



City of Oak Park Heights
14168 Oak Park Blvd. N., Oak Park Heights, MN 55082

Phone: (651) 439.4439 Fax: (651) 439.0574

FENCE PERMIT REQUIREMENTS

Should you have any questions after reading the following information, please call the Building Inspection Department at 651-439-4439 for assistance.

BUILDING PERMITS: Building Permits are required for the construction of a fence or retaining wall six feet or greater in height. Those structures less than six feet do require a Zoning Permit and must comply with the zoning code requirements adopted by the City. Enclosed is a copy of the Fence Permit Application, memorandum of acknowledgment, and site plan for your review. To determine the permit fee, please visit the City's website (www.cityofoakparkheights.com) in Forms & Handouts, or contact City Hall.

Zoning requirements for the construction of a fence can be obtained from our web site (www.cityofoakparkheights.com) in City Information, Ordinances, Chapter 400, Section 401.15.E.

RESPONSIBILITIES OF THE PROPERTY OWNER:

1. To be sure that a Building or Zoning Permit has been issued for this construction project with a memorandum of acknowledgement signed by adjoining property owners.
2. Verify that your Contractor is licensed with the State of Minnesota or with the City of Oak Park Heights.
3. To locate property corner irons for the identification of the property lot lines or obtain agreement with adjacent property owners as per City Ordinance 401.15.E.
4. To make sure all required inspections have been requested, made, and approved by the City's Building Official.

INFORMATION TO BE SUBMITTED WITH THE BUILDING PERMIT APPLICATION:

With the appropriate application you will need to submit a survey or a site plan showing all existing structures, the location of the fence, and the memorandum of acknowledgement.

REQUIRED INSPECTIONS:

1. **Property Line verification:** The necessary property corner surveying irons must be located and a string stretched from iron to iron to clearly identify the property line. If the survey irons are not in place a registered Minnesota surveyor must locate the corners and put in place the surveyor irons.
NOTE: All of the structure, including post footings, is to be located within the fence owner's property.
3. **Final:** To be made upon completion of the fence.

CALL FOR REQUIRED INSPECTIONS 24 HOURS PRIOR TO SCHEDULE APPOINTMENT TIME



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401.15.E. Fencing, Screening and Landscaping.

1. **Building Permit.** No person shall hereafter construct or cause to be constructed or erected within the City of Oak Park Heights, any fence without first making an application for and securing a building permit.
- ^{23, 35}2. **Application Requirements.** Each application for a permit under this section shall be submitted to the Zoning Administrator on forms provided by the City. Each such application shall include a site plan drawn to scale showing the location of house(s), garage(s), and other improvements on the lot and the location of the fencing to be erected, altered or relocated. A certificate of survey shall be required for all fences (including hedges and plantings) to be constructed up to or on the property line, unless:
 - a. Property stakes on the affected property lines are first located and marked by a licensed and registered Minnesota surveyor.
 - b. Or, an agreement shall be reached between property owners as to the accepted property line.
3. **General Provisions.** All fences within the City shall be subject to the following general provisions:
 - a. No fences shall be placed on or extend into the public rights-of-way.
 - b. All fences shall be located entirely upon the property of the person constructing or causing the construction of such fence.
 - c. That side of any fence considered to be its “face” (i.e., the finished side having no structural supports) shall face abutting property.
 - d. Both sides of any fence shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
 - e. Barbed wire fences are only allowed in the City by conditional use permit.
 - f. No person shall construct or maintain or allow to be constructed or maintained anywhere within the City any fence or metal construction which is charged by or connected with an electrical system.
 - g. No physical damage of any kind shall occur to abutting property.
 - h. All man-made fences located in front of the rear building line shall consist of materials comparable in grade and quality to the following: decorative masonry, wrought iron or wood, provided the surfaces are finished for exterior use, or wood of proven durability is used, such as cedar or redwood.

- i. For the purpose of fence regulations, in the case of a corner lot, both yards abutting a street shall be considered a front yard.

³⁵4. **Specific Fence Standards.** The height of fence shall be measured from the adjacent finished grade to the highest projection of a fence structure or support post and shall be restricted according to the location as follows:

³⁵a. Fences or walls located on or adjacent to any property line bordering a public road or street shall not exceed seven (7) feet in height. However, in no case shall any shrub, hedge or fence bordering upon any street or sidewalk be constructed or allowed to grow to a height which could obstruct safe driving visibility at intersections.

³⁵b. Fences or walls on or adjacent to the shore line of any navigable lake, channel or stream shall not exceed four (4) feet in height. Fences or walls on or along that portion of a lot line from a navigable lake, channel or stream to the rear side of the average building construction line shall not exceed four (4) feet in height.

^{23, 35} c. Fences or walls on or within ten (10) feet or less from a common property line between two adjoining lots or parcels not owned by the same person, firm or corporation shall not exceed seven (7) feet in height. The property owner shall provide written notification to adjoining property owners concurrent with the application for a building permit for a fence installation which is less than five (5) feet from a property line. Fences or walls shall be permitted except as prohibited in sub-paragraphs b. and d. hereof.

³⁵d. Fences or patio walls not exceeding nine (9) feet in height may be constructed without restriction on the interior of any lot or parcel, providing no such fence or wall shall be closer than ten (10) feet to any common property line between adjoining lots not owned by the same person, firm or corporation (except as permitted under sub-paragraph c. hereof), and provided further in the case of lakeshore lots, no such fence or wall shall be located so as to block or otherwise adversely interfere with an adjoining property owner's lake view.

³⁵e. Open wire fences not exceeding ten (11) feet in height enclosing tennis courts, pools, and similar uses, shall be permitted without restriction.

5. **Swimming Pool Fences.** Outdoor swimming pool fences shall be required as outlined in Section 1303 of the City Code.

6. **Non-Conforming Fences.** It is the intent of this Ordinance to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Ordinance to encourage the survival of non-conforming fences and such fences are declared to be incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:
 - a. No existing fence not permitted by this Ordinance in the district within which it is located, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered unless such fence is changed to one permitted in that district. Maintenance of a non-conforming fence will be allowed, however, when this includes necessary repairs and incidental alterations which do not expand or intensify the non-conforming fence.

7. **General Landscaping and Maintenance.** All exposed ground areas surrounding or within a principal or accessory use, including street boulevards, and not devoted to parking areas, drives, sidewalks, patios or other such uses shall be completely landscaped with grass, shrubs, trees or other ornamental landscape materials before the Building Official issues the certificate of occupancy or if construction is completed during the Winter, no later than May 31 of the year or following year of construction completion. All landscaped areas shall be kept neat, clean and uncluttered, and where a landscape plan is required by City approval any plant material which is diseased or dies shall be replaced with like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise. Fences and/or plantings placed upon utility easements are subject to removal by the City or utility company if required for maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed twenty (20) feet in height, which it shall be the property owner's responsibility to maintain.

- ¹¹ 8. **Required Fencing and Screening.** Where any public, institutional, business or industrial use (i.e., structure, parking or storage) abuts property zoned for residential use, that public, institutional, business or industrial use shall provide screening along the boundary of the residential property. Screening shall also be provided where a public, institutional, business or industrial use is across the street from a residential zone, but not on that side of a public, institutional, business or industrial use considered to be the front (as determined by the Building Official). All the fencing and screening specifically required by this Ordinance shall be subject to Section 401.15.E.3. and shall consist of either a fence or a green belt planting strip as provided for below.

- a. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and large shrubs and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall contain no structures other than supplementary fencing. Such planting strip shall be designed to provide complete visual screening to a minimum height of eight (8) feet. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of plantings shall require the approval of the City Council based upon a recommendation of the City staff.
- b. A required screening fence shall be constructed of masonry, brick, wood or metal. Such fence shall provide a solid screening effect and not exceed eight (8) feet in height or be less than six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council based upon a recommendation by the City staff.

9. **Required Landscaping - General Residential.** The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using sod in the front and side yards, and ornamental grass, or other acceptable vegetation or treatment generally used in landscaping in the rear yards. Fences or trees placed upon utility easements are subject to removal if required for the maintenance or improvement of the utility.

¹¹ 10. **Required Landscaping - Public, Institutional, Semi-Public and All Income Producing Property Uses.** Prior to approval of a building permit, all above referenced uses shall be subject to a mandatory landscape plan requirement. Said landscape plan should be developed with an emphasis upon the following areas:

The boundary or perimeter of the proposed site at points adjoining another existing or proposed site or sites; the immediate perimeter of the structure or building at points of its placement on the site; and the public boulevard areas at points of interface with streets or sidewalk areas of the City.

All landscaping incorporated in said plan shall conform to the following standards and criteria:

- a. All plants must at least equal the following minimum sizes:

	<u>Potted/Bare Root</u>	<u>Balled and Burlapped</u>
Shade Trees*	1-3/4 in. diameter	2-1/2 in. dia.
Half Trees (Flowering Crab, Russian Olive, Hawthorn, etc.)	6-7 feet	1.5 in. dia.

Evergreen Trees	-----	6-8 feet
Tall Shrubs and Hedge Material (evergreen or deciduous)	3-4 feet	3-4 feet
Low Shrubs: Deciduous	18-24 in.	24-30 in.
Evergreen	18-24 in. potted	24-30 in.
Spreading Evergreens	18-24 in. potted	18-24 in.

Type and mode are dependent upon time of planting season, availability and site conditions (soils, climate, ground water, man-made irrigation, grading, etc.)

* All boulevard trees must be at least 2-1/2 inches caliper.

b. Spacing.

- 1) Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings based on the judgment of the City administration.
- 2) Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the City administration.
- 3) Deciduous boulevard trees shall be planted not more than forty (40) feet apart.
- 4) Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center.

c. Design.

- 1) The landscape plan must show some form of designed site amenities (i.e., composition of plant materials, and/or creative site grading, decorative lighting, exterior sculpture, etc., which are largely intended for aesthetic purposes).
- 2) All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the City.

- 3) Landscape material selection and placement shall take into account sight visibility of adjoining buildings and signage. Landscape materials at the time of placement or upon reaching maturity shall not block the view of surrounding business establishments and related signage.
 - 4) Turf slopes in excess of 2:1 are prohibited.
 - 5) All ground areas under the building roof overhang must be treated with a decorative mulch and/o foundation planting.
 - 6) All buildings must have an exterior water spigot to insure that landscape maintenance can be accomplished.
- d. Landscape Guarantee. All plants shall be guaranteed for one (1) full year from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.
- e. Screening of Mechanical Equipment. Mechanical equipment located on the roof or adjacent to any building and visible from the street level or from neighborhood properties shall be screened with a material designed to blend harmoniously with the building's facing materials. Where buildings have exposure to buildings with higher elevation, roof equipment shall be totally screened or enclosed with a material to blend with the roof surface material.



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MEMORANDUM OF ACKNOWLEDGMENT TO THE CITY BUILDING DEPARTMENT

Be it known that I, _____ have applied for a permit from the City of Oak Park Heights to erect a fence upon or within five (5) feet of my property line(s) located at the following address:

_____.

Be it further known that, in compliance with City Ordinance 401.15.E and the request of the Building Department of said City, I have notified in writing or have spoken with the property owners adjoining my own property of my intentions.

By their signature below and/or attached written notification, each of these property owners have been notified of my intention to erect a fence as outlined on the backside of this page.

	<u>Name/Address</u>	<u>Date</u>
1).	_____	_____

2).	_____	_____

3).	_____	_____

4).	_____	_____

I am fully aware that it is my responsibility to locate survey pins to enable positive identification of property lines.

Applicant Signature

Date



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Phone: (651) 439.4439 Fax: (651) 439.0574

FENCE PERMIT APPLICATION

Contractor: _____
 Address: _____
 City / State / Zip: _____
 Phone #: _____ Fax # _____
 State License #: _____ City License # _____
 Lead Certification # _____ E-Mail _____
 Project Supervisor: _____
 Phone #: _____ E-Mail _____

Home or Property

Owner: _____
 Address: _____
 City / State / Zip: _____
 Phone Number: _____ E-Mail _____

INFORMATION SUBMITTED WITH PERMIT APPLICATION:

Survey _____ Site Plan _____ Have the Property Pins been located Yes / No
 Type of Fence _____ Wood _____ Chain Link _____ Other _____ Privacy _____ Height
 Distance to the property line: Front Yd. ___ ft. Rear Yd. ___ ft. Side Yd. ___ ft. Side Yd. ___ ft.
 Memorandum of acknowledgement from adjoining property owners regarding fence _____

This permit becomes null and void if work or construction authorized has not commenced within 180 days, or if work is suspended or abandoned for a period of 180 days. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

_____ **Date:** _____

Applicant's Signature

Project Address _____ **Project Valuation** _____

FOR OFFICIAL USE ONLY

Building Permit \$ _____ Plan Review \$ _____ State Surcharge \$ _____
 Investigation Fee \$ _____ Other Fees \$ _____
TOTAL PERMIT FEE \$ _____