
CITY OF LITTLE FALLS

BOARD OF ADJUSTMENT/ PLANNING COMMISSION

August 11, 2014



AGENDA
PLANNING COMMISSION
Conference Room, City Hall
August 11, 2014, 6:30 p.m.

P	A	Member	P	A	Member
		Bieganek, Justin			Schilling, Kara
		Dahlberg, Doug			Schulte, Ray
		Gosiak, Frank			Silbernack, Keith
		Hanfler, Jeremy			Oleson, Ben (Zoning Official)
					Kimman, Greg (City Engineer)

CALL TO ORDER: Planning Commission Chairperson

ADOPT THE AGENDA: August 11, 2014

APPROVAL OF MINUTES: July 14, 2014

PUBLIC HEARINGS:

- 1) Floyd Richmond (Lynne Richmond Revocable Trust), 17171 Riverwood Drive, Variance request to construct an 18 ft x 20 ft enclosed porch addition (to an existing dwelling) approximately 90 feet from the Mississippi River (minimum 100 ft required).
- 2) City of Little Falls, Ordinance amendment to Chapter 11, entitled "Land Use Regulations (Zoning)", Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences). The proposed amendment will amend and add to existing language in the above-mentioned sections in order to clarify regulations and permitting procedures related to fences and hedges in both residential and non-residential zoning districts.

OLD BUSINESS:

NEW BUSINESS:

NEXT MEETING: Monday, September 8, 2014

ADJOURNMENT:

City of Little Falls
PLANNING COMMISSION MINUTES
 Conference Room, City Hall
 July 14, 2014, 6:30 p.m.

P	A	Member	P	A	Member
	x	Bieganek, Justin	x		Schilling, Kara
x		Dahlberg, Doug	x		Schulte, Ray
x		Gosiak, Frank	x		Silbernack, Keith
x		Hanfler, Jeremy	x		Kimman, Greg (Staff)
			x		Oleson, Ben (Staff)

CALL TO ORDER: The Planning Commission Meeting was called to order by Frank Gosiak, Planning Commission Chairperson, at 6:30 p.m.

ADOPT THE AGENDA: A motion was made by Schulte, seconded by Silbernack to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES: A motion was made by Silbernack, seconded by Dahlberg to adopt the minutes as presented. Motion carried.

PUBLIC HEARINGS:

- 1) **J. Christian Andrews, 742 2nd Street SE, Conditional Use Permit request to operate a Bed and Breakfast in a One and Two Family Residential District (R-2).** Oleson presented a summary of the conditional use permit request. Public hearing opened at 6:32 pm. J. Christian Andrews, 742 2nd Street SE, provided a more detailed summary of the conditional use permit request. Fred Fesler, 718 7th Street SE, expressed concern about the proposed dog run for the property. Andrews addressed the concern and agreed to eliminate the dog run. Paul Wichman, 800 2nd Street SE, also addressed the dog run and concern over barking dogs. Robin Hensel, 807 1st St SE expressed support for an off premise sign and concern for the surface space requirements in regards to parking. Cathy Fesler, 718 7th Street SE, asked a question in regards to the current sign ordinance and when it may be resolved. Public hearing closed at 6:58 pm. A motion was made by Schulte, seconded by Silbernack to approve the conditional use permit request with the following requirements being met for approval: Up to four (4) guest rooms to be used for the Bed & Breakfast, pre-inspection by the city inspector prior to opening, compliance with all city ordinances. Motion carried.

- 2) **City of Little Falls, ordinance amendment to Chapter 11, entitled “Land Use Regulations (Zoning)”, Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences).** The proposed amendment will amend and add to existing language in the above-mentioned sections in order to clarify regulations and permitting procedures related to fences and hedges in both residential and non-residential zoning districts. Oleson presented a summary of the ordinance amendment and explanation behind some of the proposed changes. Public hearing opened at 7:15 pm. Robin Hensel, 807 1st St SE, asked questions about the ordinance and expressed concern over some of the proposed changes to the ordinance. A motion was made by Silbernack, seconded by Schulte to continue the public hearing and discussion of the proposed amendment changes at the next scheduled meeting. Motion carried. Public hearing remained open to allow further public comment.

³⁾
OLD BUSINESS: None

NEW BUSINESS: None

NEXT MEETING: Next regular meeting is 6:30 p.m. on Monday, August 11th, 2014.

ADJOURNMENT: A motion was made by Silbernack, seconded by Schulte to adjourn at 8:00 p.m.
Motion carried.

Minutes submitted by Doug Dahlberg, Secretary.

Minutes approved on

DRAFT

STAFF REPORT

Application: Variance request to construct an 18 ft x 20 ft enclosed porch addition (to an existing dwelling) approximately 90 feet from the Mississippi River (minimum 100 ft required).

Applicant: Floyd Richmond (Lynne Richmond Revocable Trust)

Background Information:

- 1) **Proposal:** The applicant is proposing to construct an 18' x 20' enclosed three-season porch addition to the river side of the existing dwelling on the property. A portion of this addition would be enclosing the existing covered porch area of the existing house. The porch would therefore extend out 14 ft from the existing foundation of the home.

The property is zoned R-2.M, which allows for porches/dwelling additions as a permitted use. The variance is required due to the proposed river setback for the addition of 90 feet (min. 100 ft required).

The existing house on this property was constructed in 1989 after the granting of a variance by the Belle Prairie Town Board to be 108 feet from the river.

- 2) **Location:**

- o Property address: 17171 Riverwood Drive
- o Legal Description: N 99.4 FT OF S 2071.7 FT OF LOT 1 WHICH LIES W OF COUNTY AID ROAD #76, Section 27, Township 41, Range 32.
- o Parcel number(s): 48.6907.000

- 3) **Property Owner:** Lynne Richmond Revocable Trust

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments.

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan.

Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Little Falls City Code

11.04: ADMINISTRATION AND ENFORCEMENT

C. Variances:

1. The timelines for variance requests shall be governed by Minnesota Statute 15.99, as amended from time to time.
2. The processing of variances shall be governed by Minnesota Statute 462.357, as amended from time to time.
3. No variance permitting the erection or alteration of a building shall be valid for a period longer than six [6] months, unless a building permit is issued and the construction actually begun within that period, and is thereafter diligently pursued to completion.
4. A variance shall lapse and become void if the variance for which a permit has been granted is discontinued for a period of one year, or if a variance is no longer required by the provisions of this chapter.
4. Revocation: A variance may be revoked by following the requirements and procedures in Section 11.04.H of the City Code.

11.05: ZONING DISTRICTS AND MAP:

P. Mississippi Headwaters Corridor Districts:

4. Building Standards For Mississippi Headwaters Corridor For Lots Of Record In Office Of Morrison County Recorder As Of January 1, 1981, Which Are Less Than One Acre In Area:

a. Minimum Setbacks And Lot Widths For Lots Of Record In Office Of Morrison County Recorder As Of January 1, 1981, Within Any Zoning Classification In Mississippi Headwaters Corridor:

(2) Structure Setback From Ordinary High Water Mark: One hundred feet (100').

d. Minimum Standards For All Mississippi Headwaters Corridor Zoning Districts:

(1) Natural Landscape Protection Plan: Before issuing a permit for expansion of a structure or new construction, a natural landscape protection plan shall be submitted to and approved by the city in compliance with this subsection.

5. Natural Landscape Protection Plan:

a. Requirement: If necessary to protect water quality and prevent shoreline erosion and agreed to by the property owner, and the Morrison County soil and water conservation district office staff, a natural landscape protection plan shall be completed and reviewed, consistent with the provisions of this subsection.

b. Purpose: The purpose of a natural landscape protection plan is to:

- (1) Retain or recreate original hydrologic conditions by minimizing use of pavements and impervious surfaces and retaining original runoff volume and velocities;
- (2) Confine development and construction activities to the least critical areas by avoiding critical areas such as long, steep slopes, erodible soils, and fragile vegetation;
- (3) Fit development to terrain;
- (4) Preserve and utilize the natural drainage system; and
- (5) Maintain a minimum twenty five foot (25') chemically untreated vegetative buffer zone at the water's edge, as required in this section.

Alteration of vegetation and topography should be limited to prevention of erosion into public waters, fixation of nutrients, stabilization of shorelines, preservation of historic, archeological or cultural values, prevention of bank slumping, protection of fish and wildlife habitat and conservation of natural resources.

The landscape plan should be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on site.

c. Issues To Be Addressed: In achieving its purpose, the natural landscape protection plan shall address the following issues:

(1) Topography: A topographic map showing the existing contour elevations at intervals of ten feet (10') is the basis of the natural landscape protection plan. It is important to note slope steepness and slope length on this map. The longer and the steeper the slope, the greater the erosion potential;

(2) Drainage Patterns: Locate and clearly mark all existing drainage swales and patterns on the topographic map. Consider where water will concentrate on the property. Natural drainage areas are overland flows, depressions, swales and natural watercourses. The natural drainage should be used to convey runoff on and off the site, but increase runoff should be limited so erosion does not occur;

(3) Soils: Determine and show major soil types on the topographic map. Plot directly on the map at the same scale for ease of interpretation. Soil types should be evaluated for potential for flood hazard, natural drainage, depth to seasonal water table, permeability, shrink-swell potential, texture and erodibility;

(4) Ground Cover: Show the existing vegetation on the topographic map. Features such as tree clusters, grassy areas and unique vegetation should be shown on the map. Any denuded or exposed soil areas should also be shown on the topographic map. If at all possible, existing vegetation should be maintained to minimize erosion. If existing vegetation cannot be maintained, then construction should be staged (one site completed before the second is begun) to minimize erosion. Alternatives are temporary seeding, mulching or temporary structure controls, such as settling basins, silt fences or bale dams. A vegetative buffer of natural grasses, shrubs and trees should be maintained for at least twenty five feet (25') at the water's edge. This buffer zone helps protect water quality, provide habitat for wildlife and maintains the natural aesthetics of the shoreline; and

(5) Adjacent Areas: Delineate areas adjacent to the site on the topographic map. Such features as streams, roads, houses or other buildings and wooded areas should be shown. Streams which will receive runoff from the site should be noted. Consider the potential for increased runoff during the construction and where the runoff will go.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

1) Current Zoning:

- Subject Property: Mississippi headwaters corridor - one- and two-family residential district, R-2.M
- Surrounding Properties: Mississippi headwaters corridor - one- and two-family residential district (R-2.M) to the north and south along the river. Country homes, one- and two-family residential district (R-1C) across Riverwood Drive to the east. The Mississippi River is immediately to the west.

2) **Current Land Use:**

- Subject Property: Residential dwelling
- Surrounding Properties: Residential uses, with the exception of a church to the south.

3) **Lot size**: Approx. 99.4' x 420' (0.95 acres)

4) **Sewer/Water**: The property is connected to City sewer/water.

5) **Natural Features:**

Floodplain: The property is not within an identified floodplain according to the best available information (Base Flood Elevation 1114.0 according to DNR staff; proposed dwelling at approximately 1118-1122 according to contour maps on Beacon website). However, the property to the south (church) has flooded in the recent past and being located outside of the floodplain is no guarantee against flood damage. Floods at lower elevations can also affect soil stability in some cases, and the applicant should be aware that any construction closer to potential floodwaters poses some risk.

Bluff/Steep Slopes: The property is relatively flat at the construction area, but begins to drop off steeply near the river (about a 12 ft drop in the last 50-55 feet - 22% slope). The Morrison County SWCD has received notification of this meeting and has made comments regarding the potential for flooding and damage to structures.

Wetlands: There do not appear to be any wetlands on the property except possibly in the last few feet before the river. The Morrison County SWCD has received notification of this meeting and not made any comments regarding wetlands.

6) **Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?**

The spirit and intent of the 100 ft river setback requirement, as with other regulations outlined in the Mississippi Headwater's Board Management Plan upon which the City's ordinance is partly based, is to protect the scientific, natural, historic, cultural and recreational values of the Mississippi River.

The spirit and intent of the ordinance, according to the DNRs SONAR statement in 1989, is:

“In general, structure setbacks are needed to provide an adequate distance between the development of a shoreland area and the adjacent waterbody or near blufftops to control the resource damaging effects of non-point source pollution. Soil erosion and subsequent sedimentation in water bodies and the loading of nutrients, toxics and other pollutants to the water body from shoreland area surface water runoff are examples of. non-point source pollution.”

The same SONAR statement, specifically in relation to river setbacks, later states as reasoning for the setbacks:

“...an adequate distance will remain between development and the river to enable installation or preservation and maintenance of vegetation which can intercept and filter surface water runoff from developed areas. On many transition, agricultural and tributary river and stream systems, the proposed structure setbacks will provide for a minimum of protection from the natural meandering and channel shifting characteristics of watercourses found in these areas”

The applicant is requesting the reduced river setback so as to allow for an enclosed porch on the river side of the existing dwelling, which was constructed in 1989 as per a variance granted by the Belle Prairie Town Board (to be 108 feet from the river). Due to the angled shoreline on this property, the existing house becomes further from the river the further south it goes. The minimum setback for a structure to the side lot line would be 5 ft. It appears there is about 15 feet between the existing house and the south property line, which could theoretically allow for a proposed porch addition to be shifted to the south so as to meet the required 100 ft setback. This would obviously offset the addition from the rest of the house and the existing exterior door that would lead to the porch addition.

7) Will the granting of the variance be consistent with the City of Little Falls' Comprehensive Plan?

The Comprehensive Plan has several sections and identified programs that relate to the proposal:

Residential:

- o Policies: The policies which follow are based on the housing needs, inventory information and community goals.
 1. Rehabilitation - Promote rehabilitation and upgrading of single family and multiple family housing.
 2. Diversity - Provide a variety of housing types and sizes including affordable quality townhouses and condominiums.
 3. Neighborhoods - Preserve and protect the housing values and improve neighborhood by planning for adequate park, trails and open space.

- Plan: The property is located in an area identified for “Country & Suburban” development at a density of 1-3 units/acre. The existing property is 0.95 acres and contains one dwelling unit.
- Program: The program consists of the following:
 2. Improve Neighborhoods – Improve neighborhoods by: 1) preserving and protecting neighborhood amenities, 2) improving and expanding, where appropriate, infrastructure and community facilities such as parks and trails, 3) promoting better housing, and 4) using conservation subdivision design principles.
 6. Zoning Changes- Consider revisions to the Zoning Ordinance covering the following:
 - Neighborhoods and the Environment- By 2008 amend the Zoning Ordinance to improve planning and design of neighborhoods in environmentally sensitive areas.
 - Conservation Subdivision- By 2008 amend the Zoning Ordinance to permit (and encourage at some locations) conservation subdivision design.
 - River View Protection- Amend the Zoning Ordinance to share and protect views along the Mississippi River while allowing mixed use of housing over commercial and condominium developments at certain locations along the river.
 - Two-Family- Initiate a study to determine if two family dwellings should continue to be allowed in zoning districts thought of as single family districts.

Staff Comment: The proposed addition may have some impact on the river view for neighboring properties and from the opposite side of the river, although as you go further north along Riverwood Drive, the homes become closer to the river than the proposal.

8) Is the proposed use of the property reasonable?

The requested variance would allow for the construction of a three-season porch (approx. 360 sq ft in size – 252 of which would be beyond the existing house foundation) on to a house that is currently about 2,700 sq ft in size.

9) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

The request for the variance mostly has to do with the existing location of the house (built in 1989 by variance), the layout of the existing house and how it would connect to an addition and the way the river runs alongside the lot at an angle.

10) Will the variance, if granted, alter the essential character of the locality?

The use of the property would remain residential in character.

11) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

See #9 above for non-economic considerations.

12) Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?

It would seem theoretically possible to construct an addition on the south corner of the home (probably would need to be off-set from the house) of a similar size to what is proposed without need for a variance. Whether this is practical or reasonable given the interior layout of the existing home and other considerations will need to be discussed.

13) Will the granting of the variance adversely affect the environmental quality of the area?

Environmental impacts from the proposal could come from the increased impervious surfaces closer to the river and the associated runoff that could result, the potential for floodwaters rising and impacting the addition either directly or indirectly (the property appears to be at least 4-8 feet above the base 1% chance flood elevation) and the potential for erosion of disturbed soil during or after construction.

Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request, or table the request if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

Staff Comments: As the Planning Commission/Board of Adjustment considers this application, Staff would make the following comments:

1. The ordinance requires that prior to issuing a permit "for expansion of a structure or new construction" a natural landscape protection plan shall be submitted to and approved by the city. Part of this plan is the requirement that the landowner "maintain a minimum twenty five foot (25') chemically untreated vegetative buffer zone at the water's edge". The plan should also generally discuss how the landowner plans to limit the disturbance of soil and re-vegetate or otherwise stabilize disturbed areas. Staff would recommend that the Board, if the variance is approved, establish deadlines for creation of the 25ft buffer zone and be specific that it must be maintained over time.
2. The applicant has not provided, and Staff has not found on record, a survey of the property. The measurements given to the river and property lines are approximate, as are the elevations of the building. If it is important that these numbers be exact, a survey would likely need to be required.

3. Staff received an e-mail from Helen McLennan, Morrison County SWCD on August 4 stating "I looked at the home requesting the variance and even though it seems the elevation is quite high, I did note that it's right next door to the Grace Covenant Church. A few years ago, the church filled in their basement and abandoned its use due to annual flooding problems. They filled in approximately 4 feet of the whole basement and only have a crawl space available to them now. Just an FYI."
4. Staff received a phone call from a neighboring property owner on August 5 in support of the variance being granted.



Phone: 320-616-5500
Fax: 320-616-5505

Fee Paid 325⁰⁰

Date Filed 7.8.14

Receipt Number 77592

Application For: REZONING, VARIANCE AND CONDITIONAL USE

Have you reviewed Chapter 11, Section 11.04 of the City Code dealing with zoning laws of the City of Little Falls? (available online: www.cityoflittlefalls.com)

Yes No

Street Address of Property 17171 RIVERWOOD DR. LF 56345

Legal Description of Property N. 99.4 ft of the South 2071.70 sq ~~ft~~ Lot 1

Parcel Identification Number 48.6907.000

Owner - Name Floyd Richmond Phone 632-2880
Address 17171 RIVERWOOD DR
City LITTLE FALLS State MD Zip 56345

Applicant (if other than owner) -

Name _____ Phone _____
Address _____
City _____ State _____ Zip _____

Type of Request - Rezoning _____ Variance Conditional Use _____ Other _____

Description of Request ADDITION of SUN ROOM

Reason for Request ADJACENT TO RIVER

Present Zoning Classification R-2.0M

Existing Use of Property RESIDENTIAL

Existing Use and Zoning of the Surrounding Area (two blocks) RESIDENTIAL

Has a request for a variance, special use permit, or rezoning on the subject site - or any part thereof - been previously sought?

Yes _____ No When _____

Signature of Applicant/s Floyd J. Richmond

Date July 8, 2014

I am the legal fee owner of the property described on this application and I consent to this application

Signature of owner/s Floyd J. Richmond

Approved _____ Denied _____ by the Planning Commission on _____ Date

Approved _____ Denied _____ by the City Council on _____ Date

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345

The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: add 14' x 18' Sunroom

Landscaping: _____

Parking/Signs: _____

2. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses? Residential -

consistent with adjacent houses

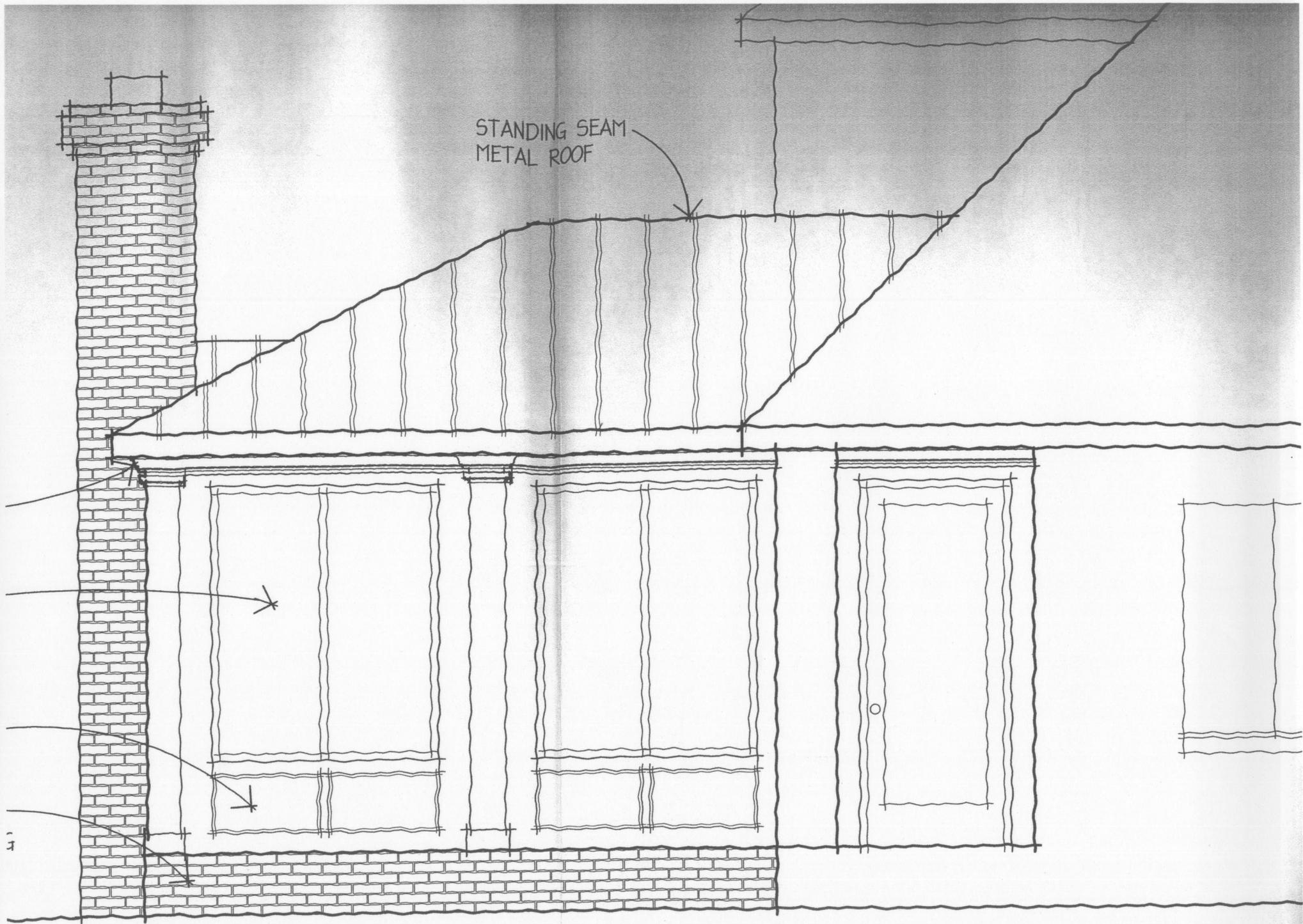
3. Describe the impact on the character of the neighborhood in which the property is located. None

4. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal? None

5. What part of the City Zoning Ordinance creates a practical difficulty to the property in question? What is the practical difficulty that prevents the land to be used in a reasonable way? adjacent to River

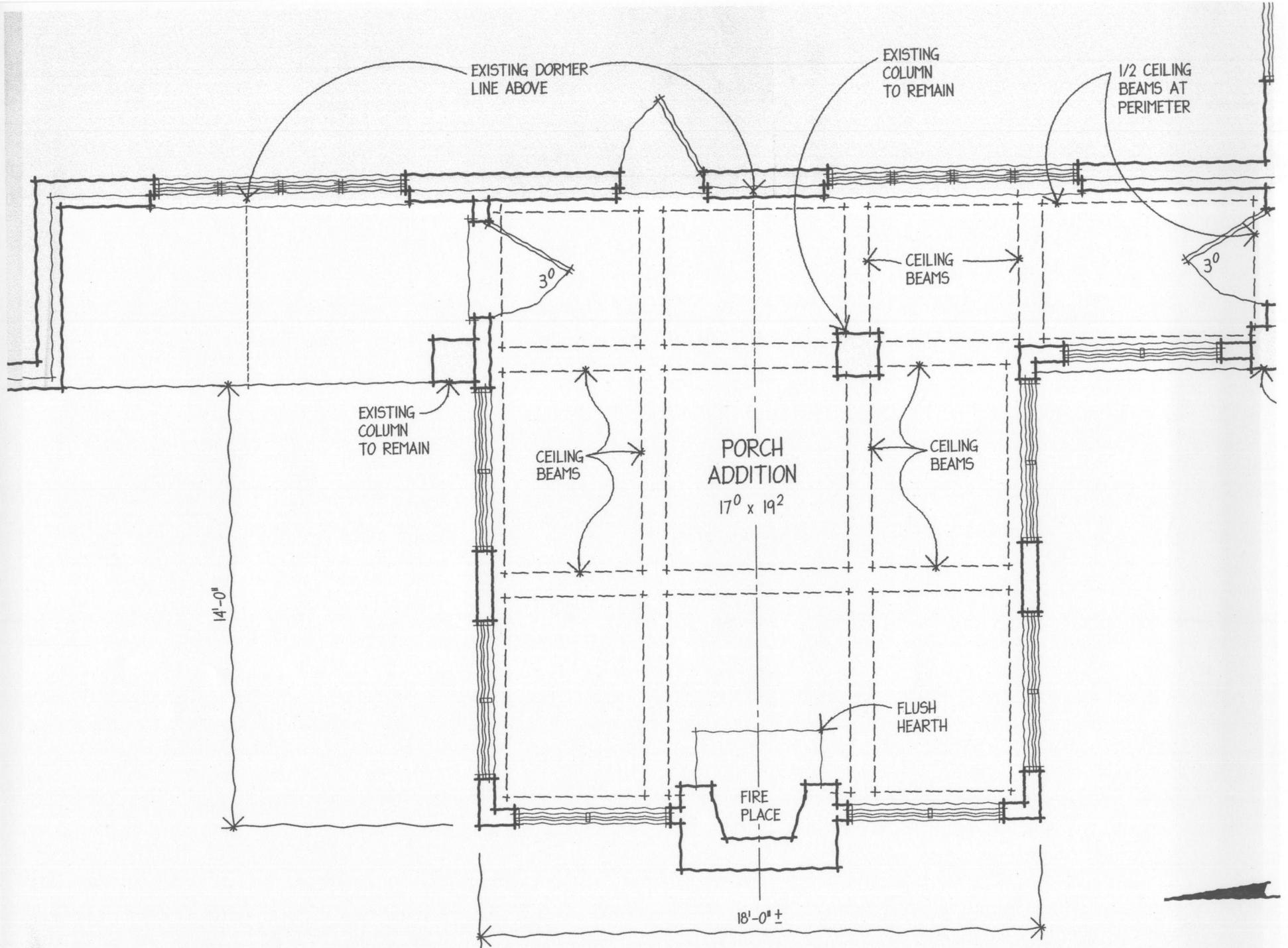
Use other side of page if necessary.

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345



STANDING SEAM
METAL ROOF

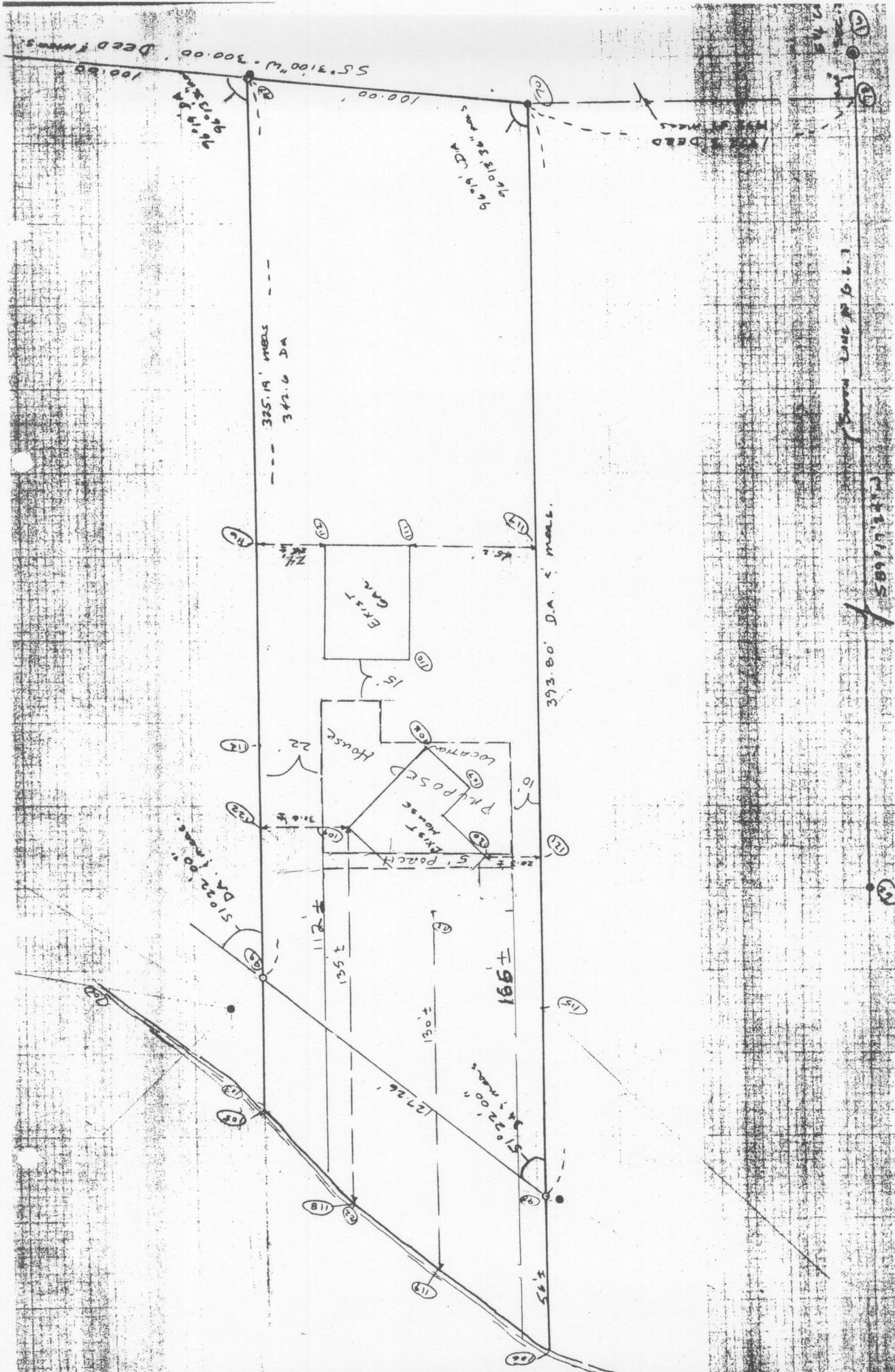
SOUTH ELEVATION



MAIN LEVEL ADDITION

402 SF

EXISTING STRUCTURE



Survey Line # 6.2.1
 58171311





End of
Proposed
Porch



Approx. minimum 25 ft
vegetative buffer area



View of neighboring properties to north



End of Porch Addition



Parcel ID	486907000	Alternate ID	486907000	Owner Address	RICHMOND LYNNE REVOC TRUST
Sec/Twp/Rng	27-41-32	Class	n/a		17171 RIVERWOOD DR
Property Address	17171 RIVERWOOD DR	Acreage	0.95		LITTLE FALLS MN 56345
	LITTLE FALLS				

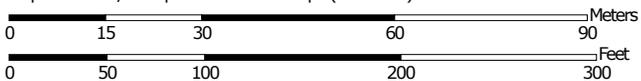
District LITTLE FALLS EAST-#482-HRA
 Brief Tax Description N 99.4 FT OF S 2071.7 FT OF LOT 1 WHICH LIES W OF C.A.R. #76

(Note: Not to be used on legal documents)

Erosion Hazard (Off-Road, Off-Trail)—Morrison County, Minnesota
(Richmond Variance - 8/11/2014)



Map Scale: 1:1,170 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Very severe
-  Severe
-  Moderate
-  Slight
-  Not rated or not available

Soil Rating Lines

-  Very severe
-  Severe
-  Moderate
-  Slight
-  Not rated or not available

Soil Rating Points

-  Very severe
-  Severe
-  Moderate
-  Slight
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways

-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Morrison County, Minnesota
Survey Area Data: Version 11, Dec 26, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 15, 2011—Sep 7, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Erosion Hazard (Off-Road, Off-Trail)

Erosion Hazard (Off-Road, Off-Trail)— Summary by Map Unit — Morrison County, Minnesota (MN097)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
458C	Menahga loamy sand, 8 to 15 percent slopes	Slight	Menahga (95%)		1.7	31.9%
1946	Fordum-Winterfield complex	Slight	Fordum, frequently flooded (65%)		0.3	5.0%
			Winterfield, frequently flooded (25%)			
D67A	Hubbard loamy sand, Mississippi River Valley, 0 to 2 percent slopes	Slight	Hubbard, terrace (90%)		2.4	43.9%
			Duelm, terrace (5%)			
			Mosford (2%)			
			Glendorado, terrace (2%)			
			Isan, terrace (1%)			
W	Water	Not rated	Water (100%)		1.0	19.2%
Totals for Area of Interest					5.5	100.0%

Erosion Hazard (Off-Road, Off-Trail)— Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Slight	4.4	80.8%
Null or Not Rated	1.0	19.2%
Totals for Area of Interest	5.5	100.0%

Description

The ratings in this interpretation indicate the hazard of soil loss from off-road and off-trail areas after disturbance activities that expose the soil surface. The ratings are based on slope and soil erosion factor K. The soil loss is caused by sheet or rill erosion in off-road or off-trail areas where 50 to 75 percent of the surface has been exposed by logging, grazing, mining, or other kinds of disturbance.

The ratings are both verbal and numerical. The hazard is described as "slight," "moderate," "severe," or "very severe." A rating of "slight" indicates that erosion is unlikely under ordinary climatic conditions; "moderate" indicates that some erosion is likely and that erosion-control measures may be needed; "severe" indicates that erosion is very likely and that erosion-control measures, including revegetation of bare areas, are advised; and "very severe" indicates that significant erosion is expected, loss of soil productivity and off-site damage are likely, and erosion-control measures are costly and generally impractical.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the specified aspect of forestland management (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Rating Options

Aggregation Method: Dominant Condition

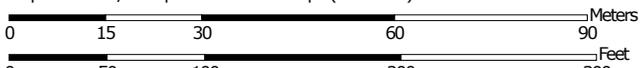
Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Dwellings Without Basements—Morrison County, Minnesota
(Richmond Variance - 8/11/2014)



Map Scale: 1:1,170 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Background

 Aerial Photography

Soils

Soil Rating Polygons

-  Very limited
-  Somewhat limited
-  Not limited
-  Not rated or not available

Soil Rating Lines

-  Very limited
-  Somewhat limited
-  Not limited
-  Not rated or not available

Soil Rating Points

-  Very limited
-  Somewhat limited
-  Not limited
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Morrison County, Minnesota
Survey Area Data: Version 11, Dec 26, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 15, 2011—Sep 7, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Dwellings Without Basements

Dwellings Without Basements— Summary by Map Unit — Morrison County, Minnesota (MN097)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
458C	Menahga loamy sand, 8 to 15 percent slopes	Somewhat limited	Menahga (95%)	Slope (0.63)	1.7	31.9%
1946	Fordum-Winterfield complex	Very limited	Fordum, frequently flooded (65%)	Flooding (1.00)	0.3	5.0%
				Depth to saturated zone (1.00)		
			Winterfield, frequently flooded (25%)	Flooding (1.00)		
				Depth to saturated zone (0.98)		
D67A	Hubbard loamy sand, Mississippi River Valley, 0 to 2 percent slopes	Not limited	Hubbard, terrace (90%)		2.4	43.9%
			Duelm, terrace (5%)			
			Mosford (2%)			
W	Water	Not rated	Water (100%)		1.0	19.2%
Totals for Area of Interest					5.5	100.0%

Dwellings Without Basements— Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Not limited	2.4	43.9%
Somewhat limited	1.7	31.9%
Very limited	0.3	5.0%
Null or Not Rated	1.0	19.2%
Totals for Area of Interest	5.5	100.0%

Description

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

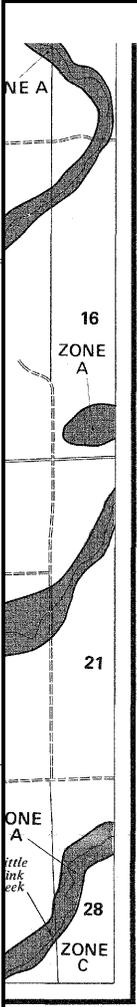
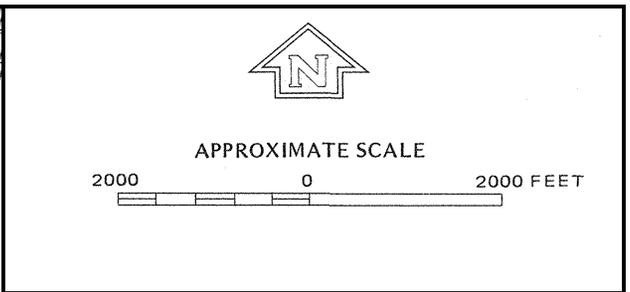
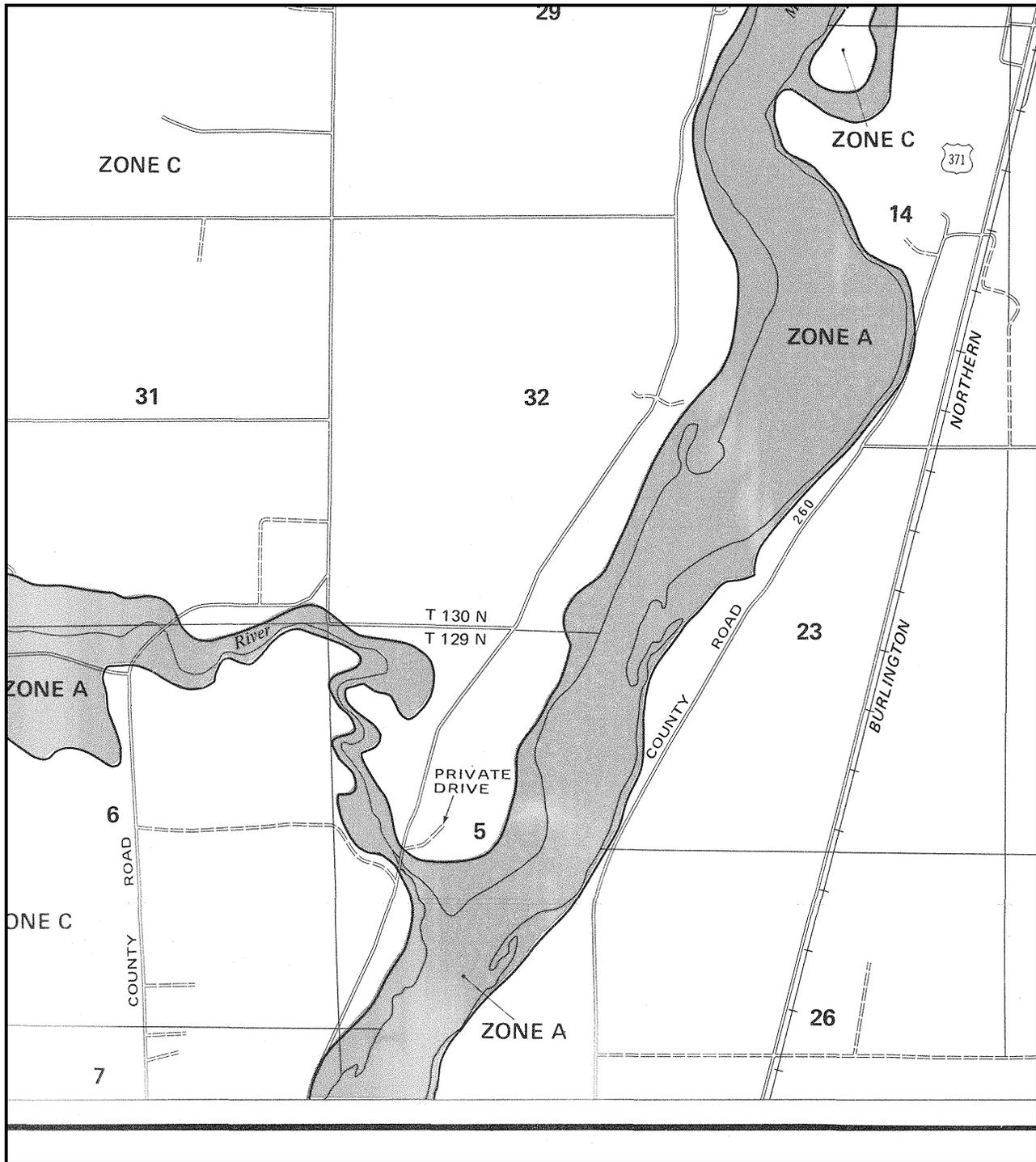
Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

COUNTY OF
MORRISON,
MINNESOTA
 (UNINCORPORATED AREAS)

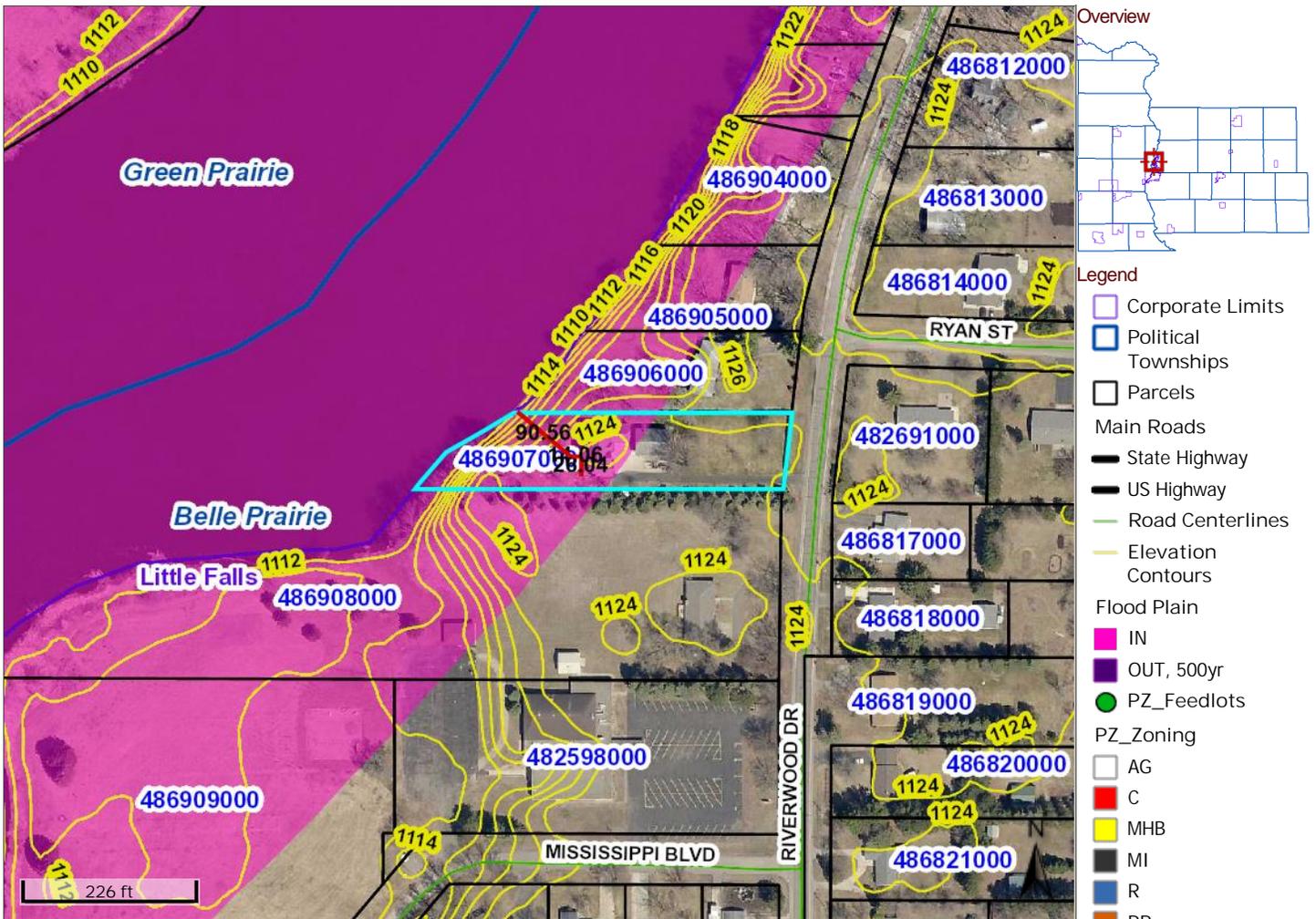
PANEL 200 OF 450
 (SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
 270617 0200 B

EFFECTIVE DATE:
 JUNE 15, 1981


 federal emergency management agency
 federal insurance administration

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



Parcel ID 486907000
 Sec/Twp/Rng 27-41-32
 Property Address 17171 RIVERWOOD DR
 LITTLE FALLS

Alternate ID 486907000
 Class n/a
 Acreage 0.95

Owner Address RICHMOND LYNNE REVOC TRUST
 17171 RIVERWOOD DR
 LITTLE FALLS MN 56345

District LITTLE FALLS EAST-#482-HRA
 Brief Tax Description N 99.4 FT OF S 2071.7 FT OF LOT 1 WHICH LIES W OF C.A.R. #76
 (Note: Not to be used on legal documents)

STAFF REPORT

Application: Ordinance amendment to Chapter 11, entitled "Land Use Regulations (Zoning)", Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences). The proposed amendment will amend and add to existing language in the above-mentioned sections in order to clarify regulations and permitting procedures related to fences and hedges in both residential and non-residential zoning districts.

Applicant: City of Little Falls

Background Information:

- **Proposal:** The existing language regarding the regulation of fences within the City of Little Falls is somewhat confusing and possibly contradictory in terms of how fences are permitted and regulated. The proposed ordinance amendments are intended to clarify these regulations so that they can be applied uniformly without need for significant interpretation.

A copy of the proposed language amendments to Sections 11.02 (Definitions), 11.03.E (Required Yards and Open Space) and 11.03.Q (Fences) are attached.

This item was continued at the July 14 meeting to allow for additional public comment and review time by the Planning Commission. One change was made to the proposed language as a result of the July 14 discussion - to remove any regulations affecting hedges (except for restrictions relating to maintenance of clear site lines at road intersections).

Planning Commission Action: The Planning Commission may recommend approval of the proposed ordinance amendment, denial of the request, or table the request if the Commission should need additional information. If the application is tabled, the Commission should provide specific direction as to what additional information is needed.

Staff Comments: As the Planning Commission considers this application, Staff would make the following comments:

1. The proposed ordinance would limit the height of fences and require certain setbacks from property lines.
2. While the general limitations on height will not change significantly from the current ordinance, it should be discussed where the various height limitations apply on a lot and whether they are what the Commission wants. The previous ordinance was unclear as to exactly where the various height limits applied - particularly when dealing with corner lots. Specifically:
 - a. The current ordinance limits fences running "across" a front yard to be no more than 30 inches in height. Should this apply to both lot lines abutting a street on a corner lot? Or just one?
 - b. Should the front lot line be what determines where a maximum 30 inch fence should be located? Or should it be on the lot line that is the same as

the front of the home – regardless of how the house sits on the lot? The front lot line is defined as the one with the shortest dimension abutting a street – which may not match up with the front of the house.

- c. The proposed ordinance limits height based on the required front and side and rear yard setbacks – not in relation to the house or building as it is regulated now. This is to avoid confusion and inconsistency in fence heights due to the differences in how people situate their homes on the lot. The Commission may wish to discuss the pros and cons of each approach.
3. The proposed language lists out “approved” fencing materials and “prohibited” fencing materials. The Commission may wish to examine this closely and determine if the listings are adequate. Materials not on either of these lists would require review by the Planning Commission and a conditional use permit.
 4. The ordinance would allow for up to 12 ft high fences around sport courts (tennis, basketball, etc...). Such fences would need to maintain a certain level of transparency so that they did not completely block views.
 5. The current ordinance does not appear to regulate hedges. The consensus of the Commission after the July 14 discussion was to maintain this and continue to treat hedges as unregulated except in areas defined by the ordinance where they would block site lines at road intersections.
 6. A key question in the permitting of fences is always the process by which lot lines are located. The current ordinance/past practice requires either written approval by the neighboring owner or the applicant to provide a survey to the City showing that the fence will be on their property. However, these requirements only apply if the fence is to be located right on the property line and has not typically been required when an applicant indicates they will be a few feet off the line. In order to ensure consistency, Staff would ask the Commission to discuss its thoughts on whether:
 - a. The City should require neighbor approval or a survey in any case where the proposed fence will not be clearly on the applicant’s property; OR
 - b. The City should require a survey in all cases where the proposed fence will not be clearly on the applicant’s property; OR
 - c. The City should not get involved in determining property lines at all and just make it the responsibility of the applicant. If there came to be a dispute between the two neighbors as to the location of the property line, they would need to resolve it themselves.

A review of ordinances regarding fences in other regional cities shows that some require some form of evidence of the location of property lines while others leave it completely up to the applicant.

7. The proposed setback requirements in the proposed amendment would require a 2 foot setback from the property line to allow for room to maintain that side of the fence (i.e. re-staining/painting the fence, maintaining fence boards as necessary, mowing of grass, etc...) without trespassing on the neighbors

property. This setback would not be required if the fence were considered maintenance-free (not specifically defined, but intended to mean fences that can be maintained entirely from one side of the fence).

- a. There could be an argument that the only fences that can be maintained from one side are split-rail fences or other similar fences that do not require going on to the neighbor's side to unscrew/unbolt fence boards. The Commission may wish to discuss this to determine if they feel a definition is required or what their thoughts are on what would be considered maintenance-free.

ESSENTIAL SERVICES: Underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

FAMILY: An individual, or two (2) or more persons each related by blood, marriage or adoption living together as a single housekeeping unit, or a group of not more than four (4) persons not so related, maintaining a common household.

FENCE: Any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, basements and attached accessory buildings, excepting that area primarily devoted to window display, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off street parking or loading space.

FLOOR AREA RATIO: The numerical value obtained through dividing the floor area of a building or buildings by the lot area on which such building or buildings are located.

FORESTRY: The management, including growing or harvesting of a forest, woodland or plantation, including the construction, alteration or maintenance of woods, roads and landings, and related research and educational activities.

FRONT YARD: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right of way line to a depth required in the yard regulations for the district in which such lot is located.

GARAGE, PRIVATE: A detached accessory building, or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of ten thousand (10,000) pounds gross vehicle weight.

GARAGE, PUBLIC: A building, or portion of a building, except any herein defined as "private garage", or as a "repair garage", used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire in which any sale of gasoline, oil and accessories is only incidental to the principal use.

GARAGE, REPAIR: A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

GENERAL FLOOR PLANS: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

HOBBY: An activity or interest pursued outside of one's regular work primarily for pleasure.

HOME OCCUPATION: The accessory use of a home for a business or commercial enterprise,

E. Required Yards And Open Space:

1. No yard or other open space shall be reduced in area or dimension so as to make such yard or other space less than the minimum required by this chapter, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
2. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirements for any other building.
3. The following shall not be considered to be encroachments on yard requirements:
 - a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters and the like, provided they do not extend more than two and one-half feet (2¹/₂'), and off street parking, except as hereinafter regulated.
 - b. Yard lights and nameplate signs for one- and two-family dwellings, lights for illuminating parking areas, loading areas or yards for safety and security purposes, provided the direct source of light is not visible from the public right of way or adjacent residential property, may be located to within five feet (5') of the front lot line. (Ord. 801, eff. 6-3-1974)
 - c. ~~Fences which do not exceed four feet (4') in height or as required elsewhere in this chapter.~~ Terraces, steps, uncovered porches, decks, stoops or similar structures, which do not extend above the height of the ground floor level of the principal building and maintains a two foot (2') minimum side yard and fifteen foot (15') street or avenue setback. (Ord. 22, 5th Series, eff. 11-6-2000)
 - d. In side or rear yards only, bays not to exceed a depth of two feet (2') nor contain an area of more than twenty (20) square feet, fire escapes not to exceed a width of three feet (3'), ~~fences and walls not to exceed a height of six feet (6') above grade~~ and open off street parking.
 - e. Rear yard only, balconies, accessory structures, except that no structure shall be closer than eight feet (8') from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.
 - f. In side yards only, accessory structures, except that no accessory structure shall be closer than five feet (5') from any interior side lot line and on a corner lot in all residential [R] districts, shall not be closer than fifteen feet [15'] from a side lot line adjacent to a street or avenue.
4. On a corner lot, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2¹/₂) and ten feet (10') above the centerline grades of the intersecting streets within twenty five feet (25') of the street intersecting right of way lines.
5. In no event shall off street parking spaces, structures of any type, buildings or other features cover more than seventy five percent (75%) of the lot area resulting in less than twenty five percent (25%) landscaped area in residential districts.

2. The council, upon review and recommendations of the planning commission, shall find that the proposed development is fully consistent with the purposes of this chapter and in conformity to the comprehensive plan.

3. A special use permit is granted. (Ord. 116, 3rd Series, eff. 3-23-1992)

O. Townhouses: Townhouses are attached dwelling units each with a separate entrance to front and rear yards. Townhouses may be permitted in any R-3 district; provided, that each dwelling unit has at least three thousand six hundred (3,600) square feet of lot area; and provided, that the following minimum specifications are met:

1. Front yard setback of thirty feet (30');
2. Rear yard setback of thirty feet (30');
3. Interior side yard setback of zero feet (0');
4. Corner side yard setback of fifteen feet (15');
5. Exterior side yard setback of five feet (5');
6. Floor area per unit of eight hundred sixteen (816) square feet; and
7. Lot width of twenty four feet (24'). (Ord. 72, 2nd Series, eff. 1-24-1983)

P. Single-Family Homes: Single-family homes may be excluded from lot area and setback requirements, provided a special use permit is issued under terms of the "planned development" provisions of this chapter. Density zoning shall be interpreted to mean the permission of lower density (lot area) standards under conditions whereby the number of dwelling units permitted is not greater than permitted by the application of the regular provision of the district, but with all land excluded from the lot area requirements added onto public open space (park, playground, school site, walkway or other approved open green space).

Q. Fences: Fences shall be permitted in all yards, subject to the following: (~~Ord. 801, eff. 6-3-1974~~)

1. ~~Solid walls in excess of four feet (4') in height shall be prohibited.~~ Fences in residential districts must comply with the height and setback requirements as listed below:

Fence Height in Residential Districts
--

<u>Location</u>	<u>Maximum Height (as measured from 6 inches above the adjacent ground level)</u>	<u>Distance from Lot Line</u>
<u>Front Yard (parallel to street)</u>	<u>2.5 feet (30 inches)</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>
<u>Front Yard (perpendicular to street)</u>	<u>4 feet</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>
<u>Interior or Street Side Yard</u>	<u>6 feet</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>
<u>Rear Yard</u>	<u>6 feet, unless the rear yard is common with the front yard of an abutting lot, then 4 feet.</u>	<u>2 feet, unless the property abuts an alley, then 8 feet.</u>
<u>Buildable Area</u>	<u>8 feet</u>	<u>Not applicable</u>
<u>Any Property Line adjoining a Business or Industrial-Zoned Property</u>	<u>6 feet, unless otherwise allowed by conditional use permit.</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>

2. Fences in business and industrial districts must comply with the height and setback requirements as listed below:

Fence Height in Business and Industrial Districts

<u>Location</u>	<u>Maximum Height (as measured from adjacent ground level)</u>	<u>Distance from Lot Line</u>
<u>Any lot line</u>	<u>6 feet, unless otherwise allowed by conditional use permit.</u>	<u>2 feet, unless fence can be maintained entirely from one side, then 0 feet.</u>

2. Fences in residential districts may be located on any lot line to a height of four feet (4'), except that a fence up to six feet (6') in height may be erected on the lot line from the nearest front corner of the principal building.

3. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than four feet (4').

4. Fences located within the buildable area, or eight feet (8') or more from the rear lot line, may be up to eight feet (8') in height, and all fences located on property abutting an alley must maintain an eight foot (8') setback from property line. (Ord. 22, 5th Series, eff. 11-6-2000)

~~5. Fences in business and industrial districts may be erected on the lot line to a height of six feet (6'); to a height of eight feet (8') with a security arm for barbed wire subject to a conditional use permit. (Ord. 801, eff. 6-3-1974)~~

~~6. Fences in excess of thirty inches (30") in height extending across front yards or side yards facing a street or avenue shall require a special use permit. (Ord. 70, 2nd Series, eff. 2-29-1982)~~

~~7. Fences within required yards shall not exceed five feet (5') in height, except by special use permit, except as otherwise permitted herein.~~

~~8. Fences may be placed along property lines, provided no damage of any kind results to abutting property.~~

3. Approved fencing materials include stone, brick, finished wood, rigid plastic and chain link. Other materials may only be approved by conditional use permit, except that the following types of fences are prohibited: barbed wire, electrical fencing, razor wire, creosote lumber, chicken wire, concrete block or poured concrete, plastic webbing, plywood or pressed wood.

4. No fence may be erected on either street side of a corner lot that will obstruct or impeded the clear view of an intersection by approaching traffic, subject to the provisions of 11.03.E.4.

5. No fence shall be erected where it will impede a drainageway or drainage easement.

6. Notwithstanding height limitations elsewhere in this ordinance, fences enclosing or adjacent to sport courts or fields, in any zoning district, may be up to twelve (12) feet in height with a minimum ten (10) foot setback from any property line. Such fences shall not exceed twenty-five percent (25%) opacity.

97. The property owner shall be responsible for determining the location of property lines. Prior to issuance of a building permit for any fence, abutting property owners shall be notified.

10. That side of the fence considered to be the face (facing as applied to fence posts) shall face the abutting property.

~~11. Fences exceeding height limits may be erected, provided they do not encroach upon front or side yard requirements or within ten feet (10') of a rear lot line. (Ord. 801, eff. 6-3-1974)~~

12. No barbed wire shall be used for fencing, except that it may be used on security fences on Business or Industrial-zoned properties which are at least six feet (6') high, exclusive of the barbed wire, or in the maintenance of existing barbed wire fences presently used in farming operations. All other barbed wire fences shall be removed before April 1, 1982. (Ord. 68, 2nd Series, eff. 11-30-1981)