CITY of CRYSTAL

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CRYSTAL CITY CODE REVIEW TASK FORCE

JANUARY 28, 2016
7:00 p.m.
CONFERENCE ROOM A, CITY HALL

MEETING NOTICE AND AGENDA

1. Call meeting to order

2. Comments from City Attorney Gilchrist – Chapter 3 Discussion with City Council

3. Review December 3, 2015 Meeting Notes

4. Review Task Force comments
    a. Consent Agenda – approval of all editorial and clarifying comments, Chapter 5, Sections 515.17 - .41
        i. Chapter 5, Sections 515.01-41 – review substantive comments

5. Discuss assignments and homework due Monday, February 15

6. Next meeting – Thursday, February 25, 2016

7. Adjourn – 9 p.m.

CITY CODE REVIEW TASK FORCE

MEETING NOTES
DECEMBER 3, 2015

Task Force Members Present: Kirsten Anderson, Bonnie Bolash, Jerry Bolash, Tom Krueger, Carolyn Maristany, Candace Oathout, Jennifer Pohl, Andrew Richter and David Seffren.

Also present: Councilmember Jeff Kolb, City Attorney Troy Gilchrist and City Manager Anne Norris.

The meeting was called to order at 7:00 p.m.

Comments from Chair Richter and Attorney Gilchrist

Chair Richter asked the status of the Task Force recommendations for Chapters 1 and 2. Attorney Gilchrist is bringing proposed changes for Council consideration on December 15. Task Force recommendations on Chapter 3 will be presented to the Council in early 2016.

October 22, 2015 Meeting Notes

Motion by Task Force Member Oathout and seconded by Task Force Member Maristany to accept the October 22, 2015 meeting notes as presented. Motion carried.

Review Comments – Chapter 5, Sections 515.01 - .21

Section 515.01, Subd, 1-4 – The Task Force agreed that this section needed to be simplified and shortened.

Section 515.01, Subd. 6 – The Task Force reminded staff this section should be reviewed along with other City Code provisions regarding fines and penalties and updated as needed.

Section 515.01, Subd. 8 – The Task Force agreed the definition of "non-conforming" needs to be included in definitions. The Task Force suggested 515.01, Subd. 8, e) and g) be combined for greater clarity. The Task Force agreed 515.01, Subd. 8 h) needs to be reworded and simplified.

Section 515.01, Subd. 9 – The Task Force agreed this section should be relocated to another section and delete the first part of the sentence.

Section 515.05, Subd. 2 & 3 – The Task Force requested this section be restructured and consolidated to minimize repetition. Clarify Subd. 3(j) to make it less wordy and concern was expressed over the permit expiration periods in this section.

Section 515.09 – The Task Force recommended that this section be rewritten and rearranged – Attorney Gilchrist indicated the rearranging of sections would occur after the review of Section 515 is complete and the further restricting once all of the sections have been completed.

Section 515.13, Subd. 1 – The Task Force agreed this section should be removed.

Section 515.13, Subd. 4 a) – The Task Force suggested simplifying this section and use diagrams to help with clarification.

Section 515.13, Subd. 6 – The Task Force recommends rephrasing to "installed and/or maintained." Expressed concern over the word "acceptable".

Section 515.13, Subd. 8 a) and c) – The Task Force recommends these sections be combined.

Section 515.13, Subd. 9b) – The Task Force recommended this section be clarified.

Assignments and Homework

The homework is to review Section 515.25 – 515.41. Comments are due Monday, January 18, 2016. The next meeting of the Task Force is Thursday, January 28, 2016.

Adjournment

Chair Richter adjourned the meeting of the City Code Review Task Force.

The meeting adjourned at 9:00 p.m.

CITY CODE REVIEW – EDITORIAL AND CLARIFYING COMMENTS
CHAPTER 5
Section 515, Chapters .17-.41

Section	Nature of Comment	Comment	Author
515.17, Subd. 1	Formatting	Remove Subd. 1 to an appendix Another purpose clause	Carolyn Maristany Tom Krueger
515.17, subd. 4	Edit	Subd. 4.g) 5) i)and 6)i) are the same. Subd. 4.g) 11) should be in 405 sign section or just referenced back to 405.17	Carolyn Maristany
515.17, subd. 4.i)	Clarify	Subd. 4.i) not clear if this also includes residential 405.17 405.17 Subd. 4.i) 6) I would just remove-this is confusing for residential properties. 405.17	Carolyn Maristany
515.17. subd. 4 j)	Clarify	4) Does this mean that you can't bus people to your facility? It makes it sound like you have to be able to park near your work.	Carolyn Maristany
515.17, subd. 5	Clarify	I just wonder how these numbers are determined since I can name properties and parks that have been here for ages that do not comply with this.	Carolyn Maristany
515.17, subd. 6	Clarify/formatting	Is the planning commission advising the council here or working with the council here, so they have a vote equal to the council? I can't stress enough how I would divide this into 3 sections 1-General applies to everyone 2-Business/Industrial applies to business and industrial zoned areas 3-Residetial-Applies to residential zoned properties.	Carolyn Maristany
515.21	Simplify	It has a lot of things we've already mentioned, like moving the purpose statement to an appendix. There's also repetition in Subd2 that can be condensed. There's also segments repeated in this section under different letter s (a, b and c-5). Normally I would be for this so you don't have to change documents to find what you need, but in this case, you already have the document, so the repetition is just taking up space. I'm also unclear how 515.21 Subd 4 c) is	Carolyn Maristany

		different from 515.21 Subd. 4 (v and w). It just seems like things are repeating themselves all through this area and it could benefit from better overall organization, whether it is general, permitted use and conditional use or general, tower locations, structural requirements/maintenance, variances. If I'm looking for information about towers I'll already know the type of tower and information I want, so making it a more intuitive search would be helpful. Otherwise I'm reading a bunch of information I don't need.	
515.21, subd. 1-2	Edit	Findings and purpose not really needed	Tom Krueger
515.21, subd. 3	Formatting	Definitions: relocate in code consistent with prior recommendations	Jen Pohl
515.21, subd. 4	Simplify	Development of Towers (a & b) Simplify the narrative/add grammar to enhance readability	Jen Pohl
515.21, subd. 4 (c-5)	Simplify	Simplify as in subd. 4 (a&b) above	Jen Pohl
515.25 - .41	Comment	Lot of duplication but understand why each area has to have it. Leave alone.	Tim Buck
515.25, Subd. 1	Simplify Edit	Similar to other segments, move to a designated definition area. Include the subd. 1 of R1-Rc in this definition Remove "Purpose" and just have it act as definition. I say this because none of these where it says purpose are really purposes. I can share simple changes during the meeting.	Jen Pohl Tom Krueger
515.33 515.37 515.41	Formatting	I do not have much to change in R1, R2 and R3. However, I do have some general thoughts to share. These sections provide a difficult task between having everything relating to R1, or R2, or R3 conveniently in one place or our goal of cutting down the size of the code book. As I went through, all I could think, is there some easier	Tom Krueger

		way to restructure the whole residential districts so there is not so much redundancy. Once you get past Sub. 2 in each you start to hit identical language. This may be totally unworkable or may be confusing to those looking at the code…Something like this: Each R1, R2 and R3 with their Sub. 1 and 2. Sub. 3. Permitted Accessory Uses: a) R1, R2, R3 Off-street parking…. b) R1, R2, R3 Home occupation. Continue and prefix with the applicable zone. With the amount of overlap this would reduce a vast number of pages. I would combine all three of these sections. In lieu of a purpose statement, I would define R1, R2 and R3 districting as well as the permitted uses within each district. Then I would combine the remainder and use tables where there are differences among the districts (eg. Subd. 5, 7, 8, etc). For sections that apply only to R1, R2 or R3 districts I would just say only applies to that district or not allowed in Rx district.	Carolyn Maristany
		This section of the code is very repetitive can we reformat the structure to list limitations that appear in multiple designations to define them once and then use inclusive language, such as, "all limitations listed previously plus these that are specific to the current designation. We can then add only the necessary language that differs or establishes a new limitation.	Candace Oathout

515.33. Subd. 1	Edit	Remove "Purpose" and just have it act as definition. I say this because none of these where it says purpose are really purposes. I can share simple changes during the meeting	Tom Krueger
515.33, subd. 2 e)	Clarification/edit	Do the state rule numbers change? If not, then this is fine. But if they do change, then all books would need the page changed. Just remove the reference numbers.	Tom Krueger
515.33 Subd 3	Clarification	How does house swapping fit into all of this? Just wondering since if I do that the person whom I swap with will be using 100% of my home.	Carolyn Maristany
515.33, subd. 3 b)	Clarification Format	Home occupation – clarification. Could this also be moved to a definition area, to avoid repetition for each R1-R3 segment in code? .33 – .41 Home occupation already defined so it's just a rehash of the definition from Section 515.09	Jen Pohl Carolyn Maristany
515.33, Subd. 3b1	Clarify	.33 - .41 Makes no sense. For example: a person who runs a home daycare will have the potential for more than 2 people picking up or dropping off kids at a time.	Carolyn Maristany
515.33. Subd. 3b2	Clarify/observation	.33 - .41 Does not allow for family or friends in the area to be employed in home business.	Carolyn Maristany
515.33, Subd. 3f)	Clarify	Is the number and timing of garage sales really enforceable? If so, include penalties here.	Jen Pohl
515.33 Subd. 3k)	Clarify	I'm wondering about outdoor kitchens and if that means that they are not allowed.	Carolyn Maristany
515.33, Subd. 4 c)	Clarify	Cemeteries: clarify. What is Glen Haven? Existing variance or because it's listed as a chapel is it excluded?	Jen Pohl
515.33 Subd. 7	Clarify – intent	Confused as to why the more yard you have the more restricted you are with building on the space. There's no side setbacks for flag poles, but there are ones for front and back.	Carolyn Maristany
515.33, Subd. 8 a 2 viii	Format – define	Open porch: define in definition segment? (same with ix. In 515.33, subd. 8, b, 2	Jen Pohl

515.37, Subd. 1	Edit	Remove "Purpose" and just have it act as definition. I say this because none of these where it says purpose are really purposes. I can share simple changes during the meeting	Tom Krueger
515.37, Subd. 4 g)	Clarify	Service establishment. Clarify/discuss – is this too narrow? Is there risk of being too broad if we change the qualifying establishments?	Jen Pohl
515.41, Subd. 1	Edit	Remove "Purpose" and just have it act as definition. I say this because none of these where it says purpose are really purposes. I can share simple changes during the meeting	Tom Krueger
515.41 Subd. 2b)	Edit	Should be dwelling, multiple since that is how it reads in section 509.09 and not multiple family dwellings	Carolyn Maristany
515.41 Subd. 3b3	Edit	Start of second line "my" should be "by"	Carolyn Maristany
515.41, Subd. 4 j)	Reword	Language: change sanitarium to something less pejorative	Jen Pohl

SUBSTANTIVE COMMENTS – CHAPTER 515
SECTIONS .01- .41

CHAPTER 515

Section	Nature of Comment	Comment	Author
515.17, subd. 4c	Amend	makes it sound like once a parking space always a parking space. I would simplify this section to 3 sections (instead of 6)-general (applies to everyone), Commercial/industrial and residential. That way the exceptions don't have to be added.	Carolyn Maristany
515.17, subd. 4 (g)(4)5	Substantive	I would like to see changes to the driveway and curb cut laws. Like my driveway I believe there are many driveways that are non conforming structures. Because of the retaining wall and then the fence backing out of my driveway which is along the property line even with the 16 foot curb cut I often times am driving over the curb. I respect the city wishing to establish and maintain green space to absorb the displaced water I also think there is a hardship that was created because of the failure for 30 years to follow the ordinance. I just think the rules should be the same for each property which was the norm before. It is about direct access allowed to each property from the street which is public use and managing traffic flow based on that. I also suggest that a staggered driveway alignment be thought about. 4 g)5) ii is too restrictive. Should read more like 8) where it's approved on a case by case basis.	Bonnie Bolash Carolyn Maristany
515.17, Subd. 4 f)3)	Remove	Since we have no hospitals I see no reason to have this statement	Andrew Richter
515.17, subd. 4.i.4)	Amend	I'm not clear as to why we are restricting people the use of their land and where they can put a parking space on it. I would just make this whole section as a case by case basis.	Carolyn Maristany
515.17,	Remove	Under location remove i)6) I don't see why anyone should need a	Andrew Richter

subd. 4, i)6)		permit to sell a car	
515.17, subd. 4	Remove	I don't see any reason why we need a parking lot maximum. I'd like to eliminate any parking lot maximum.	Andrew Richter
515.25	Remove	I would remove this section. It is a rehash of the table of contents. It does not state how to re-zone previously defined districts, how to establish districts in undefined areas or categorization criteria for new ideas (such as light rail or tiny houses) to determine what districting standards should apply.	Carolyn Maristany
515.33,.37. 41 Subd 3b2)	Amend	Regarding home businesses I would prefer the city take the approach of other cities for example Minneapolis. http://www.ci.minneapolis.mn.us/www/groups/public/@cped/documents/webcontent/convert_273981.pdf (attached) 1. (2) Only the residents of the dwelling unit, and not more than one (1) nonresident employee, shall be employed by or engaged in the conduct of the home occupation on the premises. For the purpose of this section, "nonresident employee" shall include an employee, business partner, independent contractor or other person affiliated with the home occupation who is not a resident of the dwelling unit, but who visits the site as part of the home occupation. Not more than one (1) nonresident employee shall be permitted per dwelling unit or two-family dwelling, regardless of the number of home occupations.	Bonnie Bolash
515.33, Subd.8(a)(2)(xii) 515.33, Subd.8(b)(	Amend	I also have special concerns about sidewalk widths for ADA compliance sets it at 5 foot to be able to turn the wheelchair. I would prefer the code to allow up to 5 feet. For the other zoning especially areas of medical clinics allowing a larger accommodation for a sidewalk so two wheel chairs can pass would be great. For even walking traffic how wide do we	Bonnie Bolash

2)(xvii) 515.33, Subd.8(c)(2)(ix) 515.33, Subd. 8(d)(viii)		need something so two people approaching do not feel like they have to walk on an edge.	

Minneapolis
City of Lakes

Community Planning and Economic Development
Development Services Division
250 South 4th Street, Room 300
Minneapolis MN 55415-1316
612-673-3000

HOME OCCUPATION REQUIREMENTS

535.440. Purpose. Home occupation regulations are established to ensure that home occupations do not adversely affect the character and livability of the surrounding neighborhood and that a home occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of home occupations can be conducted with little or no adverse effect on the surrounding neighborhood.

535.450. Home occupation standards. Home occupations shall be subject to the following standards, except that licensed family day care and licensed group family day care shall be exempt from the provisions of sections (2), (6), (11), (12), (13) and (15):

(1) The home occupation shall be an activity which is customarily associated with the use of a dwelling.

(2) Only the residents of the dwelling unit, and not more than one (1) nonresident employee, shall be employed by or engaged in the conduct of the home occupation on the premises. For the purpose of this section, "nonresident employee" shall include an employee, business partner, independent contractor or other person affiliated with the home occupation who is not a resident of the dwelling unit, but who visits the site as part of the home occupation. Not more than one (1) nonresident employee shall be permitted per dwelling unit or two-family dwelling, regardless of the number of home occupations.

(3) Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings or the zoning lot shall be prohibited.

(4) Interior alterations or modifications that eliminate the kitchen, living room, all of the bathrooms, or all of the bedrooms of the dwelling shall be prohibited.

(5) The home occupation shall be conducted only within an enclosed area of the dwelling, except that the growing of food or ornamental crops, to be sold or donated off-site, shall be exempt from this provision. However, beginning in the R4 zoning district, in multiple-family dwellings of five (5) or more units the home occupation may be allowed within a specific area of the principal building designated for such home occupation by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the planning commission shall consider, but not be limited to, the following factors:

a. Nature of the home occupation and its impacts of noise, light, odor, vibration and traffic.

b. Conformance with applicable zoning requirements, including but not limited to, yards, gross floor area, and specific development standards.

c. History of complaints related to the property.

(6) Outdoor storage or display of materials, goods, supplies, or equipment related to the conduct of a home occupation shall be prohibited, unless associated with the growing of food or ornamental crops to be sold or donated off-site. Any materials associated with the growing of food or ornamental crops shall be located entirely to the rear of the principal structure and shall not be located in a required yard unless stored within a permitted accessory structure.

(7) The required off-street parking area provided for the principal use shall not be reduced or made unusable by the home occupation.

For reasonable accommodations or alternative formats please contact 311 at 612-673-3000. People who are deaf or hard of hearing can use a relay service to call 311 at 612-673-3000. TTY users call 612-673-2157 or 612-673-2626. Para asistencia 612-673-2700 - Rau kev pab 612-673-2800 - Hadii aad Caawimaad u baahantahay 612-673-3500.

(8) Signage shall be restricted to one non-illuminated, flat wall, identification sign not to exceed one (1) square foot in area. On a corner zoning lot, two (2) such signs, one facing each street, shall be allowed.

(9) No equipment, machinery or materials other than of a type normally found in or compatible with a dwelling shall be allowed.

(10) No retail sale and delivery of products or merchandise to the customer or client shall occur on the premises except where accessory to any services provided (such as hair care products sold accessory to hair cutting or computer disks accessory to accounting services).

(11) No home occupation shall be visible from any public right of way, except for allowed signage, unless associated with the growing of food or ornamental crops to be sold or donated off-site. Plantings visible from any public right-of-way that do not change the residential character or appearance of the dwelling, any accessory buildings or the zoning lot shall be permitted.

(12) The hours open to the public shall be limited to between 8:00 a.m. and 8:00 p.m.

(13) The home occupation shall not generate excessive customer or client traffic that is detrimental to the residential character of surrounding properties or the neighborhood. For purposes of this provision, more than five (5) customers or clients per day may be determined to be an excessive and detrimental level of traffic. This number shall apply per dwelling unit, regardless of the number of home occupations, except that in the case of two (2) family dwellings, the number shall apply to the two (2) family dwelling. The factors to be used for such a determination shall include but not be limited to:

a. The characteristics of the neighborhood, including land uses, lot sizes and lot widths.

b. Street type, width and traffic volumes.

c. The availability and location of off-street parking and the extent to which the home occupation contributes to on-street parking congestion.

(14) Shipment and delivery of products, merchandise or supplies shall be limited to between 9:00 a.m. and 6:00 p.m. and shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

(15) No sound or noise created by the operation of the home occupation shall be audible beyond the boundaries of the zoning lot.

(16) Hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use shall be prohibited.

535.460. Prohibited home occupations. Recognizing that there are some uses which have serious objectionable operational characteristics and thereby adversely affect the surrounding neighborhood, the following shall be prohibited as home occupations:

(1) Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines (such as snowmobiles, lawnmowers, chain saws and other small engines).

(2) A barber shop or beauty salon that is designed to serve more than one (1) client at a time.

(3) The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer. Firearms dealers existing on or before October 7, 1995, and in all other respects in conformance with the provisions of this ordinance, shall be permitted to continue as nonconforming uses in accordance with the provisions of Chapter 531, Nonconforming Uses and Structures.

(4) Sexually oriented uses, as defined in Chapter 549, Downtown Districts.

(5) Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.

(6) Uses first allowed in the C4 General Commercial District or any industrial district.