

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 1395

**AN ORDINANCE AMENDMENT UPDATING THE ARCHITECTURAL
REQUIREMENTS IN THE CONCORD GATEWAY MIXED USE DISTRICT**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Section 118-125 is hereby amended as follows:

Sec. 118-125. CGMU, Concord Gateway mixed-use district.

- (a) *Purpose.* The purpose of the Concord Gateway mixed-use (CGMU) district is to provide an area for compact, mixed-use development made mutually compatible through a combination of careful planning, urban design and coordinated public and private investment. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. The placement of building edges and the treatment of building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian-friendly environment envisioned for the CGMU. The standards in this section are intended to implement and effectuate the principles and relationships established in the city's Concord Gateway Framework Plan, a copy of which is on file in the office of the city clerk, which will be carried out through specific standards related to site planning, signage, architecture, building materials, and landscaping. The CGMU is divided into two subdistricts, CGMU-1 and CGMU-2, as depicted on the official zoning map. In 2022, the architectural standards were updated to allow contemporary architecture and contemporary exterior building materials with the understanding that buildings constructed with this style still must be pedestrian-oriented and adhere to the core principles of the district.
- (f) *Lot area, lot width, and yard requirements.* The following standards apply to both the CGMU-1 and CGMU-2 subdistricts:

- (1) Principal structure setback standards shall be as follows:

Front yard:	Build-to line (0—10 feet)
Side yard/interior:	0 feet minimum
Side yard/corner:	Build-to line (0—10 feet)
Rear yard:	20 feet minimum*

*Reduced rear yard setbacks may be allowed by conditional use permit.

(h) *Building and architectural provisions.*

(2) All buildings shall include the following elements:

- a. Accent materials, which shall be wrapped around walls that are visible from a public street or open space;
- b. Buildings containing office and retail uses shall maintain ~~40~~ 30 percent minimum window coverage on each first floor front that faces a street or public open space. In the CGMU-2 subdistrict, these buildings must have windows facing all public streets but the City Council may allow window coverage that is below 30% through a site plan review so long as the façade includes design elements that will provide visual interest to pedestrians;
- c. Complimentary major material colors;
- d. A combination of vertical and horizontal pattern designs in the building façade.

(4) ~~Building facades shall be divided into similar bays of roughly equal width between 20 and 40 feet in width. Reserved.~~

(5) Exterior building materials shall be classified primary, secondary, or accent materials. Primary materials shall cover at least 60 percent of the façade of a building. Secondary materials may cover no more than 30 percent of the façade unless otherwise noted. Accent materials may include door and window frames, lintels, cornices, and other minor elements, and may cover no more than ten percent of the façade. Allowable materials are as follows:

- a. Primary exterior building materials may be brick, natural stone or manufactured stone that replicates natural stone, ~~or~~ glass, or any material defined as Class I in Section 118-9. Bronze-tinted or mirror glass are prohibited as exterior materials.
- b. Secondary exterior building materials may be decorative block, cement-based architectural products (i.e. Hardieboard,), engineered wood products (i.e. LP Smartside), architectural metal siding, ~~or~~ integrally-colored stucco, or any material defined as Class II in Section 118-9.
- c. Synthetic stucco may be permitted as a secondary material on upper floors only.
- d. Accent materials may be wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.
- e. ~~All primary and secondary materials~~ Manufactured stone, brick, stucco, and decorative block shall be integrally colored.
- f. Decorative block shall be colored only by means of a pigment integral to the block material, not applied to the surface.
- g. ~~All primary and secondary materials shall be earth tones, compatible with and complimentary to the natural stone and brick of existing historic buildings in the district.~~
- gh. Sheet metal, corrugated metal, asbestos, iron, shakes, and plain flat concrete block (whether painted or integrally colored or not) are not acceptable as exterior wall materials on buildings within the Concord Gateway district.

- h. Cement based architectural products (i.e. Hardieboard) may be used to satisfy up to half of the primary exterior material requirement for each façade.
 - i. On the west side of Concord Exchange, rear facades facing the toe of the bluff which are not readily visible from public streets may be constructed out Class I materials and Class II materials as defined in Section 118-9, engineered wood products, synthetic stucco, cement-based architectural products, and architectural metal siding. No specific material percentages are required for these façades.
- (6) ~~For all properties within the CGMU district, the required setbacks to Concord Street shall follow the rear yard setbacks above.~~ For properties south of Grand Avenue that have frontage on both Concord Exchange and Concord Street, the right-of-way line along Concord Street shall be considered a rear property line and the principal structure is required to meet rear yard setbacks unless otherwise approved by conditional use permit. Properties north of Grand Avenue that have frontage on both Concord Exchange and Concord Street shall be considered to have front property lines along both streets.

 - a. For properties north of Grand Avenue that have frontage on both Concord Exchange and Concord Street, the City Council may grant flexibility from the build-to-line requirement along Concord Street via the site plan review process if the setback is pedestrian-oriented and contributes to the quality and character of the streetscape. An example of this would be an outdoor dining area.
- (10) All buildings containing residential uses on the ground floor shall have a first floor elevation at least two and one-half feet above the adjacent street level in the front yard. This requirement may be waived by the City Council during site plan review if the first floor contains a street-facing amenity area with transparent glass windows or some other similar use on the ground floor that provides visual interest.
- (15) Lighting in the CGMU district shall be subject to the following:

 - a. All exterior lighting in the CGMU district shall be downcast cutoff type fixtures and shall follow the styles and types identified in the framework manual. Parking lot light poles may not exceed 20 feet in height, except by conditional use permit for buildings that are more than 20 feet in height. No light source may be more than 16 feet above the ground, except by conditional use permit for buildings more than 20 feet in height.
 - (i) ~~Nonconforming uses. Nonconforming buildings and sites can be maintained through repair and maintenance. Nonconforming buildings and sites that are damaged 50 percent or less of their market value may be rebuilt. Nonconforming buildings and sites may be expanded up to ten percent of their floor area or assessed value, provided the expansion is consistent with the zoning that existed prior to the effective date of the ordinance from which this section is derived. Expansion of nonconforming buildings or sites between ten percent and 50 percent of their floor area or assessed value will be required to come into reasonable partial~~

~~compliance with the provisions of this section as determined by the development review committee. Expansion of nonconforming buildings or sites or rebuilding of sites or buildings damaged by more than 50 percent of market value is not allowed unless the entire building and site is brought into compliance with this section.~~

(i) Nonconformities.

(1) Nonconformities shall be administered consistent with State Statute and the City's adopted nonconformity ordinance unless otherwise noted in this section.

(2) Requirements for expansion or enlargement of nonconforming buildings.

a. The total square footage or percentage of any and all previous expansions to an existing nonconforming building that have taken place since the adoption of the CGMU ordinance in 2003 shall be aggregated for calculating the percentage of the total expansion to the existing building under the terms of this section.

b. A nonconforming building may be expanded so long as the expansion or addition itself meets the provisions of this ordinance. Expansion of a nonconforming building by more than 10,000 square feet or by more than 50 percent of its original floor area shall require a conditional use permit and the City may add reasonable design conditions to bring the entire site and building into partial compliance with the CGMU district's design requirements.

c. *Applicability to Nonconforming Uses.* It is not the intent of this section to permit the expansion of a nonconforming use. That portion of a nonconforming building that is expanded under the terms of this section may only contain uses allowed in the CGMU zoning district.

(3) Buildings that have facades consisting of lawful nonconforming exterior building materials may have their nonconforming facades upgraded using materials that are allowed as primary and secondary materials in the CGMU zoning district. In these situations, the City Council may allow deviations from the strict ratios that are required for new construction buildings by conditional use permit.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance amendment updates the Concord Gateway Mixed Use (CGMU) zoning district to allow contemporary architecture and contemporary exterior buildings materials. It updates the building orientation rules governing the relationship between Concord Exchange and Concord Street. It also updates the rules for administering nonconformities in the CGMU district.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: 6/20/2022

Published: 6/21/2022


Deanna Werner, City Clerk