

APPENDIX 'A'
CONSOLIDATED LAND USE ORDINANCE
CITY OF GEM LAKE

Consolidated/ Combined Definitions – various ordinances & sections

ADMINISTRATIVE APPROVAL - An approval provided by the Zoning Administrator for a Zoning Compliance Permit when no action is required by the City Council on a development plan supplied in accordance with Section 9.8 of this Ordinance.
Note - No Conditional Uses or Variances may be requested to use this approval process.

ACCESSORY USE OR STRUCTURE - A use or structure or portion of a structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

ALLEY - A public right-of-way which affords a secondary means of access to abutting the property.

ALTERATION OR ALTER - When used in connection with public waters or wetlands, is any activity that will change or diminish the course, current or cross-section of public waters or wetlands.

ANIMAL HUSBANDRY - A use in which animals are reared or kept in order to sell, consume or donate the animals or their products, such as meat, fur or eggs.

ANTENNA - A device used to transmit and/or receive telecommunications, television or radio signals which is located on the exterior of or outside of any building or structure. Such antennas include, but are not limited to, broadcast radio or television, wireless communications, cellular, personal communications systems or any other dispatch type system, microwave or satellite dish, short-wave receiving or Amateur Radio transmit/receive, and other Accessory and Secondary use antennas.

ANTENNAS, ACCESSORY AND SECONDARY USE - Radio and television receiving antennas, satellite dishes, TVRO antennas three (3) meters or less in diameter, short wave radio receiving antennas, those antennas necessary for the operation of a Federally licensed Amateur Radio station, and towers/antennas for radio systems operated by the City of Gem Lake.

APARTMENT/CONDOMINIUM - A structure with more than two dwelling units on a single lot. Note - This is Building Template 9 for the Gateway District.

APPLICANT - The owner of land, or the owner of a leasehold interest therein, or the owner's authorized representative, or a governmental entity proposing an action or development requiring City development review and approval or the issuance of a permit for the development of land.

APPLICATION - Any application for a development permit or development approval pursuant to this Ordinance and which application was not complete and filed on or before the date of adoption of this Ordinance.

AQUACULTURE - A use in which food fish, shellfish or other marine foods, aquatic plants or aquatic animals are cultured or grown in a body of water in order to sell, consume or donate them or the products they produce.

ARCADE - Continuous, occupied cover (such as a balcony) over the entrance or entrances to a building.

AUTHORIZED ENFORCEMENT AGENCY - Employees or designees of the City of Gem Lake designated to enforce

this ordinance.

AUTO ORIENTED LAYOUT - Alternative layout standard for Single-Use Buildings and Retail/Office Buildings designed and intended for occupancy by automotive service business using drive –thru bays, service bays, or a combination thereof.

Note - This is Building Template 15 for the Gateway District.

BASEMENT - That portion of a building that is partly or completely below ground level.

BASEMENT, LOOK OUT - A Look-Out basement has the walls extended sufficiently above ground level so that some of the basement windows are completely above ground level. For purposes of this definition, the exposed windows must be at least three (3') feet in height with the bottom of the window not less than one (1') foot above ground level before that basement shall be considered a Look Out type.

BASEMENT, WALK OUT - A Walk Out basement (also known as a Daylight Basement) is used on a sloping lot where typically the rear and/or one of the two sides are above grade and part of the basement is above ground level. Occupants can walk out at that point without use of stairs, ramps, lifts and the like.

BASEMENT, WALK UP - A basement which has an exterior exit via a stairwell or ramp. Some designs cover the stairwell with angled basement doors to prevent rainwater from accumulating in the stairwell.

BED AND BREAKFAST (B & B) - A residential building other than a motel or hotel where, for compensation and by prearrangement for definite periods not more than one week, meals or lodgings are provided for three (3) or more persons, but not to exceed eight (8) persons.

BEST MANAGEMENT PRACTICES (BMPs) - Techniques proven to be effective in controlling runoff, erosion and sedimentation including those documented in the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR, 1988); Protecting Water Quality in Urban Areas (MPCA, 2000); the Minnesota Urban Small Sites BMP Manual (Metropolitan Council 2001); Minnesota Stormwater Manual (MPCA, 2005); and other sources as approved by the VLAWMO: as such documents may be amended, revised or supplemented.

BIOENGINEERING - The use of live plantings in constructed features to stabilize streambanks and shorelines.

BLADE DIAMETER - The diameter of the circle created by the tips of the turbine blades when a WECS is in operation.

BOARDING HOUSE - A residential building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods not less than one week, meals or lodgings are provided for three (3) or more persons, but not to exceed eight (8) persons.

BUILDABLE AREA - A contiguous area of real property within a lot deemed suitable by best engineering practices for construction of a principal use structure with no part of said area of real property within delineated wetlands, rights-of-way, setbacks, or easements.

BUILDING - Any structure having a roof which may provide shelter or enclosure of persons, animals or chattel, and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

BUILDING, COLLAR - Structures accompanying a commercial use with large parking requirements, intended to maintain storefronts and entrances on the public street.

Note - This is Building Template 14b for the Gateway district.

BUILDING, LINER - A building that conceals from street view a Single-Use Building for which it is impractical to design compliant front of side facades (such as a warehouse or a parking garage). Liners may have retail or office uses on the ground floor and office and residential uses on the upper floor.

Note - This is Building Template 14a for the Gateway district.

BUILDING, MIXED USE - A structure with vertical mixture of uses. The upper floors may be used of office or residential uses and the ground floor may be used for office or retail.

Note - This is Building Template 12 for the Gateway district.

BUILDING HEIGHT - (see Height, Building)

BUILDING LINE - A line parallel to a street, road or private way or the ordinary high-water level of a water body at any level of a building and representing the minimum distance which all or any part of the building is set back from the said right-of-way or ordinary high water level.

BUILDING, RETAIL/OFFICE - A building designed for occupancy by retail and office uses where the building is intended for subdivision into tenant spaces with no residential component.

Note - This is Building Template 13 for the Gateway district.

BUILDING, SINGLE USE - A building designed for occupancy by retail, service or office uses on the ground floor with an optional mezzanine. May also be used as a template for placing a standalone parking structure in a proposed development.

Note - This is Building Template 14 for the Gateway district.

BUILDING SETBACK - The maximum horizontal distance between the building and the lot line.

BUILDING TYPE TEMPLATES - Figures 6 through 15 are the Building Type Templates of the Gateway District. These templates contain all regulatory information governing the dimensions of lots and the dimensions, setbacks, height, placement and use of buildings in the Gateway District. The Terms and concepts used with the Building Templates are further defined in Sect 9.5.2 of the Gateway District section of the City of Gem Lake Zoning Ordinance.

BUNGALOW COURT - Four or more smaller, standalone homes around a shared central court or walk on a single lot, with pedestrian access to the street. Note - This is Building Template 10 for the Gateway district.

CANOPY - A freestanding permanent roof-like shelter no attached to or requiring support from an adjacent structure.

CARPORT - An automobile shelter having one or more sides open.

CHANGEABLE COPY - The letters, symbols, logos or other graphics which make up a sign's communicative message, if they are placed on the sign by electronic or electrical means (a message center or dynamic display) or which can be replaced manually through use of letters and symbols in a panel mount or track system.

CITY ARCHITECT - The City Architect is appointed to review all applications requiring evaluation of the Design Standards in Section 10.7 of the Gateway District. If deficiencies are noted, the City Architect shall describe the deficiency and suggest at least one complying alternative.

CITY COUNCIL - The City of Gem Lake City Council.

CITY FORESTER - A forester appointed by the City of Gem Lake.

CLEAN WATER ACT - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CLUSTERING - A grouping of residential or other structures arranged without regard to normal lot lines and set-backs but with the express intent of preserving open spaces and natural resources for community use, establishing a sense of community among owners/residents and reducing the cost and impact of infrastructure development and service delivery.

COLDFRAME - An unheated outdoor structure with a frame of wood or similar material and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

COLLAR BUILDING - Structures accompanying a commercial use with large parking requirements, intended to maintain storefronts and entrances on the public street. This is Building Template 14b for the Gateway district.

COMMERCIAL BROADCAST SERVICES - Licensed commercial radio or television services transmitting signals for reception by the general public.

COMMERCIAL WIRELESS TELECOMMUNICATIONS SERVICES - Licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

COMMUNITY GARDEN - An area of land managed and maintained by a group of individuals to grow plants and harvest food crops for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by group members.

CONIFEROUS/EVERGREEN TREE - A woody plant which, at maturity, is at least thirty (30') feet in height, with a single trunk, fully branched to the ground, having foliage on the outermost portion of the branches year round.

CONSTRUCTION ACTIVITY - Disturbance to the land, including but not limited to clearing and grubbing, grading, excavating, and demolition, which results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and the movement of sediment into surface waters or drainage systems. Activities are subject to NPDES Construction Permits.

CONTIGUOUS - Areas of real property actually in contact with one another or touching along a boundary and also touching or connected throughout in an unbroken sequence. Real property separated by a body of water or designated wetland shall not be considered contiguous regardless of whether the real property under the body of water or wetland has common ownership. The routing of a driveway through a parcel of real property shall not be considered as separating same so as to make the portions created by the driveway not contiguous.

CONDOMINIUM, RESIDENTIAL - the absolute ownership of an apartment or a residential unit (generally in a multiunit building) based on a legal description of the airspace of the unit actually occupies, plus an undivided interest in the ownership of the common elements, which are joined with the other condominium unit owners all as provided by state law.

CONDOMINIUM, OFFICE - the absolute ownership of an office or a commercial unit (generally in a multi-unit building) based on a legal description of the airspace of the unit actually occupies, plus an undivided interest in the ownership of the common elements, which are joined with the other office condominium unit owners all as provided by state law.

CRITICAL ROOT ZONE - An area under a tree equal to one and one-half (1'6") feet of radius for every one (1") inch of tree diameter (e.g A 20" tree has a critical root zone of 30' radius or 60' diameter).

DEAD STORAGE - The permanent pool volume of a water basin, or the volume below the runout elevation of a water basin.

DECIDUOUS TREE - A woody plant which, at maturity, is at least twenty (20') feet in height, with a single trunk, un-branched for several feet above the ground, having a defined crown which loses leaves annually.

DETACHED HOUSE, SINGLE FAMILY - One dwelling on one lot, detached from other adjoining lots. Note - This is Building Template 6 for the Gateway District

DETENTION BASIN - Any natural or manmade depression for the temporary storage of runoff.

DEVELOPMENT - The construction of any public improvement project, infrastructure, structure, street, or road, or the subdivision of land.

DEVELOPMENT (OR MASTER) PLAN - A development (or Master) plan supplied by the applicant for a project that contains all of the up-dates and changes identified in the Preliminary Plan. See Section 9.7.1. Step No. 4 for details.

DEVELOPMENT AGREEMENT- An agreement supplied to the City by the applicant to describe the development that will be completed and the time table for completion.

DEWATERING - The removal of water for construction activity.

DRAIN OR DRAINAGE - Any method for removing or diverting water from waterbodies, including excavation of an open ditch, installation of subsurface drainage tile, filling, diking or pumping.

DWELLING - A building or one (1) or more portions thereof occupied or intended to be occupied exclusively for residential purposes by a person, but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, motor homes or trailer coaches.

DWELLING, ATTACHED - A dwelling which is joined to another dwelling.

DWELLING, DETACHED - A dwelling which is entirely surrounded by open space on the same lot. (See also, *Detached House, Single Family*)

DWELLING, TWO-FAMILY - A structure containing two (2) dwelling unit, neither of which is an accessory apartment, each of which is totally separated from the other by an un-pierced wall extending from the ground to roof, or an un-pierced ceiling and floor extending from the exterior to both dwelling units.

DYNAMIC DISPLAY - Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the design. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components, such as light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD) or other technology used in commercially available video monitors.

EASEMENT - A grant by an owner of land for the use of that land or a specific portion thereof for a specific limited purpose by a person or persons. The purpose generally shall be for public utility facilities such as underground utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

ENCROACHMENT - A porch, deck, balcony, patio or similar unenclosed space, or an awning, that extends into space that is otherwise reserved for setbacks or public right-of-way. Permitted encroachments are indicated on the Building Type Templates.

ENERGY DISSIPATION - Methods employed at pipe outlets to prevent erosion including but not limited to concrete aprons, riprap, splash guards, and gabions.

EROSION AND SEDIMENT CONTROL PLAN - A plan of BMPs or equivalent measures that includes all proposed alterations to real property and the methods to be employed before undertaking the proposed alterations to control runoff and erosion and to retain or control sediment on land during the period of land disturbing activities.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance of public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water and/ or sewer. Radio and television broadcast, cellular and PCS transmission/reception support structures shall not be considered an essential service.

ESSENTIAL SERVICE STRUCTURES - Structures including, but not limited to, buildings such as telephone exchanges, substations, wells, pumping stations and elevated tanks.

EXCAVATION - The artificial removal of soil or other earth material.

EXTRAORDINARY MANAGEMENT PRACTICES OR REDUNDANT BMP - A stormwater management practice to control erosion and sedimentation and nutrient loading during and for two (2) years after construction using redundant Best Management Practices.

FAMILY - An individual, or two or more persons each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of persons not so related, maintaining a common household and using common cooking and kitchen facilities.

FAMILY DAY CARE HOME - a residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than ten children at one time of which no more than six are under school age, and must meet Group R, Division 3 occupancy requirements.

FILL - The deposit of soil or other earth material by artificial means.

FILTRATION PRACTICE - A stormwater control that captures, temporarily stores, and routes stormwater runoff through a filter bed to improve water quality, as described in the Minnesota Stormwater Manual, 2005, and as amended.

FINAL PLAT AND MASTER PLAN SUBMISSION - The development data re-submitted to the City after the Preliminary Plan for a project to be approved by the City. It should contain the Final Subdivision Plat and the Final Master Plan for the project with all changes and other data requested thru the Preliminary Plan procedure.

FINAL STABILIZATION - means that either:

- a) All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the large area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of rip-rap, gabions, or geotextiles) have been employed; or
- b) For individual lots in residential construction by either:
 - (i) The homebuilder completing final stabilization as specified above; or
 - (ii) The homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
- c) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria in (a) or (b) above.

FLOODPLAIN - The area adjacent to a waterbody that is inundated during a 100-year flood.

FLOOR AREA - The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, but not excepting that area primarily devoted to window display, storage, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized for dead storage, heating and utility rooms, inside off street parking or loading space. Measurements shall be made from outside of exterior walls.

FOOTPRINT, BUILDING - The building footprint is the area occupied by the horizontal projection of the building's first floor, excluding the floor area of the attached garages and porches and or decks built as allowed encroachments into setbacks.

FREESTANDING - Any sign affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.

GALLERY - Continuous, unoccupied cover (such as an awning) over the entrance or entrances to a building.

GARAGE - A structure intended for the parking and storage of passenger cars and light-duty trucks. A garage may be attached to a building or a separate structure, where allowed by Building Type Template.

GARAGE - PRIVATE - A detached accessory building or portion of the principal building, including a carport which is used primarily for storing passenger vehicles, trailers or one (1) truck of a rated capacity not in excess of seven thousand (7,000) pounds.

GRADING - Changing the natural or existing topography of the land.

GREEN SPACE - An area of real property on a lot which is similar to Open Space, but the general intent is to promote natural areas. Green Space includes, but is not limited to, wetlands, prairies and grasslands, pastures, forests and wooded areas, mixed forest and grasslands, landscaped areas exclusive of impervious surfaces within the landscaped areas, or any other naturally occurring land form.

GROUNDWATER RECHARGE - The replenishment of groundwater storage through infiltration of surface runoff into subsurface aquifers.

HAZARDOUS MATERIALS - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HEIGHT, BUILDING - A distance to be measured from the ground level six (6'0") feet from the front door of a structure to the highest point of the roof, excluding chimneys, weather vanes, cupolas, antennas and the like.

HOBBY ACTIVITIES - Any activity or interest pursued for pleasure or relaxation and not as a main occupation and meeting all the following requirements: when normally engaged in only by the persons residing in the dwelling where the hobby is pursued; when evidence of the hobby is not visible from the street or if visible is not offensive or such to lower neighborhood property values; when pursuit of the hobby does not interfere with enjoyment of neighboring property by its owners.

HOME OCCUPATION - Any gainful occupation of non-residential nature conducted entirely within the dwelling or accessory building and carried on only by the inhabitants and no more than one (1) non-resident thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes. No articles may be sold or offered for sale except as may be produced on the premises by members of the immediate family residing therein. Home occupations shall not include the repair of internal combustion engines (other than small engine repair), body shops, machine shops, welding shops, contracting or landscape type businesses requiring on site storage of commercial equipment or other objectionable uses as determined by the City Council. The home occupation shall not be conducted in more than twenty-five (25) percent of the floor area of the dwelling or four hundred (400) square feet, whichever is less. There shall be no outside display of goods or storage of equipment or material used in the "Home Occupation."

HOOPHOUSE - A structure made of PVC piping or other material covered with translucent plastic, constructed in a half-round or hoop shape.

HOUSING, LIFE CYCLE - Housing available for people at all stages of their lives. This housing may be owned or rented single family detached housing or condominiums and townhouses. Most people when they move from one housing type to another, due to changing needs and circumstances, want to stay in the same community if possible. Life-cycle housing needs to meet the changing needs of people as their incomes and circumstances change.

HYDRIC SOILS - A soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part.

ILLEGAL DISCHARGE - Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 29.7 of the Consolidated Land Use Ordinance.

ILLICIT CONNECTIONS - An illicit connection is defined as either of the following:

- i. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

- ii. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

IMPERVIOUS SURFACE - means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

INCENTIVES - The City Council may establish incentives which can be applied to encourage certain types of land use or preservation activity within the Gateway District. These incentives may be set by adopting a separate City Ordinance which identifies clearly the item or items the Council seeks to encourage, the allowances which the Council is willing to offer applicants, and sufficient criteria to all the Zoning Administrator and the City Consultants to evaluate and score applications seeking to apply for these incentives and allowances. See Section 9.2.4 for an example.

INDIVIDUAL SEWAGE TREATMENT SYSTEM (ISTS) - A facility for receiving and treating of sewage which is not a part of or connected to a public sewer system.

INDUSTRIAL ACTIVITY - Activities subject to NPDES Industrial Storm Water Permits.

INFILTRATION PRACTICE - A stormwater retention method for the purpose of reducing the volume of stormwater runoff by transmitting a flow of water into the ground through the soils, as described in the Minnesota Stormwater Manual, 2005, and as amended.

INFRASTRUCTURE - The system of public works for a county, state, or municipality including, but not limited to, structures, roads, bridges, culverts, sidewalks; stormwater management facilities, conveyance systems and pipes; pump stations, sanitary sewers and interceptors, hydraulic structures, permanent erosion control and stream bank protection measures, water lines, gas lines, electrical lines and associated facilities, and phone lines and supporting facilities.

INSTRUCTIONAL or DIRECTIONAL - A sign clearly intended for instructional purposes (example: signs identifying the different grades of gas at a gasoline pump), or intended to guide traffic entering, exiting, and traveling to particular locations on the property.

KENNEL, PERSONAL - Any confinement or structure designed to contain and house up to three (3) domestic animals of various types which are owned by the occupants of the premises and which is located on and maintained by the occupant of the premises in residential districts for personal use only.

KENNEL, COMMERCIAL - Any confinement or structure designed to contain and house more than three (3) domestic animals of various types which is owned by a person, group of persons, corporation or other legal entity who own and/or harbor said animals in the City of Gem Lake for other than personal use. This type of kennel relates to land use matters covered by the Zoning or Land Use Ordinance. It is defined and may only be operated within the Conditional or Interim Use regulations of the Zoning or Land Use Ordinance of the City of Gem Lake.

LAND ALTERATION - Any modification, tree cutting or removal, grading, clearing, filling or other change to any parcel of land including a woodland, shore land or natural barrier within a five (5) year period which may initially or cumulatively result in:

1. The movement of more than four-hundred (400) cubic yards of earth where significant trees are present; or
2. Any alteration of land of:

- A. more than one (1') foot from the natural contour of the ground; or
 - B. any contiguous four-hundred fifty (450 sf) square feet of ground where significant trees are located; or
 - C. any cutting, removal or killing of trees equal to or greater than twenty (20%) percent of the significant trees on any parcel of land; or
3. Any cutting, removal or killing of trees equal to or greater than twenty (20%) percent of the significant trees on any parcel of land; or
 4. Any destruction or disruption of tree cover equal to or greater than twenty-five (25%) percent of the total tree cover on any parcel of land; or
 5. Any changes in the Natural Barriers provided by trees or shrubs along the borders of the City, along major roads or between differing land uses, or
 6. Any intensive vegetation clearance (clear cutting) within a shore land area or on steep slopes; or
 7. Any other significant change in the natural character or topography of the land.

LAND DISTURBING ACTIVITY - Any change of the land surface to include removing vegetative cover, excavation, fill, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into water bodies. The use of land for new and continuing agricultural activities shall not constitute a land disturbing activity under these Policies.

LANDSCAPING - Improvement and alteration of exposed ground through the establishment of lawns, gardens, planting of trees, flowers and shrubs, grading, and other such methods using natural materials.

LINER BUILDING - A building that conceals from street view a Single-Use Building for which it is impractical to design compliant front of side facades (such as a warehouse or a parking garage). Liners may have retail or office uses on the ground floor and office and residential uses on the upper floor.

NOTE - This is Building Template 14a for the Gateway district.

LIVE/WORK UNIT - Integrated row house style dwelling unit and ground floor working space of at least 3 units arrayed side-by-side along the primary frontage. Note - This is Building Template 11 for the Gateway district.

LOT - A parcel of land occupied or used or intended for occupancy or use by a use permitted in this Ordinance.

LOT OF RECORD - Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an Auditor's Subdivision or a Registered Land Survey, or a parcel of land not so platted, subdivided or registered, for which a Deed, Auditor's Subdivision or Registered Land Survey has been recorded in the Office of the Register of Deeds or Registrar of Titles for Ramsey County, Minnesota, prior to the effective date of this Ordinance. An out lot is not a Lot of Record.

LOT AREA - The area of a lot in a horizontal plane bounded by the lot lines.

LOT AREA PER FAMILY - The number of square feet of lot area required per dwelling unit.

LOT, CORNER - A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

LOT DEPTH - The mean horizontal distance between the front lot line and the rear lot line of a lot.

LOT IMPROVEMENT - Any building, structure, work of art, or other object, or improvement of the land on which it is situated constituting a physical betterment of real property, or any part of such betterment.

LOT LINE - A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line of such public right-of-way shall be the lot line for applying this Ordinance.

LOT LINE, FRONT - That boundary of a lot which abuts an existing or dedicated street, road or private way, and in the case of a corner lot it shall be the longest dimension on such a street, road or private way. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the City.

LOT LINE, REAR - That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

LOT LINE, SIDE - Any boundary of a lot which is not a front lot line or a rear lot line.

LOT, OPEN SALES OR RENTAL LOT - Any land used or occupied for the purposes of buying, selling, or rental for use away from the premises, any goods, materials or merchandise and for the storing of same in the open prior to sale or rental.

LOT, OPEN STORAGE - Any land used or occupied for storing in the open any materials, equipment, vehicles of any kind or articles of any nature.

LOT, INTERIOR - A lot, other than a corner lot, including through lots.

LOT, THROUGH - A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

LOT WIDTH - The maximum horizontal distance between the side lot lines of a lot measured within the first thirty (30) feet of the lot depth commencing at the front lot line. If the lot is on a cul-de-sac or other curved roadway the lot width shall be measured at the front building line.

MASS RATIO - When used on a Building Type Template, the percentages listed in the Mass table defines the maximum area allowed in the horizontal projection of one floor in relation to the area of horizontal projection of the building footprint and attached garage.

MEAN - the mid-point of two extremes.

MIXED USE BUILDING - A structure with vertical mixture of uses. The upper floors may be used for office or residential uses and the ground floor may be used for office or retail.

NOTE - This is Building Template 12 for the Gateway district.

MOBILE HOME - Any type of structure or vehicle which can be readily adapted to or does provide facilities for a person or persons to eat or sleep which is mounted on wheels, has provisions for wheels or may be loaded on any ordinary flat-bed truck, such as a camper, house trailer, converted bus or truck, tent or small building.

MOTOR SERVICE STATION - A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.

MPCA GENERAL CONSTRUCTION PERMIT - General Permit Authorization to Discharge Stormwater Associated With Construction Activity Under the National Pollutant Discharge Elimination System/State Disposal System Permit Program

Permit MN R100001 (NPDES General Construction Permit) issued by the Minnesota Pollutant Control Agency, August 1, 2008, and as amended.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Gem Lake and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

MURAL - A picture on the exterior surface of a structure. A mural is only a sign for purposes of these regulations if it is related by language, logo or pictorial depiction to the advertisement of any product or service or the identification of any business.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) - means the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345 and Minnesota Rule Chapter 7090.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT - A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NATURAL BARRIER - Screening provided by a tree or shrubbery barrier that acts as a visual or noise barrier from roads, railroads and differing land uses, said barrier not to exceed thirty (30') feet in barrier depth. When a Natural Barrier is part of a Woodland, the Natural Barrier shall be considered the first thirty (30') feet of the Woodland.

NON-DEGRADATION - Section 303 (Title 33 of United States Code [U.S.C.] 1313) of the Clean Water Act (CWA) requires states and authorized tribes to adopt water quality standards for waters of the U.S. within their applicable jurisdictions to maintain their chemical, physical and biological integrity. No significant increase in stormwater runoff or pollutant loads from 2005/2006 numerical standards is permitted.

NON-POINT SOURCE - Nutrient and pollution sources not discharged from a single point e.g. runoff from agricultural fields, feedlots or urban landscapes.

NON-STORM WATER DISCHARGE - Any discharge to the storm drain system that is not composed entirely of storm water.

NORMAL WATER LEVEL - For a reservoir with a fixed overflow, means the lowest crest level of that overflow. For a reservoir whose outflow is controlled wholly or partly by movable gates, siphons or other means, it is the maximum level to which water may rise under normal operating conditions, exclusive of any provision for flood surcharge. For a closed depression wetland, it is the maximum level to which the water may rise under normal precipitation conditions exclusive of any provision for flood surcharge.

NOXIOUS MATERIAL(S) - Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals. NURP – The Nationwide Urban Runoff Program developed by the Environmental Protection Agency to study stormwater runoff from urban development.

OFFICES - Structures, or portions of structures, in which commercial activities take place but where goods are not produced, sold or repaired. These include: Banks, general offices, governmental offices, insurance offices, real estate offices, travel agency or transportation ticket offices, telephone exchange, utility office, professional offices and similar uses which are operated by the owner or his tenants.

OFFICE, SHOWROOM - A building in which at least twenty (20%) percent of the floor space is devoted to office activities, the remainder being used for either display, storage, or research and testing.

OPEN HOURS (ALSO “OPERATION”) - The time within the day in which a business invites customers, clients or the general public to the property or business location in order to conduct the purpose of the business. These hours will not begin earlier than 7 A.M., and will not extend beyond 8 P.M. unless approved by conditional use permit (see Figure 17).

OPEN SPACE - An area of real property on a lot which is not covered by impervious surfaces, structures, unpaved storage, or designated parking areas (see Green Space).

ORDINARY HIGH WATER LEVEL - as defined by the Minnesota Department of Natural Resources, means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:

1. The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
2. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
3. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

OUTLOT - a lot or parcel of land created by subdivision, but not for construction, intended for transfer of ownership, dedication or for use as a private right-of-way. An out lot can be designated non-buildable or buildable if replatted in full compliance with all the requirements of this and the Subdivision ordinance without the use of a variance.

OWNER - Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land under this Ordinance.

PARKS AND PLAYGROUNDS - Public land and open spaces in the City of Gem Lake dedicated or reserved for recreational purposes.

PARTIAL DEVELOPMENT PLAN - A plan provided with an application for a building permit to materially alter or expand an existing legally conforming structure within the Gateway District. This plan shall be submitted to the Zoning Administrator, and contain all or part of the data requested in Section 9.8. It may be given an Administrative Approval if it does not need any Conditional Uses or Variances.

PASTURE - An area or portion of a single parcel of real property upon which agricultural animals are allowed to range and graze and which is suitably fenced to contain such animals.

PATIO - a paved outdoor area.

PEDESTRIAN WAY - A public right-of-way or private easement across a block or within a block to provide access for pedestrians that may be used for the installation of utility lines.

PERSON - Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

PERFORMANCE BOND - A bond with good and sufficient sureties, approved by the City Council, which is conditioned upon satisfactory implementation of an approved plan and which names the City as obligee.

PERFORMANCE STANDARD - Qualitative or quantitative criterion established to control for the benefit of public health, safety and welfare such things as noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated or inherent in particular or ordinary uses of land or buildings.

PLAN REVIEW - A review process of potential projects by designated authorities including, but not limited to, the Zoning Administrator, City Planner, Plan Review Board, Planning Commission, Building Inspector, City Engineer, city-appointed/contracted architect and/or engineer, or any other individual or group authorized by the City to review plans in an official capacity.

PLANNING COMMISSION - A panel of persons appointed by the Mayor and City Council of the City of Gem Lake charged with reviewing all matters related to land use development within the City; reviewing, modifying and developing the Comprehensive Municipal Plan and such local controls as may be necessary to achieve the goals of the Comprehensive Municipal Plan; and, making recommendations to the City Council as to approval and adoption of such matters.

PLANNED UNIT DEVELOPMENT (PUD) - A tract of land which is developed as a unit under single or unified ownership control and which includes two or more buildings grouped or clustered in and around a common open space area in accordance with a pre-arranged site plan.

POLLUTANT - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PRE-DEVELOPMENT CONDITION - The land use on a site that exists immediately prior to a proposed alteration. All pre-development Runoff Curve Numbers must reference the Minnesota Hydrology Guide.

PRELIMINARY PLAN - This development plan is one component of the steps of describing what the applicant plans to do for this project in the Gateway District. The Preliminary Plan with all of its details is used to identify exactly what will be done in this development. It is submitted to the Zoning Administrator who distributes it to the parties who will be reviewing this document.

PREMISES - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PRESERVATION AREA - A delineated area which designates trees and vegetation which will be preserved during the construction and land alteration process.

PRIVATE CHILD CARE AND EDUCATION FACILITIES - Child Care Facilities currently licensed by the State of Minnesota and Educational Facilities with:

- a) An enrollment with an age not to exceed twelve (12) years:
 - b) A total enrollment of not less than twenty-five (25) nor more than one-hundred fifty (150);
 - c) A maximum of one-hundred twenty (120) “full-day equivalent” students with a full-day* defined as ten (10) hours.
- *The “full-day equivalent” shall be calculated by adding together the total number of students present during each hour of the “full-day” of school. This total shall not exceed 1,200, which is 120 students times 10 hours.

PROJECTING SIGN - A sign which projects from and is supported by a wall, parapet, arcade or gallery of a building with the display surface of the sign perpendicular to or approximately perpendicular to the wall.

PUBLIC FACILITIES - Parks, playgrounds and similar uses owned and operated by the City of Gem Lake; or, libraries and other City of Gem Lake owned facilities.

PUBLIC IMPROVEMENT - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City of Gem Lake does or may ultimately assume responsibility for maintenance and operation, or that may affect an improvement for which local government responsibility is established.

PUBLIC UTILITY - Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, data, or telephone services to the general public. For the purposes of this Ordinance, commercial broadcast services and commercial wireless telecommunications services shall not be considered public utility uses and are defined separately.

PUBLIC WATERS - Any waters as defined in Minnesota Statutes, section 103G.005, subdivision 15.

RECREATIONAL EQUIPMENT (RESIDENTIAL) - Play apparatus such as swing sets and slides, sand boxes, poles for net games, unoccupied boats and trailers, picnic tables, lawn chairs, barbecue stands, and similar equipment.

REDEVELOPMENT - The rebuilding, repair, or alteration of a structure, land surface, road or street, or facility.

RESIDENTIAL WECS - A WECS with a rated generating capacity of 40 kilowatts (kW) or less which is intended primarily for producing electrical power used on-site.

RETAIL/OFFICE BUILDING - A building designed for occupancy by retail and office uses where the building is intended for subdivision into tenant spaces with no residential component.

NOTE - This is Building Template 13 for the Gateway district.

RETENTION - The prevention of direct discharge of stormwater runoff into receiving water; examples include systems which discharge through percolation, exfiltration, and evaporation processes and which generally have residence times less than three days.

RUNOFF - Rainfall, snowmelt or irrigation water flowing over the ground surface.

SKETCH PLAN - An informal plan that is used as the first step for a proposal for developing of land areas in the Gateway District of the City of Gem Lake. See Section 9.7.1, Step No. 1 for details.

SEDIMENT - The solid mineral or organic material that is in suspension, is being transported, or has been moved from its original location by erosion and has been deposited at another location.

SEDIMENTATION - The process or action of depositing sediment.

SETBACK - The distance between a building, structure or other improvement and a lot line or designated right-of-way.

SHED - a roofed demountable structure not to exceed two-hundred fifty (250 ~~s.f.~~ ft²) square feet in total area. A shed shall be considered an Accessory Structure.

SHED - A structure on a property that is not a primary building nor a structure intended to house parked cars or trucks. Generally a smaller building intended for the storage of home maintenance equipment and other personal belongings. When allowed, a shed with a footprint of 200 square feet or less may be built and maintained without a permit from the City.

SHORE LAND - That area surrounding Gem Lake or any other recognized wetland and extending horizontally seventy-five (75') feet back from the mean high water line.

SHORELINE - The ordinary water level of the body of water known as Gem Lake and any lake, pond, or flowage in the City of Gem Lake as determined by a federal, state, regional or local regulatory agency with the authority to make such determinations, along with all wetlands attendant to each body of water.

SIGHT TRIANGLE - A triangle beginning at the corner of two intersecting street rights-of-way, shaped by two lines extending 30 feet along the edge of each right-of-way and the line connecting the two resulting points.

SIGN - Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

SIGN FACE - An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.

SIGNIFICANT TREE - A healthy deciduous tree measuring eight (8") inches or greater in diameter, at a point four and one half feet above grade, or a healthy coniferous tree measuring ten (10') feet in height or greater.

SINGLE FAMILY DETACHED HOUSE - One dwelling on one lot, detached from other adjoining lots, Building Template 6 for the Gateway District

SINGLE USE BUILDING - A building designed for occupancy by retail, service or office uses on the ground floor with an optional mezzanine. May also be used as a template for placing a standalone parking structure in a proposed development. This is Building Template 14 for the Gateway district.

SITE PLAN - The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices and other information that reasonably may be required in order that an informed decision can be made by the approving authority.

SKETCH PLAN - An informal plan that is used as the first step for a proposal for developing of land areas in the Gateway District of the City of Gem Lake. See Section 9.7.1 Step No. 1 for details.

SOIL TREATMENT SYSTEM - A system where sewage effluent is treated and disposed of into the soil by percolation and filtration, and includes trenches, seepage beds, drain fields, at-grade systems, and mound systems.

STABILIZED - Exposed soil is considered to be stabilized when it has been adequately covered through temporary measures (e.g. mulch, staked sod, riprap, erosion control blanket, or other material that prevents erosion from occurring), or permanent vegetation has been established over 70% of the surface.

STABLE, PERSONAL - Any confinement or structure designed to contain and house up to two (2) horses which is located on and maintained by the occupant of lands in residential districts for personal use only.

STABLE, COMMERCIAL - Any confinement or structure designed to contain and house more than two (2) agricultural animals as described in Section 3.8.1 of this ordinance which is owned by a person, group of persons, corporation or other legal entity who own and/or harbor said animals in the City of Gem Lake for other than personal use. This type of stable relates to a land use matter covered by the Zoning or Land Use Ordinance. It is defined and may only be operated within the Conditional or Interim Use regulations of the Zoning or Land Use Ordinance of the City of Gem Lake.

STEEP SLOPES - A slope with greater than a thirty-three (33%) percent change in elevation or a 3:1 grade (3 parts horizontal to 1 part vertical).

STORM DRAINAGE SYSTEM - Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORM WATER - Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER FACILITY – Any facility including retention and detention ponds, wetlands, reservoirs, impoundments, infiltration practices, filtration practices, conveyance systems, and connecting infrastructure that are constructed for or serve the purpose of stormwater management.

STORM WATER MANAGEMENT PLAN - A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A site-specific, written document that: identifies potential sources of stormwater pollution at the construction site; describes practices to reduce pollutants in stormwater discharges from the construction site; and identifies procedures the operator will implement to comply with the terms and conditions of a construction general permit.

STREET - A public or private right-of-way not less than forty (40) feet in width which affords a primary means of access to abutting property.

STREET, COLLECTOR - A street that carries traffic from minor streets to thoroughfares.

STREET, CUL-DE-SAC - A local street or private right-of-way with only one outlet and providing an area for turning a vehicle with a radius of not less than one-hundred twenty (120) feet.

STREET WIDTH - The shortest distance between the lines delineating the right-of-way of a street or private way.

STRUCTURE - Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but without limiting the generality of the foregoing advertising signs, billboards, or fences.

STRUCTURAL ALTERATION - Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

STRUCTURE, NON-CONFORMING - Any structure which is legally existing upon the effective date of this Ordinance, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this ordinance.

SUBDIVISION - The division of an area, parcel, or tract of land into two (2) or more lots or parcels, for the purpose of transfer of ownership or building development that will require the creation of streets and roads, except for those resulting from court orders, or the adjustment of lot lines by the relocation of a common boundary. The term includes re-subdivision and when appropriate to the context, shall relate to the process of sub-dividing or to the land subdivided.

SUBWATERSHED - A portion of land contributing runoff to a particular point of discharge.

SUBZONES - The Gateway District is composed of four subzones. The Gateway District Sub-Zone Map identifies these subzones and where they are located.

SURFACE WATER - All streams, lakes, ponds, marshes, wetlands, reservoirs, spring, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private.

TANGENT - A straight line that is perpendicular to the radius of a curve at the point where the line meets the curve.

TEMPORARY SIGN - A sign which is installed for a period not to exceed sixty (60) days, not illuminated, and not installed upon a foundation.

THOROUGHFARE - A street for fast or heavy traffic used primarily as a traffic artery between relatively large or congested areas.

THOROUGHFARE TYPES - Figures 2 and 3m in the Gateway Section (Section 9) describe the details of the Thoroughfare Types to be provided in the Gateway District. These figures provide details on streets, sidewalks and other pedestrian or bicycle ways within dedicated right-of-ways in this district.

TOTAL EXTENDED HEIGHT - The highest point reached above natural grade by the tallest part of the WECS (e.g. the tip of the turbine blade at its highest point of travel).

TOTAL MAXIMUM DAILY LOAD (TMDL) - A Total Maximum Daily Load, or TMDL, is a regulation designed to improve water quality by controlling the amount of a pollutant entering a water body.

TOWER OR ANTENNA SUPPORT STRUCTURE - Any mast, pole, spire, lattice structure or similar structure including any lines, cables, wires or braces supporting the structure intended for the purpose of mounting an antenna, meteorological device or similar apparatus above grade. Towers may be ground or roof mounted. The term "tower" includes any antenna attached to the tower.

TOWNHOME - townhome is a single-family dwelling unit constructed in a group of three or more attached dwelling units in which each unit extends from foundation to roof and with open space on at least two sides not more than three stories in height with a separate means of ingress and egress.

TOWNHOME/ROWHOUSE - An individual structure on a parcel with a rear yard and individual (standalone or tuck under) garage access from an alley, occupied by one primary residence in an array of at least three such structures side-by-side along the common frontage.

Note - This is Building Template 8 for the Gateway District.

TWINHOUSE- A structure with two dwelling units sharing a common wall or stacked one over the other.

Note - This is Building Template 7 for the Gateway District

ULTIMATE CONDITIONS - The physical, topographic, and hydrologic characteristics of a sub watershed upon completion of the maximum level of expected development.

USE - The Purpose or activity for which the land, structure, or building thereon is designed, arranged, or intended, or for which it is occupied or maintained and shall include the performance of such activity as defined by the performance standards of this Ordinance. Uses shall be classified as Principal or Accessory and as Permitted, Conditional, Interim and Prohibited.

USE, CONDITIONAL - Either a public or private use as listed which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. This includes those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning district, which for the respective conduct or performance in such designated districts may require reasonable, but special, unusual, or extraordinary limitations peculiar to the use and for the protection, promotion, and preservation of the general public welfare, health, and safety as well as the integrity of the City's Comprehensive Municipal Plan. Consideration of each case of Conditional Use shall be given to impact of such use on neighboring real property and of the public need for the particular conditional use at the particular location.

USE, INTERIM - a time limited use that is personal to the user or occupant and which does not run with the land. Consideration of each case of Conditional Use shall be given to impact of such use on neighboring real property and of the public need for the particular conditional use at the particular location.

USE, NONCONFORMING - A use of land, buildings or structures lawfully existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any use of land, building or structure lawfully existing prior to the adoption of an amendment which would not comply with all of the regulations.

USE, PERMITTED - A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards of such district.

USE, PRINCIPAL - The main use of land or buildings as distinguished from subordinate or accessory uses.

UTILIZE BASIN - Documented stormwater management structures designated strictly for treating and retaining stormwater.

VILLA - A building which contains a row of two (2), three (3) or four (4) single-family attached dwellings, each being connected to the adjoining units in each story by walls that are fire-rated and are without openings. Each unit shall have independent access

to the exterior of the building, in the ground story, and each unit is located on a separate lot. Each common wall shall serve as a common/zero lot line.

VEHICLE, COMMERCIAL VEHICLE - A motor vehicle exceeding one and one-half ton or equivalent in load capacity or a motor vehicle not displaying passenger car or RV license plates.

VEHICLE, MOTOR VEHICLE - Any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle, but excepting snowmobiles and mobile homes.

VEHICLE, JUNKED MOTOR VEHICLE - Any motor vehicle which is either abandoned, wrecked, partially dismantled or legally inoperative, or which is not currently licensed for operation within the State of Minnesota.

WALL SIGN - Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

WASTEWATER - Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

WATER BODY - a body of water (such as a lake or pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water.

WATERS OF THE STATE - All stream, lakes, ponds, wetlands, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. Streams include both intermittent and perennial.

WATERCOURSE - a channel or depression through which water flows continuously or intermittently, such as rivers, streams, or creeks.

WATERSHED - the area drained by a natural or artificial drainage system, bounded peripherally by a ridge or stretch of high land dividing drainage areas.

WAY, AUTHORIZED PRIVATE - a road with a right-of-way not less than forty (40) feet wide across private land designed and built for vehicular traffic between a public street and two or more private residences. This road shall have been authorized or approved by the City Council, to be built and maintained by private interests. Authorized private ways are allowed only in residential districts.

WETLAND - Any wetland as defined in Minnesota Statutes, section 103G.005, subdivision 19.

WIND ENERGY CONVERSION SYSTEM (WECS) - An electrical generating facility consisting of a turbine, tower, and associated control and conversion electronics.

WINDOW SIGN - Any sign viewable through and/or/affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the street, including signs located inside a building but primarily visible outside of the building.

WOODLAND - An area of at least one-half (1/2) acre in size of land, utility easements, or rights-of-way, with at least twenty (20) significant trees on the parcel or with tree cover over at least thirty-five (35%) percent of the total land area.

YARD - A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this Ordinance. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT - A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such a lot is located. In the case of a corner lot abutting one or more major roads, both yards shall be considered front yards. A major road is any road that is of a collector designation or greater.

YARD, REAR - A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

YARD, SIDE - A yard extending along a side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

ZONING ADMINISTRATOR - Any person(s) duly appointed by resolution of the Gem Lake City Council for the purpose of interpreting and enforcing the several local land use and development controls including, but not limited to, local controls known as the Consolidated Land Use Ordinance.

ZONING COMPLIANCE PERMIT - This permit is granted after determination that all steps of the planning process are completed and authorizes the commencement of the project.

ZONING DISTRICT - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.
