



AGENDA ITEM # 6.2

REPORT TO CITY COUNCIL

Report Prepared by: Dawn Bittner

Date: June 7, 2016

Subject: Ordinance Amendment Regarding Fence Height

Report: It was recently brought to Staff attention that 60 inch wooden fence panels are not readily available. The Planning Commission unanimously recommends amending the City Code as presented.

Council Action Requested:

1. Council motion amending Chapter 17, Sections 5.6, 5.7, 5.8, 5.9 and 5.11 of the Land Use and Subdivision Ordinance regarding fence height.
2. Council motion for summary publication.

ORDINANCE NO. 16- __, SECOND SERIES
AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE
REGARDING FENCE HEIGHT
CITY OF PEQUOT LAKES
COUNTY OF CROW WING
STATE OF MINNESOTA

The City Council of the City of Pequot Lakes does ordain as follows:

Purpose and Intent: The purpose of this ordinance amendment is to amend Chapter 17 of the Pequot Lakes City Code relating to fence height.

Amendment: Chapter 17, Article 5.6 shall be amended as follows:

Section 17-5.6 RURAL RESIDENTIAL (RR)

4. Performance Standards.

- B. Fences. Fences not exceeding ~~60~~ **72** inches in height may be constructed ~~except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent.~~ Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated.

Amendment: Chapter 17, Article 5.7 shall be amended as follows:

Section 17-5.7 TRANSITION RESIDENTIAL (TR)

4. Performance Standards.

- B. Fences. Fences not exceeding ~~60~~ **72** inches in height may be constructed ~~except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent.~~ Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is not to be used where frequent human contact is anticipated.

Amendment: Chapter 17, Article 5.8 shall be amended as follows:

Section 17-5.8 SHORELINE RESIDENTIAL (SR)

4. Performance Standards.

- K. Fences. ~~Fences not exceeding 36 inches in height may be constructed within the OHW setback area so long as the fencing is transparent.~~ Fences not exceeding ~~60~~ **72** inches in height may be constructed up to the OHW setback area. Under ~~to~~ **no** circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.

Amendment: Chapter 17, Article 5.9 shall be amended as follows:

Section 17-5.9 URBAN RESIDENTIAL (UR)

4. Performance Standards.

- C. Fences. ~~Fences not exceeding 36 inches in height may be constructed within the OHW setback area so long as the fencing is transparent.~~ Fences not exceeding ~~60~~ **72** inches in height may be constructed in the side yard or the front yard of a property. Fences not exceeding 96 inches may be constructed in rear yard of a property. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited, except where specific approval has been given by the Planning Commission.

Amendment: Chapter 17, Article 5.11 shall be amended as follows:

Section 17-5.11 SHORELINE COMMERCIAL (SC)

4. Performance Standards (SC):

- G. Fences. Fences not exceeding ~~60~~ **72** inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts

and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.

Passed and adopted by the Pequot Lakes City Council this 5th day of April, 2016.

Effective Date: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

Repeal: This ordinance shall repeal all ordinances inconsistent herewith.

David Sjoblad, Mayor

ATTEST:

Nancy Malecha
City Administrator/Clerk

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STATE OF MINNESOTA

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4. Performance Standards.

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Section 17-5.7 TRANSITION RESIDENTIAL (TR)

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4. Performance Standards.

- K. Fences. Fences not exceeding 36 inches in height may be constructed within the OHW setback area so long as the fencing is

transparent. Fences not exceeding 72 inches in height may be constructed up to the OHW setback area. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.

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Section 17-5.9 URBAN RESIDENTIAL (UR)

4. **Performance Standards.**

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Amendment: Chapter 17, Article 5.11 shall be amended as follows:

Section 17-5.11 SHORELINE COMMERCIAL (SC)

4. **Performance Standards (SC):**

- G. **Fences.** Fences not exceeding 72 inches in height may be constructed except within the OHW setback area. Fences not exceeding 36 inches may be constructed within the OHW setback area so long as the fencing is transparent. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way. Materials shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire. Barbed or electrified wire is prohibited.

Passed and adopted by the Pequot Lakes City Council this 7th day of June, 2016.

Effective Date: This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

Repeal: This ordinance shall repeal all ordinances inconsistent herewith.

David Sjoblad, Mayor

ATTEST:

Nancy Malecha
City Administrator/Clerk

**ORDINANCE NO. 16-02, SECOND SERIES
AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE
REGARDING FENCE HEIGHT
CITY OF PEQUOT LAKES
COUNTY OF CROW WING
STATE OF MINNESOTA**

The following is the official summary of Ordinance No. 16-___, Second Series, approved by the City Council of the City of Pequot Lakes, on the 7th day of June, 2016.

The purpose and intent of this ordinance is to amend Chapter 17 of the City Code relating to Fence Height.

A printed copy of the ordinance is available for inspection by any person at City Hall.

Passed and approved by a __/5th vote of the City Council this 7th day of June, 2016.

David Sjoblad, Mayor

ATTEST:

Nancy Malecha
City Administrator/Clerk