

subject to the conditions of approval as recommended by staff and the additional condition recommended by the Planning Commission, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment – Solid Wall Fences

Becker started her presentation by explaining the current fence code regulations as it relates to solid wall fencing on lots under ½ acre and what the exceptions are. Becker went through some of the history on the fence code. Anticipated higher density residential development was cited as the reason for the recommendation for allowing privacy fencing. After discussion over the course of five meetings, the current ordinance amendment was adopted.

Section 154.081 requires that fences in side and rear yards need to be at least 30% open to air and light. Even if the prohibition of solid wall fences over four feet on lots under ½ acre is removed, fences would still need to adhere to this requirement unless this requirement is removed. Staff researched other Cities that allow solid wall fences over 4' and there were quite a few. Staff presented two different options to the Planning Commission for discussion. Option #1 eliminates the prohibition of solid wall fences on lots under ½ acre altogether and also eliminates requirement of permitted encroachments on required yards. Option #2 eliminates the requirement for adjacent property owner to give permission. It also exempts fences that do not exceed one-fourth of the linear distance of the perimeter of a lot from the 30% openness requirement. It also eliminates the exception which allows fences that are erected under other circumstances when a solid wall fence is warranted due to safety, etc. which could be considered subjective and discriminatory. Staff recommends that the Planning Commission adopt option #2.

Fields asked if this allows privacy from one neighbor, but not three. Williams is wondering why we would not want to allow it on 3 sides of the lot, but not in the front yard. Becker stated that there is already a provision on front and side on corner lots. Option #2 is much more restrictive and there is only exceptions for when solid wall fences can be erected.

Public Hearing opened at 7:51 pm

Denise Thompson, 9077 Jane Road N, tried to get a fence permit for their dog and they were not able to get the neighbor signature. They feel that they are not able to have enough privacy. She also did some research and she was not able to find another City in Minnesota that does not allow the 6 foot high privacy fence.

There were no other written or electronic comments received

Public Hearing closed at 7:57 pm

Dodson prefers option #1 because it is easier to understand and option #2 is too much in the design area of the fence. Williams agrees, but is struggling with why we would restrict it to $\frac{1}{4}$ of the perimeter. They should be allowed anywhere behind the front of the house on any lot.

Kreimer would prefer to take the smaller step and go for option #2. Larson likes the simplicity of option #1. He doesn't think the difference between 4' and 6' makes that much difference. He is wondering if it should be done different for urban vs. rural. This is Shoreland which might be different also. Fields prefers the step of option #2 because the City has not been inundated with requests, but this is based on one circumstance.

Williams is thinking that the CIC have their own restrictions on fences. Dodson doesn't see a need to restrict fences in other areas as other Cities do not do it. Kreimer feels that there was a lot of discussion a few years ago and is not in favor of changing it much because of one circumstance.

M/S/F:Williams /Dodson, move to recommend approval of option #1, **Vote: 3-4, motion Failed.**

Larson is wondering if the Planning Commission picks option #1 if the City Council won't accept it. Becker stated that staff has recommended option #2 because they felt that out of respect for previous work done on the code, it might be better received. Williams asked

M/S/P: Fields/Dunn, move to recommend approval of Ord. 08- (Option #2), which amends Sec. 154.205: Fencing Regulations; Subd. (E) (3), by repealing language of Subp. D that requires permission from and adjacent property owner to erect a solid wall fence up to six feet in height for screening or privacy purposes when the lineal measurement of the fence does not exceed one-fourth of the linear distance of the perimeter of the lot on a lot under half an acre; and which repeals subp. e., **Vote: 4-3, motion carried.** Dodson voted no because he feels option #2 is just a little too complicated.

Business Item – Conditional Use Permit – 9200 Hudson Blvd

City Council Updates – September 6, 2016 Meeting

- i) Royal Golf Course at Lake Elmo Concept PUD Plan
- ii) OP Ordinance
- iii) Boulder Ponds LLC – Zoning Map Amendment/PUD Amendment – Ordinance 08-149

Staff Updates

1. Upcoming Meetings
 - a. September 26, 2016

b. October 10, 2016

Commission Concerns

Meeting adjourned at 9:12 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant

DRAFT