



# PLANNING COMMISSION STAFF REPORT

## UDC Amendments

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**FROM:** Dan Olson, City Planner

**TO:** Planning Commission (for October 9 meeting)

**DATE:** October 3, 2023

**RE:** **PUBLIC HEARING.** Miscellaneous amendments to the Unified Development Code (Application Number 2023 - 07)

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### A. BACKGROUND

Staff is requesting miscellaneous amendments to the unified development code (UDC), including two property rezonings at 3601 and 3443 Douglas Drive North. Most of the proposed text amendments are corrections or clarifications, brought about by things we learned while administering the UDC's requirements.

#### **Public hearing.**

Notice of the October 9 public hearing for the UDC amendments was published in the Sun Post on September 28, and posted to all neighborhoods on Nextdoor.

In addition, for the two proposed property rezonings, a notice was mailed to owners, renters and business tenants within 500 feet of each property (see attachment A). A sign was also posted on each property.

#### **Previous Planning Commission and City Council review.**

- At the August 14, 2023 Planning Commission meeting the Commission discussed the proposed text amendments and recommended minor wording changes to clarify the requirements. Those changes have been described in section B, below, and incorporated into attachment B.
  
- At the September 14, 2023 City Council Work Session, Council reviewed the amendments, including those added after the Planning Commission meeting, and their comments are described in section B, below, and incorporated into attachment B.

### **Additional amendments after Planning Commission meeting.**

Since the Planning Commission meeting staff has also added the following amendments, which are fully described in this staff report:

1. **Property rezonings.** Rezone two properties at 3601 and 3443 Douglas Dr N to accurately reflect current and proposed uses of those properties.
2. **Requirements for micro-unit dwellings.** The 2023 state legislature mandated that cities allow religious institutions to provide smaller housing units for chronically homeless and extremely low-income persons. At the July 10, 2023 Planning Commission meeting, staff briefed the Commission on the new statute but did not have draft ordinance language ready until the September 14<sup>th</sup> Council Work Session.
3. **Nursery/preschools in Town Center (TC).** The amendment allows for the two existing preschools and future preschools to be legally conforming in the TC district.
4. **Townhomes in TC district.** Allow townhomes in the TC district if they are part of an apartment development, allowing housing diversity within the required densities.
5. **Motor vehicle/RV licensing.** The amendment requires motor vehicles and RV's to be licensed when on parked outdoors on private property. Staff would like input from the Planning Commission on the following question relating to this amendment:  
  

Question: Should we exempt one-and-two family dwellings from this requirement?
6. **Exterior materials for carports.** The amendment clarifies that exterior material requirements apply not only to garages, but also carports.
7. **Outdoor sales.** At the request of City Council at their September 14<sup>th</sup> work session, this amendment extends the length of temporary outdoor sales from 180 days per calendar year to 270 days to match the time allowed for outdoor dining.

#### **Attachments:**

- A. For property rezonings, site location and public hearing mailing notice map
- B. Proposed UDC text amendments
- C. State Statute 327.30 (Micro-unit dwellings)

## B. PROPOSED TEXT AMENDMENTS

### 1. Town Center amendments.

- Ground floor height (page 51). Clarifies that the height requirement for a ground floor in the town center zoning districts is greater only if a non-residential use is proposed for that floor.
- Facade glazing (page 52). Clarifies that the percentage requirement for ground floor glazing in the town center zoning districts is greater only if a non-residential use is proposed for the ground floor.

**Planning Commission change.** *Clarify that all non-residential floors will require 50% glazing and residential floors will require 30%, regardless of the floor location within the building.*

- Street/pedestrian locations (pages 53, 72 and 73). Clarifies that new connections in the town center districts can be either street or pedestrian connections and do not need to be city streets.

**Planning Commission change.** *The last line should be revised to read “The city will consider alternate street locations or pedestrian connections that achieve this intent”. The figure should also be labeled as “hypothetical” locations.*

- Parking lot screening (page 134). *Screening requirements within the town center districts may be altered if driveway visibility would be impaired.*

**Planning Commission change.** *In speaking of driveway visibility, reference the city’s visibility requirements in chapter 8 of the city code.*

- Building setbacks (page 115). Increases the minimum rear setback in the town center districts from 3 to 5 feet.
  - One-family attached dwellings (pages 75, 79). Attached one-family dwellings (townhomes) are allowed in the TC if they are included as part of a multi-family apartment development.
  - Nursery or preschools (pages 77, 94, and 126). Since there are two pre-existing nursery or preschools in the TC district, this amendment allows that use as a conditional use in the TC district (it is already allowed in the TC-PD district). An additional amendment allows fencing for outdoor play areas for nursery or preschools.
2. Definition of gross density (page 10). A definition is added to clarify how gross density is calculated.
  3. Consistent use of word “multiple” (pages 11, 19, 49, 75, 129, 132, 136, 147, 178, 181, and 182). The word “multiple” pertaining to “multiple family dwellings” and “multiple tenant buildings” is used inconsistently. At times the word “multi” was used, while other times “multiple” was used. The amendment is to create consistency with the use of this term.
  4. Specialized care facility (page 23). Delete the term “housing with services establishment” since that phrase was replaced in 2021 with “assisted living facility” by the MN Dept. of Health.

5. Floor area for alcohol sales in restaurants (pages 76, 81 and 82). Since the limitation is rarely, if ever, exceeded, this amendment deletes the limitation for the amount of floor space devoted to on-sale liquor, wine or beer.
6. Waste container enclosure (pages 94 and 135). Requires waste container enclosures, such as dumpster enclosures. Use-specific standards are found in the screening requirements of the UDC, except for one and two family dwellings.
7. Exterior building materials for carports (page 98). The amendment clarifies that exterior material requirements apply not only to garages, but also carports.
8. Outdoor dining and sales (page 102). Clarifies that a CUP is only required if the duration exceeds the limits for a temporary use. Also extends the length of temporary outdoor sales from 180 days per calendar year to 270 days to match the time allowed for outdoor dining
9. Building setbacks (page 115). Reduces the required setback from 15 to 10 feet for the interior side yard in the R-2 district and for the corner side yard in the commercial and industrial districts.
10. Understory tree size requirements (page 128). Reduces the minimum size for newly planted trees from 2 to 1.5 inches for understory, small maturing, or ornamental trees.

**Planning Commission comment.** *The Commission requested that staff research whether reducing the understory tree size will reduce the likelihood of a tree's survival. Staff consulted with the city's tree expert in Public Works who verified that understory tree survival will not be impacted by reducing the minimum tree size from 2" to 1.5".*

11. Parking lot screening (page 133). Those parking lots set back a significant distance from the street and that are not adjacent to a residential use would not be subject to screening requirements.
12. Landscaping requirements (page 134). Clarifies the gross area of a parking lot and to correct an internal inconsistency relating to tree size requirements.
13. Roof-mounted mechanical equipment (page 135). Exempts one-and-two family dwellings from screening requirements for rooftop mechanical equipment.
14. Off-street parking (page 139). City code section 1325 allows motor and recreational vehicles to be parked or stored outdoors as long as they are "currently licensed as required by law". Since Minnesota statutes do not require that vehicles or recreational vehicles be licensed if on private property, this regulation to require such licensing is added to the off-street parking requirements of the UDC. Since the Planning Commission meeting staff has added text to exempt lawful vehicles sales businesses. Staff would like input from the Planning Commission on the following question relating to this amendment:

Question: Should we exempt one-and-two family dwellings from this requirement?

15. Driveway access for parking lots (page 148). Clarifies that the requirement to set back a parking lot feature is only applicable on busier streets (collector or arterial streets).
16. Compact vehicle spaces (pages 149-150). Removes the minimum number of compact parking spaces for larger parking lots, while retaining the maximum number.
17. Civil engineer (page 151). Allows for a civil engineer, in addition to a transportation engineer, to prepare a parking study.

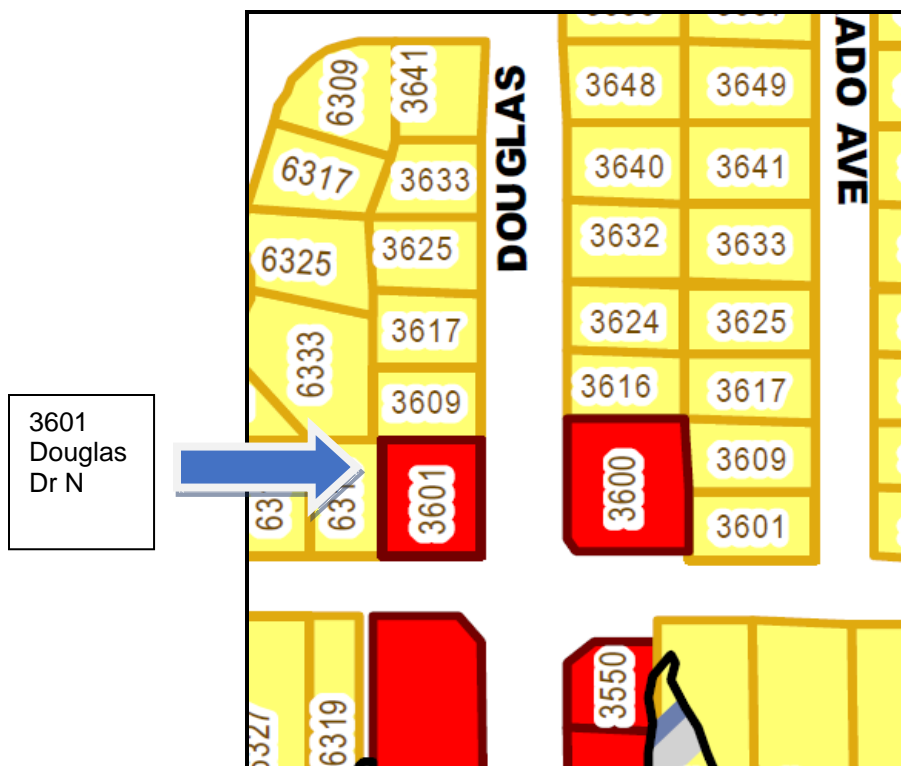
18. Park dedication cash payment (page 173). In calculating the park dedication cash payment for a residential development, the City Council will consider the previous commercial use which may result in a reduced park dedication fee.
19. Sign code (pages 22, 174, 180, 181). Corrects a typo for off-premise sign requirements, clarifies the city's practice of not requiring a sign permit for a menu board sign, and allows greater height limits for commercial monument signs.
20. Micro-unit dwellings (pages 16, 93, 98 99, and 120). In 2023 the state legislature adopted a statute that mandates cities allow religious institutions to create micro-unit dwellings for chronically homeless and extremely low-income persons (attachment C). The legislation goes into effect January 1, 2024.

The legislation allows the use to be permitted without the need for City Council approval or to require that a conditional use permit (CUP) be approved before the dwelling unit is allowed. Conditions of approval cannot be added to the CUP permit. Staff is proposing that the use be conditional in the R-1, R-2, R-3, Commercial and Industrial zoning districts and has proposed use-specific standards for the use.

### C. TWO PROPERTY REZONINGS

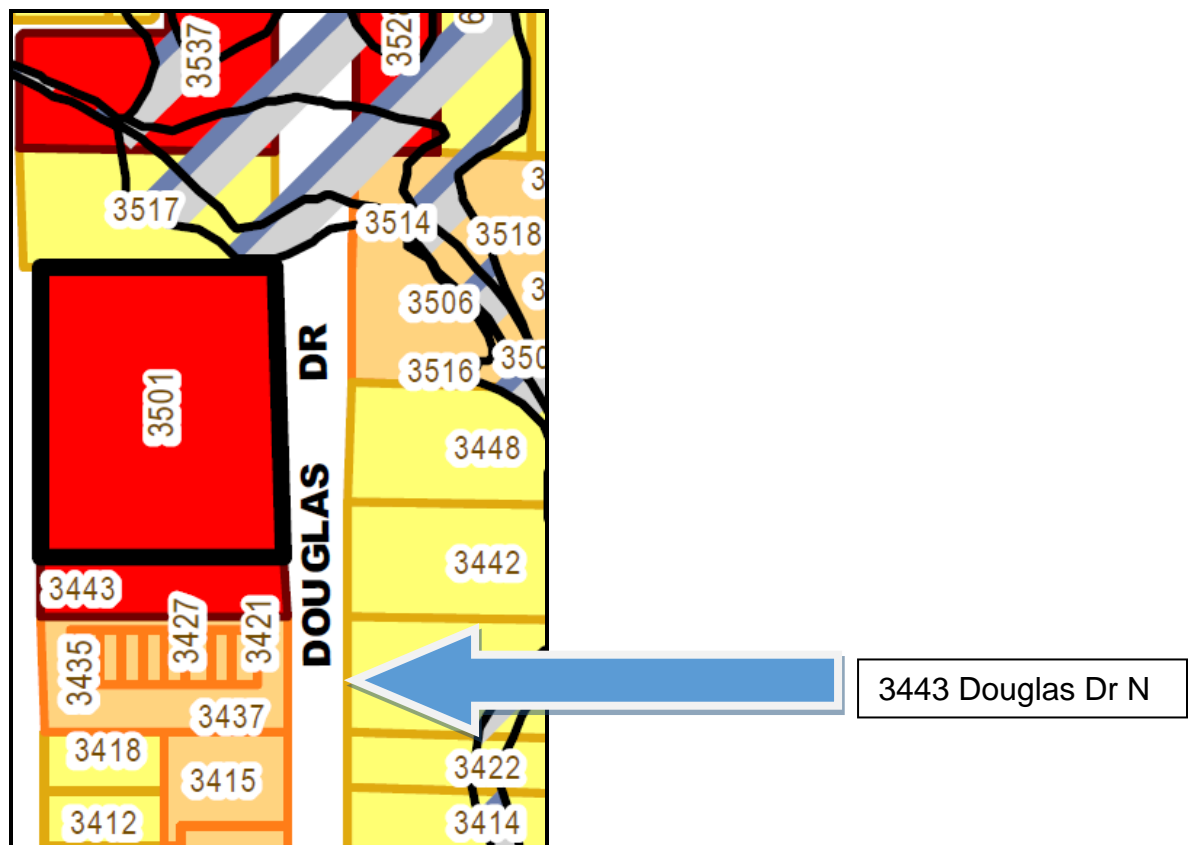
In addition to the UDC text amendments, staff is proposing two property rezonings to accurately reflect current and proposed uses of those properties. The following is additional information about these two properties.

#### 3601 Douglas Drive N.



- Current zoning. The property is zoned Commercial, but is the location of a two-family dwelling constructed in 1959.
- Proposed zoning. Staff is proposing to rezone the property to Low Density Residential (R-1). The property is guided as low density residential in the city's Comprehensive Plan. The property owner is in agreement with the proposed change.
- Rationale for rezoning. Staff has been unable to determine when the property was zoned Commercial. The property was presumably zoned Commercial so that all four corners at the intersection of 36<sup>th</sup> and Douglas Dr N would eventually be redeveloped in the 1970s for commercial purposes. Given that the dwelling has been in existence over 60 years, and is adjacent to low density residential, it is unlikely to be redeveloped for a commercial use.
- Dimensional and setback requirements. The existing lot meets lot area, width and depth requirements for a two-family dwelling in the R-1 district.
  - *The dwelling meets all required minimum setbacks, except for the front setback of 30'. In 1986 Hennepin County obtained 11' of additional right-of-way along Douglas Drive to create a turn lane. Prior to this acquisition, the dwelling met the required setback.*
  - *The dwelling is defined as legally nonconforming due to the front setback. This is an existing condition and the rezoning does not increase the nonconformity because the front setback is the same in the R-1 and C districts.*

**3443 Douglas Dr N.**



- Current zoning. The vacant property is owned by the City's Economic Development Authority (EDA) and is zoned Commercial.
- Proposed zoning. Staff is proposing to rezone the property to Medium Density Residential (R-2). The property is guided as medium density residential in the city's Comprehensive Plan.
- Rationale for rezoning. The property has been vacant since 2010 when the home was demolished. The property was rezoned to Commercial in 2013 with the aim of redeveloping it along with the office building north of the property. That property, 3501 Douglas Drive N, was redeveloped as the Suite Living assisted living facility in 2020 without including 3443 Douglas. Given that a commercial use for this property is no longer desired, a residential use would be appropriate and compatible with the properties to the south and west. The property could be developed for a three-unit residential building under R-2 zoning or developed as townhomes if rezoned Planned Development (PD) upon receipt of such a proposal from a developer.

**D. REQUESTED ACTION**

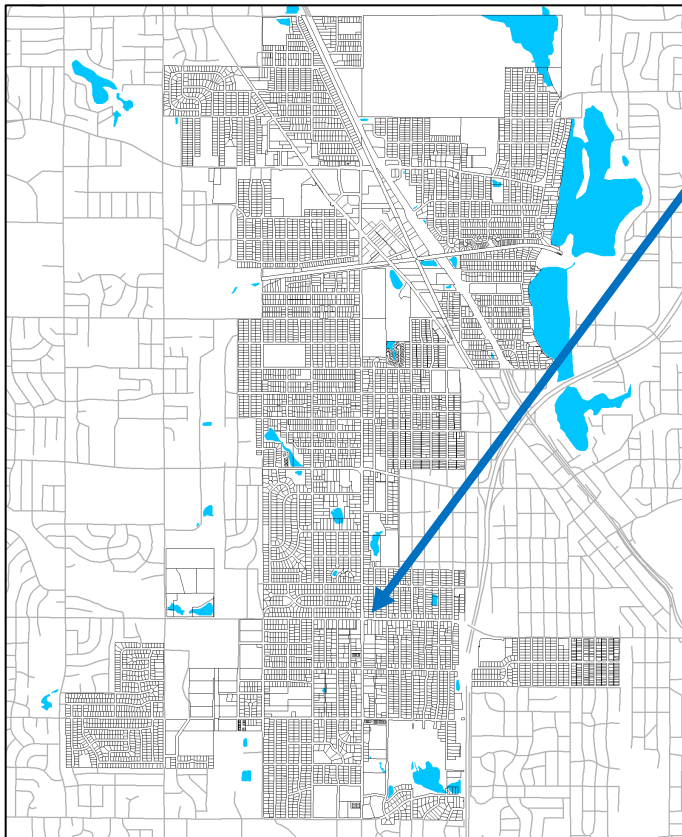
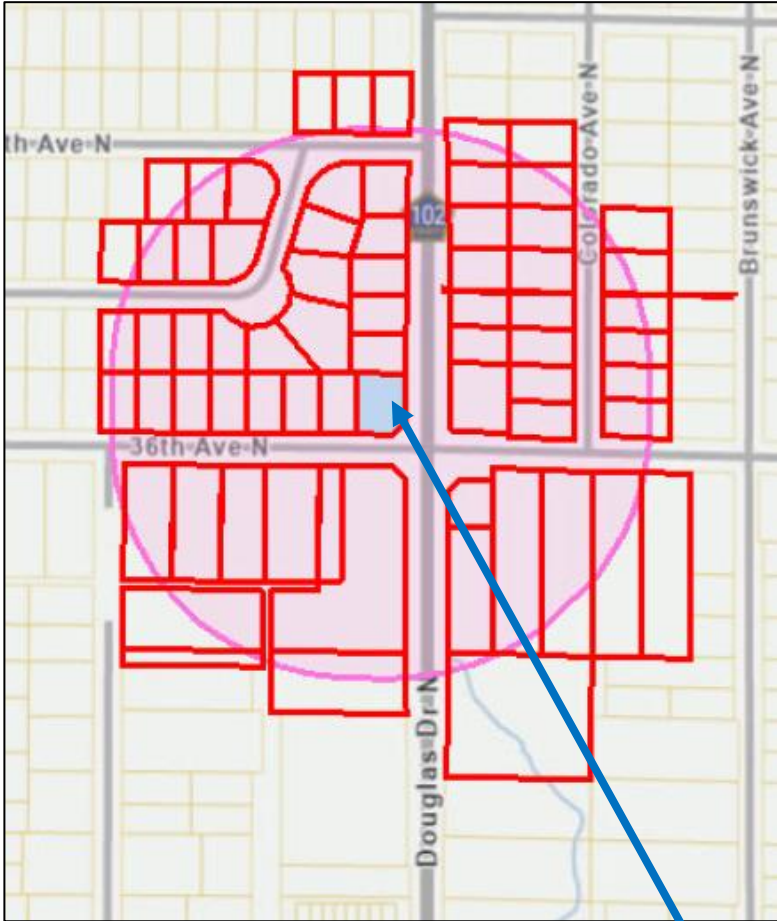
The Planning Commission is asked to make a recommendation to the City Council to either deny or approve the proposed UDC text amendments and two property rezonings. Staff recommends approval of the amendments and the rezonings.

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

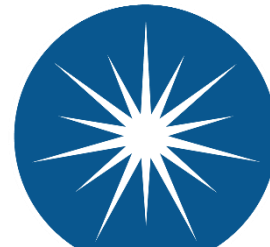
Oct. 17	Council considers first reading of ordinance
Nov. 7	Council considers second reading and adoption
Nov. 16	Summary of ordinance published
Dec. 16	Effective date of ordinance

# Site Location and Public Hearing Notice Mailing Map

Attachment A



3601 Douglas Dr N

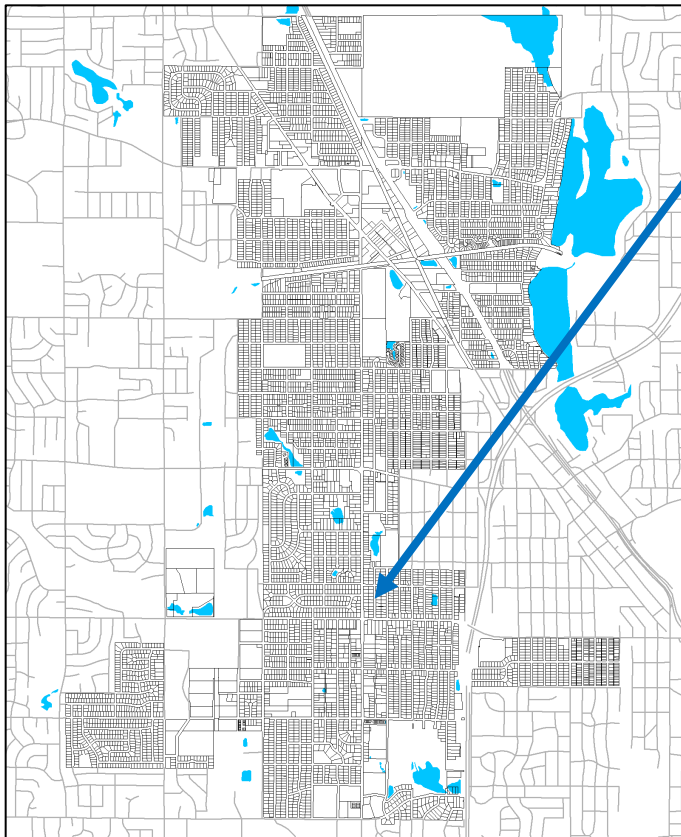
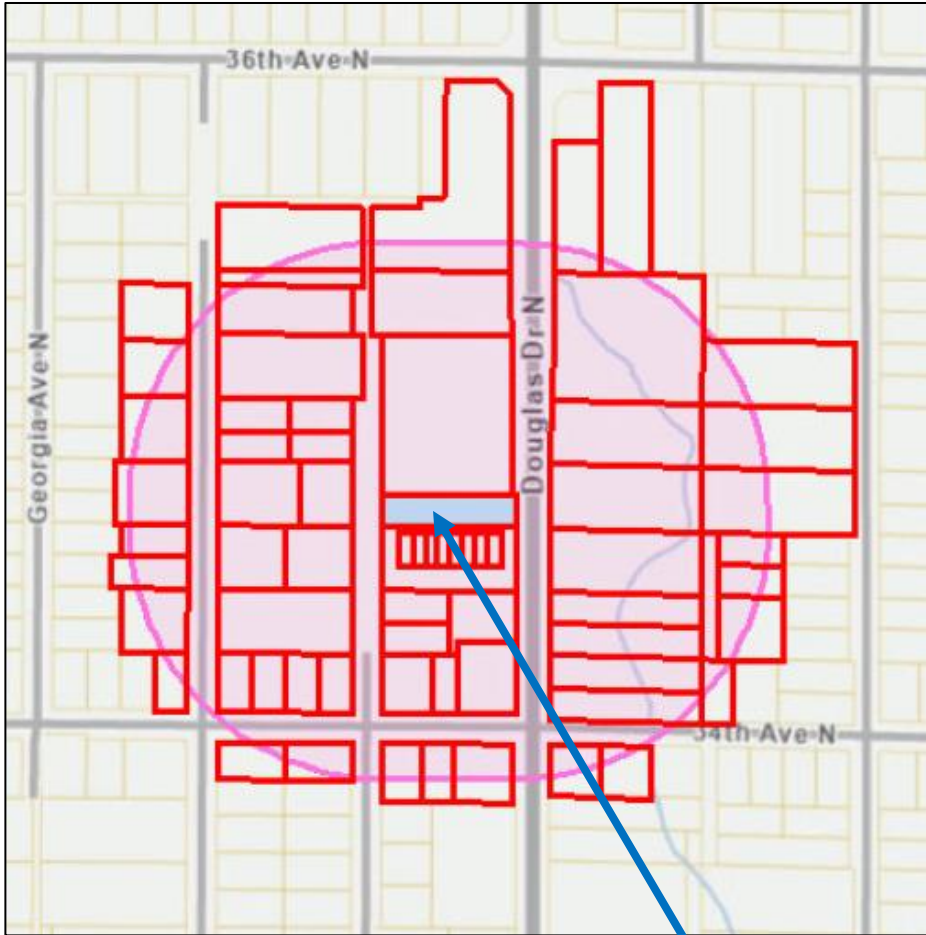


**CITY of CRYSTAL**

**4141 Douglas Dr. N.  
Crystal MN 55422**



# Site Location and Public Hearing Notice Mailing Map



3443 Douglas Dr N



**CITY of CRYSTAL**

**4141 Douglas Dr. N.  
Crystal MN 55422**

## Attachment B

Subd. 35. Commercial storage building. “Commercial storage building” means a detached accessory building that is over 200 square feet in size and used primarily for storage for a commercial business. For the purposes of this UDC, commercial storage buildings are not synonymous with self-storage facilities.

Subd. 36. Comprehensive plan. “Comprehensive plan” means the formally adopted comprehensive development plan of the city, composed of maps, charts, diagrams, and text describing the recommended policies and programs to guide the city’s future development and redevelopment.

Subd. 37. Control measure. “Control measure” means a practice or combination of practices to control erosion and attendant pollution.

Subd. 38. Critical facilities. “Critical facilities” means facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

Subd. 39. Curb cut. “Curb cut” has the meaning given it in the Crystal city code, chapter VIII.

Subd. 40. Day care facilities, Adult. “Day care facilities, Adult” means a facility providing care for the elderly or functionally-impaired adults in a protective setting for a portion of the day. For day care facilities for children, see “Day care facilities, in-home”, Day care, group family facilities” and “Schools, nursery or preschool”.

Subd. 41. Day care facilities, in-home. “Day care facilities, in-home” means a day care facility under rules and statutes of the State of Minnesota serving and providing care to 12 or fewer children.

Subd. 42. Day care, group family facilities. “Day care, group family facilities” means a facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 and which serves 14 or fewer children.

Subd. 43. Deck, detached. “Deck, detached” means a freestanding deck which does not utilize the exterior wall of the principal structure for support.

Subd. 44. Density, gross. “Density, gross” means the number of dwelling units divided by the gross area of the development, which includes the adjacent halves of any street rights-of-way bounding or abutting the development area, and all rights-of-way interior to the development area.

Subd. ~~4445~~. Detention facility. “Detention facility” means a permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of stormwater.

Subd. ~~4546~~. Development. “Development” means any manmade change to improved or unimproved real estate, including buildings or other structures, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

Subd. ~~4647~~. Driveway. “Driveway” has the meaning given it in the Crystal city code, chapter VIII.

Subd. ~~4748~~. Driveway approach. “Driveway approach” has the meaning given it in the Crystal city code, chapter VIII.

Subd. ~~48~~49. Drive-through establishment. “Drive-through establishment” means 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.

Subd. ~~49~~50. Dwelling. “Dwelling” means a building or portion thereof used exclusively for residential purposes, forming a habitable unit for one family. Garages, tents, and accessory structures shall not be considered dwellings and shall at no time be used as a dwelling, either temporarily or permanently. Tents may be used for recreational purposes.

Subd. ~~50~~51. Dwelling, multiple family. “Dwelling, multiple family” means a building designed with three or more dwellings exclusively for occupancy by three or more families living independently of each other.

Subd. ~~51~~52. Dwelling, one-family attached. “Dwelling, one-family attached” means a building, such as townhouses or row houses, containing dwellings in which:

- (a) Each dwelling is located on its own parcel;
- (b) Each dwelling is attached to another by party walls without openings; and
- (c) Each dwelling has primary ground floor access to the outside.

Subd. ~~52~~53. Dwelling, one-family detached. “Dwelling, one-family detached” means a residential building containing not more than one dwelling entirely surrounded by open space on the same lot.

Subd. ~~53~~54. Dwelling, two-family. “Dwelling, two-family” means a building designed exclusively for occupancy by two families living independently of each other and which is typically referred to as a double bungalow or duplex, where the entire building is located on a single lot.

Subd. ~~54~~55. Easement. “Easement” means a grant by a property owner to either the public or an individual for the use of the owner’s property for certain specified purposes (i.e., drives, utilities, etc.).

Subd. ~~55~~56. Equal degree of encroachment. “Equal degree of encroachment” means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Subd. ~~56~~57. Essential services. “Essential services” means 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.

Subd. ~~57~~58. Family. “Family” means one or more persons maintaining a common household and using common cooking facilities.

Subd. ~~58~~59. Farm fence. “Farm fence” means a fence as defined by Minnesota Statutes, section 344.02, subdivision 1(a)-(d). An open type fence of posts and wire is not considered to be a structure in the floodplain overlay district requirements. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under the floodplain overlay district provisions.

Subd. ~~59~~60. Filtration. “Filtration” means a process by which stormwater runoff is captured, temporarily stored, and routed through a filter bed to improve water quality and slow down stormwater runoff.

Subd. ~~60~~61. Findings of fact. “Findings of fact” means written findings embodied in a resolution, ordinance, or other document approved or adopted by the body making such findings.

Subd. ~~6162~~. Flag. “Flag” means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Subd. ~~6263~~. Flood. “Flood” means 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.

Subd. ~~6364~~. Flood frequency. “Flood frequency” means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Subd. ~~6465~~. Flood fringe. “Flood fringe” means the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Hennepin County, Minnesota.

Subd. ~~6566~~. Flood prone area. “Flood prone area” means any land susceptible to being inundated by water from any source (see “Flood”).

Subd. ~~6667~~. Floodplain. “Floodplain” means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Subd. ~~6768~~. Floodproofing. “Floodproofing” means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Subd. ~~6869~~. Floodway. “Floodway” means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

Subd. ~~6970~~. Floor area, gross. “Floor area, gross” means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings.

Subd. ~~7071~~. Floor area, finished. “Floor area, finished” means the gross floor area that is finished as fully habitable space, including the finished portion of a basement. Where a sloped ceiling is present, only that portion which has at least six feet of vertical clearance from floor to ceiling shall be considered finished floor area.

Subd. ~~7172~~. Frontage. “Frontage” means the line of contact of a property with a public right-of-way.

Subd. ~~7273~~. Funeral home. “Funeral home” means a building used for human funeral services and which may include space for embalming and other services used in the preparation of the dead for burial, the indoor storage of caskets, funeral urns, and other related supplies. Funeral homes do not include facilities for cremation, but cremation services may be offered.

Subd. ~~7374~~. Garage, attached. “Garage, attached” means the storage of motor vehicles by the owner or occupant of the principal use in a garage that is attached to the principal structure by a common wall or by a roof. An attached garage has no facilities for mechanical service or repair.

Subd. ~~7475~~. Garage, detached. “Garage, detached” means an accessory 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. A detached garage is a freestanding structure, not connected to the foundation, wall, roof, or other part of the principal structure.

Subd. 7576. Garage or yard sales. “Garage or yard sales” means the infrequent temporary display and sale of general household goods, used clothing, appliances, and other personal property.

Subd. 7677. Grade. “Grade” means the average finished ground level of the land around the perimeter of a lot, structure, or building.

Subd. 7778. Half street. “Half street” means a right-of-way dedicated for a street by a developer along such developer’s perimeter property line equal to only one-half of the total right-of-way width required by this UDC.

Subd. 7879. Home business. “Home business” means a business, profession, activity, or use that is clearly a customary, incidental, and accessory use of a residential dwelling and except for allowable signage does not alter the exterior of the property or affect the residential character of the neighborhood.

Subd. 7980. Hospital. “Hospital” means an institution licensed by the state providing health care services and medical or surgical care to persons, primarily inpatient, suffering illness, disease, injury, and other physical and mental conditions. Hospitals may include as an integral part of the facility laboratories, outpatient facilities, or training facilities.

Subd. 8081. Hotel, motel, or extended stay. “Hotel, motel, or extended stay” means 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.

Subd. 8182. Hydric soils. “Hydric soils” means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subd. 8283. Hydrophytic vegetation. “Hydrophytic vegetation” means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Subd. 8384. Impervious surface. “Impervious surface” means any surface that does not readily absorb or retain water, including but not limited to buildings, roofs, parking areas and driveways, sidewalks, and pavement.

Subd. 8485. Industrial uses (indoors). “Industrial uses (indoors)” means a facility used primarily for manufacturing, processing, or assembly of products that is a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from the adjacent properties.

Subd. 8586. Industrial or commercial uses with outdoor storage of parts, products, or fuel. “Industrial or commercial uses with outdoor storage of parts, products, or fuel” means those industrial or commercial uses, such as recycling establishments, truck terminals, public works yards, building or landscape contractor yards, or other commercial businesses that find it necessary to have outdoor/open storage of parts, products, or fuels to support the principal use of the property. This includes commercial truck storage or parking as defined in this UDC, but not those temporary outdoor storage uses which are regulated in the Crystal city code, subsection 515.25.

Subd. 8687. Infiltration. “Infiltration” means the passage of water into the ground through the soil.

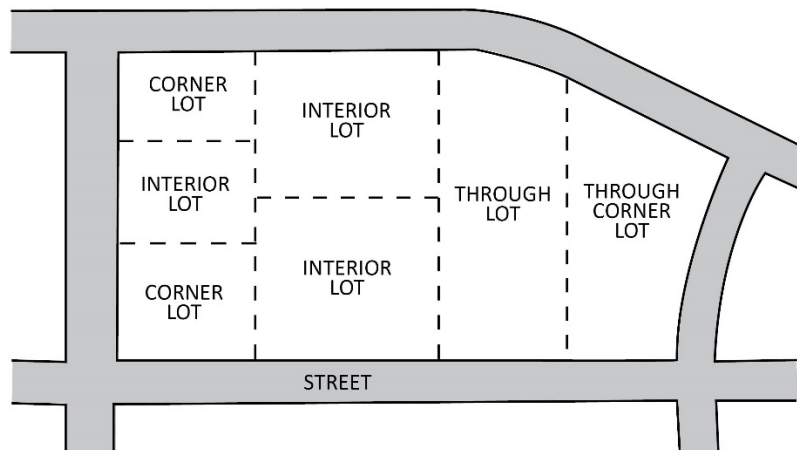
Subd. 8788. Kennels, commercial. “Kennels, commercial” has the meaning given it in the Crystal city code, chapter IX.

Subd. 8889. Kennels, multiple animal. “Kennels, multiple animal” has the meaning given it in the Crystal city code, chapter IX.

Subd. 8990. Loading spaces. “Loading spaces” means the area not within a public right-of-way provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise. For the purposes of this UDC, development standards for loading spaces shall only apply to those areas of at least ten feet in width, 30 feet in length and having a vertical clearance of at least 14 feet.

Subd. 9091. Lot. “Lot” means land occupied or proposed to be occupied by a building and its accessory buildings, together with such open space as is required under the provisions of this UDC, having not less than the minimum area required by this UDC 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.

Subd. 9192. Lot coverage. “Lot coverage” means that portion of a lot that is covered by impervious surfaces.



**Figure 2:** Illustration of lot configuration

Subd. 9293. Lot, corner. “Lot, corner” means a lot abutting on more than one street and situated at an intersection of streets (see figure 2).

Subd. 9394. Lot, interior. “Lot, interior” means a lot abutting on only one street (see figure 2).

Subd. 9495. Lot, through. “Lot, through” means a lot abutting on more than one street but not situated at an intersection of streets (see figure 2).

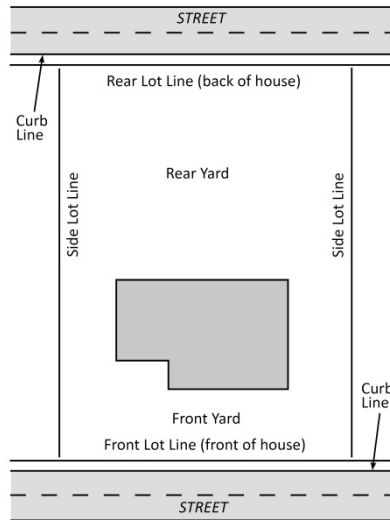
Subd. 9596. Lot, through corner. “Lot, through corner” means a lot abutting on more than one street and situated at more than one intersection of streets (see figure 2).

Subd. 9697. Lot area. “Lot area” means the area of a horizontal plane within the lot lines.

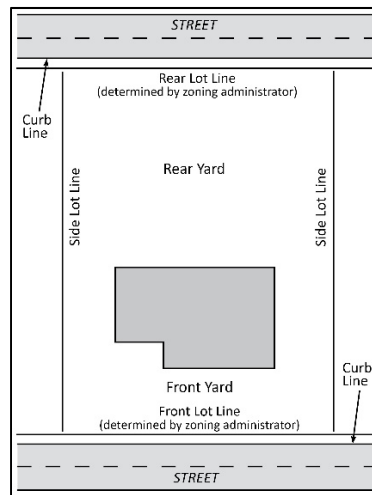
Subd. 9798. Lot depth. “Lot depth” means the shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.

Subd. 9899. Lot line, front. “Lot line, front” means 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. If the property lines on

both street frontages are of the same length, the property line to be used for front setback measurement shall be determined by the zoning administrator. On a through lot or through corner lot, the lot line for which the principal building is facing shall be the front lot line (see figure 3).



**Figure 3:** Illustration showing yards for through lot



Subd. ~~99~~100. 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~~101. Lot line, side. “Lot line, side” means any lot line that is not a front, rear or corner side lot line.

Subd. ~~101~~102. 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~~103. 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~~104. 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~~105. 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~~106. 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. ~~106~~107. Marquee. “Marquee” means any permanent roof-like structure extending along or projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Subd. ~~107~~108. Mechanical equipment. “Mechanical equipment” means equipment, devices and accessories, the use of which relates to water supply, powering, heating, ventilating, air conditioning or similar purposes.

Subd. ~~108~~109. Medical clinics. “Medical clinics” means a building, or part of a building, where persons are cared for on an outpatient basis.

Subd. 110. Micro unit dwelling. “Micro unit dwelling” means a dwelling unit that is accessory to a religious institution and is intended to provide housing for chronically homeless persons, extremely low income persons and designated volunteers as defined in Minnesota Statutes, chapter 327. 30.

Subd. ~~109~~111. Mobile food unit. “Mobile food unit” has the meaning given it from the Crystal city code, chapter XIII.

Subd. ~~110~~112. Multiple tenant building. “Multiple tenant building” means any building which has more than one tenant, and where each tenant has a separate ground-level exterior public entrance.

Subd. ~~111~~113. New construction. “New construction” means structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of the floodplain overlay district provisions.

Subd. ~~112~~114 Non-commercial speech. “Non-commercial speech” means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Subd. ~~113~~115. Non-conforming lot. “Non-conforming lot” means a lot of record or other parcel of land that does not comply with the lot requirements for any allowed use in the zoning district in which it is located.

Subd. ~~114~~116. Non-conforming structure. “Non-conforming structure” means any structure permitted prior to the effective date of this UDC, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this UDC.



Subd. ~~115~~117. Non-conforming use. “Non-conforming use” means 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.

Subd. ~~116~~118. Obstruction. “Obstruction” means any, wall, embankment, 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 floodplain 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.

Subd. ~~117~~119. Offices, professional. “Offices, professional” means establishments providing executive, management, administrative or professional services including, but not limited to, real estate, medical clinics, architecture, legal, travel, contractor, employment, insurance, and similar uses.

Subd. ~~118~~120. One hundred year floodplain. “One hundred year floodplain” means lands inundated by the “Regional Flood” (see definition).

Subd. ~~119~~121. Owner or property owner. “Owner or property owner” means the owner or taxpayer of record according to Hennepin County property tax records.

Subd. ~~120~~122. Parapet wall. “Parapet wall” means that portion of building wall that rises above the roof level.

Subd. ~~121~~123. Parking lot. “Parking lot” means land, not within a building, that is surfaced in accordance to the requirements of this UDC and used for the temporary parking of motor vehicles.

Subd. ~~122~~124. Parking ramp or structure. “Parking ramp or structure” means a structure designed and used for the storage of motor vehicles at, below, or above grade or a combination thereof.

Subd. ~~123~~125. Patio. “Patio” means an open, level-surfaced area that is typically impervious, has an elevation of no more than 12 inches above grade, is without walls or roofs, and is intended for outdoor seating or recreation.

Subd. ~~124~~126. Personal services. “Personal services” means establishments that are primarily engaged in providing services generally involving the care of the person or the person’s possessions. Personal services may include, but are not limited to laundry and dry-cleaning services, tailors, barber or beauty shops, health and fitness studios, nail salons, locksmiths, tattoo parlors, therapeutic massage, pet grooming, portrait studios, and similar uses.

Subd. ~~125~~127. Plat, final. “Plat, final” means the final formally approved layout of the proposed subdivision showing the same information as the preliminary plat, complying with the requirements of this UDC, and any additional requirements imposed by the city council and prepared in the form required by the appropriate county office and Minnesota Statutes, chapter 505.

Subd. ~~126~~128 Plat, preliminary. “Plat, preliminary” means a tentative layout of the proposed subdivision prepared for the purpose of formal review by the city. The preliminary plat shows lots, blocks, streets, and physical features relevant to the development of the property, but not in the detail or final form of the final plat.

Subd. ~~127~~129. Porch, open. “Porch, open” means a porch that has a roof but is not enclosed with windows, screens or walls. An open porch that does not have a roof is defined as a deck.

Subd. ~~128~~130. Portable storage container. “Portable storage container” means a temporary portable structure or container that allows for on-site storage of goods or materials, and which is not permanently affixed to a foundation.

Subd. ~~129~~131. Private recreational facilities, indoor. “Private recreational facilities, indoor” means recreational facilities are private recreational facilities located completely within an enclosed building that includes, but is not limited to bowling alleys, volleyball courts, ice skating rinks, and driving ranges.

Subd. ~~130~~132. Private recreational facilities, outdoor. “Private recreational facilities, outdoor” means private recreational facilities providing outdoor activities that includes, but is not limited to, sand volleyball courts, miniature golf courses, batting cages, and tennis courts.

Subd. ~~131~~133. Public and semipublic buildings. “Public and semipublic buildings “ means buildings containing public or civic uses of special significance to residents, employees or visitors such as community service centers. Public and semipublic buildings do not include public utility buildings, schools, or religious institutions.

Subd. ~~132~~134. Public waters. “Public waters” means waters of the state as defined in Minnesota Statutes, section 103G.005.

Subd. ~~133~~135. Reach. “Reach” means a hydraulic engineering term used 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 two consecutive bridge crossings would most typically constitute a reach.

Subd. ~~134~~136. Recreational vehicle. “Recreational vehicle” has the meaning given the term in Minnesota Statutes, section 168.002. For the purposes of this UDC, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle”.

Subd. ~~135~~137. Regional flood. “Regional flood” means 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 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

Subd. ~~136~~138. Regulatory flood protection elevation (RFPE). “Regulatory flood protection elevation” or “RFPE” means an elevation not less than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Subd. ~~137~~139. Religious institutions. “Religious institutions” mean a building, together with its accessory buildings, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Subd. ~~138~~140. Repetitive loss. “Repetitive loss” means flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Subd. ~~139~~141. Restaurant or eating establishment. “Restaurant or eating establishment” means an establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state. Restaurants or eating establishments include cafes, coffee shops, and ice cream shops.

Subd. ~~140~~142. Restrictive covenant. “Restrictive covenant” means a recorded contract or agreement entered into between private parties establishing restrictions on the development or use of property in addition to those established by this UDC.

Subd. ~~141~~143. Retail establishments. “Retail establishments” means establishments primarily engaged in the sale of goods to the general public. Retail uses may include, but are not limited to, bookstores, liquor stores, bakeries, grocery stores, and other similar uses.

Subd. ~~142~~144. Retention facility. “Retention facility” means a permanent natural or man-made structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

Subd. ~~143~~145. Seasonal agricultural sales. “Seasonal agricultural sales” means the outdoor sale of goods or products obtained primarily through farming or agricultural activities, including, but not limited to: pumpkins; grain and seed crops; fruits and vegetables; nursery, floral, ornamental, and greenhouse products; and Christmas trees.

Subd. ~~144~~146. Schools, elementary or secondary. “Schools, elementary or secondary” means buildings used to teach students that includes elementary schools, middle schools or high schools.

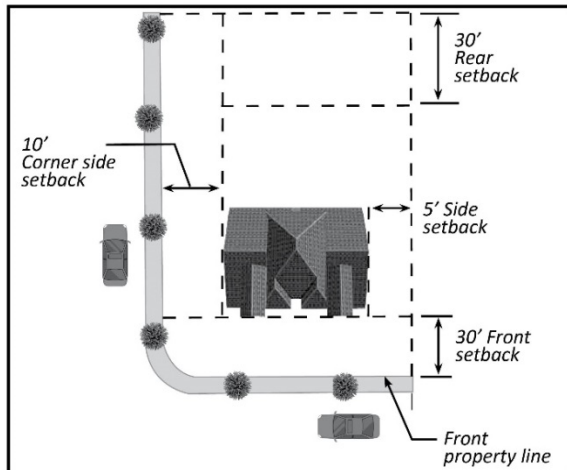
Subd. ~~145~~147. Schools, nursery or preschool. “Schools, nursery or preschool” means a school or facility providing general daytime care and/or instruction for children six years of age or younger which conducts no instructional programs certified by the state department of education as meeting the minimum educational requirements for compulsory-age children.

Subd. ~~146~~148. Schools, trade or business. “Schools, trade or business” means a school operated for profit, which teaches business, professional, or technical trades or skills, or a school not otherwise included within the provisions of this UDC.

Subd. ~~147~~149. Self-storage facilities. “Self-storage facilities” means a building or group of buildings having compartments, rooms, spaces, containers, or other types of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property, and where the facility owner/operator has limited access to such privately-rented units. For the purposes of this UDC, the term self-storage facilities shall be considered synonymous with the term mini-storage.

Subd. ~~148~~150. Senior housing. “Senior housing” means a multiple family dwelling building or group of buildings in which each dwelling is occupied by at least one person age 55 or older. This does not include institutions such as specialized care facilities.

Subd. ~~149~~151. Setback. “Setback” means the minimum required horizontal distance between a structure and a lot line, as measured perpendicular to the lot line. Setback standards provide open areas around structures for visibility and traffic safety, access to and around structures, access to natural light, ventilation and direct sunlight, separation between potentially conflicting activities, and space for privacy, landscaping, and recreation.



**Figure 4:** Illustration showing typical setbacks for a one-family dwelling

Subd. ~~150~~152. Setback, front. “Setback, front” means the minimum required horizontal distance between a structure and the front lot line (see figure 4).

Subd. ~~151~~153. Setback, rear. “Setback, rear” means the minimum required horizontal distance between a structure and the rear lot line (see figure 4).

Subd. ~~152~~154. Setback, side. “Setback, side” means the minimum required horizontal distance between a structure and the side lot line (see figure 4).

Subd. ~~153~~155. Setback, corner side. “Setback, corner side” means the minimum required horizontal distance between a structure and the corner side lot line (see figure 4).

Subd. ~~154~~156. Shed. “Shed” means a detached accessory building that is used primarily for the storage of goods, not vehicles.

Subd. ~~155~~157. Sign face. “Sign face” means the surface of the sign upon, against, or through which the message of the sign is exhibited.

Subd. ~~156~~158. Sign structure. “Sign structure” means any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Subd. ~~157~~159. Sign. “Sign” means any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes. Signs shall be further defined in accordance with the following.

- (a) Abandoned sign. “Abandoned sign” means any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the

of this UDC and which does not comply with this UDC shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

- (p) Off-premise sign. “Off-premise sign” means a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not located on the same premises where such business sign is located. For the purposes of this UDC:
- (1) A freestanding, monument ~~or~~ pylon sign shared by adjacent property owners shall not be considered an off-premise sign.
  - (2) Easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.
- (q) On-premise sign. “On-premise sign” means a sign that pertains to the use of the premises or the property on which it is located.
- (r) Pole sign. “Pole sign” means a sign which has the same meaning as pylon sign (see definition).
- (s) Portable sign. “Portable sign” means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.
- (t) Projecting sign. “Projecting sign” means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than 15 inches beyond the surface of such building or wall face. A projecting sign is also a sign located above or below a canopy or marquee.
- (u) Pylon sign. “Pylon sign” means any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.
- (v) Roof sign. “Roof sign” means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (w) Rotating sign. “Rotating sign” means a sign or portion of a sign which turns about on an axis.
- (x) Sandwich board sign. “Sandwich board sign” means a moveable sign not attached to the ground and constructed in such a manner as for form an “A” or a tent-like shape, hinged or not at the top, each angular face held at an approximate distance by a supporting member.
- (y) Shimmering sign. “Shimmering sign” means a sign which reflects an oscillating sometimes distorted visual image.
- (z) Small sign. “Small sign” means a single sign six square feet or less in size.
- (aa) Temporary sign. “Temporary sign” means a sign which is erected or displayed, or both, for a limited period of time.

(bb) Vehicle sign. “Vehicle sign” means any sign exceeding 10 square feet in sign area that is mounted, painted, placed, affixed or attached to a trailer, watercraft, truck, automobile or other form of motor vehicle that is parked so that the sign is discernable from a public street or right-of-way as a means of communication. The vehicle upon which the sign is affixed must function primarily as a means to display the sign rather than as a transportation device, as determined by consideration of any combination of the following factors:

- (1) The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;
- (2) The vehicle on which the sign is displayed is inoperable;
- (3) The vehicle on which the sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot;
- (4) The vehicle displaying the sign remains parked on the premises after normal business hours when customers and employees are not normally present on the premises; or
- (5) The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right-of-way on a regular basis.

(cc) Wall sign. “Wall sign” means any building sign attached parallel to, but within two feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. A wall sign is also a sign installed on the face of a canopy or marquee, but not extending beyond the face.

Subd. ~~158~~160. Small wireless facility. “Small wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 11.

Subd. ~~159~~161. Special flood hazard area. “Special flood hazard area” means a term used for flood insurance purposes synonymous with “One hundred year floodplain.”

Subd. ~~160~~162. Specialized care facilities. “Specialized care facilities” means any facility where the primary function is the provision, on a continuing basis, of nursing services and health-related services for treatment and in-patient care, such as nursing homes, assisted living facilities, memory care facilities, ~~housing with services establishments~~, and hospices. This does not include senior housing or the residence of any individual who cares for another family member.

Subd. ~~161~~163. Start of construction. “Start of construction” means in relation to the floodplain overlay district, start of construction includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include: land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Subd. ~~162~~164. Stealth. “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.

Subd. ~~163~~165. Street. “Street” means a public right-of-way greater than 30 feet in width platted or dedicated for the purpose of accommodating vehicular traffic or providing principal access to abutting property. An alley is not a street.

Subd. ~~164~~166. Structure. “Structure” means anything constructed or erected on or connected to the ground, whether temporary or permanent in character.

Subd. ~~165~~167. Subdivision. “Subdivision” means as a verb, the term means the process of separating a parcel of land for the purpose of building or conveyance including the division of previously subdivided property. As a noun, the term means the product resulting from the separation of a parcel into two or more parcels. The term also includes the activity regulated by Minnesota Statutes, chapters 515, 515A, and 515B.

Subd. ~~166~~168. Substantial damage. “Substantial damage” means in relation to the floodplain overlay district damage of any origin sustained by a structure where the cost of restoring the structure to it’s before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Subd. ~~167~~169. Substantial improvement. “Substantial improvement” means in relation to the floodplain overlay district 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 percent 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:

- (a) 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.
- (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this subsection, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

Subd. ~~168~~170. Survey, certified. “Survey, certified” means a scaled drawing prepared by a registered land surveyor of a property indicating the location and dimensions of property lines, and if appropriate the location and dimensions of existing and proposed buildings. A survey typically depicts a parcel’s legal description and may also show additional information such as topographic data and the location of recorded easements.

Subd. ~~169~~171. Telecommunications facilities. “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 one meter or less in diameter, or any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial. This term does not include wireless facilities, which are separately defined under this UDC.

Subd. ~~170~~172. Telecommunications tower or tower. “Telecommunications tower or tower” means a self-supporting lattice, guyed, or monopole structure constructed from grade whose principal use is to support telecommunications facilities. The term tower shall not include amateur radio operations equipment licensed by the Federal Communications Commission (FCC). This term does not include wireless facilities or wireless support structures, which are separately defined under this UDC.

Subd. ~~171~~173. Theater, indoor. “Theater, indoor” means a building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Subd. ~~172~~174. Useable open space. “Useable open space” means 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, which is 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.

Subd. ~~173-175~~ Use, accessory. “Use, accessory” means 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; and
- (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 UDC.

Subd. ~~174~~176. Use, conditional. “Use, conditional” means 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.

Subd. ~~175~~177. Use, permitted. “Use, permitted” means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, including development standards, of such districts.

Subd. ~~176~~178. Use, principal. “Use, principal” means the main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be permitted or conditional.

Subd. ~~177~~179. Use, temporary. “Use, temporary” means a use that may be permitted for a specified period of time.

Subd. ~~178~~180. Variance. “Variance” means an approval issued by the city council waiving the application of one or more provisions of this UDC with respect to a particular property in instances where the applicant demonstrates that there are practical difficulties in strictly complying with the requirements of this UDC because of circumstances unique to the property that were not caused by the applicant.

Subd. ~~179~~181. Vehicle, boat or recreational sales and rental. “Vehicle, boat or recreational sales and rental” means facilities where new or used vehicles, boats, or recreational vehicles, in operational condition, are sold, leased, or rented to customers.

Subd. ~~180~~182. Vehicle fuel stations. “Vehicle fuel stations” means a facility for the retail sale of unleaded or diesel gasoline. A vehicle fuel station may include a convenience store or general repair and maintenance of vehicles, such as muffler repair, oil change and lubrication, or tire service and sales.



Subd. ~~184~~183. Vehicle impound lot. “Vehicle impound lot” means a parcel of land used for the outdoor storage of impounded vehicles, including impounded recreational vehicles. Commercial truck storage or parking, as defined in this UDC, is not a vehicle impound lot.

Subd. ~~182~~184. Vehicle repair. “Vehicle repair” means the general repair and maintenance of vehicles such as oil changes, muffler repair, tire service and sales, or more substantial work such as body and fender work, upholstery, and replacement of parts.

Subd. ~~183~~185. Volume management. “Volume management” means the retention and abstraction of a certain volume of stormwater runoff onsite through techniques such as infiltration, evapotranspiration, and capture and reuse.

Subd. ~~184~~186. Wetlands. “Wetlands” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands shall have the following attributes:

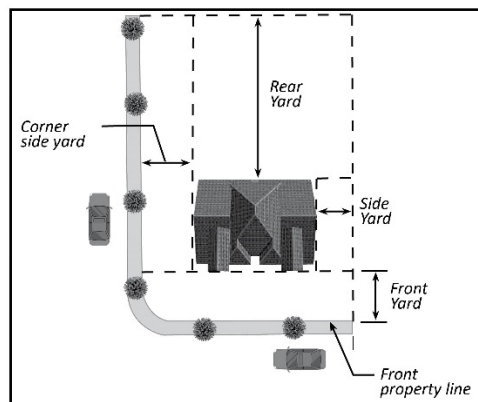
- (a) A predominance of hydric soils;
- (b) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances, support a prevalence of such vegetation.

Subd. ~~185~~187. Wireless facilities. “Wireless facility” has the meaning given in Minnesota Statutes, section 237.162, subdivision 13.

Subd. ~~186~~188. Wireless support structures. “Wireless Support Structure” has the meaning given in Minnesota Statutes, section 237.162, subdivision 16.

Subd. ~~187~~189. Workshop. “Workshop” means an accessory residential use for the creation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items. A workshop may be either an accessory use within the principal building or may be an accessory building on the property.

Subd. ~~188~~190. Yard. “Yard” means 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.



**Figure 5:** Illustration showing yard locations

Subd. ~~189~~191. Yard, front. “Yard, front” means the horizontal distance between the principal structure and the front lot line, extending across the full width of the lot (see figure 5).

Subd. ~~190~~192. Yard, rear. “Yard, rear” means the horizontal distance between the principal structure and the rear lot line, extending across the full width of the lot (see figure 5).

Subd. ~~191~~193. Yard, side. “Yard, side” means the horizontal distance between the principal structure and the side lot line, extending from the front yard to the rear yard (see figure 5).

Subd. ~~192~~194. Yard, corner side. “Yard, corner side” means the horizontal distance between the principal structure and the corner side lot line, extending from the front yard to the rear yard (see figure 5).

- (a) Purpose. The purpose of the R-3 High density residential district is to provide for multiple family buildings and directly related, complimentary uses, together with limited commercial uses as provided herein. In accordance with the comprehensive plan, densities are to be no less than 16 and no more than 40 dwellings per gross acre. As part of the approval process for a particular development, the city council may set the maximum density at a specific figure within the range established by the comprehensive plan, depending on the character of the surrounding area and the potential for negative impacts on the community.
- (b) Site development standards. Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the R3 district.
- (c) Other development standards. In addition to the standards established for the R3 district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

Subd. 4. C Commercial district.

- (a) Purpose. The purpose of the C-Commercial district is to provide for commercial and service activities which draw from and serve customers from the entire community. Motor vehicle-oriented uses shall be limited to certain designated corridors. Regulations shall protect those residential uses near commercial uses from negative impacts.
- (b) Site development standards. Such standards shall be those provided in the Crystal city code, subsection 520.03 for the site development standards that apply to the Commercial district.
- (c) Other development standards. In addition to the standards established for the Commercial district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

Subd. 5. Town Center Core District

- (a) Purpose. The purpose of the TC – Town Center Core district is to accommodate walkable, mixed-use development enhancing the public realm such as parks and streets. Shops mix with multiple-family dwellings and employment, buildings frame the street and face Becker Park, and local multi-modal streets balance the needs of all users. (b) Applicability. Existing nonconformities may continue or redevelop as allowed by the Crystal city code, subsection 515.29. Notwithstanding those regulations, it is the city’s desire that redevelopment of properties within the TC district adhere to the planned land use designations of the comprehensive plan and to the requirements of this 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.
- (b) Uses. Principal permitted uses are shown in Table 3 of the Crystal city code, subsection 515.17. Multiple principal uses within a single parcel or building are permitted in the TC district.
- (c) Densities. Residential densities are as shown in Table 7 of the Crystal city code, subsection 520.03.
- (d) 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

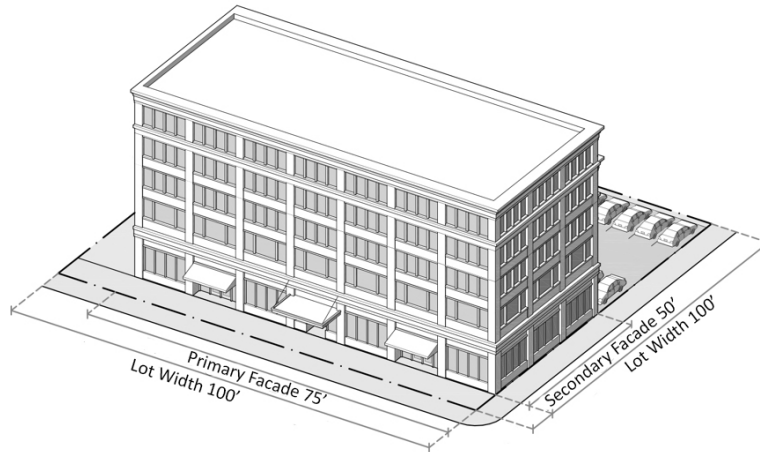


Figure 7: Illustration of required building street frontages

(2) Building height. Maximum building height requirements are shown in Crystal city code, subsection 520.03.

(i) The following are additional height requirements.

(a) Story height. Stories above the ground floor are limited to 12 feet in height. Stories are measured from finished floor to finished ceiling.

(b) Ground floor height. If the ground floor has a non-residential use, the Ground ground floor height shall be no less than 12 feet in height, but not more than 20 feet. Ground floor height above 20 feet counts as an additional story.

(c) Shadow effects study. If a proposed building is located within 75 feet of the property line of a residential use, the applicant shall submit a shadow effect study to determine any negative shadow impacts to those uses. If negative impacts are determined, the city may require design techniques to mitigate the impacts, such as reducing the height of the building, relocating or reorienting the building within the site, reducing building mass, or stepping-back a portion of the building.

(d) Proximity to Crystal Airport. Buildings shall comply with Crystal city code, subsection 520.01, subdivision 5(c) for construction near the Crystal Airport.

(ii) Exceed height limitations. The city may, in its discretion, allow buildings to be constructed to a height of eight stories or 100 feet, whichever is less, upon consideration of the following factors.

(a) Shadow effects. Shadow effects from the taller building will not have significant negative impacts on neighboring properties. A shadow effects study may be required by the city to document these impacts.

(b) Building massing. The dimensions of the taller building are not disproportionately larger than neighboring buildings.

(c) Views. The taller building will not have significant negative impacts to the views of Becker Park by neighboring properties.

(3) Building facades. Building facades shall meet the following requirements.

(i) Building articulation. Buildings exceeding 50 feet in width along a street shall incorporate articulation in street-facing facades to break down the scale of large buildings and create visual interest. Techniques to incorporate articulation include stepping back or extending forward a portion of the façade, using different textures or contrasting but compatible materials, dividing the building into storefronts with separate display windows and entrances, use of awnings, balconies, or similar ornamental features, or varying the roofline to reinforce the articulation of the primary façade (see Figure 8).



Figure 8: Illustration of techniques used to break down the scale of large buildings

(ii) Facades facing Becker Park. For those buildings having facades facing Becker Park, the façade facing the park shall be of similar or compatible quality, design and materials as the primary building façade.

(iii) Façade glazing. Façade glazing for buildings at the street frontages shall meet the following minimum requirements.

(a) Minimum area requirements. ~~Non-residential floors~~ ~~The first floor~~ shall have a minimum glazing of 50 percent and ~~residential floors~~ ~~upper floors~~ shall have a minimum glazing of 30 percent.

(b) Tinted and reflective glass are prohibited.

(c) At least 30 percent of the façade glazing area shall remain free of signage or other opaque materials.

(iv) Prohibited. Satellite dishes and heating, ventilation, and air conditioning equipment (HVAC), except for wall vents, are not permitted on the primary building façade.

(v) Building entries.

- (a) Primary building entry. A functioning primary building entry shall be provided on the primary building façade. This entry shall be clearly defined by means of a canopy, portico, recess, or similar architectural elements (see Figure 9).



Figure 9: Illustration of clearly defined building entries

- (b) Secondary building entry. A functioning secondary building entry shall be provided on the primary building façade for buildings exceeding 60 feet in width.
- (4) New street or pedestrian locations. To create better connected streets when redevelopment occurs in the TC district, new streets or pedestrian connections shall be constructed in the locations shown in Figure 10. If the street is not a public street, a mutual access agreement will be required by the city to ensure public access in the same manner as a public street. The city will consider alternate street or pedestrian connection locations that achieve this intent.



Figure 10: Hypothetical Location-location of new street or pedestrian connections in the TC district  
Subd. 6. I Industrial District.

- (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, subsection 515.05, subdivision 5.
- (d) Parking. The development shall provide parking according to the requirements in the Crystal city code, subsection 520.15, subdivision 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) Number of customers, patients, visitors, residents, or other patrons of the proposed use. Information shall also be included detailing the expected parking behavior of these people (i.e., how long a customer may be at the facility);
  - (2) Number of full-time and part-time employees;
  - (3) Number and approximate timing of deliveries; and
  - (4) Such other information as may be requested by the city to determine that sufficient parking is provided for the proposed use.
- (e) Minimum green space. The minimum green space requirement in the TC-PD district is the same as the TC district.
- (f) New street **or pedestrian** locations. To create better connected streets when redevelopment occurs in the TC-PD district, new streets or pedestrian connections shall be constructed in the locations shown in Figure 11. If the street is not a public street, a mutual access agreement will be required by the city to ensure public access in the same manner as a public street. The city will consider alternate street or pedestrian connection locations that achieve this intent.



Figure 11: ~~Hypothetical Location~~-location of new street or pedestrian connections in the TC-PD district

- (g) Other development standards. In addition to the standards established for the TC-PD district in this section, all development shall be subject to all other applicable standards as provided in the Crystal city code, section 520.

Subd. 5. Amendments to the PD overlay district. An approved site plan for a PD overlay district may only be amended upon the classification and review of the proposed amendment as provided in this subsection.

(a) Minor Amendments.

- (1) Minor amendments shall include changes in the site design of the applicable property that do not affect neighborhood compatibility or the public health, safety or welfare, and that do not violate any of the provisions of this UDC or the conditions attached to approval of the site plan.
- (2) Minor amendments are subject to a Type 1 review procedure.
- (3) The zoning administrator may determine that a proposed minor amendment qualifies as a major amendment, requiring a Type 2 review procedure as provided in subdivision 4 of this subsection.

(b) Major Amendments. Major amendments shall include all changes that are not classified as minor amendments above and shall be subject to a Type 2 review procedure. A major amendment may include:

- (1) A substantial alteration of the location of buildings, parking areas or roads;
- (2) An increase or decrease in the number of residential dwelling units by more than five percent;
- (3) An increase of the gross floor area of non-residential buildings by more than five percent or an increase of the gross floor area of any individual building by more than ten percent;
- (4) An increase in the number of stories of any building;
- (5) A decrease in the amount of open space by more than five percent or an alteration which changes its original design or intended use; or
- (6) The creation of non-compliance with any special condition attached to the approval of the site plan.

515.15. Reserved.

515.17. Permitted principal uses.



Table 3: Permitted Principal Uses								
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts							Use-Specific Standards in Section:
	R-1	R-2	R-3	C	TC	I	AP	
<b>Residential Use Category</b>								
Bed and Breakfast Establishments	C	C	C	-	-	-	-	515.19, subdivision 2 (a)
Dwellings, Multiple Family	-	P	P	-	P	-	-	515.19, subdivision 2 (b)
Dwelling, One-Family, Attached	-	P	P	-	<u>-P</u>	-	-	515.19, subdivision 2 (c)
Dwelling, One-Family, Detached	P	P	-	-	-	-	-	515.19, subdivision 2 (d)
Dwellings, Two-Family	P	P	P	-	-	-	-	
<b>Group Living Use Category</b>								
Specialized Care Facilities (1-6 persons) [1]	P	P	P	P	-	-	-	515.19, subdivision 3 (a)
Specialized Care Facilities (7 or more persons) [1]	-	C	C	P	-	-	-	515.19, subdivision 3 (a)
<b>Commercial Use Category</b>								
Airport Facilities	-	-	-	-	-	-	P	515.19, subdivision 4 (a)
Animal Hospital/Veterinary Clinics [1]	-	-	-	P	P	P	-	515.19, subdivision 4 (b)
Banks or Financial Institutions	-	-	-	P	P	-	-	
Banquet Halls or Event Centers	-	-	-	C	-	C	-	
Brewer Taprooms, Brewpubs or Microdistillery	-	-	-	P	P	P	-	1200
Clubs or Lodges	-	-	-	P	P	P	-	
Convenience Stores	-	-	-	P	P	-	-	
Day Care Facilities, Adult	C	C	C	P	-	P	-	515.19, subdivision 4 (c)
Day Care Facilities, Group Family	P	P	P	-	-	-	-	
Funeral Homes	-	-	-	P	-	-	-	
Greenhouses, Garden and Landscaping Sales and Service	-	-	-	P	-	P	-	

Table 3: Permitted Principal Uses								
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts							Use-Specific Standards in Section:
	R-1	R-2	R-3	C	TC	I	AP	
Hotel, Motel, Extended Stay Establishments	-	-	-	P	P	P	-	515.19, subdivision 4 (d)
Kennels, Commercial [2]	-	-	-	P	-	P	-	515.19, subdivision 4 (e)
Offices, Professional	-	C	C	P	P	P	P	515.19, subdivision 4 (f)
Parking Ramps or Structures	-	-	-	P	P	P	P	515.19, subdivision 4 (g)
Personal Services [3]	-	C	C	P	P	P		515.19, subdivision 4 (h)
Restaurants or Eating Establishments [4]	-	C	C	P	P	P	-	<del>515.19, subdivision 4 (i)</del>
Retail Establishments [5]	-	C	C	P	P	P	-	515.19, subdivision 4 (i)
Theater, Indoor	-	-	-	P	P	-	-	
Vehicle Repair	-	-	-	C	-	P	-	515.19, subdivision 4 (k)
Vehicle, Boat or Recreational Sales or Rental	-	-	-	P	-	P	-	515.19, subdivision 4 (k)
Vehicle Fuel Sales	-	-	-	P	-	-	-	515.19, subdivision 4 (m)
Vehicle Wash or Detailing	-	-	-	C	-	C	-	515.19, subdivision 4 (m)
<b>Industrial, Manufacturing, Research and Wholesale Use Category</b>								
Building Materials Sales	-	-	-	-	-	P	-	
Bulk Storage of Liquids	-	-	-	P	-	P	P	515.19, subdivision 5 (a)
Industrial Uses (Indoors)	-	-	-	-	-	P	-	
Industrial Or Commercial Uses with Outdoor Storage of Parts, Products, or Fuels	-	-	-	-	-	P	-	515.19, subdivision 5 (b)
Self Storage Facilities	-	-	-	-	-	P	-	
Warehouse	-	-	-	-	-	P	P	
Vehicle Impound Lot	-	-	-	-	-	C	-	515.19, subdivision 5 (c)
<b>Public Facilities, Telecommunication and Utilities Use Category</b>								
Essential Services	P	P	P	P	P	P	P	

Table 3: Permitted Principal Uses								
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts							Use-Specific Standards in Section:
	R-1	R-2	R-3	C	TC	I	AP	
Public utility buildings	C	C	C	C	-	C	P	515.19, subdivision 6 (a)
Telecommunications Towers	C	C	C	C	-	P	P	515.19, subdivision 6 (b)
Wireless support structures	C	P	P	P	-	P	P	515.19, subdivision 6 (c)
<b>Public, Institutional and Recreational Use Category</b>								
Cemeteries	C	C	C	-	-	-	-	
Hospitals	-	C	C	P	-	P	-	515.19, subdivision 7 (a)
Private Recreational Facilities, Indoor	C	C	C	P	-	P	-	
Private Recreational Facilities, Outdoor	-	-	-	C	-	C	-	
Public Parks and Playgrounds	P	P	P	-	P	-	-	
Public or Semi-Public Buildings	C	C	C	C	-	C	-	515.19, subdivision 7 (b)
Religious Institutions	C	C	C	C	-	C	-	515.19, subdivision 7 (c)
Schools, Elementary or Secondary	C	C	C	C	-	C	-	515.19, subdivision 7 (d)
Schools, Nursery or Preschool	C	C	C	C	<del>C</del>	C	-	515.19, subdivision 7 (e)
Schools, Trade or Business	-	C	C	P	-	P	-	515.19, subdivision 7 (f)
<b>Notes:</b> 1. If a provision in Minnesota statute or rule expressly requires a city to allow a specialized care facility as a permitted or conditional use within a residential district, the use shall be allowed as provided in law up to the number of people indicated in the particular statute or rule, unless a larger number is allowed in the district under this UDC. 2. Outdoor facilities may be permitted with a conditional use permit 3. A plant may be allowed as part of a dry cleaning establishment with a conditional use permit 4. On-sale liquor, wine, or beer may be allowed to a greater extent than the permitted use with a conditional use permit. 5. Outdoor repair may be permitted with a conditional use permit.								

515.19. Use-specific standards for principal uses.



Figure 12: Illustration of rowhouses or townhouses in the TC-PD district

(3) In the TC district one-family attached dwellings are only allowed when constructed as an integral part of a multiple-family dwelling development (apartment building).

- (d) One-family detached dwellings. In the R-1 district, a second kitchen is allowed within a one-family detached dwelling, if there is interior and unfettered access from all parts of the dwelling to both kitchens and the property is not addressed or in any other way configured or represented as a two family dwelling.

Subd. 3. Group living use category.

- (a) Specialized care facilities. Specialized care facilities are subject to the following standards:

- (1) The facility is served by 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.

(iv) Upper floors of the structure shall be designed and detailed in a manner consistent with adjacent buildings.

(h) Personal Services. Within the TC district, space for personal services is limited to 15,000 gross square feet per floor. Additional square footage may be allowed with a conditional use permit, not to exceed a building footprint of 20,000 square feet.

~~(i) Restaurants or eating establishments. On sale liquor, wine or beer is allowed, but shall occupy no more than 30% of the total floor area of the establishment. This limit may be exceeded with a conditional use permit provided that 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~~

~~(j)~~(i) Retail establishments. Retail establishments are subject to the following standards:

- (1) Repair is allowed for a retail establishment, but a conditional use permit is required if the repair is done outdoors. The applicant shall demonstrate that such outdoor repair will not negatively impact neighboring properties;
- (2) Within the TC district, retail space is limited to 15,000 gross square feet per floor. Additional square footage may be allowed with a conditional use permit, not to exceed a building footprint of 20,000 square feet;
- (3) Within the Commercial district, retail establishments may have up to 50% of the gross floor area as storage or warehouse space; and
- (4) Within the Industrial district, retail establishments are limited to 50% of the gross floor area of the principal use.

~~(j)~~(i) Vehicle repair. Vehicle repair is subject to the following standards:

- (1) The property abuts at least one of the following street segments:
  - (i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;
  - (ii) West Broadway between Corvallis Avenue and 56th Avenue North; or
  - (iii) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North; and
- (2) There is no outdoor parking or storage of vehicles that are to be worked on, are being worked on, or have been worked on.

~~(j)~~(k) Vehicle, boat, or recreational sales or rental. Vehicle, boat, or recreational sales or rental is subject to the following standards:

- (1) The property abuts at least one of the following street segments:
  - (i) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;
  - (ii) Lakeland Avenue between Lombardy Lane and the north lot line of Lot 1, Block 1, Storm's 1<sup>st</sup> Addition, said distance approximately 368 feet;

- (iii) West Broadway between Corvallis Avenue and 56th Avenue North; or
  - (iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North;
- (2) There is no outdoor parking or storage of inoperable, unlicensed, abandoned or junk vehicles; and
  - (3) No vehicle or equipment shall exceed 32 feet in length.

~~(m)~~(1) Vehicle fuel sales. Vehicle fuel sales are subject to the following standards:

- (1) The property abuts at least one of the following street segments:
  - (i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North;
  - (ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;
  - (iii) West Broadway between Corvallis Avenue and 56th Avenue North; or
  - (iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North; or
  - (v) 36th Avenue North between Highway 100 and a point 357 feet west of the centerline of Regent Avenue North;
- (2) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way; and
- (3) If the property is adjacent to one or two residential family dwellings, the vehicle fuel sales businesses shall be closed between the hours of midnight and 5 a.m.

~~(m)~~(m) Vehicle wash or detailing. Vehicle wash or detailing establishments are subject to the following standards:

- (1) The property abuts at least one of the following street segments:
  - (i) Douglas Drive between 27th Avenue North and a point 660 feet north of 27th Avenue North;
  - (ii) Lakeland Avenue/Bottineau Boulevard between the Canadian Pacific Railroad and 56th Avenue North;
  - (iii) West Broadway between Corvallis Avenue and 56th Avenue North;
  - (iv) Winnetka Avenue between 36th Avenue North and a point 660 feet north of 36th Avenue North; or
  - (v) 36th Avenue North between Highway 100 and a point 357 feet west of the centerline of Regent Avenue North; and
- (2) Sufficient vehicular stacking space is provided on-site to minimize the blocking of traffic in the public right-of-way.

Table 4: Permitted Accessory Uses and Structures									
Use Category and Use Type	Base Zoning Districts							Zoning Certificate Required	Use-Specific Standards in Subsection:
	R-1	R-2	R-3	C	TC	I	AP		
<b>P = Permitted Use</b> <b>C = Conditional Use</b> <b>- = Not Permitted</b>									
<b>Accessory Uses</b>									
Assembly or gathering space	-	-	-	P	P	P	-	No	515.23, subdivision 2 (a)
Day Care Facilities, In home	P	P	P	-	P	-	-	No	
Drive-through facilities	-	-	-	C	-	-	-	Not Applicable	515.23, subdivision 2 (b)
Home Businesses	P	P	P	-	P	-	-	No	515.23, subdivision 2 (c)
Keeping of Chickens	P	P	-	-	-	-	-	No	910
Kennels, Commercial	P	-	-	-	-	-	-	No	515.23, subdivision 2 (d)
Kennels, Multiple Animal	P	P	P	-	-	-	-	No	515.23, subdivision 2 (e)
<b>Accessory Structures</b>									
Accessibility ramps	P	P	P	P	P	P	P	No	515.23, subdivision 3 (a)
Accessory dwelling units	P	P	-	-	-	-	-	Yes	515.23, subdivision 3(b)
Amateur radio towers	P	P	P	-	-	-	P	No	515.23, subdivision 3(c)
Balconies	-	P	P	-	P	-	-	No	515.23, subdivision 3 (d)
Carports	P	P	-	-	-	-	-	No	515.23, subdivision 3(h)
Clothesline poles	P	P	-	-	-	-	-	No	515.23, subdivision 3(e)
Commercial storage buildings	-	-	-	C	-	P	P	See Note [1]	515.23, subdivision 3(f)
Fences and walls	P	P	P	P	P [2]	P	P	No	520.09
Flagpoles	P	P	P	P	P	P	P	No	
Fuel pumps, private use	-	-	-	P	-	P	P	No	515.23, subdivision 3 (g)
Garages, attached or detached	P	P	P	P	-	P	P	No	515.23, subdivision 3(h)
Gazebos	P	P	P	-	-	-	-	No	515.23, subdivision 3(i)
Mechanical equipment	P	P	P	P	P	P	P		520.13
<u>Micro dwelling units</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>-</u>	<u>C</u>	<u>-</u>	<u>Not Applicable</u>	<u>515.23, subdivision 3 (j)</u>
Noncommercial greenhouses	P	P	-	-	-	-	-	No	515.23, subdivision 3( <del>jk</del> )
Off-street parking and loading [3]	P	P	P	P	P	P	P	Yes	520.15
Patios, decks, and porches	P	P	P	P	P	-	-	No	515.23, subdivision 3 ( <del>kl</del> )
Sheds	P	P	P	P	-	P	P	No	515.23, subdivision 3( <del>lm</del> )
Sidewalks	P	P	P	P	P	P	P	No	515.23, subdivision 3( <del>mn</del> )
Signs, Permanent	P	P	P	P	P	P	P	Not Applicable	530

Table 4: Permitted Accessory Uses and Structures									
Use Category and Use Type  P = Permitted Use C = Conditional Use - = Not Permitted	Base Zoning Districts							Zoning Certificate Required	Use-Specific Standards in Subsection:
	R-1	R-2	R-3	C	TC	I	AP		
Solar energy systems	P	P	P	P	P	P	P	No	515.23, subdivision 3( <del>no</del> )
Swimming pools, hot tubs, and spas	P	P	P	P	P	-	-	No	515.23, subdivision 3( <del>ep</del> )
Television and radio antennae	P	P	P	P	P	P	P	No	515.23, subdivision 3( <del>pq</del> )
Tennis and other recreational courts	P	P	P	-	-	-	-	No	515.23, subdivision 3( <del>qr</del> )
Treehouses	P	P	-	-	-	-	-	No	515.23, subdivision 3( <del>rs</del> )
<u>Waste container enclosures</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>No</u>	<u>520.13, subd. 4 (a)</u>
Workshops	P	P	-	-	-	-	-	No	515.23, subdivision 3( <del>st</del> )

**Notes:**

1. A zoning certificate is only required for commercial storage buildings in the Industrial and Airport zoning districts.
2. Except for outdoor play areas for nursery or preschools, Fences-fences are not allowed in the TC district.
3. Parking lots are not allowed for one or two family dwellings. Loading spaces are not allowed in residential districts or the TC district.

515.23. Use-specific standards for accessory uses and structures.

Subd. 1. Purpose and applicability.

- (a) This subsection provides site planning and/or operating standards for certain land uses or structures that are permitted or conditionally permitted in Table 4.
- (b) The land uses and structures covered by this subsection shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this UDC.

Subd. 2. Accessory uses.

- (a) Assembly or gathering space. Adequate parking shall be provided for both the assembly or gathering space and the principal use on the property.
- (b) Drive-through facilities. Drive-through facilities are subject to the following standards:
  - (1) The establishment is served by arterial, collector, or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility. The city council may require the applicant to provide a traffic study prepared by a professional engineer for the proposed use, and may base its findings of fact on said study



- (5) The architectural style is compatible with the principal building and surrounding land uses. Exterior building design and materials shall comply with the provisions as provided in the Crystal city code, subsection 520.05; and
  - (6) The use will not conflict with the character of development intended for the zoning district.
- (g) Fuel pumps, private use. Private fuel pumps for use by commercial businesses are allowed, provided that the current business, or its successor business, only uses the fuel pumps for its vehicles and equipment and does not allow them to be used by the general public. For the purposes of this UDC, private fuel pumps do not include those fuel pumps in use by a vehicle fuel sales business as allowed in Table 3.
- (h) Garages and carports, detached. Detached garages and carports are subject to the following standards:
- (1) For one and two family dwellings, the cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building;
  - (2) For multiple family dwellings, detached garages shall be designed to meet the minimum number of required parking spaces and required setbacks. To the extent practicable, garages shall be located to the side or rear of the building; and
  - (3) Garages and carports shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.
- (i) Gazebos. Gazebos are subject to the following standards:
- (1) The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building; and
  - (2) Gazebos shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.
- (i) Micro unit dwellings. Micro unit dwellings are subject to the following standards:
- (1) Each unit shall not exceed a gross floor area of 400 square feet;
  - (2) Micro unit dwelling shall be constructed as to be compatible in composition, appearance, and durability with the exterior materials of the principal building of the religious institution;
  - (3) The residents of each dwelling unit shall have access to water and electric utilities either by connecting the units to utilities serving the principal building of the religious institution or by providing residents access to permanent common kitchen facilities and common facilities for toilet, bathing, and laundry within the principal building.
  - (4) An application for a conditional use permit shall contain a written plan approved by the religious institution's governing board that outlines the information in Minnesota Statutes 327.30, subd. 3 (b).

(5) For any city-approved micro dwelling unit, the religious institution shall annually certify to the city that it has complied with the eligibility requirements for residents in Minnesota Statutes 327.30, subd 1.

(j) Noncommercial greenhouses. Noncommercial greenhouses are subject to the following standards:

- (1) Shall be located in the rear yard;
- (2) Shall be limited to one per property; and
- (3) The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building.

(k) Patios, decks and porches. Within the TC district, porches and decks are not permitted.

(l) Sheds. Sheds are subject to the following standards:

- (1) The cumulative area of all detached accessory buildings on the property shall not exceed the finished floor area of the residential portion of the principal building; and
- (2) Sheds shall not be constructed of the following materials: fabric, canvas, concrete block, cloth, plastic sheets, tarps, unfinished or corrugated metal, exposed plywood, particle board, or similar materials.

(m) Sidewalks. Sidewalks are subject to the following standards:

- (1) Sidewalks on private property for one and two family dwellings shall be no more than four feet in width;
- (2) Sidewalks open for use by the general public, such as for multiple family dwellings, institutional, or commercial uses, shall comply with the width requirements of the Americans with Disabilities Act and with the requirements in the Crystal city code, chapter VIII; and
- (3) Within the TC and TC-PD districts when properties are redeveloped, sidewalks shall be installed along all existing and proposed street frontages to a minimum width of six feet.

(n) Solar energy systems. Solar energy systems are subject to the following standards:

- (1) Visibility.
  - (i) Building-mounted solar energy systems shall be designed to be flush-mounted with the roof when facing a public right-of-ways other than an alley.
  - (ii) Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback or other standards for the district in which the building is located.
- (2) Feeder lines. Any electric lines accompanying a solar energy system, other than those attached to on-site structures by leads, shall be buried within the subject parcel; and

**Table 5: Permitted Temporary Uses and Structures**

Use Category and Use Type	Base Zoning Districts							Allowable Duration (per site)	Permit Required	Use-Specific Standards in Section:
	R-1	R-2	R-3	C	TC	I	AP			
Construction Dumpster	P	P	P	P	P	P	P	No more than three consecutive months in any 12-month period	See city code section 605	515.27, subdivision 2; 605
Garage/Yard Sales	P	P	P	-	-	-	-	Maximum of three consecutive days, four times per calendar year per site	No	515.27, subdivision 3
Outdoor dining [1]	P	P	P	P	P	P	P	270 days per site per calendar year	Zoning Certificate (Type 1 Review) [2]	515.27, subdivision 4
Outdoor sales [1]	-	-	-	P	P	P	-	<del>180</del> 270 days per site per calendar year	Zoning Certificate (Type 1 Review)	515.27, subdivision 5
Portable Storage Container	P	P	P	P	-	P	P	60 days per site per calendar year	No	515.27, subdivision 6
Signs, Temporary	P	P	P	P	P	P	P	See section 530	Sign Permit	530
<b>Notes:</b>										
1. Outdoor seating for cafes or restaurants or outdoor sales areas for retail establishments <u>that exceed the temporary use duration time limits may be permitted as a permanent use with would require</u> a conditional use permit.										
2. A zoning certificate is not required for a mobile food unit.										

515.27. Use-specific standards for temporary uses and structures.

Subd. 1. Purpose and applicability.

- (a) This subsection provides site planning and/or operating standards for certain land uses that are permitted in Table 5.
- (b) The land uses and activities covered by this subsection shall comply with the applicable standards for the specific use in all districts unless otherwise specified, in addition to all other applicable provisions of this UDC.

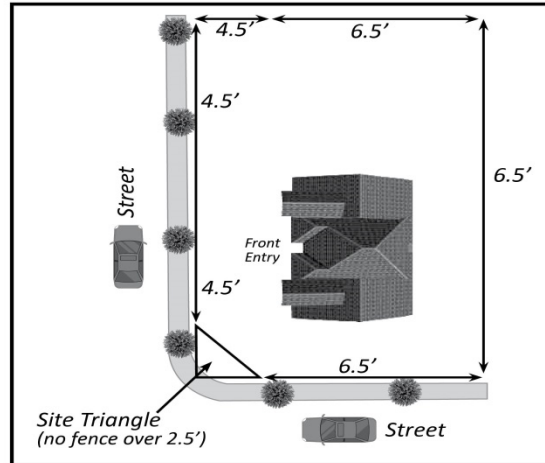
Subd. 2. Construction dumpsters. Construction dumpsters are subject to the following standards:

**Table 7: Zoning District Site Development Standards for Principal Buildings**

	R1	R2	R3	Commercial	TC	Industrial	AP
Side	5 feet	<del>15</del> -10 feet	15 feet	10 feet	0 foot minimum	10 feet	200' from residential use
Rear	30 feet	30 feet	30 feet	10 feet	<del>3</del> -5 foot minimum	10 feet	200' from residential use
Corner Side	10 feet [2]	30 feet	30 feet	<del>15</del> -10 feet	2 foot minimum 12 foot maximum	<del>15</del> -10 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	10,000 SF	10,000 SF	10,000 SF	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Other Residential Uses	Not Applicable	10,000 SF	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							

**Table 8: Zoning District Site Development Standards for Accessory Structures**

Accessory Structure Type	R1	R2	R3	Commercial	TC	Industrial	AP
<u>Micro-unit dwellings</u>	<u>30 feet from a property line along a public street 10 feet from any other property line</u>	<u>30 feet from a property line along a public street 10 feet from any other property line</u>	<u>30 feet from a property line along a public street 10 feet from any other property line</u>	<u>30 feet from a property line along a public street 10 feet from any other property line</u>	<u>Not Applicable</u>	<u>30 feet from a property line along a public street 10 feet from any other property line</u>	<u>Not Applicable</u>
Noncommercial greenhouses	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Front: 30 feet, but cannot be closer to the street than the principal building Side: 3 feet Rear: 3 feet Corner side: 10 feet	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Patios	Front: 30 feet Side: 1 foot Rear: 1 foot Corner side: 10 feet	Front: 30 feet Side: 1 foot Rear: 1 foot Corner side: 10 feet	Front: 30 feet Side: 5 feet Rear: 3 feet Corner side: 30 feet	Front: 30 feet Side: 10 feet Rear: 3 feet Corner side: 30 feet	Not Applicable	Not Applicable	Not Applicable



**Figure 18:** Fence location on corner residential lot (principal building facing longer side)

(3) Fences in non-residential districts. Fences in non-residential districts, including the TC-PD district, shall comply with the following:

- (i) For interior lots, fences shall not be taller than 4.5 feet in the front yard and 8.5 feet in the side or rear yard; and
- (ii) For corner lots, fence height is determined in the same manner as for corner residential lots (see Figures 17 and 18), except that the maximum height shall be 8.5 feet where a 6.5 feet fence is allowed.
- (iii) Fence height in front or corner side yards may exceed 4.5 feet in height up to a maximum of 8.5 feet if the fence is used as screening as allowed in the Crystal city code, subsection 520.13.

(b) Locational requirements.

- (1) Fences may be located within a drainage and utility easement in side and rear yards. Where such fences are installed, the city will not be responsible for repairing or replacing the fence if work is done in the easement.
- (2) Fences shall comply with the site distance triangle requirements as provided in the Crystal city code, chapter VIII.
- (3) All fences, including footings, shall be located entirely upon the property where the fence is located. It is the property owner's responsibility to locate property lines prior to installing a fence.

(c) Design and maintenance requirements.

- (1) Barbed wire, razor wire, concertina, dannert, and above-ground electrical fences are prohibited. In the TC and TC-PD district chain-link fences are also prohibited.
- (2) Fences taller than four feet shall either have underground posts at least ½ of the height of the fence or underground posts at least 18 inches in depth that are completely encased in concrete.

- (b) Landscaping that is in compliance with the approved plans shall be installed before a certificate of occupancy is issued for the site. If landscaping is not installed, the applicant shall be required to submit a cash escrow in accordance with the requirements in the Crystal city code, section 510 for the relevant development review application.

Subd. 4. Landscaping standards.

(a) Plant quality and size.

- (1) Appropriate materials. Landscape materials should complement the form of the existing trees, plantings, and vegetation. The amount of shade or sun and soil conditions should be considered in selecting plant materials. Plant materials are to include those materials and species that are demonstrated to be hardy to conditions found in Minnesota.
- (2) Approved and prohibited tree species. Trees selected for specific site design purposes shall be those trees as identified and included on the list of approved trees as approved and amended from time to time by resolution of the city council on file in the city clerk’s office. The city’s approved list may include prohibited trees.
- (3) Free of disease. Plants shall be free of disease, insects and/or damage, and shall be correctly labeled indicating genus, species and cultivar. No label shall be removed until after the final inspection by the city is completed.
- (4) Variety of tree species. To curtail the spread of disease or insect infestation in a tree species, new trees shall comply with the diversity standards of Table 9.

<b>Table 9: Species Diversity</b>	
<b>Number of Trees Required on Site</b>	<b>Maximum Percentage of Trees that may be of a Single Species</b>
7-19	35%
20-39	30%
40 or more	25%

(5) Tree size requirements.

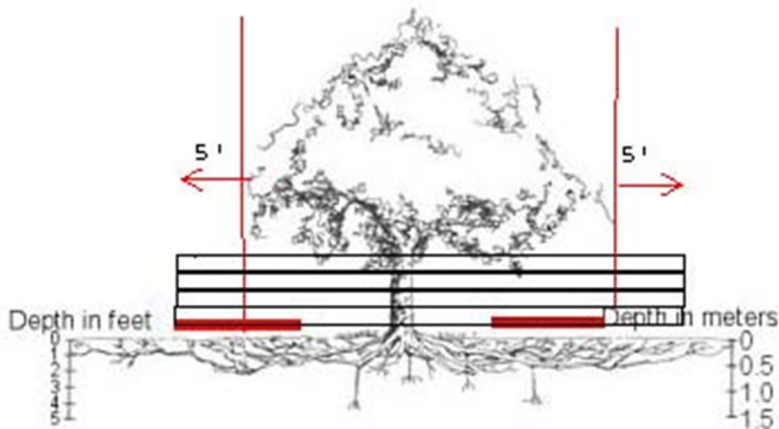
- (i) Deciduous canopy or shade trees shall have a minimum Diameter at Breast Height (DBH) of two inches for ball and burlap trees or DBH of two inches for container trees at the time of planting. Multi-stem varieties shall be a minimum of six feet in height above ground level at the time of planting.
- (ii) Understory, small maturing, or ornamental trees shall have a minimum DBH of ~~two~~ 1.5 inches at time of planting. Multi-stem varieties shall be a minimum of four feet in height above ground level at the time of planting.
- (iii) Evergreen trees shall be a minimum of six feet in height for potted or ball and burlap trees at the time of planting.

(b) Required landscaping.

- (1) Generally. Any lot remaining after providing parking, sidewalks, driveways, building, or other permitted site improvements shall be planted and maintained in sod or turf grass, supplemented by required trees, shrubs, native grasses, flowering plants, or similar landscaping material.
  - (2) One and two family dwellings. For one and two family dwellings constructed after the effective date of this UDC, one overstory deciduous tree shall be planted in the front yard. An existing healthy and well-formed tree may be credited towards this requirement provided that the tree is protected before and during development of the site according to the requirements of this section. The tree to be credited shall be on the city's list of approved trees as established in subdivision 4 of this subsection.
  - (3) Uses other than one and two family dwellings. For a nonresidential, institutional, or multiple family residential principal building constructed after the effective date of this UDC, the following are the minimum landscaping requirements. Parking lots, which have specific requirements in this subsection, are exempt from these requirements.
    - (i) One overstory deciduous tree shall be planted for every 30 feet of lot frontage; and
    - (ii) Shrubs shall be planted along building foundations that are visible from the public street.
- (c) Installation of vegetation.
- (1) General requirements.
    - (i) Minimum dimensions. Wherever this UDC requires a landscaped area of a specified width, the width shall be measured within (interior measurements) any curb or wall bordering the landscaping area.
    - (ii) Soils. Where landscaping is required, good quality loose soil must be provided and shall not include substandard fill, gravel, sand or highly alkaline soil material.
    - (iii) Ball and burlap. Landscape materials installed in a ball or burlap form shall be installed such that the ball and burlap does not extend above the immediate grade at installation.
    - (iv) Protective curbing. Where landscaping is installed in areas that are designed to manage storm water run-off, no protective curbing shall be constructed that prohibits the flow of or infiltration of surface water. In other instances landscape islands and similar landscape areas may be protected by a B6-12 concrete curb and gutter where otherwise deemed necessary by the city engineer.
    - (v) Safety requirements. Landscape materials shall be located so that at maturity they do not interfere with safe sight lines for pedestrians or vehicular traffic and do not conflict with overhead lights or utility lines.
  - (2) Turf or ground cover.
    - (i) Requirements for native prairie grasses and or drought tolerant species of native are located in the Crystal city code, section 615.
    - (ii) Ground cover may consist of grass normally grown in permanent lawns in Minnesota. Such turf grass shall be planted according to the requirements found in the Crystal city code, section 615, and may be sodded or seeded, except in swales or other areas



- (i) All protected trees shall be fenced in before grading or other land-disturbing activity begins. Fencing shall extend at least five feet from the edge of the drip line (See Figure 21 for illustration of a drip line), but in no case closer than ten feet to the trunk;

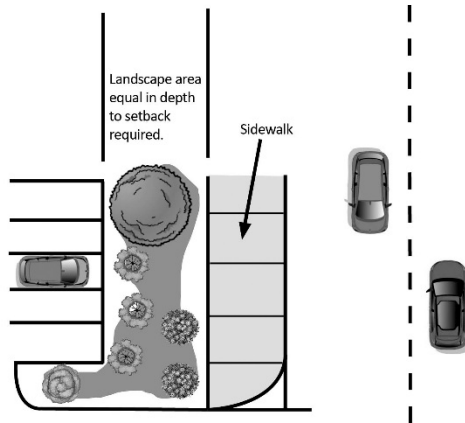


**Figure 21:** Illustration of protective fence placement for trees.

- (ii) The zoning administrator shall consider existing site conditions in determining the exact location of any tree protection fencing; and
  - (iii) All fencing required by this subsection shall be at least four feet in height and secured using appropriate posts.
- (e) Encroachments into root zones. Encroachment into root zones shall comply with the following:
- (1) Encroachments within the root zones of trees protected in accordance with this subsection shall occur only in rare instances; and
  - (2) If such an encroachment is anticipated, written verification by a qualified arborist shall be required documenting the tree's condition before and after the encroachment, including preventive measures that shall be employed prior to, during, and after the encroachment to insure the viability of the tree.

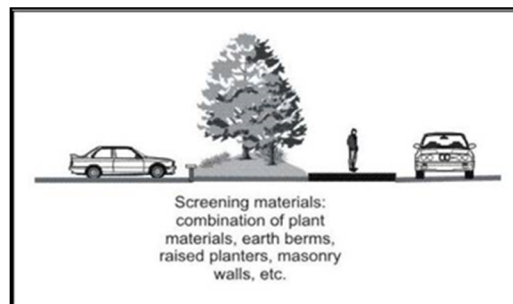
Subd. 6. Parking lot landscaping requirements.

- (a) Purpose. The purpose for parking lot landscaping requirements is to provide for effectively designed and properly placed landscape improvements to minimize the potential negative effects of large expanses of asphalt, such as creating unnecessary surface water runoff and presenting a sterile image.
- (b) Parking lots adjacent to streets. The area of a parking lot facing a street shall comply with the following:
  - (1) A parking area for a nonresidential, institutional, or multiple family residential use adjacent to a public street shall be designed to provide a landscaped planting strip of the minimum required setback area between the street right-of-way and any parking area (see Figure 22);



**Figure 22:** Perimeter landscaping required between a parking lot and a street.

- (2) The landscaping shall have a minimum height of 36 inches and be designed and maintained to screen cars from view of the street and meet the site visibility requirements of the Crystal city code, chapter VIII;
- (3) Screening materials may include a combination of plant materials including trees, shrubs, raised planters, solid decorative masonry walls, or other screening devices which meet the intent of this requirement (see Figure 23).



**Figure 23:** Illustration of parking lot perimeter screening.

- (4) A parking lot is not required to be screened from the street if the parking lot is not adjacent to a residential use and the parking lot is set back at least double the required setback.
- (c) Parking lots adjacent to side or rear property lines. Parking areas for a nonresidential, institutional, or multiple family dwelling use shall provide a perimeter landscape strip of the minimum required setback area where the parking area adjoins a side or rear property line. At a minimum the landscape strip shall contain sod or turf grass, but may be supplemented by trees, shrubs, native grasses, flowering plants, or similar landscaping materials.
- (d) Parking lots adjacent to residential uses. Parking lots adjacent to a one or two family dwelling shall comply with the following:

- (1) A landscaped buffer of the minimum setback area shall be provided between the parking lot and the property line of the residential use;
  - (2) The landscaping shall have a minimum height of 36 inches and be designed and maintained to screen cars from view of the residential use. Screening may consist of shrubs, planters, solid decorative walls, or other screening devices which meet the intent of this requirement; and
  - (3) Shade trees shall also be provided at the rate of one for each 30 linear feet of landscaped area along the property line between the parking lot and the residential use.
- (e) Parking lots in the TC and TC-PD districts: Parking lots in the TC and TC-PD districts shall be screened from streets and sidewalks by a masonry retaining wall or evergreen hedge a minimum of 36 inches and a maximum of 48 inches in height. If driveway visibility would be impaired, as described in chapter 8 of the Crystal city code, the city will consider alternatives that meet screening objectives.
- (f) Landscaping for parking lot interior. The landscaping for the interior of a parking lot shall comply with the following:
- (1) Amount of landscaping.
    - (i) Parking lots with 20 or more spaces shall provide landscaping at a minimum ratio of ten percent of the gross area of the parking lot, which is computed by means of the smallest square, circle, rectangle, triangle or combination thereof that shall encompass the extreme limits of the parking lot perimeter, not including any landscape islands within or projections into the parking lot (including all drive and parking aisles). If parking is located on the side of the structure (not adjacent to a street) or in the rear, this landscaping ratio may be reduced to five percent; and
    - (ii) Trees meeting the size requirements of Crystal city code, subsection 520.11, subd. 4 (a) (5) not less than five feet in height and 15-gallon container in size shall be planted throughout the parking lot.
  - (2) Landscaping location. Landscaping shall be evenly dispersed throughout the parking lot, as follows:
    - (i) Landscaped islands shall have a minimum width of nine feet as the narrowest dimension;
    - (ii) Shade trees planted using an orchard-style planting (the placement of trees in uniformly-spaced rows) is encouraged for larger parking areas; and
    - (iii) The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, landscape gravel, or mulch.

#### 520.13. Screening.

Subd. 1. Purpose. The purpose of this subsection is to increase or maintain property values and generally protect the public welfare by screening uses that could have an adverse impact on neighboring properties.

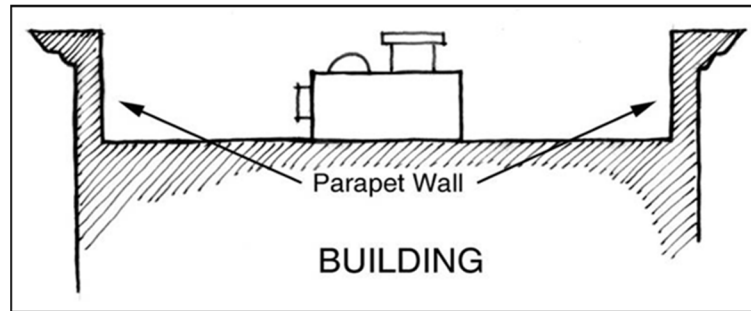
Subd. 2. Applicability. The requirements of this subsection shall apply to all proposed development and new land uses unless otherwise stated.

Subd. 3. Types of screening. Unless otherwise stated, screening may consist of vegetation, fences, walls, berms, or other visual barriers.

Subd. 4. Items to be screened. The following areas shall be screened in accordance with this subsection:

- (a) Waste receptacles containers. ~~Except for one and two family dwellings, Outdoor-outdoor waste enclosures receptacles, including for~~ dumpsters, grease collection containers and recycling containers, shall be screened on all sides by wood, masonry walls, or other material compatible with the principal building with a minimum height of six feet. One side of the storage area shall be furnished with swinging doors. Whenever feasible, the enclosure shall be located away from residential areas in the and at least five feet from any side or rear yard property line, away from residential areas;
- (b) Ground-mounted mechanical equipment. Ground-mounted mechanical equipment shall be screened from view of adjacent properties or public rights-of-way. This screening shall meet the following requirements:
  - (1) Location and height requirements
    - (i) Ground-mounted equipment shall not be located between the building and the public right-of-way.
    - (ii) Screening shall be as high as the highest point of the equipment being screened. If a screen greater than 8 feet tall is required, the zoning administrator may require that the equipment be located in the principal building or the most visually inconspicuous area of the property that does not cause unnecessary negative impacts to residential properties.
  - (2) Exceptions. The following ground-mounted mechanical equipment shall be exempt from the screening requirements of this subsection:
    - (i) Minor equipment not exceeding 18 inches in height.
    - (ii) Mechanical equipment accessory to a one or two-family dwelling.
- (c) Roof-mounted mechanical equipment. Except for roof-mounted mechanical equipment for a one or two family dwelling, Roofroof-mounted mechanical equipment shall be screened from view of adjacent properties and public rights-of-way, accomplished through the two methods in (1) and (2), below. As an alternative to these methods, the city may, at its discretion, allow rooftop equipment to be screened by painting it to match or approximate the color of the background against which the equipment is viewed. Solar energy systems are exempt from screening requirements if screening would interfere with system operations.

- (1) Use of building walls, parapets, and/or roof systems (See Figure 24)



**Figure 24:** Example of how parapet walls are utilized to screen roof mounted mechanical equipment.

- (2) Locate the equipment to a sufficient distance from the roof edge so as to not be visible.

- (d) Outdoor storage. Screening shall create a visual and or/sound barrier of the object being screened from adjacent properties and the public right-of-way. Commercial truck storage or parking, vehicle impound lots, and rental of trailers and/or vehicles in excess of three quarter ton (3/4) ton capacity shall utilize an opaque fence of not less than six feet in height;
- (e) Commercial uses. Screening shall create a visual and/or sound barrier between the commercial use and residential dwellings. Requirements for parking lot screening are found in the Crystal city code, subsection 520.11; and
- (f) Multiple family residential dwellings. Screening shall create a visual barrier between the multiple family dwelling and one and two family residential dwellings or commercial buildings. Requirements for parking lot screening are found in the Crystal city code, subsection 520.11.

Subd. 5. Design standards for screening. Screening shall comply with the following design standards:

- (a) Screening shall be installed to create a visual barrier so as to reduce the vision of the object being screened;
- (b) If vegetation is used for screening, it shall consist of a compact evergreen or deciduous hedge or trees of a sufficient width and density to provide an effective screen throughout the year;
- (c) If a berm is used for screening, it shall be of a sufficient height to provide an effective screen; and
- (d) A screening fence or wall shall be constructed of an opaque material. Such screening shall provide a solid screening effect and not exceed the height limitations in the Crystal city code,

Traffic into and out of business areas shall to the maximum extent possible, be forward moving with no backing into streets.

(f) Off-street parking of motor vehicles and recreational vehicles and equipment. Motor vehicles and recreational vehicles and equipment may be parked or stored outside as provided in the Crystal City Code, chapter 13. If parked or stored outside, motor vehicles and recreational vehicles and equipment shall have current valid registration including clearly visible license plate tabs. Lawful vehicle sales are exempt from this requirement.

Subd. 4. Rules for computation.

(a) Calculation. The following rules shall apply when computing parking spaces:

- (1) Driveway space meeting parking requirements. Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of one or two family dwellings where driveways may be used in calculating the amount of off-street parking;
- (2) Multiple uses. Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use. The required base number of parking spaces shall be counted only once for multiple use buildings;
- (3) Area measurements. All square-footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building. Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment; and
- (4) Vehicle fuel stations. Spaces at the pump at a vehicle fuel station may count toward the minimum parking space requirements.

(b) Occupancy-or capacity-based standards.

- (1) For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the typical, or average, number of persons working on a single shift or the typical enrollment, whichever is applicable.
- (2) In hospitals, bassinets shall not be counted as beds.
- (3) In the case of benches, pews, and similar seating accommodations, each 24 inches thereof shall be counted as one seat for the purpose of determining the parking requirements. If fixed seating is not provided, then each seven square feet of floor area shall be counted as one seat.

(c) Unlisted uses.

- (1) Upon receiving an application for a use not specifically listed in the parking schedule below, the zoning administrator shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size, and intensity of use.
- (2) If the zoning administrator determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

- (2) An auxiliary space cannot exceed 12 feet in width and 24 feet in length, and must be at least ten feet from the habitable portion of a residential structure on an adjacent property; and
- (3) 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. 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.

Subd. 10. Setbacks. Except for off-street parking lots within the TC and TC-PD districts, which have separate requirements in paragraph (d) of this subdivision, all parking lots are subject to the setback requirements in paragraphs (a) through (c) of this subdivision.

- (a) The face of the curb shall not be within five feet of any property line and the back of the curb shall not be within four feet of any property line.
- (b) If a parking lot for a commercial, institutional, or multiple family dwelling use is adjacent to a property used for one or two-family residential dwellings, the face of the curb for the parking lot shall not be within ten feet of the shared property line and the back of the curb shall not be within nine feet of the shared property line.
- (c) All setbacks near intersections of public streets shall be determined by the city engineer.
- (d) Within the TC and TC-PD districts, if a parking lot is constructed it shall be subject to the following setback and locational requirements:
  - (1) Location. Off-street parking lots are prohibited in front of the building, but may be located to the rear or side of buildings (see Figure 28);

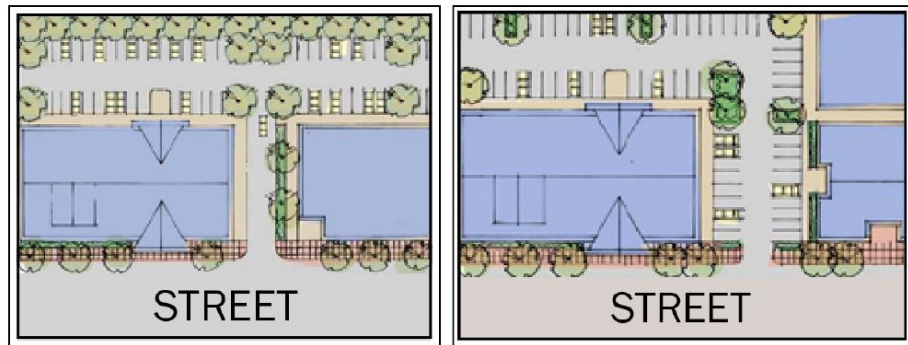


Figure 28: Allowable locations for off-street parking lots in the TC and TC-PD districts

- (2) Corner side property line. The face of the curb shall not be within 12 feet of the property line and the back of the curb shall not be within 11 feet of the property line;
- (3) Interior side property line. The face of the curb shall not be within 2 feet of the property line and the back of the curb shall not be within 1 foot of the property line; and

- (4) Rear property line. The face of the curb shall not be within 4 feet of the property line and the back of the curb shall not be within 3 foot of the property line.

Subd. 11. Parking design standards. Required parking areas shall be designed, constructed, and maintained in compliance with the requirements of this subsection.

- (a) Access to parking area. Access to parking areas (i.e. driveways) shall be as provided as follows. Requirements for curb cuts and driveways approaches are provided in the Crystal city code, Chapter VIII.

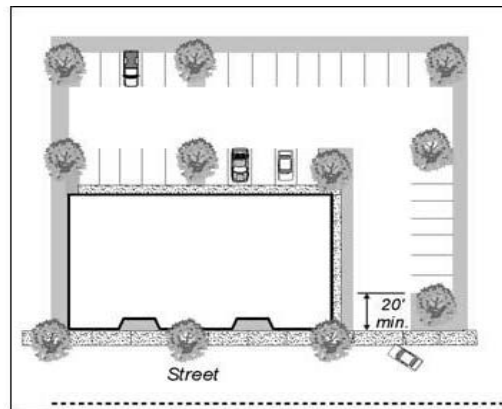
- (1) One and two-family dwellings. Driveway width shall not exceed the width of the garage's vehicle entrance plus six feet, except that properties without a garage or with only a single stall garage shall not have a driveway that exceeds 16 feet in width.

- (2) Access for uses other than one and two-family dwellings.

- (i) Parking areas shall provide suitable maneuvering area so that vehicles enter from and exit to a public street in a forward direction only.

- (ii) Parking lots shall be designed to prevent access at any point other than at designated access drives.

- (iii) A development that provides 20 or more parking spaces in a parking lot that is accessed from a collector or arterial street shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, to provide a queuing or stacking area for vehicles entering and exiting the parking area (See Figure 29).



**Figure 29:** Non-impeded access driveway.

- (iv) A minimum unobstructed clearance height of 14 feet shall be maintained above areas accessible to vehicles within nonresidential developments.

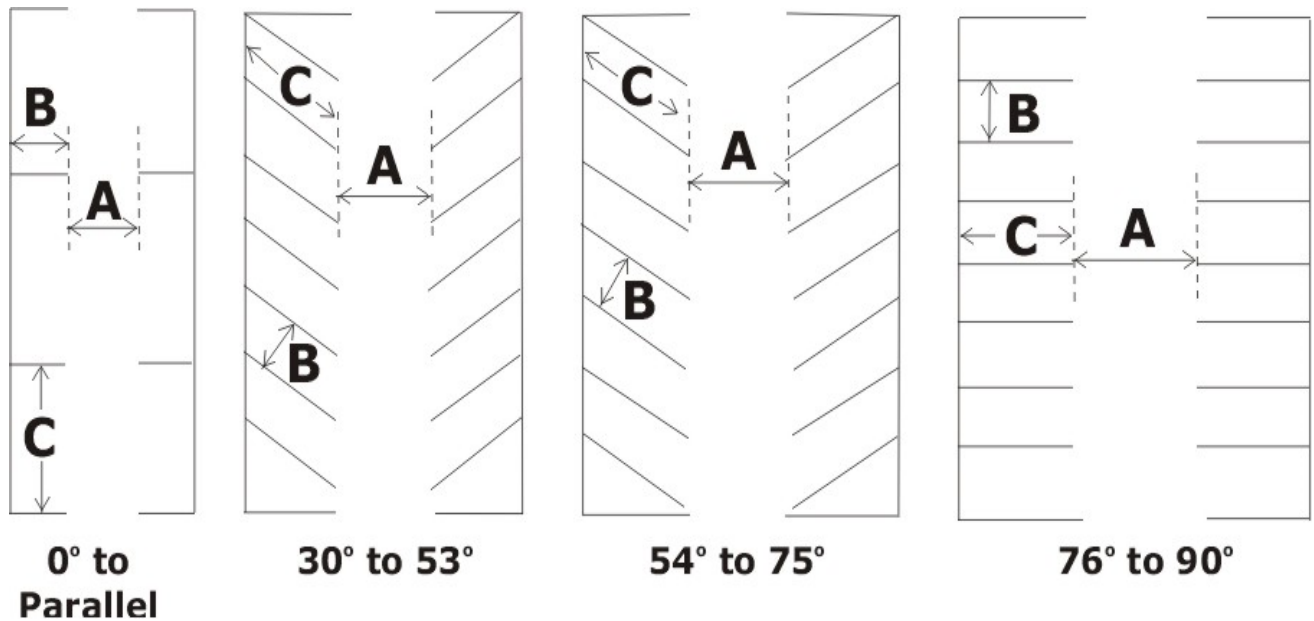
- (3) To ensure proper location and configuration, a permit is required from the city manager or designee for work on driveways. For driveway plans that involve changes to an existing curb cut or construction of a new curb cut within the public right-of-way, a right of way permit application shall be approved in accordance with the Crystal city code, chapter VIII.

- (b) Parking space dimensions.



- (1) Required dimensions. Each parking space and aisle shall comply with the minimum dimensions in Table 12 as illustrated in Figure 30.

Table 12: Parking Space and Aisle Dimensions								
Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet) "A"	Two-Way Maneuvering Aisle Width (Feet) "A"	Parking Stall Width (Feet)			Parking Stall Length (Feet)		
			"B"			"C"		
			Compact Size	Low Turnover	Full Size	Compact Size	Low Turnover	Full Size
0° – Parallel	12	20	8	8.5	9	18	22	22
30° – 53°	14	20	8	8.5	9	16	20	20
54° – 75°	18	22	8	8.5	9	16	20	20
76° – 90°	22	24	8	8.5	9	16	18	18



**Figure 30:** Parking space and aisle requirements based on angle of parking.

- (2) Width increase. When the length of a parking space abuts a column, fence, wall, or other obstruction, the required width of the entire parking space shall be increased by at least one foot.
- (3) No overhang. The required length of a parking space shall not provide for a vehicle overhanging a landscaped area or walkway.
- (4) Use of compact vehicle spaces. This paragraph provides for the establishment of compact vehicle spaces as an alternative to full sized spaces. Such spaces shall comply with the following:
- (i) ~~For parking lots with 50 or more spaces, a minimum of five percent of the total spaces shall be designed for compact vehicle spaces;~~

~~(ii)~~ iA maximum of 20 percent of spaces in any single parking lot may be dedicated to compact parking spaces;

~~(iii)~~(ii) Compact spaces shall be clearly labeled for “compact cars” and grouped together in one or more locations or at regular intervals so that only compact vehicles can easily maneuver into the space;

~~(iv)~~(iii) Existing developments that wish to utilize this subsection to create additional parking spaces (e.g., either by adding land area to an existing parking lot or modifying an existing parking lot to gain more spaces) shall first apply for a zoning certificate or site plan review, whichever is applicable; and

~~(v)~~(iv) The minimum off-street parking dimensions for compact vehicle spaces shall be as identified in Table 12.

(5) Low turnover parking. This paragraph allows for the establishment of narrower parking spaces in locations where the typical user parks for more than two hours. Such spaces shall comply with the following:

(i) The zoning administrator shall determine whether the proposed low turnover spaces are consistent with the stated purpose of this subsection;

(ii) Existing developments that wish to utilize this subsection to create additional parking spaces (e.g., either by adding land area to an existing parking lot or modifying an existing parking lot to gain more spaces) shall first apply for a zoning certificate or site plan review, whichever is applicable; and

(iii) The minimum off-street parking dimensions for low turnover parking spaces shall be as identified in Table 12.

(c) Surfacing.

(1) Within all zoning districts, parking lots and driveways shall be paved and permanently maintained with asphalt, concrete, or approved paving units.

(2) Parking lots and driveways may be constructed with the use of other all-weather surfacing as determined to be appropriate by the city engineer, where it is first determined that a surface other than asphalt or concrete is consistent with the driveways of similar properties in the vicinity, and that the alternate surface will not impair accessibility for emergency vehicles.

(3) The grade elevation of any parking area shall not exceed ten percent.

(d) Striping and identification.

(1) Parking spaces shall be clearly outlined with four-inch wide lines painted on the parking surface.

(2) The striping shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

(3) The color of the striping shall be white or yellow, unless another color is required by state law (e.g., parking for the disabled).

(e) Grading and drainage.

- (1) All grading plans relating to the parking facilities shall be reviewed and approved by the city engineer before any work can commence.
- (2) All off-street parking facilities shall be properly graded and drained so as to dispose of all surface water accumulated within the area of the parking lot.
- (3) In no instance shall a storm drainage facility be designed to allow the flow of water into abutting property without an approved easement.

(f) Curbing. The purpose of curbing is to minimize storm water runoff, protect building and parking lot edges, and increase the survivability of plants. The following standards are applicable to curbing:

- (1) Except for one or two-family dwellings, all parking areas or lots shall have cast-in-place concrete barrier curb and gutter around the perimeter of the entire parking lot. The curb shall be at least six 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.

(g) Sight distances. Adequate sight distances for vehicles and pedestrians shall be provided for parking lots.

(h) Parking lot landscaping. Requirements for parking lot landscaping are provided in the Crystal city code, subsection 520.11.

(i) Parking lot lighting. If exterior lighting is proposed in the parking plan, the lighting shall meet the requirements as provided in the Crystal city code, subsection 520.07.

(j) Pedestrian connections. When feasible, the parking plan shall show pedestrian connections within the property and to existing or planned public sidewalk and trail connections, except that in the TC and TC-PD districts a minimum six foot wide pedestrian access shall be provided from the principal entrance to any off-street parking lot.

(k) Deviation from standards requires a detailed study. No proposed parking layout which deviates from the standards identified in subdivision 11 of this subsection and which could create a safety hazard(s) shall be allowed unless the developer provides a detailed report or study prepared by a registered transportation or civil engineer who demonstrates that the parking layout is a viable alternative and is consistent with the purpose of this section. This alternative plan is subject to the approval of the city engineer.

Subd. 12 Maintenance. All parking spaces, driveways, and striping shall be continually maintained in a clean and orderly manner and kept in good repair.

Subd. 13. Loading space requirements.

(a) Purpose. The purpose of these requirements is to provide design standards for loading spaces if such spaces are proposed by a property owner.

(b) Prohibition. Loading spaces are prohibited in all residential zoning districts and the TC district.

(c) General design standards. Loading spaces shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

Table 13: Required cash payment	
Land Use	Required payment
Residential uses	\$1,000 per dwelling unit
Commercial/Industrial uses	\$5,000 per acre

- (1) If a property is transitioning from a pre-existing commercial or industrial use to a residential use, the City Council shall consider crediting a new subdivision for the cash payment required under the previous land use.
- (2) Cash payments in lieu of dedication are payable before the city releases the final plat for recording. The payment shall be placed in a special fund established by the city to be used solely for the purposes of acquisition and development or improvement of parks, playgrounds, trails, or open space.
- (e) Credit for private land. A credit of up to 25 percent of the dedication requirements may be awarded for park and open space that is to be privately owned and maintained by the future residents of the subdivision. A credit will not be awarded unless the following conditions are met:
  - (1) Private open space may not be occupied by nonrecreational buildings and must be available for the use of all the residents of the proposed subdivision;
  - (2) Required building setbacks will not be included in computation of private open spaces;
  - (3) Use of the private open space must be restricted for park, playground, trail, or open space purposes by recorded covenants that run with the land in favor of future owners of property, and cannot be eliminated without the consent of the city council;
  - (4) Credit for private trail improvements shall only be given by the city when the trail system connects to a public trail or walkway system;
  - (5) The private open space will be of a size, shape, location, topography, and usability for park or recreational purposes, or contain unique features which are important to be preserved; and
  - (6) The private open space must reduce the demand for public recreational facilities or public open space occasioned by development of the subdivision.

Section 530

Signage

530.01. Findings, purpose and effect.

Subd. 1. Findings. The city council hereby finds as follows:

- (a) Exterior signs have a substantial impact on the character and quality of the environment;
- (b) Signs provide an important medium through which individuals may convey a variety of messages; and
- (c) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

Subd. 2. Purpose and intent. It is not the purpose or intent of this section to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

- (a) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare;
- (b) Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community;
- (c) Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics; and
- (d) Provide for fair and consistent enforcement of the sign regulations set forth in this section.

530.03. General sign requirements.

Subd. 1. Permit required. Unless exempted under subdivision 2 of this subsection, no sign shall be erected, altered, reconstructed, maintained, or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be on a form provided by the city.

Subd. 2. Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this UDC or any other law or ordinance regulating the same.

- (a) The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- (b) Small signs.
- (c) Governmental signs.
- (d) Menu boards for drive-through restaurants or eating establishments.

- (4) The “sign specific standards” column cross-references standards that are specific to an individual sign type and are applicable to that sign in all districts unless otherwise stated in the sign specific standards.

Table: 14: Signs allowed by zoning district								
Sign Type	Zoning District							<u>Sign Specific Standards</u>
	R-1	R-2	R-3	C	TC	I	AP	
Canopy, Marquee, and Fixed Awnings	P	P	P	P	P	P	P	530.11, subdivision 1
Electronically controlled readerboard	P	P	P	P	-	P	P	530.11, subdivision 2
Electric	P	P	P	P	P	P	P	
Freestanding	-	-	-	P	-	P	P	530.11, subdivision 3
Governmental	A	A	A	A	A	A	A	
Monument	P	P	P	P	P	P	P	530.11, subdivision 4
Multiple Tenant	-	-	-	P	P	P	-	530.11, subdivision 6
Off-Premise	-	-	-	-	-	-	-	
Projecting	-	-	-	P	P	P	P	530.11, subdivision 5
Roof	-	-	-	-	-	-	-	
Rotating	-	-	-	-	-	-	-	
Sandwich board	-	-	-	P	P	-	-	530.11, subdivision 7
Shimmering	-	-	-	P	-	P	P	
Temporary	P	P	P	P	P	P	P	530.11, subdivision 8
Small	A	A	A	A	A	A	A	
Wall	P	P	P	P	P	P	P	530.11, subdivision 9

530.11. Sign specific standards. The following requirements for specific sign types apply in addition to those requirements found in Table 14.

Subd. 1. Canopies, marquees and fixed awnings. Signs are allowed on canopies, marquees and fixed awnings, which are an integral part of the structure to which they are attached. Within the residential districts, these signs are only allowed for multiple family dwellings, or institutional or commercial uses,

Table: 15: Freestanding or Pylon Signs						
Sign Type	Number Allowed	Maximum Height	Area	Minimum Street Frontage	Setback From Lot Line	Setback From Right-of-Way
Freestanding or pylon sign	1 [1]	25 feet	1 square foot of sign per linear foot of frontage [2]	50 feet	10 feet, and 50 feet from residential district, park, school, library, church or similar land use [3]	10 feet
<p>Notes:</p> <ol style="list-style-type: none"> <li>1. A property abutting more than one street may have one additional freestanding sign on one of the additional street rights-of-way provided that such right-of-way is on an arterial or collector street and such sign is more than 50 feet distant from any other freestanding sign on the property.</li> <li>2. The area of a sign may not exceed the following square footages based on the street the sign abuts: <ol style="list-style-type: none"> <li>1. Principal arterial - 200 square feet</li> <li>2. Minor arterial or major collector – 150 square feet</li> <li>3. Minor collector – 100 square feet</li> <li>4. Local – 50 square feet</li> </ol> </li> <li>3. All parts of a freestanding sign (supports, structure, display, or trim) shall meet this setback requirement.</li> </ol>						

Subd. 4. Monument signs. Monument signs are subject to the following standards:

- (a) In the residential districts, monuments signs are only allowed for multiple family dwellings or institutional or commercial uses;
- (b) Monument signs shall meet the requirements in Table 16; and
- (c) Except in the TC district, an electronically controlled reader board is allowed as part of a monument sign.

Table: 16: Monument Signs					
Sign Type	Number Allowed	Maximum Height	Area	Setback From Any Property Line	Setback From Right-of-Way
Monument	1 [1]	6 feet <u>in R-1, R-2, R-3 and TC; 25 feet in C, I and AP</u>	Maximum 75 square feet <u>in R-1, R-2, R-3 and TC; same area requirements as</u>	10 feet	10 feet

Table: 16: Monument Signs					
Sign Type	Number Allowed	Maximum Height	Area	Setback From Any Property Line	Setback From Right-of-Way
			<u>Freestanding signs in C, I, and AP</u>		
Note: 1. A property abutting more than one street may have one additional monument sign on one of the additional street rights-of-way provided that such right-of-way is on an arterial or major collector street.					

Subd. 5. Projecting signs. Projecting signs are subject to the following standards:

(a) Projecting signs shall meet the requirements in Table 17; and

Table: 17: Projecting Signs					
Sign Type	Number Allowed	Maximum Height	Area	Setback From Any Property Line	Setback From Right-of-Way
Projecting	Maximum of 2 wall or projecting signs per wall [1]	Minimum 10 feet clearance above grade and may not be higher than roofline	Up to 10% of the wall area to which it is affixed when combined with wall signs	10 feet, but sign may be equidistant between the side property lines if the property is less than 20 feet in width	10 feet
Note: 1. A property abutting more than one street may have one additional projecting sign on one of the additional street rights-of-way provided that such right-of-way is on an arterial or collector street and such sign is more than 50 feet distant from any other projecting sign on the property.					

(b) Buildings exceeding 80,000 square feet in size on lots of over 20,000 square feet are permitted to have wall/projecting signage of up to 250 square feet.

Subd. 6. Multiple-tenant. The following provisions shall apply to multiple-tenant buildings within the commercial and industrial districts.

(a) Wall signs. Each tenant in a multiple-tenant building may have a flat wall sign in compliance with the wall sign requirements in Table 18. In addition, the multiple-tenant building may have wall signage on common walls of the building as long as no more than ten percent of that wall is occupied by signage.



- (b) Freestanding signs. Where allowed, one freestanding sign shall be permitted for each multiple-tenant building.
- (c) Canopies and awnings. The design of canopies shall be in keeping with the overall building design in terms of location, size, and color. No canopies with visible wall hangers shall be permitted. Signage on canopies may be substituted for allowed building signage and shall be limited to 25% of the canopy area.

Subd. 7. Sandwich board signs. Sandwich board signs are subject to the following standards:

- (a) Signs shall not exceed six square feet in size;
- (b) One sign is allowed per property. Within the TC district, one sign is allowed per business; and
- (c) Signs shall only be displayed during business operating hours.

Subd. 8. Temporary signs. The temporary use of banners, pennants, balloon signs, portable signs and similar devices requires a permit. The permit is valid for seven consecutive days. Not more than six permits for each property, or if applicable each tenant in a multiple tenant building, may be granted in a 12-month period. The permit must be prominently displayed at the principal use in the same manner required for building permits. Temporary signs shall conform to the same location and dimension requirements as permanent signs.

- (a) Non-commercial speech signs. Notwithstanding any other provisions of these sign requirements, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten days following the general election and 13 weeks prior to any special election until ten days following the special election.

Subd. 9. Wall signs.

- (a) Wall signs in residential districts. In the residential districts, wall signs are allowed for multiple family dwellings, or institutional or commercial uses, subject to the following standards:
  - (1) Wall signs are only permitted on walls fronting on a public street or facing other property used for institutional, commercial or industrial purposes.
  - (2) No more than one sign is permitted on each wall.
  - (3) No wall sign shall exceed 10% of the wall area or 75 square feet in area, whichever is less.
  - (4) Wall signs for home business are allowed according to the requirements in the Crystal city code, subsection 515.23.
- (b) Wall signs in commercial and industrial districts. In the commercial and industrial districts, wall signs are subject to the following standards:
  - (1) Wall signs shall meet the requirements in Table 18;

Sec. 57.

**[327.30] SACRED COMMUNITIES AND MICRO-UNIT DWELLINGS.**

**Subdivision 1.**

**Definitions.**

(a) For the purposes of this section, the following terms have the meanings given.

(b) "Chronically homeless" means an individual who:

(1) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

(2) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last three years; and

(3) has an adult head of household, or a minor head-of-household if no adult is present in the household, with a diagnosable substance use disorder, serious mental illness, developmental disability, post-traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of two or more of those conditions.

(c) "Designated volunteers" means persons who have not experienced homelessness and have been approved by the religious institution to live in a sacred community as their sole form of housing.

(d) "Extremely low income" means an income that is equal to or less than 30 percent of the area median income, adjusted for family size, as estimated by the Department of Housing and Urban Development.

(e) "Micro unit" means a mobile residential dwelling providing permanent housing within a sacred community that meets the requirements of subdivision 4.

(f) "Religious institution" means a church, synagogue, mosque, or other religious organization organized under chapter 315.

(g) "Sacred community" means a residential settlement established on or contiguous to the grounds of a religious institution's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers that meets the requirements of subdivision 3.

**Subd. 2.**

**Dwelling in micro units in sacred communities authorized.**

Religious institutions are authorized to provide permanent housing to people who are chronically homeless, extremely low-income, or designated volunteers, in sacred communities composed of micro units subject to the provisions of this section. Each religious institution that has sited a sacred community must annually certify to the local unit of government that it has complied with the eligibility requirements for residents of a sacred community in this section.

Subd. 3.

**Sacred community requirements.**

(a) A sacred community must provide residents of micro units access to water and electric utilities either by connecting the micro units to the utilities that are serving the principal building on the lot or by other comparable means, or by providing the residents access to permanent common kitchen facilities and common facilities for toilet, bathing, and laundry with the number and type of fixtures required for an R-2 boarding house under Minnesota Rules, part 1305.2902. Any units that are plumbed shall not be included in determining the minimum number of fixtures required for the common facilities.

(b) A sacred community under this section must:

(1) be appropriately insured;

(2) have between one-third and 40 percent of the micro units occupied by designated volunteers; and

(3) provide the municipality with a written plan approved by the religious institution's governing board that outlines:

(i) disposal of water and sewage from micro units if not plumbed;

(ii) septic tank drainage if plumbed units are not hooked up to the primary worship location's system;

(iii) adequate parking, lighting, and access to units by emergency vehicles;

(iv) protocols for security and addressing conduct within the settlement; and

(v) safety protocols for severe weather.

(c) Unless the municipality has designated sacred communities meeting the requirements of this section as permitted uses, a sacred community meeting the requirements of this section shall be approved and regulated as a conditional use without the application of additional standards not included in this section. When approved, additional permitting is not required for individual micro units.

(d) Sacred communities are subject to the laws governing landlords and tenants under chapter 504B.

Subd. 4.

**Micro unit requirements.**

(a) In order to be eligible to be placed within a sacred community, a micro unit must be built to the requirements of the American National Standards Institute (ANSI) Code 119.5, which includes standards for heating, electrical systems, and fire and life safety. A micro unit must also meet the following technical requirements:

(1) be no more than 400 gross square feet;

(2) be built on a permanent chassis and anchored to pin foundations with engineered fasteners;

(3) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(4) have a minimum insulation rating of R-20 in walls, R-30 in floors, and R-38 in ceilings, as well as residential grade insulated doors and windows;

(5) have a dry, compostable, or plumbed toilet or other system meeting the requirements of the Minnesota Pollution Control Agency, Chapters 7035, 7040, 7049, and 7080, or other applicable rules;

(6) have either an electrical system that meets NFPA 70 NEC, section 551 or 552 as applicable or a low voltage electrical system that meets ANSI/RVIA Low Voltage Standard, current edition;

(7) have minimum wall framing with two inch by four inch wood or metal studs with framing of 16 inches to 24 inches on center, or the equivalent in structural insulated panels, with a floor load of 40 pounds per square foot and a roof live load of 42 pounds per square foot; and

(8) have smoke and carbon monoxide detectors installed.

(b) All micro units, including their anchoring, must be inspected and certified for compliance with these requirements by a licensed Minnesota professional engineer or qualified third-party inspector for ANSI compliance accredited pursuant to either the American Society for Testing and Materials Appendix E541 or ISO/IEC 17020.

(c) Micro units that connect to utilities such as water, sewer, gas, or electric, must obtain any permits or inspections required by the municipality or utility company for that connection.

(d) Micro units must comply with municipal setback requirements established by ordinance for manufactured homes. If a municipality does not have such an ordinance, micro units must be set back on all sides by at least ten feet.

### **EFFECTIVE DATE.**

This section is effective January 1, 2024.