



2241 221<sup>st</sup> Ave. NE • East Bethel, MN 55011  
Phone: (763) 367-7844 • Fax: (763) 434-9578

### APPLICATION FOR FENCE OVER 6 FT.

JOB ADDRESS: \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

General Contractor (If being used): \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_ Contractors Lic. #: \_\_\_\_\_

Type of Fence:  Privacy<sup>1</sup>  Chain Link  Picket Fence  Barbed/Electrical<sup>2</sup>

<sup>1</sup>Fences shall not restrict drainage. Solid wall style fences shall be placed a minimum of four inches above finish grade to not impede site drainage. A solid wall style fence may exceed its allowable height by four inches to facilitate drainage.

<sup>2</sup>Barbed wire and electrical fences are prohibited, except on lots with an approved interim use permit for use in keeping and confining farm animals, livestock, or for crop protection.

**Height** (from yard grade to top of the fence): \_\_\_\_\_

Fences over six feet in height require a building permit and must conform to all of the setback and yard regulations in the same manner as building walls, unless located in a commercial or industrial district and approved by a conditional use permit.

Fences under six feet in height do not require a building permit and can be placed anywhere on a lot but from the house forward the fence needs to be 4 feet tall or less. Fences four feet in height and less may be placed anywhere on a lot provided they comply with traffic visibility requirements set forth herein.

#### Location:

Utility Easements: You may place your fence on the utility easement line, but not in the easement. This part of your yard needs to be accessible by utility companies and should not be blocked off. If a fence is installed in this area, the property owner is responsible for removing the fence if any work is required in the easement.

Fence placement: The finished side of fences shall face abutting property and the public right-of-way. No fence shall be constructed on public rights-of-way. Fences on or within three feet of the property line shall give consideration as to the maintenance of the fence and yard. Fences may be placed along a property line provided no physical damage of any kind results to abutting property. Where a property line is not clearly defined, a certificate of survey shall be required to establish the location of the property line.

Neighbor's shrubs, trees, and hedges: Speak with your neighbor if you need to trim their foliage or want them to trim it. This is where most disputes come into play. Please be respectful of their foliage as many people take pride in them.

**Zoning:** \_\_\_\_\_

Fences in R1 and R2 zoning will receive a Certificate of Fence Compliance after the Final inspection.

SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING AND A/C, FIREPLACE, AND FIRE SPRINKLERS. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

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.

TOTAL AMOUNT DUE: \$ 52

Signature of Contractor or Authorized Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner (if owner builder): \_\_\_\_\_ Date: \_\_\_\_\_

Building Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Approval: \_\_\_\_\_ Date: \_\_\_\_\_

## **INFORMATION NECESSARY WHEN APPLYING FOR A FENCE PERMIT OVER 6 FT.**

1. Permit application completed and signed.
2. Two sets of detailed building plans or blueprints of where the fence will be located on the property. Include height, height from ground to fence, what type of material is being used, etc.
3. Two copies of the residential survey or site plan indicating the following: Distances from the property lines, buildings on the property, driveway location, septic system and well locations, lot size and any wetlands, rivers, lakes or easements. Site plan must be approved by the Planning Inspector. City Hall Building Dept can help you determine this information, but if the property lines cannot be determined, a survey will be required.
4. Copy of the builder's license (unless homeowner is doing the project).
5. Lot size and acres of land. City Hall Building Dept can help you determine this information.
6. Septic systems may need to be upgraded before a permit is issued. If you have any questions, please contact the Building Department.
7. Always call Gopher One to come mark utilities prior to digging. This is a free service that marks electric, gas, water, sewer lines prior to digging. Contact them a full 2 business days before you dig. 651-454-0002.

# Zoning Setbacks

Zoning	Front Yard Setback on City Road	Side Yard Setback	Side Yard Setback on a City Road	Rear Yard Setback	Setback from County Road	2nd Driveway Allowed	Primary Structure Setbacks	Septic setbacks	Well setbacks	Wetland Setbacks
R1*	30 ft	10 ft	25 ft	10 ft	100 ft	No	10 ft	Bldg must be 20 ft from drainfield and 10 ft from tanks  Septics can be 10ft from a property line	3 ft from any bldg overhang	See Wetland or Shoreland Ord.
R2*	30 ft	10 ft	25 ft	10 ft		No	10 ft			
RR*	40 ft	25 ft	40 ft	25 ft		With permit	25 ft			
Whispering Aspen	28 ft	10 ft	25 ft	10 ft	NA	No	10 ft			
Viking Preserve	25 ft	7 ft	25 ft	25 ft	50 ft	No	10 ft			25 ft

\*Check to see if you are in the Shoreland Overlay District as the setbacks may be different.

**Shoreland Overlay** Please check with staff for your setbacks as they will be different than above. 25% Impervious Surface rule applies, meaning only 25% of the property's surface can have an impervious surface where water cannot drain through it. To find out your zoning or if you are in the Shoreland Overlay District: either use the GIS map on the city website or call 763-367-7844 between M-F 8am-4pm.

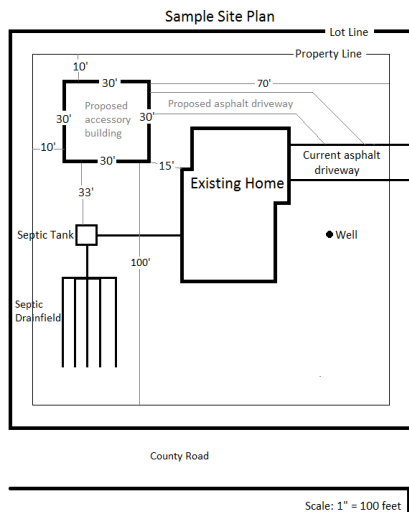
# Wetland Setbacks

Water Body Type	Permanent Buffer Average Width	Minimum Building and septic system setback from delineated wetland edge
Wetlands adjacent to Significant Natural Environmental Areas (SNEA) or *highly susceptible wetlands	25 ft	50 ft
Cedar Creek or wetlands adjacent to	25 ft	Structures: 100 ft Septic systems: 75 ft
All other remaining wetlands including *slightly and moderately susceptible wetlands	15 ft	25 ft
Storm water ponds and *least susceptible wetlands	Top of slope	25 ft
Lakes	15 ft	Refer to Shoreland Overlay District ord.

\*Wetland susceptibility as defined in city's water management plan

# Shoreland Setbacks

Classes of Public Waters	Structures in Sewered Districts	Structures in Unsewered Districts	Sewage Treatment Systems
<b>Lake – Natural Environment</b> <i>Anderson Lake, Booster Pond, Cooper's Lake, Deer Lake, Devil Lake, Fish Lake, Goose Lake, Lone Pine Lake, Mud Lake, Ned's Lake, Rice Lake</i>	150 ft	150 ft	150 ft
<b>Lake – Recreational Dvlp</b> <i>Minard Lake</i>	75 ft	100 ft	75 ft
<b>Lake – General Dvlp</b> <i>Coon Lake</i>	50 ft	75 ft	50 ft
<b>Creeks and Streams</b>	100 ft	100 ft	75 ft



**Required to be on site plan:**

1. Septic system location and distances
2. Well location and distances
3. Property line location and distances
4. Wetland location and distances
5. Drainage Easements locations
6. Other structures locations and distances
7. Proposed structure location and size/measurements

**Additional site plan material required for Shoreland Overlay District:**

8. The Ordinary High Water (OHW) level must be provided
9. The Impervious Surface Calculations must be provided
10. A Certificate of Survey may be required

## East Bethel City Hall

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# SECTION 25. - Fence Regulations

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## 1. - Fence regulations.

All fences in any district shall conform to the following regulations:

- A. Fences within the R-1 and R-2 districts need a certificate of compliance in accordance with Section 04. Applications and Procedures.
- B. Barbed wire and electrical fences are prohibited, except on lots with an approved interim use permit for use in keeping and confining farm animals, livestock, or for crop protection.
- C. Alternative forms of fencing in commercial areas may be allowed upon approval by the city when safety or security is an issue.

## 2. - Fence height.

- A. *Measurement.* Fence height is measured from the fence owner's yard grade to the top of the fence.
- B. *Fences over six feet in height.* Fences over six feet in height require a building permit and **must conform to all of the setback** and yard regulations in the same manner as building walls, unless located in a commercial or industrial district and approved by a conditional use permit.
- C. *Fences six feet in height and less.* Fences six feet in height and less may be placed anywhere on a lot but not in a required front yard. Staff notes: from the house forward the fence needs to be 4 feet tall or less. From the house back you may go up to 6 ft.
- D. *Fences four feet in height and less.* Fences four feet in height and less may be placed anywhere on a lot provided they comply with traffic visibility requirements set forth herein. You cannot modify the grade in order to meet height requirements.

## 3. - Fences around swimming pools.

- A. A swimming pool shall be surrounded by a barrier which the top of the barrier shall be at least 48 inches above grade measured on the outside wall from the swimming pool.
- B. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence shall comply with all construction specifications pursuant to this section.
- C. The fence and gates shall be at least four feet in height and shall be constructed of material approved by the community development department.
- D. One gate shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. Any other gate in the fence will be presumed to be solely for maintenance purposes and shall remain locked at all times when not used for maintenance purposes. Each such maintenance gate shall be posted that the gate is to remain locked and is for maintenance purposes only.
- E. All fence posts shall be decay- or corrosion-resistant and shall be set in concrete bases or other suitable protection.
- F. The openings between the bottom of the fence and the ground or other surface shall not be more than four inches.

- G. Aboveground pools of four feet or more in wall height shall be exempt from complete enclosure by a type of fence resistant to being climbed. However, aboveground pools shall be equipped with a fence and gate system at all points of entry to the pool. Stairs must be removed when not in use. Such fence and gate system shall effectively control access to the pool and shall be constructed pursuant to the specifications listed in this section.
- H. Except where otherwise noted, the following are specifically exempted from this section:
  - 1) Hot tubs or spas that accommodate no more than ten adults and has a locking cover.

#### **4. - Placement of fences.**

- A. Where a property line is not clearly defined, a certificate of survey shall be required to establish the location of the property line.
- B. Fences may be placed along a property line provided no physical damage of any kind results to abutting property.
- C. Fences on or within three feet of the property line shall give consideration as to the maintenance of the fence and yard.
- D. Fences shall not restrict drainage. Solid wall style fences shall be placed a minimum of four inches above finish grade to not impede site drainage. A solid wall style fence may exceed its allowable height by four inches to facilitate drainage. Fences may be placed in a Drainage and Utility Easement, as long as the property owner is aware that they will be responsible to remove the fence if any work needs to be done in the Easement. Also, no fence can restrict drainage so privacy fences would be required to have the 4" gap.
- E. The finished side of fences shall face abutting property and the public right-of-way.
- F. No fence shall be constructed on public rights-of-way.

#### **5. - Fences on riparian lots.**

Fences constructed on riparian lots shall meet structure setbacks from the ordinary high water mark (OHW).

#### **6. - Fence maintenance.**

Every fence shall be constructed in a high quality manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not by reason of age, decay, accident, or otherwise be allowed to become and remain in a state of disrepair so as to be or tend to be a nuisance or cause injury to the public or any abutting property. Any fence that is dangerous by reason of its construction or state of disrepair or may become injurious to the public safety, health, or welfare is a nuisance; such fence shall be repaired or removed as necessary to correct the problem.

#### **7. - Traffic visibility.**

On a corner lot, no fence or landscaping shall be placed in such a manner so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any driveway or street right-of-way as regulated in Section 15. Traffic Visibility.

#### **8. - Hedges or plantings.**

In all residential districts, hedges or plantings used as fences for screening or privacy shall be allowed without height restrictions if the hedges or plantings comply with traffic visibility requirements.

(Ord. No. 19, Second Series, 5-5-2010)