

**SPRING LAKE PARK
ORDINANCE 502**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE SPRING LAKE PARK CITY
CODE RELATING TO SIGHT DISTANCE TRIANGLES**

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1:**AMENDMENT** “16.20.080 Yard Requirements And Regulations” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.20.080 Yard Requirements And Regulations

- A. *District requirements.* Yard requirements shall be specified for each district in this title.
- B. *Extent of front yards.* Except for driveways, the front yard shall extend along the entire frontage of the lot and along both streets in the case of a double frontage or corner lot.
- C. *Walls, fences, and hedges.* A wall, fence, or hedge may occupy part of the required front, side, or rear yards.
- D. *Double frontage lots.* On double frontage lots, the required front yard shall be provided on both streets.
- E. *Corner lots.*
 - 1. ~~The required front yard of a corner lot shall contain no wall, fence, or other structure, tree, shrub, or growth which may cause danger to traffic on a street or public road by obscuring the view. The required front yard of a corner lot shall be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running from the corner of the property along the property lines to points 20 feet from the corner of the property.~~ The required front yard of a corner lot shall remain free of any wall, fence, structure, tree, shrub, or growth that does not maintain at least 75 percent transparency and could obstruct visibility, creating a traffic hazard. Chain link or decorative fencing that maintains at least 75 percent transparency may be allowed, provided it does not exceed a height of 48 inches from grade level at the lot line. The sight triangle is defined as a triangle formed by two sides measuring 30 feet along the curb lines from the intersection of two intersecting streets, with the third side being a straight line connecting the endpoints of these measurements.
 - 2. In all instances, there shall be a minimum of 25 feet side yard setback when abutting a street.

Cross-reference:

Intersection Sight Triangle, see SLPC 16.64.040

- F. *Rear yards opening onto alleys.* In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half of the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard, subject to the following qualifications:
1. The depth of any rear yard shall not be reduced to less than ten feet by the application of this exception; and
 2. If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer to the center line of an alley than a distance of 15 feet.
- G. *Exemptions to yard regulations.* Measurements for yards required in each district shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:
1. Cornices, canopies, or eaves may be extended into the required front yard a distance not exceeding four feet, six inches;
 2. Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches;
- H. A landing place or uncovered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing may be placed around the place;
1. A covered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building and is not enclosed with windows, screens or the like. The covered area shall not exceed 60 square feet and shall be architecturally compatible (siding, roof material, roof pitch, and the like) with the principal structure. An open railing may be placed around the porch.
 2. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace, or outside stairway shall project into the required side yard distance.

SECTION 2: **AMENDMENT** “16.28.030 Fences” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

16.28.030 Fences

- A. *Purpose.* The purpose of this section is to promote a pleasant physical environment and to protect the public and private property within the city by regulating the location, height, type of construction, and maintenance of all fences.
- B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- BOUNDARY FENCE.** Any fence parallel to the property line.

FENCE. Any partition, structure, wall, or gate erected as a divider marker, barrier, or enclosure and located along the boundary, or within the required yard. A **FENCE** shall not include naturally growing shrubs, trees, other foliage, or trellis.

PRIVACY FENCE. Any fence used for screening of outdoor living areas and for enclosures where restricted visibility or protection is desired. **PRIVACY FENCES** shall not require a permit as stipulated in the following paragraph.

C. *Permit required.* No fence shall be erected or substantially altered in the city without securing a permit from the Building Inspector. All permits of this type shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence. A fee as set from time to time by Council resolution shall be paid with each application.

D. *Location of fences.*

1. Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner, but not on the property line, except by mutual consent of both property owners prior to construction. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as wire, lumber, pickets, and the like, shall be placed on the side of the fence which faces the street or the adjacent property.
2. No fences shall be allowed or constructed on street rights-of-way. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or overground utilities. Further, the city or any utility company having authority to use those easements shall not be liable for repair or replacement of these fences in the event they are damaged or destroyed by virtue of lawful use of the easement.

3.

E. *Construction and maintenance.*

1. All fences shall be constructed in conformity with the wind, stress, foundation, structural, and other requirements of the State Building Code and every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. If a fence is allowed to become and remain in such a condition, the Building Inspector is authorized to notify the owner or owners of the fence of the condition and allow the owner or owners ten days in which to repair or demolish the fence.
2. Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.
3. No barbed wire or barbed wire fences shall be allowed on private property in residential districts.

F. *Residential district fences.* In single- and multiple-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this title. In these districts, fences along the side lines to the rear of the front

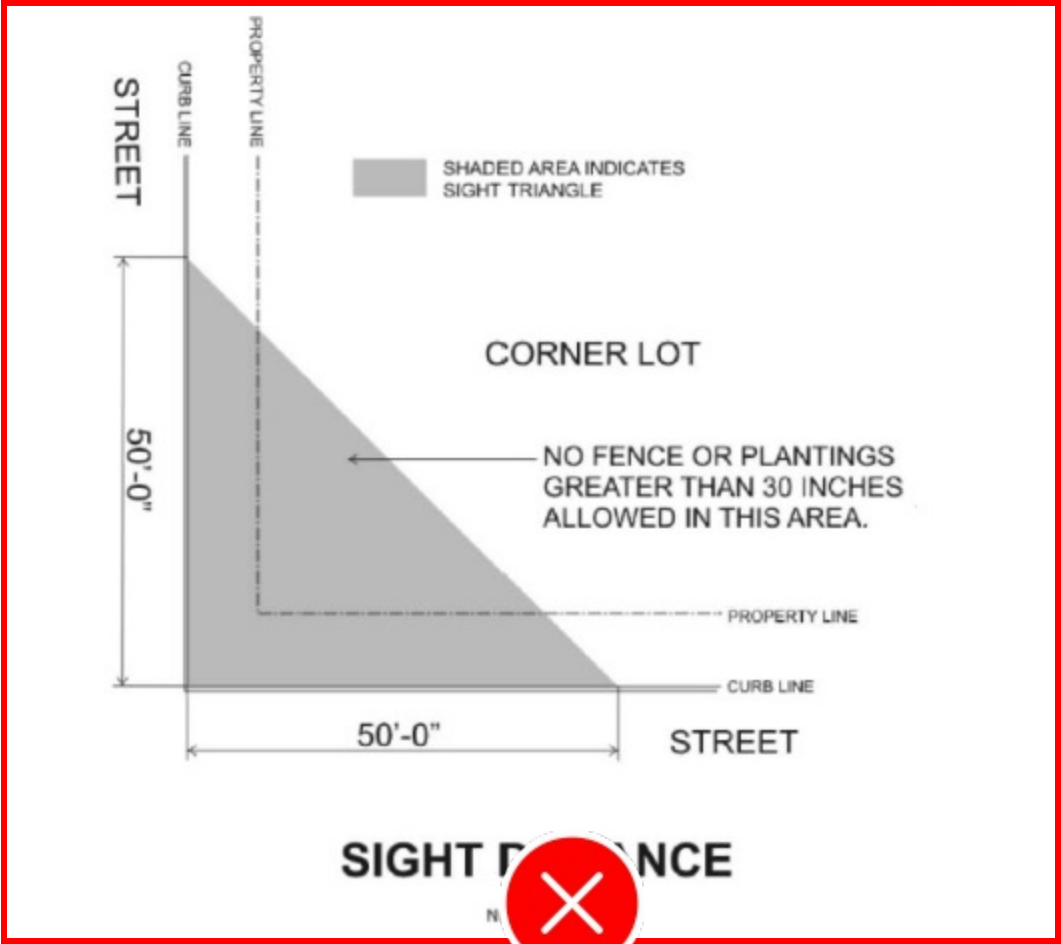
line of the residential structure and along the rear line, including rear lines abutting street or highway right-of-way zones, may not exceed six feet in height above the ground level. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, no fence shall be permitted within the intersection sight distance triangle as shown in SLPC 16.64.030, App. C.

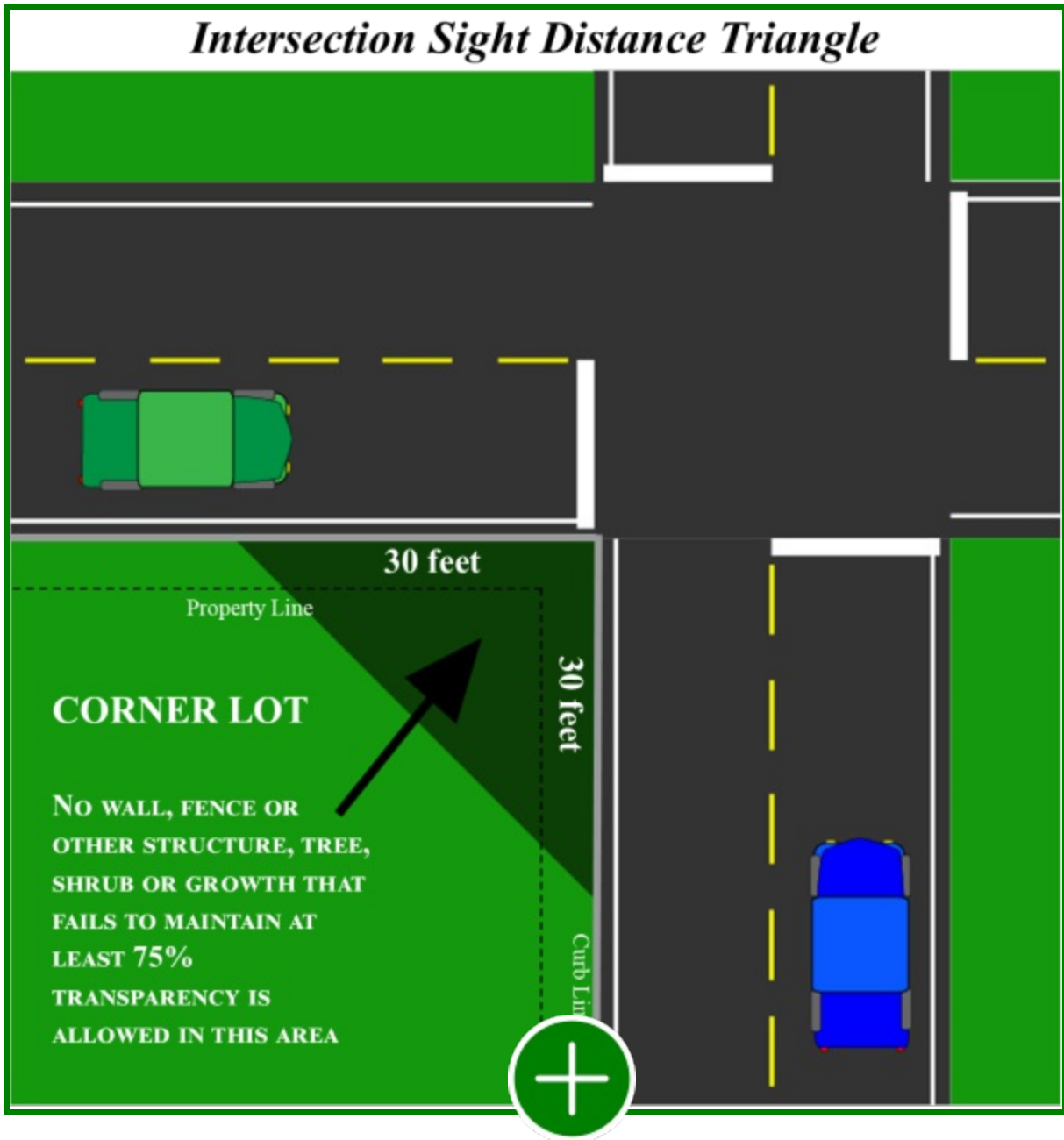
- G. *Commercial and industrial fences.* In business and industrial districts, fences may not exceed eight feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one foot of any fence in these districts may be constructed of barbed wire. Fences located within the sight distance triangle, as defined in SLPC 16.64.030, Appendix C, shall be no less than 75% transparent and shall not exceed a maximum height of 48 inches measured from ground level.
- H. *Special purpose fences.*
1. Fences for special purpose and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the city, only by issuance of a conditional use permit approved by the City Council after a recommendation by the Planning Commission, and upon evidence that the special purpose fence is necessary to protect, buffer, or improve the premises for which the fence is intended.
 2. The approval of these buffer fences may include stipulations as to the material, height, or location of the special purpose fence.
- I. *Non-conforming fences.* All existing fences at the time of the adoption of this section, which are not in violation of this section and are not located within a public right-of-way or easement, but which violate other sections of this chapter, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.

SECTION 3: AMENDMENT “16.64.030 Appendix C: Intersection Sight Distance Triangle” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.64.030 Appendix C: Intersection Sight Distance Triangle





SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Councilmember Moran	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer, Spring Lake Park