

CHAPTER 74. ZONING

ARTICLE III. Zoning Districts Established, Zoning Map

Section 74-61. Districts enumerated.

- (a) For the purpose of this chapter, the city is hereby divided into classes of districts which shall be designated as follows:
- (1) *Residence districts.* Residence districts shall be as follows:
 - R-F Farm Residence District.
 - R-1 Single-Family Residential District.
 - R-2 One- and Two-Family Dwellings District.
 - R-3 Low Density Multiple Family District.
 - R-4 High Density Multiple Family District.
 - R-5 Residential Flex District.
 - R-6 Mobile Home Park Residence District.
 - (2) *Business districts.* Business districts shall be as follows:
 - B-1 Highway Business District
 - B-2 Shopping Center Business District.
 - B-3 General Business District.
 - B-4 Limited District.
 - (3) *Industrial districts.* Industrial districts shall be as follows:
 - M-1 Light Industrial District.
 - M-2 General Industrial District.
 - (4) *Other districts.* Other districts shall be as follows:
 - Planned Unit Development District.
 - Adult Establishment District.
- (b) Any landowner seeking a rezoning of real property within the City may institute appropriate proceedings by paying such fees as are determined by the Council.

State law reference--Time limits to approve or deny written requests relating to zoning, Minn. Stats. § 15.99.

Section 74-62. Zoning map.

The location and boundaries of the districts established by this chapter are hereby set forth on the zoning map and such map is hereby made a part of this chapter, which map shall be known as the "City of Anoka Zoning Map". Such map and all notations, references and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of it as if all were fully described in this chapter. It shall be the responsibility of the zoning administrator to maintain the map and amendments thereto shall be recorded on the zoning map within 30 days after official publication of amendments. The official zoning map shall be kept on file in the city hall.

Section 74-63. District boundaries.

The boundaries between districts are, unless otherwise indicated, either the centerlines of streets, alleys or railroad rights-of-way, or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the zoning map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance there from equivalent to the number of feet so indicated, unless otherwise indicated.

Section 74-64. Classification of annexed land.

Any land annexed to the City in the future shall be placed in the R-F, farm residence district, until placed in another district by action of the City Council after recommendation of the City Planning Commission.

Section 74-65. Official Maps.

- (a) Intent and Purpose. It is the intent of the City Council to establish an Official Map for the purpose of showing lands and facilities identified for future public facilities. For purposes of this ordinance, "public facilities" is defined as streets, alleys, curbs, gutters, pedestrian ways including sidewalks and trails, medians, street-lighting systems, traffic control systems, drainage facilities, storm water management systems, fire hydrants, open space improvements and other miscellaneous improvements to be owned by a public entity that are required to be constructed and accepted within public rights-of-way or public easement. Public improvements may also include the dedication and construction of park facilities to be accepted by the City.

It is the purpose of this section of the ordinance to provide a uniform procedure for the proper use of official maps as authorized by the Minnesota Statutes, § 462.351 to §462.36.

- (b) Official Map Defined. "Official map" as used in this ordinance means a map adopted in accordance with this ordinance showing existing streets, proposed future streets, and the area needed for widening of existing streets within the City. An official map may also show the location of existing and future land and facilities within the City. An official map may cover the entire City or any portion of the City.
- (c) Initiation of Proceedings. Proceedings for adoption, amendment, or repeal of an official map or any part thereof may be initiated by (1) the City's Planning Department; (2) a recommendation of the Planning Commission; or (3) by action of the City Council.

- (d) Reference to the Planning Commission. Every proposed official map or change in a map shall be referred to the Planning Commission to hold a public hearing and to make recommendation thereon. Such recommendation shall be submitted to the City Council along with the report of the Commission on the effect of the proposal on the comprehensive plan of the City. The City Council shall take final action to approve or deny the request.
- (e) Notice and Hearing.
 - 1. Notice. A notice of the time, place and purpose of the hearing and a description of the property to be included in the official map shall be published in the official newspaper once, at least ten (10) days prior to the date of the hearing. At least ten (10) days prior to the hearing, the City shall also mail a copy of the notice to each land owner situated with or abutting the area shown on the official map. For purposes of this notice, the owners shall be determined by the records of the City Assessor and the notice shall be addressed to the last know address as shown in the assessor's records. Failure to serve any such notices shall not invalidate the proceedings.
 - 2. Hearing. At the time and place specified in the notice, the Planning Commission shall hear evidence and arguments concerning the proposal. The hearing may be continued from time to time without further notice.
- (f) Preparation and Filing of Maps. The official map or maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall be made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor. After enactment of any ordinance adopting an official map or amending or repealing a previous map amendment, a certified copy of the official map or section to which the ordinance relates together with an attached copy of the ordinance shall be filed with the Anoka County Recorder.
- (g) Effect. After an official map has been adopted and filed, the issuance of building permits by the City shall be subject to the provisions of this ordinance. The City shall deny every application for a permit to construct a new building or structure or expand an existing building or structure within any area designated on the official map for street or other public purposes. Whenever any street or highway is widened or improved or any new street is opened, or any interest in land for other public purposes is acquired by the City, the City is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of the official maps does not give the City any right, title or interest in the areas identified for public purposes thereon, but the adoption of the map does authorize the City to acquire such interest without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.
- (h) Appeals. Whenever a building permit is denied pursuant to this ordinance, an administrative law judge may, upon appeal filed with it by the owner of the land, grant a building permit in an area designated on the official map for a street or

other public purpose in any case in which the administrative law judge finds, upon the evidence and arguments presented to them:

1. That the entire property of the appellant of which the area designated for public purposes forms a part cannot yield a reasonable return to the owner unless such building permit is granted; and
2. That balancing the interest of the City in preserving the integrity of the official map and of the comprehensive plan and the interest of the owner in the use of said property and in the benefits of ownership, the grant of such permit is required by considerations of justice and equity.

If the administrative law judge authorizes issuance of a building permit, the City shall have six (6) months from the date of the Council decision to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the City shall issue the building permit if the application otherwise conforms to the City Code.

- (i) A penalty section is already included in the city code and does not need to be repeated in this section.

Secs. 74-66--74-90.

Reserved.