

**Subd. 9. Swimming Pools - Multiple Family Dwelling Areas.**

- A. Private swimming pools which are intended for and used by the occupants of a multiple family dwelling and the guests of the occupants of said dwelling, shall adhere to the following regulations:
1. No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.
  2. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than forty (40) feet from any lot line.
  3. The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Adequate screening, including, but not limited to, landscaping shall be placed between the pool area adjacent single family lines district lot lines.
  4. All deck areas, adjacent patios, or other similar areas used in conjunction with the swimming pools shall be located at least thirty (30) feet from any lot in an adjacent single family district.
  5. Approval by the State Health Inspector must be obtained prior to construction and a copy retained at city hall.
  6. All pools within the city shall be subject to all rules and statutes of the State of Minnesota.

**Subd. 10. Swimming Pools - All Zoning Districts.**

- A. Required structure or safety fencing shall be completely installed within one (1) week following the installation of the pool.
- B. Nuisances such as undue noise, lighting of adjacent property, health and safety hazards, damage to nearby vegetation, and the like, shall not be permitted.
- C. Drainage of pools into public streets or other drainage ways shall not be allowed without the sewer treatment superintendent's supervision.

**Subd. 11. Fences and Walls.**

- A. Approval Required. No person shall hereafter construct or cause to be constructed or erected within the City any fence without first making an application for and securing approval by the Zoning Administrator.



- B. Location. All boundary line fences shall be located entirely within the private property of the person, firm or corporation constructing or causing the construction of such fence.
- C. Installation and Maintenance.
1. Every fence shall be constructed in a professional and substantial manner and of substantial material limited to maintenance free material or weather resistant wood, such as pressure treated lumber, cedar or redwood, reasonably suitable for the purpose for which the fence is proposed to be used. The materials and design shall also be compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact.
  2. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the City shall commence proper proceedings for the abatement thereof.
  3. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.
  4. All fences require approval from the Zoning Administrator prior to installation and construction.
- D. Access. All fences shall be provided with a gate which affords reasonable and convenient access for public safety.
- E. Fences Prohibited. Barbed wire fences and electric fences shall be prohibited within the City except, within the A-R district when related to farming, and hobby farms.
- E. Drainage and Utility Easements. Fences may be constructed within public and private utility and drainage easements provided that:
1. The fence and its design is subject to the approval of the Public Works Supervisor.
  2. Removal of the fence or a portion thereof for the purpose of utilizing the easement shall be at the property owner's expense.
- G. Residential District Fences. All residential district fences shall be placed within the property being fenced.

1. Front Yards.

- a. Within front yards-or side yards of a corner lot abutting a public right of way the fence shall not exceed forty eight (48) inches in height and shall be at least seventy five (75) percent open space for the passage of air and light except as provided for by Section 1001.09, Subd. 11.F.1.b of this Chapter.
- b. A fence with a height greater than forty-eight (48) inches and/or less than seventy-five (75) percent open space may be constructed within the required rear yards and side yard of a corner lot abutting collector or arterial street by administrative permit, provided that:
  - (1) The fence does not exceed six (6) feet in height.
  - (2) The fence is setback ten (10) feet from the lot line abutting a collector or arterial street right-of-way.
  - (3) For interior lots, a gate or other opening is to be provided in the fence to allow for maintenance of the street side boulevard.
  - (4) The fence along a side lot line abutting a collector or arterial street right-of-way shall not extend into a required front yard and be no closer to the front lot line than a point intersecting the front line of the principal building.

- 2. Residential Districts - Side Yard. No fence or wall, other than a retaining wall, along a side lot line in a residence district, shall be higher than six (6) feet unless the adjoining lot is not in a residential district.
- 3. Residential Districts - Rear Yard. Fences having a height of six (6) feet or less may be located within the required rear yards in any residence district.

H. Non-Residence Districts - Fences and Walls.

- 1. Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy-five (75) percent open for the passage of air and light and shall maintain the traffic visibility requirements of Section 20-16-8 of this Chapter.
- 2. Business and industrial fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit.

3. Fences which are primarily erected as a security measure may have arms projecting into the property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground.
4. Required walls or fences used as screens between a residence district and a non-residence district shall be of not less than 90% opacity and not less than five, nor more than seven feet in height above the level of the residential district boundary. The height regulations shall not apply to screens of parking and loading areas.
  - I. Plantings. Screen plantings may be substituted for walls or fences, provided such plantings are of such type as to permit a minimum of 90% opacity during all months of the year.
  - J. Exceptions. Walls or fences of lesser or greater heights or planting screens of lesser opacity or otherwise not conforming with the subdivision may be permitted by the Board of Zoning Appeals and Adjustments if there is a finding that the nature of the use being screened is such that a lesser or greater degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or there is a finding that the screening of the type required by this chapter would interfere with the provisions of adequate amounts of light and air to same said properties. (Ordinance 13-02, adopted May 14, 2013)

**Subd. 12. Architectural Review.**

- A. Elevations, Architectural Design, Exterior Facing. The application for a building permit, in addition to other information required, shall include an exterior elevation of the proposed structure that will adequately and accurately indicate the height, size and design and the appearance of all elevations of the proposed building and a description of the construction and indicate that the exterior architectural design, when erected, will not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the applicable district as established by the code of the City as to cause a substantial depreciation in the property values of said neighborhood within said applicable district or elsewhere or adversely affect the public health, safety, morals or general welfare.
- B. Useable Materials.
  1. All Zoning Districts. Exterior building materials shall consist of materials compatible in grade and quality to the following:
    - a. Brick.