

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

ORDINANCE NO. 694

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

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

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

- (f) Habitable structures shall maintain a minimum 20-foot setback from any gas transmission pipeline easement.

Section 2. The Chanhassen City Code is amended to add Section 20-923 to read as follows:

Section 20-923 Improvements and Encroachments in Public Easements

The purpose of this section is to ensure that any improvements property owners make within easements are compatible with the easements' intended functions. To this end, the placement of any structure within easements is prohibited, except as specified below:

- (a) A driveway and/or walkway from the street to the house may be placed within a front yard drainage and utility easement, so long as they meet all other applicable requirements of this chapter.
- (b) Fences are permitted within drainage and utility easements that do not contain active utilities and infrastructure if they do not alter the intended use of the easement. Fences may be allowed within an easement containing active infrastructure and utilities with an encroachment agreement if they do not alter the intended use of the easement and at the discretion of the City Engineer or designee, and so long as they meet all other applicable requirements of this chapter. Fences within a drainage and utility easement must provide removable fence panels in areas where the fence encroaches on existing utilities and/or installation of gates having a clear span the width of the easement for City access to its Easement Areas, and the fence must allow water to pass under it so as not to impede overland water flow during rain events.
- (c) Retaining walls, fire pits, walkways, pathways, patios, signs, and other encroachments may be allowed within an easement with an encroachment agreement if they do not alter the intended use of the easement and at the discretion of the City Engineer or designee, and so long as they meet all other applicable requirements of this chapter.

Any work within an easement including grading, landscaping, or the construction of improvements, with or without an encroachment agreement, is conducted at the property owner's risk. Any improvements or landscaping placed within a drainage and utility easement is subject to removal by the City or utility company if required for maintenance or improvement of the

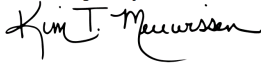
drainage or utility. In such case, costs for removal and replacement shall be the responsibility of the property owner. The City or utility shall not be liable for damage or destruction of the improvements or landscaping if removed in order to facilitate the use of the easement for its intended purpose.

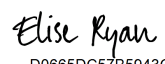
Section 3. Section 20-1019(a) of the Chanhassen City Code is amended to read as follows:

- (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 must comply with Section 20-923. Fences shall not be placed within the public right-of-way.

Section 4. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND ADOPTED this 8th day of August, 2022 by the City Council of the City of Chanhassen, Minnesota

DocuSigned by:

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Kim Meuwissen, City Clerk

DocuSigned by:

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Elise Ryan, Mayor

(Ordinance 694 published in the Chanhassen *Villager* on August 18, 2022)
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