

Subd.2 Required Screening

1. Off-street loading spaces in conjunction with a commercial or industrial use and adjacent to collector or arterial streets and/or areas guided toward residential use within the Comprehensive Plan shall be screened from the view from the adjacent roadway.
2. For new construction occurring after the date of the adoption of this Ordinance, truck loading and receiving areas may not be on the front side of a building facing the street (this does not include drive-in entrances).

500.45 Fencing, screening, and landscaping

Subd. 1 Fencing

1. Definitions

Fence. A partition, wall, hedge, or row(s) of continuous vegetative plantings that are erected as dividing marker, visual, or physical barrier, or enclosure.

Fence, Permanent. A fence constructed of wood, rust-resistant chain link steel, prefabricated and rust resistant aluminum, prefabricated vinyl, landscape masonry units, landscape brick units, stone, or decorative concrete. If wooden material is used it shall be made of processed wood, i.e. cedar, green treated, brown treated, or resin (but not creosote) composite. For the purposes of this Ordinance trellises, arbors, pagodas, and the like shall not be considered a fence.

Fence, Natural Living. A divider or barrier comprised of living vegetation materials. The owner of the adjacent property may trim or prune parts of the living fence that extend onto their property.

2. Permit Required.

- a. All permanent fences require a zoning permit from the City Zoning Administrator.
- b. Permanent fences exceeding six (6) feet in height require approval from the City Zoning Administrator and issuance of a building permit.
- c. Permit Application. Application for a zoning and/or building permit shall be on an approved form and shall include:
 - i. The name, address (property and mailing), and phone number of the Applicant.
 - ii. The name, address, and phone number of the Property Owner, if different than the Applicant.
 - iii. A site plan illustrating the proposed location(s) of the fence on the subject property in relation to property lines, existing buildings, and other pertinent information.
 - iv. A written description of proposed fence materials.
 - v. Applicant and Property Owner signatures.
 - vi. A fee as may be specified by the City Council

- d. Zoning and building permits are not required for living fences.
3. Exemptions. The following are exempt from this Ordinance:
 - a. Snow fences erected and/or maintained between November 1 and April 10.
 - b. Temporary fences associated with short-term events erected for a maximum of 10 days.
 - c. Underground fences for animal control.
 - d. Fences used for containment of farm animals within the Agricultural/Rural Residential District.
 - e. Silt fences when required by a Professional Engineer licensed in the State of Minnesota and/or the Building Official
 - f. Ornamental fences composed of typical fence materials and erected solely as a landscaping enhancement and not for containment or screening purposes.
 - g. Fences or fence panels not exceeding six (6) feet in length and not reasonably contiguous.
 - h. Fences associated with public safety emergencies or operations.
 4. Prohibited Fences. The following are prohibited fences in any and all zoning districts:
 - a. Fences with metal sheathing.
 - b. Barbed wire, chicken wire, high tensile, electric wire, woven wire, or other livestock fencing, except if the property is zoned Agricultural/Rural Residential District.
 - c. A series of gates.
 - d. Fences including creosote lumber.
 - e. Living fences consisting of invasive plant species or harboring pests and/or rodents.
 - f. Makeshift, flimsy materials, or materials such as paper, twine, rope, tin, webbing, and the like, except with used for traffic control or police security.
 - g. Any fence which is or has become dangerous to the public safety, health, or welfare.
 - h. Fences with components not designed or intended for employment as fence material, including, but not limited to, garage doors, tires, pallets, sheet metal, ribbed steel, metal siding, corrosive metal, solid (i.e. more than ninety percent (90%) opaque) metal, galvanized ribbed steel, household items (appliances, fixtures, furniture), and the like.
 - i. Non-permanent fences except as specifically allowed herein.
 5. Fence Standards Applicable to All Fences. The following standards apply to fences in all zoning districts:
 - a. Enclosed fences must have a minimum of two access gates.
 - b. Fences in the front yard shall meet setback requirements of the applicable zoning district.
 - c. Fences in rear abutting alleys shall be placed a minimum of five (5) feet from the property line.
 - d. Clear Sight Triangle Required. Location.
 - i. A fence, wall, structure, coniferous tree or obstruction greater than thirty (30) inches in height may not be erected, established, or maintained on a corner lot within a designated sight triangle

- ii. Said sight triangle is defined as being bounded by lot liens and line connecting points on each lot line 20 feet from the intersection of the lot lines.
 - iii. The sight triangle requirement does not apply to chain link fences with openings of one and five-eighths (1-5/8) inches to two (2) inches which do not exceed forty-eight (48) inches in height.
 - iv. The sight triangle requirement does not apply to the “C-1” District.
 - e. Fences may be placed in a City utility and/or drainage easement at the sole expense of the property owner. In the event access to the easement is required, the City shall reserve the right to remove the fence without notice and solely at the owner’s expense. Replacement of any fence placed in an easement shall be the sole expense of the property owner.
 - f. Fencing around pool areas, when required, must be a minimum of six (6) feet high. This fence must have two access gates and the Property Owner is solely responsible for ensuring the gates are locked when the pool is unattended.
- 6. Fence Standards Applicable to Permanent Fences. The following standards apply to permanent fences in all zoning districts:
 - a. Unless otherwise defined in this Section, fences may be located up to the property line on any side or rear line on the property of the person constructing or causing the construction of the fence.
 - i. If the person constructing or causing the construction of the fence is requesting to locate the fence on, or closer than two (2) feet from , the property line, before approval the property must be surveyed to ensure accurate location of the property lines and fence.
 - ii. If the person constructing or causing the construction of the fence is requesting to locate the fence two (2) or more feet away from the property line, before approval the property pins must be located. If the pins cannot be located, a survey of the property must be completed.
 - b. Height.
 - i. Fences in residential zoning classifications shall not exceed six (6) feet in height and in the case of grade separation, the highest must be determined on the basis of measurement from the average point between the highest and lowest grade.
 - ii. Fences in commercial and/or industrial zoning classifications shall not exceed fourteen (14) in height.
 - c. Fences must be built so the “best side” is facing out. It shall be the property owner’s responsibility to maintain the outer side of the fence, including trimming of grass and weeds.
 - d. Wood fences must be slated so as to allow air flow through the fence.
- 7. Fence Standards Applicable to Living Fences. The following standards apply to living fences in all zoning districts:

- a. Living fences shall be maintained by the property owner, except that the owner of adjacent property may trim or prune parts of the living fence that extend onto their property.
8. Standards Applicable to Fences in Commercial and Industrial Districts. In addition to the standards contained in Chapter 500.45, Subd. (d) as may be amended the following apply to fences in Commercial and Industrial Districts:
- a. Required permanent fencing. In commercial districts (C-1, C-2 and C-3) adjacent to residential districts, and not divided by streets, alleys, or roads recognized by the City Council, the commercial property owner must erect and maintain a fence not to exceed fourteen (14) feet in height or be less than six (6) feet in height and must screen the adjacent residential lot from eighty percent (80%) of the light emitted from cars, signs, or other lights as a direct cause of the commercial property's activities and screen the litter produced by the users of the commercial property. The fence shall be placed from the property line at a distance of two (2) feet or greater, as achieve compliance, to allow the commercial property owner to maintain the fence and ground from the fence to the adjacent residential district property line.

Subd.2 Screening

Screening shall be accomplished by fencing, dense vegetative cover, and/or a combination of fencing and vegetative cover. Materials and equipment, except as provided in the district provisions of this Code must be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following:

1. Usable laundry equipment (clotheslines),
2. Recreational equipment and vehicles,
3. Materials being used on site for construction, remodeling, or demolition activities that are the subject of a valid, issued building and/or zoning permit.
4. Landscaping material being employed on site during the current growing season.

Subd.3 Vegetation

In all zoning districts the lot area remaining after provided for parking, driveways, loading, sidewalks, or other requirements must be planted and maintained in grass, sodding, shrubs, or other acceptable vegetation or landscaping techniques.

500.47 Dwelling unit restrictions

Subd.1 Basement

A basement (except when used as a portion of the living space of the family, or as an earth sheltered home, cellar, garage, tent, or mobile home, or accessory building) may not be used as a residence or dwelling unit, temporarily or permanently, except elsewhere allowed in this Code. Basement dwelling units are subject to the applicable building code and other related codes as adopted by the City of Freeport.