CRYSTAL CITY CODE

APPENDIX I

SECTION 515

ZONING

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515.01
General Provisions

Subdivision 1. Title and Authority.

a) Title. This section shall be known as the "Crystal zoning code" except as referred to herein where it shall be known as "this Code".

b) Authority. This Code is enacted pursuant to the authority granted by the municipal planning act, Minnesota Statutes, sections 462.351 to 462.363.

Subd. 2. Amendment, Comprehensive. The council intends this Code to be a comprehensive amendment to section 515 of the city code, as amended. Except as otherwise provided herein, the provisions of this Code are not intended to alter, diminish, or increase or otherwise modify any rights or liabilities existing on its effective date. Any act, offense committed, or rights accruing or accrued, or liability, penalty incurred or imposed prior to the effective date of this Code is not affected by its enactment.

Subd. 3. Intent and Purpose. The intent of this Code is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing land development and use. This Code shall divide the city into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to protect such use districts; to promote orderly development and redevelopment; to provide adequate light, air, and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, setbacks and density of population; to provide for compatibility of different land uses; to provide for administration of this Code; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of city staff, board of adjustment and appeals, planning commission and city council in relation to this Code.

Subd. 4. Relation to Comprehensive Municipal Plan. It is the policy of the city of Crystal that the enactment, amendment, and administration of this Code be accomplished with due consideration of the policies and recommendations contained in the Crystal comprehensive plan as developed and amended from time to time by the planning commission and city council.

Subd. 5. Certificate of Occupancy Required.

a) No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the building inspector stating that the building or structure complies with all of the provisions within this Code.

b) Said certificate shall be applied for coincident with the application for a building permit, conditional use permit and/or variance and shall be issued within ten days after the building inspector shall have found the building or structure satisfactory and given final inspection. Said application shall be accompanied by a fee as outlined in section 1015 of the Crystal city code.

c) Construction performed pursuant to the provisions of section 400 of the city code and issued a certificate of occupancy under that section shall not be subject to the requirement for a certificate of occupancy established by this section.

Subd. 6. Enforcement and Penalties.

a) This section shall be administered and enforced by the zoning administrator. The zoning administrator shall be the community development director. The community development director may delegate the duties of zoning administrator to other city staff. The zoning administrator may institute in the name of the city of Crystal any appropriate actions or proceedings against a violation as provided by statute, charter or code.

b) Penalties. Any person who violates any of the provisions of this section shall, upon conviction thereof, be fined not more than $700 for each offense, or imprisoned for not more than 90 days, or both. Each day that a violation is permitted to exist shall constitute a separate offense.

Subd. 7. Application and Interpretation.

a) In their application and interpretation, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

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

c) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner that is not in conformity with the provisions of this Code.

Subd. 8. Nonconforming Uses.

a) It is the purpose of this subsection to provide for the regulation of nonconforming buildings, structures and uses, hereinafter "nonconforming uses", and to specify the requirements and conditions under which nonconforming uses may be operated and maintained. The zoning code establishes separate districts, each of which is an appropriate area for the location of uses that are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction.

b) The lawful use or occupation of land or premises existing at the time of adoption of this section may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

1) the nonconformity or occupancy is discontinued for a period of more than one year; or

2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged. The city assessor will determine market value under this subsection.

c) After a nonconforming use has terminated, any subsequent use or occupancy of the land, building or structure must be a conforming use or occupancy.

d) No nonconforming use may be moved to another lot or to any other part of the parcel of land upon which the same was constructed unless such movement brings the non-conformance into compliance with this code.

e) A nonconforming use may not be changed to another nonconforming use.

f) When any nonconforming use has been changed to a conforming use, it may not later be changed to a nonconforming use.

g) A nonconforming use may be changed to lessen the nonconformity. Once lessened, the use may not be changed to increase the nonconformity.

h) Alterations may be made to a building containing lawful nonconforming residential units to improve livability of the units, provided the alterations do not increase the number of dwelling units or size or volume of the building. For any nonconforming 1-family or 2-family dwelling, any expansion of habitable space into previously unfinished portions of a building is not considered an expansion of the nonconforming use.

Subd. 9. Separability. It is hereby declared to be the intention of the city council that several provisions of this Code are separable in accordance with the following:

a) If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code not specifically included in said judgment.

b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

515.05
Special Land Use Actions

Subdivision 1. Administrative Appeal. Any person alleging that an error has occurred in any order, requirement, decision or determination made by the zoning administrator may appeal said order, requirement, decision or determination to the planning commission and city council.

a) A request for administrative appeal shall be filed using the request for special land use action application form available at city hall. All required attachments and fees must be provided by the applicant prior to the application being considered complete. The planning commission and city council will not consider incomplete applications.

b) Upon receipt of such request, the zoning administrator shall place the item on the planning commission agenda in accordance with the schedule available at city hall.

c) The planning commission shall hold a public hearing on the administrative appeal. At the public hearing, the applicant, the zoning administrator, and other interested parties may provide oral and written testimony to the planning commission.

d) The planning commission shall make written findings of fact and provide them to the city council along with a recommendation for action to be taken on the request. Any planning commission action on the request shall be considered advisory in nature.

e) Upon receipt of the planning commission's findings of fact and recommendation, the city council may take action on the request. The city council shall be considered the board of adjustment and appeals as provided by law, and its action on the request shall be the final action taken by the city.

f) In the event that the planning commission delays action on the request to the extent that automatic approval would occur under Minnesota Statutes, section 15.99, the city council may take action on the request to prevent such automatic approval from occurring. In such cases, further consideration by the planning commission would be moot.

Subd. 2. Variance. Any person alleging that strict enforcement of specific provisions of this section would create practical difficulties, due to circumstances unique to a particular property under consideration, may request a variance from the planning commission and city council. The city council shall be considered the Board of Adjustment and Appeals as provided by law.

a) Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the terms of the variances are consistent with the comprehensive plan.

b) Variances shall only be permitted when the city council finds that strict enforcement of specific provisions of this section would create practical difficulties due to circumstances unique to a particular property under consideration. Practical difficulties, as used in connection with the granting of a variance, means that the property owner:

1) proposes to use the property in a reasonable manner not permitted by an official control; and

2) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and

3) the variance, if granted, will not alter the essential character of the locality.

c) Economic considerations alone do not constitute practical difficulties.

d) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

e) Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls.

f) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

g) The city council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

h) A request for variance shall be filed using the request for special land use action application form available at city hall. If the applicant does not own the subject property, then the property owner must provide written consent for the application. All required attachments and fees must be provided by the applicant prior to the application being considered complete. The planning commission and city council will not consider incomplete applications.

i) Upon receipt of such request, the zoning administrator shall place the item on the planning commission agenda in accordance with the schedule available at city hall.

j) The zoning administrator shall send notice of the public hearing to the party listed as "taxpayer" for any properties wholly or partially within 350 feet of the subject property, based on records provided to the city by the Hennepin County taxpayer services department. Said notice shall be sent via U.S. Mail no less than 10 days prior to the public hearing. Failure of a particular party to receive notice shall not invalidate the proceedings.

k) The planning commission shall hold a public hearing on the variance. At the public hearing, the applicant, the zoning administrator, and other interested parties may provide oral and written testimony to the planning commission.

l) The planning commission shall make written findings of fact and provide them to the city council along with a recommendation for action to be taken on the request. The planning commission may recommend conditions for the granting of a variance to ensure compliance with the purpose and intent of this section, and to protect adjacent properties. Any planning commission action on the request shall be considered advisory in nature.

m) Upon receipt of the planning commission's findings of fact and recommendation, the city council may take action on the request. The city council's action may include conditions for the granting of a variance to ensure compliance with the purpose and intent of this section, and to protect adjacent properties. The city council shall be considered the Board of Adjustment and Appeals as provided by law, and its action on the request shall be the final action taken by the city.

n) In the event that the planning commission delays action on the request to the extent that automatic approval would occur under Minnesota Statutes, section 15.99, the city council may take action on the request to prevent such automatic approval from occurring. In such cases, further consideration by the planning commission would be moot.

Subd. 3. Conditional Use Permit. Any person seeking to establish a use listed as conditional in a particular district may request a conditional use permit from the planning commission and city council.

a) In addition to specific standards or criteria included in the applicable district regulations, the following criteria shall be applied in determining whether to approve a conditional use permit request:

1) The consistency of the proposed use with the comprehensive plan.

2) The characteristics of the subject property as they relate to the proposed use.

3) The impact of the proposed use on the surrounding area.

The city council may impose transferability limitations, renewal requirements, hours of operation limitations or other operational restrictions as a condition of approval of any conditional use permit if determined by the council to be necessary to address anticipated impacts of the proposed use.

b) A request for conditional use permit shall be filed using the request for special land use action application form available at city hall. If the applicant does not own the subject property, then the property owner must provide written consent for the application. All required attachments and fees must be provided by the applicant prior to the application being considered complete. The planning commission and city council will not consider incomplete applications.

c) Upon receipt of such request, the zoning administrator shall place the item on the planning commission agenda in accordance with the schedule available at city hall.

d) The zoning administrator shall publish notice of the public hearing in at least one of the city's official newspapers no less than ten days prior to the public hearing.

e) The zoning administrator shall send notice of the public hearing to the party listed as "taxpayer" for any properties wholly or partially within 350 feet of the subject property, based on records provided to the city by the Hennepin County taxpayer services department. Said notice shall be sent via U.S. Mail no less than ten days prior to the public hearing. Failure of a particular party to receive notice shall not invalidate the proceedings.

f) The planning commission shall hold a public hearing on the conditional use permit. At the public hearing, the applicant, the zoning administrator, and other interested parties may provide oral and written testimony to the planning commission.

g) The planning commission shall make written findings of fact and provide them to the city council along with a recommendation for action to be taken on the request. The planning commission may recommend conditions for the granting of a conditional use permit to ensure compliance with the purpose and intent of this section, and to protect adjacent properties. Any planning commission action on the request shall be considered advisory in nature.

h) Upon receipt of the planning commission's findings of fact and recommendation, the city council may take action on the request. The city council's action may include conditions for the granting of a conditional use permit to ensure compliance with the purpose and intent of this section, and to protect adjacent properties. The city council's action on the request shall be the final action taken by the city.

i) In the event that the planning commission delays action on the request to the extent that automatic approval would occur under Minnesota Statutes, section 15.99, the city council may take action on the request to prevent such automatic approval from occurring. In such cases, further consideration by the planning commission would be moot.

j) Lapse of Conditional Use Permit by Non-Use.

1) If any construction activity related to an approved conditional use does not commence within 1 year of approval, then the conditional use permit shall expire and be considered null and void. A property owner may seek an extension of time by submitting a written request no less than 30 days before expiration of the conditional use permit. Such a written request shall be accompanied by a fee equal to half of the conditional use permit fee in effect at the time the extension request is submitted. The zoning administrator shall forward a completed request for extension to the planning commission for review and recommendation. There is no requirement for a public hearing or notice thereof. The planning commission shall make a recommendation to the city council. The city council will then take action on the request. The extension of time granted by the city council shall not exceed 1 year.

2) If any construction activity related to an approved conditional use permit is not completed within 2 years of approval, or if the approved conditional use does not commence within 2 years of approval, then the conditional use permit shall expire and be considered null and void. A property owner may seek an extension of time by submitting a written request no less than 30 days before expiration of the conditional use permit. Such a written request shall be accompanied by a fee equal to half of the conditional use permit fee in effect at the time the extension request is submitted. The zoning administrator shall forward a completed request for extension to the planning commission for review and recommendation. There is no requirement for a public hearing or notice thereof. The planning commission shall make a recommendation to the city council. The city council will then take action on the request. The extension of time granted by the city council shall not exceed 1 year.

Subd. 4. Zoning Amendment. Any person seeking to amend any provision of section 515, including changing the zoning district of a particular parcel or parcels of land, may request a zoning amendment from the planning commission and city council.

a) Any zoning amendment shall be evaluated based on its consistency with the comprehensive plan and the purpose and intent of this section.

b) A request for zoning amendment shall be filed using the request for special land use action application form available at city hall. If the request is to change the zoning district of a particular parcel or parcels of land, and applicant does not own the subject property, then the property owner must provide written consent for the application. All required attachments and fees must be provided by the applicant prior to the application being considered complete.

c) The planning commission or city council may also initiate a zoning amendment. Such an amendment may include changing the zoning district of a particular parcel or parcels of land without the consent of the property owner or owners, as long as notice of the proposed revision is published in accordance with section 515.05, subdivision 4 e).

d) Upon receipt of such request, the zoning administrator shall place the item on the planning commission agenda in accordance with the schedule available at city hall.

e) The zoning administrator shall publish notice of the public hearing in at least 1 of the city's official newspapers no less than 10 days prior to the public hearing.

f) If the request is to change the zoning district of a particular parcel or parcels of land, the zoning administrator shall send notice of the public hearing to the party listed as "taxpayer" for any properties wholly or partially within 350 feet of the subject property, based on records provided to the city by the Hennepin County taxpayer services department. Said notice shall be sent via U.S. Mail no less than 10 days prior to the public hearing. Failure of a particular party to receive notice shall not invalidate the proceedings. This requirement for mailed notice shall not be applicable when the proposed changes affect more than 5 acres of land.

g) The planning commission shall hold a public hearing on the zoning amendment. At the public hearing, the applicant, the zoning administrator, and other interested parties may provide oral and written testimony to the planning commission.

h) The planning commission shall make written findings of fact and provide them to the city council along with a recommendation for action to be taken on the request. Any planning commission action on the request shall be considered advisory in nature.

i) Upon receipt of the planning commission's findings of fact and recommendation, the city council may take action on the request. The city council's action on the request shall be the final action taken by the city.

j) Zoning amendments require adoption of an ordinance and are therefore subject to the applicable provisions of city code, the city charter and state law.

k) In the event that the planning commission delays action on the request to the extent that automatic approval would occur under Minnesota Statutes, section 15.99, the city council may take action on the request to prevent such automatic approval from occurring. In such cases, further consideration by the planning commission would be moot.

515.09
Definitions

Adult Uses. As defined in section 1190 of the city code.

Alley. A public right-of-way other than a street that affords a secondary means of access to abutting property.

Amusement Center. As defined in section 1180 of the city code.

Bar. Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages compromises less than 25% of the gross receipts.

Bed and Breakfast Establishment. An owner-occupied, one-family dwelling that offers short-term lodging, with or without meals, for compensation.

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

Club or Lodge. Buildings or facilities owned or operated by a corporation, association or persons for a social, educational or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

Drive-Thru Establishment. Any portion of a building, structure or property from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Dwelling. A building or portion thereof used exclusively for residential purposes, forming a habitable unit for one family. Garage, tents and accessory structures shall not be considered dwellings and shall at no time be used as a dwelling, either temporarily or permanently.

Dwelling, Multiple. A building designed with three or more dwellings exclusively for occupancy by three or more families living independently of each other.

Dwelling, One-Family Attached. A building containing dwellings in which:

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

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

c) Each dwelling has primary ground floor access to the outside; and

d) The term refers primarily to dwelling types such as townhouses and row houses.

Dwelling, One-Family Detached. A residential building containing not more than one dwelling entirely surrounded by open space on the same lot.

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

Essential Services. Underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies.

Family. One or more persons each related to the other by blood, marriage, adoption or foster care, or a group of not more than three persons not so related, maintaining a common household and using common cooking facilities.

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces and exterior or from the centerline of party walls separating two buildings. Basements devoted to storage and space devoted to off-street parking shall not be included.

Garage, Private. A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair.

Garage, Public. A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the short-term parking of motor vehicles as a business enterprise.

Grade. The average finished ground level of the land around the perimeter of a lot, structure, or building.

Height. The vertical distance from average grade around the perimeter of a structure to the highest point of a structure.

Home Occupation. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling and which does not alter the exterior of the property or affect the residential character of the neighborhood.

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

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

Lot, Corner. A lot abutting on more than one street and situated at an intersection of streets.

Lot, Interior. A lot abutting on only one street.

Lot, Through. A lot abutting on more than one street but not situated at an intersection of streets.

Lot, Through Corner. A lot abutting on more than one street and situated at more than one intersection of streets.

Lot Area. The area of a horizontal plane within the lot lines.

Lot Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.

Lot Line, Front. The boundary of a lot that abuts a public street. On a corner lot, it shall be the street-abutting lot line with the shortest dimension. On a through lot, all street-abutting lot lines shall be deemed front lot lines. On a through corner lot, the street-abutting lot lines on opposite sides of the lot shall be deemed front lot lines.

Lot Line, Rear. The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Lot Line, Side. Any lot line that is not a front, rear or side street lot line.

Lot Line, Side Street. Any street-abutting lot line that is not a front or rear lot line.

Lot of Record. Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the recorder of Hennepin County, Minnesota; or a parcel of land, the deed to which was recorded in the office of the recorder or registrar of titles of Hennepin County, Minnesota prior to the adoption of the ordinance codified in this title.

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

Motor Vehicle Repair, Major. General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

Motor Vehicle Repair, Minor. A use that is customarily associated with a service station, and that includes minor repairs, incidental body and fender work, upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding 3/4 ton capacity, but not including any operation specified under “automobile repair-major.”

Non-conforming Lot. A lot of record or other parcel of land that does not comply with the lot requirements for any permitted use in the zoning district in which it is located.

Non-conforming Structure. Any structure permitted by existing city ordinance upon the effective date of this code, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this code.

Non-conforming Use. A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Owner or Property Owner. The owner of record according to Hennepin County property tax records.

Principal Structure or Use. The primary use and chief purpose of a lot or structure as distinguished from subordinate or accessory uses or structures. A principal use may be either permitted or conditional.

Senior Housing. A multiple dwelling building or group of buildings with open occupancy limited to at least one person 55 years of age or older per dwelling. This includes assisted living but not institutions such as nursing homes.

Setback. The minimum required horizontal distance between a structure and a lot line, as measured perpendicular to the lot line.

Setback, Front. The minimum required horizontal distance between a structure and the front lot line.

Setback, Rear. The minimum required horizontal distance between a structure and the rear lot line.

Setback, Side. The minimum required horizontal distance between a structure and the side lot line.

Setback, Side Street. The minimum required horizontal distance between a structure and the side street lot line.

Street. A public right-of-way greater than 30 feet in width platted or dedicated for the purpose of accommodating vehicular traffic or providing access to abutting property.

Street Center Line. A line equidistant between the longitudinal boundaries of the right-of-way dedicated to the city for use as a public street, except where only a portion of the proposed street has been dedicated, which shall be presumed to have a width of 60 feet unless otherwise determined by the city council.

Structure. Anything constructed or erected on or connected to the ground, whether temporary or permanent in character.

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

Use, Accessory. A use which:

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

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

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

Use, Conditional. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety or general welfare.

Use, Permitted. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards of such districts.

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

Yard, Front. The horizontal distance between the principal structure and the front lot line, extending across the full width of the lot.

Yard, Rear. The horizontal distance between the principal structure and the rear lot line, extending across the full width of the lot.

Yard, Side. The horizontal distance between the principal structure and the side lot line, extending from the front yard to the rear yard.

Yard, Side Street. The horizontal distance between the principal structure and the side street lot line, extending from the front yard to the rear yard.

515.13
General Performance Standards

Subdivision 1. Purpose. The purpose of this section is to establish general development performance standards intended to assure compatibility of uses; prevent urban blight, deterioration and decay; and enhance the health, safety and general welfare of the residents of the community.

Subd. 2. Number of Principal Structures Per Lot. Except in the Planned Development District, not more than one principal structure may be located on a lot.

Subd. 3. Lighting. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential property or from public streets. Direct or sky-reflected glare from floodlights or from high temperature processes such as combustion or welding shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed 1 foot candle (meter reading) as measured from the lot line abutting said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candle (meter reading) as measured from lot line of abutting said property.

Subd. 4. Visibility.

a) Intersections. A 25 foot sight triangle is hereby established at each corner of any intersection of two public streets, and at each corner of any intersection of a public street and a railroad. Said sight triangle shall be measured along each lot line to a point 25 feet back from the corner, with the third side being a straight line connecting these two points. In the event that the street right-of-way is enlarged to include part of what would typically be within the required sight triangle, then the 25 foot measurement shall be made from the hypothetical intersection of the two lot lines projected into street the right-of-way. Within the sight triangle, no trees, shrubs, plants, or structures including fences in excess of 30 inches high may be planted, erected or maintained, except that trees with no branches or foliage between 30 inches and 72 inches in height may be permitted if they do not negatively impact visibility at the intersection. The height shall be measured from the center line of the abutting street.

b) Driveways. A ten foot sight triangle is hereby established at each corner where a driveway intersects a public street, sidewalk or other traveled way. Said sight triangle shall be measured along the street, sidewalk or other traveled way to a point ten feet from the driveway, and along the driveway to a point ten feet from the edge of the street, sidewalk or other traveled way, with the third side being a straight line connecting these two points. Within the sight triangle, no trees, shrubs, plants, or structures including fences in excess of 30 inches high may be planted, erected or maintained, except that trees with no branches or foliage between 30 inches and 72 inches in height may be permitted if they do not negatively impact visibility at the driveway. The height shall be measured from the center line of the driveway. In instances where any portion of the sight triangle is within the public right-of-way, the provisions of Section 800 of the city code shall also apply to that portion of the sight triangle. The planting of live plant material or the placement of landscape material such that it poses an obstruction to visibility at the intersection of a driveway and public street, sidewalk or other traveled way within the public right-of-way is prohibited under section 800.20 of the city code.

Subd. 5. Drainage. No land shall be developed and no use shall be permitted that results in water run-off causing flooding, erosion, or deposit of minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, pond area, or other public facilities. Any change in grade affecting water run-off onto adjacent property must be approved by the city engineer.

Subd. 6. Landscaping. Any lot area remaining after providing parking, sidewalks, driveways, building, site or other permitted improvements shall be planted and maintained in turf or other acceptable landscaping material.

Subd. 7. Fences and Walls.

a) No fence or wall shall exceed four feet high in the front yard, or six feet high in any other portion of the lot, except as follows:

1) On corner lots the property owner may erect a fence or wall up to six feet high in the front yard, provided that no fence shall exceed four feet high in the area between the side street lot line and the principal structure extended across the full depth of the lot from the front lot line to the rear lot line.

2) Fences may exceed six feet high when approved as part of a screening and buffering plan between incompatible land uses if approved by the city council under section 520 (site plan review) or as a conditional use in accordance with section 515.05 Subd. 3. In such cases no fence or wall shall exceed eight feet in height.

b) In the case of grade separation such as the division of properties by a wall, the maximum permitted height shall be measured from the average point between the highest and lowest grade.

c) In the case of the grade being changed where the fence is to be located, for example by adding fill or creating a berm, the maximum fence height shall be measured from the grade at the principal structure or the property line, whichever is closer to the proposed fence.

Subd. 8. Dwelling Unit Restriction.

a) No basement, garage, tent or accessory building shall at anytime be used as an independent residence or dwelling unit, temporarily or permanently.

b) Basements may be used as living quarters and rooms as a portion of residential dwellings but not as a separate household or dwelling unit, unless the use of the property for more than a single dwelling unit is permitted or lawfully nonconforming.

c) Tents, play houses or similar structures may be used for play or recreational purposes.

Subd. 9. Lot Survey Required to Improve Property.

a) Any person desiring to improve property shall submit to the building official a survey of said premises showing the location and dimensions of existing and proposed buildings, structures or other improvements; location of easements crossing the property; encroachments; and any other information which may be necessary to insure compliance with city codes.

b) All improvements shall be so placed so that they will not obstruct future streets which may be constructed by the city in conformity with existing streets and according to the system and standards employed by the city.

c) The zoning administrator shall review the lot survey to determine if the division and creation of the property was in compliance with the statutes and regulations applicable at the time of said division. If the zoning administrator finds that the division of the property was in compliance with legal requirements applicable at the time of the division, the lot shall be recognized and development of the property shall be allowed in conformance to the building and zoning regulations of the city. If the zoning administrator finds that the division of the property was not in compliance with legal requirements applicable at the time of the division, the lot shall not be recognized and current standards and procedures for platting shall be imposed.

Subd. 10. Required Screening. When required by this code, screening shall consist of a vegetation screen, landscaped berms, sight-obscuring fence, wall, or a combination of these items. Such screening shall be of sufficient height, width and density to provide an effective screen, provided that if a fence or wall is used it is in compliance with subsection 515.13, subdivision 7. The design and materials used in constructing the required screening shall be subject to the approval of the zoning administrator.

Subd. 11. Exterior Storage. All materials and equipment shall be stored within a building unless specifically permitted elsewhere in this Code.

Subd. 12. Garage Floors. Any building used for the parking or storage of motor vehicles, such as a garage or a carport, shall have a floor constructed of poured concrete in accordance with construction standards approved by the city engineer and building official.

Subd. 13. Airspace Protection. Notice to the Federal Aviation Administration using FAA form 7460-1 is required prior to the following:

a) Any construction or alteration of more than 200 feet in height.

b) Any construction or alteration of greater height than the imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the Crystal Airport.

515.17
Off-Street Parking Requirements

Subdivision 1. Purpose. The purpose of regulating off-street parking in this Code is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing requirements for off-street parking of motor vehicles as a use that is accessory and subordinate to the utilization of various parcels of land or structures.

Subd. 2. Application. These regulations and requirements shall apply to all land uses and off-street parking facilities in all of the zoning districts of the city.

Subd. 3. Site Plan Drawing Necessary. All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimension indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this section and, if applicable, section 520 site plan review.

Subd. 4. General Provisions.

a) Permits required. To ensure proper location and configuration, permits are required for work on driveways.

1) Plans for driveways must be submitted to the city for review and driveway permit approval prior to commencing work. All driveway plans will be reviewed and approved by the zoning administrator and city engineer. Plans for surfacing and drainage of driveways and parking areas for five or more vehicles will be reviewed by the city engineer and must receive written approval prior to construction.

2) For driveway plans that involve changes to an existing curb cut or construction of a new curb cut within the public right-of-way, a curb cut permit application must be completed and submitted for review and approval by the city engineer in accordance with 800.10 of the city code. Standards governing the size and location/placement of curb cuts within the public right-of-way are contained in section 800.10 of the city code.

b) Reduction of Existing Off-Street Parking Space or Lot Area. The number or configuration of off-street parking spaces and loading spaces or lot area existing upon the effective date of this Code shall not be changed in number, configuration or area unless the proposed new number, configuration or area meets the requirements for the use.

c) Change of Use or Occupancy of Land. No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces the area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.

d) Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings including additions requiring more parking area shall not be permitted until additional parking spaces are furnished as required by these zoning regulations.

e) Off-street parking facilities accessory to residential use must be utilized solely for the parking of licensed and operable passenger automobiles, and recreational vehicles and equipment as provided in section 1330 of the city code.

f) Calculating Space.

1) When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.

2) In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy fixed benches, pews or other similar seating facilities instead of fixed seats, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements. If fixed seating is not provided, then each seven square feet of floor area shall be counted as one seat.

3) In hospitals, bassinets shall not be counted as beds for the purpose of calculating the number of off-street parking spaces required.

4) Should a structure contain two or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

g) Design Standards.

1) Each space shall be served adequately by access aisles.

2) Off-street parking requirements may be satisfied by providing space within the principal building. No building permit shall be issued to convert parking space into a dwelling unit or living area until other provisions are made to provide off-street parking as required by this Code.

3) Except in the case of 1-family and 2-family dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the parking lot and does not depend upon a public street or alley. Except in the case of 1-family and 2-family dwellings, parking area design which requires backing into the public street is prohibited.

4) Except in the case of 1-family and 2-family dwellings, parking areas and their aisles shall be developed in compliance with the following standards:

Angle of stalls from drive aisle	Curb Length	Vehicle Projection	Aisle Width	Total Width
0º (parallel)	22.0’	8.0’	24.0’	40’
45º	12.0’	18.5’	13.0’*	50.0’
60º	10.0’	20.0’	15.0’*	55.0’
75º	9.0’	20.5’	18.0’*	59.0’
90º	9.0’	18.0’	24.0’	60.0’**

*One way aisles only.

**Total bay width may be reduced to 58’ if parking is provided within a parking ramp and the parking is predominantly for long term users.

5) Driveways for 1-family and 2-family dwellings. Curb cuts and driveway approaches for 1-family and 2-family dwellings shall comply with the standards contained in section 800.10 of the city code. Driveways for 1-family and 2-family dwellings shall comply with the following requirements:

i) For the purposes of this subdivision, “driveway” shall mean the area on private property providing vehicular access to the garage or parking area; “driveway approach” shall mean the area within the street right-of-way and “curb cut” shall mean the edge of the street where joined by the driveway approach, whether or not standard concrete curb and gutter are present on the street.

ii) Driveway width shall not exceed the width of the garage’s vehicle entrance plus six feet.

Exception #1: For properties with only a single stall garage, driveway width shall not exceed 16 feet.

Exception #2: For properties that are lawfully nonconforming due to the lack of a garage, driveway width shall not exceed 16 feet plus a taper necessary to access 2 hard surfaced parking spaces for a 1-family dwelling or 4 hard surfaced parking spaces for a 2-family dwelling. Such a taper shall have an angle of at least 22-1/2 degrees and no more than 45 degrees. Such a taper shall not extend into the street right-of-way unless the city engineer determines that, due to setback or topographic constraints, extension of part of the taper into the boulevard is necessary to provide reasonable access to the required parking spaces.

iii) Curb cuts and driveway approaches are governed by the standards contained in section 800.10 of the city code.

iv) The grade elevation of any parking area shall not exceed 10%.

6) Driveways for uses other than 1-family and 2-family dwellings. Curb Cuts and driveway approaches for uses other than 1-family and 2-family dwellings shall comply with the standards contained in section 800.10 of the city code. Driveways for uses other than 1-family and 2-family dwellings shall comply with the following requirements.

   i) For the purposes of this subdivision, "driveway" shall mean the area on private property providing vehicular access to the garage or parking area; "driveway approach" shall mean the area within the street right-of-way providing vehicular access from the curb cut to the driveway; and "curb cut" shall mean the edge of the street where joined by the driveway approach, whether or not standard concrete curb and gutter are present on the street.

   ii) The grade elevation of any parking area shall not exceed 5%.

7) Curb cuts are governed by section 800.10 of the city code.

8) Surfacing. Areas used for parking space and driveways must be surfaced with bituminous or concrete pavement in accordance with standards approved by the city engineer.

   Alternate hard surfacing such as brick pavers or pervious pavement may be approved on a case-by-case basis by the city engineer upon a determination that it will meet the following requirements:

   i) It will function in the same manner as traditional hard surfacing and its difference from traditional hard surfacing is primarily aesthetic or is designed to allow infiltration of surface water.

   ii) It can be reasonably maintained with a life span similar to traditional hard surfacing.

   iii) Site conditions such as topography do not preclude the use of alternative hard surfacing.

   iv) The property owner has agreed to complete the installation in a manner consistent with generally accepted engineering and construction practices as well as the recommendations of the manufacturer.

9) Striping. Except for 1-family and 2-family dwellings, all parking stalls shall be marked with painted lines not less than 4 inches wide. Striping shall be maintained by the property owner as necessary to control parking on the property.

10) Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public right-of-ways and be in compliance with subsection 515.13, subdivision 3 of this Code.

11) Signs. In addition to complying with section 405 of the city code, no sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.

12) Curbing and Landscaping. Except for 1-family and 2-family dwellings, all open off-street parking shall have cast-in-place concrete barrier curb and gutter around the perimeter of the entire parking lot. The curb shall be at least 6 inches wide and the gutter shall be at least 12 inches wide; this minimum standard is typically referred to as "B6-12" curb and gutter. The face of the curb shall not be within 5 feet of any lot line and the back of the curb shall not be within 4 feet of any lot line. Turf or other acceptable landscaping material shall be provided in all areas bordering the parking area subject to the approval of the zoning administrator.

13) Parking areas that accommodate more than 20 cars shall be landscaped and planted with shade trees throughout the lot to the extent of at least 5% of the actual surfaced area.

14) Required Screening. All open, non-residential, off-street parking areas of 5 or more spaces shall be landscaped and screened from abutting or surrounding residential districts in compliance with subsection 515.13, subdivision 10 of this Code.

15) Sight Distances. Adequate sight distances for vehicles and pedestrians shall be provided within parking lots.

h) Maintenance. It shall be the joint and several responsibility of the occupant(s) and owner(s) of the principal use, uses or building to maintain, in a neat and adequate manner, the parking spaces, driveways, striping, landscaping, screening and any other improvements required by this Code.

i) Location. All off-street parking facilities required by this Code shall be located and restricted as follows:

1) Required off-street parking shall be on the same lot as the principal use being served, except as noted in subsection 515.17, subdivision 4 j).

2) Except for 1-family and 2-family dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.

3) In Residential districts, off-street parking shall not be provided in the front setback or side street setback, except for 1-family and 2-family dwellings subject to the limitations in subsection 515.17, subdivision 4 i) 5).

4) In the case of 1-family and 2-family dwellings, off-street parking is only permitted on a hard surfaced driveway leading directly into a garage. The driveway cannot exceed the maximum width established in 515.17, subdivision 4 g) 5) ii). Each property may also have 1 hard surfaced auxiliary parking space in addition to the driveway. The auxiliary space shall be located immediately adjacent to 1 side of the driveway, immediately adjacent to 1 side of the garage, or as 1 turn-around space immediately adjacent to the driveway. The auxiliary space cannot exceed 12 feet in width and 24 feet in length, and must be at least 10 feet from the habitable portion of a residential structure on an adjacent parcel. For access to the auxiliary space, a hard surfaced taper also is permitted, provided it does not extend into the boulevard and has an angle of at least 22-1/2 degrees and no more than 45 degrees.

Exception #1: If the property has setback or topographic constraints that prevent reasonable access to a lawful auxiliary space, then the city engineer may allow the taper to extend into the boulevard but only to the minimum extent necessary to provide reasonable access.

Exception #2: A property with only a single stall garage may have up to 2 such auxiliary parking spaces. In such cases the access taper may extend across the boulevard to the edge of the street pavement in accordance with the standards established in section 800.10 of the city code.

Exception #3: A property that is lawfully nonconforming due to the lack of a garage may have no more than 2 hard surfaced parking spaces for a 1-family dwelling and no more than 4 hard surfaced parking spaces for a 2-family dwelling. Each space cannot exceed 12 feet in width and 24 feet in length. Such properties also may have a driveway and taper to access these parking spaces, subject to the limitations of 515.17, subdivision 4 g) 5) ii) and section 800.10 of the city code.

5) The parking and storage of motor vehicles and recreational vehicles and equipment is governed by section 1330 of city code.

6) Motor vehicles shall not be parked or displayed for the purpose of selling or renting the motor vehicles unless a conditional use permit for such use has been granted for the property in accordance with the regulations for the zoning district in which the property is located.

This prohibition shall not apply to motor vehicles for sale on property with a 1-family or 2-family dwelling when in compliance with section 1330 of the city code.

j) Control of Off Site Parking Facilities. When required accessory off street parking facilities are provided on a lot other than the lot on which the principal use is located, the following requirements shall be met:

1) The zoning administrator determines that the site conditions and surrounding land uses reasonably preclude the acquisition of additional land to expand the lot on which the principal use is located.

2) A paved pedestrian way from the off-site parking facilities to the principal use being served has been provided and is properly maintained.

3) The use of the parking facilities by the principal use shall be guaranteed in writing in a form that is approved by the city attorney and recorded with the county recorder or the registrar of titles as applicable.

4) The closest point of the off-site parking area shall be located no more than 500 feet from an entrance to the principal building of the use being served as measured along an established path of travel between the parking lot and such entrance.

5) The zoning administrator determines that failure to provide on-site parking will not encourage parking on the public streets, on other private property, in private driveways or other areas not expressly set aside for off-street parking for the principal use.

6) The off-site parking shall be maintained until on-site parking is provided or an alternate off-site parking facility has been approved in accordance with these requirements.

k) Use of Required Area. Required accessory off-street parking spaces in any district shall be used only for parking of vehicles directly accessory and subordinate to the permitted principal use, and shall not be utilized for other uses such as outdoor storage, sale or rental of goods, parking of unlicensed or inoperable vehicles, and storage of snow.

Subd. 5. Number of Spaces Required. The following number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses set forth below. Where no required number of spaces is specifically listed for a use, the zoning administrator shall determine the number of required spaces based on the character of the use and available information on parking demand for such use.

a) Dwelling. No less than 2 spaces per dwelling unit. At least 1 of the spaces must be fully enclosed in a building.

b) Active Outdoor Recreation Facility. No less than 10 spaces per acre of play field, plus 4 spaces per basketball court, plus 2 spaces per tennis court, plus 1 space per 50 square feet of deck area for a swimming pool.

c) Motel, Motor Hotel or Hotel. No less than 1 space per sleeping room, plus 1 space per employee on the maximum shift, plus 1 space per 3 person capacity in conference rooms or other assembly spaces, plus 1 space per accessory dwelling unit occupied only by property owners or on-site managers.

d) Bed and Breakfast. No less than 2 spaces for the owner/occupant household, at least 1 of which must be fully enclosed such as in a garage, plus 1 space per guest sleeping room.

e) Elementary and Junior High School. 10 spaces, plus no less than 1 space per classroom, plus no less than 1 space per 40 students based on design capacity.

f) High School, College, University or Trade School. 4 spaces, plus no less than 1 space per classroom, plus no less than 1 space per 2 students based on design capacity.

g) Church, Theater, Auditorium, Meeting Hall or Other Gathering/Assembly Space. 4 spaces, plus no less than 1 space per 3 nor more than 1 space per 2 seats based on the cumulative design capacity of the assembly rooms or spaces.

h) Health and Fitness Club. 4 spaces, plus no less than 1 space per 300 square feet of gross floor area not including court, gym or pool area, plus 4 spaces per basketball court, plus 2 spaces per tennis or racquetball court, plus 1 space per 50 square feet of deck area for a swimming pool.

i) Library, Museum and Art Gallery. 4 spaces, plus no less than 1 space per 400 nor more than 1 space per 200 square feet of gross floor area.

j) Nursing Home. No less than 4 spaces plus 1 space per 5 beds.

k) Senior Housing. No less than 1 space per household unit. At least 50% of the required spaces must be fully enclosed, such as in a garage.

l) Office Building, Medical and Dental Clinic, Animal Hospital, and Other Professional Office. 4 spaces, plus no less than 1 space per 300 nor more than 1 space per 250 square feet of gross floor area.

m) Bowling Alley. No less than 4 spaces plus 4 parking spaces for each lane.

n) Motor Fuel Station. 4 spaces, plus 2 spaces per service or repair stall if applicable, plus no less than 1 space per 250 nor more than 1 space per 150 square feet of building area used for the sale of goods or services.

o) Retail Store and Service Establishment. 4 spaces, plus no less than 1 space per 300 nor more than 1 space per 250 square feet of gross floor area.

p) Shopping center, meaning a multi-tenant commercial use having at least 10,000 square feet of gross floor area, and being predominantly retail in nature but sometimes also having other uses such as offices, personal services and restaurants. No less than 1 space per 300 nor more than 1 space per 250 square feet of gross floor area.

q) Retail sales and service business with 50% or more of its gross floor area devoted to storage, warehouses and/or industry. 4 spaces, plus no less than 1 space per 300 nor more than 1 space per 250 square feet devoted to sales or service, plus no less than 1 space per 3,000 nor more than 1 space per 1,000 square feet of storage area.

r) Eating and Drinking Establishment, Including On-sale Liquor. 4 spaces, plus no less than one space per 80 nor more than one space per 50 square feet of gross floor area.

s) Funeral Home. 4 spaces, plus no less than 1 space per 3 nor more than 1 space per 2 seats in the main assembly hall, plus no less than 1 space per 300 nor more than 1 space per 200 square feet of gross floor area not used for seating. Motor vehicle stacking space shall also be provided off the street for making up a funeral procession, although drive aisles in the parking lot may be used for stacking.

t) Amusement Center. 10 spaces, plus no less than 1 space per 300 nor more than 1 space per 250 square feet of gross floor area.

u) Manufacturing, Fabricating or Processing of a Product or Material. 4 spaces, plus no less than 1 space per 1,000 nor more than 1 space per 500 square feet of gross floor area.

v) Warehouse, Storage, or Handling of Bulk Goods. 4 spaces, plus no less than 1 space per 3,000 nor more than 1 space per 1,000 square feet of floor area.

w) Car Wash. (in addition to magazining or stacking space).

1) Drive-thru, staffed. Two spaces, plus 1 space per employee on the maximum shift.

2) Drive-thru, not staffed. Two spaces.

3) Self-service. Two spaces.

x) Motor Vehicle Sales Lots. 4 spaces, plus 1 space per employee on the maximum shift. Such spaces shall be in addition to motor vehicles parked for display.

Subd. 6. Adjustment by Conditional Use Permit. The minimum or maximum number of spaces may be adjusted upon (1) submittal of a parking study for the proposed use prepared by a professional planner, architect or engineer, (2) submittal of a complete Conditional Use Permit application in accordance with the standard procedures and requirements of Subsection 515.05 Subd. 3, and (3) approval of a Conditional Use Permit for the adjusted parking requirement by the Planning Commission and City Council. The parking study shall adequately document the basis for its conclusions, including but not limited to any unique characteristics of the proposed use that might justify adjusted parking requirements, so the Planning Commission and City Council can make findings of fact and, if necessary, impose conditions of approval to carry out the intent of this code.

515.21
Telecommunications Towers

Subdivision 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 section, 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.

Subd. 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:

a) To regulate the location of telecommunication towers and facilities.

b) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities.

c) To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques.

d) To promote and encourage shared use and co-location of telecommunication towers and antenna support structures.

e) 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.

f) To ensure that telecommunication towers and facilities are compatible with surrounding land uses.

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

Subd. 3. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a) "Antenna support structure" means any building, athletic field lighting, water tower, or other structure other than a tower, which can be used for location of telecommunications facilities as an accessory, subordinate use. New structures built for the purpose of attaching telecommunications facilities are “towers” not “antenna support structures” for the purpose of the code. For example, if an athletic field light pole would be replaced by a taller pole to facilitate installation of an antenna, then the new pole would be classified as a “tower” not an “antenna support structure” even if lights would be mounted to it in a manner similar to the way they were mounted to the previous light pole.

b) "Applicant" means any person that applies for a tower development permit.

c) "Application" means the process by which the owner of a plot of land within the city submits a request to develop, construct, build, modify or erect a tower upon such land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

d) "Engineer" means any engineer licensed by the state of Minnesota.

e) "Person" is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

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

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

h) "Telecommunications tower” or “Tower" means a self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term tower shall not include amateur radio operations equipment licensed by the FCC.

Subd. 4. Development of Towers.

a) Permitted Use at Certain Locations in the I-1 District. A tower is a permitted use in the I-1 light industrial district, provided that the site also meets one of the following additional location criteria:

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

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

A tower may not be constructed unless a site plan has been approved by the city council and a building permit has been issued by the building official. The applicant and property owner must submit a Special Land Use Application including the required application fee for a telecommunications tower in accordance with the fee schedule adopted by the city council, which shall include sufficient funds or the provision to draw on sufficient funds with some form of collateral satisfactory to the city, to reimburse the city its reasonable expenses to review all aspects of the application for compliance with this section, including but not limited to, engineers to review radio frequency for compliance with standards under the Act, to confirm the existence of a significant gap in the provider service within the city and the absence of alternative available locations for the facilities and structural safety review, and attorneys fees and costs, all if necessary in the city's sole discretion.

b) Conditional Use at Certain Locations in the C-2 District. A tower is a conditional use in the C-2 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.

The applicant and property owner must submit a Special Land Use Application including the required application fees for a telecommunications tower and a conditional use permit in accordance with the fee schedule adopted by the city council, which shall include sufficient funds or the provision to draw on sufficient funds with some form of collateral satisfactory to the city, to reimburse the city its reasonable expenses to review all aspects of the application for compliance with this section, including but not limited to, engineers to review radio frequency for compliance with standards under the Act, to confirm the existence of a significant gap in the provider service within the city and the absence of alternative available locations for the facilities and structural safety review, and attorneys fees and costs, all if necessary in the city's sole discretion. The zoning administrator shall send notice of the conditional use permit public hearing to the party listed as "taxpayer" for any lots wholly or partially within 350 feet of the lot on which the proposed tower would be located. A tower may not be constructed unless a conditional use permit has been issued by, and site plan approval obtained from, the city council; and such approval may only be granted if the city council finds that the general conditional use permit criteria in section 515.05, subdivision 3 a) are met. A tower also may not be constructed unless a building permit has been issued by the building official.

c) Towers Prohibited Elsewhere; Relief Provision. Towers are prohibited in the city except as authorized by subsection 4 a) and b). 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:

1) The provider has submitted the information required by subsection 4 f) of this section.

2) 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 authorized under subsection 4 a) or 4 b) of this section that would reasonably address the demonstrated significant gap in the provider's service.

3) 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 subdivision 2 of this section and the requirements of the Act as stated in subdivision 1 of this section.

4) 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.

5) The applicant and property owner submit a Special Land Use Application including the required application fee for a telecommunications tower plus the fee for a conditional use permit in accordance with the fee schedule adopted by the city council, which shall include sufficient funds or the provision to draw on sufficient funds with some form of collateral satisfactory to the city, to reimburse the city its reasonable expenses to review all aspects of the application for compliance with this section, including but not limited to, engineers to review radio frequency for compliance with standards under the Act, to confirm the existence of significant gaps and the absence of reasonably available alternative locations for the facilities and structural safety review, and attorneys fees and costs, all if necessary in the city's sole discretion. The zoning administrator shall send notice of the conditional use permit public hearing to the party listed as "taxpayer" for any lots wholly or partially within 1,000 feet of the lot on which the proposed tower would be located. The addressees for such notices shall be based on records provided to the city by the Hennepin County taxpayer services department. Such notices shall be sent via U.S. Mail no less than 10 days prior to the public hearing. Failure of a particular party to receive notice shall not invalidate the proceedings.

6) The city council makes a finding that the general Conditional Use Permit criteria in section 515.05, subdivision 3 a) are met.

7) 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.

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

   i) If zoned commercial or industrial then the site shall contain no less than 2 acres.

   ii) If zoned residential then the site shall contain no less than 5 acres.

   iii) Notwithstanding a) and b) above, regardless of zoning, if the principal use on the site is a city building, county building, or a church, then the site shall contain no less than 3 acres.

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

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

10) No tower shall be located on a lot having as its principal use a park or stormwater pond; any building containing a child care facility, elementary school, middle school or high school; or any lot having as its principal use a single family or two family dwelling. This provision shall not prohibit the subsequent establishment of such uses, even if it causes the tower to become non-conforming to this requirement.

11) No part of the tower shall be located within 165 feet (1/32 mile) of any single family 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.

12) No part of the tower shall be located within 82.5 feet (1/64 mile) of any playground, herein defined as a public or private play area having equipment such as swings, slides, and similar facilities designed primarily for use by children but not including athletic facilities such as baseball or soccer fields designed for use by adults as well as children.

13) The height of the tower shall not exceed 82.5 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.

d) The city may authorize the use of city property in accordance with the procedures and subject to the restrictions of this Code. The city shall have no obligation to use city property for such purposes.

e) Unless the applicant presents clear and convincing evidence to the city manager 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 1 telecommunications facility comparable in weight, size and surface area to the one located on the tower by the applicant.

f) An application to develop a tower shall include:

1) 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.

2) 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.

3) 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.

4) 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 residential and non-residential properties.

5) Written evidence from an engineer that the proposed structure meets the structural requirements of this Code.

6) 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.

7) An application fee in the amount fixed by appendix IV.

g) Setbacks.

1) 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.

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

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

i) In the I-1 district, towers may be placed within a side yard abutting an internal industrial street.

ii) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

iii) This requirement does not apply to towers that are a conditional use in all zoning districts in accordance with subsection 4 c) of this section.

h) 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.

i) Height. A tower may not exceed 165 feet in height if approved under subsections 4 a) or 4 b) of this section. A tower may not exceed 82.5 feet in height if approved under subsection 4 c) of this section.

j) Separation or Buffer Requirements. Towers must be separated from all residentially zoned lands 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 all zoning districts in accordance with subsection 4 c) of this section.

k) 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.

l) 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.

m) Exterior Finish. Towers not requiring FAA painting or marking must have an exterior finish as approved by the city council.

n) 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.

o) Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with the landscaping requirements of city code and as shown in 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.

p) Security. Towers must be reasonably posted and secured to protect against trespass.

q) Access. Parcels upon which towers are located must provide access during normal business hours to at least 1 paved vehicular parking space on site.

r) Stealth. To the extent reasonably practical, towers must be of stealth design.

s) 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:

1) 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.

2) That the antenna support structure and telecommunications facilities comply with the building code.

3) That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back 1 foot from the edge of the primary roof for each 1 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 6 inches from the side of the antenna support structure. Screened telecommunications facilities and their appurtenances are exempt from setback requirements.

t) Existing Towers.

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

i) Application for an appropriate city permit shall be made to the city council.

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

2) 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.

u) Abandoned or Unused Towers or Portions of Towers. Abandoned or unused towers and associated above-ground facilities must be removed within 6 months of the cessation of operations of an antenna facility at the site unless an extension is approved by the city manager. 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 6 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 section 635 of city code.

v) Variances. The city council may grant a variance to the setback, separation or buffer requirements, and maximum height provision of this subsection in accordance with subsection 515.05, subdivision 2.

w) Additional Criteria for Variances. The city council may grant a variance pursuant to subsection 515.05, subdivision 2 if the applicant also demonstrates all of the following with written or other satisfactory evidence:

1) 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.

2) The variance will not create any threat to the public health, safety or welfare.

3) 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 a residentially zoned land.

4) In the case of a request for modification to the separation requirements of subsection 515.21, subdivision 4 i), that the proposed site is zoned I-1 and the proposed site is at least double the minimum standard for separation from residentially zoned lands.

5) In the case of a request for modification of the separation requirements, 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.

6) 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.

x) Maintenance. Towers must be maintained in accordance with the following provisions:

1) 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.

2) 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.

3) Towers, telecommunications facilities and antenna support structures must be kept and maintained in good condition, order, and repair.

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

5) Towers must comply with radio frequency emissions standards of the federal communications commission.

6) 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.

Subd. 5. Additional Requirements.

a) 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.

b) 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.

Subd. 6. Failure to Comply.

a) City's Right to Revoke. If the permittee fails to comply with any of the terms imposed by the conditional use permit, the city may impose penalties or discipline for noncompliance, which may include revocation of the permit, in accordance with the following provisions.

b) Procedure. Except as provided in subsection c) below, the imposition of any penalty shall be preceded by (i) written notice of the permittee of the alleged violations, (ii) the opportunity to cure the violation during a period not to exceed 30 days following receipt of the written notice, and (iii) a hearing before the city council at least 15 days after sending written notice of the hearing. The notices contained in (i) and (iiii) may be contained in the same notification. The hearing shall provide the permittee with an opportunity to show cause why the permit should not be subject to discipline.

c) Exigent Circumstances. If the city finds that exigent circumstances exist requiring immediate permit revocation, the city may revoke the permit and shall provide a post-revocation hearing before the city council not more than 15 days after permittee's receipt of written notice of the hearing. Following such hearing, the city council may sustain or rescind the revocation, or may impose such other and further discipline as it deems appropriate.

d) Record. Any decision to impose a penalty or other discipline shall be in writing and supported by substantial evidence containing in a written record.

515.25
Establishment of Districts

Subdivision 1. Purpose. The following zoning classifications and districts are hereby established within the city of Crystal to carry out the purpose and intent of this code.

Subd. 2. Residential Districts.

a) R-1 Low Density Residential (Subsection 515.33)

b) R-2 Medium Density Residential (Subsection 515.37)

c) R-3 High Density Residential (Subsection 515.41)

Subd. 3. Commercial Districts.

a) C-1 Neighborhood Commercial (Subsection 515.45)

b) C-2 General Commercial (Subsection 515.49)

Subd. 4. Industrial Districts.

a) I-1 Light Industrial (Subsection 515.53)

Subd. 5. Special Districts.

a) PD Planned Development (Subsection 515.57)

b) FP Floodplain Overlay (Subsection 515.61)

c) SL Shoreland Overlay (Subsection 515.65)

d) AP Airport Overlay (Subsection 515.69)

515.29
Zoning Districts – Application and Boundaries

Subdivision 1. Application of Zoning Districts. The boundary lines of the districts listed in subsections 515.33 through 515.69 are hereby established as shown on the map entitled "zoning map of Crystal, Minnesota," which map is hereby approved and ordered filed with the city clerk. The zoning map and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are hereby incorporated in and made part of this Code by reference and incorporated fully as set forth herein.

Subd. 2. Zoning District Boundaries.

a) 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 Code.

b) Appeals from the planning commission's determination concerning the exact location of a zoning district boundary line shall be heard by the city council serving as the board of adjustment and appeals.

c) 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.

515.33
R-1 Low Density Residential

Subdivision 1. Purpose. The purpose of the R-1 district is to provide for detached 1-family residential dwellings and directly related complimentary uses on a limited basis. Densities are to be no more than 5 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 5 dwellings per acre, depending on the character of the surrounding area and the potential for negative impacts on the community.

Subd. 2. Permitted Principal Uses.

a) One-family detached dwellings.

b) Two-family dwellings, provided:

1) The lot has an area of no less than 15,000 square feet.

2) The lot width is no less than 100 feet.

3) The side setback is no less than 10 feet.

4) The side street setback is no less than 20 feet.

5) There are at least 2 parking spaces for each dwelling. Of these, at least 1 private garage space must be provided for the exclusive use of each dwelling's residents. Each dwelling's access to its private garage space shall be independent of the other dwelling's access to its private garage space. Each dwelling's private garage space shall be separate and secure from the other dwelling's private garage space.

c) State licensed residential facilities serving 6 or fewer persons.

d) Licensed day care facilities serving 12 or fewer persons.

e) Group family day care facilities licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.

f) Public parks and playgrounds.

g) Essential services.

Subd. 3. Permitted Accessory Uses.

a) Off-street parking of motor vehicles and recreational vehicles and equipment as regulated by section 1330 of the city code, provided that the cumulative gross floor area of all garages and carports on a lot, whether attached or detached, shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

b) Home occupation. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a dwelling and which does not alter the exterior of the property or affect the residential character of the neighborhood. Permissible home occupations shall not include the conducting of a retail business (other than by mail), manufacturing or repair shop. Additional standards applicable to home occupations are as follows:

1) No home occupation shall be permitted which results in or generates more traffic than two cars at any one given point in time.

2) Only persons residing on the premises shall be employed.

3) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.

4) No mechanical, electrical or other equipment shall be used which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential structure.

5) The home occupation shall be conducted entirely within the residential portion of the principal building.

6) No more than 25% or 400 square feet of the floor area of the dwelling, whichever is less, shall be devoted to the home occupation.

7) Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings, and no alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.

8) The entrance to the space devoted to such occupations shall be from within the dwelling.

9) There shall be no exterior storage or display of equipment, goods or materials used in the home occupation.

10) One sign, not to exceed 4 square feet in area, may be placed on the premises. The sign may identify the home occupation, resident and address but may contain no other information. The sign may not be illuminated and must be set back a minimum of 10 feet from a property line abutting a public street. If the sign is freestanding, the total height may not exceed 5 feet.

c) Patios, decks, swimming pools, tennis courts and other recreational facilities, including tree houses defined as structures attached exclusively to trees and used solely for recreational purposes, which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

d) Detached accessory buildings such as garages, carports, tool houses, sheds, gazebos, non-commercial greenhouses and similar buildings for storage of domestic supplies and non-commercial recreational equipment, provided the following standards are met:

1) No detached accessory building shall be located closer to an abutting street than the principal structure.

2) No detached accessory building shall exceed 15 feet in height.

3) No detached accessory building shall exceed 1 story in height, except that it may have an unfinished upper loft area provided it is used for storage only and not as habitable space.

4) The cumulative area of all detached accessory buildings on a lot shall not exceed 1,000 square feet in area or the finished floor area of the residential portion of the principal building excluding basements, whichever is less.

5) The cumulative gross floor area of all garages and carports on a lot, whether attached or detached, shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

6) In instances where the vehicle entrance to a garage or carport faces a street or alley, the vehicle entrance shall be set back a minimum of 20 feet from the lot line abutting the street or alley unless more restrictive setback requirements apply.

7) Detached accessory structures or buildings are not permitted if they are constructed of fabric, cloth, plastic sheets, tarps, tubular metal, exposed plywood or particle board, or similar materials.

Exceptions:

i) Non-commercial greenhouses located in the rear yard, limited to 1 per lot, and not to exceed 120 square feet.

ii) Tents located in the rear yard, used only for seasonal recreational purposes, and not to exceed 120 square feet.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Garage sales for the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property, provided:

1) The exchange or sale of merchandise is conducted within the principal structure or an accessory structure.

2) Items for sale may not include personal property purchased for the purpose of resale.

3) The number of garage sales on an individual premises may not exceed 4 per year.

4) Each sale is limited to a 3 day duration, with hours of operation between 8:00 a.m. and 9:00 p.m.

5) Garage sale signs identifying the location and times of a garage 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 25-foot sight triangle at an intersection, as measured from the 2 sides formed by the property lines and the third side formed by a straight line connecting the 2 25-foot points of the corner; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

g) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

h) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

i) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

j) Clothesline poles located in the rear yard.

k) A second kitchen within a one-family detached dwelling, but only if there is interior and unfettered access from all parts of the dwelling to both kitchens, the occupants of the dwelling live as a single family not as two households, and the property is not addressed or in any other way configured or represented as a two family dwelling. Two-family dwellings are only permitted in the R-1 district if they are in compliance with Subd. 2 b) of this subsection.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Side setbacks shall be double that required for the district.

2) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) Side setbacks shall be double that required for the district.

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.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Cemeteries, subject to the following:

1) Such use shall not include funeral homes, crematoriums or similar uses.

2) No building, including mausoleums and accessory maintenance buildings, shall exceed 5,000 square feet in area or 20 feet in height. The total footprint of buildings on the cemetery shall not exceed 1% of the area of the cemetery.

3) Such use may include maintenance and equipment facilities accessory to the operation of the cemetery.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Bed and Breakfast Establishments, provided:

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

2) Signage is limited to 1 sign that indicates the name of and contact information for the bed and breakfast establishment but no other material. There may be 1 such sign not to exceed 4 square feet in area, not to exceed 5 feet in height if free standing, and not to be lighted unless the lighting will not negatively impact adjacent properties;

3) Driveway access and parking areas are adequately buffered from adjacent residential uses; and

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum Lot Requirements. Lots in the R-1 district shall meet all of the following requirements:

a) Minimum lot area of 7,500 square feet.

b) Minimum lot width of 60 feet.

c) Minimum lot depth of 100 feet.

Subd. 6. Minimum Building Size Requirements:

a) One or 2-family single story dwellings shall have a main floor area of no less than 900 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 1,000 square feet. For the purposes of this subsection, 1 story dwellings includes multiple story dwellings with less than 300 square feet of finished or finishable upper floor area. In the case of 2 family dwellings, the minimum area requirement is applicable to each unit separately.

b) One or 2-family multiple story dwellings with less than 600 but no less than 300 square feet of finished or finishable upper floor area shall have a main floor area of no less than 800 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 900 square feet. In the case of 2 family dwellings, the minimum area requirement is applicable to each unit separately.

c) One or 2-family multiple story dwellings with no less than 600 square feet of finished or finishable upper floor area shall have a main floor area of no less than 700 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 800 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

Subd. 7. Coverage and Height Limitations.

a) Lot Coverage.

1) For 1 and 2-family dwellings, the following building and structure coverage limits shall apply:

i) If the rear yard is at least 5,000 square feet in area, then no more than 20% of the rear yard shall be covered by buildings and no more than 40% of the rear yard shall be covered by structures.

ii) If the rear yard is at least 4,500 square feet and less than 5,000 square feet in area, then no more than 21% of the rear yard shall be covered by buildings and no more than 42% shall be covered by structures.

iii) If the rear yard is at least 4,000 square feet and less than 4,500 square feet in area, then no more than 22% of the rear yard shall be covered by buildings and no more than 44% shall be covered by structures.

iv) If the rear yard is at least 3,500 square feet and less than 4,000 square feet in area, then no more than 23% of the rear yard shall be covered by buildings and no more than 46% shall be covered by structures.

v) If the rear yard is at least 3,000 square feet and less than 3,500 square feet in area, then no more than 24% of the rear yard shall be covered by buildings and no more than 48% shall be covered by structures.

vi) If the rear yard is less than 3,000 square feet in area, then no more than 25% of the rear yard shall be covered by buildings and no more than 50% of the rear yard shall be covered by structures.

2) For all other uses, no more than 50% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 2 stories or 32 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 8. Setbacks.

a) Front Setback.

1) 30 feet from the front lot line.

2) Exceptions:

i) Awnings.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimney.

iv) Flagpoles.

v) Eaves.

vi) Handicap ramps.

vii) Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

ix) Patios and detached decks, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 4 feet in width.

xiii) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xiv) Signs in accordance with section 405 of Crystal city code.

xv) On interior lots abutting directly on Twin Lake, a detached accessory building or structure may be erected or located within the front yard, provided it does not encroach in the front, side or side street setback.

xvi) Tree houses, defined as structures attached exclusively to trees and used solely for recreational purposes, provided they do not exceed 120 square feet, are not located less than 10 feet from the front line and consist only of earth-tone materials or colors.

b) Rear Setback.

1) 30 feet from the rear lot line.

2) Exceptions:

i) Awnings; provided no part may be closer than 3 feet to any lot line.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimney; provided no part may be closer than 3 feet to any lot line.

iv) Flagpoles; provided no part may be closer than 3 feet to any lot line.

v) Eaves; provided no part may be closer than 3 feet to any lot line.

vi) Handicap ramps; provided no part may be closer than 3 feet to any lot line.

vii) Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the rear lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot rear setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) In lieu of building, placing or maintaining accessory buildings in the rear yard as permitted in Subsection 515.33 Subd 3 d), a property owner may instead choose to expand the principal building into the rear setback, provided that:

a) The encroachment is set back at least 22 feet from the rear lot line; and

b) The encroachment occupies no more than 240 square feet of the area within the rear setback; and

c) The width of the encroachment is no more than 40% of the lot width measured at the rear setback line; and

d) The property owner removes any existing accessory buildings from the rear yard; and

e) No accessory buildings may subsequently be built or placed in the rear yard; and

f) The property owner signs, has notarized and submits to the city a written statement acknowledging that no accessory buildings may be built or placed in the rear yard and agreeing to disclose that material fact in writing to any potential purchaser of the property in the future.

ix) Open porches and decks attached to the principal building, provided that they are at least 22 feet from the rear lot line and their cumulative encroachment into the 30 foot rear setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

x) Recreational equipment; provided no part may be closer than 3 feet to any lot line.

xi) Clothesline poles; provided no part may be closer than 3 feet to any lot line.

xii) Detached accessory structures and buildings, including patios, decks, storage sheds and gazebos. No part of any such structure may be closer than 3 feet to the rear lot line, except for at-grade patios, no part of which may be closer than 1 foot to the rear lot line.

xiii) Detached garages; provided no part may be closer than 3 feet to any lot line; and in instances where the vehicle entrance faces an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

xiv) Air conditioning or heating equipment; provided no part may be closer than 3 feet to any lot line but in no case within 10 feet of the living quarters of a building on adjoining property.

xv) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xvi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xvii) Sidewalks not to exceed 4 feet in width.

xviii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xix) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xx) Signs in accordance with section 405 of Crystal city code.

c) Side Setback.

1) Five feet from the side lot line.

2) Exceptions:

i) Awnings; provided no part may be closer than 3 feet to the side lot line.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimney; provided no part may be closer than 3 feet to the side lot line.

iv) Eaves; provided no part may be closer than 3 feet to the side lot line.

v) Handicap ramps; provided no part may be closer than 3 feet to the side lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Detached accessory structures and buildings located in the rear yard, including patios, decks, garages, storage sheds and gazebos; provided that no part of any such structure may be closer than 3 feet to the side lot line, except for at-grade patios, no part of which may be closer than 1 foot to the side lot line.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 4 feet in width.

x) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line.

xi) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xii) Limited reduction of side setback upon grant of adjacent easement. The zoning administrator may approve a written request to reduce the side setback in certain specific circumstances and subject to certain limitations.

Circumstances: A property owner may request a reduction of the side setback in the following circumstances: (1) the owner's existing principal building does not meet the setback requirement but the distance between that building and the principal building on the abutting property is equal to or greater than the sum of the minimum side setback requirements for both buildings: and (2) the abutting owner grants a perpetual open space easement, in a form acceptable to the zoning administrator, for the additional setback area located on their property; and (3) the grantee of the easement is not only the benefiting property owner but also the city of Crystal; and (4) a certified survey has been submitted to the zoning administrator showing the area and legal description of the easement, as well as adjacent structures; and (5) the easement has been recorded with Hennepin County and proof of recordation has been received and reviewed by the zoning administrator.

Limitations: (1) in no event shall any part of the building be less than three feet from the side lot line, regardless of the easement granted; and (2) the zoning administrator may deny the request upon finding that there are existing structures, topographic conditions, or other circumstances present which are likely to create practical problems now or in the future if the set back reduction is approved; and (3) upon such denial the property owner may appeal the zoning administrator's decision to the planning commission and city council as an administrative appeal in accordance with section 515.05, subdivision 1; and (4) the city council has complete discretion whether to uphold the zoning administrator's decision or grant the property owner's appeal.

d) Side Street Setback:

1) Ten feet from the side street lot line.

2) Garages where the vehicle entrance faces the side street lot line shall be set back a minimum of 20 feet from said lot line.

3) Exceptions:

i) Awnings; provided no part may be closer than 3 feet to any lot line.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimney; provided no part may be closer than 3 feet to any lot line.

iv) Eaves; provided no part may be closer than 3 feet to any lot line.

v) Handicap ramps; provided no part may be closer than 3 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 4 feet in width.

ix) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

x) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.37
R-2 Medium Density Residential

Subdivision 1. Purpose. The purpose of the R-2 district is to provide for attached or detached 1-family dwellings, 2-family dwellings, smaller multiple-family buildings, and directly related, complimentary uses, together with limited commercial uses allowed by conditional use permit. In accordance with the comprehensive plan, densities are to be no less than 5 and no more than 12 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.

Subd. 2. Permitted Principal Uses.

a) One-family detached dwellings.

b) One-family attached dwellings, provided there is collective maintenance of building exteriors, driveways, landscaping and common areas.

c) Two-family dwellings.

d) Multiple family dwellings with no more than 8 dwellings per building.

e) Public parks and playgrounds.

f) Essential services.

Subd. 3. Permitted Accessory Uses.

a) Off-street parking of motor vehicles and recreational vehicles and equipment as regulated by section 1330 of the city code, provided that the cumulative gross floor area of all garages and carports on a lot, whether attached or detached, shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

b) Home occupation. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a dwelling and which does not alter the exterior of the property or affect the residential character of the neighborhood. Permissible home occupations shall not include the conducting of a retail business (other than by mail), manufacturing or repair shop. Additional standards applicable to home occupations are as follows:

1) No home occupation shall be permitted which results in or generates more traffic than two cars at any one given point in time.

2) Only persons residing on the premises shall be employed.

3) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.

4) No mechanical, electrical or other equipment shall be used which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential structure.

5) The home occupation shall be conducted entirely within the residential portion of the principal building.

6) No more than 25% or 400 square feet of the floor area of the dwelling, whichever is less, shall be devoted to the home occupation.

7) Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings, and no alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.

8) The entrance to the space devoted to such occupations shall be from within the dwelling.

9) There shall be no exterior storage or display of equipment, goods or materials used in the home occupation.

10) One sign, not to exceed 4 square feet in area, may be placed on the premises. The sign may identify the home occupation, resident and address but may contain no other information. The sign may not be illuminated and must be set back a minimum of 10 feet from a property line abutting a public street. If the sign is freestanding, the total height may not exceed 5 feet.

c) Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

d) Detached accessory buildings such as garages, carports, tool houses, sheds, gazebos, non-commercial greenhouses and similar buildings for storage of domestic supplies and non-commercial recreational equipment, provided the following standards are met:

1) No detached accessory building shall be located closer to an abutting street than the principal structure.

2) No detached accessory building shall exceed 20 feet in height or the height of the principal building.

3) No detached accessory building shall exceed 1 story in height, except that it may have an unfinished upper loft area provided it is used for storage only and not as habitable space.

4) No detached accessory building shall exceed 1,000 square feet in area for 1-family dwellings or 600 square feet per unit for 2 family or multiple family dwellings.

5) The cumulative area of all detached accessory buildings on a lot shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

6) In instances where the vehicle entrance to a garage or carport faces a street or alley, the vehicle entrance shall be set back a minimum of 20 feet from the lot line abutting the street or alley unless more restrictive setback requirements apply.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Garage sales for the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property, provided:

1) The exchange or sale of merchandise is conducted within the principal structure or an accessory structure.

2) Items for sale may not include personal property purchased for the purpose of resale.

3) The number of garage sales on an individual premises may not exceed 4 per year.

4) Each sale is limited to a 3 day duration, with hours of operation between 8:00 a.m. and 9:00 p.m.

5) Garage sale signs identifying the location and times of a garage 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 25-foot sight triangle at an intersection, as measured from the 2 sides formed by the property lines and the third side formed by a straight line connecting the 2 25-foot points of the corner; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

g) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

h) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

i) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

j) Clothesline poles located in the rear yard.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Side setbacks shall be double that required for the district.

2) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) Side setbacks shall be double that required for the district.

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.

3) City council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Cemeteries, subject to the following:

1) Such use shall not include crematoriums or similar uses.

2) No building, including mausoleums and accessory maintenance buildings, shall exceed 5,000 square feet in gross floor area or 20 feet in height. The total footprint of buildings on the cemetery shall not exceed 1% of the area of the cemetery.

3) Such use may include maintenance and equipment buildings and facilities accessory to the operation of the cemetery.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Bed and breakfast establishments, provided:

1) The property abuts and the building faces an arterial or major collector street.

2) Signage is limited to 1 sign that indicates the name of and contact information for the bed and breakfast establishment but no other material. There may be 1 such sign not to exceed 4 square feet in area, not to exceed 5 feet in height if free standing, and not to be lighted unless the lighting will not negatively impact adjacent properties.

3) Driveway, access and parking areas are adequately buffered from adjacent residential uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Retail stores limited to art gallery, bicycle shop, camera shop, drugstore, florist shop, gift shop, hobby store, novelty store and school supplies, provided the following conditions are met:

1) The property is served by and the building faces an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Accessory service or repair uses may be included in such conditional use only if the city council finds that they are clearly subordinate to the retail use and do not detract from the residential character of the district.

6) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Food establishments limited to bakeries, coffee shops, convenience grocery stores, delicatessens and ice cream shops, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Eating areas may be included in such conditional use only if the city council finds that they are clearly subordinate to the retail sale of prepared or unprepared food and such accessory use does not detract from the residential character of the district.

6) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

g) Service establishments limited to barber shop, beauty parlor, body piercing, day spa, locksmith, nail salon, photography studio, sewing, shoe repair, tanning booth, tattooing and therapeutic massage, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

h) Offices including leased, commercial, professional, public, medical, dental, insurance, real estate, funeral homes not including cremation, and banks or similar financial institutions, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use shall exceed 10,000 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

i) Laundromat and pick-up stations for laundry or dry cleaning, including incidental repair and assembly but not including processing, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

j) Hospitals, nursing homes, sanitariums or similar institutions, provided the following conditions are met:

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.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

k) Buildings in excess of 3 stories or 40 feet, provided that:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) The site is capable of accommodating the increased intensity of use.

3) For each additional story over 3 stories or for each additional 10 feet above 40 feet, the minimum required setback from each lot line for that portion of the building shall be increased by 5 feet.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

l) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum Lot Requirements. Lots in the R-2 district shall meet all of the following requirements:

a) Minimum lot area of 4,000 square feet per dwelling, but in no event less than 10,000 square feet.

b) Minimum lot width of 75 feet.

c) Minimum lot depth of 100 feet.

Subd. 6. Minimum Building Size Requirements:

a) One or 2-family single story dwellings shall have a main floor area of no less than 900 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 1,000 square feet. For the purposes of this subsection, 1 story dwellings includes multiple story dwellings with less than 300 square feet of finished or finishable upper floor area. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

b) One or 2-family multiple story dwellings with less than 600 but no less than 300 square feet of finished or finishable upper floor area shall have a main floor area of no less than 800 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 900 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

c) One or 2-family multiple story dwellings with no less than 600 square feet of finished or finishable upper floor area shall have a main floor area of no less than 700 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 800 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

d) Multiple family dwellings shall have a minimum floor area as follows:

1) No efficiency unit shall have less than 600 square feet of floor area.

2) No 1 bedroom unit shall have less than 720 square feet of floor area.

3) No 2 bedroom unit shall have less than 840 square feet of floor area.

4) No 3 bedroom unit shall have less than 960 square feet of floor area.

5) For units with more than 3 bedrooms, no unit shall have less than 960 square feet plus 100 square feet of floor area for each bedroom over 3.

Subd. 7. Coverage and Height Limitations.

a) Lot Coverage.

1) For 1 and 2 family dwellings, the following structure and building coverage limits shall apply:

i) If the rear yard is at least 5,000 square feet in area, then no more than 20% of the rear yard shall be covered by buildings and no more than 40% of the rear yard shall be covered by structures.

ii) If the rear yard is at least 4,500 square feet and less than 5,000 square feet in area, then no more than 21% of the rear yard shall be covered by buildings and no more than 42% shall be covered by structures.

iii) If the rear yard is at least 4,000 square feet and less than 4,500 square feet in area, then no more than 22% of the rear yard shall be covered by buildings and no more than 44% shall be covered by structures.

iv) If the rear yard is at least 3,500 square feet and less than 4,000 square feet in area, then no more than 23% of the rear yard shall be covered by buildings and no more than 46% shall be covered by structures.

v) If the rear yard is at least 3,000 square feet and less than 3,500 square feet in area, then no more than 24% of the rear yard shall be covered by buildings and no more than 48% shall be covered by structures.

vi) If the rear yard is less than 3,000 square feet in area, then no more than 25% of the rear yard shall be covered by buildings and no more than 50% of the rear yard shall be covered by structures.

2) For all other uses, no more than 50% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 2½ stories or 40 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 8. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) For 1 or 2-family dwellings: Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) For 1 or 2-family dwellings: Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

ix) For 1 or 2-family dwellings: Patios and detached decks, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 6 feet in width.

xiii) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xiv) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 30 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) For 1 or 2-family dwellings: Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) For 1 or 2-family dwellings: In lieu of building, placing or maintaining accessory buildings in the rear yard as permitted in Subsection 515.37 Subd 3 d), a property owner may instead choose to expand the principal building into the rear setback, provided that:

a) The encroachment is set back at least 22 feet from the rear lot line; and

b) The encroachment occupies no more than 240 square feet of the area within the rear setback; and

c) The width of the encroachment is no more than 40% of the lot width measured at the rear setback line; and

d) The property owner removes any existing accessory buildings from the rear yard; and

e) No accessory buildings may subsequently be built or placed in the rear yard; and

f) The property owner signs, has notarized and submits to the city a written statement acknowledging that no accessory buildings may be built or placed in the rear yard and agreeing to disclose that material fact in writing to any potential purchaser of the property in the future.

ix) For 1 or 2-family dwellings: Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

x) Recreational equipment; provided no part may be closer than 5 feet to any lot line.

xi) Clothesline poles; provided no part may be closer than 5 feet to any lot line.

xii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than 5 feet to any lot line.

xiii) Detached garages; provided no part may be closer than 5 feet to any lot line; and in instances where the vehicle entrance faces an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

xiv) Air conditioning or heating equipment; provided no part may be closer than 5 feet to any lot line but in no case within 10 feet of the living quarters of a building on adjoining property.

xv) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xvi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xvii) Sidewalks not to exceed 6 feet in width.

xviii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xix) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xx) Signs in accordance with section 405 of Crystal city code.

c) Side Setback:

1) 15 feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Eaves projecting not more than 2 feet into the setback.

v) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 6 feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

d) Side Street Setback:

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.41
R-3 High Density Residential

Subdivision 1. Purpose. The purpose of the R-3 district is to provide for multiple family buildings and directly related, complimentary uses, together with limited commercial uses allowed by conditional use permit. In accordance with the comprehensive plan, densities are to be no less than 12 and no more than 22 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.

Subd. 2. Permitted Principal Uses.

a) One-family attached dwellings, provided there is collective maintenance of building exteriors, driveways, landscaping and common areas.

b) Multiple family dwellings.

c) Public parks and playgrounds.

d) Essential services.

Subd. 3. Permitted Accessory Uses.

a) Off-street parking of motor vehicles and recreational vehicles and equipment as regulated by section 1330 of the city code, provided that the cumulative gross floor area of all garages and carports on a lot, whether attached or detached, shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

b) Home occupation. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a dwelling and which does not alter the exterior of the property or affect the residential character of the neighborhood. Permissible home occupations shall not include the conducting of a retail business (other than by mail), manufacturing or repair shop. Additional standards applicable to home occupations are as follows:

1) No home occupation shall be permitted which results in or generates more traffic than two cars at any one given point in time

2) Only persons residing on the premises shall be employed.

3) No home occupation shall be permitted which is noxious, offensive or hazardous my reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.

4) No mechanical, electrical or other equipment shall be used which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential structure.

5) The home occupation shall be conducted entirely within the residential portion of the principal building.

6) No more than 25% or 400 square feet of the floor area of the dwelling, whichever is less, shall be devoted to the home occupation.

7) Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings, and no alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.

8) The entrance to the space devoted to such occupations shall be from within the dwelling.

9) There shall be no exterior storage or display of equipment, goods or materials used in the home occupation.

10) One sign, not to exceed 4 square feet in area, may be placed on the premises. The sign may identify the home occupation, resident and address but may contain no other information. The sign may not be illuminated and must be set back a minimum of 10 feet from a property line abutting a public street. If the sign is freestanding, the total height may not exceed 5 feet.

c) Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

d) Detached accessory buildings such as garages, carports, tool houses, sheds, gazebos, non-commercial greenhouses and similar buildings for storage of domestic supplies and non-commercial recreational equipment, provided the following standards are met:

1) No detached accessory building shall be located closer to an abutting street than the principal structure.

2) No detached accessory building shall exceed 20 feet in height.

3) No detached accessory building shall exceed 1 story in height, except that it may have an unfinished upper loft area provided it is used for storage only and not as habitable space.

4) No detached accessory building shall exceed 1,000 square feet in area for 1-family dwellings or 600 square feet per unit for 2-family or multiple family dwellings.

5) The cumulative area of all detached accessory buildings on a lot shall not exceed the finished floor area of the residential portion of the principal building excluding basements.

6) In instances where the vehicle entrance to a garage or carport faces a street or alley, the vehicle entrance shall be set back a minimum of 20 feet from the lot line abutting the street or alley unless more restrictive setback requirements apply.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Garage sales for the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property, provided:

1) The exchange or sale of merchandise is conducted within the principal structure or an accessory structure.

2) Items for sale may not include personal property purchased for the purpose of resale.

3) The number of garage sales on an individual premises may not exceed 4 per year.

4) Each sale is limited to a 3 day duration, with hours of operation between 8:00 a.m. and 9:00 p.m.

5) Garage sale signs identifying the location and times of a garage 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 25-foot sight triangle at an intersection, as measured from the 2 sides formed by the property lines and the third side formed by a straight line connecting the 2 25-foot points of the corner; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

g) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

h) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

i) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

j) Clothesline poles located in the rear yard.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Side setbacks shall be double that required for the district.

2) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) Side setbacks shall be double that required for the district.

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.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Cemeteries, subject to the following:

1) Such use shall not include crematoriums or similar uses.

2) No building, including mausoleums and accessory maintenance buildings, shall exceed 5,000 square feet in gross floor area or 20 feet in height. The total footprint of buildings on the cemetery shall not exceed 1% of the area of the cemetery.

3) Such use may include maintenance and equipment buildings and facilities accessory to the operation of the cemetery.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Bed and Breakfast Establishments, provided:

1) The property abuts and the building faces an arterial or major collector street.

2) Signage is limited to 1 sign that indicates the name of and contact information for the bed and breakfast establishment but no other material. There may be 1 such sign not to exceed 4 square feet in area, not to exceed 5 feet in height if free standing, and not to be lighted unless the lighting will not negatively impact adjacent properties.

3) Driveway, access and parking areas are adequately buffered from adjacent residential uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Retail stores limited to art gallery, bicycle shop, camera shop, drugstore, florist shop, gift shop, hobby store, novelty store and school supplies, provided the following conditions are met:

1) The property is served by and the building faces an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Accessory service or repair uses may be included in such conditional use only if the city council finds that they are clearly subordinate to the retail use and do not detract from the residential character of the district.

6) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Food establishments limited to bakeries, coffee shops, convenience grocery stores, delicatessens and ice cream shops, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Eating areas may be included in such conditional use only if the city council finds that they are clearly subordinate to the retail sale of prepared or unprepared food and such accessory use does not detract from the residential character of the district.

6) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

g) Service establishments limited to barber shop, beauty parlor, body piercing, day spa, locksmith, nail salon, photography studio, sewing, shoe repair, tanning booth, tattooing and therapeutic massage, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

h) Offices including leased, commercial, professional, public, medical, dental, insurance, real estate, funeral homes not including cremation, and banks or similar financial institutions, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use shall exceed 10,000 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

i) Laundromat and pick-up stations for laundry or dry cleaning, including incidental repair and assembly but not including processing, provided the following conditions are met:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) To maintain the residential character of the district when considering a specific application, the city council may impose additional requirements on building location, orientation, height, massing, materials, or other similar design characteristics.

4) In no event shall such use exceed 2,500 square feet of gross floor area.

5) Hours of operation shall be limited as necessary to protect any adjacent residential uses. The specific limits on hours of operation shall be determined for each use separately by the city council.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

j) Hospitals, nursing homes, sanitariums or similar institutions, provided the following conditions are met:

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.

2) Driveway, access and parking areas are adequately buffered from adjacent residential uses, and drive-thru facilities are specifically prohibited.

3) All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

k) Buildings in excess of 3 stories or 50 feet, provided that:

1) The property abuts and the building faces towards an arterial or major collector street, such street will reasonably accommodate the traffic generated by the facility, and vehicular entrances to the property shall create a minimum of conflict with through traffic movement.

2) The site is capable of accommodating the increased intensity of use.

3) For each additional story over 3 stories or for each additional 10 feet above 50 feet, the minimum required setback from each lot line for that portion of the building shall be increased by 5 feet.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

l) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum Lot Requirements. Lots in the R-3 district shall meet all of the following requirements:

a) Minimum lot area of 2,400 square feet per dwelling, but in no event less than 20,000 square feet.

b) Minimum lot width of 100 feet.

c) Minimum lot depth of 100 feet.

Subd. 6. Minimum Building Size Requirements:

a) One or 2-family single story dwellings shall have a main floor area of no less than 900 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 1,000 square feet. For the purposes of this subsection, 1 story dwellings includes multiple story dwellings with less than 300 square feet of finished or finishable upper floor area. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

b) One or 2-family multiple story dwellings with less than 600 but no less than 300 square feet of finished or finishable upper floor area shall have a main floor area of no less than 800 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 900 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

c) One or 2-family multiple story dwellings with no less than 600 square feet of finished or finishable upper floor area shall have a main floor area of no less than 700 square feet, unless there is no basement or cellar in which case the main floor area shall be no less than 800 square feet. In the case of 2-family dwellings, the minimum area requirement is applicable to each unit separately.

d) Multiple family dwellings shall have a minimum floor area as follows:

1) No efficiency unit shall have less than 600 square feet of floor area.

2) No 1 bedroom unit shall have less than 720 square feet of floor area.

3) No 2 bedroom unit shall have less than 840 square feet of floor area.

4) No 3 bedroom unit shall have less than 960 square feet of floor area.

5) For units with more than 3 bedrooms, no unit shall have less than 960 square feet plus 100 square feet of floor area for each bedroom over 3.

Subd. 7. Coverage and Height Limitations.

a) Lot Coverage.

1) For 1 and 2-family dwellings, the following structure and building coverage limits shall apply:

i) If the rear yard is at least 5,000 square feet in area, then no more than 20% of the rear yard shall be covered by buildings and no more than 40% of the rear yard shall be covered by structures.

ii) If the rear yard is at least 4,500 square feet and less than 5,000 square feet in area, then no more than 21% of the rear yard shall be covered by buildings and no more than 42% shall be covered by structures.

iii) If the rear yard is at least 4,000 square feet and less than 4,500 square feet in area, then no more than 22% of the rear yard shall be covered by buildings and no more than 44% shall be covered by structures.

iv) If the rear yard is at least 3,500 square feet and less than 4,000 square feet in area, then no more than 23% of the rear yard shall be covered by buildings and no more than 46% shall be covered by structures.

v) If the rear yard is at least 3,000 square feet and less than 3,500 square feet in area, then no more than 24% of the rear yard shall be covered by buildings and no more than 48% shall be covered by structures.

vi) If the rear yard is less than 3,000 square feet in area, then no more than 25% of the rear yard shall be covered by buildings and no more than 50% of the rear yard shall be covered by structures.

2) For all other uses, no more than 60% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 3 stories or 50 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 8. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) For 1 or 2-family dwellings: Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) For 1 or 2-family dwellings: Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

ix) For 1 or 2-family dwellings: Patios and detached decks, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 6 feet in width.

xiii) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xiv) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 30 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) For 1 or 2-family dwellings: Bow or box windows, bays, foyers or other additions to the principal building, subject to the following limitations:

a) The addition shall be at least 26 feet from the front lot line.

b) Each addition shall not exceed 16 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building.

c) Each addition's encroachment into the 30 foot front setback shall not exceed 50 square feet, and the cumulative encroachment of all additions shall not exceed 80 square feet.

viii) For 1 or 2-family dwellings: In lieu of building, placing or maintaining accessory buildings in the rear yard as permitted in Subsection 515.41 Subd. 3 d), a property owner may instead choose to expand the principal building into the rear setback, provided that:

a) The encroachment is set back at least 22 feet from the rear lot line; and

b) The encroachment occupies no more than 240 square feet of the area within the rear setback; and

c) The width of the encroachment is no more than 40% of the lot width measured at the rear setback line; and

d) The property owner removes any existing accessory buildings from the rear yard; and

e) No accessory buildings may subsequently be built or placed in the rear yard; and

f) The property owner signs, has notarized and submits to the city a written statement acknowledging that no accessory buildings may be built or placed in the rear yard and agreeing to disclose that material fact in writing to any potential purchaser of the property in the future.

ix) For 1 or 2-family dwellings: Open porches and decks attached to the principal building, provided that they are at least 22 feet from the front lot line and their cumulative encroachment into the 30 foot front setback does not exceed 240 square feet. Open porches are characterized as having a roof but not being enclosed with windows, screens or walls.

x) Recreational equipment; provided no part may be closer than 3 feet to any lot line.

xi) Clothesline poles; provided no part may be closer than 3 feet to any lot line.

xii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than 3 feet to any lot line.

xiii) Detached garages; provided no part may be closer than 3 feet to any lot line; and in instances where the overhead doors face an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

xiv) Air conditioning or heating equipment; provided no part may be closer than 3 feet to any lot line but in no case within 10 feet of the living quarters of a building on adjoining property.

xv) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xvi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xvii) Sidewalks not to exceed 6 feet in width.

xviii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xix) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xx) Signs in accordance with section 405 of Crystal city code.

c) Side Setback:

1) 15 feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Eaves projecting not more than 2 feet into the setback.

v) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 3 a).

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 6 feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 3 feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

d) Side Street Setback.

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.45
C-1 Neighborhood Commercial

Subdivision 1. Purpose. The purpose of the C-1 neighborhood commercial district is to provide for offices, low intensity small scale retail or service businesses, and compatible limited residential uses. Retail and service uses allowed in this district are intended to be at the lower end of the size range for commercial uses and have little or no impact on adjacent uses. Neighborhood commercial uses typically provide goods and services on a limited community or neighborhood market scale. They are to be located at the edge of a residential area on a site adequately served by collector or arterial street facilities. Motor vehicle oriented uses are prohibited in the C-1 district; such uses include motor vehicle parts stores, drive-thru establishments, car washes, fueling stations, motor vehicle repair and motor vehicle sales.

Subd. 2. Permitted Principal Uses.

a) The following uses are permitted.

1) Essential services.

b) The following uses are permitted, provided they do not exceed 10,000 square feet of gross floor area and are not open before 6:00 a.m. of after 9:00 p.m.

1) Offices including leased, commercial, professional, public, medical, dental, insurance, real estate, funeral homes not including cremation, and banks or similar financial institutions.

c) The following uses are permitted, provided they do not exceed 5,000 square feet of gross floor area and are not open before 6:00 a.m. or after 9:00 p.m.

1) Retail stores, including incidental repair as an accessory use not to exceed 30% of the gross floor area.

2) Schools that are typically commercial in nature such as business, music, dance and martial arts schools.

3) Veterinary clinic, provided there are no outdoor facilities.

d) The following uses are permitted, provided they do not exceed 2,500 square feet of gross floor area and are not open before 6:00 a.m. or after 9:00 p.m.

1) Bakeries.

2) Laundromat, to include pick-up stations for laundry and dry cleaning, but not to include dry cleaning or plant accessory thereto.

3) Off-sale liquor, wine or beer establishments.

4) Locksmith.

5) Personal services limited to barber shops, beauty parlors, body piercing, day spas, nail salons, pet grooming, sauna or steam bath, tanning salon, tattooing, and therapeutic massage.

6) Photography studio.

7) Eating establishments, including cafes, coffee shops, delicatessens, ice cream shops and restaurants, together with on-sale liquor, wine or beer provided such use is accessory and subordinate to the eating establishment and occupies no more than 30% of the gross floor area of the eating establishment.

8) Sewing repair, tailoring or mending.

9) Shoe repair.

Subd. 3. Permitted Accessory Uses.

a) Off-street parking as regulated by subsection 515.17 of this Code but not including semi-trailer trucks or parking ramps.

b) Off-street loading as regulated by subsection 515.17 of this Code.

c) Prepared food sales as an accessory use to retail food uses such as supermarkets or convenience stores. The term "prepared food sales" means the sale of food consisting of individual servings of ready-to-consume prepared food, beverages and condiments, in or on disposable or edible containers without eating utensils, for consumption off the premises of the principal use.

d) On-sale liquor, wine or beer as an accessory use to an eating establishment. Such use is permitted only if it is clearly subordinate to the eating establishment. In no event shall such use occupy more than 30% of the total floor area of the establishment or comprise more than 30% of its gross sales.

e) Signs as regulated by section 405 of the city code.

f) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

g) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

h) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

i) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

j) An assembly or gathering space that is accessory and subordinate to a permitted principal or conditional use in this district, provided that it does not operate before 6:00 a.m. or after 9:00 p.m. and there is adequate off-street parking to accommodate the use. Assembly or gathering spaces that are not accessory and subordinate to a permitted principal or conditional use in the C-1 district are conditional uses in accordance with Subd. 4 b) of this sub-section.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Side setbacks shall be double that required for the district.

2) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; assembly or gathering spaces not accessory and subordinate to a permitted principal or conditional use in the C-1 district; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) The city council finds that there is adequate off-street parking to accommodate the use; 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.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Storage buildings as an accessory use provided that:

1) The principal use is either a permitted use or an approved conditional use.

2) The storage building is located on the same lot as the principal use.

3) No detached accessory building shall be located closer to an abutting street than the principal structure.

4) The storage building does not exceed 30% of the gross floor area of the principal use.

5) Occupancy and use of the storage building is directly related to principal use and the same party has full control and use of both the storage building and the principal use.

6) The city council determines that the architectural style is compatible with the principal building and surrounding land uses.

7) The city council determines that such use will not conflict with the character of development intended for this zoning district.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) For uses permitted in parts b), c) and d) of Subdivision 2 of this Subsection, a Conditional Use Permit may be granted to allow less restrictive hours of operation limitations, provided that:

1) The applicant has submitted a detailed description of the proposed use containing sufficient information for the Planning Commission and City Council to make findings pertaining to the application.

2) The proposed use would be reasonable and appropriate in a neighborhood context and consistent with the purpose of the C-1 district; and

3) The proposed use would not significantly impact the surrounding residential area; and

4) Rezoning the subject property to C-2 General Commercial would not be desirable.

5) Conditions may be imposed to ensure that the proposed use will meet these criteria and be consistent with the purpose of the C-1 district. Such conditions may include but are not limited to an expiration date, non-transferability, periodic renewal requirements, and provisions for revocation if the use is not in strict conformance with the use described in the written request and in full compliance the imposed conditions.

6) The City Council determines that all applicable requirements of Subsection 515.05, Subdivision 3 a) and Section 520 are considered and satisfactorily met.

e) Limited residential uses:

1) The city council finds that establishment of the residential use would not adversely impact adjacent non-residential uses.

2) The property must continue to principally be a commercial use in accordance with subdivision 2, Permitted uses for the C-1 district.

3) The gross floor area of the residential use shall not exceed the gross floor area of the permitted principal use.

4) Parking spaces for both the commercial and the residential uses shall be provided in accordance with the requirements of section 515.17; except that if the residential use is located within an existing building and the residential use will not increase parking demand compared with the existing use of the space, then no additional off-street parking is required.

5) To maintain the commercial character of the district when considering a specific application, the city council may impose additional requirements related to the building exterior, ingress and egress, and site conditions.

6) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum lot requirements. Lots in the C-1 district shall meet all of the following requirements:

a) Minimum lot area of 10,000 square feet.

b) Minimum lot width of 80 feet.

c) Minimum lot depth of 100 feet.

Subd. 6. Coverage and Height Limitations.

a) Lot Coverage. No more than 75% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 3 stories or 40 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 7. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13. subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 10 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than 3 feet to any lot line.

viii) Detached garages; provided no part may be closer than 3 feet to any lot line; and in instances where the overhead doors face an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

ix) Air conditioning or heating equipment; provided no part may be closer than 3 feet to any lot line but in no case within 10 feet of a building on adjoining property.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 4 feet in width.

xiii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xiv) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xv) Signs in accordance with section 405 of Crystal city code.

c) Side Setback:

1) 10 feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Eaves projecting not more than 2 feet into the setback.

v) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 4 feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

d) Side Street Setback:

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.49
C-2 General Commercial

Subdivision 1. Purpose. The purpose of the C-2 general 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 and shall require a conditional use permit.

Subd 2. Permitted Principal Uses.

a) Bakeries.

b) Essential services.

c) Laundromat, to include pick-up stations for laundry and dry cleaning, but not to include dry cleaning or plant accessory thereto.

d) Locksmith.

e) Motor vehicle parts stores not to include repair.

f) Offices including leased, commercial, professional, public, medical, dental, insurance, real estate, funeral homes not including cremation, and banks or similar financial institutions.

g) Off-sale liquor, wine or beer.

h) On-sale liquor, wine or beer as an accessory use to an eating establishment. Such use is permitted only if it is clearly subordinate to the eating establishment. In no event shall such use occupy more than 30% of the total floor area of the establishment or comprise more than 30% of its gross sales.

i) Personal services limited to barber shops, beauty parlors, body piercing, day spas, nail salons, pet grooming, sauna or steam bath, tanning salon, tattooing, and therapeutic massage.

j) Photography studio.

k) Eating establishments, including cafes, coffee shops, delicatessens, ice cream shops, and restaurants.

l) Retail stores, including incidental repair as an accessory use not to exceed 30% of the gross floor area.

m) Schools that are typically commercial in nature such as business, music, dance and martial arts schools.

n) Sewing repair, tailoring or mending.

o) Shoe repair.

p) Theaters (indoor).

q) Veterinary clinic, provided there are no outdoor facilities.

Subd 3. Permitted Accessory Uses.

a) Off-street parking as regulated by subsection 515.17 of this Code but not including semi-trailer trucks or parking ramps.

b) Off-street loading as regulated by subsection 515.17 of this Code.

c) Prepared food sales as an accessory use to retail food uses such as grocery stores. The term "prepared food sales" means the sale of food consisting of individual servings of ready-to-consume prepared food, beverages and condiments, in or on disposable or edible containers without eating utensils, for consumption off the premises of the principal use.

d) Signs as regulated by section 405 of the city code.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

g) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

h) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

i) An assembly or gathering space that is accessory and subordinate to a permitted principal or conditional use in this district, provided that there is adequate off-street parking to accommodate the use. Assembly or gathering spaces that are not accessory and subordinate to a permitted principal or conditional use in the C-2 district are conditional uses in accordance with Subd. 4 b) of this sub-section.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

2) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; assembly or gathering spaces not accessory and subordinate to a permitted principal or conditional use in the C-2 district; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) The city council finds that there is adequate off-street parking to accommodate the use; 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.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) On-sale liquor, wine or beer to a greater extent than the permitted principal use described in 515.49 Subd. 2 i), 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; and

2) The city council finds that there will be adequate access control, fencing, screening and buffering between the establishment and adjacent uses; and

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Park-and-ride owned and operated as part of a regional public transit system, provided that:

1) Access is directly from an arterial or major collector street, or a frontage road with access directly thereto.

2) Entrances and exits create a minimum of conflict with through traffic movement.

3) If there is a parking ramp as part of the facility, sufficient vehicular stacking space is provided to minimize the blocking of traffic in the public right-of-way.

4) Parking spaces and aisle or driveways shall be developed in compliance with subsection 515.17 of this Code and are subject to the review and approval of the city engineer.

5) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, “facility” means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the park-and-ride.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

6) The city council finds that there will be adequate screening and buffering between the facility and adjacent uses.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Open and outdoor storage as an accessory use provided that:

1) The storage area is hard surfaced and clearly designated on the site as being limited to the specific, approved area.

2) The storage 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.

3) The items to be stored outdoors are typically found outdoors and are constructed of materials appropriate for outdoor weather conditions.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Open or outdoor service, sale, display or rental as an accessory use and including sales in or from motorized vehicles, trailers or wagons provided that:

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.

2) The service, sale, display or rental 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.

3) The items to be placed outdoors are typically found outdoors and are constructed of materials appropriate for outdoor weather conditions.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

g) Custom manufacturing, restricted production and repair limited to the following: Art, needlework, jewelry from precious metals, watches, dentures, and optical lenses, provided that:

1) Such use does not exceed 2,500 square feet of gross floor area and is not open before 6:00 a.m. or after 9:00 p.m.

2) Such use shall be considered an office use for the purpose of calculating parking requirements under this Code.

3) Such use will not generate commercial vehicle traffic including tractor-trailers or other heavy vehicles in excess of what is typical for a retail use of comparable size in a comparable location.

4) The city council determines that such use will not conflict with the character of development intended for this zoning district.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

h) Storage buildings as an accessory use provided that:

1) The principal use is either a permitted use or an approved conditional use.

2) The storage building is located on the same lot as the principal use.

3) No detached accessory building shall be located closer to an abutting street than the principal structure.

4) The storage building does not exceed 30% of the gross floor area of the principal use.

5) Occupancy and use of the storage building is directly related to principal use and the same party has full control and use of both the storage building and the principal use.

6) The city council determines that the architectural style is compatible with the principal building and surrounding land uses.

7) The city council determines that such use will not conflict with the character of development intended for this zoning district.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

i) Amusement centers, as defined in section 1180 of the city code provided that:

1) The use is licensed pursuant to and operated in conformity with section 1101 of the city code.

2) The use does not conflict with the character of development intended for the zoning district.

3) The use is located in a shopping center on a plat of land in single ownership of at least 4 acres in area.

4) The use is located within and as an integral part of a shopping center.

5) The use is not located within a freestanding building.

6) The use is not located within 150 feet of a public street.

7) The use does not include or is not accessory to activity licensed by sections 1135, 1200, 1215 or 610 except food and beverage vending as permitted by subsection 1101.11, subdivision 13 of the city code.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

j) Dry cleaning including plant accessory thereto, provided that:

1) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, “facility” means any buildings and any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the dry cleaning business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

2) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

k) Drive-thru establishments as an accessory use, provided that:

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) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, “facility” means any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the drive-thru establishment.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

l) Car wash or detailing shop, provided that:

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.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, “facility” means any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the car wash or detailing shop.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

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

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

m) Fueling station, provided that:

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.

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) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, “facility” means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the fueling station.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

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

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

n) Motor vehicle repair – minor, provided that:

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.

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

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the motor vehicle repair business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 7:00 a.m. or after 7:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

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

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

o) Motor vehicle sales, leasing or rental, including motorized recreational vehicles and equipment, provided that:

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.

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

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the motor vehicle sales, leasing or rental business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 7:00 a.m. or after 7:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) There is no outdoor parking or storage of inoperable, unlicensed, abandoned or junk vehicles.

4) There is no repair work of any kind on vehicles unless an additional conditional use permit for such use is also approved by the city council.

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

6) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

p) Hotels, provided that:

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

i) Lakeland Avenue between the Canadian Pacific Railroad and 58th Avenue North

ii) West Broadway between Corvallis Avenue and 56th Avenue North.

2) The facility shall be located at least 30 feet from any property zoned R-1, R-2 or R-3. For the purposes of this section, "facility" means any building, accessory outdoor recreational facilities, or part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the hotel.

3) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

q) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum Lot Requirements. Lots in the C-2 district shall meet all of the following requirements:

a) Minimum lot area of 20,000 square feet.

b) Minimum lot width of 100 feet.

c) Minimum lot depth of 120 feet.

Subd. 6. Coverage and Height Limitations.

a) Lot Coverage. No more than 75% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed three stories or 40 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed four feet above the roof.

Subd. 7. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than two feet into the setback.

ii) Landings not exceeding six feet by six feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than two feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than two feet into the setback.

vi) Handicap ramps; provided no part may be closer than five feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed six feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than two feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 10 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than two feet into the setback.

ii) Landings not exceeding four feet by four feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than two feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than two feet into the setback.

vi) Handicap ramps; provided no part may be closer than five feet to any lot line.

vii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than three feet to any lot line.

viii) Detached garages; provided no part may be closer than three feet to any lot line; and in instances where the overhead doors face an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

ix) Air conditioning or heating equipment; provided no part may be closer than three feet to any lot line but in no case within ten feet of a building on adjoining property.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed four feet in width.

xiii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least three feet from the rear lot line; and except for antennas made only of wire less than 1/4 inch in diameter, which shall be set back at least three feet from the rear lot line.

xiv) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than two feet into the required setback.

xv) Signs in accordance with section 405 of Crystal city code.

c) Side Setback.

1) Ten feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than two feet into the setback.

ii) Landings not exceeding four feet by four feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than two feet into the setback.

iv) Eaves projecting not more than two feet into the setback.

v) Handicap ramps; provided no part may be closer than five feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed four feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than 1/4 inch in diameter, shall be set back at least three feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than two feet into the required setback.

d) Side Street Setback.

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than two feet into the setback.

ii) Landings not exceeding six feet by six feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than two feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than two feet into the setback.

vi) Handicap ramps; provided no part may be closer than five feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed six feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than two feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.53
I-1 Light Industrial

Subdivision 1. Purpose. The purpose of the I-1 light industrial district is to provide for light industrial development such as warehousing and manufacturing, with office and retail allowed as limited accessory uses.

Subd. 2. Permitted Principal Uses.

a) Building materials sales.

b) Essential services.

c) Foundry, whether an electric foundry or one engaged in casting lightweight non-ferrous metals, provided it does not cause noxious fumes or odors.

d) Governmental and public utility buildings and structures.

e) Greenhouses and nurseries.

f) Laboratories.

g) Manufacturing, processing, compounding, assembly or treatment of ceramics using only previously pulverized clay and kilns fired only by electricity or natural gas.

h) Manufacturing, processing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as cloth, cork, fiber, leather, paper, plastic, metals, stones, tobacco, wax, yarns and wools.

i) Manufacturing, processing, compounding, assembly or treatment of cosmetics and pharmaceuticals.

j) Manufacturing, processing, compounding, assembly or treatment of food products, not to include slaughtering, meat packing or rendering.

k) Packaging.

l) Shipping.

m) Underground bulk storage of flammable liquids, not to exceed 25,000 gallons if located within 300 feet of a residential district.

n) Warehousing.

o) Welding shop.

p) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 3. Permitted Accessory Uses.

a) Office, retail or service uses subordinate to the principal use, provided that such uses do not cumulatively comprise more than 50% of the gross floor area of the principal use.

b) Off-street parking as regulated by subsection 515.17 of this Code.

c) Off-street loading as regulated by subsection 515.17 of this Code.

d) Signs as regulated by section 405 of the city code.

e) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

f) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall be made of unpainted metal or other visually unobtrusive material, subject to the approval of the zoning administrator. Such structures shall not be located in any front yard, side yard, or side street side yard. Such structures shall be set back at least 15 feet from any lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from any rear or side lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from any rear or side lot line.

g) Roof-mounted television and radio receiving antennae, not including satellite dishes, not to exceed 12 feet above the roof, and not projecting more than 2 feet into any yard.

h) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

i) An assembly or gathering space that is accessory and subordinate to a permitted principal or conditional use in this district, provided that there is adequate off-street parking to accommodate the use. Assembly or gathering spaces that are not accessory and subordinate to a permitted principal or conditional use in the I-1 district are conditional uses in accordance with Subd. 4 b) of this sub-section.

Subd. 4. Conditional Uses.

a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community provided that:

1) Equipment and materials are completely enclosed in a permanent structure with no outside storage, unless in compliance with 515.49 Subd. 4 f).

2) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

b) Public or semi-public institutional uses including recreational buildings; neighborhood service or community centers; assembly or gathering spaces not accessory and subordinate to a permitted principal or conditional use in the I-1 district; governmental agencies or non-profit organizations providing social, educational and recreational services to members of the community; public and private educational institutions including day care, nursery school, pre-school, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues; provided that:

1) The city council finds that there is adequate off-street parking to accommodate the use; 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.

3) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

c) Park-and-ride owned and operated as part of a regional public transit system, provided that:

1) Access is directly from an arterial or major collector street, or a frontage road with access directly thereto.

2) Entrances and exits create a minimum of conflict with through traffic movement.

3) If there is a parking ramp as part of the facility, sufficient vehicular stacking space is provided to minimize the blocking of traffic in the public right-of-way.

4) Parking spaces and aisle or driveways shall be developed in compliance with subsection 515.17 of this Code and are subject to the review and approval of the city engineer.

5) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the park-and-ride.

6) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

i) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

ii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iii) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

7) The city council finds that there will be adequate screening and buffering between the facility and adjacent uses.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

d) Open and outdoor storage as an accessory use provided that:

1) The storage area is hard surfaced and clearly designated on the site as being limited to the specific, approved area.

2) The storage area does not exceed 60% of the gross floor area of the principal use, 40% of the area of the property, or 20,000 square feet.

3) The items to be stored outdoors are typically found outdoors and are constructed of materials appropriate for outdoor weather conditions.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

e) Open or outdoor service, sale, display or rental as an accessory use and including sales in or from motorized vehicles, trailers or wagons provided that:

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.

2) The service, sale, display or rental area does not exceed 60% of the gross floor area of the principal use, 40% of the area of the property, or 20,000 square feet.

3) The items to be placed outdoors are typically found outdoors and are constructed of materials appropriate for outdoor weather conditions.

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

f) Storage buildings as an accessory use provided that:

1) The principal use is either a permitted use or an approved conditional use.

2) The storage building is located on the same lot as the principal use.

3) No detached accessory building shall be located closer to an abutting street than the principal structure.

4) The storage building does not exceed 30% of the gross floor area of the principal use.

5) Occupancy and use of the storage building is directly related to principal use and the same party has full control and use of both the storage building and the principal use.

6) The city council determines that the architectural style is compatible with the principal building and surrounding land uses.

7) The city council determines that such use will not conflict with the character of development intended for this zoning district.

8) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

g) Drive-thru establishments as an accessory use, provided that:

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) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the drive-thru establishment.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

4) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

h) Car wash or detailing shop, provided that:

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.

iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the car wash or detailing shop.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

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

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

i) Fueling station, provided that:

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.

iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North.

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, “facility” means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the fueling station.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 5:00 a.m. or after 11:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

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

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

j) Motor vehicle repair, whether minor or major, provided that:

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.

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

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the motor vehicle repair business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 7:00 a.m. or after 7:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

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

4) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

5) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

k) Motor vehicle sales, leasing or rental, including motorized recreational vehicles and equipment, provided that:

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.

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

2) The facility meets the following separation distances and hours of operation requirements. For the purposes of this section, "facility" means any building or any part of the lot where the city council determines that it is likely that vehicles will be driven, stopped, or parked as part of the operations of the motor vehicle sales, leasing or rental business.

i) No such facility shall be located less than 50 feet from any property zoned R-1, R-2 or R-3.

ii) If the facility is located at least 50 but less than 100 feet from property zoned R-1, R-2 or R-3, then it may not be open before 7:00 a.m. or after 7:00 p.m.

iii) If the facility is located at least 100 but less than 250 feet from property zoned R-1, R-2 or R-3, then it may not be open before 6:00 a.m. or after 9:00 p.m.

iv) If the facility is located at least 250 feet from property zoned R-1, R-2 or R-3, then no hours of operations restriction is specified by this Code.

3) There is no outdoor parking or storage of inoperable, unlicensed, abandoned or junk vehicles.

4) There is no repair work of any kind on vehicles unless an additional conditional use permit for such use is also approved by the city council.

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

6) The city council finds that there will be adequate screening and buffering between the establishment and adjacent uses.

7) The city council determines that all applicable requirements of subsection 515.05, subdivision 3 a) and section 520 are considered and satisfactorily met.

l) Telecommunications towers in accordance with the requirements of section 515.21.

Subd. 5. Minimum Lot Requirements. Lots in the I-1 district shall meet all of the following requirements:

a) Minimum lot area of 20,000 square feet.

b) Minimum lot width of 100 feet.

c) Minimum lot depth of 120 feet.

Subd. 6. Coverage and Height Limitations.

a) Lot Coverage. No more than 75% of the lot shall be covered by structures.

b) Height Limitations.

1) No building or structure shall exceed 3 stories or 40 feet in height, whichever is less.

2) Exceptions:

i) Chimneys.

ii) Church spires and steeples.

iii) Flagpoles.

iv) Monuments.

v) Poles, towers and other structures for essential services.

vi) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors. Such structures shall not exceed 75 feet in height.

vii) Roof-mounted television and radio receiving antennae, not including satellite dishes, and not to exceed 12 feet above the roof.

viii) Satellite dishes not to exceed 40 inches in diameter and not to exceed 4 feet above the roof.

Subd. 7. Setbacks.

a) Front Setback.

1) 60 feet from the centerline of the street, but not less than 30 feet from the front lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

b) Rear Setback.

1) 10 feet from the rear lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Detached accessory structures, including patios, decks, storage sheds and gazebos; provided no part may be closer than 3 feet to any lot line.

viii) Detached garages; provided no part may be closer than 3 feet to any lot line; and in instances where the overhead doors face an alley or side street, the garage shall be set back a minimum of 20 feet from the lot line abutting the alley or side street.

ix) Air conditioning or heating equipment; provided no part may be closer than 3 feet to any lot line but in no case within 10 feet of a building on adjoining property.

x) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

xi) Driveways and parking areas in accordance with the requirements of subsection 515.17.

xii) Sidewalks not to exceed 4 feet in width.

xiii) Antennas and towers for amateur radio operations licensed by the FCC, together with necessary guy wires and anchors, provided that all parts of the structure are set back at least 15 feet from the rear lot line; except for necessary guy wires and anchors, which shall be set back at least 3 feet from the rear lot line; and except for antennas made only of wire less than ¼ inch in diameter, which shall be set back at least 3 feet from the rear lot line.

xiv) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xv) Signs in accordance with section 405 of Crystal city code.

c) Side Setback.

1) 10 feet from the side lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 4 feet by 4 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Eaves projecting not more than 2 feet into the setback.

v) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vi) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

vii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

viii) Sidewalks not to exceed 4 feet in width.

ix) Guy wires and anchors necessary for antennas and towers for amateur radio operations licensed by the FCC and located in the rear yard, and antennas made only of wire less than ¼ inch in diameter, shall be set back at least 3 feet from the side lot line.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

d) Side Street Setback.

1) 60 feet from the centerline of the side street, but not less than 30 feet from the side street lot line.

2) Exceptions:

i) Awnings projecting not more than 2 feet into the setback.

ii) Landings not exceeding 6 feet by 6 feet together with steps necessary to reach grade.

iii) Chimneys projecting not more than 2 feet into the setback.

iv) Flagpoles.

v) Eaves projecting not more than 2 feet into the setback.

vi) Handicap ramps; provided no part may be closer than 5 feet to any lot line.

vii) Fences and walls, subject to the provisions of subsection 515.13, subdivision 7.

viii) Driveways and parking areas in accordance with the requirements of subsection 515.17.

ix) Sidewalks not to exceed 6 feet in width.

x) Satellite dishes, with a dish diameter not to exceed 40 inches, mounted to the principal building and not extending more than 2 feet into the required setback.

xi) Signs in accordance with section 405 of Crystal city code.

e) General setback exception for minor errors for existing structures.

1) Structures existing on the effective date of this ordinance and encroaching into a setback required by this code shall be considered conforming to the setback requirement if the encroachment does not exceed 1 foot or 10% of the required setback, whichever is less.

2) Building permits may be issued for additions to structures qualifying under item 1 above, and such additions shall henceforth be considered conforming to the setback requirement, provided that the encroachment of the addition does not exceed the encroachment of the existing structure.

3) This general exception shall not be applicable to any new structure built after the effective date of this code.

515.57
PD Planned Development

Subdivision 1. Purpose. The purpose of the PD planned development 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) High quality of design, and design compatible with surrounding land uses including both existing and planned.

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 are allowed. Within the PD district all uses allowed by conditional use permit within any other district are allowed by conditional use permit. Uses allowed by conditional use permit must be reviewed for compliance with the PD master development plan and with the applicable conditional use permit standards specified in this subsection. Uses allowed by conditional use permit are also subject to site and building plan review pursuant to section 520 of the city code.

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 2 acres, excluding areas within a public right-of-way, designated wetland or floodplain overlay district, unless the applicant can demonstrate the existence of 1 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 or planned unit residential development 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.

4) The property is proposed to be developed with single family dwelling lots having a minimum area of 15,000 square feet.

b) The uses proposed within a PD may be used only for a use or uses that are consistent with the comprehensive plan.

c) Where the site of a proposed PD is designated for more than 1 land use in the comprehensive plan, the city may require that the PD include all the land uses so designated or such combination of the designated uses as the city council deems appropriate to achieve the purposes of this subsection and the comprehensive plan.

d) 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.

e) Hardsurface coverages and floor area ratios are limited as follows:

Comprehensive Plan Designation	Maximum Hardsurface Coverage	Maximum Floor Area Ratio
Low or Medium Density Residential	50%	0.5
High Density Residential	60%	1.0
Commercial or Industrial	75%	1.0

Individual lots within a PD may exceed these standards if the average meets these standards.

f) The minimum setback for all buildings within a PD from any property line directly abutting a street, railroad, or residential district is 30 feet, except that in no case shall the minimum setback be less than the height of the building or more than 100 feet. The city council may waive the setback requirement if the abutting property, or property located directly across a public street, is used for recreational, institutional, commercial, industrial or high density residential purposes. Building setbacks from internal public streets will be determined by the city based on characteristics of the specific PD. Parking lots and driving lanes must be set back at least five feet from all exterior lot lines of a PD.

The setback for parking structures including decks and ramps shall be 30 feet from local streets and 30 feet from all other street classifications, except that in no case may the setback be less than the height of the structure. Parking structure setbacks from external lot lines must be at least 50 feet or the height of the structure, whichever is greater, when adjacent to residential properties, and at least 30 feet when adjacent to non-residential properties. Parking structure setbacks from internal public or private streets will be determined by the city based on characteristics of the specific PD.

Where industrial uses abut developed or platted single family lots outside the PD, greater exterior building and parking setbacks may be required in order to provide effective screening. The city council must make a determination regarding the adequacy of screening proposed by the applicant. Screening may include the use of natural topography or earth berming, existing and proposed plantings and other features such as roadways and wetlands which provide separation of uses.

Areas within a PD that are designated in the approved master development plan or final site plan for residential use will be considered a residential district for purposes of determining building and parking setback requirements on adjacent high density residential, commercial and industrial property outside the PD.

g) More than 1 building may be placed on 1 platted or recorded lot in a PD.

h) A PD which involves a single land use type or housing type will be permitted provided that it is otherwise consistent with the objectives of this Code and the comprehensive plan.

i) 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.

j) Property to be included within a PD must be under unified ownership or control or subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved master development plan as well as the long term maintenance of buildings and site improvements in the development.

k) Signs are restricted to those that are permitted in a sign plan approved by the city and must be regulated by permanent covenants.

l) The requirements contained in sections of this Code pertaining to general regulations and performance standards apply to a PD as deemed appropriate by the city.

m) The uniqueness of each PD requires that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification from the city ordinances ordinarily governing them. The city council may therefore approve streets, utilities, public facilities and land subdivisions are not in compliance with usual specifications or ordinance requirements if it finds that strict adherence to such standards or requirements is not required to meet the intent of this subsection or to protect the health, safety or welfare of the residents of the PD, the surrounding area or the city as a whole.

n) A building or other permit may not be issued for any work on property included within a proposed or approved PD nor may any work occur unless such work is in compliance with the proposed or approved PD.

Subd. 4. Review of Application.

a) In order to receive guidance in the design of a PD prior to submission of a formal application, an applicant may submit a concept plan for review and comment by the planning commission and city council. Submission of a concept plan is optional but is highly recommended for large PDs. In order for the review to be of most help to the applicant, the concept plan should contain such specific information as is suggested by the city. Generally, this information should include the following:

1) approximate building and road locations;

2) height, bulk and square footage of buildings;

3) type and square footage of specific land uses;

4) number of dwelling units;

5) generalized grading plan showing areas to be cut, filled and preserved; and

6) staging and timing of the development.

The comments of the planning commission and city council must address the consistency of the concept plan with this subsection. The comments of the planning commission and city council are for guidance only and, if positive, are not to be considered binding upon the planning commission or city council regarding approval of the formal PD application when submitted.

b) Approval of a rezoning to PD and approval of a master development plan is subject to the procedures outlined in subsection 515.05, subdivision 4 of this Code for a zoning map amendment. The master development plan must contain the following:

1) building location, height, bulk and square footage;

2) type and square footage of specific land uses;

3) number of dwelling units;

4) detailed street and utility locations and sizes;

5) drainage plan, including location and size of pipes and water storage areas;

6) grading plan;

7) generalized landscape plan;

8) generalized plan for uniform signs and lighting;

9) plan for timing and phasing of the development;

10) covenants or other restrictions proposed for the regulation of the development; and

11) renderings or elevations of the entrance side of buildings to be constructed in the first phase of the development.

Approval of the master development plan will indicate approval of the previously listed items and will occur in conjunction with rezoning of the property to PD. After rezoning of the property to PD nothing may be constructed on the PD site except in conformance with the approved plans and this subsection. The procedure for notification of and public hearing on the master development plan shall be the same as required for a zoning map amendment by subsection 515.05, subdivision 4 of this Code.

c) Approval of a final site and building plan for the entire PD or for specific parts of the PD are subject to the procedures outlined in section 520 of the city code. The final site and building plan must contain information as required by the city, including the following:

1) detailed utility, street, grading and drainage plans;

2) detailed building elevations and floor plans; and

3) detailed landscaping, sign and lighting plans.

d) The final site and building plan must be in substantial compliance with the approved master development plan. Substantial compliance means that:

1) buildings, parking areas and roads are in substantially the same location as previously approved;

2) the number of residential living units has not increased or decreased by more than 5% from that approved in the master development plan;

3) the floor area of non-residential uses has not been increased by more than 5% nor has the gross floor area of any individual building been increased by more than 10% from that approved in the master development plan;

4) there has been no increase in the number of stories in any building;

5) open space has not been decreased or altered to change its original design or intended use; and

6) all special conditions required on the master development plan by the city have been incorporated into the final site and building plan.

Approval of a final site and building plan includes approval of all plans necessary prior to application for a building permit, subject to conformance with any conditions on the approval and subject to other necessary approvals by the city.

e) Applicants may combine the final site and building plan review with the master development plan review by submitting all information required for both stages simultaneously.

f) The planning commission and city council must base their recommendations and actions regarding approval of a PD on a consideration of the following:

1) compatibility of the proposed plan with this subsection and the goals, policies and proposals of the comprehensive plan;

2) effect of the proposed plan on the neighborhood in which it is to be located;

3) internal organization and adequacy of various uses or densities, circulation and parking facilities, public facilities, recreation areas, open spaces, screening and landscaping;

4) consistency with the standards of section 520 of the city code pertaining to site and building plan review; and

5) such other factors as the planning commission or city council deem relevant.

The planning commission and city council may attach such conditions to their actions as they determine necessary or convenient to better accomplish the purposes of this subsection.

Subd. 5. Term of Approval.

a) If application has not been made for a final site and building plan approval pursuant to the approved master development plan for all or a part of the property within a PD by December 31 of the year following the date on which the PD zoning map amendment became effective or if within that period no extension of time has been granted, the city council may rezone the property to the original zoning classification at the time of the PD application or to a zoning classification consistent with the comprehensive plan designation for the property. In the absence of a rezoning, the approved master development plan remains the legal control governing development of the property included within the PD.

b) If construction on the property included within an approved final site and building plan has not commenced by December 31 of the year following the date on which such final site and building plan was approved or if building construction in a phase of a PD approved to be built in phases has not commenced within this period or if within that period no extension of the time has been granted, the city council may rezone the property to the original zoning classification at the time of the PD application or to a zoning classification consistent with the comprehensive plan designation for the property. In the absence of rezoning, the approved master development plan and final site and building plan shall remain the legal control governing development of the property included within the PD.

Subd. 6. Amendments. Major amendments to an approved master development plan may be approved by the city council after review by the planning commission. The notification and public hearing procedure for such amendment is the same as for approval of the original PD. A major amendment is any amendment that:

a) substantially alters the location of buildings, parking areas or roads;

b) increases or decreases the number of residential dwelling units by more than 5%;

c) increases the gross floor area of non-residential buildings by more than 5% or increases the gross floor area of any individual building by more than 10%;

d) increases the number of stories of any building;

e) decreases the amount of open space by more than 5% or alters it in such a way as to change its original design or intended use; or

f) creates non-compliance with any special condition attached to the approval of the master development plan.

Any other amendment may be made through review and approval by the planning commission.

515.61
Floodplain Overlay

Subdivision 1. Authorization, Findings and Purpose.

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

b) Findings of Fact.

1) The flood hazard areas of Crystal, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2) Methods Used to Analyze Flood Hazards. This subsection is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

3) 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) Purpose. It is the purpose of this subsection to promote the public health, safety, and general welfare and to minimize those losses described in subdivision 1 b) 1) of this subsection.

Subd. 2. General Provisions.

a) Lands to Which Subsection Applies. This subsection shall apply to all lands within the jurisdiction of the city of Crystal shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway, flood fringe, or general flood plain districts.

b) Establishment of 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 subsection. The attached material shall include the Flood Insurance Study, Volume 1 of 2 and Volume 2 of 2, Hennepin County, Minnesota, all jurisdictions and the Flood Insurance Rate Map panels numbered 27053C0192 E, 27053C0194 E, 27053C0203 E, 27053C0204 E, 27053C0211 E, 27053C0212 E, 27053C0213 E, and 27053C0214 E for the city of Crystal dated September 2, 2004, as developed by the Federal Emergency Management Agency. The official zoning map shall be on file and available for public review during normal business hours at Crystal City Hall, 4141 Douglas Drive North.

c) Regulatory Flood Protection Elevation. The regulatory flood protection elevation shall be an elevation no lower than 1 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

d) Interpretation.

1) In their interpretation and application, the provisions of this subsection shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2) The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the board of adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the community adopted its initial floodplain subsection, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the board of adjustment and to submit technical evidence.

e) Abrogation and Greater Restrictions. It is not intended by this subsection to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this subsection imposes greater restrictions, the provisions of this subsection shall prevail. All other provisions inconsistent with this subsection are hereby repealed to the extent of the inconsistency only.

f) Warning and Disclaimer of Liability. This subsection does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This subsection shall not create liability on the part of the city of Crystal or any officer or employee thereof for any flood damages that result from reliance on this subsection or any administrative decision lawfully made thereunder.

g) Severability. If any section, clause, provision, or portion of this subsection is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subsection shall not be affected thereby.

h) Definitions. Unless specifically defined below, words or phrases used in this subsection shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this subsection its most reasonable application.

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

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

3) Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that certain conditions as detailed in the zoning ordinance exist, and that the structure and/or land use conform to the comprehensive land use plan and are compatible with the existing neighborhood.

4) Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

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

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

7) Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study.

8) Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

9) Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

10) Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

11) Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

12) Manufactured Home - a structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

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

14) Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

15) Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between 2 consecutive bridge crossings would most typically constitute a reach.

16) Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this subsection, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

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

18) Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than 1 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

19) Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in subdivision 9 c) 1) of this subsection and other similar items.

20) Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

21) Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this subsection, "historic structure" shall be as defined in Code of Federal Regulations, Part 59.1.

22) Variance - means a modification of a specific permitted development standard required in an official control including this subsection to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

Subd. 3. Establishment of Zoning Districts.

a) Districts.

1) Floodway District. The floodway district shall include those areas designated as floodway on the flood insurance rate map adopted in subdivision 2 b).

2) Flood Fringe District. The flood fringe district shall include those areas designated as floodway fringe. The flood fringe district shall include those areas shown on the flood insurance rate map as adopted in subdivision 2 b) as being within Zone AE, Zone A0, or Zone AH but being located outside of the floodway.

3) General Flood Plain District. The general flood plain district shall include those areas designated as Zone A or Zones AE, Zone A0, or Zone AH without a floodway on the flood insurance rate map adopted in subdivision 2 b).

b) Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this subsection and other applicable regulations which apply to uses within the jurisdiction of this subsection. Within the floodway, flood fringe and general flood plain districts, all uses not listed as permitted uses or conditional uses in subdivisions 4, 5 and 6 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

1) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this subsection and specifically subdivision 9.

2) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this subsection and specifically subdivision 11.

3) As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this subsection and specifically as stated in subdivision 10 of this subsection.

Subd. 4. Floodway District (FW).

a) Permitted Uses.

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) 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, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

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

b) Standards for Floodway Permitted Uses.

1) The use shall have a low flood damage potential.

2) The use shall be permissible in the underlying zoning district if one exists.

3) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

c) Conditional Uses:

1) Structures accessory to the uses listed in subdivision 4 a) above.

2) Extraction and storage of sand, gravel, and other materials; and structures accessory thereto.

3) Marinas, boat rentals, docks, piers, wharves, and water control structures; and structures accessory thereto.

4) Railroads, streets, bridges, utility transmission lines, and pipelines; and structures accessory thereto.

5) Storage yards for equipment, machinery, or materials; and structures accessory thereto.

6) Placement of fill or construction of fences; and structures accessory thereto.

7) Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of subdivision 9 c) of this subsection; and structures accessory thereto.

8) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event; and structures accessory thereto.

d) Standards for Floodway Conditional Uses.

1) All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

2) All floodway conditional uses shall be subject to the procedures and standards contained in subdivision 10 d) of this subsection.

3) The conditional use shall be permissible in the underlying zoning district if on exists.

4) Fill.

i) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

ii) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

iii) As an alternative, and consistent with subdivision 4 d) 4) ii) above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the county recorder.

5) Accessory Structures:

i) Accessory structures shall not be designed for human habitation.

ii) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

iii) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the state building code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the state building code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and

b) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and

c) To allow for the equalization of hydrostatic pressure, there must be a minimum of 2 “automatic” openings in the outside walls of the structure having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding. There must be openings on at least 2 sides of the structure and the bottom of all openings must be no higher than 1 foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

6) Storage of Materials and Equipment.

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

ii) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

7) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

8) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

Subd. 5. Flood Fringe District (FF).

a) Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district. If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the flood fringe district provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for flood fringe district permitted uses listed in subdivision 5 b) and the standards for all flood fringe uses listed in subdivision 5 e).

b) Standards for Flood Fringe Permitted Uses.

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

2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with subdivision 4 d) 5) iii) of this subsection.

3) The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with subdivision 5 b) 1) of this subsection.

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

5) The provisions of subdivision 5 e) of this subsection shall apply.

c) Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with subdivision 5 b) 1) and 2) and/or any use of land that does not comply with the standards in subdivision 5 b) 3) and 4) shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in subdivision 5 d) and e) and subdivision 10 of this subsection.

d) Standards for Flood Fringe Conditional Uses.

1) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least 1 side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

i) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the state building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

ii) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

a) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of 2 openings on at least 2 sides of the structure and the bottom of all openings shall be no higher than 1 foot above grade. The automatic openings shall have a minimum net area of not less than 1 square inch for every square foot subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the state building code and shall be used solely for building access, parking of vehicles or storage.

2) Basements, as defined by subdivision 2 h) 2) of this subsection, shall be subject to the following:

i) Residential basement construction shall not be 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 flood proofed in accordance with subdivision 5 d) 3) of this subsection.

3) All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the state building code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the state building code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

4) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management subsection. In the absence of a state approved shoreland subsection, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

5) <u>Storage of Materials and Equipment</u>.

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

ii) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

6) The provisions of subdivision 5 e) of this subsection shall also apply.

e) Standards for All Flood Fringe Uses:

1) All new principal structures must have vehicular access at or above an elevation not more than 2 feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the board of adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

2) Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds 4 upon occurrence of the regional flood.

3) Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subdivision 5 e) 2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

4) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

5) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.

6) Standards for recreational vehicles are contained in subdivision 9 c).

7) All manufactured homes 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 to be 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.

Subd. 6. General Flood Plain District.

a) Permissible Uses.

1) The uses listed in subdivision 4 a) of this subsection shall be permitted uses.

2) All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to subdivision 6 b) below. Subdivision 4 shall apply if the proposed use is in the floodway district and subdivision 5 shall apply if the proposed use is in the flood fringe district.

b) Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

1) Upon receipt of an application for a permit or other approval within the general flood plain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the zoning administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe district.

i) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

ii) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.

iii) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.

iv) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

2) The applicant shall be responsible to submit 1 copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe district and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

i) Estimate the peak discharge of the regional 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 0.5 foot. A lesser stage increase than .5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3) The zoning administrator shall present the technical evaluation and findings of the designated engineer or expert to the governing body. The governing body must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the floodway and flood fringe district boundaries have been determined, the governing body shall refer the matter back to the zoning administrator who shall process the permit application consistent with the applicable provisions of subdivisions 4 and 5 of this subsection.

Subd. 7. Subdivision of Land.

a) Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this subsection and have road access both to the subdivision and to the individual building sites no lower than 2 feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the floodway and flood fringe district boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

b) Floodway/Flood Fringe Determinations in the General Flood Plain District: In the general flood plain district, applicants shall provide the information required in subdivision 6 b) of this subsection to determine the 100-year flood elevation, the floodway and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.

c) Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

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

a) Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.

b) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with subdivisions 4 and 5 of this subsection. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation 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 Sewage Treatment and Water Supply Systems: 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 new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

Subd. 9. Manufactured Homes and Recreational Vehicles.

a) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by subdivision 7 of this subsection.

b) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with subdivision 5 of this subsection. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with subdivision 5 e) 1), then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the governing body. All manufactured homes 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 to be 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.

c) Recreational vehicles that do not meet the exemption criteria specified in subdivision 9 c) 1) below shall be subject to the provisions of this subsection and as specifically spelled out in subdivision 9 c) 3) and 4) below.

1) Exemption - Recreational vehicles are exempt from the provisions of this subsection if they are placed in any of the areas listed in subdivision 9 c) 2) below and meet the following criteria:

i) Have current licenses required for highway use.

ii) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.

iii) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

2) Areas Exempted For Placement of Recreational Vehicles.

i) Individual lots or parcels of record.

ii) Existing commercial recreational vehicle parks or campgrounds.

iii) Existing condominium type associations.

3) Recreational vehicles exempted in subdivision 9 c) 1) lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the recreational vehicle or exceeding $500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in subdivisions 4 and 5 of this subsection. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

4) New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding 5 units or dwelling sites shall be subject to the following:

i) Any new or replacement recreational vehicle will be allowed in the floodway or flood fringe districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with subdivision 5 e) 1) of this subsection. No fill placed in the floodway to meet this requirement shall increase flood stages of the 100-year or regional flood.

ii) All new or replacement recreational vehicles not meeting the criteria of subdivision 9 c) 4) i) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of subdivision 10 d) of this subsection. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of subdivision 9 c) 1) (i) and (ii) of this subsection will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with subdivision 8 c) of this subsection.

Subd. 10. Administration.

a) Zoning Administrator. A zoning administrator or other official designated by the governing body shall administer and enforce this subsection. If the zoning administrator finds a violation of the provisions of this subsection the zoning administrator shall notify the person responsible for such violation in accordance with the procedures stated in subdivision 12 of this subsection.

b) Permit Requirements.

1) Permit Required. A permit issued by the zoning administrator in conformity with the provisions of this subsection shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

2) Application for Permit. Application for a permit shall be made in duplicate to the zoning administrator on forms furnished by the zoning administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

3) State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits.

4) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this subsection.

5) Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this subsection, and punishable as provided by subdivision 12 of this subsection.

6) Certification. The applicant shall be 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. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

7) Record of First Floor Elevation. The zoning administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The zoning administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

8) Notifications for Watercourse Alterations. The zoning administrator shall notify, in riverine situations, adjacent communities and the commissioner of the department of natural resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statutes, chapter 103G, this shall suffice as adequate notice to the commissioner of natural resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

9) Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than 6 months after the date such supporting information becomes available, the zoning administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

c) Board of Adjustment.

1) Rules. The board of adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by state law.

2) Administrative Review. The board of adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this subsection.

3) Variances. The board of adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this subsection as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the board of adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this subsection, any other zoning regulations in the community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited 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. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

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

ii) Variances shall only be issued by a community upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and 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 subsections.

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

4) Hearings. Upon filing with the board of adjustment of an appeal from a decision of the zoning administrator, or an application for a variance, the board of adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The board of adjustment shall submit by mail to the commissioner of natural resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least 10 days notice of the hearing.

5) Decisions. The board of adjustment shall arrive at a decision on such appeal or variance within 60 days of submittal of a complete application, in accordance with Minnesota Statutes 15.99. In passing upon an appeal, the board of adjustment may, so long as such action is in conformity with the provisions of this subsection, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the zoning administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the board of adjustment may prescribe appropriate conditions and safeguards such as those specified in subdivision 10 d) 6), which are in conformity with the purposes of this subsection. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this subsection punishable under subdivision 12. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within 10 days of such action.

6) Appeals. Appeals from any decision of the board of adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

7) Flood Insurance Notice and Record Keeping. The zoning administrator shall 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 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the national flood insurance program.

d) Conditional Uses. The planning commission and city council shall, respectively, hear and decide applications for conditional uses permissible under this subsection. Applications shall be submitted to the zoning administrator who shall forward the application to the planning commission for a public hearing. The planning commission shall then make a recommendation to the city council for consideration.

1) Hearings. Upon filing with the zoning administrator an application for a conditional use permit, the zoning administrator shall submit by mail to the commissioner of natural resources a copy of the application for proposed conditional use sufficiently in advance so that the commissioner will receive at least 10 days notice of the hearing.

2) Decisions. The city council shall arrive at a decision on a conditional use within 60 days of submittal of a complete application, in accordance with Minnesota Statutes 15.99. In granting a conditional use permit the city council shall prescribe appropriate conditions and safeguards, in addition to those specified in subdivision 10 d) 6), which are in conformity with the purposes of this subsection. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this subsection punishable under subdivision 12. A copy of all decisions granting conditional use permits shall be forwarded by mail to the commissioner of natural resources within 10 days of such action.

3) Procedures to be followed by the city council in passing on conditional use permit applications within all flood plain districts.

i) Require the applicant to furnish such of the following information and additional information as deemed necessary by the city council for determining the suitability of the particular site for the proposed use:

a) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and

b) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

ii) Transmit 1 copy of the information described in subdivision 10 d) 3) i) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

iii) Based upon the technical evaluation of the designated engineer or expert, the city council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

4) Factors upon which the decision of the city council shall be based. In passing upon conditional use applications, the city council shall consider all relevant factors specified in other sections of this subsection, and:

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

ii) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

v) The importance of the services provided by the proposed facility to the community.

vi) The requirements of the facility for a waterfront location.

vii) The availability of alternative locations not subject to flooding for the proposed use.

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

ix) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

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

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

xii) Such other factors which are relevant to the purposes of this subsection.

5) Time for Acting on Application. The city council shall arrive at a decision on a conditional use within 60 days of submittal of a complete application, in accordance with Minnesota Statutes 15.99, except where additional information is required pursuant to subdivision 10 d) 4) of this subsection, in which case the city council shall arrive at a decision within no more than 60 additional days in accordance with Minnesota Statutes 15.99.

6) Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this subsection, the city council shall attach such 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:

i) Modification of waste treatment and water supply facilities.

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

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

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

v) Flood proofing measures, in accordance with the state building code and this subsection. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

Subd. 11. Nonconforming Uses.

a) A structure or the use of a structure or premises 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. Historic structures, as defined in subdivision 2 h) 31) of this subsection, shall be subject to the provisions of subdivision 11 a) 1) through 5) of this subsection.

1) No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

2) Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the state building code, except as further restricted in subdivision 11 a) 3) and 6) below.

3) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of subdivision 4 or 5 of this subsection for new structures depending upon whether the structure is in the floodway or flood fringe district, respectively.

4) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this subsection. The assessor shall notify the zoning administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

5) If any nonconforming use or structure is substantially damaged, as defined in subdivision 2 h) 30) of this subsection, it shall not be reconstructed except in conformity with the provisions of this subsection. The applicable provisions for establishing new uses or new structures in subdivisions 4, 5 or 6 will apply depending upon whether the use or structure is in the floodway, flood fringe or general flood plain district, respectively.

6) If a substantial improvement occurs, as defined in subdivision 2 h) 31) of this subsection, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition, as required by subdivision 11 a) 2) above, and the existing nonconforming building must meet the requirements of subdivision 4 or 5 of this subsection for new structures, depending upon whether the structure is in the floodway or flood fringe district, respectively.

Subd. 12. Penalties for Violation.

a) Violation of the provisions of this subsection or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

b) Nothing herein contained shall prevent the city of Crystal from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

1) In responding to a suspected subsection violation, the zoning administrator and local government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the national flood insurance program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct subsection violations to the extent possible so as not to jeopardize its eligibility in the national flood insurance program.

2) When a subsection violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate department of natural resources' and federal emergency management agency regional office along with the community's plan of action to correct the violation to the degree possible.

3) The zoning administrator shall notify the suspected party of the requirements of this subsection and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the zoning administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit or development approval within a specified period of time not to exceed 30 days.

4) If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this subsection and shall be prosecuted accordingly. The zoning administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this subsection.

Subd. 13. Amendments. The flood plain designation on the official zoning map shall not be removed from flood plain 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 flood plain. Special exceptions to this rule may be permitted by the commissioner of natural resources if he determines that, through other measures, lands are adequately protected for the intended use. All amendments to this subsection, including amendments to the official zoning map, must be submitted to and approved by the commissioner of natural resources prior to adoption. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given 10-days written notice of all hearings to consider an amendment to this subsection and said notice shall include a draft of the subsection amendment or technical study under consideration.

515.65
SL Shoreland Overlay

Reserved.

515.69
AP Airport Overlay

Subdivision 1. Purpose. The purpose of the AO airport overlay 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 as long as they comply with the standards established by this section in addition to the other applicable local, state and federal requirements.

Subd. 2. Standards. Any construction of buildings shall, at a minimum, comply with the following requirements:

a) Adequate fencing, control and protection are provided to prevent unauthorized access onto airport property.

b) Buildings and uses must be incidental, accessory and subordinate to the operations of the Crystal Airport.

c) Non-aeronautical uses are not permitted in the Airport Overlay District. Development of non-aeronautical uses would require a Comprehensive Plan amendment, rezoning to remove the Airport Overlay designation from the site of the proposed non-aeronautical use, and designation of a new zoning district appropriate for the proposed non-aeronautical use.

d) No building shall be within 200 feet of property zoned R-1, R-2 or R-3.

e) Outdoor storage is only allowed if it is clearly incidental, accessory and subordinate to the operations of the Crystal Airport. Outdoor storage shall be fully screened from any abutting property or public right-of-way. Such storage shall not be located within 200 feet of property zoned R-1, R-2 or R-3.

Sec. 2. Section 515, as amended, of the Crystal City Code, embodied in Appendix 1 of the Crystal City Code of 2004, is repealed.