



## MEMORANDUM

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**DATE:** August 9, 2023

**TO:** Planning Commission Chair and Commissioners

**FROM:** Jessica Jagoe, Community Development Director

**SUBJECT:** Planning Case #23-013 – Public Hearing Required  
**Applicant:** City of Arden Hills  
**Request:** Zoning Code Amendments – Chapter 13, Section 1325.05 - Design Standards, Subdivision 4.D – Fencing

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### Requested Action

The City of Arden Hills is proposing ordinance language in the Zoning Ordinance that will add language in the city code to identify criteria between a temporary and permanent fence in all zoning districts as well as set a maximum height for fences in the Business and Industrial Zoning Districts. The proposed amendments to City Zoning Code Chapter 13 are within Section 1325.05, Subd 4.D, Fences.

### Background

At their February 21<sup>st</sup> work session, the City Council had a preliminary discussion on if, or how, City ordinances may be restrictive to residents wanting to remodel or add-on to their home. City staff was directed to survey neighboring cities to compare Arden Hills’ residential setback requirements. Additionally, city staff was asked to assemble a list of previously identified code amendments to allow for further Council discussion to occur on the prioritization of amendment reviews.

City staff brought back the requested information to the City Council at their April 17<sup>th</sup> meeting. Staff provide a list of ordinance amendments that were previously tasked to proceed directly to the Planning Commission for the first review once a Senior Planner was onboard and as staff time allowed. While others would need to be brought back to the City Council for further discussion and direction at a future work session. Below is the list of ordinance amendments that were part of the City Council work session discussion:

#### Planning Commission

- Fences (i.e. Temporary and Permanent, Definitions and Standards)
- Zoning Amendments for consistency with 2040 Comprehensive Plan

#### City Council Work Session

- Infill Development (i.e. Land Disturbance and Fill, Height of Buildings, Tree Clearing, Sight Lines, Character of Neighborhood)
- Rental Properties (i.e. Rental Registration/Licensing, Rental Cap, Short Term Rentals)
- Signage
  - Council has tasked to the Economic Development Commission for first review.
- Corner Lot Setbacks
- Accessory Structures (i.e. residential maximum size allowed)
- EV Charging Stations

The City Council consensus was to proceed with the above amendments as outlined. Staff was directed to bring forward the fence ordinance amendments to the Planning Commission for the first review and to hold a public hearing. Following the public hearing, the draft ordinance language with recommendation of the Planning Commission would be brought to the City Council for subsequent discussion and adoption.

### **Overview of Ordinance Amendments**

Staff has prepared a draft ordinance showing language to be added in red font for your review (Attachment A). The proposed amendments are intended to establish criteria for evaluating residential fences and identify factors between a temporary and permanent fence. Currently, the city code is absent of any language differentiating the two which means that all fences are subject to a zoning permit. City staff has had requests to install a temporary fence for reasons such as a snow barrier or as protection around grass seed. The proposed language would also establish a time limitation for how many days temporary fencing could be erected on a property. Lastly, the city code does not have a maximum height specification for fences in business or industrial zoning districts. The proposed language establishes a maximum height and allows the City to grant flexibility based on site suitability as a buffer or screening.

The proposed amendments to City Zoning Code Chapter 13 are within Section 1325.05, Subd 4.D, Fences.

#### *Proposed Ordinance Language:*

- 1) Amend Section 1320.05 Design Standards, Subd. 4 Screening, D. Fence Regulations
  - a. Add Section 1325.05.Subd. 4. D. 3 - Fences in residential districts shall be comprised of chain-link, aluminum, wood, vinyl, composite, or other material as approved by the Zoning Administrator. Alternate fencing materials may be allowed in business and industrial zoning districts subject to conformance with Section 1325.05.
  - b. Add Section 1325.05.Subd. 4. D. 4 - Height of Fences in Business and Industrial Districts. Fences may be up to eight (8) feet in height in the side and rear yards up to the front building line of the principal structure. Fences abutting residential districts shall conform to those regulations applicable to the residential district. Fences, solid walls and hedges in the minimum front yard setback may be allowed through Site Plan Review or as part of a Planned Unit Development as determined appropriate by the City Council based on site suitability to allow for additional screening and/or as a buffer for noise reduction.

- c. Add Section 1325.05.Subd. 4. D. 10 - Fences which are temporary in nature shall be allowed seasonally for the purpose of protecting gardens or lawns from natural elements. Temporary fences that are 48 inches or less shall be allowed without a zoning permit and temporary fences over 48 inches are prohibited. Other purposes for temporary fencing may be permitted on a case-by-case review subject to the approval of the Zoning Administrator. Temporary fencing may be installed for a duration not to exceed 120 days. Examples of temporary fencing materials allowed are snow or safety fence (i.e. plastic), silt fence (i.e. fabric), or wire fence. Temporary fencing shall be subject to all other fence regulations listed within the ordinance. Silt fencing associated with an active grading and erosion permit issued the City is exempt from a zoning permit as a temporary fence.

An ordinance amendment to the Zoning Code does require a public hearing before the Planning Commission.

### **Additional Review**

N/A

### **Findings of Fact**

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

#### *General Findings:*

1. The City of Arden Hills is proposing to amend ordinance language to create design and materials standards for fences in residential zoning districts.
2. The proposed ordinance would create language for evaluating a temporary fence in all zoning districts.
3. The proposed ordinance will add a maximum height design standard for fences in the business and industrial zoning districts.
4. The proposed ordinance will include amendments to the language of the City Code to Chapter 13 – Zoning Code within Section 1325.05, Subd. 4 for Fences.
5. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.

### **Options and Motion Language**

Staff has provided the following options and motion language for this case.

- Recommend Approval: Motion to recommend *approval* of Planning Case 23-013 as presented for Zoning Code Amendments to Chapter 13 in Section 1325.05- Subd. 4.D of the Arden Hills City Code to add language in the city code establishing criteria for a temporary and permanent fence in all zoning districts as well as set a maximum height for fences in the Business and Industrial Zoning Districts as presented in the August 9, 2023 Report to the Planning Commission.
- Recommend Approval with Amendments: Motion to recommend *approval* of Planning Case 23-013 as presented for Zoning Code Amendments to Chapter 13 in Section

1325.05- Subd. 4.D of the Arden Hills City Code to add language in the city code establishing criteria for a temporary and permanent fence in all zoning districts as well as set a maximum height for fences in the Business and Industrial Zoning Districts, based on the findings of fact and August 9, 2023 Report to the Planning Commission with amendments: *a specific reason should be included with all amendments.*

- **Recommend Denial:** Motion to recommend *denial* of Planning Case 23-013 as presented for Zoning Code Amendments to Chapter 13 in Section 1325.05- Subd. 4.D of the Arden Hills City Code to add language in the city code establishing criteria for a temporary and permanent fence in all zoning districts as well as set a maximum height for fences in the Business and Industrial Zoning Districts: *findings to deny should specifically reference the reasons for denial.*
- **Table:** Motion to *table* Planning Case 23-013 as presented for Zoning Code Amendments to Chapter 13 in Section 1325.05- Subd. 4.D of the Arden Hills City Code to add language in the city code establishing criteria for a temporary and permanent fence in all zoning districts as well as set a maximum height for fences in the Business and Industrial Zoning Districts: *the Planning Commission should identify a specific reason and/or information request should be included with a motion to table.*

### **Public Notices**

A Zoning Code Amendment requires a public hearing. Notice was published in the *Pioneer Press* on July 28, 2023. The City has not received any public comments regarding this case.

### **Attachments**

- A. Draft Fence Redlined Ord. Amendment