

SECTION 1040 – GENERAL BUILDING REGULATIONS

SECTION

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1040.01: PURPOSE: The purpose of this Section is to establish general building regulations that are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety, and general welfare of the residents of Big Lake.

1040.02: GENERAL PROVISIONS:

Subd. 1. Dwelling Unit Restriction:

1. Model homes, garages, and accessory buildings shall not at any time be used as living quarters, temporarily or permanently, except as may be approved in emergency cases by the Zoning Administrator as an administrative permit.
2. Basements as Living Quarters. Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling, provided they meet the applicable regulations of the Minnesota State Building Code.
3. Energy conservation designs in housing, including earth sheltered residential dwellings, are not prohibited by this provision of the Ordinance, provided that the structure complies with single family dwelling standards of this Ordinance and requirements of the Minnesota State Building Code.

Subd. 2. Principal Building. Except in the case of planned unit development as provided for in Section 1011 (Planned Unit Developments) of this Ordinance, not more than one principal building shall be located on a base lot. The words “principal building” shall be given their common, ordinary meaning; in case of doubt or on any question of interpretation, the

decision of the Building Official shall be final, subject to the right of appeal as provided in Section 1005 (Appeals) of this Ordinance. For purposes of this Ordinance, all shopping centers shall be interpreted as having more than one principal building, thus requiring that they be handled under Section 1011 (Planned Unit Developments).

Subd. 3. Building Placement/Future Streets. All buildings shall be so placed that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.

Subd. 4. General Provisions. No galvanized or unfinished steel or unfinished aluminum buildings (walls or roofs) may be constructed within the City except as provided herein.

Subd. 5. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the adjacent properties or adversely impact the community's public health, safety and general welfare.

1040.03: SINGLE FAMILY DWELLINGS AND MANUFACTURED HOMES: All single family detached homes and manufactured homes shall conform to the following standards:

Subd. 1. General Requirements:

1. All homes shall be constructed upon a continuous perimeter foundation that meets the requirements of this Ordinance and the Minnesota State Building Code.
2. All homes shall have frost footings and a permanent foundation consisting of concrete block, concrete, or approved equivalent. For the purpose of this Section, a frost footing shall be any footing placed at the required depth to avoid the accepted frost line as determined by an engineer of soil mechanics, and absent an engineers report, placed at a depth of at least three and one-half (3 ½) feet.
3. Shall not be less than twenty-four (24) feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwelling shall also meet the minimum floor area requirements as set out in this Section.
4. With the exception of earth-sheltered homes, all homes shall have an earth covered, composition, shingled, tiled or interlocking metal roof with a roof pitch of at least 5:12.
5. Deck ledger boards which are installed without an attached deck must be painted or stained to match the exterior color surrounding it.

6. Receive a Building Permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used.
7. Meet the requirements of the Minnesota State Building Code or the applicable manufactured housing code.
8. Every single family dwelling unit hereafter erected shall be so located on the lot so that garage space for at least two (2) vehicles, either attached or detached, can be located on said lot. The minimum size of said garage shall be twenty-two (22) feet wide by twenty-four (24) feet deep (528 square feet).
9. Provision shall be made for possible future decks, porches or additions that meet setback standards, as part of the initial building plans.
10. All dwellings shall be served by public sanitary sewer and water, or be approved for the use of an individual sewage treatment system pursuant to Chapter 8 of the City Code.
11. All principal buildings shall display those address numbers assigned to the property by the City of Big Lake in accordance with the following requirements:
 - a. The address numbers shall be clearly visible from the nearest street.
 - b. The address numbers shall be not less than four (4) inches high and of a light reflecting material or a contrasting color to the background to which they are mounted. For single family residential dwellings, the address numbers shall be engraved upon a brick, masonry or stone background incorporated as part of the building architecture unless otherwise approved by the Building Official.
 - c. The address numbers shall be located not less than four (4) feet above grade.
 - d. Cost and maintenance of the address marker is the sole responsibility of the property owner. This includes initial addressing and any address changes required by the City of Big Lake.

Subd. 2. Minimum Floor Area Per Dwelling Unit.

1. Within the AG, R-1, R-2 and R-5 Zoning Districts, all single-family dwellings shall have a minimum floor area of nine hundred twelve (912) square feet. (Ord. 2010-04, 07/28/10).

2. Within the R1-E Zoning District, all single-family dwellings shall have a minimum floor area of one thousand two hundred forty (1,240) square feet. (Ord. 2010-04, 07/28/10).

Subd. 3. Exterior Materials. Permitted exterior materials include: brick, stone, integral colored split face (rock face) concrete block, wood, (natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress), stucco, vinyl, steel, fiber cement and aluminum siding.

1. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to cause a significant depreciation in the property values of the neighborhood or adversely affect the public health, safety or general welfare.
2. Exterior building finish. The exterior of single family and detached townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance.
3. Building foundations not exceeding two (2) feet and other such portions of a building's facade need not comply with the requirements for the primary façade treatment or materials.

Subd. 4. Required Architectural Details.

1. The front of all new construction single-family homes shall contain a minimum of two (2) unique architectural features such as a front porch, dormer, attached decks, gazebo, architectural recesses, decorative cornices, bay/bow windows, pilasters, columns, cantilevers, built-in planter/window boxes, formal pediment and trim emphasizing front door entry or other significant architectural detail. Variations of color alone shall not be sufficient to comply with this condition.

1040.04: ATTACHED RESIDENTIAL DWELLINGS:

Subd. 1. General Requirements.

1. Unit Width. The minimum width of a dwelling unit shall be twenty-four (24) feet.
2. Number of Units and Building Length. No single townhome structure shall contain more than six (6) attached units if in a row or more than eight (8) attached units if back-to-back. A townhome structure shall have no single wall greater than

forty-eight (48) feet in length without an offset of four (4) feet or more, or an angle of twenty-two and one-half (22.5) degrees, or more.

3. Garages. Each attached residential dwelling unit shall include an attached garage, the interior of which shall accommodate at least two (2) vehicles per unit. The minimum size of the attached garage shall be twenty-two (22) feet wide by twenty-four (24) feet deep five hundred twenty eight (528) square feet.
4. Outside Storage. Outside storage shall be allowed only in designated areas which are screened in accordance with Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance and under the ownership of the property owners' association subject to other applicable provisions of this Ordinance.
5. Utilities.
 - a. Public Utility Service. Separate public utility services shall be provided to each unit unless exempted by the City Engineer.
 - b. Water Connection. Individual unit shut-off valves shall be provided.
 - c. Sewer Connection. Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owner's association or owners.
6. Each site shall include at least thirty (30) percent open space, that is space without buildings, paving, or other impervious surface.
 - a. The City Council may require, at its discretion, that open space as required herein be configured in a manner to provide recreation facilities such as a tot lot or playing fields. The need for such facilities shall be based in part of the type of structures proposed, the target market for the units, the proximity to public recreation areas and other factors identified by the City.
 - b. Outdoor swimming pools or other intensive recreation uses shall observe setbacks as required for the principal structure.
7. Streets. All streets shall be public and shall comply with design standards and specifications as governed by the City Subdivision Ordinance.
8. Driveways. Dead-end private driveways shall serve a maximum of twenty-four (24) dwelling units subject to the ability to provide emergency vehicle and bus access and maneuvering space.
9. Sidewalks. Sidewalks shall be provided from parking areas, loading zones and recreation areas to the entrances of the building(s).

10. Decks or porches. Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches. Deck ledger boards which are installed without an attached deck must be painted or stained to match the exterior color surrounding it.
11. Minimum overhang. A minimum roof overhang of twelve (12) inches shall be provided on the front and back of all attached dwellings. In the case of a gable roof, a minimum twelve (12) inch overhang, soffit shall be required for all residential structures. In the case of a hip roof, the minimum eighteen (18) inch roof overhang, soffit shall be required for all residential structures.
12. All principal buildings shall display those address numbers assigned to the property by the City of Big Lake in accordance with the following requirements:
 - a. The address numbers shall be clearly visible from the nearest street.
 - b. The address numbers shall be not less than four (4) inches high and of a light reflecting material or a contrasting color to the background to which they are mounted. For single family residential dwellings, the address numbers shall be engraved upon a brick, masonry or stone background incorporated as part of the building architecture unless otherwise approved by the Building Official.
 - c. The address numbers shall be located not less than four (4) feet above grade.
 - d. Cost and maintenance of the address marker is the sole responsibility of the property owner. This includes initial addressing and any address changes required by the City of Big Lake.

Subd. 2. Minimum Floor Area Per Dwelling Unit. The minimum floor area for two family and townhome units shall be 1,050 square feet.

Subd. 3. Exterior Materials.

1. Exterior building finish attached dwellings. The exterior of townhome and attached dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, attached dwelling structures 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 artificial stone.
 - b. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than seventy-five (75) 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.
2. Permitted Exterior Finish Materials. The primary exterior building façade finished for residential uses shall consist of materials comparable in grade to the following:
- a. Brick.
 - b. Stone (natural or artificial).
 - c. Integral colored spit face (rock face) concrete block.
 - d. Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress.
 - e. Stucco (natural or artificial).
 - f. Vinyl, steel, aluminum siding.
3. Building foundations not exceeding two (2) feet and other such portions of a building's façade need not comply with the requirements for the primary façade treatment or materials.

1040.05: MULTIPLE-FAMILY (APARTMENT) DWELLINGS: The exterior of multiple-family (apartment) dwelling structures shall include a variation in building materials which are to be distributed throughout the building facades 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.

Subd. 1. General Requirements.

1. Parking, storage or garage entrance areas of multiple family dwelling developments shall be placed interior to the site rather than by neighboring residential uses.
2. Garages. An interior garage space consisting of a minimum twelve (12) feet wide by twenty-four (24) feet long, two hundred eighty eight (288) square feet, shall be provided in connection with the increase of units of any multiple family dwelling structure as follows: One private garage per dwelling unit. If more than one

private garage is contained in a single building, an area of each such private garage shall be separated by a continuous fire-resistant wall extending from the foundation up to the roof at all points. The side of the garage building containing the doorway for vehicular access shall be not less than thirty feet from other garage buildings or apartment house buildings, or from other structures, which may interfere with vehicular movement.

3. Outside Storage. Outside storage shall not be permitted on decks or patios and shall only be allowed in designated areas, approved by the Zoning Administrator, which are screened in accordance with Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance and under the ownership of the property owner's association subject to other applicable provisions of this Ordinance.
4. Height, setback and land area requirements shall be as required in the underlying zoning district.
5. Each site shall include at least thirty (30) percent open space, that is space without buildings, paving, or other impervious surface.
 - a. The City may require, at its discretion, that open space as required herein be configured in a manner to provide recreation facilities such as a tot lot or playing fields. The need for such facilities shall be based in part on the type of structures proposed, the target market for the units, the proximity to public recreation areas and other factors identified by the City.
 - b. Outdoor swimming pools or other intensive recreation uses shall observe setbacks as required in the underlying zoning district or as required for the principal structure, whichever is greater.
6. Recreation Areas. Each multiple family apartment building or complex of twenty (20) or more dwelling units shall include visually defined or fenced active recreation areas. Said areas need not be contiguous. The size of the recreation area shall be two thousand (2,000) square feet plus an additional fifty (50) square feet per unit for over twenty (20) dwelling units exclusive of parking or loading areas. For senior or physically disabled housing, twenty (20) percent of the gross lot area must be reserved for active or passive recreation area.
7. Streets. All streets shall be public and shall comply with design standards and specifications as governed by the City Subdivision Ordinance.
8. Driveways. Dead-end private driveways shall serve a maximum of one hundred (100) apartment units subject to the ability to provide emergency vehicle and bus access and maneuvering space.
9. Decks. Deck ledger boards which are installed without an attached deck must be painted or stained to match the exterior color surrounding it.

Subd. 2. Minimum Floor Area.

1. Except for elderly housing, living units classified as multiple dwellings shall have the following minimum floor areas per unit:

<u>Dwelling Type</u>	<u>Minimum Floor Area</u>
Efficiency Unit	500 square feet
One Bedroom Units	600 square feet
Two Bedroom Units	750 square feet
More than two bedroom units	An additional 100 sq. ft. for each additional bedroom.

2. Elderly (Senior Citizen) and/or Physically Disabled Housing.

- a. Living units classified as elderly (senior citizen), physically disabled shall have the following minimum floor areas per unit:

<u>Dwelling Type</u>	<u>Minimum Floor Area</u>
Efficiency Units	440 square feet
One Bedroom	520 square feet
Two Bedroom	700 square feet

- b. Efficiency Apartments. Except for elderly (senior citizen) housing, the number of efficiency apartments in a multiple dwelling shall not exceed twenty (20) percent of the total number of apartments.

Subd. 3. Exterior Materials.

1. A minimum of fifty (50) 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.
2. Multiple family units of three (3) or more stories shall be constructed of brick or stone or an equivalent material, to be approved by the City, on at least fifty (50) percent of each exterior elevation of a building.
3. 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 areas.
4. No multiple dwelling shall be so constructed as to have more than forty (40) percent of the horizontal lineal distance of a unit’s exterior wall below ground. Continuous window wells or other selective excavation shall not be used to circumvent this restriction. Areas which do not qualify as dwelling units because

of the restriction may be used for recreation, amusement, storage, parking or as utility areas.

5. Permitted Exterior Finish Materials. The primary exterior building façade finished for residential uses shall consist of materials comparable in grade to the following:
 - a. Brick.
 - b. Stone (natural or artificial).
 - c. Integral colored spit face (rock face) concrete block.
 - d. Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress.
 - e. Stucco (natural or artificial).
 - f. Vinyl, steel, aluminum siding.
6. Building foundations not exceeding two (2) feet and other such portions of a building's façade need not comply with the requirements for the primary façade treatment or materials.

1040.06: COMMERCIAL BUILDINGS:

Subd. 1. Exterior Materials.

1. Exterior wall finishes of commercial principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment. Garages, accessory structures, screen walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure on the lot.
2. Permitted Exterior Wall Finish Materials. The primary exterior building wall finishes shall be subject to Zoning Administrator approval, and shall be compatible and adjacent structures and consist of materials comparable in grade and quality to the following:
 - a. Brick.
 - b. Stone, natural and textured cast stone.
 - c. Concrete masonry with integral color and texture (such as split rock faced concrete block) or with exterior surfaces that have been treated with a decorative applied, surface texture and color other than paint.
 - d. Cast in place concrete or pre-cast concrete panels.
 - e. Wood, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood, or cypress.
 - f. Concrete composite board.

- g. Glass.
 - h. Stucco.
 - i. Vinyl.
 - j. Exterior Insulated Finishing Systems (EIFS) where the EIFS system is manufactured to replicate the look of approved building materials.
 - k. Metal siding that is coated or anodized with a non-reflective glare free finish is permitted only where coordinated into the overall architectural design and provided that the metal siding does not constitute more than fifteen percent (15%) of the total exterior wall area.
 - l. Other materials may be allowed subject to a conditional use permit and as determined as acceptable by the City Council.
- 3. Building foundations not exceeding two (2) feet and other such portions of a building's exterior wall area need not comply with the requirements for the primary exterior wall area treatment or materials.
 - 4. Galvanized or unfinished steel, galvalum or unfinished aluminum are not permitted exterior materials.
 - 5. Metal roofing material that is coated or anodized with a non-reflective glare free finish is a permitted roofing material. Said metal roofing material shall not be subject to the fifteen percent (15%) standard outlined item 2.k. above.

1040.07: INDUSTRIAL BUILDINGS:

Subd. 1. Exterior Materials.

- 1. Exterior wall finishes of industrial principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment. Garages, accessory structures, screen walls and exposed area of retaining walls shall be of a similar type, quality and appearance as the principal structure on the lot.
- 2. Permitted Exterior Wall Finish Materials. The primary exterior building wall finishes and color shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. Subject to Zoning Administrator approval, shall be compatible in material and color with adjacent structures and natural surroundings, and shall consist of materials comparable in grade and quality to the following:
 - a. Brick.
 - b. Stone, natural and textured cast stone.
 - c. Concrete masonry with integral color and texture (such as split or rock faced concrete block) or with exterior surfaces that have been treated with a decorative applied, surface texture and color other than paint.

- d. Cast in place concrete or pre-cast concrete panels.
 - e. Wood, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood, or cypress.
 - f. Concrete composite board.
 - g. Glass.
 - h. Stucco.
 - i. Vinyl.
 - j. Exterior Insulated Finishing Systems (EIFS) where the EIFS system is manufactured to replicate the look of approved building materials.
 - k. Metal siding that is coated or anodized with a non-reflective glare free finish is permitted only where coordinated into the overall architectural design and provided that the metal siding does not constitute more than fifty percent (50%) of the total exterior wall area. The wall area does not include doors, overhead doors, windows, etc.
 - l. Exterior walls of masonry, concrete, and glass are encouraged.
 - m. Other materials may be allowed subject to a conditional use permit and as determined as acceptable by the City Council.
3. Building foundations not exceeding two (2) feet and other such portions of a building's exterior wall area need not comply with the requirements for the primary exterior wall area treatment or materials.
4. Galvanized or unfinished steel, galvalum or unfinished aluminum are not permitted exterior materials.
5. Metal roofing material that is coated or anodized with a non-reflective glare free finish is a permitted roofing material. Said metal roofing material shall not be subject to the fifty percent (50%) standard outlined item 2. k. above.

1040.08: HEIGHT REQUIREMENTS: All buildings and structures shall comply with the maximum building height of the applicable zoning district.

Subd. 1. Exceptions. The building height limits established for each zoning district shall not apply to the following:

- 1. Belfries
- 2. Chimneys or flues
- 3. Church spires
- 4. Cooling towers
- 5. Cupolas and domes which do not contain useable space
- 6. Elevator penthouses
- 7. Flag poles
- 8. Monuments

9. Parapet walls extending not more than three (3) feet above the limiting height of the building.
10. Water towers
11. Necessary mechanical and electrical appurtenances
12. Poles, towers and other structures for essential services
13. Personal wireless services and commercial broadcasting antennas not exceeding twenty (20) feet above the roof of the antenna support structure
14. Antenna towers regulated by Section 1022 (Antennas) of this Ordinance.

Subd. 2. Exception Limits. No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than twenty-five (25) percent of the area of such roof nor exceed ten (10) feet in height unless otherwise approved by the Zoning Administrator.

Subd. 3. Modifications to topography of a lot may not be undertaken as a means of achieving increased building height.

Subd. 4. Building Height Non-Shoreland District. No structure shall exceed thirty-five (35) feet in height above average ground level (see Section 1001, Rules and Definitions, for the method to calculate structure height in non-shoreland areas), unless approved by the City Council with a conditional use permit and provided:

1. The site is capable of accommodating the increased intensity of the use.
2. The increased intensity of the use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
3. Public utilities and services are adequate.
4. For each additional story over three (3) stories or for each additional ten (10) feet above forty (40) feet, front and side yard setback requirements shall be increased by five (5) percent.
5. The provisions of Section 1007 (Conditional Use Permits) are considered and satisfactorily met.

Subd. 5. Shoreland Management District Height Standards. For lands within Shoreland Management Districts as defined in Section 1001 (Rules and Definitions) of this Ordinance, the following height restrictions shall apply:

1. Residential structures, shall not exceed twenty-five (25) feet in height. (See Section 1001, Rules and Definitions, for the method to calculate height in Shoreland Management Districts).

1040.09: DEFERMENT FOR EXISTING METAL BUILDINGS. An owner of an existing metal building may apply for an interim use permit to allow for a deferment from the exterior wall design requirements of this Section provided:

1. The deferment shall be until the second construction phase is complete or up to five (5) years, whichever is less; and
2. The building owner shall provide the City with an irrevocable letter of credit or other form of security acceptable to the City Attorney, for an amount one and one-half (1-1/2) the estimated cost of the required exterior wall treatment. The bank and letter of credit shall be subject to the approval of the City Attorney. The letter of credit shall secure compliance with this Ordinance.
3. Exceptions. Exceptions to the provisions of this Section may be granted via a conditional use permit by the City Council, provided that:
 - a. The proposed building maintains the quality and value intended by this Section.
 - b. The proposed building is compatible and in harmony with other structures within the district.
 - c. The provisions of Section 1007 (Conditional Use Permits) of this Ordinance are considered and the request is found to comply with these criteria.

1040.10: COMMON AREAS AND ASSOCIATIONS: The following minimum requirements shall be observed for all projects with common areas (i.e. private associations):

Subd. 1. Ownership. All common areas within a development including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, parking areas, play areas, etc., shall be owned in one of the following manners:

1. Condominium ownership pursuant to Minnesota Statutes 515A.1 – 106 as amended.
2. Private association where common areas are owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
3. If accepted by the City Council, public land as part of a Planned Unit Development.

Subd. 2. Homeowner's Association. A homeowner's association shall be established for all townhome developments and projects with common areas, subject to review

and approval of the City Attorney and 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 individual property owner having interest within the development. The following provisions shall be required:

1. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts or common area, a declaration of covenants, conditions and restrictions or an equivalent document or document such as specified by Laws 1963, Section 457, Section 11 (as may be amended), and a set of floor plans such as specified by Laws 1963, Section 457, Section 13 (as may be amended) shall be filed with the City, said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of Sherburne County, Minnesota.
2. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments shall subject said properties to the terms of said declaration.
3. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
4. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City or fails to pay taxes or assessments on properties as they become due and in the event the City incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each assessment is made.
5. Membership must be mandatory for each owner and all successors or assigns.
6. The open space restrictions must be permanent and not for a given period of years.
7. The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities to be deeded to it.

8. Property owners must pay a prorated share of the cost of the association by means of an assessment to be levied by the Association which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.
9. The association must be able to adjust the assessment to meet changed needs.
10. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final

1040.11: LOWEST FLOOR ELEVATIONS:

Subd. 1. Floodplain District. Structures located adjacent to the Elk River shall comply with the lowest floor elevation requirements of Chapter 12 (Floodplain Regulations) of the City Code.

Subd. 2. Shoreland District. The lowest floor of all structures, including basements, shall be placed at a level at least three (3) feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water mark shall be used as the highest level.