CITY OF Parkers Prairie
PO Box 70 • Parkers Prairie, MN 56361

City of Parkers Prairie
Request for Fence Permit

PERMIT FEE:_____
DATE PAID:_____

Building Permits for fences will describe in reasonable detail the style of fence, the type of materials, the height, and the location relative to the property line. The adjacent property owner(s) will sign the building permit indicating their agreement. The City will determine alley setback requirements on a case-by-case basis. The City Staff can approve signed permits and the current permit fee will be required at the time of approval. In those cases where adjacent property owners will not sign the permit application, the Variance process is available to the requesting property owner.

REQUESTORS NAME:_____

STREET ADDRESS:_____

LEGAL DESCRIPTION:_____
_____
_____

FENCE STYLE: (Chain Link, Picket, Privacy, etc.)_____

FENCE HEIGHT: (in feet) _____

FENCE LOCATION:_____

Existing fences, old fence posts, rows of shrubs or trees do not indicate true property lines. Only surveyor's monuments indicate true property lines. If you assume you know where the property line is, you might unintentionally build your fence on your neighbor's property and they will then own the fence. *Property owners are responsible for determining property lines or having the property surveyed.*

I have reviewed the Requestors fence application as it adjoins City streets, alleys, easements, or properties. As a condition of approval, the Requestor must, at a minimum, comply with the following restrictions._____
_____
_____

SIGNATURE OF OWNER (or applicant)_____

I hereby certify that the information contained herein is correct and agree to do the proposed work in accordance with the description above set forth. I further agree that any plans and specifications submitted shall become a part of this application. I understand that this permit is valid for a period of 12 months.

For Office Use Only:

Approval:_____**Denial:**_____**by the City Clerk on** _____ _____
(date) (Clerk Signature)

Parcel No. _____ **Date Paid:**_____

Permit No._____ **Complete Application accepted on:**_____
(Date)

City of Parkers Prairie, Minnesota
Ordinance No. 2018-05,
an Ordinance Repealing and Replacing
City of Parkers Prairie Zoning Ordinance Section 17.03

WHEREAS, on May 4, 1992 the City Council of the City of Parkers Prairie, Minnesota ("City") adopted Ordinance No. 43, which established the City's Zoning Ordinances; and

WHEREAS, Section 17.03 of said Zoning Ordinances sets forth certain rules and regulations concerning fences within the City; and

WHEREAS, on September 18, 2000 the City Council took action to amend Section 17.03; and

WHEREAS, Minnesota Statutes, Section 462.357 authorizes the City to amend its Zoning Ordinances after proper notice and public hearing; and

WHEREAS, Minnesota Statutes, Section 462.357 and Section 19.06 of the City's Zoning Ordinances authorize the City Council to initiate amendments to the City's zoning ordinance; and

WHEREAS, after proper notice and a public hearing conducted on October 15, 2018, the City Council has determined that Section 17.03 as written, including any amendments thereto, no longer serves the public interest.

NOW, THEREFORE, the City Council hereby repeals Section 17.03, as amended, in its entirety and replaces it with the following.

Section 17.03 - Fences.

17.030 Purpose. The purpose of this Section shall be to provide for the public health, safety and general welfare of the community and its people through the regulation of fences in the City, to prevent fences from being erected that would be a hazard to the public or an unreasonable interference with the use and enjoyment of neighboring property, and to ensure that fences are compatible with existing uses and other zoning restrictions.

17.031 Fence Permits.

(A) Fence Permit Required. Effective and after the effective date hereof, no fence, as defined in Section 2.0630 shall be constructed without a permit.

(B) Permit fees. A fee as set forth from time to time by City Council Resolution shall be charged for a permit issued under this Section for new fences, as well as the replacement of fences in the same location.

(C) Application Requirements. An application for a fence permit shall describe in reasonable detail the style and type of fence, the type of materials, the height of the fence, and the location of the fence in relation to the property line and any existing structures on the property. The application for the required fence permit shall be accompanied by a certificate of survey or other drawing, sketch or map clearly describing the location of the proposed fence in relation to the property line and any existing structures on the property. Verification of property lines by the applicant shall be required. The application shall also include any signed consents of adjoining property owners for boundary line fences as described in Section 17.032(B).

(D) Applicant Responsibility for Compliance. It shall be the applicant's responsibility to ensure that any fence is constructed in compliance with this ordinance. If a fence, as constructed, does not comply with this ordinance, any permit issued therefor shall be revoked, and the City Council may order that the non-compliant fence be modified, removed or relocated or that the property owner take such other action as the City Council deems appropriate under the circumstances.

17.032 General Provisions.

(A) In all residential Land Use Districts, a fence not exceeding six (6) feet in height may be erected in the rear yard and side yard areas up to the nearest front corner of the principal building. In residential districts, a fence not exceeding four (4) feet in height may be erected in the front yard, subject to the provisions in Section 17.032(D) below. In the event that a deck or porch is located on the front of the structure, the six (6) foot tall fence section located along the side lot line(s) shall terminate at the front corner of the principal building as opposed to the front of the porch/deck addition.

(B) In all zoning districts a fence constructed of maintenance-free materials, or capable of being maintained from within the perimeter of the fence, may be constructed on the side or rear yard property line (a boundary line fence), provided that the adjoining property owner provides signed consent to placement of the fence on the boundary line. Any such consent shall be binding on successor adjoining property owners, provided that the fence is not removed, relocated, or substantially altered. A boundary line fence to which the adjoining property owner has not consented and any fence requiring maintenance from outside the perimeter of the fence shall be installed or constructed no closer than two (2) feet from the side or rear yard property line.

(C) On riparian (lakeshore) lots, a fence not exceeding four (4) feet in height may be erected on the side lot lines behind (landward) the line drawn across the line of the principal building nearest the ordinary high water line of the lake. No fence shall be placed within any structure setback area established by the City's Zoning Ordinances.

(D) Fences shall not be permitted within any right-of-way, clear view triangle area, within the site visibility area adjacent to railroads, or below the 100-year floodplain of any lake, river or wetland. For the purposes of the City's Zoning Ordinances, the term "clear view triangle area" shall mean the triangular area formed by connecting the following three points: the point of intersection of the curb lines extended of intersecting streets, and a point on each curb line 30 feet from the aforementioned point of intersection. If there are no curbs, the edge of the traveled portion of the street shall be used instead of the curb line.

(E) If the fence is located along a boundary between two (2) properties, both sides of the fence shall be well maintained by the owner of the fence. It shall not be a trespass for the fence owner to enter onto the adjoining property for the sole purpose of maintaining the fence, so long as the fence owner gives at least 48 hours' advance notice of the entry, the fence owner's presence on the adjoining property is limited to only the time and space reasonably needed for maintenance, and the fence owner's maintenance activities do not unreasonably disturb or intrude upon the adjoining property owner's privacy or peaceful use and enjoyment of their property.

(F) All posts and supporting structures of a fence shall face inward towards the property on which the fence is constructed. All posts and supporting structures shall be located entirely upon the fence owner's property.

(G) Barbed wire and electrified fences shall be prohibited in all zoning districts with the exception of essential service structures, provided a conditional use permit is obtained.

(H) Fences shall be residential in nature, such as chain link, wrought iron, vinyl, or board and picket.

(I) Wood, plastic, vinyl or other type of slats when used in combination with chain link fencing shall not be permitted within business or industrial districts.

(J) Corn cribbing and similar mesh (snow) fences shall be prohibited in the residential zoning districts of the City during the months of April through October for any purpose other than marking areas for tree preservation as part of an approved plan.

(K) Fences up to ten (10) feet in height may be permitted to enclose public tennis courts or as back stops for public athletic fields provided all other requirements of this Section are met. A conditional use permit shall be required for fences taller than ten (10) feet for private courts or athletic fields.

(L) Fences which include a security gate at a point where access is provided to the property and principal building may be approved if necessary and appropriate as part of a site plan review.

(M) No fence shall obstruct natural drainage. No fence shall be placed within an easement that obstructs or impedes the free flow of surface water from, or in any drainage easements.

(N) Ornamental and/or privacy fences (not designed or serving as a boundary or partition fence) and enclosing only a limited portion (25% or less) of a side yard, rear yard or front yard, are allowed without requiring a permit. Ornamental fences includes such things as split rail, picket, and brick wall fences, but not such things as chain link fences. The maximum allowed height for an ornamental brick wall is three (3) feet, for a split rail, picket or wrought iron fence four (4) feet, and for a privacy fence around a patio, hot tub, pool, etc., six (6) feet.

17.033 Non-conforming uses.

It is the intent of this Section to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Section to encourage the survival of non-conforming fences and such fences that are declared to be incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:

(A) An existing fence not allowed by this Section, except when required by law or ordinance, shall not be enlarged, extended, reconstructed, or structurally altered unless such fence is changed to fully comply with the requirements of this Section.

(B) Maintenance of a non-conforming fence will be allowed when this includes necessary repair and incidental alterations which do not expand or intensify the non-conformity.

17.034 Variances.

Any person desiring to construct a fence that does not meet the standards set forth herein may apply for a variance pursuant to Section 19.02 of the City's Zoning Ordinances. As required by Minnesota Statute, Section 462.357, Subd. 6(2) a variance shall only be permitted when: it is in harmony with the general purposes and intent of the ordinance; it is consistent with any comprehensive plan adopted by the City; and, only when the applicant for the variance establishes that there are practical

difficulties in complying with the zoning ordinance. For these purposes, "practical difficulties" means that: the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

17.035 Enforcement.
This section shall be enforced pursuant to the City's Zoning Ordinances, Section 22.

17.036 Repeal.
Section 17.03 of the City's Zoning Ordinances as adopted on May 4, 1992 and any amendments thereto, including amendments dated September 18, 2000 are hereby repealed and replaced by this ordinance.

17.037 Effective Date.
This Ordinance shall be effective on and after its date of publication or January 1, 2019, whichever is later.
Passed by the City Council of Parkers Prairie, Minnesota this 15th day of October, 2018.
In Favor: Froemming, Birkholz, Larson, Bates
Opposed: (none)
Absent: Koehn

Sandra Froemming, Mayor

Attested:

Elizabeth Wussow, City Clerk-Treasurer