

# Fence Permit Application

## City of Wayzata

Permit Fee:      \$70.00

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

The undersigned hereby makes application for a permit to erect a fence, as described below and as shown on the attached required site plan, on the property at \_\_\_\_\_ pursuant to the provisions of Section 18 of the City Zoning Ordinance.

Type and description of Fence \_\_\_\_\_

\_\_\_\_\_

\*The required site plan shall be to scale and include locations of all building, lot lines, public right-of-ways and the fence. If the fence is to be located near a property line, a certified survey will be required.

\*\*A sketch or photocopy of the fence shall be submitted with this application.

\*\*\*The applicant shall inform all side abutting neighbors of the fence proposal. In addition, all side abutting neighbors must sign the application below.

Neighbor's Signature \_\_\_\_\_ Address: \_\_\_\_\_

Neighbor's Signature \_\_\_\_\_ Address: \_\_\_\_\_

### Acknowledgment and Signature:

The undersigned hereby represents that all statements herein are true and that all work herein mentioned will be done in accordance with all applicable ordinances of the City of Wayzata.

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Application:    Approved    \_\_\_\_\_  
                          Denied        \_\_\_\_\_

Fee Paid    \$ \_\_\_\_\_

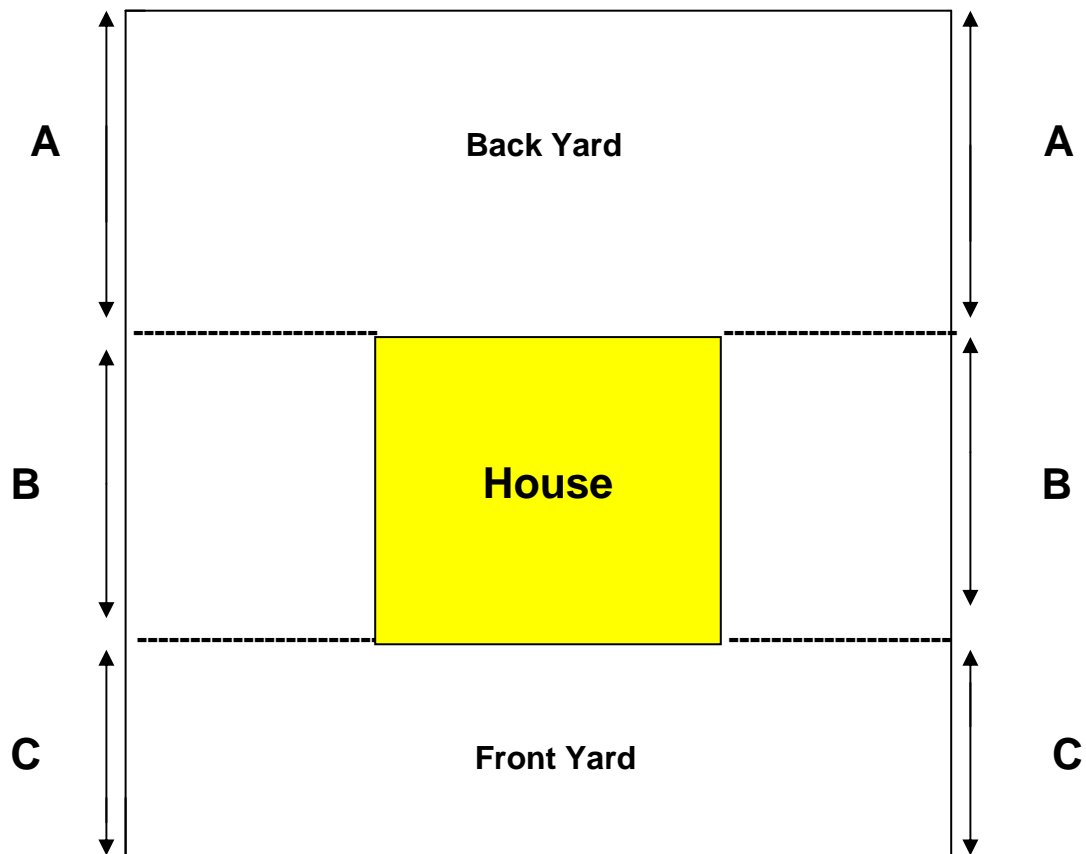
Receipt    # \_\_\_\_\_

Application Approved by: _____  Its: _____
---

# City of Wayzata

## Fence Requirements

Figure represents a fence surrounding a typical single family unit.



### Specific Fence Standards

- A** Fences not exceeding **6 feet** in height, constructed of a completely **solid matter**.
- B** Fences up to **42 inches** in height, constructed of a completely **solid matter**  
or  
Fences **over 42 inches but not exceeding 6 feet** in height, constructed of a matter no more than **50 percent solid**.
- C** Fences not exceeding **42 inches** in height, constructed of a matter no more than **50 percent solid**.

### **General Information**

(Note: Other regulations exist and are listed under Section 18 of the Zoning Ordinance)

1. All fences shall require a permit under section 18 of the Zoning Ordinance.
2. That side of the fence considered to be its “face” (i.e., the finished side having no structural supports) shall face abutting property.
3. A certificate of survey shall be required for all fences (except hedges and plantings) to be constructed up to or on the property line, unless corner property stakes are located and a survey exists in the property file.
4. Natural hedges or plantings utilized as fences in the R-1A and R-1 Zoning Districts are allowed with no height restrictions in front, side, and rear yards.
5. There are not height restrictions on natural hedges or plantings utilized as fences located behind the rear building line of the principal structure in any residential zoning district.
6. All exposed ground areas surrounding or within a principal or accessory use, including street boulevards, and not devoted to parking areas, drives, sidewalks, patios or other such uses shall be landscaped with grass, shrubs, trees or other ornamental landscape materials within one (1) year following the date of building occupancy.

## SECTION 18

### FENCING/SCREENING

#### Section 801.18:

<b>801.18.1:</b>	Fence Regulations
<b>801.18.2:</b>	General Landscaping and Maintenance
<b>801.18.3:</b>	Required Fencing, Screening and Landscaping
<b>801.18.4:</b>	Screening of Mechanical Equipment

#### **801.18.1: FENCE REGULATIONS:**

- A. Permit Required. Except as otherwise provided herein, no person shall erect, alter or relocate any fence within the City without first having been issued a permit therefor.
- B. Permit Fee. A fee as established 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 Procedures. Each application for a permit under this Section shall be submitted to the Zoning Administrator on forms provided by the City. Each such application shall include:
  - 1. A Site plan drawn to scale showing the location of house(s), garage(s), and other improvements on the lot and the location of the fencing to be erected, altered or relocated.
  - 2. A sketch or photocopy of the proposed fence.
  - 3. Where appropriate, the signature of all side abutting neighbors.
- D. General Provisions. All fences within the City shall be subject to the following general provisions:
  - 1. No fences shall be placed on or extend into public rights-of-way.
  - 2. All fences (hedges and plantings excluded) constructed shall require a permit under this Section. Permits may be issued by the Zoning Administrator or designee, if all requirements of this Ordinance have been met.
  - 3. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property.
  - 4. Both sides of any fence shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
  - 5. Barbed wire fences are only allowed in the City of Wayzata by conditional use permit.
  - 6. No person shall construct or maintain or allow to be constructed or maintained anywhere within the City any fence or metal construction which is charged by or connected with an electrical system.
  - 7. No physical damage of any kind shall occur to abutting property.

8. All man-made fences located in front of the rear building line shall consist of materials comparable in grade and quality to the following: decorative masonry, wrought iron or wood, provided the surfaces are finished for exterior use; or wood of proven durability is used, such as cedar or redwood.
  9. A certificate of survey shall be required for all fences (except hedges and plantings) to be constructed up to or on the property line, unless corner property stakes are located and a survey exists in the property file.
- E. Specific Fence Standards. Fences may be allowed in the City of Wayzata subject to the following specific standards:
1. Except as may be provided herein, man-made fences not exceeding six (6) feet in height and consisting of completely solid matter may be permitted at or behind the rear building line as established by the primary structure on the lot.
  2. Except as may be provided herein, fences not exceeding forty-two (42) inches in height and consisting of no more than fifty (50) percent solid matter may be permitted in front of the front building line as established by the primary structure on the lot.
  3. Except as may be provided herein, man-made fences may be permitted at or behind the front building line and in front of the rear building line as established by the primary structure on the lot, subject to the following standards:
    - a. Fences not exceeding forty-two (42) inches in height may consist of completely solid matter.
    - b. Fences over forty-two (42) inches in height, but not exceeding six (6) feet in height, shall consist of no more than fifty (50) percent solid matter for the entire fence.
  4. Fences not exceeding six (6) feet in height, for uses other than one and two family dwellings, may be permitted in front of the front building line as established by the primary structure on the lot, when required for screening of adjacent property. In such cases, the required front setback for the fence shall be the same as for the use which it is intended to screen. In no case shall a fence exceeding forty-two (42) inches in height be set back less than ten (10) feet from the roadway in such instances.
  5. On corner lots or lots adjacent to railroad rights-of-way, no fence shall be located in a sight visibility triangle unless it is in compliance with the sight clearance requirements for such lots as set forth in the Section 801.16.5 of this Ordinance.
  6. Should the rear lot line of a lot in a residential district be 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 be fenced in accordance with the provisions of Section 801.18.1.E.2.
  7. Fences up to ten (10) feet in height may be permitted to enclose tennis courts where allowed or permitted by conditional use.
  8. Natural hedges or plantings utilized as fences in the R-1A and R-1 Zoning Districts are allowed with no height restrictions in front, side, and rear yards.
  9. There are no height restrictions on natural hedges or plantings utilized as fences located behind the rear building line of the principal structure in any residential zoning district.

- F. Fence Standards Allowed by Conditional Use Permit. In accordance with all conditional use permit procedures set forth in Section 801.04 of this Ordinance, special fencing arrangements may be approved as a conditional use permit by the City. The following fences may be approved by conditional use permit only in accordance with the standards as set forth herein:
1. Fences allowed by conditional use permit are as follows:
    - a. Fences generally not exceeding a height of eight (8) feet in locations where fences of up to six (6) feet height are permitted, except for within a side or rear of a required lakeshore setback area.
    - b. Fences consisting of greater than fifty (50) percent solid matter in front of the rear building line up to the front property line and not exceeding a height of eight (8) feet. In no case shall a fence extend into the public right-of-way or be located nearer than ten (10) feet from the street or roadway.
    - c. Barbed wire fences used to enclose an area of five (5) acres or more, or on the top of security fences where essential to the protection of private goods and property or the public health, safety and welfare as deemed appropriate.
  2. Standards for evaluating fence conditional use permits are as follows:
    - a. The fence placement, height or design does not create a safety hazard with regard to, from or on a public street or roadway.
    - b. The fence placement, height or design does not create a safety problem or negatively affect adjoining properties or use.
    - c. The provisions of Section 801.04.2.G of this Ordinance are considered and satisfactorily met.
- G. Non-Conforming Fences. It is the intent of this Ordinance to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Ordinance to encourage the survival of non-conforming fences and such fences are declared to be incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:
1. No existing fence not permitted by this Ordinance in the district within which it is located, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered unless such fence is changed to one permitted in that district. Maintenance of a non-conforming fence will be allowed, however, when this includes necessary repairs and incidental alterations which do not expand or intensify the non-conforming fence.

**801.18.2: GENERAL LANDSCAPING AND MAINTENANCE:**

All exposed ground areas surrounding or within a principal or accessory use, including street boulevards, and not devoted to parking areas, drives, sidewalks, patios or other such uses shall be landscaped with grass, shrubs, trees or other ornamental landscape materials within one (1) year following the date of building occupancy. All landscaped areas shall be kept neat, clean and uncluttered, and where a landscape plan required City approval any plant material which is diseased or dies shall be replaced with like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise. Fences and/or plantings placed upon utility easements are subject to removal by the City or utility company if required for maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed fifteen (15) feet in height, which it shall be the property owner's responsibility to maintain.

**801.18.3: REQUIRED FENCING, SCREENING AND LANDSCAPING:**

- A. Fencing and Screening. Where any townhouse, quadraminium, manor home, multiple family or non-residential use (i.e., structure, parking or storage) abuts property zoned for residential use, the higher density residential or the non-residential use shall provide screening along the boundary of the residential property. Screening shall also be provided where a non-residential use is across the street from a residential zone, but not on that side of a non-residential use considered to be the front (as determined by the Zoning Administrator). All the fencing and screening specifically required by this Ordinance shall be subject to Section 801.16.5 and shall consist of either a fence or a green belt planting strip as provided for below.
1. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of six (6) feet. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of plantings shall require the approval of the City Council.
  2. A required screening fence shall be constructed of masonry, brick, wood or metal. Such fence shall provide a solid screening effect of six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council. Fences in excess of height limitations established in Section 801.18.1 shall require approval pursuant to procedures noted.
- B. Landscaping - New Residential Subdivisions, Semi-Public and All Income Producing Property Uses. (Excluding residential structures containing less than four (4) dwelling units.) Prior to approval of a building permit, all above referenced uses shall be subject to mandatory landscape plan and specification requirements. Said landscape plan shall be developed with an emphasis upon the boundary or perimeter of the proposed site at points adjoining other property and the immediate perimeter of the structure. All landscaping incorporated in said plan shall conform to the following standards and criteria:
1. All plants must be at least equal the following minimum size:

	<u>Potted/Bare Root</u>	<u>Balled &amp; Burlapped</u>
Shade Trees*	2 in. dia.	2 in. dia.
Half Trees (Flowering Crabs, Russian Olive, Hawthorn, etc.)	6-7' high	1-1/2" dia.
Evergreen Trees	-----	3-4' high
Tall Shrubs and Hedge Material (Evergreen or Deciduous)	3-4' high	3-4' high

	<u>Potted/Bare Root</u>	<u>Balled &amp; Burlapped</u>
Low Shrubs-Deciduous	18-24 inch	24-30 inch
-Evergreen	18-24 inch potted	24-30 inch
-Spreading Evergreens	18-24 inch potted	18-24 inch

\*Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, man-made irrigation, grading, etc.)

2. Spacing.

- a. Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public tings based on the judgement of the Zoning Administrator.
- b. Where plant materials are planted in two or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
- c. Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center.

3. Types of New Trees. Plantings, suitable trees include:

Quercus (varieties)	Oak
Acer platanoides (& varieties)	Norway Maple (and Schwedler, Emerald Queen, etc.)
Acer saccharum	Sugar Maple
Celtis occidentalis	Hackberry

Betula (varieties)	Birch
Gleditsia triacanthos	Honeylocust (Imperial, Majestic Skyline, Sunburst, & Thornless) Little Leaf Linden/Redmond Tilia cordata (& varieties)
Tilia americana	Basswood (Am Linden)
Fraxinus pennsylvanica lanceolate	Green Ash (& Summit, Marshall's)
Ginkgo biloba (male tree only)	Ginkgo
Gymnocladus dioicus	Kentucky Coffee Tree

4. Design.
  - a. The landscape plan shall show site amenities, (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc.) which are largely intended for aesthetic purposes.
  - b. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the Zoning Administrator.
  - c. Turf slopes in excess of 2:1 are prohibited.
  - d. All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.
  - e. All buildings must have an exterior water spigot to insure that landscape maintenance can be accomplished.
5. Landscape Guarantee. All new plants shall be guaranteed for two (2) full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.
6. Existing Trees. With respect to existing trees in new developments, all trees on the site are to be saved which do not have to be removed for street, buildings, parking, utilities, drainage or active recreational purposes. Trees over six (6) inches in diameter that are to remain, are to be marked with a red band, and to be protected with snow fences or other suitable enclosure, prior to any excavation. The City may further require that the developer retain a professional forester to prepare a forest inventory and management plan for the development, in order to control and abate any existing or potential loss. In those instances where trees of over six (6) inches in caliper will be lost due to construction, the City Council may require the planting of new trees in an amount equal to or greater than the total caliper inches which will be removed.

**801.18.4: SCREENING OF MECHANICAL EQUIPMENT:**

Mechanical equipment located on the roof of any building and visible from the street level or from neighboring properties shall be screened with a material designed to blend harmoniously with the building's facing materials. Where buildings have exposure to buildings with higher elevation, roof equipment shall be totally screened or enclosed with a material to blend with the roof surface material.