

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.