sec. 36-195. Dwelling, temporary family health care.

- (a) *Definition.* As defined by the Minnesota Statutes Sec. 462.3593.
- (b) *Examples.* Temporary family health care dwelling.
- (c) *Standards.*
 - (1) Minn. Stats. § 462.3593 is incorporated herein by reference with the exception of Subd. 2(9), Subd. 3(a), Subd. 3(b)(6), and Subd 4. which are not incorporated herein.
 - (2) All permit applications shall require a site plan showing lot line, structures, trees, paved surfaces, patios, and landscaping.
 - (3) The temporary dwelling shall be located in the rear yard unless it cannot be physically located in the rear yard. If the temporary dwelling cannot be located in the rear yard, the front setback requirement does not have to be met.
 - (4) Temporary dwellings shall not be included in the calculation of maximum building coverage.

ARTICLE III. DIVISION 7. Accessory Uses.

- (5) No temporary family health care dwelling shall be established prior to receiving a dwelling permit.
 - A. The initial dwelling permit is for six months. The applicant may renew the permit in six-month increments up to a maximum of two years.
 - B. The initial application fee shall be \$400.00. Each renewal permit fee shall be \$50.00.

Sec. 36-196. Energy collection systems.

- (a) Definition. Integrated equipment designed to capture and convert natural resources into electrical energy or stored heat. These configurations may be affixed directly to a building or mounted as freestanding arrays on a support foundation attached to the ground.
- (b) Examples. Wind turbines, roof-mounted solar panels, ground-mounted solar panels, and solar panel canopies.
- (c) Standards.
 - (1) *Wind energy systems.* Facilities and equipment designed for the collection of wind energy shall maintain the same setbacks as are required for principal buildings or structures and shall not be located within the front yard.
 - (2) *Solar energy systems.*
 - A. Solar energy systems may generate energy in excess of the energy requirements of a property.
 - B. Carport solar energy systems are permitted as accessory uses in all zoning districts other than the R-1 and MM Districts. Carport solar energy systems must have a 17-foot vehicle clearance and may not exceed 25 feet in height or the maximum building height requirements in the underlying zoning district.
 - C. Ground-mounted solar energy systems are permitted as accessory uses in all zoning districts other than the R-1 and MM Districts provided such uses comply with the following standards.
 - 1. Ground-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

ARTICLE III. DIVISION 7. Accessory Uses.

2. The appearance and operation of solar energy systems shall comply with the Article VI of Chapter 20.
 3. Ground-mounted solar energy systems are exempt from lot coverage and impervious surface requirements if the area under the system contains vegetative ground cover.
- D. Roof-mounted solar energy systems are permitted accessory uses in all zoning districts. In residential districts, roof-mounted solar energy systems cannot exceed two feet above the rooftop to which it is attached. In nonresidential districts, flat-roof-mounted solar energy systems cannot exceed four feet from the roof to which it is attached to.

Sec. 36-197. Electric vehicle supply equipment (EVSE).

- (a) *Definition.* Electrical circuitry and equipment dedicated to EV charging including conductors, connectors, attachment accoutrements, personal protection, power outlets, apparatus, and equipment installed for connecting an electric vehicle to premise wiring for the purposes of charging, power export, or bidirectional current flow.
- (b) *Examples.* Level 1 EVSE, Level 2 EVSE, and Level 3 EVSE.
- (c) *Standards.*
 - (1) Any EVSE installed prior to the effective date of this Chapter shall be considered a legal, nonconforming structure.
 - (2) Level 1, Level 2, and Level 3 EVSE shall be permitted as an accessory use within existing parking structures or parking lots where allowed by Table XX.
 - (3) All EVSE must incorporate a cord management system or method to eliminate potential for cable entanglement, user injury, or connector damage from lying on the ground.
 - (4) Parking spaces with an EVSE installed shall count towards the minimum number of parking spaces required by this Chapter.
 - (5) EVSE may not obstruct a sidewalk or walkway and must minimize trip and safety hazards.
 - (6) EVSE must not interfere with the right-of-way sight lines.

ARTICLE III. DIVISION 7. Accessory Uses.

- (7) Parking spaces served by EVSE shall be reserved for electric vehicles only. The developer or owner shall include permanent signage and parking restrictions on the spaces to ensure available and preference for electric vehicles.
- (8) The design, installation, operations, and maintenance of all EVSE shall comply with the following standards.
 - A. EVSE shall be installed pursuant to manufacturer specification and shall comply with all applicable state building codes, state fire codes, state electrical codes, and relevant permitting processes.
 - B. EVSE shall be adequately maintained for safety and continual usage, following the property maintenance code. The area surrounding the EVSE shall be maintained appropriately to reduce hazards and allow access to EVSE, including snow removal around the equipment to allow for safety and access.
 - C. EVSE signage shall include a phone number to contact for regular maintenance issues and state to call 911 in case of an emergency.
 - D. EVSE signage may include wayfinding and usage instructions, but all other signage must meet the requirements of Sec. 36-XX. Signs with a total area of over six square feet must follow the sign requirements of Sec. 36-XX.

Sec. 36-198. Garage.

- (a) *Definition.* A building or portion of a building used for the storage of motor vehicles owned by an occupant of the principal use.
- (b) *Examples.* Attached garage, detached garage, and carport.

Sec. 36-199. Home day care.

- (a) *Definition.* A Day Care providing services to no more than 12 individuals and conducted within a dwelling unit.
- (b) *Examples.* Home child care and home adult care.
- (c) *Standards.*
 - (1) All standards established for home-based business uses in Sec. 36-200. shall apply to home day care uses except that home day care uses shall be exempt for the restriction on the total number of automobile trips from individuals other than residents established in Sec. 36-200.

ARTICLE III. DIVISION 7. Accessory Uses.

Sec. 36-200. Home-based business.

- (a) *Definition.* A business or occupation conducted within a dwelling unit that is subordinate to the residential use.
- (b) *Examples.* Work-from-home office, freelance office, artists, sculptors, handmade goods maker, minister, rabbi, priest, music tutoring, home-based food preparation, fitness instructor, personal trainer, swimming instructor, tailor, pet sitter, and house cleaning.
- (c) *Standards.*
 - (1) Only the residents of the dwelling unit shall be employed on the lot or within the dwelling unit.
 - (2) No exterior structural modifications shall be made to change the residential character and appearance of the lot or any buildings or structures on the lot.
 - (3) No loading, unloading, outdoor storage of equipment or materials, or other outdoor activities, except the parking of automobiles shall occur.
 - (4) All parking demands generated by the use shall be accommodated within an accessory garage and the normal driveway area. At any given time, parking demand shall not exceed two parking spaces.
 - (5) No more than 10 automobile trips weekly by individuals other than the residents of the dwelling unit shall be generated to the dwelling unit as a result of the use.
 - (6) If instruction is offered or lessons are provided, no more than five individuals may be attended to at the same time.
 - (7) No sale of products or merchandise shall occur on the lot or within any structures or buildings on the lot. If a salesperson conducts sales from a home-based business, no stock in trade shall be maintained on the lot or in a building or structure on the lot.
 - (8) In single-unit and two-unit dwellings, the rental of rooms shall be allowed according to the following standards.
 - A. The minimum occupancy period shall be 30 days or greater.
 - B. A dwelling unit may not offer accommodations to more than two nonpermanent residents at the same time

ARTICLE III. DIVISION 7. Accessory Uses.

- (9) The following uses tend to increase in size or intensity beyond the conditions imposed by this section and thereby adversely affect residential properties. Therefore, the following uses shall be prohibited as a home-based business.
- A. Barbershops and beauty parlors.
 - B. Repair services of all kinds, including auto repair and painting, appliance repair, and small engine repair.
 - C. Inpatient and outpatient medical care.
 - D. Upholstering.
 - E. Mortuaries.
 - F. Commercial kennels, as defined by Sec. 8-5.
 - G. Tourist homes, boardinghouses, rooming houses, and other kinds of transient uses offering occupancy for fewer than 30 days.
 - H. Catering.
 - I. Automobile and marine sales.
 - J. Landscaping and lawn maintenance service where landscaping materials and equipment are stored or parked on the premises.
- (10) Permitted customary home occupations by residents who are physically unable to be employed full time outside their residence may be allowed as a temporary through the approval of a conditional use permit with Variance from the conditions of subsection (c)(1) through subsection (c)(10) of this section.

Sec. 36-201. Mobile food unit.

- (a) *Definition.* A licensed mobile vehicle preparing and selling food or beverages.
- (b) *Examples.* Food truck, food trailer, bus restaurant, and pushcart.
- (c) *Standards.*
 - (1) If a mobile food unit is accessory to a principal alcoholic beverage consumption use, such mobile food unit shall not be established within 500 feet of a restaurant. Mobile food units lawfully existing on the Effective Date of this Chapter shall be exempt from this provision.

ARTICLE III. DIVISION 7. Accessory Uses.

Sec. 36-202. Outdoor storage.

- (a) *Definition.* The keeping of goods, equipment, or similar materials outside of an enclosed building.
- (b) *Examples.* Outdoor storage of vehicles awaiting repair, outdoor storage of merchandise or material in boxes, crates, or pallets, outdoor sales area for building supplies, garden supplies, or plants, outdoor storage of fleet vehicles, and outdoor contractor storage.
- (c) *Standards.*
 - (1) Any materials, supplies, finished products, semi-finished products, motor vehicles, trailers, or equipment which is stored outside an enclosed building shall comply with the following standards.
 - A. Materials and equipment used for the construction or repair of structures may be stored outdoors on a construction site during construction.
 - B. Motor vehicles, recreational vehicles, and other vehicles may be parked or stored outdoors in accordance with Article XI of Chapter 26.

Sec. 36-203. Produce stand.

- (a) *Definition.* A structure used for the sale of fruits, vegetables, and similar agricultural products.
- (b) *Examples.* Farm stand, roadside market, plant stand, farmer's market booth, and neighborhood market.
- (c) *Standards.*
 - (1) No produce stand shall be permitted unless a permit is approved by the City Manager.
 - (2) A produce stand may only operate one day per week and between the months of June and October.

Sec. 36-204. Recreational structure.

- (a) *Definition.* A structure used for personal recreation.
- (b) *Examples.* Playhouse, treehouse, jungle gym, swing set, trampoline, bocce ball or horseshoe court, shuffleboard court, batting cage, swimming pool, hot tub, spa, reflecting pool, koi pond, outdoor sauna, sports court, gazebo, pergola, and pavilion
- (c) *Standards.*

ARTICLE III. DIVISION 7. Accessory Uses.

- (1) Swimming pools shall comply with the standards and receive all approvals required by Article XI of Chapter 10.
- (2) In the R-1, R-2, MM, MDR, HDR, and AR, recreational structures shall be the exclusive use of residents of the principal use and their guests.
- (3) In the R-1 District, recreational structures exceeding 1,000 square feet in gross floor area shall require conditional use permit approval.

Sec. 36-205. Storage shed.

- (a) *Definition.* A structure used for the storage of tools, equipment, or household items.
- (b) *Examples.* Pool equipment enclosure, trash and refuse shed, garden shed, woodworking shed, and writing studio.

ARTICLE III. DIVISION 8. Temporary Uses.

DIVISION 8. TEMPORARY USES.

Sec. 36-206. Temporary retail sale.

- (a) *Defined.* The sale of goods or merchandise directly to consumers for personal or household use for a defined period of time.
- (b) *Examples.* Temporary sale, going-out-of-business sale, garage sale, and yard sale.
- (c) *Standards.*
 - (1) The City Manager may grant a Temporary Retail Sale Permit if the following standards are met.
 - A. The temporary retail sale shall not exceed three consecutive days, unless associated with an establishment which is going out of business.
 - 1. In the case of a going-out-of-business sale, the temporary retail sale shall not exceed 10 consecutive days.
 - B. Not more than two Temporary Retail Sale Permits may be issued to any one person, firm, affiliate, subsidiary, or building in the same calendar year.
 - 1. Within a three-year period, not more than one Temporary Retail Sale Permit shall be issued to any one person, firm, affiliate or subsidiary for a going-out-of-business sale.
 - C. If two Temporary Retail Sale Permits are allowed, such temporary retail sales must occur at least 60 days apart.
 - D. A Temporary Retail Sale Permit application must be filed with the City Planner on forms provided by the City Planner not less than 30 days before the beginning of the sale. The application shall be co-signed by the owner of the lot or building and accompanied by an application fee as specified in Sec. 2-724.
 - (2) The City Manager shall not issue a Temporary Retail Sale Permit without finding the following to be true.
 - A. The sale will not impair the safe movement of traffic in the vicinity and will not impact surrounding residential areas;
 - B. Adequate facilities for off-street parking are available;

ARTICLE III. DIVISION 8. Temporary Uses.

- C. All buildings housing the sale have adequate fire protection facilities and ingress and egress for the public;
- D. The sale will not conflict with other scheduled sales in the vicinity;
- E. Prior sales conducted by the applicant conformed to the requirements of this section; and
- F. Adequate personnel for public safety purposes will be provided by the applicant.

(3) *Additional requirements.*

- A. All goods shall be displayed and sold within the principal building.
- B. No goods may be shipped to the building or lot specifically for the temporary retail sale or going-out-of-business sale.
 - 1. If requested, an inventory audit, spot check, or verification of goods for sale shall be given to the City Manager no less than 10 days before the sale.
- C. The City Manager may authorize the transfer of a granted but unused Temporary Retail Sale Permit to another day upon receiving written request from the applicant at least 10 days prior to the requested temporary retail sale.

Sec. 36-207. Temporary retail sales of evergreen products.

- (a) *Defined.* The sale of evergreen products directly to consumers for personal or household use for a defined period of time.
- (b) *Examples.* Temporary retail sales of evergreen products.
- (c) *Standards.*
 - (1) The City Manager may permit the establishment of a temporary retail sales of evergreen products use by approving a conditional use permit, provided that the following standards are met.
 - A. The owner of the property or other nonprofit group approved by the owner conducts the sale.

ARTICLE III. DIVISION 8. Temporary Uses.

- B. The duration of the sale does not exceed 45 consecutive days and does not start before November 15 in any year.
- C. The sale area is located in a suitable off-street location that does not interfere with traffic circulation on the site or obstruct parking spaces needed by the principal use on the site.
- D. The sale area is not located within 200 feet of a dwelling unit in the R-1, R-2, MM, MDR, HDR, or AR District.
- E. The use does not operate prior to 6:00 a.m. or after 10:00 p.m.
- F. Signage is limited to one sign per street frontage with an aggregate sign area not exceeding 100 square feet.

ARTICLE IV. FLOODPLAIN STANDARDS

DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSE.

Sec. 36-208. Statutory authorization.

This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minn. Stats, Ch. 103F; Minnesota Rules, parts 6120.5000—6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR Sec. 59 to 78; and the planning and zoning enabling legislation in Minn. Stats, Ch. 462.

Sec. 36-209. Purpose.

- (a) This Article regulates development in the flood hazard areas of the City of Edina. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this Article to promote public health, safety, and general welfare by minimizing these losses and disruptions.
- (b) This Article is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private, and public economic loss caused by flooding.
- (c) This Article is adopted to maintain eligibility in the National Flood Insurance Program.
- (d) This Article is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.
- (e) While this Article is primarily focused on reducing exposure and vulnerability of structures to flooding from surface sources, the City of Edina recognizes that seepage from high groundwater and sanitary sewer backflow are also pathways for flood exposure and that individual properties are responsible for understanding their exposure to all sources of flooding and implementing specific flood exposure or vulnerability reducing measures. Site specific standards for "Local Flood Areas", as defined in Division 2 of this Article, allow redevelopment flexibility to make specific tradeoffs between flood exposure and vulnerability reducing measures for equivalent or improved flood risk reduction.

ARTICLE IV. DIVISION 2. Definitions.

Regulation is one of four key strategies used in the City of Edina Flood Risk Reduction Strategy of the City's Water Resources Management Plan.

- (f) Climate change is increasing the risks associated with flooding through more frequent and intense storm events, altered precipitation patterns, and prolonged elevated groundwater levels during wet cycles, creating long-term challenges. Promoting risk-informed development can mitigate the impacts of flooding on current and future generations.

Sec. 36-210. Abrogation and greater restrictions.

It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this Article take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

Sec. 36-211. Warning and disclaimer of liability.

This Article does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This Article does not create liability on the part of the City of Edina or its officers or employees for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

Sec. 36-212. Severability.

If any section, clause, provision, or portion of this Article is adjudged unconstitutional or invalid by a court of law, the remainder of this Article shall not be affected and shall remain in full force.

DIVISION 2. DEFINITIONS.

Sec. 36-213. Definitions.

Unless specifically defined, words or phrases used in this Article must be interpreted according to common usage and so as to give this Article its most reasonable application.

- (a) Accessory structure means a structure, as defined in this Article, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

ARTICLE IV. DIVISION 2. Definitions.

- (b) Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.
- (c) Base flood elevation (BFE) means the elevation of the base flood, or one-percent annual chance flood.
- (d) Basement means any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all sides, regardless of the depth of excavation below ground level.
- (e) Building. See Structure.
- (f) Channel means a natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.
- (g) Conditional use means as defined in **Sec. 36-XX**.
- (h) Critical storm event means a design storm which provides the highest flood discharges/water surface elevations for the flooding source. This may include the one-percent annual chance flood or ten-day snowmelt event.
- (i) Development means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (j) Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- (k) FEMA means Federal Emergency Management Agency.
- (l) Flood means a temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.
- (m) Flood fringe means the portion of the one-percent annual chance floodplain located outside of the floodway.
- (n) Flood insurance rate map (FIRM) means an official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

ARTICLE IV. DIVISION 2. Definitions.

- (o) Flood insurance study (FIS) means the study referenced in **Sec. 36-XX**, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.
- (p) Floodplain means the beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
- (q) Floodproofing means a combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- (r) Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge.
- (s) Flood flow path means areas of land with expected concentrated overland flow or overflow from a Local Flood Area in the 1-percent annual chance event, which may be planned or unplanned.
- (t) General floodplain means those floodplains designated on the flood insurance rate maps referenced in **Sec. 36-XX**, but that do not have a delineated floodway.
- (u) Landlocked basin means a basin that does not have an outlet in the ten-percent annual chance event.
- (v) Local flood area means flood prone areas not shown on the flood insurance rate maps referenced in **Sec. 36-XX**, which are located outside of the Floodway, Flood Fringe, and General Floodplain Districts. Local Flood Area is synonymous with the term "Local 1-Percent Annual Chance Flood Inundation" used in the Water Resources Management Plan and the City of Edina's Interactive Water Resources Map.
- (w) Light duty truck means any motor vehicle that has all three of the following:
 - (1) 8,500 pounds Gross Vehicle Weight Rating or less;
 - (2) Vehicle curb weight of 6,000 pounds or less; and
 - (3) Basic vehicle frontal area less than 45 square feet.
- (x) Lowest floor means the lowest floor of the lowest enclosed area (including basement).

ARTICLE IV. DIVISION 2. Definitions.

- (y) Lowest opening elevation means the lowest opening of a structure, for example garage door, windowsill elevation, top of dry-floodproofed window well elevation, or walkout or door threshold elevation.
- (z) Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- (aa) New construction means structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.
- (bb) Ponding basin means an area used for long term or extended flood storage, for example detention basins/ponds, retention basins/pond, natural waterbodies, or other areas that provide flood storage either by design or naturally.
- (cc) Principal structure means the main building or other structure on a lot that is utilized for the property's principal use.
- (dd) Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- (ee) Recreational vehicle means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this Article. For the purposes of this Article, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."
- (ff) Regional tailwater means the Local Flood Area which is controlled or significantly affected by the regional flood as shown in the Floodway, Flood Fringe, and General Floodplain Districts.
- (gg) Regulatory flood protection elevation (RFPE) means an elevation that is two feet above the elevation of the base flood or, for landlocked basins in the Local Flood Area District, an elevation that is two feet above the elevation of the critical storm event elevation.

ARTICLE IV. DIVISION 2. Definitions.

- (hh) Special flood hazard area (SFHA) means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map (FHBM) or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E.
- (ii) Stage increase means any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.
- (jj) Start of construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (kk) Structure means a roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in **Sec. 36-XX**, shall also be considered a structure for the purposes of this Article.
- (ll) Subdivision means as defined in Sec. 32-2.
- (mm) Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (nn) Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term

ARTICLE IV. DIVISION 3. Jurisdiction and Districts.

includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions; or
 - (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this Article, "historic structure" is defined in 44 CFR Sec. 59.1.
- (oo) Subwatershed means a smaller, distinct drainage area within a larger watershed. It represents a localized region where all precipitation and surface water flow converge into a specific waterbody or low area. Subwatersheds are delineated by topographical features which define the boundaries of water flow. Subwatershed delineations are available in the City of Edina's Interactive Water Resources Map.
- (pp) Variance means the same as that defined in 44 CFR Sec. 59.1 and Minn. Stats Sec. 462.357, Subd. 6(2).
- (qq) Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Article is presumed to be in violation of until such time as that documentation is provided.
- (rr) Watercourse means a channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

DIVISION 3. JURISDICTION AND DISTRICTS.

Sec. 36-214. Lands to which this Article applies.

This Article applies to all lands within the jurisdiction of the City of Edina within the Special Flood Hazard Areas (SFHAs) identified on the flood insurance rate maps listed in **Sec. 36-792** and those areas within the Local Flood Area as described within the City's Water Resources Management Plan. Areas within the SFHA are within one of three districts: the Floodway, Flood Fringe, or General Floodplain, as listed in **Sec. 36-793**. Areas within the Local Flood Area are within the Local Flood Area District as listed in **Sec. 36-793(4)**.

ARTICLE IV. DIVISION 3. Jurisdiction and Districts.

- (a) The Floodway, Flood Fringe, General Floodplain, and Local Flood Area Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
- (b) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the base flood elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.
- (c) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

Sec. 36-215. Incorporation of maps by reference.

The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this Article. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, all dated November 4, 2016, and revised by the Letter of Map Revision, Case No. 25-05-1025P, with an effective date of December 26, 2025 including all attached maps, tables, and flood profiles: all prepared by the Federal Emergency Management Agency. The City of Edina's Interactive Water Resources Map is also hereby adopted to support the applicable regulations within the Local Flood Area District. These materials are hosted on the city's website and on file in the Engineering Department.

Sec. 36-216. Districts.

- (a) Floodway District. Those areas within Zones AE delineated within floodway areas as shown on the flood insurance rate maps referenced in Sec. 36-792 and those areas within Zone A determined to be located in the floodway based on the delineation methods in **Sec. 36-874**.
- (b) Flood Fringe District. Those areas within Zones AE located outside of the delineated floodway, as shown on the flood insurance rate maps referenced in **Sec. 36-792** and those areas within Zone A determined to be located in the flood fringe based on the delineation methods in **Sec. 36-874**.
- (c) General Floodplain District. Those areas within Zone A or Zone AE areas that do not have a floodway delineated as shown on the flood insurance rate maps referenced in Sec. 36-792.

ARTICLE IV. DIVISION 4. Requirements for All Floodplain Districts.

- (d) Local Flood Area District. Those areas not within the special flood hazard area that are identified as "Local 1-Percent Annual Chance Flood Inundation" on the City of Edina's Interactive Water Resources Map.

Sec. 36-217. Annexations.

The flood insurance rate map panels referenced in **Sec. 36-792** may include floodplain areas that lie outside of the corporate boundaries of the City of Edina at the time of adoption of this Article. If any of these floodplain land areas are annexed into the City of Edina after the date of adoption of this Article, the newly annexed floodplain lands will be subject to the provisions of this Article immediately upon the date of annexation. Annexations into panels not referenced in **Sec. 36-792** require article amendment in accordance with **Division 15**.

Sec. 36-218. Municipal boundary adjustments and townships.

The flood insurance rate map panels referenced in **Sec. 36-792** apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

- (a) City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring.

DIVISION 4. REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS.

Sec. 36-219. Permit required.

A permit must be obtained from the City Planner to verify compliance with all applicable standards outlined in this Article prior to the following uses or activities:

- (a) The erection, addition, modification, maintenance, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in **Sec. 36-991(3)**.
- (b) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction.
- (c) The change or expansion of a nonconforming use.
- (d) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- (e) The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.

ARTICLE IV. DIVISION 4. Requirements for All Floodplain Districts.

- (f) The storage of materials or equipment, in conformance with **Sec. 36-812(2)**.
- (g) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
- (h) Any other type of "development," as defined in Division 2 of this Article.

Sec. 36-220. Minimum development standards.

- (a) All development must:
 - (1) Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Be constructed with materials and equipment resistant to flood damage;
 - (3) Be constructed by methods and practices that minimize flood damage;
 - (4) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the regulatory flood protection elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
 - (5) Be reasonably safe from flooding and consistent with the need to minimize flood damage;
 - (6) Be assured to provide adequate drainage to reduce exposure to flood hazards;
 - (7) Not be detrimental to uses in adjoining areas; and
 - (8) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
 - (9) Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.
- (b) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the regulatory flood

ARTICLE IV. DIVISION 5. Floodway District.

protection elevation (RFPE), floodproofed, or protected by other measures as approved by the City Planner. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minn. Stats, § 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the City Planner prior to issuance of a permit.

DIVISION 5. FLOODWAY DISTRICT.

Sec. 36-221. Permitted uses in the Floodway District.

Development allowed in the Floodway District is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in **Sec. 36-832:**

- (a) Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.
- (b) Roads, railroads, trails, bridges, and culverts.
- (c) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
- (d) Grading, filling, land alterations, and shoreline stabilization projects.
- (e) No structures, as defined in Division 2, are allowed in the Floodway District, except structures accessory to the uses detailed in **Sec. 36-831(1)**, which require a conditional use permit under **Sec. 36-833(1)**.

Sec. 36-222. Standards for permitted uses in the Floodway District.

In addition to the applicable standards detailed in Division 4:

- (a) The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a "no-rise certification."

ARTICLE IV. DIVISION 5. Floodway District.

- (b) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a conditional letter of map revision (CLOMR) in accordance with 44 CFR Sec. 65.12. Map revisions must follow the procedures in **Sec. 36-971(5) and Division 15.**
- (c) Any development resulting in decreases to the water surface elevation of the base flood identified in the flood insurance study requires a letter of map revision (LOMR) following the procedures in **Sec. 36-971(5) and Division 15.**
- (d) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minn. Stats, § 103G.245 or a utility crossing license in accordance with Minn. Stats, § 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
- (e) Any facility used by employees or the general public must be designed with a flood warning system acceptable to the City Planner that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.
- (f) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap, or other methods as soon as possible.

Sec. 36-223. Conditional uses in the Floodway District.

The following uses and activities may be permitted as conditional uses, subject to the standards detailed in **Sec. 36-834:**

- (a) Structures accessory to uses detailed in **Sec. 36-831(1).**

Sec. 36-224. Standards for conditional uses in the Floodway District.

In addition to the applicable standards detailed in **Division 4, Sec. 36-832 and Sec. 36-972:**

- (a) Accessory structures. Structures accessory to the uses detailed in **Sec. 36-831(1)** must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters, and are subject to the standards in **Sec. 36-852(3)** of this Article.

ARTICLE IV. DIVISION 6. Flood Fringe District.

DIVISION 6. FLOOD FRINGE DISTRICT.

Sec. 36-225. Permitted uses in the Flood Fringe District.

Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in **Sec. 36-852**.

Sec. 36-226. Standards for permitted uses in the Flood Fringe District.

(a) In addition to the applicable standards detailed in **Division 4**:

(1) *Residential structures.*

A. *Elevation on fill.* All structures to be erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in **Division 2 of this Article**, is elevated at or above the regulatory flood protection elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the City Planner. Elevation methods alternative to these fill standards are subject to a conditional use permit, as provided in **Sec. 36-853(1) of this Article**.

(2) *Nonresidential principal structures.* Nonresidential principal structures must meet one of the following construction methods:

- A. *Elevation on fill.* Structures may be elevated on fill, meeting the standards in **Sec. 36-852(1)a of this Article**. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
- B. *Alternative elevation methods.* Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill standards in **Sec. 36-852(1)a of this Article**. Such methods include the use of filled stem walls.
- C. Designs must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in FEMA Technical Bulletin 1, as amended, as well as the following standards:

ARTICLE IV. DIVISION 6. Flood Fringe District.

1. The lowest floor, as defined in **Division 2 of this Article**, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).
- D. *Dry floodproofing*. Structures having watertight enclosed basements or spaces below the regulatory flood protection elevation (RFPE) must meet the following standards:
1. Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
 2. Must meet the standards of FEMA Technical Bulletin 3, as amended; and
 3. A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this division.
- (3) *Accessory structures*. All accessory structures must meet the following standards:
- A. Structures shall not be designed or used for human habitation.
 - B. Structures will have a low flood damage potential.
 - C. Structures shall constitute a minimal investment not to exceed 600 square feet in size, one-story in height, and shall only be used for parking and storage, except as provided under **Sec. 36-852(3)e**.
 - D. Structures with two or more rigid walls, must meet one of the following construction methods:
 1. *Wet floodproofing*. Structures may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure, and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. Portions of structures below the RFPE must be constructed of flood damage-resistant materials. Utilities must be elevated above the RFPE and any

ARTICLE IV. DIVISION 6. Flood Fringe District.

utility lines below the RFPE shall be constructed so as to prevent floodwaters from entering or accumulating within them. Wet floodproofed structures must be anchored to resist flotation, collapse, and lateral movement.

2. *Elevation on fill.* Structures may be elevated on fill, meeting the standards in **Sec. 36-852(1)a** of this Article. Fill is not required to be extended 15 feet beyond the outside limits of the structure.
 3. *Alternative elevation methods.* Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in **Sec. 36-852(3)d.(2)**, and must meet the standards in **Sec. 36-852(2)b** of this Article.
 4. *Dry floodproofing.* Structures may be dry-floodproofed, or watertight, meeting the standards in **Sec. 36-852(2)c** of this Article.
- E. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, meeting the standards in **Sec. 36-812(1)** of this Article may be located at an elevation below the regulatory flood protection elevation, exceed 600 square feet in size, and may include uses as provided under **Sec. 36-851.**
- (4) Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of Edina that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.
 - (5) Manufactured homes and recreational vehicles must meet the standards of **Division 11 of this Article.**

Sec. 36-227. Conditional uses in the Flood Fringe District.

The following uses and activities may be permitted as conditional uses, subject to the standards in **Sec. 36-854.**

- (a) *Alternative elevation methods – residential structures.* Residential structures with their lowest floor elevated above the regulatory flood protection elevation (RFPE) using methods alternative to the fill requirements in **Sec. 36-852.**

Sec. 36-228. Standards for conditional uses in the Flood Fringe District.

ARTICLE IV. DIVISION 7. General Floodplain District.

In addition to the applicable standards detailed in **Division 4, Sec. 36-852 and Sec. 36-972:**

- (a) All residential structures with lowest floors elevated through alternative elevation methods must meet the standards for nonresidential structures in **Sec. 36-852(2)a or b** of this Article.

DIVISION 7. GENERAL FLOODPLAIN DISTRICT.

Sec. 36-229. Permitted uses in the General Floodplain District.

- (a) Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Division 5.
- (b) All other uses are subject to a floodway or flood fringe determination as provided in **Sec. 36-874**, in addition to the standards provided **in Sec. 36-872 and Sec. 36-873**. Permitted uses shall be determined as follows:
 - (1) If the development is determined to be in the Floodway District, Division 5 applies.
 - (2) If the development is determined to be in the Flood Fringe District, Division 6 applies.

Sec. 36-230. Determining flood elevations.

- (a) All development requires a determination of the base flood elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base flood elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).
- (b) The regulatory flood protection elevation (RFPE) can be determined by assuming a one-half foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

Sec. 36-231. Encroachment analysis.

Encroachments due to development may not allow stage increases more than one-half foot at any point, unless through a map revision following the procedures **in Sec. 36-971(5) and Division 15**. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation

ARTICLE IV. DIVISION 7. General Floodplain District.

increase than one-half foot is required if, due to the water surface level increase, increased flood damages would potentially result.

Sec. 36-232. Standards for the analysis of floodway boundaries.

- (a) *Requirements for detailed studies.* Any development, as requested by the City Planner, shall be subject to a detailed study to determine the regulatory flood protection elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and FEMA Guidelines and Standards for Flood Risk Analysis and Mapping, as revised. Additionally:
 - (1) A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half foot is required if, due to the water surface level increase, increased flood damages would potentially result; and
 - (2) An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.
- (b) *Other acceptable methods.* For areas where a detailed study is not available or required:
 - (1) Development prohibited in floodways (e.g. most buildings) requires a floodway or flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.
 - (2) For areas where the floodway has not been determined in and along lakes, wetlands, and other basins: all areas that are at or below the ordinary high water level, as defined in Minn. Stats, § 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high water level will be considered flood fringe.

ARTICLE IV. DIVISION 8. Local Flood Area District.

DIVISION 8. LOCAL FLOOD AREA DISTRICT.

Sec. 36-233. Permitted uses in the Local Flood Area District.

Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in **Sec. 36-893**.

Sec. 36-234. Determining flood elevations.

- (a) Base flood elevations (BFE) and critical storm event elevations may be found using best available data provided in the City of Edina Interactive Water Resources Map or by contacting the engineering director.
- (b) For areas subject to regional tailwater effects, the standards in **Sec. 36-852 and Sec. 36-893(3)** shall apply.

Sec. 36-235. Standards for permitted uses in the Local Flood Area District.

In addition to the applicable standards detailed in **Division 4**:

- (a) Lowest floor for ponding basins. All new principal structures, additions, and other permanent fixtures including heating and air conditioning must be elevated so that the lowest floor elevation is a minimum of two feet above the ponding basin outlet elevation.
- (b) Lowest floor for landlocked basins. All new principal structures, additions, and other permanent fixtures including heating and air conditioning must be elevated so that the lowest floor elevation is at or above the regulatory flood protection elevation.
- (c) Lowest opening. All new principal structures, additions, or other permanent fixtures including heating and air conditioning must be elevated so that the lowest opening elevation is at or above the regulatory flood protection elevation (RFPE).
- (d) Accessory structures. Accessory structures shall meet the requirements of **Sec. 36-852(3)**.
- (e) Fill. Earth moving and the addition of fill at or below the base flood elevation, or critical storm event elevation within subwatersheds of landlocked basins, may be allowed given all the following conditions are met:
 - (1) Addition of fill is necessary to reduce flood exposure to a primary structure.
 - (2) Addition of fill results in no adverse impact to neighboring properties or public trust. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer.
 - (3) Addition of fill shall be minimized to the greatest extent practicable.

ARTICLE IV. DIVISION 8. Local Flood Area District.

Sec. 36-236. Site-specific standards for principal structure elevations in the Local Flood Area District.

- (a) The basis for the site-specific standard is to allow an alternative path for risk reduction that does not require two feet of freeboard (but not less than zero feet of freeboard) as required in Sec. 36-893 and/or below grade parking garages design standards as required in Sec. 36-895. This may include strategies that reduce flood vulnerability instead of or in addition to reducing flood exposure. The outcome should still be overall reduction in flood risk. Elevation standards for the lowest floor elevation or lowest opening elevation reduce flood exposure by providing two feet of freeboard between the structure and the base flood elevation or critical storm elevation. Site-specific standards for lowest floor elevation or lowest opening elevation less than the two feet of freeboard required by Sec. 36-893 and/or lesser below-grade parking garages design standards as required by Sec. 36-895 may be allowed given all the following conditions are met:
- (1) The structure is not within the special flood hazard area.
 - (2) The structure, if subject to Sec. 36-892(b) meets the standards of Sec. 36-852.
 - (3) The new structure, addition, or modification results in a net reduction in vulnerability from existing conditions. For example, additional construction methods and precautions are proposed that reduce the potential for flood damage to the structure. Vulnerability reducing measures could include wet or dry floodproofing, sanitary backflow prevention for low floor fixtures and drains, flood flow area diversion, dual sump pump systems with battery backup, and other means specific to the probable flood exposure.
 - (4) The applicant demonstrates that meeting the lowest floor elevation or lowest opening elevation requirements as described in Sec. 36-893 presents a burden.
 - (5) The new structure, addition, or modification does not adversely impact the flood exposure or vulnerability of others.
 - (6) The new structure, addition, or modification design, and/ or flood vulnerability reducing measures are approved by the city engineer.

Sec. 36-237. Below-grade garages and parking.

- (a) Construction of below-grade parking garages is allowed outside of R-1 and MM Districts, provided the structure (including the parking garage) is floodproofed to the regulatory flood protection elevation (RFPE) in accordance with the following design standards:

ARTICLE IV. DIVISION 9. Subdivision Standards.

- (1) Together with associated utility and sanitary facilities, the structure must be designed so that below the regulatory flood protection elevation (RFPE) the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (2) A floodproofing certificate and inspection and maintenance plan must be provided by a registered professional engineer or architect.
- (3) A floodproofing design that entails human intervention, such as the installation of flood gates or flood shields, will require a flood emergency operation plan.

DIVISION 9. SUBDIVISION STANDARDS.

Sec. 36-238. Subdivisions.

All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this Article.

- (a) All lots within floodplain districts must be suitable for a building site outside of the Floodway District.
- (b) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of Edina.
- (c) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of Edina.
- (d) The Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

DIVISION 10. PUBLIC AND PRIVATE UTILITIES, SERVICE FACILITIES, ROADS, BRIDGES, AND RAILROADS.

Sec. 36-239. Public transportation facilities.

Railroad tracks, roads, and bridges must be elevated to the regulatory flood protection elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or

ARTICLE IV. DIVISION 11. Manufactured Homes and Recreational Vehicles.

auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

Sec. 36-240. Public utilities.

All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the regulatory flood protection elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

Sec. 36-241. Private on-site water supply, individual sewage treatment systems, and other service facilities.

Private facilities shall be subject to applicable provisions detailed in **Sec. 36-932**. New or replacement on-site sewage treatment systems are prohibited.

DIVISION 11. MANUFACTURED HOMES AND RECREATIONAL VEHICLES.

Sec. 36-242. Manufactured homes.

Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

- (a) New and replacement manufactured homes must be placed and elevated in compliance with **Division 6 of this Article** and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (b) New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in **Division 9 of this Article**.

Sec. 36-243. Recreational vehicles.

New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

- (a) Meet the requirements for manufactured homes in **Sec. 36-951**, or

ARTICLE IV. DIVISION 11. Manufactured Homes and Recreational Vehicles.

- (b) Be travel ready, meeting the following criteria:
- (1) The vehicle must be fully licensed.
 - (2) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - (3) No permanent structural type additions may be attached to the vehicle.
 - (4) Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in **Division 4 and Sec. 36-852(3).**

ARTICLE IV. DIVISION 12. Administration.

DIVISION 12. ADMINISTRATION.

Sec. 36-244. Duties.

A City Planner or other official must administer and enforce this Article.

- (a) Permit application requirements. Permit applications must be submitted to the City Planner. The permit application must include the following, as applicable:
 - (1) A site plan as required in **Sec. 36-129.**
 - (2) Copies of any required local, state or federal permits or approvals.
 - (3) Other relevant information requested by the City Planner as necessary to properly evaluate the permit application.
- (b) Recordkeeping. The City Planner must maintain applicable records in perpetuity documenting:
 - (1) All certifications for dry floodproofing and alternative elevation methods, where applicable.
 - (2) Analysis of no-rise in the Floodway District, as detailed in **Sec. 36-832(1)**, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in **Sec. 36-872(b) and 36-873(a).**
 - (3) Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the City Planner.
 - (4) Substantial damage and substantial improvement determinations, as detailed in **Sec. 36-991(3)**, including the cost of improvements, repairs, and market value.
 - (5) All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
- (c) Certificate of occupancy for a new, altered, or nonconforming use. No building, land or structure may be occupied or used in any manner until a certificate of occupancy has been issued by the building official stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this Article.

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- (d) Notifications for watercourse alterations. Before authorizing any alteration or relocation of a river or stream, the City Planner must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minn. Stats, § 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
- (e) Notification to FEMA when physical changes increase or decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Edina must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available.

Sec. 36-245. Conditional uses and variances.

- (a) Process.
 - (1) An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this Article.
 - (2) An application for a variance to the provisions of this Article will be processed and reviewed in accordance with Minn. Stats, § 462.357, Subd. 6(2) and this Article.
- (b) Adherence to State Floodplain Management Standards. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
 - (1) The Local Flood Area District shall be exempt from **Sec. 36-972(b) and 36-972(c) and 36-972(d).**
- (c) Additional variance criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - (1) Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (2) Variances from the provisions of this Article may only be issued by a community upon:
 - A. A showing of good and sufficient cause;

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- B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Variances from the provisions in this Article may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.
- (d) *Flood insurance notice.* The City Planner must notify the applicant for a variance in writing that:
- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 - (2) Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (e) *Considerations for approval.* The City of Edina must consider all relevant factors specified in other sections of this Article in granting variances and conditional use permits, including the following:
- (1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - (3) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (4) The duration of flood exposure.
- (f) *Conditions of approval.* The City of Edina may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this Article. Such conditions may include, but are not limited to, the following:

ARTICLE IV. DIVISION 12. Administration.

- (1) Limitations on period of use, occupancy, and operation.
- (2) Imposition of operational controls, sureties, and deed restrictions.
- (3) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- (4) Other conditions as deemed appropriate by the City Planner and planning commission.

Sec. 36-246. Notifications to the Department of Natural Resources.

- (a) All notices of public hearings to consider variances or conditional uses under this Article must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten days before the hearings. Notices of hearings to consider subdivisions/ plats must include copies of the subdivision/ plat.
- (b) A copy of all decisions granting variances and conditional uses under this Article must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten days of final action.
- (c) The Local Flood Area District shall be exempt from **Sec. 36-973.**

ARTICLE IV. DIVISION 13. Nonconformities.

DIVISION 13. NONCONFORMITIES.

Sec. 36-247. Continuance of nonconformities.

A use, structure, or occupancy of land which was lawful before the passage or amendment of this Article, but which is not in conformity with the provisions of this Article, may be continued subject to the following conditions:

- (a) Within the Floodway and General Floodplain Districts (when a site has been determined to be located in the floodway following the procedures in **Sec. 36-874**, or when the floodway has not been delineated), expansion or enlargement of uses or structures is prohibited.
- (b) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this Article, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the regulatory flood protection elevation (RFPE).
- (c) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in **Sec. 36-992**, it may not be reconstructed except in conformity with the provisions of this Article. Existing structures within the Local Flood Area District, but outside of the Floodway District, Flood Fringe District, or General Floodplain District are exempt from this provision.
- (d) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this Article.
- (e) If any nonconforming structure has utilities, electrical, or mechanical equipment damaged due to flooding, it must be rebuilt in conformance with the elevation requirements in **Sec. 36-812(1)d** to the greatest extent practicable. This requirement shall apply regardless of the determinations made in **Sec. 36-992**.

Sec. 36-248. Substantial improvement and substantial damage determinations.

Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the City Planner is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

- (a) Estimate the market value of the structure. In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

ARTICLE IV. DIVISION 13. Nonconformities.

- (b) Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the City Planner to evaluate costs.
 - (1) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - (2) Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
- (c) Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in **Division 2 of this Article.**
- (d) Based on this determination, the City Planner or other official shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this Article.

ARTICLE IV. DIVISION 14. Violations and Penalties.

DIVISION 14. VIOLATIONS AND PENALTIES.

Sec. 36-249. Uses in violation of the article.

Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this Article shall be considered a public nuisance.

Sec. 36-250. Civil remedies.

The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this Article may be abated by an action brought by the City of Edina or the Department of Natural Resources.

Sec. 36-251. Enforcement.

Violations of the provisions of this Article constitutes a misdemeanor and is punishable as defined by law. The City Planner may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of Edina must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

ARTICLE IV. DIVISION 15. Amendments.

DIVISION 15. AMENDMENTS.

Sec. 36-252. Sec. 36-1031. - Ordinance amendments.

Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in **Sec. 36-792 of this Article**.

Sec. 36-253. Required approval.

All amendments to this Article must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain article shall not be considered valid until approved.