

Memorandum

TO: City Council
FROM: Allison Eddins , Senior planner
DATE: January 5, 2026
SUBJECT: Special Purpose Fence - Heather Ridge HOA
ITEM NUMBER: 8.j
SECTION: CONSENT AGENDA

REQUESTED MOTION

To approve the Special Purpose Fence Permit for the Heather Ridge HOA to replace three existing 8-foot fence sections along the side lots lines shared by three pairs of townhomes. The approval of the fence sections are subject to the following conditions:

1. The approval permits three 8-foot fence sections to be installed along the shard lot lines of 5647 and 5643 Heather Ridge Court, 5639 and 5635 Heather Ridge Court, and 5629 and 5625 Heather Ridge Court per the submitted plans. The fence sections will be of a similar style to the existing fences within the HOA development.
2. The fence will serve a special purpose which is to provide a uniformed level of separation among all of the townhomes within Phase III of the Heather Ridge development.
3. The fence sections shall be maintained in accordance with the standards of the Shoreview Development Code and shall be constructed in accordance with the engineered plans that are required to be submitted with a zoning permit.
4. The HOA will obtain a zoning permit for the new fence and will be required to submit engineered plans.
5. If the fence sections are ever destroyed or removed and a new permit has not been submitted within 180 days, the special purpose fence permit shall be revoked.

INTRODUCTION

The Heather Ridge HOA has submitted a Special Purpose Fence Permit application that would permit the replacement of three fence sections that are 8-feet high and 7.5 feet long. The city code does not permit fences over 6-feet in height unless a variance or a special purpose fence permit is approved.

In October 2025, the Heather Ridge HOA submitted a zoning permit to replace all of the fences within Phase III of the development, including the three 8-foot fence sections. Staff informed the HOA that there is no record of a special purpose fence permit or variance ever being issued for these section. The PUD approvals do not mention the installation of fences and the city did not retain the original building plans that may have shown the 8-foot fence sections being approved. If there had been a previous approval of the 8-foot fences, they would be considered nonconforming and the city would allow them to be replaced. Without a previous approval, the fences are considered illegal and the city cannot permit the replacement.

If the city council approves the special purpose fence permit, the 8-foot fence sections will be

considered legally nonconforming and would be allowed to be replaced.

DISCUSSION

Site Characteristics - The Heather Ridge townhomes are located in northeast Shoreview, uphill from a large forested wetland. The six subject townhomes are located within Heather Ridge Phase III and they back up to a drainage area. The backyards are sloped to allow stormwater runoff to flow west into the drainage area and then south into the wetlands. The six subject townhomes are the only attached townhomes in this phase of Heather Ridge and they are constructed with daylight basements. Each pair of townhomes are constructed with one townhome having an elevated deck and the other with an elevated four season porch. The height of the lowest level of the decks and porches range from four to five feet above grade.

The Heather Ridge townhomes are part of a Planned Unit Development (PUD) that was approved in phases. As part of the condition of approval, the developer was required to maintain the area's natural grading to extent possible in order to ensure that stormwater would continue to flow west and then south into the wetlands. In order to meet this condition, the builder maintained the slope of the six subject lots and built the six townhomes into the small hill that existed in this area.

The site also includes three 8-foot-tall privacy fences that were installed in the early 1990s along with the rest of the fencing in the development. These fences function similarly to privacy wall panels commonly part of townhome and twin home developments to separate patio and immediate backyard areas. They have served as long-standing privacy features for residents and are largely screened from the public right-of-way and surrounding streets due to the site's topography, mature landscaping, and the internal orientation of the units.

Project Description - The existing fence sections are 8-feet in height. They are installed along the shared lot lines of three pairs of attached townhomes. The fence sections do not connect to another fence and they do not extend to the rear lot line. The applicant would like to replace these three sections to match the other fences within the development. If approved, the new fence sections would be white vinyl, similar to what is in place now.

Development Code - [Section 107.65 \(d\) \(7\) \(b\)](#) establishes standards and regulations for residential zoning districts. Fences are permitted provided they do not exceed 4-feet in front yards and 6-feet in side and rear yards. [Section 103.98](#) establishes a permitting process for fences that differ from the code requirements. These types of fences are permitted in any district provided a Special Purpose Fence Permit is approved by the city council. Before issuing the permit, the city council may submit the matter to the planning commission for its recommendation.

Staff Review - The intent of the fence height limit is to minimize the visual impact that they have on the neighborhood, preserve a sense of open space typical of the suburban development pattern and maintain a high level of vehicular and pedestrian traffic visibility. Fences are also intended to provide a sense of security and enclosure.

In staff's opinion, the HOA's request is reasonable and a Special Purpose Fence Permit is justified. The subject property includes existing 8-foot privacy fences that have been in place since the early 1990s and functions as an integral part of the original townhome/twin home site design. The fences are not visible from the public street and have no impact on community

character due to screening, internal orientation of the units, and site layout. It provides necessary privacy between closely spaced units and shared yard areas, and reducing the height would significantly change the level of privacy long provided to residents.

RECOMMENDATION

Staff is recommending that the city council approve the Special Purpose Fence Permit for the Heather Ridge HOA to permit the replacement of three existing 8-foot by 7.5-foot fence sections along the side lots lines shared by the three pairs of townhomes listed in the conditions of approval. The approval of the fence sections are subject to the following conditions:

1. The approval permits three 8-foot fence sections to be installed along the shard lot lines of 5647 and 5643 Heather Ridge Court, 5639 and 5635 Heather Ridge Court, and 5629 and 5625 Heather Ridge Court per the submitted plans. The fence sections will be of a similar style to the existing fences within the HOA development.
2. The fence will serve a special purpose which is to provide a uniformed level of separation among all of the townhomes within Phase III of the Heather Ridge development.
3. The fence sections shall be maintained in accordance with the standards of the Shoreview Development Code and shall be constructed in accordance with the engineered plans that are required to be submitted with a zoning permit.
4. The HOA will obtain a zoning permit for the new fence and will be required to submit engineered plans.
5. If the fence sections are ever destroyed or removed and a new permit has not been submitted within 180 days, the special purpose fence permit shall be revoked.

ATTACHMENTS

[Location Map](#)

[Photo of proposed fence](#)

[Site photos](#)