



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

Budgeted Amount:	Actual Amount:	Funding Source:
N/A	N/A	N/A

Council Should Consider

Motions to approve, table, or deny the following:

- Adoption of Ordinance 2023-008 for Zoning Code Amendments to Chapter 13, Section 1325.05 – Design Standards, 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.
- Authorization to publish a Summary Ordinance of 2023-008 for Planning Case 23-013.

Approval for authorization to publish summary ordinance requires an affirmative vote of four councilmembers.

Overview of Ordinance Amendments

Staff has prepared a draft ordinance showing language to be added underlined 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.

Suggested Findings of Fact

The Planning Commission reviewed this application at their August 9, 2023 meeting and have offered the following findings of fact for your 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.D for Fences.

5. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
6. The Planning Commission conducted a public hearing for the Text Amendment on August 9, 2023.

Options and Motion Language

The Planning Commission reviewed this application at their August 9, 2023 meeting. At that time, they recommended approval with amendments of Planning Case 23-013 for Zoning Code Amendments 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 by a 6-0 vote (Commissioner Mitchell was absent). The following are motion language options for the City Council to consider:

Adoption of Ordinance 2023-008

- **Approval:** Motion to *adopt* Ordinance 23-008 for 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 28, 2023 Report to the City Council.
- **Approval with Amendments:** Motion to *adopt* Ordinance 23-008 for 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 28, 2023 Report to the City Council with amendments: *a specific reason should be included with all amendments.*
- **Denial:** Motion to *deny* 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 City Council should identify a specific reason and/or information request should be included with a motion to table.*

Authorization to Publish Summary Ordinance

- **Approval as Presented:** Motion to *approve* authorization to publish a Summary Ordinance 2023-008 for Planning Case 23-013 for Zoning Code Amendments to Chapter 13 in Section 1325.05, Subd. 4.D.

- Denial: Motion to *deny* authorization to publish a Summary Ordinance 2023-008 for Planning Case 23-013 for Zoning Code Amendments to Chapter 13 in Section 1325.05, Subd. 4.D.
- Table: Motion to *table* authorization to publish a Summary Ordinance 2023-008 for Planning Case 23-013 for Zoning Code Amendments to Chapter 13 in Section 1325.05, Subd. 4.D.

Budget Impact

N/A

Attachments

- A. Draft Fence Ordinance Amendment
- B. Summary Ordinance Amendment
- C. Presentation