

**CITY OF CHASKA**  
**ORDINANCE 996 AMENDMENT TO SECTION 15.28.210**

**WHEREAS**, The City would like to update the fence ordinance in regards to decorative fences and fences enclosing swimming pools.

**NOW THEREFORE**, be it ordained by the Council of the City of Chaska, in the State of Minnesota, as follows: to amend Section 15.28.210 as follows.

**SECTION 1:**            **AMENDMENT** “15.28.210 Fences” of the City of Chaska Zoning Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

15.28.210 Fences

- A. *Intent*. The purpose of this section is to enact minimum restrictions on fencing necessary to ensure orderly and attractive development, to enhance the “curb appeal” from Chaska’s streets, to protect the health and welfare of Chaska’s citizens, to allow a free flow of air, and to prohibit unreasonable restrictions of view while allowing each property owner to protect his or her property and privacy.
- B. *General Requirements*.
  - 1. *Construction, Maintenance, and Design Requirements*.
    - a. Fencing shall be constructed and maintained so as not to endanger life or property. Any fence which through lack of repair, type of construction, or which otherwise imperils health, life, property, or the aesthetic quality of a neighborhood shall be deemed a public nuisance.
    - b. The side of the fence considered to be the face shall face abutting property. The face shall be defined as the finished side of the fence rather than the side with structural supports.
    - c. If fencing is built away from a property line, property on both sides of the fence must be maintained so as not to create a public nuisance.
  - 2. *Fence Location Requirements*.
    - a. All fences shall be located entirely upon the private property of the person, firm, or corporation constructing the fence.
    - b. When driveway, access, or walkway easements are located on private property, fences shall not be constructed on the easement. No fence shall be constructed which obstructs the flow of water upon a drainage or ponding easement.
  - 3. *Traffic Visibility Requirements*. On any corner lot, no fence shall be erected in the triangle formed by the front lot line, side street lot line, and a third straight line joining points on such property lines 30 feet from their intersection at the corner of the lot when such action would impede vision above a height of two

and one-half (2 1/2) feet above the centerline grades of the adjacent streets.

4. *Permit Requirements.* All fences require building permits.

C. *Requirements For Residential Areas.*

1. *General Design Requirements.*

- a. The use of barbed wire, or of any electrical current is prohibited;
- b. If a chain link fence is constructed, it shall have a minimum gauge of 11.

2. *Rear Yard Boundary Fence.*

- a. *Height Restrictions:* A rear yard boundary fence shall not exceed six (6) feet in height.
- b. *Required Yard Location:*
  - (1) A rear yard boundary fence shall be permitted only within the rear yard, except where rear yard access from the principal building is achieved from an entrance/exit to a side yard. In such instances, a six (6) foot boundary fence is permitted in the side yard to a distance not greater than three (3) feet beyond the entrance/exit in the direction of the front yard.
  - (2) Should a corner lot have a rear lot line in common with the side lot line of an abutting lot, the boundary fence shall meet the principal structure's required side yard setback for corner lots, or shall not extend past the front corner of the house on the abutting lot, whichever is less.
  - (3) Large lots containing structures set back 100 feet or more from a street right-of-way, a rear yard boundary fence shall be permitted within side yards to the front of the structure, or in the case of two adjacent structures, to a line connecting the front of such structures.  
(Ord. No. 620, Sec. 2, 6/16/97)

3. *Decorative Fences.*

- a. *Height Restrictions:* A decorative fence, or any natural hedge or closely planted vegetation, shall not exceed four (4) feet in height within the limits of the front yard.
- b. *Required Yard Location:*
  - (1) A decorative fence is the only type of fence allowed within the limits of the front yard, except as indicated in paragraph B,2.
  - (2) A decorative fence erected on a corner lot shall be subject to the additional traffic visibility requirements in paragraph B,3.
- c. *Design Requirements:* A decorative fence shall have an opacity of no greater than 50 percent.

4. *Rear Yard Privacy Fences.*

- a. *Height Restrictions:* A rear yard privacy fence shall not exceed eight (8) feet in height.
- b. *Required Yard Location:* A rear yard privacy fence shall be located only within the buildable area of the rear yard. Under no circumstances shall a rear yard privacy fence be allowed in the side or

front yard of a residential lot.

5. *Fences Enclosing Swimming Pools.*

a. Required:

- (1) A safety fence shall be installed around all underground swimming pools.
- (2) A safety fence shall be install around all above-ground swimming pools with the exception of single-family dwellings.
- (3) When an above-ground swimming pool is accessory to single-family dwelling, a safety fence is required if the pool is both greater than 24 inches in depth and more than 5,000 gallons.

b. Height Restrictions:

- (1) A safety fence at least five (5) but no more than six (6) feet in height shall be constructed to completely enclose a swimming pool with the exception of properties within the RR2 District. In recognition of the RR2, Rural Residential 2 District's low density nature, swimming pool enclosures in the RR2 District shall have a safety fence at least four (4) but no more than six (6) feet in height.

(Ord. No. 584, Sec. 1, 10/16/95)

- (2) A fence of at least three (3) feet in height shall be constructed on the top of the sides or the top of the decking of an above-ground swimming pool. The combined height of the fence and the pool sides together shall be at least five (5) but no greater than six (6) feet in height.

c. Construction and Design Requirements:

- (1) Any opening between the fence bottom and the ground shall not exceed four (4) inches.
- (2) Any opening within the fence shall not exceed four (4) inches.
- (3) Pedestrian access gates for pool enclosures shall be self-closing and self-latching hardware. The release mechanism shall be placed no lower than 54" from grade. All other service gates shall have lockable hardware and be locked at all times when not in use.
- (4) All such fences shall be constructed so as not to be easily climbable, and generally to prevent children from gaining uncontrolled access.

(Ord. No. 731, 12/16/2002)

D. *Requirements For Commercial And Industrial Areas.*

1. *Fences for Screening Outdoor Storage Areas.*

- a. Height Restrictions: All fences required for the screening of outdoor storage areas shall be at least six (6) but not more than eight (8) feet in height.

b. Construction and Design Requirements:

- (1) All fences required for screening open storage areas shall have an opacity of at least 90 percent.
  - (2) Screening fences shall be architecturally harmonious with the principal building and shall be compatible with the natural surroundings.
2. *Fences for the Separation of Incompatible Land Uses.*
- a. Explanation: Fences used for screening may be required at locations where commercial or industrial uses are adjacent to or across the street from property zoned or developed for residential or public use, as described in CZO 15.28.110 paragraph B,1.
  - b. Height Restrictions: The screening required shall consist of a continuous fence or wall at least six (6) but not more than eight (8) feet in height.
  - c. Construction and Design Requirements:
    - (1) The screening fence required shall have an opacity of at least 75 percent.
    - (2) A louvered fence shall be considered adequate if it blocks vision from a 90 degree angle to the fence.
    - (3) Plant materials of a type approved by the Community Development Department may also be required in addition to, or in lieu of, fencing.
  - d. Required Location on Property:
    - (1) The screening fence shall not extend to within 15 feet of any street or driveway opening onto a street.
    - (2) The fence shall be placed along the property lines or, in case of screening along a street, five (5) feet off the property line with landscaping (trees, shrubs, grass, and other plant materials) between the screening fence and the property line.
3. *Fences for Protection from Danger and of Valuable Private Property.* It may be necessary for a commercial or industrial use to construct fences specifically to protect people from danger or to guard valuable private property. Such uses may be enclosed with an industrial chain link fence of at least six (6) but not more than eight (8) feet in height topped with three (3) strands of barbed wire, provided they project over the property on the interior side of the fence.

## AFTER AMENDMENT

### 15.28.210 Fences

- A. *Intent.* The purpose of this section is to enact minimum restrictions on fencing necessary to ensure orderly and attractive development, to enhance the “curb appeal” from Chaska’s streets, to protect the health and welfare of Chaska’s citizens, to allow a free flow of air, and to prohibit unreasonable restrictions of view while allowing each property owner to protect his or her property and privacy.
- B. *General Requirements.*
  1. *Construction, Maintenance, and Design Requirements.*

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- b. The side of the fence considered to be the face shall face abutting property. The face shall be defined as the finished side of the fence rather than the side with structural supports.
- c. If fencing is built away from a property line, property on both sides of the fence must be maintained so as not to create a public nuisance.

2. *Fence Location Requirements.*

- a. All fences shall be located entirely upon the private property of the person, firm, or corporation constructing the fence.
- b. When driveway, access, or walkway easements are located on private property, fences shall not be constructed on the easement. No fence shall be constructed which obstructs the flow of water upon a drainage or ponding easement.

3. *Traffic Visibility Requirements.* On any corner lot, no fence shall be erected in the triangle formed by the front lot line, side street lot line, and a third straight line joining points on such property lines 30 feet from their intersection at the corner of the lot when such action would impede vision above a height of two and one-half (2 1/2) feet above the centerline grades of the adjacent streets.

4. *Permit Requirements.* All fences require building permits.

C. *Requirements For Residential Areas.*

1. *General Design Requirements.*

- a. The use of barbed wire, or of any electrical current is prohibited;
- b. If a chain link fence is constructed, it shall have a minimum gauge of 11.

2. *Rear Yard Boundary Fence.*

- a. Height Restrictions: A rear yard boundary fence shall not exceed six (6) feet in height.
- b. Required Yard Location:
  - (1) A rear yard boundary fence shall be permitted only within the rear yard, except where rear yard access from the principal building is achieved from an entrance/exit to a side yard. In such instances, a six (6) foot boundary fence is permitted in the side yard to a distance not greater than three (3) feet beyond the entrance/exit in the direction of the front yard.
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- b. Required Yard Location:
  - (1) A decorative fence is the only type of fence allowed within the limits of the front yard, except as indicated in paragraph B,2.
  - (2) A decorative fence erected on a corner lot shall be subject to the additional traffic visibility requirements in paragraph B,3.
- c. Design Requirements:
  - (1) A decorative fence shall have an opacity of no greater than 50 percent.
  - (2) A chain link fence is not considered decorative.

4. *Rear Yard Privacy Fences.*

- a. Height Restrictions: A rear yard privacy fence shall not exceed eight (8) feet in height.
- b. Required Yard Location: A rear yard privacy fence shall be located only within the buildable area of the rear yard. Under no circumstances shall a rear yard privacy fence be allowed in the side or front yard of a residential lot.

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  - (3) ~~When an above-ground swimming pool is accessory to single-family dwelling, a safety fence is required if the pool is both greater than 24 inches in depth and more than 5,000 gallons.~~
- b. Height Restrictions:
  - (1) A safety fence at least ~~five (5)~~ four (4) but no more than six (6) feet in height shall be constructed to completely enclose a swimming pool. ~~with the exception of properties within the RR2 District. In recognition of the RR2, Rural Residential 2 District's low density nature, swimming pool enclosures in the RR2 District shall have a safety fence at least four (4) but no more than six (6) feet in height.~~

(Ord. No. 584, Sec. 1, 10/16/95)

- (2) A safety fence of at least ~~three (3)~~four (4) but not more than six (6) feet in height shall be constructed to completely enclose an above ground swimming pool or the side of the pool above grade shall be a minimum of four (4) feet in height. on the top of the sides or the top of the decking of an above-ground swimming pool. The combined height of the fence and the pool sides together shall be at least five (5) but no greater than six (6) feet in height.

c. Construction and Design Requirements:

- (1) Any opening between the fence bottom and the ground shall not exceed four (4) inches.
- (2) Any opening within the fence shall not exceed four (4) inches.
- (3) Pedestrian access gates for pool enclosures shall be self-closing and self-latching hardware. The release mechanism shall be placed no lower than ~~48~~54" from grade. All other service gates and pool ladders shall have lockable hardware and be locked at all times when not in use.
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PASSED AND ADOPTED BY THE CITY OF CHASKA COUNCIL MAY 19, 2021.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Grau	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Hatfield	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Huang	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Hubbard	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Mayor Windschitl	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

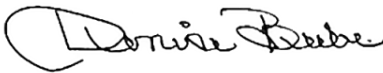
Presiding Officer

Attest



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Mark Windschitl, Mayor, City of Chaska



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Denise Beebe, Senior Clerk City of Chaska