



MEMORANDUM

**DATE:** August 28, 2023

**TO:** Honorable Mayor and City Councilmembers  
Dave Perrault, City Administrator

**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

<b>Budgeted Amount:</b>	<b>Actual Amount:</b>	<b>Funding Source:</b>
N/A	N/A	N/A

**Council Should Consider**

- Hold the required public hearing for Planning Case 23-014, a proposal for Zoning Ordinance Amendments to Chapter 13, Section 1325.05, Subd. 4.D, Fences 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 City Council will be asked to make a formal decision regarding the application under Agenda Item 11A.

**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 150 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 or fencing utilized at a construction site associated with an active grading and erosion control or building permit issued by the City is allowed as an exception to this provision for duration and height. Temporary fencing installed in conjunction with a City permit is subject to removal prior to the final inspection.

### **Planning Commission Review**

The Planning Commission reviewed this application at the August 9, 2023 meeting. The Commission voted 6-0 (Commissioner Mitchell was absent) to recommend approval of Planning Case 23-014 with amendments. The Commission recommended increasing the duration for a temporary fence from 120 days to 150 days and added wording that identifies fencing utilized at a construction site would also be an exception to the temporary fencing provision.

### **Public Notice and Comments**

A Zoning Code Amendment requires a public hearing. Notice was published in the *Pioneer Press* on August 17, 2023. The City has not received any public comments regarding this case.

### **Attachments**

- A. Draft Fence Redlined Ord. Amendment
- B. Planning Commission Memo
- C. Draft Planning Commission Minutes
- D. Presentation