CHAPTER V
UNIFIED DEVELOPMENT CODE (UDC)

(Deleted and replaced, Ord. No. 2017-07)

Section 500 General provisions

500.01 Title and authority
500.03 Purpose
500.05 Relationship to comprehensive plan
500.07 Relationship to existing ordinances
500.09 Transitional rules
500.11 Severability

Section 505 Definitions

Section 510 Administration

510.01 Applicability
510.03 Planning commission
510.05 Board of appeals and adjustments
510.07 Zoning administrator
510.09 General development review requirements
510.11 Summary of application and review procedure types
510.13 Specific development review procedure requirements
510.15 Zoning certificate
510.17 Site plan review
510.19 Conditional use permit
510.21 Adjacent parcel land conveyance
510.23 Lot consolidation
510.25 Subdivisions
510.27 Comprehensive plan amendment
510.29 Rezoning or text amendments
510.31 Rezoning to planned development overlay district (PD)
510.33 Variance
510.35 Appeals
510.37 Enforcement and penalties

Section 515 Zoning districts and use regulations

515.01 Official zoning map
515.03 Establishment of zoning districts
515.05 Base zoning districts
515.07 Overlay zoning districts
515.09 Floodplain overlay district (FP)
515.11 Shoreland overlay district
515.13 Planned development overlay district (PD)
515.15 Transit oriented development overlay district
515.17 Permitted principal uses
515.19 Use-specific standards for principal uses
515.21 Permitted accessory uses and structures
515.23 Standards for specific accessory uses and structures
515.25 Permitted temporary uses and structures
515.27 Standards for specific temporary uses and structures
515.29 Nonconformities

Section 520 Development standards

520.01 Measurements, computations, and encroachments
520.03 Site development standards
520.05 Architectural design standards for principal buildings
520.07 Exterior lighting
520.09 Fences and retaining walls
520.11 Landscaping
520.13 Screening
520.15 Off-street parking and loading
520.17 Surface water, drainage and erosion control

Section 525 Subdivision of land

525.01 Basic subdivision requirements
525.03 Development agreement required
525.05 Subdivision design standards

Section 530 Signage

530.01 Findings, purpose and effect
530.03 General sign requirements
530.05 Sign design standards
530.07 Maintenance and repair
530.09 Allowed sign types
530.11 Sign specific standards
List of Illustrations

Figure 1: Illustration of building height
Figure 2: Illustration of lot configuration
Figure 3: Illustration showing yards for through lot
Figure 4: Illustration showing typical setbacks for a one-family dwelling
Figure 5: Illustration showing yard locations
Figure 6: Illustration of typical setback locations for a one-family dwelling
Figure 7: Illustration of height measurements
Figure 8: Fence height on interior residential lot
Figure 9: Fence location on corner residential lot (principal building facing shorter side)
Figure 10: Fence location on corner residential lot (principal building facing longer side)
Figure 11: Retaining walls shall be benched, or terraced, so that no individual wall exceeds a height of six feet
Figure 12: Illustration of a permitted berm slope
Figure 13: Illustration of protective fence placement for trees
Figure 14: Perimeter landscaping required between a parking lot and a street
Figure 15: Illustration of parking lot perimeter screening
Figure 16: Example of how parapet walls are utilized to screen roof mounted mechanical equipment
Figure 17: Use of a wall and fencing for screening that is architecturally compatible with the principal building
Figure 18: Illustration of shadow parking concept
Figure 19: Options for locating an auxiliary parking space
Figure 20: Non-impeded access driveway
Figure 21: Parking space and aisle requirements based on angle of parking
Figure 22: Illustration of how sign area is calculated
Figure 23: Illustration of wall sign area calculation

List of Tables

Table 1: Development Review Procedures
Table 2: Zoning Districts
Table 3: Permitted Principal Uses
Table 4: Permitted Accessory Uses and Structures
Table 5: Permitted Temporary Uses and Structures
Table 6: Permitted Encroachments
Table 7: Zoning District Site Development Standards for Principal Buildings
Table 8: Zoning District Site Development Standards for Accessory Structures
Table 9: Species Diversity
Table 10: Replacement Tree Requirements
Table 11: Parking Spaces by Use
Table 12: Parking space and aisle dimensions
Table 13: Required cash payment
Table 14: Signs allowed by zoning district
Table 15: Freestanding or Pylon Signs
Table 16: Monument Signs
Table 17: Projecting Signs
Table 18: Wall Signs
Section 500

General provisions

500.01. Title and authority.

Subd. 1. Citation. These sections 500 through 530 of the Crystal city code, shall be known as the “Crystal Unified Development Code” except as referred to herein where it shall be known as this “UDC.”

Subd. 2. Authority. This UDC is enacted pursuant to the authority granted to the city by the Municipal Planning Act, under Minnesota Statutes, section 462.351 et. seq. and such other law as may apply.

500.03. Purpose. The purpose of this UDC is to implement the comprehensive plan and to protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing land development and use. More specifically, the purpose of these regulations is to:

(a) Establish regulations to protect the use districts that the city has established by regulating compatibility of different land uses, density of structures, building setbacks and heights, provision for adequate light, air, and convenience of access to property; and preventing congestion in the public right-of-way;

(b) Avoid or minimize negative impacts from land uses including, but not limited to, impacts to neighboring properties, public infrastructure, and the general public;

(c) Promote orderly development and redevelopment of property upon which to plan transportation, water supply, sewerage, and other public facilities and utilities;

(d) Provide for administration of and amendments to this UDC, and prescribe penalties for violations of such regulations; and

(e) Define duties of city staff, board of appeals and adjustments, planning commission and city council in relation to this UDC.
500.05. **Relationship to comprehensive plan.** It is the policy of the city that the enactment, amendment, and administration of this UDC be accomplished with due consideration of the policies and recommendations contained in the Crystal comprehensive plan as amended from time to time by the city council.

500.07. **Relationship to existing ordinances.**

   **Subd. 1. Minimum requirements.** In their application and interpretation, the provisions of this UDC shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

   **Subd. 2. Applicability.** Where the conditions imposed by any provisions of this UDC are either more or less restrictive than comparable conditions imposed by any applicable state law or regulation or any city ordinance or resolution of any kind, the regulations that are more restrictive or which impose higher standards or requirements shall prevail.

   **Subd. 3. Conformity required.** No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner that is not in conformity with the provisions of this UDC.

500.09. **Transitional rules.**

   **Subd. 1. Enactment.** This UDC was enacted by Ordinance No. 2017-07, adopted by the city council on January 2, 2018, and became effective on February 10, 2018.

   **Subd. 2. Building permits.** Any building, structure, or development for which a building permit was issued prior to the effective date of this UDC may, at the applicant’s option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this UDC. If the building or structure is not completed within the time allowed under the original building permit or any extension granted therefor, then the building, structure, or development shall be constructed, completed, or occupied in full compliance with this UDC.

   **Subd. 3. Voluntary compliance.** For those applications submitted prior to the effective date of this UDC, the applicant has the option of complying with the requirements in this UDC, but is only required to comply with the requirements in effect on the date the application was submitted.

500.11. **Severability.** If any section, subsection, sentence, clause, or phrase of this UDC is for any reason held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity or enforceability of the remaining portions of this UDC. The city council hereby declares that it would have adopted this UDC in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.
Section 505

Definitions

505.01. Definitions.

Subd. 1. Abutting or adjacent. “Abutting” or “Adjacent” means the land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement or street.

Subd. 2. Accessibility ramps. “Accessibility ramps” means ramps that provide access to buildings for the disabled.

Subd. 3. Accessory dwelling unit. “Accessory dwelling unit” means a separate, complete housekeeping unit, with a separate entrance, kitchen, sleeping area, and bathroom facilities that is located as part of a detached garage.

Subd. 4. Accessory structure. “Accessory structure” means a subordinate building or other subordinate structure, including but not limited to detached garages, sheds, gazebos, or swimming pools, the use of which is clearly subordinate or accessory to the principal use of the building or property.

Subd. 5. Adult uses. “Adult uses” has the meaning given it from the Crystal city code, section 1190.

Subd. 6. Airport facilities. “Airport facilities” means the buildings and grounds of the Crystal Airport, including those areas used for the storage, fueling, and repair of aircraft.

Subd. 7. Alley. “Alley” means a public right-of-way other than a street that affords a secondary means of access to abutting property.

Subd. 8. Amusement center. “Amusement center” has the meaning given it from the Crystal city code, section 1180.

Subd. 9. Animal hospital or veterinary clinic. “Animal hospital or veterinary clinic” means any building or portion of a building where animals or pets are given medical or surgical treatment and are cared for at the time of such treatment, including facilities with offices and/or laboratories for operation and/or functioning of a research and development facility. Use as a kennel shall be limited to short time boarding and shall be incidental to such animal hospital use.
Subd. 10. **Antenna support structure.** “Antenna support structure” means any building, athletic field lighting, water tower, or other structure other than a tower, which can be used for location of telecommunications facilities as an accessory, subordinate use. New structures built for the purpose of attaching telecommunications facilities are “towers” not “antenna support structures” for the purposes of this UDC. For example, if an athletic field light pole would be replaced by a taller pole to facilitate installation of an antenna, then the new pole would be classified as a “tower” not an “antenna support structure” even if lights would be mounted to it in a manner similar to the way they were mounted to the previous light pole. This term does not include wireless support structures, which are separately defined under this UDC.

Subd. 11. **Applicant.** “Applicant” means, unless otherwise specified, an owner or agent for the owner, including a subdivider, developer, attorney, or similar representative who has filed an application for development or sign approval with the city.

Subd. 12. **Application.** “Application” means the process by which the owner, or their agent, of a parcel of land within the city submits a written request for any type of development or sign approval.

Subd. 13. **Awning.** “Awning” means a roof-like cover, often of fabric, plastic, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Subd. 14. **Banks or financial institutions.** “Banks or financial institutions” means establishments engaged in deposit banking, which may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, or credit unions.

Subd. 15. **Banquet halls or event centers.** “Banquet halls or event centers” means a facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food or the sale of alcoholic beverages for on-premises consumption during scheduled events which are not open to the public. The facility space may be used by various groups for social gatherings, meetings, parties, weddings, receptions, or dances.

Subd. 16. **Base flood elevation.** “Base flood elevation” means the elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

Subd. 17. **Basement.** “Basement” means an area of a building, including crawl spaces, having its floor or base subgrade below ground level, regardless of the depth of excavation below ground level.

Subd. 18. **Bed and breakfast establishment.** “Bed and breakfast establishment” means an owner-occupied dwelling that offers short-term lodging, with or without meals, for compensation.
Subd. 19. **Block.** “Block” means an area of land within a subdivision that is entirely bounded by streets, railroads, waterways, other natural barriers, the exterior boundary of the subdivision or any combination of the preceding.

Subd. 20. **Brewer taproom or brewpub.** “Brewer taproom or brewpub” has the meaning given it in the Crystal city code, section 1200.

Subd. 21. **Building.** “Building means any roofed structure used or intended for supporting or sheltering any use or occupancy. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

Subd. 22. **Building height.** “Building height” means the vertical distance of a building measured in feet from average grade around the perimeter of a structure to (see Figure 1):

(a) The deck line of a mansard roof; or

(b) The highest point of a flat roof; or

(c) The mean height between the eaves and highest point on gable, hip, or gambrel roofs.

![Figure 1: Illustration of building height](image)

Subd. 23. **Building, accessory.** “Building, accessory” see definition for “Accessory structure”
Subd. 24. Building, principal. “Building, principal” means a building that is the primary use of the lot.

Subd. 25. Building materials sales. “Building materials sales” means lots and related structures used for the sale of construction materials, lumber, and related materials that may or may not be within an enclosed structure.

Subd. 26. Bulk storage of liquids. “Bulk storage of liquids” means a use associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, or similar liquids.

Subd. 27. Canopy. “Canopy” means a roof-like cover, often made of fabric, plastic, metal, or glass on a support, which is affixed to a building and provides shelter over a doorway.

Subd. 28. Carport. “Carport” means an accessory structure used generally for covering vehicles which is open on at least two sides. It may be attached to the home or be freestanding. If the structure is not open on at least two sides, it is considered a garage and shall comply with all requirements in this UDC for garages.

Subd. 29. Cemeteries. “Cemeteries” means land used or dedicated to the burial of the dead, including mausoleums, necessary-related sales, and maintenance facilities. A funeral home may be included when operated within the boundary of such cemetery.

Subd. 30. City. “City” means the City of Crystal, unless otherwise noted.

Subd. 31. Club or lodge. “Club or lodge” means buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not those which are primarily for profit or which render a service that is customarily carried on as a business.

Subd. 32. Commercial truck storage or parking. “Commercial truck storage or parking” means a parking lot used for the storage or temporary parking of commercial vehicles.

Subd. 33. Commercial storage building. “Commercial storage building” means a detached accessory building that is over 200 square feet in size and used primarily for storage for a commercial business. For the purposes of this UDC, commercial storage buildings are not synonymous with self-storage facilities.

Subd. 34. Comprehensive plan. “Comprehensive plan” means the formally adopted comprehensive development plan of the city, composed of maps, charts, diagrams, and text describing the recommended policies and programs to guide the city’s future development and redevelopment.
Subd. 35. **Control measure.** “Control measure” means a practice or combination of practices to control erosion and attendant pollution.

Subd. 36. **Critical facilities.** “Critical facilities” means 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 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.

Subd. 37. **Curb cut.** “Curb cut” has the meaning given it in Crystal city code, subsection 800.03.

Subd. 38. **Day care facilities.** “Day care facilities” means a facility providing care for children, the elderly, or functionally-impaired adults in a protective setting for a portion of the day.

Subd. 39. **Day care facilities, in-home.** “Day care facilities, in-home” means a day care facility under rules and statutes of the State of Minnesota serving and providing care to 12 or fewer children.

Subd. 40. **Day care, group family facilities.** “Day care, group family facilities” means a facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 and which serves 14 or fewer children.

Subd. 41. **Deck, detached.** “Deck, detached” means a freestanding deck which does not utilize the exterior wall of the principal structure for support.

Subd. 42. **Detention facility.** “Detention facility” means a permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of stormwater.

Subd. 43. **Development.** “Development” means any manmade change to improved or unimproved real estate, including buildings or other structures, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

Subd. 44. **Driveway.** “Driveway” has the meaning given it in the Crystal city code, subsection 800.03.

Subd. 45. **Driveway approach.** “Driveway approach” has the meaning given it in the Crystal city code, subsection 800.03.
Subd. 46. Drive-through establishment. “Drive-through establishment” means any portion of a building, structure or property from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Subd. 47. Dwelling. “Dwelling” means a building or portion thereof used exclusively for residential purposes, forming a habitable unit for one family. Garages, tents, and accessory structures shall not be considered dwellings and shall at no time be used as a dwelling, either temporarily or permanently. Tents may be used for recreational purposes.

Subd. 48. Dwelling, multiple. “Dwelling, multiple” means a building designed with three or more dwellings exclusively for occupancy by three or more families living independently of each other.

Subd. 49. Dwelling, one-family attached. “Dwelling, one-family attached” means a building, such as townhouses or row houses, containing dwellings in which:

(a) Each dwelling is located on its own parcel;

(b) Each dwelling is attached to another by party walls without openings; and

(c) Each dwelling has primary ground floor access to the outside.

Subd. 50. Dwelling, one-family detached. “Dwelling, one-family detached” means a residential building containing not more than one dwelling entirely surrounded by open space on the same lot.

Subd. 51. Dwelling, two-family. “Dwelling, two-family” means a building designed exclusively for occupancy by two families living independently of each other, typically referred to as a double bungalow or duplex, where the entire building is located on a single lot.

Subd. 52. Easement. “Easement” means a grant by a property owner to either the public or an individual for the use of the owner’s property for certain specified purposes (i.e. drives, utilities, etc.).

Subd. 53. Equal degree of encroachment. “Equal degree of encroachment” means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Subd. 54. Essential services. “Essential services” means underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems by public utilities, municipal or other governmental agencies.
Subd. 55. Family. “Family” means one or more persons maintaining a common household and using common cooking facilities.

Subd. 56. Farm fence. “Farm fence” means a fence as defined by Minnesota Statutes, section 344.02, subdivision I(a)-(d). An open type fence of posts and wire is not considered to be a structure in the floodplain overlay district requirements. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under the floodplain overlay district provisions.

Subd. 57. Filtration. “Filtration” means a process by which stormwater runoff is captured, temporarily stored, and routed through a filter bed to improve water quality and slow down stormwater runoff.

Subd. 58. Findings of fact. “Findings of fact” means written findings embodied in a resolution, ordinance, or other document approved or adopted by the body making such findings.

Subd. 59. Flag. “Flag” means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Subd. 60. Flood. “Flood” means 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.

Subd. 61. Flood frequency. “Flood frequency” means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Subd. 62. Flood fringe. “Flood fringe” means 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.

Subd. 63. Flood prone area. “Flood prone area” means any land susceptible to being inundated by water from any source (see “Flood”).

Subd. 64. Floodplain. “Floodplain” means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Subd. 65. Floodproofing. “Floodproofing” means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
Subd. 66. **Floodway.** “Floodway” means 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.

Subd. 67. **Floor area, gross.** “Floor area, gross” means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings.

Subd. 68 **Floor area, finished.** “Floor area, finished” means the gross floor area that is finished as fully habitable space, including the finished portion of a basement. Where a sloped ceiling is present, only that portion which has at least six feet of vertical clearance from floor to ceiling shall be considered finished floor area.

Subd. 69 **Food trucks.** “Food trucks” means a food and beverage establishment that is a vehicle-mounted unit within which food is stored, cooked, prepared, and or offered for direct sale to the consumer.

Subd. 70. **Frontage.** “Frontage” means the line of contact of a property with a public right-of-way.

Subd. 71. **Funeral home.** “Funeral home” means a building used for human funeral services and which may include space for embalming and other services used in the preparation of the dead for burial, the indoor storage of caskets, funeral urns, and other related supplies. Funeral homes do not include facilities for cremation, but cremation services may be offered.

Subd. 72. **Garage, attached.** “Garage, attached” means the storage of motor vehicles by the owner or occupant of the principal use in a garage that is attached to the principal structure by a common wall or by a roof. An attached garage has no facilities for mechanical service or repair.

Subd. 73. **Garage, detached.** “Garage, detached” means an accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair.

Subd. 74. **Garage or yard sales.** “Garage or yard sales” means the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property.

Subd. 75. **Grade.** “Grade” means the average finished ground level of the land around the perimeter of a lot, structure, or building.
Subd. 76. **Half street.** “Half street” means a right-of-way dedicated for a street by a developer along such developer’s perimeter property line equal to only one-half of the total right-of-way width required by this UDC.

Subd. 77. **Home business.** “Home business” means a business, profession, activity, or use that is clearly a customary, incidental, and accessory use of a residential dwelling and except for allowable signage does not alter the exterior of the property or affect the residential character of the neighborhood.

Subd. 78. **Hospital.** “Hospital” means an institution licensed by the state providing health care services and medical or surgical care to persons, primarily inpatient, suffering illness, disease, injury, and other physical and mental conditions. Hospitals may include as an integral part of the facility laboratories, outpatient facilities, or training facilities.

Subd. 79. **Hotel, motel, or extended stay.** “Hotel, motel, or extended stay” means a facility containing four or more guest rooms and offering transient lodging accommodations on a daily rate to the general public, plus no more than two dwelling units as accessory uses to the hotel and occupied only by the property owners or on-site managers.

Subd. 80. **Hydric soils.** “Hydric soils” means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subd. 81. **Hydrophytic vegetation.** “Hydrophytic vegetation” means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Subd. 82. **Impervious surface.** “Impervious surface” means any surface that does not readily absorb or retain water, including but not limited to buildings, roofs, parking areas and driveways, sidewalks, and pavement.

Subd. 83. **Industrial uses (indoors).** “Industrial uses (indoors)” means a facility used primarily for manufacturing, processing, or assembly of products that is a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from the adjacent properties.

Subd. 84. **Industrial uses with outdoor storage of parts, products, or fuel.** “Industrial uses with outdoor storage of parts, products, or fuel” means:
(a) Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials and also uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, truck terminals, public works yards, and container storage.

(b) Outdoor/open storage of parts, products, or fuels (exterior storage) means any land used or occupied for the purpose of the storing of the goods and materials used for the principal industrial use.

Subd. 85. Infiltration. “Infiltration” means the passage of water into the ground through the soil.

Subd. 86. Kennels, commercial. “Kennels, commercial” has the meaning given it in the Crystal city code, section 910.

Subd. 87. Kennels, private. “Kennels, private” has the meaning given it in the Crystal city code, section 910.

Subd. 88. Lot. “Lot” means land occupied or proposed to be occupied by a building and its accessory buildings, together with such open space as is required under the provisions of this UDC, having not less than the minimum area required by this UDC for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the city council.

Subd. 89. Lot coverage. “Lot coverage” means that portion of a lot that is covered by impervious surfaces.

Figure 2: Illustration of lot configuration
Subd. 90. **Lot, corner.** “Lot, corner” means a lot abutting on more than one street and situated at an intersection of streets (see figure 2).

Subd. 91. **Lot, interior.** “Lot, interior” means a lot abutting on only one street (see figure 2).

Subd. 92. **Lot, through.** “Lot, through” means a lot abutting on more than one street but not situated at an intersection of streets (see figure 2).

Subd. 93. **Lot, through corner.** “Lot, through corner” means a lot abutting on more than one street and situated at more than one intersection of streets (see figure 2).

Subd. 94. **Lot area.** “Lot area” means the area of a horizontal plane within the lot lines.

Subd. 95. **Lot depth.** “Lot depth” means the shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.

Subd. 96. **Lot line, front.** “Lot line, front” means the boundary of a lot that abuts a public street. On a corner lot, it shall be the street-abutting lot line with the shortest dimension. If the property lines on both street frontages are of the same length, the property line to be used for front setback measurement shall be determined by the zoning administrator. On a through lot, the lot line for which the home is facing shall be the front lot line (see figure 3).

![Figure 3](image_url)

**Figure 3:** Illustration showing yards for through lot

Subd. 97. **Lot line, rear.** “Lot line, rear” means the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.
Subd. 98. **Lot line, side.** “Lot line, side” means any lot line that is not a front, rear or corner side lot line.

Subd. 99. **Lot line, corner side.** “Lot line, corner side” means any street-abutting lot line that is not a front or rear lot line.

Subd. 100. **Lot of record.** “Lot of record” means land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the recorder of Hennepin County, Minnesota; or a parcel of land, the deed to which was recorded in the office of the recorder or registrar of titles of Hennepin County, Minnesota prior to the adoption of the ordinance codified in this UDC.

Subd. 101. **Lot width.** “Lot width” means the horizontal distance between side lot lines. In the case of irregularly shaped lots located on a cul-de-sac or curved street, lot width shall be measured at the required front and rear setback lines.

Subd. 102. **Lowest floor.** “Lowest floor” means 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 building in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

Subd. 103. **Manufactured home.** “Manufactured home” has the meaning given in Minnesota Statutes, section 327.31. The term “manufactured home” does not include the term “recreational vehicle.”

Subd. 104. **Marquee.** “Marquee” means any permanent roof-like structure extending along or projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Subd. 105. **Medical clinics.** “Medical clinics” means a building, or part of a building, where persons are cared for on an outpatient basis.

Subd. 106. **Multiple tenant building.** “Multiple tenant building” means any building which has more than one (1) tenant, and where each tenant has a separate ground-level exterior public entrance.

Subd. 107. **New construction.** “New construction” means structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of the floodplain overlay district provisions.
Subd. 108. Non-commercial speech. “Non-commercial speech” means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Subd. 109. Non-conforming lot. “Non-conforming lot” means a lot of record or other parcel of land that does not comply with the lot requirements for any allowed use in the zoning district in which it is located.

Subd. 110. Non-conforming structure. “Non-conforming structure” means any structure permitted prior to the effective date of this UDC, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this UDC.

Subd. 111. Non-conforming use. “Non-conforming use” means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Subd. 112. Obstruction. “Obstruction” means any, wall, embankment, 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.

Subd. 113. Offices, professional. “Offices, professional” means establishments providing executive, management, administrative or professional services including, but not limited to, real estate, medical clinics, architecture, legal, travel, contractor, employment, insurance, and similar uses.

Subd. 114. One hundred year floodplain. “One hundred year floodplain” means lands inundated by the “Regional Flood” (see definition).

Subd. 115. Owner or property owner. “Owner or property owner” means the owner or taxpayer of record according to Hennepin County property tax records.

Subd. 116. Parapet wall. “Parapet wall” means that portion of building wall that rises above the roof level.

Subd. 117. Parking lots or ramps. “Parking lots or ramps” means land that is surfaced in accordance to the requirements of this UDC and used for the temporary parking of vehicles as a business enterprise.

Subd. 118. Patio. “Patio” means an open, level-surfaced area that is typically impervious, has an elevation of no more than 12 inches above grade, is without walls or roofs, and is intended for outdoor seating or recreation.
Subd. 119. **Personal services.** “Personal services” means establishments that are primarily engaged in providing services generally involving the care of the person or the person’s possessions. Personal services may include, but are not limited to laundry and dry-cleaning services, tailors, barber or beauty shops, health and fitness studios, nail salons, locksmiths, tattoo parlors, therapeutic massage, pet grooming, portrait studios, and similar uses.

Subd. 120. **Plat, final.** “Plat, final” means the final formally approved layout of the proposed subdivision showing the same information as the preliminary plat, complying with the requirements of this UDC, and any additional requirements imposed by the city council and prepared in the form required by the appropriate county office and Minnesota Statutes, section 505.

Subd. 121. **Plat, preliminary.** “Plat, preliminary” means a tentative layout of the proposed subdivision prepared for the purpose of formal review by the city. The preliminary plat shows lots, blocks, streets, and physical features relevant to the development of the property, but not in the detail or final form of the final plat.

Subd. 122. **Porch, open.** “Porch, open” means a porch that may have a roof but is not enclosed with windows, screens or walls.

Subd. 123. **Portable storage container.** “Portable storage container” means a temporary portable structure or container that allows for on-site storage of goods or materials, and which is not permanently affixed to a foundation.

Subd. 124. **Private recreational facilities, indoor.** “Private recreational facilities, indoor” means recreational facilities are private recreational facilities located completely within an enclosed building that includes, but is not limited to bowling alleys, volleyball courts, ice skating rinks, and driving ranges. The term does not include amusement centers.

Subd. 125. **Private recreational facilities, outdoor.** “Private recreational facilities, outdoor” means private recreational facilities providing outdoor activities that includes, but is not limited to, sand volleyball courts, miniature golf courses, batting cages, and tennis courts.

Subd. 126. **Public and semipublic buildings.** “Public and semipublic buildings “ means buildings containing public or civic uses of special significance to residents, employees or visitors such as community service centers. Public and semipublic buildings do not include public utility buildings, schools, or religious institutions.

Subd. 127. **Public waters.** “Public waters” means waters of the state as defined in Minnesota Statutes, section 103G.005.
Subd. 128. Reach. “Reach” means a hydraulic engineering term used 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.

Subd. 129. Recreational vehicle. “Recreational vehicle” has the meaning given the term in Minnesota Statutes, section 168.002. For the purposes of this UDC, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle”.

Subd. 130. Regional flood. “Regional flood” means 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.

Subd. 131. Regulatory flood protection elevation (RFPE). “Regulatory flood protection elevation” or “RFPE” means 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.

Subd. 132. Religious institutions. “Religious institutions” mean a building, together with its accessory buildings, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Subd. 133. Repetitive loss. “Repetitive loss” means 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.

Subd. 134. Restaurant or eating establishment. “Restaurant or eating establishment” means an establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state. Restaurants or eating establishments include cafes, coffee shops, and ice cream shops.

Subd. 135. Restrictive covenant. “Restrictive covenant” means a recorded contract or agreement entered into between private parties establishing restrictions on the development or use of property in addition to those established by this UDC.
Subd. 136. Retail establishments. “Retail establishments” means establishments primarily engaged in the sale of goods to the general public. Retail uses may include, but are not limited to, bookstores, liquor stores, bakeries, grocery stores, and other similar uses.

Subd. 137. Retention facility. “Retention facility” means a permanent natural or man-made structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

Subd. 138. Seasonal agricultural sales. “Seasonal agricultural sales” means the outdoor sale of goods or products obtained primarily through farming or agricultural activities, including, but not limited to: pumpkins; grain and seed crops; fruits and vegetables; nursery, floral, ornamental, and greenhouse products; and Christmas trees.

Subd. 139. Schools, elementary or secondary. “Schools, elementary or secondary” means buildings used to teach students that includes elementary schools, middle schools or high schools.

Subd. 140. Schools, nursery or preschool. “Schools, nursery or preschool” means a school providing general daytime care and/or instruction for children six years of age or younger which conducts no instructional programs certified by the state department of education as meeting the minimum educational requirements for compulsory-age children.

Subd. 141. Schools, trade or business. “Schools, trade or business” means a school operated for profit, which teaches business, professional, or technical trades or skills, or a school not otherwise included within the provisions of this UDC.

Subd. 142. Self-storage facilities. “Self-storage facilities” means a building or group of buildings having compartments, rooms, spaces, containers, or other types of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property, and where the facility owner/operator has limited access to such privately-rented units. For the purposes of this UDC, the term self-storage facilities shall be considered synonymous with the term mini-storage.

Subd. 143. Senior housing. “Senior housing” means a multiple dwelling building or group of buildings in which each dwelling is occupied by at least one person age 55 or older. This includes assisted living but not institutions such as specialized care facilities.
Subd. 144. **Setback.** “Setback” means the minimum required horizontal distance between a structure and a lot line, as measured perpendicular to the lot line. Setback standards provide open areas around structures for visibility and traffic safety, access to and around structures, access to natural light, ventilation and direct sunlight, separation between potentially conflicting activities, and space for privacy, landscaping, and recreation.

![Diagram showing setback distances](image)

**Figure 4:** Illustration showing typical setbacks for a one-family dwelling

Subd. 145. **Setback, front.** “Setback, front” means the minimum required horizontal distance between a structure and the front lot line (see figure 4).

Subd. 146. **Setback, rear.** “Setback, rear” means the minimum required horizontal distance between a structure and the rear lot line (see figure 4).

Subd. 147. **Setback, side.** “Setback, side” means the minimum required horizontal distance between a structure and the side lot line (see figure 4).

Subd. 148. **Setback, corner side.** “Setback, corner side” means the minimum required horizontal distance between a structure and the corner side lot line (see figure 4).

Subd. 149. **Shed.** “Shed” means a detached accessory building that is used primarily for the storage of goods, not vehicles.

Subd. 150. **Sign face.** “Sign face” means the surface of the sign upon, against, or through which the message of the sign is exhibited.

Subd. 151. **Sign structure.** “Sign structure” means any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.
Subd. 152. **Sign.** “Sign” means any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. Signs shall be further defined as follows:

(a) **Abandoned sign.** “Abandoned sign” means any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

(b) **Awning sign.** “Awning sign” means a building sign or graphic printed on or in some fashion attached directly to the awning material.

(c) **Balloon sign.** “Balloon sign” mean a temporary sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air that is greater than 24 inches in diameter.

(d) **Building sign.** “Building sign” means any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

(e) **Canopy sign.** “Canopy sign” means any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee sign and is different from service area canopy signs.

(f) **Changeable sign.** “Changeable sign” means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable signs do not include signs upon which characters, letters, or illustrations change or rearrange only once in a 24-hour period.

(g) **Electronic or electrically-controlled readerboard.** “Electronic or electrically-controlled readerboard sign” means a sign, or section thereof, on which messages may be changed by electronic processes or remote control and the only movement of which is the periodic changing of information against a solid, colorless background, having a constant light illumination level.
(h) **Electric sign.** “Electric sign” means a sign containing electrical wiring; the term does not include signs illuminated by an exterior light source.

(i) **Flashing sign.** “Flashing sign” means a directly or indirectly illuminated sign which exhibits changing light or color effects by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

(j) **Freestanding sign.** “Freestanding sign” means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure. For the purposes of this UDC, a monument sign is not a freestanding sign.

(k) **Governmental sign.** “Governmental sign” means any temporary or permanent sign erected and maintained by the City, County, State, or federal government, or a public utility.

(l) **Illuminated sign.** “Illuminated sign” means any sign which contains an element designed to emanate artificial light internally or externally.

(m) **Marquee sign.** “Marquee sign” means any building sign painted, mounted, constructed or attached in any manner, on a marquee.

(n) **Monument sign.** “Monument sign” means any sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

(o) **Nonconforming sign.** “Nonconforming sign” means any sign and its support structure lawfully erected prior to the effective date of this UDC which fails to conform to the requirements of this UDC. A sign which was erected in accordance with a variance granted prior to the adoption of this UDC and which does not comply with this UDC shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

(p) **Off-premise sign.** “Off-premise sign” means a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not located on the same premises where such business sign is located. For purposes of this UDC, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

(q) **On-premise sign.** “On-premise sign” means a sign that pertains to the use of the premises or the property on which it is located.
(r) **Pole sign.** “Pole sign” means a sign which has the same meaning as pylon sign (see definition).

(s) **Portable sign.** “Portable sign” means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

(t) **Projecting sign.** “Projecting sign” means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than 15 inches beyond the surface of such building or wall face. A projecting sign is also a sign located above or below a canopy or marquee.

(u) **Pylon sign.** “Pylon sign” means any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

(v) **Roof sign.** “Roof sign” means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

(w) **Rotating sign.** “Rotating sign” means a sign or portion of a sign which turns about on an axis.

(x) **Shimmering sign.** “Shimmering sign” means a sign which reflects an oscillating sometimes distorted visual image.

(y) **Small sign.** “Small sign” means a single sign six square feet or less in size.

(z) **Temporary sign.** “Temporary sign” means a sign which is erected or displayed, or both, for a limited period of time.
(aa) **Vehicle sign.** “Vehicle sign” means any sign exceeding 10 square feet in sign area that is mounted, painted, placed, affixed or attached to a trailer, watercraft, truck, automobile or other form of motor vehicle that is parked so that the sign is discernable from a public street or right-of-way as a means of communication. The vehicle upon which the sign is affixed must function primarily as a means to display the sign rather than as a transportation device, as determined by consideration of any combination of the following factors: a) the absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed; b) the vehicle on which the sign is displayed is inoperable; c) the vehicle on which the sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot; d) the vehicle displaying the sign remains parked on the premises after normal business hours when customers and employees are not normally present on the premises; or e) the vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right-of-way on a regular basis.

(bb) **Wall sign.** “Wall sign” means any building sign attached parallel to, but within two feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. A wall sign is also a sign installed on the face of a canopy or marquee, but not extending beyond the face.

Subd. 153. Small wireless facility. “Small wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 11.

Subd. 154. Special flood hazard area. “Special flood hazard area” means a term used for flood insurance purposes synonymous with “One hundred year floodplain.”

Subd. 155. Specialized care facilities. “Specialized care facilities” means any facility where the primary function is the provision, on a continuing basis, of nursing services and health-related services for treatment and in-patient care, such as nursing homes, memory care facilities, and hospices. This does not include senior housing or the residence of any individual who cares for another family member.

Subd. 156. Start of construction. “Start of construction” means in relation to the floodplain overlay district, 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 building. 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.

Subd. 157. State licensed residential facility. “State licensed residential facility” means a licensed, public or private, residential care facility located in a residential dwelling unit that provides six or fewer persons with a 24-hour-per-day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the client's own home. Residential facilities include, but are not limited to, state institutions for human services, foster homes, residential treatment centers, group homes, residential programs, or supportive living residences for functionally impaired adults.

Subd. 158. Stealth. “Stealth” means any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to look other than a tower such as light poles, power poles, and trees.

Subd. 159. Street. “Street” means a public right-of-way greater than 30 feet in width platted or dedicated for the purpose of accommodating vehicular traffic or providing principal access to abutting property. An alley is not a street.

Subd. 160. Structure. “Structure” means anything constructed or erected on or connected to the ground, whether temporary or permanent in character.

Subd. 161. Subdivision. “Subdivision” means as a verb, the term means the process of separating a parcel of land for the purpose of building or conveyance including the division of previously subdivided property. As a noun, the term means the product resulting from the separation of a parcel into two or more parcels. The term also includes the activity regulated by Minnesota Statutes, chapters 515, 515A, and 515B.

Subd. 162. Substantial damage. “Substantial damage” means in relation to the floodplain overlay district damage of any origin sustained by a structure where the cost of restoring the structure to it’s before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
Subd. 163. **Substantial improvement.** “Substantial improvement” means in relation to the floodplain overlay district 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:

(a) 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.

(b) 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 subsection, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

Subd. 164. **Survey, certified.** “Survey, certified” means a scaled drawing prepared by a registered land surveyor of a property indicating the location and dimensions of property lines, and if appropriate the location and dimensions of existing and proposed buildings. A survey typically depicts a parcel’s legal description and may also show additional information such as topographic data and the location of recorded easements.

Subd. 165. **Telecommunications facilities.** “Telecommunications facilities” means any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, the term “telecommunications facilities” shall not include any satellite earth station antenna 1 meter or less in diameter, or any satellite earth station antenna 2 meters in diameter or less which is located in an area zoned industrial or commercial. This term does not include wireless facilities, which are separately defined under this UDC.

Subd. 166. **Telecommunications tower or tower.** “Telecommunications tower or tower” means a self-supporting lattice, guyed, or monopole structure constructed from grade whose principal use is to support telecommunications facilities. The term tower shall not include amateur radio operations equipment licensed by the Federal Communications Commission (FCC). This term does not include wireless facilities or wireless support structures, which are separately defined under this UDC.
Subd. 167. **Theater, indoor.** “Theater, indoor” means a building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Subd. 168. **Useable open space.** “Useable open space” means a required ground area or terrace area on a lot which is graded, developed, landscaped, and equipped and intended and maintained for either active or passive recreation or both, which is available and accessible to and useable by all persons occupying a dwelling or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for recreational purpose. Roofs, driveways and parking areas shall not constitute useable open space.

Subd. 169. **Use, accessory.** “Use, accessory” means a use which:

(a) Is subordinate to and serves a principal building or principal use;

(b) Is subordinate in area, extent, and purpose to the principal structure or principal use as served; and

(c) Is located on the same lot as the principal structure or principal use served and except as otherwise expressly authorized by the provisions of this UDC.

Subd. 170. **Use, conditional.** “Use, conditional” means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Subd. 171. **Use, permitted.** “Use, permitted” means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, including development standards, of such districts.

Subd. 172. **Use, principal.** “Use, principal” means the main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be permitted or conditional.

Subd. 173. **Use, temporary.** “Use, temporary” means a use that may be permitted for a specified period of time.

Subd. 174. **Variance.** “Variance” means an approval issued by the city council waiving the application of one or more provisions of this UDC with respect to a particular property in instances where the applicant demonstrates that there are practical difficulties in strictly complying with the requirements of this UDC because of circumstances unique to the property that were not caused by the applicant.
Subd. 175. **Vehicle, boat or recreational sales and rental.** “Vehicle, boat or recreational sales and rental” means facilities where new or used vehicles, boats, or recreational vehicles, in operational condition, are sold, leased, or rented to customers.

Subd. 176. **Vehicle fuel stations.** “Vehicle fuel stations” means a facility for the retail sale of unleaded or diesel gasoline. A vehicle fuel station may include a convenience store or general repair and maintenance of vehicles, such as muffler repair, oil change and lubrication, or tire service and sales.

Subd. 177. **Vehicle impound lot.** “Vehicle impound lot” means a parcel of land used for the outdoor storage of impounded vehicles, including impounded recreational vehicles. Commercial truck storage or parking, as defined in this UDC, is not a vehicle impound lot.

Subd. 178. **Vehicle repair.** “Vehicle repair” means the general repair and maintenance of vehicles such as oil changes, muffler repair, tire service and sales, or more substantial work such as body and fender work, upholstering, and replacement of parts.

Sub. 179. **Volume management.** “Volume management” means the retention and abstraction of a certain volume of stormwater runoff onsite through techniques such as infiltration, evapotranspiration, and capture and reuse.

Subd. 180. **Wetlands.** “Wetlands” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands shall have the following attributes:

(a) A predominance of hydric soils;

(b) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

(c) Under normal circumstances, support a prevalence of such vegetation.

Subd. 181. **Wireless facilities.** “Wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 13.

Subd. 182. **Wireless support structures.** “Wireless Support Structure” has the meaning given in Minnesota Statutes, section 237.162, subdivision 16.
Subd. 183. **Workshop.** “Workshop” means an accessory residential use for the creation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items. A workshop may be either an accessory use within the principal building or may be an accessory building on the property.

Subd. 184. **Yard.** “Yard” means the horizontal distance between the principal structure and a lot line, as measured perpendicular to the lot line. Eaves are not to be considered part of the principal structure for the purpose of determining the location or extent of a yard.

**Figure 5:** Illustration showing yard locations

Subd. 185. **Yard, front.** “Yard, front” means the horizontal distance between the principal structure and the front lot line, extending across the full width of the lot (see figure 5).

Subd. 186. **Yard, rear.** “Yard, rear” means the horizontal distance between the principal structure and the rear lot line, extending across the full width of the lot (see figure 5).

Subd. 187. **Yard, side.** “Yard, side” means the horizontal distance between the principal structure and the side lot line, extending from the front yard to the rear yard (see figure 5).

Subd. 188. **Yard, corner side.** “Yard, corner side” means the horizontal distance between the principal structure and the corner side lot line, extending from the front yard to the rear yard (see figure 5).
Section 510

Administration

510.01. Applicability.

Subd. 1. Procedures. All land use and development permit applications, except building permits, shall be governed by the procedures contained in this section.

Subd. 2. Procedural review processes. There are three different levels of procedural reviews for applications submitted to the city. These three types of review procedures are described in the Crystal city code, subsection 510.11. This UDC further identifies which procedural review shall be necessary based upon each type of application. To the extent that any application process does not outline a procedural review, the zoning administrator shall determine the appropriate level of review.

Subd. 3. Specific review processes. Specific procedures and decision criteria for each type of development review application are contained in the Crystal city code, subsection 510.13.

Subd. 4. Appeals of administrative decisions. Appeals of any order, requirement, decision, or determination made by an administrative officer in the enforcement of the UDC may be brought as provided in the Crystal city code, subsection 510.35.

Subd. 5. Appeals of final decisions. The decisions of the city council under this UDC are final, except that any person aggrieved by a final decision of the city council may appeal the decision to district court as provided in Minnesota Statutes, section 462.361. In order to be timely, any such appeal shall be filed with the district court within 30 days of the date of the decision.

510.03. Planning commission.

Subd. 1. Established. The planning commission is hereby established for the city. The planning commission is designated as the planning agency of the city in accordance with Minnesota Statutes, section 462.354.

Subd. 2. Purpose. The purpose of the planning commission is to assist the city council in all matters relating to zoning and development or redevelopment of properties within Crystal. The planning commission’s role is advisory in nature.

Subd. 3. Duties. The planning commission has those powers and duties assigned to it by Minnesota Statutes, sections 462.351 to 462.364, (the Municipal Planning Act) and as further provided under this UDC.
Subd. 4. **Members.** The planning commission shall be made up of nine members. There shall be at least two planning commission members from each of the four city wards. The remaining planning commission member shall be appointed on an at-large basis.

Subd. 5. **Qualifications.** Planning commission members must be residents of the city and be at least fifteen years old.

Subd. 6. **Removal.** Planning commission members serve at the pleasure of the city council and may be removed from the commission, with or without cause, upon a majority vote of the city council.

Subd. 7. **Terms.** Planning commission members shall be appointed to three-year terms. There are no term limits. To help ensure continuity in the planning commission’s work, the terms shall be staggered. As such, terms for the first nine planning commission members prescribed by this UDC shall expire as follows:

(a) Four terms shall expire on December 31, 2017.

(b) Three terms shall expire on December 31, 2018.

(c) Two terms shall expire on December 31, 2019.

Subd. 8. **Other commissions.** While serving on the planning commission, planning commission members may not also concurrently serve on the city’s parks and recreation commission or environmental quality commission.

Subd. 9. **Compensation.** Planning commission members shall serve without compensation, but may be reimbursed for actual and necessary expenses if funds for that purpose are identified in the adopted city budget.

Subd. 10. **Liaison.** The planning commission shall have both a city council liaison and a staff liaison. The city council liaison shall be assigned by the mayor. The staff liaison shall be assigned by the city manager. The commission may also have a staff secretary who is responsible for taking and preparing minutes during planning commission meetings.

Subd. 11. **Operations.** The planning commission shall conduct itself in accordance with this UDC, the Crystal city code, section 305, the planning commission’s bylaws, and all other applicable laws and ordinances.
510.05. Board of appeals and adjustments.

Subd. 1. Board of appeals and adjustments. Pursuant to Minnesota Statutes, section 462.354, the city of Crystal board of appeals and adjustments is hereby established for the city. The city’s planning commission shall serve as the board of appeals and adjustments for the city. Pursuant to Minnesota Statutes, section 462.354, subdivision 2, the decisions of the board of appeals and adjustments are advisory to the city council, which will make all final decisions. The Board shall operate under the same requirements as the planning commission in the Crystal city code, subsection 510.03.

Subd. 2. Duties of the board. The board of appeals and adjustments shall have the following duties:

(a) The board of appeals and adjustments hears and makes recommendations with respect to appeals from any order, decision, or determination made by an administrative officer in the enforcement of this UDC.

(b) The board of appeals and adjustments hears requests for variances from literal provisions of this UDC in accordance with the provisions of Minnesota Statutes, section 462.357.

(c) The board of appeals and adjustments hears appeals from the denial of a building permit for structures within the limits of a mapped street pursuant to Minnesota Statutes, section 462.359.

510.07. Zoning administrator.

Subd. 1. Appointment. The city manager shall appoint a zoning administrator to administer and enforce this UDC.

Subd. 2. Authority. The zoning administrator is authorized to perform the following duties for the city:

(a) Accept applications, determine their completeness, and identify what additional information is required to make an application complete;

(b) Process and issue permits once they have been approved in accordance with this UDC;

(c) Issue notices of denial;
(d) Create reports with recommendations on zoning matters for the planning commission and the city council;

(e) Provide for notices required under this UDC;

(f) Conduct inspection as may be needed;

(g) Administer and issue notices under Minnesota Statutes, section 15.99;

(h) Enforce this UDC through the issuance of violation notices, cease and desist orders, and correction orders as may be needed; and

(i) Perform such other duties and responsibilities as identified in this UDC or as may otherwise be needed to administer this UDC as directed by the city manager.

510.09. General development review requirements.

Subd. 1. Applicability. The requirements of this section shall apply to all development review applications and procedures subject to development review under this UDC, unless otherwise stated.

Subd. 2. Applications.

(a) Unless otherwise specified in this UDC, development review applications may be initiated by:

(1) The planning commission or city council, where applicable;

(2) The owner of the property that is the subject of the application; or

(3) The owner’s authorized agent.

(b) Unless otherwise specified in this UDC, development review applications shall be submitted to and filed with the zoning administrator.

(c) When an authorized agent files an application under this UDC on behalf of a property owner(s), the property owner(s) shall be required to sign the application. An application shall not be deemed complete if it is not signed by the owner(s).
Subd. 3. Application submission schedule. The schedule for the submission of applications in relation to scheduled meetings of the review bodies shall be established by the zoning administrator and made available to the public. Such schedule shall be used for informational purposes only. The zoning administrator shall determine when an application shall be submitted to the planning commission or city council based upon the completeness of the application received by the city.

Subd. 4. Application contents.

(a) Applications required under this UDC shall be submitted using the application form established by the city. The materials and quantities to be submitted with each application are listed on each application form.

(1) In addition to other requirements on the application form, applications to improve a property shall be accompanied by a certified survey completed by a land surveyor licensed by the State of Minnesota.

(2) After the property improvement is completed, an as-built certified survey may also be required, including those situations where the location of improvements was changed since the application submittal.

(b) Applications shall be accompanied by a fee as established by the city council.

(1) No application may be deemed complete, processed, or considered until the established fee(s) has been paid.

(2) Application fees are not refundable except where the zoning administrator determines that an application was submitted in error, or the fees paid exceed the amount due, in which case the amount of the overpayment shall be refunded to the applicant.

(c) The zoning administrator shall review and make decisions on the completeness of an application as provided for in Minnesota Statutes, section 15.99.
Subd. 5. Public notice.

(a) For all applications for development review that are subject to public notice requirements under this UDC or any applicable law or rule, the zoning administrator shall prepare and provide to the public the required notice in compliance with this subdivision 5.

(b) Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

1. Identify the address or location of the property subject to the application and the name of the applicant or the applicant’s agent;

2. Indicate the date, time, and place of the public hearing;

3. Describe the land involved by street address, legal description, or the nearest cross street and project area (size);

4. Describe the nature, scope, and purpose of the application or proposal;

5. Identify the location (e.g., city hall) where the public may view the application and related documents;

6. Include a statement that the public may appear at the public hearing, be heard, and submit evidence and written comments with respect to the application;

7. Include a statement describing where written comments will be received prior to the public hearing; and

8. If applicable, indicate the date of the city council meeting at which the application will be considered.
(c) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the zoning administrator shall make a formal finding as to whether there was substantial compliance with the notice requirements of this UDC, and such finding shall be made available prior to final action on the request.

(d) When the records of the city document the publication, mailing, and posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.

(e) Unless otherwise expressly provided in state law or this UDC, notice, when required, shall be postmarked or published at least ten days prior to the hearing or action.

(f) When the provisions of state law or this UDC require that notice be published, the zoning administrator shall be responsible for preparing the content of the notice and publishing such notice in the official newspaper of general circulation that has been selected by the city.

(g) When the provisions of this UDC require that written or mailed notice be provided, the zoning administrator shall be responsible for preparing and mailing the written notice as follows:

1. Written notice for planning commission hearings for development review applications as outlined in this section shall, at minimum, be given to property owners within 500 feet of the outer boundaries of the subject property.

2. The notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the planning commission.
(3) Written notice shall be postmarked no later than ten days prior to the meeting at which the item will be considered.

(4) For a public hearing for approval of a telecommunications tower as provided in the Crystal city code, subsection 515.19 the required notice shall be given, at minimum, to property owners within a radius that is ten times the height of the proposed tower.

510.11. Summary of application and review procedure types.

Subd. 1. General provisions.

(a) The development review procedure type assigned to each development review application governs the decision-making process for that application. There are three types of decision-making procedures, each of which are described in this subsection.

(b) Unless otherwise indicated within this UDC, all applications for permits or other approvals shall be submitted, in writing, to the zoning administrator.

Subd. 2. Summary table of development review procedures by type of review. Table 1 summarizes the type of development review procedures permitted under this UDC and the Crystal city code, subsection 510.13 defines the applicable approval procedures, criteria, and submittal requirements.
Table 1: Development Review Procedures

<table>
<thead>
<tr>
<th>Decision</th>
<th>Type 1 Zoning Administrator</th>
<th>Type 2 Planning Commission and Council</th>
<th>Type 3 City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Certificate</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Plan Review</td>
<td>X [1]</td>
<td>X [1]</td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permit</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Adjacent Parcel Land Conveyance</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Consolidation</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Subd.– Prelim. Plat</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Subd. – Final Plat</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Comp Plan Amendment</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Rezoning or Text Amend.</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Variance</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Appeals</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Note:  
1. A site plan review application is subject to either a Type 1 or Type 2 review, dependent upon the criteria in the Crystal city code, subsection 510.13.

Subd. 3. Review procedures.

(a) **Type 1 review procedure.** Type 1 review procedure decisions are made by the zoning administrator without public notice and without a public hearing.

(1) **Application submittal.** The applicant shall submit a complete application to the zoning administrator in accordance with the Crystal city code, subsection 510.09.
(2) **Action by the zoning administrator.** The zoning administrator shall render a decision to approve or deny an application in accordance with the timelines contained in this UDC. The zoning administrator shall provide a written decision on the application, delivered to the applicant. The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first.

(3) **Appeal.** The decision by the zoning administrator may be appealed to the board of appeals and adjustments as provided in the Crystal city code, subsection 510.35. The board of appeal and adjustments shall hear the appeal and forward it, with a written recommendation, to the city council for a final decision.

(b) **Type 2 review procedure.** Type 2 review procedure decisions are made by the city council after a recommendation is made by the planning commission at a public hearing. Type 2 review procedure decisions require both published and mailed notice as provided in this subsection.

(1) **Application submittal.** The applicant shall submit an application, in writing, to the zoning administrator in accordance with the Crystal city code, subsection 510.09.

(2) **Review by the zoning administrator.** The zoning administrator may consult with other city staff on the application. The zoning administrator shall provide the applicant with comments and changes that are required to be in compliance with the provisions of this UDC. The applicant shall be required to submit revised plans and documents incorporating the required changes prior to the planning commission meeting.

(3) **Notice and public hearing.** After determining that an application contains all the necessary and required information, the zoning administrator shall place the application on the planning commission agenda, schedule a public hearing on the proposed request, and notify the public pursuant to the Crystal city code, subsection 510.09.
(4) **Preparation of staff report.** The zoning administrator shall prepare a staff report providing an analysis of the proposal and a recommendation. The zoning administrator shall consider comments from other city staff in formulating the recommendation. The written staff report shall be forwarded to the planning commission and the contact person listed on the application form prior to the meeting at which the planning commission will consider the application.

(5) **Recommendation by planning commission.** The planning commission shall hear and make a recommendation on the application in accordance with the following:

(i) The planning commission shall consider the application at its public hearing. It shall consider comments by staff as appropriate, the presentation made by the applicant, and comments by interested parties.

(ii) The planning commission shall consider this information and make a recommendation following the public hearing. If the planning commission so desires, it may continue the public hearing and/or table the item to allow for further review, so long as such action is in accordance with Minnesota Statutes, section 15.99.

(iii) The planning commission shall also consider the applicable decision criteria of this UDC and shall recommend approval, recommend approval with conditions, or recommend denial of an application, citing the specific reasons therefor.

(6) **Action by the city council.** The city council shall consider and make the final decision on the application in accordance with the following:

(i) After, the planning commission’s recommendation is made, the city council shall consider and act to approve the request, approve with conditions, or deny the request, citing the specific reasons therefor.

(ii) The city council shall adopt findings and shall act upon the application in accordance with Minnesota Statutes, section 15.99.

(7) **Appeals.** The decision of the city council is appealable to the district court within 30 days after the date of the decision.
(c) **Type 3 review procedure.** Type 3 review procedure decisions are made by the city council at a public meeting that does not require a public hearing.

1. **Application submittal.** The applicant shall submit an application as provided in the Crystal city code, subsection 510.09.

2. **Review by the zoning administrator.** The zoning administrator may consult with other city staff on the application. The zoning administrator shall provide the applicant with comments and suggested changes that are required to be in compliance with the provisions of this UDC. The applicant shall be required to submit revised plans and documents incorporating the required changes prior to the city council meeting.

3. **Preparation of staff report.** The zoning administrator shall prepare a staff report providing an analysis of the proposal and a recommendation from staff. The zoning administrator shall consider comments from other city staff in formulating the recommendation. A written staff report shall be forwarded to city council, and the contact person listed on the application form, prior to the meeting at which the city council will consider the application.

4. **Action by city council.** The city council shall consider and act to approve the request, approve with conditions, or deny the request.

5. **Appeals.** The decision by the city council is appealable to the district court within 30 days after the date of the decision.

510.13. **Specific development review procedure requirements.** Each type of development review request under this UDC requires an application and is subject to its own review procedure as referenced below:

   (a) **Zoning certificate.** A request for a zoning certificate shall be submitted and processed in accordance with the Crystal city code, subsection 510.15;

   (b) **Site plan review.** A request for a site plan review shall be submitted and processed in accordance with the Crystal city code, subsection 510.17;
(c) **Conditional use permit.** A request for a conditional use permit shall be submitted and processed in accordance with the Crystal city code, subsection 510.19;

(d) **Adjacent parcel conveyance.** A request for an adjacent parcel conveyance shall be submitted and processed in accordance with the Crystal city code, subsection 510.21;

(e) **Lot consolidation.** A request for a lot consolidation shall be submitted and processed in accordance with the Crystal city code, subsection 510.23;

(f) **Subdivision.** A request for a subdivision shall be submitted and processed in accordance with the Crystal city code, subsection 510.25;

(g) **Comprehensive plan amendment.** A request for a comprehensive plan amendment shall be submitted and processed in accordance with the Crystal city code, subsection 510.27;

(h) **Rezoning or text amendment.** A request for a rezoning or text amendment shall be submitted and processed in accordance with the Crystal city code, subsection 510.29;

(i) **Rezoning to planned development overlay district.** A request for a rezoning to planned development overlay district shall be submitted and processed in accordance with the Crystal city code, subsection 510.31;

(j) **Variance.** A request for a variance shall be submitted and processed in accordance with the Crystal city code, subsection 510.33;

(k) **Appeal.** A request for an appeal shall be submitted and processed in accordance with the Crystal city code, subsection 510.35;

510.15. **Zoning certificate.**

Subd. 1. **Applicability.** No building or other structure shall be erected, constructed, reconstructed, enlarged, or structurally altered, nor shall any land be used, excavated, or improved until a zoning certificate is issued.

Subd. 2. **Approval procedure.** The zoning certificate application shall be submitted to the zoning administrator in accordance with the application guidelines of this UDC and is subject to a Type 1 review procedure. The following application types are subject to a zoning certificate review:
(a) Accessory uses regulated as provided in the Crystal city code, subsection 515.21;

(b) Temporary uses regulated as provided in the Crystal city code, subsection 515.25;

(c) Changes of use within an existing structure where the use is substantially similar to the existing use or another permitted use under the existing zoning district classification as indicated on the official zoning map and where no expansion of the building is included in the application;

(d) New one-family and two-family dwellings or additions and modifications of such uses; and

(e) Site plans that meet the requirements of the Crystal city code, subsection 510.17, subdivision 2 for a Type 1 review.

Subd. 3. **Approval criteria.** The application shall demonstrate full compliance with the applicable requirements of this UDC.

Subd. 4. **Effect of zoning certificate approval.**

(1) The zoning certificate must be issued prior to or concurrent with the city’s issuance of a building permit.

(2) If landscaping is required as part of the zoning certificate approval, and the applicant is not able to install the landscaping prior to or concurrent with the issuance of the certificate of occupancy, the applicant shall submit a cash escrow to secure the completion of the landscaping.

Subd. 5. **Expiration.**

(1) A zoning certificate shall become void after one year from the date of issuance if a building permit has not been issued.

(2) The zoning administrator may approve one extension of not more than one year.
510.17. **Site plan review.**

Subd. 1. **Applicability.** No building or other structure shall be erected, constructed, reconstructed, enlarged, or structurally altered, nor shall any land be used, excavated or improved until a site plan is approved.

Subd. 2. **Approval procedure.** A site plan review application shall be submitted to the zoning administrator in accordance with the application criteria of this UDC. If an applicant is submitting a conditional use permit application as provided in the Crystal city code, subsection 510.19, the conditional use permit and site plan review application shall be reviewed concurrently without the need for an additional application fee.

(a) Site plans for the following construction requires approval of a zoning certificate review subject to a Type 1 review procedure as established in this UDC:

1. Expansion of an existing parking lot footprint of less than 25 percent;
2. Additions to nonresidential buildings of less than 50 percent of the building footprint.

(b) Site plans for the following construction requires approval through a Type 2 review procedure as established in this UDC:

1. New multi-family dwellings, or additions thereto, of three units or more;
2. New nonresidential structures;
3. Additions to nonresidential structures of greater than 50 % of the building footprint;
4. Expansion of an existing parking lot footprint by more than 25 percent; and
5. New parking structures.

(c) **Approval criteria.** No site plan review application shall be approved unless it meets the following criteria:

1. It fully complies with all applicable requirements of this UDC;
2. It adequately protects residential uses from the potential adverse effects of a nonresidential use;
(3) It is consistent with the use and character of surrounding properties; and

(4) It provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways.

(d) Amendments to approved site plans approved through a Type 2 procedure.

(1) After a site plan has been approved through a Type 2 procedure, the applicant may request approval of adjustments or rearrangements of buildings in the course of carrying out the plan. If the amendment involves changes to 10 percent or less of the original floor area, not to exceed 500 square feet, the zoning administrator may approve the amendment after a Type 1 review procedure. Such amendment shall be in full compliance with the requirements of this UDC. If the amendment involves changes greater than 10 percent of the original floor area or exceeds 500 square feet, the amendment will be subject to a Type 2 review procedure.

(2) The zoning administrator may also review and approve adjustments or rearrangements of items other than buildings, such as drives, parking areas, recreation areas, entrances, heights, yards, signage, landscaping, exterior lighting, surface water management plans, or similar modifications subject to a Type 1 review procedure. Such amendment shall be in full compliance with the requirements of this UDC.

(e) Effect of city council decision of site plans approved through a Type 2 procedure.

(1) Site plan approval shall expire one year from the date of approval unless the applicant has applied for and received a building permit.

(2) The applicant may request an extension of the expiration date in writing to the zoning administrator. The city council may approve one extension of not more than one year. Such written request shall include the following:

(i) An explanation of what, if any, good faith efforts have been made to complete the site plan process; and

(ii) The anticipated completion date.
(3) If required as a condition of approval of the site plan, the applicant shall sign a site improvement agreement with the city prior to the expiration date to guarantee completion of landscaping, stormwater management improvements, paved parking or pedestrian access areas, or similar improvements. A cash escrow deposit shall be submitted with the signed agreement before site improvements commence to secure the completion of the improvements. Upon completion of the work and acceptance by the city, the escrow deposit shall be released, except that the city may retain some of the deposit to ensure that the landscaping is succeeding one year after completion of the improvements. In cases where various elements of the work are completed in stages, a request for partial release of the escrow may be approved by the zoning administrator. In the event construction of the project is not completed within the time prescribed by building permits or other approvals, the city may, at its option, complete the work using the escrow.


Subd. 1. Applicability. Conditional uses are those uses which have been identified, because of special requirements or characteristics, that may only be allowed in a particular zoning district after an application, review and recommendation by the planning commission and approval by the city council.

Subd. 2. Approval procedure. Conditional use permits in all zoning districts shall be subject to the Type 2 review procedure.

Subd. 3. Conditional use standards. Conditional uses may be subject to use-specific regulations as established in this UDC.

Subd. 4. Approval criteria. No conditional use permit application may be approved unless the following criteria have been satisfied:

(a) The proposed use has been approved as a conditional use in the zoning district for which it is proposed;

(b) The conditional use will be in accordance with the general objectives, or with any specific objective, of the city’s comprehensive plan and this UDC;
(c) The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

(d) Impacts such as noise, hours of activity, and exterior lighting have been sufficiently addressed to mitigate negative impacts on nearby uses;

(e) Parking is adequately provided for the proposed conditional use;

(f) Conditional uses in the Floodplain overlay district are also subject to the conditional use regulations as provided in the Crystal city code, subsection 515.09; and

(g) In the approval of a conditional use permit, the city council may impose such conditions as it determines is necessary to make the use compatible with other uses allowed in the same district zone or vicinity.

Subd. 5. Amendments to an approved conditional use permit. Approved conditional use permits may only be amended upon the classification and review of the proposed amendment as follows:

(a) **Minor amendments.** Minor amendments shall include changes in the site design of the applicable property that do not affect neighborhood compatibility or the public health, safety or welfare, and that do not violate any of the provisions of this UDC or the conditions attached to the conditional use permit.

The zoning administrator may review and make a decision on a minor amendment, and consult with other city staff members as part of a Type 1 review procedure.

(b) **Major amendments.** Major amendments shall include all changes that are not classified as minor amendments above and shall be subject to a Type 2 review procedure.

Subd. 6. Accessory uses to a conditional use. Uses and structures that are accessory to a conditional use shall be allowed as provided in the Crystal city code, subsection 515.21 of this UDC, without requiring a conditional use permit amendment, unless specifically required as a condition of the conditional use permit approval.
Subd. 7. Effect of city council decision.

(a) A conditional use permit shall authorize a particular conditional use on a specific parcel for which it was approved. A change of use from one permitted conditional use to another shall require a new application and approval pursuant to this section.

(b) If a site plan was approved as part of the conditional use permit, the permit shall expire one year from the date of approval unless the applicant has applied for and received a building permit. The applicant may request an extension of the expiration date in writing to the zoning administrator. The city council may approve one extension of not more than one year. Such written request shall include the following:

(1) An explanation of what, if any, good faith efforts have been made to complete the site plan process; and

(2) The anticipated completion date.

(c) An approved conditional use may continue in operation, regardless of ownership or ownership changes, provided the use meets all the standards and conditions of approval.

(d) If required as a conditional of approval of the site plan for the conditional use permit, the applicant shall sign a site improvement agreement with the city prior to the expiration date to secure the completion of landscaping, stormwater management improvements, paved parking or pedestrian access areas, or similar improvements. A cash escrow deposit shall be submitted with the signed agreement before site improvements commence. Upon completion of the work and acceptance by the city, the escrow deposit shall be released except that the city may retain some of the deposit to ensure that the landscaping is succeeding one year after completion of the improvements. In cases where various elements of the work are completed in stages, a request for partial release of the escrow may be approved by the zoning administrator. In the event construction of the project is not completed within the time prescribed by building permits or other approvals, the city may, at its option, complete the work using the escrow.
510.21. **Adjacent parcel land conveyance.**

Subd. 1. **Purpose.** The purpose of the procedure is to allow for the conveyance of small, non-buildable areas of land from one lot to an adjacent lot without creating any new nonconformities and where such minor changes do not call for the submission and approval of a subdivision plat.

Subd. 2. **Applicability.** An adjacent parcel land conveyance occurs when a portion of a lot is conveyed to an adjacent lot.

Subd. 3. **Approval procedure.** An adjacent parcel land conveyance shall be subject to the Type 1 review procedure.

Subd. 4. **Approval criteria.** All of the following criteria shall be considered and met in the review of adjacent parcel land conveyance:

(a) The land conveyance will not create any new nonconformities beyond those that existed prior to the application and which will not be corrected by the adjustment;

(b) The land conveyance is in compliance with the requirements of this UDC; and

(c) The parcel being conveyed shall not be a buildable parcel according to the dimensional requirements of the zoning district in which the parcel is located.

(d) The applicant is not required to comply with the park dedication requirements as provided for in the Crystal city code, subsection 525.05 for a subdivision.

510.23. **Lot consolidation.**

Subd. 1. **Applicability.** A lot consolidation shall meet the following requirements. If these requirements are not met, the property owner will be required to apply for a subdivision application as provided in the Crystal city code, subsection 510.25.

(a) All parcels resulting from the lot consolidation shall have frontage and access on an existing improved street and shall not require the construction of any new street.

(b) Any such consolidation shall not require any public improvements, with the exception of sidewalks, bike paths or trails, and does not include conveyance of an interest in real property to the city.
Crystal City Code  510.23, Subd. 2  
(Rev. 2017)

Subd. 2. **Approval procedure.**

(a) Lot consolidations shall be submitted in writing to the zoning administrator and shall be subject to the Type 3 review procedure. The city council will consider approval of a final plat as part of that review procedure.

(b) In addition to the review procedure set forth above, all lot consolidation applications shall be submitted to the state and county highway departments (if adjacent to a state or county highway) prior to submission of an application. A comment letter from these entities shall be required as part of the application.

Subd. 3. **Approval criteria.** All of the following criteria shall be considered in the review of lot consolidations:

(a) The consolidation must be in general compliance with the comprehensive plan;

(b) The consolidation must meet the purpose and intent of this UDC;

(c) Unless prior or concurrent approval of a variance is granted, any such consolidation shall result in lots that meet the dimensional requirements for the zoning district in which the property is located, or shall not further increase the nonconformity of any lot dimension or structure; and

(d) The applicant is not required to comply with the park dedication requirements as provided in the Crystal city code, subsection 525.05 as required for a subdivision.

510.25. **Subdivisions.**

Subd. 1. **Applicability.** The review of a subdivision is divided into two distinct steps, which are preliminary plat approval and final plat approval consistent with Minnesota Statutes, chapter 505.

Subd. 2. **Preliminary plat approval.**

(a) **Approval procedure.** Preliminary plats shall be submitted in writing to the zoning administrator and shall be subject to the Type 2 review procedure.
(b) **State and county review.** In addition to the review procedure set forth above, all preliminary plat applications shall be submitted to the state and county highway departments (if adjacent to a state or county highway) prior to submission of an application. A comment letter from these entities shall be required as part of the preliminary plat submission.

(c) **Approval criteria.** The planning commission and city council shall consider the following criteria in the review of a preliminary plat:

1. The proposed subdivision must be in full compliance with the provisions of this UDC;
2. The proposed subdivision must be in accordance with the objectives of the city’s comprehensive plan; and
3. The physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and sedimentation, susceptibility to flooding, water storage, and retention, must be such that the site is suitable for the type of development or use contemplated;

(d) **Effect of the city council’s decision.** No construction or other development activities shall take place on the site until the final plat and, if applicable, a development agreement are approved by the city council, except that grading may occur if a grading permit has been issued by the city.

(e) **Expiration of preliminary plat approval.** Unless the city council specifically approves a different time period as part of the preliminary plat approval, the approval of a preliminary plat shall expire one year from the date it was approved. The applicant may request an extension of the expiration date in writing to the zoning administrator. The city council may approve one extension of not more than two years. Such written request shall include the following:

1. An explanation for why a final plat has not been applied for;
2. An explanation of what, if any, good faith efforts have been made to complete the platting process; and
3. The anticipated completion date.
Subd. 3. Construction drawings approval. Construction drawings for any proposed installation of public infrastructure shall be submitted to the city engineer at the time of the final plat submission. These drawings must be approved by the city engineer as part of the final plat approval.

Subd. 4. Final plat approval.

(a) Approval procedure. Final plats shall be submitted in writing to the zoning administrator and shall be subject to the Type 3 review procedure.

(b) Approval criteria. The city council shall consider the following in the review of a final plat:

(1) Construction drawings have been submitted to, reviewed and approved by the city engineer;

(2) If applicable, a development agreement in a form acceptable to the city must have been prepared and executed as part of the final plat application;

(3) Whether the final plat is in substantial compliance with the approved preliminary plat and any conditions on the preliminary plat approval, and whether any changes of note were reported to the city council; and

(4) The final plat must comply with all other applicable standards in this UDC and state law including Minnesota Statutes, chapter 505 as applicable.

(c) Effect of the city council’s decision. If the final plat is approved and signed by the mayor and city clerk, the applicant shall record the final plat within six months with the county recorder. No changes, erasures, modifications or revisions shall be made to any final plat after approval has been given by the city council and endorsed by the mayor and city clerk in writing on the plat. If the plat is not recorded with the county within six months, the city council’s approval of the final plat shall be automatically revoked.

510.27. Comprehensive plan amendment.

Subd. 1. Applicability. This subsection outlines the procedural requirements for the amendment of the comprehensive plan. An amendment of the comprehensive plan may be initiated by the city council, planning commission, city staff, or a Crystal property owner.
Subd. 2. Approval procedure. Amendments to the comprehensive plan shall be subject to the Type 2 review procedure.

Subd. 3. Approval criteria. The planning commission and city council shall review the necessary submittal requirements, facts, and circumstances of the proposed amendment and make a recommendation and decision on the amendment based on, but not limited to, consideration of the following criteria:

(a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the adoption of the comprehensive plan;

(b) Whether the proposed amendment is consistent with the policy foundation of the comprehensive plan; and

(c) Whether the proposed amendment will be compatible with the adjacent land uses of the property in question.

510.29. Rezoning or text amendments.

Subd. 1. Applicability. This subsection outlines the procedural requirements for the amendment of the text of this UDC or the official zoning map. A rezoning request to rezone to the planned development overlay district shall be submitted and processed as provided in the Crystal city code, subsection 510.31. An amendment to the text of this UDC or the official zoning map may be initiated by the planning commission, the city council, proposed by city staff, or initiated by the property owner or authorized agent of property for which the amendment is sought by submitting an application, in writing, to the zoning administrator.

Subd. 2. Approval procedure. Amendments to the text of this UDC or official zoning map shall be subject to the Type 2 review procedure. In the case of a rezoning to the PD overlay district as provided in the Crystal city code, subsection 510.31, the applicant shall submit a site plan for the proposed project.

Subd. 3. Approval criteria. The planning commission and city council shall review the necessary submittal requirements, facts, and circumstances of the proposed amendment and make a recommendation and decision on the application based on, but not limited to, consideration of the following criteria:

(a) The specific policies and recommendations of the comprehensive plan and other city plans;

(b) The purpose and intent of this UDC, or in the case of a map amendment, whether it meets the purpose and intent of the individual district; and
(c) If applicable, the adequacy of a buffer or transition provided between potentially incompatible districts.

510.31. Rezoning to planned development overlay district (PD).

Subd. 1. Approval. Approval of a rezoning to PD and approval of a site plan that is in conformance with the Crystal city code, subsection 515.13 is subject to the approval procedures of this subsection. Approval of a rezoning to PD is also subject to the relevant requirements in the Crystal city code section 510.29.

Subd. 2. Effect of city council decision.

(a) The approval of a rezoning to a PD overlay district shall expire one year from the date of approval unless the applicant has applied for and received a building permit. The applicant may request an extension of the expiration date in writing to the zoning administrator. The city council may approve one extension of not more than one year. Such written request shall include the following:

(1) An explanation of what, if any, good faith efforts have been made to complete the site plan process; and

(2) The anticipated completion date.

(b) If the rezoning to a PD expires and the applicant has not received approval of an extension, the city council may rezone the property to the original zoning classification at the time of the PD application or to a zoning classification consistent with the comprehensive plan designation for the property.

(c) A rezoning to a PD overlay district may continue in operation, regardless of ownership or ownership changes, provided the use meets all the standards and conditions of approval.

510.33. Variance.

Subd. 1. Applicability. A variance is a modification or variation of the provisions of this UDC as applied to a specific piece of property. Pursuant to the procedures provided in Minnesota Statutes, section 462.357, use variances are prohibited.

Subd. 2. Approval procedure. Variance applications shall be submitted, in writing, to the zoning administrator and are subject to a Type 2 review procedure.
Subd. 3. Approval criteria.

(a) Pursuant to Minnesota Statutes, section 462.357, subdivision 6, as it may be amended from time to time, the board of adjustments and appeals may only grant approval of variances where practical difficulties exist as to strict compliance with this UDC and each of the following criteria are satisfied:

1. The variance is in harmony with the general purposes and intent of this UDC;
2. The variance is consistent with the Comprehensive Plan;
3. The property owner proposes to use the property in a reasonable manner not permitted by this UDC;
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
5. The variance, if granted, will not alter the essential character of the locality.

(b) Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(c) Variances shall be granted for earth shelter construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this UDC.

(d) Variances in the floodplain overlay district are also subject to the variance regulations as provided in the Crystal city code, subsection 515.09.

Subd. 4. Conditions. The city council may impose reasonable conditions on the approval of variances to ensure compliance and to protect adjacent properties. All such conditions shall be directly related to and bear a rough proportionality to the impact created by the variance.

510.35. Appeals.

Subd. 1. Applicability. This subsection sets out the procedure to follow when a person claims to have been aggrieved or affected by an administrative decision of the zoning administrator or other city staff.
Subd. 2. Approval procedure. Appeals shall be submitted, in writing, to the zoning administrator within 30 days of the date of the order or decision being appealed. The written appeal must identify the order or decision being appealed, explain the basis for the appeal, and identify the specific relief being requested. Appeals shall be subject to the Type 2 review procedure.

Subd. 3. Approval criteria. An order, requirement, decision, or determination shall not be reversed or modified unless there is competent material, and substantial evidence in the record that the order, requirement, decision, or determination fails to comply with either the procedural or substantive requirements of this UDC, state law, or federal law.

510.37. Enforcement and penalties.

Subd. 1. Enforcement. This UDC shall be administered and enforced by the zoning administrator, who may institute appropriate actions or proceedings against a violation as provided by statute, charter, or code. In the event of a violation or a threatened violation, the city may, in addition to any other remedies available to it under law, institute such criminal or civil actions or proceedings as it deems appropriate to prevent, restrain, correct, or abate such violation or threatened violation. The institution of one type of action shall not preclude the city from pursuing any other type of action.

Subd. 2. Penalties. A violation of any provision of the UDC is punishable as a misdemeanor. Any person who violates any of the provisions of this UDC shall, upon conviction thereof, be fined not more than $1,000 for each offense, or imprisoned for not more than 90 days, or both. Each day that a violation is permitted to exist shall constitute a separate offense.
Section 515

Zoning Districts and Use Regulation

515.01. Official zoning map. The official zoning map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this section. The official zoning map shall be on file with the city clerk.

515.03. Establishment of zoning districts.

(a) Established. The zoning classifications and zoning districts specified in Table 2 are hereby established within the city to carry out the purposes of this UDC.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BASE ZONING DISTRICTS</strong></td>
<td></td>
</tr>
<tr>
<td>R1</td>
<td>Low Density Residential District</td>
</tr>
<tr>
<td>R2</td>
<td>Medium Density Residential District</td>
</tr>
<tr>
<td>R3</td>
<td>High Density Residential District</td>
</tr>
<tr>
<td>C</td>
<td>Commercial District</td>
</tr>
<tr>
<td>I</td>
<td>Industrial District</td>
</tr>
<tr>
<td>AP</td>
<td>Airport District</td>
</tr>
<tr>
<td><strong>OVERLAY ZONING DISTRICTS</strong></td>
<td></td>
</tr>
<tr>
<td>FP</td>
<td>Floodplain Overlay District</td>
</tr>
<tr>
<td>SL</td>
<td>Shoreland Overlay District</td>
</tr>
<tr>
<td>PD</td>
<td>Planned Development Overlay District</td>
</tr>
<tr>
<td>TD</td>
<td>Transit-Oriented Development Overlay District</td>
</tr>
</tbody>
</table>

(b) Relationship of overlay districts to base districts.

(1) Where land is classified into an overlay zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying base district, unless otherwise noted. In the event of a conflict between the standards of the overlay district and the base district, the standards governing the overlay district shall control.
(2) In some instances land may be classified into multiple overlay districts. In the event of a conflict between the standards of the multiple overlay districts, the most restrictive standards shall apply.

(c) **Zoning district boundaries.**

(1) Zoning district boundary lines follow lot lines, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this UDC.

(2) Appeals concerning the exact location of a zoning district boundary line shall be reviewed according to the appeals procedure as provided in the Crystal city code, subsection 510.35.

(3) When any street, alley or other public right-of-way is vacated by official action of the city, the zoning classification of land abutting the center line of said alley or other public right-of-way shall not be affected by such proceedings, nor shall the district boundary be affected thereby.

(4) The boundary for the floodplain overlay district are as provided in the Crystal city code, subsection 515.09:

| 27053C0192F | 27053C0203F | 27053C0211F | 27053C0213F |
| 27053C0194F | 27053C0204F | 27053C0212F | 27053C0214F |

515.05. **Base zoning districts.** The base zoning districts are as provided below:

Subd. 1. **R-1 Low density residential district.**

(a) **Purpose.** The purpose of the R-1 Low density residential district is to provide for detached one-family residential dwellings and directly related complimentary uses on a limited basis. Densities are to be no more than six dwellings per gross acre. As part of the approval process for a particular development, the city council may set the maximum density at some figure less than six dwellings per acre, depending on the character of the surrounding area and the potential for negative impacts on the community.
(b) **Site development standards.** Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the R1 district.

(c) **Other development standards.** In addition to the standards established for the R1 district in this section, all development shall be subject to all other applicable standards in as provided in the Crystal city code, section 520.

**Subd. 2. R-2 Medium density residential district.**

(a) **Purpose.** The purpose of the R-2 Medium density residential district is to provide for attached or detached one-family dwellings, two-family dwellings, multiple-family buildings, and directly related, complimentary uses, together with limited commercial uses as provided herein. In accordance with the comprehensive plan, densities are to be no less than six and no more than 16 dwellings per gross acre. As part of the approval process for a particular development, the city council may set the maximum density at a specific figure within the range established by the comprehensive plan, depending on the character of the surrounding area and the potential for negative impacts on the community.

(b) **Site development standards.** Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the R2 district.

(c) **Other development standards.** In addition to the standards established for the R2 district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

**Subd. 3. R-3 High density residential district.**

(a) **Purpose.** The purpose of the R-3 High density residential district is to provide for multiple family buildings and directly related, complimentary uses, together with limited commercial uses as provided herein. In accordance with the comprehensive plan, densities are to be no less than 16 and no more than 40 dwellings per gross acre. As part of the approval process for a particular development, the city council may set the maximum density at a specific figure within the range established by the comprehensive plan, depending on the character of the surrounding area and the potential for negative impacts on the community.
(b) **Site development standards.** Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the R3 district.

(c) **Other development standards.** In addition to the standards established for the R3 district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

**Subd. 4. C Commercial district.**

(a) **Purpose.** The purpose of the C-Commercial district is to provide for commercial and service activities which draw from and serve customers from the entire community. Motor vehicle-oriented uses shall be limited to certain designated corridors. Regulations shall protect those residential uses near commercial uses from negative impacts.

(b) **Site development standards.** Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the Commercial district.

(c) **Other development standards.** In addition to the standards established for the Commercial district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

**Subd. 5. I Industrial District.**

(a) **Purpose.** The purpose of the I Industrial district is to provide for industrial development such as warehousing and manufacturing, with office and retail allowed as limited accessory uses.

(b) **Site development standards.** Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the Industrial district.

(c) **Other development standards.** In addition to the standards established for the Industrial district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.
Subd. 6. AP Airport district.

(a) **Purpose.** The purpose of the AP airport district is to accommodate the continued operation of the Crystal Airport in accordance with the city’s Comprehensive Plan. Additions to existing buildings and construction of new buildings on airport property shall be permitted so long as they comply with the standards established in this UDC.

(b) **Site development standards.** Those standards as provided in the Crystal city code, subsection 520.03 shall constitute as the site development standards that apply to the AP district.

(c) **Other development standards.** In addition to the standards established for the AP District in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

515.07. **Overlay zoning districts.** The overlay districts are as provided below:

(a) **Floodplain overlay district.** The floodplain overlay district is subject to the Crystal city code, subsection 515.09

(b) **Shoreland overlay district.** The shoreland overlay district is subject to the Crystal city code, subsection 515.11

(c) **Planned development overlay district.** The planned development overlay district is subject to the Crystal city code, subsection 515.13

(d) **Transient-oriented development overlay district.** The transient-oriented development overlay district is subject to the Crystal city code, subsection 515.15.

515.09. **Floodplain overlay district (FP).**

Subd. 1. **Statutory authorization.** 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.
Subd. 2. Purpose.

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

(b) National flood insurance program compliance. This subsection 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.

(c) Preservation. 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. 3. General provisions. This subsection adopts the floodplain maps applicable to the City and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain (collectively, “Flood Districts”).

(a) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards as provided in the Crystal city code, subsection 515.13 shall apply, depending on the location of a property.

(b) 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 shall apply unless the floodway boundary is determined. Once the floodway boundary is determined, the Flood Fringe District standards may apply outside the floodway.

(c) Lands to which this subsection applies. This Floodplain Overlay subsection applies to all lands within the jurisdiction of the City shown on the city’s zoning map and/or the attachments to the map as being located within the boundaries of the Flood Districts.
(d) 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 subsection. In case of a conflict, the more restrictive standards will apply.

(e) **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 zoning map of Crystal, Minnesota and this subsection. 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 at Crystal city hall. The Effective Flood Insurance Rate Map panels are as follows:

```
27053C0192F  27053C0203F  27053C0211F  27053C0213F
27053C0194F  27053C0204F  27053C0212F  27053C0214F
```

(f) **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.

(g) **Interpretation.** The boundaries of the Flood Districts are determined by scaling distances on the Flood Insurance Rate Map.

1. Where a conflict exists between the floodplain limits illustrated on the City’s 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 Appeals and Adjustments and to submit technical evidence.
(h) **Warning and disclaimer of liability.** This subsection 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 subsection 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 subsection or any administrative decision lawfully made hereunder.

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

(j) **Detachments.** The Flood Insurance Rate Map panels adopted by reference as provided in the Crystal city code, subsection 515.03, above shall include all floodplain areas which lie inside the corporate boundaries of municipalities at the time of adoption of this subsection. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City after the date of adoption of this subsection, the newly detached floodplain lands will be subject to the provisions of this subsection immediately upon the date of detachment.

Subd. 4. Establishment of flood districts.

(a) **Flood 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 as adopted by reference in the Crystal city code, subsection 515.03. 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 as adopted by reference in the Crystal city code, subsection 515.03, 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 as adopted by reference in the Crystal city code, subsection 515.03.

(b) **Applicability.** Within the Flood Districts established in this subsection, the use, size, type and location of development must comply with the terms of this subsection 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 as provided in the Crystal city code, section 515 are prohibited. In addition, critical facilities, as defined in the Crystal city code, section 505, subdivision 36 are prohibited in all Flood Districts.

Subd. 5. **Floodway district (FW).**

(a) **Permitted uses.** The following uses, subject to the standards set forth herein, 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 as provided in the Crystal city code, subsection 510.09 and further subject to the standards set herein, if otherwise allowed in the underlying zoning district or any applicable overlay district.

(1) Structures accessory to the permitted uses listed in the Crystal city code subsection 515.09, subdivision 5(a) (1 to 3), above, and the uses listed in paragraphs (2) and (3) of this subsection.

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

(3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
(4) Storage yards for equipment, machinery, or materials.

(5) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined herein, are permitted uses.

(6) 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.

(i) Fill; storage of materials and equipment.

(A) 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.

(B) 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.

(C) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

(ii) Accessory structures. Accessory structures, as identified in subsection 515.09, subd. 5(c)(1) may be permitted, provided that:

(A) buildings are not intended for human habitation.

(B) structures will have a low flood damage potential.
(C) structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters.

(D) Service utilities, such as electrical and heating equipment, within these buildings must be elevated to or above the regulatory flood protection elevation or properly floodproofed.

(E) Buildings must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed buildings must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.

(F) As an alternative, an accessory building may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory building constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

(I) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the building, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

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

(III) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, section 103G.245.
(IV) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(V) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Subd. 6. Flood fringe district (FF).

(a) Permitted uses. Permitted uses are those uses of land allowed in the underlying zoning district(s) that comply with the standards in paragraph b, below.

(b) Standards for flood fringe permitted uses.

(1) All buildings, including accessory buildings, 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 buildings 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 building.

(2) Accessory buildings. As an alternative to the fill requirements of Subdivision 6 (b) (1), buildings accessory to the uses identified in subdivision 6(a) may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

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

(4) All portions of floodproofed accessory buildings 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.
(5) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

(i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the building, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

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

(iii) 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 building in accordance with Subdivision 6(b)(1) above or if allowed as a conditional use under Subdivision 6(c) below.

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

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

(vi) 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.

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

(viii) All new principal buildings 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.
(ix) 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.

(x) 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.

(xi) Manufactured homes and recreational vehicles must meet the standards of subdivision 10 of this subsection.

(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 Subdivision 13 of this subsection.

(1) Any structure that is not elevated on fill or floodproofed in accordance with Subdivision 6(b) (1 and 2) of this subsection.

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

(3) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a building in accordance with Subdivision 6(b)(1) of this subsection.

(d) Standards for flood fringe conditional uses. The standards listed in Subdivision 6(b) (4) through 6(b)(10) apply to all conditional uses.

(1) Basements, as defined by the Crystal city code, section 505, subdivision 17, are subject to the following:
(i) Residential basement construction is not allowed below the regulatory flood protection elevation.

(ii) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Subdivision 6(d)(2) of this subsection.

(2) All areas of nonresidential buildings, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the building watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(3) 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 building 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.

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

(4) 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. 7. General floodplain district (GF).

(a) Permitted uses.

(1) The uses listed in Subdivision 5(a) of this subsection, Floodway District Permitted Uses, are permitted uses.

(2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Subdivision 7(b) below. Subdivision 5 applies if the proposed use is determined to be in the Floodway District. Subdivision 6 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 Subdivision 7(b)(3) below.

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

(1) 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 Subdivisions 5 and 6 of this subsection.

Subd. 8. Land development standards.

(a) In general. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City.

(b) Subdivisions. 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 subsection.

(1) 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.
(2) 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. 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.

(3) 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.

(4) In the General Floodplain District, applicants must provide the information required in Subdivision 7(b) of this subsection to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

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

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

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

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

(c) 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 building 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.

(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. 9. 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 Subdivisions 5 and 6 of this subsection. 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. Where public utilities are not provided 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.

Subd. 10. 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, the following requirements apply:

(1) Placement or replacement of manufactured home units is prohibited in the Floodway District.
(2) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Subdivision 6 of this subsection and the following standards.

(i) New and replacement manufactured homes must be elevated in compliance with Subdivision 6 of this subsection and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(ii) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Subdivision 6(b)(5)(viii).

Subd. 11. Administration.

(a) 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 subsection.

(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 subsection.

(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 subsection.

(b) **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:

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

2. Location of fill or storage of materials in relation to the stream channel.

3. Copies of any required municipal, county, state or federal permits or approvals.

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

(c) **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 approval has been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this subsection.

(d) **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 subsection. Floodproofing measures must be certified by a registered professional engineer or registered architect.

(e) **Record of first floor elevation.** The zoning administrator must maintain a record of the elevation of the lowest floor (including basement) of all new buildings 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.
(f) **Notifications for watercourse alterations.** Before authorizing any alteration or relocation of a 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).

(g) **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.

Subd. 12. **Variances.**

(a) **Variance applications.** An application for a variance to the provisions of this subsection will be processed and reviewed in accordance with applicable state statutes and as provided in the Crystal city code, subsection 510.33.

(b) **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.

(c) **Additional variance criteria.** The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

1. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

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

(d) **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.

(e) **General considerations.** The City Council may consider the following factors in granting or denying variances and imposing conditions on variances and conditional uses in floodplains:

1. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept onto other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions.

4. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner.

5. The importance of the services to be provided by the proposed use to the community.

6. The requirements of the facility for a waterfront location.

7. The availability of viable alternative locations for the proposed use that are not subject to flooding.
(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

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

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

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

(f) **Submittal of hearing notices to the department of natural resources (DNR).** The Zoning Administrator 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.

(g) **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.

(h) **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.

Subd. 13. Conditional uses.

(a) **Administrative review.** An application for a conditional use permit under the provisions of this subsection will be processed and reviewed as provided in the Crystal city code, subsection 510.19.

(b) **Factors used in decision-making.** In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this subsection, and those factors identified in Subdivision 12(e).
(c) **Conditions attached to conditional use permits.** The City Council may attach such reasonable conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this subsection. Such conditions may include, but are not limited to, the following:

1. Modification of waste treatment and water supply facilities.
2. Limitations on period of use, occupancy, and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

(d) **Floodproofing measures, in accordance with the State Building Code and this subsection.** 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.

(e) **Submittal of Hearing Notices to the Department of Natural Resources (DNR).** The zoning administrator 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.

(f) **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. 14. **Nonconformities.**

(a) **Continuance of nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this subsection but which is not in conformity with the provisions of this subsection may be continued subject to the following conditions, except that historic structures, as defined in the Crystal city code, subsection, 505.05, subdivision 163.
(1) **No expansion.** 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 Subdivision 14(a)(2) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

(2) **Additions.** 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 Subdivision 14(a)(3) and Subdivision 14(a)(7) below.

(3) **Substantial improvements.** 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 Subdivision 5 and 6 of this subsection 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.

(4) **Discontinuance.** 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 subsection. If the county assessor becomes aware of nonconformities that have been discontinued for a period of more than one year, they will let the city know of these instances in writing.

(5) **Substantial damage.** If any nonconformity is substantially damaged, as defined in the Crystal city code, subsection 505.03, subdivision 162, it may not be reconstructed except in conformity with the provisions of this subsection. The applicable provisions for establishing new uses or new structures in Subdivisions 5 or 6 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
(6) **Repetitive loss.** If any nonconforming use or structure experiences a repetitive loss, as defined in the Crystal city code, subsection 505.03 subdivision 133, it must not be reconstructed except in conformity with the provisions of this subsection.

(7) **Substantial improvement.** Any substantial improvement, as defined in the Crystal city code, subsection 505.03, subdivision 163, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Subdivision 5 or 6 of this subsection for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

**Subd. 15. Amendments.**

(a) **Floodplain designation; restrictions on removal.** The floodplain designation on the city’s 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 subsection 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 the Crystal city code, subsection 515.03.

515.11. **Shoreland overlay district.** Reserved.

515.13. **Planned development overlay district (PD).**

**Subd. 1. Purpose.** The purpose of the planned development overlay district (PD) district is to provide a district which will encourage the following:

(a) Flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development.
(b) Provision of housing affordable to all income groups.

(c) Energy conservation through the use of more efficient building designs and sitings, and the clustering of buildings and land uses.

(d) Preservation of desirable site characteristics and open space, and protection of sensitive environmental features, including steep slopes, poor soils and trees.

(e) More efficient and effective use of land, open space and public facilities through mixing of land uses, and assembly and development of land in larger parcels.

(f) In exchange for relaxing site development standards such as building setbacks or height, or subdivision standards such as street widths, the city receives a development that has a high quality of design, compatible with surrounding land uses.

(g) Sensitive development in transitional areas located between different land uses and along significant corridors within the city.

(h) Development which is consistent with the comprehensive plan.

Subd. 2. Uses. Within the PD district all permitted uses and accessory uses of the underlying zoning district are allowed. As part of the flexibility allowed in the PD district, the city council may, but is not obligated to, allow uses with the PD site that are only allowed in other zoning districts. Uses allowed by conditional use permit must be reviewed for compliance with the PD site plan and with the applicable conditional use permit standards in this UDC.

Subd. 3. Development standards. Within the PD district all development must be in compliance with the following:

(a) Each PD must have a minimum area of two acres, excluding areas within a public right-of-way, designated wetland or floodplain overlay district, unless the applicant can demonstrate the existence of one or more of the following:

(1) Unusual physical features of the property itself or of the surrounding neighborhood such that development as a PD will conserve a physical or topographic feature of importance to the neighborhood or community.

(2) The property is directly adjacent to or across a right-of-way from property which has been developed previously as a PD and will be perceived as and will function as an extension of that previously approved development.
(3) The property is located in a transitional area between different land use categories or it is located on an arterial street as defined in the comprehensive plan.

(b) If a particular PD would provide an extraordinary benefit to the community, or if a PD site has extraordinary characteristics that make development difficult, the city council may approve a density of up to 10% more than the maximum identified in the comprehensive plan.

(c) A PD site may have more than one principal building or multiple land uses in accordance with subdivision 2 of this subsection.

(d) A residential PD or residential area of a mixed use PD must provide a minimum of 10% of the gross project area in private recreational uses for project residents. Such area must be developed and used for active or passive recreational uses suited to the needs of the residents of the project, including swimming pools, trails, nature areas, picnic areas, tot lots and saunas. This requirement may be waived if the city council finds that adequate recreational opportunities are available sufficiently near the PD to make this requirement duplicative, or if the PD is too small for this requirement to be feasible.

(e) The development standards as provided in the Crystal city code, section 520 and the signage requirements as provided in the Crystal city code, section 530, apply to a PD as deemed appropriate by the city.

Subd. 4. Amendments to the PD overlay district. An approved site plan for a PD overlay district may only be amended upon the classification and review of the proposed amendment as provided in this subsection.

(a) **Minor Amendments.**

(1) Minor amendments shall include changes in the site design of the applicable property that do not affect neighborhood compatibility or the public health, safety or welfare, and that do not violate any of the provisions of this UDC or the conditions attached to approval of the site plan.

(2) Minor amendments are subject to a Type 1 review procedure.
(3) The zoning administrator may determine that a proposed minor amendment qualifies as a major amendment, requiring a Type 2 review procedure as provided in subdivision 4 of this subsection.

(b) Major Amendments. Major amendments shall include all changes that are not classified as minor amendments above and shall be subject to a Type 2 review procedure. A major amendment may include:

(1) A substantial alteration of the location of buildings, parking areas or roads;

(2) An increase or decrease in the number of residential dwelling units by more than 5%;

(3) An increase of the gross floor area of non-residential buildings by more than 5% or an increase of the gross floor area of any individual building by more than 10%;

(4) An increase in the number of stories of any building;

(5) A decrease in the amount of open space by more than 5% or an alteration which changes its original design or intended use; or

(6) The creation of non-compliance with any special condition attached to the approval of the site plan.

515.15. Transit oriented development overlay district. Reserved.

515.17. Permitted principal uses.

Subd. 1. General provisions. Table 3 lists the principal uses allowed within all zoning districts except for the overlay zoning districts. The uses permitted in the overlay districts shall be controlled by the underlying base zoning district.

Subd. 2. Explanation of table of permitted uses.

(a) Organization of table. Table 3 organizes the uses by use categories and use types.
(1) **Use categories.** The use categories provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., household living, commercial, etc.). The use classifications then organize land uses and activities into specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(2) **Use types.** The use categories are divided into specific use types. The use types identify the specific uses that are considered to fall within characteristics identified in the broader use category. For example, one-family or two-family are some of the specific use types that fall under the “household living” use category.

(b) **Symbols in table.** The symbols used in Table 3 are defined as follows:

1. **Permitted uses (P).** A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 3. Permitted uses are subject to all other applicable standards of this UDC;

2. **Conditional uses (C).** A “C” in a cell indicates that a use type is allowed as a conditional use in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 3 and approval of a conditional use permit in accordance with the Crystal city code, subsection 510.19. Conditional uses are subject to all other applicable standards of this UDC.

3. **Prohibited uses (--)**. A cell with a “--” indicates that the listed use type is prohibited in the respective zoning district.

4. **Use-specific standards.** The “use-specific standards” column of Table 3 cross-reference standards that are specific to an individual use type and are applicable to that use in all districts unless otherwise stated in the use-specific standards.

5. **Unlisted uses.** If an application is submitted for a use that is not listed in Table 3, the zoning administrator is authorized to classify the new or unlisted use, with consultation from appropriate city departments, into an existing use type that most...
closely fits the new or unlisted use. If no similar use determination can be made, the zoning administrator shall refer the use to the planning commission, who may initiate an amendment to the text of this UDC to clarify where and how the use should be permitted.

<table>
<thead>
<tr>
<th>Use Category and Use Type</th>
<th>Base Zoning Districts</th>
<th>Use-Specific Standards in Section:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Use Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Establishments</td>
<td>-</td>
<td>515.19, subdivision 2 (a)</td>
</tr>
<tr>
<td>Dwellings, Multi-Family</td>
<td>-</td>
<td>515.19, subdivision 2 (b)</td>
</tr>
<tr>
<td>Dwelling, One-Family, Attached</td>
<td>-</td>
<td>515.19, subdivision 2 (c)</td>
</tr>
<tr>
<td>Dwelling, One-Family, Detached</td>
<td>-</td>
<td>515.19, subdivision 2 (d)</td>
</tr>
<tr>
<td>Dwellings, Two-Family</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Group Living Use Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specialized Care Facilities</td>
<td>-</td>
<td>515.19, subdivision 3 (a)</td>
</tr>
<tr>
<td>State Licensed Residential Facility</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Use Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport Facilities</td>
<td>-</td>
<td>515.19, subdivision 4 (a)</td>
</tr>
<tr>
<td>Amusement Centers</td>
<td>-</td>
<td>1180</td>
</tr>
<tr>
<td>Animal Hospital/Veterinary Clinics [1]</td>
<td>-</td>
<td>515.19, subdivision 4 (b)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use Category and Use Type</th>
<th>Base Zoning Districts</th>
<th>Use-Specific Standards in Section:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Use Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Establishments</td>
<td>-</td>
<td>515.19, subdivision 2 (a)</td>
</tr>
<tr>
<td>Dwellings, Multi-Family</td>
<td>-</td>
<td>515.19, subdivision 2 (b)</td>
</tr>
<tr>
<td>Dwelling, One-Family, Attached</td>
<td>-</td>
<td>515.19, subdivision 2 (c)</td>
</tr>
<tr>
<td>Dwelling, One-Family, Detached</td>
<td>-</td>
<td>515.19, subdivision 2 (d)</td>
</tr>
<tr>
<td>Dwellings, Two-Family</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Group Living Use Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specialized Care Facilities</td>
<td>-</td>
<td>515.19, subdivision 3 (a)</td>
</tr>
<tr>
<td>State Licensed Residential Facility</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Use Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport Facilities</td>
<td>-</td>
<td>515.19, subdivision 4 (a)</td>
</tr>
<tr>
<td>Amusement Centers</td>
<td>-</td>
<td>1180</td>
</tr>
<tr>
<td>Animal Hospital/Veterinary Clinics [1]</td>
<td>-</td>
<td>515.19, subdivision 4 (b)</td>
</tr>
</tbody>
</table>
### Table 3: Permitted Principal Uses

<table>
<thead>
<tr>
<th>Use Category and Use Type</th>
<th>Base Zoning Districts</th>
<th>Use-Specific Standards in Section:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
<td>R-2</td>
</tr>
<tr>
<td>Banks or Financial Institutions</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Banquet Halls or Event Centers</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Brewer Taprooms or Brewpubs</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Clubs or Lodges</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Commercial Truck Storage or Parking</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Convenience Stores</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Day Care Facilities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Day Care Facilities, Group Family</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Greenhouses, Garden and Landscaping Sales and Service</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Hotel, Motel, Extended Stay Establishments</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Kennels, Commercial [1]</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Offices, Professional</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Parking Ramps or Lots</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Personal Services [2]</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Use Category and Use Type</td>
<td>Base Zoning Districts</td>
<td>Use-Specific Standards in Section:</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>P = Permitted Use</td>
<td></td>
<td>515.17, Subd. 2(b)(5)</td>
</tr>
<tr>
<td>C = Conditional Use</td>
<td></td>
<td>(Rev. 2017)</td>
</tr>
<tr>
<td>- = Not Permitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Table 3: Permitted Principal Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Use Category and Use Type</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Base Zoning Districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P = Permitted Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C = Conditional Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>- = Not Permitted</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Use-Specific Standards in Section:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Table 3: Permitted Principal Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Use Category and Use Type</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Base Zoning Districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P = Permitted Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C = Conditional Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>- = Not Permitted</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Use-Specific Standards in Section:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>R-1</strong></td>
<td>R-2</td>
<td>R-3</td>
</tr>
<tr>
<td><strong>Table 3: Permitted Principal Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Use Category and Use Type</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Base Zoning Districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P = Permitted Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C = Conditional Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>- = Not Permitted</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Use-Specific Standards in Section:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>R-1</strong></td>
<td>R-2</td>
<td>R-3</td>
</tr>
<tr>
<td>Restaurants or Eating Establishments [3]</td>
<td>-</td>
<td>C</td>
</tr>
<tr>
<td>Theater, Indoor</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Vehicle Repair</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Vehicle, Boat or Recreational Sales or Rental</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Vehicle Fuel Sales</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Vehicle Wash or Detailing</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Industrial, Manufacturing, Research and Wholesale Use Category</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Materials Sales</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bulk Storage of Liquids</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Industrial Uses (Indoors)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Industrial Uses with Outdoor Storage of Parts, Products, or Fuels</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Self Storage Facilities</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Warehouse</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

62612v5 DJK CR225-141
## Table 3: Permitted Principal Uses

<table>
<thead>
<tr>
<th>Use Category and Use Type</th>
<th>Base Zoning Districts</th>
<th>Use-Specific Standards in Section:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
<td>R-2</td>
</tr>
<tr>
<td><strong>Vehicle Impound Lot</strong></td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**Public Facilities, Telecommunication and Utilities Use Category**

<table>
<thead>
<tr>
<th>Essential Services</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public utility buildings</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td><strong>Telecommunications Towers</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>Wireless support structures</strong></td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**Public, Institutional and Recreational Use Category**

<table>
<thead>
<tr>
<th>Cemeteries</th>
<th>C</th>
<th>C</th>
<th>C</th>
<th>-</th>
<th>-</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hospitals</strong></td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td><strong>Private Recreational Facilities, Indoor</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td><strong>Private Recreational Facilities, Outdoor</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td><strong>Public Parks and Playgrounds</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Public or Semi-Public Buildings</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td><strong>Religious Institutions</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td><strong>Schools, Elementary or Secondary</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td><strong>Schools, Nursery or Preschool</strong></td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
</tr>
</tbody>
</table>

### Crystal City Code

515.17, Subd. 2(b)(5)

(Rev. 2017)
Table 3: Permitted Principal Uses

| Use Category and Use Type | Base Zoning Districts | Use-Specific Standards in Section:
|---------------------------|-----------------------|-------------------------------------------------------
|                           | R-1 | R-2 | R-3 | C | I | AP |                       |
| Schools, Trade or Business | -   | C   | C   | P | P | -  | 515.19, subdivision 7 (f) |

Notes:
1. Outdoor facilities may be permitted with a conditional use permit
2. A plant may be allowed as part of a dry cleaning establishment with a conditional use permit
3. On-sale liquor, wine, or beer may be allowed to a greater extent than the permitted use with a conditional use permit.
4. Outdoor repair may be permitted with a conditional use permit.


Subd. 1. Purpose and applicability.

(a) This section provides site planning, development and/or operating standards for certain land uses that are permitted or conditionally permitted in Table 3.

(b) The land uses and activities covered by this section shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this UDC.

Subd. 2. Residential use category.

(a) Bed and breakfast establishments. Bed and breakfast establishments are subject to the following standards:
(1) The owner shall reside on the property;

(2) The property abuts and the building faces an arterial or major collector street;

(3) The establishment shall comply with the city’s liquor license regulations in the Crystal city code, chapter XII, as well as state health and building codes;

(4) Signage is limited to one sign that indicates the name of and contact information for the bed and breakfast establishment but no other material. There may be one such sign not to exceed four square feet in area, not to exceed five feet in height if free standing, and not to be lighted unless the lighting will not negatively impact adjacent properties;

(5) No external vending machines shall be allowed.

(b) Dwellings, multiple-family. Multiple-family dwellings are subject to the following standards:

(1) Buildings shall be oriented so that the primary entrance faces the street from which the building is addressed.

(c) One-family attached dwellings. Collective maintenance of building exteriors, driveways, landscaping, and common areas for one-family attached dwellings is required.

(d) One-family detached dwellings. In the R-1 district, a second kitchen is allowed within a one-family detached dwelling, if there is interior and unfettered access from all parts of the dwelling to both kitchens and the property is not addressed or in any other way configured or represented as a two family dwelling.

Subd. 3. Group living use category.

(a) Specialized care facilities. Specialized care facilities are subject to the following standards:

(1) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility; and

(2) Drive-through facilities are specifically prohibited.
Subd. 4. **Commercial use category.**

(a) **Airport facilities.** Airport facilities are subject to the following standards:

1. Adequate controls, such as fencing, shall be provided to prevent unauthorized access onto airport property;

2. Buildings and uses shall be subordinate to the operation of the Crystal Airport; and

3. Buildings or structures shall comply with all federal and state statutes, regulations, rules, laws, restrictions, guidance and directives and Metropolitan Airports Commission rules and regulations concerning aeronautical safety and operation within the Crystal Airport and runway protection zones.

(b) **Animal hospitals/veterinary clinics.** Outdoor facilities, such as dog kennels or runs, are allowed with a conditional use permit and are subject to the following standards:

1. Such use shall be incidental to the animal hospital use and used for the short-term boarding of animals; and

2. The applicant has demonstrated that the outdoor facility will not negatively impact neighboring properties through the use of screening or buffering.

(c) **Commercial truck storage or parking.** Commercial truck storage or parking is subject to the following standards:

1. The storage or parking area is hard surfaced, clearly designated on the site as being limited to the specifically approved area, and meets the requirements of the Crystal city code, subsection 520.15, subdivisions 15 through 18 for parking lot design; and

2. The storage or parking area does not exceed 30% of the gross floor area of the principal use, 20% of the area of the property, or 2,000 square feet, whichever is less.

(d) **Day care facilities.** Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.
(e) **Hotels, motels, or extended stay establishments.** The property abuts at least one of the following street segments:

1. Lakeland Avenue between the Canadian Pacific Railroad and 58th Avenue North; or
2. West Broadway between Corvallis Avenue and 56th Avenue North.

(f) **Kennels, commercial.** Outdoor facilities, such as dog kennels or runs, are allowed with a conditional use permit and are subject to the following standards:

1. Such use shall be for the short-term boarding of animals;
2. The applicant has demonstrated that the outdoor facility will not negatively impact neighboring properties through the use of screening or buffering.

(g) **Offices, professional.** Within the Industrial district, professional offices are limited to 50% of the gross floor area of the principal use.

(h) **Restaurants or eating establishments.** On-sale liquor, wine or beer is allowed, but shall occupy no more than 30% of the total floor area of the establishment. This limit may be exceeded with a conditional use permit provided that:

1. The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

(i) **Retail establishments.**

1. Repair is allowed for a retail establishment, but a conditional use permit is required if the repair is done outdoors. The applicant shall demonstrate that such outdoor repair will not negatively impact neighboring properties.
2. Within the Industrial district, retail establishments are limited to 50% of the gross floor area of the principal use.

(j) **Vehicle repair.** Vehicle repair is subject to the following standards:

1. The property abuts at least 1 of the following street segments:
Crystal City Code 515.19, Subd. 4(j)(1)(i)
(Rev. 2017)

(i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;

(ii) West Broadway between Corvallis Avenue and 56th Avenue North; or

(iii) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North; and

(2) There is no outdoor parking or storage of vehicles that are to be worked on, are being worked on, or have been worked on.

(k) Vehicle, boat, or recreational sales or rental. Vehicle, boat, or recreational sales or rental is subject to the following standards:

(1) The property abuts at least one of the following street segments:

   (i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;

   (ii) West Broadway between Corvallis Avenue and 56th Avenue North; or

   (iii) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North;

(2) There is no outdoor parking or storage of inoperable, unlicensed, abandoned or junk vehicles; and

(3) No vehicle or equipment shall exceed 32 feet in length.

(l) Vehicle fuel sales. Vehicle fuel sales are subject to the following standards:

(1) The property abuts at least 1 of the following street segments:

   (i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North;

   (ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;

   (iii) West Broadway between Corvallis Avenue and 56th Avenue North; or
(iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North;

(v) 36th Avenue North between Highway 100 and a point 357 feet west of the centerline of Regent Avenue North;

(2) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way; and

(3) If the property is adjacent to one or two residential family dwellings, the vehicle fuel sales businesses shall be closed between the hours of midnight and 5 a.m.

(m) **Vehicle wash or detailing.** Vehicle wash or detailing establishments are subject to the following standards:

(1) The property abuts at least one of the following street segments:

   (i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North;

   (ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;

   (iii) West Broadway between Corvallis Avenue and 56th Avenue North;

   (iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North; or

   (v) 36th Avenue North between Highway 100 and a point 357 feet west of the centerline of Regent Avenue North; and

   (2) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way.

Subd. 5. **Industrial, manufacturing, research and wholesale use category.**

(a) **Bulk storage of liquids.** If the storage is within 300 feet of properties used for residential purposes, such storage shall not exceed 25,000 gallons.
(b) **Vehicle impound lot.** Vehicle impound lots are subject to the following standards:

1. The use does not include non-impound purposes, such as seasonal storage;
2. The impound lot is located on a property that abuts the right of way of an active freight railroad;
3. The impound lot is located on a property that does not abut the right-of-way of any collector or arterial street or any frontage road adjacent to a collector or arterial street;
4. The impound lot is located on a property that does not abut any property used for residential purposes;
5. The portion of the property occupied by the impound lot does not exceed one acre; and
6. Vehicles shall only be parked on a designated hard surfaced area that meets the requirements of the Crystal city code, subsection 520.15, subdivisions 10 and 11(c), (e), (f), (g) and (i) for design of the hard surface. Vehicles shall not be parked in landscaped areas, adjacent property, or the public right-of-way.

Subd. 6. **Public facilities, telecommunications and utilities use category.**

(a) **Public utility buildings.** Equipment and materials are completely enclosed in a permanent building with no outside storage, unless in compliance with the screening requirements of this UDC.
(b) Telecommunications towers.

(1) Findings. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 (“the Act”) grants the Federal Communications Commission (FCC) exclusive jurisdiction over the regulation of the environmental effects of radio frequency emissions from telecommunications facilities and the regulation of radio signal interference among users of the radio frequency spectrum. By this subsection, the city intends to exercise the full scope of its authority under the Act and under state law regarding the regulation of towers and telecommunications facilities in the city. Consistent with the Act, the regulation of towers and telecommunications facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services.

(2) Purpose. The general purpose of this subsection is to regulate the placement, construction and modification of telecommunication towers and facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city. Specifically, the purposes of this subsection are:

(i) To regulate the location of telecommunication towers and facilities;

(ii) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;

(iii) To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques;

(iv) To promote and encourage shared use and co-location of telecommunication towers and antenna support structures;

(v) To avoid potential damage to properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;
(vi) To ensure that telecommunication towers and facilities are compatible with surrounding land uses; and

(vii) To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.

3) Development of towers.

(i) Permitted use at certain locations in the I district. A tower is a permitted use in the I district, provided that the site also meets one of the following additional location criteria:

(A) It abuts the Canadian Pacific railroad property and also abuts Pennsylvania Avenue, 32nd Avenue or Nevada Avenue; or

(B) It is located within the area bounded by Corvallis Avenue, West Broadway, Douglas Drive, 56th Avenue, and Lakeland Avenue/Bottineau Boulevard.

(ii) Conditional use at certain locations in the C district. A tower is a conditional use in the C general commercial district, provided that the site is located within the area bounded by Corvallis Avenue, West Broadway, Douglas Drive, 56th Avenue, and Lakeland Avenue/Bottineau Boulevard.

(iii) Towers prohibited elsewhere; relief provision. Towers are prohibited in the city except as expressly authorized herein. Notwithstanding this prohibition, the city council may approve a tower as a conditional use in any other zoning district which reasonably addresses an identified significant gap subject to the following requirements:

(A) The provider has submitted the information required by this subsection.

(B) The city council makes a finding that the provider has demonstrated by clear and convincing evidence that there is a significant gap in the provider’s service, and:
(I) There is no co-location option that would reasonably address the demonstrated significant gap in the provider’s service; or

(II) There is no other alternative tower site that would reasonably address the demonstrated significant gap in the provider’s service.

(C) In approving a tower on the site which reasonably addresses the identified significant gap, the city council shall consider the purposes of tower regulation stated in this subsection and the requirements of the Act.

(4) An application to develop a tower shall include:

(i) The names, addresses and telephone numbers of all owners of other towers or antenna support structures within a half mile radius of the proposed new tower site.

(ii) Written documentation that the applicant has made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on towers or antenna support structures within a half mile radius of the proposed new tower site.

(iii) Written, technical evidence from an engineer that the proposed tower or telecommunications facilities cannot be installed or co-located on another person's tower or antenna support structure located within a half mile radius of the proposed tower site and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.

(iv) A written statement from an engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications service enjoyed by adjacent properties.

(v) Written evidence from an engineer that the proposed structure meets the structural requirements of this UDC.
(vi) Written information demonstrating the need for the tower at the proposed site in light of the existing and proposed wireless telecommunications network(s) to be operated by persons intending to place telecommunications facilities on the tower.

(5) Review criteria and restrictions.

(i) In considering an application where the provider has shown the existence of a significant gap, the city council shall only authorize a tower if the city makes a finding that such a location is necessary for the city to achieve compliance with the requirements of the Act.

(ii) The city council makes a finding that the design of the tower, including factors such as shape, materials, and finishes, adequately uses stealth techniques to minimize its impact on the character of the surrounding area.

(iii) The site must comply with the following minimum area requirements:

(A) If zoned commercial or industrial then the site shall contain no less than two acres.

(B) If zoned residential then the site shall contain no less than five acres.

(C) Notwithstanding (i) and (ii) above, regardless of zoning, if the principal use on the site is a city structure, county building, school, or church, then the site shall contain no less than three acres.

(D) For the purposes of determining site area for this particular provision, contiguous lots owned by the same entity shall be considered a single site.

(iv) No tower shall be located within 660 feet (1/8 mile) of another tower.

(v) No tower shall be located on a lot having as its principal use a one or two family dwelling.
(vi) No part of the tower shall be located within 165 feet (1/32 mile) of any one or two family dwelling on another lot or within 82.5 feet (1/64 mile) of any lot line. This provision shall not prohibit the subsequent expansion of a dwelling which reduces the distance from a tower to the dwelling, even if such expansion causes the tower to become non-conforming to the setback requirement.

(vii) The height of the tower shall not exceed 100 feet, or 50% of the distance from any part of the tower to the nearest lot line of an adjacent property having a single family or two family dwelling, whichever is less.

(viii) The city may authorize the use of city property, including use of its right-of-way pursuant to chapter 8 of the Crystal City Code in accordance with the procedures and subject to the restrictions of this code.

(ix) Unless the applicant presents clear and convincing evidence to the city council that co-location at the identified site is not structurally or technically feasible, a new tower may not be built, constructed or erected in the city unless the tower is capable of supporting at least one telecommunications facility comparable in weight, size and surface area to the one located on the tower by the applicant.

(6) Setbacks.

(i) A tower must be located on a single parcel having a dimension equal to the height of the tower, as measured between the base of the tower located nearest the property line and the actual property line, unless a qualified engineer specifies in writing that the collapse of the tower will occur within a lesser distance under reasonably foreseeable circumstances.

(ii) Setback requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.

(iii) Towers may not be located between a principal structure and a public street, with the following exceptions:

(A) In the I district, towers may be placed within a side yard abutting an internal industrial street.
(B) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

(C) This requirement does not apply to towers that are a conditional use in all zoning districts.

(7) **Structural requirements.** Towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the international building code and any other standards set forth in this subsection.

(8) **Height.** A tower may not exceed 165 feet in height in the commercial or industrial zoning districts. Towers in residential zoning districts may not exceed 100 feet in height.

(9) **Separation or buffer requirements.** Towers must be separated from all properties used for residential purposes by a minimum of 90 feet or 150% of the height of the proposed tower, whichever is greater. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries. Measurement of tower separation distances for the purpose of compliance with this subsection shall be measured from the base of a tower to the closest point of the proposed site. This requirement does not apply to towers that are a conditional use in a zoning district.

(10) **Method of determining tower height.** Measurement of tower height must include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height is measured from grade.

(11) **Illumination.** Towers may not be artificially lighted except as required by the Federal Aviation Administration (FAA). At time of construction of a tower, in cases where there are residential uses located within a distance from the tower which is 3 times the height of the tower, dual mode lighting must be requested from the FAA. Notwithstanding this provision, the city may approve the placement of an antenna on an existing or proposed lighting standard, provided that the antenna is integrated with the lighting standard.

(12) **Exterior finish.** Towers not requiring FAA painting or marking must have an exterior finish as approved by the city council.
(13) **Fencing.** Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed in accordance with the applicable fencing requirements in the zoning district where it is located, unless more stringent fencing requirements are required by FCC regulations.

(14) **Landscaping.** Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with the landscaping requirements of this UDC and as shown on the approved site plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. Accessory buildings may not be more than 2,000 square feet in size.

(15) **Security.** Towers must be reasonably posted and secured to protect against trespass.

(16) **Access.** Parcels upon which towers are located must provide access during normal business hours to at least one paved vehicular parking space on site.

(17) **Stealth.** To the extent reasonably practical, towers must be of stealth design.

(18) **Other telecommunications facilities.** Telecommunications facilities not attached to a tower may be permitted as an accessory use to any antenna support structure at least 50 feet and no more than 100 feet in height regardless of the zoning restrictions applicable. The owner of such structure must, by written certification to the building official, establish the following facts at the time plans are submitted for a building permit:

(i) That the height from grade of the telecommunications facilities and antennae support structure does not exceed the maximum height from grade of permitted structures by more than 20 feet;
(ii) That the antenna support structure and telecommunications facilities comply with the building code; and

(iii) That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the antenna support structure. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof and do not protrude more than six inches from the side of the antenna support structure. Screened telecommunications facilities and their appurtenances are exempt from setback requirements.

(19) Existing towers.

(i) An existing tower may be modified or demolished and rebuilt to accommodate co-location of additional telecommunications facilities as follows:

(A) Application for an appropriate city permit shall be made to the city council; and

(B) The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the maximum height for towers allowed under this subsection.

(ii) A tower that is being rebuilt to accommodate the co-location of additional telecommunications facilities may be relocated on the same parcel subject to the setback requirements of this subsection. However, if it is impossible for the tower to be rebuilt in compliance with the setback requirements of this subsection, such setback requirement shall be waived to allow the tower to be rebuilt in its exact previous location.
(20) **Abandoned or unused towers or portions of towers.** Abandoned or unused towers and associated above-ground facilities must be removed within six months of the cessation of operations of an antenna facility at the site unless an extension is approved by the zoning administrator. A copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. If a tower is not removed within six months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property pursuant to the Crystal city code, section 635.

(21) **Additional criteria for variances for towers.** The city council may grant a variance pursuant to the Crystal city code, subsection 510.33 if the applicant also demonstrates all of the following with written or other satisfactory evidence:

(i) The location, shape, appearance or nature of use of the proposed tower will neither substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located;

(ii) The variance will not create any threat to the public health, safety, or welfare;

(iii) In the case of a requested modification to the setback requirement, that the size of parcel upon which the tower is proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site that poses a greater threat to the public health, safety or welfare or is closer in proximity to lands used for residential purposes;

(iv) In the case of a request for modification to the separation requirements of this subsection that the proposed site is zoned I and the proposed site is at least double the minimum standard for separation from lands used for residential purposes;
(v) In the case of a request for modification of the separation requirements of this subsection, if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to close a significant gap within the city in coverage of the provider and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area; and

(vi) In the case of a request for modification of the maximum height limit, that the modification is necessary to (1) facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or (2) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer.

(22) **Maintenance.** Towers must be maintained in accordance with the following provisions:

(i) Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public;

(ii) Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the national electric safety code and all federal communications commission, state and local regulations, and in such a manner that they will not interfere with the use of other property;

(iii) Towers, telecommunications facilities and antenna support structures must be kept and maintained in good condition, order, and repair;

(iv) Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel;

(v) Towers must comply with radio frequency emissions standards of the federal communications commission; and
(vi) In the event the use of a tower is discontinued by the tower owner, the tower owners must provide written notice to the city of its intent to discontinue use and the date when the use will be discontinued.

(23) Additional requirements.

(i) Inspections. The city may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with the Uniform Building Code and other construction standards provided by the city code, federal and state law. The expense related to such inspections will be borne by the property owner. Based upon the results of an inspection, the building official may require repair or removal of a tower.

(ii) Excavation and monitoring. The owner of a telecommunications facility shall provide the city with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the city’s reasonable request. If the owner does not promptly provide the city with satisfactory technical evidence of FCC compliance, the city may carry out tests to ensure FCC radiation compliance using a qualified expert. The owner shall reimburse the city for its reasonable costs in carrying out such compliance testing.

(c) Wireless support structures. New wireless support structures for the siting of small wireless facilities in the public street right-of-way adjacent to the R-1 zoning district, are subject to the following standards:

(1) No taller than 50 feet in height;

(2) No less than five feet from the street curb;

(3) No more than five feet from the side lot line extended to the street;

(4) To the extent possible, have an antenna that is shrouded or camouflaged;
(5) Constructed from earth-tone fiberglass; and

(6) Served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines.

Subd. 7. Public, institutional and recreational use category.

(a) Hospitals. Hospitals are subject to the following standard:

(1) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

(b) Public or semi-public buildings. Public and semi-public buildings are subject to the following standards:

(1) Side setbacks shall be double that required for the district, except that this requirement does not apply in the C or I zoning districts; and

(2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

(c) Religious institutions. Religious institutions are subject to the following standards:

(1) Side setbacks shall be double that required for the district; and

(2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

(d) Schools, elementary or secondary. Elementary or secondary schools are subject to the following standards:

(1) Side setbacks shall be double that required for the district; and

(2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.
(e) **Schools, nursery or preschool.** Schools, nurseries, and preschools are subject to the following standards:

(1) Side setbacks shall be double that required for the district; and

(2) The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

(f) **Schools, trade or business.** The facility is served by arterial, collector or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility.

515.21. **Permitted accessory uses and structures.**

Subd. 1. **Purpose.** This subsection authorizes accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this subsection is to allow accessory uses while not creating adverse impacts on surrounding lands.

Subd. 2. **General provisions.**

(1) Table 4 lists the accessory uses allowed within all zoning districts except for the overlay zoning districts. The uses permitted in the overlay districts shall be controlled by the underlying base zoning district.

(2) Small accessory uses such as arbors, benches, doghouses, play sets, garden decorations, pergolas, and firewood cribs are exempt from the provisions of this subsection, but cannot be located in public rights-of-way.

(3) Tents, play houses, or similar structures shall not be used as temporary or permanent dwelling units, but may be used for recreational purposes.

(4) Any accessory structure used for the parking or storage of motor vehicles, such as a garage or carport, shall have a floor constructed of poured concrete in accordance with standards approved by the city engineer and building official.

(5) Accessory structures shall only be constructed concurrent with or after the construction of the principal building on the same site.
(6) Uses and structures that are accessory to a conditional principal use shall be permitted in accordance with this subsection, without requiring a conditional use permit amendment, unless specifically required as a condition of the conditional use permit approval.

Subd. 3. Explanation of table of permitted uses.

(a) Symbols in table. The symbols used in Table 4 are defined as follows:

1. Permitted uses (P). A “P” in a cell indicates that a use type or structure is allowed by-right in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 4. Permitted uses are subject to all other applicable standards of this UDC;

2. Conditional uses (C). A “C” in a cell indicates that a use type or structure is allowed as a conditional use in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 4 and approval of a conditional use permit in accordance with the Crystal city code, subsection 510.19. Conditional use permits are subject to all other applicable standards of this UDC;

3. Prohibited uses (-). A cell with a “-” indicates that the listed use type or structure is prohibited in the respective zoning district;

4. Use-specific standards. The “use-specific standards” column of Table 4 cross-reference standards that are specific to an individual use type or structure and are applicable to that use or structure in all districts unless otherwise stated in the use-specific standards; and

5. Unlisted uses. If an application is submitted for a use or structure that is not listed in Table 4, the zoning administrator is authorized to classify the new or unlisted use or structure, with consultation from appropriate city departments, into an existing use or structure type that most closely fits the new or unlisted use. If no similar use determination can be made, the zoning administrator shall refer the use to the planning commission, who may initiate an amendment to the text of this UDC to clarify where and how the use should be permitted.
<table>
<thead>
<tr>
<th>Use Category and Use Type</th>
<th>Base Zoning Districts</th>
<th>Zoning Certificate Required</th>
<th>Use-Specific Standards in Subsection:</th>
</tr>
</thead>
<tbody>
<tr>
<td>P = Permitted Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C = Conditional Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- = Not Permitted</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-1</td>
<td>R-2</td>
<td>R-3</td>
</tr>
</tbody>
</table>

### Accessory Uses

- **Assembly or gathering space**: P P - P - Yes 515.23, subdivision 2 (a)
- **Commercial truck storage or parking**: P P - P - Yes 515.23, subdivision 2 (b)
- **Day Care Facilities, In home**: P P P P - - No
- **Drive-through facilities**: - - - C - - Not Applicable 515.23, subdivision 2 (c)
- **Home Businesses**: P P P - - - No 515.23, subdivision 2 (d)
- **Keeping of Chickens**: P P - - - - No 910
- **Kennels, Commercial [1]**: P - - - - - No 515.23, subdivision 2 (e)
- **Kennels, Private**: P P P - - - No 515.23, subdivision 2 (f)

### Accessory Structures

- **Accessibility ramps**: P P P P P P - No
- **Accessory dwelling units**: P P P - - - Yes 515.23, subdivision 3(a)
- **Amateur radio towers**: P P P - - - Yes 515.23, subdivision 3(b)
- **Carports**: P P - - - - Yes 515.23, subdivision 3(e)
- **Clothesline poles**: P P - - - - No 515.23, subdivision 3(c)
- **Commercial storage buildings**: - - C P P See Note [4] 515.23, subdivision 3(d)
- **Fences and walls**: P P P P P P See Note [5] 520.09
- **Flagpoles**: P P P P P P - No
- **Fuel pumps, private use [2]**: - - - P P P No
- **Garages, attached or detached**: P P P P P P - Yes 515.23, subdivision 3(e)
- **Gazebos**: P P P - - - Yes 515.23, subdivision 3(f)
- **Noncommercial greenhouses**: P P - - - - See Note [6] 515.23, subdivision 3(g)
- **Off-street parking and loading [3]**: P P P P P P - Yes 520.15
### Table 4: Permitted Accessory Uses and Structures

<table>
<thead>
<tr>
<th>Use Category and Use Type</th>
<th>Base Zoning Districts</th>
<th>Zoning Certificate Required</th>
<th>Use-Specific Standards in Subsection:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P = Permitted Use</strong></td>
<td><strong>R-1</strong></td>
<td><strong>R-2</strong></td>
<td><strong>R-3</strong></td>
</tr>
<tr>
<td><strong>Patios, decks, and porches</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td><strong>Sheds</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td><strong>Sidewalks</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td><strong>Signs, Permanent</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td><strong>Solar energy systems</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td><strong>Swimming pools, hot tubs, and spas</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td><strong>Television and radio antennae</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
</tr>
<tr>
<td><strong>Tennis and other recreational courts</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td><strong>Treehouses</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td><strong>Workshops</strong></td>
<td><strong>P</strong></td>
<td><strong>P</strong></td>
<td><strong>-</strong></td>
</tr>
</tbody>
</table>

**Notes:**

1. In the R-1 district, commercial kennels are only allowed at one-family dwellings, and this use is limited to raising, selling, boarding, breeding, or grooming of dogs or other animals.
2. Private fuel pumps for use by commercial businesses are allowed, provided that the current business, or its successor business, only uses the fuel pumps for its vehicles and equipment, and does not allow them to be used by the general public. For the purposes of this UDC, private fuel pumps do not include those fuel pumps in use by a vehicle fuel sales business as allowed in Table 3.
3. Loading spaces are not allowed in residential districts.
4. A zoning certificate is required for this structure in the Industrial and Airport zoning districts.
5. A zoning certificate is only required for retaining walls over 4 feet in height.
6. A zoning certificate is only required for buildings in excess of 200 square feet in size.
515.23  Standards for specific accessory uses and structures.

Subd. 1. Purpose and applicability.

(a) This subsection provides site planning and/or operating standards for certain land uses or structures that are permitted or conditionally permitted in Table 4.

(b) The land uses and structures covered by this subsection shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this UDC.

Subd. 2. Accessory uses.

(a) Assembly or gathering space. Adequate parking shall be provided for both the assembly or gathering space and the principal use on the property.

(b) Commercial truck storage or parking. Commercial truck storage or parking is subject to the following standards:

(1) The storage or parking area is hard-surfaced, clearly designated on the site as being limited to the specific, approved area, and meets the relevant requirements as provided in the Crystal city code, subsection 520.15 for hard surface design; and

(2) The storage or parking area does not exceed 30% of the gross floor area of the principal use, 20% of the area of the property, or 2,000 square feet, whichever is less.

(c) Drive-through facilities. Drive-through facilities are subject to the following standards:

(1) The establishment is served by arterial, collector, or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility. The city council may require the applicant to provide a traffic study prepared by a professional engineer for the proposed use, and may base its findings of fact on said study or other information related to potential traffic impacts on the street system and adjacent land uses;
(2) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential dwelling unit, and shall not be audible at levels greater than those established as provided in the Crystal city code, section 625;

(3) All drive-through elements including, but not limited to, menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way; and

(4) A fence or vegetative screen of six feet in height shall be installed and maintained along any property line abutting a property used for residential purposes. Such screen shall also lessen the negative impact of vehicle headlights on adjacent properties.

(d) Home businesses. Home businesses are subject to the following standards:

(1) No home business shall be permitted which results in or generates more traffic than two customer cars at any one given point in time;

(2) The home business may employ up to two employees who do not reside on the premises;

(3) Home businesses shall not create nuisances as provided in the Crystal city code, section 625 or 2010. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use;

(4) Home businesses shall not operate between 10:00 p.m. and 6:00 a.m.;

(5) A home business may be located within the dwelling, an accessory building, or both, provided that the total area of the home business is not greater than 50% of the finished floor area of the dwelling;

(6) Such home business shall not require internal or external alterations or involve construction features not customarily found in dwellings;
(7) There shall be no exterior storage or display of equipment, goods or materials used in the home business; and

(8) One sign, not to exceed six square feet in area, may be placed on the premises. The sign may identify the home business, resident name, address, website, and email address or phone number, but may contain no other information. The sign may not be illuminated and must be set back a minimum of ten feet from a property line abutting a public street. If the sign is freestanding, the total height may not exceed five feet.

(e) Kennels, commercial. Commercial kennels are subject to the following standards:

(1) In the R-1 zoning district, commercial kennels shall only be allowed at one-family dwellings, and the use of the commercial kennel is limited to raising, selling, boarding, breeding, and grooming of dogs or other animals; and

(2) Commercial kennels shall adhere to the requirements for home businesses in this subsection.

(f) Kennels, private. If a private kennel is operated as a home business, it shall adhere to the requirements for home businesses in this subsection.

Subd. 3. Accessory structures.

(a) Accessory dwelling units. Accessory dwelling units are subject to the following standards:

(1) No more than one accessory dwelling unit shall be allowed on a property;

(2) The creation of the dwelling unit shall not create a separate property identification number with the county;

(3) The dwelling shall be constructed as part of a detached garage and shall not cause the garage to exceed the size or setback requirements for detached garages in this UDC. Conversion of garage space to an accessory dwelling unit is prohibited, unless the garage space is replaced;

(4) The dwelling unit shall be separated from the principal building by a minimum of ten feet;
(5) The dwelling shall be constructed as to be compatible with the exterior materials of the existing principal building; and

(6) The dwelling may be rented if it complies with the requirements of the Crystal city code, section 425, but the owner of the principal building on the property shall reside on the property.

(b) Amateur radio towers. Amateur radio towers shall only be allowed in the rear yard and made of unpainted metal or other visually unobtrusive material.

c) Clothesline poles. Clothesline poles shall only be permitted in the rear yard.

d) Commercial storage buildings. Commercial storage buildings are subject to the following standards:

(1) The storage building is located on the same lot as the principal use;

(2) No detached accessory building shall be located closer to the street adjacent to the front yard than the principal structure;

(3) The storage building does not exceed 30% of the gross floor area of the principal use;

(4) Occupancy and use of the storage building is directly related to a permitted or conditionally approved principal use and the same party has full control and use of both the storage building and the principal use;

(5) The architectural style is compatible with the principal building and surrounding land uses. Exterior building design and materials shall comply with the provisions as provided in the Crystal city code, subsection 520.05; and

(6) The use will not conflict with the character of development intended for the zoning district.
(e) **Garages and carports, detached.** Detached garages and carports are subject to the following standards:

1. For one and two family dwellings, the cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building; and

2. For multiple family dwellings, detached garages shall be designed to meet the minimum number of required parking spaces and required setbacks. To the extent practicable, garages shall be located to the side or rear of the building; and

3. Garages shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.

(f) **Gazebos.** Gazebos are subject to the following standards:

1. The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building; and

2. Gazebos shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.

(g) **Noncommercial greenhouses.** Noncommercial greenhouses are subject to the following standards:

1. Shall be located in the rear yard;

2. Shall be limited to one per property; and

3. The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building.

(h) **Sheds.** Sheds are subject to the following standards:

1. The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building; and

...
(2) Sheds shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.

(i) Sidewalks. Sidewalks are subject to the following standards:

(1) Sidewalks on private property for one and two family dwellings shall be no more than four feet in width; and

(2) Sidewalks open for use by the general public, such as for multiple family dwellings, institutional, or commercial uses, shall comply with the width requirements of the Americans with Disabilities Act.

(j) Solar energy systems. Solar energy systems are subject to the following standards:

(1) Visibility.

(i) Building-mounted solar energy systems shall be designed to be flush-mounted with the roof when facing a public right-of-ways other than an alley;

(ii) Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback or other standards for the district in which the building is located;

(2) Feeder lines. Any electric lines accompanying a solar energy system, other than those attached to on-site structures by leads, shall be buried within the subject parcel; and

(3) Abandonment. A solar energy system that is allowed to remain in a nonfunctional or inoperative state for a period of twelve consecutive months, and which is not brought in operation within the time specified by the city, shall be presumed abandoned and shall constitute a public nuisance that may be removed by the City and the costs thereof certified as a special assessment against the owner of the property on which the abandoned solar energy system was located.
(k) **Swimming pools, hot tubs and spas.** In the commercial zoning district, swimming pools, hot tubs, and spas are limited to use at hotels, motels, and extended stay establishments and health clubs.

(l) **Television and radio antennae.** Television and radio antenna are subject to the following standards:

   (1) Satellite dishes may not exceed 40 inches in diameter.

(m) **Tennis and other recreational courts.** Noncommercial outdoor tennis and other recreational courts are subject to the following standards:

   (1) Court fencing shall comply with the requirements as provided in the Crystal City code, subsection 520.09; and

   (2) Court lighting shall not exceed a height of 20 feet, measured from the court surface. The lighting shall be directed downward and shall only illuminate the court.

(n) **Treehouses.** Treehouses shall be attached exclusively to trees and used solely for recreational purposes, shall not exceed 120 square feet in size, shall not be located less than ten feet from the front lot line, and shall consist only of earth-tone materials or colors.

(o) **Workshops.** Workshops are subject to the following standards:

   (1) The footprint for an accessory structure intended as a workshop for artwork, crafts, light hand manufacturing, or hobbies shall not occupy an area larger than 25 percent of the finished floor area of the dwelling. If a workshop is combined with a detached garage or shed, it shall conform to the size and setback limitations for those uses;

   (2) Workshops shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials; and

   (3) If a workshop is operated as a home business, it shall adhere to the requirements for home businesses in this section.
515.25. Permitted temporary uses and structures.

Subd. 1. Purpose. This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or activities are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure. The regulations of this section are not applicable to special events that are otherwise subject to leases, permits, or other forms of permission that are duly established between the special event organization and the City.

Subd. 2. General provisions. Table 5 lists the temporary uses allowed within all zoning districts except for the overlay zoning districts. The uses permitted in the overlay districts shall be controlled by the underlying base zoning district.

Subd. 3. Symbols in Table. The symbols used in Table 5 are defined as follows:

(a) Permitted uses (P). A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 5. Permitted uses are subject to all other applicable standards of this UDC.

(b) Prohibited uses (-). A cell with a “-” indicates that the listed use type is prohibited in the respective zoning district.

(c) Allowable duration. The “allowable duration per site” column states how long a specific temporary use or structure is allowed.

(d) Permit required. The “permit required” column defines if the proposed temporary use or structure requires approval of a zoning certificate or other permit.

(e) Use-specific standards. The “use-specific standards” column of Table 5 cross-reference standards that are specific to an individual use type and are applicable to that use in all districts unless otherwise stated in the use-specific standards.
(f) **Unlisted uses.** If an application is submitted for a use that is not listed in Table 5 the zoning administrator is authorized to classify the new or unlisted use, with consultation from appropriate city departments, into an existing use type that most closely fits the new or unlisted use. If no similar use determination can be made, the zoning administrator shall refer the use to the planning commission, who may initiate an amendment to the text of this UDC to clarify where and how the use should be permitted.

<table>
<thead>
<tr>
<th>Use Category and Use Type</th>
<th>Base Zoning Districts</th>
<th>Allowable Duration (per site)</th>
<th>Permit Required</th>
<th>Use-Specific Standards in Section:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P = Permitted Use</strong></td>
<td>R-1</td>
<td>R-2</td>
<td>R-3</td>
<td>C</td>
</tr>
<tr>
<td>Construction Dumpster</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Garage/Yard Sales</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td>Outdoor dining [2]</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor sales [2]</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
</tr>
</tbody>
</table>
515.27 Standards for specific temporary uses and structures.

Subd. 1. Purpose and applicability.

(a) This section provides site planning and/or operating standards for certain land uses that are permitted in Table 5.

(b) The land uses and activities covered by this subsection shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this UDC.

Subd. 2. Construction dumpsters.

(a) If the dumpster is located in the public right-of-way, the dumpster shall comply with the requirements of the Crystal city code, chapter 8.
(b) If the dumpster is located on private property, the dumpster shall be located to the side or rear of the site, but away from principal buildings on adjacent properties, to the extent practicable.

Subd. 3. Garage or yard sales. Garage or yard sales are subject to the following standards:

(a) Hours of operation for the garage or yard sale are limited to between 8:00 a.m. and 9:00 p.m.; and

(b) Garage or yard sale signs identifying the location and times of a sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. Such signs shall not exceed 4 square feet in area per side; shall not be placed on or attached to any public property or utility pole; shall not be placed within the sight triangle as required in the Crystal city code, chapter 8; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

Subd. 4. Outdoor dining. Outdoor dining is subject to the standards contained in this subdivision:

(a) Food trucks. Food trucks are subject to the following standards:

   (1) Location. Food trucks may operate on commercial or industrially zoned property. In residential districts, food trucks may operate in public parks, school or religious institution sites, or in conjunction with a special event;

   (2) Hours of operation. Hours of operation for a food truck are limited to between 6 a.m. and 10:00 p.m.;

   (3) Parking.

      (i) Trucks shall be parked on a hard surface and may not be parked in the public right-of-way unless an obstruction permit has been issued by the city.

      (ii) The applicant shall demonstrate that adequate off-street parking is provided for patrons. If applicable, consideration shall be given to the parking needs of other occupants on the same property.

      (iii) The food truck may not reduce available off-street parking on a property below the minimum required by this UDC;
(4) **Consent.** The applicant for a food truck must provide written consent from the property owner; and

(5) **Audible electronic devices.** Audible electronic devices, such as loudspeakers, are not allowed.

**Subd. 5. Outdoor seating for cafes or restaurants.** Outdoor seating for cafes and restaurants is subject to the following standards:

1. An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site provided that the outdoor eating area shall comply with the parking requirements in Table 11 of the Crystal city code, subsection 520.15

2. Outdoor dining areas shall be designated on a site plan submitted for the zoning certificate application;

3. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a sidewalk or other facility that is closed to vehicular traffic, no railing or fencing shall be required;

4. Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard; and

5. Enclosing an outdoor dining area either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district.

**Subd. 5. Outdoor sales.** Outdoor sales is subject to the standards contained in this subdivision:

(a) **Retail establishments.** Retail establishments are subject to the following standards:

1. The service, sale, display or rental area is hard surfaced and clearly designated on the site as being limited to the specific, approved area; and
(2) The sales area does not exceed 40% of the gross floor area of the principal use excluding basement storage areas, 20% of the area of the property, or 6,000 square feet, whichever is less.

(b) **Vehicle fuel sales.** The sales and display of merchandise is limited to the walkway adjacent to the building, but a minimum of five feet of the walkway shall be clear of merchandise to allow for safe pedestrian movement.

(c) **Tent or sidewalk sales on private property.** Tent or sidewalk sales on private property are subject to the following standards:

(1) A minimum of five feet of the sidewalk shall be clear of merchandise to allow for safe pedestrian movement;

(2) The property shall contain an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, or traffic movements. Tents shall not be located in the public right-of-way;

(3) The applicant shall demonstrate that adequate off-street parking is provided for patrons. If applicable, consideration shall be given to the parking needs of other occupants on the same property; and

(4) Hours of operation for the sale are limited to between 8 a.m. and 9 p.m., with each sale lasting no more than seven consecutive days. Each site is limited to no more than three sales events per calendar year.

(d) **Seasonal agricultural sales.** Seasonal agricultural sales are subject to the following standards:

(1) **Location.**

   (i) The property contains an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, or traffic movements;

   (ii) The applicant shall demonstrate that adequate off-street parking is provided for the duration of the sale. If applicable, consideration shall be given to the parking needs of other occupants on the same property; and
(iii) The sale of goods shall not occur within the public right-of-way.

(2) **Hours of operation.** The hours of operation of the seasonal sale of agricultural products shall be between the hours of 7:30 a.m. and 9:00 p.m., or the same hours of operation as the principal use on the same lot, whichever is more restrictive.

Subd. 6. **Portable storage containers.** Portable storage containers are subject to the following standards:

(a) If the container is located in the public right-of-way, the container shall comply with the requirements of the Crystal city code, section 800; and

(b) If the container is located on private property, the container shall be placed on a paved surface.

515.29. **Nonconformities.**

Subd. 1. **Purpose.** In the provisions established by this UDC, there exist uses of land, structures, and lots of record, that were lawfully established before this UDC was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this subsection is to regulate the continued existence of those uses, structures, and lots of record that do not conform to the provisions of this UDC, or any amendments thereto.

Subd. 2. **General provisions.**

(a) **Authority to continue.** Any lawfully existing nonconformity including nonconforming uses, structures, and lots of record may be continued so long as it remains otherwise lawful.

(b) **Determination of nonconformity status.** The burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located.

(c) **Ordinary repair and maintenance.** Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use or structure.

(d) **Floodplain overlay district.** Requirements for nonconformities for properties located in the floodplain overlay district are set out in the Crystal city code, subsection 515.09.
Subd. 3. Nonconforming uses.

(a) Change in use.

(1) A nonconforming use of land or of a structure shall not be changed to any use other than to a use permissible in the applicable zoning district.

(2) When such nonconforming use has been changed to a permissible use, it shall only be thereafter used for a use permissible in the applicable zoning district.

(3) For purposes of this subsection, a use shall be deemed to have been changed when an existing nonconforming use has been terminated and the permissible use has commenced and continued for a period of at least one month.

(b) Extensions or expansions. Nonconforming uses shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include:

(1) Extension of such use to any structure or land area other than that lawfully occupied by such nonconforming use on the effective date of this UDC, or any amendment to this UDC that causes such use to become nonconforming with the following exception:

   (i) For one or two family dwellings, nonconforming habitable space may be expanded into previously unfinished areas of the dwelling. Such nonconforming use may also be extended to any portion of the floor area that was not lawfully occupied by such nonconforming use on the effective date of this UDC, or any amendment to this UDC that causes such use to become nonconforming;

(2) Operation of such nonconforming use in a manner that conflicts with, or to further conflict with, this UDC or any amendments to this UDC, or any use limitations established for the zoning district in which such use is located; and

(3) New construction, reconstruction, or structural alteration.
(c) **Relocation.** No structure that is devoted in whole or in part to a nonconforming use shall be relocated, in whole or in part, to any other location on the same or any other lot, unless the entire structure and the use of the structure after its relocation conform to all the regulations of the district in which the structure and use are located after being so relocated.

(d) **Abandonment or discontinuance.** When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of 365 consecutive days (regardless of an intent not to abandon), such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

(e) **Damage or destruction.** In the event that any non-conforming use is damaged or destroyed, by any means, to the extent of greater than 50 percent of its estimated fair market value as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged or destroyed, such use shall not thereafter be reestablished or resumed.

Subd. 4. Nonconforming structures.

(a) **Enlargement, repair, alterations.** Any nonconforming structure may be enlarged, maintained, repaired or altered provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure. If an enlargement to a nonconforming structure is proposed, a variance in accordance with the Crystal city code, subsection 510.33 is not required if the enlargement conforms to all zoning requirements such as setbacks.

(b) **Damage or destruction.** In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of greater than 50 percent of its estimated fair market value of such structure as indicated in the records of the county assessor at the time of the damage, the nonconforming structure may be rebuilt if a building permit has been applied for within 180 days of when the structure is damaged or destroyed, but the city may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on an adjacent property or water body.
(c) **Relocation.** No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the district in which such structure is located after being relocated.

Subd. 5. **Nonconforming accessory uses and structures.** No use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use or structure shall thereafter conform to all the regulations of the district in which it is located. All signs devoted to the principal use shall be removed and all signs painted directly on the principal building shall be repainted in a neutral color or a color which will harmonize with the structure.

Subd. 6. **Governmental acquisition of a portion of a property.** When governmental acquisition of a portion of a property for a public purpose results in that property no longer meeting one or more requirements of this UDC, the property shall be considered a lawful nonconforming use.

Subd. 7. **Non-conforming lots of record.**

(a) A nonconforming lot of record is a buildable lot, if the building meets all other zoning requirements such as setbacks or building height.
Section 520

Development standards

520.01 Measurements, computations, and encroachments.

Subd. 1. Percentages and fractions. When a calculation or ratio established in this UDC results in a fractional number or percentage, any fraction of ½ or less shall be rounded down to the next lower whole number and any fraction of more than ½ shall be rounded up to the next higher whole number. Any percentage of .5 percent or less shall be rounded down to the next lower whole number and any percentage greater than .5 percent shall be rounded up to the next higher whole number.

Subd. 2. Distance measurements. Unless otherwise expressly stated, distances specified in this UDC are to be measured as the length of an imaginary straight line joining those points. Building square footage shall be determined by measuring the area of the building using the outermost building exterior walls.

Subd. 3. Setback requirements and exceptions.

(a) Each structure shall comply with the front, interior side, corner street side, and rear setback requirements of the applicable zoning district, except:

(1) Where a setback requirement is established for a specific land use type in the use-specific standards of Table 3;

(2) A building feature that encroaches into a required setback as allowed by Table 6;

(3) No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line, or into a platted or dedicated easement or street right-of-way;

(4) Structures existing on the effective date of this UDC and encroaching into a setback required by this UDC shall be considered conforming to the setback requirement if the encroachment does not exceed one foot or 10% of the required setback, whichever is less. Additions may be made to such structures and shall also be considered conforming to the setback requirement provided that the addition does not further encroach into the setback than the existing structure.

Subd. 4. Measurement of setbacks. Setbacks shall be measured as follows: (See Figure 6).
Crystal City Code

520.01, Subd. 4(a)
(Rev. 2017)

Figure 6: Illustration of typical setback locations for a one-family dwelling

(a) Front setbacks. A front setback shall be measured at right angles from the nearest point on the public right-of-way at the front of the parcel to the nearest point of the wall of the structure, except as provided for in this subsection.

(b) Side setbacks. The side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest point of the wall of the structure, establishing a setback line parallel to the side property line, which extends between the front and rear setbacks (see Figure 6).

(c) Rear setbacks. The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest part of the structure, establishing a setback line parallel to the rear property line (see Figure 6).

(d) Corner lots. The corner side setback shall be measured from the nearest point of the wall of the structure to the nearest point of the wall of the structure. (see Figure 6)
Subd. 5. **Height requirements and exceptions.**

(a) Each structure shall comply with the height requirements of the applicable zoning district, except:

(1) As allowed in Table 6 when a building feature encroaches into a required height; and

(2) The height of telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances, shall comply with the Crystal city code, subsection 515.19.

(b) **Measurement of building height.** The maximum allowable building height shall be measured as the vertical distance from the natural grade of the site to an imaginary plane as the maximum allowed number of feet above and parallel to the grade (see Figure 7). The location of natural grade shall be determined by the zoning administrator and shall not be artificially raised to gain additional building height.

![Figure 7: Illustration of height measurement](image)

(c) **FAA requirements.** Height requirements shall meet the requirements of the Federal Aviation Administration (FAA).

(1) Notice to the Federal Aviation Administration using FAA form 7460-1 is required prior to the following:

   (i) Any construction or alteration of more than 200 feet in height; and
(ii) Any construction or alteration of greater height than the imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the Crystal Airport.

Subd. 6. Permitted encroachments into setback and height requirements. Structures or structural features may extend beyond the wall of the structure and into a required setback and height requirement in compliance with Table 6.
<table>
<thead>
<tr>
<th>Table 6: Permitted Encroachments [1]</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted Setback Encroachments</strong> [2]</td>
</tr>
<tr>
<td><strong>R-1</strong></td>
</tr>
<tr>
<td>Accessibility ramps</td>
</tr>
<tr>
<td>Air conditioning or heating equipment</td>
</tr>
<tr>
<td>Attached decks or open porches</td>
</tr>
</tbody>
</table>
## Table 6: Permitted Encroachments [1]

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Awnings</strong></td>
<td>Front: 3 feet</td>
<td>Front: 3 feet</td>
<td>Front: 3 feet</td>
<td>Front: 3</td>
<td>Front: 3</td>
<td>Front: 3</td>
</tr>
<tr>
<td></td>
<td>Side: 2 feet</td>
<td>Side: 2 feet</td>
<td>Side: 2 feet</td>
<td>feet</td>
<td>feet</td>
<td>feet</td>
</tr>
<tr>
<td></td>
<td>Rear: 3 feet</td>
<td>Rear: 3 feet</td>
<td>Rear: 3 feet</td>
<td>Rear: 3</td>
<td>Rear: 3</td>
<td>Rear: 3</td>
</tr>
<tr>
<td></td>
<td>Corner side: 2 feet</td>
<td>Corner side: 2 feet</td>
<td>Corner side: 2 feet</td>
<td>feet</td>
<td>feet</td>
<td>feet</td>
</tr>
<tr>
<td><strong>Building projections or bumpouts</strong></td>
<td>May encroach 5 feet in the front setback and 10 feet in the rear setback if the conditions in Note 3, below, are met</td>
<td>May encroach 5 feet in the front setback and 10 feet in the rear setback if the conditions in Note 3, below, are met</td>
<td>May encroach 5 feet in the front setback and 10 feet in the rear setback if the conditions in Note 3, below, are met</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>Chimneys</strong></td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>Detached decks and patios</strong></td>
<td>10 feet for detached decks or patios in the front yard for one and two family dwellings, provided that no more than 240 SF of the deck or patio encroaches into the 30 foot required setback</td>
<td>10 feet for detached decks or patios in the front yard for one and two family dwellings, provided that no more than 240 SF of the deck or patio encroaches into the 30 foot required setback</td>
<td>10 feet for detached decks or patios in the front yard for one and two family dwellings, provided that no more than 240 SF of the deck or patio encroaches into the 30 foot required setback</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
### Table 6: Permitted Encroachments [1]

<table>
<thead>
<tr>
<th></th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Eaves or overhangs</strong></td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
</tr>
<tr>
<td><strong>Egress windows [4]</strong></td>
<td>May encroach 3 feet into any setback</td>
<td>May encroach 3 feet into any setback</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>Landings</strong></td>
<td>Landings cannot exceed 4 feet by 4 feet,</td>
<td>Landings cannot exceed 6 feet by 6 feet,</td>
<td>Landings cannot exceed 6 feet by 6 feet,</td>
<td>Landings cannot exceed 6 feet by 6 feet, together with necessary steps to reach grade</td>
<td>Landings cannot exceed 6 feet by 6 feet, together with necessary steps to reach grade</td>
<td>Landings cannot exceed 6 feet by 6 feet, together with necessary steps to reach grade</td>
</tr>
<tr>
<td></td>
<td>together with necessary steps to reach grade</td>
<td>together with necessary steps to reach grade</td>
<td>together with necessary steps to reach grade</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Satellite dishes</strong></td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
<td>May encroach 2 feet into any setback</td>
</tr>
<tr>
<td><strong>Treehouses</strong></td>
<td>20 feet for treehouses in the front yard for one and two family dwellings</td>
<td>20 feet for treehouses in the front yard for one and two family dwellings</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

### Permitted Height Encroachments

| Chimneys                             | Not to exceed 5 feet above the highest point of the roof | Not to exceed 5 feet above the highest point of the roof | Not to exceed 5 feet above the highest point of the roof | Not Applicable                                  | Not Applicable                                  | Not Applicable                          |
Table 6: Permitted Encroachments [1]

<table>
<thead>
<tr>
<th>Spires or steeples for religious institutions</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>As determined by the City Council in CUP review</td>
<td>As determined by the City Council in CUP review</td>
<td>As determined by the City Council in CUP review</td>
<td>As determined by the City Council in CUP review</td>
<td>As determined by the City Council in CUP review</td>
<td>Not Applicable</td>
<td></td>
</tr>
</tbody>
</table>

NOTES:
[1] Encroachments are permitted as shown in the table, but in no instance shall encroachments be allowed in a platted or dedicated easement.
[2] Unless otherwise described, the numerical dimensions listed in this table are the linear dimensions allowed for the setback encroachment. For example, in the R-1 district, awnings may be three feet closer to the front property line than the required front setback for the dwelling.
[3] Front setback: Building projections or bumpouts to the front of the principal building are allowed, subject to these conditions: 1) Each addition shall not exceed 24 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building; 2) Each addition’s encroachment into the 30 foot required front setback shall not exceed 80 square feet, and the cumulative encroachment of all additions shall not exceed 100 square feet.
Rear setback: Building projections or bumpouts to the rear of the principal building are allowed, subject to these conditions: 1) The encroachment occupies no more than 300 square feet of the area within the rear setback; 2) The width of the encroachment is no more than 50% of the lot width measured at the rear setback line; 3) The property owner removes any existing accessory buildings from the rear yard; 4) The property owner signs and has notarized a written statement to the city acknowledging that no accessory buildings may be built or placed in the rear yard and this statement will be recorded against the property.
[4] If an egress window is constructed as part of the foundation of the dwelling, the egress window shall meet the required setbacks for the dwelling.

520.03. Site development standards.

Subd. 1. Purpose. The purpose of these site development standards is to further the purpose of this UDC and the goals and policies of the comprehensive plan. Furthermore these standards are intended to establish appropriate lot dimensions and setbacks within each zoning district and provide for appropriate scale of structures.

Subd. 2. Site development standards.

(a) Site development standards for principal buildings. Table 7 are the regulations for residential densities, setbacks, number of principal buildings, lot dimensions, building height, and green space for placing principal buildings in the city’s zoning districts.
(b) Site development standards for accessory structures. Table 8 are the setback and height requirements for placing accessory structures in the city’s zoning districts.

<p>| Table 7: Zoning District Site Development Standards for Principal Buildings |
|--------------------------------------------------|-------|-------|---------|---------|--------|</p>
<table>
<thead>
<tr>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Residential Density</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permitted Residential Density Permitted</td>
<td>No more than 6</td>
<td>6 to 16</td>
<td>16 to 40</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
<td>units per acre (gross)</td>
<td>units per acre (gross)</td>
<td>units per acre (gross)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Building Setbacks [1]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Side</td>
<td>5 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Corner Side</td>
<td>10 feet[2]</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Number of Principal Buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum number of principal buildings per property</td>
<td>One</td>
<td>One</td>
<td>One</td>
<td>One</td>
<td>One</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-family Detached Dwelling</td>
<td>6,000 SF</td>
<td>6,000 SF</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Two-Family Dwelling</td>
<td>12,000 SF</td>
<td>12,000 SF</td>
<td>12,000 SF</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Other Residential Uses</td>
<td>Not Applicable</td>
<td>3,000 per dwelling, but in no event less than 10,000 SF</td>
<td>1,200 per dwelling, but in no event less than 20,000 SF</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Non-Residential Uses</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>20,000 SF</td>
<td>20,000 SF</td>
</tr>
</tbody>
</table>
### Table 7: Zoning District Site Development Standards for Principal Buildings

<table>
<thead>
<tr>
<th></th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Depth</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-family Detached Dwelling</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Two-Family Dwelling</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Other Residential Uses</td>
<td>Not Applicable</td>
<td>100 feet</td>
<td>100 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Non-Residential Uses</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>120 feet</td>
<td>120 feet</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>Minimum Lot Width</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-family Detached Dwelling</td>
<td>60 feet</td>
<td>60 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Two-Family Dwelling</td>
<td>100 feet</td>
<td>100 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Other Residential Uses</td>
<td>Not Applicable</td>
<td>100 feet</td>
<td>100 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Non-Residential Uses</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-family Detached Dwelling</td>
<td>2 stories or 32 feet, whichever is less</td>
<td>2 stories or 32 feet, whichever is less</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Two-Family Dwelling</td>
<td>2 stories or 32 feet, whichever is less</td>
<td>2 stories or 32 feet, whichever is less</td>
<td>2 stories or 32 feet, whichever is less</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Other Residential Uses</td>
<td>Not Applicable</td>
<td>3 stories or 40 feet, whichever is less</td>
<td>5 stories or 60 feet, whichever is less</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Non-Residential Uses</td>
<td>2 stories or 32 feet, whichever is less</td>
<td>3 stories or 40 feet, whichever is less</td>
<td>5 stories or 60 feet, whichever is less [3]</td>
<td>5 stories or 60 feet, whichever is less [3]</td>
<td>5 stories or 60 feet, whichever is less [3]</td>
<td>3 stories or 40 feet, whichever is less</td>
</tr>
<tr>
<td><strong>Minimum Green Space</strong> [4]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 7: Zoning District Site Development Standards for Principal Buildings

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30%</td>
<td>25%</td>
<td>20%</td>
<td>15%</td>
<td>10%</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

NOTES:
[1] Setbacks for some principal uses are regulated by the Use-Specific Standards found in Table 3.  
[2] If the vehicle entrance for an attached garage faces a street or alley, the garage shall be at least 20 feet from the corner side property line.  
[3] Buildings in excess of this height limit may be allowed with a conditional use permit.  
[4] The minimum green space requirement is expressed as a percentage of the property that shall be free from any structures or impervious surfaces.  
[5] In residential zoning districts, the minimum green space requirement applies only to the rear yard of one and two family dwellings. The requirement is expressed as a percentage of the rear yard that is free of any structures or impervious surfaces:  
  1. Rear yard of 5,001 SF or greater: 50%  
  2. Rear yard of between 4,501 and 5,000 SF: 45%  
  3. Rear yard of between 4,001 and 4,500 SF: 40%  
  4. Rear yard of between 3,501 and 4,000 SF: 35%  
  5. Rear yard of between 3,000 and 3,500 SF: 30%  
  6. Rear yard of less than 3,000 SF: 25%.

Table 8: Zoning District Site Development Standards for Accessory Structures

<table>
<thead>
<tr>
<th>Accessory Structure Type</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amateur radio towers</td>
<td>See note [1], below</td>
<td>See note [1], below</td>
<td>See note [1], below</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>See note [1], below</td>
</tr>
<tr>
<td>Attached Decks and open porches</td>
<td>Front: 30 feet Side: 3 feet Rear: 30 feet Corner side: 10 feet</td>
<td>Front: 30 feet Side: 15 feet Rear: 30 feet Corner side: 30 feet</td>
<td>Front: 30 feet Side: 15 feet Rear: 30 feet Corner side: 30 feet</td>
<td>Front: 30 feet Side: 10 feet Rear: 3 feet Corner side: 30 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
### Table 8: Zoning District Site Development Standards for Accessory Structures

<table>
<thead>
<tr>
<th>Accessory Structure Type</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clothesline Poles</td>
<td>Front: Not allowed</td>
<td>Front: Not allowed</td>
<td>Front: Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
<td>Side: 3 feet</td>
<td>Side: 3 feet</td>
<td>Side: 3 feet</td>
<td>Rear: 3 feet</td>
<td>Rear: 3 feet</td>
<td>Rear: 3 feet</td>
</tr>
<tr>
<td></td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Side: 10 feet</td>
<td>Side: 10 feet</td>
<td>Side: 10 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Corner side: 30 feet</td>
<td>Corner side: 30 feet</td>
<td>Corner side: 30 feet</td>
</tr>
<tr>
<td>Commercial Storage</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
</tr>
<tr>
<td>Buildings</td>
<td></td>
<td></td>
<td>Side: 10 feet</td>
<td>Side: 10 feet</td>
<td>Side: 10 feet</td>
<td>Side: 10 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rear: 3 feet</td>
<td>Rear: 3 feet</td>
<td>Rear: 3 feet</td>
<td>Rear: 3 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Corner side: 30 feet</td>
<td>Corner side: 30 feet</td>
<td>Corner side: 30 feet</td>
<td>Corner side: 30 feet</td>
</tr>
<tr>
<td>Detached decks</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
<td>Front: 30 feet</td>
</tr>
<tr>
<td></td>
<td>Side: 3 feet</td>
<td>Side: 5 feet</td>
<td>Side: 5 feet</td>
<td>Side: 5 feet</td>
<td>Side: 5 feet</td>
<td>Side: 5 feet</td>
</tr>
<tr>
<td></td>
<td>Rear: 3 feet</td>
<td>Rear: 5 feet</td>
<td>Rear: 5 feet</td>
<td>Rear: 5 feet</td>
<td>Rear: 5 feet</td>
<td>Rear: 5 feet</td>
</tr>
<tr>
<td></td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
</tr>
<tr>
<td>Detached garages or</td>
<td>Front: 30 feet, but cannot be</td>
<td>Front: 30 feet, but cannot be</td>
<td>Front: 30 feet, but cannot be</td>
<td>Front: 30 feet, but cannot be</td>
<td>Front: 30 feet, but cannot be</td>
<td>Front: 30 feet, but cannot be</td>
</tr>
<tr>
<td>carports</td>
<td>closer to the street than the</td>
<td>closer to the street than the</td>
<td>closer to the street than the</td>
<td>closer to the street than the</td>
<td>closer to the street than the</td>
<td>closer to the street than the</td>
</tr>
<tr>
<td></td>
<td>principal building</td>
<td>principal building</td>
<td>principal building</td>
<td>principal building</td>
<td>principal building</td>
<td>principal building</td>
</tr>
<tr>
<td></td>
<td>Side: 5 feet</td>
<td>Side: 5 feet</td>
<td>Side: 10 feet</td>
<td>Side: 10 feet</td>
<td>Side: 10 feet</td>
<td>Side: 10 feet</td>
</tr>
<tr>
<td></td>
<td>Rear: 5 feet</td>
<td>Rear: 5 feet</td>
<td>Rear: 10 feet</td>
<td>Rear: 10 feet</td>
<td>Rear: 10 feet</td>
<td>Rear: 10 feet</td>
</tr>
<tr>
<td></td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
<td>Corner side: 10 feet</td>
</tr>
</tbody>
</table>
### Table 8: Zoning District Site Development Standards for Accessory Structures

<table>
<thead>
<tr>
<th>Accessory Structure Type</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Flagpoles</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R1</td>
<td>Cannot be closer than 5 feet to any property line</td>
<td>Cannot be closer than 5 feet to any property line</td>
<td>Cannot be closer than 5 feet to any property line</td>
</tr>
<tr>
<td>R2</td>
<td>Cannot be closer than 5 feet to any property line</td>
<td>Cannot be closer than 5 feet to any property line</td>
<td>Cannot be closer than 5 feet to any property line</td>
</tr>
<tr>
<td>R3</td>
<td>Cannot be closer than 5 feet to any property line</td>
<td>Cannot be closer than 5 feet to any property line</td>
<td>Cannot be closer than 5 feet to any property line</td>
</tr>
</tbody>
</table>

| **Gazebos** | | | |
| Front: 30 feet, but cannot be closer to the street than the principal building | Front: 30 feet, but cannot be closer to the street than the principal building | Front: 30 feet, but cannot be closer to the street than the principal building |
| Side: 3 feet | Side: 3 feet | Side: 3 feet |
| Rear: 3 feet | Rear: 3 feet | Rear: 3 feet |
| Corner side: 10 feet | Corner side: 10 feet | Corner side: 10 feet |
| Not Applicable | Not Applicable | Not Applicable |

| **Noncommercial greenhouses** | | | |
| Front: 30 feet, but cannot be closer to the street than the principal building | Front: 30 feet, but cannot be closer to the street than the principal building |
| Side: 3 feet | Side: 3 feet |
| Rear: 3 feet | Rear: 3 feet |
| Corner side: 10 feet | Corner side: 10 feet |
| Not Applicable | Not Applicable |

| **Patios** | | | |
| Front: 30 feet | Front: 30 feet |
| Side: 1 foot | Side: 5 feet |
| Rear: 1 foot | Rear: 3 feet |
| Corner side: 10 feet | Corner side: 30 feet |
| Not Applicable | Not Applicable | Not Applicable |
### Table 8: Zoning District Site Development Standards for Accessory Structures

<table>
<thead>
<tr>
<th>Accessory Structure Type</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheds</td>
<td>Front: 30 feet, but cannot be closer to the street than the principal building [2] Side: 3 feet Rear: 3 feet Corner side: 10 feet</td>
<td>Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet</td>
<td>Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet</td>
<td>Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet</td>
<td>Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet</td>
<td>Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet</td>
</tr>
<tr>
<td>Solar energy systems</td>
<td>See note [5], below</td>
<td>See note [5], below</td>
<td>See note [5], below</td>
<td>See note [5], below</td>
<td>See note [5], below</td>
<td>See note [5], below</td>
</tr>
<tr>
<td>Swimming pools, hot tubs and spas</td>
<td>Front: Not allowed Side: 5 feet Rear: 5 feet Corner side: 10 feet</td>
<td>Front: Not allowed Side: 5 feet Rear: 5 feet Corner side: 10 feet</td>
<td>Front: Not allowed Side: 10 feet Rear: 10 feet Corner side: 15 feet</td>
<td>Front: Not allowed Side: 10 feet Rear: 10 feet Corner side: 15 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Tennis or other recreational courts</td>
<td>Front: 30 feet, but cannot be closer to the street than the principal building Side: 5 feet Rear: 5 feet Corner side: 10 feet</td>
<td>Front: 30 feet, but cannot be closer to the street than the principal building Side: 5 feet Rear: 5 feet Corner side: 10 feet</td>
<td>Front: 30 feet, but cannot be closer to the street than the principal building Side: 5 feet Rear: 5 feet Corner side: 10 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
### Table 8: Zoning District Site Development Standards for Accessory Structures

<table>
<thead>
<tr>
<th>Accessory Structure Type</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treehouses</td>
<td>Front: 30 feet Side: 3 feet Rear: 3 feet Corner side: 10 feet</td>
<td>Front: 30 feet Side: 3 feet Rear: 3 feet Corner side: 10 feet</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

#### Maximum Structure Height

<table>
<thead>
<tr>
<th>Accessory dwelling unit</th>
<th>The height of the dwelling unit cannot exceed the height of the principal building or 20', whichever is less</th>
<th>The height of the dwelling unit cannot exceed the height of the principal building or 20', whichever is less</th>
<th>Not Applicable</th>
<th>Not Applicable</th>
<th>Not Applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amateur radio towers</td>
<td>Tower not to exceed 75 feet</td>
<td>Tower not to exceed 75 feet</td>
<td>Tower not to exceed 75 feet</td>
<td>Tower not to exceed 75 feet</td>
<td>Tower not to exceed 75 feet</td>
</tr>
<tr>
<td>Commercial storage buildings</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Accessory Structure Type</td>
<td>R1</td>
<td>R2</td>
<td>R3</td>
<td>Commercial</td>
<td>Industrial</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>Detached accessory buildings [6]</td>
<td>15 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Essential services (such as poles or towers)</td>
<td>As determined by the city engineer</td>
<td>As determined by the city engineer</td>
<td>As determined by the city engineer</td>
<td>As determined by the city engineer</td>
<td>As determined by the city engineer</td>
</tr>
<tr>
<td>Fences</td>
<td>See subsection 520.09</td>
<td>See subsection 520.09</td>
<td>See subsection 520.09</td>
<td>See subsection 520.09</td>
<td>See subsection 520.09</td>
</tr>
<tr>
<td>Flagpoles</td>
<td>25 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Satellite dishes</td>
<td>Not to exceed 4 feet above the roof</td>
<td>Not to exceed 4 feet above the roof</td>
<td>Not to exceed 4 feet above the roof</td>
<td>Not to exceed 4 feet above the roof</td>
<td>Not to exceed 4 feet above the roof</td>
</tr>
<tr>
<td>Solar energy systems</td>
<td>Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt</td>
<td>Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt</td>
<td>Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt</td>
<td>Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt</td>
<td>Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt</td>
</tr>
</tbody>
</table>
Table 8: Zoning District Site Development Standards for Accessory Structures

<table>
<thead>
<tr>
<th>Accessory Structure Type</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>Commercial</th>
<th>Industrial</th>
<th>AP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television and Radio</td>
<td>Not to exceed 12 feet above the roof</td>
<td>Not to exceed 12 feet above the roof</td>
<td>Not to exceed 12 feet above the roof</td>
<td>Not to exceed 12 feet above the roof</td>
<td>Not to exceed 12 feet above the roof</td>
<td>Not to exceed 12 feet above the roof</td>
</tr>
<tr>
<td>Antennae</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTES:
[1] The tower shall be located only in the rear yard, and set back at least 15 feet from any property line. However, necessary guy wires, anchors, and wires of less than 1/4 inch may be set back at least 3 feet from any rear or interior side property line.

[2] On interior lots abutting directly on Twin Lake, a detached accessory garage, carport, shed or workshop may be erected within the front setback area provided it does not encroach into the required front, side or corner side setback.

[3] If the garage, carport or workshop does not have an eave or overhang on the side or rear of the structure, the structure may be located to a distance of 3 feet from the side or rear property line, but the structure shall not encroach into a platted or dedicated easement.

[4] If the vehicle entrance for a detached garage faces a street or alley, the garage shall be at least 20 feet from the corner side property line.

[5] For building-mounted solar energy systems, the collector surface and mounting devices shall not extend beyond the required setbacks on which the building is mounted. For freestanding solar energy systems, the system may not extend into the following setbacks when oriented at minimum design tilt:
Front: 30 feet, but cannot be located closer to the street than the principal building;
Side: 5 feet;
Rear: 5 feet;
Corner side: 10 feet.

[6] For the purposes of this maximum height requirement, detached accessory buildings are defined as carports, detached garages, gazebos, noncommercial greenhouses, sheds and workshops.

Some of these structures may not be allowed in every zoning district.

520.05 Architectural design standards for principal buildings.

Subdivision 1. Intent. It is not the intent of the city to unduly restrict design freedom when reviewing project architecture in connection with a site plan for a principal building. However, it is in the best interest of the city to promote high standards of architectural design and compatibility with surrounding structures and neighborhoods.

Subd. 2. Exterior design and materials. Except for warehouse and industrial buildings that are adequately screened from view, the following are not allowed for building exteriors:
(a) Blank walls;

(b) Unadorned prestressed concrete panels;

(c) Concrete block; and

(d) Unfinished metal and corrugated metal.

520.07. Exterior lighting.

Subd. 1. Standards. Exterior lighting is subject to the following standards:

(a) Any exterior lighting that is used to illuminate an off-street parking area, sign or other structure shall be hooded or controlled in some manner so as to deflect light away from any adjoining residential property or from public streets;

(b) Exterior lighting which casts light on a public street shall not exceed 1 foot candle at the property line abutting the street and lighting which casts light on residential property shall not exceed 0.4 foot candle at the property line abutting that residential property; and

(c) Bare light bulbs shall not be permitted if they can be viewed from adjacent property or the public right-of-way.

520.09. Fences and retaining walls.

Subd. 1. Fence requirements.

(a) Height requirements.

(1) Measurement of fence height. The height of a fence shall be measured as follows:

(i) Fence height is measured from the average grade to the tallest part of the fence, including posts;

(ii) In cases where the fence is located on sloped grade, the fence height shall be measured separately for each segment between posts; and
(iii) In the case of grade being changed where the fence is to be located, such as when fill is added or berm is created, the maximum fence height shall be measured from the grade at the principal structure or the property line, whichever is closer to the proposed fence.

(2) Fences in residential districts. Fences in residential districts shall comply with the following:

(i) For interior lots, fences shall not be taller than 4.5 feet in the front yard and 6.5 feet in the side or rear yard (see Figure 8); and

![Figure 8: Fence height on interior residential lot](image)

(ii) For fences on corner lots, the fence height in the front and corner side yards is determined by which side the principal building faces (see Figures 9 and 10).
Figure 9: Fence location on corner residential lot (principal building facing shorter side)

Figure 10: Fence location on corner residential lot (principal building facing longer side)

(3) Fences in non-residential districts. Fences in non-residential districts shall comply with the following:
(i) For interior lots, fences shall not be taller than 4.5 feet in the front yard and 8.5 feet in the side or rear yard; and

(ii) For corner lots, fence height is determined in the same manner as for corner residential lots (see Figures 9 and 10), except that the maximum height shall be 8.5 feet where a 6.5 feet fence is allowed.

(iii) Fence height in front or corner side yards may exceed 4.5 feet in height up to a maximum of 8.5 feet if the fence is used as screening as allowed in the Crystal city code, subsection 520.13.

(b) **Locational requirements.**

(1) Fences may be located within a drainage and utility easement in side and rear yards. Where such fences are installed, the city will not be responsible for repairing or replacing the fence if work is done in the easement.

(2) Fences shall comply with the site distance triangle requirements as provided in the Crystal city code, chapter 8.

(3) All fences, including footings, shall be located entirely upon the property where the fence is located. It is the property owner’s responsibility to locate property lines prior to installing a fence.

(c) **Design and maintenance requirements.**

(1) Barbed wire, razor wire, concertina, dannert, and above-ground electrical fences are prohibited.

(2) Fences taller than four feet shall have posts in the ground at least $\frac{1}{2}$ of the height of the fence.

(3) Fences shall be maintained in good repair. Any fence that is potentially dangerous or in disrepair shall be removed or repaired.
Subd. 2. Retaining wall requirements.

(a) Retaining walls supporting an embankment to be retained on any lot that exceeds 48 inches in height shall be benched, so that no individual vertical segment of a retaining wall exceeds a height of six feet except where the city engineer determines that topography requires a wall of greater height. Each individual horizontal bench segment, so constructed, shall be a minimum width of 36 inches (See Figure 11).

(b) Retaining walls over 48 inches, measured from the top of the footing to the top of the wall, are required to be designed and certified by a registered professional licensed in Minnesota.

Figure 11: Retaining walls shall be benched, or terraced, so that no individual wall exceeds a height of six feet.

520.11. Landscaping.

Subd. 1. Purpose. The purpose of this subsection is to promote the beautification of the city and to generally protect the public welfare through the city’s authority to regulate land use in a method that utilizes the benefits of landscaping. Specifically, it is the purpose of this section to:
(a) Preserve and enhance the variety and extent of the city’s urban forest as an integral part of this city’s identify and infrastructure;

(b) Protect privacy and provide buffering between land uses of differing intensities; and

(c) Increase and maintain property values.

Subd. 2. Applicability. The requirements of this subsection shall apply to all proposed development and new land uses, unless otherwise stated herein.

Subd. 3. Approved landscaping plan.

(a) Where landscaping is required, no building permit shall be issued until the landscaping plan for the site has been submitted and approved.

(b) Landscaping that is in compliance with the approved plans shall be installed before a certificate of occupancy is issued for the site. If landscaping is not installed, the applicant shall be required to submit a cash escrow in accordance with the requirements in the Crystal city code, section 510 for the relevant development review application.

Subd. 4. Landscaping standards.

(a) Plant quality and size.

(1) Appropriate materials. Landscape materials should complement the form of the existing trees, plantings, and vegetation. The amount of shade or sun and soil conditions should be considered in selecting plant materials. Plant materials are to include those materials and species that are demonstrated to be hardy to conditions found in Minnesota.

(2) Approved and prohibited tree species. Trees selected for specific site design purposes shall be those trees as identified and included on the list of approved trees as approved and amended from time to time by resolution of the city council on file in the city clerk’s office. The city’s approved list may include prohibited trees.

(3) Free of disease. Plants shall be free of disease, insects and/or damage, and shall be correctly labeled indicating genus, species and cultivar. No label shall be removed until after the final inspection by the city is completed; and
(4) **Variety of tree species.** To curtail the spread of disease or insect infestation in a tree species, new trees shall comply with the diversity standards of Table 9.

<table>
<thead>
<tr>
<th>Number of Trees Required on Site</th>
<th>Maximum Percentage of Trees that may be of a Single Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-19</td>
<td>35%</td>
</tr>
<tr>
<td>20-39</td>
<td>30%</td>
</tr>
<tr>
<td>40 or more</td>
<td>25%</td>
</tr>
</tbody>
</table>

(5) **Tree size requirements.**

(i) Deciduous canopy or shade trees shall have a minimum Diameter at Breast Height (DBH) of two inches for ball and burlap trees or DBH of two inches for container trees at the time of planting. Multi-stem varieties shall be a minimum of six feet in height above ground level at the time of planting;

(ii) Understory, small maturing, or ornamental trees shall have a minimum DBH of two inches at time of planting. Multi-stem varieties shall be a minimum of four feet in height above ground level at the time of planting;

(iii) Evergreen trees shall be a minimum of six feet in height for potted or ball and burlap trees at the time of planting.

(b) **Required landscaping.**

(1) Any lot remaining after providing parking, sidewalks, driveways, building or other permitted site improvements shall be planted and maintained in trees, shrubs, turf grass, native grasses, flowering plants, or similar landscaping material.

(2) Not less than one canopy tree for each 1,000 square feet of the site with the following exceptions:

(i) One and two family dwellings when located on existing lots of record, but subdivisions platted after the effective date of this UDC shall meet this requirement; and

(ii) Parking lots, which have specific requirements in this Section and;
(iii) Existing healthy, well-formed canopy and understory trees may be credited towards the requirements of this subsection, provided that the tree is protected before and during development of the site and maintained thereafter in a healthy growing condition. The trees to be credited shall be on the city’s list of approved trees.

(3) Not less than one shrub for each 100 square feet of the site, with the following exceptions:

(i) One and two family dwellings; and

(ii) Parking lots, which have specific requirements in this section.

(c) Installation of vegetation.

(1) General requirements.

(i) Minimum dimensions. Wherever this UDC requires a landscaped area of a specified width, the width shall be measured within (interior measurements) any curb or wall bordering the landscaping area.

(ii) Soils. Where landscaping is required, good quality loose soil must be provided and shall not include substandard fill, gravel, sand or highly alkaline soil material.

(iii) Ball and burlap. Landscape materials installed in a ball or burlap form shall be installed such that the ball and burlap does not extend above the immediate grade at installation.

(iv) Protective curbing. Where landscaping is installed in areas that are designed to manage storm water run-off, no protective curbing shall be constructed that prohibits the flow of or infiltration of surface water. In other instances landscape islands and similar landscape areas may be protected by a B6-12 concrete curb and gutter where otherwise deemed necessary by the city engineer.
(v) **Safety requirements.** Landscape materials shall be located so that at maturity they do not interfere with safe sight lines for pedestrians or vehicular traffic and do not conflict with overhead lights or utility lines.

(2) **Turf or ground cover.**

(i) Requirements for native prairie grasses and or drought tolerant species of native are located in the Crystal city code, section 615.

(ii) Ground cover may consist of grass normally grown in permanent lawns in Minnesota. Such turf grass shall be planted according to the requirements found in the Crystal city code, section 615, and may be sodded or seeded, except in swales or other areas subject to erosion where solid sod, erosion reducing net, or suitable mulch shall be used.

(iii) Ground cover may be supplemented with decorative rocks, pebbles, sand, or similar materials, when used for decorative purposes.

(3) **Trees.**

(i) **Trees in public rights-of-way.** The requirements for planting trees in the public right-of-way are found in the Crystal city code, section 800.

(ii) **Tree roots.** Trees of species whose roots are known to cause damage to public roadways or other public improvements shall not be planted closer than 15 feet to such public improvements.

(4) **Earth berms.**

(i) Berms shall be physical barriers which block or screen a view in a manner similar to a hedge, fence or wall.
(ii) Berms shall be constructed with proper and adequate plant material to prevent erosion. Where existing vegetative and/or topographic conditions provide a Where berms are to be mowed, the maximum permitted slope is 3:1 (See Figure 12).

![Figure 12: Illustration of a permitted berm slope.](image)

(d) Maintenance of landscaped areas.

(1) All landscaping (e.g., ground cover, hedges, lawns, shrubs, and trees) shall be maintained in a healthful and thriving condition at all times; and

(2) The landscaping shall regularly be kept clean and free of debris, litter, and weeds.

Subd. 5. Tree preservation and replacement requirements.

(a) Tree inventory required. As part of a submittal application for site plan review or a subdivision, the applicant shall submit a tree inventory. The inventory shall be taken and reported by a qualified arborist, nurseryman, horticulturist, or landscape architect who is licensed, certified, registered or otherwise qualified in the State of Minnesota and shall depict the following:

(1) Lot lines of the parcel(s) involved;

(2) The exact location, health, type, and size of all trees with a DBH of 12 inches or more; and

(3) Recommendations of which trees, or stands of trees, should be retained and protected.
(b) **Tree protection requirements.** All trees with a DBH of 12 inches or more shall be retained to the maximum extent feasible, with the following exceptions:

1. Trees that are dead or dying based on an analysis and report by a qualified arborist;

2. Trees that are determined by the city engineer to be an immediate nuisance or threat to an existing structure, underground utility, or to the public health, safety, or welfare;

3. Trees that may be prohibited by the city as established in this section;

4. Trees located on publicly owned land or within public rights-of-way that the city, or its authorized agent, needs to remove to complete street improvement projects; and

5. Trees that are an obstacle to access on the lot and no alternative exists for relocating such access.

(c) **Tree replacement requirements.**

1. If a tree with a DBH of 12 inches or more is removed according to the requirements of subd. 2, above, replacement trees shall be provided in accordance with Table 10. A tree will be considered removed if 30 percent or more of the trunk diameter is injured.

<table>
<thead>
<tr>
<th>Caliper of Original Tree</th>
<th>Replacement Trees Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 to 17 inches DBH</td>
<td>One replacement tree for each protected tree removed</td>
</tr>
<tr>
<td>18 to 23 inches DBH</td>
<td>Three replacement trees for each protected tree removed</td>
</tr>
<tr>
<td>24 to 35 inches DBH</td>
<td>Six replacement tree for each protected tree removed</td>
</tr>
<tr>
<td>36 to 47 inches DBH</td>
<td>Ten replacement trees for each protected tree removed</td>
</tr>
<tr>
<td>48+ inches DBH</td>
<td>Twelve replacement trees for each protected tree removed</td>
</tr>
</tbody>
</table>
(2) Each replacement tree shall have a minimum DBH of at least two inches.

(d) Tree protection requirements. The following are the requirements for those trees that are to be preserved on the site during construction.

(1) Paving or soil compaction prohibited. The area within the critical root zone (as defined as five feet beyond the drip line) of any protected tree shall not be subject to paving or soil compaction.

(2) Owner’s responsibility. During site development, the property owner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing or installed trees from damage both during and after construction.

(3) Tree protection fencing.

(i) All protected trees shall be fenced in before grading or other land-disturbing activity begins. Fencing shall extend at least five feet from the edge of the drip line (See Figure 13 for illustration of a drip line), but in no case closer than ten feet to the trunk;

Figure 13: Illustration of protective fence placement for trees.
(ii) The zoning administrator shall consider existing site conditions in determining the exact location of any tree protection fencing; and

(iii) All fencing required by this subsection shall be at least four feet in height and secured using appropriate posts.

(e) **Encroachments into root zones.** Encroachment into root zones shall comply with the following:

(1) Encroachments within the root zones of trees protected in accordance with this subsection shall occur only in rare instances; and

(2) If such an encroachment is anticipated, written verification by a qualified arborist shall be required documenting the tree’s condition before and after the encroachment, including preventive measures that shall be employed prior to, during, and after the encroachment to insure the viability of the tree.

Subd. 6. Parking lot landscaping requirements.

(a) **Purpose.** The purpose for parking lot landscaping requirements is to provide for effectively designed and properly placed landscape improvements to minimize the potential negative effects of large expanses of asphalt, such as creating unnecessary surface water runoff and presenting a sterile image.

(b) **Parking lots adjacent to streets.** The area of a parking lot facing a street shall comply with the following:

(1) A parking area for a nonresidential, institutional, or multi-family residential use adjacent to a public street shall be designed to provide a minimum five-foot landscaped planting strip between the street right-of-way and any parking area (see Figure 14);
Figure 14: Perimeter landscaping required between a parking lot and a street.

(2) The landscaping shall have a minimum height of 36 inches and be designed and maintained to screen cars from view of the street and meet the site visibility requirements of the Crystal city code, chapter 8;

(3) Screening materials may include a combination of plant materials including trees, shrubs, raised planters, solid decorative masonry walls, or other screening devices which meet the intent of this requirement (see Figure 15); and

Figure 15: Illustration of parking lot perimeter screening.

(4) Shade trees shall be provided at a minimum rate of one for every 30 linear feet of landscaped area.
(c) **Parking lots adjacent to side or rear property lines.** Parking areas for a nonresidential, institutional, or multiple family dwelling use shall provide a perimeter landscape strip at least five feet wide (inside dimension) where the parking area adjoins a side or rear property line.

(d) **Parking lots adjacent to residential uses.** Parking lots adjacent to a one or two family dwelling shall comply with the following:

1. A ten-foot landscaped buffer shall be provided between the parking lot and the property line of the residential use;
2. The landscaping shall have a minimum height of 36 inches and be designed and maintained to screen cars from view of the residential use;
3. Screening materials may include a combination of plant materials including raised trees, shrubs, planters, solid decorative masonry walls, or other screening devices which meet the intent of this requirement; and
4. Shade trees shall be provided at the rate of one for each 30 linear feet of landscaped area along the property line between the parking lot and the residential use.

(e) **Landscaping for parking lot interior.** The landscaping for the interior of a parking lot shall comply with the following:

1. **Amount of landscaping.**
   1. Parking lots with 20 or more spaces shall provide landscaping at a minimum ratio of ten percent of the gross area of the parking lot (including all drive and parking aisles). If parking is located on the side of the structure (not adjacent to a street) or in the rear, this landscaping ratio may be reduced to five percent;
   2. Trees not less than five feet in height and 15-gallon container in size shall be planted throughout the parking lot; and
(2) **Landscaping location.** Landscaping shall be evenly dispersed throughout the parking lot, as follows:

(i) Landscaped islands shall have a minimum width of nine feet as the narrowest dimension;

(ii) Shade trees planted using an orchard-style planting (the placement of trees in uniformly-spaced rows) is encouraged for larger parking areas;

(iii) The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, landscape gravel, or mulch.

520.13. **Screening.**

Subd. 1. **Purpose.** The purpose of this section is to increase or maintain property values and generally protect the public welfare by screening uses that could have an adverse impact on neighboring properties.

Subd. 2. **Applicability.** The requirements of this section shall apply to all proposed development and new land uses unless otherwise stated.

Subd. 3. **Types of screening.** Screening may consist of vegetation, fences, walls, berms, or other visual barriers.

Subd. 4. **Items to be screened.** The following areas shall be screened in accordance with this section:

(a) **Waste receptacles.** Outdoor waste receptacles, including dumpsters, grease collection containers and recycling containers, shall be screened on all sides by wood or masonry walls with a minimum height of six feet. One side of the storage area shall be furnished with swinging doors. Whenever feasible, the enclosure shall be located in the side or rear yard, away from residential areas.

(b) **Ground-mounted mechanical equipment.** The zoning administrator may require that large ground-mounted mechanical equipment and utility meters that are not located on and screened by the building or structure, be screened from view of adjacent properties or public rights-of-way. Equipment for one and two-family dwellings is exempted from this requirement.
(c) **Roof-mounted mechanical equipment.** Roof-mounted mechanical equipment shall be screened from view of adjacent properties and public rights-of-way through the use of building walls, parapets, and/or roof systems (See Figure 16).

![Figure 16](image)

**Figure 16:** Example of how parapet walls are utilized to screen roof mounted mechanical equipment.

(d) **Outdoor storage.** Screening shall create a visual and or/sound barrier of the object being screened from adjacent properties and the public right-of-way.

(e) **Commercial uses.** Screening shall create a visual and/or sound barrier between the commercial use and residential dwellings. Requirements for parking lot screening are found in the Crystal city code, subsection 520.11.

(f) **Multi-family residential dwellings.** Screening shall create a visual barrier between the multiple family dwelling and one and two family residential dwellings or commercial buildings. Requirements for parking lot screening are found in the Crystal city code, subsection 520.11.

Subd. 5. **Design standards for screening.** Screening shall comply with the following design standards:
(a) Screening shall be installed to create a visual barrier so as to reduce the vision of the object being screened;

(b) If vegetation is used for screening, it shall consist of a compact evergreen or deciduous hedge or trees of a sufficient width and density to provide an effective screen throughout the year;

(c) If a berm is used for screening, it shall be of a sufficient height to provide an effective screen; and

(d) A screening fence or wall shall be constructed of masonry, brick or wood. Such screening shall provide a solid screening effect and not exceed the height limitations in the Crystal city code, subsection 520.09. Fences or walls shall be compatible with the architectural materials and patterns of the principal structure (see Figure 17).

**Figure 17:** Use of a wall and fencing for screening that is architecturally compatible with the principal building.

Subd. 6. **Approval of screening.** Screening shall be approved during review of a zoning certificate, site plan, or conditional use permit. In addition to what is required in this subsection, the zoning administrator or city council may require a specific type of screening to be used in a specific situation.
Subd. 7. Deviation from standards. Screening which deviates from the standards identified in this subsection may be approved by the zoning administrator or the city council, dependent on the type of application required, based on the unique circumstances of the proposal. In deciding whether or not to approve the alternative screening plan, the zoning administrator or city council may consider the following:

(a) The items are sufficiently screened by a building or vegetation or the natural features of the site; and

(b) Due to the nature of the surrounding area and the character of the items to be screened, screening of the items is not necessary.

520.15. Off-street parking and loading.

Subd. 1. Purpose. The purpose of off-street parking requirements is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing requirements for off-street parking of motor vehicles as a use that is accessory to the utilization of various parcels of land or structures.

Subd. 2 Applicability.

(a) New uses. The parking requirements of this subsection shall apply to a zoning certificate application as provided in the Crystal city code, subsection 510.15, or site plan application as provided in the Crystal city code, subsection 510.17, for the construction of a new building or use in any zoning district.

(b) Expanded uses.

(1) Whenever a building or use created prior to the effective date of this UDC is changed or enlarged in floor area, number of units, seating capacity, or otherwise that will create a need for an increase in the number of parking spaces, the additional parking spaces shall be provided on the basis of the new demand created by the enlargement or change.

(2) If the proposed expansion or enlargement will increase the floor area, number of dwelling units, seating capacity, or other area to an extent larger than 50 percent of the building or use prior to the effective date of this UDC, then the entire site shall come into compliance with the requirements of this subsection.
(c) **Change of use.** No change of use shall be authorized unless the new use meets the minimum number of parking spaces required by this subsection.

(d) **Existing uses.** The parking requirements of this section shall not apply to buildings and uses legally in existence on the effective date of this UDC unless modified in the manner stated in this subsection. Furthermore, any parking facilities now serving such existing buildings or uses shall not be reduced below the requirements established in this section in the future.

**Subd. 3. General provisions.**

(a) **Parking plan required.** Plans for all parking facilities, including parking garages, shall be submitted to the zoning administrator for review whether through zoning certificate application as established in the Crystal city code, subsection 510.15, or site plan review application as established in subsection 510.17.

(b) **Parking spaces to be permanent.** Each parking space shall be permanently available, marked, and maintained for parking purposes for the use which it is intended to serve.

(c) **Storage of vehicles and on-street parking.** Parking and storage of any motorized vehicle may occur within a garage, carport, or other building approved for parking in accordance with the applicable sections of this UDC. Requirements for parking on a public street are provided in the Crystal city code, section 1310.

(d) **Vehicles for sale.** No vehicle, trailer, or other personal property shall be parked on an unpaved surface for the purpose of displaying the vehicle, trailer, or other personal property for hire, rental, or sale, unless the applicable zoning allows the use or the use is allowed as provided in the Crystal city code, section 1310.

(e) **General access and circulation requirements.** The traffic generated by any use, whether vehicular or pedestrian shall be channeled and controlled in a manner that will avoid:

1. Congestion on the public streets;
2. Traffic hazards including obstacles to safe pedestrian access; and
3. Excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow.
Traffic into and out of business areas shall to the maximum extent possible, be forward moving with no backing into streets.

Subd. 4. Rules for computation.

(a) **Calculation.** The following rules shall apply when computing parking spaces:

1. **Driveway space meeting parking requirements.** Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of one or two family dwellings where driveways may be used in calculating the amount of off-street parking.

2. **Multiple uses.** Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use. The required base number of parking spaces shall be counted only once for multiple use buildings.

3. **Area measurements.** All square-footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building. Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment.

4. **Vehicle fuel stations.** Spaces at the pump at a vehicle fuel station may count toward the minimum parking space requirements.

(b) **Occupancy-or capacity-based standards.**

1. For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the typical, or average, number of persons working on a single shift or the typical enrollment, whichever is applicable.

2. In hospitals, bassinets shall not be counted as beds.

3. In the case of benches, pews, and similar seating accommodations, each 24 inches thereof shall be counted as one seat for the purpose of determining the parking requirements. If fixed seating is not provided, then each seven square feet of floor area shall be counted as one seat.
(c) **Unlisted uses.**

(1) Upon receiving an application for a use not specifically listed in the parking schedule below, the zoning administrator shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size, and intensity of use.

(2) If the zoning administrator determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

(3) The zoning administrator’s decision regarding parking requirements for a specific use is appealable to the board of appeals and adjustments as provided in the Crystal city code, subsection 510.35.

Subd. 5. **Tandem parking.**

(1) The use of tandem parking (when one space is located directly behind another) is allowed; however, the parking spaces that will be blocked, or potentially blocked by other vehicles shall not count toward the requirements of this subsection. One- and two-family dwelling units shall be exempt from this requirement.

Subd. 6. **Off-street parking space requirements.**

(1) Table 11 defines the number of parking spaces required for each use within the city.

(2) The applicant may vary from the required number of parking spaces as provided in subdivision 8 of this section.
Table 11: Parking Spaces by Use

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Use Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory dwelling units</td>
<td>1 space in addition to the number of spaces required for the principal building on the property</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Bed and breakfast establishments</td>
<td>2 spaces for the owner/occupant of the dwelling, at least one of which must be enclosed in a garage, plus 1 space per guest sleeping room</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Dwellings, one and two family</td>
<td>2 spaces per dwelling unit, one of which must be enclosed in a garage</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Dwellings, multiple-family</td>
<td>2 spaces per dwelling unit, one of which must be enclosed in a garage [1]</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Specialized care facilities</td>
<td>4 spaces, plus 1 space per 5 beds</td>
<td>Not applicable</td>
</tr>
<tr>
<td><strong>Commercial Use Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement Centers</td>
<td>10 spaces, plus no less than 1 space per 500 square feet of gross floor area</td>
<td>10 spaces, plus no more than 1 space per 250 square feet of gross floor area</td>
</tr>
<tr>
<td>Banquet halls or event centers</td>
<td>See Public, Institutional, or Recreational Use Category</td>
<td></td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>4 spaces, plus 4 spaces for each lane</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>4 spaces, plus no less than 1 space per 3 seats in the main assembly hall, plus no less than 1 space per 300 square feet of gross floor area not used for seating. [3]</td>
<td>4 spaces, plus no more than 1 space per 2 seats in the main assembly hall, plus no less than 1 space per 200 square feet of gross floor area not used for seating. [3]</td>
</tr>
<tr>
<td>Use Type</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Health and fitness club</td>
<td>4 spaces, plus no less than 300 square feet of gross floor area, not including court, gym or pool area, plus 4 spaces per basketball court, plus 2 spaces per tennis or racquetball court, plus 1 space per 50 square feet of deck area for a swimming pool</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Hotel, Motel, Extended Stay Establishments</td>
<td>1 space per room or suite, plus 1 space per employee on the major shift. [2]</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Office</td>
<td>4 spaces, plus no less than 1 space per 500 square feet of gross floor area</td>
<td>4 spaces, plus no more than 1 space per 250 square feet of gross floor area</td>
</tr>
<tr>
<td>Restaurants and bars</td>
<td>4 spaces, plus no less than 1 space per 100 square feet of gross floor area</td>
<td>4 spaces, plus no more than 1 space per 50 square feet of gross floor area</td>
</tr>
<tr>
<td>Retail Establishments and Personal Service</td>
<td>4 spaces, plus no less than 1 space per 500 square feet of gross floor area [4]</td>
<td>4 spaces, plus no more than 1 space per 250 square feet of gross floor area [4]</td>
</tr>
<tr>
<td>Theaters or Auditoriums</td>
<td>4 spaces, plus no less than 1 space per 4 seats based on the cumulative design capacity of the assembly room or spaces</td>
<td>4 spaces, plus no more than 1 space per 2 seats based on the cumulative design capacity of the assembly room or spaces</td>
</tr>
<tr>
<td>Vehicle, Boat, or Recreational Sales or Rental</td>
<td>4 spaces, plus 1 space per employee on the major shift. Such spaces are in addition to the vehicles parked for display</td>
<td></td>
</tr>
<tr>
<td>Vehicle Fuel Sales</td>
<td>4 spaces, plus 2 spaces per service or repair stall if applicable, plus no less than 1 space per 300 square feet of building area used for the sale of goods or services</td>
<td>4 spaces, plus 2 spaces per service or repair stall if applicable, plus no more than 1 space per 150 square feet of building area used for the sale of goods or services</td>
</tr>
<tr>
<td>Use Type</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Vehicle Wash or Detailing</td>
<td>1) Drive-through, staffed: 2 spaces, plus 1 space per employee on the major shift&lt;br&gt;2) Drive-through, not staffed: 2 spaces&lt;br&gt;3) Self-service: 2 spaces</td>
<td></td>
</tr>
<tr>
<td>Industrial, Manufacturing, Research and Wholesale Use Category</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing</td>
<td>4 spaces, plus no less than 1 space per 1,000 square feet of gross floor area</td>
<td>4 spaces, plus no more than 1 space per 500 square feet of gross floor area</td>
</tr>
<tr>
<td>Warehouses</td>
<td>4 spaces, plus no less than 1 space per 3,000 square feet of gross floor area</td>
<td>4 spaces, plus no more than 1 space per 1,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Public, Institutional, or Recreational Use Category</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High School, college, university, or trade/business school</td>
<td>4 spaces, plus no less than 1 space per classroom, plus no less than 1 space per 2 students based on design capacity</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Hospital</td>
<td>Number of spaces as required per a parking study</td>
<td>Number of spaces as required per a parking study</td>
</tr>
<tr>
<td>Library</td>
<td>4 spaces, plus no less than 1 space per 400 square feet of gross floor area</td>
<td>4 spaces, plus no more than 1 space per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Outdoor Recreational Facilities</td>
<td>10 spaces per acre of play field, plus 4 per basketball court, two space per tennis court, or 1 space per 50 square feet of deck area for a swimming pool</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Banquet halls, event centers, Religious Institutions, or similar places where persons gather or assemble</td>
<td>4 spaces, plus no less than 1 space per 3 seats based on the cumulative design capacity of the assembly room or spaces</td>
<td>4 spaces, plus no more than 1 space per 2 seats based on the cumulative design capacity of the assembly room or spaces</td>
</tr>
</tbody>
</table>
Table 11: Parking Spaces by Use

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools, elementary and middle school</td>
<td>10 spaces, plus no less than 1 space per classroom and 1 space per 40 students based on designed capacity</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Notes:
1. The minimum number of parking spaces for senior housing is 1 space per household unit, 50% of which shall be enclosed in a garage.
2. If applicable, 1 space per 4 person capacity shall be provided for conference rooms or other assembly spaces and 1 space shall be provided for a manager who resides on the property.
3. Motor vehicle stacking space shall also be provided for making up a funeral procession, although drive aisles in the parking lot may be used for stacking.
4. The parking requirement for retail sales and service establishments with more than 50% or more of gross floor area devoted to storage or warehouse shall be: 4 spaces, plus no less than 1 space per 500 nor more than 1 space per 250 square feet devoted to sales or service, plus no less than 1 space per 3,000 nor more than 1,000 square feet of storage.

Subd. 7. Disabled parking requirements. Parking spaces required for the disabled shall be provided in compliance with all applicable state and federal requirements. If practicable, spaces for the disabled shall be located so they provide easy access from the closest parking area to the major entrance of the use for which they are provided.

Subd. 8. Modification of parking requirements. For all uses except one and two-family dwellings, the number of parking spaces required in Table 11 may be modified according to the following provisions. Approval of requests to provide more or less parking spaces, or reducing the number of enclosed spaces, shall be made according to the applicable review procedure associated with the principal uses listed in Table 11, unless otherwise noted in this subsection.

(a) Providing more parking spaces. An applicant may request up to ten percent additional spaces beyond the maximum allowed in Table 11, but shall be required to provide the information below. The request shall be reviewed according to a Type 1 review procedure and the decision of the zoning administrator is appealable according to the requirements in the Crystal city code, subsection 510.35.

(1) Number of customers, patients, visitors, or other patrons of the proposed use. Information shall also be included detailing the expected parking behavior of these people (i.e., how long a customer may be at the facility);
(2) Number of full-time and part-time employees; and

(3) Number and approximate timing of deliveries.

(b) Providing fewer parking spaces. An applicant may request a reduction of up to ten percent of the minimum required spaces in Table 11 but shall be required to provide the following information. The request shall be reviewed according to a Type 1 review procedure and the decision of the zoning administrator is appealable according to the requirements in the Crystal city code, subsection 510.35

(1) Number of customers, patients, visitors, or other patrons of the proposed use. Information shall also be included detailing the expected parking behavior of these people (i.e., how long a customer may be at the facility).

(2) Number of full-time and part-time employees.

(3) Number and approximate timing of deliveries.

(c) Reducing the number of required enclosed parking spaces. An applicant may request a reduction of up to ten percent of the required number of enclosed spaces in Table 11 but shall be required to submit a description of why it is not feasible to construct the required number of enclosed spaces. The request shall be reviewed according to a Type 1 review procedure and the decision of the zoning administrator is appealable according to the requirements in the Crystal city code, subsection 510.35.

(d) Shadow parking. A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious (i.e., “green”) pavers, provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with the approval of the relevant development review application (see Figure 18):

(1) The parking plan submitted with the zoning certificate or site plan review application shall denote the location and layout of that portion of the parking area that currently is deemed not required. The plan shall indicate that the “shadow” parking spaces will be constructed according to these regulations in the event that the zoning administrator determines at any time that all or any portion of this parking is necessary;
(2) At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that pervious pavers may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material;

(3) At no time shall any portion of the required parking or loading that is so designated for future construction, as provided herein, be counted as open space or other non-paved areas required by other provisions of this section; and

(4) The owner shall initiate construction of the approved "future" parking area(s), as identified on the approved parking plan, within six months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the zoning administrator, identifying that such parking is determined to be necessary.

![Figure 18: Illustration of shadow parking concept.](image-url)
(e) **Shared parking.** Except for one and two-family dwellings, a portion of the required parking spaces may be located on an adjacent property if the parking area complies with the standards in this subdivision and is authorized in accordance with the approval of the relevant development review application.

(1) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.

(2) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:

(i) A sufficient number of spaces is provided to meet the highest demand of the participating uses;

(ii) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the zoning administrator, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them;

(iii) The shared parking spaces will not be located in excess of 500 feet from the further most point of the space to the front door, or other viable building entrance as approved by the zoning administrator, of the use they are intended to serve;

(iv) A shared parking agreement is submitted and reviewed as to form by the city attorney, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours). This agreement shall include evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development;
(v) The approved shared parking agreement shall be filed with the application for a zoning certificate or site plan and shall be recorded at Hennepin County in a manner as to encumber all properties involved in the shared parking agreement; and

(vi) No zoning certificate will be issued until proof of recordation of the agreement is provided to the zoning administrator.

Subd. 9. Location of parking.

(a) Parking spaces shall be located on the same lot as the principal use they serve unless the spaces meet the requirements as provided in the Crystal city code, subsection 520.15, subdivision 8(e).

(b) Except for one and two-family dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.

(c) Parking is prohibited in any screening or landscaping buffering areas required by this UDC.

(d) In residential districts, off-street parking shall not be provided in the front setback or side street setback, except for one and two-family dwellings, subject to the limitations as provided in subsection (e), below.

(e) In the case of one and two-family dwellings, off-street parking is only permitted on a hard surfaced driveway leading directly into a garage. Each property may also have one hard surfaced auxiliary parking space in addition to the driveway meeting the following requirements. Those properties without a garage or with only a single stall garage may have two auxiliary parking spaces:

(1) An auxiliary space shall be located immediately adjacent to one side of the driveway, immediately adjacent to one side of the garage, or as one turn-around space immediately adjacent to the driveway (see Figure 19);
Figure 19: Options for locating an auxiliary parking space.

(2) An auxiliary space cannot exceed 12 feet in width and 24 feet in length, and must be at least ten feet from the habitable portion of a residential structure on an adjacent property; and

(3) For access to the auxiliary space, a hard surfaced taper also is permitted, provided it does not extend into the boulevard and has an angle of at least 22-1/2 degrees and no more than 45 degrees. If the property has setback or topographic constraints that prevent reasonable access to a lawful auxiliary space, then the city engineer may allow the taper to extend into the boulevard but only to the minimum extent necessary to provide reasonable access.

Subd. 10. Setbacks.

(a) The face of the curb shall not be within five feet of any property line and the back of the curb shall not be within four feet of any property line.

(b) If a parking lot for a commercial, institutional, or multi-family dwelling use is adjacent to a property used for one or two-family residential dwellings, the face of the curb for the parking lot shall not be within ten feet of the shared property line and the back of the curb shall not be within nine feet of the shared property line.

(c) All setbacks near intersections of public streets shall be determined by the city engineer.
Subd. 11. Parking design standards. Required parking areas shall be designed, constructed, and maintained in compliance with the requirements of this subsection.

(a) Access to parking area. Access to parking areas (i.e. driveways) shall be as provided as follows. Requirements for curb cuts and driveways approaches are provided in the Crystal city code, subsection 800.57.

(1) One and two-family dwellings. Driveway width shall not exceed the width of the garage’s vehicle entrance plus six feet, except that properties without a garage or with only a single stall garage shall not have a driveway that exceeds 16 feet in width.

(2) Access for uses other than one and two-family dwellings.

(i) Parking areas shall provide suitable maneuvering area so that vehicles enter from and exit to a public street in a forward direction only.

(ii) Parking lots shall be designed to prevent access at any point other than at designated access drives.

(iii) A development that provides 20 or more parking spaces shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, to provide a queuing or stacking area for vehicles entering and exiting the parking area (See Figure 20).

Figure 20: Non-impeded access driveway.
(iv) A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles within nonresidential developments.

(b) Parking space dimensions.

(1) Each parking space and aisle shall comply with the minimum dimensions in Table 12 as illustrated in Figure 21.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0° – Parallel</td>
<td>12</td>
<td>20</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>30° – 53°</td>
<td>14</td>
<td>20</td>
<td>8</td>
<td>22</td>
</tr>
<tr>
<td>54° – 75°</td>
<td>18</td>
<td>22</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>76° – 90°</td>
<td>22</td>
<td>24</td>
<td>8</td>
<td>16</td>
</tr>
</tbody>
</table>

Figure 21: Parking space and aisle requirements based on angle of parking.
(2) When the length of a parking space abuts a column, fence, wall, or other obstruction, the required width of the entire parking space shall be increased by at least one foot.

(3) The required length of a parking space shall not provide for a vehicle overhanging a landscaped area or walkway.

(4) **Use of compact vehicle spaces.** This subsection provides for the establishment of compact vehicle spaces as an alternative to full sized spaces. Such spaces shall comply with the following:

   (i) For parking lots with 50 or more spaces, a minimum of five percent of the total spaces shall be designed for compact vehicle spaces;

   (ii) A maximum of 20 percent of spaces in any single parking lot may be dedicated to compact parking spaces;

   (iii) Compact spaces shall be clearly labeled for “compact cars” and grouped together in one or more locations or at regular intervals so that only compact vehicles can easily maneuver into the space;

   (iv) Existing developments that wish to utilize this subsection to create additional parking spaces (e.g., either by adding land area to an existing parking lot or modifying an existing parking lot to gain more spaces) shall first apply for a zoning certificate or site plan review, whichever is applicable; and

   (v) The minimum off-street parking dimensions for compact vehicle spaces shall be as identified in Table 12.

(5) **Low turnover parking.** This subsection allows for the establishment of narrower parking spaces in locations where the typical user parks for more than two hours. Such spaces shall comply with the following:

   (i) The zoning administrator shall determine whether the proposed low turnover spaces are consistent with the stated purpose of this subsection;
(ii) Existing developments that wish to utilize this section to create additional parking spaces (e.g., either by adding land area to an existing parking lot or modifying an existing parking lot to gain more spaces) shall first apply for a zoning certificate or site plan review, whichever is applicable; and

(iii) The minimum off-street parking dimensions for low turnover parking spaces shall be as identified in Table 12.

(c) **Surfacing.**

(1) Within all zoning districts, parking lots and driveways shall be paved and permanently maintained with asphalt, concrete, or approved paving units.

(2) Parking lots and driveways may be constructed with the use of other all-weather surfacing as determined to be appropriate by the city engineer, where it is first determined that a surface other than asphalt or concrete is consistent with the driveways of similar properties in the vicinity, and that the alternate surface will not impair accessibility for emergency vehicles.

(3) The grade elevation of any parking area shall not exceed ten percent.

(d) **Striping and identification.**

(1) Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface.

(2) The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

(3) The color of the striping shall be white or yellow, unless another color is required by state law (e.g., parking for the disabled).

(e) **Grading and drainage.**

(1) All grading plans relating to the parking facilities shall be reviewed and approved by the city engineer before any work can commence.

(2) All off-street parking facilities shall be properly graded and drained so as to dispose of all surface water accumulated within the area of the parking lot.
(3) In no instance shall a storm drainage facility be designed to allow the flow of water into abutting property without an approved easement.

(f) **Curbing.** The purpose of curbing is to minimize storm water runoff, protect building and parking lot edges, and increase the survivability of plants. The following standards are applicable to curbing:

(1) Except for one- or two-family dwellings, all parking areas or lots shall have cast-in-place concrete barrier curb and gutter around the perimeter of the entire parking lot. The curb shall be at least six inches wide and the gutter shall be at least 12 inches wide. This minimum standard is typically referred to as “B6-12” curb and gutter.

(g) **Sight distances.** Adequate sight distances for vehicles and pedestrians shall be provided for parking lots.

(h) **Parking lot landscaping.** Requirements for parking lot landscaping are provided in the Crystal city code, subsection 520.11.

(i) **Parking lot lighting.** If exterior lighting is proposed in the parking plan, the lighting shall meet the requirements as provided in the Crystal city code, subsection 520.07.

(j) **Pedestrian connections.** When feasible, the parking plan shall show pedestrian connections within the property and to existing or planned public sidewalk and trail connections.

(k) **Deviation from standards requires a detailed study.** No proposed parking layout which deviates from the standards identified in this section and which could create a safety hazard(s) shall be allowed unless the developer provides a detailed report or study prepared by a registered transportation engineer who demonstrates that the parking layout is a viable alternative and is consistent with the purpose of this section. This alternative plan is subject to the approval of the city engineer.

**Subd. 12 Maintenance.** All parking spaces, driveways, and striping shall be continually maintained in a clean and orderly manner and kept in good repair.
Subd. 13. **Loading space requirements.**

(a) **Purpose.** The purpose of these requirements is to provide design standards for loading spaces if such spaces are proposed by a property owner.

(b) **Prohibition.** Loading spaces are prohibited in all residential zoning districts.

(c) **General design standards.** Loading spaces shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

1. **Location of required loading spaces.** Loading spaces shall be:

   (i) As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;

   (ii) Situated to ensure that the loading facility is screened from adjacent streets;

   (iii) Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front or street side setback, adjacent public right-of-way, or other on-site traffic circulation areas;

   (iv) Situated to ensure that all vehicular maneuvers occur on-site. The loading areas shall allow vehicles to enter from and exit to a public street in a forward motion only;

   (v) Situated so that trucks parking in them will not encroach onto the public right-of-way or into required parking spaces or driveways. Loading spaces designed for larger trucks shall have appropriately larger access to allow maneuvering without encroaching into landscaped areas; and

   (vi) Situated to avoid adverse impacts upon neighboring residential properties;

2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety; lighting shall also comply with the requirements as provided in the Crystal city code, subsection 520.07; and

3. **Striping.** Loading spaces shall be striped and identified for "loading only." This striping and notation shall be continuously maintained in a clear and visible manner in compliance with the approved plans.
520.17. Surface water, drainage and erosion control.

Subd. 1. Purpose. These regulations are intended to result in the effective management of surface water run-off by improving surface water quality and minimizing public expenditures needed to protect the community from water quality problems.

Subd. 2. Applicability. Except as provided for in this subsection, these requirements are applicable for subdivision or lot consolidation applications, site plans, conditional use permits, building permits, or other land disturbing activities on existing properties.

Subd. 3. Exemptions. The provisions of this section do not apply to:

(a) Any part of a subdivision if a plat for the subdivision has been approved by the city council on or before the effective date of this UDC;

(b) Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this UDC;

(c) A lot for which a building permit has been approved on or before the effective date of this UDC;

(d) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles; or

(e) Emergency work to protect life, limb, or property.

Subd. 4. Storm water management plan. When a subdivision or lot consolidation application is submitted, the applicant shall include a storm water management plan, unless this requirement is waived by the city engineer. The plan shall contain the following information.

(a) Existing site map. A map of existing site conditions showing the site and immediately adjacent areas, including:

   (1) The street address, property identification number or legal description of the subject property;

   (2) North point, date, scale of drawing, and number of sheets;

   (3) Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet;
(4) A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;

(5) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;

(6) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable:

(7) Vegetative cover and clearly delineating any vegetation proposed for removal; and

(8) 100-year floodplains, flood fringes and floodways.

(b) Site construction plan. A site construction plan including:

(1) Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;

(2) Locations and dimensions of all temporary soil or dirt stockpiles;

(3) Locations of all proposed stormwater management facilities;

(4) Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this section;

(5) Schedule of anticipated starting and completion date of each land disbursing activity including the installation of construction site erosion control measures needed to meet the requirements of this section; and
(6) Provisions for maintenance of the construction site erosion control measures during construction.

(c) **Plan of final site conditions.** A plan of final site conditions on the same scale as the existing site map showing the site changes including:

(1) Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;

(2) A delineation of any ponding, flowage or drainage easements, or other property interests, to be dedicated for stormwater management purposes;

(3) For applications proposing infiltration or filtration as a stormwater management practice, identification, description, results of double-ring infiltrometer tests, and permeability and approximate delineation of site soils in both existing and proposed as-developed condition.

(4) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;

(5) A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;

(6) The proposed size, alignment and intended use of any structures to be erected on the site; and

(7) A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used.

Subd. 5. **Approval standards.** The storm water management plan shall address the following standards, unless waived by the city engineer.
(a) **Impact on adjacent properties.** No land disturbance shall be permitted that results in water run-off causing flooding, erosion, or deposit of minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, pond area, or other public facilities. Any change in grade affecting water run-off onto adjacent property must be approved by the city engineer.

(b) **Site dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

(c) **Waste and material disposal.** All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(d) **Tracking.** Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

(e) **Drain inlet protection.** All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication “Protecting Water Quality in Urban Areas” and in the National Pollutant Discharge Elimination System Construction Stormwater General Permit.

(f) **Site erosion control.** The following criteria apply only to construction activities that result in runoff leaving the site:

   (1) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than 0.5 ft./sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
(2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

(3) Runoff from the entire disturbed area on the site shall be controlled by meeting either subsections 1 and 2 below or 1 and 3 below.

(i) All disturbed ground left inactive for 14 or more days shall be stabilized by seeding or sodding, or by mulching or covering or other equivalent control measure.

(ii) For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.

(iii) For sites with less than ten acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales, or equivalent control measures must include a maintenance and inspection schedule.

(4) Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the stormdrain inlets must be protected with straw bale or other appropriate filtering barriers.
Subd. 6. Storm water management criteria for permanent facilities.

(a) **Installation.** An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that (1) the two-year, ten-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased, and (2) accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. For purposes of this section, peak runoff rates shall be calculated using Atlas 14 precipitation data and nested distribution data as input. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.

(b) **Design.** The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.

(c) **Best management practices.** The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:

1. Natural infiltration of precipitation on-site;
2. Flow attenuation by use of open vegetated swales and natural depressions;
4. Minimal Impact Design Standards Calculator and Design Sequence Flowchart;
5. Minnesota Department of Health and Minnesota Pollution Control Agency document *Evaluating Proposed Stormwater Infiltration Projects in Drinking Water Supply Management Areas*;
6. National Pollutant Discharge Elimination System Construction Stormwater General Permit;
(7) Storm water retention facilities; and

(8) Storm water detention facilities.

(d) A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection a) above. Justification shall be provided by the applicant for the method selected.

Subd. 7. Detention Facility Design standards.

(a) Detention Facilities. Storm water detention facilities constructed in the city shall be designed according to the most current technology as reflected in the MPCA publication “Protecting Water Quality in Urban Areas” and in the Minnesota Stormwater Manual, and shall contain, at a minimum, the following design factors:

(1) A permanent pond surface area equal to 2% of the impervious area draining to the pond or 1% of the entire area draining to the pond, whichever amount is greater;

(2) An average permanent pool depth of four to ten feet;

(3) As an alternative to subsections a) and b) above, the volume of the permanent pool shall be equal to or greater than the runoff from a 2.5-inch rainfall for the fully developed site;

(4) A permanent pool length – to – width ratio of 3:1 or greater;

(5) A minimum protective shelf extending ten feet into the permanent pool with a slope of 10:1, beyond which slopes should not exceed 3:1;

(6) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet);

(7) All storm water detention facilities shall have a device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations, including a two year storm event;

(8) Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for two, ten, and one hundred year storm events. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan;
(9) An identified overflow spillway sufficiently stabilized to convey a 100-year critical storm event; and

(10) All storm water detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.

Subd. 8. Wetlands.

(a) Runoff shall not be discharged directly into wetlands without presettlement of the runoff.

(b) A protective buffer strip of natural vegetation at least 20 feet wide with an average width of 30 feet, measured from the ordinary high water level of the watercourse or wetland, shall surround all wetlands.

(c) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the allowing principles in descending order of priority.

(1) Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

(2) Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(3) Rectifying the impact by repairing, rehabilitation, or restoring the affected wetland environment;

(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

(5) Compensating for the impact by replacing or providing substitute wetland resources or environments.

Subd. 9. Steep slopes. No land disturbing or development activities shall be allowed on slopes of 18% or more.
Subd. 10. **Catch basins.** All newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse-grained material. Such basins shall be cleaned when they are half filled with material.

Subd. 11. **Drain leaders.** All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.

Subd. 12. **Inspection and maintenance.** All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. The city engineer, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the public works department for a period of six years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.

Subd. 13. **Models/methodologies/computations.** Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the city engineer. Plans, specification and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the city engineer.

Subd. 14. **Watershed management plans and groundwater management plans.** Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes, section 103B.231 and 103B.255 respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with state law.

Subd. 15. **Easements.** If a storm water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
Section 525

Subdivision of land

525.01. Basic subdivision requirements. The city hereby adopts subdivision regulations, the authority of which is provided for in Minnesota Statutes, section 462.358. The city finds that regulation of the subdivision of real property in the city is necessary for the following purposes:

(a) To insure the orderly, economic, and safe development of land in the city;

(b) To insure the adequate and timely provision of urban services and facilities; and

(c) To protect and promote the public health, safety, and welfare.

Subd. 1. Subdivision approval.

(a) Required. Subdivision approval, in compliance with the provisions of this section, shall occur as follows:

(1) Lot consolidations as provided in the Crystal city code, subsection 510.23;

(2) Subdivisions as provided in the Crystal city code, subsection 510.25; and

(3) Those properties for which Minnesota condominium law, Minnesota Statutes, chapter 515 applies.

(b) Exemption. Subdivision approval is not required for adjacent parcel land conveyances as provided in the Crystal city code, subsection 510.21.

(c) Restrictions.

(1) No lot, parcel, or tract created after the effective date of this UDC shall be issued a building permit unless the lot, parcel, or tract has been created in compliance with this UDC.

(2) No building permits shall be issued for a habitable structure proposed to be located on an outlot.

(3) Land will not be subdivided if the city council determines that the land is unsuitable for development because of flood hazard unless corrective measures consistent with those found in the city code, subsection 515.09 can be feasibly accomplished.
(4) A proposed subdivision of land will not be considered by the city unless past due special assessments thereon have been paid in full or arrangements for their payment satisfactory to the city have been made.

525.03. Development agreement required.

Subd. 1. Purpose. It is the purpose of this subsection to ensure that a subdivider follows the conditions of approval and properly installs the basic improvements required in a plat. Whenever a subdivision includes any public improvements or other conditions of approval, the subdivider shall enter into a development agreement with the city, setting forth the conditions under which the subdivision has been approved.

Subd. 2. Required improvements.

(a) Basic Improvements. All of the following required improvements to be installed under the provisions of this section shall be designed and constructed in accordance with the design standards of this section and the current version of city’s engineering standard specifications, which are adopted herein by reference, and approved by and subject to the inspection of the city engineer prior to approval:

(1) Streets, including curb and gutter;
(2) Sanitary sewer;
(3) Watermain;
(4) Surface water facilities (pipes, ponds, rain gardens, and similar improvements);
(5) Grading and erosion control;
(6) Sidewalks/trails;
(7) Street lighting;
(8) Street signs and traffic control signs;
(9) Street trees;
(10) Tree preservation;
(11) Wetland mitigation and buffers;

(12) Monuments required by Minnesota Statutes; and

(13) Miscellaneous facilities or other elements defined by the guiding documents.

(b) Other improvements. The subdivider shall arrange for the installation of private utilities including, but not limited to, telecommunications cabling, electrical and natural gas service.

Subd. 3. Installation of basic improvements.

(a) The subdivider shall arrange for the installation of all required improvements in the development subject to the development agreement. All of the city’s expenses incurred as the result of the required improvements shall be paid to the city by the subdivider including, but not limited to, legal, planning, engineering, and inspection expenses incurred in connection with approval and acceptance of the plat, the preparation of the development agreement, review of construction plans and documents, and all costs and expenses incurred by the city in monitoring and inspecting development of the plat. The subdivider shall reimburse the city for costs incurred in the enforcement of the development agreement, including engineering and attorneys' fees.

(b) The city council reserves the right to, in its sole discretion, elect to install all or any part of the basic improvements required under the provisions of this section and assess the costs to the benefiting property owners pursuant to Minnesota Statutes, chapter 429, as may be amended.

(c) Unless a grading permit has been issued by the city within the plat or land to be platted, the subdivider may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, streets, utilities, public or private improvements, or any buildings within the plat or land to be platted until all the following conditions have been satisfied:

(1) The development agreement has been fully executed by both parties and filed with the city clerk;

(2) The necessary security has been received by the city;
(3) The plat has been filed with the county recorder's office;

(4) The construction plans have been approved and signed by the city engineer; and

(5) The city has issued a letter that all conditions have been satisfied and that the subdivider may proceed.

(d) The improvements shall be installed in accordance with this UDC, city standard specifications for utilities and street construction, and the city’s engineering standard specifications. The subdivider shall submit plans and specifications that have been prepared by a competent registered professional engineer to the city for approval by the city engineer. The city shall, at the subdivider's expense, provide all on-site inspection and soil testing to certify that the construction work meets the city’s standards and approved plans.

(e) All labor and work shall be done and performed in a professional manner and in strict conformance with the approved plans and specifications. No deviations from the approved plans and specifications will be permitted unless approved in writing by the city engineer. The subdivider shall not do any work or furnish any materials not covered by the plans and specifications and special conditions of this development agreement, for which reimbursement is expected from the city, unless such work is first ordered in writing by the city engineer as provided in the specifications.

Subd. 4. Time of performance.

(a) The subdivider shall complete all required basic improvements no later than one year following the commencement of work on the improvements, except:

(1) Where weather precludes completion;

(2) For street lighting;

(3) For landscaping; and

(4) For the wearing course of streets.

(b) Where weather precludes completion, the timeline for completion of the improvements may be extended up to an additional six months.

(c) The subdivider shall complete street lighting within two years following the initial commencement of work on the required basic improvements.
(d) The subdivider shall complete landscaping by the development phase within 90 days following the issuance of a building permit for the last vacant lot within a phase unless weather precludes completion, in which case the landscaping shall be completed at the outset of the next growing season.

(e) Neither curb and gutter nor bituminous pavement shall be installed between November 15 and April 15. The final wear course on streets shall be installed between May 15 and October 1 the first summer after the base layer of asphalt has been in place one freeze thaw cycle. Any deficiencies in the base asphalt, curb, or other improvements must be repaired by the subdivider at its own cost prior to final paving. The subdivider may, however, request an extension of time from the city. If an extension is granted, it shall be conditioned upon updating the security posted by the subdivider to reflect cost increases and the extended completion date. Final wear course placement outside of this time frame must have the written approval of the city engineer.

Subd. 5. Financial guarantees.

(a) Subsequent to execution of the development agreement, but prior to approval of a signed final plat for recording, the subdivider shall provide the city with a financial guarantee in the form of a letter of credit from a bank, cash escrow, or other form of security acceptable to the city. A letter of credit or cash escrow shall be in an amount as determined by the city engineer.

(b) It shall be the responsibility of the subdivider to ensure that a submitted financial guarantee shall continue in full force and effect until the city engineer has approved and the city council has accepted all of the required improvements. The city engineer thereby is authorized to release the guarantee or reduce the amount of the guarantee as provided in the Crystal city code, subsection 525.03, subdivision 9 upon the approval and acceptance of the basic improvements.
(c) When any instrument submitted as a financial guarantee contains provision for an expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the development agreement or of the required improvements, the expiration date shall be December 31 or the closest business day in the case of weekends and legal holidays. Further, the financial guarantee shall be deemed automatically extended without change for six months from the expiration date unless 60 days prior to the expiration date the financial institution notifies the city in writing by certified mail that it does not elect to renew the financial guarantee for an additional period. If the instrument is not to be renewed and has not been released by the city engineer, another acceptable financial guarantee in the appropriate amount shall be submitted at least 60 days prior to the expiration. The term of any extension shall be approved by the city engineer and subject to the requirements of this section. Upon receipt of an acceptable substitute financial guarantee, the city engineer may release the original guarantee.

Subd. 6. Forms of financial guarantees.

(a) Letter of credit.

(1) If the subdivider posts a letter of credit as a guarantee, the credit shall:

   (i) Be irrevocable;

   (ii) Be from a bank approved by the city;

   (iii) Be in a form approved by the city;

   (iv) Be for a term sufficient to cover the completion, maintenance and warranty periods identified in this section; and

   (v) Require only that the city present the credit with a sight draft and an affidavit signed by the city manager or the city manager’s designee attesting to the city’s right to draw funds under the credit.

(b) Cash escrow.

(1) If the subdivider posts a cash escrow as a guarantee, the escrow instructions approved by the city shall provide that:
Crystal City Code  525.03, Subd. 6(b)(1)(i)  
(Rev. 2017)

(i) The subdivider will have no right to a return of any of the funds except as provided in the Crystal city code, subsection 525.03, subdivision 9, regarding the approval and acceptance of basic improvements; and

(ii) The escrow agent shall have a legal duty to deliver the funds to the city whenever the city manager presents an affidavit to the agent attesting to the city’s right to receive funds whether or not the subdivider protests that right.

(c) A cash deposit made with the city finance department may be used as part of the required financial guarantee in those instances where the subdivider elects to have the city install some or all of the public improvements.

Subd. 7. Amounts of financial guarantees. The subdivider shall submit either a financial guarantee in one of the forms listed in the Crystal city code, subsection 525.03, subdivision 6, regarding forms of financial guarantees, for an amount determined by the city engineer in accordance with the following:

(a) Subdivider-installed improvements. For basic improvements to be installed by the subdivider, the required financial guarantee shall include all of the following fixed or estimated costs:

(1) Costs of the basic improvements identified in the Crystal city code, subsection 525.03, subdivision 2;

(2) Engineering, to include subdivider’s design, construction management, surveying, inspection, and drafting;

(3) Twenty-five percent contingency or add-on to the costs in paragraphs (1) and (2) above; and

(4) Estimated cost of energy for street lights for the first two years of operation.

(b) City installed improvements. For basic improvements to be installed by the city, the required financial guarantee shall be the sum of the following fixed or estimated costs:
(1) A cash deposit in an amount equal to 25 percent of the estimated cost of installing the specified public improvements as determined by the city engineer, which costs would include charges incurred by the city for legal, planning, engineering and administration associated with the installation project(s). The deposit shall be applied to the costs of such installations, with the remainder of the costs specially assessed, in the manner provided by Minnesota Statutes, over a period of ten years together with interest thereon.

(2) In lieu of the cash deposit, the subdivider may elect to have the city provide 100 percent of the cost of such installations, which costs shall be assessed over a period of ten years. In such event, the subdivider shall post a letter of credit for 60 percent of the cost of assessments, which letter of credit shall be released after the subdivider pays the principal and interest on said assessments for two years and which letter of credit shall be separate from any other letters of credit associated with the subdivider’s project.

Subd. 8. Other cash requirements. The subdivider will be responsible for additional cash requirements which must be furnished to the city at the time of final plat approval. The subdivider shall not proceed with any improvements until these cash requirements have been paid to the city. The cash requirements may include:

(a) Park dedication fees (See the Crystal city code, subsection 525.05);

(b) Utility charges and fees. This may include sewer availability charges (SAC) or trunk fees;

(c) Special assessments, including interest;

(d) The city’s legal, engineering administration, and construction observation fees;

(e) Costs associated with traffic control and street signs to be installed in the plat by the city;

(f) Map upgrade fee; and

(g) Other charges or fees as determined by the city.
Subd. 9. Approval and acceptance of basic improvements.

(a) Upon receipt of proof satisfactory to the city engineer that work has been completed and financial obligations to the city have been satisfied, with city engineer approval the security may be reduced from time to time by 90 percent of the financial obligations that have been satisfied. Ten percent of the amounts certified by the subdivider's engineer shall be retained as security. Reductions in the financial guarantee shall be considered only after underground utilities are tested and found to be satisfactory and again after the base bituminous layer has been placed.

(b) The financial guarantee shall be held by the city until, upon written notice by the subdivider and certification from a professional engineer that all of the required improvements have been completed and upon verification of such by the city staff, a portion or the entire financial guarantee is released by the city engineer. No financial guarantee shall be released in full until the following has occurred:

1. All improvements have been completed and public improvements have been accepted by the city engineer;

2. Iron monuments for lot corners have been installed;

3. All financial obligations to the city have been satisfied;

4. Reproducible record plans of all public improvements as required by the city engineer have been furnished to the city by the subdivider. Such record plans shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements;

5. A warranty/maintenance guarantee has been provided as described in the Crystal city code, subsection 525.03, subdivision 10, regarding the warranty/maintenance guarantee; and

6. A title insurance policy approved by the city attorney indicating that the improvements are free and clear of any and all liens and encumbrances.

Subd. 10. Warranty/maintenance guarantee. The subdivider shall submit either a warranty/maintenance bond or a letter of credit for an amount determined by the city engineer that complies with the following:
(a) The required warranty period for materials and workmanship from the utility contractor installing public sewer and water mains shall be two years from the date of final written city acceptance of the work;

(b) The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be subject to one year from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the subdivider shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of two years from the date of final written city acceptance of the work;

(c) The required warranty period for trees and landscaping is one growing season following installation; and

(d) The required warranty period for erosion control will be as established in the development agreement.

Subd. 11. Insurance. The subdivider shall take out and maintain or cause to be taken out and maintained until six months after the city has accepted the public improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of subdivider's work or the work of its subcontractors or by one directly or indirectly employed by any of them. Limits for the coverage shall be in accordance to the city’s current requirements. The city shall be named as an additional insured on the policy, and the subdivider shall file with the city a certificate evidencing coverage prior to the city signing the plat. The certificate shall provide that the city must be given ten days advance written notice of the cancellation of the insurance.

525.05. Subdivision design standards.

Subd. 1. General standards. Each subdivision created after the effective date of this UDC shall be designed in compliance with the standards of this section, unless a variance is granted in compliance with the Crystal city code, subsection 510.33.

Subd. 2. Sidewalks, pathways, and trails. Sidewalk, pathways, trails, and other pedestrian connections shall be required in accordance with the city’s Comprehensive Plan.

Subd. 3. Monuments.

(a) Official permanent monuments shall be placed as required by Minnesota Statutes, section 505.021;
(b) All monument markers shall be correctly in place upon final grading and installation of utilities;

(c) The city will not issue building permits for a lot within a plat until monuments have been placed for that lot; and

(d) All United States, state, county, or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

Subd. 4. Subdivision names. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the city or county. The city shall have final authority to designate the name of the subdivision.

Subd. 5. Street names. If applicable, street names shall be a continuation of the names of previously constructed streets. The city shall have final authority to designate street names in order to avoid confusion to the traveling public.

Subd. 6. Easements. Easements shall be dedicated on the plat instrument for the required use.

Subd. 7. Debris and waste. No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy in a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of the development agreement or dedication of public improvements, whichever occurs sooner.

Subd. 8. Open space and natural features.

(a) Natural features (including significant trees, creeks, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.

(b) Development on hillsides shall generally follow the natural terrain contour. Stepped building pads, larger lot sizes, and setbacks shall be used to preserve the general shape of natural land forms and to minimize grade differentials with adjacent streets and with adjoining properties.

Subd. 9. Lot and block design.

(a) Lot dimensions.
(1) All lot dimensions shall comply with the standards of the applicable zoning district in this UDC. Depth and width of properties reserved or laid out for residential or commercial purposes shall be adequate to provide for the off-street parking and loading facilities that may be required for the type of use contemplated, as established in this UDC.

(2) No subdivision shall be designed to leave unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the city or other appropriate entity for public use, or maintained, as common area within the development.

(b) Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with this UDC. In addition, all lots shall abut and have direct access to an improved public street.

(c) Street frontage required. Each proposed parcel shall have frontage on a public street. The frontage width shall be the lot width required by the applicable zoning district.

(d) Side lot lines. Side lines of lots shall be substantially at right angles to street lines and substantially radial to curved street lines, unless an alternative layout will result in a better street or lot plan.

(e) Corner lots. Corner lots shall be of sufficient width and depth to comply with the required minimum building setback from both streets, as established in this UDC.

(f) Through lots.

(1) No parcel shall have streets abutting both the front and rear lot lines, except when necessary because of topographical or other physical conditions or where access from one of the roads is prohibited. An alley is not considered a street for the purposes of this UDC.

(2) Vehicular access onto a through lot shall generally be from the public street with the lowest existing and projected traffic volumes, but with each proposed building designed so that its primary façade faces the higher volume street. Authorization may be given by the city for alternative access locations where appropriate because of localized traffic conditions, and/or nearby residential areas that would be adversely affected by increased traffic.
(g) **Lots abutting water.** Lots abutting a water body, wetland, drainage way, channel, stream or pond shall be of sufficient width and depth and at the elevation needed to assure that building sites are not subject to flooding. The platting of lots within the floodplain is subject to the requirements in the Crystal city code, subsection 515.09.

(h) **Blocks.**

1. A block shall normally be so designed as to provide two tiers of lots, unless it adjoins a railroad, arterial or collector street, lake, wetland, park, stream, or other natural feature, where it may have a single tier of lots.

2. Block length and width shall be sufficient to accommodate the size of lots required by this UDC and to provide for convenient access, circulation control and safety of street traffic.

Subd. 10. **Streets.**

(a) **Street dedications.** A street that is not constructed to city standards will not be accepted by the city for dedication as a public street. Requirements for street pavement and right-of-way widths are located in the Crystal city code, subsection 800.59.

(b) **Topography and arrangement**

1. The arrangement, width, and location of all streets shall be considered in relation to existing and planned streets, shall provide for reasonable traffic circulation and traffic calming, and shall be appropriately located in relation to topography, run-off of surface water, convenience and safety, and proposed uses of the land to be served. Wherever possible, the arrangement of streets in new subdivisions shall provide for the continuation of existing and planned streets within and outside the proposed plat. Where adjoining lands are not subdivided, the arrangement of streets shall make provision for the proper projection of streets into adjoining lands by carrying the streets to the boundaries of the plat. The arrangement of streets shall not cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
(2) In commercial and industrial developments, the streets and other accessways shall be planned in connection with the location of buildings, rail facilities, truck loading and maneuvering areas, and sidewalks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

(c) Grading and improvement plan. The full width of the street right-of-way shall be graded and improved in conformance with the city’s engineering standard specifications and the construction plans submitted as part of the final plat application.

(d) Roadway and access offsets. Roadways or other access points entering upon opposite sides of any given roadway shall have their centerlines located directly opposite each other or the centerlines located shall be offset at least 150 feet for local residential streets, and at least 200 feet for all other roadways. Driveways on local streets accessing one or two family residential dwellings are exempt from this requirement.

(e) Signs, traffic signs and signals, and street lights.

(1) Street signs of standard design approved by the city shall be installed at each street intersection or at such other locations within the subdivision as designated by the city engineer, in accordance with the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD).

(2) Traffic control signs pursuant to Minnesota Statutes, section 169.06, where applicable, shall be installed at locations within the subdivision as designated by the city engineer.

(3) Turn lanes and traffic signals shall be installed at the expense of the subdivider when required as a result of the proposed subdivision.

(4) Street lights shall be installed at all intersections and at other locations, as required by the city engineer. All street lights within new subdivisions shall be on street light poles meeting the standards of the city and shall be equipped with underground electrical service, and shall conform to city lighting standards. The developer shall pay to the city the energy cost for the first two years of operation, or until the dwellings on all lots within the subdivision have been completed, whichever time period is less.
(f) **Sidewalks and trails.** If required, sidewalks and trails shall be installed at the time a street is constructed. Sidewalks shall meet the width requirements in the Crystal city code, subsection 800.59.

(g) **Stub streets and cul-de-sac streets (permanent and temporary).**

1. Stub streets shall be installed to permit future street extensions into adjoining tracts, where appropriate. Signage may be provided indicating a future street connection. Stub streets shall not exceed 150 feet in length. Where required by the city engineer a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.

2. The closed end of the cul-de-sac shall have a pavement width of 70 feet in diameter and the overall length of the road shall not exceed 500 feet in length as measured from the centerline of the nearest intersection to the closed end of the cul-de-sac.

3. In those instances where a street is terminated pending future extension in conjunction with future platting and its terminus is located 150 feet or more from the nearest intersection, a temporary cul-de-sac with a pavement width of 70 feet in diameter shall be provided at the closed end. Any portion of a temporary cul-de-sac not located within the street right-of-way shall be placed in a temporary roadway easement extending at least ten feet beyond the curb line of the temporary cul-de-sac in all directions.

(h) **Alleys.** Alleys may be established in the city under the following conditions:

1. The alleys are publicly owned and maintained;

2. The alleys shall be made of concrete; and

3. No home shall be oriented to face the alley; and

4. Alleys are permitted as a secondary access when the lots front on an arterial or collector street.

(i) **Private streets.** Private streets are prohibited.
(j) **Street design standards.** In order to provide for streets of suitable location, width, and general improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, all streets shall be subject to the standards of this subsection. Street types shall be established in the comprehensive plan.

(1) **Street Surfacing and improvements.** After the subdivider has installed sewer and water, the subdivider shall construct poured-in-place concrete sidewalks, curbs and gutters and shall surface streets to the width prescribed in this section. The designer is encouraged to include techniques that will direct surface water drainage to off-street areas. Types of pavement shall be as prescribed in the city’s engineering standard specifications. Adequate provision shall be made for culverts and drains. The portion of the right-of-way outside the area surfaced shall be sodded or planted with other acceptable materials as approved by the city engineer. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications in the city’s engineering standard specifications and shall be incorporated into the construction plans required to be submitted by the subdivider for final plat approval.

(2) **Grading.**

   (i) Streets shall be graded with at least 0.5 percent slope from the centerline to the curb to maintain drainage.

   (ii) Arterial and collector streets shall have a maximum running grade of five percent.

   (iii) All other streets shall have a maximum running slope of seven percent, or as determined by the city engineer.

(3) **Street intersection, tangent, deflection and other design standards.**

   (i) Street Intersections shall intersect at right angles and in no instance shall the angle formed by the intersection be less than 60 degrees. Street intersections having more than four corners shall be prohibited and the curb line at street intersections shall have a radius not less than 15 feet.
(ii) Street tangents of at least 150 feet shall be designed between reverse curbs on collector streets and 100 feet on all local streets.

(iii) When connecting street lines deflect from each other at a point of more than 10 degrees, they shall be connected by a curve with a radius adequate to insure a site distance of no less than 500 feet for arterials, 300 feet for collectors, and 100 feet for local streets.

(iv) Half streets and any corresponding right-of-way for half streets shall be prohibited.

Subd. 11. Sanitary sewer, water, and other utilities.

(a) The subdivider shall install adequate sanitary sewer and water facilities (including fire hydrants) subject to the specifications in the city’s engineering standard specifications, and the Recommended Standards for Water Works and the Recommended Standards for Wastewater Facilities (known collectively as the “ten-state standards”).

(b) The subdivider shall install sanitary sewer, water mains and service connections, stubbed to the lot line, meeting the minimum size requirements of the city and provided to all lots in the subdivision. Where a subdivider is required to install sanitary sewer or water mains that are larger than the minimum size as required by the city, the subdivider will be compensated by the city for the cost differential for material only for the cost of the minimum size sanitary sewer or water compared to the cost of the larger mains installed.

(c) The subdivider shall extend sewer and water mains to the lot lines of abutting sites that do not have public water service.

(d) Requirements for managing surface water, drainage and erosion control are located in the Crystal city code, subsection 520.17.

(e) All new utility facilities, including but not limited to telecommunications cabling, natural gas and electric power, shall be located underground.
(f) Unless approved otherwise by the city, a ten foot wide drainage and utility easement shall be required along the front and rear property lines and a five foot wide drainage and utility easement shall be required along the side lot lines of each lot, measured from the lot lines. Such easements shall have continuity for alignment from block to block. Such easements shall also be provided at deflection points for pole-line anchors where necessary.

Subd. 12. Parks, trails, and open space dedication.

(a) Purpose and nexus, and proportionality.

(1) Purpose. These requirements are established for the purpose of assisting with the implementation of the city’s park master plan by providing for the orderly development of recreation areas and the conservation of natural resources and scenic beauty in the city. As a means to accomplish the goals in the plan, each developer shall be required to dedicate land, or at the discretion of the city, pay an equivalent cash payment in lieu of land dedication for parks and open space acquisition and development. Since the city is considered fully developed, it is likely that a cash payment in lieu of land dedication will be the method by which this requirement will be accomplished in most instances, although not to the complete exclusion of a land dedication requirement.

(2) Nexus. The city council finds that there is a rational nexus between the demands created by the subdivision and related development of land and the need for parks, trails, and open space areas.

(3) Proportionality. The city council herein establishes requirements for the dedication and/or development of park land, trail improvements, and open space land that is roughly proportionate to the demands created by the subdivision and development of land resulting from such subdivision approval.

(b) Authority. It is found and declared that, pursuant to Minnesota Statutes, section 462.358, subdivision 2b, it is reasonable to require dedication of an amount of land for park, trails, or open space or a cash payment in lieu of a land dedication.
(c) Dedication required.

(1) The city may require that a portion of the buildable land to be divided be dedicated to the public or preserved for public use as parks, playgrounds, trails, or open space. “Buildable land” means the gross acreage of the property excluding wetlands designated by federal or state agencies, wetlands classified by the Wetland Conservation Act, or state or county rights of way. This dedication requirement applies to subdivisions, but not lot consolidations or adjacent parcel land conveyances as regulated in the Crystal City code, section 510.

(2) The requirement is not satisfied if the city determines that the land proposed for dedication is unsuitable for public recreational use. The dedication required by this subsection is in addition to dedication required for streets, roads, utilities, storm water ponding areas, or similar utilities and improvements. Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of subdividing the property, the number of lots is increased, then the park dedication fee applies only to the net increase of lots.

(3) Land dedicated under this section shall conform to the city’s comprehensive plan. The amount of land required for dedication is based upon the buildable land area and equals the land the city reasonably finds it will need to acquire for park or other recreational purposes as a result of approval of the land division. Generally, 10% of the buildable land area to be subdivided must be dedicated for residential subdivisions and 5% for commercial and industrial subdivisions.

(4) Prior to the dedication of the required land pursuant to this subsection, the developer shall provide the city evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the city.
(5) When the city requires that a trail be constructed as part of the land dedication requirement, this trail segment shall be interpreted by the city as basic infrastructure and, therefore, the developer shall be required to pay for the construction of the trail improvement. The construction specifications of trails shall be determined by the city engineer and whenever possible, trails shall connect with existing trails and/or walkways.

(d) **Cash payment in lieu of dedication.** In most cases, the city will require a cash payment in lieu of land dedication. In determining whether to require payment or dedication, the council will consider such factors as whether park land is needed in the proposed location, whether the proposed dedication is suitable for the intended use, and whether a cash payment would be more beneficial to development of the entire park system. The required cash payment is found in Table 13.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Required payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential uses</td>
<td>$1,000 per dwelling unit</td>
</tr>
<tr>
<td>Commercial/Industrial uses</td>
<td>$5,000 per acre</td>
</tr>
</tbody>
</table>

Cash payments in lieu of dedication are payable before the city releases the final plat for recording. The payment shall be placed in a special fund established by the city to be used solely for the purposes of acquisition and development or improvement of parks, playgrounds, trails, or open space.

(e) **Credit for private land.** A credit of up to 25% of the dedication requirements may be awarded for park and open space that is to be privately owned and maintained by the future residents of the subdivision. A credit will not be awarded unless the following conditions are met:

(1) Private open space may not be occupied by nonrecreational buildings and must be available for the use of all the residents of the proposed subdivision;

(2) Required building setbacks will not be included in computation of private open spaces;

(3) Use of the private open space must be restricted for park, playground, trail, or open space purposes by recorded covenants that (1) run with the land in favor of future owners of property, and (2) cannot be eliminated without the consent of the city council;
(4) Credit for private trail improvements shall only be given by the city when the trail system connects to a public trail or walkway system;

(5) The private open space will be of a size, shape, location, topography, and usability for park or recreational purposes, or contain unique features which are important to be preserved; and

(6) The private open space must reduce the demand for public recreational facilities or public open space occasioned by development of the subdivision.
Section 530

Signage

530.01. Findings, purpose and effect.

Subd. 1. Findings. The city council hereby finds as follows:

(a) Exterior signs have a substantial impact on the character and quality of the environment;

(b) Signs provide an important medium through which individuals may convey a variety of messages; and

(c) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

Subd. 2. Purpose and intent. It is not the purpose or intent of this section to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

(a) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare;

(b) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community;

(c) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city’s goals of public safety and aesthetics; and

(d) Provide for fair and consistent enforcement of the sign regulations set forth in this section.
530.03. **General sign requirements.**

Subd. 1. **Permit required.** Unless exempted as defined in this subsection 2 below, no sign shall be erected, altered, reconstructed, maintained, or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be on a form provided by the city.

Subd. 2. **Exemptions.** The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this UDC or any other law or ordinance regulating the same.

(a) The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.

(b) Small signs.

(c) Governmental signs.

Subd. 3. **Prohibited signs.** The following signs are prohibited:

(a) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal;

(b) All off-premise signs;

(c) Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures;

(d) Signs placed in the public right-of-way other than governmental signs and courtesy bench signs allowed with an obstruction permit as regulated by chapter VIII;

(e) A sign, including unshielded display lighting, that obstructs or distracts the vision of drivers or pedestrians, or detracts from the visibility of any official traffic control device;
(f) A sign that contains, imitates, interferes with, obscures or causes confusion with an official traffic sign or signal, except for private, on premise directional signs;

(g) Abandoned signs;

(h) Roof signs; and

(i) Vehicle signs.

Subd. 4. Substitution clause. The owner of any sign which is otherwise allowed by these sign regulations may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

530.05. Sign design standards.

Subd. 1. Computations. The following principles shall control the computation of sign area and sign height:

(a) The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display. This does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the regulations of this UDC and is clearly incidental to the display itself (See Figure 22);

![Figure 22: Illustration of how sign area is calculated.](image)
(b) A wall façade shall be determined by multiplying the total building width by the height of the wall or surface area (see Figure 23);

Figure 23: Illustration of wall sign area calculation.

(c) If a sign has two or more faces, the area of all faces shall be included in determining the total area of the sign, except that if two sign faces are placed back-to-back, and are at no point more than 30 inches from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area; and

(d) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

Subd. 2. Electrical signs. Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official shall be obtained prior to placement.
Subd. 3. **Height.** The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached; except that the height of any changeable sign which is attached to or an integral part of a functional structure, such as a water tower, smoke stack, radio or TV transmitting tower, beacon or similar structure shall be no higher than such structure. Signs, including any superstructure standing or erected free of any building or other structure, shall not exceed an overall height of 25 feet from ground level and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in this UDC.

Subd. 4. **Illumination.** External illumination for signs shall be so constructed and maintained that the source of light meets the requirements of the Crystal city code, subsection 520.07.

Subd. 5. **Intersections.** A sign or sign structure shall comply with the visibility requirements in the Crystal city code, chapter 8.

530.07. **Maintenance and repair.**

Subd. 1. **Maintenance.** Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

Subd. 2. **Repairs.**

(a) Any sign located in the city which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this subsection, shall be removed or otherwise properly secured in accordance with the terms of this subsection by the owners thereof or by the owners of the grounds on which said sign shall stand, upon written notice by the city. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the city.

(b) In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within 60 days after the use is terminated, a written notice shall be given and the sign may be removed by the city at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands.
530.09. **Allowed sign types.**

(a) Table 14 lists the sign types allowed within each zoning district. The symbols and headings used in the table are defined as follows:

1. A “P” in a cell indicates a sign type that is allowed in the zoning district with an approved sign permit application;

2. An “A” in a cell indicates a sign type that is allowed in the zoning district, but is exempt from obtaining a sign permit;

3. A cell with a “-“ indicates a sign type that is not allowed in the zoning district; and

4. The “sign specific standards” column cross-references standards that are specific to an individual sign type and are applicable to that sign in all districts unless otherwise stated in the sign specific standards.
### Table: 14: Signs allowed by zoning district

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Zoning District</th>
<th>Sign Specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canopy, Marquee, and Fixed Awnings</td>
<td>R-1 R-2 R-3 C I AP</td>
<td>P P P P P P 530.11, subdivision 1</td>
</tr>
<tr>
<td>Electronically controlled readerboard</td>
<td>P P P P P P</td>
<td>530.11, subdivision 2</td>
</tr>
<tr>
<td>Electric</td>
<td>P P P P P P</td>
<td>530.11, subdivision 3</td>
</tr>
<tr>
<td>Freestanding</td>
<td>P P P P P P</td>
<td>530.11, subdivision 4</td>
</tr>
<tr>
<td>Governmental</td>
<td>A A A A A A</td>
<td>530.11, subdivision 5</td>
</tr>
<tr>
<td>Monument</td>
<td>P P P P P P</td>
<td>530.11, subdivision 6</td>
</tr>
<tr>
<td>Multi-Tenant</td>
<td>P P P P P P</td>
<td>530.11, subdivision 7</td>
</tr>
<tr>
<td>Off-Premise</td>
<td>P P P P P P</td>
<td>530.11, subdivision 8</td>
</tr>
<tr>
<td>Projecting</td>
<td>P P P P P P</td>
<td>530.11, subdivision 9</td>
</tr>
<tr>
<td>Roof</td>
<td>P P P P P P</td>
<td>530.11, subdivision 10</td>
</tr>
<tr>
<td>Rotating</td>
<td>P P P P P P</td>
<td>530.11, subdivision 11</td>
</tr>
<tr>
<td>Shimmering</td>
<td>P P P P P P</td>
<td>530.11, subdivision 12</td>
</tr>
<tr>
<td>Temporary</td>
<td>P P P P P P</td>
<td>530.11, subdivision 13</td>
</tr>
<tr>
<td>Small</td>
<td>A A A A A A</td>
<td>530.11, subdivision 14</td>
</tr>
<tr>
<td>Wall</td>
<td>P P P P P P</td>
<td>530.11, subdivision 15</td>
</tr>
</tbody>
</table>

530.11. **Sign specific standards.** The following requirements for specific sign types apply in addition to those requirements found in Table 14.
Subd. 1. **Canopies, marquees and fixed awnings.** Signs are allowed on canopies, marquees and fixed awnings, which are an integral part of the structure to which they are attached. Within the residential districts, these signs are only allowed for multiple family dwellings, or institutional or commercial uses, but are allowed for all building types in the commercial and industrial districts. Canopy, marquee, and fixed awning signs are subject to the following standards:

(a) An awning, canopy or marquee may not project into the public right-of-way nearer than 30 inches to the street curb or curb line;

(b) The bottom of awning signs shall be no less than eight feet above the sidewalk or grade at any point;

(c) Awnings, canopy or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision;

(d) Awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the city free of all responsibility; and

(e) Canopies and marquees are a part of the building structure but the area of canopies and marquees may not be used in the computation of total wall area.

Subd. 2. **Electronically or electrically controlled readerboards.** Electronically or electrically controlled readerboards are permitted provided that the sign:

(a) Displays a given copy or graphic image for a minimum of three seconds within the readerboard frame if having lamps of a single color, or for a minimum of two minutes if having lamps of more than one color;

(b) Is included in an otherwise permitted and conforming wall, free-standing or monument sign, and the area of the readerboard may not exceed 50% of the total area of the sign in which it is integrated, or 50 square feet, whichever is less, and only one readerboard per premise is allowed;

(c) Displays a static message with no fade, dissolve, scrolling, spinning or zooming action; and

(d) Does not cast light on any public street in excess of one foot candle at the lot line along said street, or in excess of 0.4 foot candle at the lot line of any residential property.
Subd. 3. Freestanding or pylon signs. Freestanding or pylon signs are subject to the following standards:

(a) Freestanding or pylon signs shall meet the requirements in Table 15.

(b) An electronically controlled reader board is allowed as part of a freestanding or pylon sign.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Number Allowed</th>
<th>Maximum Height</th>
<th>Area</th>
<th>Minimum Street Frontage</th>
<th>Setback From Lot Line</th>
<th>Setback From Right-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freestanding or pylon sign</td>
<td>1 [1]</td>
<td>25 feet</td>
<td>1 square foot of sign per linear foot of frontage [2]</td>
<td>50 feet</td>
<td>10 feet, and 50 feet from residential district, park, school, library, church or similar land use [3]</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

Notes:
1. A property abutting more than one street may have one additional freestanding sign on one of the additional street rights-of-way provided that such right-of-way is on an arterial or collector street and such sign is more than 50 feet distant from any other freestanding sign on the property.
2. The area of a sign may not exceed the following square footages based on the street the sign abuts:
   1. Principal arterial - 200 square feet
   2. Minor arterial or major collector – 150 square feet
   3. Minor collector – 100 square feet
   4. Local – 50 square feet
3. All parts of a freestanding sign (supports, structure, display, or trim) shall meet this setback requirement.

Subd. 4. Monument signs. Monument signs are subject to the following standards:

(a) In the residential districts, monument signs are only allowed for multiple family dwellings or institutional or commercial uses.

(b) Monument signs shall meet the requirements in Table 16.

(c) An electronically controlled reader board is allowed as part of a monument sign.
Table: 16: Monument Signs

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Number Allowed</th>
<th>Maximum Height</th>
<th>Area</th>
<th>Setback From Any Property Line</th>
<th>Setback From Right-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument</td>
<td>1 [1]</td>
<td>6 feet</td>
<td>Maximum 75 square feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

Note:
1. A property abutting more than one street may have one additional monument sign on one of the additional street rights-of-way provided that such right-of-way is on an arterial or major collector street.

Subd. 5. Projecting signs. Projecting signs are subject to the following standards:

(1) Projecting signs shall meet the requirements in Table 17.

Table: 17: Projecting Signs

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Number Allowed</th>
<th>Maximum Height</th>
<th>Area</th>
<th>Setback From Any Property Line</th>
<th>Setback From Right-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projecting</td>
<td>Maximum of 2 wall or projecting signs per wall [1]</td>
<td>Minimum 10 feet clearance above grade and may not be higher than roofline</td>
<td>Up to 10% of the wall area to which it is affixed when combined with wall signs</td>
<td>10 feet, but sign may be equidistant between the side property lines if the property is less than 20 feet in width</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

Note:
1. A property abutting more than one street may have one additional projecting sign on one of the additional street rights-of-way provided that such right-of-way is on an arterial or collector street and such sign is more than 50 feet distant from any other projecting sign on the property.
(2) Buildings exceeding 80,000 square feet in size on lots of over 20,000 square feet are permitted to have wall/projecting signage of up to 250 square feet.

Subd. 6. Multi-tenant. The following provisions shall apply to multi-tenant buildings within the commercial and industrial districts.

(a) Wall signs. Each tenant in a multi-tenant building may have a flat wall sign in compliance with the wall sign requirements in Table 18. In addition, the multi-tenant building may have wall signage on common walls of the building as long as no more than ten percent of that wall is occupied by signage.

(b) Freestanding signs. One freestanding sign shall be permitted for each multi-tenant building.

(c) Canopies and awnings. The design of canopies shall be in keeping with the overall building design in terms of location, size, and color. No canopies with visible wall hangers shall be permitted. Signage on canopies may be substituted for allowed building signage and shall be limited to 25% of the canopy area.

Subd. 7. Temporary signs. The temporary use of banners, pennants, balloon signs, portable signs and similar devices requires a permit. The permit is valid for seven consecutive days. Not more than six permits for each property may be granted in a 12-month period. The permit must be prominently displayed at the principal use in the same manner required for building permits. Temporary signs shall conform to the same location and dimension requirements as permanent signs.

(a) Non-commercial speech signs. Notwithstanding any other provisions of these sign requirements, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten days following the general election and 13 weeks prior to any special election until ten days following the special election.

Subd. 8. Wall signs.

(a) Wall signs in residential districts. In the residential districts, wall signs are allowed for multiple family dwellings, or institutional or commercial uses, subject to the following standards:
(1) Wall signs are only permitted on walls fronting on a public street or facing other property used for institutional, commercial or industrial purposes.

(2) No more than one sign is permitted on each wall.

(3) No wall sign shall exceed 10% of the wall area or 75 square feet in area, whichever is less.

(4) Wall signs for home business are allowed according to the requirements in the Crystal city code, subsection 515.23.

(b) Wall signs in commercial and industrial districts. In the commercial and industrial districts, wall signs are subject to the following standards:

(1) Wall signs shall meet the requirements in Table 18.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Number Allowed</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall</td>
<td>Maximum of 2 wall or projecting signs per wall</td>
<td>Up to 10% of the wall area to which it is affixed when combined with projecting signs</td>
</tr>
</tbody>
</table>

(2) Buildings exceeding 80,000 square feet in size on lots of over 20,000 square feet are permitted to have wall/projecting signage of up to 250 square feet.

(3) A wall sign may be displayed on the side or rear of a building facing a yard not abutting on a street under the following conditions:
(i) The sign is visible from a public roadway on which the building abuts.

(ii) The side or rear yard on the side of the building to be signed must meet district setback requirements.

(iii) The sign(s) may not be larger in area than the largest sign permitted elsewhere on the building.

(iv) If the side or rear yard on the side of the building to be signed abuts a park property or a residential use, any lighting of sign must be shielded in accordance with the Crystal city code, subsection 520.07.