

City of South St. Paul
Dakota County, Minnesota
Ordinance No. 1392

AN ORDINANCE REPEALING AND REPLACING THE FENCE ORDINANCE

The City Council of the City of South St. Paul does ordain:

SECTION 1. REPEAL AND REPLACE. South St. Paul City Code Section 118-199 is hereby repealed and replaced as follows:

Section 118-199.- Fences

Fences may be allowed in any district and are subject to the following:

- (1) *Permit Required.* No person, firm or corporation shall construct, erect or replace a fence without first obtaining a fence permit from the Zoning Administrator. The plans submitted with the fence permit application should include the location of the property lines, the proposed location of the fence, the proposed fencing material, and the height of the proposed fence.
- (2) Property owners shall be responsible for verifying their property lines by locating their property irons. If the irons cannot be located, the property owner shall provide the City with either a notarized consent form signed by the adjacent property owner(s) agreeing to the location of the common property line(s) or a survey showing the location of the property line.
- (3) All fences shall be kept in good repair, painted, and well maintained.
- (4) The side of the fence considered to be the face (finished side as opposed to structural supports) must face the abutting property.
- (5) Fencing material is “opaque” to the extent it screens the yard from public view.
- (6) Fence height is measured from finished grade.
- (7) Materials
 - a. The following materials are approved for fence construction, design, and maintenance:
 - i. Aluminum;
 - ii. Brick;
 - iii. Chain link with approved posts and cap;
 - iv. Composite fencing (i.e. Trex);

- v. Masonry;
- vi. Steel;
- vii. Wood;
- viii. Wrought iron;
- ix. Vinyl/PVC;

b. The following material are not approved for fence construction, design, and maintenance:

- i. Barbed wire (except for security fences around power substations and airports).
- ii. Chain link fence wrap.
- iii. Farm fence of any kind, which includes, but is not limited to woven or welded wire, chicken wire, plastic deer fence, snow fence, steel bar fence, and similar type fencing, except as allowed for community gardens.
- iv. T- posts and poles.
- v. Wood, plastic, vinyl or other types of slats when used in combination with a chain link fence that is located in the front yard of a property (from any front lot line to the front building line).
- vi. Galvanized or corrugated metal privacy fencing for a residential property.

(8) Location standards applicable in all zoning districts

- a. Fences may be placed up to a property line.
- b. In the event a front yard fence is adjacent to and parallel with the front lot line (or side lot line on the street side of a corner lot), such fence shall be set back at least one foot from the street right-of-way line.
- c. Fences may be placed in easements with the approval of the City Engineer so long as the placement will not impede the flow of water or access to the easement. If the City needs to utilize the easement, the fence will be removed and relocated at the expense of the property owner. In addition, the city is not responsible or liable for the reinstallation of any fence removed from the easement.
- d. Fences are prohibited from being placed within public right-of-way, except through an encroachment agreement.
- e. No fence exceeding 2.5 feet in height shall be constructed or maintained within a distance of 15 feet from the intersecting street right-of-way lines of a corner lot in accordance with section 118-246 (c).

(9) Height- Residential Districts

- a. Fences in the front yard (from the front lot line to the front building line) shall not exceed 42 inches in height unless the fencing material is 50 percent opaque or less. When the fencing material is 50 percent opaque or less, the fencing may not exceed 48 inches in height.

- b. Fences in the side and rear yards (from the front building line to the rear lot line) shall not exceed more than six (6) feet in height.
- c. On a corner lot, fences along the side lot line abutting the street shall not exceed six feet in height, except if the primary door of the residence faces the side lot line, the fence shall not exceed 42 inches in height unless the fencing material is 50 percent opaque or less. When the fencing material is 50 percent opaque or less, the fencing may not exceed 48 inches in height.
- d. On a corner lot where the rear lot line of a lot is common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot shall not be fenced to a height of more than 42 inches unless the fence material is 50% opaque or less. When fencing material is 50% opaque or less, the fencing may not exceed 48 inches in height.
- e. In the event that a deck, portico, porch, or similar structural feature is located on the front of the principal building, the front building line for the purposes of regulating fence height shall be the front of the main structure, not the front of the deck, porch, or portico.

(10) Height- Commercial and Industrial Districts

- a. Fences located in the CGMU, C-1, and MMM districts are subject to the same fence height and location standards as a property located in a residential district unless stated otherwise in this ordinance or in a specific zoning district ordinance. Commercial properties with multiple frontages that each qualify as front yards must follow front yard fencing requirements in each of these yards unless the fence is being provided as required screening along a shared property line in compliance with a site plan approval or the fence is otherwise allowed by conditional use permit.
- b. Fences for single-family homes, two-family homes, and three-family homes located in commercial or mixed-use zoning districts shall follow the same standards that are in place for two-family homes in the R-2 zoning district.
- c. Fences located in the Industrial and Light Industrial districts may be up to eight (8) feet in height in any required yard.
 - 1. Any fencing located in a required or actual front yard may not be made of an opaque material unless approved by conditional use permit. In such cases, the Applicant shall be required to submit a landscaping plan and shall provide a landscaped buffer area outside of the fence which must include shrubs, trees, or other decorative vegetation.
 - 2. Fences which are set back at least as far from any street right-of-way as the principal building may be allowed to exceed 8 feet in height by conditional use permit if it can be demonstrated that additional height is necessary to fulfill the fence's intended function.
- d. Fences located on a property in the General Business district shall adhere to the same fence location and height standards as a property located in a residential

district. Conditional uses in the GB district that have an industrial or exterior storage component may be allowed to have up to an eight (8) foot fence as a component of their conditional use permit approval if such fencing is deemed necessary for adequately screening the use.

(11) Special Circumstances

- a. Fences required for enclosures around swimming pools shall be in accordance with section 118-255.
- b. Fences used for backstops for ballfields at public parks and playgrounds are exempt from the fence height requirements of this section.
- c. Fences around tennis courts shall be in accordance with section 118-260.
- d. Fences around community gardens for wildlife management must meet the following criteria:
 1. The garden is larger than 5,000 square feet;
 2. The garden is used by more than six users;
 3. The garden is not located on the same property as a single-family residence;
 4. The fence is no higher than eight feet;
 5. The fence is not electrified;
 6. The fence is made out of a material that complies with this section, except that plastic deer fencing and welded/woven wire are considered permitted materials around a community garden.
- e. Fences as required around an airport for the security or wildlife control shall be in accordance with the Federal Aviation Administration (FAA) regulations.
- f. An opaque fence around an outdoor play area for a school, church, or day care center located in a residential or commercial district can be up to four (4) feet in height when located in a front yard. This provision shall not apply to group family day cares or any church or school that does not meet the City Code's definition of an institutional use.
- g. Dumpster enclosures may be located in any location that permits a dumpster enclosure, even when they are constructed with fencing materials. Dumpster enclosures located in a front yard or street side yard may not be constructed out of chain link fencing with privacy slats even if this material is generally allowed in the underlying zoning district.

SECTION 2. AMENDMENT. South St. Paul City Code Section 118-125 is hereby amended as follows:

Section 118-125.- CGMU, Concord Gateway mixed-use district.

(g) *Building and architectural provisions.*

_(13) Wherever a surface parking area faces a street frontage, such frontage shall be screened with a decorative wall, railing, hedge, or a combination of these elements to a minimum height of two and one-half feet. ~~and a~~ The maximum height of fences and walls is regulated by Section 118-199 is three and one-half feet above the level of the parking lot at the build-to-line.

SECTION 3. AMENDMENT. South St. Paul City Code Section 118-127 is hereby amended as follows:

Section 118-127.- Mixed Markets and Makers Districts

(e) Design and Development Standards

(10) Parking

(i) Screening on public street frontage. Where parking fronts a public ROW it shall be screened with an edge planting, decorative fence, wall, or a combination of these elements that is at least 36" high to a minimum height of three feet. The maximum height of fences and walls is regulated by Section 118-199. The screening shall also include one overstory tree per 30 feet, on center, of lot perimeter unless this requirement is waived or modified by the City Engineer in situations where the parking setback area is not sufficiently wide to allow the planting of overstory trees without damaging adjacent infrastructure. The graphic below shows an example of screening that could be employed to satisfy this requirement.

SECTION 4. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance repeals and replaces the existing fence ordinances with an amended ordinance that improves the readability and layout of the ordinance, clarifies the existing standards for residential fences, and explicitly lists performance standards for commercial fences.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: May 2, 2022

Published: May 4, 2022

KimberLee Landgreen, Deputy City Clerk