

ORDINANCE NO. 713

AN ORDINANCE OF THE CITY OF HARTFORD, SD, AMENDING THE 2016 REVISED HARTFORD ZONING REGULATIONS BY AMENDING CHAPTER 12, ADDITIONAL USE REGULATIONS.

BE IT ORDAINED BY THE CITY OF HARTFORD, SD THAT CHAPTER 12, SECTION 12.03 AND SECTION 12.08 BE AMENDED TO READ:

12.03 Accessory Buildings and Uses

A. In General.

1. No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal building.
2. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
3. No Accessory building may be placed within drainageways and/or on drainage easements.
4. Accessory buildings may not be used for dwelling purposes.
5. A placement permit is required for accessory buildings under 120 square feet and a building permit is required for accessory buildings over 120 square feet.
6. Any accessory building issues that arise between neighbors become a civil issue between homeowners.
 - a. During a dispute, the City may only provide the original accessory building permit.

B. Accessory Buildings.

1. Except in NRC: Natural Resource Conservation District, no accessory building(s) shall be erected or located within any front yard. Accessory building(s) may be located in a side yard but not within the required setback area of the zoning district. Accessory building(s) may also be located within the rear yard but must meet the setbacks required per section 12.03B(3).
2. Accessory buildings, including, but not limited to, garages, shall not exceed fifteen (15) feet in height as measured from the mean ground level to the highest point of the roof.

3. Accessory buildings 120 square feet or under must be 5 feet or more from all property lines and accessory buildings over 120 square feet must be 10 feet or more from all property lines.
4. The distance between all buildings must be at least 5 feet.
5. Only two accessory buildings shall be permitted per lot.
6. No individual accessory building shall exceed a maximum of 1,000 square feet or 30% of the rear yard, whichever is less.
7. If two accessory buildings are constructed, one must be no larger than 150 square feet.
8. The roofing and siding materials of accessory buildings larger than 150 square feet, except greenhouses, must be of like kind to the principal structure.
9. Any accessory building which is entered directly from an alley shall not be closer than 15 feet to the property line abutting the alley.
10. Accessory buildings not meeting these requirements shall be allowed only as a conditional use.

12.08 Fences

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

- A. No fence shall be erected or substantially altered without securing a placement permit from the Zoning Administrator. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height and exact location of the fence.
- B. Exposed electrical and other abnormally dangerous fences are prohibited within all districts. No barbed wire fence shall be erected or maintained except in NRC or HI districts. Within HI districts, a fence can only be topped with barbed wire beginning at a height of at least six (6) feet above grade.
- C. Within all districts, fences shall be constructed with materials customarily used and manufactured as common fence materials. This shall include ornamental iron, vinyl, masonry, stone, pressure treated wood or wood having a natural resistance to decay, and chain link. All other materials must secure a conditional use permit from the Planning and Zoning Board.

- D. 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.
- E. For R, MH, NC or CB District - Fences may be erected or maintained; provided that no fence over four (4) feet in height shall be erected or maintained in any front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than six (6) feet in height may be allowed in the second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of six (6) feet.
- F. For CC and RC District - Fences may be erected or maintained; provided that no fence over four (4) feet shall be erected or maintained in any required front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than eight (8) feet in height may be allowed in a second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of eight (8) feet.
- G. For LI and HI District - Fences may be erected in front, side and rear yards. In no case shall fences exceed a height of eight (8) feet.
- H. No fence shall be erected which violates 12.02 - Visibility at Intersections.
- I. There is no maximum fence height for public golf courses, public swimming pools, school track and field areas, parks, ball parks and public tennis courts on any portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.
- J. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.
- K. All fences or walls shall be located entirely within the property of the person or firm constructing the fence unless the owner of the adjoining property agrees, in writing and submitted to the City, that such fence may be erected on the common property line of the respective properties. All property line discrepancies shall be handled by the property owners and not by the City. It is the property owner's responsibility to determine where the lot lines are located – the city can assist with this but cannot guarantee the location of your lot lines. If there is any doubt, a survey is recommended.
- L. The height of fences shall be determined as measured from the highest grade elevation on either side of the fence wall to the top of the fence.

- M. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
- N. Any fence issues that arise between neighbors become a civil issue between homeowners.
 - a. During this dispute, the City may only provide the original fence permit.

Adopted this 7th day of September 2021

Jeremy Menning
Mayor, City of Hartford

ATTEST:

Karen Wilber
Finance Officer, City of Hartford

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