

**CITY OF MEDINA**  
**ORDINANCE NO. ###**  
**AN ORDINANCE REGARDING RESIDENTIAL SETBACKS**  
**AND ENCROACHMENTS;**  
**AMENDING CHAPTER 8 OF THE CITY CODE**

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

**SECTION I.** Section 825.21 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 825.21. Required Yards and Open Space.**

**Subd. 1.** No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

**Subd. 2.** No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

**Subd. 3.** The following shall not be considered to be encroachments on yard requirements.

- (a) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than two feet into a yard.
- (b) Yard lights and name plate signs as regulated herein.
- (c) Terraces, steps, uncovered porches, stoops or similar structures which do not extend in elevation above the height of the ground floor elevation of the principal building and do not extend to a distance of less than five feet from any lot line.
- (d) In rear yard: ~~bays not to exceed a depth of two feet nor to contain an area of more than 20 square feet;~~ fire escapes not to exceed a width of three feet; balconies which extend no more than three feet into a yard, breezeways, ~~detached outdoor picnic shelters~~ and recreational equipment, ~~and off-street parking except as regulated in Section 11.05, Subd. 3.~~
- (e) In front or rear yards: bays not to exceed a depth of two feet nor to contain an area of more than 20 square feet.
- (f) Window wells and their associated covers, air conditioning equipment and generators which do not extend into drainage or utility easements.

**Subd. 4.** Buildings may be excluded from side yard requirements if party walls are utilized or if the adjacent buildings are planned to be constructed as an integral structure and a conditional use permit is secured.

**Subd. 5.** Lots which abut on more than one street shall provide the required front yards along every street.

**Subd. 6.** Where adjoining structures existing on the effective date of this Chapter have a different setback from that required, the front setback of a new structure shall conform to the average prevailing setback in the immediate vicinity. On undeveloped lots in the shoreland overlay district which have two (2) adjacent lots with existing principal structures on both such adjacent lots, any new principal structure may be set back the average setback of the adjacent structures from the ordinary high water level but not within the shore impact zone, provided all dimensional and sanitary provisions of this ordinance are met.

**Subd. 7.** In areas served by private wells or private sewage disposal systems, the Zoning Administrator may require larger lots than required by the zoning districts if soil tests indicate that a larger lot is necessary to insure the sanitary function of such system.

**Subd. 8.** Structures utilizing an individual sewage treatment system shall be set back from the ordinary high water level of all public waters designated in section 827.03 of this ordinance the distance required by section 827.06 of this ordinance or such greater distance as may be required by any other applicable ordinance or regulation. No structure, except boat houses, piers, and docks, shall be placed at an elevation such that the lowest level, including basement floors, is less than three feet above the ordinary high water level or the highest known water level, whichever is greater. All structures shall also be constructed in compliance with section 826.75 et seq. of this ordinance.

**Subd. 9.** No building permit shall be issued for any lot or parcel which does not abut a dedicated street, or a private roadway in conformance with City regulations.

**Subd. 10.** No lot area shall be developed with impervious cover such as parking lot or driveway or buildings covering 60% or more of the lot area.

**Subd. 11.** No antenna exceeding a height of 1-1/2 times the principal structure's height or twice the distance of a structure's side yard setback, whichever is less, shall be permitted. All antennas in height five feet above the principal structure shall require a conditional use permit.

**SECTION II.** Section 826.26.6 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 826.26.6. (SR) Lot Area, Height, Lot Width and Yard Requirements.**

**Subd. 1.** No building shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, as defined in section 825.07, subd. 12, except as regulated by Subd. 3 of this section.

**Subd. 2.** The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications set forth in other sections of this ordinance:

- (a) Minimum lot size: 30,000 sq. ft.
- (b) Minimum lot width: 100 feet
- (c) Minimum lot depth: 125 feet
- (d) Front yard setback: 35 feet
- (e) Side yard setback: 15 feet
- (f) Rear yard setback: 40 feet

(g) Increased setback adjacent to Major Collector or Arterial Roadway:

Notwithstanding the setback requirements above, the required yard setback from a property line adjacent to a Major Collector or Arterial Roadway shall be to 50 feet. An uncovered deck which does not extend above the height of the main living level of the structure may encroach up to 10 feet into the increased yard setback adjacent to a Major Collector or Arterial Roadway.

**Subd. 3.** The height of single family detached residences may exceed 30 feet, but may not exceed 40 feet or two and one-half (2 1/2) stories, if the following standards are met:

- (a) Accurate building plans and elevation drawings shall be submitted to the City;
- (b) The residence shall be constructed with side and rear yard setbacks at least twice as great as those specified in Subd. 2 of this section;
- (c) Those portions of the residence greater than 30 feet in height shall be uninhabited and not planned for storage;
- (d) Those portions of the residence greater than 30 feet in height shall be no larger than 500 sq. ft. or shall be divided into spaces no greater than 500 sq. ft. and separated by an approved draft stop.
- (e) The height from the lowest ground level (and 8 feet out) to the eave shall be no greater than 30 feet; and
- (f) There shall be a two (2) story height limitation at the driveway or point of access to the residence.

**SECTION III.** Section 826.35 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 826.35. (UR) Lot Area, Height, Lot Width, and Yard Requirements.**

**Subd. 1.** No buildings hereafter erected shall exceed two and one half (2 1/2) stories or thirty (30) feet in height.

**Subd. 2.** The following minimum requirements shall be observed subject to additional requirements, exceptions, and modifications set forth in other sections of this Ordinance.

Minimum Lot Area (Single-family detached)	9,000 sq. ft.
Minimum Lot Width (Single-family detached)	60 feet
Front Yard	30 feet
Side Yard	10 feet
Rear Yard	30 feet
Minimum Lot Depth	100 feet

**Subd. 3.**

- (a) Where adjoining structures existing on the effective date of this Ordinance have a shorter front setback from that required, the front setback of a new structure shall conform to the average of the front setback observed by the adjoining houses on either side, but not less than 20 feet.
- (b) Notwithstanding the standards set forth in Subd. 2. of this Section, the required yard setback from a property line adjacent to a public or private street shall be based on the classification of the street in the Comprehensive Plan as follows:
  - (1) Minor Collector Roadway: 35 feet
  - (2) Major Collector or Arterial Roadway: 50 feet
  - (3) Notwithstanding the requirements above, an uncovered deck which does not extend above the height of the main living level of the structure may encroach up to 10 feet into the increased yard setback adjacent to a Collector or Arterial Roadway.

**SECTION IV.** Section 840.1.05 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 840.1.05. (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. The minimum lot depth shall be increased to 115 feet for a lot adjacent to a collector or arterial roadway.

**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 a preserved open space or common area, but may not be reduced if abutting 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: 35-40 feet
- (c) Major Collector or Arterial Roadway: 50 feet
- (d) Notwithstanding the requirements above, an uncovered deck which does not extend above the height of the main living level of the structure may encroach up to 10 feet into the increased yard setback adjacent to a Collector or Arterial Roadway.

**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 V.** Section 840.2.05 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 840.2.05. (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. [The minimum lot depth shall be increased to 115 feet for a lot adjacent to a collector or arterial roadway.](#)

**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 a preserved open space or common area, but may not be reduced if abutting 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: 35-40 feet
- (c) Major Collector or Arterial Roadway: 50 feet
- (d) Notwithstanding the requirements above, an uncovered deck which does not extend above the height of the main living level of the structure may encroach up to 10 feet into the increased yard setback adjacent to a Collector or Arterial Roadway.

**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 VI.** Section 841.1.05 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 841.1.05. (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: 7,920 square feet per unit, except as modified by Subd. 4 below.

**Subd. 3.** Maximum Net Area per Unit: 8,700 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 total reductions shall not exceed 1,700 square feet of Net Lot Area per unit to ensure the density after the bonus(es) is consistent with the Comprehensive Plan.

- (a) Affordable Housing (max. reduction = 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. reduction = 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). 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). 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). 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). Additional storage must be at least 60 square feet for townhomes or 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)

**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

~~(e)~~(d) Notwithstanding the requirements above, an uncovered deck may encroach up to 10 feet into the increased yard setback adjacent to a Collector or Arterial Roadway.

**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 VII.** Section 843.04 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 843.04. (MXR-1 and MXR-2) Single Family and Two Family Residential Lot Standards.** The following standards shall be observed for all single-family and two-family residential uses, subject to additional requirements, exceptions and modifications set forth in the City Code.

**Subd. 1.** Density of Development and Number of Units: Development or redevelopment shall be consistent with density and number of unit requirements in the Comprehensive Plan, the approved Mixed Residential Master Plan and Section 843 of the City Code.

**Subd. 2. MXR-1 Subdistrict Lot Standards.**

(a) Minimum Lot Width: 90 feet

(b) Minimum Lot Depth: 90 feet. The minimum lot depth shall be increased to 115 feet for a lot adjacent to a collector or arterial roadway

(c) 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 no garage doors face a street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.

(d) Minimum Rear Yard Setback: 30 feet. The rear yard setback may be reduced to 15 feet if abutting a preserved open space or common area, but may not be reduced if abutting public park property.

(e) Minimum Interior Side Yard Setback: 10 feet

(f) 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: 25 feet.

(c) Collector or Arterial Roadways: 50 feet.

~~(e)~~(d) Notwithstanding the requirements above, an uncovered deck which does not extend above the height of the main living level of the structure may encroach up to 10 feet into the increased yard setback adjacent to a Collector or Arterial Roadway.

(g) Maximum Impervious Surface Coverage: 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 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.

- (h) Maximum Building Height: All buildings shall meet all of the following requirements:
  - (i) 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 suppression system or if interior side yard setbacks are increased by 50 percent.
  - (ii) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
  - (iii) 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 32 feet.
- (i) The standards described in Section 843.04 Subd. 4 shall apply.

**Subd. 3. MXR-2 Subdistrict Lot Standards.**

- (a) Density of Development and Number of Units: Development or redevelopment shall be consistent with density and number of unit requirements in the Comprehensive Plan and the approved Mixed Residential Master Plan.
- (b) Minimum Lot Width (Single Family Detached): 50 feet, except as noted below:
  - (i) The minimum lot width shall be increased to 60 feet for corner lots with a side yard adjacent to a street.
  - (ii) The minimum lot width shall be increased to 70 feet for lots with a side yard adjacent to a collector or arterial roadway.
- (c) Minimum Lot Width (Two Family Dwelling): 50 feet per unit, except as noted below:
  - (i) The minimum lot width shall be increased to 60 feet for corner lots with a side yard adjacent to a street.
  - (ii) The minimum lot width shall be increased to 70 feet for lots with a side yard adjacent to a collector or arterial roadway.
- (d) Minimum Lot Depth: 90 feet. [The minimum lot depth shall be increased to 115 feet for a lot adjacent to a collector or arterial roadway](#)
- (e) Minimum Front Yard Setback: 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 no garage doors face a street and if garage walls facing the street include a window or architectural elements to give the appearance of living space.
- (f) Minimum Rear Yard Setback: 25 feet. The rear yard setback may be reduced to 15 feet if abutting a preserved open space or common area, but may not be reduced if abutting public park property.
- (g) Minimum Interior Side Yard Setback (Single Family Detached): 7.5 feet
- (h) 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.
- (i) 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:
  - (i) Private Street: 25 feet. Parking areas and recreational areas shall be exempt from this requirement.
  - (ii) Local Roadway: 25 feet.
  - (iii) Collector or Arterial Roadways: 50 feet.
  - ~~(iii)~~(iv) Notwithstanding the requirements above, an uncovered deck which does not extend above the height of the main living level of the structure may encroach up to 10 feet into the increased yard setback adjacent to a Collector or Arterial Roadway.
- (j) Maximum Impervious Surface Coverage: 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 60 percent of the lot area remaining after wetlands and stormwater ponds have been excluded.
- (k) Maximum Building Height: All buildings shall meet the following requirements:
  - (i) 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 suppression system or if interior side yard setbacks are increased by 50 percent.
  - (ii) No building shall exceed two and one-half stories in height, with a limitation of two stories facing a street.
  - (iii) 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 32 feet.
- (l) The standards described in Section 843.04 Subd. 4 shall apply.

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

Adopted by the Medina city council this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Kathleen Martin, Mayor

Attest:

\_\_\_\_\_  
Jodi M. Gallup, City Clerk

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