

SECTION 17  
GENERAL BUILDING, USE AND DESIGN PROVISIONS

Section:

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**515-17-1: Purpose and Intent.** This section identifies general building design size requirements and exceptions to general height requirements applicable within each zoning district.

**515-17-2: Dwelling Unit Restriction.** No cellar, garage, tent, travel trailer, motor home, fish house, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit.

**515-17-3: Building Design Standards.**

A. Single Family Standards.

1. All single-family detached dwellings in the R-1, R-2, R-3, and R-4 Districts and those on lots of three (3) acres or less in the RA and RF Districts shall meet the following design criteria:
  - a. Sixty (60) percent of a residential structure shall have a minimum width or depth of twenty (20) feet. Width measurement shall not take into account overhangs or other projections. Such width requirement shall be in addition to the minimum area per dwelling requirements established within this Ordinance.
  - b. All buildings shall be built in conformance with the State Building Code as adopted in the State of Minnesota.
  - c. Dwellings constructed after the effective date of this Ordinance shall have a minimum finished habitable floor area of seven hundred fifty (750) square feet.
  - d. Metal roofs are allowed provided they are constructed with standing seams and concealed fasteners.

2. Garages for dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet shall meet the following design criteria:
  - a. An attached or detached garage is limited in size to sixteen (16) ft by twenty (20) ft.
  - b. In addition to an attached garage one accessory building not to exceed one hundred twenty (120) square feet is allowed.
  - c. Garages that are attached to a dwelling shall be constructed adjacent to the dwelling. Tuck under garages or dwellings above a garage are not permitted.

B. Two Family and Townhome Standards.

1. The minimum width of a two family or townhome dwelling unit shall be twenty-five (25) feet.
2. Two family and townhome dwelling units shall have a minimum finished habitable floor area of seven hundred fifty (750) square feet.
3. Provision shall be made for possible decks, porches, or additions as part of the initial dwelling unit building plans.
4. A minimum twelve (12) inch roof overhang shall be required for all dwelling units.
5. The exterior shall include a variation in building materials which are to be distributed throughout all building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhomes shall comply with the following requirements:
  - a. A minimum of twenty-five (25) percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
  - b. Except for brick and/or natural or artificial stone, no single building façade shall have more than seventy-five (75) percent of one type of exterior finish.
  - c. For the purpose of this Section, the area of the building façade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

6. Garages.
  - a. Each dwelling unit shall include, at a minimum, a one (1) stall, 12' x 20' foot garage.
  - b. Dwellings Without Basements. Each dwelling unit shall include at a minimum, a one (1) stall 16' x 20' foot garage.
  - c. Garages for dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet shall meet the following design criteria:
    1. An attached or detached garage is limited in size to sixteen (16) ft by twenty (20) ft.
    2. In addition to an attached garage one accessory building not to exceed one hundred twenty (120) square feet is allowed.
    3. Garages that are attached to a dwelling shall be constructed adjacent to the dwelling. Tuck under garages or dwellings above a garage are not permitted.
7. Utilities.
  - a. Separate public utility services shall be provided to each unit.
  - b. Each unit shall have a separate sanitary sewer connection.
8. A homeowners' association shall be established for all quadraminium, three (3) and four (4) plex multiple family and townhome developments subject to review and approval of the City Attorney. The homeowners' association shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing, and regular maintenance of private driveways and other areas owned in common when there is more than one (1) individual property owner having interest within the development.
9. Building elevations and floor plans shall be submitted illustrating exterior building materials and colors to demonstrate compliance within this Section of the Ordinance. Building floor plans shall identify the interior storage space within each unit.
10. Metal roofs are allowed provided they are constructed of standing seams with concealed fasteners.

C. Multiple Family Apartment Standards: All multi-family/apartment buildings constructed within the City shall conform to the following:

1. Multiple family dwelling units shall have the following minimum floor area per unit:

Efficiency Units	440 square feet
One Bedroom Units	520 square feet
Two Bedroom Units	700 square feet
More than Two Bedroom Units	An additional 100 square feet per bedroom

2. Exterior Building Materials. The exterior of multiple family dwelling structures shall include a variation in building materials which are to be distributed throughout the building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple family dwelling structures shall comply with the following requirements:

a. A minimum of thirty-three (33) percent of the combined area of all building exterior walls of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.

b. For the purposes of this section, the area of the building façade shall not include area devoted to windows, entrance doors, garage doors, or roof.

3. Metal roofs are allowed provided they are constructed of standing seams with concealed fasteners.

D. Commercial Standards Design Construction Standards. All buildings constructed within commercial zoning districts shall conform to the following:

1. Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a Conditional Use Permit.

2. Garish or bright accent colors (i.e., orange, bright yellow, or fluorescent colors) for commercial building accents such as cloth or metal awnings, trim, banding, walls, entries or any portion of the building wall shall be minimized, but in no case shall accent colors exceed fifteen (15) percent of each wall area.

3. Exposed roof materials shall be similar to, or an architectural equivalent of a three hundred (300) pound or better asphalt or fiberglass shingle, wooden shingle, and metal roofs as approved by the Minnesota State Building Code.

4. Exterior Building Materials - B-1, B-2, B-4, B-5 and B-6 Zoning Districts.

- a. All exterior wall surfaces shall be a combination of materials including brick, dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent.
- b. Building additions of less than fifty (50) percent of the gross floor area of the existing structure may use the same as the existing structure. Building additions, remodeling, replacement or reconstruction of fifty (50) percent or greater, shall conform to the standards in this section.

5. Exterior Building Materials – B-3 Zoning District

- a. Within the B-3 Zoning District, all exterior wall surfaces may be a combination of materials including brick, dimensioned stone, rock faced brick, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, or glass. Brick and stone replicas and exterior finish installations (EFIS) that simulate the historic architecture of a building may be used on not more than fifty (50) percent of a building.
- b. Buildings with load bearing walls shared with abutting buildings located in B-3 Zones shall conform to standards in this Section if building additions, remodeling, replacement or reconstruction of seventy-five (75) percent or greater are made to street facing exteriors of the building. Expansions shall be calculated over a five (5) year period for determination of this gross floor area amount.

E. Industrial Design Construction Standards. All buildings constructed within industrial zoning districts shall conform to the following:

- 1. Industrial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a Conditional Use Permit.
- 2. Exterior Building Materials.
  - a. Within the I-1 and I-2 Zoning Districts, all exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.

- b. Any structure in an Industrial District within three hundred (300) feet of Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, and County Road 3 shall comply with the Commercial Exterior Building Material Standards for the B-1, B-2, B-4, B-5 and B-6 Districts in Section 515-17-3.D.4 of this Ordinance.

**515-17-4: Height.**

A. Exceptions. The building height limits established herein for districts shall not apply to the following:

- 1. Farm structures such as silos.
- 2. Church spires.
- 3. Belfries.
- 4. Cupolas.
- 5. Windmills/Wind Energy Conversion Systems (WECS) per Section 34 of this Ordinance.
- 6. Solar energy devices.
- 7. Chimneys and smokestacks.
- 8. Flag poles mounted on a building.
- 9. Non-commercial television and radio antennae and satellite dishes not exceeding twenty (20) feet above the roof.
- 10. Parapet walls extending not more than three (3) feet above the limiting height of the building.
- 11. Elevator penthouses.
- 12. Cooling towers/water towers.
- 13. Lighting structures for public outdoor recreational fields not exceeding eighty (80) feet in height.
- 14. Lighting structures for public hockey rinks not exceeding sixty (60) feet in height.
- 15. Telecommunication antenna and antenna towers as regulated by Section 35 of this Ordinance.
- 16. Poles, towers and other structures for essential services.

B. Conditional Use Permit. Building heights in excess of those standards contained in the district provisions and any other sections of this Chapter may be allowed through a Conditional Use Permit, provided that:

- 1. Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the zoning district in which the structure is located.
- 2. The site is capable of accommodating the increased structure size.
- 3. The potential increased intensity and size of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.

4. Public utilities and services are adequate.
5. For each additional story over the district limitation or for each additional ten (10) feet above the maximum allowed per district, front and side yard setback requirements shall be increased by ten (10) percent.
6. The construction does not limit solar access to abutting and/or neighboring properties. A shadow study shall be required illustrating shadow encroachment on adjoining properties.
7. The provisions of Section 515-5-2 of this Ordinance are considered and satisfactorily met.

**515-17-5 Screening Rooftop Equipment.**

- A. As viewed from ground levels within one hundred (100) feet of street side view, all mechanical equipment located on the roof or around the perimeter of a structure shall be screened by a raised parapet.
- B. A raised parapet or other architectural feature that is an integral part(s) of the building shall be required as screening for rooftop mechanical equipment or to soften rooftop views.
- C. Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or constructed of a material and color compatible with other elements of the building.

**515-17-6: High Water Elevation.** All new buildings shall comply with building elevation regulations of the Floodplain and Shoreland Overlay Districts of this Ordinance. In areas beyond the Floodplain and Shoreland Overlay Districts, all buildings shall be placed at an elevation such that the lowest building opening meets the following standards:

- A. A minimum of two (2) feet above 100-year flood elevation of areas with a separate emergency overflow.
- B. A minimum of three (3) feet above the 100-year flood elevation of areas with no separate emergency overflow.
- C. The 100-year flood elevation or high-water level shall be determined by a registered engineer.

**515-17-7: Ground Water Elevation.** The lowest floor, including basement floor, of all structures shall be at a level at least three (3) feet above the highest known ground water table elevation. If requested by the Building Official, the ground water table elevation shall be

determined by a licensed soils engineer using soil borings, piezometers, or the observation of mottled soils.

**515-17-8: Accessory Buildings, Uses and Equipment.**

A. **Agricultural Farm Buildings.** Agricultural farm buildings, accessory to an active farm operation on a lot twenty (20) acres or larger, designed, constructed, and used to house farm implements, agricultural activities, or agricultural products shall be exempt from the requirements of this subdivision.

B. **Residential Accessory Buildings, Structures and Uses.**

1. An accessory building or attached garage shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway or within five (5) feet of the principal building. Attached accessory buildings shall meet the principal building setbacks of the respective zoning district.

2. No accessory building or structure shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory. A garage may be constructed if a building permit is secured for the principal building.

3. **Accessory Building Floor Area, Height and Number.** The combination of accessory buildings and garages (attached and detached) per lot shall not exceed the following standards:

a. Area.

<u>Zoning District</u>	<u>Maximum Allowable Floor Area</u>
R-A	4,000 square feet
R-R	2,000 square feet
R-E	1,500 square feet
R-1	10% of lot area
R-2	10% of lot area
R-3	30% of the gross floor area of the multiple family structure, 10% of lot area for a single-family structure and a duplex structure
R-4	30% of the gross floor area of the multiple family structure

1) An attached garage shall not exceed the maximum allowable floor area as mentioned above, or eighty (80) percent of the footprint of

the single family or two-family house foundation not including garage, whichever is less. Tuck-under garages are permitted up to the maximum footprint size of the dwelling.

- 2) Accessory building coverage shall not exceed lot coverage requirements as regulated in each district and shall meet required district setbacks.
- b. Number of Building. Total number of accessory buildings and garages shall be limited to one of the following:
- 1) One (1) attached garage and one (1) detached accessory building.
  - 2) Two (2) detached accessory buildings.
    - i. Should there be zero or one accessory building, a noncommercial greenhouse is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.
    - ii. Should a lot have the maximum number of allowed accessory buildings, one noncommercial greenhouse up to 10' x 12' is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.
    - iii. The following clear material is permitted for greenhouse construction to allow radiant heat from the sun:
      - a) Glass
      - b) Rigid Polycarbonate Panels
      - c) Semi Rigid Polyethylene Panels
      - d) Rigid Fiberglass Panels
      - e) Rigid Acrylic Panels
      - f) VinylFlexible rolled material is not permitted.
    - iv. One noncommercial greenhouse 3'W x 4' L x 5' T constructed with flexible rolled material is allowed in a rear yard.
    - v. Material permitted in this section can be used for parts of a greenhouse not allowing radiant heat.
- c. Height. Detached accessory buildings shall not exceed the height of the principal building or fifteen (15) feet, whichever is less. Exceptions may

be granted to allow for the detached accessory building to match the roof pitch of the existing principal building by Conditional Use Permit in accordance with Section 5 of this Ordinance.

4. Setbacks. Detached accessory buildings shall comply with the following setbacks:
  - a. Front Setback. No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on that lot. Property within a shore impact zone (as defined by the Brainerd Shoreland Regulations) along the Mississippi River, and lakes classified as General Development or Natural Environment may locate accessory buildings in a front yard provided a twenty-five (25) foot setback is maintained.
  - b. Side and Rear Setbacks.
    - 1) Side and rear setbacks shall be as provided for in the respective Zoning District.
    - 2) No accessory building shall be located within a drainage and utility easement.
5. Design Standards. No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings. All buildings over one hundred twenty (120) square feet shall have the same or similar finish as the neighboring buildings and be homogeneous in design. Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners. All buildings that are one hundred twenty (120) square feet or less may be metal sided and shall have a pitched roof.

C. Commercial.

1. Commercial buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
2. Accessory buildings shall meet all the required setbacks of the principal building.
3. Accessory buildings shall be constructed of building materials to match the principal structure and comply with the building material requirements within this Section of Ordinance.

D. Industrial or Public/Semi-Public Accessory Buildings.

1. Industrial buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
2. Accessory buildings shall meet all the required setbacks of the principal building.
3. Accessory buildings shall be constructed of building materials to match the principal structure or with any of the following fabric material:
  - Teflon Coated Fiberglass (PTFE)
  - Silicone-Coated Fiberglass (SIPE)
  - Woven PTFE (EPTFE)
  - Ethylene Tetrafluoroethylene (EFTE)
  - Vinyl Coated Polyester (PVC)
  - High-Density Polyethylene (HDPE)

E. Swimming Pools.

The purpose of regulating swimming pool placement is they can be tempting targets for children. The following regulations are designed to prevent tragedies by protecting such children.

1. Single Family and Two-Family Dwellings. The following shall apply to all swimming pools which are intended for accessory uses to single family and two-family dwellings:
  - a. A building permit shall be required for any in-ground or permanent above ground swimming pool that is over twenty-four (24) inches in depth, or over five thousand (5,000) gallon capacity.
  - b. Seasonal swimming pools twenty-four (24) inches in depth or greater, shall have controlled access and must have a ground fault circuit if connected to an electrical system.
  - c. An application for the construction of swimming pools shall be on a City application form and accompanied by a fee established by City Council Ordinance. The permit application shall include:
    - 1) Site plan illustrating:
      - a) Type and size of pool.
      - b) Location of the pool on the lot.
      - c) Location of other buildings and structures on the lot.
      - d) Location of structures on adjoining lots.
      - e) Location of filter and heating units.
      - f) Location of water heaters, pumps and wiring.

- g) Location of back-flush and drain outlets.
  - h) Location of any overhead or underground utilities or utility easements and trees.
  - i) Fence locations.
  - j) Grading plan.
- 2) Building Plans.
- a) Swimming pool design.
  - b) Fencing and gate details.
  - c) Deck or surfacing details.
- d. Setbacks and Performance Standards.
- 1) Pools eighteen (18) inches deep or less may be located in the front, side or rear yard. Pools over eighteen (18) inches shall be located in a rear yard.
  - 2) Pools over eighteen (18) inches deep may be located in a side yard or street side yard and shall not be located within ten (10) feet of any side yard property line and not closer than twenty (20) feet from a side lot line located on a corner.
  - 3) Pools over eighteen (18) inches deep shall not be located closer than eight (8) feet from the rear property line.
  - 4) The filter unit, pump, heating unit, and any noise generating mechanical equipment shall be located at least thirty (30) feet from any adjacent residential structure and not closer than ten (10) feet from any lot line.
  - 5) Pools shall not be located beneath overhead utility lines or over underground utility lines of any type or located within any private or public utility, walkway, drainage, or other easement.
  - 6) Pools over eighteen (18) inches deep shall be set back at least five (5) feet from the principal building or frost footing.
  - 7) Lighting for the pool shall be designed with a ninety (90) degree cut off and shall be hooded to direct lighting toward the pool and not toward adjacent property.
  - 8) Outdoor pools over twenty-four (24) inches deep shall be completely enclosed by a non-climbing type fence at least four (4) feet high. Fence openings or points of entry into the pool area enclosures shall be equipped with gates. The fence and gates shall

be constructed of a minimum number 11-gauge woven wire mesh corrosion resistant material, or other materials approved by the inspector. Gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. Fence post shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The openings between the bottom of the fence and the ground or other surface shall not be more than six (6) inches. Required safety fencing shall be completely installed prior to filling the pool with water. Swimming pool fences shall comply with applicable State Statutes and fence setback standards of Section 19 of this Ordinance.

9) Water Quality/Drainage.

- a) Water in the pool shall be maintained in a suitable manner to avoid health hazard of any type.
- b) Back-flush or pool drainage water shall be directed onto the property on which the swimming pool is located.
- c) Drainage of pools directly into public streets or other public drainage ways shall require written permission of City staff and/or City Engineering Department. Draining the pool into the sanitary sewer is prohibited.

2. Multiple Family/Commercial Pools. For private swimming pools which are intended for and used by the occupants of a multiple family dwelling or commercial structure and the guests of the occupants, or for private and public clubs and organizations, the following regulations shall be met in addition to those listed for single and two family dwellings provided in Section 515-17-7.D.1 of this Ordinance.

- a. No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.
- b. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than fifty (50) feet from any lot line and must be contained within an insulated building.
- c. The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Fences shall be at least five (5) feet in height. The bottoms of the fences shall not be more than six (6) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable (chain link fences must be vinyl

coated with slats for screening). All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a height not lower than forty-eight (48) inches so as to be inaccessible to small children. Prior to filling the pool, the approved fence or enclosure must be completely in place and inspected and approved by the City Building Inspector. Adequate screening including, but not limited to, landscaping shall be placed between the pool area and adjacent lot lines.

- d. All deck areas, adjacent patios, or other similar areas used in conjunction with the swimming pool shall be located at least thirty (30) feet from any lot line.
- e. To the extent possible, back-flush water or water from pool drainage shall be directed onto the owner's property. Draining pools into the sanitary sewer is prohibited.

F. Refuse and Recycling Material and Containers.

1. Refuse Containers Location and Screening.

- a. Residential Structures with Four (4) or Less Units. Garbage cans, waste containers and recycling bins shall be kept in rear or side yards or indoors except on pick up days.
- b. Commercial, Industrial, and Institutional Uses, Residential Structures with More Than Four (4) Units:
  - 1) All refuse, recyclable materials, and associated containers shall be stored within a structure or screened by a fence or wall as viewed from all adjacent property and the public right-of-way.
  - 2) All refuse and containers must be screened from view of adjacent properties and the public right-of-way by a wall of at least six (6) feet in height and a minimum opaqueness of eighty (80) percent. Chain link fences with slats are prohibited.
  - 3) Exterior wall treatment shall be masonry construction or material similar to the principal building.
  - 4) Storage shall be located in the rear or side yard and shall observe all accessory building setback requirements.
  - 5) The location must be accessible for pick up hauling vehicles.

- 6) All containers, fences and walls shall be approved by City staff and be kept in a good state of repair with lids designed to prevent spilling and spread of debris and access by animals.