

## **CHAPTER 62 ARCHITECTURAL CONTROLS**

### **62.01 PURPOSE**

- (A) The City Council finds that the beauty of a community involves the aesthetic quality of all one sees in moving around, and this goes far beyond the design of individual architectural facades and signs. In modern American culture, beautiful communities can be created only through a deliberate search for beauty on the part of the community leadership, the architects, planners, the building industry, and public officials. Good community appearance is the product of orderly and harmonious relations established between man-made objects and nature. A pleasing and attractive scene results from skillful combinations and interrelations of these elements of contrasts and similarities.
  
- (B) Appearance has a direct bearing on the economic value of property. When the appearance of public areas, business establishments, and the residential community is good, shoppers, businessmen, homeowners, and industrial developers are all attracted to the community. Poor appearance, congestions, and lack of property maintenance bring about blight, decay, decreased property values and loss of revenues.
  
- (C) New building programs, along with improvement and preservation of the existing are necessary in order to maintain good community appearance. Expanding building programs and land developments has greatly reduced open spaces in the community and an awareness of the importance of good design and land use has resulted.

### **62.02 ARCHITECTURAL APPEARANCE REVIEW COMMISSION**

An architectural appearance review commission is hereby established. Said commission shall be appointed by the Mayor with the approval of the Council. Said Commission shall consist of at least three members, and shall serve with no compensation for such terms as set forth by the appointing authority. The Architectural Appearance Review Commission shall henceforth be referred to as the "Commission".

### **62.03 DEFINITIONS**

The following shall have the meanings set forth herein:

- (A) Appearance: The outward aspect visible to the public.
  
- (B) Appurtenances: The visible, functional objects accessory to and part of buildings.
  
- (C) Architectural character: The composite of aggregate of the characteristics of structure, form, materials, and function of a building, group of building, or other architectural composition.

- (D) Architectural concept: The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, which produces the architectural character.
- (E) Architectural feature: A prominent or significant part of element of a building, structure of site.
- (F) Architectural style: The characteristic form and detail, as of building of a particular histories period.
- (G) Attractive: Having qualities that arouse interest and pleasure in the observer.
- (H) Berm: A raised form of earth to provide screening or to improve the aesthetic character.
- (I) Cohesiveness: Unity of composition between design elements of a building, or a group of buildings, and the landscape development.
- (J) Compatibility: Harmony in the appearance of two or more building, structures, and landscape developments in the same vicinity.
- (K) Conservation: The protection and care, which prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.
- (L) Decorative screen: A wall or fence intended to partially or entirely cut off visibility to the area behind it.
- (M) Exterior building component: An essential and visible part of the entire exterior of a building.
- (N) External design feature: The architectural style and general arrangement of such portion of a building or structure as is to be open to view from a public street, place, or way, including the color, kind, and texture of the building materials of such portion and the type of windows, doors, lights, attached or ground signs, and other fixtures appurtenant to such portion.
- (O) Graphic element: A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.
- (P) Harmony: A quality, which produces an aesthetically pleasing whole as in an arrangement of varied architectural and landscape elements.
- (Q) Landscape: Elements of nature, topography, buildings, and other man-

made objects combined in relation to one another.

- (R) Logic of design: Accepted principles and criteria of validity in the solution of the problem of design.
- (S) Mechanical equipment: Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air-conditioning, and similar purpose.
- (T) Miscellaneous structures: Structures other than buildings visible from public ways. Examples are: memorials, stagings, antenna, water tanks, towers, sheds, shelters, fences, walls, kennels, transformers, and drive-up facilities.
- (U) Plant materials: Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.
- (V) Proportion: Relationship of parts of a building, landscape, structures of buildings to each other and to the whole balance.
- (W) Rules of procedure: Regulations adopted by the Commission for the administration of duties delegated by the City Council.
- (X) Scale: Harmonious relationship to the size of parts to one another and to the human figure.
- (Y) Screening: Structure or planting which conceals from view, from public ways the areas behind such structures or plantings.
- (Z) Shrub: A multi-stemmed woody plant other than a tree.
- (AA) Site break: A structural or landscape device to interrupt long vistas and create visual interest in a site development.
- (BB) Street hardware: Objects other than buildings and structures. Examples are: lampposts, utility posts, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, fire boxes, and hydrants.
- (CC) Streetscape: The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.
- (DD) Utilitarian structure: A structure or enclosure relating to mechanical or electrical services to a building or development.

(EE) Utility hardware: Devices such as poles, cross-arms, transformers, vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

(FF) Utility service: Any device, including wire, pipe, and conduit which carry gas, water, electricity, oil, and communications into a building or development.

#### **62.04 CRITERIA FOR APPEARANCE**

Subd. 1 The purpose of these criteria are to establish a checklist of those items that affect the physical aspect of the City. Pertinent to appearance is the design of the site, buildings, structures, planting, signs, street hardware, and miscellaneous objects that are observed by the public.

Subd. 2 These criteria are not intended to restrict imagination, innovation, or variety; but, rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the City, preserving taxable values and promoting the public health, safety, and welfare.

Subd. 3. Relationship of buildings to site.

(A) The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian movement, and parking areas.

(B) Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.

(C) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to largely screen parking areas from view from public ways.

(D) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing or anticipated adjoining buildings.

(E) Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.

Subd. 4 Relationship of buildings and site to adjoining area.

(A) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.

(B) Attractive landscape transitions to adjoining properties shall be provided.

(C) Harmony in texture, lines, and masses is required. Monotony shall be avoided.

#### Subd. 5 Landscape and Site Treatment

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structure.

(A) Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.

(B) Grades of walks, parking spaces, terraces, and other paved areas shall provide inviting and stable appearance for walking and, if seating is provided, for siting.

(C) Landscape treatment shall be provided to enhance architectural features, strengthen vistas and provide shade. Spectacular effects shall be reserved for special locations only.

(D) Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.

(E) Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and good appearance shall be used.

(F) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.

(G) Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.

(H) Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.

(I) Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing or planting, or the combination of these. Screening shall be equally effective in winter or summer.

(J) In areas where general planting will not prosper, other materials such as fences, walls, and paving of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

(K) Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

#### Subd. 6 Building Design and Style

Design and style are not restricted. The evaluation of appearance of a project shall be based on quality of its design, style, and its relationship to its surroundings.

(A) Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

(B) Materials.

I. Materials shall have good architectural character and be selected for harmony of the building and adjoining buildings.

II. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other building components wholly or partly visible from public ways.

III. Materials shall be of a durable quality.

IV. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious to their surroundings.

(C) Building components such as windows, doors, eaves, and parapets shall have good proportions in relationship with one another.

(D) Colors shall be harmonious with only compatible accents.

(E) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the buildings, or they shall be so located as not to be visible from any public ways.

(F) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

(G) Refuse and waste removal areas, service yards, storage yards, and external work areas shall be screened from public view, using materials as stated in criteria for equipment screening.

(H) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

#### Subd. 7 Signs

(A) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.

(B) Every sign shall be designed as an integral architectural element of the buildings and site to which it is principally related.

© The colors, materials, and lighting of every sign shall be restrained and harmonious with the buildings and site to which it principally relates.

(D) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.

(E) East sign shall be compatible with signs in adjoining premises and shall not compete for attention.

(F) Identification signs of a prototype design and corporation "logos" shall conform to the criteria for all other signs.

#### Subd. 8 Miscellaneous Structures and Street Hardware

(A) Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscaping. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings and proportions shall be attractive.

(B) Lighting in connection with miscellaneous structure and street hardware shall meet with the criteria applicable to site, landscape, buildings, and signs.

#### Subd. 9 Maintenance: Planning and Design Factors

(A) Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.

(B) Materials and finishes shall be selected for their durability and wear. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.

© Provision for washing and cleaning of buildings and structures and control of dirt and refuse shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

Subd. 10 Factors for Evaluation

The following factors and characteristics that affect the appearance of a development will govern the Commission's evaluation of a design submission.

(A) Conformance to ordinances and the Appearance Code

(B) Logic of design

(C) Exterior space utilization

(D) Architectural character

(E) Attractiveness

(F) Material selection

(G) Harmony and compatibility

(H) Circulation – vehicular and pedestrian

(I) Maintenance aspects

(J) Aesthetic and economic impact on abutting property and the City as a whole

**62.05 MAINTENANCE AND UPKEEP**

Subd. 1

In general, maintenance and upkeep are required for all the parts and objects that compose the City's image. Lawns and plantings require considerable more upkeep than do buildings. Nonetheless, both require maintenance in order to retain a good image. Improper and inadequate maintenance decreases value and results in bad appearance. Therefore, it is necessary that maintenance be a concern of the Commission.

Subd. 2 Particular considerations

(A) Site

- I. Landscape materials, other than plantings, which have deteriorated or have been damaged or defaced, shall be properly repaired or replaced.
- II. Plant materials that have deteriorated or died shall be replaced with healthy plantings or the area redesigned with other treatment to provide an attractive appearance.
- III. Plantings shall be kept watered, fed, cultivated, and pruned as required to give a healthy and well-groomed appearance during all seasons.
- IV. Parking areas shall be kept in good repair, properly marked, and clear of all litter and debris.
- V. Vacant property shall be free of refuse, debris, and weeds; and shall have the vegetation cut periodically during the growing period.

(B) Buildings and appurtenances

- I. Buildings and appurtenances, including signs, shall be cleaned and painted or repaired as required to present a neat appearance.
- II. Deteriorated, worn, or damaged portions shall be rebuilt or replaced.
- III. Building and sign illumination elements shall be replaced as required to maintain the effect for which designed.

© Public areas in or adjoining the development

- I. Parkway planting areas shall be maintained by the adjacent property owner or tenant in order to add to the overall aesthetic enhancement of the private property and the attractiveness of the streetscape.
- II. Sidewalks, curbs and gutters, roadside berms, and other public necessary.
- III. Refuse containers of an aesthetically satisfactory design and color shall be placed in locations that will encourage their use to avoid litter of waste materials.
- IV. Street hardware shall be erected and secured properly, and shall be cleaned or painted regularly to present an orderly appearance. Signs shall be treated similarly.

**62.06 ENFORCEMENT AND PENALTIES**

Subd. 1 Misdemeanor

Every person, firm, or corporation who shall violate any provision of this chapter shall, upon conviction thereof, be guilty of a misdemeanor. Each day's continuance of a violation of this chapter shall be deemed a separate offence.

Subd. 2 Civil

In addition to the punishment specified in this section, the City may enforce this chapter by any appropriate form of civil action and may enjoin the violation of the chapter and compel obedience thereto by mandatory orders and writs, and cause the abatement of everything existing in violation thereof. For the purpose of this chapter violation of orders and regulations made pursuant to this chapter shall be allowed in proceedings hereunder as in other actions.