



Gem Lake Gateway District Development Code
October 21, 2014
Ordinance 107B



SECTION 9 – GEM LAKE GATEWAY DISTRICT

9.1. The intent of the Gem Lake Gateway District (“Gateway” or “G”) is intended to allow for development and redevelopment of the real property associated with Hoffman Corner and points westward along Ramsey County Road E extending northward to the border with the zoning districts identified in Sections 5 and 6 of this Ordinance. This area has been the subject of a visioning study and includes both commercial and residential opportunities as described in the City of Gem Lake Comprehensive Plan and other city documents. As introduced by the visioning plan and envisioned by the Comprehensive Plan, the Gateway will emphasize commercial development and/or redevelopment in the Hoffman Corner intersection which traditionally has been the location of the Gem Lake commercial district. As one moves westward along County Road E the intent of the Gateway is to transition into more residential type neighborhoods becoming less dense until it transitions to either the Estate Residential district or the Executive Residential district.

9.1.1 Purposes. Specifically, the Gateway zoning district will attempt to:

- A) Promote development and redevelopment consistent with the visioning plan for the Gateway area by encouraging residential uses in conjunction with commercial and expanded recreational activities which in turn will create an active street life, while enhancing the vitality of businesses and reducing vehicular traffic.
- B) Provide for mixed-use development(s) that are carefully planned to promote efficient use of land, parking and roadway systems.
- C) Provide enhanced oversight through conditional use permit provisions, to ensure compatibility of mixed uses and consistency with the approved master plan for the site.
- D) Ensure compatibility with surrounding neighborhoods.
- E) Provide significant incentives to promote mixed-use redevelopment projects.
- F) Encourage sustainable architectural, engineering and landscape design that is implemented by responsive green construction practices.
- G) Preserve natural resources, minimize the carbon footprint of the City, and establish a key zone within Gem Lake that is respectful of neighboring areas and is instructive for future generations.
- H) Encourage pedestrian and bicycle use.
- I) Ensure that commercial and residential uses in a development are designed to be compatible with each other.
- J) Ensure high standards of site design, spatial relationships, architectural design, building materials and landscape design.
- K) Seek to put in place those areas identified in the Comprehensive Plan (as supported by the master plan) that includes four “sub-zones”:
 - 1. Neighborhood Edge: Intended for lower density single-family residential housing development to act as a transition between new mixed-use construction and existing single-family detached structures on adjacent lands. This subzone in its basic form will accommodate single-family dwellings on larger lots, or with application of incentives, more compact homes on common larger lots or on compact lots with enhanced buffers (used in clustering), shared with accessory buildings and generally served from a front or side driveway.
 - 2. Neighborhood General: Intended to begin the transition from purely residential use at low

densities to more intensive mixed-use development at the district's center. This subzone will accommodate a variety of residential structures at varying densities, and also begin to integrate lower-impact office or retail activities which complement the residential setting.

3. Neighborhood Mixed Use: Intended to establish a neighborhood focus that is distinguished by mixed use buildings, together with denser residential options and smaller-scale commercial and office buildings without residential components. This subzone will accommodate a variety of activities and services within easy walking distance from homes throughout the District, supporting daily convenience shopping and personal service needs, and also providing opportunities for public gathering and social contact.

4. Neighborhood Center: Intended for the most urban conditions within all of the shown mixed use areas. The mixture of land uses emphasizes ground-floor retail with offices and residential/rental above (as market acceptance matures) and structures providing commercial space for medium and large-sized retailers. Street frontages throughout this subzone should be pedestrian-oriented, and the public space should be defined by placing building facades at the edge of the sidewalk. Neighborhood Center land that abuts other subzones on the north and west sides will be carefully planned to ensure lower-density buildings.

9.1.2 Definitions specific to this Section. The terms listed below have the meaning given to them here for purposes of this Section. An effort has been made to define other key terms as they appear within the applicable parts of this Section, and should be given the explicit or contextual meaning given to them within the remainder of this Section. If a term is not defined in the Section, terms used herein have the meaning given to them in the Definitions in Section 3.2 of the Zoning Ordinance, or its common-usage meaning if not defined within the Ordinance.

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.

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.

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.

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).

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.

9.2 Generally Applicable Regulations

9.2.1 Relationship to other portions of this Ordinance and other City Ordinances. The requirements of this Section may conflict with or duplicate some portions of the Zoning Ordinance

and Subdivision Ordinance of Gem Lake. Any such conflict, when it relates to the use of land in the Gateway District, shall be resolved in favor of the language in this Section. All other provisions of the Zoning Ordinance and Subdivision Ordinance apply within the Gateway District, including provisions for Planned Unit Development (PUD) and Institutional Overlay. PUD or institutional overlay proposals may be used in combination with or in place of the regulations and procedures set forth in this Section. All other Gem Lake ordinances which relate to the construction of buildings and use of land (including but not limited to the Landscaping Ordinance, Adult Use Ordinance, Tree Preservation Ordinance, Building Code Adoption, and Pawnbroker Ordinance) apply within the Gateway District.

9.2.2 Administration, Conditional Uses, Variance, and Appeal.

A) The Building Type standards are intended to be employed and used to entitle the construction of a building upon land in the same manner that listing a use as “permitted” entitled land in other Zones defined by this Ordinance. The processing of conditional use permits, variances, amendments, platted subdivisions and other land use applications which may necessarily accompany an application for building approval in the Gateway District shall be processed simultaneously with the review of the Gateway District proposal, whenever possible.

B) All new construction, remodeling or expansion (except for the remodeling or expansion of single-family detached dwellings) within the Gateway District requires a Zoning Compliance Permit. The Zoning Compliance Permit is indefinite in duration and the entitlements stated on the permit shall run with the land. A Zoning Compliance Permit is granted after determination that the proposal complies with all applicable standards set forth within this Section (Thoroughfare Standards, Civic Space Standards, Building Type Standards, Parking, and Design Standards). As set forth below, the final approval for the Zoning Compliance Permit will come from the City Council for proposals which require Council approval in some form (such as a platted subdivision or conditional use permit), and the Zoning Administrator for proposals which do not otherwise require Council review (such as single buildings or minor subdivisions without variances).

C) For the purpose of providing administrative review and processing of development proposals within the Gateway District, the City Council hereby appoints the Zoning Administrator to serve as the primary point of contact between the City and applicants for zoning approval. Upon receipt of an application for land use in the Gateway District, the Zoning Administrator shall ensure that the application is complete within five (5) business days of receipt. If the application is not complete, the Zoning Administrator shall return all materials with an explanation of what is required to make the application complete. When the application is determined to be complete, the Zoning Administrator shall distribute copies of all submitted documents to the City’s appointed consultants in architecture, engineering and planning. The Zoning Administrator shall obtain written comment on the application from each consultant before the scheduled Planning Commission review of the application, or before making an administrative approval where authorized.

D) If a City consultant identifies a failure to meet the standards of this Section, the Zoning Administrator may not administratively approve a permit for the proposal. The Zoning Administrator shall meet with the applicant to attempt to resolve the deficiency, and re-submit any revised or clarified proposal to the consulting professional who identified the problem for review. If the consultant agrees that the deficiency is corrected, the Administrator may issue the permit.

E) For applications on a City Council approval track, the Zoning Administrator shall also attempt to resolve any deficiencies noted in consultant review with the applicant prior to the final Council action on the proposal. The Planning Commission and City Council may choose to act on the proposal within their reasonably used discretion, even if the matter is not resolved prior to final action.

F) All applicants seeking a Zoning Compliance Permit must submit a development plan with their application.

G) Conditional Uses. All elements of a development plan which require conditional use permit approval may be combined into a single conditional use permit application for the proposal, with a single applicable CUP fee for review and processing in addition to other required application fees. Portions of proposed buildings which may be used for permitted or conditional uses need not apply for conditional use approval as part of the development application, unless the tenant, occupant or owner of the space is known at the time of application and will need a conditional use permit. All applications for conditional use permit approval shall otherwise be processed in the same manner as other applications for conditional use permit approval, using the procedures and criteria stated in Section 17.5 of the Zoning Ordinance.

H) Any variances requested in connection with a Gateway District development proposal shall be processed in the same manner as variances from other Sections of the Zoning Ordinance, using the procedures and criteria stated in Section 17.4 of the Zoning Ordinance

I) Any applicant aggrieved by a decision, mandate or other action of the Zoning Administrator may appeal the matter in the manner provided by Section 17.7 of the Zoning Ordinance.

9.2.3 Existing Uses and Structures at Adoption of Chapter. The standards generally applicable under Section 16.3 of the Zoning Ordinance shall apply to existing structures and uses located within the Gateway District upon the adoption of this Section, or existing on land later added to the Gateway District by re-mapping on the date a new zoning map becomes effective. An applicant seeking a building permit to materially alter or expand a legally nonconforming structure within the Gateway District shall submit a partial development plan, containing information as requested by the Zoning Administrator to allow review of the alteration or expansion's compliance with Design Review requirements set forth at 9.10 and the Connectivity Requirements set forth at 9.7.3(C).

9.2.4 Incentives. The City Council may establish incentives which apply to encourage certain types of land use or preservation activity within the Gateway District. The Council may set the incentives by adopting a separate ordinance which identifies clearly the item or items the Council seeks to encourage, the allowance or allowances which the Council is willing to offer applicants, and sufficient criteria to allow the Zoning Administrator and City consultants to evaluate and score applications seeking to apply the incentives and allowances. The following text is an example only:

The City of Gem Lake seeks to improve transit options within the City. Proposals which incorporating public transit options into an overall development plan will receive enhanced civic space credit for the space dedicated to the public transit option. Space bonuses will apply as follows:

<i>Bus waiting area, uncovered:</i>	<i>2% bonus</i>
<i>Bus waiting area, covered:</i>	<i>4%</i>
<i>Bus waiting area, integrated w/ building:</i>	<i>8%</i>
<i>Bus Rapid Transit access:</i>	<i>10%</i>
<i>Rail access or access to station:</i>	<i>10%</i>
<i>Rail transit station:</i>	<i>30%</i>
<i>Intermodal transit center:</i>	<i>50%</i>

Proposed spaces must meet the criteria for public transit facilities established by the Metropolitan Council in order to qualify for space bonuses. The City Council shall approve all requests for transit incentive bonuses. The Zoning Administrator shall consult with the City Engineer to review and make recommendations on the request for incentive treatment within an application.

The ability to alter or change incentives may not be used to allow a variance from the standards of this Section or the Zoning Ordinance overall. An ordinance establishing or modifying available incentives shall not take effect until 45 days after adoption and publication, and shall not apply to any applications filed with the City prior to the effective date. The ordinance creating incentives may, at the City

Council's discretion, provide a method for an applicant to propose an incentive as part of a development application in lieu of only seeking a modification of dimension or placement standards through amendment or variance.

9.3 Placement of Subzones and Integration with Neighboring Zones

9.3.1 The Gateway district is composed of four sub-zones:

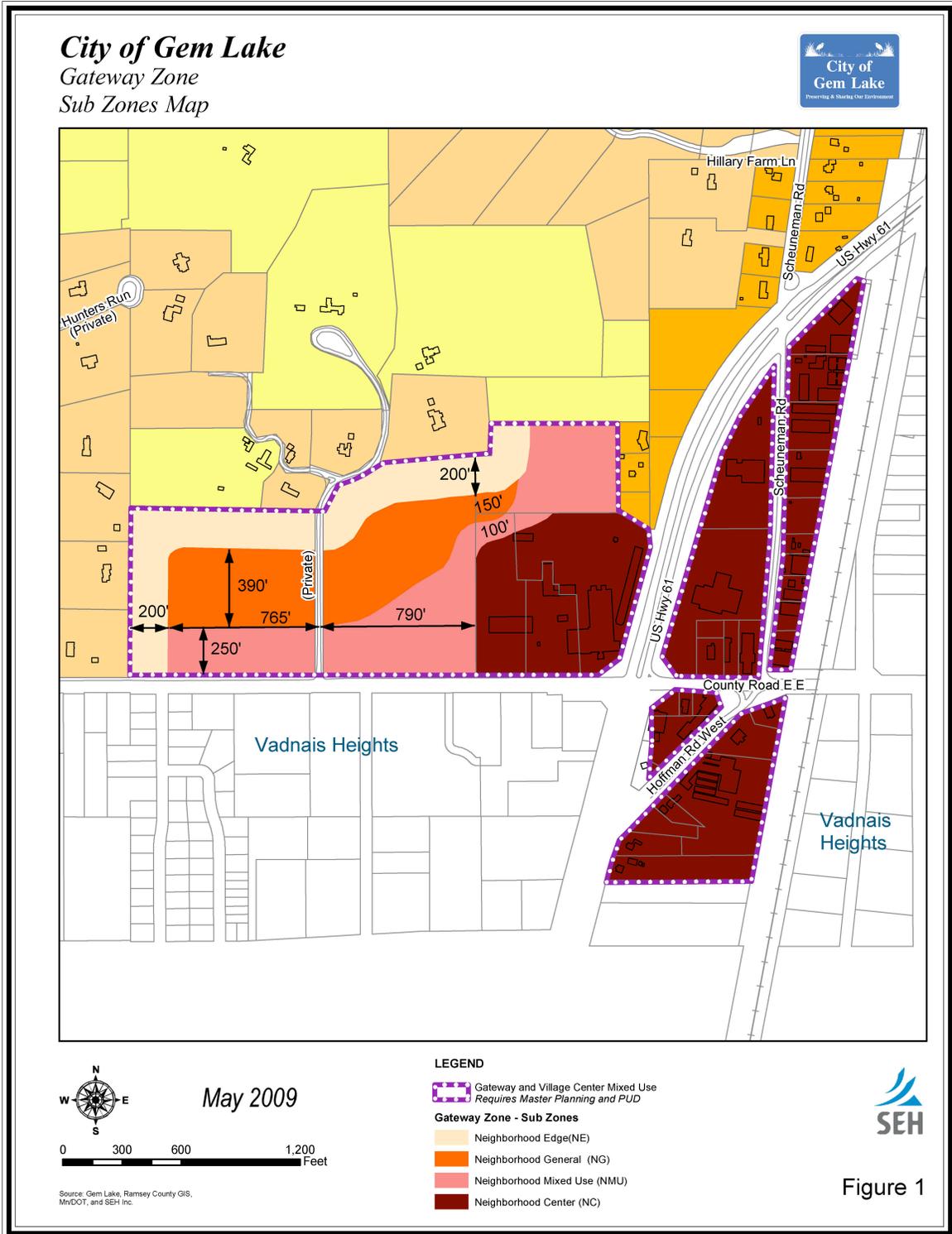
- A) Neighborhood Edge
- B) Neighborhood General
- C) Neighborhood Mixed-Use
- D) Neighborhood Center

9.3.2 Mapping requirements. The City Council shall assign the sub-zones to land included within the Gateway District. The Council shall assign land to each sub-zone without reference to existing lot lines or tax parcels contained within the Gateway District. In assigning land to sub-zones, the Council shall a minimum:

- A) assign all land lying within 200 feet of a developed parcel zoned Estate Residential (RE) or Executive Residential (RX) as Neighborhood Edge; and
- B) not assign any land lying within 450 feet of a developed parcel zoned Estate Residential (RE) or Executive Residential (RX) as Neighborhood Center.

The District Sub-Zone Map will be included with reproductions of this Code as Figure 1.

Figure 1: Gateway District Sub-Zone Map



9.4 Thoroughfare standards. Streets, sidewalks and other pedestrian or bicycle ways within dedicated rights-of-way shall be considered and designed together as “thoroughfares.” The street and pedestrian circulation system in any development plan shall be used to organize and define the community, acting as functional and visual links between neighborhoods, the neighborhood center, civic and commercial areas and open space. The circulation system shall be based on a defined, interconnected network to provide adequate traffic capacity, provide connected pedestrian and bicycle routes, control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the community.

9.4.1 General street design principles. The following principles should be followed in street layout and design:

- A) Local street lengths should be short.
- B) Streets should be designed with gentle curves and changes in grade to break the sight line of the road into smaller visual elements and cause drivers to slow down.
- C) Traffic calming features such as curb extensions, traffic circles, and medians should be used to encourage slow traffic speeds.

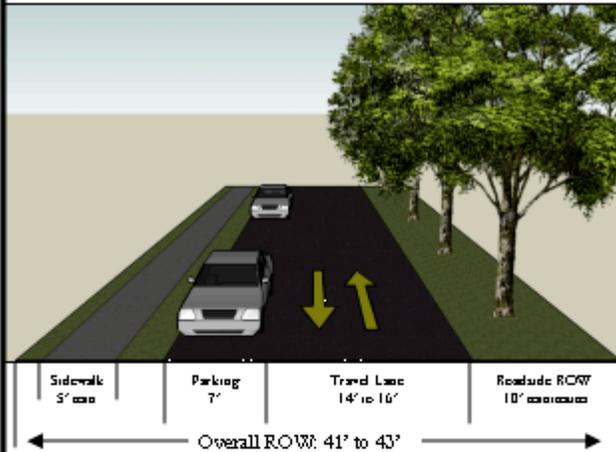
9.4.2 Thoroughfare Types Permitted by Subzone. The thoroughfare design in a given area of the Gateway District is determined in part by the subzone to which the land is assigned. Right-of-way dedication and the use of the right-of-way is set forth in the Thoroughfare Type diagrams at Figures 2 and 3. The presence of trees within a diagram indicates a requirement to plant “street trees” within the indicated area. A development plan’s thoroughfares shall comply with the dimensional and layout standards applicable to each thoroughfare type. The following Thoroughfare Types are allowed in each sub-zone:

- i) Neighborhood Edge: A, B, Alley;
- ii) Neighborhood General: A, B, C*, Alley, Boulevard
(Type C only allowed within 250’ of Mixed-Use sub-zone boundary);
- iii) Neighborhood Mixed-Use: C, D, Alley, Boulevard;
- iv) Neighborhood Center: D, Alley, Boulevard; Scheuneman Road and Hoffman Road should be treated as Type D thoroughfares in plans.
(May also propose a Plaza with a thoroughfare as regulated by Figure 5).

NOTE: County Road E and Highway 61 are **not** included within these Thoroughfare Types and should not be used or depicted as “frontage” for any Building Type when using this Code.

Figure 2: Light-Use Thoroughfare Types

Type A: Residential Access Lane



Average Daily Traffic: Less than 250

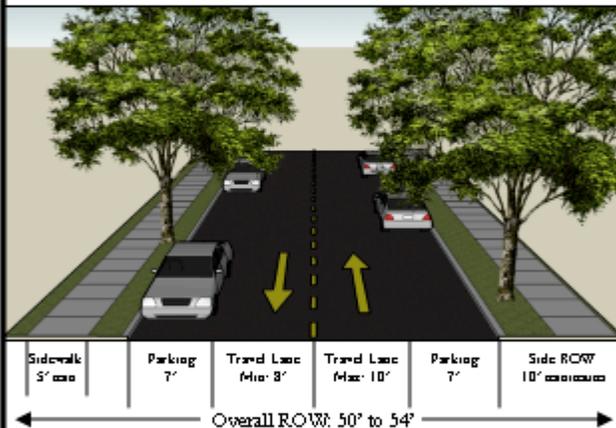
Travel Lanes: 1, 14' - 16'

Parking: Parallel, one or both sides

Sidewalks: One or both sides, 5' minimum
May not cover side ROW

Curb/Gutter: None.

Type B: Low-Volume Residential Street



Average Daily Traffic: 250—750

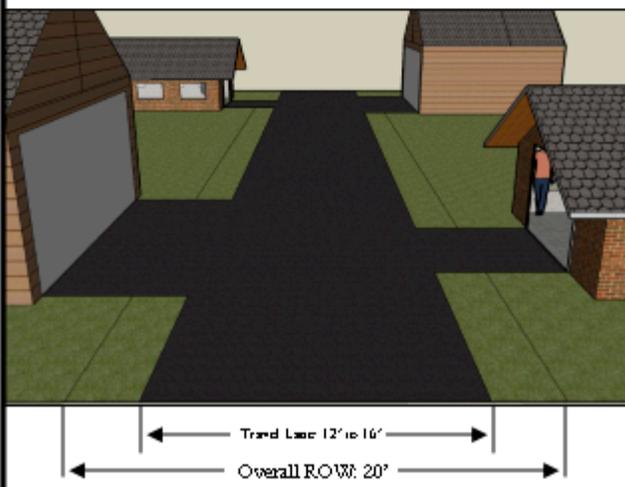
Travel Lanes: 2, 8' - 10'

Parking: Parallel, both sides

Sidewalks: Both sides, 5' minimum
May not cover side ROW

Curb/Gutter: None required.

Type: Alley



Runs behind lots and buildings to provide off-street parking, loading, utility and waste-hauling access.

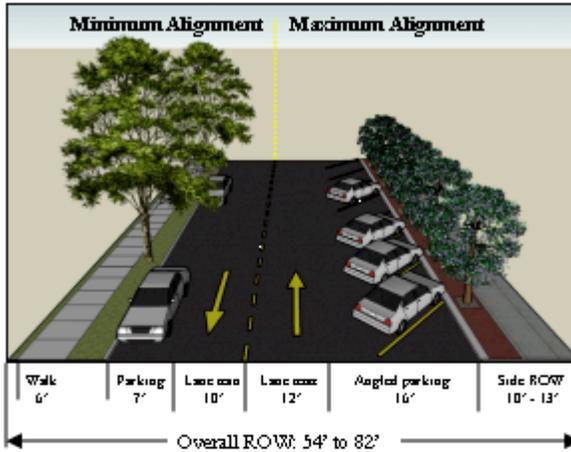
Travel Lane: 12' to 16'

ROW: 20'

Curb/Gutter: Inverted curb for asphalt;
None for concrete

Figure 3: Medium-Use Thoroughfare Types

Type C: Medium Volume Residential Street



Average Daily Traffic: 750—1500

Travel Lanes: 2, 10' - 12'

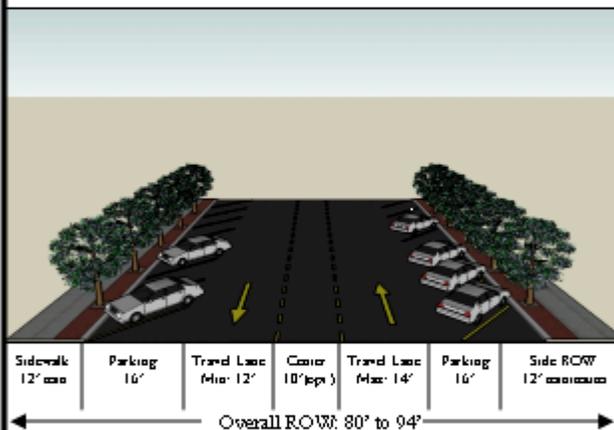
Parking: Both sides, parallel or angle

Sidewalks: Both sides, 6' minimum

May coverside ROW

Curb/Gutter: Required for fully paved side ROW, optional if grass or permeable surface used for parking lane and/or side ROW.

Type D: Medium-Volume Commercial Street



Average Daily Traffic: 750+

Travel Lanes: 2-3, 12' - 16' with optional 10' center turn lane

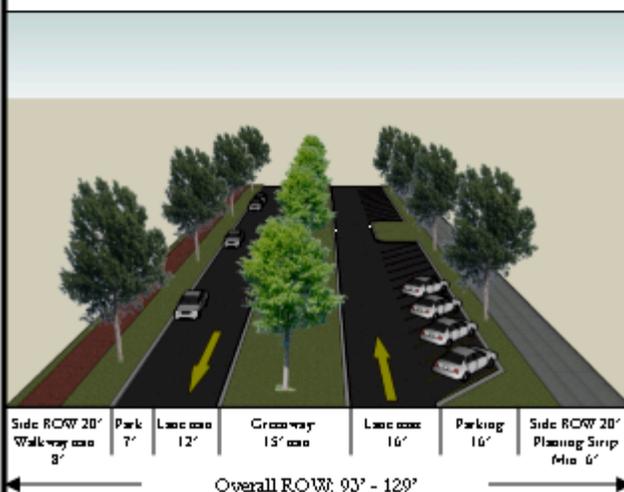
Parking: Both sides, angle

Sidewalks: Both sides, 12' minimum

Must coverside ROW

Curb/Gutter: Required; pedestrian bump-outs required at intersections (see Boulevard diagram)

Type: Boulevard



Non-roadway portions considered Civic Space.

Average Daily Traffic: 750+

Travel Lanes: 2-3, 12' - 16' with optional 10' center turn lane

Parking: Both sides, angle

Sidewalks: Both sides, 12' minimum

Must coverside ROW

Curb/Gutter: Required only when side ROW more than 50% impervious surface. Pedestrian bump-out required at intersections and every 150' for angle parking.

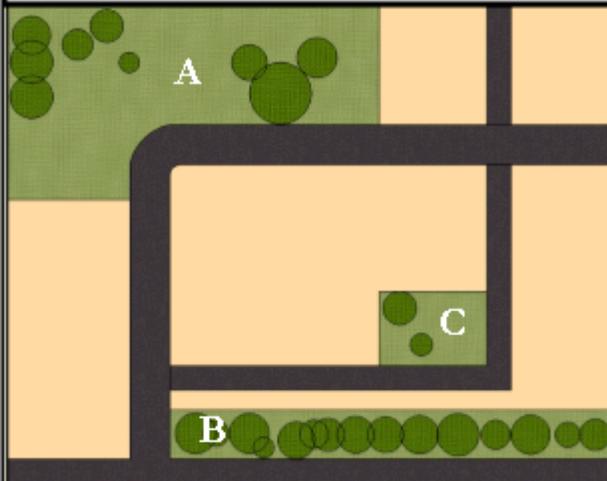
9.5 Civic space standards. The City of Gem Lake's visioning plan requires well-planned and functional open spaces, preservation areas, parks and gathering places, which are generally referred to in this Section as "civic space." An application's development plan shall dedicate or otherwise set aside sufficient land for public civic space. At a minimum, 10% of the total acreage in development shall be identified on the plans as Civic Space. The acreage of wetlands protected by state statute and any wetland buffer required by a governing watershed district shall be excluded from calculations of "total acreage in development" and from the calculation of the 10% dedication to civic space. A Civic Space shall conform to one or more of the Civic Space Templates at Figures 4 and 5. The Civic Space Type used to design a given Civic Space shall be indicated on any plan or diagram intended to show compliance with this section.

9.5.1 No cash payment in lieu of civic space may be approved for applications within the Gateway District.

9.5.2 The minimum width required for any Building Type under Figures 6 through 15 may be reduced by up to 30% if the area which would have been contained within that building lot before the reduction is transferred to a Civic Space located within 1/4 mile of the lot.

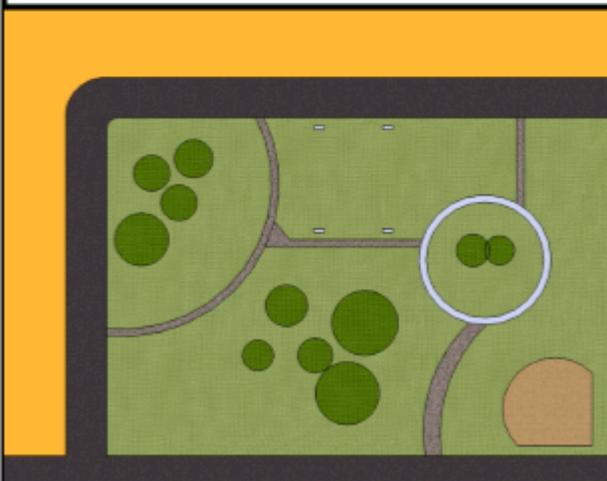
9.5.3 For Civic Spaces which include at least one automotive traffic lane or access, the area of the traffic lane or access is not applied toward the 10% minimum requirement. Areas within the Civic Space, areas within a thoroughfare adjacent to the Civic Space, or approved areas in lots adjacent to the Civic Space, which are dedicated for public or shared parking can apply toward the requirement if designed in conformity with applicable Thoroughfare or Building Type templates and the Parking regulations in Section 9.9.

Figure 4: Civic Spaces



- A. Passive Open Space
- B. Preserved Tree Line
- C. Green/Small Park

- A. **Passive Open Space.** The concentration of open spaces which separates more urbanized areas from less dense residential and naturalized areas. This open space has no required features but may contain environmental preserves, paths and trails, and open shelters, all naturalistically disposed.
- B. **Preserved Tree Line.** Area used to preserve tree lines indicated on the City's Existing Land Use Plan or areas with pre-existing tree screening of 50% opacity or greater.
- C. **Green/Small Park.** An open space available for recreation and neighborhood gathering. Area may be unimproved or used for playground, community garden, pergola, picnic areas, or similar park activities. The civic space is defined by at least one through street and should be accessible via sidewalk or path.

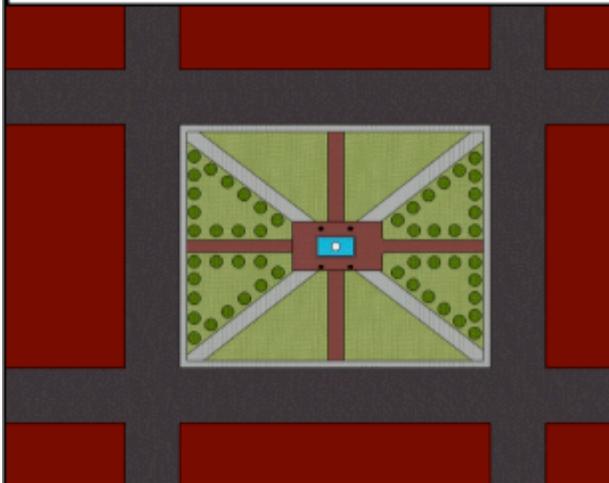


D. Neighborhood Park

A larger open area available for recreation, which may include facilities for structured activities such as athletic fields or courts (limited to 40% of space). The landscape shall provide paved paths and trails, and some combination of open lawn, trees, and open shelters.

Park Type	Area (acres)		Min. Streets Fronting Park	Type Streets Fronting Park
	Min.	Max		
Nhd Park	.3	5	2	B, C, Blvd

Figure 5: Civic Spaces



E. Square

An open space, available for unstructured recreation and civic purposes. A square is spatially defined by roadway and building frontages. Its landscape shall consist of paved paths, lawns and formally arranged trees. The paved paths within the square shall be distinguishable from surrounding sidewalks and streets by choice of materials and design.

Improvements such as fountains, pergolas, bandshells, kiosks and pedestrian amenities such as benches may be installed within the square.

Buildings adjacent to or across the street from the square shall treat the square (or street shared with the square) as the building's primary frontage.

Angle parking on at least two of the streets fronting the square is encouraged to provide additional on-street parking for nearby buildings.



F. Plaza

An open space, available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement and formally arranged trees. Materials used to pave the plaza shall be different than the adjacent sidewalk and street, and should complement the colors used in nearby buildings. It shall be located near the intersection of important streets. The plaza itself may be configured as a street, with a single travel lane no wider than 14' placed between pedestrian-only walkways of at least equal width.

Improvements such as bandshells or similar public gathering spaces are permitted. Benches and similar pedestrian amenities shall be installed.

Adjacent buildings shall treat the plaza as the primary frontage. When approved as part of a Development Plan, a portion of the plaza shall be designated as available to commercial uses which front the plaza (such as outdoor seating for restaurants).

Park Type	Area (acres)		Min. Streets Fronting Park	Type Streets Fronting Park
	Min.	Max		
Plaza	0.1	1	1	D, Blvd.

9.6 Building Type Standards.

9.6.1 New construction in the Gateway District shall conform to one of the following Building Types:

- A) Single Family Detached House (Figure 6)
- B) Single-Family Attached Housing
 - 1. Twin Home (Figure 7)
 - 2. Townhouse/Rowhouse (Figure 8)
- C) Apartment/Condominium (Figure 9)
- D) Bungalow Court (Figure 10)
- E) Live/Work Unit (Figure 11)
- E) Mixed Use Building (Figure 12)
- F) Commercial
 - 1. Retail/Office Building (Figure 13)
 - 2. Single Use Building (Figure 14)
 - a. With Liner Building (Figure 14a)
 - b. With Collar Uses (Figure 14b)
 - 3. Auto-Oriented Layout (Figure 15)

9.6.2 Use of Building Type Templates. Figures 6 through 15 contain all regulatory information governing the dimensions of lots and the dimensions, setbacks, height, mass, placement and use of buildings in the District. The City's review of a development application shall primarily apply the information contained in the applicable Building Type Templates. Terms and concepts used within the Building Type Templates are further defined as follows:

A) Frontage Street. The Thoroughfare Type on which the Building Type may be placed. The building must be oriented toward the frontage street and have its primary entrance on the permitted frontage street, unless an alternative is allowed by the terms of the Building Type chosen. "Width" is measured along frontage street; "depth" measured perpendicular to the frontage street. For purposes of placing buildings, Highway 61 and County Road E are **not** frontage streets, and the property boundary with those roads' rights-of-way should be aligned as the rear lot line to the greatest extent possible. Parking lots may abut the Highway 61 or County Road E rights-of-way, subject to the landscaping requirements of the Gem Lake Landscaping Ordinance.

B) Height by Story. The permitted height of any building is determined by the number of stories allowed and built. The height of each story is determined by the space between the upper surface of any floor and the upper surface of the floor next above, or the ceiling (peaked roof) or roof (flat roof) above for top stories. A story must have a minimum height of 12 feet and a maximum height of 15 feet; buildings with assigned ground-floor retail and commercial shall have a ground-floor height of at least 15 feet and no more than 20 feet. The top of a peaked roof is limited to the average story height of the building, measured from the ceiling of the topmost floor to the highest gable of the roof. Half-stories (finishing the space, if any, between the roof and the topmost full-story ceiling) are permitted for all building types in all subzones.

C) Building types with specified height limits shall be measured from the average elevation of the sidewalk on which the building's primary entrance is located and the coping of a flat roof or the deck line of a mansard roof.

D) Basements. All building types are permitted to have basements if it is technically feasible to build basements on the chosen building site. A walk-out basement is considered a "story" for height regulation, but other kinds of basements are not counted against the height of the building.

E) Footprint. The building footprint is the area occupied by the horizontal projection of

the building's first floor, excluding the floor area of attached garages and porches or decks built as allowed encroachments into setbacks. Within the building envelope defined in the Building Type Template, the horizontal projection of upper floors may not extend more than ten feet in any direction over the footprint, except for portions of the upper floor built directly over an attached garage.

F) Mass, Ratio. When used on a Building Type Template, the percentages listed in the Mass table define the maximum area allowed the horizontal projection of one floor in relation to the area of the horizontal projection of the building footprint and attached garage, if any.

G) Building Placement Diagram. The diagram on each Building Type Template provides regulatory information on the setbacks, build-to lines (lines on which some or all of the building façade must be placed), the “building envelope” in which the footprint may be placed, frontage types, permitted encroachments of porches, decks and balconies, placement of accessory structures, and other items which regulate the built environment on a given lot.

9.6.3 Combination of Building Types on Single Lot. The Building Type templates regulate lot size, but it is not required that each building be on a separately conveyed lot. If multiple building types are proposed, the dimensional standards should be applied as though the lot were being divided. Any total surface coverage or building footprint standards may be combined among all of the buildings included on a particular lot.

9.6.4 New Building Types. New building types may be proposed in the manner of other amendments to the Zoning Code using the procedure in Section 17.6 of the Zoning Ordinance. A proposal must contain all information included in existing analogous Building Types, including but not limited to the dimensional standards, use designations, and frontage requirements.

9.6.5 Use of Regulations in the Gateway District. The Gateway District's regulatory focus is first upon the form of each building and its relation to the surrounding environment. This section regulates the use of space within the building, except to the extent that any structure or land use existed as legally non-conforming use prior to the adoption of this Section, as a matter secondary to the built form. *The use of land in the District is regulated by the Building Type Templates, the uses set forth in this Section 9.6.5 and Figures 16 and 17 which are part of this Ordinance and is related to the building form. To the extent uses set forth in the Templates and Figures 16 and 17 conflict with the uses set forth in this Section 9.6.5A, the uses set forth in this Section 9.6.5A shall control and supersede the uses set forth in the Templates and Figures 16 and 17.*

A) General Terms and Permitted Uses. The Building Type Templates assign categories of uses to certain floors of a building. When multiple use categories are listed and separated by a slash (such as “office/retail”), the uses may be combined on the floor at the discretion of the owner or occupant of the building. When multiple use categories are stated as alternatives (such as “office or residential”) the floor may only be assigned one category of use, at the discretion of the owner or occupant of the building. Building Type Templates may also contain specific exclusions or limitations which modify the application of a use category to the particular building. The categorical terms are defined as follows:

Residential. Premises for long-term human dwelling.

Office. Non-residential premises used for administrative, clerical, professional or similar activities. Office as used in this section includes medical and dental offices used by five (5) or fewer medical principals (doctor, dentist, chiropractor or similar professional).

Retail. Premises for the sale of merchandise and food service. For purposes of this Section, banks with teller service are considered “retail” instead of “office.” Athletic clubs and fitness centers that are not the primary use of the building space are considered a “retail” use. Certain personal service businesses are considered “retail” if not the primary use of a building: barbershop/beauty salon; clothing rental and dry cleaning pickup (but

not on-site processing); and tailor shops.

Commercial. Premises for the conduct of the following activities which are not included within the meaning of “office” or “retail” for purposes of this Section: athletic club/fitness center (primary or only use of building space); business school or trade school, veterinary clinic, funeral home, hotel, recreation primary use (such as a bowling alley); cabinet and carpentry shop, heating, plumbing or electrical sales and service; printing shop, upholstery shop, warehousing, conditional use of space assigned as commercial are, light industrial uses which manufacture, process, store and distribute foods and materials not likely to create offensive noise, odors, vibrations, dust, smoke, heat, glare or other objectionable influences and are in general dependent upon raw materials refined elsewhere.

(B) Accessory Alternative Uses. The Figures 16 and 17 provide charts stating the compatibility of listed accessory uses and variations on categorical primary uses (such as restricting residential uses to Senior Housing) with each building type. The items listed in Figures 16 and 17 further refine the general definitions stated above, and any perceived conflict should be resolved in favor of the general definitions stated above. Placement of accessory buildings is generally noted on the Building-Type Template and is also governed by the Design Standards.

C) Uses designated as “conditional” or “CUP” within this Section, on a Building Type Template or within Figures 16 and 17 shall require a Conditional Use Permit, following the existing procedures in Section 17.4 of the Zoning Ordinance. **Uses designated as “non-conforming” see Appendix “A”.**

D) Certain uses of land which are not necessarily related to a building are generally permitted within the Gateway District by conditional use permit:

Essential Service Structures
Planned Unit Development
Institutional Overlay

E) Nothing in this Section or its attachments shall be construed to prevent the application of other Gem Lake ordinances pertaining to types of uses (including, but not limited to, the Adult Use Ordinance and the Pawnbroker Ordinance) or to city licensing of businesses and activities in general.

F) If a use or structure is not listed or included among the definitions herein, the Building Type Templates, or Figures 16 and 17, then it is prohibited within the Gateway District.

Figure 6: Single Family Detached House

Definition: One dwelling unit on its own lot, detached from other adjoining lots. It may have an attached or detached garage, and an accessory unit to the rear of the property.

Lot Size and Placement:

Lot Width: 200' minimum, no maximum

Width/Depth: 1:1 minimum, no maximum

Frontage Street: Type A or Type B

Alley: Permitted, not required

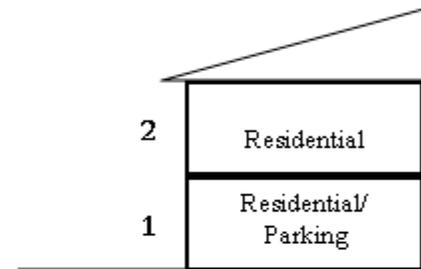
Parking: 2 off-street spaces
(street parking not applicable)

Total impervious
Surface coverage: 40%



Height and Use

Minimum Height: 1 story
Maximum Height: 2 stories

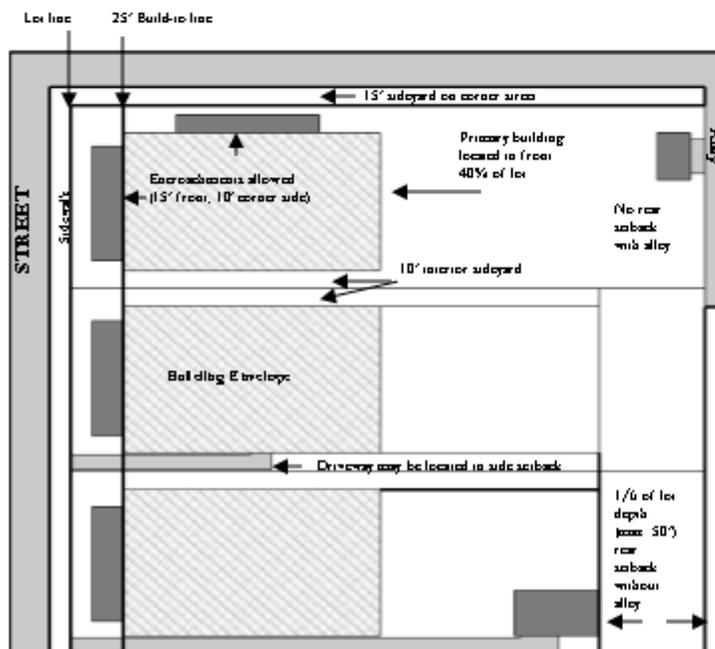


Building Disposition

Building Footprint:

Footprint: lesser of 10% of lot or 2,500 sf

Building Placement and Relation to Streets:



Modifications and Exclusions:

Building may have attached or detached garage of up to 800 sf as part of initial proposal or by separate building permit approval. Larger garages may be approved by CUP. Lots for this type may have a separate shed in addition to any garage, up to 200 sf, without need for any permit approval. Larger sheds (up to 1,000 sf) may be approved by CUP.

May apply to use building for Bed & Breakfast as a conditional use in Neighborhood General subzone.

See Figure 16 for full list of accessory and conditional uses associated with this Building Type.

Figure 7: Twin Home

Definition: A structure with two dwelling units sharing a common wall or stacked one over the other, architecturally presented as a larger single-family house in a typical neighborhood setting.

Lot Size and Placement:

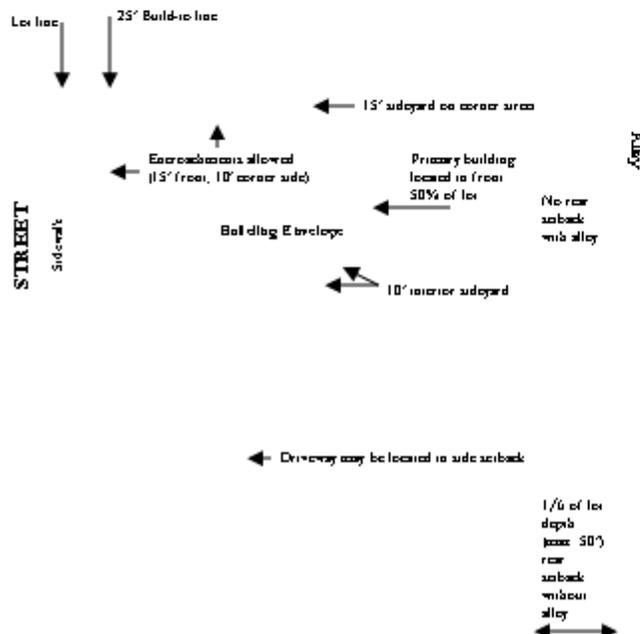
Lot Width:	150' minimum, no maximum
Width/Depth:	1:1 minimum, no maximum
Frontage Street:	Type B or Type C
Alley:	Permitted, not required
Parking:	2 off-street spaces per unit (street parking not applicable)
Total impervious Surface coverage:	40%

Building Disposition

Building Footprint:

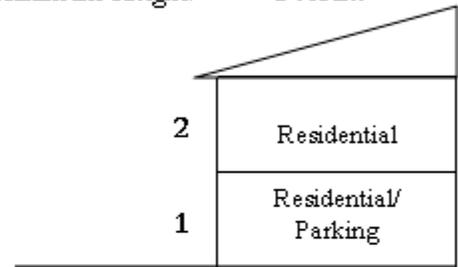
Footprint: lesser of 15% of lot or 3,000 sf

Building Placement and Relation to Streets:



Height and Use

Minimum Height:	1 story
Maximum Height:	2 stories



Modifications and Exclusions:

Not authorized in Neighborhood Edge.

Building may have attached or detached garage of up to 800 sf as part of initial proposal or by separate building permit approval. No larger garage is permitted with this type. Property may have a separate shed of up to 200 sf without need for any permit approval. A larger shed may be approved by CUP in the Neighborhood General subzone only.

May apply to use building for Bed & Breakfast or for unassisted Senior Housing as a conditional use.

See Figure 16 for full list of accessory and conditional uses associated with this Building Type.

Figure 8: Townhouse/Rowhouse

Definition: An individual structure on a parcel with a rear yard and individual (standalone or tuckunder) garage accessed from an alley, occupied by one primary residence in an array of at least three such structures side by side along the common frontage.

Lot Size and Placement:

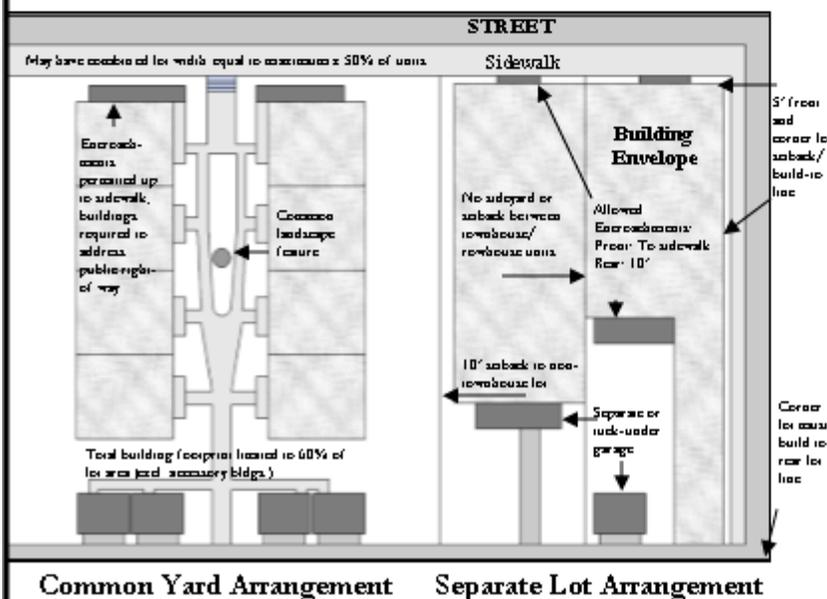
Lot Width:	30' minimum, 80' maximum (see below for courtyard lot)
Width/Depth:	No set ratio
Frontage Street:	Type B or Type C
Alley:	Required
Parking:	2 off-street spaces per unit (street parking not applicable)
Total Impervious Surface Coverage:	75%

Building Disposition

Building Footprint:

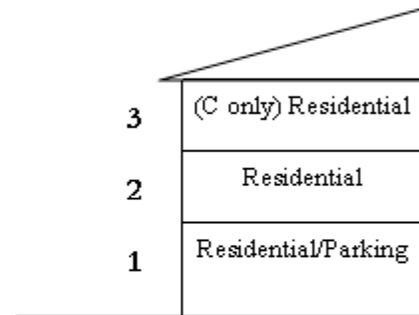
Footprint: limited to of 70% of lot

Building Placement and Relation to Streets:



Height and Use

Minimum Height:	2 stories
Maximum Height:	B: 2 stories C: 3 stories



Modifications and Exclusions:

Not authorized in Neighborhood Edge subzone.

Building may have attached or detached garage of up to 800 sf as part of initial proposal or by separate building permit approval. Property may have a separate shed of up to 200 sf without need for any permit approval.

May apply to use building for Bed & Breakfast or for unassisted Senior Housing as a conditional use.

See Figure 16 for full list of accessory and conditional uses associated with this Building Type

Figure 9: Apartment/Condominium

Definition: A structure with more than two dwelling units on a single lot.

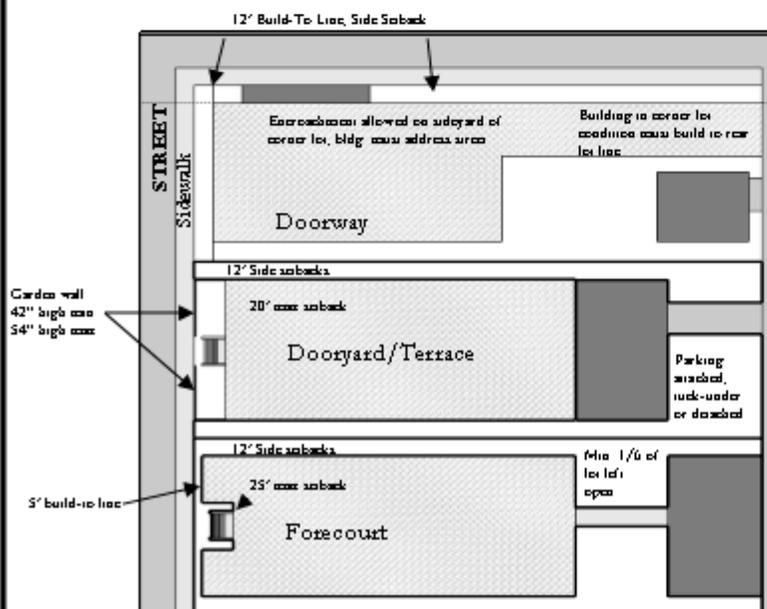
Lot Size and Placement:

Lot Width:	125' minimum, 200' maximum
Width/Depth:	4:1 minimum, 1:4 maximum
Frontage Street:	Type C or Type D
Alley:	Required
Parking:	2 off-street spaces per unit (street parking not applicable)
Total Impervious Surface Coverage:	70%

Building Disposition

Mass Scenarios (In Stories)	Max. Ratio of Each Story (see 9.6.2(F))				
	2	3	3.5	4	4.5
3.5 or less	100%	100%	55%		
4	100%	100%	—	85%	
4.5	100%	100%	—	95%	55%

Building Placement and Relation to Streets:



Height and Use

Minimum Height:	2 stories
Maximum Height:	C: 3 stories D: 4 stories

4	(D only) Residential
3	Residential
2	Residential
1	Residential/Parking

Modifications and Exclusions:

Building in Neighborhood General subzone may have additional residential features such as separate sheds for residents.

May use building for unassisted Senior Housing without city approval, or as an assisted-living facility as a conditional use.

See Figure 16 for full list of accessory and conditional uses associated with this Building Type

Figure 10: Bungalow Court

Definition: Four or more smaller standalone homes around a shared central court or walk on a single lot, with pedestrian access to the street.

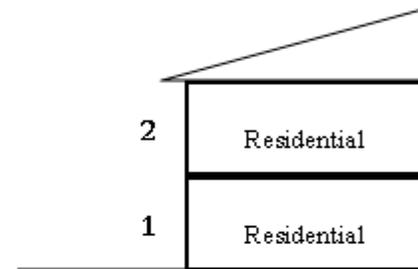
Lot Size and Placement:

Lot Size:	.1 acre minimum per unit
Lot Width:	100' minimum, no maximum
Depth/Width:	no set ratio required
Frontage Street:	Type C, Boulevard
Alley:	Required
Parking:	2 off-street spaces per unit (street parking not applicable)
Total Impervious Surface Coverage:	50%



Height and Use

Minimum Height:	1 stories
Maximum Height:	2 stories

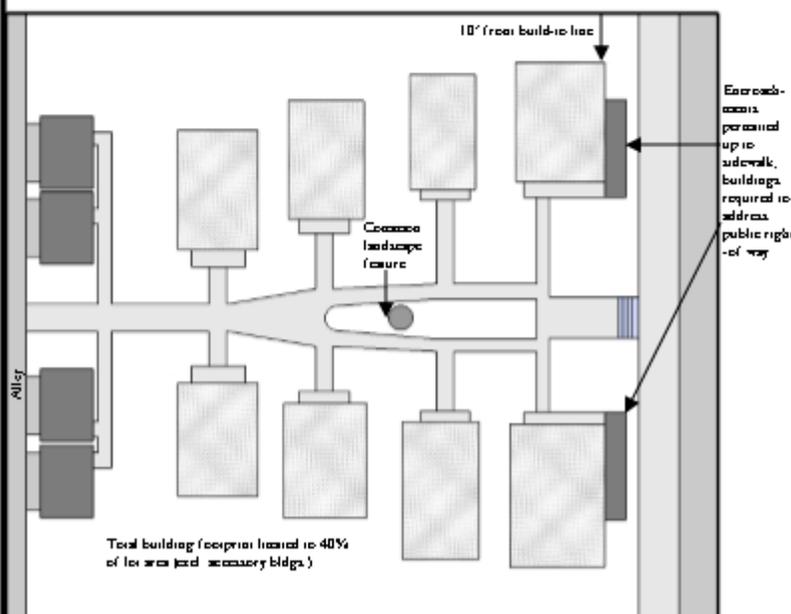


Building Disposition

Building Footprint:

Footprint: min 750 sf, max 1,500 sf per unit.

Building Placement and Relation to Streets:



Modifications and Exclusions:

Building may provide detached garage of up to 800 sf per unit as part of initial proposal or by separate building permit approval. Larger garages may be approved as part of initial development proposal. Lots in Neighborhood General may have a separate shed in addition to any garage, up to 200 sf, without need for any permit approval.

May apply to use one or more units for Bed & Breakfast (mixed-use subzone only) or as an assisted-living facility as a conditional use.

See Figure 16 for full list of accessory and conditional uses associated with this Building Type.

Figure 11: Live/Work Unit

Definition: Integrated rowhouse-style dwelling unit and ground floor working space, consisting of at least 3 units arrayed side-by-side along the primary frontage.

Lot Size and Placement:

Lot Width:	30' minimum, 80' maximum
Width/Depth:	No set ratio
Frontage Street:	Type B, Type C, Boulevard
Alley:	Required
Parking:	2 off-street spaces per dwelling (street parking not applicable) 2 spaces per 1000 sf office uses 4 spaces per 1000 sf retail uses
Total Impervious Surface Coverage:	75%



Height and Use

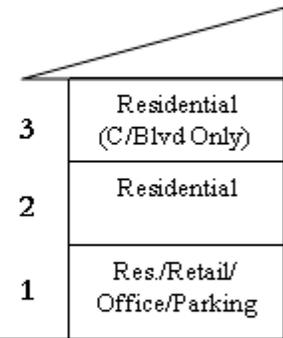
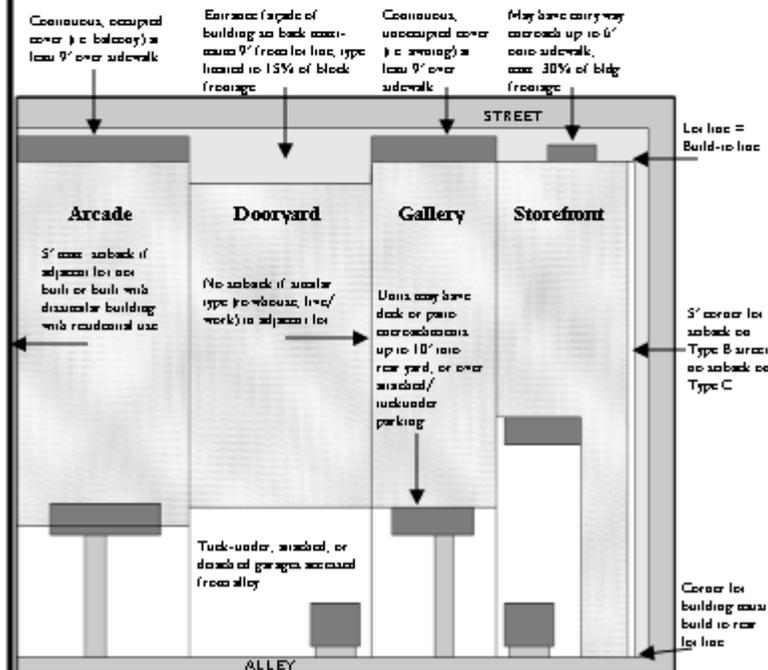
Min. Height:	2 stories
Max. Height:	B: 2 stories C/Blvd: 3 stories
Office/Retail:	400 sf min., entry from street frontage req'd.

Building Disposition

Building Footprint:

Footprint: limited to 70% of lot

Building Placement and Relation to Streets:



Modifications and Exclusions:

Not authorized in Neighborhood Edge subzone.

Retail use of first floor space is only allowed with building frontage on a Type C street or Boulevard in the Neighborhood Mixed-Use subzone.

See Figure 17 for a full list of residential and office/retail accessory and conditional uses associated with this Building Type

Figure 12: Mixed Use Building

Definition: A structure with a 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.

Lot Size and Placement:

Lot Width:	150' minimum
Width/Depth:	4:1 minimum, 1:4 maximum
Frontage Street:	Type C, Type D, Boulevard
Alley:	Required
Parking:	2 off-street spaces per dwelling (street parking not applicable) 2 spaces per 1000 sf office uses 4 spaces per 1000 sf retail uses
Total Impervious Surface Coverage:	80%

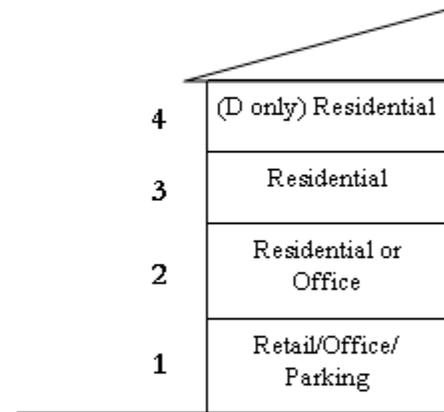


Height and Use

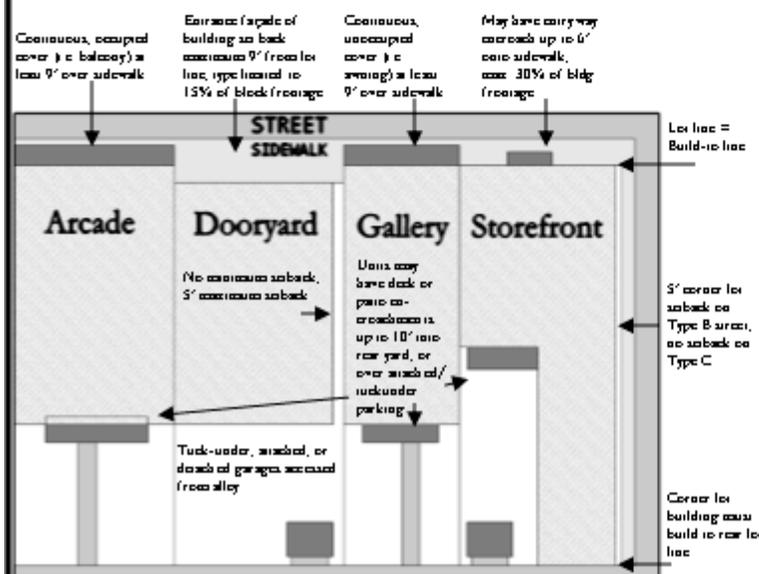
Min. Height:	3 stories
Max. Height:	C/Blvd: 3 stories D: 4 stories
Office/retail:	400 sf min.

Building Disposition

Mass Scenarios (In Stories)	Ratio of Each Story (see 9.6.2(F))			
	3	3.5	4	4.5
3 or 3.5	100%	55%		
4	100%	—	85%	
4.5	100%	—	95%	55%



Building Placement and Relation to Streets:



Modifications and Exclusions:

Residential component may be used as an assisted living facility as a conditional use, and restricted to senior housing community without permit.

See Figure 17 for a full list of residential and office/retail accessory and conditional uses associated with this Building Type.

Figure 13: Retail/Office Building

Definition: A building designed for occupancy by retail and office uses where the building is intended for subdivision into tenant spaces, with no residential component. The building may have a primary user and smaller tenant spaces (as in a bank building with upper-floor office space for rent), but buildings intended for single-tenant use must use the Single-Use Building template at Figure 14.

Lot Size and Placement:

Lot Width: 60' minimum, 200' maximum
 Width/Depth: 1:4 minimum, 4:1 maximum
 Frontage Street: Type D, Boulevard
 Alley: Permitted, not required

Parking: 2 spaces per 1000 sf office use
 4 spaces per 1000 sf retail use

Total Impervious Surface Coverage: 80%



Height and Use

Minimum Height: 2 stories
 Maximum Height: 3 stories

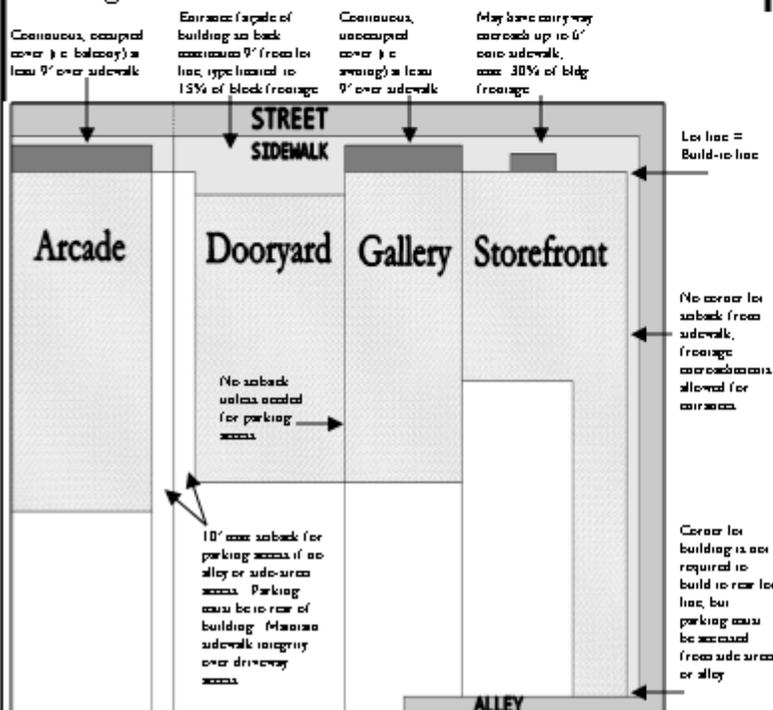
3	Office/Parking
2	Office/Retail/ Parking
1	Office/Retail/ Parking

Building Disposition

Building Footprint and Mass:

Footprint: Principal bldg maximum of 60% of lot area

Building Placement and Relation to Streets:



Modifications and Exclusions:

May be oriented using Building Placement standards in Auto-Oriented Layout (Figure 15) when building is located in the Neighborhood Center subzone.

Building may have a deck or patio for common or individual tenant use in the Neighborhood Mixed-Use subzone by conditional use permit.

Surface parking lot landscaping is subject to the Gem Lake Landscaping Ordinance. A parking structure is permitted by CUP.

See Figure 17 for a full list of residential and office/retail accessory and conditional uses associated with this Building Type.

Figure 14: Single-Use Building

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

Lot Size and Placement:

Lot Width: 60' minimum; 300' maximum

Width/Depth: 4:1 minimum, 1:4 maximum

Frontage Street: Type D (w/o liner bldg)

Alley: Permitted, not required

Parking: 4 spaces per 1,000 sf of retail
2 spaces per 1,000 sf of other

Total Impervious
Surface Coverage: 80%



Height and Use

Maximum Height: 35 feet; for application of massing rule, portion of building over 20 feet is considered 2nd story.

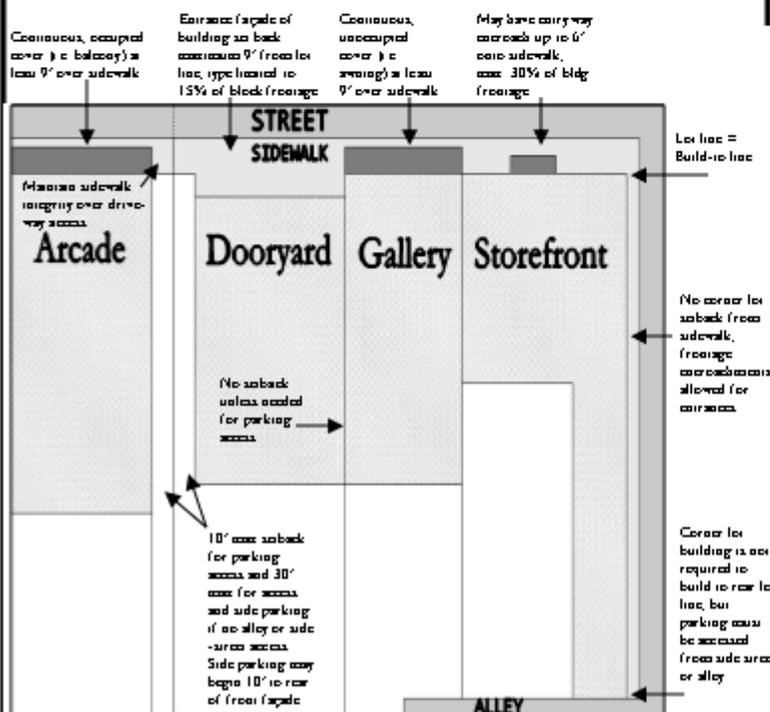
35'	→	Office/Retail/ Commercial/ Parking
20'	→	
1	→	

Building Disposition

Building Footprint and Mass:

Footprint: maximum 60% of lot

Building Placement and Relation to Streets:



Modifications and Exclusions:

Alternate placements and alignments are allowed by use of Liner Building (Figure 14a), Collar Building (Figure 14b), or Auto-Oriented Layout (Figure 15).

“Commercial” uses in any single-use building arrangement are allowed on sites east of Highway 61 only. A single-use building may not be used as an off-sale liquor store.

Outdoor storage and outdoor display and sales of merchandise or equipment may be approved as a conditional use.

Surface parking lot landscaping is subject to the Gem Lake Landscaping Ordinance. A parking structure is permitted by CUP.

See Figure 17 for a full list of residential and office/retail accessory and conditional uses associated with this Building Type.

Figure 14a: Liner Building

Definition: A building that conceals from street view a Single-Use building for which it is impractical to design compliant front or side façades (such as a warehouse or a parking garage). Liners may have retail or office uses on the ground floor and office or residential uses on the upper floors, if any are built.

Lot Size and Placement:

Lot Dimension: See Single-Use Building

Frontage Street: Type C, Type D, Boulevard

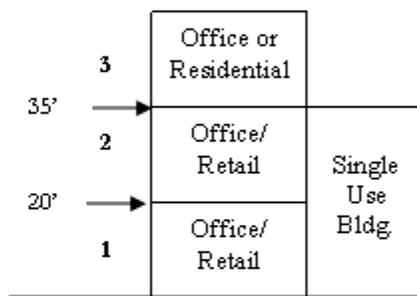
Alley: Permitted, not required

Parking: See Single Use Building;
2 spaces per residential unit if used
(on-street parking not applicable)



Height and Use

Minimum Height: Same as inner bldg.
Maximum Height: 1 story over inner
single-use building.

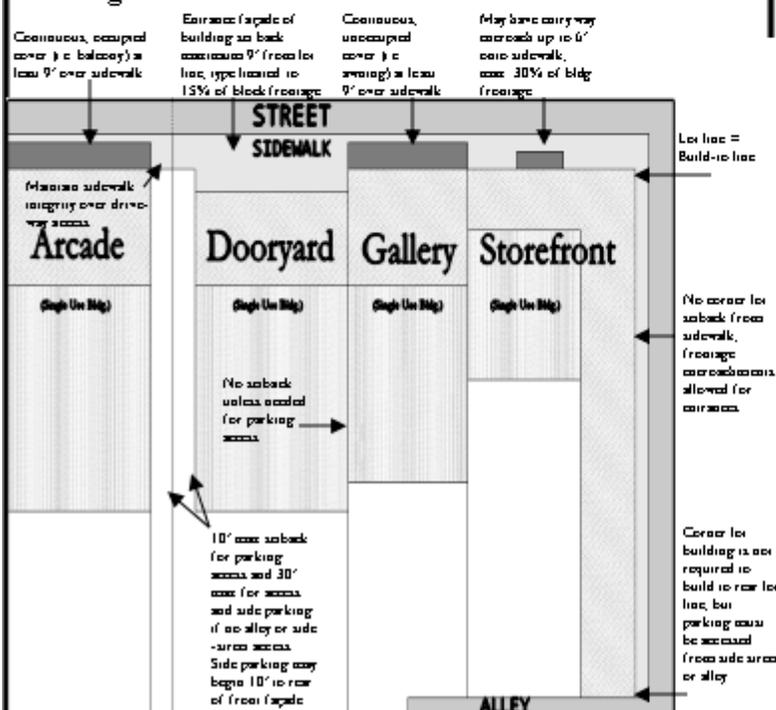


Building Disposition

Building Footprint and Mass:

Footprint: within maximum footprint allowed to the Single Use Building on the site, no minimum/maximum size.

Building Placement and Relation to Streets:



Modifications and Exclusions:

Can only be constructed in connection with a single-use building. The liner building itself may be separated from the Single-Use Building by up to 20' to provide an access drive or pedestrian arcade, provided that the Single-Use Building remains shielded from street view.

See Figure 17 for a full list of residential and office/retail accessory and conditional uses associated with this Building Type.

Figure 14b: Collar Building

Definition: Structure(s) accompanying a commercial use with large parking requirements, intended to maintain storefronts and entrances on the public street. A Collar Building configuration permits an exception to Design Standards, allowing the primary entrance of the Single-Use Building to face an interior parking lot instead of the frontage street. The Collar Building can be integrated with the Single Use Building, built with common walls, or separated by up to 20' for vehicle access or a pedestrian arcade. The side and rear facades of the Single-Use Building which are not screened from the street by the Collar Building must satisfy Design Standards applicable to side and rear façades.

Lot Size and Placement:

See single-use building

Parking: 2 spaces per 1,000 sf of retail/office space; any off-street space required should be shared with central single-use building

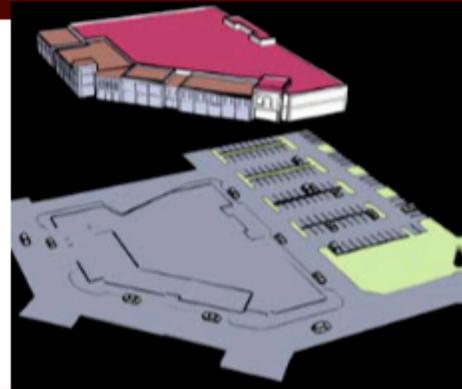
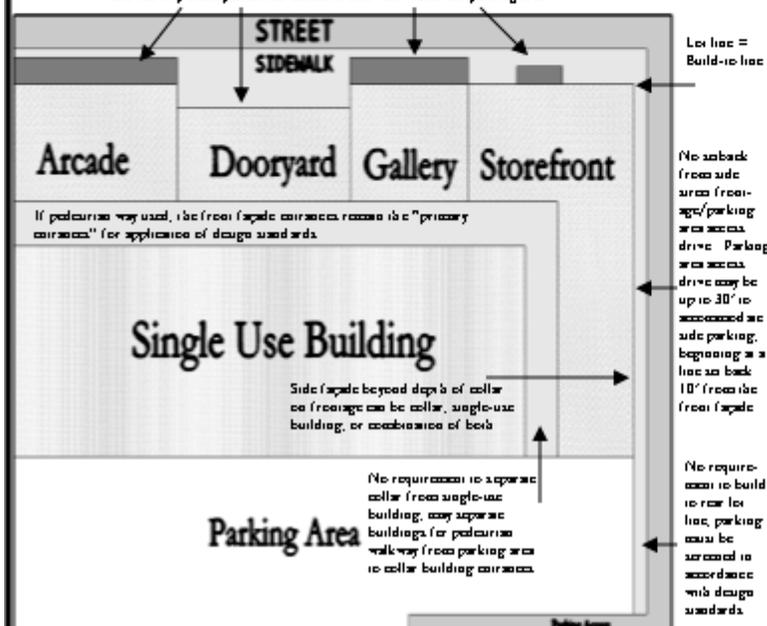
Building Disposition

Building Footprint and Mass:

Footprint: within maximum footprint allowed to the Single Use Building on the site, no minimum/maximum size.

Building Placement and Relation to Streets:

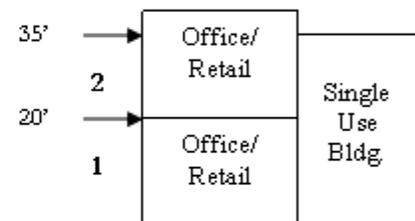
Standard set of retail/commercial frontage choices for each separate room space. Strongly consider varying frontage type along facade. Separations in facade up to 8' are allowed to permit pedestrian access to sidewalk from rear parking area.



Height and Use

Minimum Height: 1 story

Maximum Height: 5' over inner single-use building.



Modifications and Exclusions

Can only be constructed in connection with a single-use building.

The minimum height of a collar building is measured by use of a "story." However, the interior of the building is not required to have a second story floor in order to exceed 20 feet; the building (and individual tenant spaces within the building) may be open for its entire height.

See Figure 17 for a full list of residential and office/retail accessory and conditional uses associated with this Building Type.

Figure 15: Auto-Oriented Layout

Definition: Alternative layout standard for Single-Use Buildings and Retail/Office Buildings designed and intended for occupancy by automotive service businesses using drive-through lanes, service bays, or a combination thereof.

Lot Size and Placement:

Lot Dimension:	See Template for building used.
Frontage Street:	Type D
Alley:	Permitted, not required
Parking:	See template for building used For automotive services: Greater of 1 space per 1,000 sf or 3 per service bay
Total Impervious Surface Coverage:	80%

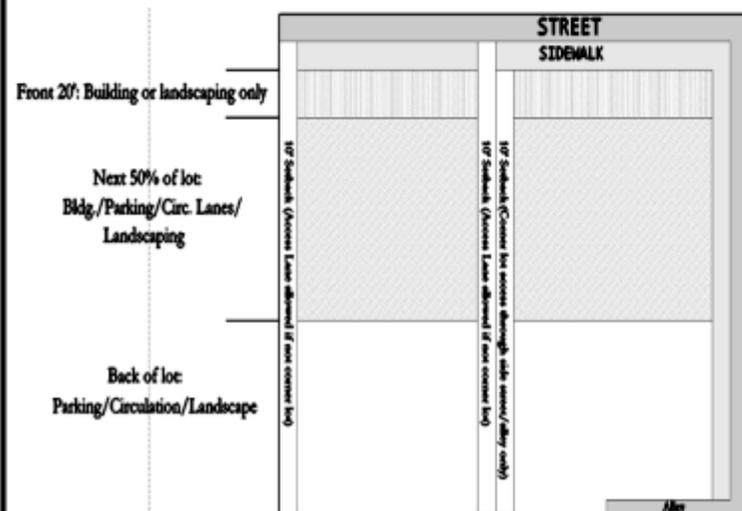
Building Disposition

Building Footprint and Mass:

Footprint: See template for building used.

Building Placement and Relation to Streets:

As drive-through for permitted retail use, may use setbacks shown below for access, but otherwise must comply with applicable build-to line and façade rules for building type. For auto-specific uses, no specific build-to line for front or side facades. Front facades must comply with design standards (by itself or with use of liner building). Side facades may have service bay openings if set back 25' or more from sidewalk. Access drives must preserve integrity of sidewalk.



Height and Use

Maximum Height: See Type Template for applicable building.

Modifications and Exclusions:

Alternative layout in this Template is available through conditional use permit, either for an automotive-oriented use (such as auto repair or other auto services) or for a drive-through service window. A Retail/Office building type or Single Use Building with a Liner Building may employ this layout along any Type D thoroughfare; a proposed Single-Use Building standing alone or with a Collar Building may request this layout east of Highway 61 only.

See Figure 17 for a full list of residential and office/retail accessory and conditional uses associated with this Building Type.

Figure 16: Building Use Matrix: Residential Buildings and Lots

	SF Detached House		Twin Home		Townhouse/Rowhouse		Apartment/Condominium		Bungalow/Court	
	Edge	General	General	M-U	General	M-U	General	M-U	General	M-U
Accessory Structures/Uses										
Garage, less than 800 sf	P	P	P	P	P	P	*	*	P	P
Garage, 800 sf or larger	CUP	CUP	*	*	1	1	P	P	1	1
Shed, less than 200 sf	A	A	A	A	A	A	*	*	A	*
Shed, 200-1000 sf	CUP	CUP	CUP	*	CUP	*	CUP	*	*	*
Storage of large vehicles	CUP	CUP	CUP	*	CUP	*	*	*	*	*
Deck or Patio	P	P	P	P	P	P	*	*	P	P
Pool, tennis court or similar	P	P	P	P	P	P	P	P	P	P
Conservatory/Greenhouse	P	P	P	P	P	P	*	*	CUP	CUP
Health/fitness facility	*	*	*	*	*	*	P	P	CUP	CUP
Alternative Residential Uses										
Bed & breakfast	*	CUP	CUP	CUP	CUP	CUP	*	*	*	CUP
Senior housing (unassisted)	n/a	n/a	CUP	CUP	CUP	CUP	P	P	P	P
Assisted living facility	*	*	*	*	*	*	CUP	CUP	CUP	CUP
Occupancy of dwelling unit by more than 3 unrelated individuals	R	R	R	R	R	R	R	R	R	R

Notes:

- A = allowed without permit
- P = use permitted with initial zoning review or with building permit
- CUP = conditional use permit required
- * = not allowed for this combination
- R = as required by Minnesota Statute or requested as a reasonable accommodation under the Americans with Disabilities Act, Fair Housing Act, or related law.
- 1 = combined garage for 2 or more units may be approved on initial zoning review

Figure 17: Building Use Matrix: Commercial-Use Buildings and Lots

	Live-Work Unit		Mixed Use Building		Retail/Office		Single Use Building		Liner Building		Collar Building	
	General	M-U	General	M-U	M-U	Center	M-U	Center	M-U	Center	M-U	Center
Accessory Structures / Uses												
Detached Garage, 2 or fewer cars	P	P	*	*	*	*	*	*	*	*	*	*
Detached Parking Structure	*	*	CUP	P	CUP	CUP	2	2	3	3	3	3
Shed, less than 200 sf	A	A	*	*	*	*	*	*	*	*	*	*
Shed, 200-1000 sf	CUP	*	CUP	*	*	*	*	*	*	*	*	*
Outdoor storage	*	*	*	*	*	*	CUP	CUP	3	3	3	3
Storage of large vehicles	CUP	CUP	*	*	*	*	*	*	*	*	*	*
Deck or Patio	P	P	1	1	CUP	*	*	*	*	*	*	*
Pool, tennis court or similar	P	P	P	P	*	*	*	*	*	*	*	*
Conservatory/Greenhouse	P	P	P	CUP	CUP	CUP	CUP	CUP	3	3	3	3
Health/Fitness facility (4)	*	*	P	P	*	*	*	*	CUP	CUP	CUP	*
Alternative Residential Uses												
Senior housing (unassisted)	n/a	n/a	P	P	P	n/a	n/a	n/a	*	*	*	n/a
Assisted living facility	*	*	CUP	CUP	CUP	n/a	n/a	n/a	*	*	*	n/a

Notes:

- A = allowed without permit
- P = use permitted with initial zoning review or with building permit
- CUP = conditional use permit required
- * = not allowed for this combination
- 1 = combined garage for 2 or more units may be approved on initial zoning review
- 2 = Parking structure may be primary use of building or otherwise integrated
- 3 = may be allowed in connection with the single-use building on site
- 4 = as amenity for residents of building

Figure 17: Building Use Matrix: Commercial-Use Buildings and Lots

	Live-Work Unit		Mixed Use Building		Retail/Office		Single Use Building		Liner Building		Collar Building	
	General	M-U	General	M-U	Center	M-U	Center	M-U	Center	M-U	Center	Center
Office-Related Uses												
Showroom ⁽⁶⁾	CUP	A	CUP	A	A	A	A	A	A	A	A	A
Supplemental Retail ⁽⁶⁾	CUP	CUP	CUP	CUP	A	CUP	A	A	CUP	A	A	A
Related Repair ⁽⁶⁾	CUP	A	CUP	A	A	A	A	A	A	A	A	A
“Open” hours between 8—11 PM	*	CUP	*	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Retail/Commercial Related Uses												
Operation between 8 - 11 PM	*	P	*	P	A	P	A	P	A	3	3	3
Operation between 11 PM - 8 AM	*	*	*	*	*	*	CUP	*	CUP	*	3	3
Drive-through window	*	*	*	*	*	CUP	CUP	CUP	CUP	3	3	3
Outdoor seating ⁽⁷⁾	*	P	*	P	P	*	P	P	P	P	P	P
On-sale liquor	*	P	*	P	P	P	P	P	P	P	P	P
Off-sale liquor	*	CUP	*	CUP	P	P	P	*	P	P	P	P
Live entertainment	*	CUP	*	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Single-tenant space over 50,000 sf	n/a	n/a	*	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Related repair ⁽⁶⁾	*	A	*	A	A	A	A	A	A	A	A	A
Outdoor display and sales ⁽⁵⁾	*	*	*	*	*	CUP	CUP	CUP	CUP	3	3	3

Notes:

A = allowed without permit

P = use permitted with initial zoning review or with building permit

CUP = conditional use permit required

* = not allowed for this combination

3 = may be approved in connection with accompanying single-use building

5 = not permitted as a primary use; not including outdoor restaurant seating

6 = limited to 25% of related floor space; non-automotive repair

7 = applicable to restaurants and bars, administrative permit required

9.7 Proposals for Undeveloped Land or for Large Redevelopment. An applicant shall follow the following procedure when seeking approval for construction upon land undeveloped at the time this Section was adopted, or upon any plan requiring the platted subdivision of land or the construction of new streets. Proposals which include a major subdivision of land shall proceed through the platting procedure mandated by the Gem Lake Subdivision Ordinance, and shall submit the materials requested herein in addition to the materials required to support the application for subdivision.

9.7.1 Pre-application Meeting. Before making a formal application for a land use plan which will involve the creation of new streets or platted subdivision of land, the potential applicant shall prepare sketch plans and preliminary descriptions which reflect the six items addressed below and any additional items required by Section 12.1 of the Subdivision Ordinance. The applicant shall schedule and attend the pre-application meeting described in Section 11.1 of the Subdivision Ordinance, in which the participants shall address all of the following areas:

- Subdivision plat and related infrastructure;
- Thoroughfare network and civic space;
- Building Type placement and disposition;
- Proposed Design of completed buildings;
- Potential incentives, if any, which may apply to the proposal; and
- Likelihood that environmental review under Ordinance 92 is necessary.

9.7.2 Submission of Development Plan. An applicant shall submit an application for a Zoning Compliance Permit and supporting documentation to the City which addresses all components of the proposed development. The applicant shall submit twelve (12) sets of all applications and required supporting materials in forms acceptable to the Zoning Administrator, including:

A) Development Plan. All attachments to development plans shall be drawn to scale and provide the following information, unless otherwise specifically waived by the Zoning Administrator:

1. A vicinity map, to include locations of any public streets, railroads, major streams or rivers and other major features within 500 feet of the site.
2. Boundaries and dimensions shown graphically, along with a written legal description of the property.
3. Present and proposed topography of the site and adjacent areas within 50 feet by contour lines at intervals of no more than five feet, and directional arrows showing proposed flow of stormwater runoff from the site.
4. The location of existing and proposed structures, with height and gross floor area noted.
5. Elevation views of all proposed buildings and structures, with building materials and proposed colors noted.
6. Phasing plans, where applicable.
7. Location and dimensions of existing and proposed curb cuts, aisles, offstreet parking and loading spaces, and walkways.
8. Location, height and material for screening walls and fences, and other screening devices.
9. Location of all existing and proposed water and sewer facilities and storm drainage systems.
10. Existing and proposed public streets or rights-of-way, easements, or other reservations of land on the site.
11. Location and method of screening of outdoor trash storage areas.

12. Location and size of all proposed signage.
 13. Location and height of proposed lighting facilities.
- B) Subdivision Plat supporting data as required by Section 12 of the Subdivision Ordinance (if subdivision is proposed);
 - C) Grading and Filling Plan;
 - D) Tree Preservation Plan;
 - E) Sediment and Erosion Control Plan or Stormwater Pollution Prevention Plan, as applicable; and
 - F) Landscaping Plan.

9.7.3 Thoroughfare Network.

A) Orientation of Thoroughfares. The orientation of streets and pedestrian access should enhance open spaces and prominent buildings and provide for the maximum number of lots with southern exposure. All streets shall terminate at other streets or at public land, except as specified below:

- i) Type A thoroughfares that terminate in cul-de-sacs may be permitted only when topography prevents the use of loop streets.
- ii) Any thoroughfare may terminate in a stub street when the stubs act as connections to future phases of the development or adjacent undeveloped areas. A stub requires a dedication of public right-of-way or similar title restriction encumbering the area on the property from the closest intersection to the phase line or property boundary over which the thoroughfare would run if built out.

B) Street Layout.

- i) No lot shall be more than 550 feet from a street intersection. A future intersection proposed as part of a later phase of the same development may be used to meet this requirement. Local streets shall be designed to limit and slow through traffic by narrower roadways, short lengths and other geometric configurations.
- ii) Low volume streets (Types A and B) should be aligned to form three-way intersections when possible. Three-way intersections create an inherent right-of-way assignment (the through street receives precedence), which significantly reduces accidents without the use of traffic controls.
- iii) A low volume street that intersects a higher-order street (Types C, D and Boulevard), should be aligned with another street to form a four-way intersection, which can easily be regulated by a stop sign or other traffic control device.
- iv) Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than 75 degrees.
- v) The roadway edge at street intersections shall be rounded by a tangential arc with a minimum radius of 20 feet for low-volume streets and 30 feet for intersections involving higher-order streets.
 - a. Where the intersection of low-volume streets will be controlled by the placement of stop signs, the radius may be reduced to 15 feet.
 - b. The intersection of a low-volume street and an alley shall be rounded by a tangential arc with a minimum radius of 10 feet.
- vi) Pedestrian crossing distances at intersections shall be shortened to the greatest extent possible, using curb bump-outs to cover space assigned to parking in other parts of the thoroughfare (see Figure 5, Boulevard, for example), or similar methods to reduce the average time required for a pedestrian to cross the travel lanes of a thoroughfare.
- vii) Clear sight triangles shall be maintained at intersections, unless controlled by traffic

signal devices.

- a. For Type C and D streets intersecting low-volume streets the minimum required clear sight distance shall be 120 feet.
- b. For a Type C or D street intersecting another Type C or D street the minimum required clear sight distance shall be 130 feet.
- c. For any street intersecting either County Road E or U.S. Highway 61, the minimum required clear sight distance is subject to the standards of Ramsey County or the Minnesota Department of Transportation..
- d. For Type A and B streets intersecting any other streets the minimum required clear sight distance shall be 15 feet.

C) Pedestrian Network. Pedestrian sidewalks, paths and walkways shall be provided within the community and shall constitute an integral element of the overall site design. They shall provide safe, convenient and attractive connections to, from and among community focal points, including residential neighborhoods, town and neighborhood centers, transit stops, schools, parks and recreation areas, municipal buildings, and other public facilities.

- i) Sidewalks shall be provided along both sides of all streets, except for residential access lanes (Type A streets), which may have sidewalks on one side.
- ii) Pedestrian paths shall be landscaped to provide scale, enclosure and shade.
- iii) Intersections of pedestrian paths with streets shall be designed with clearly defined edges. Crosswalks shall be well-lit and defined with contrasting paving materials or striping.
- iv) Sidewalks and paths shall be a minimum of 5 feet in width in residential areas, and 10 feet within commercial and civic areas, where practicable. Where space for the minimum width is not available, the maximum practicable width shall be used.
- v) Within lots, walkways shall provide pedestrian access through parking areas or open space to building entries. Such walkways shall be located and aligned to directly and continuously connect areas and points of pedestrian origin and destination. Such walkways shall be at least 5 feet in width and be delineated by grade separation, planters, or alternate paving material.
- vi) Where the primary pedestrian access to a building or site crosses an internal traffic lane or other automotive access, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout shall be continuous as the pedestrian access crosses, with a break in continuity of the automotive paving and not in the pedestrian access way.

vii) All sidewalks and pedestrian paths shall be handicapped accessible. Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, bicyclists, and people pushing strollers or carts. The location and design of curb cuts a

ramps shall meet the requirements of County and State Americans with Disabilities Act ramp standards, and shall avoid crossing or directing pedestrian and bicycle traffic through loading areas, drive-in lanes, and solid waste storage and collection areas.

viii) Where transit service is available or planned, site plans shall provide pleasant and convenient access to transit stops. Where transit shelters are provided, they shall be placed in locations that promote security through natural surveillance and visibility, and shall be well-lighted and weather-protected.

9.7.4 Civic Space Placement. The plans should identify the 10% or more of the total acreage in development which will be developed as Civic Space. Layout and relation to surrounding thoroughfares should be clearly depicted on the plans. If a development is proposed in phases, the 10% Civic Space requirement shall be calculated for the development as a whole, instead of for each

phase. The apportionment of Civic Space dedication may be unbalanced among the proposed phases, though any initial phase of a development must include at least one Civic Space in proportion to the size of the phase. Phased development plans which propose to meet over half of the Civic Space requirement in a second or later phase must include a timetable which shows the development dedicating or building at least half of the required Civic Space within 3 years of initial development approval.

9.7.5 Building Placement Standards. The types of buildings proposed in the plan and their placement within the property is governed by the Building Type Standards set forth at Section 9.6 and depicted in Figures 6 through 15. The plan must depict the types of buildings intended for construction, their proposed disposition, any incentives sought by virtue of the intended design of any buildings or arrangement of building types, and any special requirements or requests for variance required to implement the building placement plan.

9.7.6 Design Review. The Zoning Administrator shall refer all applications requiring evaluation of the Design Standards in 9.10 to the City Architect. The Architect shall review the development plan and supporting documents for conformance with the Design Review guidelines at Section 9.10 and provide written comment to the Zoning Administrator. If any deficiencies are noted by the City Architect in the design when the applying the Design Standards, the Architect shall describe the deficiency and suggest at least one complying alternative.

9.7.7 Evaluation of Incentives. Any incentives created by the City Council and in effect at the time of development application may be sought by the applicant. The incentive items and allowances, and their effect on the overall Development Plan, shall be approved by the City Council, unless specifically delegated within the ordinance creating the applicable incentive. The Zoning Administrator shall confer with at least one City consultant, as directed by ordinance or at the Administrator's best discretion, in order to evaluate the proposed incentives and make recommendations to the approving authority. If incentives are applied for, the applicant and Zoning Administrator shall reach agreement on the application of incentives prior to submitting the application to the Planning Commission. If any applied-for incentives are recommended for rejection, the applicant may elect to re-submit portions of the plans to incorporate the recommendation without incurring new application fees; the applicant electing to re-submit plans shall submit a written statement agreeing to an extension of applicable timelines under Minn. Stat. § 15.99, Minn. Stat. § 462.358, and other applicable laws and ordinances. The extension request shall be indefinite; the City shall process the re-submitted materials within the timelines specified by law, treating the date of re-submission as the first day of any applicable time period.

9.8 Plans for Re-development of Single Lots or Small Subdivisions. An applicant shall follow the following procedure when seeking approval for new building construction (not an addition or expansion to an existing building) upon land which was developed at the time of the application, either requires no subdivision or is eligible for minor subdivision approval, and for which no new streets are required. Such applications should be processed for a Zoning Compliance Permit administratively by the Zoning Administrator unless the proposal requires conditional use permit or variance approval.

9.8.1 Suggested Presentation. The plans for this type of development shall use the Building Type templates at Figures 6 through 15, as allowed by the sub-zone in which the property lies. Plans should introduce new lot lines, if any, and then depict the placement and disposition of the proposed building type for each lot.

9.8.2 Required Submissions. The applicant shall submit four (4) sets of the application materials listed in 9.7.2. The Zoning Administrator may allow the applicant to omit certain items if it is clear that they are not applicable to the overall proposal. In all circumstances, the proposal shall include the elements required for review under Sections 9.7.5 (Building Type) and 9.7.6 (Design).

9.8.3 Connectivity requirements. While improvements to an existing roadway are not required, plans under this subsection must indicate how the proposed construction would relate to the roadway if it were reconstructed in accordance with the requirements of Section 9.7.3. Proposals under this

Section 9.8 involving more than one lot shall comply with Section 9.7.3(C). Single-lot proposals must indicate design incorporating the requirements of 9.7.3(C), but only must build the improvements when the adjacent lots on the same side of the right-of-way also have built such improvements or have been approved for construction under this Section.

9.8.4 Evaluation of Incentives. Any incentives created by the City Council and in effect at the time of development application may be sought by the applicant. The incentive items and allowances, and their effect on the overall development plan, shall be approved by the City Council, unless specifically delegated within the ordinance creating the applicable incentive. The request for incentive approval does not require City Council approval of the entire plan. The Zoning Administrator shall confer with at least one City consultant, as directed by ordinance or at the Administrator's best discretion, in order to evaluate the proposed incentives and make recommendations to the approving authority. If incentives are applied for, the applicant and Zoning Administrator shall reach agreement on the application of incentives prior to submitting the application to the Planning Commission. If any applied-for incentives are recommended for rejection, the applicant may elect to re-submit portions of the plans to incorporate the recommendation without incurring new application fees; the applicant electing to re-submit plans shall submit a written statement agreeing to an extension of applicable timelines under Minn. Stat. § 15.99, Minn. Stat. § 462.358, and other applicable laws and ordinances. The extension request shall be indefinite; the City shall process the re-submitted materials within the timelines specified by law, treating the date of re-submission as the first day of any applicable time period.

9.8.5 Administrative Approval. If the application satisfies all applicable criteria, the Zoning Administrator shall approve the Zoning Compliance Permit. The applicant shall execute a Development Agreement with the City prior to the receipt of any building permit under the plan.

9.9 Parking Regulations.

9.9.1 On-street parking, either diagonal (angled) or parallel, shall be provided along all streets other than Alleys. Parking is indicated on the Thoroughfare standards at Figures 2 and 3. Where angle parking is permitted or required, the parking may be forward or reverse angle. Parking spaces (other than handicapped spaces) on thoroughfares and on-grade parking lots shall be no wider than 9 feet. Plans for new development and other major subdivisions are encouraged to plan thoroughfares and civic spaces to provide a significant portion of the parking required for planned buildings. On-street parking within 1/8 of a mile of a building entrance may be applied toward that building's applicable parking requirement.

9.9.2 A parking plan shall be included for all buildings, indicating how the parking requirement for each proposed building is met through on-street parking, shared off-street parking or dedicated off-street parking. Reductions in the number of spaces required by the Building Type regulations may be approved if the proposal is supported by a parking study specific to the proposed building(s) and likely tenants. Shared parking proposals are encouraged and should reference the Urban Land Institute's Shared Parking Guidelines or similar guidance. Plans including off-street parking and loading facilities within the Gateway District shall be reviewed by the City Engineer and City Planner. If, upon review, either consultant determines that an alternative to the proposed parking plan is desirable, it will recommend an alternate parking plan to the Planning Commission, which shall make a recommendation to the City Council for final review and approval.

9.9.3 The Planning Commission may recommend and the City Council may require a contribution of land or money toward community parking facilities in lieu of providing off-street parking facilities on the property to be developed.

9.9.4 On-grade parking areas within lots are prohibited within any front yard setback or in front of the principal building. On-grade parking areas shall be located at the side or the rear of buildings in mid-block areas, and may not be located within 50 feet of the intersection of any public streets (excluding Alleys). Parking areas shall be landscaped in accordance with the Gem Lake Landscaping Ordinance.

9.9.5 Reduction of impervious surfaces through the use of interlocking pavers or similar materials is strongly encouraged for areas that serve low-impact parking needs, such as remote parking lots, parking

areas for periodic uses and parking in natural amenity areas.

9.9.6 Bicycle Parking. Parking plans shall include designed space and facilities for bicycle parking, at a ratio of 1 bicycle parking space for each 4 residential units or 20 required automobile spaces. Bicycle parking facilities shall be located within fifty (50) feet of building entrances and shall be visible from the uses they serve. They shall not be located so as to impede pedestrian or automobile traffic flow or to cause damage to plants and trees from bicycle traffic. The facilities shall be of permanent construction, attached to the ground, and designed to allow the bicycle frame and both wheels to be securely locked to the parking structure. Facilities shall be at least two feet in width and six feet in length, and be placed to allow a minimum of five feet of back-out or maneuver space.

9.10 Design Review Standards. The guidelines established in this section are for the purpose of promoting quality development that is attractive, convenient and compatible with surrounding uses. These guidelines are intended to be general in nature and not to restrict creativity, variety or innovation. However, unless site characteristics or conditions dictate otherwise, Gem Lake's expectation is that these guidelines be adhered to. In cases where building and site design standards are specific to Building Types, those standards are noted within the Building Type Template.

9.10.1 Site layout guidelines.

A. Site design shall incorporate existing topography and natural features, such as hillsides, wooded areas and greenways. Important vistas and viewpoints, both from the site and into the site, should be protected and enhanced.

B. Building arrangement. When multiple buildings are proposed for a site, care should be taken to provide maximum street exposure for all buildings.

C. Service and docking facilities. Loading, delivery and service bays should be oriented away from existing residences and public streets. When this is impractical, service and docking areas shall be screened from view through the provision of walls, fencing or landscaping.

D. Drive-through facilities, where permitted, shall be designed with safe and easily understood traffic patterns and shall provide sufficient stacking space, based on requirements of Section 9.9. Drive-through windows should not face public streets; and loudspeakers should not create nuisances for adjacent properties.

E. Shadowing. Where possible, buildings shall be located so that they minimize shadowing on adjacent properties. A sun and shadow study may be required for any building that is more than 2 ½ stories or 35 feet in height.

9.10.2. Building placement – Nonresidential and Mixed uses. At least 70 percent of the front facade of any building shall be located on the front build-to line as indicated by the Building Type Template (with the exception of a “dooryard” layout as indicated on the template's layout diagram). The placement of buildings shall reinforce the street wall, maximize natural surveillance and visibility, enhance the character of the surrounding area and facilitate pedestrian access and circulation. Parking areas shall be located to the side or rear of the principal building or use served. The City Council, with the City Architect's recommendation, may approve alternatives to this requirement, provided that any adverse effects shall be mitigated by a masonry wall, decorative fence or planted materials, between 38 and 46 inches in height, which reinforces the street wall.

9.10.3. Building placement – Residential-only uses. Buildings shall be located so that the front doors of the building or individual units face the public street rather than the interior of the site, unless a courtyard layout is authorized on the Template for the particular building. Parking areas and garages larger than 3 cars shall be located to the rear or interior of the site, or underground. The City Council, with the City Architect's recommendation, may approve alternatives to this requirement when one or more of the following occurs:

- A) The proposed building has primary or corner frontage on a Type C or Type D street.
- B) Commercial buildings are located across the street from the proposed building.
- C) Unusual or unique site conditions make the requirement impractical.

9.10.4. Building height and scale. In addition to the height and mass instructions contained within the

Building Type Templates, the height and scale of new buildings shall be related to the prevailing scale of surrounding development and shall be compatible with surrounding buildings in roof form and pitch. Larger buildings, where permitted, shall be designed to reflect the same architectural massing and style as other buildings built or proposed within a two-block area. If no other single, large buildings are present or proposed in the area, then the facade of the new building shall be designed to reflect the form, mass and shape of several contiguous smaller buildings within the two block area. The City Council, with the City Architect's recommendation, may approve alternatives to this requirement if a larger building is proposed, to reduce its apparent size by dividing the building mass into smaller sections, including:

- A) Stepping back or extending a portion of the building façade;
- B) Emphasizing architectural elements, including windows and entries; and
- C) Emphasizing architectural elements of the roof, including dormers, chimneys and gables.

9.10.5. Building facades. Building facades shall provide architectural detail and shall contain windows at the ground level in order to create visual interest and maximize outdoor surveillance and visibility. Exterior materials and appearance shall be compatible with surrounding buildings.

A) Front Facades and Entries.

1. Primary entries to residential buildings shall be emphasized through the use of architectural features such as porches and roofs, recessions into the facade, or other details that express the importance of the entrance. At least 20 percent of the first floor facade that faces a public street or sidewalk shall consist of windows and doors. Windows shall be distributed in a more or less even manner. Plans should avoid placing garage doors and openings on the front façade of a building. If the garage door or opening is placed on the front façade, it shall not be located on the building's leading edge facing the street, but shall be set back at least six feet from the front line of the building or an approved front yard encroachment (such as a porch, or a deck over a tuck-under garage).

2. Primary entries to nonresidential or mixed-use buildings shall be emphasized through the use of architectural features such as roofs, recessions into the facade, or other details that express the importance of the entrance. At least 60 percent of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly-tinted glass that allow views into and out of the building. The windows shall be distributed in a more or less even manner. The use of traditional window dimensions and a one-over-one or two-over-one sash arrangement is strongly preferred. Buildings shall have entrances to a street or public open space placed no more than sixty (60) feet apart. Buildings are strongly encouraged to use awnings on the front façade, particularly over the main entry. The awning should be compatible in style, material and color to the rest of the building, and the width of the awning should fit the geometry of the building façade. There may be signage on the end panel or front valance of an awning, proportional to the space available. The installation of the awning should not hide any architectural detail or character features of the building.

B) Side and Rear Facades. The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building. Where the façade is visible from a public street or right-of-way or any residential district and concrete-block construction is used, the façade shall use integrally colored block or textured block. Any exterior building wall adjacent to or visible from a public street, public open space, or abutting property may not exceed sixty feet (60') in length without significant visual relief consisting of one or more of the following:

- 1. The façade shall be divided architecturally by means of significantly different materials or textures;
- 2. Horizontal offsets of at least four feet (4') in depth;
- 3. Vertical offsets in the roofline of at least four feet (4'); or

4. Fenestration at the first-floor level which is recessed horizontally at least one foot (1') into the façade.

9.10.6. Architectural variety. The use of a variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character. When accent colors are proposed, the number of colors should be limited to prevent a gaudy appearance.

9.10.7. Materials. All buildings shall be constructed with materials that are attractive in appearance, durable with a permanent finish, and of high quality. New mixed-use or commercial buildings erected within the Gateway District shall be of masonry construction, an equivalent, or better. Exterior building materials shall be classified as either primary, secondary, or accent materials. Primary materials shall cover at least sixty percent (60%) of the façade of a building. Secondary materials may cover no more than thirty percent (30%) of the façade. Accent materials may include door and window frames, lintels, cornices and other minor elements, and may cover no more than ten percent (10%) of the façade.

A) Primary materials may be face brick, stone, glass, architectural concrete or precast concrete units (integrally colored block or textured block), provided that surfaces are molded, serrated examples or treated with a textured material in order to give the wall surface a three-dimensional character.

B) Secondary materials may be decorative block or integrally colored stucco, fiber cement siding (integrally colored or painted) with hidden seams. Synthetic stucco may be used as a secondary material on upper floors only.

C) Accent materials may be wood, metal or fiber cement when used in trim, fascia or soffit if appropriately integrated into the overall building design and not situated in areas which will be subject to physical or environmental damage.

D) Prohibited Materials. No buildings shall be constructed of sheet aluminum, asbestos, iron, steel, corrugated metal, plastic or fiberglass siding. Face materials which rapidly deteriorate or become unsightly such as galvanized metal or unfinished structural clay tile are not permitted.

9.10.8 Colors. Colors used for exterior surfaces shall be harmonious with surrounding development and shall visually reflect the traditional concept of the town center. Contrasting colors should be used to emphasize architectural detail. Where a development plan proposes multiple buildings, the plan shall carry over colors and materials across adjacent buildings.

9.10.9 Roofs. The predominant roof shape in the Neighborhood Center subzone is flat with articulated parapets; the predominant roof shape in the Neighborhood General subzone is peaked. Roof shapes in the Neighborhood Mixed-Use subzone should achieve a gradual transition between the two roof types.

9.10.10 Outdoor Storage. There shall be no outdoor storage of either materials or products except through the issuance of a conditional use permit.

9.10.11 Screening. Property boundaries abutting property that is not included within the Gateway District shall have significant dense vegetative screening.

9.10.12 Signage. Signage should be integrated as an architectural element, with attention given to the color, scale and orientation of all proposed signs in relation to the overall design of the building. Signs shall conform to the regulations in Section 19 of the Zoning Ordinance.

Appendix A
Gateway Ordinance 107B
Effective 10/21/2014
Non-conforming Use

1. Purpose.

It is the purpose of this section to accomplish the following:

- a) recognize the existence of uses which were lawful when established but which no longer meet all ordinance requirements;
- b) discourage the enlargement, expansion, intensification or extension of any non- conforming use or any increase in the impact of a non-conforming use on adjacent properties;
- c) regulate the repair, replacement, restoration, and improvement of non-conforming uses to prevent and abate nuisances and to protect the public health, safety, or welfare; and
- d) encourage the elimination of non-conforming uses or reduce their impact on adjacent properties.

2. Definitions.

For the purposes of this section, the following terms and phrases have the meanings given to them.

- a) "Non-conformity" or "non-conforming use" means any land use, structure, physical form of land development, lot of record or sign that is not in full compliance with the regulations of this ordinance and either (1) was legally established before the effective date of the ordinance provision with which it does not comply, or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale. A non-conformity or non-conforming use does not include a land use, structure, physical form of land development, lot of record, or sign that was allowed to deviate from this ordinance by an approved variance. A non-conformity or non-conforming use is one of two types of physical land development: a non-conforming land use or a non-conforming development.
- b) "Non-conforming land use" means an activity using land, buildings, structures, or any combination of these, for a purpose that is not currently allowed as a use in the zoning district in which it is located.
- c) "Non-conforming development" means a non-conformity other than a non-conforming land use that does not currently conform to an ordinance standard such as height, setback, or size.

d) "Expansion," "enlargement," or "intensification" means any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city.

e) "Improvement" means making the non-conforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.

f) "Replacement," "reconstruction," or "restoration" means construction that exactly matches pre-existing conditions.

3. Non conforming Use Permit.

a) A non conforming use shall not be allowed unless a permit is issued in accordance with this section.

b) Application.

Application for a non-conforming use permit must be made to the zoning administrator. The application must be on forms provided by the city and must be accompanied by the following:

- 1) a plat or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features and mature trees;
- 2) evidence of ownership or an interest in the property;
- 3) the fee required by the code of city ordinances; and
- 4) such other information as may be required by the city.

c) Public Hearing.

Upon receipt of a completed application, a date will be set for a public hearing before the City Council. The public hearing will be held only after notice has been sent by mail to the owners of all properties situated wholly or partially within 400 feet, as reflected in the certified records of the county auditor.

d) Decisions.

1) A permit for a non-conforming use may be granted, but is not mandated, when the applicant meets the burden of proving that:

- a. the proposed use is a reasonable use of the property, considering such things as:
 1. functional and aesthetic justifications for the use;
 2. adequacy of off-street parking for the use;
 3. absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and
 4. improvement to the appearance and stability of the property and

neighborhood.

b. the circumstances justifying the use are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and

c. the use would not adversely affect or alter the essential character of the neighborhood.

2) The City Council may grant a non conforming use permit only upon an affirmative vote of at least a majority of its full membership. The City Council may impose conditions in granting a non conforming use permit to affect the intent of this ordinance and to protect adjacent properties. The City Council must accompany its decision to deny a nonconforming use permit with a statement of its findings and must serve a copy of its decision upon the applicant by mail.

3) A non conforming use permit shall not be issued for a period of more than five (5) years. Such permit may be renewed only upon re-application for a non conforming use permit, pursuant to the procedures and requirements established in this section.

4) Any non conforming use damaged by fire, flood, explosion or other casualty may be re-established and used as previously permitted if such re-establishment is approved by the city council. Such non conforming use shall be re-established within twelve (12) months of the casualty to having no greater size or intensity than before the casualty.

5) In the event that any non conforming use ceases or is abandoned voluntarily, for a period of one (1) year, such non conforming use shall not be resumed.

8/19/2014

Changes

9.6.2 USE OF BUILDING-TYPE TEMPLATES

Figures 6 through 15 contain all regulatory information governing the dimensions of lots and the dimensions, setbacks, height, mass, and placement use of buildings in the district. ~~The city's review of a development application shall primarily apply the information contained in the applicable building type templates. The Templates as well as Section 9.6.5 hereof shall determine uses of the buildings in the district. To the extent the Templates conflict with Section 9.6.5, the language contained in Section 9.6.5 shall control and supersede the Templates. Terms and concepts used within the building-type Templates are further defined as follows:~~

9.6.5 Use of Regulations in the Gateway District.

The Gateway District's regulatory focus is first upon the form of each building and its relation to the surrounding environment. This section regulates the use of space within the building, except to the extent that any structure or land use existed as legally non-conforming use prior to the adoption of this Section, as a matter secondary to the built form. ~~Use of land in the District is regulated by the Building Type Templates and is directly related to the building form. The use of land in the District is regulated by the Building Type Templates, the uses set forth in this Section 9.6.5 and Figures 16 and 17 which are part of this Ordinance and is related to the building form. To the extent uses set forth in the Templates and Figures 16 and 17 conflict with the uses set forth in this Section 9.6.5A, the uses set forth in this Section 9.6.5A shall control and supersede the uses set forth in the Templates and Figures 16 and 17.~~

Commercial.

Premises for the conduct of the following activities which are not included within the meaning of "office" or "retail" for purposes of this Section: athletic club/fitness center (primary or only use of building space); business school or trade school, veterinary clinic, funeral home, hotel, recreation primary use (such as a bowling alley); cabinet and carpentry shop, heating, plumbing or electrical sales and service; printing shop, upholstery shop, warehousing, conditional use of space assigned as commercial are ~~automotive repair and service (including gas stations)~~, car wash, light industrial uses which manufacture, process, store and distribute foods and materials not likely to create offensive noise, odors, vibrations, dust, smoke, heat, glare or other objectionable influences and are in general dependent upon raw materials refined elsewhere.

- (B) Accessory Alternative Uses. The Figures 16 and 17 provide charts stating the compatibility of listed accessory uses and variations on categorical primary uses (such as restricting residential uses to Senior Housing) with each building type. The items listed in Figures 16 and 17 further refine the general definitions stated above, and any perceived conflict should be resolved in favor of the general definitions stated above. ~~Resolved in favor of Figures 16 and 17.~~ Placement of accessory buildings is generally noted on the Building-Type Template and is also governed by the Design Standards.

10/21/2014

Added Appendix A non-conforming use requirements