

Agenda



Hugo Planning Commission
Thursday, July 10, 2025
Hugo City Hall
7:00 PM

- A. **ROLL CALL:** Andress, Derr, Granger, Kelly, Klein, Kleissler, Petty
- B. **PLEDGE OF ALLEGIANCE**
- C. **APPROVAL OF MINUTES**
 - 1. March 27, 2025
- D. **PUBLIC HEARING**
 - 1. **Barton Guthrie, 8991 130th Street North** – Minor Subdivision
 - 2. **Ordinance Amendment** – Fences
- E. **NEW BUSINESS**
- F. **OLD BUSINESS**
- G. **ADJOURNMENT**

Minutes for the Planning Commission Meeting of Thursday, March 27, 2025

Chair Kleissler called the meeting to order at 7:00 pm.

PRESENT: Address, Derr, Granger, Kelly, Klein, Kleissler, Petty

ABSENT: None

STAFF: Rachel Juba, Community Development Director
Max Gort, Associate Planner

Pledge of Allegiance.

Approval of Minutes for the Planning Commission Meeting of March 13, 2025

Commissioner Klein made a motion, seconded by Commissioner Petty, to approve the minutes for the Planning Commission meeting of March 13, 2025.

AYE: Address, Derr, Kelly, Klein, Petty

NAY: None.

ABSTAIN: Granger, Kleissler

Motion carried.

Public Hearing: Ordinance Amendment – On-Street Parking

Associate Planner Gort presented background on the proposed amendments to the parking ordinance. The current ordinance allows for vehicles and trailers to be parked on city streets up to 72 hours, with the intent to prevent long-term storage of vehicles and trailers on the street. The City has received complaints detailing trailers being stored on city streets long-term, and due to the current ordinance language not being explicit in its intent, the City has had some difficulty enforcing this intent. During the code enforcement process, owners of trailers would move the equipment some small distance along their street, effectively storing it on the street long-term. Long-term storage of trailers on public streets creates disruptions to maintenance operations such as street sweeping, and can cause damage to the streets in some cases. The proposed amendments to the ordinance would prohibit the parking of trailers on public streets, except while being loaded or unloaded for a cumulative period not to exceed 24 hours during any seven-day period. Additionally, any trailer moved a distance of three-tenths of a mile or less during the seven-day period will be considered to have remained parked. Staff recommended that the Planning Commission hold a Public Hearing and take all comments, and that the Planning Commission recommend approval of the proposed ordinance revisions to the City Council.

Commissioner Petty asked how the three-tenths of a mile distance would be measured. Gort said that a measurement detail had not been determined, and Community Development Director Juba said that

if the Planning Commission would like to have it clarified, that staff can work with the City Attorney to draft the language. Commissioner Klein said he thought that would make sense.

Chair Kleissler asked how the new ordinance would be enforced. Gort explained that the City currently responds to complaints for vehicles and trailers being stored on the street by performing an inspection, and then returning to the location over the course of the next 72 hours to determine whether the vehicle or trailer has moved from its location. Under the new ordinance, trailers would need to be moved from their parked location within 24 hours.

Commissioner Klein asked what the penalty for violations of the parking ordinance is. Gort said that the parking ordinance has a subsection stating that two violations of the *Prohibited Parking* section within a 30-day period would constitute a petty misdemeanor, and that the equipment may be towed.

Chair Kleissler opened the Public Hearing at 7:12 PM

No one spoke.

Chair Kleissler closed the Public Hearing at 7:12 PM

Chair Kleissler asked how residents would be notified of the parking rules changing. Juba stated that new ordinances are published in the newspaper and published on the City website.

Commissioner Klein made a motion, seconded by Commissioner Petty, to recommend approval of the revisions to the parking ordinance, with the recommendation that language be added to clarify how three tenths of a mile would be measured.

All ayes.
Motion carried.

New Business

None.

Old Business

None.

Adjournment

Commissioner Klein made a motion, seconded by Commissioner Derr, to adjourn at 7:15 PM.

All ayes.
Motion carried.

March 27, 2025 PC Minutes

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Respectfully Submitted,
Max Gort, Associate Planner

**CITY OF HUGO COMMUNITY
DEVELOPMENT DEPARTMENT**

**PLANNING AND ZONING
APPLICATION STAFF REPORT**

TO: Hugo Planning Commission

FROM: Max Gort, Associate Planner

SUBJECT: **Barton Guthrie** – Request for a minor subdivision for the property located at 8991 130th Street North.

DATE: July 1, 2025 for the Planning Commission Meeting of July 10, 2025

ZONING: Rural Residential (RR)

LAND USE: Large Lot Residential (LL)

REVIEW DEADLINE: August 3, 2025

1. DESCRIPTION OF REQUEST:

The applicant is requesting approval of a minor subdivision to create two lots out of a 39.75 acre lot. The lots created would be two parcels that are 29.75 and 10 acres in size.

2. CONTEXT:

A. Surrounding Land Use and Zoning

The surrounding properties to the west, east, and south are zoned Rural Residential and are occupied by agricultural uses and single-family homes. The property to the north is zoned Agricultural and occupied by a farm and single-family home.

B. Natural Characteristics of Site

The property is has some rolling terrain that gradually slopes towards a small portion of Long Lake that lies in the southeast corner of the property. There are some wetlands in the southern portion of the property.

3. ANALYSIS:

A. Level of City Discretion in Decision-Making

The City has limited discretion in approving or denying a minor subdivision application. The City’s discretion is limited to whether or not the proposed subdivision meets the standards outlined

Guthrie Minor Subdivision

in the Comprehensive Land Use Regulations. If it meets these standards, the City must approve the subdivision.

B. Consistency with Ordinance Standards

Minor Subdivision Request

Lot Size

The Agricultural zoning district requires a minimum lot size of 10 acres with a 300-foot minimum width and a minimum depth of 480 feet. The two proposed lots will meet these requirements.

Utilities

The property is currently outside of the Metropolitan Urban Service Area (MUSA), which means the property is not eligible to receive City sewer and water. Services are not currently available to the site or planned for the site in the future.

Any parcel proposed to be future home sites and would need a new well and septic system. The applicant has submitted a soil test indicating that there is sufficient space on the new parcels that is suitable for a septic system on both proposed parcels. The locations have been approved by Washington County.

Grading and Wetlands

A grading plan will have to be submitted to the City prior to the issuance of a building permit for the proposed lot. The applicant shall demonstrate the building sites will comply with the City's regulations regarding building elevation related to groundwater. A permit will need to be obtained from the City for the location of the new driveway.

Prior to the issuance of any building permit the applicant shall demonstrate that the proposed home and buildings will not impact any wetlands.

Stormwater management

Prior to the issuance of any building permits the applicant shall demonstrate that the proposed parcels meet the Rice Creek Watershed District Rules regarding stormwater management and erosion control.

Streets

The proposed parcels have access to 130th Street North, an existing County State-Aid Highway. At the time of application for a building permit, the applicant shall apply for a driveway permit as well as obtain necessary access permits from Washington County.

Sidewalks/Trails

There is a proposed trail in the 2040 Comprehensive Plan along 130th Street North. Prior to the issuance of any building permit, the applicant will need to demonstrate that the proposed trail will not be impacted.

Park Dedication and Open Space

A park dedication is required of all land subdivided for residential purposes. The applicant will not be dedicating parkland with this project, and would therefore be responsible for the parkland dedication fee, currently set at \$3,400 per lot. The applicant is only responsible to pay for the creation of one lot.

4. STAFF RECOMMENDATION:

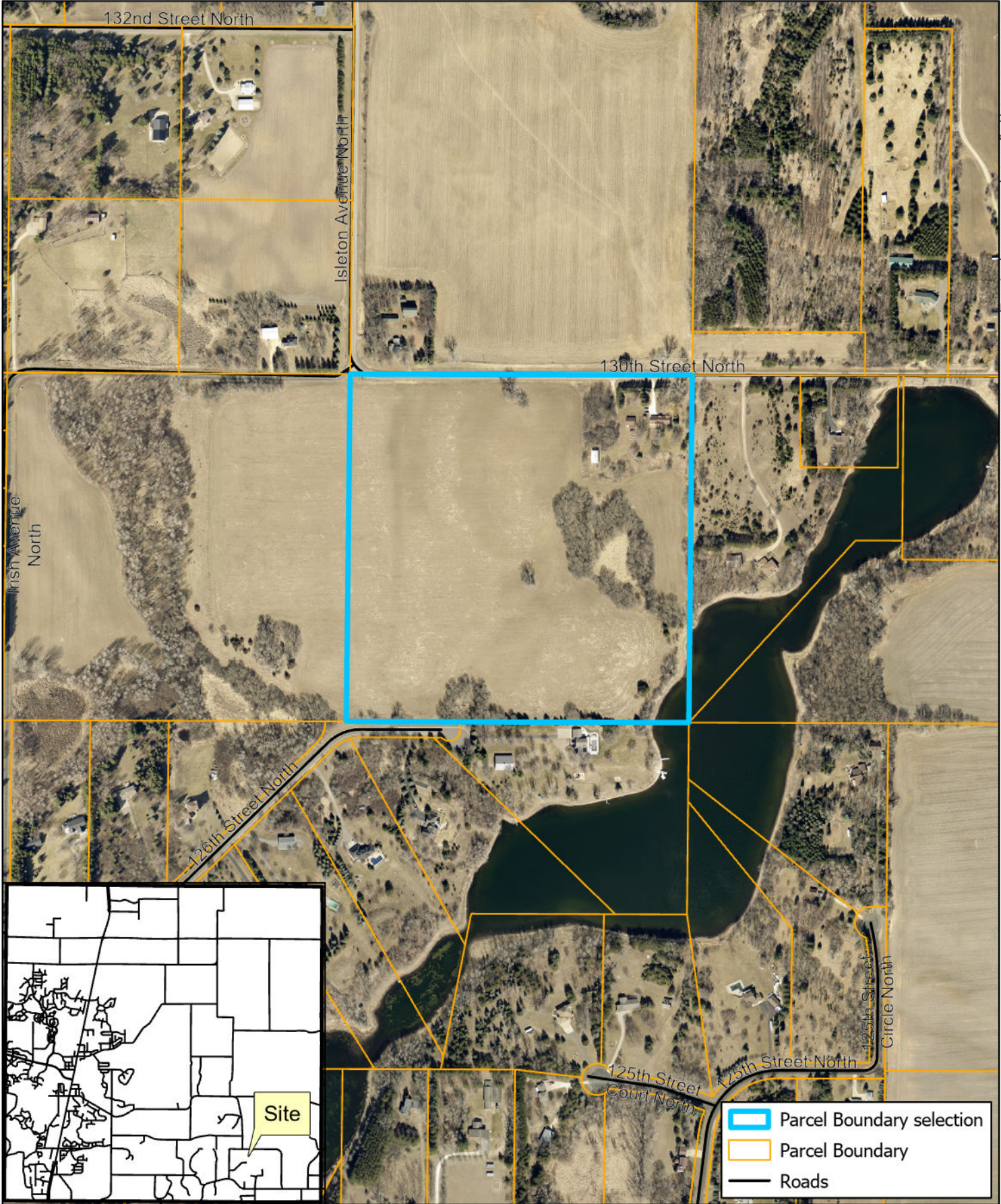
Staff is of the opinion that the requested minor subdivision meets the City Code requirements and guidelines outlined in the 2040 Comprehensive Plan.

Staff recommends that the Planning Commission open the public hearing and take all comments.

Staff recommends approval the minor subdivision subject to the conditions listed in the attached draft resolution to the Planning Commission.

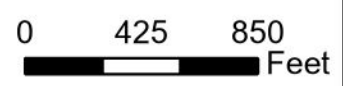
ATTACHMENTS:

1. Location Map
2. Minor Subdivision Survey
3. Draft Resolution Approving the Minor Subdivision
4. Sewage Treatment System Approval Letter



8991 130th St N

Location Map
Hugo, Minnesota



1 in = 700 feet

CERTIFICATE OF SURVEY

MINOR SUBDIVISION

LEGEND

- SECTION LINE
- QUARTER (1/4) SECTION LINE
- QUARTER QUARTER (1/4-1/4) SECTION LINE
- RIGHT-OF-WAY LINE
- SUBJECT TRACT(S) BOUNDARY
- OHE — OVERHEAD ELECTRIC WIRE
- EDGE OF WOODS
- ROADWAY/DRIVE/TRAIL CENTERLINE
- FENCE - WOOD
- FENCE - BARB WIRE
- BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT
- GRAVEL PAVEMENT
- BUILDING
- DENOTES FOUND 1/2" OPEN IRON PIPE MONUMENT UNLESS OTHERWISE SHOWN
- DENOTES SET 1/2 INCH IRON PIPE MONUMENT W/ CAP MARKED 49021
- ⊙ SEPTIC TANK LID
- ⊞ TELECOM PEDESTAL
- ⊗ WATER WELL
- ⊕ ELECTRIC POLE
- ⊖ GUY WIRE ANCHOR
- ⊘ MAILBOX
- ⊙ SIGN - SINGLE
- ⊙ LIQUID PROPANE (LP) TANK
- ☀ TREE - CONIFER
- ☀ TREE - DECIDUOUS 8" AND UP

PROPERTY DESCRIPTION: (per applicable portion of Quit Claim Deed Doc. No. 4301969)

The Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) and the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4) of Section Number Thirty-five (35), in Township Number Thirty-one (31) North, of Range Number Twenty-one (21) West, containing according to United States Survey Eighty (80) acres and identified by Washington County PIDs: [1] 35.031.21.21.0001 and [2] 35.031.21.12.0001

PROPOSED PROPERTY DESCRIPTIONS:

PARCEL A:

That part of the Northwest Quarter of the Northeast Quarter of Section 35, Township 31, Range 21, Washington County, Minnesota, described as follows: Beginning at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 37 minutes 05 seconds West, assumed bearing along the East line of said Northwest Quarter of the Northeast Quarter, a distance of 923.23 feet; thence North 72 degrees 11 minutes 53 seconds West, 541.85 feet; thence North 00 degrees 37 minutes 05 seconds East, parallel with said East line, 759.80 feet to the North line of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 45 minutes 09 seconds East, along said North line, 517.67 feet to the Point of Beginning.

SUBJECT TO:

An easement for drainage and utility purposes over, under and across that part of said Northwest Quarter of the Northeast Quarter described as follows: Commencing at said northeast corner of the Northwest Quarter of the Northeast Quarter; thence South 00 degrees 37 minutes 05 seconds West, assumed bearing along the East line of said Northwest Quarter of the Northeast Quarter, 923.23 feet; thence North 72 degrees 11 minutes 53 seconds West, 55.00 feet to the Point of Beginning; thence continue North 72 degrees 11 minutes 53 seconds West, 409.75 feet; thence North 17 degrees 48 minutes 07 seconds East, 132.00; thence North 59 degrees 18 minutes 09 seconds East, 189.00 feet; thence South 19 degrees 41 minutes 48 seconds East, 85.00 feet; thence South 06 degrees 48 minutes 16 seconds East, 143.00 feet; thence South 48 degrees 28 minutes 53 seconds East, 189.20 feet to the Point of Beginning.

Subject to 130TH Street North and any other easements of record.

PARCEL B:

The Northwest Quarter of the Northeast Quarter of Section 35, Township 31, Range 21, Washington County, Minnesota except the following described property: Beginning at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 37 minutes 05 seconds West, assumed bearing along the East line of said Northwest Quarter of the Northeast Quarter, a distance of 923.23 feet; thence North 72 degrees 11 minutes 53 seconds West, 541.85 feet; thence North 00 degrees 37 minutes 05 seconds East, parallel with said East line, 759.80 feet to the North line of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 45 minutes 09 seconds East, along said North line, 517.67 feet to the Point of Beginning.

SUBJECT TO:

An easement for drainage and utility purposes over, under and across that part of said Northwest Quarter of the Northeast Quarter described as follows: Commencing at said northeast corner of the Northwest Quarter of the Northeast Quarter; thence South 00 degrees 37 minutes 05 seconds West, assumed bearing along the East line of said Northwest Quarter of the Northeast Quarter, 923.23 feet to the Point of Beginning; thence North 72 degrees 11 minutes 53 seconds West, 210.00 feet; thence South 55 degrees 20 minutes 17 seconds East, 187.00 feet; thence South 22 degrees 30 minutes 50 seconds West, 387.00 feet to the South line of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 44 minutes 38 seconds East, along said South line, 190.00 feet to the southeast corner of said Northwest Quarter of the Northeast Quarter; thence North 00 degrees 37 minutes 05 seconds East along said East line, 400.53 feet to the Point of Beginning.

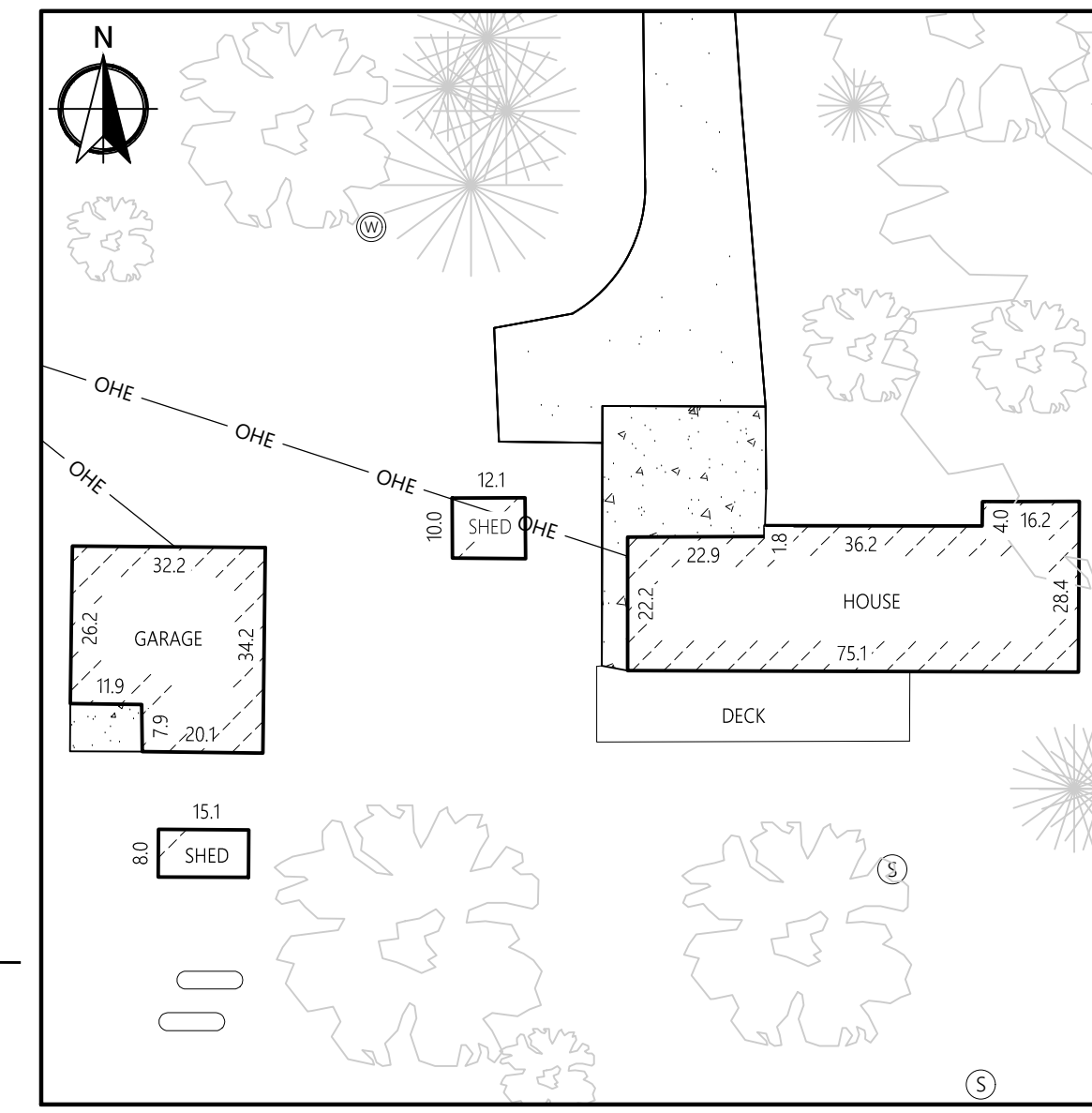
AND SUBJECT TO:

An easement for drainage and utility purposes over, under and across that part of said Northwest Quarter of the Northeast Quarter described as follows: Commencing at the southwest corner of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 44 minutes 38 seconds East, assumed bearing along the South line of said Northwest Quarter of the Northeast Quarter, 377.00 feet to the Point of Beginning; thence North 00 degrees 15 minutes 22 seconds East, 42.00 feet; thence North 26 degrees 18 minutes 35 seconds East, 100.18 feet; thence South 89 degrees 44 minutes 38 seconds East, 80.00 feet; thence South 00 degrees 15 minutes 22 seconds West, 132.00 feet to the South line of said Northwest Quarter of the Northeast Quarter; thence North 89 degrees 44 minutes 38 seconds West along said South line, 124.00 feet to the Point of Beginning. Subject to 130TH Street North and any other easements of record.

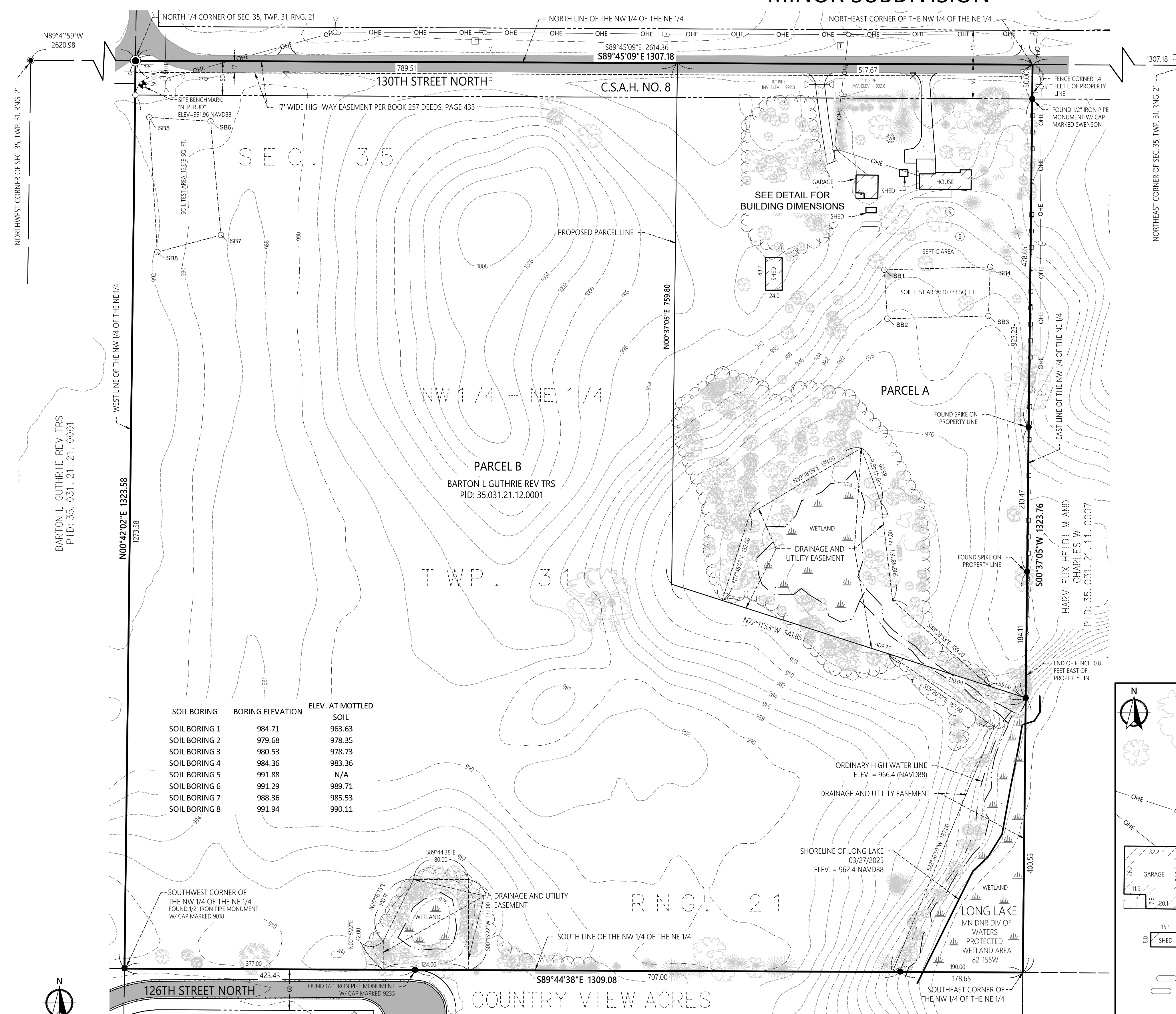
SURVEY NOTES:

- Orientation of this bearing system is based on the Washington County Coordinate System NAD83(1986 adj.)
- Vertical control: MnDOT BM "RAM" elev. = 991.958 (NAVD88)
- Property Address: 8991 130th St. N, City of Hugo, MN 55038
PID: 35.031.21.12.0001
- Existing Acreage: 1,731,490 Sq. Ft. or 39.75 Acres
- Proposed Lot areas:
PARCEL A: 435,619 Sq. Ft. or 10.00 Acres
PARCEL B: 1,295,871 Sq. Ft. or 29.75 Acres
- The property is zoned RR — Rural Residential District (per City of Hugo Zoning Map)
Building Setbacks (per City of Hugo Zoning District Regulations)
Front Yard/Right of Way = 40 feet Minimum Parcel Requirements:
Side Yard = 20 feet Minimum width : 300 feet
Rear Yard = 50 feet Minimum depth : 400 feet
NOTE: Building setbacks not shown on the survey.
- This survey was done without the benefit of a title commitment. There may be additional easements that affect the subject property that are not shown on the survey.
- Field work was performed on March 27th, 2025.
- Contours shown are LIDAR derived on the NAVD88 datum provided by MnDNR.
- A Gopher State One Call (GSOC) request was placed on 03/20/2025 for utility locates on site. The underground utility locations, shown hereon, if any, are approximate and are based upon locates from those utility providers that actually performed a locate as a result of this request. The surveyor has not physically located the underground utilities. Pursuant to MS216.D contact Gopher State One Call at (651-454-0002) prior to any excavating. Ticket No. 250790362
- The current City of Hugo regulations governing building elevations are as follows:
Lowest Building opening elevations shall meet the following criteria:
At least 3 feet above the 100-year high water elevation of adjacent surface waters
Lowest floor elevations shall meet all of the following criteria:
At least 2 feet above the 100-year flood elevation of adjacent surface waters
At least 1 foot above the emergency overflow of adjacent wetlands or ditches
At least 4 feet above the currently observed groundwater elevations in the area (based on a soil boring at the building site)
At least 2 feet above the elevation of any known historic high groundwater elevations for the area See soil boring report prepared by Josh Putt Lic #4063.
- The property lies within Zone X, areas determined to be outside the 0.2% annual chance floodplain and portions of the property do lie in Zone X, other flood areas, areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood and a portion of the property lies within Zone A near the shoreline of Long Lake, no base flood elevations determined per FEMA Map No. 27163C0143E, effective date February 3, 2010.

DETAIL (1" = 30')



SOIL BORING	BORING ELEVATION	ELEV. AT MOTTLED SOIL
SOIL BORING 1	984.71	963.63
SOIL BORING 2	979.68	978.35
SOIL BORING 3	980.53	978.73
SOIL BORING 4	984.36	983.36
SOIL BORING 5	991.88	N/A
SOIL BORING 6	991.29	989.71
SOIL BORING 7	988.36	985.53
SOIL BORING 8	991.94	990.11



COUNTRY VIEW ACRES



DRAWN BY: JAS
CHECKED BY: SMK

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Shawn M. Kupcho
Shawn M. Kupcho L.S. LIC. NO.: 49021 DATE: 04/30/2025

DATE	AMENDMENT DESCRIPTION

PREPARED FOR:
BART GUTHRIE
CERTIFICATE OF SURVEY PROJECT #: 2025-10406

RESOLUTION 2025-XX

**APPROVING A MINOR SUBDIVISION FOR BARTON GUTHRIE FOR PROPERTY
LOCATED AT 8991 130TH STREET NORTH**

WHEREAS, an application has been filed by Barton Guthrie that requests approval of a minor subdivision for property located at 8991 130th Street North.

WHEREAS, the subject property is legally described as follows:

See Attached

WHEREAS, the Planning Commission has reviewed said request at a duly called Public Hearing on July 10, 2025, and recommends approval, and;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUGO, MINNESOTA, that it should and hereby does approve the minor subdivision for Barton Guthrie, subject to the following conditions:

1. A minor subdivision is approved to allow the creation of two lots, in accordance with the plans and application received by the City on May 2, 2025.
2. Prior to recording the minor subdivision:
 - a. The park dedication shall be cash-in-lieu of dedication for a total of \$3,400.
 - b. A 50-foot-wide roadway easement shall be dedicated to Washington County for the right-of-way for 130th Street North.
3. Prior to issuance of any building permit:
 - a. The applicant shall provide a grading plan that reflects the current topography and proposed grading.
 - b. The applicant shall demonstrate that the parcels are able to meet the Rice Creek Watershed District Rules.
 - c. The applicant shall demonstrate the building sites will comply with the City's regulations regarding building elevation related to groundwater.
 - d. The applicant shall demonstrate that the proposed home and buildings will not impact any wetlands.
 - e. The applicant shall demonstrate that the proposed trail along 130th Street North will not be impacted
 - f. The applicant shall obtain a driveway access permit from Washington County
 - g. The applicant shall obtain a septic permit from Washington County

ADOPTED by the City Council on July 21st, 2025.

Tom Weidt, Mayor

ATTEST:

Michele Lindau, City Clerk

Legal Description

The Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Number Thirty-five (35), in Township Number Thirty-one (31) North, of Range Number Twenty-one (21) West, containing according to United States Survey Eighty (80) acres and identified by Washington County PIDs: [1] 35.031.21.21.0001 and [2] 35.031.21.12.0001.



PUBLIC HEALTH & ENVIRONMENT

David Brummel, Director
Jill Timm, Deputy Director

June 3, 2025

Hugo City Hall
14669 Fitzgerald Avenue North
Hugo MN 55038

Subdivision/Lot Split Review – Parcel Identification Number 3503121120001

On May 2nd, 2025, the Department of Public Health and Environment ('Department') received application for a lot split in the City of Hugo (Application #2025-3335). On May 29, 2025, representatives from the Department conducted observations on Parcel 3503121120001 and verified the soil and site conditions. Based on the findings submitted by designer Josh Putt, each proposed parcel appears to have 10,000 ft² of suitable soil for wastewater treatment.

It should be noted that the soil testing conducted for this lot was preliminary and only for the purpose of determining suitability of this lot to support long-term sewage treatment. Section 9.5 of the Washington County Development Code, Chapter Four, Individual Sewage Treatment System Regulations (Washington County Ordinance #206) states:

Complete soil testing on each individual lot must be conducted prior to permit issuance independent of any prior subdivision or lot approval testing. For permit issuance, a minimum of four (4) soil observations encompassing the proposed sewage treatment area are required. At least one soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions. Larger areas may be required where conditions of use, soils, topography, or vegetation require.

If you have any questions or comments, please contact me at 651-430-6695.

Sincerely,

Marlee Dietrich
Environmental Specialist

A great place to live, work and play...today and tomorrow

Government Center | 14949 62nd Street North | P. O. Box 6 | Stillwater, MN 55082-0006
P: 651-430-6655 | F: 651-430-6730 | TTY: 651-430-6246
www.co.washington.mn.us



Washington County is an equal opportunity organization and employer

Memorandum

To: Hugo Planning Commission

From: Max Gort, Associate Planner

Date: July 3, 2025 for the Planning Commission meeting of July 10, 2025

Re: Public Hearing – Ordinance Amendment, Fences

1. BACKGROUND:

Section 90-227 of City Code outlines requirements for fences, and requires approval of a Conditional Use Permit (CUP) for placing a fence within a drainage and utility easement. New residential developments in the City of Hugo are required to dedicate easements for drainage and utility purposes around the perimeter of single-family lots. Some of these easements have public improvements, such as underground utilities, or provide access to a public outlot for maintenance purposes. When a resident is constructing a fence on their property line, they are almost always going to be locating the fence within the easement. Staff has been requiring that residents constructing a fence within an easement request an Encroachment Agreement from the City Council instead of a CUP, whether or not the easement has any public improvements. The Encroachment Agreement request lengthens the approval process for a fence, and the proposed amendments are intended to streamline the process for residents.

The purpose of requiring the Encroachment Agreement is to allow for the city to access an easement and remove the fence if necessary. In most cases, where there are no public improvements located in an easement or an easement isn't providing access to a public improvement, there will not likely be a need to remove the fence. However, in the cases where an easement is used for public improvements, the city has an interest in dictating the fence's location with respect to the improvements and requiring that the resident request an Encroachment Agreement to be approved administratively by the Public Works department.

In addition to items relating to placing fences within easements, staff identified a number of items within the ordinance that should be updated to better reflect administrative practices. The ordinance states that fences require a permit issued by the city building official, but the city has not been requiring or issuing fence permits. The ordinance also has a table that outlines setback and height requirements for fences that could be simplified, including removing requirements for zoning districts that no longer exist.

At its meeting of June 2, 2025, the City Council authorized staff to work with the City Attorney on drafting amendments to the fence ordinance. Staff has determined that the goals of the Encroachment Agreement process could be met by requiring them only when a public improvement is present within the easement.

Staff has drafted text amendments that include the following:

- A statement that any fence placed within an easement may be removed in the event that work needs to be performed within the easement.
- A requirement that any fence placed within an easement where public improvements are located, or access to public improvements is located, must receive administrative approval from the Public Works department, and be recorded at the county.
- Removal of the requirement that a fence receives a permit from the city building official.
- Simplifying the height and setback requirements table to better reflect current zoning districts.

2. STAFF RECOMMENDATION:

Staff recommends that the Planning Commission hold a public hearing and take all comments.

Staff recommends that the Planning Commission recommend approval of the proposed text amendments to the City Council.

Attachments:

1. Redlined ordinance section with text amendments.
2. Draft ordinance text amendments.

Sec. 90-227. Fences.

- (a) It is unlawful for any person to construct or maintain a fence, except in conformance with this chapter.
- ~~(b) Fences are allowed as an accessory use in all zoning districts of the city. No fence shall be constructed in the urban development area or on a parcel of land ten acres or less in size in the rural residential zoning district without a permit issued by the city building official.~~
- (b) All fences shall be located entirely upon the property of the person owning the fence, except line fences used for agricultural purposes.
- (c) All fence owners shall maintain the fence in a state of good repair and appearance, and not allow the fence to become a safety hazard or nuisance. The city building official may order the removal or repair of any fence that is unsafe, seriously dilapidated, blocking drainage, or in any way poses a threat to public health, safety, and welfare.
- (d) No fences shall be placed in a public road right-of-way, except temporary barriers authorized by public safety personnel, the city engineer, or the city ~~maintenance supervisor~~public works director.
- (e) ~~As to any fence (or any structure or landscaping), or any part thereof, installed or present within a public easement, the city may remove the fence (or order it removed at its own discretion) in the event that work needs to be performed within the easement free of any claims of cost, loss or damage. The city and any agent of the city shall be held harmless for any and all claims for damage to the fence, or part thereof, arising out of or relating to work performed in the easement, including but not limited to the removal of the fence or any part thereof. The city is not responsible or liable for the costs of repair, reinstallation or restoration of any fence or part thereof removed from the easement.~~
- (f) Fences (or any structure or landscaping) may not be placed within a public easement where public improvements are located, or where an easement provides access to a public improvement, without first receiving approval of an encroachment agreement by the public works director or other designee, along with proof that the agreement has been filed with the record for the property in the office of the County Recorder or Registrar of Title.
- (g) That side of the fence considered to be the face or facing as applied to fence posts, shall front abutting property (good side out). This shall not prohibit construction of wire or cable fences used to control livestock in conformance with common agricultural practices.
- (h) No person shall construct or maintain any fence that is connected to, or charged by, an electrical system, except low-amperage systems used for livestock control in agricultural, long-term agricultural, and rural residential zoning districts.
- (i) The following fencing materials are allowed in all zoning districts:
 - (1) Chain link.
 - (2) Decorative masonry or block.
 - (3) Wrought iron.
 - (4) Brick.
 - (5) Natural stone, dressed, or undressed.
 - (6) Wood of proven exterior durability such as cedar, redwood, or treated wood.
 - (7) Plastic fencing manufactured to look like wood fencing.
- (j) Barbed wire and cable fences are allowed only in the agricultural, long-term agricultural, ~~and~~rural residential, and future urban service zoning districts, except up to four strands of barbed wire may be used

to top fencing at least six feet high in the industrial and restricted industrial zoning districts. Razor or ribbon wire is prohibited in all zoning districts.

- (k) No opaque fence or other visual obstruction over two feet tall shall be placed or allowed to develop within 20 feet of the intersection of any public street where both streets have a speed limit of 35 miles per hour or less. In this case, the intersection shall be considered the edge of the curb or travel portion of the roadway. Where one or more of the streets has a speed limit in excess of 35 miles per hour, such setback requirement shall be 30 feet or as may be necessary for traffic and pedestrian safety.
- (l) No fence over three feet high shall be constructed within ten feet of the ordinary high-water level of any lake or waterbody listed in section 90-137. No fence shall extend beyond the ordinary high-water level of any lake or waterbody listed in section 90-137.
- (m) All fences constructed in the floodplain overlay district shall be of an open type, and must not obstruct the free-flow of floodwaters, either by its construction, or through the collection of debris during periods of flooding.
- (n) A conditional use permit shall be required in the floodway and a use permit shall be required in the flood fringe for any fences that have the potential to obstruct flood flows such as cyclone fences and fences made of rigid walls such as wood or concrete privacy fences.
- (o) All fences constructed or maintained in the city shall comply with the setback and height requirements found below:

Fence Setback and Maximum Height Standards (in feet)

	<u>AG₁</u> , <u>LA</u> , <u>RR</u> , <u>FUS</u>	<u>R-1</u> , <u>R-2</u> , <u>R-3</u> , <u>CR-3</u>	<u>R-4</u> , <u>R-5</u>	<u>C-1</u>	<u>C-2</u>	<u>RI-1</u>	<u>I-3</u>	<u>RC-1</u>
Front Yard Setback	None	None	15	10	30	40	30	40
Side Yard Setback	None	None	None	None	None	None	None	None
Rear Yard Setback	None	None	None	None	10	None	None	None
Front Yard Height	6	4	4	4	4	4	4	4
Side & Rear Yard Height	8	6	6	8	8	10	10	10

- (p) Fences up to six feet high may be constructed on a side property line in the urban residential, multifamily, and central residential zoning districts. Fences up to eight feet high may be constructed along the side and rear yards in these zoning districts with a setback of six feet from all property lines.

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- (q) Front yard fences may be of opaque construction up to a height of four feet, excepting corner setback areas, and so long as they do not pose a threat to public safety. In the agricultural, long-term agricultural, and rural residential zoning districts, that portion of a fence over four feet high must be of open construction.
 - (r) Temporary fencing of construction sites, disaster scenes, and other sites posing a threat to public safety is allowed subject to permission of the property owner. Such temporary fencing shall be allowed only for the period of time required to ensure the public safety. Manufactured safety fence, snow fences, plywood and natural wood fences, portable concrete barriers, and similar products and techniques are allowed for this use, as well as those materials specified for use in permanent fencing.

(Prior Code, § 1195-270.1; Ord. No. 2009-434, § 1, 10-5-2009)

ORDINANCE 2025-__

AN ORDINANCE AMENDING CHAPTER 90, ARTICLE, SECTION 90-227 AS IT RELATES TO FENCES

TITLE:

An ordinance adding to and amending Chapter 90, Article VI. – REQUIREMENTS FOR SPECIFIC USES AND PERFORMANCE STANDARDS, Section 90-227. – Fences., Subsection (g). – Prohibited parking.

THE CITY OF HUGO ORDAINS:

The City Council of the City of Hugo does hereby amend Article VI REQUIREMENTS FOR SPECIFIC USES AND PERFORMANCE STANDARDS, Section 90-227 FENCES.

Removing items under Subsection (b):

(b) Fences are allowed as an accessory use in all zoning districts of the city. No fence shall be constructed in the urban development area or on a parcel of land ten acres or less in size in the rural residential zoning district without a permit issued by the city building official.

Amending items under Subsection (d), (e), (f), (j) and (o) to read as follows:

(d) No fences shall be placed in a public road right-of-way, except temporary barriers authorized by public safety personnel, the city engineer, or the city public works director.

(e) As to any fence (or any structure or landscaping), or any part thereof, installed or present within a public easement, the city may remove the fence (or order it removed at its own discretion) in the event that work needs to be performed within the easement free of any claims of cost, loss or damage. The city and any agent of the city shall be held harmless for any and all claims for damage to the fence, or part thereof, arising out of or relating to work performed in the easement, including but not limited to the removal of the fence or any part thereof. The city is not responsible or liable for the costs of repair, reinstallation or restoration of any fence or part thereof removed from the easement.

(f) Fences (or any structure or landscaping), may not be placed within a public easement where public improvements are located, or where an easement provides access to a public improvement, without first receiving approval of an encroachment agreement by the public works director or other designee, along with proof that the agreement has been filed with the record for the property in the office of the County Recorder or Registrar of Title.

(j) Barbed wire and cable fences are allowed only in the agricultural, long-term agricultural, rural residential, and future urban service zoning districts, except up to four strands of barbed wire may be used to top fencing at least six feet high in the industrial and restricted industrial zoning districts. Razor or ribbon wire is prohibited in all zoning districts.

(o) All fences constructed or maintained in the city shall comply with the setback and height requirements found below:

Fence Setback and Maximum Height Standards (in feet)

	<i>AG, LA, RR, FUS</i>	<i>R-1, R-2, R-3, CR-3</i>	<i>R-4, R-5</i>	<i>C-1</i>	<i>C-2</i>	<i>RI-1</i>	<i>I-3</i>	<i>RC-1</i>
Front Yard Setback	None	None	15	10	30	40	30	40
Side Yard Setback	None	None	None	None	None	None	None	None
Rear Yard Setback	None	None	None	None	10	None	None	None
Front Yard Height	6	4	4	4	4	4	4	4
Side & Rear Yard Height	8	6	6	8	8	10	10	10

Passed and adopted by the City Council of the City of Hugo this 21st day of July, 2025.

 Tom Weidt, Mayor

Attest:

 Michele Lindau, City Clerk