



PLANNING COMMISSION STAFF REPORT

Miscellaneous UDC amendments

FROM: Dan Olson, City Planner

TO: Planning Commission (for June 8 meeting)

DATE: June 3, 2020

RE: PUBLIC HEARING. Miscellaneous amendments to the Unified Development Code (Application Number 2020-04)

A. BACKGROUND

Staff is proposing miscellaneous amendments to the unified development code (UDC). The proposed amendments are corrections or clarifications, with the exception of two policy questions:

- Minimum lot size. Reduce the minimum lot area requirement for two-family dwellings from 12,000 sq. ft. to 10,000 sq. ft.
- Per-unit requirements. Eliminate the per-unit requirements from the minimum lot size requirements. The per-unit requirements are effectively a density standard that is not necessary because density is limited elsewhere in the UDC.

At their work session on May 19, 2020, the City Council expressed their support for staff to bring these amendments to a public hearing and ask for a recommendation from the Planning Commission.

Attachment:

- A. Proposed UDC amendments

B. PROPOSED AMENDMENTS

Lot area requirements.

1. Reduce the minimum lot area for two-family homes from 12,000 to 10,000 sq. ft.:
 - The current 12,000 sq. ft. minimum is the same as two single family lots (2 x 6,000 = 12,000).
 - The policy rationale is that a two-family dwelling does not need as much lot area as two separate single family lots, because two attached units do not have side yards between them like two single family homes on separate lots.

- This change would provide an opportunity for more property owners to respond to market demand for additional housing units while still preserving the overall character of neighborhoods in the R-1 district. The effect of this change would increase approximate share of R-1 parcels eligible for a two-family dwelling from 10% to 15%.

Requirement	Crystal	Golden Valley	Robbinsdale	New Hope	Brooklyn Center
Minimum Lot Area for Two-Family Dwellings in R-1	42,000 SF 10,000 SF	Two-family not allowed in R-1	Two-family not allowed in R-1	Two-family not allowed in R-1	Two-family not allowed in R-1
Minimum Lot Area for Two-Family Dwellings in R-2	42,000 SF 10,000 SF	10,000 SF	7,500 SF	12,000 SF (two stacked units) 10,000 SF (two units side by side)	12,400 SF
Minimum Lot Area for Two-Family Dwellings in R-3	42,000 SF 10,000 SF	15,000 SF	7,500 SF	10,000 SF (two units side by side)	Two-family not allowed in R-3

2. Remove the per-unit requirements from the minimum lot area requirement and reduce the minimum lot size.

- The effect of this change would be to eliminate a duplicative density limit that will typically be stricter than the density limit elsewhere in the code. For example, the vacant site at 3401-3415 Douglas could have up to 16 units based on the density limit in the code but only 10 units based on the per-unit requirement for the minimum lot size. The higher density (16) is consistent with the city’s Comprehensive Plan; the lower density (10) is not.
- The policy rationale is to remove a second, conflicting density requirement from a place it doesn’t belong (the lot size requirement) and bring the UDC into conformance with the Comprehensive Plan. It would also simplify the lot size requirement.

Requirement	Crystal	Golden Valley	Robbinsdale	New Hope	Brooklyn Center
Minimum Lot Area for Other Residential Uses in R-2	3,000 SF per unit (minimum 10,000 SF)	Other residential uses not allowed	4,200 SF per townhome unit	15,000 SF	Range of 1,400 SF-5,400 SF per unit
Minimum Lot Area for Other Residential Uses in R-3	4,200 SF per unit (minimum 20,000 SF) 10,000 SF	15-20,000 SF	500-1,500 SF per apt unit, 4,200 SF per townhome unit	15,000 SF	Range of 1,400 SF-5,400 SF per unit

Other UDC amendments

1. Final plat recording. Language has been added to clarify when a final plat is to be recorded for both lot consolidation and subdivision applications.
2. Density requirements in TC and TC-PD overlay district. The effective maximum density is 80 units per acre in the TC district and 64 units per acre in the TC-PD district. The text has been simplified to eliminate unnecessary and duplicative language regarding height limits which are regulated elsewhere in the code.
3. Use standards for specialized care facilities. The current requirement limits this use to arterial, collector and state-aid streets. The UDC was previously amended to regulate this use by the number of occupants of the facility rather than its location. This amendment is to clarify that the use does not have to be located on a specific type of street.
4. Telecommunication ordinance (cell towers). Staff proposes re-organizing the requirements to make them easier to understand. The most significant changes are to replace minimum lot size requirements with separation distance requirements, based on comments received at the public hearing for the new Verizon tower at 3200 Vera Cruz. Staff also proposes removing exceptions for placing a tower in the front or corner side yard of a property. Changing this requirement is consistent with best practices in the industry. If a particular site has unique characteristics or challenges that require a tower between the building and a public street, then the variance process is an available remedy.
5. Encroachment table. This amendment is to delete deck setback requirements inadvertently placed in the encroachment table.
6. Height of detached accessory dwelling units (ADU). Currently a detached ADU cannot exceed 20' or the height of the home, whichever is less. The amendment would increase the numerical limit to 22' and eliminate the limit based on the height of the principal building. This is necessary for two story ADUs, including ADUs located on the second floor of a detached garage, due to the practical realities of the building code and structural elements such as floor truss thickness and insulation requirements. This height limit would be consistent with other cities that allow two story ADUs.
7. Number of parking spaces for preschools. Currently there is no specific parking requirement for preschools. Staff proposes that preschools have the same required number of parking spaces as elementary and middle schools.
8. Stormwater plan. This amendment corrects an internal inconsistency in the stormwater management regulations as to when a stormwater plan is to be submitted.

C. REQUESTED ACTION

The Planning Commission is being asked to make a recommendation to the City Council to either deny or approve the proposed UDC amendments. Staff recommends approval of the amendments.

The following is the proposed schedule for adopting a new ordinance:

June 16	Council considers first reading of ordinance
July 21	Council considers second reading and adoption
July 30	Summary of ordinance published
August 29	Effective date of ordinance

Attachment A

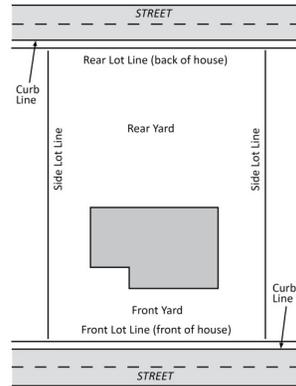


Figure 3: Illustration showing yards for through lot

Subd. 99. Lot line, rear. “Lot line, rear” means the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Subd. 100. Lot line, side. “Lot line, side” means any lot line that is not a front, rear or corner side lot line.

Subd. 101. Lot line, corner side. “Lot line, corner side” means any street-abutting lot line that is not a front or rear lot line.

Subd. 102. Lot of record. “Lot of record” means 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 UDC.

Subd. 103. Lot width. “Lot width” means the horizontal distance between side lot lines. In the case of irregularly shaped lots located on a cul-de-sac or curved street, or corner lots that are neither a square, rectangle, or parallelogram, lot width shall be measured at the required front and rear setback lines.

Subd. 104. Lowest floor. “Lowest floor” means 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; provided, that such enclosure is not built so as to render the building in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

Subd. 105. Manufactured home. “Manufactured home” has the meaning given in Minnesota Statutes, section 327.31. The term “manufactured home” does not include the term “recreational vehicle.”

Subd 5. Deed consolidation. Upon approval of any adjacent parcel land conveyance pursuant to the terms of this section, the applicant shall record with the County Recorder or Registrar of Titles an updated deed which combines the legal descriptions for the original lot and that part of the adjacent parcel which has been conveyed to the applicant pursuant to this section. The applicant shall provide the city with evidence of the recording of such instrument within 30 days of approval of such application hereunder.

510.23. Lot consolidation.

Subd. 1. Applicability. A lot consolidation shall meet the following requirements. If these requirements are not met, the property owner will be required to apply for a subdivision application as provided in the Crystal city code, subsection 510.25.

- (a) All parcels resulting from the lot consolidation shall have frontage and access on an existing improved street and shall not require the construction of any new street.
- (b) Any such consolidation shall not require any public improvements, with the exception of sidewalks, bike paths or trails, and does not include conveyance of an interest in real property to the city.

Subd. 2. Approval procedure.

- (a) Lot consolidations shall be submitted in writing to the zoning administrator and shall be subject to the Type 3 review procedure. The city council will consider approval of a final plat as part of that review procedure.
- (b) In addition to the review procedure set forth above, all lot consolidation applications shall be submitted to the state and county highway departments (if adjacent to a state or county highway) prior to submission of an application. A comment letter from these entities shall be required as part of the application.

Subd. 3. Approval criteria. All of the following criteria shall be considered in the review of lot consolidations:

- (a) The consolidation must be in general compliance with the comprehensive plan;
- (b) The consolidation must meet the purpose and intent of this UDC;
- (c) Unless prior or concurrent approval of a variance is granted, any such consolidation shall result in lots that, to the greatest extent possible, meet the dimensional requirements for the zoning district in which the property is located, and shall not further increase the nonconformity of any lot dimension or structure; and
- (d) The applicant is not required to comply with the park dedication requirements as provided in the Crystal city code, subsection 525.05 as required for a subdivision.

Subd. 4. Effect of the city council's decision. Except for minor corrections, no changes, erasures, modifications or revisions shall be made to any final plat after approval has been given by the city council and endorsed by the mayor and city clerk in writing on the plat. Within six months of approval of the final plat by the City Council the applicant shall submit the plat for

recording to the county recorder. If the plat is not submitted to the county recorder within six months, the city council's approval of the final plat shall be automatically revoked.

510.25. Subdivisions.

Subd. 1. Applicability. The review of a subdivision is divided into two distinct steps, which are preliminary plat approval and final plat approval consistent with Minnesota Statutes, chapter 505.

Subd. 2. Preliminary plat approval.

- (a) Approval procedure. Preliminary plats shall be submitted in writing to the zoning administrator and shall be subject to the Type 2 review procedure.
- (b) State and county review. In addition to the review procedure set forth above, all preliminary plat applications shall be submitted to the state and county highway departments (if adjacent to a state or county highway) prior to submission of an application. A comment letter from these entities shall be required as part of the preliminary plat submission.
- (c) Approval criteria. The planning commission and city council shall consider the following criteria in the review of a preliminary plat:
 - (1) The proposed subdivision must be in full compliance with the provisions of this UDC;
 - (2) The proposed subdivision must be in accordance with the objectives of the city's comprehensive plan; and
 - (3) The physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and sedimentation, susceptibility to flooding, water storage, and retention, must be such that the site is suitable for the type of development or use contemplated;
- (d) Effect of the city council's decision. No construction or other development activities shall take place on the site until the final plat and, if applicable, a development agreement are approved by the city council, except that grading may occur if a grading permit has been issued by the city.
- (e) Expiration of preliminary plat approval. Unless the city council specifically approves a different time period as part of the preliminary plat approval, the approval of a preliminary plat shall expire one year from the date it was approved. The applicant may request an extension of the expiration date in writing to the zoning administrator. The city council may approve one extension of not more than two years. Such written request shall include the following:
 - (1) An explanation for why a final plat has not been applied for;
 - (2) An explanation of what, if any, good faith efforts have been made to complete the platting process; and

(3) The anticipated completion date.

Subd. 3. Construction drawings approval. Construction drawings for any proposed installation of public infrastructure shall be submitted to the city engineer at the time of the final plat submission. These drawings must be approved by the city engineer as part of the final plat approval.

Subd. 4. Final plat approval.

(a) Approval procedure. Final plats shall be submitted in writing to the zoning administrator and shall be subject to the Type 3 review procedure.

(b) Approval criteria. The city council shall consider the following in the review of a final plat:

(1) Construction drawings have been submitted to, reviewed and approved by the city engineer;

(2) If applicable, a development agreement in a form acceptable to the city must have been prepared and executed as part of the final plat application;

(3) Whether the final plat is in substantial compliance with the approved preliminary plat and any conditions on the preliminary plat approval, and whether any changes of note were reported to the city council; and

(4) The final plat must comply with all other applicable standards in this UDC and state law including Minnesota Statutes, chapter 505 as applicable.

(c) Effect of the city council's decision. ~~If the final plat is approved and signed by the mayor and city clerk, the applicant shall record the final plat within six months with the county recorder. Except for minor corrections, No~~ no changes, erasures, modifications or revisions shall be made to any final plat after approval has been given by the city council and endorsed by the mayor and city clerk in writing on the plat. Within six months of approval of the final plat by the city council the applicant shall submit the plat to the county recorder for recording. ~~If the plat is not recorded with~~ submitted to the county recorder within six months, the city council's approval of the final plat shall be automatically revoked.

510.27. Comprehensive plan amendment.

Subd. 1. Applicability. This subsection outlines the procedural requirements for the amendment of the comprehensive plan. An amendment of the comprehensive plan may be initiated by the city council, planning commission, city staff, or a Crystal property owner.

Subd. 2. Approval procedure. Amendments to the comprehensive plan shall be subject to the Type 2 review procedure.

Subd. 3. Approval criteria. The planning commission and city council shall review the necessary submittal requirements, facts, and circumstances of the proposed amendment and make

subsection. The requirements of subsections (d) and (e) of this subdivision are only applicable to new buildings constructed after the effective date of this UDC.

- (c) Uses. Principal permitted uses are shown in Table 3 of the Crystal city code, section 515.17. Multiple principal uses within a single parcel or building are permitted in the TC district.
- (d) Densities. Residential densities are as shown in Table 7 of the Crystal city code, section 520.03. ~~An applicant may exceed these densities by up to 60 percent if the building height requirements of this section are met.~~
- (e) Site development standards. In addition to the following standards established for the TC district, all development shall be subject to applicable standards as provided in Crystal city code, section 520. The TC district also includes specific standards for building placement, height, and facades in order to encourage development that enhances walkability and the pedestrian experience, frames the public realm, and seamlessly transitions to adjacent development.
 - (1) Building placement. Principal buildings shall meet the building setback requirements found in Table 7. The purpose of these requirements is to create buildings that have the dominant lines of their facades parallel the line of the street and create a well-defined street edge.

- (a) At intersections, buildings shall have street facades at or near the sidewalk at the corner (see Figure 6)



Figure 6: Illustration of a building that meets both corners at a street intersection

- (b) Building street frontage. At least 75 percent of the building street frontage shall be occupied by the principal building on a primary building façade or at least 50% for a secondary building façade (see Figure 7). The following are exceptions to these requirements:

- (i) The city may consider a reduction to 60 percent to the building street frontage requirement on a primary building façade based on the unique

- (iii) Hospitals
- (iv) Private recreational facilities, indoor
- (v) Public or semi-public buildings, with a conditional use permit
- (vi) Religious institutions, with a conditional use permit
- (vii) Schools, elementary or secondary, with a conditional use permit
- (viii) Schools, nursery or preschool, with a conditional use permit
- (ix) Schools, trade or business, with a conditional use permit
- (x) Specialized care facilities

(2) Accessory uses. All permitted accessory uses allowed in the TC district in Table 4 are also allowed in the TC-PD district. The following additional accessory uses are also allowed in the TC-PD district. Unless otherwise noted, all uses are allowed without a conditional use permit, but whether the use is permitted or conditional, it shall adhere to any required use-specific standards.

- (i) Drive-through facilities, with a conditional use permit
- (ii) Fences
- (iii) Garages
- (iv) Porches and decks
- (v) Signs, under the same requirements as the TC district

(3) Temporary uses. All permitted temporary uses in Table 5 are allowed in the TC-PD district. The use shall comply with any time limits, required permits, and use specific-standards listed in that table.

(b) Densities. Residential densities shall be constructed to a density of 16 to ~~40-64~~ units per gross acre. ~~An applicant may exceed these densities by up to 60 percent if the building height requirements of the TC-PD district are met.~~

(c) Building design. All new buildings within the TC-PD district shall adhere to the TC district site development standards for building placement, height and facades in the Crystal city code, section 515.05, subd. 5.

(d) Parking. The development shall provide parking according to the requirements in the Crystal city code, section 520.15, subd. 6. If the applicant desires to alter the number of required parking spaces through the TC-PD approval process, the following information shall be submitted:

- (1) The facility is served by ~~arterial, collector or municipal state aid~~ streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility; and
- (2) Drive-through facilities are specifically prohibited.

Subd. 4. Commercial use category.

- (a) Airport facilities. Airport facilities are subject to the following standards:
 - (1) Adequate controls, such as fencing, shall be provided to prevent unauthorized access onto airport property;
 - (2) Buildings and uses shall be subordinate to the operation of the Crystal Airport; and
 - (3) Buildings or structures shall comply with all federal and state statutes, regulations, rules, laws, restrictions, guidance and directives and Metropolitan Airports Commission rules and regulations concerning aeronautical safety and operation within the Crystal Airport and runway protection zones.
- (b) Animal hospitals/veterinary clinics. Except in the TC district, outdoor facilities, such as dog kennels or runs, are allowed with a conditional use permit and are subject to the following standards:
 - (1) Such use shall be incidental to the animal hospital use and used for the short-term boarding of animals; and
 - (2) The applicant has demonstrated that the outdoor facility will not negatively impact neighboring properties through the use of screening or buffering.
- (c) Day care facilities, Adult. Picking up and dropping off of clients shall not create unsafe conditions. Loading and unloading of clients from vehicles shall only be allowed in the driveway or in an approved parking area.
- (d) Hotels, motels, or extended stay establishments. The property abuts at least one of the following street segments:
 - (1) Lakeland Avenue between the Canadian Pacific Railroad and 58th Avenue North;
or
 - (2) West Broadway between Corvallis Avenue and 56th Avenue North.
- (e) Kennels, commercial. Outdoor facilities, such as dog kennels or runs, are allowed with a conditional use permit and are subject to the following standards:
 - (1) Such use shall be for the short-term boarding of animals;
 - (2) The applicant has demonstrated that the outdoor facility will not negatively impact neighboring properties through the use of screening or buffering.
- (f) Offices, professional. Professional offices are subject to the following standards:

By this subsection, the city intends to exercise the full scope of its authority under the Act and under state law regarding the regulation of towers and telecommunications facilities in the city. Consistent with the Act, the regulation of towers and telecommunications facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services.

- (2) Purpose. The general purpose of this subsection is to regulate the placement, construction and modification of telecommunication towers and facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city. Specifically, the purposes of this subsection are:
- (i) To regulate the location of telecommunication towers and facilities;
 - (ii) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;
 - (iii) To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques;
 - (iv) To promote and encourage shared use and co-location of telecommunication towers and antenna support structures;
 - (v) To avoid potential damage to properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;
 - (vi) To ensure that telecommunication towers and facilities are compatible with surrounding land uses; and
 - (vii) To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.
- (3) Development of towers ~~Zoning districts where towers are allowed~~.
- (i) Permitted use at certain locations in the Industrial district (I). A tower is a permitted use in the I district, with approval of a zoning certificate, provided that the site also meets one of the following additional location criteria:
 - (A) It abuts the Canadian Pacific railroad property and also abuts Pennsylvania Avenue, 32nd Avenue or Nevada Avenue; or
 - (B) It is located within the area bounded by Corvallis Avenue, West Broadway, Douglas Drive, 56th Avenue, and Lakeland Avenue/Bottineau Boulevard.
 - (ii) Conditional use at certain locations in the Commercial district (C). A tower is a conditional use in the C ~~general commercial~~ district provided that the site is

(v) Written evidence from an engineer that the proposed structure meets the structural requirements of this UDC.

~~(vi) Written information demonstrating the need for the tower at the proposed site in light of the existing and proposed wireless telecommunications network(s) to be operated by persons intending to place telecommunications facilities on the tower.~~

(5) Review criteria and restrictions.

(i) In considering an application where the provider has shown the existence of a significant gap in coverage, the city council shall only authorize a tower if the city makes a finding that such a location is necessary for the city to achieve compliance with the requirements of the Act.

(ii) The city council makes a finding that the design of the tower, including factors such as shape, materials, and finishes, adequately uses stealth techniques to minimize its impact on the character of the surrounding area.

~~(iii) The site must comply with the following minimum area requirements:~~

~~(A) If zoned commercial or industrial then the site shall contain no less than two acres.~~

~~(B) If zoned residential then the site shall contain no less than five acres.~~

~~(C) Notwithstanding (i) and (ii) above, regardless of zoning, if the principal use on the site is a city structure, county building, school, or church, then the site shall contain no less than three acres.~~

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

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

~~(v) No tower shall be located on a lot having as its principal use a one or two family dwelling.~~

~~(vi) No part of the tower shall be located within 165 feet (1/32 mile) of any one or two family dwelling on another lot or within 82.5 feet (1/64 mile) of any lot line. This provision shall not prohibit the subsequent expansion of a dwelling which reduces the distance from a tower to the dwelling, even if such expansion causes the tower to become non-conforming to the setback requirement.~~

~~(vii) The height of the tower shall not exceed 100 feet, or 50% of the distance from any part of the tower to the nearest lot line of an adjacent property having a single family or two family dwelling, whichever is less.~~

~~(viii)~~(iii) _____ The city may authorize the use of city property, including use of its right-of-way pursuant to chapter 8 of the Crystal city code in accordance with the procedures and subject to the restrictions of this code.

(6) Co-location required. Unless the applicant presents clear and convincing evidence to the city council that co-location at the identified site is not structurally or technically feasible, a new tower may not be built, constructed or erected in the city unless the tower is capable of supporting at least one telecommunications facility comparable in weight, size and surface area to the one located on the tower by the applicant.

(7) Setbacks Locational requirements.

(i) A tower must be located on a single parcel or contiguous parcels under the same ownership as the applicant having a dimension equal to the height of the tower, as measured between the base of the tower located nearest the property line and the actual property line, unless a qualified engineer specifies in writing that the collapse of the tower will occur within a lesser distance under reasonably foreseeable circumstances.

(ii) Unless otherwise required by this subsection, Setback locational requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.

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

~~(A) In the I district, towers may be placed within a side yard abutting an internal industrial street.~~

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

~~(C) This requirement does not apply to towers that are a conditional use in all zoning districts.~~

(iv) No tower shall be located within 660 feet of another tower.

(v) No tower shall be located on a lot having as its principal use a one or two family dwelling.

(vi) Towers are subject to the following locational requirements from residential uses:

(A) Towers in the I district shall be separated from all properties used for residential purposes by a minimum of 90 feet or 150% of the height of the proposed tower, whichever is greater. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries. Measurement of tower separation distances for compliance with this

requirement shall be measured from the base of a tower to the closest point of the proposed site.

(B) Where towers are a conditional use, no part of the tower shall be located within 165 feet of any one or two family dwelling. 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 this locational requirement.

(6) Structural requirements. Towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the ~~international state~~ building code and any other standards set forth in this subsection.

(7) Height. Towers are subject to the following height requirements:

(A) Tower height is measured from grade and includes the tower structure itself, the base pad, and any other telecommunication facilities attached thereto. If a lightning rod is included in the structure, the lightning rod is not included in the height calculation, but shall not exceed ten feet in height.

(B) A tower may not exceed 165 feet in height in the commercial or industrial zoning districts, 100 feet in residential districts, or 50% of the distance from any part of the tower to the nearest lot line of an adjacent property having a single or two family dwelling, whichever is less.

~~(8) Separation or buffer requirements.~~ Towers must be separated from all properties used for residential purposes by a minimum of 90 feet or 150% of the height of the proposed tower, whichever is greater. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries. Measurement of tower separation distances for the purpose of compliance with this subsection shall be measured from the base of a tower to the closest point of the proposed site. This requirement does not apply to towers that are a conditional use in a zoning district.

~~(9) 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.

~~(10)~~(8) 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.

~~(11)~~(9) Exterior finish. Towers not requiring FAA painting or marking must have an exterior finish as approved by the city council if a conditional use permit is required or by city staff if a zoning certificate is required.

~~(+2)~~(10) 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 or different requirements are allowed by the city council through approval of the conditional use permit.

~~(+3)~~(11) Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with the applicable landscaping requirements of this UDC and as shown on the approved site plan. ~~Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. Accessory buildings may not be more than 2,000 square feet in size.~~

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

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

(14) ~~Stealth~~Tower and equipment design. To the extent reasonably practical, towers must be of stealth design. Equipment that is accessory to the tower shall be screened from view or architecturally designed to blend in with the surrounding environment and shall not exceed 2,000 square feet in size.

(15) Other telecommunications facilities. Telecommunications facilities not attached to a tower may be permitted as an accessory use to any antenna support structure at least 50 feet and no more than 100 feet in height regardless of the zoning restrictions applicable. The owner of such structure must, by written certification to the building official, establish the following facts at the time plans are submitted for a building permit:

- (i) That the height from grade of the telecommunications facilities and antennae support structure does not exceed the maximum height from grade of permitted structures by more than 20 feet;
- (ii) That the antenna support structure and telecommunications facilities comply with the state building code; and
- (iii) That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the antenna support structure. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof and do not protrude more than six inches from the side of the

antenna support structure. Screened telecommunications facilities and their appurtenances are exempt from setback requirements.

(16) Existing towers.

- (i) An existing tower may be modified or demolished and rebuilt to accommodate co-location of additional telecommunications facilities as follows:
 - (A) Application for an appropriate city permit shall be made to the city council; and
 - (B) The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the maximum height for towers allowed under this subsection.
- (ii) A tower that is being rebuilt to accommodate the co-location of additional telecommunications facilities may be relocated on the same parcel subject to the ~~setback-locational~~ requirements of this subsection. However, if it is impossible for the tower to be rebuilt in compliance with ~~the those setback~~ requirements ~~of this subsection~~, such ~~setback~~ requirements shall be waived to allow the tower to be rebuilt in its exact previous location.

~~(14)~~(17) Abandoned or unused towers or portions of towers. Abandoned or unused towers and associated above-ground facilities must be removed within six months of the cessation of operations of an antenna facility at the site unless an extension is approved by the zoning administrator. A copy of the relevant portions of a signed lease that requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. If a tower is not removed within six months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property pursuant to the Crystal city code, ~~section 635~~chapter VI.

~~(15)~~(18) Additional criteria for variances for towers. The city council may grant a variance pursuant to the Crystal city code, subsection 510.33 if the applicant also demonstrates all of the following with written or other satisfactory evidence:

- (i) The location, shape, appearance or nature of use of the proposed tower will neither substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located;
- (ii) The variance will not create any threat to the public health, safety, or welfare;
- (iii) In the case of a requested modification to the ~~setback-locational~~ requirements, the applicant may provide the following justifications for approval of the variance:

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~~(A) that the~~The size of parcel upon which the tower is proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site that poses a greater threat to the public health, safety or welfare or is closer in proximity to lands used for residential purposes;

(B) According to written technical evidence from an engineer, the proposed tower and telecommunications facilities must be located at the proposed site in order to close a significant gap in the provider's coverage in the city and that landscaping and other buffers are provided to lessen the tower's visibility to residential areas.

~~(iv) In the case of a request for modification to the separation requirements of this subsection that the proposed site is zoned I and the proposed site is at least double the minimum standard for separation from lands used for residential purposes;~~

~~(v) In the case of a request for modification of the separation requirements of this subsection, if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to close a significant gap within the city in coverage of the provider and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area; and~~

~~(iv)~~(iv) In the case of a request for modification of the maximum height limit, that the modification is necessary to;

~~(1A)~~ facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or

~~(2B)~~ to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer.

~~(17)~~(19) Maintenance. Towers must be maintained in accordance with the following provisions:

- (i) Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public;
- (ii) Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the national electric safety code and all federal communications commission, state and local regulations, and in such a manner that they will not interfere with the use of other property;
- (iii) Towers, telecommunications facilities and antenna support structures must be kept and maintained in good condition, order, and repair;

- (iv) Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel;
- (v) Towers must comply with radio frequency emissions standards of the federal communications commission; and
- (vi) In the event the use of a tower is discontinued by the tower owner, the tower owners must provide written notice to the city of its intent to discontinue use and the date when the use will be discontinued.

~~(18)~~(20) Additional requirements.

- (i) Inspections. The city may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with the ~~Uniform state Building building Code-code~~ and other construction standards provided by the city code, federal and state law. The expense related to such inspections will be borne by the property owner. Based upon the results of an inspection, the building official may require repair or removal of a tower.
 - (ii) ~~Excavation and monitoring~~Compliance to emission requirements. ~~The city may request that The the~~ owner of a telecommunications facility ~~shall~~ provide ~~the city with~~ current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the city's reasonable request. If the owner does not promptly provide the city with satisfactory technical evidence of FCC compliance, the city may carry out tests to ensure FCC radiation compliance using a qualified expert. The owner shall reimburse the city for its reasonable costs in carrying out such compliance testing.
- (c) Wireless support structures. New wireless support structures for the siting of small wireless facilities in the public street right-of-way adjacent to the R-1 zoning district, are subject to the following standards:
- (1) No taller than 50 feet in height;
 - (2) No less than five feet from the street curb;
 - (3) No more than five feet from the side lot line extended to the street;
 - (4) To the extent possible, have an antenna that is shrouded or camouflaged;
 - (5) Constructed from earth-tone fiberglass; and
 - (6) Served by underground power and communication lines. The structure shall not be served by any above-ground power or communication lines.

Subd. 7. Public, institutional and recreational use category.

Table 6: Permitted Encroachments [1]							
	R-1	R-2	R-3	Commercial	TC	Industrial	AP
Air conditioning or heating equipment	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	Not Applicable	2 feet in the side yard, but cannot be closer than 10 feet to the living quarters of a dwelling on adjacent property	Not Applicable
Attached decks or open porches	Front/rear: 10 feet for attached decks or open porches in the front or rear yard of one or two family dwellings, provided that no more than 240 SF of the deck or porch encroaches into the 30 foot required setback Side: 3 feet Corner side: 3 feet	Front/rear: 10 feet for attached decks or open porches in the front or rear yard of one or two family dwellings, provided that no more than 240 SF of the deck or porch encroaches into the 30 foot required setback Side: 3 feet Corner side: 3 feet	Front/rear: 10 feet for attached decks or open porches in the front or rear yard of one or two family dwellings, provided that no more than 240 SF of the deck or porch encroaches into the 30 foot required setback Side: 3 feet Corner side: 3 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Awnings	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front/corner side: May be located up to the property line	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet	Front: 3 feet Side: 2 feet Rear: 3 feet Corner side: 2 feet

Table 6: Permitted Encroachments [1]							
	R-1	R-2	R-3	Commercial	TC	Industrial	AP
<p>NOTES:</p> <p>[1] Encroachments are permitted as shown in the table, but in no instance shall encroachments be allowed in a platted or dedicated easement.</p> <p>[2] Unless otherwise described, the numerical dimensions listed in this table are the linear dimensions allowed for the setback encroachment. For example, in the R-1 district, awnings may be three feet closer to the front property line than the required front setback for the dwelling.</p> <p>[3] Front setback: Building projections or bumpouts to the front of the principal building are allowed, subject to these conditions: 1) Each addition shall not exceed 24 feet in width, and the cumulative width of all additions shall not exceed 50% of the width of the principal building; 2) Each addition's encroachment into the 30 foot required front setback shall not exceed 80 square feet, and the cumulative encroachment of all additions shall not exceed 100 square feet.</p> <p>Rear setback: Building projections or bumpouts to the rear of the principal building are allowed, subject to these conditions: 1) The encroachment occupies no more than 300 square feet of the area within the rear setback; 2) The width of the encroachment is no more than 50% of the lot width measured at the rear setback line; 3) The property owner removes any existing accessory buildings from the rear yard; 4) The property owner signs and has notarized a written statement to the city acknowledging that no accessory buildings may be built or placed in the rear yard and this statement will be recorded against the property.</p> <p>[4] If an egress window is constructed as part of the foundation of the dwelling, the egress window shall meet the required setbacks for the dwelling.</p>							

520.03. Site development standards.

Subd. 1. Purpose. The purpose of these site development standards is to further the purpose of this UDC and the goals and policies of the comprehensive plan. Furthermore these standards are intended to establish appropriate lot dimensions and setbacks within each zoning district and provide for appropriate scale of structures.

Subd. 2. Site development standards.

- (a) Site development standards for principal buildings. Table 7 are the regulations for residential densities, setbacks, number of principal buildings, lot dimensions, building height, and green space for placing principal buildings in the city's zoning districts.
- (b) Site development standards for accessory structures. Table 8 are the setback and height requirements for placing accessory structures in the city's zoning districts.

Table 7: Zoning District Site Development Standards for Principal Buildings							
	R1	R2	R3	Commercial	TC	Industrial	AP
Permitted Residential Density							
Permitted Residential Density	No more than 6 units per acre (gross)	6 to 16 units per acre (gross)	16 to 40 units per acre (gross)	Not Applicable	25 to 50-80 units per acre (gross)	Not Applicable	Not Applicable
Minimum Building Setbacks [1]							

Table 7: Zoning District Site Development Standards for Principal Buildings							
	R1	R2	R3	Commercial	TC	Industrial	AP
Front	30 feet	30 feet	30 feet	10 feet	1 foot minimum 10 foot maximum	10 feet	200' from residential use
Side	5 feet	15 feet	15 feet	10 feet	0 foot minimum	10 feet	200' from residential use
Rear	30 feet	30 feet	30 feet	10 feet	3 foot minimum	10 feet	200' from residential use
Corner Side	10 feet [2]	30 feet	30 feet	15 feet	2 foot minimum 12 foot maximum	15 feet	200' from residential use
Number of Principal Buildings							
Maximum number of principal buildings per property	One	One	One	One	Not Applicable	One	Not Applicable
Minimum Lot Area							
One-family Detached Dwelling	6,000 SF	6,000 SF	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Two-Family Dwelling	12 10,000 SF	12 10,000 SF	12 10,000 SF	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Other Residential Uses	Not Applicable	3,000 per dwelling, but in no event less than 10,000 SF	1,200 per dwelling, but in no event less than 20,000 SF	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Non-Residential Uses [3]	Not Applicable	Not Applicable	Not Applicable	20,000 SF	Not Applicable	20,000 SF	Not Applicable
Minimum Lot Depth							
One-family Detached Dwelling	100 feet	100 feet	100 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Two-Family Dwelling	100 feet	100 feet	100 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Other Residential Uses	Not Applicable	100 feet	100 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Non-Residential Uses [3]	100 feet	100 feet	100 feet	120 feet	Not Applicable	120 feet	Not Applicable
Minimum Lot Width							
One-family Detached Dwelling	50 feet	50 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Table 8: Zoning District Site Development Standards for Accessory Structures							
Accessory Structure Type	R1	R2	R3	Commercial	TC	Industrial	AP
Accessory dwelling units, detached	The height of the dwelling unit cannot exceed the height of the principal building or 20', whichever is less 22 feet	The height of the dwelling unit cannot exceed the height of the principal building or 20', whichever is less 22 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Amateur radio towers	Tower not to exceed 75 feet	Not Applicable	Tower not to exceed 75 feet	Tower not to exceed 75 feet			
Commercial storage buildings	Not Applicable	Not Applicable	Not Applicable	20 feet	Not Applicable	20 feet	25 feet
Detached accessory buildings [6]	15 feet	15 feet	15 feet	15 feet	Not Applicable	15 feet	15 feet
Essential services (such as poles or towers)	As determined by the city engineer	As determined by the city engineer	As determined by the city engineer	As determined by the city engineer			
Fences	See subsection 520.09	See subsection 520.09	See subsection 520.09	See subsection 520.09	Not Applicable	See subsection 520.09	See subsection 520.09
Flagpoles	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Satellite dishes	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof	Not to exceed 4 feet above the roof
Solar energy systems	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt	Building mounted: Shall not exceed the maximum allowed building height Freestanding: 20 feet when oriented at maximum tilt

Table 11: Parking Spaces by Use

Use Type	Minimum	Maximum
Outdoor Recreational Facilities	10 spaces per acre of play field, plus 4 per basketball court, two space per tennis court, or 1 space per 50 square feet of deck area for a swimming pool	Not applicable
Banquet halls, event centers, Religious Institutions, or similar places where persons gather or assemble	4 spaces, plus no less than 1 space per 3 seats based on the cumulative design capacity of the assembly room or spaces	4 spaces, plus no more than 1 space per 2 seats based on the cumulative design capacity of the assembly room or spaces
Schools, <u>nursery or preschool</u> , elementary and middle <u>school</u>	10 spaces, plus no less than 1 space per classroom and 1 space per 40 students based on designed capacity	Not applicable
<p>Notes:</p> <ol style="list-style-type: none"> 1. The minimum number of parking spaces for senior housing is 1 space per household unit, 50% of which shall be enclosed in a garage. 2. If applicable, 1 space per 4 person capacity shall be provided for conference rooms or other assembly spaces and 1 space shall be provided for a manager who resides on the property. 3. Motor vehicle stacking space shall also be provided for making up a funeral procession, although drive aisles in the parking lot may be used for stacking. 4. The parking requirement for retail sales and service establishments with more than 50% or more of gross floor area devoted to storage or warehouse shall be: 4 spaces, plus no less than 1 space per 500 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 1,000 square feet of storage. 		

Subd. 7. Disabled parking requirements. Parking spaces required for the disabled shall be provided in compliance with all applicable state and federal requirements. If practicable, spaces for the disabled shall be located so they provide easy access from the closest parking area to the major entrance of the use for which they are provided.

Subd. 8. Modification of parking requirements. For all uses except one and two-family dwellings, the number of parking spaces required in Table 11 may be modified according to the following provisions. If a request is made to reduce the number of parking spaces in both (b) and (c) of this subsection, the total reduction shall not exceed ten percent of the required number of spaces. Approval of requests to provide more or less parking spaces, or reducing the number of enclosed spaces, shall be made according to the applicable review procedure associated with the principal uses listed in Table 11, unless otherwise noted in this subsection.

Subd. 2. Applicability. Except as provided for in this subsection, these requirements are applicable for subdivision or lot consolidation applications, site plans, conditional use permits, building permits, or other land disturbing activities on existing properties, except if this requirement is waived by the city engineer.

Subd. 3. Exemptions. The provisions of this section do not apply to:

- (a) Any part of a subdivision if a plat for the subdivision has been approved by the city council on or before the effective date of this UDC;
- (b) Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this UDC;
- (c) A lot for which a building permit has been approved on or before the effective date of this UDC;
- (d) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles; or
- (e) Emergency work to protect life, limb, or property.

Subd. 4. Storm water management plan. ~~When a subdivision, lot consolidation, site plan, or conditional use permit application is submitted, the applicant shall include a storm water management plan, unless this requirement is waived by the city engineer.~~ The plan shall contain the following information.

- (a) Existing site map. A map of existing site conditions showing the site and immediately adjacent areas, including:
 - (1) The street address, property identification number or legal description of the subject property;
 - (2) North point, date, scale of drawing, and number of sheets;
 - (3) Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet;
 - (4) A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;
 - (5) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;