

ARTICLE IX. Supplemental Regulations

DIVISION 1. Generally

Section 74-481. Accessory Uses.

The following accessory uses, in addition to those specified elsewhere in this chapter, shall be permitted in any residential district, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district:

- (a) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the district.
- (b) Recreation, refreshment and service buildings in public parks and playgrounds.

Section 74-482. Accessory Buildings.

- (a) Any accessory building in excess of 120 square feet must meet minimal requirements of the State Building Code.
- (b) In case an accessory building is attached to the main building, it shall be made structurally part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building.
- (c) An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building, except as otherwise provided in this section.
- (d) A detached accessory building shall not exceed fifteen (15) feet in height for a building with a shed or flat roof, eighteen (18) feet in height for a gable, hip, gambrel, mansard, arch or round roof, or the height of the principal building, whichever is less.
- (e) The wall height of a detached accessory building shall not exceed twelve (12) feet.
- (f) A detached accessory building shall not be located in any required front yard or within five (5) feet of any side or rear lot line.
- (g) In any residential zoning district the style, color, and facing material of a garage shall be compatible with the principal building. No garage shall have a facing material that consists of factory fabricated or pre-engineered steel and/or finished metal panels or other similar material.
- (h) No accessory building in a business or mixed use zoning district shall have a facing material that consists of metal, aluminum or other similar materials.
- (i) In residential districts, temporary accessory buildings and/or containers used for construction purposes are permitted for a period of up to six (6) months after the initial issuance of a building permit. Temporary buildings used for this purpose may be of any material.

Section 74-483. Height Regulations.

- (a) Where the average slope of a lot is greater than one foot rise or fall in seven feet of horizontal distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.
- (b) In any district with a height limit of less than 50 feet, public and semipublic buildings, schools and churches, hospitals and other institutions permitted in the district may be erected to a height not exceeding 50 feet. The front, rear and side yards shall be increased one foot for each one foot by which the building exceeds the height limit established in this chapter for such district.
- (c) Height limitations set forth elsewhere in this chapter may be increased by 100 percent when applied to the following:
 - (1) Monuments.
 - (2) Flag poles.
 - (3) Cooling towers.
 - (4) Elevator penthouses.
- (d) Height limitations as set forth elsewhere in this chapter may be increased with no limitation when applied to the following; provided, that a conditional use permit is issued to increase height:
 - (1) Church domes, spires, belfries and roof ridges.
 - (2) Schools, colleges and university buildings.
 - (3) Chimneys or smokestacks.
 - (4) Television and radio broadcasting antennae.
- (e) Height limitations set forth in the R-3, R-4, B-2 and B-3 districts may be increased to six stories or 65 feet of height where the lot is not adjacent to, or closer than, 200 feet to any lot in any R-F, R-1 or R-2 district, and provided a conditional use permit is issued for such height increase, as required by this chapter.

Section 74-484.

Area Regulations.

No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than prescribed in this chapter.

Section 74-485.

Yard Regulations.

Measurements shall be taken from the nearest point of the wall of the building to the lot line in question, subject to the following qualifications:

- (a) Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four feet, six inches.

- (b) Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches.
- (c) A landing place or uncovered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three feet may be placed around such place.
- (d) The architectural features enumerated in subsections (1) through (3) of this section may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance, and except on existing lots that are 50 feet or less in width, in such instance, allowable architectural features may project into the required side yard a distance of two feet.
- (e) On double frontage lots, the required front yard shall be provided on both streets.
- (f) In the districts where filling stations are allowed, pumps and pump islands may be located within a required yard; provided that they are not less than 15 feet from any street right-of-way lines.
- (g) The required minimum side yard for churches shall be 25 feet from any residence lot line.
- (h) The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub or other growth which may cause danger to traffic on a street or public road by obscuring the view.
- (i) The required front yard of a corner lot shall be unobstructed above a height of two feet and below a height of seven feet above top of curb line in a triangular area, two sides of which are the lines running along the sides of the streets or the curb lines from the point of intersection of the two street lines as extended and a point 25 feet from such intersection and along each street line the third side of the triangle being the line between the latter two points. Also, boulevards between curb lines and right-of-way lines shall be unobstructed above a height of two feet and below a height of seven feet above the top of the curb line.
- (j) In determining the depth of rear yard for any building where the rear yard opens into the alley, one-half the width of the alley, but not exceeding ten feet, may be considered a portion of the rear yard, subject to the following qualifications:
 - (1) The depth of any rear yard shall not be reduced to less than ten feet by the application of this exception.
 - (2) If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer than a distance of 15 feet from the property line.

Section 74-486.

Garages.

No single-family or two-family dwelling shall be erected in any zoning district unless a garage, detached or attached and covering an area of at least 400 square feet, is also erected in the same parcel at the same time. A certificate of occupancy shall not be issued

by the building inspector until all the work for which the building permit was issued has been completed.

Section 74-487. Trucks in Residential Districts.

- (a) For the purposes of this section, the following definitions shall apply:
- (1) Definitions in Minn. Stat. § 168.011, as amended, shall be adopted by reference.
 - (2) *Midsized vehicle* means any motorized vehicle or trailer more than eight (8) feet and up to nine (9) feet in height, or more than twenty-two (22) feet and up to twenty-five (25) feet in length, or more than 12,000 pounds and up to 15,000 pounds gross vehicles weight.
 - (3) *Oversize vehicle* means any motorized vehicle or trailer more than nine (9) feet in height, or more than twenty-five (25) feet in length, or more than 15,000 pounds gross vehicle weight.
 - (4) *Height* is measured from the ground to the highest point on the vehicle at recommended tire pressure. All accessories, attachments, and materials carried on the vehicle are considered part of the vehicle.
 - (5) *Length* is measured at the longest point of the vehicle or, if the vehicle is a trailer, the horizontal distance between the front and rear edges of the trailer bed. All accessories, attachments and materials carried on the vehicle are considered part of the vehicle.
- (b) One (1) midsize vehicle or trailer may be parked or stored on a residential property in accordance with off-street parking and loading regulations as regulated by Chapter 74, Article IX, Division 2.
- (c) One (1) oversize recreational vehicle/recreational equipment that is owned by the occupant of the premises may be parked or stored outside in a residence district in accordance with off-street parking and loading regulations as regulated by Chapter 74, Article IX, Division 2.
- (d) Farm trucks, semi-trailers, special mobile equipment, truck tractors, farm implements or tractors, trucks carrying or designed to carry explosive or flammable materials, buses operated for hire or for commercial purposes, and earth-moving equipment are prohibited from parking in residential zoning districts, regardless of the length, height or gross vehicle weight.
- (e) This section shall not prohibit vehicles or trailers, as described in subsection (b) through (d) of this section, from short-term parking of vehicles when loading, unloading, or rendering a service.
- (f) No auxiliary motors or engines on any vehicle or equipment shall be allowed to operate except when actively loading, unloading or performing a service.
- (g) The Zoning Administrator or his/her designee may grant an administrative waiver, in writing, to a resident to allow:

- (1) A resident to temporarily park or store an oversized vehicle outside at their place of residence once per year for a period of up to seven (7) days.

Section 74-488.

Walls, fences, and hedges.

- (a) A fence is defined, for the purpose of this section, as any partition, structure, wall, or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard. For the purpose of this section, a fence shall not include naturally growing shrubs, trees or other foliage.
- (b) No fence shall be erected or substantially altered in the city without securing a permit from the building inspector. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence. A fee as determined by the City Council shall be paid with each application.
- (c) Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as chain link, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or adjacent property.
- (d) No fence shall be allowed or constructed on street rights-of-way. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or over ground utilities. The City or any utility company have authority to use such easements, shall be not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of such easement.
- (e) In single and two-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this chapter. In these two districts, fences along the side lines to the rear line, including rear lines abutting street or highway right-of-way, may not exceed six feet in height above the ground level.
- (f) The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road, by obscuring driver's view. On corner lots, no fence shall be permitted within the intersection sight distance triangle.
- (g) Off-street parking and loading zones and landscaped areas for nonresidential and for multiple-family residential development adjoining one- or two-family residence districts shall be screened by a minimum of six-foot high fence and/or a planting buffer screen. Plans of such screen or fence shall be submitted for approval as part of the site plan review by the Planning Commission and the City Council. Such plans shall be part of the application for a building permit and such fence or landscaping shall be installed as part of the initial construction and be maintained in a sightly condition, compatible with the surrounding area.
- (h) Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Cloth or canvas fences shall not be allowed. Barbed wire is not allowed in any residence district but may be installed in commercial or industrial districts with

approval by the building inspector. Every fence shall be maintained in a condition of good repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. The building inspector is authorized to notify the owner or owners of the condition and allow owner or owners 60 days in which to repair or demolish the fence.

- (i) Fences shall be constructed in conformity with the wind, stress, foundation, structural and other requirements of the state building code when applicable.

Section 74-489.

Tree Preservation.

- (a) Standards of Preservation During Construction or Grading
 - (1) Intent. Developments, structures, utilities, and all other site activities must be designed, installed, and constructed so that the maximum numbers of trees are preserved on all lots or parcels.
 - (2) For the purpose of this section, a significant tree shall be defined as any live, healthy tree measuring eight (8) inches in diameter or greater, measured at 4.5 feet above the ground.
 - (3) Tree Preservation Plan Required. To minimize tree loss and to mitigate tree removal on wooded lots or parcels with trees, a tree preservation plan must be submitted for approval along with any land disturbance permit, grading permit, site plan, or plat approval. All site activity associated with the proposed permit or plat must be in compliance with the approved tree preservation plan.
 - (4) Tree Preservation Plan. A registered architect, landscape architect, forester, or engineer must prepare the tree preservation plan. The plan must include a scaled drawing or survey including the following information:
 - a. A tree inventory indicating the amount, species, location and condition of all existing significant trees and clumps of non-significant trees within the limits of the proposed activity.
 - b. Identification of significant trees to be protected, preserved, undisturbed or to be removed.
 - c. Location of existing and proposed structures, improvements, utilities and existing and proposed contours.
 - d. Protection techniques that will be utilized to minimize disturbance to all trees remaining on site. Trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following preservation standards apply:
 - 1. Construction activities including parking, material storage, dirt stockpiling, concrete washout and other similar activities must be done as to not damage or destroy a significant tree.

2. Protective fencing must be installed around trees that are not being removed. Such fences must be at least four feet high and must consist of polyethylene safety fencing. Fencing must remain in place until construction is completed or other landscaping has been installed and the City Forester has approved the removal of the fencing.
 - e. A tree replacement plan indicating size, species, location, and planting specifications of all street and replacement trees.
- (5) Tree Replacement.
- a. Each significant tree removed or damaged through construction or grading, or found to have been damaged within one (1) year after completion of construction, must be replaced on-site at a ratio of 1:1 except for:
 1. Non Residentially Zoned Property: In no case need the tree replacement density exceed eight (8) trees per acre in non-residentially zoned districts.
 2. Residential Zoned Property: In no case need the tree replacement density exceed eight (8) trees per acre on lots one (1) acre or more or subdivisions that occur on unplatted land over one (1) acre. On residentially zoned lots less than one acre, a one to one (1:1) replacement of all trees will be required for the first seven (7) trees removed from the lot.
 3. Significant trees removed that the City Forester determines to be undesirable, invasive, or diseased shall not need to be replaced.
 - b. Street trees shall not be counted towards the number of replacement trees required on a site.
 - c. Replacement trees shall be a minimum 2 1/2 inches in diameter if deciduous, or six (6) feet in height if coniferous, measured at 4.5 feet above ground, and shall be a species similar to those which were destroyed unless otherwise required by the City Forester. Replacement trees shall be balled and burlap.
 - d. Mississippi River Control Corridor/Rum River Corridor. Any lands within the Mississippi River Control Corridor/Rum River Corridor shall meet tree replacement/preservation regulations set forth in Article VI, Division I, Section 74-287 of this chapter.
- (6) Tree Replacement Fee. If the developer is unable to replace the required amount of trees due to physical circumstances unique to the site, a tree replacement fee in an amount established by the City Council shall be paid in lieu of tree replacement.

- (7) Trees on Public Property. Trees on public property shall be regulated by Chapter 70, Article IV, Trees On Public Property.
- (8) Inspection and Enforcement. Prior to commencement of site grading or excavation, the site shall be staked and fenced for tree protection per the approved tree preservation plan. Construction activities shall cease until compliance with the tree preservation plan has been achieved. Violations of this section shall be considered a misdemeanor.

Sections 74-490

Metal Roof.

- (a) Prefinished metal roofs are permitted in all districts provided:
 - (1) The metal roof shall not have exposed fasteners, semi-concealed fasteners, or any fastener system that does not adhere directly to the support system.
 - (2) Any metal roof that is not a high-quality commercial thickness/weight according to the Building Code is prohibited.
 - (3) Any metal roof that has not been treated with a factory applied color-coating system is prohibited.
 - (4) Must have a color retention guarantee minimum of 20 years.
 - (5) There shall be no open ended rivets or seams where the roofline meets the fascia.
- (b) Single family homes, townhomes and rowhomes shall be allowed to use slate, shingle, shake, tile, or similar design pre-finished metal roofs. Standing seam metal roof design is not allowed on single family homes, townhomes, and rowhomes, **with the exception of copper accents or trim.**



Section 74-491. Temporary Accessory

Buildings.

- (a) Definitions.

Temporary accessory building. A building used for a temporary purpose which has a roof but is without a foundation or footings, is designed to be removable, and is not designed to be permanently attached to the ground, to another structure, or to any utility system. Such buildings are typically constructed of a canvas or other fabric over a PVC, metal or wood frame.

- (b) One temporary accessory building is permitted on each parcel in all residential districts, subject to the following standards:
- (1) A temporary accessory building permit must be obtained.
 - (2) The area of the temporary accessory building will be included in the impervious surface calculations for the property.
 - (3) The size of the temporary accessory building shall not exceed 12' x 26'.
 - (4) The temporary accessory building shall be securely anchored to withstand the weather and prevent against collapsing.
 - (5) The temporary accessory building shall be placed in the rear yard, a minimum of five feet (5') from either the side or rear lot line. For riparian lots, the temporary building must be placed on the river side of the property and must meet the structure setback requirements from the river or placed no closer than that of the existing primary structure if the primary structure does not meet setback requirements. In the case of a corner lot, a temporary accessory building may be located in a side yard.
 - (6) The temporary accessory building can be placed on the site for a period of no more than six (6) months per calendar year. In cases where weather prevents timely removal, one 30-day extension may be granted administratively. Such extension shall require an extension permit.
 - (7) The temporary accessory building must be constructed of durable, fire retardant materials.
 - (8) The temporary accessory building shall not exceed the height of any other accessory structures on the site or 15', whichever is less.
 - (9) For purposes of this Section, tents and canopies erected for events, weddings, family gatherings, etc. are not required to get a temporary building permit if erected for a period of two weeks or less.
 - (10) All applicable requirements of the State Building Code and the State Fire Code shall be met.
 - (11) Materials stored in the temporary accessory building must meet the standards of the State Fire Code.
 - (12) The temporary accessory building must remain in good repair throughout the time it is erected on the site. Frames without a covering are not permitted.
 - (13) A temporary accessory building erected on a site shall be counted toward the maximum number of accessory buildings allowed by this Ordinance.
 - (14) A pre-existing temporary accessory building that existed prior to August 21, 2015, and that is in compliance with this Section is permitted until November 1, 2016 and is not subject to Section 74-491(b)(6) until said date, at which point any pre-existing temporary accessory building must meet all regulations set forth in this Section. Any temporary accessory building installed after August 21, 2015 must meet all regulations set forth in this Section.

Section 74-492. Accessory Structure Administrative Site Plan Approval

- (a) For the purpose of enforcing this Chapter, an accessory structure site plan approval shall be required of all persons intending to erect, alter, or place any building or structure that is otherwise exempt from needing a building permit under MN Statute 1300.0120, Subp. 4, A.(1) .
- (b) The accessory structure site plan review shall be approved by the zoning administrator or their designee upon a written finding that the proposal meets the requirements of the applicable zoning district and is in compliance with the relevant ordinance standards.
- (c) Administrative site plan approval shall be processed according to the procedures and criteria set forth in City Code Chapter 74, Section 74-38 (g).
- (d) Application materials. The person seeking site plan approval must fill out and submit to the zoning administrator a completed application. The review fee shall be established by the City Council and recorded in the Anoka Fee Schedule. The applicant shall submit the following information as part of the application:
 - (1) A site plan showing the following information:
 - a. Location and dimensions of lot lines, buildings, driveways, off-street parking spaces, sidewalks, patios, and other forms of impervious lot coverage as determined by the zoning administrator.
 - b. Distances between buildings.
 - c. Front, side, and rear lot lines with dimensions.
 - d. Location of any easements or underground utilities.
 - e. Other information deemed necessary to determine compliance with City Code.
 - (2) A narrative describing how the structure will be used.
 - (3) A signed statement by the applicant stating that they are aware that Anoka City Code prohibits residential occupancy and home occupations in accessory structures.
 - (4) Any other information requested by the zoning administrator in order to allow a reasonable review of the requested proposal.

Sections 74-493—74-505. Reserved.