

Lake Elmo City Hall  
651-747-3900  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

**FENCE PERMIT APPLICATION**

Date: \_\_\_\_\_ Fee: \_\_\_\_\_

Permit No. \_\_\_\_\_

Date: \_\_\_\_\_

Applicant (s): \_\_\_\_\_

Property address: \_\_\_\_\_  
(Street Address) (City) (State/Zip)

Phone Numbers: \_\_\_\_\_

Comments: \_\_\_\_\_

Owner(s): \_\_\_\_\_

Material: Wood  Metal  Chain Link  Other  Describe \_\_\_\_\_

Purpose: Privacy  Security  Containment  Pool  Other  Describe \_\_\_\_\_

Height in Feet: \_\_\_\_\_

Length in Feet: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side1 \_\_\_\_\_ Side2 \_\_\_\_\_ Side3 \_\_\_\_\_ Side4 \_\_\_\_\_

**\*As part of the application, a site plan to scale, showing the fence location and parcel boundaries must be submitted.\* \*The City can provide a GIS scaled aerial for a \$15.00 fee.\***

**I hereby acknowledge the following:**

I have received, read and understand the requirements of 154.120-154.127 of the Lake Elmo city Code regarding the construction and maintenance of fences. I will build my fence in accordance with the Ordinance. I will build my permitted fence entirely on my property, and the fence will not encroach on adjacent properties.

When installing any part of this permitted fence within a dedicated easement, written permission of the grantor of the easement is required.

By granting this permit, the City is not guaranteeing the accuracy of the survey or the representation of the applicants regarding location of lot boundaries.

Signature of Owner(s) \_\_\_\_\_

Fences will be inspected ONCE: 1) FINAL Inspection

**Call the Building Dept. at least 24 hours in advance of an inspection request. 651-747-3900  
To avoid underground utilities, telephone Gopher State One Call at 454-0002 before you dig!**

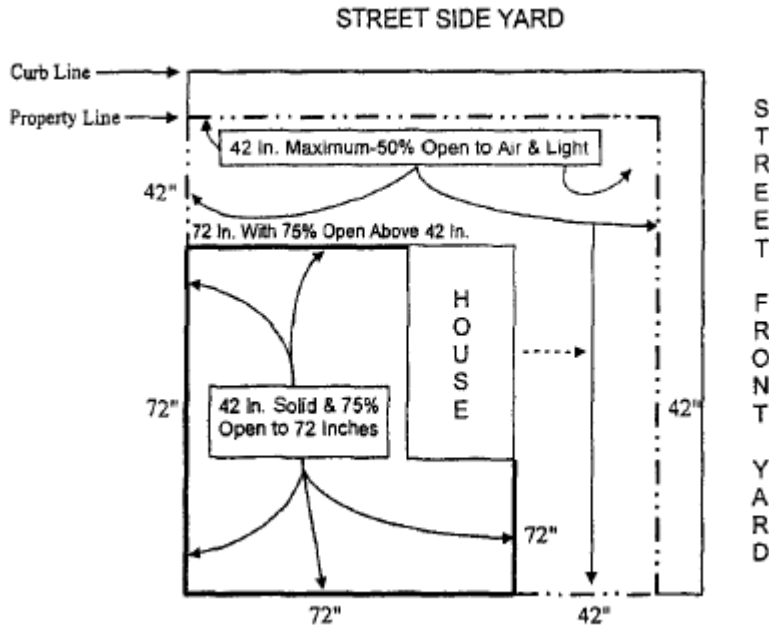
Signature \_\_\_\_\_ Date \_\_\_\_\_

# FENCING REGULATIONS

## § 154.120 FENCE HEIGHT AND LOCATION.

(A) *Fence height in street setbacks.* No fence shall be constructed exceeding 42 inches in height measured from grade within any front, side (corner), or rear street setback. Fences constructed within the prescribed street setback areas shall be at least 50% open to air and light. (See Figure 154.120)

*Figure 154.120: Height of Fencing*



(B) *Fence height in interior yards.* No fence shall be constructed exceeding 72 inches in height measured from grade in interior yards; and, any portion of such fence above 42 inches measured from grade shall be open to light and air over 75% of the surface area.

(C) *Fences on through lots.*

(1) Lots with frontage along improved public streets at both the rear yard and the front yard (through lots) may apply the standards of division (B) above for fences paralleling the rear yard.

(2) When the rear property line of a through lot abuts a public street classified as either a principal arterial, a minor arterial, or B minor arterial in the city's Transportation Plan, a fence parallel to that property line may be constructed up to 72 inches in height, but is not required to be open to light and air. A corner lot must continue to meet safety requirements of § 96.03(B)(19) of this code regarding the obstruction of view of traffic.

(D) *Grade defined.* The grade from which fence height measurements are calculated shall only be from either natural grade or grade modified responsive to a grading plan approved by the city; and, shall not include the height of berms or introduced increases in ground elevation that would raise the effective fence height over that which would be otherwise permitted by this

subchapter, except that a combination of raised grade and fence that would exceed in sum the fence height permitted by this section may be specifically approved by the City Council as an element of a subdivision plat or commercial site plan approval establishing specific property grading and topography.

(E) *Easement encroachment.* Where allowed by other divisions of the fence ordinance and other applicable sections, a fence may be constructed up to 1 foot off a property line unless an easement is present or it is determined a fence would obstruct a drainage area. An easement encroachment agreement, along with a fence permit, allows a fence to be constructed within a city easement after it has been reviewed and approved by the City Engineer and City Council and the applicable fee has been received.

(Ord. 97-137, passed 8-4-2004; Am. Ord. 08-044A, passed 6-7-2011)

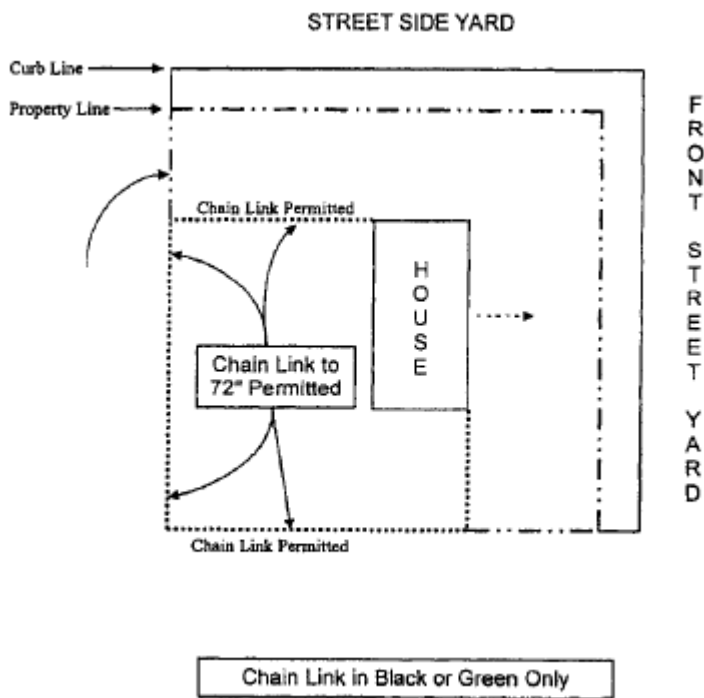
## § 154.121 MATERIALS.

(A) *Permitted fence materials.* Permitted fence materials shall be limited to brick, stone, wood planks, split rail, wrought iron, and as regulated by § 154.123. Vinyl or composite material fences shall also be permitted.

(B) *Finished face of fence.* That side of the fence considered to be the face (finished side as opposed to structural supports and frame) shall face abutting property and public streets.

(C) *Chain link or cyclone fences.* Chain link, and wire mesh fences are permitted to a maximum height of 72 inches measured from grade. No chain link, cyclone or wire mesh fence shall be permitted in any front, side (corner), or rear street setback. (See Figure 154.121)

**Figure 154.121: Cyclone/Chain Link Fencing**



(Ord. 97-137, passed 8-4-2004; Am. Ord. 08-044A, passed 6-7-2011)

## **§ 154.122 FENCES IN THE SHORELAND OVERLAY DISTRICT.**

No fence shall be permitted in the OHW setback of any parcel located in Shoreland, as defined by § 11.01, except where the principal structure is entirely located within the OHW setback. Where the principal structure is at least partially located within the OHW setback, fences complying with the standards of § 154.120(B) may be constructed within the side yard area of the principal structure, but not extending beyond the front and rear exterior walls of the principal structure. Decks, porches and landings of any type shall not be considered a part of the principal structure for the purpose of determining allowable fence.

(Ord. 97-137, passed 8-4-2004; Am. Ord. 08-044A, passed 6-7-2011)

## **§ 154.123 TEMPORARY FENCES.**

(A) *Defined.* For the purposes of this subchapter temporary fences are those that are installed and removed on a seasonal basis, such as snow fences and garden fences. Temporary fences shall be open to light and air over not less than 40% of the fence surface area.

(B) *Duration and limitation.* No snow fence shall or posts therefor shall be installed prior to November 1, and must be removed prior to April 15.

(C) *Height and location.* Temporary fences shall comply with the fence and fence location standards of § 154.120, except that snow fences shall be set back at least 50 feet from any south or east property line, or such additional distance as may be required to prevent the accumulation of snow on public streets or adjoining property, as determined by the Building Official.

(Ord. 97-137, passed 8-4-2004; Am. Ord. 08-044A, passed 6-7-2011)

## **§ 154.124 AGRICULTURAL EXEMPTION.**

Fences constructed on parcels in excess of 5 acres for the keeping of horses; and fences constructed on parcels in excess of 10 acres for the keeping of other livestock, as defined by § 11.01, are specifically exempted from the provisions of this subchapter. Any such agricultural fencing shall be at least 75% open to air and light.

(Ord. 97-137, passed 8-4-2004; Am. Ord. 08-044A, passed 6-7-2011)

## **§ 154.125 FENCES AS SCREENING AND SECURITY, AS REQUIRED.**

(A) *Generally.* The Lake Elmo City Code and this chapter include prescribed physical circumstances of a site where screening of uses, equipment, and outside storage is required. In those prescribed circumstances, fence not to exceed 72 inches in height measured from grade may be installed, subject to the following standards:

(1) Required fences for screening and security purposes in Agricultural and Residential zoning districts shall be set back from all property lines equal to the required structure set back of the zoning district in which they are located, except where residential zoned lots share a common property line with commercial uses or commercial zoning districts and only on the common property line between the residential and commercial parcels.

(Am. Ord. 97-169, passed 5-2-2006)

(2) The provisions of § 154.120 regarding fence height measurement from grade shall apply. No combination of earthen berm and fence may exceed the 72-inch maximum height for screening.

(3) Materials used for screening shall be limited to those specified by § 154.121.

(4) No such screening shall be roofed or covered in any manner.

(Ord. 97-137, passed 8-4-2004)

(5) Solid fence not to exceed 72 inches in height measured from grade may be installed, subject to the following standards:

(a) The total area of any parcel enclosed by solid fencing shall not exceed the maximum allowable area for an accessory structure in the zoning district in which the parcel is located, less the sum of the area of any accessory structures located on the same tax parcel.

(b) The area enclosed by screen fencing shall maintain a ratio of width to length of no greater than 2:1. (See § 154.093).

(c) A screening fence that is not enclosed may be allowed provided the total length of said fence does not exceed the perimeter of the largest accessory building permitted in the zoning district in which the parcel is located, less the sum of the area (or perimeter) of any accessory structures located on the same tax parcel.

(Am. Ord. 08-044A, passed 6-7-2011)

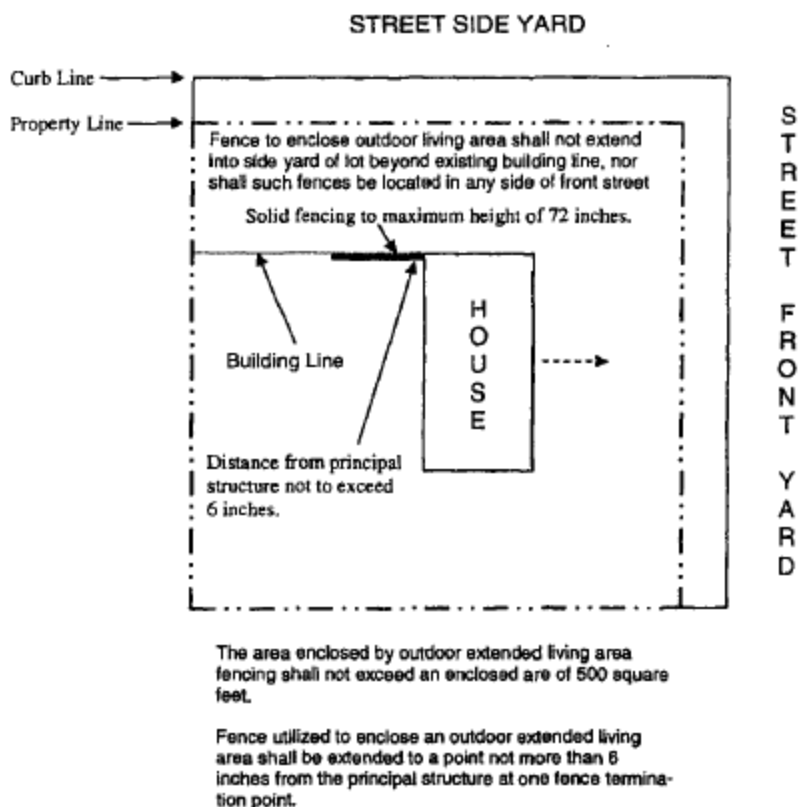
(B) *Outdoor living area extensions.* Solid fencing to a maximum height of 72 inches may be used to enclose outdoor extended living areas of a principal structure, subject to the following standards:

(1) The area enclosed by outdoor extended living area fencing shall not exceed an enclosed area of 500 square feet.

(2) 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 1 fence termination point.

(3) 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. (See Figure 154.125)

*Figure 154.125: Fencing for Outdoor Living Area*



(Am. Ord. 97-155, passed 4-19-2005)

### § 154.126 PERMITS REQUIRED.

(A) Except as noted herein, installation of all fences requires a fence permit issued by the City of Lake Elmo. This permit shall be applied for on such forms, include such documentation, and include such fees to the city for processing as may be prescribed from time to time by the City Council. Fences exempt from requiring an installation permit are limited to the following:

(1) Fences of any type installed for the sole purpose of the keeping of domestic farm animals, as defined by § 11.01, and regulated by § 154.104(E) of this Code. All such fences shall be removed by the property owner within 6 months of the termination of the keeping of domestic farm animals, unless an extension is specifically authorized by City Council action; and

(2) Fences of any type installed by municipal, county or state governments and public utilities for facility security or the delineation and/or protection of public rights-of-way.

(B) Failure to obtain a city fence permit prior to the installation of any fence subject to this regulation shall result in an automatic double permit fee, in addition to any corrective measures to bring the fence into compliance with the standards for fences prescribed by this chapter.

(Ord. 97-137, passed 8-4-2004; Am. Ord. 08-044A, passed 6-7-2011)

## **§ 154.127 FENCES AS NON-CONFORMING/HAZARDOUS STRUCTURES.**

Fences shall be considered to be structures for the purposes of applying the terms of the non-conforming structure provisions of this chapter, and the hazardous structures provisions of city code and state statute.

((Ord. 97-137, passed 8-4-2004; Am. Ord. 08-044A, passed 6-7-2011))

## **§ 154.128 OTHER PROVISIONS; CONFLICTS.**

To the extent that provisions of this chapter may conflict with other provisions of the city code regarding the regulation of fences and screening, the provisions of this chapter only shall apply.

(Ord. 97-137, passed 8-4-2004; Am. Ord. 08-044A, passed 6-7-2011)