

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-154

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
REPEALING THE PROHIBITION OF SOLID WALL FENCES IN THE LAKE ELMO ZONING  
CODE.

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title XV:  
Land Usage; Chapter 154: Zoning Code; Section 154.205: Fencing Regulations;  
Subd. (E) (3): Residential Design Requirements, by amending the following:

E. Fence Height and Design

1. *Fences within Front and Side (Corner) Yards.* Any fence within a front or side (corner) yard setback may not exceed forty-two (42) inches in height and must be 50% open to air and light.
2. *Residential and Mixed-Use Districts.* No fence or wall shall exceed six feet (6') in height, and shall be subject to the design requirements of §154.205.E.3.
3. *Residential Fence Design Requirements.* Solid wall fences over four (4) feet in height shall be prohibited on any lot under ½ acre (21,780 square feet) in size. Any portion of a fence over four (4) feet on such lots shall be at least 75% open to light and air, except under one of the following circumstances:
  - a. When a residential property abuts a district or use of a higher classification, and specifically, when an A, RR, RS, RE, or LDR district abuts any other district or a single family residential use abuts a multi-family residential use or a non-residential use.
  - b. When a property is a through lot and abuts a street that is a higher functional classification than the street abutting the front yard of the property.
  - c. For screening of outdoor living space subject to the following criteria:
    - i. The area enclosed by outdoor extended living area fencing shall not exceed an enclosed area of 500 square feet.
    - ii. A fence utilized to enclose an outdoor extended living area shall be extended to a point not more than 6 inches from the principal structure at 1 fence termination point.
    - iii. A fence utilized to enclose an outdoor extended living area shall not extend into side yard of a lot beyond the existing building line of the existing principal structure, nor shall such fences be located in any side or front street yard.
  - d. For screening or privacy purposes when the lineal measurement of the fence does not exceed one-fourth (¼) of the linear distance of the perimeter of a lot

~~Such fences may only be installed with the written consent of the adjacent property owner.~~

- e. ~~Under other circumstances when a solid fence is warranted due to safety, health, animal containment, or a similar purposes subject to review and approval by the City Council and with the written consent of the adjacent property owner.~~
- 4. *Commercial and Industrial Districts.* No fence or wall shall exceed eight feet (8') in height. Fences that exceed eight feet (8') in height require a conditional use permit.

**SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 154.081: Permitted Encroachments on Required Yards, Subd. (B), by repealing the following:**

(B) *Side and rear yards.* Fences ~~30% open~~; walls and hedges 6 feet in height or less; bays not to exceed a depth of 3 feet or containing an area of more than 30 square feet; fire escapes not to exceed a width of 3 feet.

**SECTION 3. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 4. Adoption Date.** This Ordinance 08-154 was adopted on this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2016, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-154 was published on the \_\_\_\_ day of \_\_\_\_\_, 2016.