

## Chapter 17.68

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- 17.68.010 Open space, or off-street parking or loading space.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. (Ord. 386 § 304, 2002)

**17.68.020** Yard and lot reduction prohibited.

No yard or lot existing at the time of passage of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of said ordinance codified in this title shall meet at least the minimum requirements established by this title. (Ord. 386 § 305, 2002)

**17.68.030** **Public buildings/  
improvements.**

The construction and related improvements of buildings for public purposes shall be allowed in all zoning districts, provided, that all other restrictions concerning building set-backs, health/safety requirements, environmental concerns, and all other regulatory limitations, as set forth in this title and the Uniform Building Code, are met. All adjacent property owners shall be given notice prior to the approval of a building permit. (Ord. 386 § 505, 2002)

**17.68.040** **Fences, walls and hedges.**

A. Regulations regarding fences, walls and hedges shall be as follows:

1. Purpose. The regulation of fences, walls and hedges is intended to protect the public safety and welfare while maintaining the integrity of the community; providing privacy; buffering noise and allowing adequate air, light and vision.

2. Permit Required. Building permits shall be required to construct fences or walls. Permits for residential zones may be issued by the city administrator or his or her designated representative, applicant to be charged a fee for one inspection.

3. Fences, walls and hedges not more than four feet in height may be located on any part of the lot except that a fence or wall may not be more than thirty (30) percent solid or a hedge more than thirty-six (36) inches in height when it is located within thirty (30) feet of street intersection, measuring along property lines and connecting these two points by a straight line.

4. Fences and walls not more than six feet in height may be erected on any part of a lot other than in the required front yard.

5. All fences must be constructed in such a fashion that the outside or front-side of the fence faces the street or the neighbors property.

B. Exceptions.

1. On double frontage and corner lots used residentially, fences, walls or hedges not more than six feet in height may be placed in a required front yard abutting an arterial or collector street where:

a. The required front yard abutting an arterial or collector street is not used as the front yard;

b. The fence or wall is set back a minimum of ten (10) feet from the property line abutting the arterial or collector street;

c. Intersection safety zones are maintained.

2. Fences, walls or hedges not more than six feet in height may be placed in the side-street-side front yard where:

a. The side-street-side front yard abuts an arterial street shown on the major street plan;

b. The side-street-side front yard is not adjacent to a side yard;

c. The fence, wall or hedge is located no closer to the front yard than the rear wall of the main building;

d. No driveway exit on the arterial street.

3. The maximum fence or wall height for golf courses, public swimming pools, school track and field areas, parks, and ball parks shall be eight feet on any portion of the lot. Fences and walls associated with these uses shall not be more than thirty (30) percent solid.

4. The maximum fence or wall height for public tennis courts shall be twelve (12) feet and shall not be more than thirty (30) percent solid on any portion of the lot.

5. In the central business, highway commercial, light industrial and heavy industrial planning commission districts, fences or walls not more than eight feet in height may be located on any part of a lot, except when such lot is adjacent to a residential use. Barbed wire fences may be erected if the bottom strand is seven feet or higher off the ground and constructed in a fashion so that all barbed wire strands angle to the inside of the fence, providing the fence is placed on the lot line. If the fence is placed inside the lot line, the barbed wire strands may angle to the outside of the fence, providing the barb wire strands do not protrude over the lot line.

C. Fences, Walls and Hedges in Residential Districts.

1. No barbed wire fence shall be erected or maintained in a residential district as defined by the planning commission regulations.

2. No cable fence or woven wire fence shall be erected or maintained in a residential district.

3. No fence, wall or hedge shall be erected or maintained in a residential district in such manner as to unreasonably obstruct the view of others or their access to light or air.

D. Intersection Safety Zone. No monument style sign or other sign with its face less than twelve (12) feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty (30) feet distance from the intersection of the right-of-way lines. (Ord. 386 § 1401, 2002)

**17.68.050 Accessory buildings.**

No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet of any other building. (Ord. 386 § 1402, 2002)

**17.68.060 Erection of more than one principal structure on a lot.**

In any planning commission district authorized by this title there shall be erected no more than one structure having a permitted or permissible principal use on each single lot, provided that all yard and other requirements of this title shall be met for the structure. The use of an accessory building for the seasonal sale of fireworks for a period of time not exceeding that authorized by the laws of the state of South Dakota, and the ordinances of the city at locations authorized by the city council shall not constitute a violation of this section. (Ord. 386 § 1403, 2002)

**17.68.070 Exceptions to height regulations.**

The height limitations contained in this title shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, domes, chimneys, grain elevators or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. (Ord. 386 § 1404, 2002)

**17.68.080 Structures to have access.**

Every building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. (Ord. 386 § 1405, 2002)

**17.68.090      Parking, storage or use of major recreational equipment.**

For purposes of this title, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches, designated to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. (Ord. 386 § 1406, 2002)

**17.68.100      Structures permitted above height limit.**

The building height limitations of this title shall be modified as follows:

A. Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, stage towers or scenery lofts, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted regulations of the city; provided, however, that no such structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.

B. Public, semi-public, or public service buildings, hospitals, sanatoriums, mental or physical health care facilities, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples, when permitted in a district, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each property line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is constructed. (Ord. 386 § 2501, 2002)

**17.68.110      Double frontage lots.**

Buildings on through lots and extending through from street to street shall provide the required front yard on both streets. (Ord. 386 § 2502, 2002)

**17.68.120 Other exceptions to yard requirements.**

Every part of a required yard shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in a rear yard and except for the ordinary projections of sills, belt courses, roof overhang, cornices and ornamental features projecting not to exceed twenty-four (24) inches, and in case of wells, water supply storage systems, septic tanks and disposal systems, including sewage, sanitary, and other, all parts of which shall not be less than thirty (30) feet from the right-of-way. (Ord. 386 § 2503, 2002)

**17.68.130 Front yard exceptions.**

In areas where some lots are developed with a front yard that is less than the minimum required for the district by this title or where some lots have been developed with a front yard greater than required by this title, the following rule shall apply. Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of two hundred (200) feet measured from building to building, except as follows:

- A. Buildings located entirely on the rear half of a lot shall not be counted.
- B. No building shall be required to have a front yard greater than fifty (50) feet.
- C. If no building exists on one side of a lot within two hundred (200) feet of the lot in question, the minimum front yard shall be the same as the building on the other side. (Ord. 386 § 2504, 2002)

**17.68.140 Access to city streets.**

Access to city streets shall be only as approved by the city council. No driveway or street shall connect to any existing street within thirty (30) feet of an existing intersection, wherever possible connections of new streets to existing streets shall align with existing streets. Connections to city collector streets shall occur at intervals of no less than three hundred fifty (350) feet. The following streets are considered collector streets:

- A. North Derby Lane;
- B. North Sodracs Drive;

- C. South Derby Lane;
- D. South Sodrac Drive;
- E. River Drive;
- F. North Merrill Avenue;
- G. Streeter Drive;
- H. Westshore Drive;
- I. Northshore Drive;
- J. Highway 105;
- K. Military Road;
- L. Campbell Street

(Ord. 386 § 1410, 2002)

(Amended May 2006)