



MAYOR AND COUNCIL COMMUNICATION

DATE: August 16, 2016

REGULAR

ITEM #: 22

MOTION

AGENDA ITEM: Removing the Prohibition of Solid Wall Fences Over Four Feet in Height on Any Lot Under ½ Acre

SUBMITTED BY: Kristina Handt, City Administrator

REVIEWED BY: Councilmembers Fliflet and Smith
Stephen Wensman, Planning Director

SUMMARY AND BACKGROUND:

Councilmember Fliflet, seconded by Councilmember Smith, is requesting that the City Council direct Staff to amend the City's Fencing Regulations by repealing Subd. (E) (3), which prohibits solid wall fences over four (4) feet in height. This prohibition creates complexities in the fencing regulations.

ISSUE BEFORE COUNCIL:

Council is respectfully requested to consider if this Subdivision of the City's fencing regulations should be removed and, if so, direct Staff to prepare a report to bring to the Planning Commission for a public hearing.

PROPOSAL DETAILS/ANALYSIS:

The City's fencing regulations are rather complex as compared to other cities. A brief history is provided below of changes to the fencing regulations that show details as to how this particular regulation was adopted. All other provisions of this Section would remain.

- 5/13/2013: Fence regulations are discussed at the Planning Commission meeting. Regulations at that time prohibited privacy fencing, and the proposed ordinance amendment allowed for solid fences up to six feet in height except in front and side (corner) yard setbacks. Anticipated higher density residential development was cited as the reason for the recommendation of allowing privacy fencing, as the demand for this type of fencing would likely increase.
- 5/23/2013: Public Hearing is held on the ordinance. There is discussion over whether or not the air and openness requirement for those portions of a fence over 4 feet in height is appropriate, but the final version of the amendment does not include the provision.
- 6/4/2013: The fence ordinance amendment is brought to Council. There is concern about allowing six foot solid wall fences in small yards. A discussion about the ordinance at a workshop is requested.
- 6/11/2013: Item is brought to Council Work Session. Concern is again expressed about solid wall fences being put up on smaller lots. There was discussion about prohibiting such fences on lots of

½ acre or less, and there is concern that this could be seen as discrimination against those property owners of such lots.

- 6/18/2013: Fence ordinance amendment is on the agenda but tabled until the next meeting when all members are expected to be present.
- 7/2/2013: The fence ordinance amendment, along with an alternative version of the proposed amendment, is discussed. The alternative version prohibited solid wall fences over four feet on lot ½ acre in size. There was a significant amount of discussion over whether or not to strike the ½ acre lot size provision. The matter was tabled to a later council meeting.
- 7/16/2013: The ordinance amendment that prohibits solid wall fences over four feet in height is adopted.

FISCAL IMPACT:

Less Staff time may be spent in processing fence permit applications and enforcement of this Subdivision.

OPTIONS:

The City Council should consider whether or not to recommend that Staff and the Planning Commission hold a public hearing and consider recommending approval of an amendment to the City's Fencing Regulations.

RECOMMENDATION:

Councilmember Fliflet, seconded by Councilmember Smith, is requesting that the City Council direct Staff and the Planning Commission to hold a public hearing and consider recommending approval of an amendment to the City's Fencing Regulations that repeals Subd. (E) (3) of Section 154.205: Fencing Regulations of the City Code:

“Move to direct City Staff and the Planning Commission to hold a public hearing and consider recommending approval of the City's Fencing Regulations that repeals Subd. (E) (3) of Section 154.205: Fencing Regulations of the City Code.”