

**CITY OF CHANHASSEN  
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

**ORDINANCE NO. 692**

**AN ORDINANCE AMENDING CHAPTER 13, NUISANCES, AND CHAPTER 20,  
ZONING, OF THE CHANHASSEN CITY CODE**

**THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA  
ORDAINS:**

**Section 1.** Section 13-2(c)(24) of the Chanhassen City Code is amended to read as follows:

(24) *Nuisance light on residential properties.*

- a. *Definitions.* In this section:
  1. *Direct glare* means an excessive brightness contrast producing a sensation of visual discomfort resulting from insufficiently shielded light source in the field of view.
  2. *Intermittent light* means any artificial light which flashes, revolves or fluctuates in such a manner that the variance is easily distinguished by personal observation.
  3. *Light source* means a device (such as a lamp) which provides visible energy.
  4. *Light trespass* means light emitted that is visible beyond the boundaries of the property on which the light source is located.
  5. *Person* means an individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.
- b. *Direct glare and light trespass declared a nuisance.* Glare, light trespass and intermittent artificial light impacting on residential properties between the hours of 11:00 p.m. and 7:00 a.m., which cause loss of enjoyment, comfort or repose, and use of such properties as determined under subsection 13-2(24)c. of this section is declared a nuisance.
- c. *Nuisance determined.*
  1. Light trespass shall be considered a nuisance when it impacts upon another residential property with such intensity as to cause discomfort or annoyance.
  2. Direct glare shall be considered a nuisance when an artificial light source has not been properly located, shielded, directed or controlled, and as a result there is a direct line of sight between the light source or its reflection and a point five feet above the ground or higher at the property line of other residential property if such intensity causes discomfort or annoyance.
  3. Intermittent light shall be considered a nuisance when it impacts upon a habitable area or other residential property with such intensity and variance as to cause discomfort or annoyance.
- d. *Production of light nuisance prohibited.* No artificial light source shall be installed, allowed to be installed or permitted on any property which light sources is an intermittent light source, or due to its intensity or physical characteristics, causes direct glare or trespasses onto a residential property in such a manner as to cause a nuisance during the hours of 11:00 p.m. through 7:00 a.m.
- e. *Responsibility.* It shall be the responsibility of every installer of artificial lights and every owner or occupant of property on which artificial lights are installed to comply with subsection 13-2(24)d. of this section.

- f. *Exemptions.* The provisions of subsections 13-2(24)d. and e. of this section shall not apply where:
1. Such lights are caused to be installed by the federal, state or local government or agency, to light public ways or areas for public benefit; or
  2. Such lights are required by law for safety reasons and there is no practical way to control them to eliminate the nuisance.

**Section 2.** Section 20-1 of the Chanhassen City Code is amended to read as follows:

Sec 20-1 Decisions of the Council

All decisions by the City involving an approval under this chapter shall be final, except that any aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Carver or Hennepin County District Court. Any person seeking judicial review must serve the City and all necessary parties, including any landowners, within the thirty (30) day period defined above.

**Section 3.** The Chanhassen City Code is amended to add Section 20-29 to read as follows:

(g) *Decisions of the Council.* All decisions by the City involving a variance or appeal shall be final, except that any aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Carver or Hennepin County District Court. Any person seeking judicial review must serve the City and all necessary parties, including any landowners, within the thirty (30) day period defined above.

**Section 4.** Section 20-91(a)(6) of the Chanhassen City Code is amended to read as follows:

(6) Permanent fences less than seven feet in height.

**Section 5.** Section 20-615(h)(2) of the Chanhassen City Code is amended to read as follows:

(2) For accessory structures, one story/20 feet.

**Section 6.** The Chanhassen City Code is amended to add Section 20-692(p) to read as follows:

(p) Restaurants without drive-through facilities.

**Section 7.** Section 20-694 of the Chanhassen City Code is amended to read as follows:

Sec. 20-694 Conditional Uses

The following are conditional uses in a "BN" District:

- (a) Bed and breakfast establishments.
- (b) Convenience store with gas pumps.
- (c) Banks with drive-through facilities.
- (d) Reserved.
- (e) Motor fuel station.

- (f) Reserved.
- (g) Reserved.

**Section 8.** Section 20-908(e)(1) of the Chanhassen City Code is amended to read as follows:

(1) Into any required front yard, or required side yard adjoining a side street lot line, cornices, canopies, eaves, cantilevers, or other architectural features may project a distance not exceeding two feet, six inches; fire escapes may project a distance not exceeding four feet, six inches; an uncovered stair and necessary landings may project a distance not to exceed six feet, provided such stair and landing shall not extend above the entrance floor of the building; bay windows, balconies, open porches and chimneys may project a distance not exceeding three feet; unenclosed decks and patios may project a distance not exceeding five feet. The encroachments listed in this paragraph cannot be applied cumulatively (i.e. the edge of the roof of an open porch may project three feet into a required setback, its eaves are not entitled to an additional two feet, six inches of encroachment).

**Section 9.** Section 20-1016 of the Chanhassen City Code is amended to read as follows:

Sec. 20-1016. – Intent.

The intent of this division is to provide standards for fences along the perimeter of lots that may be decorative or act as boundaries and/or barriers.

**Section 10.** Section 20-1017 of the Chanhassen City Code is amended to read as follows:

Sec. 20-1017. - Permit

A zoning permit shall be obtained for any permanent fence installed for any purpose, other than an agricultural purpose prior to installation of same. The installation of temporary or seasonal fencing, e.g., snow fencing, garden fencing, etc., without permanent posts is exempt from this requirement. A site plan showing the location of the fence shall be submitted with the permit application. The City may require a permit applicant to provide a registered land survey establishing property lines. A building permit, in lieu of a zoning permit, shall be required for fences in excess of seven feet in height and retaining walls in excess of four feet in height.

**Section 11.** Section 20-1019 of the Chanhassen City Code is amended to read as follows:

- (a) *Generally.* All fences and retaining walls shall be located entirely upon the property of the fence or retaining wall owner unless the owner of the adjoining property agrees, in writing, that said fence or retaining wall may be erected on the property line of the respective properties. Such agreement shall be submitted at the time of building permit application. Encroachment into a City easement shall require an encroachment agreement between the property owner and the City. Fences shall not be placed within the public right-of-way.
- (b) *Wetlands.* No fences shall be permitted below the ordinary high water mark of a wetland or within the required wetland buffer area.

- (c) *Landscape Buffers.* No fences shall be permitted between the landscaping approved in a subdivision's landscape plan within a required landscape buffer and a collector or arterial street.
- (d) *Temporary Fences.* Temporary fencing, such as fencing installed to enclose a seasonal garden or snow fencing in winter, may not be located within the front yard setback. Snow fencing shall not be located within any drainage or utility easement.
- (e) *Bluffs.* No fences shall be permitted within the 30-foot bluff setback.
- (f) *Shoreline Fences.* No fences shall be permitted within the structure setback from the ordinary high water mark stipulated in Section 20-481.

**Section 12.** Section 20-1022 of the Chanhassen City Code is amended to read as follows:

Sec. 20-1022. - Reserved.

**Section 13.** Section 20-1023 of the Chanhassen City Code is amended to read as follows:

Sec. 20-1023 Height

Residential fences are limited to six and one-half feet in height. The fence height is measured from grade to the highest point on the fence. All other residential fences shall meet the following standards:

- (a) *Side yards and rear yards.* In any side or rear yard on lots, the height of fences shall not exceed six and one-half feet.
- (b) *Front yards.* Fences in the required front yard setback area that are opaque shall not exceed three feet in height. Chain link fences in this area shall not exceed four feet in height. All other open fences in this area shall not exceed six and one-half feet in height.
- (c) *Corner or double fronted lots.* In addition to the other provisions contained in this section, fences located on corner or double fronted lots shall be subject to the following provisions:
  - (1) Any fence within the required front yard setback area shall not exceed three feet in height if opaque construction, four feet if chain link, or six and one-half feet in height if open construction.
  - (2) The maximum height of a fence shall conform to the requirements of fences in front yards within the sight distance triangle of street intersections and neighboring driveways.
  - (3) The front yard shall be determined by the location of the property's access by a driveway to the public street.

**Section 12.** Section 20-1024 of the Chanhassen City Code is amended to read as follows:

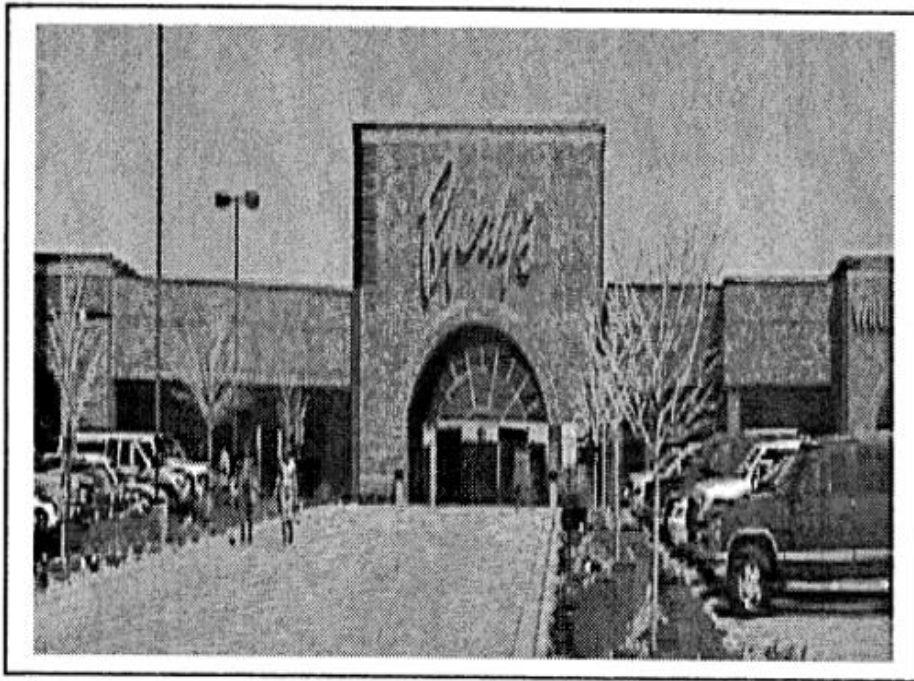
Sec. 20-1024. - Barbed wire and electric fences.

Barbed wire and electric fences are prohibited in all residential districts. Barbed wire and electric fences are permitted on properties being used for agriculture.

**Section 15.** Section 20-1065 of the Chanhassen City Code is amended to read as follows:

**Sec. 20-1065 Material And Detail**

- (a) All manmade architectural, landscape, and paving materials shall reflect the highest quality possible and should be used in a manner suitable to the nature of the material, its role in the design, general durability, expected level of use or abuse, weathering characteristics, and ease and frequency of maintenance. The following materials or equivalent materials are acceptable:
  - (1) Brick
  - (2) Stone
  - (3) Glass
  - (4) Textured masonry units
  - (5) Wood, consisting of lap siding with an exposure no greater than seven inches or wood shakes; surfaces must be painted
  - (6) Stucco
  - (7) Tilt up concrete panels that are grid or brick like in appearance
  
- (b) Accent material may occupy up to 15 percent of the building's facade. These may include metal, glass block, spandrel glass or similar materials approved by the City.



(c) The following may not be used in any visible exterior application except when specifically permitted by the City in areas with limited public view or accent areas:

- (1) Plain poured concrete panels "cast in place"
- (2) Reserved
- (3) Reserved
- (4) Reserved
- (5) Unadorned plain concrete block
- (6) Tilt-up concrete panels that are ribbed or corduroy in appearance
- (7) Prefabricated steel or sheet metal panels
- (8) Reflective glass
- (9) Aluminum, vinyl, fiberglass, asphalt or fiberboard siding
- (10) EIFS (exterior insulation and finish system) may be used as an accent but not a primary material

**Section 16.** Section 20-1176(b) of the Chanhassen City Code is amended to read as follows:

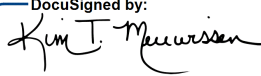
(b) Except for buffer yard requirements specified in subsection 20-1176(f) below, this article does not apply to single-family developments in A2, RR, RSF, RLM and R4 zoning districts which are regulated by landscaping requirements contained in the subdivision ordinance (Chapter 18).

**Section 17.** Section 20-1180(b)(2) of the Chanhassen City Code is amended to read as follows:

(2) Principal buildings and structures and any building or structure accessory thereto located in any RLM, R8, R12, R16, or Planned Unit Development district containing residential development at densities exceeding four units per acre shall be screened from lots located in any R4, A2, RR or RSF district.

**Section 18.** This ordinance shall be effective immediately upon its passage and publication.

**PASSED AND ADOPTED** this 13th day of June, 2022 by the City Council of the City of Chanhassen, Minnesota.

DocuSigned by:  
  
 27A7BEAD6267419...  
 \_\_\_\_\_  
 Kim Meuwissen, City Clerk

DocuSigned by:  
  
 B0005DC5785943C...  
 \_\_\_\_\_  
 Elise Ryan, Mayor

DS

(Summary Ordinance 692 published in the Chanhassen *Villager* on June 23, 2022)

