

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.

<b>Table 2: Zoning Districts</b>	
<b>Abbreviation</b>	<b>District Name</b>
<b>BASE ZONING DISTRICTS</b>	
R1	Low Density Residential District
R2	Medium Density Residential District
R3	High Density Residential District
C	Commercial District
I	Industrial District
AP	Airport District
<b>OVERLAY ZONING DISTRICTS</b>	
FP	Floodplain Overlay District
SL	Shoreland Overlay District
PD	Planned Development Overlay District
TD	Transit-Oriented Development Overlay District

- (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 overly 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:
  - (i) Estimate the peak discharge of the regional (1% chance) flood.
  - (ii) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

- (iii) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
- (4) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
- (5) Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of 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 3: Permitted Principal Uses							
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts						Use-Specific Standards in Section:
	R-1	R-2	R-3	C	I	AP	
<b>Residential Use Category</b>							
<b>Bed and Breakfast Establishments</b>	C	C	C	-	-	-	515.19, subdivision 2 (a)
<b>Dwellings, Multi-Family</b>	-	P	P	-	-	-	515.19, subdivision 2 (b)
<b>Dwelling, One-Family, Attached</b>	-	P	P	-	-	-	515.19, subdivision 2 (c)
<b>Dwelling, One-Family, Detached</b>	P	P	P	-	-	-	515.19, subdivision 2 (d)
<b>Dwellings, Two-Family</b>	P	P	P	-	-	-	
<b>Group Living Use Category</b>							
<b>Specialized Care Facilities</b>	C	C	P	P	-	-	515.19, subdivision 3 (a)
<b>State Licensed Residential Facility</b>	P	P	P	-	-	-	
<b>Commercial Use Category</b>							
<b>Airport Facilities</b>	-	-	-	-	-	P	515.19, subdivision 4 (a)
<b>Amusement Centers</b>	-	-	-	P	-	-	<b>1180</b>
<b>Animal Hospital/Veterinary Clinics [1]</b>	-	-	-	P	P	-	515.19, subdivision 4 (b)

<b>Table 3: Permitted Principal Uses</b>							
<b>Use Category and Use Type</b>  P = Permitted Use C = Conditional Use - = Not Permitted	<b>Base Zoning Districts</b>						<b>Use-Specific Standards in Section:</b>
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>C</b>	<b>I</b>	<b>AP</b>	
<b>Banks or Financial Institutions</b>	-	-	-	<b>P</b>	-	-	
<b>Banquet Halls or Event Centers</b>	-	-	-	<b>C</b>	<b>C</b>	-	
<b>Brewer Taprooms or Brewpubs</b>	-	-	-	<b>P</b>	<b>P</b>	-	1200
<b>Clubs or Lodges</b>	-	-	-	<b>P</b>	<b>P</b>	-	
<b>Commercial Truck Storage or Parking</b>	-	-	-	<b>P</b>	<b>P</b>	-	515.19, subdivision 4 (c)
<b>Convenience Stores</b>	-	-	-	<b>P</b>	-	-	
<b>Day Care Facilities</b>	-	-	-	<b>P</b>	-	-	515.19, subdivision 4 (d)
<b>Day Care Facilities, Group Family</b>	<b>P</b>	<b>P</b>	<b>P</b>	-	-	-	
<b>Funeral Homes</b>	-	-	-	<b>P</b>	-	-	
<b>Greenhouses, Garden and Landscaping Sales and Service</b>	-	-	-	<b>P</b>	<b>P</b>	-	
<b>Hotel, Motel, Extended Stay Establishments</b>	-	-	-	<b>P</b>	<b>P</b>	-	515.19, subdivision 4 (e)
<b>Kennels, Commercial [1]</b>	-	-	-	<b>P</b>	<b>P</b>	-	515.19, subdivision 4 (f)
<b>Offices, Professional</b>	-	<b>C</b>	<b>C</b>	<b>P</b>	<b>P</b>	<b>P</b>	515.19, subdivision 4 (g)
<b>Parking Ramps or Lots</b>	-	-	-	<b>P</b>	<b>P</b>	<b>P</b>	520.15
<b>Personal Services [2]</b>	-	<b>C</b>	<b>C</b>	<b>P</b>	<b>P</b>		

<b>Table 3: Permitted Principal Uses</b>							
<b>Use Category and Use Type</b>  P = Permitted Use C = Conditional Use - = Not Permitted	<b>Base Zoning Districts</b>						<b>Use-Specific Standards in Section:</b>
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>C</b>	<b>I</b>	<b>AP</b>	
<b>Restaurants or Eating Establishments [3]</b>	-	C	C	P	P	-	515.19, subdivision 4 (h)
<b>Retail Establishments [4]</b>	-	C	C	P	P	-	515.19, subdivision 4 (i)
<b>Theater, Indoor</b>	-	-	-	P	-	-	
<b>Vehicle Repair</b>	-	-	-	C	P	-	515.19, subdivision 4 (j)
<b>Vehicle, Boat or Recreational Sales or Rental</b>	-	-	-	P	P	-	515.19, subdivision 4 (k)
<b>Vehicle Fuel Sales</b>	-	-	-	P	-	-	515.19, subdivision 4 (l)
<b>Vehicle Wash or Detailing</b>	-	-	-	P	P	-	515.19, subdivision 4 (m)
<b>Industrial, Manufacturing, Research and Wholesale Use Category</b>							
<b>Building Materials Sales</b>	-	-	-	-	P	-	
<b>Bulk Storage of Liquids</b>	-	-	-	P	P	P	515.19, subdivision 5 (a)
<b>Industrial Uses (Indoors)</b>	-	-	-	P	P	-	
<b>Industrial Uses with Outdoor Storage of Parts, Products, or Fuels</b>	-	-	-	C	P	-	
<b>Self Storage Facilities</b>	-	-	-	P	P	-	
<b>Warehouse</b>	-	-	-	P	P	P	

<b>Table 3: Permitted Principal Uses</b>							
<b>Use Category and Use Type</b>  P = Permitted Use C = Conditional Use - = Not Permitted	<b>Base Zoning Districts</b>						<b>Use-Specific Standards in Section:</b>
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>C</b>	<b>I</b>	<b>AP</b>	
<b>Vehicle Impound Lot</b>	-	-	-	-	C	-	515.19, subdivision 5 (b)
<b>Public Facilities, Telecommunication and Utilities Use Category</b>							
<b>Essential Services</b>	P	P	P	P	P	P	
<b>Public utility buildings</b>	C	C	C	C	C	P	515.19, subdivision 6 (a)
<b>Telecommunications Towers</b>	C	C	C	C	P	P	515.19, subdivision 6 (b)
<b>Wireless support structures</b>	C	P	P	P	P	P	515.19, subdivision 6 (c)
<b>Public, Institutional and Recreational Use Category</b>							
<b>Cemeteries</b>	C	C	C	-	-	-	
<b>Hospitals</b>	-	C	C	P	P	-	515.19, subdivision 7 (a)
<b>Private Recreational Facilities, Indoor</b>	C	C	C	P	P	-	
<b>Private Recreational Facilities, Outdoor</b>	-	-	-	C	C	-	
<b>Public Parks and Playgrounds</b>	P	P	P	-	-	-	
<b>Public or Semi-Public Buildings</b>	C	C	C	C	C	-	515.19, subdivision 7 (b)
<b>Religious Institutions</b>	C	C	C	C	C	-	515.19, subdivision 7 (c)
<b>Schools, Elementary or Secondary</b>	C	C	C	C	C	-	515.19, subdivision 7 (d)
<b>Schools, Nursery or Preschool</b>	C	C	C	C	C	-	515.19, subdivision 7 (e)

Table 3: Permitted Principal Uses							
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	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)
<b>Notes:</b> <b>1. Outdoor facilities may be permitted with a conditional use permit</b> <b>2. A plant may be allowed as part of a dry cleaning establishment with a conditional use permit</b> <b>3. On-sale liquor, wine, or beer may be allowed to a greater extent than the permitted use with a conditional use permit.</b> <b>4. Outdoor repair may be permitted with a conditional use permit.</b>							

515.19. Use-specific standards for principal uses.

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:



- (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 4: Permitted Accessory Uses and Structures								
Use Category and Use Type	Base Zoning Districts						Zoning Certificate Required	Use-Specific Standards in Subsection:
	R-1	R-2	R-3	C	I	AP		
<b>P = Permitted Use</b> <b>C = Conditional Use</b> <b>- = Not Permitted</b>								
<b>Accessory Uses</b>								
Assembly or gathering space	-	-	-	P	P	-	Yes	515.23, subdivision 2 (a)
Commercial truck storage or parking	-	-	-	P	P	-	Yes	515.23, subdivision 2 (b)
Day Care Facilities, In home	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)
<b>Accessory Structures</b>								
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	-	-	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								
Use Category and Use Type	Base Zoning Districts						Zoning Certificate Required	Use-Specific Standards in Subsection:
	R-1	R-2	R-3	C	I	AP		
P = Permitted Use C = Conditional Use - = Not Permitted								
Patios, decks, and porches	P	P	P	P	-	-	Yes	
Sheds	P	P	P	P	P	P	See Note [6]	515.23, subdivision 3(h)
Sidewalks	P	P	P	P	P	P	No	515.23, subdivision 3(i)
Signs, Permanent	P	P	P	P	P	P	Not Applicable	530
Solar energy systems	P	P	P	P	P	P	Yes	515.23, subdivision 3(j)
Swimming pools, hot tubs, and spas	P	P	P	P	-	-	Yes	515.23, subdivision 3(k)
Television and radio antennae	P	P	P	P	P	P	Yes	515.23, subdivision 3(l)
Tennis and other recreational courts	P	P	P	-	-	-	No	515.23, subdivision 3(m)
Treehouses	P	P	-	-	-	-	No	515.23, subdivision 3(n)
Workshops	P	P	-	-	-	-	See Note [6]	515.23, subdivision 3(o)
<b>Notes:</b>								
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;
  - (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 5: Permitted Temporary Uses and Structures									
Use Category and Use Type	Base Zoning Districts						Allowable Duration (per site)	Permit Required	Use-Specific Standards in Section:
	R-1	R-2	R-3	C	I	AP			
Construction Dumpster	P	P	P	P	P	P	180 days, until full, or until a certificate of occupancy is issued, whichever occurs first	No [1]	515.27, subdivision 2
Garage/Yard Sales	P	P	P	-	-	-	Maximum of three consecutive days, four times per calendar year per site	No	515.27, subdivision 3
Outdoor dining [2]	P	P	P	P	P	P	180 days per site per calendar year	Zoning Certificate (Type Review) 1	515.27, subdivision 4
Outdoor sales [2]	-	-	-	P	P	-	180 days per site per calendar year	Zoning Certificate (Type Review) 1	515.27, subdivision 5

Table 5: Permitted Temporary Uses and Structures									
Use Category and Use Type	Base Zoning Districts						Allowable Duration (per site)	Permit Required	Use-Specific Standards in Section:
	R-1	R-2	R-3	C	I	AP			
Portable Storage Container	P	P	P	P	P	P	60 days per site per calendar year	No [1]	515.27, subdivision 6
Signs, Temporary	P	P	P	P	P	P	See section 530	Sign Permit	530
<b>Notes:</b>									
1. An obstruction permit is required if the dumpster or portable storage container is located in the public right-of-way.									
2. Outdoor seating for cafes or restaurants or outdoor sales areas for retail establishments may be permitted as a permanent use with a conditional use permit.									

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.
- (b) 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.