CHAPTER 8

LAND AND BUILDING REGULATIONS

826. ZONING - DISTRICT PROVISIONS

Section 826.01. Zoning Districts. For the purpose of this Section, the City is hereby divided into the following use districts:

Subd. 1. AG - Agricultural Preservation. (Sections 826.07 – 826.15)

Subd. 2. RR - Rural Residential. (Sections 826.09 – 826.25)

Subd. 3. UR - Urban Reserve. (Sections 826.25.1 – 826.25.5)

Subd. 4. RR 1 - Rural Residential 1. (Section 826.26)

Subd. 5. RR 2 - Rural Residential 2. (Section 826.26.1)

Subd. 6. SR - Suburban Residential. (Sections 826.26.2 –826.26.7)

Subd. 7. UR - Urban Residential. (Sections 826.27 – 826.35)

Subd. 8. MR - Multi Family Residential. (Sections 826.37 – 826.45)

Subd. 9. RC - Rural Commercial. (Sections 826.47 – 826.51)

Subd. 10. UC - Urban Commercial. (Sections 826.53 – 826.56)

Subd. 11. RI - Rural Industrial. (Sections 826.59 – 826.63)

Subd. 12. RPS – Rural Public/Semi-Public. (Sections 826.64 – 826.67)

Subd. 13. PS - Public/Semi-Public. (Sections 826.69 – 826.73)

Subd. 14. FP - Floodplain. (Sections 826.74 – 826.97)

Subd. 15. SH - Shoreland. (See Sections 827.01 – 827.07)

Subd. 16. SL - Sanitary Landfill. (See Sections 827.09 – 827.23)

Subd. 17. PUD - Planned Unit Development. (See Sections 827.24 – 827.43)

Section 826.03. Zoning Map. The Zoning Map of the City is hereby adopted by reference as though shown in all details herein. The boundaries of the Districts are hereby established as shown on said Map, provided, however, that minor amendments to the boundaries may be shown by legal description. Said Map shall be kept on file in the office of the City Clerk-Treasurer hereinafter referred to as the "Zoning Map."

Section 826.05. District Boundaries. District boundary lines as indicated on said Map follow lot lines, the center line of streets, the center line of streets projected, the center line of railroad right-of-way, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this Section. If District boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the Zoning Map. Where a district boundary line divides a lot of record which was in single ownership at the time of enactment of this Section and places portions of such lots of record in two or more Use Districts, any position of such lot within 50 feet on either side of such a dividing district boundary line may be used for any use of either Use District; provided, however, if any portion of such lot shall extend beyond the 50 foot limitation, the district line as shown shall prevail.

AGRICULTURE PRESERVATION ZONING DISTRICT (AG)

Section 826.07. Agricultural Preservation Zoning District (AG) - Purpose. The purpose of the agricultural preservation zoning district is to maintain and enhance the use of land for commercial agriculture.

Section 826.09. (AG) Permitted Uses. Within the agricultural preservation zoning district, no structure or land shall be used except for one or more of the following uses:

Subd. 1. Agriculture.

Subd. 2. Essential services.

Subd. 3. Home occupations in conformance with section 825.07 subd. 49 of this ordinance.

Subd. 4. Single family detached residences.

Subd. 5. Landspreading of yard waste in compliance with the conditions of section 828.73 of this ordinance.

Subd. 6. Seasonal produce stands.

Subd. 7. Licensed day care facilities serving 12 or fewer persons.

Subd. 8. Licensed group family day care facilities servicing 14 or fewer children.

Subd. 9. Licensed residential facilities serving six or fewer persons.

Section 826.11. (AG) Conditional Uses. Within the agricultural preservation zoning district, no structure or land shall be used for the following uses except by conditional use permit:

Subd. 1. Home occupations in conformance with section 826.98, Subd. 2 (c) of this ordinance.

Subd. 2. Private use of windmills or wind energy conversion systems (WECS).

Subd. 3. *RESERVED.*

Subd. 4. Accessory Dwelling Units in conformance with section 826.98 subd. 2(p) of this ordinance.

Subd. 5. Other uses similar to those permitted in this subdivision, as determined by the city council.

Section 826.13. (AG) Permitted Accessory Uses. Within the Agricultural Preservation zoning

district, the following uses shall be permitted accessory uses:

Subd. 1. Private garages.
Subd. 2. Fences.
Subd. 3. Gardening and other horticultural uses.
Subd. 4. One lodging room per single family dwelling.
Subd. 5. Private recreation equipment and facilities.
Subd. 6. Private horse facilities, animal structures and kennels.
Subd. 7. Farm buildings and agricultural structures.
Subd. 8. Solar equipment, if affixed to a structure and in compliance with performance standards of section 828.09 subd. 1 of this ordinance.
Subd. 9. Receive only satellite dish antennas and other antennas.
Subd. 10. Other uses customarily associated with but subordinate to a permitted use, as determined by the city council.
Subd. 11. Ground-mounted Solar Equipment, subject to compliance with performance standards of section 828.09 subd. 2(b) of this ordinance.

Section 826.15. (AG) Lot Area, Height, Lot Width, Yard Requirements and Parking.

Subd. 1. Within the agricultural preservation zoning district, no building shall be constructed or used except in conformance with the following:

(a) No building shall exceed two and one half (2-1/2) stories or thirty-five (35) feet in height as defined in section 825.07, subd. 12, except as regulated by subd. 5 of this section. Farm buildings and agricultural structures are not subject to the height restrictions of this ordinance.

(b) The following minimum requirements shall be observed:
a) lot size - 40 acres;
b) lot width - 500 feet;
c) lot depth - 500 feet;
d) front yard setback - 100 feet;
e) side yard setback - 50 feet;
f) rear yard setback - 100 feet.

Subd. 2. Animal structures shall not be erected within 150 feet of any lot line.

Subd. 3. Feed lots, runs, pens, and similar intensively used facilities for animal raising and care shall not be located within 300 feet of any lot line.

Subd. 4. The lot must contain an area of contiguous soils of one or more of the permitted types large enough to support a primary site and an area of contiguous soils for a secondary site for a standard on-site sewage disposal system and both sites must be protected during construction. For newly created lots, the systems must be a standard system as defined by the Medina Individual Sewage Treatment and Disposal ordinance. Alternate systems may be installed only where a standard system has failed and the sewage disposal needs of the site cannot be met through a replacement standard system.

Subd. 5. The height of single family detached residences may exceed 35 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) Those portions of the residence greater than 35 feet in height shall be uninhabited and not planned for storage;

(c) The height from the lowest ground level to the eave shall be no greater than 33 feet; and

(d) There shall be a two (2) story height limitation at the driveway or point of access to the residence.

Subd. 6. Parking. Refer to Section 828.51. Subd. 2.

RURAL RESIDENTIAL ZONING DISTRICT (RR)

Section 826.17. Rural Residential (RR) - Purposes. The purpose of this District is to allow for a "rural life-style" by permitting low-intensity uses, such as single family detached residences, farming, hobby farms, horticulture, conservation of ecologically significant natural resources and passive and private recreational uses.

Section 826.19. (RR) Permitted Uses. Within the Rural Residential District, no structure or land shall be used except for one or more of the following uses:

Subd. 1. Single family detached residences.

Subd. 2. Agricultural land uses, including hobby farms.

Subd. 3. Essential Services.

Subd. 4. Public Recreation.

Subd. 5. Home occupations in compliance with the conditions of Section 825.07, Subd. 49 of this ordinance.

Subd. 6. Stands for the sale of agricultural products provided a majority of said products are raised or grown on the premises.

Section 826.21. (RR) Conditional Uses. Within the Rural Residential District, no structure or land shall be used for the following uses except by conditional use permit:

Subd. 1. Home occupations in compliance with the conditions of Section 826.98, Subd. 2 (c) of this ordinance.

Subd. 2. Cemeteries in compliance with the conditions of section 826.98, subd. 2 (d) of this ordinance.

Subd. 3. Outdoor recreational facilities, including non-commercial parks, golf courses, and driving ranges in compliance with the conditions of section 826.98, subd. 2 (g) of this ordinance.

Subd. 4. Wind Energy Conversion Systems (WECS) in compliance with the conditions of section 826.98, subd. 2 (e) of this ordinance.

Subd. 5. On parcels of 40 acres or larger, a second principal residential dwelling structure.

Subd. 6. Accessory Dwelling Units in conformance with section 826.98 subd. 2(p) of this ordinance.

Section 826.23. (RR) Permitted Accessory Uses. Within any Rural Residential District the following uses shall be permitted accessory uses:

Subd. 1. Garages.

Subd. 2. Fences.

Subd. 3. Gardening and other horticultural uses.

Subd. 4. One lodging room per single family dwelling.

Subd. 5. Recreation equipment.

Subd. 6. Farm building, used principally for agriculture activities.

Subd. 7. Home Occupations in compliance with the conditions of section 825.07, subd. 49 of this ordinance.

Subd. 8. Private riding stable.

Subd. 9. Landspreading of yard waste in compliance with the conditions of section 828.73 of this ordinance.

Subd. 10. Solar equipment, if affixed to a structure and in compliance with performance standards of section 828.09 subd. 1 of this ordinance.

Subd. 11. Beekeeping or apiaries for the private production of honey.

Subd. 12. Maple tree tapping and sap collection for the private production of maple syrup. Outdoor evaporators, flue pans and collection houses under 120 sq. ft. in size shall be considered ancillary to this activity.

Subd. 13. Ground-mounted Solar Equipment, subject to compliance with performance standards of section 828.09 subd. 2(b) of this ordinance.

Section 826.25. (RR) Lot Area, Height, Lot Width, Setbacks, Animal Unit Density Standards, and Parking.

Subd. 1. No building hereafter erected shall exceed 35 feet in height, as defined in section 825.07, subd. 12, except farm buildings and except as regulated by subd. 7 of this section.

Subd. 2. The following minimum lot sizes, width, depth and setback requirements shall be observed, subject to additional requirements, exceptions, and modifications set forth in other sections of this ordinance. For purposes of calculating the amount of contiguous suitable soils available on a lot, only acceptable soils from the Medina Soils List in section 820.29 subd. 5 shall be considered suitable. The amount of contiguous suitable soils shall not include the areas outlined in section 820.29, subd. 4(a).

(a) **Lot Size.** The lot must contain at least five acres of contiguous soils suitable for a standard sewage disposal system as defined in section 720 Individual Sewage Treatment Systems and in section 826.25 subd. 2. The lot must contain a primary and secondary site for an on-site sewage disposal system and both sites must be protected during construction.

(b) **Lot Width** - 300 feet.

(c) **Lot Depth** - 200 feet.

(d) **Front Yard Setbacks** - 50 feet.

(e) **Side Yard Setbacks** –
(1) 50 feet for lots five acres or larger
(2) 20 feet for lots of less than five acres

(f) **Rear Yard Setbacks** –
(1) 50 feet for lots five acres or larger
(2) 40 feet for lots of less than five acres

Subd. 3.

(a) Notwithstanding anything herein to the contrary, a lot shall meet minimum lot size if all the following conditions are met:
(1) Lot of record on July 1, 1999;
(2) Lot contains at least two acres of contiguous soils of one or more of the types listed in section 820.29, subd. 5 of this ordinances; and
(3) Lot contains a primary and a secondary site for an on-site sewage disposal system.

The provisions of this subdivision are in addition to those in section 825.13.

(b) Notwithstanding anything herein to the contrary, a lot shall meet minimum lot width requirements if it was conforming with regard to minimum lot width on March 1, 2006.

Subd. 4. Hard surface coverage may not exceed 40 percent of the lot area, excluding road right-of-way. For purposes of this section, hard surfaces include structures, decks, patios, paved areas, septic and drainfield areas, driveways, parking areas, feed lots, and paddocks. For the purpose of this subdivision, outdoor riding rings shall be given an equivalent factor of 0.6 in determining their hard surface percentages.

A site may exceed the allowable 40 percent of hard surface coverage indicated above, but shall not exceed a maximum amount of 50 percent of the lot area, if the development incorporates various Low Impact Design (LID) features and/or Best Management Practices (BMPs) such that no net increase in runoff occurs from the site, as determined by the City Engineer.

Subd. 5. Animal structure setbacks;

(a) Structures or buildings used to house, exercise or accommodate animals, including paddocks, shall not be erected within 150 feet of any lot line.

(b) Notwithstanding the foregoing, a structure or building to house chickens ("chicken coop") may be erected within 150 feet of any lot line, but may not be erected within 50 feet of any lot line, provided the following standards are met:

i. No person shall keep a rooster or crowing hen unless the chicken coop is located 150 feet or more from lot lines.

ii. No person shall keep more than eight chickens unless the chicken coop is located 150 feet or more from lot lines.

iii. Chicken coops and/or runs shall be kept clean and in good repair so as to not constitute a nuisance.

iv. A chicken coop located less than 150 feet from a lot line shall not exceed 200 square feet in area.

v. Permit required. No chicken coop of any size may be erected less than 150 feet from a lot line until the owner has received a chicken coop permit.

Subd. 6. Feed lots, runs, pens, and similar intensively used facilities for animal raising and care shall not be located within 300 feet of any property line, 100 feet of wetlands or 300 feet of any shoreland or stream, and shall be subject to the following additional standards:

(a) The subject site shall incorporate various Low Impact Design (LID) features and/or Best Management Practices (BMPs) that provide for the most effective means of manure management, such that no net increase in runoff occurs from the site as determined by the City Engineer.

(b) The subject site shall construct a concrete manure containment or composting area, the design of which shall be consistent with the recommendations of the University of Minnesota Extension Service. Owners of a feed lot shall provide a schedule for removal of manure or compost from affected sites, subject to the approval by the City.

(c) A grading plan shall be submitted and approved by the City in accordance with the recommendations of the University of Minnesota Extension Service and approved by the City Engineer. Said plan shall clearly demonstrate that storm water runoff from the hard surfaces on the property is directed away from the feed lot area and manure containment area, and any surrounding wetlands, streams or lakes, and the site must maintain these drainage patterns to the satisfaction of the City;

(d) The site shall include runoff retention and vegetative infiltration systems, consistent with the recommendations of the University of Minnesota Extension Service and as approved by the City, down slope from the feed lot and manure containment area. The vegetation adjacent to any wetlands shall be subject to the city's wetland protection ordinance. and

(e) a pasture management program shall be instituted in accordance with the recommendation of the University of Minnesota Extension Service and as approved by the City.

Subd. 7. The height of single family detached residences may exceed 35 feet, but may not exceed 40 feet, if the following standards are met:

(a) Accurate building plans and elevation drawings shall be submitted to the City;

(b Those portions of the residence greater than 35 feet in height shall be uninhabited and not planned for storage;

(c) The height from the lowest ground level to the eave shall be no greater than 33 feet; and

(d) There shall be a two-story height limitation at the driveway or point of access to the residence.

Subd. 8. Animal Unit Density Standards.

(a) The purpose of the following animal density standards are to promote and preserve the natural resources within the City of Medina by regulating the keeping of livestock. Erosion as a result of overgrazing and leeching of manure into groundwater have adverse and potentially irreversible impacts on water quality and environmentally sensitive lands.

(b) Livestock or traditional farm animals are permitted on properties two acres or larger at a maximum density of one animal unit for the first two Grazable Acres of land and one additional animal unit for each Grazable Acre of land thereafter. For properties less than two acres, the maximum number of animal units shall be 0.1

(c) Property owners shall be responsible for management and proper disposal of all animal waste.

(d) The number of permitted animals shall be determined by the following table:

TYPE OF ANIMAL	ANIMAL UNITS
One mature cow, over 1,000 lbs.	1.4
One mature cow, under 1,000 lbs.	1.0
One cow and calf pair	1.2
One calf	0.2
One slaughter steer	1.0
One head of feeder cattle or heifer	0.7
One hog/swine over 300 lbs.	0.5
One hog/swine under 300 but greater than 55 lbs.	0.3
One hog/swine under 55 lbs.	0.05
One mature horse/mule/donkey	1.0
One mature horse with foal pair	1.5

One foal	0.5
One sheep/lamb/goat	0.1
One llama or alpacas	0.5
One domestic chicken/duck or similar fowl	0.01
The number of animal units for animals that are not listed above shall be determined by taking the average weight of the animal in pounds and dividing it by 1000 pounds.	

(e) Animal units in excess of those permitted above may be allowed by conditional use permit, subject to the conditions of Section 826.98 Subd. 2 (o) of this ordinance.

Subd. 9. Parking. Refer to Section 828.51. Subd. 2.

RURAL RESIDENTIAL URBAN RESERVE ZONING DISTRICT (RR-UR)

Section 826.25.1. Rural Residential-Urban Reserve (RR-UR) Purpose. The purpose of this district is to provide a zoning district which is consistent with the area guided for future residential or mixed-use development in the city's comprehensive plan. The district includes areas which are not currently served by municipal urban services but are planned to be at some time in the future. Development within the RR-UR district shall be limited as specified in this section of the ordinance in order to accommodate efficient future development.

Section 826.25.2 (RR-UR) Permitted Uses. Within the Urban Reserve district, no structure or land shall be used except for one or more of the following uses:

Subd. 1. Single family detached residences.

Subd. 2. Agricultural land uses, including hobby farms.

Subd. 3. Essential Services.

Subd. 4. Public Recreation.

Subd. 5. Home occupations in compliance with the conditions of Section 825.07, subdivision 49 of this ordinance.

Subd. 6. Stands for the sale of agricultural products provided a majority of said products are raised or grown on the premises.

Section 826.25.3. (RR-UR) Conditional Uses. Within the Urban Reserve district, no structure or land shall be used for the following uses except by conditional use permit:

Subd. 1. Home occupations in compliance with the conditions of section 826.98, subd. 2 (c) of this ordinance.

Subd. 2. Cemeteries in compliance with the conditions of section 826.98, subd. 2 (d) of this ordinance.

Subd. 3. Outdoor recreational facilities, golf courses, and driving ranges in compliance with the conditions of section 826.98, subd. 2 (g) of this ordinance.

Subd. 4. Wind Energy Conversion Systems (WECS) in compliance with the conditions of section 826.98, subd. 2 (e) of this ordinance.

Subd. 5. Accessory Dwelling Units in conformance with section 826.98 subd. 2(p) of this ordinance.

Section 826.25.4. (RR-UR) Permitted Accessory Uses. Within the Urban Reserve district, the

following uses shall be permitted accessory uses when used in conjunction with a principal structure:

Subd. 1. Garages.

Subd. 2. One lodging room per single family dwelling.

Subd. 3. Recreation equipment.

Subd. 4. Farm building used principally for agriculture activities.

Subd. 5. Home occupations meeting the definition of section 825.07, subd. 49 of this ordinance.

Subd. 6. Private riding stable.

Subd. 7. Landspreading of yard waste in compliance with the conditions of section 828.73 of this ordinance.

Subd. 8. Solar equipment, if affixed to a structure and in compliance with the performance standards of section 828.09 subd.1 of this ordinance.

Subd. 9. Ground-mounted Solar Equipment subject to compliance with performance standards of section 828.09 subd. 2(b) of this ordinance.

Section 826.25.5. (RR-UR) Lot Area, Height, Lot Width Setbacks, Animal Unit Density Standards, and Parking.

Within the Urban Reserve district, the following development standards shall apply:

Subd. 1. No building hereafter erected shall exceed two and one half stories or 35 feet in height, as defined in section 825.07, subd. 12, except for farm buildings and except as regulated by subdivision 7 of this section.

Subd. 2. The following minimum lot sizes, width, depth and setback requirements shall be observed, subject to additional requirements, exceptions, and modifications set forth in other sections of this ordinance. For purposes of calculating the amount of contiguous suitable soils available on a lot, only acceptable soils from the Medina Soils List in section 820.29 subd. 5 shall be considered suitable. The amount of contiguous suitable soils shall not include the areas outlined in section 820.29 subd. 4(a).

(a) **Lot Size** - 20 acres with at least five acres of contiguous soils suitable for a standard individual sewage disposal system as regulated by section 720 Individual Sewage Treatment Systems et seq. of this ordinances. The lot must contain a primary and secondary site for an on-site sewage disposal system and both sites must be protected during construction.

(b) **Lot Width** – 300 feet.

(c) **Lot Depth** – 200 feet.

(d) **Front Yard Setbacks** – 50 feet.

(e) **Side Yard Setbacks** –
(1) 50 feet for lots five acres or larger
(2) 20 feet for lots of less than five acres

(f) **Rear Yard Setbacks –**
(1) 50 feet for lots five acres or larger
(2) 40 feet for lots of less than five acres

(g) **Setbacks from Commercial Zoning Districts** – 75 feet.

Subd. 3. Notwithstanding anything herein to the contrary, lots of less than 20 acres may be established in compliance with one of the following:
(a)

(1) all lots must meet all requirements of section 826.25, subd. 2 and section 820.29 subd. 4(a) and subd. 5 of this ordinance and an overlay or ghost plat must be submitted at the time of application for subdivision approval which demonstrates the feasibility of subdividing the lot in the future at a density of no less than three dwelling units per buildable acre. For purposes of this subdivision, buildable acres includes the gross area of the lot minus open water, wetlands, rights-of-way and drainage and utility easements; or

(2) smaller lots may be created through a planned unit development consistent with the provisions of section 827.24 et seq. of this ordinance and with the intent of this section.

(b) Notwithstanding anything herein to the contrary, a lot shall meet minimum lot width requirements if it was conforming with regard to minimum lot width on March 1, 2006.

Subd. 4. Hard surface coverage may not exceed 20 percent of the lot area, excluding road right-of-way. For purposes of this section, hard surfaces include structures, decks, patios, paved areas, septic and drainfield areas, driveways, parking areas, feed lots and paddocks. For the purpose of this subdivision, outdoor riding rings shall be given an equivalent factor of 0.6 in determining their hard surface percentages.

A site may exceed the allowable 20 percent of hard surface coverage indicated above, but shall not exceed a maximum amount of 30 percent of the lot area, if the development incorporates various Low Impact Design (LID) features and/or Best Management Practices (BMPs) such that no net increase in runoff occurs from the site, as determined

by the City Engineer.

Subd. 5. Animal structure setbacks;

(a) Structures or buildings used to house, exercise or accommodate animals, including paddocks, shall not be erected within 150 feet of any lot line.

(b) Notwithstanding the foregoing, a structure or building to house chickens ("chicken coop") may be erected within 150 feet of any lot line, but may not be erected within 50 feet of any lot line, provided the following standards are met:

(i) No person shall keep a rooster or crowing hen unless the chicken coop is located 150 feet or more from lot lines.

(ii) No person shall keep more than eight chickens unless the chicken coop is located 150 feet or more from lot lines.

(iii) Chicken coops and/or runs shall be kept clean and in good repair so as to not constitute a nuisance.

(iv) A chicken coop located less than 150 feet from a lot line shall not exceed 200 square feet in area.

(v) Permit required. No chicken coop of any size may be erected less than 150 feet from a lot line until the owner has received a chicken coop permit.

Subd. 6. Feed lots, runs, pens, and similar intensively used facilities for animal raising and care shall not be located within 300 feet of any property line, 100 feet of wetlands and 300 feet of any shoreland or stream, and subject to the following additional standards:

(a) The subject site shall incorporate various Low Impact Design (LID) features and/or Best Management Practices (BMPs) that provide for the most effective means of manure management, such that no net increase in runoff occurs from the site, as determined by the City Engineer.

(b) The subject site shall construct a concrete manure containment or composting area, the design of which shall be consistent with the recommendations of the University of Minnesota Extension Service. Owners of a feed lot shall provide a schedule for removal of manure or compost from affected sites, subject to the approval by the City.

(c) A grading plan shall be submitted and approved by the City in accordance with the recommendations of the University of Minnesota Extension Service and approved by the City Engineer. Said plan shall clearly demonstrate that storm water runoff from the hard surfaces on the property is directed away from the feed lot area and manure containment area, and surrounding wetlands, streams or lakes (if any) and the site must maintain these drainage patterns to the satisfaction of the City; and

(d) The site shall install runoff retention and vegetative infiltration systems, consistent with the recommendations of the University of Minnesota Extension Service and as approved by the City, down slope from the feed lot and manure containment

area. The vegetation adjacent to any wetlands shall be subject to the city's wetland protection ordinance.

(e) Diligent effort shall be made to prevent the cribbing of trees in or near pastures, and efforts to maintain grass in the pastures by limiting use thereof as appropriate and by providing supplemental feed to prevent over grazing by instituting a pasture management program in accordance with the recommendation of the University of Minnesota Extension Service and as approved by the City.

Subd. 7. The height of single family detached residences may exceed 35 feet, but may not exceed 40 feet, if the following standards are met:

(a) Accurate building plans and elevation drawings shall be submitted to the city;

(b) Those portions of the residence greater than 35 feet in height shall be uninhabited and not planned for storage;

(c) The height from the lowest ground level to the eave shall be no greater than 33 feet; and

(d) There shall be a two story height limitation at the driveway or point of access to the residence.

Subd. 8. Animal Unit Density Standards.

(a) The purpose of the following animal density standards are to promote and preserve the natural resources within the City of Medina by regulating the keeping of livestock. Erosion as a result of overgrazing and leeching of manure into groundwater have adverse and potentially irreversible impacts on water quality and environmentally sensitive lands.

(b) Livestock or traditional farm animals are permitted on properties two acres or larger at a maximum density of one animal unit for the first two Grazable Acres of land and one additional animal unit for each Grazable Acre of land thereafter. For properties less than two acres, the maximum number of animal units shall be 0.1

(c) Property owners shall be responsible for management and proper disposal of all animal waste.

(d) The number of permitted animals shall be determined by the following table:

TYPE OF ANIMAL	ANIMAL UNITS
One mature cow, over 1,000 lbs.	1.4
One mature cow, under 1,000 lbs.	1.0

One cow and calf pair	1.2
One calf	0.2
One slaughter steer	1.0
One head of feeder cattle or heifer	0.7
One hog/swine over 300 lbs.	0.5
One hog/swine under 300 but greater than 55 lbs.	0.3
One hog/swine under 55 lbs.	0.05
One mature horse/mule/donkey	1.0
One mature horse with foal pair	1.5
One foal	0.5
One sheep/lamb/goat	0.1
One llama or alpacas	0.5
One domestic chicken/duck or similar fowl	0.01
The number of animal units for animals that are not listed above shall be determined by taking the average weight of the animal in pounds and dividing it by 1000 pounds.	

(e) Animal units in excess of those permitted above may be allowed by conditional use permit, subject to the conditions of Section 826.98 Subd. 2 (o) of this ordinance.

Subd. 9. Parking. Refer to Section 828.51. Subd. 2.

RURAL RESIDENTIAL 1 ZONING DISTRICT (RR 1)

Section 826.26. Rural Residential 1 (RR 1).

Subd. 1. The purpose of the RR 1 district is to provide a district which is similar to the RR - Rural Residential district but which allows differences in development standards in recognition of the proximity of the district to areas which are densely developed or zoned for dense development and to major transportation corridors.

Subd. 2. All development standards applicable to the RR district contained in sections 826.17 through Section 826.25, inclusive, shall apply to the RR 1 district, except as modified by the provisions described in section 826.26, subd. 3 below.

Subd. 3. The following provisions shall apply to the RR 1 district:

(a) The minimum Side Yard Setback shall be 20 feet, except for structures or buildings used to house, exercise, or accommodate animals as described in clause (b) below.

(b) Structures or buildings used to house, exercise or accommodate animals in the RR 1 district shall be subject to the following:

(i) All structures shall be set back at least 75 feet from all property lines and at least 150 feet from any street or right-of-way;

(ii) No structure shall exceed 1,000 square feet of gross floor area;

(iii) All structures shall be of a design which is compatible with the principal structure;

(iv) No structure shall be erected prior to construction of a principal building;

(v) No structure shall be used to house any type of livestock except horses;

(vi) No structure shall be used to house more than two horses, except that a third horse which is the foal of one of said two horses may be kept on the premises for a period not to exceed six months during any 12 month period; and

(vii) The owners of structures or buildings used to house, exercise or accommodate animals approved pursuant to this section shall comply with the requirements of section 330 of the city code regarding removal of manure.

(viii) Notwithstanding the foregoing, a structure or building to house chickens ("chicken coop") may be erected within 75 feet of any lot line, but may not be erected within 50 feet of any lot line, provided the following standards are met:

(1) No person shall keep a rooster or crowing hen unless the chicken coop is located 150 feet or more from lot lines.

(2) No person shall keep more than eight chickens unless the chicken coop is located 150 feet or more from lot lines.

(3) Chicken coops and/or runs shall be kept clean and in good repair so as to not constitute a nuisance.

(4) A chicken coop located less than 150 feet from a lot line shall not exceed 200 square feet in area.

(5) Permit required. No chicken coop of any size may be erected less than 150 feet from a lot line until the owner has received a chicken coop permit.

Subd. 4. No RR 1 district shall be created unless it shall be in compliance with all of the following:

(a) minimum of 100 contiguous acres;

(b) minimum of 30 lots;

(c) located wholly or partially within 2,640 feet of an area containing at least 50 lots which do not meet current city standards for lot size or dimensions;

(d) located wholly or partially within 2,640 feet of an area zoned UR Urban Residential or MR Multi Family Residential; and

(e) located wholly or partially within 2,640 feet of a principal or intermediate arterial roadway, as designated in the city's comprehensive plan.

Subd. 5. Structures or buildings used to house, exercise or accommodate animals which exceed 1,000 square feet of gross floor area or are used to house more than two horses may be constructed on any lot so long as they are located at least 150 feet from any property line.

RURAL RESIDENTIAL 2 ZONING DISTRICT (RR 2)

Section 826.26.1. Rural Residential - 2 (RR-2).

Subd. 1. Purpose. The purpose of the RR-2 district is to provide a zoning district which is the same as the Rural Residential (RR) district but which also permits commercial riding stables, subject to the conditions in subdivision 2.

Subd. 2. In addition to the requirements of Section 825.39 or Sections 827.24 et seq., no commercial riding stable may be established in the RR-2 district except in compliance with the following:

(a) minimum lot size is 15 acres including roads and 12 acres excluding roads;

(b) minimum lot area is .5 acres per horse kept on the property excluding roads;

(c) hard surface coverage may not exceed 40 percent of the lot area, excluding roads. For the purposes of this section, hard surface include structures, paved areas, septic and drainfield areas, driveways and parking areas, outdoor arenas, and paddocks. Hard surface coverage of structures, paved areas, driveways and parking areas may not exceed 10 percent of the lot area excluding roads;

(d) there shall be a primary residential structure located on the property;

(e) there shall be identified and acceptable primary and alternate septic sites on the property which are sized for the maximum anticipated usage of a commercial stable based on the stable capacity of horses and which follows section 720 Individual Sewage Treatment Systems;

(f) all animal feed and bedding shall be stored within an enclosed building;

(g) the subject site shall incorporate various Low Impact Design (LID) features and/or Best Management Practices (BMPs) that provide for the most effective means of manure management, such that no net increase in runoff occurs from the site, as determined by the City Engineer.

(h) the subject site shall construct a concrete manure containment or composting area, the design of which shall be consistent with the recommendations of the University of Minnesota Extension Service. Owners of a feed lot shall provide a schedule for removal of manure or compost from affected sites, subject to the approval by the City.

(i) a grading plan shall be submitted and approved by the City in accordance with the recommendations of the University of Minnesota Extension Service and approved by the City Engineer. Said plan shall clearly demonstrate that storm water runoff from the hard surfaces on the property is directed away from the feed lot area and

manure containment area, and surrounding wetlands, streams or lakes (if any) and the site must maintain these drainage patterns to the satisfaction of the City; and

(j) the site shall install runoff retention and vegetative infiltration systems, consistent with the recommendations of the University of Minnesota Extension Service and as approved by the City, down slope from the feed lot and manure containment area. The vegetation adjacent to any wetlands shall be subject to the city's wetland protection ordinance.

(k) diligent effort shall be made to maintain grass in the pastures by limiting use thereof as appropriate and by providing supplemental feed to prevent over grazing, and sites shall institute a pasture management program shall be instituted in accordance with the recommendation of the University of Minnesota Extension Service and as approved by the City.

(l) paddocks shall be separated by a minimum distance of 10 feet and planted with grass;

(m) all parking shall occur on-site but may not occur on the primary or alternate septic sites or on any green area;

(n) the number of shows or other events permitted at the stable will be subject to the requirements of the city's special event ordinance;

(o) no outdoor speakers may be used except as permitted by the city council in connection with a special event;

(p) all stables shall have indoor sanitary facilities for persons residing or working on the property and must provide supplemental temporary facilities during events and other appropriate times;

(q) exterior lighting shall be designed and installed so that the light source is recessed and enclosed on all sides except the bottom so that no light is cast directly or indirectly on any other property and so that the light source cannot be seen from adjacent property;

(r) all requirements of the fire code and fire marshal shall be met;

(s) trash containers shall be located inside or screened in an acceptable manner;

(t) hours of operation and the number of permitted employees will be determined by the city council after consideration of the impact on adjacent properties;

(u) food consumed on site at permitted events or shows shall be prepared in accordance with all applicable state and county health codes and regulations;

(v) there may not be living quarters in a barn unless there is an approved and operational septic system;

(w) stable operators are responsible for preventing trespassing on adjacent properties by patrons and horses;

(x) the maximum number of horses allowed for the commercial riding stable shall be determined by the city council; and

(y) the commercial riding stable site shall have primary access or frontage off a major collector road system or higher classification roadway, as determined by the adopted Functional Classification of Roadways map in the city's comprehensive plan.

Subd. 3. Permitted Uses. The uses permitted in the RR-2 district are the same as those set forth in Section 826.19 for the RR district.

Subd. 4. Conditional Uses. The uses permitted by conditional use permit in the RR-2 district are the same as those set forth in Section 826.21 for the RR district and commercial riding stables.

Subd. 5. Permitted Accessory Uses. The accessory uses permitted within the RR-2 district are the same as those set forth in Section 826.23 for the RR district.

Subd. 6. Lot Area and Dimensions; Setbacks and Building Heights. The lot area and dimension, setback and building height standards for the RR-2 district are the same as those set forth in Section 826.25 for the RR district, except as Section 826.26.1, subd. 2, may specify otherwise. In addition, paddocks must be set back a minimum of 10 feet from all property lines except those adjacent to public roads.

SUBURBAN RESIDENTIAL ZONING DISTRICT (SR)

Section 826.26.2. Suburban Residential (SR) - Purpose. The purpose of the Suburban Residential district is to provide a district for single family detached dwellings in areas served by sanitary sewer and water at densities which provide a buffer between rural residential areas and those areas which have developed as urban residential districts.

Section 826.26.3. (SR) Permitted Uses. Within the Suburban Residential district no structure or land shall be used except for one or more of the following uses:

Subd. 1. Single family detached residences.

Subd. 2. *RESERVED*

Subd. 3. Essential services.

Subd. 4. Public recreation.

Subd. 5. Home occupations in compliance with the conditions of Section 825.07, subd. 49 of this ordinance.

Subd. 6. Licensed residential care facilities serving six or fewer persons.

Subd. 7. Licensed day care facilities serving 12 or fewer persons.

Section 826.26.4. (SR) Conditional Uses. Within the Suburban Residential district, no structure or land shall be used for the following uses except by conditional use permit:

Subd. 1. Local government buildings.

Subd. 2. Churches and other places of worship.

Subd. 3. Home occupations in compliance with the conditions of Section 826.98, Subd. 2 (c) of this ordinance.

Subd. 4. Cemeteries.

Subd. 5. Outdoor recreational facilities, including non-commercial parks, golf courses, and driving ranges.

Subd. 6. Private use of windmills or wind energy conservation systems (WECS).

Subd. 7. RESERVED.

Subd. 8. RESERVED.

Subd. 9. Public or private schools having a course of instructions approved by the Minnesota board of education for students enrolled in preschool through grade 12 or any portion thereof.

Subd. 10. Accessory Dwelling Units located within the principal structure and in conformance with section 826.98 subd. 2(p) of this ordinance.

Section 826.26.5. (SR) Accessory Uses. Within the Suburban Residential district the following uses shall be permitted accessory uses:

Subd. 1. Detached garages, storage sheds and greenhouses not exceeding 1,000 sq. ft.

Subd. 2. Fences.

Subd. 3. Gardening and other non-commercial horticultural uses.

Subd. 4. Recreational equipment.

Subd. 5. Swimming pools.

Subd. 6. Receive only satellite dish antennas.

Subd. 7. Solar equipment, if affixed to a structure and in compliance with performance standards of section 828.09 subd. 1 of this ordinance.

Section 826.26.6. (SR) Lot Area, Height, Lot Width, Yard Requirements and Parking.

Subd. 1. No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) 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 unroofed deck with a floor no higher than the main 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 35 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) The height from the lowest ground level to the eave shall be no greater than 33 feet; and

(e) There shall be a two (2) story height limitation at the driveway or point of access to the residence.

Subd. 4. Parking. Refer to Section 828.51. Subd. 2.

Section 826.26.7. (SR) Additional Requirements.

Subd. 1. All dwellings shall have a depth of at least 20 feet for at least 50 percent of their width. All dwellings shall have a width of at least 20 feet for at least 50 percent of their depth.

Subd. 2. All dwellings shall have a permanent foundation in conformance with the Minnesota state building code.

URBAN RESIDENTIAL ZONING DISTRICT (UR)

Section 826.27. Urban Residential (UR) - Purpose. The major purpose of this district is to allow the continuation of existing residential development and in filling of existing lots in the older residential areas of the City where central sewer and water systems are available.

Section 826.29. (UR) Permitted Uses. Within any Urban Residential District, no structure or land shall be used except for one or more of the following uses:

Subd. 1. Single family detached residences.

Subd. 2. Community center.

Subd. 3. Public recreation.

Subd. 4. Essential services.

Subd. 5. A State Licensed Community Residential Facility servicing six (6) or fewer mentally retarded or physically handicapped persons.

Section 826.31. (UR) Conditional Uses. Within any Urban Residential District, no structure or land shall be used for the following uses except by Conditional Use Permit:

Subd. 1. Churches and other places of worship.

Subd. 2. Local government buildings.

Subd. 3. Home occupations in compliance with the requirements of section 826.98, Subd. 2 (c) of this ordinance.

Subd. 4. Cemeteries.

Subd. 5. Public, private or charter schools having a course of instruction approved by the Minnesota department of education for students enrolled in K through grade 12 or any portion thereof.

Subd. 6. Accessory Dwelling Units located within the principal structure and in conformance with section 826.98 subd. 2(p) of this ordinance.

Section 826.33. (UR) Permitted Accessory Uses. Within the Urban Residential District the following uses shall be permitted accessory uses:

Subd. 1. Off-street parking space not to exceed three spaces per dwelling unit.

Subd. 2. Garages.

Subd. 3. Fences.

Subd. 4. Gardening and other horticultural uses where no sale of products is conducted on the site.

Subd. 5. Recreation equipment.

Subd. 6. Home Occupations in compliance with the requirements of section 825.07, subd. 49 of this ordinance.

Subd. 7. Solar equipment, if affixed to a structure and in compliance with performance standards of section 828.09 subd. 1 of this ordinance.

Section 826.35. (UR) Lot Area, Height, Lot Width, Yard Requirements, and Parking.

Subd. 1. No buildings hereafter erected shall exceed two and one half (2 l/2) stories or thirty-five (35) 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 unroofed deck with a floor no higher than the main level of the structure may encroach up to 10 feet into the increased yard setback adjacent to a Collector or Arterial Roadway.

Subd. 4. Parking. Refer to Section 828.51. Subd. 2.

MULTI-FAMILY RESIDENTIAL ZONING DISTRICT (MR)

Section 826.37. Multi-Family Residential (MR) - Purpose. The MR Multiple family districts are intended to provide a district which will allow multiple-family dwellings where proper relationships to other land uses and adequate transportation services exist.

Section 826.39. (MR) Permitted Uses. Within any Multi-family Residential District, no structures or land shall be used except for one or more of the following uses:

Subd. 1. Multiple dwelling unit structures under 35 feet in height.

Subd. 2. Two family dwellings.

Subd. 3. Townhouses.

Subd. 4. Public recreation.

Subd. 5. Community Residential Facilities subject to the following conditions:

(a) It shall not be located in a two-family dwelling.

(b) No more than 16 community residential facility residents may be housed in excess of the persons allowed by the definition of "family," except that structures designed or newly built specifically for such use may allow a greater number provided that all other conditions of the Conditional Use Permit are met.

(c) The minimum lot size is that prescribed for one-family dwellings.

(d) A minimum distance of 300 feet will be required between lots used for community residential facilities.

Section 826.41. (MR) Conditional Uses. Within the Multi-family Residential District, no structure or land shall be used for the following uses except by conditional use permit:

Subd. 1. Multiple dwelling unit structures over 30 feet in height.

Subd. 2. Clinics, nursing homes and small animal clinics.

Subd. 3. Nursery Schools.

Subd. 4. Churches and other places of worship.

Subd. 5. Cemeteries.

Subd. 6. Public, private or charter schools having a course of instruction approved by the Minnesota department of education for students enrolled in K through grade 12 or any portion thereof.

Subd. 7. Local government buildings.

Section 826.43. (MR) Permitted Accessory Uses. Within any MR District, the following uses shall be permitted accessory uses:

Subd. 1. Same as UR.

Section 826.45. (MR) Lot Area, Height, Lot Width, Yard Requirements, and Parking.

Subd. 1. Height limit: 35 feet.

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 Square Footage per Family Unit (townhouses)	6,000 sq. ft.
(b) Minimum Square Footage per Family Unit (Multi-family Structures)	
(i) 1 bedroom	2,400 sq. ft.
(ii) 2 bedroom	3,000 sq. ft.
(iii) 3 bedroom	4,500 sq. ft.
(iv) 4 bedroom	6,000 sq. ft.
(c) Minimum Lot Width (Multi-family)	100 ft.
(d) Minimum Front Yard	50 ft.
(e) Minimum Side Yard	One-half height of building or 15 ft., whichever is greater.
(f) Rear Yard	40 ft. The rear yard setback may be reduced to 20 feet if abutting a preserved open space or common area.

Subd. 3. Parking. Refer to Section 828.51. Subd. 2.

RURAL COMMERCIAL ZONING DISTRICT (RC)

Section 826.47. Rural Commercial (RC) - Purpose. The purpose of the Rural Commercial District is to recognize development opportunity and need for commercial establishments fronting on or with immediate access to major highways. Permitted land uses should take advantage of the highway access in a manner which other business districts are not afforded and respect the lack of urban services. Also acceptable are quasi-industrial and wholesale enterprises that do not meet an industrial setting and have considerable customer contact.

Section 826.48. (RC) Permitted Uses. Within the Rural Commercial District, land may be used for landspreading of yard waste in compliance with the conditions of section 828.73 of this ordinance.

Section 826.49. (RC) Conditional Uses. Within any Rural Commercial District, no structure or land may be used for the following uses except by conditional use permit:

Subd. 1. Auto Sales, service and repair.
Subd. 2. Cultural and fraternal organizations.
Subd. 3. Commercial recreation.
Subd. 4. Drive-in retail and service business.
Subd. 5. Funeral homes.
Subd. 6. Liquor stores.
Subd. 7. Motor Fuel Stations without a car wash.
Subd. 8. Offices and banks.
Subd. 9. Open Sales Lot.
Subd. 10. Public buildings.
Subd. 11. Service Shops.
Subd. 12. Supply Yards.
Subd. 13. Wholesale Businesses.
Subd. 14. Any incidental repair or processing necessary to conduct a permitted principal use.
Subd. 15. Private garages, off-street.
Subd. 16. Parking, loading spaces.
Subd. 17. Temporary construction buildings.
Subd. 18. Decorative landscape features.
Subd. 19. Public telephone booths.
Subd. 20. Adult establishments as defined in section 645 of the Medina City Code.
Subd. 21. Telecommunication towers and facilities as regulated by sections 828.75 et seq. of the Medina City Code.

Section 826.51. (RC) Lot Area, Height, Lot Width, and Yard Requirements.

Subd. 1. No building hereafter erected shall exceed two and one-half (2-l/2) stories or thirty (30) feet in height, except farm buildings.

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) The lot must contain a minimum of 5 acres of contiguous soils suitable for a standard or on-site sewage disposal system or a combination of such contiguous soils totaling a minimum of 5 acres, as such soils are defined in section 820.29 subd. 4(a) and subd. 5 and septic systems regulations are defined in section 720 Individual Sewage Treatment Standards.

(b) Minimum Lot Width - 110 feet.

(c) Minimum Lot Depth - 200 feet.

(d) Minimum Front Yard - 50 feet.

(e) Minimum Side Yard - 20 feet.

(f) Minimum Rear Yard - 40 feet.

Subd. 3. No use may exceed a sanitary sewer usage rate of 100 gallons per day per net acre of land. For purposes of this subdivision, net acres equals the total area of the lot, minus wetlands and open water. Not more than 50 percent of the soils suitable for a standard on-site sewage disposal system on any site may be disturbed or covered by hard surfaces. For purposes of this subdivision, hard surfaces include any non-natural surface which is impervious to water, including but not limited to buildings and paved or gravel-surfaced drives, walks and parking areas. The city may require such documentation and testing as it deems appropriate in order to ensure compliance with these standards.

Subd. 4. Minimum side or rear yard setback from any residential district: 75 feet.

Subd. 5. Design shall include adequate internal streets not less than 22 feet wide exclusive of required parking.

Subd. 6. Curb cuts shall not exceed 24 feet in width.

Subd. 7. The entire area shall be landscaped, occupied by building or parking areas so treated as to control dust. Should the development be undertaken in stages, all of the area required to conform to that portion undertaken shall be developed to meet the preceding requirements.

Subd. 8. A drainage plan shall be designed and approved for the area with such on-site construction as determined necessary by the City Engineer to adequately handle all drainage.

URBAN COMMERCIAL ZONING DISTRICT (UC)

Section 826.53. Urban Commercial (UC) - Purpose. The Urban Commercial District will allow local retail sales and services along with office space opportunities to serve local population demand and needs of non-highway orientation. This district will encourage a compact center for retail sales and services by grouping businesses in patterns of workable relationships, by limiting and controlling uses near residential areas and by excluding highway oriented and other businesses that tend to disrupt circulation patterns.

Section 826.55. (UC) Conditional Uses. Within any Urban Commercial District, no structures or land may be used for the following uses except by conditional use permit:

Subd. 1. Retail businesses - stores and shops.
Subd. 2. Selling household goods over the counter.
Subd. 3. Banks.
Subd. 4. Barber and beauty shops.
Subd. 5. Wholesale business.
Subd. 6. Locksmith.
Subd. 7. Interior Decorating stores.
Subd. 8. Physical culture and dance studios.
Subd. 9. Restaurants.
Subd. 10. Taverns.
Subd. 11. Commercial recreational, cultural and fraternal organizations, clubs and lodges.
Subd. 12. Supply yards.
Subd. 13. Public Buildings.
Subd. 14. Motor Fuel Stations.
Subd. 15. Liquor Store.
Subd. 16. Car Wash.
Subd. 17. Motel and Motor Hotels.
Subd. 18. Television and Radio Stations.
Subd. 19. Any building over 30 feet high.
Subd. 20. Newspaper publishing and printing.
Subd. 21. Animal Hospital.
Subd. 22. Telecommunications towers and facilities as regulated by sections 828.75 et seq. of the Medina City Code.

Section 826.56. (UC) Accessory Use.

Subd. 1. Within the Urban Commercial District, land may be used for a seasonal flea market operated or sponsored by a non-profit organization as an accessory use, subject to the following conditions:

(a) no outside storage is permitted;

(b) the flea market may operate no more than one day per calendar week and no more than 30 days per calendar year;

(c) sales may take place within any required setback area provided the activity does not interfere with traffic, parking or emergency vehicle access and does not occur on a landscaped area;

(d) there exists adequate on-site parking for the accessory use and the conditional use;

(e) tents, stands and other temporary structures are permitted provided they do not interfere with parking, traffic or emergency vehicle access;

(f) a promotional sign no larger than 32 sq. ft. per side with a maximum of 64 sq. ft. is permitted during sale hours; and

(g) parking areas must be clearly delineated and control thereof is the responsibility of the licensee.

Subd. 2. Administrative Permit Required. Any flea market utilizing the provisions of this section must obtain an administrative permit from the zoning administrator prior to beginning operation. The zoning administrator shall require the applicant to submit the following information for review:

(a) a description of the property proposed to be used;

(b) a list of the days or dates of use and the hours of operation;

(c) a site plan showing the sales area in relation to existing buildings, parking areas, points of ingress and egress and other site improvements;

(d) written permission from the property owner; and

(e) such other information as the zoning administrator may require.

Subd. 3. Upon review of the required information and determination that the proposed use will comply with the requirements of this ordinance, the zoning administrator shall issue an administrative permit to the operator of the flea market. The permit shall be valid for a period not to exceed one calendar year. The zoning administrator may condition the issuance of the permit in any way necessary to ensure compliance with this ordinance or to promote public safety.

Subd. 4. The applicant may appeal any decision by the zoning administrator to deny a permit or to condition the issuance of such permit. The appeal shall be made to the city council sitting as the board of adjustments and appeals, pursuant to section 825.31 of this ordinance.

Section 826.56. (UC) Lot Area, Height, Lot Width, and Yard Requirements.

Subd. 1. No building shall exceed 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:

(a) Minimum Lot Area. 1 Acre

(b) Front Yard setback: 50 feet

(c) Side and rear yard setback: 20 feet

Subd. 3. No use may exceed a sanitary sewer usage rate of 750 gallons per day per net acre of land. For purposes of this subdivision, net acres equals the total area of the lot, minus wetlands and open water. The city may require such documentation and testing as it deems appropriate in order to ensure compliance with these standards.

Subd. 4. Minimum side or rear yard setback from any residential district: 75 feet

Subd. 5. Design shall include adequate internal street not less than 22 feet wide exclusive of required parking.

Subd. 6. Curb cuts shall not exceed 24 feet in width.

Subd. 7. The entire area shall be landscaped, occupied by building or parking areas so treated as to control dust. Should the development be undertaken in stages, all of the area required to conform to that portion undertaken shall be developed to meet the preceding requirements.

Subd. 8. A drainage plan shall be designed and approved for the area with such on-site construction as determined necessary by the City Engineer to adequately handle all drainage.

RURAL INDUSTRIAL ZONING DISTRICT (RI)

Section 826.59. Rural Industrial (RI) - Purpose. This district shall serve as space for rural industrial sites along the highway and railroad. Mixed land uses other than intense manufacturing and processing shall be allowed such as warehousing and office space.

Section 826.60 (RI) Permit Uses. Within the Rural Industrial District, land may be used for landspreading of yard waste in compliance with the conditions of section 828.73 of this ordinance.

Section 826.61. (RI) Conditional Uses. Within any Rural Industrial District, no structure or land may be used for the following uses except by conditional use permit:

Subd. 1. Warehousing and wholesaling.
Subd. 2. Offices.
Subd. 3. Public buildings.
Subd. 4. Research laboratories.
Subd. 5. Construction and special trade contractor.
Subd. 6. Public and private utility uses.
Subd. 7. Assembly/Storage of: Rock and Stone Products, Apparel, textiles, food products, tobacco products, glass, fabrication metal projects, leather, machinery and appliances, pottery, transportation equipment, lumber and wood products, paper products.
Subd. 8. Commercial Recreation.
Subd. 9. Residential Accessory.
Subd. 10. Heliports.
Subd. 11. Bus and Truck maintenance garages.
Subd. 12. Adult establishments as defined in section 645 of the Medina City Code.
Subd. 13. Telecommunication towers and facilities as regulated by sections 825.75 et seq. of the Medina City Code.

Section 826.63. (RI) Lot Area, Height, Lot Width, and Yard Requirements.

Subd. 1. No building hereafter erected shall exceed two and one-half (2 l/2) stories or thirty (30) feet in height, except farm buildings.

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) The lot must contain a minimum of 5 acres of contiguous soils suitable for a standard on-site sewage disposal system or a combination of such contiguous soils totaling a minimum of 5 acres, as such soils are defined in the Medina Individual Sewage Treatment and Disposal ordinance.
(b) Minimum Lot Width - 110 feet.
(c) Minimum Lot Depth - 200 feet.
(d) Front Yard - 50 feet.
(e) Side Yard - 30 feet; 0 feet when abutting railroad.
(f) Minimum Rear Yard - 40 feet.

Subd. 3. No use may exceed a sanitary sewer usage rate of 100 gallons per day per net acre of land. For purposes of this subdivision, net acres equals the total area of the lot, minus wetlands and open water. Not more than 50 percent of the soils suitable for a standard sewage disposal on-site system on any site may be disturbed or covered by hard surfaces. For purposes of this subdivision, hard surfaces include any non-natural surface which is impervious to water, including but not limited to buildings and paved or gravel-surfaced drives, walks and parking areas. The city may require such documentation and testing as it deems appropriate in order to ensure compliance with these standards.

Subd. 4. Minimum side or rear yard setback from any residential district: 75 feet.

Subd. 5. Design shall include adequate internal streets not less than 22 feet wide exclusive of required parking.

Subd. 6. Curb cuts shall not exceed 24 feet in width.

Subd. 7. The entire area shall be landscaped, occupied by building or parking areas constructed of asphalt or concrete surface. Should the development be undertaken in stages, all of the area required to conform to that portion undertaken shall be developed to meet the preceding requirements.

Subd. 8. A drainage plan shall be designed and approved for the area with such on-site construction as determined necessary by the City Engineer to adequately handle all drainage.

RURAL PUBLIC/SEMI-PUBLIC ZONING DISTRICT (RPS)

Section 826.64. Rural Public/Semi-Public (RPS) – Purpose. The purpose of the Rural Public/Semi-Public (RPS) is to provide a zoning district for facilities that offer public services such as governmental, religious, recreational, conservation, open space and cemetery uses. Property in the district is not served by City sewer and water services and is within close proximity to low-intensity rural residential uses. As a result, limitations are established on the intensity of uses within the district and development is regulated in a way which limits impacts on the surrounding properties and encourages low impact development to protect and enhance the natural environment.

Section 826.65. (RPS) Permitted Uses. The following shall be permitted uses within the RPS district, subject to applicable provisions of the city code:

(1) Parks and Open Space
(2) Essential Services
(3) Conservation uses including drainage control, forestry, wildlife sanctuaries, and facilities for making same available and useful to public.

Section 826.66. (RPS) Conditional Uses. The following shall be permitted within the RPS district, subject to conditional use permit approval, the specific requirements established in Subd. 7 of Section 826.68, and other applicable provisions of the city code:

(1) Governmental Buildings
(2) Religious Institutions
(3) Cemeteries

Section 826.67. (RPS) Accessory Uses. The following accessory uses shall be permitted within the RPS 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) Off-street parking and loading
(2) Signs, subject to the requirements of the sign ordinance
(3) Daycare or early childhood educational uses, subject to a conditional use permit and the requirements established in Subd. 7 of Section 826.68.
(4) Solar equipment, if affixed to a structure and in compliance with performance standards of section 828.09 subd. 1 of this ordinance.

Section 826.68. (RPS) Lot Standards and Design/Development Standards. The following standards shall be observed, subject to additional requirements, exceptions and modifications set forth in the city code:

Subd. 1. Lot Standards.

(a) Minimum Lot Size: Eight acres.

(b) Minimum Area of Suitable Soils for a Septic System: a lot shall contain at least five acres of contiguous soils suitable for a standard sewage disposal system in order for a structure which requires sewage and/or wastewater facilities to be constructed. Soils suitable for a standard sewage disposal system are defined in section 720 Individual Sewage Treatment Systems and in section 826.25 subd. 2. The lot must contain a primary and secondary site for an on-site sewage disposal system.

(c) Lot Width: 275 feet

(d) Lot Depth: 500 feet

(e) Minimum Front Yard Setback: 75 feet

(f) Minimum Rear Yard Setback: 100 feet

(g) Minimum Side Yard Setback: 75 feet

(h) Minimum Parking Setbacks:
  (i) Front Yard: Parking stalls, parking aisles, and fire lanes may encroach within the required front yard setback, but shall be a minimum of 50 feet from a property line abutting a street.
  (ii) Side and Rear Yard: 100 feet

(i) Maximum Impervious Surface: Impervious surface coverage shall not exceed 40 percent of the entire lot.

Subd. 2. Building Design

(a) Maximum Building Size: The combined floor area of all structures shall not exceed 40,000 square feet. Additionally, the footprint area of all structures on a parcel shall not exceed 35,000 square feet.

(b) Maximum Building Height: Building height shall not exceed 35 feet. In the case that a structure is not equipped with a compliant fire sprinkler system, the maximum building height shall be 30 feet.

(c) Exterior Building Materials
  (i) Primary exterior building materials shall consist of the following materials: brick, natural stone, stucco, Exterior Insulation and Finish System or similar product, fiber cement lap siding, copper, glass, decorative concrete, split face (rock face) decorative block, and/or decorative pre-cast concrete panels. Decorative concrete shall be color impregnated in earth tones (rather than painted) and shall be patterned to create a high quality terrazzo, brick, stucco, or travertine appearance.
  (ii) A maximum of 20 percent of the vertical building exterior may be metal or vinyl if used as accent materials which are integrated into the overall building design.
  (iii) Exterior materials shall not include galvanized/unfinished steel or

galvalum/unfinished aluminum.

(d) Multi-sided Architecture:
  (i) Rear and side building elevations shall include design and architectural elements of a quality generally associated with a front façade.
  (ii) The elevation(s) shall be compatible with the front building elevation.
  (iii) Multi-sided architecture shall not be required in situations where the rear or side building elevation is fully screened from view from the adjacent street or residential property.

Subd. 3. Off-Street Parking

(a) Minimum Off-Street Parking Spaces Required. Minimum parking requirements shall be calculated using the standards of Section 828.51 and by considering all concurrent uses which may occur on the site. The city may adjust the minimum number of required spaces based upon other requirements of this code, specific conditions placed on a particular use, or upon a determination that the requirements of 828.51 do not accurately reflect the parking need on the site.

(b) Maximum Off-Street Parking Spaces Allowed. Total outside parking spaces on a site shall not exceed 300, notwithstanding the minimum parking space requirement above. A use may be allowed which, according to Section 828.51, has minimum parking requirements in excess of this number. However, the city may apply necessary conditions on such uses to limit the potential parking need and impact on surrounding properties and right-of-ways. These conditions may include limitations on the maximum number of persons on-site at any one time, beyond those proscribed otherwise in this Ordinance;.

(c) Parking in Designated Areas Only. Parking shall occur only in designated areas, except as approved by the city for special events no more than four times per year.

Subd. 4. Landscaping and Screening. Provisions shall be made for landscaping and screening because of the proximity of property in the RPS district to low-intensity rural residential uses. Such landscaping shall abide by the following:

(a) General requirements: The entire lot shall be landscaped, except for areas occupied by buildings, walks, trails, parking lots, drives, loading docks, plaza space, wetlands, wetland buffers, and woodlands. Landscaping shall include trees, shrubs, plantings, properly maintained prairie or other native vegetation, and sod. Areas may be seeded if approved by the city. Integrated storm water management practices, such as vegetative swales, vegetated filter strips, bioretention, and raingardens, shall be considered landscaping.

(b) Parking Lot Landscaping
  (i) A minimum of eight percent of the total land area within parking areas shall be landscaped.

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

(iii) Landscaping shall break up rows of parking approximately every 20 spaces.

(iv) Shade trees shall be included within the landscaping. Species selection shall be guided by soils conditions and trees shall be planted in a way which increases the likelihood of long-term survival.

(v) Where practical, the landscaping areas shall be designed to receive storm water runoff from the adjacent parking area.

(vi) A headlight screen with a minimum height of 36 inches shall be installed along the exterior of parking lots, unless the city determines that the headlight glare has been sufficiently addressed by another means.

(c) Overstory Deciduous Shade Trees and Coniferous Trees. A minimum of one tree per 50 feet, or fraction thereof, of lot perimeter shall be required.

(i) Size. Deciduous trees shall not be less than 2.5 caliper inches measured four feet off ground, and coniferous trees shall not be less than six feet in height.

(ii) Location. Tree location shall be approved by the city prior to planting.

(iii) 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.

(iv) Credit for Preserved Trees. The city may reduce the required number of overstory trees if an applicant preserves more existing trees than required by Section 828.41. The city shall determine the amount of credit granted for such existing trees.

(d) Maintenance. The property owner shall be responsible to see that the approved landscaping plan is maintained in an attractive and well-kept condition and to replace any landscaping that does not survive.

(e) Landscaping Guarantee. The owner shall guarantee the growth and maintenance of all plants for a minimum of two growing seasons following an inspection of all completed plantings. The owner shall submit a financial guarantee, in a form acceptable to the City, prior to issuance of a building permit to ensure the planting and survival of the plantings. 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 should be guaranteed for an additional two growing seasons. The City shall retain financial guarantee in an amount necessary for any replacements.

(f) Tree Preservation. Removal of significant trees and any construction activity shall be subject to the requirements set forth by the City's Tree Preservation Ordinance, Section 828.41.

Subd. 5. Outdoor Lighting. The preservation of natural darkness is a high priority within the rural area of the City. Lighting shall be limited to the amount necessary for public safety. Unless otherwise specified herein, outdoor lighting shall abide by the

requirements specified in the Outdoor Lighting Ordinance, Section 829. Lighting shall be abide by the following requirements:

(a) Lighting levels at property lines and 25 feet inside of the property lines shall be limited to 0.0 foot-candle.

(b) The City shall require active measures to be implemented to limit the intensity of lighting and also the amount of time which extensive lighting, such as parking lot lighting, is utilized. These measures may include, but are not limited to: shorter light poles, separately controlled lighting zones, lighting controls based on occupancy instead of timers, and lighting curfews.

(c) Parking and walkway lighting fixtures shall utilize full cut-off luminaries with no more than 10 percent of light output above the horizontal plane through the light source.

(d) Landscape and architectural lighting shall be aimed directly at the area of focus. Spill light shall be minimized through the use of narrow distribution luminaries and control devices such as louvers, refractors, barn doors, and glare shields.

Subd. 6. Utilities, Mechanical Equipment, and Trash and Recycling Facilities.

(a) All utilities shall be placed underground. To the extent possible, all utility equipment, meters and transformers shall be placed either inside of the building or within an outside mechanical court formed by walls. If not located within the building, these items shall be fully screened from view from adjacent property and streets through the use of opaque landscaping or walls constructed of materials which are compatible with the building.

(b) All HVAC and other mechanical equipment shall be designed, located, and/or screened so they are not visible from adjacent property or public streets.

(i) 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.

(ii) 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.

(c) All trash and material to be recycled shall be stored within the principal building, within an accessory structure, or within an enclosed outdoor area. 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.

Subd. 7. Supplemental Requirements for Specific Uses within the RPS Zoning District. 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:

(a) Governmental Buildings

(i) the minimum lot size shall be increased to 10 acres. Additionally, the lot must contain at least five acres of contiguous soils suitable for a standard sewage disposal system as defined in section 720 Individual Sewage Treatment Systems and in section 826.25 subd. 2. The lot must contain a primary and secondary site for an on-site sewage disposal system;

(ii) the minimum lot width shall be increased to 500 feet;

(iii) shall abut an arterial roadway as identified in the comprehensive plan;

(iv) no exterior bells or loudspeakers;

(v) direct views of parking lots and structures from surrounding residential properties shall be effectively screened. This may include the requirements for additional plantings than required in the landscaping requirements above;

(vi) the largest room shall not exceed an occupancy of 500 persons;

(vii) the number of persons on-site at any given time shall not exceed two times the capacity of the largest room, with the exception of larger events no more than four times per year or in response to an emergency situation (ie. natural disaster). The city may place further limitations on the number of persons on-site based on the number of parking stalls provided;

(viii) the property shall not be utilized for for-profit purposes, or regularly utilized by for-profit entities;

(ix) 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;

(x) 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.

(b) Religious Institutions

(i) the minimum lot size shall be increased to 10 acres. Additionally, the lot must contain at least five acres of contiguous soils suitable for a standard sewage disposal system as defined in section 720 Individual Sewage Treatment Systems and in section 826.25 subd. 2. The lot must contain a primary and secondary site for an on-site sewage disposal system;

(ii) the minimum lot width shall be increased to 500 feet;

(iii) shall abut an arterial roadway or abut a collector roadway no more than 1,500 feet

from an intersection with an arterial roadway;

(iv) no exterior bells or loudspeakers;

(v) direct views of parking lots and structures from surrounding residential properties shall be effectively screened. This may include the requirements for additional plantings than required in the landscaping requirements above;

(vi) sanctuary seating capacity shall not exceed 500 persons;

(vii) 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;

(viii) residential uses shall not be permitted, with the following exceptions:

(1) 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

(2) 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;

(ix) the property shall not be utilized for for-profit purposes, or regularly utilized by for-profit entities;

(x) 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;

(xi) 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.

(c) Cemeteries

(i) the area of the lot utilized for burials sites, parking and circulation, and maintenance and administration buildings shall not exceed six acres;

(ii) shall abut a major collector or arterial roadway as identified in the comprehensive plan;

(iii) all roadways within the cemetery shall be paved and the width shall be as the City deems necessary for public safety and circulation during processions;

(iv) direct views from all adjoining residential parcels shall be effectively screened. This may include the requirements for additional trees than required in the

landscaping requirements above;

(v) all burial sites must be set back a minimum of 50 feet from all property lines. Identified future burial sites within existing cemeteries which are on file with the city prior to December 31, 2007 shall not be subject to this setback requirement;

(vi) upright grave markers, monuments, mausoleums, or any other improvements that exceed 24 inches in height shall meet the setback requirements of the district;

(vii) all improvements, including grave sites, shall be set back a minimum of 50 feet from all wetlands;

(viii) established and operated in compliance with the requirements of Minnesota Statutes, Chapters 306 or 307, as amended;

(ix) sufficient maintenance and perpetual care funds as required by Minnesota Statutes Chapters 306 or 307 shall be established;

(x) landscaping shall include overstory trees and be designed to promote a park-like setting;

(xi) monuments or markers within a cemetery shall be placed as shown on the cemetery's master plan or as directed by the city;

(xii) mausoleums shall not exceed 15 feet in height and monuments shall not exceed 10 feet in height, with height measured as it is for buildings;

(xiii) monuments and markers shall be constructed of natural stone, but no monument or marker shall be constructed of limestone, sandstone or any other type of stone that will not maintain relative permanency;

(xiv) monuments and markers shall be structurally sound and be placed upon foundations of solid masonry at a depth and size so as to assure no settling or movement of the marker or monument;

(xv) concrete aprons at least four inches in width that are level with the ground shall be placed around monuments and be affixed to them so as to prevent grass, weeds or other vegetation from growing in between the monuments and aprons;

(xvi) a site plan acceptable to the city council must be submitted and reviewed under the city's site plan ordinance;

(xvii) a master plan for the build-out of the property which includes the number and location of all burial lots; the phasing of selling/filling the burial lots; the assigned numbers for the burial lots; descriptions and locations of any other improvements to be located on the property; and a description of the cemetery's records retention system must be submitted and approved by the city council;

(xviii) ground water tests shall be performed prior to city council approval in order to determine high water tables and any springs located on the site;

(xix) the city council may require a transportation plan that includes traffic management for burials, funerals and burial site visits;

(xx) the city council may require an environmental assessment of the proposed use;

(xxi) in addition to the requirements set forth in this provision, the city council may require compliance with any other conditions, restrictions or limitations regarding the type, location, size, material, number, the manner of placement and installation, and removal of monuments, markers, mausoleums, columbariums and plantings that are permitted within the cemetery it deems to be reasonably necessary to protect the residential character of the surrounding area;

(xxii) 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 neighborhood.

(d) Daycare or early childhood educational uses,

(i) the use shall be clearly accessory to a permitted or conditional use on the property;

(ii) drop-off and pick-up areas shall be located outside of the public right-of-way and designed to enhance vehicular and pedestrian safely;

(iii) the number of children shall not exceed 30;

(iv) hours of operation shall be limited to 7:00 a.m. through 6:00 p.m., Monday through Friday;

(v) 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;

(vi) no lighted playing fields shall be permitted;

(vii) proof of compliance with relevant state and county licensing requirements shall be provided;

(viii) 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.

PUBLIC/SEMI-PUBLIC ZONING DISTRICT (PS)

Section 826.69. Public/Semi-Public - Purpose. This district shall serve areas of public ownership or related semi-public uses or open space, conservation, or recreation.

Section 826.71. (PS) Conditional Uses. Within any Public/Semi-Public District, no structure or land shall be used except by conditional use permit for the following uses:

Subd. 1. Outdoor recreational and open space uses operated by a governmental agency or conservation group, homeowners or private association and facilities for making same useful to public or association. Public lands, schools, parks and municipal buildings.

Subd. 2. Conservation uses including drainage control, forestry, wildlife sanctuaries, and facilities for making same available and useful to public.

Subd. 3. Agricultural uses.

Subd. 4. Nature study areas and arboretums.

Subd. 5. Private/Institutional outdoor recreational activities.

Section 826.73. (PS) Lot Area, Height, Lot Width, and Yard Requirements.

Subd. 1. Front Yard Setbacks - 50 feet.

Subd. 2. Side and Rear Yard Setbacks - 30 feet.

Subd. 3. Height Limitation - 30 feet.

FLOODPLAIN DISTRICT

Section 826.74. Floodplain Management

Subd. 1. Statutory Authorization, Findings of Fact and Purpose.

(a) The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

(b) Purpose:

(1) This ordinance regulates development in the flood hazard areas of the City of Medina. 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 ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

(2) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

(3) This ordinance 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.

Subd. 2. General Provisions

(a) How to Use This Ordinance: This ordinance adopts the floodplain maps applicable to the City and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

(1) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Subd. 4 or 5 will apply, depending on the location of a property.

(2) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Subd. 4 apply unless the floodway boundary is determined, according to the process outlined in Subd. 6. Once the floodway boundary is determined, the Flood Fringe District standards in Subd. 5 may apply outside the floodway.

(b) Lands to Which Ordinance Applies: This ordinance applies to all lands within the jurisdiction of the City shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts. The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all

existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

(c) 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 ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in City Hall. Effective Flood Insurance Rate Map panels: 27053C0134F, 27053C0142F, 27053C0144F, 27053C0153F, 27053C0154F, 27053C0158F, 27053C0159F, 27053C0165F, 27053C0166F, 27053C0167F, 27053C0168F, 27053C0169F, 27053C0302F, 27053C0306F, 27053C0307F.

(d) Regulatory Flood Protection Elevation: The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

(e) Interpretation: The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

(1) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

(2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

(f) Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(g) Warning and Disclaimer of Liability: This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

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

(i) Definitions: For the sake of Section 826.74, the following terms shall have the meanings ascribed to them. Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

(1) Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(2) Base Flood Elevation – The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

(3) Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

(4) Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

(i) Certain conditions as detailed in the zoning ordinance exist.

(ii) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

(5) Critical Facilities – facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

(6) Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(7) Equal Degree of Encroachment – 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.

(8) Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

(9) Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

(10) Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

(11) Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Hennepin County, Minnesota.

(12) Flood Insurance Rate Map - an official map on which the Federal Insurance Administrator has delineated both the special 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).

(13) Flood Prone Area – any land susceptible to being inundated by water from any source (see "Flood").

(14) Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

(15) Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

(16) Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

(17) Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

(18) Manufactured Home – 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."

(19) New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

(20) Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

(21) One Hundred Year Floodplain – lands inundated by the "Regional Flood" (see definition).

(22) Principal Use or Structure – all uses or structures that are not accessory uses or structures.

(23) Reach – 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.

(24) Recreational Vehicle – 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. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

(25) Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

(26) Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

(27) Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

(28) Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”

(29) Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is 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.

(30) Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings,

factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles and other similar items.

(31) 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.

(32) Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, 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 includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(i) 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.

(ii) 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 ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

(j) Annexations: The Flood Insurance Rate Map panels adopted by reference into Subd. 2(c) above may include floodplain areas that lie outside of the corporate boundaries of the City at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

Subd. 3. Establishment of Zoning Districts

(a) Districts:

(1) Floodway District. The Floodway District includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Subd. 2(c). For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(2) Flood Fringe District. The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in Subd. 2(c), but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas

below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(3) General Floodplain District. The General Floodplain District includes those areas within Zones A or AE that do not have a delineated floodway as shown on the Flood Insurance Rate Map adopted in Subd. 2(c).

(b) Applicability: Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Subd. 4(a), Subd. 5(a) and Subd. 6(a) are prohibited. In addition, critical facilities, as defined in Subd. 2(i), are prohibited in all floodplain districts.

Subd. 4. Floodway District (FW)

(a) Permitted Uses: The following uses, subject to the standards set forth in Subd. 4(b), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

(1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(2) Industrial-commercial loading areas, parking areas, and airport landing strips.

(3) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

(4) Residential lawns, gardens, parking areas, and play areas.

(5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

(b) Standards for Floodway Permitted Uses:

(1) The use must have a low flood damage potential.

(2) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.

(3) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(c) Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Subd. 10(d) of this ordinance and further subject to the standards set forth in Subd. 4(d), if otherwise allowed in the underlying zoning district or any applicable overlay district.

(1) Structures accessory to the uses listed in Subd. 4(a)(1) through Subd. 4(a)(3) above and the uses listed in Subd. 4(c)(2) and Subd. 4(c)(3) below.

(2) Extraction and storage of sand, gravel, and other materials.

(3) Marinas, boat rentals, docks, piers, wharves, and water control structures.

(4) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section Subd.2(i)(8), are permitted uses.

(5) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

(d) Standards for Floodway Conditional Uses:

(1) All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.

(2) Fill; Storage of Materials and Equipment:

(i) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(ii) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

Subd. 5. Flood Fringe District (FF)

(a) Permitted Uses: Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Subd. 5(b).

(b) Standards for Flood Fringe Permitted Uses:

(1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

(2) Accessory Structures. As an alternative to the fill requirements of Subd. 5(b)(1), structures accessory to the uses identified in Subd. 5(a) may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

(i) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

(ii) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and

designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation

(iii) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

A. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

B. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(3) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Subd. 5(b)(1) of this ordinance, or if allowed as a conditional use under Subd. 5(c)(3) below.

(4) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

(5) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

(6) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(7) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

(8) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.

(9) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(10) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

(c) Conditional Uses: The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Subd. 10(d) of this ordinance.

(1) Storage of any material or equipment below the regulatory flood protection elevation.

(2) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Subd. 5(b)(1) of this ordinance.

(d) Standards for Flood Fringe Conditional Uses

(1) The standards listed in Subd. 5(b)(4) through Subd. 5(b)(10) apply to all conditional uses.

(2) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

i. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

ii. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.

iii. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

(3) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

Subd. 6. General Floodplain District (GF)

(a) Permitted Uses:

(1) The uses listed in Subd. 4(a) of this ordinance, Floodway District Permitted Uses, are permitted uses.

(2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Subd. 6(b) below. Subd. 4 applies if the proposed use is determined to be in the Floodway District. Subd. 5 applies if the proposed use is determined to be in the Flood Fringe District.

(b) Procedures for Floodway and Flood Fringe Determinations

(1) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

(2) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Subd. 6(b)(3) below.

(3) The determination of floodway and flood fringe must include the following components, as applicable:

(i) Estimate the peak discharge of the regional (1% chance) flood.

(ii) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

(iii) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

(4) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

(5) Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Subd. 4 and Subd. 5 of this ordinance.

Subd. 7. Land Development Standards. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

(a) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

(b) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

(c) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

(d) In the General Floodplain District, applicants must provide the information required in Subd. 6(b) of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

(e) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

(1) All such proposals are consistent with the need to minimize flood damage within the flood prone area,

(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(3) Adequate drainage is provided to reduce exposure of flood hazard.

(f) Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

(1) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Constructed with materials and utility equipment resistant to flood damage;

(3) Constructed by methods and practices that minimize flood damage; and

(4) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Subd. 8. Public Utilities, Railroads, Roads, and Bridges

(a) Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

(b) Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Subd. 4 and Subd. 5 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or 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.

(c) On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or

contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

Subd. 9. Manufactured Homes, Manufactured Home Parks, and Recreational Vehicles

(a) Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, placement or replacement of manufactured home units is prohibited in any floodplain district.

(b) Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles is prohibited in any floodplain district.

Subd. 10. Administration

(a) The Zoning Administrator is hereby designated by the City Council to administer and enforce this ordinance.

(b) Permit Requirements:

(1) Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

(i) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.

(ii) The use or change of use of a building, structure, or land.

(iii) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.

(iv) The change or extension of a nonconforming use.

(v) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(vi) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(vii) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.

(viii) Any other type of "development" as defined in this ordinance.

(2) Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

(i) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

(ii) Location of fill or storage of materials in relation to the stream channel.

(iii) Copies of any required municipal, county, state or federal permits or approvals.

(iv) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

(3) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

(4) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

(5) Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

(6) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(7) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

(c) Variances:

(1) Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 825.45 of the city code.

(2) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

(3) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(i) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(ii) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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.

(iii) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance 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 for $100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

(5) General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

(i) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(ii) The danger that materials may be swept onto other lands or downstream to the injury of others;

(iii) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(iv) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(v) The importance of the services to be provided by the proposed use to the community;

(vi) The requirements of the facility for a waterfront location;

(vii) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(ix) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;

(x) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(6) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Clerk must submit hearing notices for proposed

variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(7) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(8) Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(d) Conditional Uses:

(1) Conditional Use Permit Applications. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section(s) 825.39–825.43 of the city code.

(2) Factors Used in Decision-Making. In passing upon conditional use applications, the City must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

(3) Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

(i) Modification of waste treatment and water supply facilities.

(ii) Limitations on period of use, occupancy, and operation.

(iii) Imposition of operational controls, sureties, and deed restrictions.

(iv) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

(v) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(4) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Clerk must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(5) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Subd. 11. Nonconformities. Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Subd. 2(i) of this ordinance, are subject to the provisions of Subd. 11(a) through Subd. 11(g) of this ordinance.

(a) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in Subd. 11(b) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

(b) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Subd. 11(c) and Subd. 11(g) below.

(c) If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Subd.4 or Subd. 5 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

(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 ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

(e) If any nonconformity is substantially damaged, as defined in Subd. 2(i) of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Subd. 4 or Subd. 5 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

(f) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.936 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

(g) Any substantial improvement, as defined in Subd. 2(i) of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Subd. 4 or Subd. 5 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

Subd. 12. Penalties and Enforcement

(a) Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations

of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

(b) Other Lawful Action: Nothing in this ordinance restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

(c) Enforcement: Violations of the provisions of this ordinance will be investigated and resolved in accordance with the following provisions. In responding to a suspected ordinance violation, the Zoning Administrator and City Council 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 availability to the guilty party. The City 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.

(1) When an ordinance violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control.

(2) The zoning administrator shall notify the suspected party of the requirements of this ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the city.

(3) If the construction or development is not consistent with the requirements of this ordinance, the zoning administrator may issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls.

(4) The zoning administrator may require the responsible party to apply for an after-the fact permit/development approval within a specified period of time.

(5) Appeal: The suspected party may appeal the violation and required corrective actions to the City Council.

Subd. 13. Amendments

(a) Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources

(DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

(b) Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

(c) Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Subd. 2(c) of this ordinance.

Section 826.98. Conditional Use Permit Standards for Agricultural Preservation and Residential Districts.

Subd. 1. Purpose. It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this ordinance and the comprehensive plan. The planning commission may recommend and the city council may impose conditions on such uses in order to affect the purpose of this ordinance.

Subd. 2. Specific Standards. In addition to the general standards specified in section 825.39 of this ordinance, no conditional use permit shall be granted unless the city council determines that all of the specific standards contained in this subdivision will be met:

(a) local government buildings:

(i) located with direct access to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

(ii) buildings set back a minimum of 50 feet from all property lines;

(iii) parking areas set back a minimum of 50 feet from residential property;

(iv) exterior lighting must be designed and installed so that the globe is recessed and enclosed on all sides except the bottom and no direct light is cast on adjacent residential property or rights-of-way;

(v) roof top or outside mechanical equipment must be screened from view from adjacent properties and rights-of-way;

(vi) any exterior storage must be screened from view with an opaque material architecturally compatible with the building.

(vii) no exterior bells or loudspeakers;

(viii) no more than 50 percent of the site to be covered with impervious surface and the remainder to be landscaped or left in a natural state; and

(ix) 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 neighborhood.

(b) churches and other places of worship:

(i) located with direct access to a collector or arterial roadway as identified in the comprehensive plan;

(ii) buildings set back a minimum of 50 feet from all property lines;

(iii) parking areas set back a minimum of 50 feet from all property lines;

(iv) no more than 50 percent of the site to be covered with impervious surface and the remainder to be landscaped or left in a natural state;

(v) exterior lighting must be designed and installed so that the globe is recessed and enclosed on all sides except the bottom and no direct light is cast on adjacent residential property or rights-of-way;

(vi) roof top or outside mechanical equipment must be screened from view from adjacent properties and rights-of-way;

(vii) any exterior storage must be screened from view with an opaque material architecturally compatible with the building;

(viii) no exterior bells or loudspeakers; and

(ix) 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 neighborhood.

(c) home occupation:

(i) not more than one person not residing in the dwelling may be employed on-site in the home occupation, regardless of the number of hours worked by the individual;

(ii) no over-the-counter retail sales;

(iii) only such signs as are permitted under section 815.09 of this ordinance;

(iv) no outside storage;

(v) the home occupation must be conducted solely within the principal structure;

(vi) limited customer, client, patient or student visits to the site in connection with the home occupation;

(vii) there must be adequate off-street parking for the anticipated number of persons on the site at any one time and the parking area must be screened from view

from adjacent properties or rights-of-way;

(viii) limited deliveries associated with the home occupation in commercial vehicles over one ton;

(ix) no equipment or devices not customarily used in residential dwellings may be used in connection with the home occupation;

(x) entrance to the space used for the home occupation must be within the dwelling;

(xi) no interior or exterior alterations may be made to the dwelling to accommodate the home occupation except as may be customarily found in a dwelling;

(xii) any vehicle displaying the name of the home occupation must be parked in an enclosed garage or in an area screened from view from adjacent properties or rights-of-way;

(xiii) the home occupation may not produce any light, glare, noise or vibration perceptible beyond the boundaries of the property which is not customarily associated with residential use;

(xiv) hours of business activity may be limited by the city council to protect the public health, safety and welfare;

(xv) the home occupation must be operated in compliance with all other applicable federal, state and local statutes, ordinances, codes and regulations; and

(xvi) 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 neighborhood.

(d) cemeteries:

(i) maximum lot area of ten acres;

(ii) located with direct access to a collector or arterial roadway as identified in the comprehensive plan;

(iii) all roadways within the cemetery must be paved and 20 feet wide unless the city determines that a wider road is necessary for public safety;

(iv) direct views from all adjoining residential parcels must be screened by appropriate means;

(v) all burial sites must be set back the greater of the following distances from all property lines. Identified future burial sites within existing cemeteries which are on file with the city prior to December 31, 2007 shall not be subject to this setback requirement:

(1) a distance equal to the structure setbacks that are required by the applicable zoning district; or
(2) twenty (20) feet.

(vi) buildings, parking areas, mausoleums, columbariums and upright grave markers that exceed 24 inches in height must be set back a minimum of 50 feet from all property lines;

(vii) all improvements, including grave sites, must be set back a minimum of 50 feet from all wetlands;

(viii) established and operated in compliance with the requirements of Minnesota Statutes, Chapters 306 or 307, as amended;

(ix) sufficient maintenance and perpetual care funds as required by Minnesota Statutes Chapters 306 or 307 shall be established;

(x) landscaping shall include overstory trees and be designed to promote a park-like setting;

(xi) monuments or markers within a cemetery shall be placed as shown on the cemetery's master plan or as directed by the city;

(xii) mausoleums shall not exceed 15 feet in height and monuments shall not exceed 10 feet in height, with height measured as it is for buildings;

(xiii) monuments and markers shall be constructed of natural stone, but no monument or marker shall be constructed of limestone, sandstone or any other type of stone that will not maintain relative permanency;

(xiv) monuments and markers shall be structurally sound and be placed upon foundations of solid masonry at a depth and size so as to assure no settling or movement of the marker or monument;

(xv) concrete aprons at least four inches in width that are level with the ground shall be placed around monuments and be affixed to them so as to prevent grass, weeds or other vegetation from growing in between the monuments and aprons;

(xvi) a site plan acceptable to the city council must be submitted and reviewed under the city's site plan ordinance;

(xvii) a master plan for the build-out of the property which includes the number and location of all burial lots; the phasing of selling/filling the burial lots; the assigned numbers for the burial lots; descriptions and locations of any other improvements to be located on the property; and a description of the

cemetery's records retention system must be submitted and approved by the city council;

(xviii) ground water tests shall be performed prior to city council approval in order to determine high water tables and any springs located on the site;

(xix) the city council may require a transportation plan that includes traffic management for burials, funerals and burial site visits;

(xx) the city council may require an environmental assessment of the proposed use;

(xxi) in addition to the requirements set forth in this provision, the city council may require compliance with any other conditions, restrictions or limitations regarding the type, location, size, material, number, the manner of placement and installation, and removal of monuments, markers, mausoleums, columbariums and plantings that are permitted within the cemetery it deems to be reasonably necessary to protect the residential character of the neighborhood.

(xxii) 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 neighborhood.

(e) private use of windmills or Wind Energy Conversion Systems (WECS): shall meet the requirements set forth in Section 828.09.1 of this code.

(f) public, private or charter schools having a course of instruction approved by the Minnesota department of education for students enrolled in K through grade 12, or any portion thereof:

(i) located with direct access to a collector or arterial street as identified in the comprehensive plan;

(ii) buildings set back a minimum 50 feet from all property lines;

(iii) parking areas set back a minimum of 50 feet from all property lines;

(iv) bus drop-off and pick-up areas must be located outside of the public right-of-way and designed to enhance vehicular and pedestrian safely;

(v) recreational areas designed for group sports activities set back a minimum of 50 feet from residential property with adequate screening to protect neighboring properties from noise and adverse visual impacts;

(vi) no lighted playing fields unless the visual impact on residential areas can be substantially mitigated;

(vii) no more than 50 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped;

(viii) exterior lighting must be designed and installed so that the globe is recessed and enclosed on all sides except the bottom and no direct light is cast on adjacent residential property or rights-of-way;

(ix) roof top or outside mechanical equipment must be screened from view from adjacent properties and rights-of-way;

(x) any exterior storage must be screened from view with an opaque material architecturally compatible with the building; and

(xi) 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 neighborhood.

(g) outdoor recreational facilities including non-commercial parks, golf courses, and driving ranges:

(i) located with direct access to a collector or arterial street as identified in the comprehensive plan;

(ii) buildings set back 50 feet from all property lines;

(iii) parking areas set back a minimum of 50 feet from all property lines;

(iv) exterior lighting must be designed and installed so that the globe is recessed and enclosed on all sides except the bottom and no direct light is cast on adjacent residential property or rights-of-way;

(v) no exterior bells or loudspeakers;

(vi) no more than 50 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

(vii) 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 neighborhood.

(h) commercial riding stable – must operate in conformance with the standards of section 826.26.1, subd. 2 of this ordinance.

(i) clinics and nursing homes and small animal clinics:

(i) located with direct access to a collector or arterial roadway as identified in the comprehensive plan;

(ii) buildings set back a minimum of 50 feet from all property lines;

(iii) parking areas set back a minimum of 50 feet from all property lines;

(iv) no more than 50 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped;

(v) exterior lighting must be designed and installed so that the globe is recessed and enclosed on all sides except the bottom and no direct light is cast on adjacent residential property or rights-of-way;

(vi) roof top or outside mechanical equipment must be screened from view from adjacent properties and rights-of-way;

(vii) any exterior storage must be screened from view with an opaque material architecturally compatible with the building; and

(viii) 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 neighborhood.

(j) nursery schools:

(i) located with direct access to a collector or arterial roadway as identified in the comprehensive plan;

(ii) buildings set back a minimum of 50 feet from all property lines;

(iii) parking areas set back a minimum of 50 feet from rights-of-way and residential property;

(iv) drop-off and pick-up areas must be located outside the public rights-of-way and designed to enhance vehicular and pedestrian safety;

(v) recreational areas designed for group activities set back a minimum of 25 feet from residential property with adequate screening to protect neighboring properties from noise and adverse visual efforts;

(vi) exterior lighting must be designed and installed so that the globe is recessed and enclosed on all sides except the bottom and no direct light is cast on adjacent residential property or rights-of-way;

(vii) roof top or outside mechanical equipment must be screened from view from adjacent properties and rights-of-way;

(viii) any exterior storage must be screened from view with an opaque material

architecturally compatible with the building; and

(ix) 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 neighborhood.

(k) essential services - must meet the definition contained in section 825.07, subd. 29 of this ordinance.

(l) second principal residential dwelling structure on parcels 40 acres or larger in size:

(i) may be used only by members of the family, by persons employed on the property or as a guest house;

(ii) must be located in reasonable proximity to primary and secondary septic sites other than those associated with the first principal structure;

(iii) must meet all setback requirements;

(iv) must be shown on a shadow or ghost plat submitted to the city to be located in such a manner as to make future subdivision of the parcel feasible without the need for variances; and

(v) the city council may require compliance with any other conditions, restrictions or limitations it deems reasonably necessary to protect the residential character of the neighborhood.

(m) accessory building standards for residential properties greater than five acres in area:

(i) The accessory building's design shall include architectural interest through the appropriate use of the following elements: cupolas, dormers, windows, porches, overhangs, varied building foundation, or other design treatments which the city council determines create a quality architectural design that enhances the appearance of the accessory building and complements the principal dwelling and the rural residential character or residential neighborhood in which the building is to be constructed;

(ii) At least two colors or textures shall be used in the accessory building's exterior design, including contrasting trim or fascia;

(iii) Any metal exterior materials on the accessory building shall be warranted to resist fading for a period of at least 15 years; and

(iv) The accessory building shall have an infiltration basin, rain garden, rain barrel or other similar best management practice used to capture storm water runoff from the building and to improve water quality. Said best management practice must be reviewed and approved by the city council.

(n) multiple dwelling unit structures over 30 feet in height in the MR district:

(i) buildings exceeding 30 feet in height shall be constructed with setbacks at least twice as great as those required in section 826.43, subd. 2(e) and (f) where the property adjoins land zoned for single family residential use;

(ii) buildings exceeding 30 feet in height shall be constructed with setbacks equal to those required in section 826.43, subd. 2(e) and (f) plus an additional 1 foot for every 1 foot by which the height of the building exceeds 30 feet where the property does not adjoin land zoned for single family residential use;

(iii) the portions of the building greater than 30 feet in height shall be uninhabited and not planned for storage or such area shall be sprinkled or equipped with such other fire suppression devices as may be required by the fire marshal;

(iv) the height of the building must be in compliance with state and federal height limitations regarding the operation of aircraft; and

(v) the city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to ensure persons and property against injury or damage by fire.

(o) Sites which exceed the number of animals allowed under Section 826.25. Subd. 8:

(i) the property shall contain a minimum of three grazable acres;

(ii) animal units shall not exceed one and one-half times the allowed density under Section 826.25 Subd. 8;

(iii) all animal feed and bedding must be stored within an enclosed building;

(iv) the size of the barn or stable shall be suitable to the total number of additional animal units requested under this conditional use permit.

(v) the subject site shall incorporate various Low Impact Design (LID) features and/or Best Management Practices (BMPs) that provide for the most effective means of manure management, such that no net increase in runoff or nutrient loading occurs from the site, as determined by the City Engineer.

(vi) the subject site shall construct a concrete manure containment or composting area, the design of which shall be consistent with the recommendations of the University of Minnesota Extension Service. Owners shall provide a schedule for removal of manure or compost from affected sites, subject to the approval by the City.

(vii) a grading plan shall be submitted and approved by the City in accordance with the recommendations of the University of Minnesota Extension Service and approved by the City Engineer. Said plan shall clearly demonstrate that storm water runoff from the hard surfaces on the property is directed away from the stable areas and manure containment facilities, and surrounding wetlands, streams or lakes (if any) and the site must maintain these drainage patterns to the satisfaction of the City;

(viii) the site shall install runoff retention and vegetative infiltration systems, consistent with the recommendations of the University of Minnesota Extension Service and as approved by the City, down slope from the stables and manure containment area. The vegetation adjacent to any wetlands shall be subject to the city's wetland protection ordinance;

(ix) diligent effort shall be made to prevent the cribbing of trees in or near pastures, and efforts to maintain grass in the pastures by limiting use thereof as appropriate and by providing supplemental feed to prevent over grazing by instituting a pasture management program in accordance with the recommendation of the University of Minnesota Extension Service and as approved by the City; and

(x) 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 neighborhood.

(p) Accessory Dwelling Units.

(i) 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;

(ii) Containers for solid waste, composting and recycling shall be stored inside of a structure or fully screened by walls or fencing, except for the 12 hours before and after collection time;

(iii) The lot shall contain an existing single-family dwelling unit;

(iv) The habitable area of the accessory dwelling unit shall not exceed 40 percent of the habitable area of the principal single-family dwelling; The finished floor area of the accessory dwelling unit excluding garage and unfinished utility rooms shall not exceed 1400 square feet on parcels under five acres in size or 1600 square feet on parcels five acres or greater;

(v) The accessory dwelling unit shall contain a minimum of 300 square feet of habitable space;

(vi) The accessory dwelling unit shall contain no more than two bedrooms;

(vii) A minimum of one off-street parking space shall be provided per bedroom for the accessory dwelling unit. Such parking spaces shall not interfere with accessing the required garage spaces for the principal single-family dwelling;

(viii) No separate driveway or curb cut shall be permitted to serve the accessory dwelling unit;

(ix) No accessory dwelling unit shall be sold or conveyed separately from the principal single-family dwelling and and shall not be subdivided or split in a manner that results in the two structures being located on separate parcels;

(x) The property owner shall occupy either the principal single-family dwelling or the accessory dwelling unit as their primary residence. Only one of the units may be rented, and the minimum term of any lease or rental agreement shall be 30 days;

(xi) If the accessory dwelling unit is located within a structure detached from the principal single-family dwelling, the architectural design and building materials shall be of the same or higher quality and shall complement the single-family dwelling. Additionally, the structure shall meet the setback requirements of the principal structure and shall count towards the maximum number and building size of accessory structures permitted on a property;

(xii) Adequate utility services shall be available to serve the accessory dwelling unit. This shall include adequate capacity within individual sewage treatment systems for both the principal single family dwelling and the accessory dwelling and evidence that construction of the accessory dwelling unit does not impact a secondary treatment and dispersal area, where applicable.

(xiii) 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

(xiv) Decks, patios, and similar outdoor areas of an accessory dwelling unit shall, to the extent practicable, be oriented toward the principal dwelling and away from neighboring property.

(xv) The limitation on the number of animals which may be kept on a property shall apply collectively to both the principal single-family dwelling and accessory dwelling unit;

(xvi) City of Medina limitation on the number of exterior parking spaces on a property shall apply collectively to both the principal single-family dwelling and accessory dwelling unit; and

(xvii) 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.

Amendment History of this Section

November 5, 1985 – *Ord. 224 – Added Section 826.26 and Subd. 3 of Section 826.01, establishing the Rural Residential 1 Zoning District.*

June 30, 1987 – *Ord. 224 – Amended Section 826.25 regarding setbacks and height requirements.*

April 17, 1990 – *Ord. 243-A – Added Sections 828.73, 828.48 and 828.60 as well as Subd. 5 of Section 826.09 and Subd. 5 of Section 826.19 regarding landspreading of yard waste.*

December 18, 1990 – *Ord. 249 – Added Section 826.26.1, establishing the Rural Residential-2 (RR-2) Zoning District.*

March 5, 1991 – *Ord. 251 – Amended Subd. 2 of Section 826.25, Subd. 2 of Section 826.51 and Subd. 2 of Section 826.63 adding that minimum lot size requirements are decided using "contiguous" soils in the Rural Residential District, Rural Commercial District and Rural Industrial District.*

May 7, 1991 – *Ord. 253 – Former language of Section 826.26.1 was repealed in its entirety and replaced by the language in Ord. 253 regarding the Rural Residential-2 District.*

June 4, 1991 – *Ord. 255 – Former language of Sections 826.75 through 826.97 were repealed in their entirety and replaced by the language of Ord. 255 regarding the Floodplain District.*

March 9, 1992 – *Ord. 262 – Amended Subd. 3 and 11 of Section 826.19, Subd. 8 of Section 826.23, Subd. 3 of Section 826.31 and Subd. 6 of Section 826.33 regarding Home Occupations in the Rural Residential and Urban Residential Districts.*

May 19, 1992 – *Ord. 268 – Amended Sections 826.47 through 826.67 regarding the Commercial and Industrial Districts.*

August 4, 1992 – *Ord. 270 – Added Subd. 5 of Section 826.01 and Sections 826.26.2, 826.26.3, 826.26.4, 826.26.5, 826.26.6 and 826.26.7, establishing the Suburban Residential Zoning District.*

October 6, 1992 – *Ord. 271 – Added Subd. 6 of Section 826.19, adding Home Occupations as a permitted use in the Rural Residential District. Amended Section 826.21, regarding conditional uses and Section 826.23 regarding permitted uses of the Rural Residential District. Amended Section 826.25 regarding Rural Residential District lot size requirements.*

December 15, 1992 – *Ord. 273 – Amended Section 826.25 regarding building plan requirements and building height in the Rural Residential District. Also amended Section 826.26.6 regarding maximum building height in the Suburban Residential District.*

August 2, 1994*—Ord. 279—826.53 (adds flea markets as accessory use). 826.56 (flea market use conditions).*

October 4, 1994*—Ord. 280—826.01 (adds "P.U.D." to zoning districts list).*

February 7, 1995*—Ord 282—significant revisions of Sections 826.07, 826.09, 826.11, 826.13, and 826.15 (major rewriting of Ag Preserve-related definitions, allowances, and restrictions).*

November 30, 1995*—Ord 287— added Subd. Within 826.49 and 826.61 (adult establishments added as conditional uses in the Rural Commercial and Rural Industrial zoning districts).*

April 16, 1996*—Ord 289—826.51, 826.57, 826.63, and 826.67 (regarding side and rear yard setbacks within the Urban Commercial and Industrial districts).*

August 15, 1996*—Ord 290—826.11, 826.21, 826.26.1, 826.26.4, 826.31, and 826.41 amended; 826.98 added.*

September 1996*—Ord 293—826.75, 826.79, 826.81, 826.85, 826.87, 826.91, 826.93, and 826.97.*

May 6, 1997 *- Ord. 294 - Added Sections 826.49 - subd. 21, 826.55 - subd. 22, 826.61 - subd 13, 826.65 - subd 10 and 828.75 - 83 as they related to telecommunications towers and facilities.*

May 20, 1997 *- Ord. 296 - Modified 826.15, 826.25, 826.51, 826.63 as they related to individual sewage treatment systems.*

June 19, 2001 *- Ord 338 - Added Sections 826.25.1. through 826.25.5. Urban Reserve (UR).*

August 17, 2004 *– Ord. 374 – Repealed Sections 826.75-826.97, regarding Floodplain District Regulations, in their entirety and replaced them with the text of Section 826.74 through 826.97.*

September 20, 2005 *– Ord. 393 – Amended Subds. 2 and 3 of Section 826.25, Subds. 2 and 3 of 826.25.*5, Subd. 2 of Section 826.26.1, Subd. 2 of Section 826.51, and Subd. 1 of Section 826.86. These sections regarded soil and septic requirements in different districts.

April 18, 2006 *– Ord. 403 – Amended subds. 1, 2, and 3 of subsection 825.25 regarding lot width and setbacks in the Rural Residential zoning district.*

September 5, 2006 *– Ord. 413- Amended Subds. 2(c) and (d) of Section 826.98 regarding home occupations and cemeteries.*

October 3, 2006 *– Ord. 415 – Amended Sections 826.25 and 826.25.5 regarding setback requirements.*

August 8, 2007 – *Ord. 428- Amending Subd. 10 of Section 826.21 regarding AAT conditional uses. Amending Section 826.98 relating to AAT specific standards.*

October 2, 2007 – *Ord. 430 – Correcting certain erroneous section references within Sections 826.09; 826.15; 826.26; 826.26.1; 826.26.3; and 826.33.*

October 16, 2007 – *Ord. 431 – Amending Section 826.98, Subdivision 2 (o) related to Animal-Assisted Therapy.*

November 20, 2007 *– Ord. 433 – Amending Section 826.98, subdivision 2(d) regarding cemeteries.*

January 15, 2008 *– Ord. 436 – Amending Sections 826.21 and 826.98, Subdivision 2 removing Animal-Assisted Therapy as a Conditional Use.*

October 7, 2008 *– Ord. 450 – Amending Sections 826.17, 826.19, 826.21, 826.23, 826.25, 826.25.1, 826.25.2, 826.25.3, 826.25.3, 826.25.4, 826.25.5, 826.26, 826.26.1, regarding the rural residential zoning districts.*

October 7, 2008 *– Ord. 451 – Amending Section 826.98 regarding CUP standards for Agricultural Preservation and Residential Districts.*

June 16, 2009 *– Ord. 460 – Creating the Rural Public/Semi-Public Zoning District, and Removing the Urban Industrial Zoning District; Amending Sections 826.01, 826.21, and 826.64 et.seq.*

July 21, 2009 *– Ord. 465 – Amending Sections 826.25, 826.25.25, and 826.98 related to Animal Density Standards.*

July 20, 2010 – *Ord. 485 – Amending Section 826.25.1 related to Rural Residential-Urban Reserve Purpose.*

November 15, 2011 – *Ord. 514 – Amending Sections 826.11, 826.21, 826.25.3, 826.26.4, 826.31, and 826.98 related to Accessory Dwelling Units.*

January 17, 2012 – *Ord. 518 – Amending Sections 826.26.6 and 826.35 regarding street setbacks.*

November 7, 2012 *– Ord. 539 – Amending Sections 826.26.4 and 826.98 regarding regulation of Wind Energy Conversion Systems; Solar Equipment; and Geothermal Systems.*

February 17, 2015 - *Ord. 576 - Amending Sections 826.13, 826.23, 826.25.4, 826.26.4, 826.26.5, 826.33, and 826.67 regarding solar equipment.*

August 5, 2015 *– Ord. 586 – Amending Sections 826.13, 826.23, and 826.25.4 regarding solar equipment.*

September 20, 2016 *– Ord. 603 – Deleting Sections 826.74 through 826.97 in its entirety and replacing sections 826.74 through 826.97 regarding floodplain management.*

April 18, 2017 *– Ord. 610 – Amending Sections 826.11, 826.13, 826.23, 826.25.4 regarding solar equipment.*

July 5, 2017 *– Ord. 616 – Amending Section 826.45, Subd. 2 (f) regarding rear yard setback.*

January 16, 2018 *– Ord. 628 – Amending Sections 826.25, Subd. 5, 826.25.5, Subd. 5, 826.26, Subd. 3, 826.26.3, Subd. 2 regarding the keeping of chickens and honey bees.*

March 5, 2019 *– Ord. 645 – Amending Section 826.26 regarding side yard setback requirements of the RR 1 zoning district.*

September 17, 2019 *– Ord. 650 – Amended Sections 826.26.6, Subd. 2 and 826.35, Subd. 3 regarding (SR) and (UR) lot area, height, lot width and yard requirements.*

March 4, 2020 *– Ord. 654 – Amended Sections 826.15, 826.25.5, 826.26.6, 826.26.7, 826.35, 826.45 regarding parking.*

August 20, 2024 *– Ord. 731 – Amended Section 826.98 regarding accessory dwelling units.*

September 17, 2024 *– Ord. 733 - Amended Section 826.15, 826.25, 826.26, 826.35, 826.39, 826.45 pertaining to residential building height.*