



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

## Growth Management Department

300 Sixth Street

Marcia Elkins, Director  
Growth Management Department  
city web: [www.rcgov.org](http://www.rcgov.org)

Phone: 605-394-4120  
Fax: 605-394-6636  
e-mail: [Marcia.elkins@rcgov.org](mailto:Marcia.elkins@rcgov.org)

### MEMORANDUM

TO: Public Works Committee  
FROM: Marcia Elkins, *ME* Growth Management Director  
DATE: October 11, 2010  
RE: Fence Height Exceptions

Staff contacted six South Dakota communities (Sioux Falls, Pierre, Spearfish, Brookings, Yankton and Mitchell) to determine what fence height standards those communities currently require and how they process exceptions or variances. Rapid City's fence requirements were similar to the requirements for most of those communities with two exceptions:

- 1) Most of the communities included the fence height requirements in the Zoning Ordinance and required variances to be submitted through the Zoning Board of Adjustment; and,
- 2) Some of the communities allowed a taller fence in the "second front yard" when property was a double frontage lot and/or a corner lot.

Below is a summary of options that the Public Works Committee may wish to consider.

#### Exception/Variance Procedure:

- 1) Move the fence height requirements into the Zoning Ordinance and allow the issue of fence heights exceptions to either be addressed by the Zoning Board of Adjustment as a variance where a physical hardship must be identified or through the Planned Development Process where design solutions, topography or other factors may allow for waivers of fence height restrictions.

Advantages/Disadvantages:



EQUAL OPPORTUNITY EMPLOYER

- a. In the case of variance applications, it will be more difficult for an individual to document a physical hardship and obtain the variance;
  - b. In the case of the planned development applications, it could streamline the process by eliminating the requirement for a separate fence exception to be submitted;
  - c. There would still be notice given to area property owners and an opportunity for public comment; and,
  - d. This option would eliminate the Council involvement in variance applications; however, Planned Development applications would still be appealable to the City Council.
- 2) Allow the staff to issue fence height exceptions, appealable to the City Council.**  
Advantages/Disadvantages:
- a. Would streamline the process for numerous applications; and,
  - b. Would eliminate public notice given to property owners and the opportunity for public comment.
- 3) Maintain the current public hearing process with notice to affected property owners and Council action.**  
Advantages/Disadvantages:
- a. Insures an opportunity for affected property owners to comment on any request; and,
  - b. Retains the City Council's involvement in the process.

#### **Modify Height Requirements for Second Front Yards**

- 1) Maintain current requirement allowing a maximum four foot high fence in front yards, including double frontage lots and corner lots;
- 2) Require one front yard with a maximum four foot high fence; however, on double frontage and/or corner lots, allow a six foot fence on the property line in the second front yard;
- 3) Require one front yard with a maximum four foot high fence; however, on a double frontage and/or corner lot, allow a four foot high fence on the property line or a six foot fence when set back 10 feet from the property line and landscaping is provided;
- 4) Require one front yard with a maximum four foot high fence; however, on a double front and/or corner lot abutting a collector or arterial street allow a six foot fence when set back 10 feet from the property line and landscaping is provided; or,
- 5) Some combination of option 2, 3 and/or 4.

The City Council has generally approved fence height exceptions to allow six foot fences on the rear and/or side property lines when the lot abuts a collector and/or arterial street. Some change to address this situation would appear to be appropriate. In all cases, the fences should be located outside of the sight distance triangles to insure the public safety. By setting the fences back ten feet from the property line, the creation of a "canyon" affect is limited; however, maintenance of this 10 foot strip has been an issue in some communities where this is required. The Sioux Falls Planning staff has indicated that they require the subdivisions backing on to arterials and/or collectors to have deeper lots in this situation to insure an adequate yard area is available with the fence is set in ten feet from the property line. Consideration should be given to providing that additional lot depth or width in those situations.

The Public Works Committee may wish to provide direction and allow staff to bring forward a draft ordinance for consideration based on that direction.