

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
DRAFT ORDINANCE NO. 832

**AN ORDINANCE AMENDING CHAPTER 918 OF THE ZONING ORDINANCE
RELATED TO FENCING/SCREENING**

WHEREAS, City staff, working with the Zoning Task Force and the Planning Commission, has drafted certain amendments to Sections 918.01 and 918.03.A of Chapter 918 of the Zoning Ordinance on Fencing/Screening (the “Zoning Ordinance Amendments”);

WHEREAS, the purpose and intent of the Zoning Ordinance Amendments are to (i) make the Code provisions related to fencing and screening more usable for the public, staff, and fence/screening installers; (ii) ensure that Wayzata’s aesthetic standards are being met with respect to fences and screening; and (iii) ensure that the fence/screening standards are practical, useful, and serve all stakeholders;

WHEREAS, the Planning Commission reviewed and revised the Zoning Ordinance Amendments, and recommended their approval and adoption as detailed in the Report and Recommendation of the Planning Commission, dated August 21, 2023; and

WHEREAS, City Council concurs with and hereby adopts the findings and recommendation of the Report and Recommendation of the Planning Commission on the Zoning Ordinance Amendments.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Section 918.01 of the Zoning Ordinance related to Fence Regulations. Section 918.01 of the Zoning Ordinance (Part IX of City Code) is hereby amended to read in its entirety as follows (underlined text added; ~~struck~~ text deleted):

918.01 Fence Regulations.

- A. **Permit Required.** Except as otherwise provided herein, no person shall erect, alter or relocate any fence within the City without first having been issued a permit therefor.
- B. **Permit Fee.** A fee as established by City Council resolution shall be charged for a permit issued under this section for new fences, as well as the replacement of fences in the same location.
- C. **Application Procedures.** Each application for a permit under this Section shall be submitted to the Zoning Administrator on forms provided by the City. Each such application shall include.
 - 1. A Site plan drawn to scale showing the location of house(s), garage(s), and other improvements on the lot and the location of the fencing to be erected, altered or relocated.
 - 2. A sketch or photocopy of the proposed fence.
 - 3. Where appropriate, the signature of all side abutting neighbors.
- D. **General Provisions.** All fences within the City shall be subject to the following general provisions:
 - 1. No fences shall be placed on or extend into public rights-of-way.

2. All fences (hedges and plantings excluded) constructed shall require a permit under this Section. Permits may be issued by the Zoning Administrator or designee, if all requirements of this Ordinance have been met.
 3. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property.
 4. Both sides of any fence shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
 - ~~5. Barbed wire fences are only allowed in the City of Wayzata by conditional use permit.~~
 56. No person shall construct or maintain or allow to be constructed or maintained anywhere within the City any fence or metal construction which is charged by or connected with an electrical system.
 67. No physical damage of any kind shall occur to abutting property.
 78. All manmade fences located in front of the rear building line shall consist of materials comparable in grade and quality to the following: decorative masonry, vinyl or composite plastic, wrought iron or wood, provided the surfaces are finished for exterior use; or wood of proven durability is used, such as cedar or redwood.
 89. A certificate of survey shall be required for all fences (except hedges and plantings) to be constructed up to or on the property line, unless corner property stakes are located and a survey exists in the property file.
- E. **Specific Fence Standards.** Fences may be allowed in the City of Wayzata subject to the following specific standards:
1. Except as may be provided herein, manmade fences not exceeding six feet in height and consisting of completely solid matter may be permitted at or behind the rear building line as established by the primary structure on the lot.
 2. Except as may be provided herein, fences not exceeding 4248 inches in height and consisting of no more than 5075 percent solid matter may be permitted in front of the front building line as established by the primary structure on the lot.
 3. Except as may be provided herein, manmade fences may be permitted at or behind the front building line and in front of the rear building line as established by the primary structure on the lot, subject to the following standards:
 - a) Fences not exceeding 4248 inches in height may consist of completely solid matter.
 - b) Fences over 4248 inches in height, but not exceeding six feet in height, shall consist of no more than 5075 percent solid matter for the entire fence.
 4. Fences not exceeding six feet in height, for uses other than one and two family dwellings, may be permitted in front of the front building line as established by the primary structure on the lot, when required for screening of adjacent property. In such cases, the required front setback for the fence shall be the same as for the use which it is intended to screen. In no case shall a fence exceeding 4248 inches in height be set back less than ten feet from the roadway in such instances.
 5. On corner lots or lots adjacent to railroad rights-of-way, no fence shall be located in a sight visibility triangle unless it is in compliance with the sight clearance requirements for such lots as set forth in the Section 916.05 of this Ordinance.

6. Should the rear lot line of a lot in a residential district be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot shall be fenced in accordance with the provisions of Section 918.01.E.2.
7. Fences up to ten feet in height may be permitted to enclose tennis courts where allowed or permitted by conditional use.
8. Natural hedges or plantings utilized as fences in the R-1A and R-1 Zoning Districts are allowed with no height restrictions in front, side, and rear yards in all residential zoning districts.
9. There are no height restrictions on natural hedges or plantings utilized as fences located behind the rear building line of the principal structure in any residential zoning district.

~~F. **Fence Standards Allowed by Conditional Use Permit.** In accordance with all conditional use permit procedures set forth in Chapter 904 of this Ordinance, special fencing arrangements may be approved as a conditional use permit by the City. The following fences may be approved by conditional use permit only in accordance with the standards as set forth herein:-~~

~~1. Fences allowed by conditional use permit are as follows:-~~

- ~~a) Fences generally not exceeding a height of eight feet in locations where fences of up to six feet height are permitted, except for within a side or rear of a required lakeshore setback area.-~~
- ~~b) Fences consisting of greater than 50 percent solid matter in front of the rear building line up to the front property line and not exceeding a height of eight feet. In no case shall a fence extend into the public right of way or be located nearer than ten' feet from the street or roadway.-~~
- ~~c) Barbed wire fences used to enclose an area of five acres or more, or on the top of security fences where essential to the protection of private goods and property or the public health, safety and welfare as deemed appropriate.-~~

~~2. Standards for evaluating fence conditional use permits are as follows:-~~

- ~~a) The fence placement, height or design does not create a safety hazard with regard to, from or on a public street or roadway.-~~
- ~~b) The fence placement, height or design does not create a safety problem or negatively affect adjoining properties or use.-~~
- ~~c) The provisions of Section 904.02.G of this Ordinance are considered and satisfactorily met.-~~

~~G. **Non-Conforming Fences.** It is the intent of this Ordinance to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Ordinance to encourage the survival of non-conforming fences and such fences are declared to be incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:-~~

- ~~1. No existing fence not permitted by this Ordinance in the district within which it is located, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered unless such fence is changed to one permitted in that district. Maintenance of a non-conforming fence will be allowed, however, when this includes necessary repairs and incidental alterations which do not expand or intensify the non-conforming fence.-~~

Section 2. Amendments to Section 918.03 of Zoning Ordinance Related to Required Fencing, Screening and Landscaping. Section 918.03.A of the Zoning Ordinance (Part IX of City Code) is hereby amended to read in its entirety as follows (underlined text added; ~~struck~~ text deleted):

- A. **Fencing and Screening.** Where any townhouse, ~~quadraminium, manor home,~~ multiple family or non-residential use (i.e., structure, parking or storage) abuts property zoned for residential use, the higher density residential or the non-residential use shall provide screening along the boundary of the residential property. Screening shall also be provided where a non-residential use is across the street from a residential zone, but not on that side of a non-residential use considered to be the front (as determined by the Zoning Administrator). All the fencing and screening specifically required by this Ordinance shall be subject to Section 916.05 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 complete visual screening to a minimum height of six feet. Earth mounding or berms may be used but shall not be used to achieve more than three feet of the required screen. The planting plan and type of plantings shall require the approval of the City Council.
 2. A required screening fence shall be constructed of masonry, brick, wood, vinyl or composite plastic, or metal. Such fence shall provide a solid screening effect of six feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council. Fences in excess of height limitations established in Section 918.01 shall require approval pursuant to procedures noted.

Section 3. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 19th day of September, 2023.

Johanna McCarthy
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading: September 19, 2023
Second Reading:
Publication: