# Use Regulations

## Explanation of table of permitted uses.

### Use Table Explanation

Table 4.2 below lists the principal uses allowed within all zoning districts except for the overlay zoning districts. The uses permitted in the overlay districts shall be controlled by the underlying base zoning district.

### Organization of table

Table 4.2.1 organizes uses by use category, and use type.

#### Use categories.

The use categories provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., household living, commercial, etc.). The use classifications then organize land uses and activities into specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

#### Use types.

The use categories are divided into specific use types. The use types identify the specific uses that are considered to fall within characteristics identified in the broader use category. For example, one-family or two-family are some of the specific use types that fall under the “household living” use category.

#### Symbols in table.

The symbols used in Table 4.2.1 are defined as follows:

##### Permitted uses (P).

A “P” in a cell indicates that a use type is allowed by-right in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 4.2. Permitted uses are subject to all other applicable standards of this UDO;

##### Conditional uses (C).

A “C” in a cell indicates that a use type is allowed as a conditional use in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 4.2 and approval of a conditional use permit in accordance with the UDO. Conditional uses are subject to all other applicable standards of this UDO.

##### Interim Uses (I).

An “I” in a cell indicates that a use type is allowed as an interim use in the respective zoning district subject to compliance with the use-specific standards set forth in the final “use-specific standards” column of Table 4.2 and approval of an interim use permit in accordance with the UDO. Interim uses are subject to all other applicable standards of this UDO.

##### Prohibited uses ( ).

A blank cell indicates that the listed use type is prohibited in the respective zoning district.

#### Use-specific standards.

The “use-specific standards” column of Table 4.2 cross-reference standards that are specific to an individual use type and are applicable to that use in all districts unless otherwise stated in the use-specific standards.

#### Unlisted uses.

If a use is not listed in Table 4.2, it shall be considered a Prohibited use, unless the zoning administrator determines that the use is substantially similar in nature and potential impacts on the surrounding community as an existing use in the use table.

## Allowed Use Table

### Table 4.2.1 Allowed Use Table

| **P = Permitted use, C = Conditional use, I = Interim Use, A = Accessory Use** |
| --- |
| **Use** | **Residential** | **Commercial/ Mixed Use** | **Nonresidential** | **Use-Specific Standards** |
| **R1** | **R2** | **R3** | **R4** | **R5** | **MX-N1** | **MX-N2** | **MX-C** | **TOD** | **C** | **MX-B** | **I** | **O** |
| **RESIDENTIAL USES** |
| **Household Living** |
| Dwelling, one family | **P** | **P** |  |  |  |  |  |  |  |  |  |  |  |  |
| Dwelling, two family |  | **P** |  |  |  |  |  |  |  |  |  |  |  |  |
| Townhouse or Condominium Single Family Attached Dwelling Units |  |  | **P** |  |  | **P** | **P** |  | **P** |  |  |  |  |  |
| Dwelling, live/work |  |  |  |  |  | **C** | **C** | **P** | **P** | **A** | **C** |  |  | **4.3.1(a) + 4.3.3(d)** |
| Dwelling, multiple family |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** |  |  |  |  | **4.3.1(b)** |
| Accessory dwelling unit | **A** | **A** | **A** |  |  | **A** |  |  |  |  |  |  |  | **5.4.1** |
| Accessory structures including but not limited to, detached garages, carports, gazebos, sheds, patios, decks, porches, amateur radio equipment etc. for use by the occupants of the principal use | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** |  |  |  |  | **5.6** |
| Playground equipment and recreation installations, including private swimming pools and tennis courts | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** |  |  |  |  |  |
| The renting of not more than two sleeping rooms in the principal building by a resident family, provided adequate off-street parking is provided | **A** | **A** |  |  |  |  |  |  |  |  |  |  |  |  |
| **Group Living** |
| Nursing care homes |  |  | **C** | **C** | **C** | **C** | **C** |  |  |  |  |  |  |  |
| Assisted living homes |  |  | **C** | **C** | **C** | **C** | **C** | **C** | **C** |  |  |  |  |  |
| **PUBLIC, INSTITUTIONAL, AND CIVIC USES** |
| **Community and Cultural Facilities** |
| Community Center |  |  |  |  |  | **C** | **C** | **C** | **C** | **C** |  |  |  |  |
| Funeral and crematory services |  |  |  |  |  |  |  | **C** |  | **C** |  |  |  |  |
| Governmental offices |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** |  |  |  |  |
| Group day care facility, In home | A | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** |  |  |  |  |  |
| Group day care facility  | **A** | **A** |  |  |  | **P** | **P** | **P** | **P** | **P** | **A** | **A** |  | **4.3.2(c)** |
| Libraries and art galleries |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** |  |  |  |
| Places for religious assembly | **C** | **C** |  |  |  |  |  |  |  | **C** |  | **C** |  |  |
| **Educational Facilities** |
| Nonresidential educational uses including Area Learning Centers (ALC), post secondary schools, business schools, trade schools and the like, but excluding public and private elementary and secondary schools |  |  |  |  |  |  | **C** | **C** | **P** | **P** | **P** |  |  |  |
| Public and private elementary and secondary schools offering a regular course of study  | **C** | **C** | **C** | **C** | **C** |  |  |  |  |  |  |  |  | **4.3.2(h)** |
| Accessory educational structures serving public and private elementary and secondary schools offering a regular course of study | **I** | **I** | **I** | **I** | **I** |  |  |  |  |  |  |  |  |  |
| **Healthcare Facilities** |
| Medical and health uses  |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** |  |  |  |
| Commercial Uses |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Agricultural and Animal Uses** |
| Animal hospitals |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** |  |  |  |
|  Commercial Animal Establishment |  |  |  |  |  |  |  |  |  | **P** | **P** | **P** |  |  |
| Urban Agriculture, Commercial |  |  |  |  |  | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **4.3.2(b)** |
| Urban Agriculture, non-commercial | A | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** |  |  |  | **P** |  |
| **Eating, Drinking, and Lodging** |
| Brewpub, micro-winery, and micro-distillery |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** | **P** |  | **4.3.2(a)** |
| Clubrooms and lodges |  |  |  |  |  | **C** | **C** | **C** | **C** | **C** |  |  |  |  |
| Drive-thru eating establishments  |  |  |  |  |  |  | **C** | **C** |  | **C** |  |  |  | **4.3.2(g)** |
| Eating establishments  |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** | **A** |  | **4.3.2(d)** |
| Banquet, Event, or Conference Facility |  |  |  |  |  |  | **C** | **C** | **C** | **C** | **A** |  |  |  |
| Hospitality lodging and associated uses |  |  |  |  |  |  | **C** | **C** | **C** | **C** | **C** |  |  |  |
| **Entertainment and Recreation** |
| Sexually-oriented uses |  |  |  |  |  |  |  |  |  |  | **C** |  |  | **4.3.4(b)** |
| Amusement center (indoor) |  |  |  |  |  | **A** | **A** | **C** | **P** | **C** |  |  |  | **4.3.2(f)** |
| Amusement center (outdoor) |  |  |  |  |  |  | **C** | **C** | **C** | **C** |  |  |  | **4.3.2(f)** |
| Golf courses and essential accessory buildings  |  |  |  |  |  |  |  |  |  |  |  |  | **P** |  |
| Indoor Recreation Fitness center or club, Indoor  |  |  |  |  |  | **C** | **P** | **P** | **P** | **P** | **C** |  |  | 4.3.2(e) |
| Public recreational uses of a noncommercial nature | **P** | **P** | **P** | **P** | **P** | **P** | **P** | **P** | **P** | **P** | **P** | **P** | **P** |  |
| **Commercial Uses** |
| Business to business services |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** | **P** |  |  |
| Financial institutions including, but not limited to, full-service banks and savings and loan associations |  |  |  |  |  |  | **P** | **P** | **P** | **P** |  |  |  |  |
| Stand alone ATMs |  |  |  |  |  |  | **A** | **A** | **A** | **A** |  |  |  |  |
| Sauna and massage establishments |  |  |  |  |  |  | **A** | **A** | **A** | **A** |  |  |  |  |
| Office |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** | **P** |  |  |
| Personal services |  |  |  | **A** | **A** | **P** | **P** | **P** | **P** | **P** |  |  |  | **4.3.2(g)** |
| Contractor’s Offices |  |  |  |  |  |  |  |  |  | **C** | **P** | **P** |  | **4.3.2(a)** |
| A real estate office for the purpose of leasing or selling apartment units in the development in which it is located |  |  |  | **A** | **A** | **A** | **A** | **A** | **A** |  |  |  |  |  |
| Conditional Home Occupations | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** |  |  |  |  | **4.3.1(d)** |
| Home occupations not to include conditional home occupations | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** |  |  |  |  | **4.3.1(c)** |
| Other uses similar in nature, as determined by the City Council | **C** | **C** | **C** | **C** | **C** | **P** | **P** | **P** | **P** | **P** | **P** | **P** | P | **4.3.2** |
| **Retail Sales** |
| General Indoor Retail Sales, Large |  |  |  |  |  |  |  | **P** | **P** | **P** | **A** |  |  |  |
| General Indoor Retail Sales, Small |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **A** | **A** |  | **4.3.2(a)** |
| Groceries and related products |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** |  |  |  |
| Retail sale of building and construction materials |  |  |  |  |  |  |  |  |  | **P** | **A** | **A** |  |  |
| Retail sale of tires, batteries, and automobile accessories and marine craft accessories |  |  |  |  |  |  |  | **A** |  | **P** | **A** | **A** |  | **4.3.3(a)** |
| Outdoor display and sale of merchandise  |  |  |  |  |  |  | **A** | **A** | **A** | **A** | **A** |  |  | **4.4.5** |
| The compounding, dispensing, or sale (at retail) of medical drugs, devices or supplies. |  |  |  |  |  | **A** | **A** | **A** | **A** | **A** | **A** |  |  |  |
| **Vehicles and Equipment** |
| Automobile and truck rental and leasing |  |  |  |  |  |  | **C** |  |  | **C** |  | **P** |  | **4.3.3(a)** |
| Automobile and truck repair and service station |  |  |  |  |  |  | **C** | **C** | **C** | **C** | **P** | **P** |  | **4.3.3(a)** |
| Car wash |  |  |  |  |  |  | **A** | **A** |  | **P** | **A** | **A** |  |  |
| Gasoline stations |  |  |  |  |  |  | **C** |  |  | **C** | **C** |  |  |  |
| Private fuel pumps |  |  |  |  |  |  |  |  |  | **A** | **A** | **A** |  |  |
| Public transportation terminals |  |  |  |  |  |  | **P** | **P** | **P** | **C** | **P** |  |  |  |
| Sale of motor vehicles and marine craft at retail  |  |  |  |  |  |  |  |  |  | **C** |  |  |  | **4.3.3(a)** |
| Bus garage facilities  |  |  |  |  |  |  |  |  |  |  |  | **C** |  | **4.3.3(b)** |
| Truck terminals or exchange stations |  |  |  |  |  |  |  |  |  |  |  | **C** |  |  |
| Bicycle Sharing |  |  |  |  |  | **A** | **A** | **A** | **A** | **A** | **A** |  |  |  |
| Electrical Vehicle Charging Station |  |  | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** |  |
| Solar Collector, Building-Mounted | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** |  |
| Solar Collector, Ground-Mounted | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **C** |  |
| Wind Energy System, Small Ground-Mounted | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** | **CA** |  |
| Wind Energy System, Small Roof-Mounted | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** | **A** |  |
| **Manufacturing and Processing** |
| Manufacturing, assembly, and processing of products |  |  |  |  |  |  |  |  |  |  | **P** | **P** |  |  |
| Wholesale trade |  |  |  |  |  |  |  |  |  |  | **P** | **P** |  |  |
| Artisan Production and Sales |  |  |  |  |  | **P** | **P** | **P** | **P** | **P** | **P** | **P** |  |  |
| Foundries |  |  |  |  |  |  |  |  |  |  | **C** | **C** |  |  |
| Laundering, dry cleaning, and dyeing |  |  |  |  |  |  |  |  |  | **P** | **P** | **P** |  |  |
| Textile mills and mill products |  |  |  |  |  |  |  |  |  |  | **C** | **P** |  |  |
| Outdoor storage and display of materials, equipment, and products accessory and necessary to a principal or permitted use  |  |  |  |  |  |  |  |  |  |  | **CA** | **A** |  | **5.2.4** |
| **Storage, Distribution, or Warehouse** |
| Storage of raw materials, work in process and inventory, provided such storage is completely within enclosed buildings |  |  |  |  |  |  |  |  |  |  | **A** | **A** |  |  |
| Warehousing and Distribution |  |  |  |  |  |  |  |  |  |  | **P** | **P** |  |  |
| Outdoor storage and display of materials, equipment, and products accessory and necessary to a principal and permitted use.  |  |  |  |  |  |  |  |  |  |  | **CA** | **A** |  |  |

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## Use Specific Standards

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### Residential Uses

#### Dwelling, Live/Work

##### Not more than three people may be engaged in the making, servicing, or selling of goods, or provision of personal and professional services, within a single unit.

##### At least one person must reside in the dwelling unit where the non-residential activity or activities occur.

##### The residential unit shall be located above or behind the non-residential areas of the structure.

##### In cases where the commercial activity is occurring within the dwelling unit, it shall not exceed 50 percent of the gross floor area of the dwelling unit.

##### Signs are limited to not more than two non-illuminated wall or window signs not exceeding 10 square feet in total area.

##### The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

### Commercial Uses

#### Animal hospitals/veterinary clinics. Except in the TOD, MX-N1, and MX-N2, outdoor facilities, such as dog kennels or runs, are allowed with a conditional use permit and are subject to the following standards:

##### Such use shall be incidental to the animal hospital use and used for the short-term boarding of animals; and

##### The applicant has demonstrated that the outdoor facility will not negatively impact neighboring properties through the use of screening or buffering.

#### Urban Agriculture

##### Structures

###### Cold frames are limited to a maximum height of two feet and shall be located at least 10 feet from any lot line where the abutting lot has an occupied residential use.

###### Greenhouses and hoop houses are limited to a maximum height of 10 feet, shall be located at least 10 feet from any lot line where the abutting lot has an occupied residential use, and may not cover more than 25 percent of the rear lot.

###### Agricultural stands may be located on commercially zoned properties provided they are limited to a maximum height of 10 feet, and are located at least 10 feet from any property lot line, and outside of the clear view triangle.

##### Operational Standards

###### Retail sales of produce grown on the property are permitted provided that all sales tax and other applicable licenses and permits for sale are obtained and maintained by the seller

###### The site drainage and maintenance shall prevent water, fertilizer, or any other product from draining onto adjacent property that is not part of the contiguous land in common use.

###### Refuse and compost area shall be enclosed at ground level to be rodent-resistant and compost piles shall not exceed four feet in height.

###### No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.

##### Soil Quality

###### Food products may be grown in soil native to the site if the applicant can provide documentation to the City that a composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the State of Minnesota; and either:

Proof through maps, deeds, prior permits, or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or

A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the State of Minnesota. If metal content in soil exceed established thresholds, food products may only be grown in raised beds filled with clean top soils.

As an alternative to meeting the standards in subsection A above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.

#### Group Day Care Facilities

##### In the case of group day care facilities, outside recreational facilities are required, and shall be appropriately separated from the parking and driving areas by a wood fence not less than four feet in height; or a Council approved substitute; shall be located contiguous to the day care facility; shall not be located in any yard abutting a major thoroughfare unless buffered by a device set forth in Section 5.5; shall not have an impervious surface for more than half the playground area; and shall be a minimum of 50 square feet square feet per child in attendance unless otherwise noted in State Statute 9502.0425 Subsection 2.

##### Group day care facilities shall be permitted where noted in Section 4.2, provided that such developments, in each specific case, are demonstrated to be:

###### Compatible with existing adjacent land uses as well as with those uses permitted in the zoning district generally.

###### Complementary to existing adjacent land uses as well as to those uses permitted in the zoning district generally.

###### Of comparable intensity to permitted zoning district land uses with respect to activity levels.

###### Planned and designed to assure that generated traffic will be within the capacity of available public facilities and will not have an adverse impact upon those facilities, the immediate neighborhood, or the community.

###### Traffic generated by other uses on the site will not pose a danger to those served by the day care use.

##### Group day care facilities shall be allowed as an accessory use to places of religious assembly and educational uses, as noted in Section 4.2, and shall demonstrate provisions as outlined in 4.3.2(d)

##### When required, group day care facilities shall be licensed by the Minnesota Department of Public Welfare pursuant to a valid license application. A copy of said license and application shall be submitted annually to the City.

#### Fitness center or club, Indoor

##### Fitness centers or club uses shall not abut an R1, R2, or R3 district, including abutment at a street line.

#### Amusement Centers (indoor and outdoor)

##### Amusement centers shall not abut an R1, R2, or R3 district, including abutment at a street line.

### Non-Residential Uses

#### Vehicles and Equipment Uses

The following requirements are intended to minimize adverse functional and aesthetic conditions of abutting and adjacent land uses, which may result from operation of automobile service stations adjacent and that the use:

##### No vehicle and equipment use constructed after the adoption of this ordinance, shall be constructed on a parcel which abuts an R1, R2, or R3 district including abutment at a street line. For the purpose of this paragraph, a parcel which adjoins another parcel at one corner will be deemed to abut.

##### No driveway curb opening will be permitted within 40 feet of the intersection of the property lines of a corner use site. The maximum right angle width of any driveway shall be thirty feet at the property line. No driveway shall be located within 50 feet of another driveway at the property line on the same use site, or be flared outward on the boulevard in such a way as to encroach upon the boulevard or abutting property.

##### Provisions shall be made for an unobstructed area free of all vehicles, pumps, signs, displays or other materials, which tend to obscure vision where the use site is at the intersection of two streets. The unobstructed area shall be bounded by the street right-of-way lines abutting the lot and a straight line joining points on such street lines, 50 feet from the point of intersection of the street right-of-way lines. This is not intended to preclude one identification sign which is 10 feet or more above the street grade level and is supported by a pedestal 12 inches or less in diameter.

##### Facilities for chassis and gear lubrication must be enclosed within the principal building. Vehicle washes may be located in a separate building on the site provided that the materials and exterior treatment for the wash building shall be of the same level of quality as for the principal building. No merchandise may be displayed for sale outside the principal building except within four feet of the building or in pump islands unless enclosed by a structure compatible with the building. No discarded trash, parts, or tires may be stored outside the building unless enclosed by a durable structure compatible with the design of the principal building.

##### Any required buffer or screening area shall be so constructed and maintained as to keep the beam of automobile headlights from shining into abutting properties.

##### The following activities are prohibited:

###### Motor vehicle parking, except that owners and employees automobiles and a maximum of three service vehicles may be parked. Automobiles being serviced may be parked for a maximum period of 48 hours at any one time.

###### Body work and painting may take place as accessory to the primary service use.

##### The lawful use of land for any vehicle or equipment use existing at the time of the adoption of this Unified Development Ordinance may be continued even if such use does not conform to the above regulations provided that the use is made to conform to these regulation except (1), (2), (3), and (4) above, within 12 months of the date that this Unified Development Ordinance is adopted. Section 4.3.3(a) shall apply to all exterior additions, alterations, accessory buildings and signs erected or constructed after the effective date of this Unified Development Ordinance.

##### The owner and lessee shall be jointly and severally responsible for seeing that the above regulations are observed.

#### Telecommunications Towers and Telecommunications Facilities

The following regulations are intended to protect residential areas from potential adverse impacts of telecommunication towers and facilities, to promote and encourage shared use or co-location of telecommunications towers and antenna support structures, and to avoid potential damage to property caused by these facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used:

##### No telecommunication tower shall be built, erected or constructed upon any parcel of land in the zoning districts outlined is Section 4.2.1 unless a building permit has been issued by the City’s Building Official.

##### Telecommunications towers are exempt from the maximum height restrictions of the districts where they are located, however, these towers shall not be permitted to exceed the height authorized in the airport safety zones established for the Crystal Airport.

##### No telecommunications tower shall be built, constructed or erected in the City unless such tower is capable of supporting other telecommunications facilities comparable in weight, size, and surface area.

##### Telecommunications towers are prohibited on property in which the use includes the storage, distribution, or sale of volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals.

##### All telecommunications towers shall be setback on all sides a distance equal to the setback requirement for structures in the applicable zoning district. Said towers may not be located in a front yard or side corner yard between a principal structure and a public street.

##### All telecommunications towers must be designed and certified by an Engineer to be structurally sound and, at minimum, in conformance with the Minnesota State Building Code and all other construction standards set forth by City regulation and Federal and State law.

##### Telecommunications towers shall be separated from residentially zoned lands by a minimum distance of twice the height of the proposed tower.

##### Telecommunications towers shall not be artificially lighted except when required by the Federal Aviation Administration (FAA).

##### Telecommunications towers not requiring FAA painting or marking shall have an exterior finish of stealth design.

##### Any fences constructed around or upon parcels containing telecommunications towers, antenna support structures or telecommunications facilities shall be constructed in accordance with screening requirements in the applicable zoning district unless more stringent fencing requirements are required by FCC regulations. No barbed or razor wire fencing is allowed.

##### Landscaping on parcels containing telecommunications towers, antenna support structures or telecommunications facilities must be in accordance with the landscape point system. Utility buildings and structures accessory to a tower must be designed to blend in with the surrounding environment and to meet setback requirements as provided for in the applicable zoning district. Ground mounted equipment must be screened from view by suitable vegetation or other screening device.

##### No telecommunications tower, or portion thereof, shall be used for the posting of signs or advertising other than required signs. Said signs must be in compliance with the sign section of this Unified Development Ordinance.

##### All telecommunications towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order and repair so that the same shall not be a danger to the public.

##### Any telecommunications facilities which are not attached to a telecommunications tower may be permitted as an accessory use to any antenna support structure at least 75 ft. tall regardless of the zoning restrictions applicable to the zoning district where the structure is located. The telecommunications facility and antenna support structure must comply with the provisions of the Minnesota State Building Code. No such structure or facility shall be built, constructed or erected without first having obtained a building permit from the building official.

##### Telecommunications facilities are permitted upon City-owned water towers provided an approved lease agreement with the City has been executed and a building permit from the Building Official has been obtained.

##### Any telecommunications tower, telecommunications facility and/or antenna support structure that is not used for telecommunications purposes for one year shall be deemed abandoned and the property owner shall remove the tower facility and/or antenna in the same manner and pursuant to the procedures as for dangerous or unsafe structures established by Minnesota Statutes, Section 463.15 through 463.26. If the owner fails to remove the tower facility and/or antenna after one year, it may be removed by the City with costs of such removal assessed against the property owner of the site.

#### Amateur Radio Towers.

##### Amateur radio towers shall only be allowed in the rear yard and made of unpainted metal or other visually unobtrusive material.

#### Sexually Oriented Uses

##### Findings and Purpose

Studies conducted by the Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Minnetonka, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have studied the impacts that adult establishments (referred to in the UDO as sexually oriented uses) have in those communities. These studies have concluded that sexually oriented uses have adverse impacts on the surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks. Based on these studies and findings, the City Council concludes:

###### Sexually oriented uses and adult establishments are understood as defined in Section 9.2 of the UDO.

###### Sexually oriented uses have adverse secondary impacts of the types set forth above.

###### The adverse impacts caused by sexually oriented uses tend to diminish if such establishments are governed by geographic, licensing, and health requirements.

###### It is not the intent of the City Council to prohibit sexually oriented uses from having a reasonable opportunity to locate in the city.

###### Minnesota Statutes, Section 462.357, allows the City to adopt regulations to promote the public health, safety, and general welfare.

###### The public health, safety, and general welfare will be promoted by the City adopting regulations governing sexually oriented uses.

##### Adult establishments may be located only as allowed by Section 4.2 of this code, and with the following restrictions:

###### No sexually oriented use may be allowed within 500 ft of the R1, R2, or R3 district, as measured from the two nearest property lines.

###### Only one sexually oriented use may be allowed per block face.

##### Minnesota Statutes Section 617.242 shall not apply in the City.

## Accessory Uses and Structures

This subsection authorizes accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this subsection is to allow accessory uses while not creating adverse impacts on surrounding uses.

### General Provisions

#### Accessory structures shall only be constructed concurrent with or after the construction of the principal building on the same site.

#### Uses and structures that are accessory to a conditional principal use shall be permitted in accordance with this subsection, without requiring a conditional use permit amendment, unless specifically required as a condition of the conditional use permit approval.

#### Accessory structures are not permitted within the front and corner required setback.

#### The total ground coverage of all accessory structures shall not exceed the ground coverage of the principal building.

#### No accessory structure, unless it is connected to the principal building, shall be erected, altered, or moved, within six feet of the principal building or another accessory structure, as measured from exterior wall to exterior wall.

#### Unless otherwise indicated in this UDO, accessory structures must be set back at least five (5) feet from an interior side or rear lot line.

#### Any accessory structure used for the parking or storage of motor vehicles, such as a garage or carport, shall:

##### Have a floor constructed of poured concrete in accordance with standards approved by the city engineer and building official;

##### Include a driveway connecting it to a public right of way; and

##### 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.

#### Small accessory structures such as arbors, retaining walls, benches, doghouses, garden decorations, trellises and firewood cribs are exempt from the provisions of this UDO, but cannot be located in public rights-of-way.

### Accessory uses.

#### Assembly or gathering space.

Adequate parking shall be provided for both the assembly or gathering space and the principal use on the property.

#### Accessibility ramps.

Accessibility ramps are subject to the following standards:

##### To reduce visibility, accessibility ramps shall, to the extent practicable, be located to the side or rear of the building;

##### If an accessibility ramp is located in the front of the building, the ramp shall not exceed four feet in width leading to an entrance landing and handrails not more than three feet in height and not more than 50 percent opaque; and the entrance landing shall not exceed 36 square feet in area.

#### Drive-through facilities.

Drive-through facilities are subject to the following standards:

##### The establishment is served by arterial, collector, or municipal state aid streets and such pedestrian facilities as are necessary to accommodate the traffic generated by the facility. The city council may require the applicant to provide a traffic study prepared by a professional engineer for the proposed use, and may base its findings of fact on said study or other information related to potential traffic impacts on the street system and adjacent land uses;

##### Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential dwelling unit, and shall not be audible at levels greater than those established as provided in the Brooklyn Center city code,

##### To the maximum extent feasible, all drive-through elements including, but not limited to, menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the most visually inconspicuous area of the property that does not cause unnecessary negative impacts to residential properties, and shall not cross, interfere with, or impede any public right-of way; and

##### A fence or vegetative screen of six feet in height shall be installed and maintained along any property line abutting a property used for residential purposes. Such screen shall also lessen the negative impact of vehicle headlights on adjacent properties.

#### Home businesses

Home businesses are subject to the following standards:

#####  Home Occupations

###### No home occupation shall produce light, glare, noise, odor or vibration perceptible beyond the boundaries of the lot.

###### No home occupation shall involve the use of any accessory structure.

###### No home occupation shall involve the use of equipment other than that customarily found in a residential dwelling unit.

###### No home occupation shall involve the employment on the lot of persons who are not members of the family residing on the lot.

###### No home occupation shall cause traffic congestion on the lot containing the home occupation or on the streets adjacent thereto.

###### No automobile parking related to the home occupation shall be permitted on the street.

##### Conditional Home Occupations

###### All conditional home occupations shall require approval of a conditional use permit pursuant to Section 6.3.2 of this Unified Development Ordinance.

###### No conditional home occupation shall use more than one accessory structure and such structure must be a permitted use under Section 4.2 of the Unified Development Ordinance.

###### A conditional home occupation may use equipment not customarily found in a residential dwelling unit.

###### A conditional home occupation may store and/or park off-street up to one commercial vehicle that is accessory and necessary to the approved on-site business, provided that the commercial vehicle is licensed and operable and is designated within vehicles classes 1-4 only.

###### No conditional home occupation shall employ or contract with more than one person who is not an occupant of the dwelling, at any one time.

###### No conditional home occupation may include the teaching of more than ten (10) students at one time who are not members of the family occupying the dwelling unit.

###### No conditional home occupation shall cause traffic congestion on the streets adjacent thereto.

###### No automobile parking related to the conditional home occupation shall be permitted on the street provided, however, that upon a finding that the conditional home occupation is not feasible without on street parking, the City Council may authorize parking on the street based upon a consideration of Section 6.3.2 and of the following:

The amount of the applicant's street frontage.

The rights of adjacent residents to park on the street.

Preservation of the residential character of the neighborhood.

No conditional home occupation shall produce light, glare, noise, odor or vibration perceptible beyond the boundaries of the lot.

### Accessory dwelling units.

In the case of Accessory Dwelling Units (ADUs), defined in Section 8.2, the following standards apply:

#### The following types of ADUs are permitted as accessory uses by right in the R1 and R2 zoning districts, or any zoning district in which residential uses are permitted and contains an existing single family home.

##### Internal – ADUs located within the structure of the main house, for example, a converted basement or attic.

##### Attached – ADUs which share one or more walls with the primary house, commonly constructed as additions or conversions of attached garages

##### Detached – Freestanding ADUs typically built as backyard structures, detached garage conversions, same-level additions to a detached garage, or above-garage units. This type of ADU is the most visible.

#### All ADUs shall be designed to be compatible with neighborhood character.

#### Primary owner occupancy is required on the lot, in either the principal structure or the ADU. Properties on which an ADU is located shall have filed a deed restriction requiring the property to remain homesteaded.

#### ADUs shall not be required to obtain a rental license from the City.

#### No more than one ADU shall be permitted per parcel.

#### ADUs must comply with the building code for the zoning district of which it is built within.

#### The combined lot coverage of the principal structure and all accessory structures shall not exceed 45 percent of the parcel.

#### The square footage of an ADU shall not be less than 200 square feet or exceed the primary structure square footage.

#### A detached ADU may be erected within the accessory structure setbacks for the zoning district which the principal structure occupies.

#### The height of the ADU shall not exceed the maximum height allowed for the principal structure in the zoning district which the principal structure occupies.

#### One additional off-street parking space per ADU is required unless the principal structure is within 1/4 mile of a public transit route. This does not necessitate an individual driveway for said ADU.

### 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 UDO, private fuel pumps do not include those fuel pumps in use by a vehicle fuel sales business as allowed in

### Outdoor Storage and Display of Materials

Outdoor storage and display of materials, equipment, and products accessory and necessary to a principal or permitted use may be permitted in the MX-B and I Districts with as an accessory use, subject to the following standards:

#### The items for outdoor storage or sales display area shall be effectively screened from view from adjacent public rights-of-way or adjacent properties by a solid wall or fence constructed of wood, masonry or other durable materials, or a combination of fence, berm and landscaping approved by the City Council.

#### Allowable areas used for outdoor storage or display areas on an individual site shall not exceed fifteen percent (15%) of the gross floor area of the principal building.

#### Outdoor storage or sales display area shall not be located within any front yard or corner side yard abutting a public right-of-way, or within the buffer setback areas as defined under Section 5.5.

#### Height of stacked or stored materials or equipment in the storage area shall not exceed the height of the screening fence or height levels approved by the City Council.

#### Outdoor areas shall not be used for the storage of junk or inoperable vehicles, trash, debris, or any nuisance items as defined in the UDO.

#### The storage of hazardous liquids, solids, gases or wastes is strictly prohibited, unless authorized by the city’s Building Official and Fire Chief, and approved by the City Council.

#### The outdoor storage area shall not be within or interfere with designated parking or drive aisles areas required by UDO Section 5.4 and 5.5.

#### Any new or additional lighting installed to illuminate the storage area must be down-cast, cut-off style light fixtures, with a photometric plan approved by the City Council.

#### The storage area shall consist of a concrete or bituminous surface. The property owner or responsible tenant shall keep the outdoor storage areas free of refuse, trash, debris, weeds, and waste fill.

#### Any storage or placement of materials outside of the designated area shall be a violation of the City Code.

#### A detailed site plan specifically delineating the storage area, including the landscaping and lighting plans for said areas, must be approved by the City Council.

###  Outdoor storage or display of equipment, materials, merchandise, or inventory.

#### In all districts with the exception of I and MX-B, all storage, display, service, repair or processing shall be conducted wholly within an enclosed building. For lots abutting an R1-R3 district, such structures shall not be conducted closer than twenty (20) feet from the adjacent residential property.

#### Semi-trailers may not be used for the out of door storage of materials, equipment, merchandise, inventory, etc.

#### The outdoor storage of merchandise during business hours on a private pedestrian walkway located contiguous to the primary building is not prohibited by this section.

#### This requirement shall not apply to the out of door storage and display of new and used motor vehicles or marine craft for which a conditional use permit has been issued. Neither shall the requirement apply to the out of door retail sale of food at drive-thru eating establishments for which a conditional use permit has been issued. Temporary outdoor storage and display of merchandise may be allowed by Temporary Use Permit pursuant to Section 4 of this UDO.

##### Solar energy systems.

Solar energy systems are subject to the following standards:

###### Visibility.

Building-mounted solar energy systems shall be designed to be flush- mounted with the roof when facing a public rights-of-ways other than an alley.

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.

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

Abandonment. A solar energy system that is allowed to remain in a nonfunctional or inoperative state for a period of twelve consecutive months, and which is not brought in operation within the time specified by the city, shall be presumed abandoned and shall constitute a public nuisance that may be removed by the City and the costs thereof certified as a special assessment against the owner of the property on which the abandoned solar energy system was located.

##### Ground mounted.

Ground-mounted solar energy systems are not allowed in the MX-N1, MX-N2, MX-C, or TOD Districts.

##### Swimming pools, hot tubs and spas.

Swimming pools, hot tubs and spas are subject to the following standards:

##### Television and radio antennae.

Television and radio antenna are subject to the following standards:

###### Satellite dishes may not exceed 40 inches in diameter.

##### Tennis and other recreational courts.

Noncommercial outdoor tennis and other recreational courts are subject to the following standards:

###### Court fencing shall comply with the requirements as provided in the Crystal city code, subsection 520.09; and

###### Court lighting shall not exceed a height of 20 feet, measured from the court surface.The lighting shall be directed downward and shall only illuminate the court.

### Interim Uses

#### Classroom Buildings as an accessory use to a public or private elementary or secondary school offering a regular course of study accredited by the Minnesota Department of Children, Families and Learning are subject to the following procedures and conditions:

##### Interim use permits will be issued in accordance with the procedures and subject to the conditions stated in Section 6.3.3.

##### At the time of granting such a permit the Council shall specify a date or event that can be identified with certainty by which the interim use must be terminated and the structure(s) shall be removed from the site. In any event, however, such interim use shall not continue beyond any date when the Council, or any other governmental body having the power of eminent domain, adopts a resolution approving acquisition of the property by eminent domain, or the zoning of the property is changed to any classification under which the interim use is no longer permitted.

##### The Council may impose any conditions on such interim use which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future. No such permit shall be issued unless the applicant first agrees in writing to the imposition of any such conditions.

##### In addition to any other conditions which may be imposed by the Council, the following restrictions shall apply:

###### Applicable lot standards and sign regulations shall be observed.

###### A landscape and parking plan for the property shall be submitted and approved by the Council.

###### Unless approved by the Council pursuant to this section and Section 6.3.3, no new buildings may be erected on the property and no existing buildings maybe expanded while the interim use continues.

###### Temporary classrooms may be used for classrooms only and may not be used for storage or converted to another use.

###### The total square footage of both temporary and permanent classrooms on any one site shall not exceed allowable district or use standards as outlined in Sections 2.3 and 4.3, unless otherwise allowed by the Zoning Administrator as outlined in Section 7.3.3(a).

### Temporary Uses and Structures

####  Purpose.

This subsection allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or activities are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure. The regulations of this subsection are not applicable to special events that are otherwise subject to leases, permits, or other forms of permission that are duly established between the special event organization and the city.

#### General provisions.

Table 4.4.8f lists the temporary uses allowed within all zoning districts except for the overlay zoning districts. The uses permitted in the overlay districts shall be controlled by the underlying base zoning district.

#### Unlisted uses.

If an application is submitted for a use that is not listed in Table 5 the zoning administrator is authorized to classify the new or unlisted use, with consultation from appropriate city departments, into an existing use type that most closely fits the new or unlisted use. If no similar use determination can be made, the zoning administrator shall refer the use to the planning commission, who may initiate an amendment to the text of this UDO to clarify where and how the use should be permitted.

#### Use-specific standards.

The “use-specific standards” column of 4.4.8f cross-reference standards that are specific to an individual use type and are applicable to that use in all districts unless otherwise stated in the use-specific standards.

#### Temporary Use permit application.

Application for permission to engage in a temporary use shall be made to the City. The applicant shall set forth their name, address, the location of the temporary use, the duration of the temporary use, the hours of the temporary use, the nature of the proposed use and shall submit a map or diagram describing the layout of the temporary use. The zoning administrator may require further information as will enable them to determine whether the temporary use meets the standards of this ordinance. The zoning administrator may, subject to the appeal provisions of this ordinance, refuse to issue a temporary use permit; provided, however, that the reasons for refusal shall be stated in writing to the applicant, and the applicant shall be notified of the appeal provision.

#### Permitted Temporary Uses Table

| Permitted Temporary Uses and Structures |
| --- |
| Use Category and Use Type | Construction Dumpster | Garage/ Yard Sale | Outdoor Dining\* | Outdoor Sales\* | Portable Storage Container | Mobile food units | Signs, Temporary |
| **R1** | **P** | **P** |  |  |  |  | **P** |
| **R2** | **P** | **P** |  |  |  |  | **P** |
| **R3** | **P** | **P** |  |  |  |  | **P** |
| **R4** | **P** | **P** |  |  |  |  | **P** |
| **R5** | **P** | **P** |  |  |  |  | **P** |
| **MX-N1** | **P** |  | **P** | **P** | **P** | **P** | **P** |
| **MX-N2** | **P** |  | **P** | **P** | **P** | **P** | **P** |
| **MX-C** | **P** |  | **P** | **P** | **P** | **P** | **P** |
| **TOD** | **P** |  | **P** | **P** | **P** | **P** | **P** |
| **C** | **P** |  | **P** | **P** | **P** | **P** | **P** |
| **MX-B** | **P** |  | **P** | **P** | **P** | **P** | **P** |
| **I** | **P** |  | **P** | **P** | **P** | **P** | **P** |
| **O** |  |  |  |  |  |  | **P** |
|  |
| **Allowable Duration** **(per site)** | One year, or duration of construction whichever is less | Maximum of three consecutive days, four times per calendar year | 6 months per site per calendar year | 6 months per site per calendar year | 9 months per calendar year, taken consecutively or apart | N/A | See sign code |
| **Use Specific Standards in Section:** | 4.4.8g(1) | 4.4.8g(2) | 4.4.8g(3) | 4.4.8g(4), 4.4.8g(5) | 4.4.8g(6) | 4.4.8g(7) | See sign code |
| \*Outdoor seating for eating establishments or outdoor sales areas for retail establishments may be permitted as a permanent use with a conditional use permit. |

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

##### Construction dumpsters.

Construction dumpsters are subject to the following standards:

###### If the dumpster is located in the public right-of-way, the dumpster shall comply with the requirements of the UDO , Section XX.XXX; and

###### If the dumpster is located on private property, the dumpster shall be located to the side or rear of the site, but away from principal buildings on adjacent properties, to the extent practicable.

###### The zoning administrator, upon written request, may grant extensions to the maximum duration permitted.

##### Garage or yard sales.

 Garage or yard sales are subject to the following standards:

###### Hours of operation for the garage or yard sale are limited to between 8:00 a.m. and 9:00 p.m.; and

###### Garage or yard sale signs identifying the location and times of a sale may be placed on the property at which the sale is to be conducted or on the property of others with their consent. Such signs shall not exceed 4 square feet in area per side; shall not be placed on or attached to any public property or utility pole; shall not be placed within the sight triangle as required in the UDO, Section XX.XXX; and must be removed within 24 hours of the time stated on such sign for the conclusion of the sale.

##### Outdoor seating for cafes or restaurants.

Outdoor seating for cafes and restaurants is subject to the following standards:

###### An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on the same site provided that the outdoor eating area shall comply with the parking requirements in this UDO

###### Outdoor dining areas shall be designated on a site plan submitted for the Temporary Use Permit application

###### If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a sidewalk or other facility that is closed to vehicular traffic, no railing or fencing shall be required;

###### Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard;

###### Enclosing an outdoor dining area either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district; and

###### Within the TOD and N-MX districts, outdoor dining may encroach into setback areas or the public right-of-way, provided that the sidewalk remains clear to a width of five feet.

##### Outdoor sales.

Outdoor sales are subject to the following standards:

###### Retail establishments.

The service, sale, display or rental area is hard surfaced and clearly designated on the site as being limited to the specific, approved area; and

The sales area does not exceed 40% of the gross floor area of the principal use excluding basement storage areas, 20% of the area of the property, or 6,000 square feet, whichever is less;

###### Vehicle fuel sales.

The sales and display of merchandise is limited to the walkway adjacent to the building, but a minimum of five feet of the walkway shall be clear of merchandise to allow for safe pedestrian movement.

###### Tent or sidewalk sales on private property. Tent or sidewalk sales on private property are subject to the following standards:

A minimum of five feet of the sidewalk shall be clear of merchandise to allow for safe pedestrian movement;

The property shall contain an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, or traffic movements. Tents shall not be located in the public right-of-way;

The applicant shall demonstrate that adequate off-street parking is provided for patrons. If applicable, consideration shall be given to the parking needs of other occupants on the same property; and

Hours of operation for the sale are limited to between 8 a.m. and 9 p.m. and merchandise shall only be displayed during that time; and

Tents shall be maintained in good repair. Any tent that is potentially dangerous or in disrepair shall be removed or repaired.

##### Seasonal agricultural sales.

Seasonal agricultural sales are subject to the following standards:

The property contains an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, or traffic movements;

The applicant shall demonstrate that adequate off-street parking is provided for the duration of the sale. If applicable, consideration shall be given to the parking needs of other occupants on the same property; and

The sale of goods shall not occur within the public right-of-way.

Hours of operation. The hours of operation of the seasonal sale of agricultural products shall be between the hours of 8:00 a.m. and 9:00 p.m., or the same hours of operation as the principal use on the same lot, whichever is more restrictive.

##### Portable storage containers.

Portable storage containers are subject to the following standards:

###### If the container is located in the public right-of-way, the container shall comply with the requirements of the UDO, Section XX.XXX; and

###### If the container is located on private property, the container shall be placed on a paved surface.

###### Containers on properties used for residential only:

The container is associated with an open building permit that is making progress towards completion, but is allowed for no longer than a year on the property after the approval of the building permit.

Emergency situations (acts of god, fire, flood, tornado and high-speed winds, and other similar events) to provide temporary storage of articles, goods, or commodities.

Storage containers are allowed on a residential property a total of 90 days, taken consecutively or apart, within one calendar year.

This limit may be extended with approval from a code official.

###### Containers on properties that are mixed-use, commercial, or non-residential

Storage containers do not require a permit if:

The container is associated with an open building permit that is making process towards completion.

Emergency situations (acts of god, fire, flood, tornado and high-speed winds, and other similar events) to provide temporary storage of articles, goods, or commodities

###### Storage containers require a Temporary Use Permit if:

The storage container is intended for seasonal use

The number of permits is limited to one permit per businesses, per calendar year, based on the year it was issued. There is no limit on the number of containers requested within one permit.

The permit and use of storage container(s) are limited to a total of 9 months, taken consecutively or apart within one (1) calendar year.