

CITY OF MEDINA

ORDINANCE NO. ###

AN ORDINANCE REGARDING THE REQUIREMENTS OF THE SINGLE-FAMILY (R1), SINGLE- AND TWO-FAMILY (R2), AND MID-DENSITY (R3) RESIDENTIAL ZONING DISTRICTS; AMENDING CHAPTER 8 OF THE CITY CODE

The City Council of the City of Medina ordains as follows:

SECTION I. Section 840.1 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

SECTION 840.1 SINGLE FAMILY RESIDENTIAL (R1) DISTRICT

Section 840.1.01 Residential-Single Family (R1) - Purpose. The purpose of the Residential-Single Family (R1) district is to provide a zoning district for single-family residential neighborhoods, designed in a way to protect the natural environment and to implement the objectives of the Low Density Residential land use in the city’s Comprehensive Plan. Property to be developed within the Low Density Residential land use shall be zoned R1 unless the City Council, following review and recommendation by the Planning Commission, determines that an alternative zoning designation better meets the objectives, goals, and purposes of the Comprehensive Plan and zoning ordinance.

Section 840.1.02. (R1) Permitted Uses. The following shall be permitted uses within the R1 district, subject to applicable provisions of the city code:

- (1) Single Family Detached Dwellings
- (2) State Licensed Residential Facility or housing with services establishment registered under chapter 144D, serving six or fewer persons
- (3) Day care facilities serving 12 or fewer persons or group family day care facilities serving 14 or fewer persons, provided: the facility is licensed as required by law; no more than one person not residing at the property is employed by the facility; and that provisions are made so that the drop-off and pick-up of clientele does not impact neighboring property or right-of-way.
- (4) Parks and Open Space
- (5) Essential services

Section 840.1.03. (R1) Conditional Uses. The following shall be permitted within the R1 district, subject to conditional use permit approval, the specific requirements established in Section 840.3.05, and other applicable provisions of the city code:

- (1) Accessory dwelling units located within the principal structure.

Section 840.1.04. (R1) Accessory Uses. The following accessory uses shall be permitted within the R1 district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Garages or detached private structures
- (2) Off-street parking
- (3) Private swimming pools and sport courts
- (4) Home Occupations
- (5) Signs, subject to the requirements of the sign ordinance
- (6) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

Section 840.1.05. (R1) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

Subd. 2. Minimum Lot Size: 11,000 square feet

Subd. 3. Minimum Lot Width: 90 feet. The minimum lot width shall be increased to 110 feet for a lot with a side yard adjacent to a collector or arterial roadway.

Subd. 4. Minimum Lot Depth: 100 feet

Subd. 5. Minimum Front Yard Setback: 25 feet, except as follows:

- (a) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
- (b) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.

Subd. 6. Minimum Rear Yard Setback: 30 feet. The rear yard setback may be reduced to 20 feet if abutting an preserved open space or common area, but excluding public park property.

Subd. 7. Minimum Interior Side Yard Setback: 25 feet combined total for both side yards, with neither side less than 10 feet. The combined interior side yard setback shall be reduced to 20 feet if garage doors do not face the street.

Subd. 8. Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows:

- (a) Local Roadway or Private Street: 25 feet, except as follows:
 - (i) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
 - (ii) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

Subd. 9. Maximum Impervious Surface Coverage: 40 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented on the lot which, according to the City Engineer, reduce runoff below that which would occur if abiding by the maximum impervious surface regulation. However, in no case shall impervious surface coverage exceed 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

Section 840.1.06. (R1) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The residential district standards, as required in Section 840.3, shall be observed.

Subd. 2. Maximum Building Height: All buildings shall meet the following requirements:

- (a) Building height shall not exceed 32 feet, but the maximum building height shall be increased to 35 feet if the structure is equipped with a compliant fire sprinkler or if interior side yard setbacks are increased by 50 percent.
- (b) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
- (c) Maximum distance from ground to eave. In no case shall the vertical distance from the lowest ground level (at the footprint of the building and eight feet out) to the eave be greater than ~~30~~32 feet.

SECTION II. Section 840.2 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

SINGLE- AND TWO-FAMILY RESIDENTIAL (R2) DISTRICT

Section 840.2.01 Residential-Single- and Two- Family (R2) - Purpose. The purpose of the Residential-Single- and Two- Family (R2) district is to provide a zoning district for a mix of single-family and two-family dwellings, designed in a way to protect the natural environment and to implement the objectives of the ~~Medium-Low~~ Density Residential land use in the city's

Comprehensive Plan. The R2 district is intended as an alternative to the R1 district to allow the clustering of smaller lots not to substantially increase density of the development, but rather to support:

- (1) The protection and enhancement of natural areas through the preservation of wooded areas, the provision of additional buffering for lakes, streams, and wetlands, or the creation of ecological connections with other protected lands.
- (2) The preservation of open spaces, provision of additional buffering from adjacent streets and uses, or the creation of additional recreational opportunities.

The City Council, following review and recommendation by the Planning Commission, shall have full discretion to determine in what cases zoning property R2 rather than the standard R1 district meets these purposes. If the City Council determines an R2 zoning does not meet these purposes, the property shall be zoned R1.

Section 840.2.02. (R2) Permitted Uses. The following shall be permitted uses within the R2 district, subject to applicable provisions of the city code:

- (1) Single Family Detached Dwellings
- (2) Two Family Dwellings
- (3) Day care facilities serving 12 or fewer persons or group family day care facilities serving 14 or fewer persons, provided: the facility is licensed as required by law; no more than one person not residing at the property is employed by the facility; and that provisions are made so that the drop-off and pick-up of clientele does not impact neighboring property or right-of-way.
- (4) State Licensed Residential Facility or housing with services establishment registered under chapter 144D, serving six or fewer persons
- (5) Parks and Open Space
- (6) Essential services

Section 840.2.03. (R2) Conditional Uses. The following shall be permitted within the R2 district, subject to conditional use permit approval, the specific requirements established in Section 840.3.05, and other applicable provisions of the city code:

- (1) Accessory Dwelling Units located within in the principal structure.

Section 840.2.04. (R2) Accessory Uses. The following accessory uses shall be permitted within the R2 district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Garages or detached private structures, except no such structure shall contain components to constitute a separate complete dwelling unit
- (2) Off-street parking
- (3) Private swimming pools and sport courts
- (4) Home Occupations
- (5) Signs, subject to the requirements of the sign ordinance

- (6) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

Section 840.2.05. (R2) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

Subd. 2. Minimum Lot Size (Single Family Detached): 8,000 square feet

Subd. 3. Minimum Lot Size (Two Family Dwelling): 5,000 square feet per unit

Subd. 4. Minimum Lot Width (Single Family Detached): 60 feet. The minimum lot width shall be increased to 90 feet for lots with a side yard adjacent to a collector or arterial roadway.

Subd. 5. Minimum Lot Width (Two Family Dwelling): 50 feet per unit. The minimum lot width shall be increased to 70 feet for a unit with a side yard adjacent to a collector or arterial roadway.

Subd. 6. Minimum Lot Depth: 90 feet

Subd. 7. Minimum Front Yard Setback: 25 feet, except as follows:

- (a) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
- (b) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.

Subd. 8. Minimum Rear Yard Setback: 25 feet. The rear yard setback may be reduced to 15 feet if abutting an preserved open space or common area, but excluding public park property.

Subd. 9. Minimum Interior Side Yard Setback (Single Family Detached):

- (a) The combined total of both side yards shall be a minimum of 15 feet
- (b) Neither side yard shall be less than 5 feet
- (c) One of the side yards shall be 10 feet or greater

Subd. 10. Minimum Interior Side Yard Setback (Two Family Dwelling): 10 feet, except the side yard setback shall be reduced to zero for the common wall between two dwelling units.

Subd. 11. Street Setbacks: A required yard setback adjacent to a public or private street shall be increased based on the classification of the street in the Comprehensive Plan as follows:

- (a) Local Roadway or Private Street: 25 feet, except as follows:

- (i) Additional setback for garage doors facing streets: Garage doors which face a street shall be set back a minimum of 30 feet.
- (ii) Reduced setback for side-load garage: The front yard setback may be reduced to 20 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (b) Minor Collector Roadway: 35 feet
- (c) Major Collector or Arterial Roadway: 50 feet

Subd. 12. Maximum Impervious Surface Coverage: 50 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented on the lot which, according to the City Engineer, reduce runoff below that which would occur if abiding by the maximum impervious surface regulation. However, in no case shall impervious surface coverage exceed 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

Section 840.2.06. (R2) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The residential district standards, as required in Section 840.3, shall be observed.

Subd. 2. Maximum Building Height: All buildings shall meet the following requirements:

- (a) Building height shall not exceed 32 feet, but the maximum building height shall be increased to 35 feet if the structure is equipped with a compliant fire sprinkler or if interior side yard setbacks are increased by 50 percent.
- (b) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
- (c) Maximum distance from ground to eave. In no case shall the vertical distance from the lowest ground level (at the footprint of the building and eight feet out) to the eave be greater than ~~30~~32 feet.

SECTION 840.3 DESIGN AND DEVELOPMENT STANDARDS FOR SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

Section 840.3.01. Generally. The standards of this Section shall apply to the R-1 and R-2 districts, subject to requirements set forth in other sections of this ordinance. These standards are established to achieve a high standard of development, to create vibrant and high quality neighborhoods, and to protect the natural environment.

Section 840.3.02. Building Materials and Design.

Subd. 1. Building Materials. All exterior building materials shall be durable and consistent with relevant codes, regulations, and other industry standards.

Subd. 2. Garages. Each principal dwelling unit shall include garage space with a minimum capacity of two vehicles. In the case that garage doors occupy more than half of the horizontal building façade facing a street, architectural elements shall be provided to reduce the monotonous appearance of garage doors. These elements may include varying the setback of the garage doors, differentiating roof designs, constructing dormers, and installing garage doors with windows or other design elements.

Subd. 3. Utilities. Utilities shall be placed underground.

Section 840.3.03. Landscaping Requirements for the Development Site.

Subd. 1. Generally. All areas within a development site shall be landscaped, except for areas occupied by streets, sidewalks, trails, buildings, driveways, walks, recreational areas, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Properly maintained prairie and natural vegetation is encouraged within common open space and buffer yards. Species with known vulnerability to disease or infestation shall not be permitted. Integrated stormwater management practices, such as vegetative swales, vegetative filter strips, bioretention, and raingardens, shall be considered landscaping and shall be included in the gross acreage of the parcel when calculating impervious surface coverage.

Subd. 2. Buffer Yards. Buffer yards shall be required adjacent to less intensive zoning districts and adjacent to collector and arterial roadways. The buffer yard requirements are described in Section 828.31 of the City Code.

Subd. 3. Maintenance. The developer shall be responsible for establishing a long-term maintenance plan to see that common space and buffer yard landscaping and fencing is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Landscape irrigation, where necessary, shall be consistent with water usage regulations.

Subd. 4. Landscaping Guarantee. The developer shall guarantee the growth and maintenance of all plants for a minimum of two growing seasons following an inspection of all completed plantings.

- (a) The developer shall submit a financial guarantee and provide access to the property, in forms acceptable to the city, prior to issuance of any building permit to ensure the planting and survival of the plantings. The developer may transfer financial guarantee responsibility to another willing entity.
- (b) Any plant which does not survive or has severely declined (for example, 25% of the crown has died in the case of trees) shall be replaced, and the replacement will be guaranteed for an additional two growing seasons. After the additional growing seasons, any of the new plants which do not survive or have severely declined shall be replaced. After provisions have been made for maintenance of these new plants, the city shall release any remaining financial guarantee.

Subd. 5. Tree Preservation. Removal of significant trees and any construction activity within residential districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

Section 840.3.04. Landscaping Requirements for Individual Single-Family and Two-Family Lots.

Subd. 1. Generally. Each lot shall be landscaped, except for areas occupied by buildings, driveways, walks, patios, recreational areas, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Properly maintained prairie or natural vegetation may be utilized within buffer yards. Integrated stormwater management practices, such as vegetative swales, vegetated filter strips, bioretention, and raingardens, shall be considered landscaping and shall be included in the gross acreage of the parcel when calculating impervious surface coverage.

Subd. 2. Lawn Establishment. The entire lot and adjacent right-of-way to the edge of the street shall be landscaped and vegetation established prior to issuance of a certificate of occupancy for a new home.

- (a) **Financial Guarantee Option.** If vegetation is not established at the time of certificate of occupancy, the city may accept a financial guarantee, in an amount determined by the city council, to ensure that landscaping is completed within one year. If landscaping is not completed, the city may take action to complete the work, and the property owner shall grant access to the property and be responsible for the cost of such work.
- (b) **Type of Ground Cover.** Low maintenance and water conserving alternatives to traditional Kentucky bluegrass are encouraged and may be seeded. Otherwise, sod or hydro-seed application shall be required.

Subd. 3. ~~Front~~-Yard Trees. A minimum of ~~two~~four overstory trees shall be required to be planted prior to issuance of a certificate of occupancy for each dwelling unit. Trees shall meet the following requirements:

- (a) **Financial Guarantee Option.** If the trees are not planted at the time of certificate of occupancy, the city may accept a financial guarantee, as established by the city council, to ensure that planting occurs within one year.
- (b) **Size.** Deciduous trees shall not be less than two caliper inches measured four feet off ground, and coniferous trees shall not be less than six feet in height.
- (c) **Location.** For single-family dwellings, ~~both~~two trees shall be located within 15 feet of the front lot line. For two-family dwellings, at least one of the trees shall be located within 15 feet of the front lot line. Trees shall be located in a way which does not interfere with utilities.
- (d) **Type.** Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species, as listed within the tree preservation ordinance are required, unless otherwise necessary. Species with known vulnerability to disease or infestation shall not be permitted. The trees shall not be of a single species and, to the extent possible, should be differentiated across the neighborhood so that no more 25 percent are from one species.

- (e) Credit for Preserved Trees. The city may reduce the required number of overstory trees if existing trees are preserved in the front yard. In order to receive credit, the trees shall satisfy the requirements of the Tree Preservation Ordinance, Section 828.41.

Subd. 4. Maintenance. The property owner shall be responsible to see that landscaping is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Irrigation for landscaping and lawns shall be consistent with city water usage regulations.

Subd. 5. Tree Preservation. Removal of significant trees and any construction activity within residential districts shall be subject to the requirements set forth by the City's Tree Preservation Ordinance Section 828.41.

Section 840.3.05. Supplemental Requirements for Specific Uses within Single- and Two-Family Residential Zoning Districts. In addition to the general standards specified for conditional uses in section 825.39 of the City Code and other requirements of this ordinance, the following uses shall not be permitted unless the city council determines that all of the specific standards contained in this subdivision will be met:

Subd. 1. Accessory dwelling units

- (a) No more than one accessory dwelling unit shall be located on a property. No accessory dwelling unit shall be permitted upon a property on which a lodging room or a second residential dwelling is located;
- (b) Accessory dwelling units within the R1 (Single-Family Residential) or R2 (Two-Family Residential) zoning districts shall be attached to the principal single family structure;
- (c) The lot must contain an existing single-family dwelling unit which conforms to district regulations;
- (d) The habitable area of the accessory dwelling unit shall not exceed the lesser of the following: 1) 750 square feet for a one-bedroom unit; or 2) 1,000 square feet for a two-bedroom unit; or 3) 40 percent of the habitable area of the principal single-family dwelling;
- (e) The accessory dwelling unit shall contain a minimum of 300 square feet of habitable area;
- (f) The accessory dwelling unit shall contain no more than two bedrooms;
- (g) A minimum of one off-street parking space per bedroom shall be provided for the accessory dwelling unit. These spaces shall not interfere with accessing the required garage spaces for the principal single-family dwelling;

- (h) No separate driveway or curb cut shall be permitted to serve the accessory dwelling unit;
- (i) No accessory dwelling unit shall be sold or conveyed separately from the principal single-family dwelling;
- (j) The property owner shall occupy either the principal single-family dwelling or the accessory dwelling unit as their primary residence;
- (k) Adequate utility services shall be available to serve the accessory dwelling unit.
- (l) Any exterior stairway which accesses an accessory dwelling unit above the first floor shall be located in a way to minimize visibility from the street and, to the extent possible, from neighboring property. Such stairway shall incorporate a deck a minimum of 27 square feet in area; and
- (m) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the single-family residential character of the surrounding area. A copy of the resolution approving an accessory dwelling unit and describing the conditions, restrictions and limitations on the use shall be recorded against the property.

SECTION III. Section 841.1 of the code of ordinances of the City of Medina is amended by deleting the ~~struck through~~ language and adding the underlined language as follows:

SECTION 841.1 RESIDENTIAL-MID DENSITY (R3) DISTRICT

Section 841.1.01 Residential-Mid Density (R3) - Purpose. The purpose of the Residential-Mid Density (R3) district is to provide a zoning district for a mix of townhome and smaller scale multi-family residential development, designed in a way to protect the natural environment, to be well buffered from adjacent lower density land uses, and to implement the objectives of the Medium Density Residential land use in the city's Comprehensive Plan.

Section 841.1.02. (R3) Permitted Uses. The following shall be permitted uses within the R3 district, subject to applicable provisions of the city code:

- (1) Townhouse Dwellings, provided no structure contains more than six dwelling units
- (2) Multiple Family Structures, provided that:
 - (a) No structure shall contain more than 16 dwelling units; and
 - (b) A development with one or more structures containing more than eight dwelling units shall install a buffer yard with an opacity at least 0.1 greater than the district requirements described by Section 828.31.
- (3) Parks and Open Space

- (4) Essential services

Section 841.1.03. (R3) Conditional Uses. The following shall be permitted within the R3 district, subject to conditional use permit approval, the specific requirements established in Section 841.4.05, and other applicable provisions of the city code:

- (1) Religious Institutions
- (2) Educational Facilities
- (3) Day Care Facilities serving 16 or fewer persons
- (4) State Licensed Residential Facility, serving 16 or fewer persons
- (5) Assisted Living Facilities and Nursing Homes

Section 841.1.04. (R3) Accessory Uses. The following accessory uses shall be permitted within the R3 district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Garages or detached private structures, except no such structure shall contain components to constitute a separate complete dwelling unit
- (2) Off-street parking
- (3) Private swimming pools, sport courts, and other common recreational facilities
- (4) Signs, subject to the requirements of the sign ordinance
- (5) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

Section 841.1.05. (R3) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code. Many of these standards may be applied across a coordinated development so that individual lots may not meet all requirements (lot area and impervious surface coverage, for example) but the development as a whole is consistent with the standards. In these situations, the city shall require documentation which describes the property which is subject to the coordinated development.

Subd. 1. Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

Subd. 2. Minimum Net Area per Unit: ~~8,7507,920~~ square feet per unit, except as modified by Subd. 4 below.

Subd. 3. Maximum Net Area per Unit: ~~12,5008,700~~ square feet per unit

Subd. 4. Density Bonuses: Certain design and construction features serve to reduce the real and perceived impacts of crowding prevalent in multiple-residential dwelling units and building complexes. The Minimum Net Area per Unit requirement above may be reduced in accordance to the following, except that reductions shall not exceed 1,700 square feet of

Net Lot Area per unit so that the density after the bonus(es) ~~must be~~ consistent with the Comprehensive Plan.

- (a) Affordable Housing (max. ~~bonus-reduction = 1.5-unit/acre~~ 1,700 square feet of Net Lot Area per Unit). The density bonus shall be based on the proportion of units which will be preserved as affordable housing and the nature of the restriction utilized to maintain affordability.
- (b) LEED Certification or similar (max. ~~bonus-reduction = 1.0-unit/acre~~ 1,220 square feet of Net Lot Area per Unit). The density bonus shall be based upon the level of certification, with the full bonus available for the highest level of certification.
- (c) Low impact development (max. ~~reduction = 1,220 square feet of Net Lot Area per Unit~~ bonus = 1.0-unit/acre). The density bonus shall be based on the water quality improvements above those required by the city.
- (d) Underground Parking (max. ~~reduction = 1,220 square feet of Net Lot Area per Unit~~ bonus = 1.0-unit/acre). The density bonus shall be based upon the number of parking stalls provided, with the full bonus available if at least one underground space is provided per dwelling unit.
- (e) Sound suppression (max. ~~reduction = 660 square feet of Net Lot Area per Unit~~ bonus = 0.5-unit/acre). In order to be eligible, the STC rating must be increased by ten from that specified as the minimum in the Minnesota State Building Code.
- (f) Oversized garages or lockable storage units (max. ~~reduction = 350 square feet of Net Lot Area per Unit~~ bonus = 0.25-unit/acre). Additional storage must be at least ~~100~~ 60 square feet for townhomes or ~~50-25~~ square feet for other uses.
- (g) Common open space and shared recreational facilities (max. ~~reduction = 350 square feet of Net Lot Area per Unit~~ bonus = 0.25-unit/acre)

Subd. 5. Minimum Setback from Perimeter of Site: 20 feet, except as modified below. This setback shall apply to structures, parking, and recreational areas.

- (a) Increase adjacent to less intensive zoning district. The setback adjacent to or across a street from property of a less intensive zoning district shall be increased to 40 feet.
- (b) Increase for required buffer yard. The required setback shall be increased when necessary to abide by buffer yard requirements.

Subd. 6. Street Setbacks: The following yard setback shall be required adjacent to public or private streets. Structures, parking areas, and active recreational areas shall not be located within this setback area. The required yard setback shall be based on the classification of the street in the Comprehensive Plan as follows:

- (a) Private Street: 25 feet, except as follows:
 - (i) Parking areas and recreational areas shall be exempt from this requirement.
 - (ii) Reduction of setback for side- or rear-load garage: The front yard setback may be reduced to 15 feet if garage doors do not face the street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (b) Local Roadway: 40 feet
- (c) Collector or Arterial Roadway: 50 feet

Subd. 7. Minimum Setbacks between buildings within a development: 30 feet

Subd. 8. Maximum Impervious Surface: 50 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented which, according to the City Engineer, exceed stormwater retention and treatment regulations. However, in no case shall impervious surface coverage exceed 65 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

Section 841.1.06. (R3) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The design and development standards of Section 841.4 shall be observed.

Subd. 2. Maximum Building Height: Building height shall not exceed 32 feet.

- (a) Additional height if sprinkled. The maximum building height shall be increased to 35 feet if the structure is equipped with a compliant fire sprinkler.
- (b) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
- (c) Maximum distance from ground to eave. In no case shall the vertical distance from the lowest ground level (at the footprint of the building and eight feet out) to the eave be greater than ~~30~~32 feet.

SECTION 841.2 RESIDENTIAL MULTIPLE FAMILY (R4) DISTRICT

Section 841.2.01. Residential Multiple Family (R4) - Purpose. The purpose of the Residential Multiple Family (R4) district is to provide a zoning district for a mix of townhome and multi-family residential development, designed in a way to protect the natural environment, to be well buffered from adjacent lower density land uses and to implement the objectives of the High Density Residential land use in the city's Comprehensive Plan.

Section 841.2.02. (R4) Permitted Uses. The following shall be permitted uses within the R4 district, subject to applicable provisions of the city code:

- (1) Townhouse Dwellings, provided no structure contains more than twelve dwelling units
- (2) Multiple Family Structures, provided that a development with one or more structures containing more than 20 dwelling units shall install a buffer yard with an opacity at least 0.1 greater than the district requirements described by Section 828.31.
- (3) Parks and Open Space
- (4) Essential services

Section 841.2.03. (R4) Conditional Uses. The following shall be permitted within the R4 district, subject to conditional use permit approval, the specific requirements established in Section 841.4.05, and other applicable provisions of the city code:

- (1) Religious Institutions
- (2) Educational Facilities
- (3) Assisted Living Facilities and Nursing Homes
- (4) Day Care Facilities serving 16 or fewer persons
- (5) State Licensed Residential Facility, serving 16 or fewer persons

Section 841.2.04. (R4) Accessory Uses. The following accessory uses shall be permitted within the R4 district, subject to applicable provisions of the city code and provided such use is subordinate to and associated with a permitted or conditional use:

- (1) Garages or detached private structures, except no such structure shall contain components to constitute a separate complete dwelling unit
- (2) Off-street parking
- (3) Private swimming pools, sport courts, and other common recreational facilities
- (4) Signs, subject to the requirements of the sign ordinance
- (5) Solar Equipment, if affixed to a structure, and in compliance with Section 828.09 subd. 1 of the City Code.

Section 841.2.05. (R4) Lot Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code. Many of these standards may be applied across a coordinated development so that individual lots may not meet all requirements (lot area and impervious surface coverage, for example) but the development as a whole is consistent with the standards. In these situations, the city shall require documentation which describes the property which is subject to the coordinated development.

Subd. 1. Density of Development: Development or redevelopment shall be consistent with the density requirements of the Comprehensive Plan.

Subd. 2. Minimum Net Lot Area per Unit: 3,400 square feet per unit

Subd. 3. Maximum Net Lot Area per Unit: 3,650 square feet per unit

Subd. 4. Density Bonuses: Certain design and construction features serve to reduce the real and perceived impacts of crowding prevalent in multiple-residential dwelling units and building complexes. The Minimum Net Lot Area per Unit requirement above may be reduced in accordance to the following, except that the density after the bonus(es) must be consistent with the Comprehensive Plan.

- (a) Affordable Housing (max. reduction = 500 square feet of Net Lot Area per Unit).
The density bonus shall be based on the proportion of units which will be preserved as affordable housing and the nature of the restriction utilized to maintain affordability.

- (b) LEED Certification or similar (max. reduction = 230 square feet of Net Lot Area per Unit). The density bonus shall be based upon the level of certification, with the full bonus available for the highest level of certification.
- (c) Low impact development (max. reduction = 230 square feet of Net Lot Area per Unit). The density bonus shall be based on the water quality improvements above those required by the city.
- (d) Exceeding building design, landscaping or buffer yard requirements (max. reduction = 230 square feet of Net Lot Area per Unit).
- (e) Sound suppression (max. reduction = 230 square feet of Net Lot Area per Unit). In order to be eligible, the STC rating must be increased by ten from that specified as the minimum in the Minnesota State Building Code.
- (f) Underground Parking (max. reduction = 340 square feet of Net Lot Area per Unit). The density bonus shall be based upon the number of parking stalls provided, with the full bonus available if at least one underground space is provided per dwelling unit.
- (g) Oversized garages or lockable storage units (max. reduction = 110 square feet of Net Lot Area per Unit). Additional storage must be 100 square feet for townhomes or 50 square feet or greater for other uses.
- (h) Common open space and shared recreational facilities (max. reduction = 230 square feet of Net Lot Area per Unit)
- (i) Dwelling unit amenities (max. reduction = 110 square feet of Net Lot Area per Unit). Amenities such as additional bathrooms, fireplaces, etc.

Subd. 5. Minimum Setback from Perimeter of Site: 20 feet, except as modified below. This setback shall apply to structures, parking, and recreational areas.

- (a) Increased setback for three-story buildings. The required structure setback shall be increased to 40 feet if the building exceeds two and one-half stories.
- (b) Increased setback adjacent to less intensive zoning district. The setback adjacent to or across a street from property of a less intensive zoning district shall be increased to 40 feet.
- (c) Increased setback for required buffer yard. The required setback shall be increased when necessary to abide by buffer yard requirements.

Subd. 6. Street Setbacks: The following yard setback shall be required adjacent to public or private streets. Structures, parking areas, and active recreational areas shall not be located within this setback area. The required yard setback shall be based on the classification of the street in the Comprehensive Plan as follows:

- (a) Private Street: 25 feet. Parking areas and recreational areas shall be exempt from this requirement.
- (b) Local Roadway: 40 feet
- (c) Minor Collector Roadway: 50 feet
- (d) Major Collector or Arterial Roadway: 50 feet

Subd. 7. Minimum Setbacks between buildings within a development: 30 feet or the average height of the two structures, whichever is greater

Subd. 8. Maximum Impervious Surface Coverage: 60 percent of the total lot area. Impervious surface coverage may exceed this amount if stormwater management practices are implemented which, according to the City Engineer, exceed stormwater retention and treatment regulations. However, in no case shall impervious surface coverage exceed 70 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

Section 841.2.06. (R4) Design and Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. The design and development standards of Section 841.4 shall be observed.

Subd. 2. Maximum Building Height: Building height shall not exceed 45 feet or three stories, whichever is greater. In the case that a structure is not equipped with a compliant fire sprinkler system, the maximum building height shall be 30 feet.

SECTION 841.3 RESERVED

SECTION 841.4 DESIGN AND DEVELOPMENT STANDARDS FOR MID DENSITY AND MULTIPLE FAMILY RESIDENTIAL DISTRICTS

Section 841.4.01. Generally. The standards of this Section shall apply to the R3 and R4 zoning districts, subject to requirements set forth in other sections of this ordinance. These standards are established to achieve a high standard of development, to create vibrant and high quality neighborhoods, and to protect the natural environment.

Section 841.4.02. Building Materials and Design.

Subd. 1. Building Materials.

- (a) Generally. All exterior building materials shall be durable and consistent with relevant codes, regulations, and other industry standards.
- (b) Accent materials. No less than 20 percent of any façade facing a public or private street shall be an accent material. These materials may include shakes, brick, stone, face brick, decorative concrete, or others approved by the city.
- (c) Multiple Family Structures. No less than 50 percent of the vertical exterior building materials shall be non-combustible material such as brick, face brick, decorative concrete or others approved by the city.

Subd. 2. Garage Doors. In the case that garage doors occupy more than half of the horizontal building façade facing a street, architectural elements shall be provided to reduce the monotonous appearance of garage doors. These elements may include varying the setback of the garage doors, differentiating roof designs, constructing dormers, and installing garage doors with windows or other design elements.

Subd. 3. Building Modulation and Articulation. Buildings shall be modulated a minimum of once per 50 feet of building perimeter to avoid long, monotonous building walls. This may include varying building height, building setback, building orientation, roof pitch, roof design, or significant differences in building materials/design.

Subd. 4. Enclosed Parking. Townhomes shall include garage space with a minimum capacity of two vehicles, and multiple family structures shall include a minimum of one enclosed or underground parking stall per dwelling unit.

Subd. 5. Utilities and Mechanical Equipment. All utilities shall be placed underground. Mechanical and HVAC equipment serving individual dwellings shall be screened, to the extent possible, from all public or private streets as well as from adjacent structures. Equipment which serves more than dwelling unit shall be screened as follows:

- (a) Rooftop Equipment. Equipment shall be screened through the use of architectural elements and materials which are compatible with the overall design of the building. Wood fencing or chain link fencing with slats shall not be permitted.
- (b) Ground Equipment. Equipment shall be screened with walls which are constructed of materials which are compatible with the building or with landscaping which is opaque during the entire year.

Subd. 6. Trash and Recycling Facilities.

- (a) Trash and recycling bins for individual dwelling units shall be stored so not to be prominently visible from streets or neighboring units.
- (b) For other uses, all trash and recycling shall be stored within the principal building, within an accessory structure, or within an enclosed outdoor area easily accessible from the principal structure. The accessory structure or enclosed area shall be constructed of similar materials and have compatible architecture as the principal structure and shall abide by yard setback requirements.

Section 841.4.03. Landscaping Requirements.

Subd. 1. Generally. All areas within a development site shall be landscaped, except for areas occupied by streets, sidewalks, trails, buildings, parking lots, driveways, walks, recreational areas, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, and turf grass. Water conserving alternatives to traditional Kentucky-Bluegrass are encouraged. Properly maintained prairie or natural vegetation is encouraged within common open space and buffer yards. Species with known vulnerability to disease or infestation shall not be permitted. Integrated stormwater management practices, such as vegetative swales, vegetated filter strips, bioretention, and raingardens, shall be considered landscaping and shall be included in the gross acreage of the parcel when calculating impervious surface coverage.

Subd. 2. Building Setting. At least 10 feet of landscaped area shall be provided adjacent to all buildings except for walks, driveways, and plaza/patio space. Walks within this

landscaped area shall be limited to where practically necessary to serve access points of buildings.

Subd. 3. Buffer Yards. Buffer yards shall be required adjacent to less intensive zoning districts and adjacent to collector and arterial roadways. The buffer yard requirements are described in Section 828.31 of the City Code.

Subd. 4. Overstory Deciduous Shade Trees and Coniferous Trees. A minimum of one tree per 60 feet, or fraction thereof, of lot perimeter shall be required. Any lot perimeter for which a buffer yard is required shall be excluded from this calculation.

- (a) Size. Deciduous trees shall not be less than two caliper inches measured four feet off ground, and coniferous trees shall not be less than five feet in height.
- (b) Location. Tree location shall be approved by the city prior to planting.
- (c) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species, as listed within the tree preservation ordinance are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.
- (d) Credit for Preserved Trees. The city may reduce the required number of overstory trees if an applicant preserves more existing trees than required by the Tree Preservation Ordinance, Section 828.41. The city shall determine the amount of credit granted for such existing trees.

Subd. 5. Ornamental Trees. A minimum of one tree per 120 feet, or fraction thereof, of lot perimeter shall be required. Any lot perimeter for which a buffer yard is required shall be excluded from this calculation. One tree per 150 feet shall be required if a water conserving alternative is utilized for the lawn or if bioretention or other low impact development practices are implemented.

- (a) Size. Trees shall not be less than one and one-half caliper inches measured four feet off ground.
- (b) Location. Tree location shall be approved by the city prior to planting.
- (c) Type. Trees shall be suitable for the soil and site conditions and compliment others in the area. Native species are required unless otherwise necessary. No more than 25 percent of trees may be of a single species.

Subd. 6. Understory Shrubs. In addition to trees, a full complement of understory shrubs shall be provided to complete a quality landscape treatment of the lot. Shrubs shall be potted and a minimum of 24 inches. In no instances shall the number of shrubs be less than one per 40 feet, or fraction thereof, of lot perimeter. Any lot perimeter for which a buffer yard is required shall be excluded from this calculation. One shrub per 50 feet shall be required if a water conserving alternative is utilized for the lawn or if bioretention or other low impact development practices are implemented.

Subd. 7. Parking Lot Landscaping. A minimum of eight percent of the total land area within parking areas shall be landscaped. Parking lots with fewer than 10 stalls shall be exempt from these requirements.

- (a) Landscaping at least 12 feet in width shall separate parking lots into cells of no more than 120 stalls.

- (b) Landscaping shall break up rows of parking approximately every 20 spaces.
- (c) Species selection shall be guided by soils conditions and plantings shall be designed in a way which increases the likelihood of long-term survival.
- (d) Where practical, the landscaping areas shall be designed to receive stormwater runoff from the adjacent parking area.

Subd. 8. Maintenance. The developer shall be responsible for establishing a long-term maintenance plan to see that common space and buffer yard landscaping and fencing is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive. Landscape irrigation, where necessary, shall be consistent with water usage regulations.

Subd. 9. Landscaping Guarantee. The developer shall guarantee the growth and maintenance of all plants for a minimum of two growing seasons following an inspection of all completed plantings.

- (a) The developer shall submit a financial guarantee and provide access to the property, in forms acceptable to the city, prior to issuance of any building permit to ensure the planting and survival of the plantings. The developer may transfer responsibility of financial guarantee to another willing entity.
- (b) Any plant which does not survive or has severely declined (for example, 25% of the crown has died in the case of trees) shall be replaced, and the replacement will be guaranteed for an additional two growing seasons. After the additional growing seasons, any new plants which do not survive or have severely declined shall be replaced. After provisions have been made for maintenance of these new plants, the city shall release any remaining financial guarantee.

Subd. 10. Tree Preservation. Removal of significant trees and any construction activity within residential districts shall be subject to the requirements set forth by the City’s Tree Preservation Ordinance Section 828.41.

Section 841.4.05. Supplemental Requirements for Specific Uses within the R-3 and R-4 Residential Zoning Districts. In addition to the general standards specified for conditional uses in section 825.39 of the City Code and other requirements of this ordinance, the following uses shall not be permitted unless the city council determines that all of the specific standards contained in this subdivision will be met:

Subd. 1. Religious Institutions.

- (a) the minimum lot size shall be increased to 4 acres;
- (b) the minimum lot width and depth shall be increased to 300 feet;
- (c) shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet from an intersection with an arterial roadway;
- (d) no exterior bells or loudspeakers;

- (e) buffer yard requirements adjacent to or across a street from property of a less intensive zoning district or the same zoning district shall be increased to an opacity measurement of 0.5. Buffer yard requirements are described in Section 828.31 of the City Code.
- (f) structures shall cover no more than 20 percent of the lot, and the maximum combined floor area of all structures on a property shall not exceed 40,000 square feet;
- (g) sanctuary seating capacity shall not exceed 500 persons;
- (h) the number of persons on-site at any given time shall not exceed two times the capacity of the sanctuary, with the exception of larger events no more than four times per year. The city may place further limitations on the number of persons on-site based on the number of parking stalls provided;
- (i) residential uses shall not be permitted, with the following exceptions:
 - a. housing for clergy employed at the property, as an accessory use. Such housing shall not exceed 4,000 square feet in floor area of habitable space, which shall be counted against the total floor area allowed on a site; or
 - b. continuation of a residential use existing on the property prior to the religious institution being established. Continuation of a residential use shall be limited in term and be subject to Interim Use Permit approval;
- (j) the property shall not be utilized for for-profit purposes, or regularly utilized by for-profit entities;
- (k) playgrounds and outdoor recreational areas shall be set back a minimum of 100 feet from residential property with adequate screening to protect neighboring properties from noise and adverse visual impacts;
- (l) exterior building materials shall consist of the following materials: brick, natural stone, stucco, Exterior Insulation and Finish System or similar product, copper, glass, decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. A maximum of 20 percent of the vertical building exterior may be metal or fiber cement lap siding or other materials approved by the city, if used as accent materials which are integrated into the overall building design.
- (m) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

Subd. 2. Educational Facilities.

- (a) the minimum lot size shall be increased to 4 acres;
- (b) the minimum lot width and depth shall be increased to 300 feet;
- (c) shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet from an intersection with an arterial roadway;

- (d) no exterior bells or loudspeakers;
- (e) buffer yard requirements adjacent to or across a street from property of a less intensive zoning district or the same zoning district shall be increased to an opacity measurement of 0.5. Buffer yard requirements are described in Section 828.31 of the City Code.
- (f) structures shall cover no more than 20 percent of the lot, and the maximum combined floor area of all structures on a property shall not exceed 40,000 square feet;;
- (h) the number of persons on-site at any given time shall not exceed 700, with the exception of larger events no more than four times per year. The city may place further limitations on the number of persons on-site based on the number of parking stalls provided;
- (j) the property shall not be utilized for for-profit purposes, or regularly utilized by for-profit entities;
- (k) playgrounds and outdoor recreational areas shall be set back a minimum of 100 feet from residential property with adequate screening to protect neighboring properties from noise and adverse visual impacts;
- (l) exterior building materials shall consist of the following materials: brick, natural stone, stucco, Exterior Insulation and Finish System or similar product, copper, glass, decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. A maximum of 20 percent of the vertical building exterior may be metal or fiber cement lap siding or other materials approved by the city, if used as accent materials which are integrated into the overall building design.
- (m) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

Subd. 3. Assisted Living Facilities and Nursing Homes.

- (a) shall abut an arterial or a collector roadway;
- (b) parking requirements shall be based on the number of employees of the facility, expected guest visitation and the likelihood of residents owning vehicles. Parking for residents of the facility shall be enclosed or underground, consistent with the requirements of the zoning district;
- (c) sufficient outdoor plaza and recreational areas shall be provided;
- (d) exterior building materials shall consist of the following materials: brick, natural stone, stucco, Exterior Insulation and Finish System or similar product, fiber cement siding, copper, glass, decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. A maximum of 20 percent of the vertical building exterior may be metal, wood, or other materials approved by the

city, if used as accent materials which are integrated into the overall building design.

- (e) the minimum required net lot area per unit shall be reduced by 50% for nursing home, memory care, or similar units which do not include individual kitchens and where residents are not able to drive. In order to reduce the required lot area in this way, an agreement in a form and of substance acceptable to the City is required to be recorded against the property ensuring that the units will remain nursing home or memory care units.
- (f) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

Subd. 4. Day Care Facilities serving 16 or fewer persons

- (a) shall abut an arterial or a collector roadway;
- (b) shall not be operated within a townhome or multiple family dwelling;
- (c) parking requirements shall be based on the number of employees of the facility and the number of clients to be served. Circulation shall be sufficient so drop-off and pick-up of clientele does not interfere with the right-of-way;
- (d) sufficient outdoor recreational areas shall be provided;
- (e) the facility shall meet licensing requirements as required by law;
- (f) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

Subd. 5. State Licensed Residential Facility or housing with services establishment registered under chapter 144D, serving 16 or fewer persons

- (a) shall abut an arterial or a collector roadway;
- (b) shall not be operated within a townhome or multiple family dwelling;
- (c) parking requirements shall be based on the number or residents at the facility as well as the number of employees. Parking for residents of the facility shall be enclosed or underground, consistent with the requirements of the zoning district;
- (d) the facility shall meet licensing requirements as required by law;
- (e) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the surrounding area.

SECTION IV. This ordinance shall become effective upon its adoption and publication.

Adopted by the Medina city council this ___ day of _____, 2018.

Bob Mitchell, Mayor

Attest:

Jodi M. Gallup, City Clerk

Published in the Crow River News on the ___ day of _____, 2018.