

**April 4, 2024
6:30 PM**

The Planning Commission Meeting will be conducted on **April 4, 2024** at 6:30 p.m. in the City Council Chambers of City Hall, located at 2400 Margaret St., North St. Paul.

The Planning Commission also meets via interactive TV under Minn. Stat. 13D.02. Members of the public interested in attending remotely can log in with the following information:

The **April 4, 2024 Zoom meeting can be accessed:**

On Zoom at <https://tinyurl.com/NSPplanning> or

YouTube at <https://tinyurl.com/NSPYouTube>

Additional connection information is available at
<https://www.northstpaul.org/1187/Meeting-Zoom-Links>

I. Call to Order

II. Roll Call

COMMISSION

Patrick Blees, Chair

Andrew Wise, Vice-Chair

Arthur Alvarez, Jr. Commissioner

Stephanie Kane-Burback, Commissioner

Elizabeth Gadbois, Commissioner

Cameron Muhic, Commissioner

Jim Rathe, Commissioner

STAFF/LIAISONS

Jason Nordby, City Council Liaison

Brandy Howe, Community Development Director

Chris Cherne, Planning Commission Secretary

III. Adopt Agenda

IV. Approval of Minutes

A. Approval of March 7, 2024 Meeting Minutes

V. Meeting Open to the Public

VI. Workshop Discussion

A. Fence Regulations - Continuation of March Discussion

VII. Reports

VIII. Adjournment

The next regularly scheduled Planning Commission meeting is May 2, 2024.



**Planning Commission
Regular Meeting Minutes
March 7, 2024
6:30 PM**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

Chair Patrick Blees called the meeting to order at 6:30 PM.

II. ROLL CALL

COMMISSION

Patrick Blees, Chair

Andrew Wise, Vice-Chair

Arthur Alvarez, Jr., Commissioner

Absent

Stephanie Kane-Burback, Commissioner

Elizabeth Gadbois, Commissioner

Cameron Muhic, Commissioner

Jim Rathe, Commissioner

STAFF/LIAISONS

Jason Nordby, City Council Liaison

Brandy Howe, Community Development Director

III. ADOPT AGENDA

Blees asked for a motion to adopt the March 7, 2024 meeting agenda.

M/Wise, S/Rathe.

Motion carried 6-0.

IV. APPROVAL OF MINUTES

A. Approval of January 4, 2024 Meeting Minutes

Gadbois corrected section VI. item b; the houses would run in the \$400,000 range.

Blees asked for a motion to approve the January 4, 2024 meeting minutes as amended.

M/Rathe, S/Wise.

Motion carried 6-0.

V. MEETING OPEN TO THE PUBLIC

There were no public comments.

VI. WORKSHOP DISCUSSION

a. Fence Regulations

Howe provided the staff report detailing proposed amendments to the zoning ordinance as it relates to fence regulations.



Wise stated that it makes sense to increase the maximum height of fences in the required front yard to four feet rather than three and one-half feet. Wise indicated that other surrounding cities have a maximum height of seven feet in the side and rear yards compared to the City of North St. Paul's regulations of six and one-half feet. Wise asked why fences are not currently allowed in nonresidential districts.

Howe responded that there are screening requirements for various uses in nonresidential districts, and that the zoning ordinance is contradictory in that it does not permit fences in the districts. The Planning Commission discussed barbed wire as a prohibited fence material. They also indicated there should be clear language of when a permit for a fence is required. Blees stated he agrees with requiring written permission to connect to a neighbor's fence. Muhic inquired what the procedure should be for a property that has different grading along the property line and if there should be regulations allowing a uniform height across the property. The Commission discussed how a variance should be requested in that situation.

Blees asked if there was state statute regulating fences around pools and spas. Howe stated that there are regulations in the zoning ordinance, but will verify that they meet the requirements of the state and correct as needed. Blees recommended the zoning ordinance include an intent for screening requirements of nonresidential uses, such as where visual screening is required, the commercial property will screen views from the adjacent residential property.

VII. REPORTS

Rathe stated that he attended the City Hall open house for commissioners and City Council, and that it was great to walk through and learn about what the different departments do. Rathe thanked the participants and organizers of the event.

Council member Nordby thanked the Planning Commission and staff for their detailed conversations and contributions to the City. The City Council will hold a special workshop meeting on March 14, 2024 at 4:00pm to discuss the Community Center.

Blees stated that the North St. Paul City Cleanup Day will be held on May 11, 2024. The Citywide Garage Sale will be May 2-4, 2024.

VIII. ADJOURNMENT

Blees asked for a motion to adjourn the meeting at 7:47 PM.

M/Rathe, S/Muhic.

Motion carried 6-0.

The next regularly scheduled Planning Commission Meeting is Thursday, April 4, 2024 at 6:30 PM.

Members, please notify any planned absences to:

Chris Cherne
Planning Commission Secretary
651-747-2440
chris.cherne@northstpaul.org



To	Date
Honorable Mayor Monge and City Council	April 4, 2024
Agenda Placement # VI.A	
Workshop Discussion	
Subject	
Fence Regulations - Continuation of March Discussion	
Background/Facts	
See enclosed report.	
Recommended Action	
N/A	
Attachments	
1. Fence Regulations - PC 04-04-24 2. Ordinance - Fence Regulations	
Respectfully submitted, Brandy Howe, Community Development Director	

Planning Commission Report

From: Brandy Howe, Community Development Director
Meeting Date: April 4, 2024
Agenda Item: Zoning Ordinance Update - Fences



INTRODUCTION

The Planning Commission reviewed a draft amendment to fence regulations at its March 7, 2024, meeting. After much discussion, the Planning Commission directed staff to prepare revisions to the draft language. The following summarizes the proposed policy changes to the fence regulations. Proposed amendments are included in the following section as well as the enclosed draft ordinance.

- Clarified that a fence permit is required for maintenance, alteration, and repair as well as new fence construction. Also created an exception that a permit is not required for athletic field fencing at city parks (e.g. McKnight Field).
- Clarified that fences may be allowed in an easement, provided, however, that it is placed at the owners' risk and drainage is not interrupted.
- Established rules that ensure access to utility boxes and hydrants. Such rules are in compliance with the Fire Code and have been approved by the Fire Chief and Utility Director.
- Established separate regulations for residential and nonresidential fences. Fencing is not currently permitted in the mixed-use districts, which conflicts with screening requirements in other sections of the zoning code.
 - o Increased fence height in residential front yards from 3.5 feet to 4 feet (if 50% opaque). As it relates to fences, the front yard extends from the closest point of the principal building forward to the front property line.
 - o Increased fence height in residential rear yards from 6.5 feet to 7 feet.
 - o Fence height not to exceed 8 feet in nonresidential areas without zoning administrator approval, and only as necessary for screening of security. Additionally, fences cannot be electric.
- Fence regulations related to residential swimming pool fences were updated to match state requirements.

PROPOSED AMENDMENTS

§ 154.010(A)(11) FENCES AND WALLS.

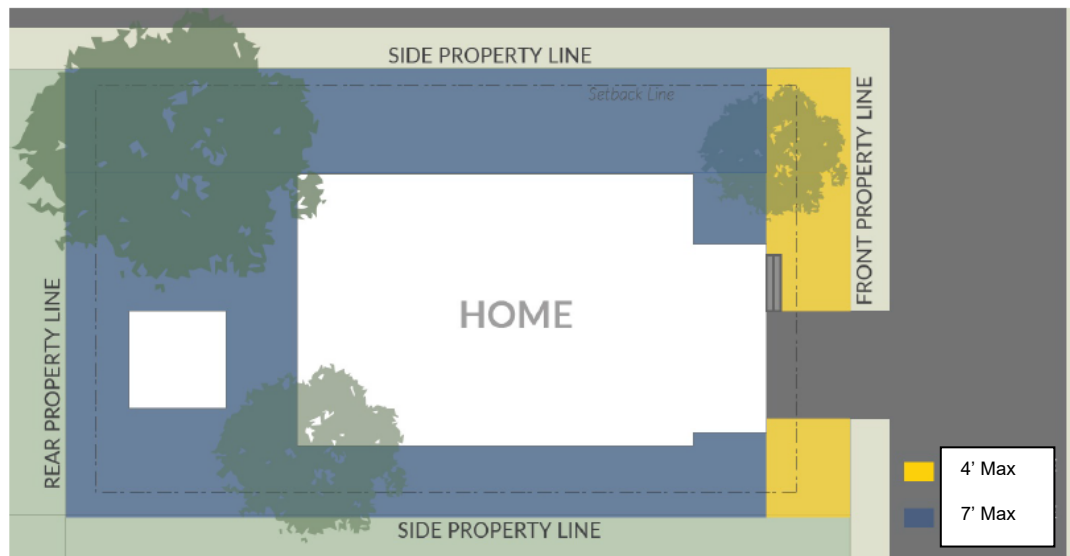
11. Fences and walls.

(a) Regulations Applicable to All Fences.

i. Permit Required.

1. A fence permit shall be obtained prior to the erection, construction, alteration, or moving of a fence within the City.
2. A contractor shall be considered the agent of the owner of the property on which the contractor erects, alters, or moves a fence.
3. A permit shall not be required for athletic field fencing on city-owned parkland.

- ii. Location.
 - 1. Fences and walls may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements of this section. The owner shall be responsible for properly locating all property lines before construction of any fence.
 - 2. A 3-foot clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved. Unobstructed access to fire hydrants shall be maintained at all times.
 - 3. A 3-foot clear space shall be maintained around utility boxes, except as otherwise required or approved. In certain circumstances, a radius of up to 8 feet may be required around utility boxes as determined by the Utility Director.
 - 4. Fences and walls shall comply with the vision clearance triangle requirements of §154.010(F)(8)(a).
 - iii. Utilities and Easements.
 - 1. The property owner is responsible for verifying that no conflicts exist with utilities prior to installation of fencing.
 - 2. All fences located in recorded easements are the sole risk of the property owner. The cost of any removal, relocation, or replacement of said structures caused by any activity permitted in said easements is the sole responsibility of the property owner.
 - 3. If located within a drainage easement, the fence shall not obstruct the free flow of water.
 - iv. Construction and Maintenance. Every fence shall be constructed in a professional manner of substantial materials widely accepted in the fencing industry and reasonably suited for the purpose for which the fence is intended.
- (b) Regulations for Residential Fences.
- i. Height.
 - 1. Fences and walls shall not exceed a height of seven feet in rear or side yards.
 - 2. Fences and walls within the front yard shall not exceed a height of four feet and have a minimum of 50% opacity (open to air and light). For the purpose of fencing, the front yard shall extend from the closest point of the principal structure toward the front property line.



- ii. Materials.
 - 1. Prohibited materials include chicken wire, barbed wire, plastic webbing or netting, fences made of makeshift, flimsy materials or other materials which are made from paper, twine, rope, tin, and the like.

2. Fences must be installed so that the more finished side faces the adjacent property. If the fence has posts on one side, the posts shall be placed on the inside side of the fence.
- iii. Construction and Maintenance.
 1. No fence may be connected to that of a neighbor's unless the owner of the adjoining property agrees, in writing, that the fence may be connected. This agreement shall be submitted at the time of fence permit application.
 2. All fences must be kept in good repair and appearance on both sides of the fence by its owner.
 3. The property owner is responsible for maintaining the area between the property line and the owner's fence.
- (c) Regulations for Non-Residential Fences.
 - i. Height.
 1. Fences and walls shall not exceed a height of eight feet without approval by the Zoning Administrator. Fences taller than eight feet may only be permitted for the purpose of screening or security as determined by the Zoning Administrator and shall be limited to ten feet in height. The intent of such screening fence is to block the view of non-residential site elements (such as mechanical equipment, outdoor storage, etc.) from residential property.
 - ii. Materials.
 1. Prohibited materials include chicken wire, plastic webbing or netting, fences made of makeshift, flimsy materials or other materials which are made from paper, twine, rope, tin, and the like.
 2. No fence shall conduct electricity or is designed to electrically shock.
 3. Barbed wire may be installed on nonresidential property in the MU-3 district if the devices securing the barbed wire to the fence are eight feet above the ground and project toward the fenced property and away from any public area.
- (d) Temporary or Seasonal Fences: Temporary or seasonal fences, such as snow fences, erosion control fences, fences to protect newly seeded areas, and the like, are allowed without a permit provided:
 - i. No such fence may be left in place for more than six (6) months without written city approval.
 - ii. Any such fence must be removed within fifteen (15) days of the city providing written notice to the landowner that the city has determined the fence no longer serves its originally intended, temporary or seasonal purpose.
- (e) Nonconforming Fences. Any fence existing on the effective date of this chapter and not in conformance with this section may be maintained, but no alteration, modification, or improvement of said fence shall occur, unless installed in conformance with this section.

§ 154.010(D)(36)(g) Residential Pools and Spas

36. Residential pools and spas

- (g) A structure or safety fence at least five feet in height shall completely enclose the pool. Said fence shall adhere to the following provisions of as well as those listed in §154.010(A)(11).
 1. Be equipped with self-closing, self-latching gates capable of being locked.
 2. Not have any opening greater than four inches.
 3. Not have any opening greater than two inches below the fences.
 4. Not be a readily climbable design.

CITY OF NORTH ST. PAUL

ORDINANCE NO. 2024-XXX

**AN ORDINANCE AMENDING THE NORTH ST. PAUL CITY CODE
AS IT RELATES TO FENCES AND WALLS**

The City Council of the City of North St. Paul does hereby ordain as follows:

SECTION 1. Amend the definition for “fence” in Section §154.003 of the zoning ordinances as follows.

FENCE. Any partition, structure, wall, or gate erected as a divider, marker, barrier, or enclosure, ~~and located along the boundary, within the required yard, or elsewhere on the property. Fence height shall be measured from the normal grade adjacent to the fence line.~~

SECTION 2. Eliminate Section §154.010(A)(5)(e) of the zoning ordinances pertaining to the regulation of fences and walls.

~~A wall, fence or hedge may occupy part of the required front, side or rear yard subject to meeting traffic sight distance requirements.~~

SECTION 3. Repeal and replace §154.010(A)(11) of the zoning ordinances pertaining to the regulation of fences and walls as follows.

§ 154.010(A)(11) FENCES AND WALLS.

11. Fences and walls.

(a) Regulations Applicable to All Fences.

i. Permit Required.

1. A fence permit shall be obtained prior to the erection, construction, alteration, or moving of a fence within the City.
2. A contractor shall be considered the agent of the owner of the property on which the contractor erects, alters, or moves a fence.
3. A permit shall not be required for athletic field fencing on city-owned parkland.

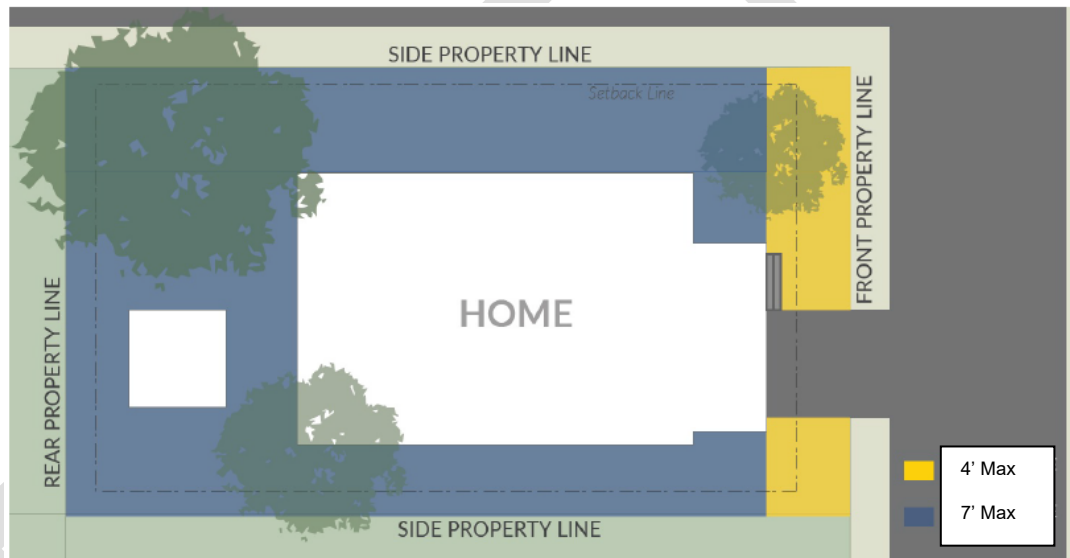
ii. Fence Height. Fence height shall be measured from the normal grade adjacent to the fence line to the highest point of the tallest fence panel.

iii. Location.

1. Fences and walls may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements of this section. The owner shall be responsible for properly locating all property lines before construction of any fence.
2. A 3-foot clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved. Unobstructed access to fire hydrants shall be maintained at all times.
3. A 3-foot clear space shall be maintained around utility boxes, except as otherwise required or approved. In certain circumstances, a radius of up to 8 feet may be required around utility boxes as determined by the Utility Director.
4. Fences and walls shall comply with the vision clearance triangle requirements of §154.010(F)(8)(a).

iv. Utilities and Easements.

1. The property owner is responsible for verifying that no conflicts exist with utilities prior to installation of fencing.
 2. All fences located in recorded easements are the sole risk of the property owner. The cost of any removal, relocation, or replacement of said structures caused by any activity permitted in said easements is the sole responsibility of the property owner.
 3. If located within a drainage easement, the fence shall not obstruct the free flow of water.
 - v. Construction and Maintenance. Every fence shall be constructed in a workmanlike manner of substantial materials widely accepted in the fencing industry and reasonably suited for the purpose for which the fence is intended.
- (b) Regulations for Residential Fences.
- i. Height.
 1. Fences and walls shall not exceed a height of seven feet in rear or side yards.
 2. Fences and walls within the front yard shall not exceed a height of four feet and have a minimum of 50% opacity (open to air and light). For the purpose of fencing, the front yard shall extend from the closest point of the principal structure toward the front property line.



- ii. Materials.
 1. Prohibited materials include chicken wire, barbed wire, plastic webbing or netting, fences made of makeshift, flimsy materials or other materials which are made from paper, twine, rope, tin, and the like.
 2. Fences must be installed so that the more finished side faces the adjacent property. If the fence has posts on one side, the posts shall be placed on the inside side of the fence.
 - iii. Construction and Maintenance.
 1. No fence may be connected to that of a neighbor's unless the owner of the adjoining property agrees, in writing, that the fence may be connected. This agreement shall be submitted at the time of zoning permit application.
 2. All fences must be kept in good repair and appearance on both sides of the fence by its owner.
 3. The property owner is responsible for maintaining the area between the property line and the owner's fence.
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 - 1. Fences and walls shall not exceed a height of eight feet without approval by the Zoning Administrator. Fences taller than eight feet may only be permitted for the purpose of screening or security as determined by the Zoning Administrator and shall be limited to ten feet in height. The intent of such screening fence is to block the view of non-residential site elements (such as mechanical equipment, outdoor storage, etc.) from residential property.
- ii. Materials.
 - 1. Prohibited materials include chicken wire, plastic webbing or netting, fences made of makeshift, flimsy materials or other materials which are made from paper, twine, rope, tin, and the like.
 - 2. No fence shall conduct electricity or is designed to electrically shock.
 - 3. Barbed wire may be installed on nonresidential property in the MU-3 district if the devices securing the barbed wire to the fence are eight feet above the ground and project toward the fenced property and away from any public area.
- (d) Temporary or Seasonal Fences: Temporary or seasonal fences, such as snow fences, erosion control fences, fences to protect newly seeded areas, and the like, are allowed without a permit provided:
 - i. No such fence may be left in place for more than six (6) months without written city approval.
 - ii. Any such fence must be removed within fifteen (15) days of the city providing written notice to the landowner that the city has determined the fence no longer serves its originally intended, temporary or seasonal purpose.
- (e) Nonconforming Fences. Any fence existing on the effective date of this chapter and not in conformance with this section may be maintained, but no alteration, modification, or improvement of said fence shall occur, unless installed in conformance with this section.

SECTION 4. Amend §154.010(B)(2)(a) related to Day Nurseries and Nursery Schools.

- (a) Shall provide 40 square feet of outside play space per pupil and such space shall be adequately fenced according to the provisions of §154.010(A)(11).

SECTION 5. Amend §154.010(D)(4)(b) animal boarding facility, kennel, shelter, day care, and grooming (commercial).

- (b) Any outdoor portion of an animal boarding facility, kennel, shelter, daycare, or grooming facility shall be screened from view from adjacent property by a solid fence, hedge or similar plant material not to exceed ~~six and one-half~~ seven feet in height. Fences shall adhere to the provisions of §154.010(A)(11).

SECTION 6. Amend §154.010(D)(7)(c) related to automobile sales and rental.

- (c) A solid fence or wall and hedges or similar plant type of ~~six and one-half~~ seven feet in height shall be erected, and at least a five-foot-wide landscaped strip shall be provided along all property lines of the site to be used for the sales lot which abut residential districts. Fences shall adhere to the provisions of §154.010(A)(11).

SECTION 7. Amend §154.010(D)(8)(f) related to automobile service station/convenience store.

- (f) Fence. A fence of ~~acceptable design not over six and one-half feet in height or under four feet~~ adhering to the provisions of §154.010(A)(11) which is at least 90% opaque shall be constructed

along the property line when said use abuts property residentially used or in one of the residential districts. Application of this provision shall not require a fence within the required front yard.

SECTION 8. Amend §154.010(D)(12)(b) related to car wash.

- (b) Screening. Solid screening shall be erected and maintained alongside rear yards. The screening required by this section shall consist of a solid fence or wall ~~not less than six and one-half feet in height and/or such additional~~ adhering to the provisions of §154.010(A)(11), or equivalent visual barrier, including plantings, as required and approved by the city. Vacuuming facilities shall not be located along public streets and shall be completely screened from public streets and adjacent property.

SECTION 9. Amend §154.010(D)(14)(a) related to day care center, day nursery.

- (a) A fence adhering to the provisions of §154.010(A)(11) ~~of acceptable design not over six and one-half feet in height~~ may be required to be constructed along the property line when said use abuts property residentially used or in one of the residential districts; ~~said fence shall be adequately maintained.~~

SECTION 10. Amend §154.010(D)(36)(g) related to residential pools and spas.

- (g) A structure or safety fence at least ~~four~~ five feet in height shall completely enclose the pool. Said fence shall adhere to the following provisions of as well as those listed in §154.010(A)(11).
- i. Be equipped with self-closing, self-latching gates capable of being locked.
 - ii. Not have any opening greater than four inches.
 - iii. Not have any opening greater than two inches below the fences.
 - iv. Not be a readily climbable design.

SECTION 11. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED by the City Council of the City of North St. Paul this ____ day of _____, 2024.

Motion by Council Member
Second by Council Member

Voting: Aye: Council Member
 Council Member
 Council Member
 Council Member
 Mayor

Nay:
Abstain:
Absent:

John Monge, Mayor

Attest: _____
Brian Frandle, City Manager

DRAFT