



**PUBLIC HEARING – FENCE HEIGHT**

**Application:** Ordinance Amendment Regarding Fence Height

**Applicant:** City of Pequot Lakes

**Agenda Item:** 3 (a)

**Background Information:** The maximum height for fences in our current code is:

ZONE	HEIGHT
Rural Residential	60 inches
Shoreline Residential	60 inches
Commercial	84 inches
Shoreline Commercial	60 inches
Downtown Mixed Use	72 inches
Light Industrial	84 inches
Urban Residential	60 inches side or front yard 96 inches rear yard
Transition Residential	60 inches

It was recently brought to Staff’s attention that 60 inch (5 foot) wooden fence panels are not available at Menards, Fleet Farm or Home Depot. Staff is suggesting the maximum fence height in the Rural Residential, Shoreline Residential, Shoreline Commercial, Urban Residential and Transition Residential zones be increased to 72 inches.

Area maximum fence standards:

Breezy Point	72 inches
Crosslake	Residential 78 inches Commercial 96 inches
Crow Wing County	78 inches
East Gull Lake	60 inches
Jenkins	Residential 48 inches front & corner side yard 72 inches side & rear yard Commercial 48 inches front yard 96 inches side & rear
Lake Shore	72 inches
Nisswa	72 inches

As Staff reviewed the fence regulations they discovered an error in the Urban Residential, Rural Residential and Transitional Residential Performance Standards. Staff is recommending a sentence be stricken from those three zoning classifications and be added to the Shoreline Residential Performance Standards.

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## **Applicable Regulations:**

### **Section 17-5.6 RURAL RESIDENTIAL (RR)**

#### **4. Performance Standards.**

- B. Fences. Fences not exceeding 60 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.

### **Section 17-5.7 TRANSITION RESIDENTIAL (TR)**

#### **4. Performance Standards.**

- B. Fences. Fences not exceeding 60 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.

### **Section 17-5.8 SHORELINE RESIDENTIAL (SR)**

#### **4. Performance Standards.**

- K. Fences. Fences not exceeding 60 inches in height may be constructed up to the OHW setback area. Under to 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.

### **Section 17-5.9 URBAN RESIDENTIAL (UR)**

- 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 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.

**Section 17-5.11 SHORELINE COMMERCIAL (SC)**

- G. Fences. Fences not exceeding 60 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.

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**Staff Findings:** Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. The amendment creates a more flexible ordinance that allows property owners the ability to choose premade fence panels.
2. The amendment corrects inaccuracies in the Ordinance.

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**Planning Commission Direction:** The proposed Ordinance Amendment is attached. The underlined, red text is the proposed language to be added. ~~The strikethrough~~ language is proposed to be removed.

The Planning Commission can approve the Ordinance Amendment, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

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**Staff Recommendation:** We recommend a motion for the City Council to amend the Ordinance.

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