

ORDINANCE NO. 295

AN ORDINANCE AMENDING ARTICLE 3, CHAPTER 3.01, SECTION 3.01.12, FENCES, OF THE ZONING REGULATIONS OF THE CITY OF VALLEY SPRINGS, MINNEHAHA COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF VALLEY SPRINGS, MINNEHAHA COUNTY, SOUTH DAKOTA:

Section 1. That Section 3.01.12, Fences, of the Valley Springs Zoning Regulations is hereby amended in its entirety to read as follows:

3.01.12 Fences

Fences may be erected in required yards, provided they meet or exceed the following requirements:

- A. No barbed wire fence shall be erected or maintained in residential districts.
- B. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- C. For R-1 or R-2 District - Fences up to four (4) feet in height may be located on any part of the lot except that such a fence may not be more than 30 percent solid if located within 30 feet of a street intersection, measuring along the property line. Fences up to six (6) feet in height may be erected on those parts of a lot that are as far back or farther back from the street than the main building.

Exceptions:

- 1. Fences up to six (6) feet in height may be placed in the side-street-side front yard where:
 - a. The side-street-side front yard abuts an arterial or collector street shown on the major street plan.
 - b. The side-street-side front yard is not adjacent to a side yard.
 - c. The fence is located no closer to the front yard than the rear wall of the main building.
 - d. No driveways exit on to the arterial street.
- D. For A, B-1, B-2, F, I-1, or I-2 District - Fences not more than eight (8) feet in height may be located on any part of a lot other than in the required front yard setback except when such lot is adjacent to a residential use.
- E. No fence shall be erected which violates *3.01.02 - Visibility at Intersections*.
- F. To preserve the neighborhood character of the Residential district, fences along the perimeter of a front yard shall be of a traditional design and shall not be more than 30 percent solid.

- G. The maximum fence height for golf courses, public swimming pools, school track and field areas, parks and ball parks shall be eight (8) feet and for public tennis courts twelve (12) feet on any portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.
- H. Every outdoor swimming pool or family pool holding more than a depth of twenty-four inches of water shall be in a yard surrounded by a perimeter fence or wall not less than forty-eight inches in height with locked doors or gates or a fence or wall mounted on top of the pool that is forty-eight inches above the top of the pool structure with locked doors or gates, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches except for doors and gates. The fence or wall shall be constructed of durable material and erected in a permanent manner. Temporary fencing or non-durable material such as chicken wire, snow fencing or the like shall not be used.

A dwelling or accessory building may be used as part of such enclosure subject to provisions of 3.01.03. Prior to construction of the fence or wall the owner shall file with the City a detailed plan of the proposed fence with specific reference to the type of materials to be used in the construction of the wall or fence, height thereof and identity of the individual who will be responsible for the construction of such fence or wall.

Existing fences as of September 11th, 2007 that are at least forty-two inches high will be allowed to remain until the property has changed ownership. At that time compliance to the forty-eight inches high fence will be required.

Adopted this 11th day of September, 2007.

Signed: Neal Scadden
Mayor, City of Valley Springs

ATTEST:

Sandy Severtson
Finance Officer, City of Valley Springs

Seal

First Reading: August 14th, 2007
Second Reading & Adoption: September 11th, 2007
Publication: September 19th, 2007
Effective Date: October 9th, 2007