

SEC. 11.71. FENCING AND SCREENING.

Subd. 1. General. Fences shall be permitted in all districts subject to the provisions hereinafter provided.

Subd. 2. Location. All fences shall be located entirely within one percent (1%) of total frontage of property line of the private property of the person, firm, or corporation constructing or causing the construction of such fence.

Subd. 3. Construction and Maintenance. Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Building Official is hereby authorized to commence proper proceedings for the abatement thereof.

Subd. 4. Barbed Wire and Electric Fences. Barbed wire and electric fences shall not be permitted, used, or constructed except in industrial districts as hereinafter provided or when related to permitted agricultural use, but in any case not in boundary line fences.

Subd. 5. Residential District Fences. All residential fences shall be placed within the property being fenced and conform to the property:

1. Fences along side property lines shall not be more than six (6) feet in height.
2. Fences along any rear property line, which is also the rear property line of an abutting lot, shall not exceed six (6) feet in height.
3. Fences along a rear property line, which line constitutes the side lot line of an abutting lot, shall not exceed six (6) feet in height.
4. The screening provisions for residential districts shall supersede, where applicable, the provisions of this section.
5. All posts or similar supporting instruments used in the construction of fences, shall be faced inward toward the property being fenced.
6. All fences shall not obstruct drainage.

7. All fences located within a utility easement require a conditional use permit.

Subd. 6. Business and Industrial Fences.

1. Business and industrial fences may be erected up to eight (8) feet, fences in excess of eight (8) feet in height shall require a conditional use permit.

2. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground. A conditional use permit shall be required for the use of barbed wire.

3. The screening provisions for business and industrial districts shall supersede, where applicable, the provisions of this subsection.

Subd. 7. Required Fencing and Screening. Where any commercial industrial use, or multi-family of four (4) or more units (i.e. structure, parking, or storage) abuts property zoned for residential use, that business, industry, or multi-family building shall provide screening along the boundary of the residential property. All fencing and screening specifically required by this section shall be subject to traffic visibility requirements of this section and shall consist of either a fence or a green belt planting strip as provided for below:

1. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening a minimum height of six (6) feet. The planting plan and type of plantings shall require the approval of the Planning Commission.

2. A required screening fence shall be constructed of masonry, brick, wood, or metal. Such fences shall provide a solid screening effect six (6) feet in height for multi-family uses and at least six (6) feet in height for business and industrial uses unless otherwise specified. The design and materials used in constructing a required screening fence shall be subject to the approval of the building official.

Subd. 8. Traffic Visibility. No fence, wall, or hedge shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet where it will interfere with traffic or pedestrian visibility thirty (30) feet from the intersecting curb line from a driveway or alley to a public way. The regulations shall apply unless it can be demonstrated to the building official that the structure provides an unobstructed view so as not to create a safety hazard.

Subd. 9. Special Purpose Fences. Fences for special purposes and fences differing in construction, height, or length may be permitted by the building official in any district of the City provided that reasons submitted by the applicant demonstrate the purpose is necessary to protect, buffer, or improve the premises for which such fence is intended. The building official may stipulate the height, location, construction, and type of special fence thereby permitted.

Subd. 12. Erection of More Than One (1) Principal Structure on a Lot. In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

Subd. 13. Housing Projects Utilizing the "Zero Lot Line" Concept. Every development proposal in a R-3 or R-4 Residential District which is designed so as to place the principal structure abutting a side property line in order to have only one (1) open side yard, must file with the Zoning Administrator a signed copy of the covenant assuring access through the adjacent yard for purposes of repairs and general maintenance. Such covenant is mandatory and the issuance of any Certificate of Zoning Compliance shall be contingent on the filing.

Subd. 14. Accessory Buildings.

- A. In case an accessory building 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. An accessory building, unless attached to and made part of the main building, shall not be closer than five (5) feet to the main building.
- B. A detached accessory building used as a private garbage enclosure not over one (1) story and not over fifteen (15) feet in height may occupy up to thirty (30) percent of the area of any side or rear yard, but shall not be placed in any front yard (closer than the building line setback from the street line) in any Zoning District.

Subd. 15. Fences in Residential Districts. In any Residential District, fences for decorative, screening, or confinement purposes may be constructed on any lot. Provided, however, that fences in any front or side yard of a corner lot shall be limited to a maximum height of thirty (30) inches along the street side within forty (40) feet of the intersecting street or alley right-of-way lines, and of sixty (60) inches if of mesh or similar construction permitting functional line-of-sight through such fencing for purposes of street traffic safety. If the foregoing height limitation is not applicable, all fences shall be limited to a height of six (6) feet. All fence heights shall be measured from contiguous ground level on both sides. Setbacks from lot lines shall be sufficient in all cases to permit painting, repair, and general maintenance. Provided, however, that adjoining owners may construct a fence on the lot line, each side of which is to be maintained by such adjoining owner, if they have entered into a written agreement and duly recorded the same in the office of the County Recorder. No more than seventy (70) percent of any fence shall be solid.

Subd. 16. Determination of Yard Requirements. Before issuing any permit, a determination shall be made by the Zoning Administrator as to what constitutes the rear yard and

side yard. After such determination has been made, no future permits on such premises shall be issued which are not in full compliance with such determination. As to premises on which there are existing structures, such determination shall also be made with reference to applications for permits, reasonably construing the apparent election at the time of the original and any subsequent construction.

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(Sections 11.13 through 11.14, inclusive, reserved for future expansion)

(Pages 21 through 25 reserved)