

**ORDINANCE NO. 2010-XX**

**AN ORDINANCE AMENDING THE ARCHTECTURAL STANDARDS BY  
ADDING DEFINITIONS, CLARIFICATIONS, AND OTHER MISCELLANOUS  
CHANGES**

The City Council of the City of Baxter, in the County of Crow Wing, State of Minnesota, does ordain as follows:

**SECTION 1.** Chapter 2 of the Title 10 Zoning Regulations entitled “Definitions” is hereby amended by adding/amending the following definitions:

**ARCHITECTURAL GLASS: A glass, produced as an exterior building material.**

**ARCHITECTURAL METAL PANELS: A prefinished metal produced as a siding or roofing material with concealed fasteners.**

**ARCHITECTURAL PRECAST PANEL: A precast concrete panel as defined by the Concrete Precast Institute.**

**BUILDING FACE: All the adjoining walls, along a side of a building as determined by the City. Walls shall only be counted in one building face.**

**CONCEALED FASTENER: A panel anchoring system designed to secure the panel and be hidden from view.**

**EARTH TONE COLOR: Color schemes that draw from a color palette of browns, tans, beiges, grays, greens, blues, and some reds. The colors in an earth tone color scheme are muted and flat in an emulation of the natural colors.**

**EXTERIOR FINISH INSULATION SYSTEM (EFIS): An approved exterior finish insulation system commonly referred to as “EFIS”.**

FLAT ROOF: Any roof pitch below three (3) feet of rise for every twelve (12) feet of run (3:12).

**FRONT BUILDING FACE: All the adjoining walls, along that side of a building that faces a public or private right-of-way. A structure may have more than one front building face if it is located on a corner lot, through lot, or a lot bounded on additional sides by a public or private right-of-way. The number of front building faces will be determined by the City.**

PITCHED ROOF: A roof that has no less than a three (3) feet of rise for every twelve (12) feet of run (3:12).

~~PRIMARY MATERIAL: Material or treatments used on the exterior of the building that consists of no less than 70% of the building face.~~

**PROJECT COSTS: The total cost of all the improvements of a proposed project identified on a building permit.**

**REPAIR OF EXTERIOR MATERIAL: Restoration of the original exterior material to a sound condition after damage.**

**REPLACEMENT OF EXTERIOR MATERIAL: Removal and reinstallation of the exterior material.**

**SHEET METAL SIDING PANELS: Prefinished metal siding panels that are flat, corrugated, ribbed, etc and use exposed fasteners.**

**SIMULATED MATERIAL: A manmade product produced to resemble, reflect or copy a natural material in appearance and durability (See Section G5).**

~~SECONDARY MATERIAL: Material or treatments used on the exterior of the building that consists of no more than 30% of the building face.~~

~~STUCCO: means either Portland cement stucco based finish material or exterior finish insulation system (EFIS).~~

**TIER 1 INDUSTRIAL DISTRICT: Abut or adjacent to an arterial or collector right-of-way or has a substantial, continuous view from arterial or collector roadway at the sole discretion of the City.**

**TIER 2 INDUSTRIAL DISTRICT: Internal to Industrial Park – does not abut or is not adjacent to an arterial or collector right-of-way and does not have a substantial, continuous view from arterial or collector roadway at the sole discretion of the City.**

**SECTION 2.** Section 10-4-10 “Design Standards ~~for Commercial, Industrial and Office Service Developments~~” of Chapter 4 of the Title 10 Zoning Regulations entitled “Performance Standards” is hereby amended to read as follows:

10-4-10: DESIGN STANDARDS **FOR COMMERCIAL, INDUSTRIAL, AND OFFICE-SERVICE, MULTIPLE FAMILY DWELLINGS AND RESIDENTIAL PLANNED UNIT DEVELOPMENTS**

A. Purpose: The purpose of this section is to establish minimum design standards for exterior architecture of all **buildings in** Commercial/Industrial/Office Service, **Multiple family dwellings** and **Residential Planned Unit Developments** buildings to ensure a high quality of development and redevelopment. ~~To further ensure a high standard that is~~

compatible with adjacent land uses and neighboring developments and contributes to a quality community image. These design standards will:

1. **Promote** ~~Ensure~~ architecture that is appropriate **and not monotonous** within the diverse Baxter area in building and signage design.
2. Protect shorelines, wetlands, creek corridors, and significant stands of mature trees through the use of careful site design; protective easements; sensitive alignment and design of roadways and utilities; incorporation of natural features; landscaping and massing of trees that enhance existing natural features and views.
3. Create a unified, harmonious and high-quality visual environment throughout the City.
4. Foster a distinctive and positive community image, thereby identifying Baxter as a special place to live, work, and play.
5. Identify the various zoning districts and the materials to be used therein.

B. Intent: The City intends that all Commercial/Industrial/Office Service districts, **Multiple family dwellings in R-2 or R-3 districts, and Residential Planned Unit Developments** within the City shall strive toward the highest level of quality in both design and construction. The criteria by which all Commercial/Industrial/Office Service, **Multiple family dwellings in R-2 or R-3 districts and Residential Planned Unit** development and redevelopment in the City shall be judged are as follows:

1. Consistency with all provisions of the comprehensive plan, as amended, zoning ordinance and subdivision ordinance not specifically overridden by the provisions of these design standards; and all other applicable land use regulations.
2. Preservation of the natural conditions found on each site to the greatest extent possible, through minimized removal of trees and other vegetation and soil, **and** minimized site grading.
3. Establishment throughout the ~~city district of~~ harmonious physical and visual relationships among existing, new and proposed buildings, open spaces, natural terrain, and plant materials and placement with the intent of creating a unique and cohesive appearance for the entire city.
4. Use of appropriate materials, lighting, textures, colors, ~~and~~ architectural and landscape forms to create a cohesive, high-quality design concept for each site that is compatible with adjacent and neighboring structures and functions, including but not limited to natural areas, city-owned property, and vacant land subject to future development in accordance with the comprehensive plan.
5. Creation of cohesive site designs, each with a sense of internal order, that provide desirable environments for site users and visitors, adjacent developments and the community as a whole and that consider all site elements including: the relationship of buildings to surrounding landforms; grading; architectural design; building, parking and loading dock orientation; building height; use of manmade materials, including paving; site furnishings (lighting, outdoor seating, signage, etc.); landscaping (retention of natural

vegetation, plant selection and placement, retention and incorporation of water features, etc.); and other visible outdoor site elements.

6. Creation of a suitable balance between the amount and arrangement of open space, landscaping, ~~and~~ view protection ~~and the~~ design and function of man-made features ~~on the other~~. Achieving this balance shall take into account screening, buffering, size and orientation of open spaces, personal and property security, localized wind and solar effects, and protection of important public ways.
7. Provision of safe and adequate access to and from sites giving ample consideration to the location and number of access points from public streets, public trail system, adjacent development, the safety and convenience of merging and turning movements, and traffic management and mitigation.
8. Provision of on-site vehicular, bicycling, and pedestrian circulation by way of interior drives, parking areas, pathways, and walkways adequate to handle anticipated needs and to safely buffer pedestrians and cyclists from motor vehicles. Ample consideration shall be given to the width of interior drives, internal traffic movement and flow, separation of pedestrian, cycling, automobile; and delivery traffic, and the safe, convenient, and practical arrangement of parking spaces, bike racks and loading spaces.
9. Adequate separation and protection of each site from adjacent properties, through reasonable provisions for surface water drainage, sound and visual buffers, view protection, privacy, scale, and other aspects of design that may not be specifically covered by these or other regulations but are found to have significant effect on any or all of the properties and roadways.

#### C. District applications:

1. The design standards shall apply to all building faces of new development within Commercial, Industrial, Office Service, **multiple family dwellings in R-2 and R-3** zoning, Residential Planned Unit Development overlay districts or **the project is a reuse of an existing building requiring a conditional use permit. Any alterations of existing building colors within said districts shall conform to the appropriate section of these standards.** The design standards shall be in addition to the underlying zoning requirements. ~~The “Purpose and Intent” sections of these regulations shall also be applied to review required under this subsection.~~
2. ~~The design standards apply to all building remodels, building additions and newly constructed buildings with the following exceptions:~~
  - a. ~~Internal alterations.~~
  - b. ~~External replacement of less than 35% of exterior materials per building face and do not result in a change to the building height, roof line, or footprint but not including additions to accommodate mechanical equipment.~~
  - c. ~~Repair of existing exterior materials.~~

3. External alterations that do result in a change to the building height, roof line, footprint shall require owner to spend up to 35% of project costs to upgrade existing front building elevations (as determined by the city) to conform to the architectural standards.

### **23. Building Remodels and Additions.**

**The design standards set forth in this section shall also apply to building remodels and additions pursuant to the following rules:**

**a. Internal remodeling that doesn't alter any exterior building face shall be exempt from any design standards set forth in this section.**

**b. Repair or replacement of any existing exterior material shall be exempt from any design standards set forth in this section provided all of the following conditions are met:**

- 1) No more than 35% one third of any building face is replaced with new exterior materials in any one year period.**
- 2. The new exterior materials must either be the same type of material that is being replaced or be an approved material as set forth in Section G of this ordinance. Simulated material to match the remaining existing material may be approved but must go through plan submittal and plan approval like other non-exempt applications.**

**To administer this 35% one third rule, any removal of existing exterior material shall require a siding permit. This permit application shall require a scaled drawing of the building and the proposed repair or replacement so that city staff can confirm no more than 35% one third of the exterior material on any building face is removed.**

**c. Any repair, replacement, remodel or addition that alters the existing building's height, roof line or footprint shall meet the following standards:**

- 1) The exterior of the addition shall use approved materials as set forth in Section G of this ordinance. The applicant need only bring the existing front building face into compliance with these standards. However if this requirement can not be met, the applicant shall spend no more than one third of the building permit valuation to improve the appearance of the front building face.**
- 2) To administer the one third rule, the applicant shall submit a written estimate of the Construction Costs with the complete plan submittal pursuant to Section Q.**
- 3) The mere addition of mechanical equipment to an existing building shall not be considered an addition or a change in building height so as to require conformance with the design standards set forth herein.**

**d. Refinishing or repainting of any existing building face shall be in accordance with the appropriate section of these standards.**

**3 4. These** The standards shall apply only to the building or site elements being developed or altered. **For example,** A a proposal for changes to a building would be required to meet only those standards that pertain to **that** building(s), while changes to a parking area would be required to meet all standards for parking areas not for buildings.

**D. Evaluation of architectural style/building character design:**

Evaluation of the appearance of a project shall be based on the quality of its design and on its relationship to its surroundings, guided by the provisions of this section. Site characteristics to be evaluated for this purpose include building and plant materials, colors, textures, shapes, massing, rhythms of building components and details, height, roof-line and setback. Designs that are incompatible with their surroundings or intentionally bizarre or exotic are prohibited. Monotony of design, both within projects and between any project and its surroundings, is prohibited.

**E. Size & Mass:**

1. The size of buildings (height and mass) in areas of existing developments shall be in direct proportion to the surrounding structures. All building components, such as windows, doors, eaves, soffits, and parapets, shall have good proportions that relate to the **façade face** of the building and shall relate well with surrounding structures.

~~When buildings are forty feet or more in width along a public or private right-of-way, the building must be articulated into small increments through the use of textures, divisions into storefronts with separate display windows, ornamental features (i.e. awnings) or by division of building mass into several smaller segments.~~

2. Articulation: To avoid long unbroken expanses, buildings **walls and/or roofs** of more than **50 60** feet in **length width along or adjacent to a public or private right-of-way** shall be divided into smaller increments **not to exceed 40 50' in length** (between 20 and 40 feet) through articulation of the **façade face as appropriate to scale**. This can be achieved through combinations of the following **examples techniques**:

- a. **Face** Façade modulation-stepping back or forward or extending a portion of the **façade face**.
- b. Vertical divisions using different textures or materials
- c. Division into storefronts with separate display windows and entrances
- d. Variation in the rooflines by alternating dormers and stepped roofs.
- e. Gables or other roof elements to reinforce the modulation (or articulation intervals) equal to the articulation interval

f. Providing a lighting fixture, trellis, tree, or other landscape feature with each interval. Or other approved methods.

F. Accessory Structures:

Accessory structures and outbuildings must be of similar materials, quality and architectural and aesthetic appearance and conformance as the principal building or structure and must be approved by the city. ~~Accessory structures shall not be built prior to the principal structure on that lot. Accessory structures may not exceed the height of the principal building or structure.~~ **All accessory structures shall be color coordinated with the principal building when the principal building is being retrofitted.**

G. Primary Material and Detail **Allowable materials by zoning district:**

1. District C-1, C-2:

- a.** Face **B**rick
- b.** Natural ~~or Simulated~~ Stone
- c.** Architectural Glass
- d.** Stucco
- e.** **EFIS**
- f.** Burnished or Glazed Concrete Masonry Unit
- g.** ~~Approved~~ Architectural **P**recast Concrete Panels
- h.** **Other materials may be approved under Section G5.**

2. District I (Tier 1)

- a.** Face **B**rick
- b.** Natural Stone
- c.** Architectural Glass
- d.** Stucco
- e.** **EFIS**
- f.** Integral Colored Rock Face Masonry Unit
- g.** Architectural **P**recast Concrete Panels
- h.** ~~Approved~~ **A**rchitectural **M**etal.
- i.** Exterior metal surfaces **material of any kind** ~~in District I~~ will be limited to a maximum coverage of ~~40%~~ **20%** on the front lot facing and metal on any **front** side will be required to have concealed fasteners. **Sides facing Tier 2 may have exposed fasteners. Finished metal overhead doors necessary for the use are exempt from the 20% maximum. No unfinished metal of any kind is allowed on any wall.**
- j.** **Other materials may be approved under Section G5.**

3. District I (Tier 2):

- a.** Face **B**rick
- b.** Natural Stone
- c.** Architectural Glass
- d.** Stucco

**e. EFIS**

**f. Integral Colored Rock Face Masonry Units**

**g. Precast Concrete Panels**

**h. Prefinished Metal Panels and Other Approved Architectural Metal**

**i. Exterior metal surfaces material of any kind in District I will be limited to a maximum coverage of 30% 40% on the front lot facing and metal on any side will be required to have concealed fasteners. Finished metal overhead doors necessary for the use are exempt from the 40% maximum. No unfinished metal of any kind is allowed on any wall.**

**j. Other materials may be approved under Section G5.**

4. District OS, **R-2 & R-3 Multiple Family Dwellings** and Residential Planned Unit Development Overlay Districts:

**a. Face Brick**

**b. Natural Stone**

**c. Architectural Glass**

**d. Wood, Steel or Cementitious Siding (i.e. Lap, Board on Board, Board & Batten, Log and Half Log or Shake)**

**e. Stucco**

**f. EFIS**

**g. Integral Colored Rock Face Concrete Masonry Unit (not more than 30% of the building face).**

**h. Other materials may be approved under Section G5.**

5. The following may not be used in any visible exterior application except when specifically permitted by the city as a:

~~a. Plain/painted poured concrete panels "cast in place"~~

~~b. Painted brick~~

~~c. Painted concrete panels~~

~~d. Painted rock faced block~~

~~e. Unadorned plain or painted concrete block~~

~~f. Tilt up concrete panels that are smooth, ribbed or corduroy in appearance~~

~~g. Prefabricated steel or sheet metal panels~~

~~h. Mirrored glass or panels~~

~~i. Aluminum, vinyl, fiberglass, asphalt, wood panel or fiberboard siding~~

**5.6. Other Materials:**

**In addition, materials not specifically listed may be approved as primary or secondary materials for use at the sole discretion of the City, when used in accordance with the other sections of this ordinance.**

**6.7. All buildings shall be constructed with continuous concrete perimeter footings meeting the requirements of the Uniform International Building Code.**

H. Color:

Colors shall be **earth tone**, harmonious ~~and~~ ~~Building colors shall consist of muted colors with low reflectance. Recommended colors include browns, grays, tans, beiges and dark or muted green, blues and reds.~~ Bright or brilliant colors and sharply contrasting colors may be used only for accent purposes occupying a maximum of ten percent of **any single building facades face**.

I. Height and roof **design/material**:

Building heights shall be consistent with the standards of the underlying zoning district. ~~Measurement of the highest point shall exclude reception antennas for television and radio, but shall include transmission antennas, satellite dishes and transmission equipment, microwave transmission equipment, and other building elements (except as listed in 10-5-10 & 10-3-9 of the Baxter zoning ordinance).~~

Pitched roofs **shall** have a minimum roof pitch of 6:12 rise to run for the main roof. **Roof pitches between 3:12 and 6:12 must be approved by the Council.** A pitched roof of 5:12 rise to run may be allowed if there are at least five (5) different roof lines on the building. **For additions to a principal structure or remodeling that requires compliance with these regulations, the City may allow the roof pitch to match the existing. Except for Tier 2 areas, all pitched metal roofing shall have concealed fasteners.** Flat roofs shall be bordered with an ornamental parapet or cornice. **The exposed backs of any parapet should match the primary exterior color. Any roof expanses greater than 60 ft in length shall be divided into smaller increments not to exceed 50 ft in length.**

J. Mechanical equipment:

Mechanical equipment, satellite dishes, and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it, shall be screened from the public view and with materials ~~identical to or strongly similar to the building's materials~~ or by heavy landscaping that will be effective **year-round** ~~in winter~~ or they shall be located so as not to be visible from any public way. The screening shall be **100% opaque and** equal to or greater than the height of the object being screened. **No roof top unit (RTU) shall be visible if viewed at a height of 5' above finish floor level at a distance of 100 feet from the building.** Use of parapet walls or pitched roof elements to screen equipment is encouraged. In no case shall wooden fencing be used as a rooftop equipment screen.

K. Site furnishing **amenities**:

Site **amenities and other site improvements** ~~furnishings~~ located on private property when provided shall be designed as part of the site's architectural concept and landscape. Materials and colors shall be in harmony with buildings, surroundings, and other furnishings; scale shall be appropriate to the site and the design; and proportions shall be attractive.

Site **amenities** ~~furnishings~~, community features and landscaping located in any public way or on other public property shall be harmonious with the design of adjacent buildings and with the general character of the City.

Lighting in connection with site **amenities furnishings** (e.g., to highlight a ground sign) shall meet the criteria applicable to site, landscape, buildings, and signs.

~~Benches, tables and chairs, trash receptacles or similar features may be required & maintained in new Planned Unit Developments.~~

L. Franchise architecture:

Franchise architecture (building design that is trademarked or identified with a particular chain or corporation ~~and is generic in nature~~) shall ~~be revised if it does not comply with the design standards of this subsection~~ comply with the architectural ordinance.

M. Screening:

Screening of service yards, refuse, and waste-removal areas, loading docks, truck parking areas, and other areas, which tend to be unsightly, shall be accomplished by use of walls, fencing, dense planting **effective year-round**, or any combination of these elements **and shall be in harmony with the materials of the building, surroundings or other furnishing. The screening shall be equal to or greater than the height of the object being screened as deemed appropriate by the a City.** ~~Screening shall block views from public right of way (pedestrian views) or adjacent residentially zoned property and shall be equally effective in winter and summer.~~

N. Maintenance:

All elements required by this section of the zoning ordinance shall be maintained in original appearance and working order.

O. Lighting:

1. Lights mounted on poles shall comply with the following standards:
  - a. Walkway lighting height maximum – fifteen (15') feet above base
  - b. Parking lot lighting height maximum – twenty-five (25') feet above base
  - c. Roadway lighting height maximum – forty (40') feet above base
  - d. Fixture type – cutoff shield that conceals the light source **with** non-sag, non-yellowing lens
  - e. Light pole base height max – three (3') feet **above finish grade**
  - f. **Leadership in Energy & Environmental Design** (LEED), certified night sky protection lighting is highly encouraged
  - g. All sources of light shall be concealed unless an approval for special lighting for a specific project is approved by the City.**
2. Building face accent lighting shall comply with the following standards:
  - a. Be stationary, single color, non changing lights **with all sources of light concealed.**
  - b. Permanent **exposed** continuous strip accent lighting profiling building or roof lines shall not be allowed within 300' of trunk highway right-of-way.
3. Rotating or aerial spot lights shall not be allowed.

P. Administration - Council Approval:

1. No new construction, alteration of existing buildings, and other developments regulated by this section may be initiated or issued a building permit without approval of ~~plans and~~ **an architectural review submittal** specifications by the City Council.

2. The Council may by resolution designate a reviewer to act on the Council's behalf to review and make recommendations on ~~plans~~ **an architectural review submittal**. The review process, make up of the reviewer, fees and other protocol for the review process shall be included in the resolution. **The "Purpose and Intent" sections of these regulations shall also be applied to review required under this subsection.** Applicants who disagree with the determination received from the reviewer may appeal the decision to the Council. The Council may require a fee for any appeal. **Any deviation from the approved plans will require additional review.**

Q. ~~Plan~~ **Architectural Review** Submittal: The following is the minimum information required to be submitted to the City for Council approval:

~~1. Preliminary Meeting: Any applicant may request a meeting prior to building permit submittal to ensure general compliance with the ordinance. The following minimum information shall be submitted:~~

~~1.a.~~ Preliminary scaled architectural plans and **colored elevations** for proposed building or buildings **with notation of exterior finish materials.**

~~2.b.~~ Scaled site plan **including landscaping, lighting, site amenities and mechanical equipment locations.** ~~layout to include preliminary locations of stormwater ponds or conveyance.~~

~~3.e.~~ Samples of exterior finish materials **or facsimile acceptable to the City (samples shall be submitted no later than the time of review).**

**4. And any other necessary information as determined by the City.**

~~5 d.~~ Colored elevation sketches if available **A completed application (provided by the City).**

**R. Preliminary Meeting With Staff: Any applicant may request a meeting with City Staff prior to City Council review for general compliance with the ordinance.**

**S. Verification of compliance: The Architectural Review Submittal ~~following plans and information~~ shall be reviewed along with building permit application to ensure compliance with the City Council's approval.**

~~1. A scaled site plan and certificate of survey showing location and design of buildings, driveways, parking areas, loading areas, and sidewalks or bike trails.~~

2. A grading plan and planting plan showing existing and proposed grade contours of one (1) foot intervals unless otherwise approved by the City or spot elevations if approved by the City Engineer, proposed storm water drainage calculations and landscaping including required screen walls and/or fences.
3. A scaled site plan showing utilities and utility easements, if any.
4. Scaled plans for all signs to be erected, including details of sign locations, design, sizes, color and lighting.
5. A description of proposed operations in sufficient detail to permit judgment of whether or not proposed uses are permitted under the terms of the Baxter zoning ordinances, and to permit judgment of the extent of any noise, odor, glare, vibration, smoke, dust, gases, or wastes that may be created.
6. Scaled building elevations and colored elevation renditions as determined by the city of Baxter.
7. Samples of exterior finish materials and any other information required in order to ensure compliance with the requirements contained herein.

**SECTION 3. Section 10-4-3 “Storage Standards” is hereby amended by adding the following:**

**D. Exterior storage in Commercial, Industrial, Office Service districts, multiple family dwellings in R-2 and R-3 zoning districts, and Planned Unit Developments shall also be subject to the architectural regulations set forth in Section 10-4-10 J and M.**

**SECTION 4. Section 10-4-4A “Screening” is hereby amended by adding the following:**

**5. Required screening in Commercial, Industrial, Office Service districts, multiple family dwellings in R-2 and R-3 districts, and Planned Unit Developments shall also be subject to the architectural regulations set forth in Section 10-4-10 J and M.**

**SECTION 5. Section 10-5-11 “Accessory Structures” is hereby amended by revising Section 10-5-11 A1 to read:**

**AB. Requirements:**

1. The location and construction of accessory structures shall be governed by this section **but accessory structures in Commercial, Industrial, Office Service districts, or built in conjunction with multiple family dwellings in R-2 and R-3 districts and Planned Unit Developments**

**are also subject to the architectural regulations set forth in Section 10-4-10 F.**

**SECTION 6.** This ordinance shall be in full force and effect upon its passage and publication according to law.

Passed by the Baxter City Council on \_\_\_\_\_, 2010.

CITY OF BAXTER, MINNESOTA

By \_\_\_\_\_  
Its Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Published in the Brainerd Daily Dispatch on \_\_\_\_\_.  
Recorded on \_\_\_\_\_.

THIS DOCUMENT DRAFTED BY:

Architectural Review Commission and William Deblon  
City of Baxter  
PO Box 2626  
Baxter, MN 56425