



**MONTROSE  
PLANNING AND ZONING COMMISSION MEETING  
AGENDA**

**Wednesday, May 18, 2022  
7:00 PM**

**Montrose Community Center  
200 Center Avenue South  
Montrose, Minnesota 55363**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes
  - A. February 9, 2021 Planning and Zoning Commission Meeting Minutes
6. Old Business
7. New Business
  - A. Fence Ordinance – Chapter 1020 Discussion
  - B. Updates from City Planner
8. Next Meeting
  - A. Wednesday, June 8, 2022 to be held at the Montrose Community Center – 7:00 p.m.
9. Adjournment

**\*\* Please note that a quorum of the City Council may be present at  
the Planning and Zoning Commission Meeting. \*\***

City of Montrose  
 Planning and Zoning Commission Meeting  
 Montrose Community Center  
 200 Center Avenue South  
 Wednesday, February 9, 2022  
 7:00 P.M.

## 1. CALL TO ORDER

Pursuant to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, February 9, 2022 at 7:00pm.

Planning and Zoning Commission Chair, Mr. Charles Smallwood, called the meeting to order at 7:00pm.

## 2. ROLL CALL

Present: Commissioner Charles Smallwood  
 Commissioner Sylvia Henry  
 Commissioner Shawn Cuff – Joined the meeting at 7:04 p.m.  
 Commissioner Catherine Neiberger  
 Commissioner Roger Fraumann  
 City Council Liaison Sam Solarz

Staff Present: Ms. Jessica Bonniwell, City Administrator  
 Mr. Stephen Grittmann, City Planner  
 Mr. Michael Sommerfeld, City Clerk/Treasurer

## 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was taken.

## 4. APPROVAL OF THE AGENDA

Commissioner Henry motioned to approve the February 9, 2022 Planning and Zoning Commission Meeting Agenda as presented. Commissioner Fraumann seconded the motion. Motion carried 4-0.

## 5. APPROVAL OF THE MINUTES

Commissioner Henry motioned to approve the December 8, 2021 Planning and Zoning Commission Meeting Minutes as written. Commissioner Fraumann seconded the motion. Motion carried 4-0.

## 6. PUBLIC HEARING

- A. Public Hearing – To Consider an Application for the Preliminary Plat for the Property Located in the Area Known as Outlot A, Northridge 6<sup>th</sup> Addition, PID 112-044-000030

Commissioner Henry motioned to close the Planning and Zoning Meeting and Open the Public Hearing at 7:02 p.m. Commissioner Neiberger seconded the motion. Motion carried 4-0.



Commissioner Smallwood asked the City Planner, Mr. Gritman, to give an overview of the Preliminary Plat Application for the development known as Northridge 6<sup>th</sup>. Mr. Gritman reviewed his report that was prepared for the meeting.

The Planner's Report is as follows:

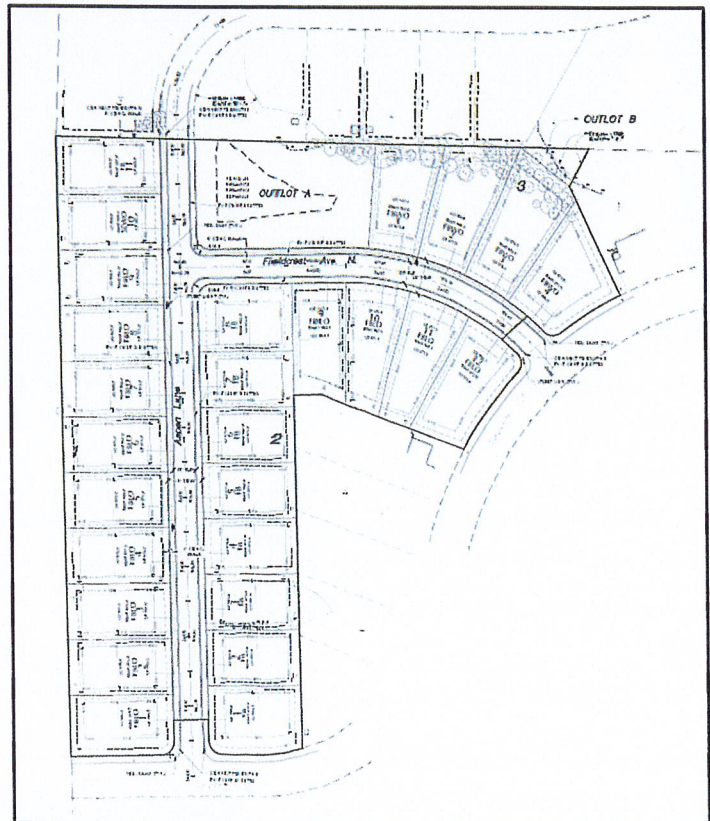
### **Background and Analysis**

The subject property consists of approximately 10.6 acres, and is currently identified as Outlot A of Northridge 3<sup>rd</sup> Addition. As part of the original Northridge plat, the property was planned for 27 single family lots and a pond outlot along an extension of Aspen Lane, a city street that is designed to connect to 7<sup>th</sup> Street North, and then would eventually extend farther west and south to connect to Hogan Drive and other developed areas. The property is zoned R-1, Single Family Residential, and is adjoined by other single-family parcels to the north and east.

As it currently exists, the existing portion of Aspen Lane is approximately 1,100 feet long from its intersection with Emerson Avenue North. The extension of Aspen through this plat would complete a loop with 7<sup>th</sup> Street North, which itself is a dead-end road of nearly 1,900 feet. As such, the current long temporary dead ends would be linked, resolving both public safety and maintenance difficulties.

### **Northridge 6<sup>th</sup> Addition Preliminary Plat**

The proposed subdivision consists of 27 proposed lots, in the same manner as the original Preliminary Plat, which had expired over time. The applicant illustrates home sites on each of the 27 parcels, consistent with the City's R-1 zoning regulations, which require lots of 10,000 square feet in area and 80 feet of width. Setbacks are shown to be consistent with the requirements for 25 feet front, 10 feet side, and 20 feet rear. Corner lots are required (and are shown) to maintain a 25-foot setback from both streets.



The lots show a combination of lookout and walkout designs along the west side of Aspen Lane, with full basement lots along the east side of Aspen Lane. The easterly extension of Fieldcrest Avenue North show full-basement walkouts and lookouts.

### Tree Preservation/Replacement

A significant amount of tree cover is impacted by the proposed plat. The City's Subdivision Ordinance allows 50% of the trees on a subdivision property to be removed for development activity. When more than 50% are removed, the additional removals are to be replaced at a 1.5 caliper inch replanting rate per 1.0 caliper inches removed.

For this project, the applicant's survey summary indicates that 81% of the caliper inches of existing trees are being removed, resulting in excess above the 50% threshold of 1,353 caliper inches of tree removal. This results in a required replacement of 2,031 caliper inches of new tree planting. At a typical size of 2.5 caliper inches at the time of planting, this would result in a replacement requirement of approximately 812 newly planted trees.

The proposed landscaping plan shows a planting plan of 104 new trees, or 260 caliper inches. The Subdivision Ordinance establishes two alternate replacement options for excess removal. That clause reads as follows:

- (a) Cash Payment. The Subdivider may mitigate the tree loss via cash payment to the city. Such payment shall equal the product of the total required caliper inches to be replaced multiplied by the fee per diameter inch as set forth by the City Fee Schedule. The cash payment shall be utilized for City Forestry projects as determined by the City.
- (b) Off-Site Planting. The Subdivider may plant replacement trees upon either property located within the City which is either under the control of the subdivider or owned by the City of Montrose.

In planning staff's estimation, there are three factors that may be considered, given the extensive requirements for replacement planting. First, due to the nature of the property in question, there is a significant amount of tree cover that is inevitably going to be lost for street construction, house pad grading, and the associated lot and stormwater grading necessary.

However, it would appear that the west side of Aspen Lane, which is designated to have a combination of lookout and walkout house designs create a large part of the resultant tree loss. Exploring the option of lowering these buildings to full basement designs can sometimes have less impact on rear-lot grading. This option may save more of the existing tree cover – although it is noted in this plan that the grading plan is designed to direct stormwater to a series of rear catch basins, so this option could raise other issues with the project.

Secondarily, the rear-yard planting on many of the lots along the west of Aspen Lane and the north of Fieldcrest have only limited tree planting, where much of the tree removal is occurring. Increasing tree planting in these rear areas could make up a portion of the gap.

Finally, front yard planting for the project is shown to be a single tree per lot. The Subdivision Ordinance provides for two trees per lot, and with 80 feet of lot width, this planting plan should be attainable.

Once these options are explored, the remaining gap should be assigned according to the ordinance cited above.

### Parks, Trails, and Open Space



The Subdivision Ordinance provides for park dedication from every subdivision, either land or cash. No park land is proposed with this project – a cash payment of \$1,600.00 per unit of development per the City Fee Schedule would be expected, on the assumption that the park dedication requirements for this portion of the Northridge project have not been accounted for previously.

Sidewalk is currently in place along the west side of Aspen Lane to the north. The proposed plat drawing includes an extension of this sidewalk along the west side of the street to 7<sup>th</sup> Street North. In addition, the plans show sidewalk along the north side of Fieldcrest Avenue, linking 7<sup>th</sup> Street North and Aspen Lane, in accordance with the Ordinance. Sidewalk is in place along the south side of 7<sup>th</sup> Street North for its full length – no gaps are foreseen as part of this project.

### **Summary and Recommendation**

The proposed preliminary plat for Northridge 6<sup>th</sup> Addition is consistent with the original plat, and resolves an existing condition of two long, unconnected dead-end streets. The lot sizes for all lots are consistent with that plan, and with those of the surrounding neighborhoods. All lots meet the dimensional standards of the R-1 District, and as such, planning staff recommends approval of the Preliminary Plat, with the following conditions:

1. The applicant works with the city staff and consultants on amending grading in the plat to further reduce tree loss and the attendant replacement requirements.
2. The applicant increases replacement planting in accordance with the comments in this report and where available as a part of revisions to the grading plan noted above.
3. The applicant provides additional replacement tree planting not possible in the proposed plat in accordance with the Subdivision Ordinance noted above, including either both tree planting in eligible off-site locations and/or cash payments according to city policy and ordinances.
4. The applicant enters into a development contract securing the various public and private improvements and the established required park dedication.
5. The applicant provides for and financially secures tree and lawn planting as a part of the plat construction.
6. The applicant complies with the requirements of the City Engineer related to street, utility, grading, and stormwater requirements.
7. Other recommendations of staff and/or Planning Commission following the public hearing.

### **Engineer's Report**

The engineer's report consisted of the following comments and recommendations:

1. The proposed right-of-way width shall be modified to 60-feet to allow room for a 5' boulevard and 5' wide sidewalk within the right-of-way.
2. A detail for Pond #400 Outlet Control Structure shall be submitted.
3. Label the pond bottom elevation on the plan.

4. Water quality calculations shall be provided documenting compliance with TP and TSS requirements using the Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website.
5. The Stormwater Pollution Prevention Plan shall be modified to indicate that the City of Montrose will be responsible for long term O&M of the permanent stormwater management system.
6. Inlet protection shall be installed on all existing inlets at Seventh St. and Aspen Lane intersection.
7. All slopes shall be a maximum of 4:1. The slopes in the rear yards of Block 2 exceed that slope.
8. All swales shall have a minimum slope of 2%. Lots 6 and 9 of Block 2 do not meet this requirement.
9. Emergency overflows shall be clearly noted on grading plan sheets and street and utility plans. Label the EOF across Aspen Lane near the north end of the project. All EOF's shall be seeded, blanketed, and protected with construction or silt fence so as to protect the finished grade during the home building process.
10. The Developer shall provide additional information on catch basins in back yards to show that no flooding of adjacent buildings will occur.
11. Lot 10, Block 1 low opening elevation shall be raised 0.5' to be 2' above the adjacent EOF.
12. Lots 8 and 9 Block 2 low opening elevations shall be 3' above the adjacent EOF.
13. There is an existing depression within the trees in the rear yard of Lot 2 Block 3. The grading plan shall address how this area will be drained (unless it is a delineated wetland in which case it shall be labeled and located within an easement or outlot).
14. A riprap EOF detail for the pond shall be provided.
15. Proposed contours shall contain additional labels.
16. The existing topography shall be shown a minimum 200 feet beyond the property line to the west.
17. The drainage and utility easement in the rear yard of Lot 8 Block 2 shall be 20' wide for access to the storm sewer.
18. All approved wetlands and adjacent 30' wetland buffers shall be shown and labeled on the grading plan and existing conditions plan. The wetlands and buffers shall be within an outlot with the exception of the small piece of wetland located in Outlot B which can be within a drainage and utility easement. Outlot B can be eliminated.
19. Crosswalks shall be installed across 7th Street at both intersections and at Aspen Lane and Fieldcrest Ave. Crosswalk signs shall also be installed.
20. Driveways for Lot 4 Block 3; Lots 1 and 12 Block 2 and Lot 1 Block 1 shall be moved away from the adjacent intersections to provide additional distance between the intersection and driveway.
21. Street plan and profile sheets shall be submitted with the final plans. Include labeling of all radii on the plan.
22. Include a typical section specific to this development in the final plans. The typical section shall consist of 60' or right-of-way with a 5' boulevard and 5' wide sidewalk all located within the right-of-way.
23. Utility plan and profile sheets shall be submitted with the final plans.
24. Proposed water and sewer services shall be shown on the final plans.
25. All storm sewer shall have a minimum cover of 3' over the top of the pipe.
26. A catch basin shall be added on the west side of Aspen Lane between Lots 8 and 9.

27. A catch basin shall be added in the rear yards between Lots 6 and 7 Block 1.
28. All watermain shall be PVC C900 complete with a tracer system.
29. All watermain fittings shall be secured using COR-BLUE-T-BOLTS or approved equal.
30. Two large zinc anode caps shall be installed on all fitting glands.
31. All watermain fittings shall be fusion bonded, epoxy coated, with a minimum thickness of 6-8 mils.
32. The connection to the existing sanitary sewer manhole shall include a Kor-n-Seal boot or approved equal.
33. All catch basins within the roadway shall have rings coated with Flex-Seal.
34. The Street Sign Detail shall be modified to include 6" tall letters for street name signs.
35. All proposed trees shall be located outside of the drainage and utility easements. The trees within Outlot A can remain but shall not be located within 10' of any storm sewer pipe.
36. The tree preservation plan and landscape plan shall be subject to review and comment by the City Planner.
37. The applicant shall enter into a development agreement prior to recording of final plat.
38. All construction shall be in accordance with the City of Montrose Standards.
39. A soils report, including soil borings, shall be submitted.
40. The wetland delineation application has been received from the applicant. The delineation shall be approved prior to final plat submission.
41. As part of the final plat submittal, the Developer shall be responsible for obtaining all permits including but not limited to Corps of Engineer Wetland Impact permit (if applicable), Wetland Conservation Act Wetland Impact permit (if applicable), MDH Watermain Extension permit, MPCA Sanitary Sewer Extension permit, and MPCA NPDES Construction Stormwater permit.
42. Revised plans and documents incorporating the above referenced comments shall be submitted for review by the City Engineer prior to final plat approval.

The Engineer recommends approval of the Preliminary Plat contingent on the above referenced comments and those comments provided by other city staff, commissions and council.

Commission Chair Smallwood stated if anyone from the public had any questions or comments to approach the podium and state their name and address for the record. The following public comments were heard:

- Mandy Musta – 622 7<sup>th</sup> St North  
Ms. Musta questioned the home designs, including square footage, and asked if there would be a mix of single and multi-family homes. Mr. Gritman stated that it would be only single-family homes and no twin or multi-family units and there are not design restrictions as far as how the house will look and if it will be a rambler or lookout/walkout. Ms. Musta stated that she believes the city is growing too fast and needs to think about capacity with their water and sewer systems. Ms. Musta stated that she currently spends a lot of money buying water because of the manganese issue and the city needs to figure the water issue out before thinking about expanding and developing. Ms. Bonniwell stated that the water in the city is safe to drink per the Minnesota Department of Health, but that the levels of manganese are higher than the newly established standards for drinking water. Ms. Bonniwell stated that some people are choosing to use filters or

drink bottled water, but those are by personal choice. Ms. Musta asked if the city had updated test results for the water and Ms. Bonniwell stated the Public Works Department is doing testing and that Ms. Musta would have to contact the Public Works Director for more information about the water issue. Ms. Musta also asked if the property to the west of the proposed development has been approved for development. Ms. Bonniwell stated that there is a developer that is interested and doing some research on the property, but has not submitted plans nor been approved for any development.

- Alex Esler – 707 Aspen Lane

Mr. Esler raised concerns regarding stormwater drainage as his property already floods when there is heavy rain and he is worried that the new construction will make that worse. Mr. Esler is concerned about the creek behind his house which has increased in size due to erosion over the years. Mr. Esler also stated there is a lot of unkempt property that attracts snakes and rodents near the wetland and creek area that he would like to see improve near the development area. Mr. Grittmann explained that part of the grading and engineering for the proposed development is addressing any drainage issues and the developer is not allowed to negatively impact any other property with drainage or water runoff.

- Sara Schumm – 846 Aspen Lane

Ms. Schumm also raised concerns about drainage and flooding since her property abuts the proposed pond that will be used for drainage in the new development. Ms. Schumm stated she contacted the city a while ago to have them come look at her property and the pond/wetland and has not been followed-up with as of yet. Ms. Schumm is wondering what the grading plan is for the pond area and how much excavation will be done. Mr. Grittmann said this issue will be discussed with the developer's engineer since the developer is responsible to make sure the drainage water does not negatively impact her property, or any surrounding properties.

**Commissioner Fraumann motioned to close the Public Hearing and Open the Planning and Zoning Meeting at 7:28 p.m. Commissioner Henry seconded the motion. Motion carried 5-0.**

Commission Chair Smallwood asked the commission if they had any comments or questions for the developer. Ms. Neiberger asked how close this development was to a small nearby stream and Mr. Grittmann stated the stream was outside the project area. Commissioner Fraumann stated that before he moved into the area, and he lives right near the proposed project area, he pulled up the FEMA flood plain maps to see the flood risk for the area since there are a lot of surrounding wetlands and tributaries for the Crow River. Commissioner Fraumann stated that there are often layered retention ponds that flow through areas to direct water flow and prevent flooding, and he assumes this due-diligence has been done by the developer's engineer to ensure drainage and stormwater are contained. Ms. Neiberger asked about concerns of the Crow River flooding the area and stated that the area has flooded severely in the past and urged the developer to make sure all of the drainage is going to work the way they think it will because it is an important issue and can impact surrounding homes. Ms. Neiberger asked about the homes on Block 2, Lots 9-12 because there are four homes/backyards that abut a currently existing property and she was concerned about where the drainage will go for these homes as to not impact the already existing home. Mr. Zach Webber from Loucks Engineering approached the podium to address Ms. Neiberger's question stating that there will be a backyard swale installed to collect water and force it down between lots 7 and 9 which is a storm sewer catch basin that will take it over to the pond. Mr. Webber stated that there is an emergency overflow in between lots 8 and 9 which will collect the water and take it to the pond as well. Ms. Neiberger asked if there were any easements on lots 9-12. Mr. Webber stated that yes, there are drainage and utility easements on those properties that increase in size from 12-9 in order to carry the water down to the catch basin. Ms. Neiberger asked if the home owners will have restrictions in those



easements. Mr. Webber said that yes, there will be restrictions to not put structures on that portion of their property that is within the easement, in order for Public Works to have future access to the underground utilities. Ms. Neiberger asked if the existing property that will have four backyards along their side yard will be allowed to build a fence. Mr. Webber stated that they would have to comply with the city's fence policy and obtain a permit for a fence if the homeowner decides to build one.

Ms. Neiberger asked how they determine which types of homes to put on the property since a walkout is much more appealing, especially for those with families to allow easy access to the backyard area. Mr. Jay Roos from LGI approached the podium and stated that they perform a lot-fit matrix to determine which type of house product will be built on a particular parcel of land. This matrix takes into account the grading and drainage for a property and selects the best type of home for the parcel. Mr. Roos also said that having a variety of home type is important as there are advantages and disadvantages to all of the different home types and different homes appeal to different types of people. Mr. Roos stated that LGI has a large database of home types and designs to pick from for whichever house and design will go on which parcel based on the grading plan, lot sizes and setbacks required.

City Council Member Solarz brought up his concerns about the tree replacement discrepancy from the city ordinance and how that will be remedied. Mr. Roos stated that existing trees tend to be hard to save in a development situation because of the necessary grading and pipes that need to be installed underground. Mr. Roos stated they would take a look and try to preserve as many trees as possible and then work with the city to possibly plant more trees in a larger development they are considering that is mostly farm field. Mr. Roos stated it would be easier to add trees in a farm field development since it is a much larger piece of land and it is not already covered with trees. Commissioner Cuff asked if the trees to the direct west side of the property would be saved. Mr. Roos stated that LGI does not own the land next to the development, so all of the trees that are on the west side of the existing property line will not be taken down since that is not their property, but most of the trees to the east of the property line would likely need to be taken down.

Commission Chair Smallwood asked for any final comments or questions, or a motion to approve or deny the Preliminary Plat Application.

**Commissioner Neiberger motioned to recommend approval for the Preliminary Plat for the Property Located in the Area Known as Outlot A, Northridge 6<sup>th</sup> Addition, PID 112-044-000030 contingent upon recommendations from the City Planner, Engineer, City Staff and Commission Members. Commissioner Cuff seconded the motion. Motion carried 5-0.**

## 7. OLD BUSINESS

### A. No Old Business

## 8. NEW BUSINESS

### A. Updates from City Planner

City Planner, Mr. Stephen Gritman stated that the city has received a lot of interest in residential development, but nothing that has been confirmed yet. The city is waiting for applications from a few proposed developments to start the approval process. Mr. Gritman stated that he was unsure whether or not the Subway, which the Planning Commission recommended approval for a Conditional Use Permit for a drive-through, will be going forward. Staff has been unable to contact them since the C.U.P. approval and it looks as though all of the equipment has been removed from the proposed site for

Subway.

**9. NEXT MEETING**

A. Wednesday, March 9, 2022 to be held at the Montrose Community Center – 7:00 p.m.

**10. ADJOURNMENT**

**Commissioner Henry motioned to adjourn the Planning and Zoning Commission Meeting at 7:58 p.m.  
Commissioner Cuff seconded the motion. Motion carried 5-0.**

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Charles Smallwood  
Planning and Zoning Chair  
City of Montrose

ATTEST:

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Jessica Bonniwell  
City Administrator  
City of Montrose



## NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422  
 Telephone: 763.957.1100 Website: [www.nacplanning.com](http://www.nacplanning.com)

### MEMORANDUM

TO: Montrose Planning Commission  
 FROM: Stephen Gritman  
 DATE: May 5, 2022  
 MEETING DATE: May 18, 2022  
 RE: Montrose – Fence Regulations  
 FILE NO: 273.02

This memorandum forwards a copy of the City's fence regulations for Planning Commission review and discussion. A copy of the fence section of the zoning ordinance is attached to this memorandum. There are two particular clauses that have been raised by staff as being at issue in recent fence requests as follows:

1. Requirements related to boundary line fences, and the provisions requiring neighbor "sign-off" on a boundary line fence less than 2 feet from the common property line. This can be burdensome for many, particularly in instances where neighbors are not getting along. Without the neighbor's agreement, the fence-building resident effectively gives up access to 2 feet of his/her property.

Staff would prefer a blanket change that eliminates this clause, and instead allows fences constructed of "no or low-maintenance" materials (such as coated steel, vinyl, etc.) to be built with a fence permit, and proof of property line location via surveyor's marking. The alternative for fences that require maintenance (such as wood materials) would maintain the 2 foot setback to accommodate that maintenance.

2. Side yard fencing on corner lots. The current regulations require that the side yards of corner lots be treated as front yards for fence height, opacity, and setback purposes. This means that a property owner on a corner lot who wishes to enclose their rear yard with a privacy fence could only do so while leaving the 25 feet closest to the side street outside the fenced-in area. Most residents

prefer to enclose as much of their back yards as possible. The Planning Commission may wish to discuss this issue and consider whether to relax some of the standards related to these situations.

There may be other aspects of the ordinance that would be of interest to the Commission for your discussion. We will be prepared to have that discussion, with any changes to be scheduled for a public hearing at a subsequent meeting.



**1020-2: FENCES:** Fences shall be permitted in all yards subject to the following:

A. Permit Required: No person except on a farm and related to agricultural uses, but not including hobby farms, shall construct any fence without first making an application for and securing an administrative permit for fences not exceeding six feet (6') in height, and a building permit for fences exceeding six feet (6') in height.

B. Locations; Boundary Line Fences:

1. A fence that requires periodic maintenance shall be located no closer than two feet (2') from any side or rear yard lot line on the property of the person constructing said fence. An exception to this may be allowed by administrative permit provided that an agreement addressing construction, maintenance, and repair responsibilities, as well as trespass rights, is established between the adjoining property owners and said agreement is determined acceptable to the City Attorney and filed with the Wright County Recorder against the titles of the respective properties. The fence agreement shall provide for amendment or cancellation only upon written approval from the Zoning Administrator.
2. A fence that is maintenance free, such as a chain link of steel, plastic or vinyl, and is acceptable as such to the zoning administrator, may be constructed up to the side or rear yard property line.
3. The City may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit to establish the boundary lines of the property by a survey thereof to be made by any land surveyor.
4. No fences shall be placed on or extend into public rights of way or onto public property.

C. Construction and Maintenance:

1. Every fence shall be constructed in a substantial, workmanlike 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 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 Zoning Administrator shall commence proper proceedings for the abatement thereof.
2. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or street right-of-way.
3. Electric fences shall only be permitted in the UR District when related to agriculture, and on farms in other districts when related to agricultural purposes, but not as boundary fences.
4. Barbed wire fences shall only be permitted on farms related to agriculture except as provided for by Section 1020-2.H.3 of this Ordinance.

D. Solid Walls: Solid walls up to eight feet (8') in height that are not part of buildings may be constructed and maintained only within the buildable area of a lot.

E. Traffic Sight Visibility Triangle: On corner lots, no fence or screen shall be permitted within the traffic sight visibility triangle specified by Section 1016-7 of this Ordinance.

F. Residential Fencing and Screening:

1. Except as provided herein, fences shall be at least five percent (5%) open for passage of air, light, and drainage.
2. Except as provided herein, fences may not exceed six feet (6') in height. Montrose Zoning Ordinance 1020-2
3. Fences extending across front yards and side yards abutting a public right-of-way shall not exceed forty-eight inches (48") in height and shall be at least seventy five percent (75%) open space for passage of air and light and shall conform to the traffic visibility triangle requirements of Section 1016-7 of this Ordinance.

G. Swimming Pool Protection:

1. All in-ground pools regardless of capacity and all aboveground swimming pools that exceed five thousand (5,000) gallons shall require a building permit before installation.
2. Each application for a building permit (to construct a swimming pool) shall be accompanied by plans of sufficient detail to illustrate:
  - a. The proposed location of the pool and its relationship to the principal building on the lot.
  - b. The size of the pool.
  - c. Fencing and other fixtures existing and proposed on the lot, including utility location and trees.
  - d. The location, size, and types of equipment to be used in connection with the pool, including, but not limited to, filter unit, pump fencing, and the pool itself.
  - e. The requirements contained in Sections 1020.G.2 and 1020.G.3 of this Ordinance will be satisfied including submission and approval of a site plan.
3. All swimming pools for which a permit is required shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure, or any combination thereof, of sufficient density as to be impenetrable. If fences are employed, they shall be at least four feet (4') in height. The bottoms of the fences shall not be more than four inches (4") from the ground nor shall any open space in the fence be more than four inches (4"). Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small

children. The fencing requirements of this Section need only be provided around the means of access on aboveground pools which have four feet (4') high, vertical or outward inclined side walls. Prior to filling the pool, the Montrose Zoning Ordinance 1020-3 approved fence and/or screen shall be completely in place and inspected and approved by the City Building Official.

4. In all residential districts, swimming pools shall be set back ten feet (10') from all adjoining lots and, except for fences and pump enclosures, shall be located at least ten feet (10') away from any other building or structure on the same lot and shall not be located within a drainage or utility easement. Swimming pools shall not be permitted in a front yard or in the area between the street right-of-way and the minimum required building side yard setback line.

#### H. Business and Industrial Fencing:

1. No fence shall be allowed in the front yard of a business use except by conditional use permit.
2. Except in a required front yard, business and industrial fences may be erected up to eight feet (8') in height. Fences in excess of eight feet (8'), not located in a required front yard, shall require a conditional use permit.
3. Business and industrial fences with barbed wire security arms shall be erected a minimum of six feet (6') in height (measured without the security arm). The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public. Security fencing shall be prohibited within a required front yard or when located along a property line abutting a residential use.

I. Special Purpose Fences: Fences for special purposes and fences differing in construction, height or setback that are not constructed within a required front yard may be permitted in any district as a conditional use permit subject to Chapter 1005 of this Ordinance.