

ORDINANCE NO. 871

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING APPENDIX – B ZONING OF THE BAYPORT CITY CODE**

THE CITY COUNCIL OF THE CITY OF BAYPORT DOES HEREBY ORDAIN:

Section 1. Appendix B – Zoning, Section 7 – Design and Performance Standards; Restrictions on Nuisance and Hazardous Activities, Sec. 705. Fences is hereby deleted in its entirety and the following is substituted therefore:

Sec. 705. Fences.

705.01. Permit required. Except as otherwise provided in this section, no temporary or permanent fence shall be erected, constructed, altered, rebuilt, or relocated until a fence permit has been issued. The application for a fence permit shall be accompanied by a fee, as established in Appendix D – Fee Schedule of the Bayport Code of Ordinances. Fences over six feet in height from the finished grade shall require a building permit in addition to the fence permit.

Any fence erected without first obtaining a fence permit shall be removed by the property owner and/or property manager within 10 days after written notice from the city unless a permit for the fence is applied for and approved by the city within the 10-day notification period.

705.02. All fences are subject to the following regulations:

- (1) Fences which are constructed as solid walls shall be prohibited in excess of 4 feet above grade (see Sec. 301 Definitions for fence description).
- (2) That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- (3) Fences shall be prohibited on public rights-of-way.
- (4) Fences on corner lots shall be prohibited within 15 feet of the intersecting street right-of-way lines.
- (5) Fences placed within 2 feet of a property line shall require written permission from the abutting property owner. This written permission shall be provided to the city as a part of the fence permit application.
- (6) Where the property line is not clearly defined from geographic features or other criteria, a certificate of survey may be required by the zoning administrator to establish the property line.

705.03 Fences in residential districts:

- (1) *Design.* Fences may consist of chain link, vinyl, wood, wrought iron, metal, or other material designed to be consistent with and complementary to residential use. Fences designed to function as a safety feature for a swimming pool shall consist of a nonclimbable material.
- (2) *Setback.* Fences may be located on or within 2 feet of a property line with written permission from the abutting property owner. This written permission shall be provided to the city as a part of the fence permit application. On corner lots, fences shall be prohibited within 15 feet of the intersecting street right-of-way lines.
- (3) *Height.* Fences may be erected along any front or side lot line to a height of 4 feet above finished

grade. Fences along side and rear lot lines, beginning at the rear building line of the principal dwelling, may be erected to a height of 6 feet above finished grade. Should the rear lot line be common with the front or side lot line of an abutting residential lot, that portion of the rear lot line shall not be fenced to a height of more than 4 feet. Fences designed to function as a safety feature for a swimming pool shall be erected at a height of at least 5 feet above finished grade. Fences designed to function as a screen for certain activities shall be subject to additional regulations listed in Section 7 of this appendix.

705.04 Fences in commercial districts:

(1) *Design.* Fences may consist of chain link, vinyl, wood, wrought iron, metal, or other material designed to be consistent with and complementary to commercial use.

(2) *Setback.* Fences may be located on or within 2 feet of a property line with written permission from the abutting property owner. This written permission shall be provided to the city as a part of the fence permit application. On corner lots, fences shall be prohibited within 15 feet of the intersecting street right-of-way lines.

(3) *Height.* Fences may be erected along a front lot line to a height of 4 feet above finished grade. Fences along side and rear lot lines, beginning at the front building line of the principal building, may be erected to a height 6 feet above finished grade. Fences designed to function as a screen for certain activities shall be subject to additional regulations listed in Section 7 of this appendix.

705.05 Fences in industrial districts:

(1) *Design.* Fences may consist of chain link, vinyl, wood, wrought iron, metal, or other material designed to be consistent with and complementary to industrial use.

(2) *Setback.* Fences may be located on or within 2 feet of a property line with written permission from the abutting property owner. This written permission shall be provided to the city as a part of the fence permit application. On corner lots, fences shall be prohibited within 15 feet of the intersecting street right-of-way lines.

(3) *Height.* Fences may be erected along a lot line to a height of 6 feet above finished grade or to a height of 8 feet with a security arm for barbed wire. Fences designed to function as a screen for certain activities shall be subject to additional regulations listed in Section 7 of this appendix.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication according to law. Passed by the City Council for the City of Bayport this 1st day of April, 2019.

Attest:

Adam Bell, City Administrator

Susan St. Ores, Mayor