

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 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.

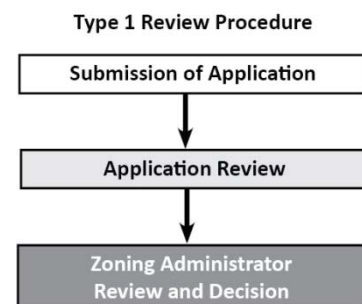
Subd. 2. Summary table of development review procedures by type of review. Table 1 summarizes the type of development review procedures permitted under this UDC and the Crystal city code, subsection 510.13 defines the applicable approval procedures, criteria, and submittal requirements.

Table 1: Development Review Procedures			
	<u>Type 1</u> Zoning Administrator	<u>Type 2</u> Planning Commission and Council	<u>Type 3</u> City Council
	Decision	Recommend & Decision	Decision
Zoning Certificate	X		
Site Plan Review	X [1]	X [1]	
Conditional Use Permit		X	
Adjacent Parcel Land Conveyance	X		
Lot Consolidation			X
Subd.– Prelim. Plat		X	
Subd. – Final Plat			X
Comp Plan Amendment		X	
Rezoning or Text Amend.		X	
Variance		X	
Appeals		X	
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.



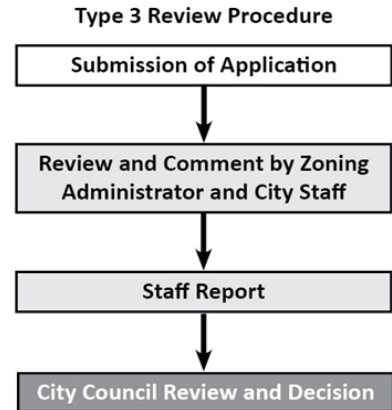
(3) Notice and public hearing. After determining that an application contains all the necessary and required information, the zoning administrator shall place the application on the planning commission agenda, schedule a public hearing on the proposed request, and notify the public pursuant to the Crystal 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, re-constructed, 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, re-constructed, 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 non-residential 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.

510.19. Conditional use permit.

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.

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.