



AGENDA OF THE PLANNING  
COMMISSION  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
September 28th, 2023  
7:00 P.M.

**CALL TO ORDER**

**PUBLIC FORUM**

**APPROVE AGENDA**

**REGULAR AGENDA**

- A. Approve June Meeting Minutes\* (pp. 2-3)
- B. Discuss new dates for the November and December meetings.
- C. 127 Wildwood Conditional Use Permit\* (pp. 4-14)
- D. Fence Ordinance Update Review\* (pp. 15-18)

**ADJOURN**

\* Denotes items that have supporting documentation

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 6/22/2023

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: — Andy Sorenson - Chairman, Joe Evans, Michelle Maiers-Atakpu, Michael Kraemer, Michael McKenzie

COMMISSIONERS ABSENT

OTHERS PRESENT: Council Member – Justin McCarthy, Council Member

TO ORDER: Meeting called to order by Chairman Andy Sorenson at 7:01 PM.

1. PUBLIC FORUM – No one present
2. APPROVE AGENDA
  - a. Maiers-Atakpu, moved, 2<sup>nd</sup> by Evans, to add an Item C – Request a Council/Planning Commission/Staff work session/discussion meeting in the near future to discuss City internal communications and coordination processes. Vote: Yes – 5, No – 0. Motion to approve amended agenda passed.
3. REGULAR AGENDA
  - a. Item A – Review/Approve May 25, 2023, Meeting Minutes
    - i. Maiers-Atakpu, moved, 2<sup>nd</sup> by Evans, to approve the minutes. Vote: Yes – 5, No – 0, Motion to approve the minutes passed.
  - b. Item B – Review Draft Setback Amendment
    - i. Council Member Justin McCarthy was present to lead discussion on potential changes to City Code Section – 302.020 STRUCTURE LOCATION REQUIREMENTS – 2. MINIMUM SETBACK REQUIREMENTS. Items discussed include:
      1. Structure Setback from municipal and county roads. Consider change from 40’ to 30’.
      2. Fence Setback from municipal and county roads. Consider change from 20’ to 10’.
      3. Retaining Wall Setback from OHW. Consider change from 50’ to 10’
    - ii. Planning Commission offered discussion points pro/cons for consideration and took no formal action requested nor taken.
  - c. Item C - Council/Planning Commission/Staff work session – Topic: City communication and coordination.
    - i. **PLANNING COMMISSION ACTION:** Motion by Maiers-Atakpu, 2<sup>nd</sup> by Evans, requesting the Council authorize a joint Council/Planning

Commission/Staff work session to review internal communications processes. Advisory Vote: Yes – 5, No - 0

**4. ADJOURN 9:27 PM**

- a.** Motion by Evans, 2<sup>nd</sup> by McKenzie to adjourn meeting. Vote: Yes – 5, No – 0.  
Motion passed.

# memo

To: Birchwood Village Planning Commission  
From: Ben Wikstrom, Planning Consultant  
CC:  
Date: September 28, 2023 Meeting  
Re: Conditional Use Permit Application – **127 Wildwood Avenue**

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## **Application and Background**

Amy Johansson of Greener Side Irrigation and Landscaping, on behalf of property owners Alan and Susan Reiss, has applied for a land disturbance permit to allow landscape work on the slope to White Bear Lake on the property at 127 Wildwood Avenue. This requires approval of a Conditional Use Permit.

The property files show that a building permit for an addition and upgrades was approved in 2022 and a variance application was made in early 2023 to allow construction of a deck on the lake side.

The property is 7,794 square feet and 55' wide. The previously approved impervious surface percentage is 28.8%. An existing conditions survey is attached to this memo.

The aerial image below (from Washington County GIS) shows the property.



**Proposed Project**

The application with a project narrative is attached to this memo. In summary, the work will entail the following:

- Restoration of landscaping and vegetation impacted by previous construction
- Replacement of steps to lake
- Removal of a section of retaining wall, to be replaced with boulders to match rip rap
- Stabilization of slope with native plantings
- Improvement of drainage and filtration
- Installation of paver walkway (not lakeside) and small seating area

**Conditional Use Permit – Pertinent Ordinance Language, Requirements, and Standards**

306.020.

**CONDITIONAL USE REQUIREMENTS AND STANDARDS.**

Applications for Conditional Uses must include Required Information and demonstrate that the Requirements and Standards for each Conditional Use will be met. See Section 301.070 for uses requiring Conditional Use Permits.

306.030.

**CONDITIONAL USE PERMIT FOR LAND DISTURBANCE ACTIVITY.**

1. Purpose. The purpose of Section 306.030 is to control or eliminate storm water runoff, soil erosion, and sedimentation in the City and adjacent jurisdictions.
2. No permit for any land disturbance activity shall be granted until the applicant obtains all necessary approvals from the Department of Natural Resources, the Rice Creek Watershed District, the White Bear Lake Conservation District, and any Agency, Department or Government entity which has jurisdiction over the project.

301.070

**CONDITIONAL USES.**

Certain accessory uses permitted within the City have greater than usual chances to present safety hazards, impact on neighboring people and property, and nuisance situations. Because of these greater effects, the City requires these uses to be covered under Conditional Use Permits. Applications for Conditional Use Permits must comply with all provisions of Section 306. **CONDITIONAL USE PERMITS.**

1. A Conditional Use Permit shall be required for the following projects:
  - a. Any land disturbance activity where the slope is toward a lake, pond, wetland, or watercourse leading to such waters, and the alteration is closer to such waters than the structure setback requirement.

**Staff Comments**

The proposed work will be an improvement to deteriorating or previously impacted conditions. The application narrative outlines the scope of the work, and the reasons for each facet seem reasonable and within the requirements of the ordinance.

The proposed steps will be constructed with spacing adequate to not be considered impervious surface. Because of the removal of deteriorating steps and impervious surface, a replacement of the subtracted percentage is allowed, which will be added with the pavers and seating area. See the submitted surveys and plan set for more information.

The applicant states that the project has received approval of the White Bear Lake Conservation District, and the Rice Creek Watershed District and DNR approvals are in process.

The improvements to the conditions of the site and the drainage patterns and filtration system are warranted and encouraged.

### **Staff Recommendation**

As with any conditional use permit, general findings are laid out based on ordinance requirements. In this case, the applicable findings are as follows:

1. The proposal is consistent with the City's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. That the proposed action will not:
  - a. Impair an adequate supply of light and air to adjacent property,
  - b. Unreasonably diminish or impair established property values within the surrounding area,
  - c. In any other respect impair the public health, safety or welfare or the residents of the City.
  - d. Depreciate values in the area.
  - e. Over-burden neither the existing public services nor the capacity of the City to serve the area.
  - f. Alter traffic generation beyond the capabilities of the streets serving the site.

Staff recommends approval of the Conditional Use Permit for 127 Wildwood Avenue, with the conditions listed below.

### **Recommended Conditions**

1. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet (Code Section 302.055.2.a.6).
2. Each CUP issued by the City shall be recorded with the County Recorder (Code Section 306.080.9).
3. A Conditional Use Permit shall become null and void one year after it was granted, unless made use of within the year, or a longer period of time if prescribed by the Council at the time the permit is issued (Code Section 306.090.2).
4. If approved, a CUP may be approved subject to the following conditions:
  - a. The Council may require posting of a bond or other guarantee to insure compliance with its conditions (Code Section 306.080.8).
  - b. All application materials, maps, drawings and descriptive information submitted with this application shall become part of the CUP.

- c. Land alteration may not cause adverse impact upon abutting property.
- 5. No permit for any land disturbance activity shall be granted until the applicant obtains all necessary approvals from the Department of Natural Resources, the Rice Creek Watershed District, the White Bear Lake Conservation District, and any Agency, Department or Government entity which has jurisdiction over the project.
- 6. Any other conditions as required by the City Engineer or City Council.

## **BASIC DESCRIPTION OF PROPOSED LANDSCAPE WORK TO BE APPROVED:**

Please refer to the Landscape Plan for details [REISS PERMIT 9.8.23.pdf](#)

### **In application for a Conditional Use Permit we are looking to :**

We are looking to restore the landscape bedding, vegetation and sod following a construction remodel on site where the existing vegetation was destroyed. No major grading or alteration of the natural contours and drainage will be changed. We are taking all measures to control land disturbances, storm water runoff, soil erosion and any perceived inconvenience to the neighborhood.

We have approval obtained from the White Bear Conservation, we are currently working with Rice Creek Watershed to obtain their approval and we are currently working with White Bear DNR to obtain their approval (as of 9.18.2023).

There are crumbling and unsafe concrete steps down to the lakeside that we need to remove and replace with wooden steps that will meet the impervious spacing guidelines.

Sloped hillside will be removed of spreading weeds and replanted with native and ground stabilizing plants via Prairie Restoration, who will also maintain the slope multiple times per year.

We are looking to remove a section of the existing crumbling and unsafe retaining wall and replace natural rip rap boulders to match up to existing rip rap onsite.

We will be adding drain leaders from the gutter downspouts to run to a dry creek and encourage natural filtration on the west side. The east side will have leaders empty to perforated draitile.

We have one tree by the existing deck that is leaning and unsafe, we would like to remove this and replace with a 2.5" caliper BB deciduous tree.

We are looking to install a new natural stone paver walkway from the driveway to the front stoop, a small seating area by the back door. Our proposed overall impervious surface will be within the previously approved 28.8% surface.

Any boulders set in bedding will be set directly onto soil and will not have compacted material as base. A small boulder wall on the east side will have erosion control fabric behind boulders to retain the soil only.

Any materials used on site will be stored appropriately and all erosion control measures including silt fence or sediment logs will be used as necessary.

We are looking to accomplish the permitting approvals and complete this work as soon as possible to avoid longer disruption to the neighborhood. We are not looking to file any variances and we have carefully met all recommended regulations for landscape under the City of Birchwood ordinances.



## **DESCRIPTION OF WORK ON SITE AND DOCUMENTS UPLOADED**

**236\_PermitsDetailsReport.pdf** : A copy of the filed permit for conditional use / landscape work.

**127 WILDWOOD CERTIFICATE 8-30-21.pdf** : This is a copy of the formal site survey certificate, showing detail of all elevations and contours.

**REISS PERMIT 9.8.23.pdf** : This is a copy of the proposed landscape work to be done on site.

**127 Wildwood Ave.-Structural(4-19-22).pdf** : This is a copy of the final house construction blueprints, all have been previously approved and permitted.

**EXISTING SITE PLAN.pdf** : This is a copy of the existing landscape site plan of conditions on site as requested to be provided by the City of Birchwood for the landscape permitting process.

**SITE CONSTRUCTION PLAN.pdf** : This is a copy of the proposed site construction plan site as requested to be provided by the City of Birchwood for landscape permitting process.

**Greener Side 2023 Insurance Cert.pdf** : This is a copy of the insurance certificate for the landscape company that will be performing work on site.



## Permit Information

### General Information

<b>Permit #</b>	A23-0027	<b>Parcel #</b>	1903021330001	<b>Building ID</b>	
<b>Location</b>	127 WILDWOOD AVE, CITY OF BIRCHWOOD				
<b>Permit Type</b>	Conditional Use Permit	<b>Permit Use</b>	Land Disturbance (slopes toward a lake, pond, wetland, watercourse)		
<b>Zone Permit #</b>		<b>Subdivision</b>			
<b>Applicant Name</b>	Ami Johannson	<b>Address</b>	10092 Stillwater Lane		
<b>Applicant Email</b>	ami@greenersidemn.com	<b>Phone</b>	6512525402	<b>Cell</b>	
<b>Owner Name</b>	ALAN T & SUSAN S REISS LIV TRS		<b>Address</b>	20693 ENCHANTMENT DR N, SURPRISE AZ 85387	
<b>Owner Email</b>		<b>Phone</b>		<b>Cell</b>	
<b>Contractor</b>		<b>Address</b>			
<b>Contractor Email</b>		<b>Phone</b>		<b>Cell</b>	

### Property Information

<b>Type/Improvement</b>		<b>Accessory/Structure</b>	
<b>Current Use</b>		<b>Proposed Use</b>	
<b>Current Zoning</b>		<b>Proposed Zoning</b>	
<b>Project Cost</b>		<b>Project Value</b>	
<b>Current Use And Proposed Changes</b>			
<b>Lot Width</b>		<b>Lot Depth</b>	
<b>Total Area of Building &amp; Accessory Structures (Sq Ft)</b>		<b>Total Area of All Man-made Improvements (Sq Ft)</b>	
<b>General Notes</b>			
<b>Restrictions / Variances</b>			

AL AND SUE REISS  
RESIDENCE  
127 WILDWOOD AVE  
BIRCHWOOD VILLAGE, MN



**GREENER SIDE**  
IRRIGATION + LANDSCAPING

REFER TO SURVEY AND HOUSE PLANS FOR FINAL GRADE, ELEVATION AND FORMAL MEASUREMENTS.

ALL CONTRACTORS WILL BE RESPONSIBLE FOR THEIR OWN ON-SITE MEASUREMENTS

NO GRADING TO BE CHANGED FROM FILED SURVEY.

ALL EROSION AND SITE PROTECTION TO FOLLOW THE CITY BEST MANAGEMENT PRACTICES

MATERIALS USED ON SITE

HI-TEST CONTRACTOR GRADE VINYL EDGING

PERMEABLE LANDSCAPE FABRIC WHERE NEEDED

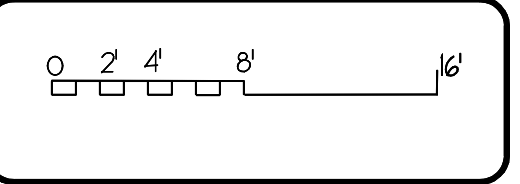
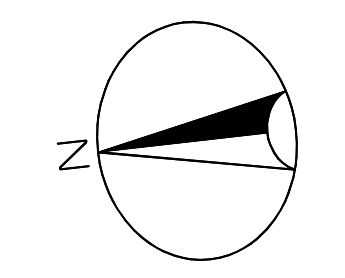
MULCH TO BEDS

ANY OUTCROP BOULDERS WILL BE SET DIRECT IN GRADE, NO IMPERVIOUS BASE.

DRAIN LEADERS ON WEST WILL EMPTY TO NDS CATCH BASIN, INTO A SOLID DRAIN TILE AND POP OUT IN DRY CREEK FOR FILTRATION.

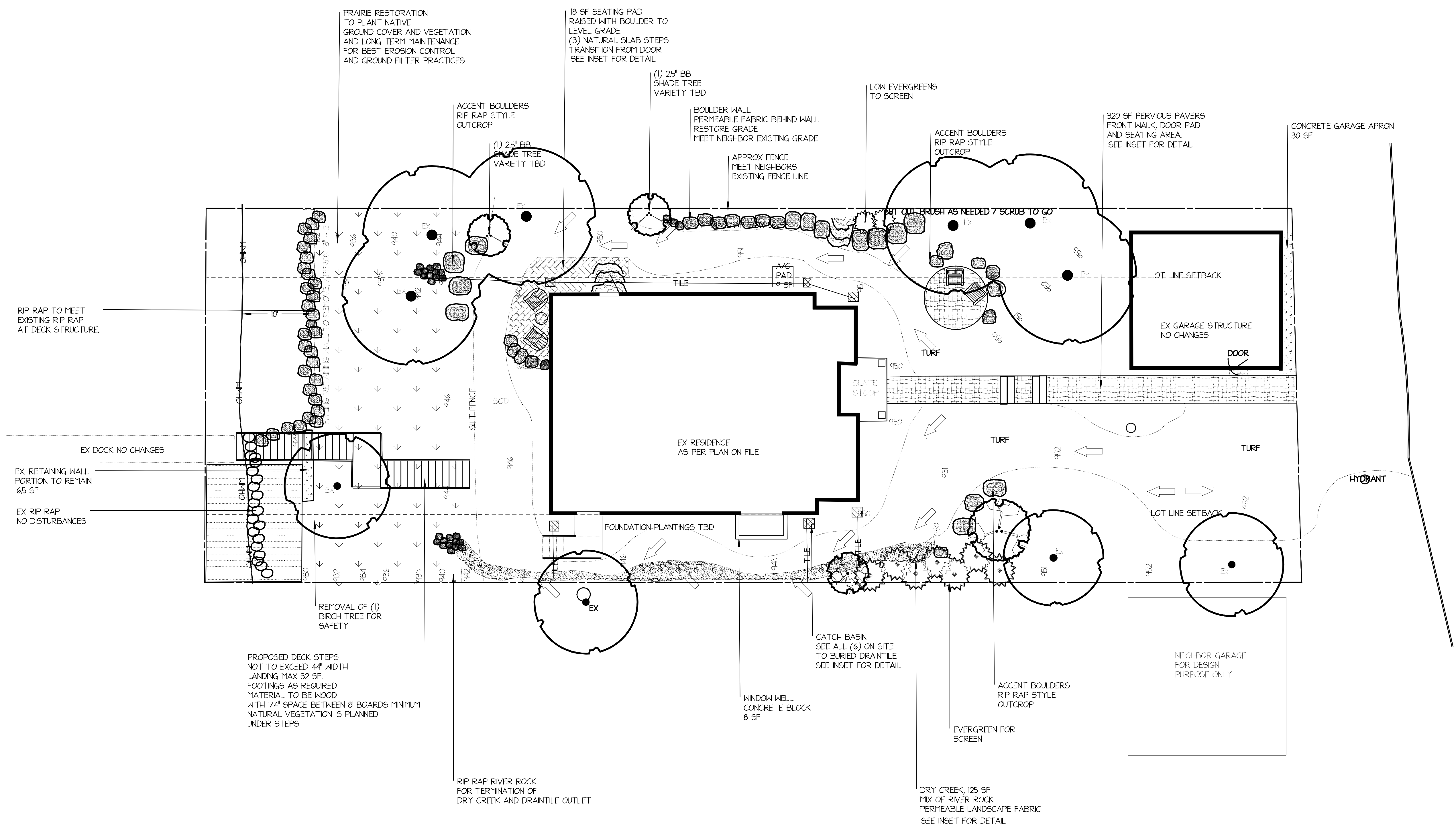
NO DISTURBANCES WILL BE MADE BELOW OHN LINE

EXISTING FAILING RETAINING WALL AND CONCRETE STEPS ON HILLSIDE WILL BE REMOVED FROM SITE

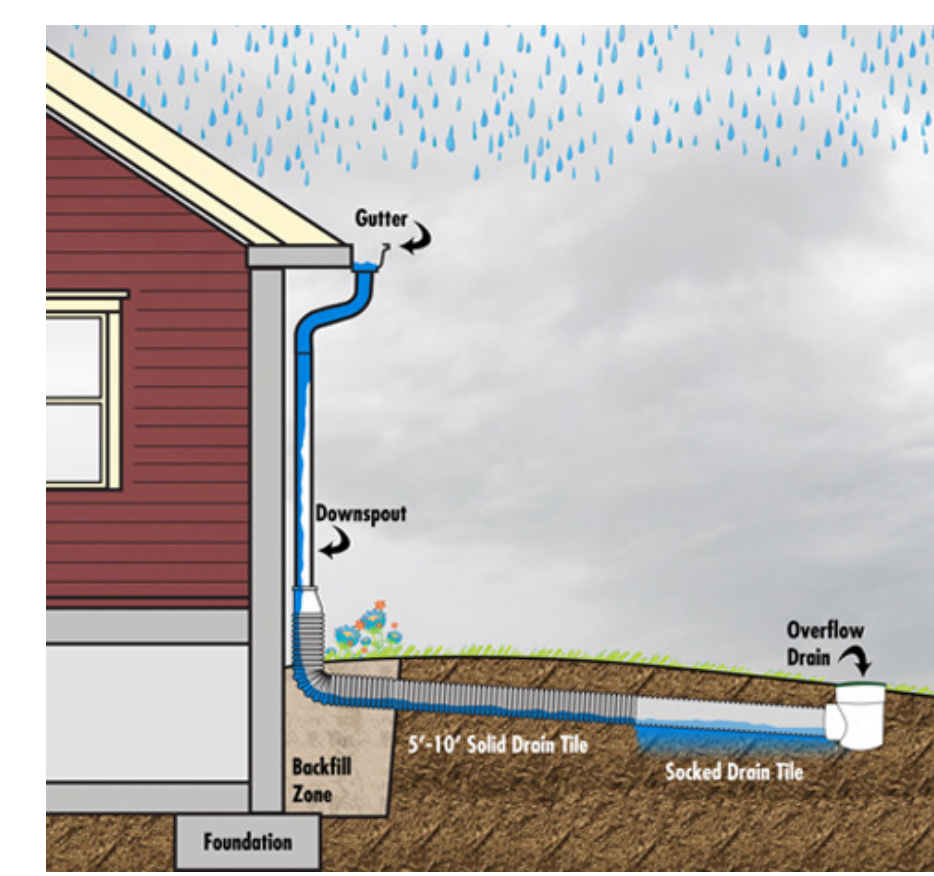


SCALE: 1/8" SCALE  
DESIGNER: AMI JOHANNSON  
DATE: 9.5.2023  
VERSION: 1/1

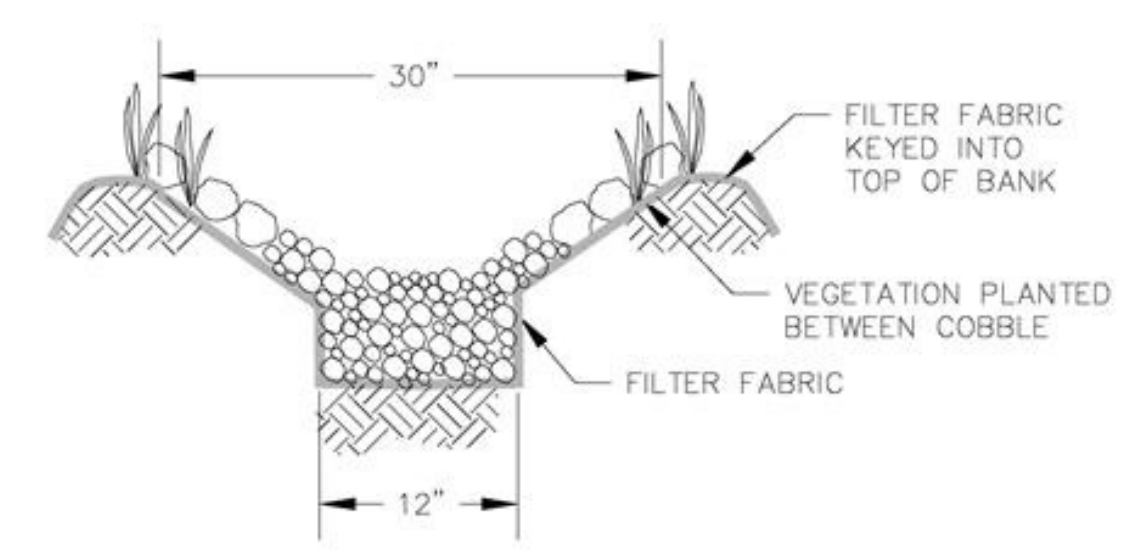
ALL MEASUREMENTS AND ANNOTATIONS PROVIDED FROM THIS PLAN MUST BE VERIFIED



DOWNSPOUTS TO NDS CATCH BASIN BURIED SOLID DRAINTILE TO POP UP AND DAYLIGHT TO SURFACE IN DRY CREEK FOR PERCOLATION AND INFILTRATION

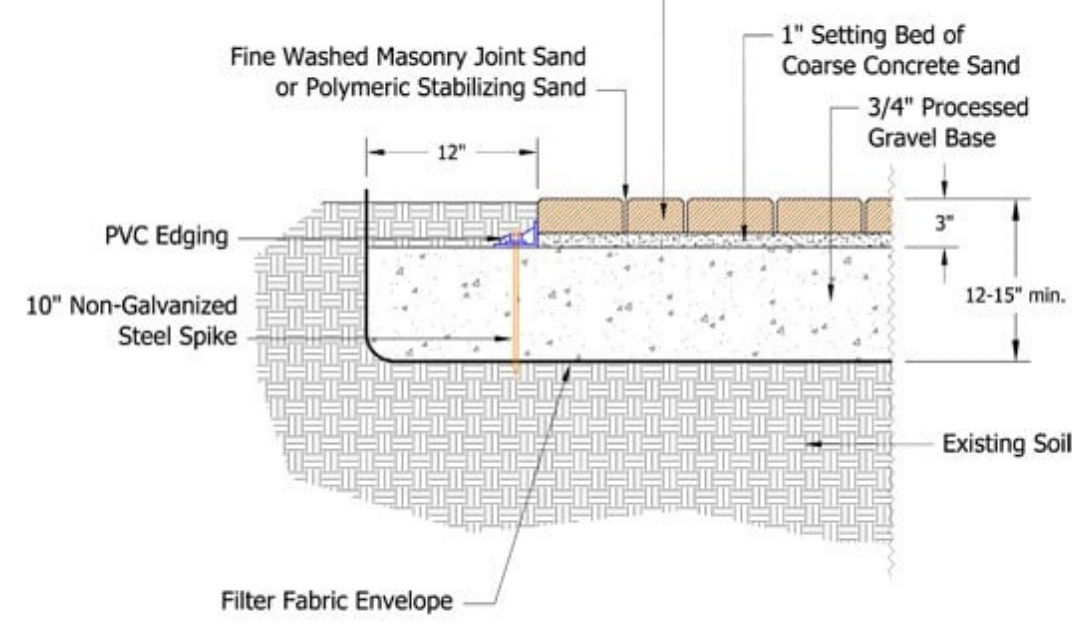


WEST SIDE DRY CREEK TO BE WITH PERMEABLE LANDSCAPE FABRIC RIVER ROCK GABION AND 2-4" ROCK TO FILTER



IMPERVIOUS BASE SET FOR PAVERS ON FRONT SIDEWALK AND LAKESIDE SEATING AREA ONLY

We meet or exceed the industry standards as set by I.C.P.I.



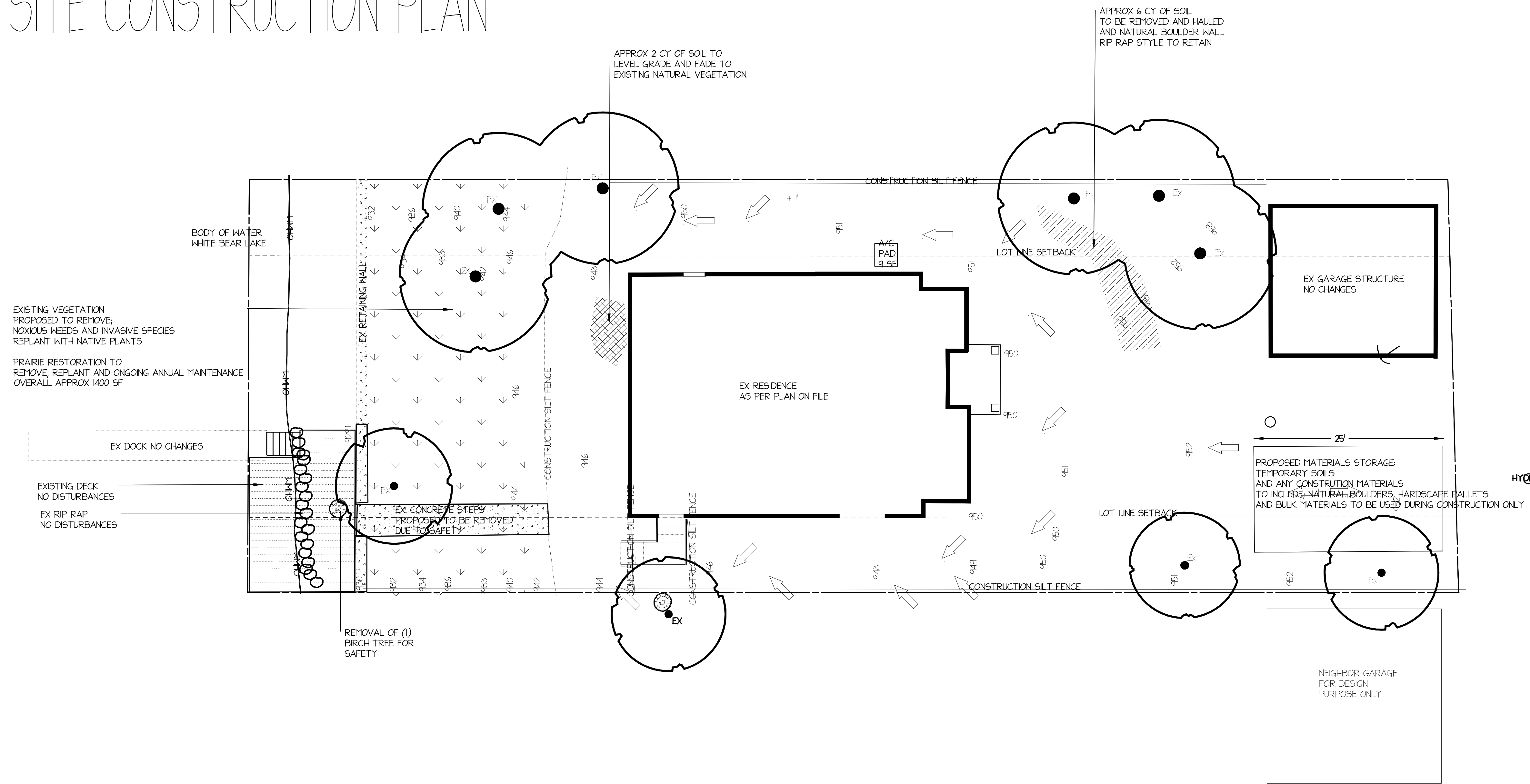
LEGEND

- RUN OFF / DRAINAGE DIRECTION
- CATCH BASIN & DRAIN TILE
- STRUCTURAL SET BACK
- CONCRETE
- DRY CREEK
- PAVER AND HARDSCAPE
- PAVER AND HARDSCAPE
- NATURAL BOULDER SET ON SOIL/MULCH
- DECK / WOOD STRUCTURE

PROPOSED IMPERVIOUS SURFACE CALCULATION

TOTAL LOT AREA ABOVE OHN	8,417 SF
EXISTING HOUSE AND GARAGE	1,790 SF
PROPOSED ADDITION TO HOUSE	111 SF
EXISTING RETAINING WALL	16.5 SF
DRIVEWAY APRON	30 SF
FRONT WALK AND SEATING AREA	320 SF
LAKESIDE SEATING AREA	137 SF
A/C PAD	9 SF
WINDOW WELL WALL	8 SF
<b>TOTAL IMPERVIOUS SURFACE</b>	<b>2,421 SF</b>
PERCENT IMPERVIOUS	28.8

# SITE CONSTRUCTION PLAN



## SCHEDULE OF WORK

NO LANDSCAPE WORK ON SITE TO BE STARTED PRIOR TO APPROVAL OF PERMIT PROCESS. THIS TO INCLUDE:  
 REMOVAL OF EX IMPERVIOUS SURFACE, ANY LAND GRADING OR DISTURBANCE OF SOILS, ANY CONSTRUCTION OF PROPOSED IMPERVIOUS SURFACES,

## LEGEND

- RUN OFF / DRAINAGE DIRECTION
- CATCH BASIN & DRAIN TILE
- STRUCTURAL SET BACK
- CONCRETE
- DRY CREEK
- PAVER AND HARDSCAPE
- PAVER AND HARDSCAPE
- NATURAL BOULDER SET ON SOIL/MULCH
- DECK / WOOD STRUCTURE

FOR ALL FEATURES SEE FINAL PLAN

## PROPOSED IMPERVIOUS SURFACE CALCULATION

TOTAL LOT AREA ABOVE OHW	8,417 SF
EXISTING HOUSE AND GARAGE	1,790 SF
PROPOSED ADDITION TO HOUSE	111 SF
EXISTING RETAINING WALL	165 SF
DRIVEWAY APRON	30 SF
FRONT WALK AND SEATING AREA	320 SF
LAKESIDE SEATING AREA	137 SF
A/C PAD	9 SF
WINDOW WELL WALL	8 SF

TOTAL IMPERVIOUS SURFACE 2,421 SF  
 PERCENT IMPERVIOUS 28.8  
 FOR DETAIL SEE FINAL PLAN

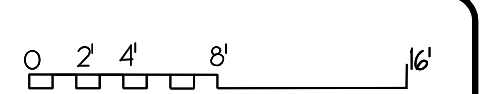
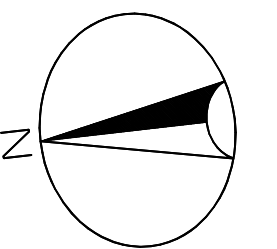
AL AND SUE REISS  
 RESIDENCE  
 127 WILDWOOD AVE  
 BIRCHWOOD VILLAGE, MN



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SCALE 1/8" SCALE

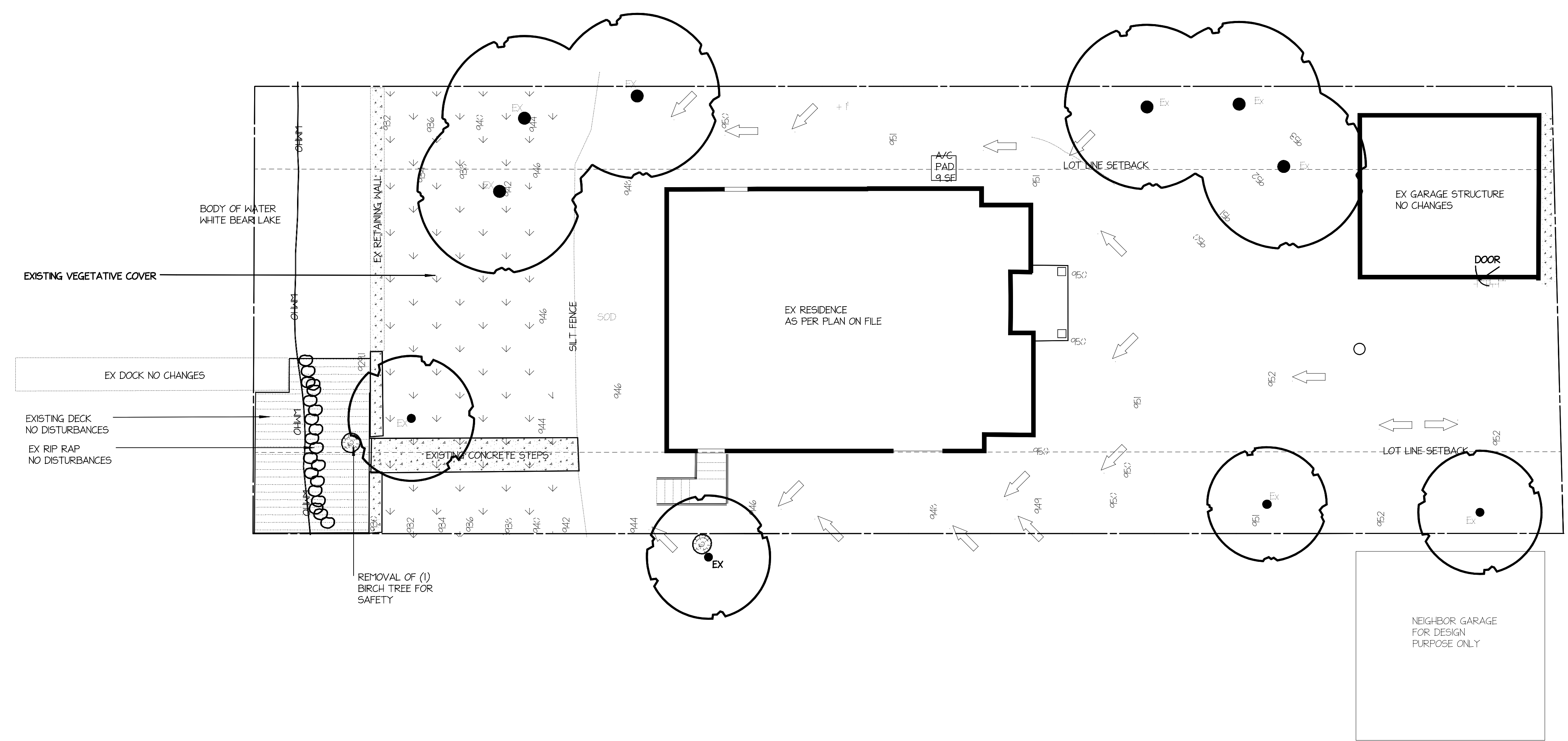
DESIGNER AMI JOHANSSON

DATE 9/5/2023

VERSION 1/1

ALL MEASUREMENTS AND ANY QUOTES PROVIDED FROM THIS PLAN MUST BE VERIFIED

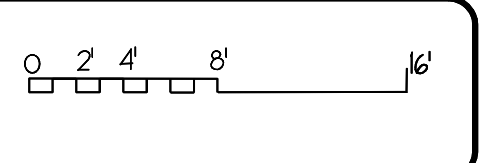
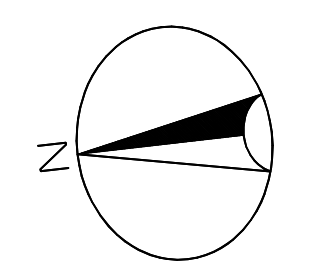
# EXISTING SITE PLAN



- LEGEND**
- RUN OFF / DRAINAGE DIRECTION
  - CATCH BASIN & DRAIN TILE
  - STRUCTURAL SET BACK
  - CONCRETE
  - DRY CREEK
  - PAVER AND HARDSCAPE
  - PAVER AND HARDSCAPE
  - NATURAL BOULDER SET ON SOIL/MULCH
  - DECK / WOOD STRUCTURE

**PROPOSED IMPERVIOUS SURFACE CALCULATION**

TOTAL LOT AREA ABOVE OH4W	8,417 SF
EXISTING HOUSE AND GARAGE	1,790 SF
PROPOSED ADDITION TO HOUSE	111 SF
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<b>PERCENT IMPERVIOUS</b>	<b>28.8</b>



SCALE: 1/8" SCALE  
 DESIGNER: AMI JOHANSSON  
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ALL MEASUREMENTS AND ANY QUOTES PROVIDED FROM THIS PLAN MUST BE VERIFIED

AL AND SUE REISS  
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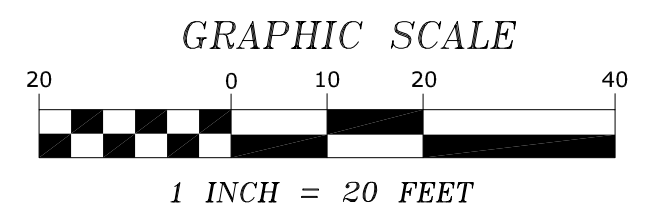


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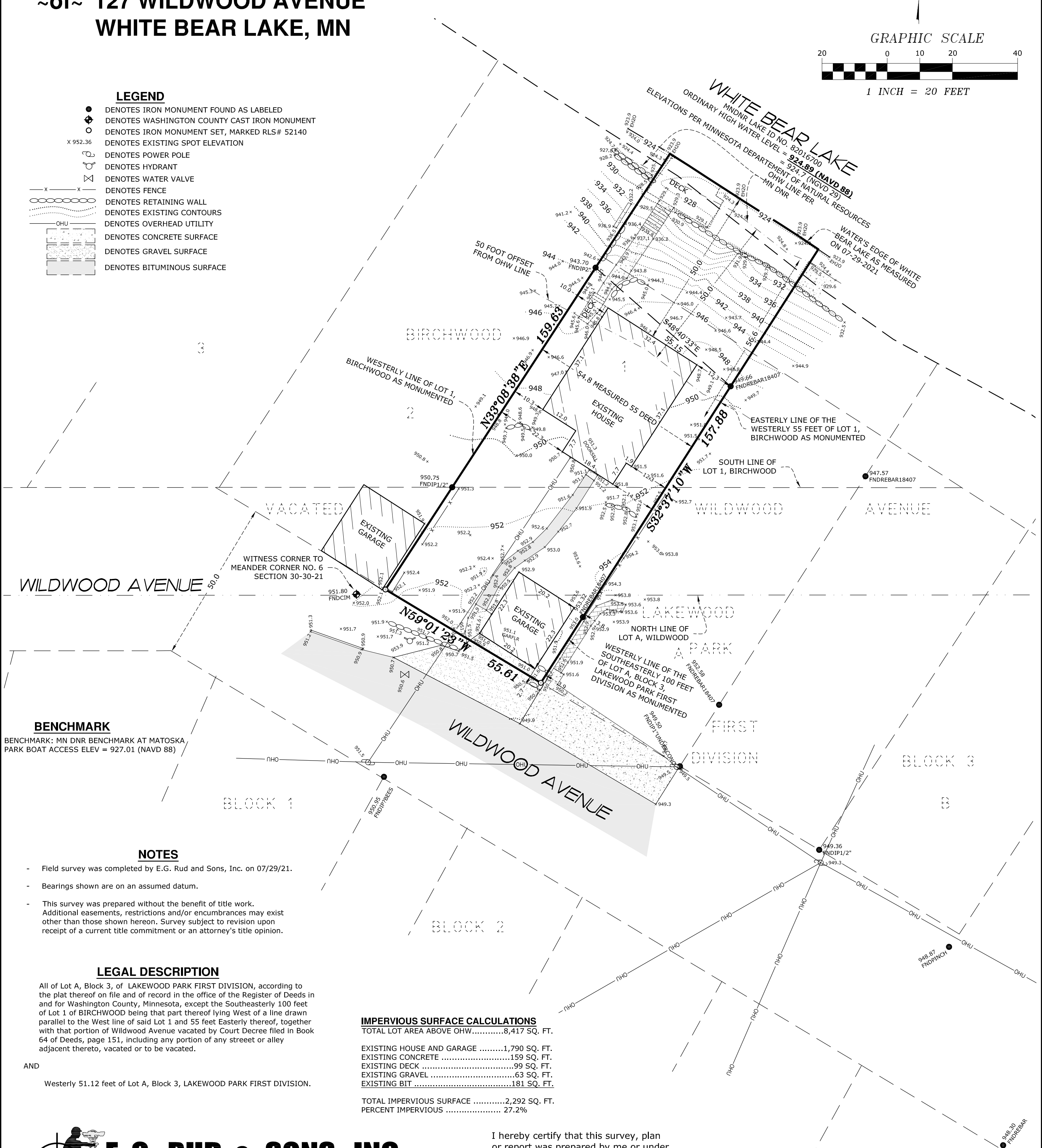
# CERTIFICATE OF SURVEY

~for~ SUE REISS  
 ~of~ 127 WILDWOOD AVENUE  
 WHITE BEAR LAKE, MN



## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES WASHINGTON COUNTY CAST IRON MONUMENT
- DENOTES IRON MONUMENT SET, MARKED RLS# 52140
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES POWER POLE
- DENOTES HYDRANT
- DENOTES WATER VALVE
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES OVERHEAD UTILITY
- DENOTES CONCRETE SURFACE
- DENOTES GRAVEL SURFACE
- DENOTES BITUMINOUS SURFACE



## BENCHMARK

BENCHMARK: MN DNR BENCHMARK AT MATOSKA PARK BOAT ACCESS ELEV = 927.01 (NAVD 88)

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 07/29/21.
- Bearings shown are on an assumed datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

## LEGAL DESCRIPTION

All of Lot A, Block 3, of LAKEWOOD PARK FIRST DIVISION, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota, except the Southeasterly 100 feet of Lot 1 of BIRCHWOOD being that part thereof lying West of a line drawn parallel to the West line of said Lot 1 and 55 feet Easterly thereof, together with that portion of Wildwood Avenue vacated by Court Decree filed in Book 64 of Deeds, page 151, including any portion of any street or alley adjacent thereto, vacated or to be vacated.

AND

Westerly 51.12 feet of Lot A, Block 3, LAKEWOOD PARK FIRST DIVISION.

## IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA ABOVE OHW ..... 8,417 SQ. FT.  
 EXISTING HOUSE AND GARAGE ..... 1,790 SQ. FT.  
 EXISTING CONCRETE ..... 159 SQ. FT.  
 EXISTING DECK ..... 99 SQ. FT.  
 EXISTING GRAVEL ..... 63 SQ. FT.  
 EXISTING BIT ..... 181 SQ. FT.  
 TOTAL IMPERVIOUS SURFACE ..... 2,292 SQ. FT.  
 PERCENT IMPERVIOUS ..... 27.2%

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*D.S.H.*  
 DANIEL S. HANSEN

Date: 08/30/2021 License No. 52140

DRAWN BY:	BCD	JOB NO:	210862TS	DATE:	07/28/2021
CHECK BY:	DSH	FIELD CREW:	DT/CT		
1	8-26-2021	BUILDING OFFSET DISTANCES		DSH	
2	8-30-2021	AREA ABOVE OHW UPDATED		DSH	
3					
NO.	DATE	DESCRIPTION		BY	

**E.G. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701

www.egrud.com

## 302.070 CITY FENCE ORDINANCE.

1. Zoning Permit. A Zoning Permit (see Sections 301.080.1.b and 307) shall be obtained from the City before installing or constructing any fence for any purpose. ~~A site drawing showing the location of the fence shall be submitted with the permit application.~~ An application for a fence permit shall be accompanied by a current certificate of survey providing exact lot dimensions; the location of existing buildings, structures, and easements on the lot; and the location of the proposed fence or retaining wall. At the discretion of the City, a final plat detail or aerial map of the lot with the required information shown may suffice if no certificate of survey is available. Applicant shall be required to physically identify the property corners for City inspection.

1. Notice to Neighbors. Any applicant for a Zoning Permit to construct a fence shall notify all abutting property owners at least five (5) days prior to submitting the application for a Zoning Permit.

2. Location. All fences shall be located entirely upon the property of the fence owner.

3. Height. No fence shall exceed six feet six inches (78”) in height above grade at any point. Posts shall not exceed 12 inches above the adjacent fence.

4. Retaining Walls. Solid walls in excess of four (4) feet high shall be prohibited unless they are part of a building.

5. Materials. Fences in excess of four (4) feet in height shall be at least thirty percent (30%) open through the entire surface area of the fence. All fences shall be constructed and maintained in a substantial manner and of material reasonably suited for the purpose for which the fence is proposed to be used. That side of the fence considered to be the face (or most attractive side of the fence) shall face toward abutting properties. Electrified and Barb Wire fences are not allowed.

7. Traffic Visibility. Fences may not adversely affect traffic visibility.

8. Drainage. No fence shall obstruct drainage.

9. Fences or retaining walls may, by permit, be located within public easements if the following conditions are met:

a. The fence or retaining wall shall not be located within the 100-year high water level of a waterbody or watercourse, and

c. The fence or retaining wall shall not interfere in any way with any existing underground or over ground utility.

d. The City or any utility company having authority to use such public easements, shall not be liable for repair or replacement of such fence, retaining wall or appurtenance in the event they are moved, damaged, or destroyed by virtue of the lawful use of said easement.

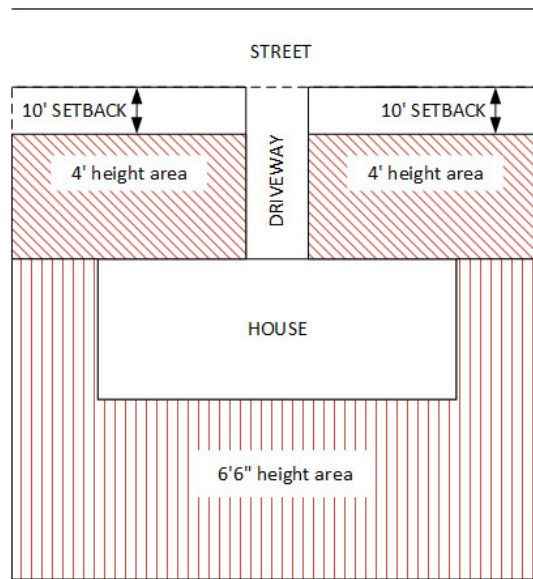
10. Maintenance. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence or retaining wall which is or has become dangerous to the public safety, health, or welfare is a public nuisance, and the City shall commence proper proceedings for the abatement thereof.

11. Fence Height:

a. Fences of a maximum height above grade of six feet six inches (78") are allowed behind the front wall of the principal building. Fences in front of the front wall of the principal building are limited to 4 feet in height above grade. See the diagram below:



b.  
Should  
the rear  
lot line  
of a lot  
be



common with the side lot line of an abutting lot, that portion of  
the rear and/or side lot equal to the required front lot line  
structure setback of the abutting lot shall not be fenced or  
walled to a height of more than four (4) feet. See the diagram  
below:

