

**ORDINANCE NO. 2023 - 48**

**AN ORDINANCE AMENDING AN EXCEPTION TO HEIGHT REQUIREMENTS FOR RESIDENTIAL FENCES, THEREBY AMENDING CHAPTER 21 OF THE CITY CODE.**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 21 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] with ~~striketrough~~ text and adding those words that are underlined, to read as follows:

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**CHAPTER 21: ZONING AND LAND DEVELOPMENT**

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**ARTICLE III: DEVELOPMENT STANDARDS**

**DIVISION A: GENERAL STANDARDS**

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**§ 21.301.08 FENCES.**

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(c) *Height.* Except where otherwise required by this code, the following regulations apply to fence height. For the purposes of fence height requirements, alleys are not considered a street.

(1) *Limitations.* Except where otherwise required by this code or required by a condition of approval for a development application, the following limitations apply to fence height:

<b>Type of Yard</b>	<b>Maximum Height for Body of Fence</b>	
	<b>Residential Use</b>	<b>Nonresidential Use</b>
Yard abutting a street	4 ft.	6 ft.
Yard not abutting a street	6 ft.	10 ft.

(2) *Exceptions and interpretation.* The following exceptions and guidance on interpretation apply to fence height limitations:

(A) A residential fence in a yard abutting an arterial street as designated by the Comprehensive Plan may rise to a maximum height of six feet;

(B) Any residential fence may rise to a height of eight feet if the following locational requirements are all met:

(i) The fence must not be located in a front yard or yard abutting a street unless it is set back at least 65 feet from the public right-of-way; and

(ii) ~~[that]~~ Fences located within side or rear yards not abutting a street must meet[s] the required setback from a specific property line for a principal structure in the applicable zoning district ~~[may rise to a height of eight feet];~~

(C) A residential fence in the rear yard of a corner lot may rise to a height of six feet provided the fence meets the minimum setback from the street for a principal structure in the applicable zoning district or provided the fence is no closer to a street than an existing principal structure or garage;

(D) A residential fence in the rear yard of a through lot when abutting lots are also through lots may rise to a height of six feet;

(E) A residential fence abutting a nonresidential use may rise to the height of eight feet;

(F) Screening fences required by the city code (see subsection (g)(4) below for references);

(G) Screening fences required by a condition of approval for a development application; and

(H) Public chain link fences for public safety and/or public research purposes such as along public trails and/or at public parks.

/s/ Tim Busse

Mayor

ATTEST:

/s/ Matt Brillhart

Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied

City Attorney