

(B) *Alternative display.* In those cases where the principal building is obscured from view from the street of address by accessory buildings, trees, shrubbery or other visual obstruction, the numbers shall be displayed from a permanent mounting on the property so that they are clearly visible from the street of address.

§ 156.111 FENCES.

(A) *General regulations.*

(1) All fences shall be located a minimum of two feet from any property line of the fence owner unless the owner of the adjoining property agrees, in writing, that the fence may be erected on the property line of the respective properties. This agreement shall be submitted at the time of building permit application.

(a) Fences shall be located a minimum of two feet from a property line adjoining a street right of way and may not be located in any drainage or utility easement except where permission has been granted by the City through an encroachment agreement.

(b) No fence other than a decorative fence may be constructed in a front yard. As used herein, the term **DECORATIVE FENCE** means a wrought iron fence, wood or vinyl vertical post and wood horizontal rail fence with no more than three rails or a wood or vinyl picket type fence with at least two inches of open space between each picket. All decorative fences shall have at least 40% of the surface area of the fence open.

(2) No residential fence may exceed six feet in height and no decorative fence in the front yard may exceed 36 inches in height.

(a) Where a corner lot abuts an adjacent property's front yard, the fence shall be set back a minimum of 10 feet from the adjoining property line, unless the fence is a decorative fence not exceeding three feet in height.

(b) Residential corner lots shall only have one front yard for the purpose of fences and that shall be the side that has the front entrance to the home.

(c) In no event shall any fence be closer than fifteen feet to a curb or street pavement.

(d) Any fence that is not a decorative fence shall be set back behind a line between a point ten feet behind the outermost front corner of the principal structure and the nearest point on the adjoining side property line.

(3) All fences shall be constructed and maintained in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be constructed so that the side containing the framing supports and cross-pieces face the interior of the fence owner's lot. Any fence which does not comply with the provisions of this section or which endangers the public safety, health or welfare shall be considered a public nuisance.

(B) *Snow-stop fencing.* Snow-stop fencing may be used from November 1st to April 1st in R-1 Districts. No permit shall be required for snow stop fencing.

(C) *Electric and barbed wire fence.* Electric fences, hog wire fencing, barbed-wire fencing and similar fencing will not be allowed, except in the R-1 District and then may only be used in conjunct with agricultural activities.

(D) *Visual obstructions.* No fence may be erected which creates visual obstructions at any intersection, alley, driveway or street for safe vehicular, bicycle or pedestrian movement.

(E) *Swimming pool fencing.* No permanent private swimming pool with a water depth exceeding 24 inches may be allowed, unless enclosed by a permanent wall or fence not less than four feet in height with self-closing door and self-closing latch. A swimming pool shall be considered permanent if it has a connected water supply, a drain connection or electrical connection where any of these require an electrical, mechanical, plumbing or building permit under the Minnesota Building Code.

(F) Fencing in commercial/industrial zoning districts shall not exceed eight feet in height. Fences, except decorative fences not exceeding three feet in height, shall not be placed in a front yard of an industrial or commercial lot.

(Ord. 80, passed 5-11-2005)

§§ 156.112 THROUGH 156.120 RESERVED FOR FUTURE EXPANSION.

§ 156.121 HEIGHT.

(A) *Structures.* No structures or building may be erected to a height exceeding 35 feet without the issuance of a conditional use permit.

(B) *Excess height on a building.* Upon the securing of a conditional use permit any building may be erected to a height exceeding that specified for the respective district, provided the front, rear and side yards shall be increased one foot for each one foot by which the building exceeds the height limit established for that district.

(C) Additional yard setback shall not be required for a structure that is any of the following: television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, cooling towers, ornamental towers and

(C) Temporary structures and trailers used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a period not exceeding six months.

§ 156.105 PUBLIC UTILITIES REQUIRED.

All residential, commercial, industrial, public, institutional or other uses, which include plumbing facilities, shall be connected to the public sewer and water system when available.

§ 156.106 RELOCATED BUILDINGS OR STRUCTURES.

(A) No existing building or structure may be relocated anywhere in the city without a permit. A permit for the relocation of any building or structure may not be issued without site plan approval by the city.

(B) The Planning and Zoning Commission shall not recommend approval of a site plan without certifying the following:

(1) The building or structure is compatible in appearance, age and character with existing buildings and structures in the area;

(2) The building or structure meets all code requirements for new buildings or structures;

(3) The building or structure is compatible with any other buildings or structures existing on the same property; and

(4) The building or structure meets all other requirements of this chapter and any other city ordinances.

§ 156.107 ACCESSORY STRUCTURES AND USES.

(A) Accessory Structures – Residential Uses

(1) No more than two accessory buildings are permitted on any single-family, detached dwelling parcel located in any district except R-1. Combined aggregate square footage for accessory structures shall not exceed 200 square feet or 2% of the lot area, whichever is greater.

(2) In no event may the combined square footage of accessory buildings exceed the square footage of the main level of the principal structure, except in the R-1 District.

(3) No accessory structure may be constructed on a parcel without a principal structure.

(4) No accessory structure shall be erected or located within any required yard other than the rear yard.

(5) Accessory structures must have a minimum of a 5-foot interior side setback and a 10-foot rear setback. Where a rear or side yard abuts a street, an accessory building shall be set back a minimum of 20 feet from the street property line. No structure may be placed in an easement except bridges by written permit approved by the City Council.

(6) In case an accessory structure is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building.

(7) An accessory building, unless attached to and made a part of the main building, shall not be closer than 6 feet to the main building, except as otherwise provided in this section.

(8) The total area of an attached accessory building (garage) shall be no greater than 1,500 square feet per level, but in no event may the garage space exceed the square footage of the main floor of the dwelling.

(9) Swimming pools may exceed the size requirements for accessory structures, but shall not exceed 50% of the rear yard.

(10) The side walls of an accessory building shall not exceed 10 feet in height and the overall height of the structure shall not exceed 15 feet, except to match the roof slope of the principal structure. This provision shall not apply to farm buildings located in a R-1 District.

(11) Arbors, trellises, balconies, breezeways, open porches, detached outdoor living rooms, and heating equipment may be placed in a rear yard if it is at least 15 feet from the rear lot line and five feet from a side lot line, but may not be closer to a side street property line than the principal structure.

(12) Neither building with metal roofs and exterior walls and covering a total (exterior) area in excess of 120 square feet, nor any other buildings with metal roofs shall be permitted in any residential or mixed use district. Pole-type buildings and rigid frame structures with membrane roof or sides, are also prohibited all zoning districts.

(13) Building exceeding 120 square feet shall be anchored to a concrete floating slab foundation.

(14) The exterior color and design of an accessory structure shall be similar to the principal structure.

(B) *Accessory structures, non-residential uses.* The following standards shall regulate the construction and maintenance of non-residential accessory structures:

(1) All accessory structures shall be subject to the same setback, height and exterior finish regulations as a principal structure for the district in which it is located.

(C) *Permits.* All accessory structures shall require a building or zoning permit from the city.

(Ord. 91, passed 3-8-2006)(Ord. 2d #5, amended 5/10/06)

§ 156.108 SITE PLAN REVIEW REQUIRED.

(A) *Review scheduling.* For all land use applications or permit applications for commercial or industrial structures, a site plan review is required by the Planning and Zoning Commission. Application materials must be submitted at least five business days before the Planning and Zoning Commission meeting to be considered at the meeting. If staff determines that the application is complete, it will be placed on the agenda.

(B) *Submittal requirements.*

- (1) Boundary survey of parcel including identification of all monuments;
- (2) Scaled location of all buildings, structures, driveways, sidewalk, trails, parking stalls and curbing;
- (3) Scaled identification of all setback dimensions from property lines;
- (4) Scaled locations of all existing and proposed utilities and easements;
- (5) Scaled depictions of floor plans for each story;
- (6) Scaled depictions of each building elevation and descriptions of exterior building materials and color schemes;
- (7) Scaled site grading plans, including erosion and sedimentation control mechanisms and procedures;
- (8) Scaled delineations of any shoreland, floodplain or wetland areas on the site;
- (9) Identification of any floodplain or wetland encroachments and detailed mitigation plans;
- (10) Detailed landscape plans, illustrating size, types and locations of all materials, a description of site seeding or sodding, a description of the timetable for site landscaping and the identification of any irrigation systems; and



APPLICATION FOR FENCE PERMIT

PRINT all information on this application.

PERMIT NUMBER: _____

Name: _____ Phone: Day: () _____ Night: () _____

Address: _____ City: _____ State: _____ Zip: _____

E-mail address _____

Location of Property:

Site Address/House No. : _____

Legal Description of Property: _____

Size of Lot or Parcel: _____ Current Zoning: _____ Est. Cost of Project: \$ _____

Type of Construction: (✓ Check all that apply.)

- Wood: _____ 6' or Under: _____
- Chain Link: _____ 6' 1" or Over: _____ (A Separate Building Permit is Needed)
- Split Rail (Front Yard): _____
- Decorative (Front Yard): _____
- Other _____

(Describe): _____

Footage: _____

Contractor: _____ Phone: _____ License # _____

Anticipated Starting Date: ____/____/____ Estimated Completion Date: ____/____/____

A sketch drawn to scale must be attached showing: A. Lot lines and corner pins; B. Dimensions of existing buildings and proposed new fence; C. Distances from lot lines and buildings. D. All Easements (Utility and drainage) E. Utility lines entering the property. Corner pins must be established and marked by the owner and visible for inspection. Two copies of construction plans must also be submitted.

Property Line Setbacks: Front Setback: _____ ft. Rear Setback: _____ ft.

Looking at the Property from the street: Left Sideline: _____ ft. Right Sideline: _____ ft.

Live on a Corner Lot? _____

Work in Right of Way? _____

I hereby declare that I am the owner, or authorized agent of the owner, of the above described property and I agree to construct the fence or use herein described in accordance with the regulations and ordinances that govern said improvement within the City of Centerville and that the foregoing information contained on this application is a true and correct statement of my intentions. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating fences or construction thereof. I understand that any utility that must be moved as a result of additions or alterations to the property will be at my expense and I will be responsible for the cost of the plan check of this application even though I do not continue the project. I also understand that the City of Centerville is not verifying my property lines, they are only visually inspecting that I have obtained a certificate of survey or have exposed the existing monuments. I agree to be held entirely responsible for the placement of the fence and if in the future it is determined to be in a drainage/utility easement it will be removed at my expense and if in the future it is determined to be on the property line or neighbors property, without proper abutting neighbor approval filed with the City of Centerville it will also be removed at my expense. Fences shall not impede water drainage/flowage.

Signature of Applicant: _____

Date: ____/____/____

***** (The following to be completed by the City) *****

Fence Permit Approved By: _____ Date: ____/____/____

Fence Permit Denied For: _____ Date: ____/____/____

Attached Letters From Abutting _____

Property Owners on File with City: _____

_____ Date: ____/____/____

_____ Date: ____/____/____

_____ Date: ____/____/____

TOTAL FEES DUE: \$ 50.00

FENCES

The purpose of City Code Section 156.111 is to promote a pleasant physical environment and to protect the public and private property within the City by regulating the location, height, type of construction and maintenance of all fences.

YOU MUST HAVE YOUR PROPERTY STAKES LOCATED AND EXPOSED BEFORE A PERMIT WILL BE ISSUED

Tips for locating iron monument stakes that mark your property line(s).

1. Obtain a Certificate of Survey of your property. The City may have a copy on file or you may need to hire a surveyor. A copy must be provided with a completed Fence Permit Application.
2. Borrow or rent a metal detector to assist you in locating the buried stakes.

**PLEASE REMEMBER TO CALL GOPHER STATE ONE CALL
AT (651) 454-0002 PRIOR TO DIGGING.**

Permit Required

No fence shall be erected or substantially altered without obtaining a permit. The permit fee is determined by Fee Schedule Resolution on an annual basis by City Council.

Location of Fences

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. All fences shall be constructed so that the side containing the framing supports and cross pieces face the interior of the fence owner's lot. Posts and framework shall be placed within the property lines of the owner. If the adjoining property owner agrees, in writing that said fence may be erected on the property line of the respective properties. Such agreement(s) shall be submitted at the time of the fence permit application.

No fences shall be allowed or constructed on street right-of-ways. Fencing material, wire, lumber, pickets, etc., shall not interfere in any way with existing underground or over ground utilities. The City or any utility company having authority to use such easements, shall not be liable for repair or replacement of such fencing material as wire, lumber, pickets, etc., in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement. Fences shall not impede water drainage/flowage.

Fences will not be allowed to restrict access to the City utility meter reading device (touch pad). Fences should be located back of the meters or property owner may relocate the device to permit access by City Staff.

Height Regulations

No fence other than a decorative fence may be constructed along the side lot lines of a residential lot between the street and the front extension of the dwelling house. As used herein, the term "decorative fence" means a wood vertical post and wood horizontal rail fence with no more than three (3) rails or a wood picket type fence with at least two (2) inches of open space between each picket.

No residential fence may exceed six (6) feet in height. No decorative fence in the front yard may exceed thirty-six (36) inches in height. Fencing in Commercial/Industrial zoning districts shall not exceed eight (8) feet in height.

Construction and Maintenance

All fences shall be constructed and maintained in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used.

Electric and Barbed Wire Fencing

Electric fences, hog wire fencing, barbed wire fencing, and similar fencing will not be allowed except in the R-1 District.

Swimming Pool Fencing

No private swimming pool with a water depth exceeding twenty-four (24) inches may be allowed unless enclosed by a permanent wall or fence not less than four (4) feet in height with self-closing door and self-closing latch.

Temporary Fencing

Snow-Stop fencing may be used from November 1 to April 1. No permit shall be required for temporary fencing.

Any fence which does not comply with the provisions of City Code Section 156.111 or which endangers the public safety, health or welfare shall be considered a public nuisance.

(B) *Alternative display.* In those cases where the principal building is obscured from view from the street of address by accessory buildings, trees, shrubbery or other visual obstruction, the numbers shall be displayed from a permanent mounting on the property so that they are clearly visible from the street of address.

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(Ord. 80, passed 5-11-2005)

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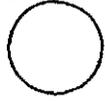
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FENCE APPLICATION SKETCH - CITY OF CENTERVILLE

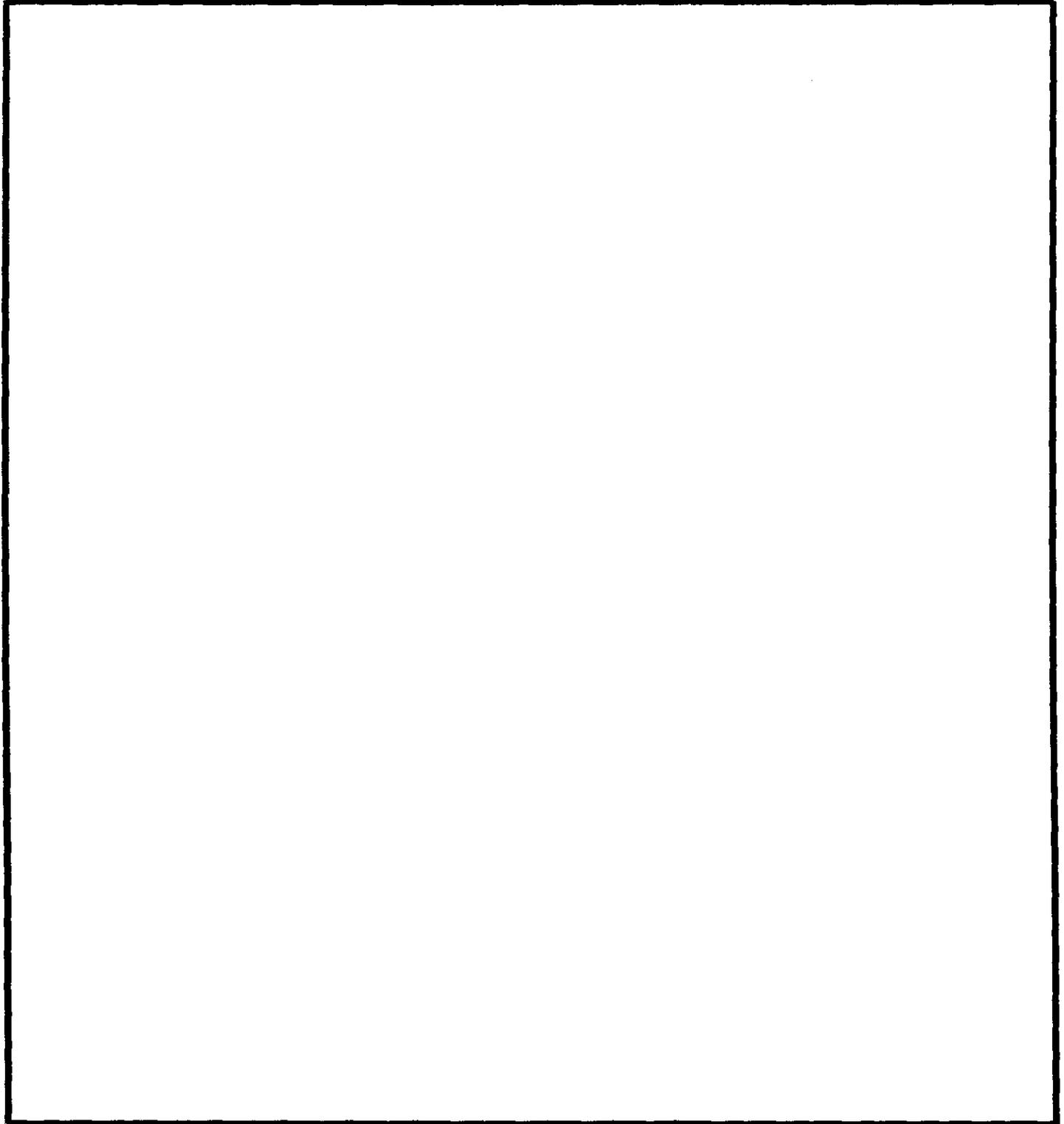
Name _____ Address _____ Date ____/____/____

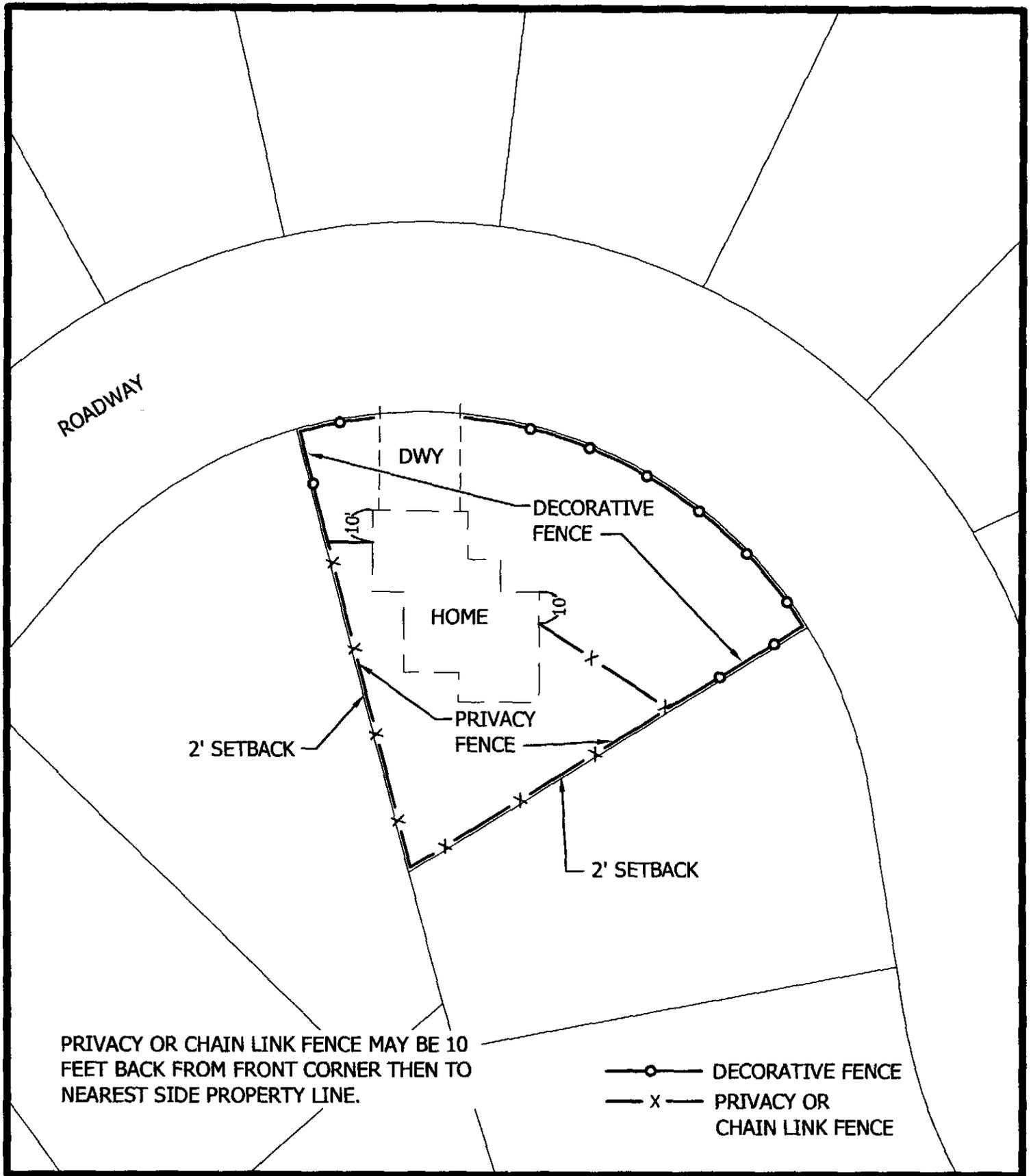
ALL SKETCHES MUST BE DRAWN TO SCALE and contain the following information: North Arrow, all abutting streets and alleys with street names, dimensions of lot or lots, all existing buildings on lots, all existing utility lines and easements, and distances from all property lines.



Crosshatch all existing buildings. **Label** property lines.

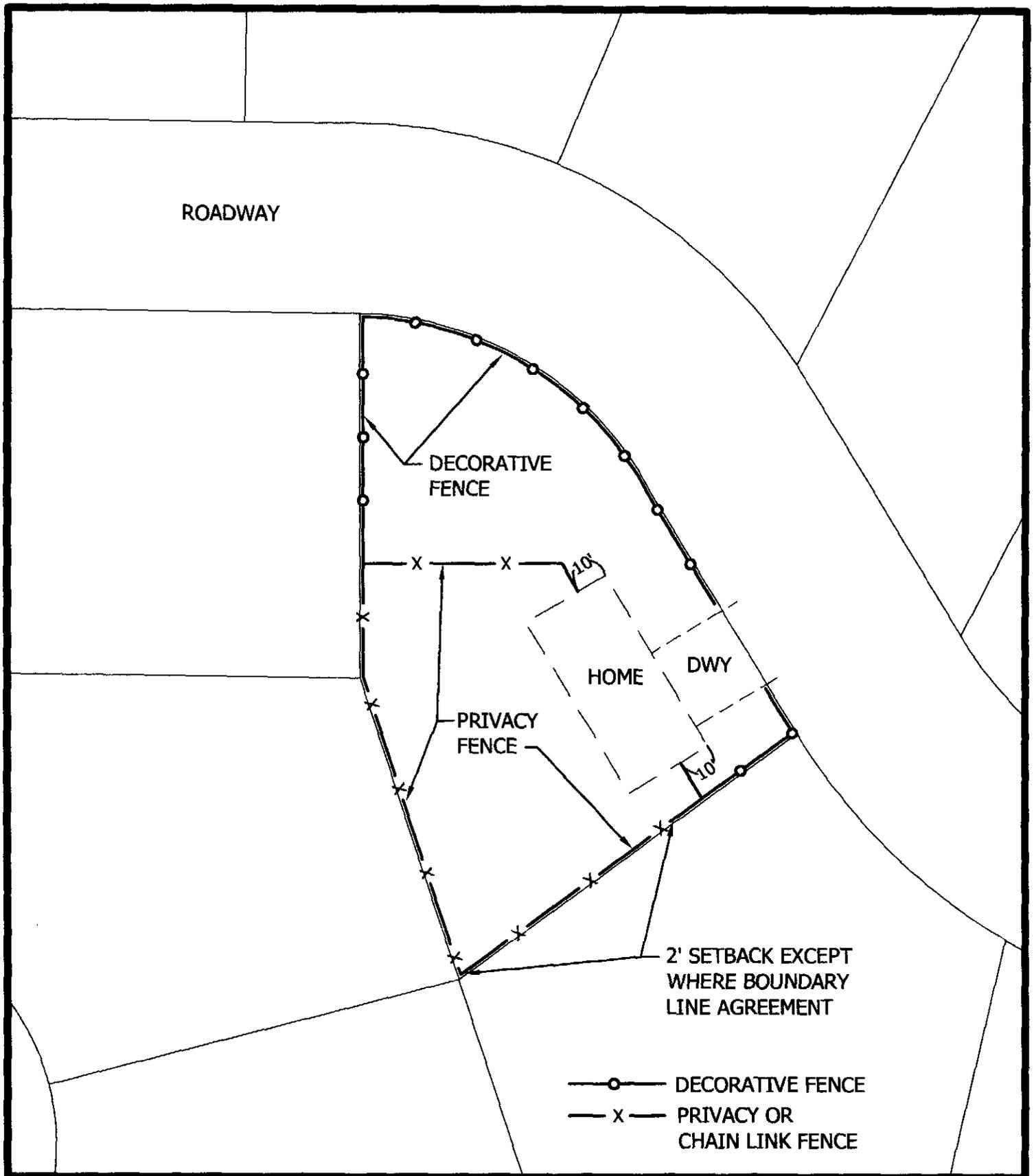
Indicate North in the Circle





TYPICAL FENCE INSTALLATION - EXAMPLE 1

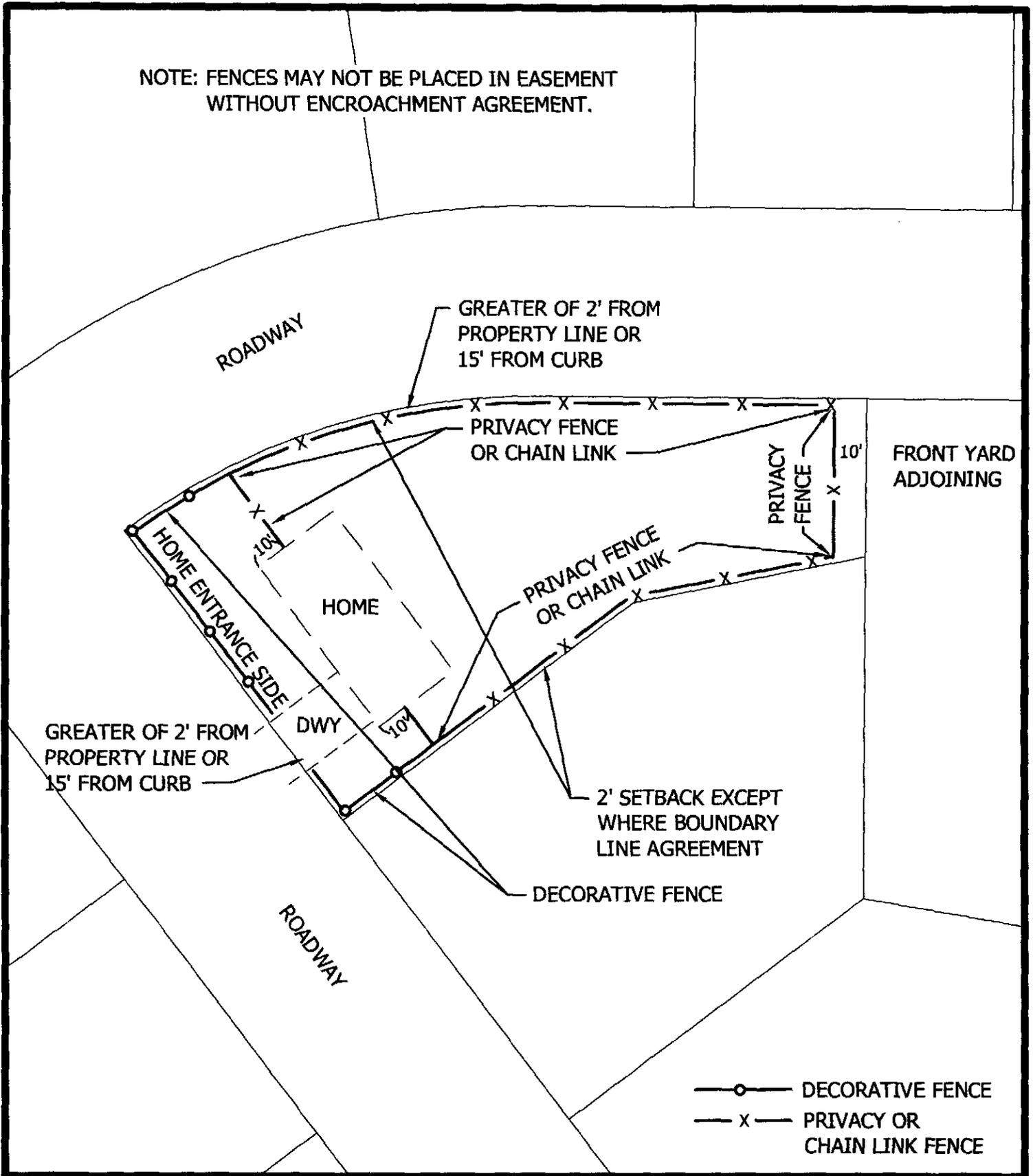
CENTERVILLE, MINNESOTA



TYPICAL FENCE INSTALLATION - EXAMPLE 2

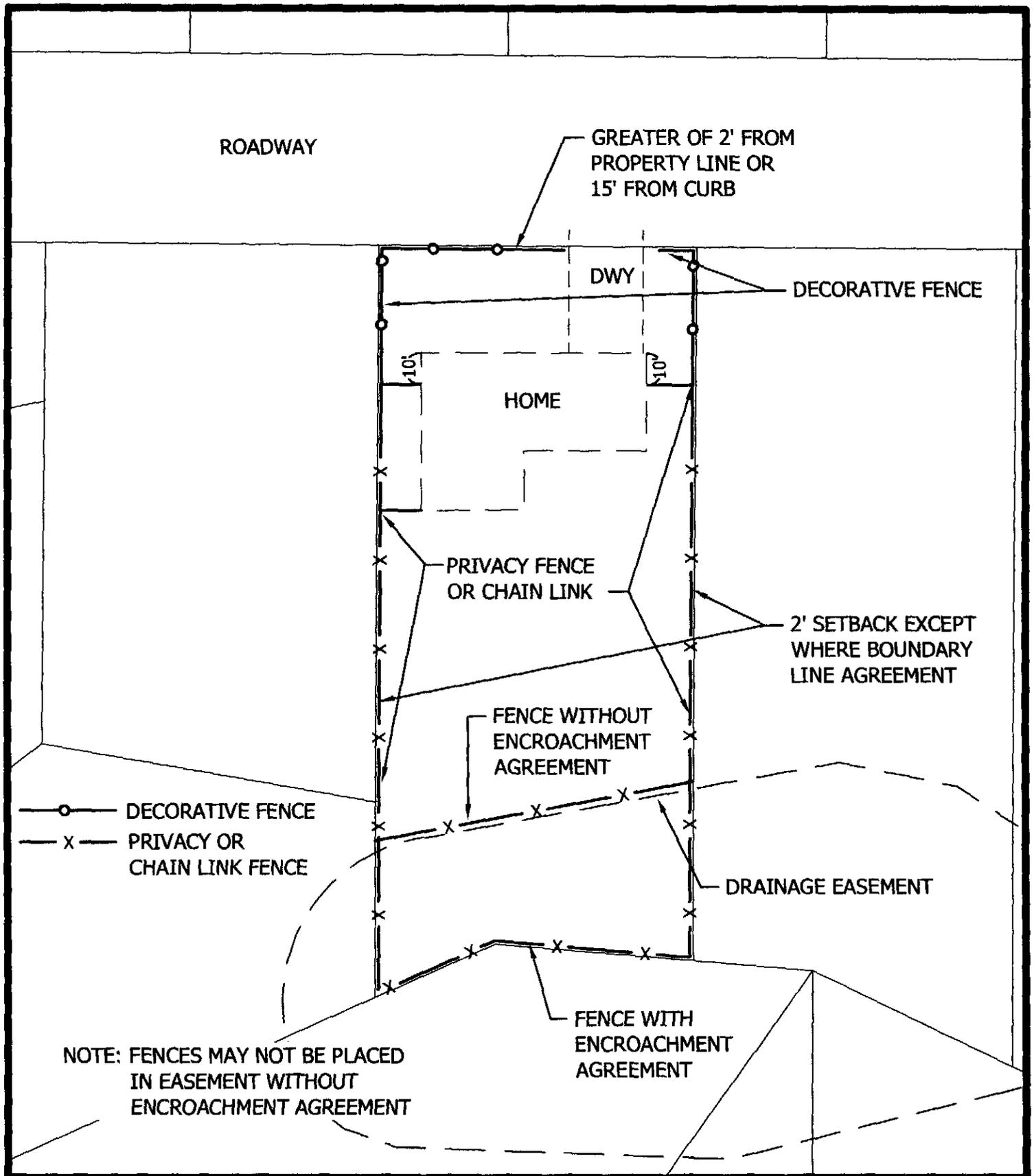
CENTERVILLE, MINNESOTA

NOTE: FENCES MAY NOT BE PLACED IN EASEMENT WITHOUT ENCROACHMENT AGREEMENT.



TYPICAL FENCE INSTALLATION - EXAMPLE 3 (CORNER LOT)

CENTERVILLE, MINNESOTA



TYPICAL FENCE INSTALLATION - EXAMPLE 4 (INTERIOR LOT)

CENTERVILLE, MINNESOTA

ENCROACHMENT AGREEMENT

AGREEMENT (“Agreement”) made this ____ day of _____ by and between the CITY OF CENTERVILLE, a Minnesota municipal corporation (“City”), and _____ (“Landowner(s”).

RECITALS

A. Landowners own in fee as joint tenants the real property situated in Anoka County, Minnesota, legally described as follows (“Subject Property”):

B. Landowners’ desire to locate a fence within the right-of-way/drainage and utility easement(s) in their side or rear yard easement(s) or both. Landowners seek permission from the City to encroach in the City’s right-of-way/drainage and utility easement.

NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL COVENANTS, THE PARTIES AGREE AS FOLLOWS:

1. The City hereby grants Landowners permission to encroach into the City’s right-of-way/drainage and utility easement in their side or rear yard easement(s) or both to the extent indicated on the Site Survey attached hereto as EXHIBIT “A”.

2. Nothing in this Agreement shall be deemed an abandonment, vacation or waiver of the City's interest in the right-of-way/drainage and utility easement(s).

3. Landowners, for themselves, their heirs, successors and assigns, hereby agree to defend, indemnify and hold the City harmless from all costs and expenses, claims and liability, including attorney fees, relating to or arising out of the grant to Landowners of permission to encroach into the City's right of way/drainage and utility easement(s). Landowners further agree to indemnify and hold the City harmless from any damage caused to the Subject Property as a result of maintenance of the City's right of way/drainage and utility easement(s), including any damage to the fence caused in whole or part by the encroachment into the City's right of way/drainage and utility easement(s).

4. The City does not warrant title or guarantee the continuing right of Landowners to maintain the fence in the City's right of way/drainage and utility easement(s).

5. Landowners may not replace the fence in the City's right of way/drainage and utility easement(s) if the fence is damaged to more than fifty percent (50%) of its fair market value, as measured immediately prior to the damage.

6. The City may direct removal of the Fence, at the Landowners' sole cost and expense, upon thirty (30) days written notice if the City determines that the fence will interfere with said use.

7. This Agreement shall run with the land and shall be recorded against the title to the Subject Property.

