CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA  

ORDINANCE NO. 08-154  

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY 
REPEALING THE PROHIBITION OF SOLID WALL FENCES IN THE LAKE ELMO ZONING 
CODE.  

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: 
Land Usage; Chapter 154: Zoning Code; Section 154.205: Fencing Regulations; 
Subd. (E) (3): Residential Design Requirements, by amending the following:  

E. Fence Height and Design  

1. Fences within Front and Side (Corner) Yards. Any fence within a front or side 
(corners) yard setback may not exceed forty-two (42) inches in height and must be 
50% open to air and light.  

2. Residential and Mixed-Use Districts. No fence or wall shall exceed six feet (6') in 
height, and shall be subject to the design requirements of §154.205.E.3.  

3. Residential Fence Design Requirements. Solid wall fences over four (4) feet in 
height shall be prohibited on any lot under ¼ acre (21,780 square feet) in size. 
Any portion of a fence over four (4) feet on such lots shall be at least 75% open to 
light and air, except under one of the following circumstances:  

   a. When a residential property abuts a district or use of a higher classification, 
      and specifically, when an A, RR, RS, RE, or LDR district abuts any other district 
      or a single family residential use abuts a multi-family residential use or a non- 
      residential use.  

   b. When a property is a through lot and abuts a street that is a higher functional 
      classification than the street abutting the front yard of the property.  

   c. For screening of outdoor living space subject to the following criteria:  
      i. The area enclosed by outdoor extended living area fencing shall not exceed 
         an enclosed area of 500 square feet.  
      ii. A fence utilized to enclose an outdoor extended living area shall be 
          extended to a point not more than 6 inches from the principal structure at 
          the fence termination point.  
      iii. A fence utilized to enclose an outdoor extended living area shall not extend 
          into side yard of a lot beyond the existing building line of the existing 
          principal structure, nor shall such fences be located in any side or front 
          street yard.  

   d. For screening or privacy purposes when the lineal measurement of the fence 
      does not exceed one-fourth (¼) of the linear distance of the perimeter of a lot.
4. Commercial and Industrial Districts. No fence or wall shall exceed eight feet (8') in height. Fences that exceed eight feet (8') in height require a conditional use permit.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Section 154.081: Permitted Encroachments on Required Yards, Subd. (B), by repealing the following:

(B) Side and rear yards. Fences; walls and hedges 6 feet in height or less; bays not to exceed a depth of 3 feet or containing an area of more than 30 square feet; fire escapes not to exceed a width of 3 feet.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-154 was adopted on this 20th day of September, 2016, by a vote of 2 Ayes, 1 Nay and 2 Abstentions.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-154 was published on the 12th day of October, 2016.