

To: Planning and Zoning Commission
From: City of Dickinson Community Development Team
Date: August 14, 2024
Re: **ZTA-003-2024 Chapter 39 – Fence Permit**

APPLICANT

Name: City of Dickinson Community Development
 Address: 38 1st Street West
 City: Dickinson ND 58601

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|----------------------------|-------------------|--------------------------------|
| Public Hearing | August 14, 2024 | Planning and Zoning Commission |
| Public Hearing | August 20, 2024 | City Commission |
| Final Consideration | September 3, 2024 | City Commission |

EXECUTIVE SUMMARY

City of Dickinson Community Development staff recommends approval of the proposed Chapter 39 – Fence Permit Text Amendment

CONTEXT

Background – City staff would like to clarify the need for fence permits within section 39.07.005 Fence Regulations.

Analysis - The primary features of the proposed amendments are as follow:

- Add section A. permit required
 - No fence shall be erected, moved, added to, or structurally altered without a fence permit obtained from the City.
- Update section D. to Building Official or his/her designee
 - Current code lists planning director
 - Building Department has historically been in charge of fence matters

Attachment A includes the proposed zoning ordinance text amendments.

PUBLIC INPUT

As of the date of this report, City staff has not received any public comments.

STAFF FINDINGS – Fence permit currently required through 39.12.006 which states that no building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official.

City staff feels it will be beneficial to citizens of Dickinson to have this clearly listed with the fence regulations as well.

Based upon those findings, staff would recommend approval of this amendment.

Attachments:

- A – Proposed Zoning Ordinance Text Amendments. (proposed changes highlighted)

Section 39.07.005 Fence Regulations

a. Permit Required

No fence shall be erected, moved, added to, or structurally altered without a fence permit obtained from the City.

b. Location Restriction

Unless otherwise provided by this title or other sections of the Dickinson Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines, or tract outside the surveyed lot lines.

c. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Dickinson Municipal Code shall be built in any manner which creates a traffic hazard or obstructs visibility. Vision clearance zones set forth by Section 39.07.002(d) shall be maintained.

d. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard shall be 6.5 feet. Fences on corner and double frontage lots must have a front yard and street setback, as determined by the Building Official or his/her designee.
2. Materials: Fences shall be constructed of wood, chain-link, PVC / resin, stone or masonry materials only. Barbed wire and / or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

e. Other Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions.

1. The maximum height of a fence for any permitted use in any nonresidential zoning district shall be 6.5 feet.
2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning Districts shall be eight feet.
3. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Dickinson.
4. Barbed wire may be used in the construction of perimeter security fencing in an industrial district or for municipal facilities provided that the bottom strand of the wire shall be at least six feet above ground level. Barbed wire may be constructed for agricultural purposes in an AG District. Electrified fences are permitted only within the AG zoning district.

f. Existing Fences

Any existing fence lawfully built before the effective date of this Ordinance may remain in place without change. Any replacement or change of such fence shall meet the requirements of this section. (Ord. No. 1171 § 1. Ord. No. 1604§ 9)

MOTIONS:

*****Approval*****

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the proposed Chapter 39 – Fence Permit zoning text amendments as being compliant with the City of Dickinson Comprehensive Plan and consistent with Chapter 39 of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):

1. _____;
2. _____.

***** Denial *****

I move the Dickinson Planning and Zoning Commission recommend Denial of the proposed Chapter 39 – Fence Permit zoning text amendments as NOT as being compliant with either the City of Dickinson Comprehensive Plan and not being consistent with the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

